



Board of Commissioners Meeting
December 7, 2020 at 3:30 p.m.
NOTE SPECIAL MEETING TIME
OJRSA Board Room

Meeting attendees are required to wear face coverings that meet [CDC](#) and [DHEC](#) guidelines to access OJRSA facilities. Visitors must also have their temperature checked with a non-contact infrared thermometer prior to entry. An alternate arrangement for participating in the meeting will be made for those who have COVID-19 symptoms.

Agenda

- A) **Call to Order** – Scott Moulder, Chair
- B) **Invocation and Pledge of Allegiance** – Led by Commissioner Jimmy Powell
- C) **Public Session** – Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- D) **Special Recognition Action Item** – Approve OJRSA Resolution 2021-05 Recognition Honoring Steve Hunt Upon His Retirement (Agenda Exhibit A); Scott Moulder, Chair
- E) **Approval of Minutes** – November 2, 2020 Board Meeting
- F) **Committee Reports**
 - 1. Finance & Administration Meeting of November 16, 2020 – Scott Parris, Committee Chair
 - 2. Operations & Planning Meeting of November 18, 2020 – Bob Faires, Committee Chair
- G) **Secretary/Treasurer's Report** – Lynn Stephens, Secretary/Treasurer
- H) **Presentation and Discussion Items**
 - 1. Revenue and capital planning presentation; Daryll Parker, Willdan Financial Services
 - 2. Discussion regarding OJRSA financial matters, which is to include the OJRSA's sewer conveyance to serve individual Member Cities; Chris Eleazer; Director
- I) **Policy and Action Items**
 - 1. Approve OJRSA Resolution 2021-06 as a policy regarding how the OJRSA shall handle non-permitted and under-permitted residential, commercial, and other facilities as they are discovered through the review of existing permits, facility audits, or other means (Agenda Exhibit B); Chris Eleazer, Director and Lynn Stephens, Office Manager
 - 2. Consider OJRSA Resolution 2021-07: Local State of Emergency Declaration Due to COVID-19 (Agenda Exhibit C); Chris Eleazer, Director
 - 3. Consider OJRSA Resolution 2021-08 Sewer Taps in Exchange for Easements and Rights-of-Way that allows for the consideration of a sewer tap to be offered to property owners in exchange for a sewer easement or right-of-way in areas where OJRSA is the retail sewer provider (Agenda Exhibit D); Chris Eleazer, Director
 - 4. Adopt the December 7, 2020 version of the OJRSA Employee Handbook as policy with an effective date of December 21, 2020; Chris Eleazer, Director
 - 5. Establish location for the January 2021 Board of Commissioners and Annual Members' Meeting; Chris Eleazer, Director
- J) **Compliance Issues and Concerns** – Chris Eleazer, Director
- K) **Executive Director's Report and Discussion** – Chris Eleazer, Director

[CONTINUED ON PAGE 2]

L) (If Necessary) Executive Session *NOTE: Upon returning to open session, the Board may take action on matters discussed in executive session.*

1. DHEC Notice of Alleged Violation [*Per Section 30-4-70(a)(2): Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.*]

M) Upcoming Meetings

A schedule for all 2021 Board and Committee meetings is included with this agenda.

1. Operations & Planning Committee – December 16, 2020 at 4:00 p.m.
2. Finance & Administration Committee – December 21, 2020 4:00 p.m.
3. Board of Commissioners – January 11, 2021 at 4:00 p.m. at TBD
4. Annual Members' Meeting – January 11, 2021 at 5:30 p.m. at TBD

N) Adjourn



RESOLUTION 2021-05

Recognition Honoring Steve Hunt Upon His Retirement

A RESOLUTION OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY OF SENECA, SOUTH CAROLINA, TO HONOR THE DEDICATED SERVICE OF MR. STEVE C. HUNT TO THE AGENCY.

The Board of Commissioners of the Oconee Joint Regional Sewer Authority (OJRSA) does hereby resolve as follows:

WHEREAS, Mr. Steve C. Hunt, a registered engineer in the State of South Carolina and environmental operator licensed to perform wastewater and drinking water treatment at the highest levels recognized by the State of South Carolina, has served the OJRSA as the Operations Director since December 1, 2016; and

WHEREAS, Mr. Hunt has announced his retirement from the OJRSA effective December 18, 2020; and

WHEREAS, Mr. Hunt has provided invaluable leadership in managing the daily and emergency operations conducted within the OJRSA Operations Division; and

WHEREAS, Mr. Hunt has led and assisted with major capital improvement projects at the Coneross Creek Water Reclamation Facility and the wastewater conveyance system; and

WHEREAS, Mr. Hunt has encouraged staff to improve their operations and maintenance knowledge by pursuing their education and advanced levels of professional certification; and

WHEREAS, Mr. Hunt has mentored all OJRSA licensed staff and countless other operators while an instructor at Tri-County Technical College; and

WHEREAS, Mr. Hunt has previously served the cities of Walhalla and Westminster as a water treatment operator; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Oconee Joint Regional Sewer Authority expresses its deepest appreciation for the outstanding service and contributions made by Mr. Steve Hunt during his four years of service to the Oconee Joint Regional Sewer Authority and his 35 years in protecting the health of the Citizens of Oconee County and its environment; and extends its best wishes that he may enjoy many happy, healthful, and rewarding years in his richly merited retirement; and

BE IT FURTHER RESOLVED that a copy of this resolution be entered permanently into the minutes of the Oconee Joint Regional Sewer Authority Board of Commissioner Meeting Minutes.

Passed and adopted by the Oconee Joint Regional Board of Commissioners, Seneca, South Carolina on this 7th day of December, 2020.

Scott Moulder, Chair
OJRSA Board of Commissioners

Attest: _____
Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager



RESOLUTION 2021-06

Policy for Handling Non-Permitted and Under-Permitted Residential and Non-Residential Facilities

A RESOLUTION OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) OF SENECA, SOUTH CAROLINA, TO ADOPT A POLICY FOR HOW THE AGENCY SHALL PROCESS SEWER CAPACITY PERMITS AND COLLECT IMPACT FEES FOR STRUCTURES CONSTRUCTED BETWEEN JANUARY 1, 1990 UNTIL DECEMBER 7, 2020.

The Board of Commissioners of the Oconee Joint Regional Sewer Authority, does hereby resolve as follows:

SECTION 1: PURPOSE

There have been numerous properties that have been identified by OJRSA staff over the years that were not issued a Permit for Capacity in the OJRSA Sewer System nor paid necessary impact fees. This Policy shall establish a standard for residential and non-residential properties that did apply for a Permit and/or pay the full amount of the impact fees that were due as a result of new construction or renovation or expansion to existing facilities.

Implemented by the Oconee County Sewer Commission¹ via Oconee County Ordinance [19]89-6, impact fees were required to be paid by all users that were contributing flow required impact fees to be paid for future renovation, modernization, and expansion of the wastewater treatment facilities. Ordinance [19]89-6 had an effective date of January 1, 1990. The cost per Equivalent Residential Unit ("ERU") at the time was \$300.

On February 4, 2008, the OJRSA Board of Commissioners imposed an additional impact fee of \$300 per ERU to fund collection system projects associated with growth, thus increasing the total fee to \$600 per ERU.

Impact fees are subject to change based on approval of rates by the OJRSA Board of Commissioners.

SECTION 2: DEFINITIONS

- I. **Equivalent Residential Unit (ERU):** The amount determined by the OJRSA to be the amount of wastewater a residential unit generates daily.
- II. **Residential Unit:** Per current South Carolina Department of Health and Environmental Control (DHEC) Regulation 61-67 Appendix A "Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities" with effective date of June 26, 2015, a residence is defined as a single-family house or and individual mobile home.
- III. **Non-Residential Unit:** All facilities that do not meet the definition of a "Residential Unit" as stated within this Section of the Policy. Non-Residential units also include multi-family housing, duplexes/multiplexes, places of worship, industries, and institutions.

¹ The OJRSA was established under the SOUTH CAROLINA JOINT AUTHORITY WATER AND SEWER SYSTEM ACT (SC Code of Laws Title 6, Chapter 25). On December 17, the Oconee County Sewer Commission became the Oconee Joint Regional Sewer Authority when South Carolina Secretary of State Mark Hammond issued a Certificate of Corporation to the agency.

- IV. **Unpermitted:** A facility that did not apply for and/or receive a Permit for Capacity in the Wastewater System after January 1, 1990.
- V. **Under-permitted:** A facility that contributes wastewater flow more than what they were permitted to discharge to OJRSA facilities in accordance with the OJRSA Permit for Capacity in the Wastewater System. The means for a facility to be under-permitted could be based on DHEC Regulation 61-67 Appendix A calculation error, changes in facility operation or use, and/or actual water meter readings that indicate the facility is discharging wastewater in excess of what their permit allowed.

SECTION 3: POLICY

I. Residential Units Issued Building Permits or Constructed Prior to December 8, 2020

All unpermitted and under-permitted residential units that were issued building permits by any governmental entity in the service area prior to December 8, 2020 or constructed without a building permit shall be exempt from the requirement to apply for an OJRSA Permit for Capacity in the Wastewater System ("OJRSA Permit"). As these locations are discovered they will be issued an OJRSA Equivalency Permit ("Equivalency") for one (1) ERU.

The only exceptions that will require a residential unit to be permitted are listed below. In all cases where there is an exemption the volume of wastewater the location will need to be permitted for will be based on the current OJRSA policy for determining impact fees; however, the OJRSA shall never permit less than one (1) ERU for a unit.

Exceptions to the Residential Unit Policy include:

- A. A change in use to the property that will make any portion of it non-residential, such as converting it into a duplex or into an office: In this case the property will be issued one (1) ERU and will need to be permitted for flow above this amount and pay impact fees. "Home offices" are not considered to be a commercial office if the resident that uses their residential unit as their home office resides at that location.
- B. A residential garage or other similar outbuilding is constructed at the site which requires a separate sewer tap: The new structure will require a permit and impact fees must be paid.
- C. Another residential unit is built on the same parcel: Only the new residential unit will require a permit and impact fees must be paid.
- D. A separate non-residential unit is built on the same parcel: The new facility will require a permit and impact fees must be paid.

II. Residential Units Issued Building Permits or Constructed on or After December 8, 2020

All unpermitted residential units that were issued building permits by any governmental entity in the service area on or after December 8, 2020 or were constructed without a building permit after that date shall be required to apply for an OJRSA Permit and pay impact fees based on policies in place at the time the building permit was issued or the unit was constructed as determined by OJRSA staff.

III. Non-Residential Units Issued Building Permits or Constructed Prior to January 1, 1990

Non-residential units that were issued building permits or were constructed prior to January 1, 1990 shall be credited one (1) ERU when an owner or tenant apply for a change in service with the Member City. The one (1) ERU credit will be recognized by the OJRSA by issuing an Equivalency and adding it to its permit database. Facilities must also comply with all fats, oils, and grease and other OJRSA regulations before allowing the facility to connect to the sewer system.

If it has been determined the facility is contributing more wastewater than one (1) ERU as based on current OJRSA policy for determining impact fees, the owner/tenant must apply for an OJRSA Permit and pay impact fees. The fee required will be based on the current *OJRSA Schedule of Fees*.

The OJRSA shall not approve the connection of the non-residential unit to the sewer system without the issuance of an OJRSA Permit and/or Equivalency.

IV. Non-Residential Units Issued Building Permits or Constructed After January 1, 1990

Owners or tenants of unpermitted or under-permitted non-residential units that were either issued building permits or were constructed after January 1, 1990 shall be required to complete the necessary OJRSA Permit form and pay impact fees before the OJRSA will allow for the facility to be connected to the sewer system. Facilities must also comply with all fats, oils, and grease and other OJRSA regulations before allowing the facility to connect to the sewer system.

If the facility was unpermitted, they shall be responsible for the entire impact fee amount based on the current *OJRSA Schedule of Fees*.

If the facility was under-permitted, they will be responsible for the difference between the combined OJRSA Permit(s) and/or Equivalency(ies) for the unit. It will be necessary for them to pay for the difference in accordance with the current *OJRSA Schedule of Fees*.

ERU credits shall not be issued for non-residential units that were issued building permits or constructed after January 1, 1990.

SECTION 4: RESOLUTION AS RULE OF LAW

If any provision of this Resolution is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are to be declared severable.

Passed and adopted by the Oconee Joint Regional Board of Commissioners, Seneca, South Carolina on this 7th day of December 2020. This Resolution shall take effect and be in force from the date of its passage.

Scott Moulder, Chair
OJRSA Board of Commissioners

Attest: _____
Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

Larry Brandt, OJRSA Attorney

Date: _____

< OJRSA seal >



RESOLUTION ~~2021-07~~2021-03

Local State of Emergency Declaration Due to COVID-19

A RESOLUTION OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) OF SENECA, SOUTH CAROLINA, TO DECLARE A LOCAL STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC.

The Board of Commissioners of the Oconee Joint Regional Sewer Authority does hereby resolve as follows:

WHEREAS, the respiratory disease caused by the novel coronavirus, known as "COVID-19," is an infectious virus that can spread from person-to-person and can result in serious illness or death; and

WHEREAS, the World Health Organization (WHO) has declared COVID-19 to be a worldwide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the outbreak of COVID-19 to be a national emergency; and

WHEREAS, on March 13, 2020, the Governor of South Carolina declared that State of Emergency exists in the State of South Carolina due to the public health emergency from the spread of COVID-19; and

WHEREAS, on March 17, 2020, Oconee County Council declared that State of Emergency exists in Oconee County due to the public health emergency from the spread of COVID-19; and

WHEREAS, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services, and governmental operations; and

WHEREAS, cases of COVID-19 have been found in Oconee County, South Carolina; and

WHEREAS, in the judgment of the OJRSA Executive Committee, there exist emergency circumstances which may require extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Oconee County, its visitors, and staff and officials of the OJRSA and their families; and

WHEREAS, based upon the President's Declaration of a National Emergency, the Governor's Declaration of a State of Emergency, and that cases of COVID-19 have been found in Oconee County; the Oconee Joint Regional Sewer Authority Executive Committee believes that is in the best interest of the welfare of Oconee County and its residents to declare a Local State of Emergency and to activate certain emergency powers; and

WHEREAS, the OJRSA performs essential services to the community and its facilities and services are recognized as Critical Infrastructure by the United States Department of Homeland Security; and

WHEREAS, on March 27, 2020, the OJRSA Executive Committee declared a Local State of Emergency Declaration via OJRSA Resolution 2020-03; and

WHEREAS, on April 27, 2020, the OJRSA Executive Committee approved OJRSA Resolution 2020-04 to extend the Local State of Emergency Declaration; and

WHEREAS, on May 18, 2020, the OJRSA Board of Commissioners extended OJRSA Resolution 2020-04 Local State of Emergency Declaration until 11:59 p.m. on June 1, 2020;

WHEREAS, on June 1, 2020, the OJRSA Board of Commissioners approved OJRSA Resolution 2020-05 Local State of Emergency Declaration until 11:59 p.m. on July 6, 2020; ~~and~~

WHEREAS, on July 6, 2020, the OJRSA Board of Commissioners approved OJRSA Resolution 2021-02 Local State of Emergency Declaration until 11:59 p.m. on September 14, 2020; and

WHEREAS, on September 14, 2020, the OJRSA Board of Commissioners approved OJRSA Resolution 2021-03 Local State of Emergency Declaration until 11:59 p.m. on December 7, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Oconee Joint Regional Sewer Authority's Board of Commissioners (Board), acting in its capacity as the governing authority of the OJRSA and pursuant to the authority vested in it by local and state law, as follows:

Section 1. The Board hereby declares that a Local State of Emergency exists which affects the safety, health, and well-being of citizens of Oconee County, its visitors, and staff and officials of the OJRSA and their families due to COVID-19.

Section 2. The Resolution shall only be utilized for the COVID-19 pandemic.

Section 3. Unless time is of the essence and it is impossible or substantially impracticable to convene the entire Board of Commissioners to make a decision, the broad powers given hereby should not be exercised by the OJRSA Chair of the Board of Commissioners and the OJRSA Executive Director.

Section 4. The urgency of the action taken as identified in Section 3 of this Resolution shall be fully documented with a written explanation as to why the emergency powers as stated within this Resolution are being exercised.

Section 5. This declaration hereby authorizes the Chair of the OJRSA Board of Commissioners and the OJRSA Executive Director to perform and carry out the following actions and functions permitted or required thereunder during this Local State of Emergency to meet the needs of the citizens and cities of Seneca, Walhalla, Westminster, West Union, and greater Oconee County in responding to the COVID-19 pandemic:

1. Conduct meetings and the affairs and business of the OJRSA at places other than the regular or usual place and time thereof;
2. Conduct meetings using electronic means that comply with the statute and spirit of the South Carolina Freedom of Information Act;
3. Cancel or reschedule meetings as necessary;
4. Suspend all or part of its Procurement Policies or any policies and procedures promulgated thereunder;
5. Temporarily suspend or alter the enforcement of the OJRSA Sewer Use Regulations, or any portion thereof, where: (a) the emergency or disaster is of such nature that immediate action outside the Regulation is required; (b) such suspension is consistent with the protection of the public health, safety and welfare; and (c) such suspension is not inconsistent with any federal or state statutes or regulations;
6. Modify OJRSA work schedules and/or employment status in compliance with applicable federal and state labor laws and regulations;
7. Close OJRSA facilities to the public and/or modify business hours as necessary to prevent the spread of disease;

8. Utilize all available resources of the OJRSA as may be reasonably necessary to cope with the emergency or disaster; and
9. To perform and exercise such other functions, powers, and duties during this Local State of Emergency as may be necessary to promote and secure the safety and protection of the public.

This Resolution shall become effective immediately upon adoption and shall remain in effect until ~~March 1, 2021~~~~December 7, 2020~~, at 11:59 p.m. unless otherwise modified, amended, or rescinded by subsequent Resolution by the OJRSA Board of Commissioners or the Governor of the State of South Carolina through the elimination of the South Carolina State of Emergency executive order, whichever occurs first. If any provision of this Resolution is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are to be declared severable.

Passed and adopted by the Oconee Joint Regional Board of Commissioners, Seneca, South Carolina on this ~~7th~~~~14th~~ day of ~~December~~~~September~~, 2020. This Resolution shall take effect and be in force from the date of its passage.

Scott Moulder, Chair
OJRSA Board of Commissioners

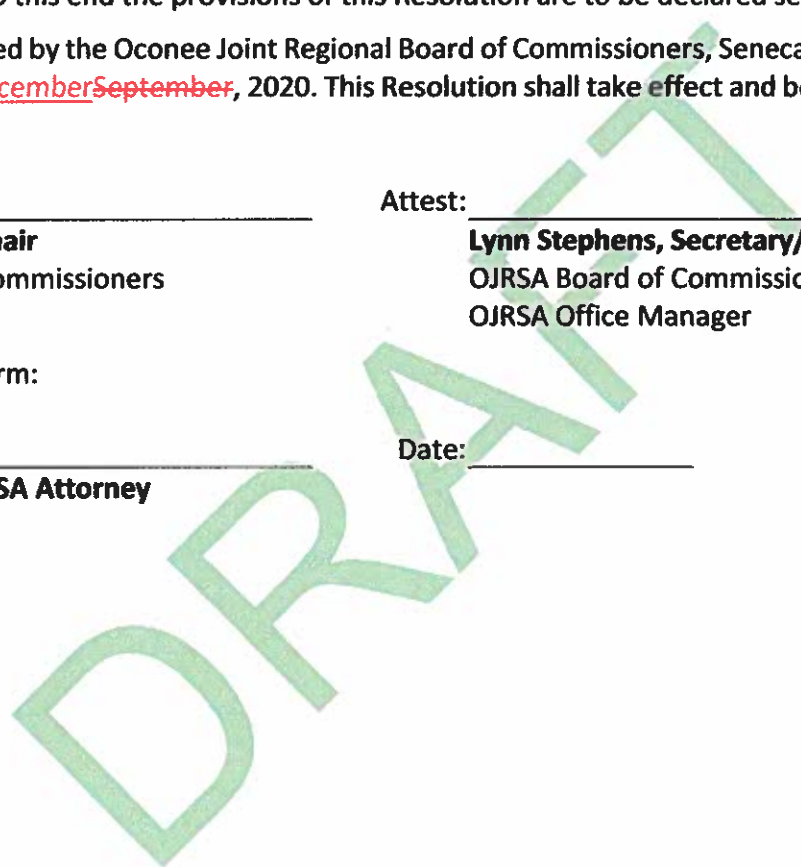
Attest: _____
Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

Larry Brandt, OJRSA Attorney

Date: _____

< OJRSA seal >





RESOLUTION 2021-08

Sewer Taps in Exchange for Easements and Rights-of-Way

A RESOLUTION BY THE OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) OF SENECA, SOUTH CAROLINA, TO ADOPT A POLICY THAT ALLOWS FOR THE CONSIDERATION OF A SEWER TAP TO BE OFFERED TO PROPERTY OWNERS IN EXCHANGE FOR A SEWER EASEMENT OR RIGHT-OF-WAY IN AREAS WHERE THE OJRSA IS THE RETAIL SEWER PROVIDER.

The Board of Commissioners of the Oconee Joint Regional Sewer Authority, does hereby resolve as follows:

SECTION 1: POLICY

The conditions for the OJRSA offering a tap are as follows:

1. ~~Only parcels where a gravity sewer is to be installed are eligible for a sewer tap. Parcels where only a pressurized sewer main is to be installed are not eligible for a sewer tap.~~
2. The waiving of any impact or other fees is not permissible.
3. No more than one (1) tap is to be provided to the parcel, which is to be based on the property boundaries at the time the Agreement is presented to the property owner.
4. The tap shall not exceed four (4) inches in diameter. If a larger tap is needed, the property owner must pay the difference between the four (4) inch tap fee and the size they require. The amount they will be credited for ~~shall be \$500, which is the cost of a~~ will be based on the cost of a four (4) inch tap on the date this Resolution is adopted per the February 5, 2019 OJRSA Schedule of Fees. ~~on the date the Agreement was executed.~~ The amount owed will be based on the cost of the larger tap when it is applied for.
5. The offer of the sewer tap shall only apply as long as the pipeline which it was approved for is in use. It is not transferrable to any other current or future sewer line or parcel.
6. All other conditions must comply with OJRSA Sewer Use Regulations.

The OJRSA will either provide a sewer tap ("tap") at the time of construction or install a tap at its own expense connecting to the OJRSA's public gravity sewer system in exchange for a property owner entering into a binding Easement & Right-of-Way Agreement ("Agreement") with the OJRSA. The offer of a tap can be made in whole or as a part of other compensation or considerations as recommended by either a licensed professional consultant in the state of South Carolina (e.g., certified appraiser or registered engineer) or the OJRSA Executive Director without approval by the Board of Commissioners ("Board"); however, the Board must authorize the execution of any Agreement on behalf of the OJRSA.

SECTION 2: RESOLUTION AS RULE OF LAW

If any provision of this Resolution is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are to be declared severable.

Passed and adopted by the Oconee Joint Regional Board of Commissioners, Seneca, South Carolina on this 7th day of December 2020. This Resolution shall take effect and be in force from the date of its passage.

Scott Moulder, Chair
OJRSA Board of Commissioners

Attest: _____
Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

_____ Date: _____

Larry Brandt, OJRSA Attorney

< OJRSA seal >