

**ORDINANCE NO. O.02-2002**

**AN ORDINANCE OF THE BIG BEAR AREA REGIONAL  
WASTEWATER AGENCY ESTABLISHING  
A NEW AMOUNT FOR THE USER CHARGE**

**WHEREAS**, the Governing Board of the Big Bear Area Regional Wastewater Agency (“BBARWA”) has been empowered to establish sewer rates and charges, including the User Charge to be collected by each Collecting Agency (as that term is defined in BBARWA Operating Agreement No. 1) during the applicable fiscal year.

**WHEREAS**, the costs of providing services have increased substantially. For example, and not by way of limitation, the costs connected with electrical, natural gas and sludge hauling have increased substantially.

**WHEREAS**, BBARWA has retained the services of Bartle Wells Associates to develop recommendations and a report (“Report”) regarding the new amount for the User Charge in order to address BBARWA’s increased costs of providing service. A copy of the Report is on file at BBARWA’s administrative offices and available for public review.

**WHEREAS**, Pursuant to Health and Safety Code Section 5471, Government Code Section 54344-54358, and Government Code Section 61610 et seq., the Governing Board is empowered to prescribe and collect rates and charges for services and facilities furnished by BBARWA in connection with its sewerage system.

**WHEREAS**, the Governing Board is required by BBARWA Operating Agreement No. 1 to present to each Collecting Agency a statement showing the amount of the User Charge to be collected for each Equivalent Dwelling Unit during the ensuing fiscal year. It is therefore necessary that the Governing Board establish the amount of the User Charge to be so collected for the applicable fiscal year.

**WHEREAS**, The Governing Board desires to adopt an ordinance to establish a new amount for the User Charge and replace the current User Charge amount as stated in Ordinance No. O.01.2001. The purpose of the new amount for the user charge is to address BBARWA’s increased costs of providing service.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Board of the Big Bear Area Regional Wastewater Agency as follows:

SECTION 1. Chapter 5.16.020 of the Big Bear Area Regional Wastewater Agency Code of Regulations and Ordinances is hereby amended to read as follows:

**“Chapter 516**

**USER CHARGES**

**5.16.20 User Charge**

The user charge to be collected by the collecting agency during the fiscal year 2002/03 shall be \$ 120.45 per equivalent dwelling unit.

The user charge to be collected by the collecting agency during the fiscal year 2003/04 shall be \$ 138.52 per equivalent dwelling unit.

The user charge to be collected by the collecting agency during the fiscal year 2004/05 shall be \$ 155.14 per equivalent dwelling unit.

The user charge to be collected by the collecting agency during the fiscal year 2005/06 shall be \$ 173.76 per equivalent dwelling unit.”

SECTION 2. On or before adoption of BBARWA’s annual budget, or at any other appropriate time, the Governing Board may review the amount of the User Charge that will be effective for the upcoming fiscal year and may exercise its authority to take action in regard to said User Charge. Such action may include, without limitation, establishing a different amount for the User Charge than the amount set forth in the Chapter 5.16.020 for the applicable fiscal year. In the event the Governing Board does not take any such action, the amount of the User Charge set forth in Chapter 5.16.020 shall remain in effect for the applicable fiscal year.

SECTION 3. By adoption of this ordinance, the Governing Board finds that there is a reasonable relationship between the amount of the new User Charge and the cost of providing the service for which the new User Charge is imposed. This relationship is more fully documented in the Report. The new User Charge shall not be used for any other purpose than that for which the new User Charge is imposed. The User Charge is not imposed upon real property or upon persons as an incident of property ownership. The User Charge is imposed

only as a condition of service upon the request of the Collecting Agency. As documented in the Report, the new User Charge is based upon reasonable estimates of the demand placed upon BBARWA in its role as a provider of regional wastewater services.

SECTION 4. If any provision of this ordinance, or the application thereof, to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of this ordinance, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall become effective immediately upon its adoption. In accordance with Health and Safety Code Section 5471, this ordinance is hereby adopted by a vote of at least two-thirds of the members of the Governing Board.

SECTION 6. The Secretary of this Board shall cause a copy of this ordinance to be published once in the Big Bear Grizzly. The Secretary shall deliver a certified copy of this ordinance to the City of Big Bear Lake, The County of San Bernardino, and the Big Bear City Community Services District.

**ADOPTED** this 22<sup>nd</sup> day of May 2002

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BOB COLVEN, Chairman of the Governing Board  
of the Big Bear Area Regional Wastewater Agency

**ATTEST:**

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DR. DON EADS, Secretary of the Governing Board  
of the Big Bear Area Regional Wastewater Agency