

ORDINANCE NO. O. 02-2008

**AN ORDINANCE OF THE GOVERNING BOARD
OF THE BIG BEAR REGIONAL WASTEWATER AGENCY
ESTABLISHING THE AMOUNT FOR THE USER/ANNUAL 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/Annual Charge to be collected by each Collecting Agency (as that term is defined in BBARWA Operating Agreement No. 1) during the applicable fiscal year; and

WHEREAS, the costs of providing service have increased substantially, including but not limited to the costs connected with electric power, natural gas and sludge hauling; and

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

WHEREAS, Pursuant to Health and Safety Code Section 5471, Government Code Section 54344-54358, and Government Code Section 61000 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; and

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/Annual Charge to be collected for each Equivalent Dwelling Unit during the ensuing fiscal year, and it is therefore necessary that the Governing Board establish the amount of the User/Annual Charge to be so collected for the applicable fiscal year; and

WHEREAS, the Governing Board desires to adopt an ordinance to establish a new amount for the User/Annual Charge in order 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:

1. New User/Annual Charge Adopted. 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 5.16

USER/ANNUAL CHARGES

5.16.020 User/Annual Charge.

The User/Annual Charge to be collected by the collecting agency during the fiscal year 2008/09 shall be \$173.76 per equivalent dwelling unit. This User/Annual Charge shall remain in effect for succeeding fiscal years unless amended by action of the Governing Board.”

2. Amendments to User/Annual Charges. 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/Annual Charge that will be effective for the upcoming fiscal year and may exercise its authority to take action in regard to said User/Annual Charge. Such action may include, without limitation, establishing a different amount for the User/Annual 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/Annual Charge set forth in Chapter 5.16.020 shall remain in effect for the applicable fiscal year.

3. Relationship Between Costs and User/Annual Charges. By adoption of this Ordinance, the Governing Board finds that there is a reasonable relationship between the amount of the new User/Annual Charge and the cost of providing the service for which the new User/Annual Charge is imposed. This relationship is more fully documented in the Report. The new User/Annual Charge shall not be used for any other purpose than that for which the new User/Annual Charge is imposed. The new User/Annual Charge is not imposed upon real property or upon persons as an incident of property ownership. The User/Annual Charge is imposed only as a condition of service upon the request of the Collecting Agency. As documented in the Report, the new User/Annual Charge is based upon reasonable estimates of the demand placed upon BBARWA in its role as a provider of regional wastewater services.

4. Adoption by Board. 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.

5. Validity. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, including any portion of the fee adopted herein, such invalidity shall not affect other provisions or applications of this Ordinance, including any portion of the fee not held invalid, and to this end the provisions of this Ordinance are declared to be severable.

6. Publication-Notice. The Secretary of the Board shall cause a copy of this Ordinance to be published once in the Big Bear Grizzly. The Secretary shall cause to be delivered 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 28th day of May 2008.

Elizabeth Harris, Chair of the Governing Board
of the Big Bear Area Regional Wastewater Agency

ATTEST:

John Day, Secretary of the Governing Board
of the Big Bear Area Regional Wastewater Agency

I, John Day, Secretary of the Governing Board of the Big Bear Area Regional Wastewater Agency, DO HEREBY CERTIFY that the foregoing Ordinance of the Governing Board of the Big Bear Area Regional Wastewater Agency Establishing The New User/Annual Charge, being Ordinance No. O.02-2008 was adopted at a regular meeting on May 28, 2008 of said Agency by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary

(Seal)