

RESOLUTION No 256

RESOLUTION OF THE GOVERNING BOARD OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY (BBARWA), COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITIES PROGRAM UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 FOR REAUTHORIZATION THROUGH TEA-21 FUNDING; (1) ACQUISITION OF SCENIC EASEMENTS AND SCENIC OR HISTORIC SITES AND (2) LANDSCAPING AND OTHER SCENIC BEAUTIFICATION

BE IT RESOLVED by the Governing Board of the Big Bear Area Regional Wastewater Agency as follows:

WHEREAS, *BBARWA* is a joint powers agency duly formed and operating under California Government Code Section 6500 et seq.; and

WHEREAS, the California Department of Transportation has the authority to establish the procedures and criteria for reviewing proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the recipients will be selected *to* receive funding; and

~~WHEREAS, said procedures and criteria established by the California Department of Transportation Commission a list of recommended projects from which the recipients will be selected; and~~

WHEREAS, *BBARWA* desires to submit an application to the California Department of Transportation in order to obtain funding for a water reclamation project; and

WHEREAS, said procedures and criteria established by the California Department of Transportation Commission ~~resolution certifying the approval of application by the applicant's governing body before submission of said application to the California Transportation Commission and the State of California require that as a condition to placing a project on the list of recommended projects, the entity making application must adopt a resolution certifying the approval of said application by the applicant's governing body; and~~

WHEREAS, as a result of approving a resolution, an applicant thereby agrees to comply with certain requirements and assurances in the event its project is placed on the list and subsequently selected; and

~~WHEREAS, the application contains assurances that the applicant must comply with; and~~

WHEREAS, *if* the applicant's ~~if selected,~~ project is selected, the applicant is required to ~~will~~ enter into an agreement with the State of California to carry out the transportation enhance activities project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of BBARWA;

1. Approves the filing of an application for the Transportation Enhancement Activities Program ~~for consideration in order to apply~~ for funding; and
2. Certifies that ~~this body will make adequate provisions~~ **in the event its project is selected for funding, BBARWA will take the actions required by law** for operation and maintenance of the project; and
3. Appoints Steven Schindler as agent of BBARWA to **file the application**, conduct all negotiations, **and subject to final approval by the Governing Board**, execute and submit all documents, including but not limited to application, agreements, amendments, payment requests and ~~so on, which may~~ **take any action** necessary for the completion of the aforementioned project **in accordance with applicable law**.
4. The application for, and the receipt of, said funding shall not constitute any contractual relationship between BBARWA and the Natural Heritage Foundation, Inc. in connection with use of the funding for any potential project. Any agreement and transaction between BBARWA and the Natural Heritage Foundation, Inc. shall be the subject of a separate contract/memorandum of understanding (MOU) between said parties.

Passed and adopted at a regular meeting of the Governing Board of BBARWA held this ninth day of September 1999 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Dick Morgan, Chairman of the
Governing Board

ATTEST:

Donna Repp, Secretary to the
Governing Board

(Seal)