

RESOLUTION NO. R.01-2004

**RESOLUTION OF THE GOVERNING BOARD OF THE BIG BEAR
AREA REGIONAL WASTEWATER AGENCY CONFIRMING
THE NEW AMOUNT FOR THE USER CHARGE FOR FISCAL YEAR 2004/05**

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, on May 22, 2002, the Governing Board adopted Ordinance No. O.02-2002 establishing the amount of the User Charge to be collected by each Collecting Agency during each fiscal year from 2002/03 through 2005/06.

WHEREAS, Ordinance No. O.02-2002 provides that 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. In the event the Governing Board does not take such action, the amount of the User Charge established by Ordinance No. O.02-2002 shall remain in effect for the applicable fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of BBAWRA as follows:

SECTION 1. On January 28, 2004, the Governing Board reviewed the amount of the User Charge that will be effective for the upcoming fiscal year 2004/05.

SECTION 2. The Governing Board hereby documents and otherwise confirms that it did not exercise its authority to establish a different amount for the User Charge than the amount established by Ordinance No. O.02-2002 for fiscal year 2004/05. Therefore, 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 Resolution, the Governing Board hereby documents and otherwise confirms that there is a reasonable relationship between the amount of the User Charge for fiscal year 2004/05 and the cost of providing the service for which said User Charge is imposed. This relationship is more fully documented in the Report prepared by Bartle Wells Associates regarding the amounts for the User Charge which are necessary in order to address BBARWA's increased costs or providing service. Said Report is referenced in Ordinance No. O.02-2002. As documented in the Report, the User Charge for fiscal year 2004/05 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 Resolution, or the application thereof, to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of this Resolution, and to this end, the provisions of this Resolution are declared to be severable.

SECTION 5. This Resolution shall become effective immediately upon its adoption. The Secretary of this Board shall deliver a certified copy of this Resolution 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 January, 2004.

Jeff Newsome
Vice Chairman of the Governing Board
Big Bear Area Regional Wastewater Agency

ATTEST:

Robert Colven
Secretary of the Governing Board
Big Bear Area Regional Wastewater Agency