

RESOLUTION NO. R.02-2004

RESOLUTION OF THE GOVERNING BOARD OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY FIXING TIME AND PLACE OF HEARING ON PROPOSED SEWER STANDBY OR IMMEDIATE AVAILABILITY CHARGES FOR FISCAL YEAR 2004/05, AND PRESCRIBING NOTICE OF SUCH HEARING

WHEREAS, pursuant to Health and Safety Code Section 5471 and Government Code Sections 54344-54358, the Governing Board of the Big Bear Area Regional Wastewater Agency (“Agency”) is empowered to prescribe and collect rates and other charges, for services or facilities furnished by the Agency in connection with its sewerage system; and

WHEREAS, this Governing Board is required by the agreement of May 3, 1977 entitled “OPERATING AGREEMENT NO. 1, AGREEMENT BETWEEN BIG BEAR AREA REGIONAL WASTEWATER AGENCY, BIG BEAR LAKE SANITATION DISTRICT, BIG BEAR CITY COMMUNITY SERVICES DISTRICT AND COUNTY OF SAN BERNARDINO ON BEHALF OF IMPROVEMENT ZONE “B” OF SAN BERNARDINO COUNTY SERVICE AREA 53 REGARDING CAPACITY IN AND OPERATION AND MAINTENANCE OF REGIONAL SEWERAGE SYSTEM FOR THE BIG BEAR VALLEY AREA,” Part 6.05 of Section 6, to adopt a schedule of standby or availability charges for the succeeding fiscal year, and;

WHEREAS, prior to adopting an ordinance prescribing such charges, this Governing Board must give notice of and hold a hearing thereon;

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

1. This Governing Board proposes to adopt, following the hearing hereinafter provided for, an ordinance prescribing sewer standby or immediate availability charges to be paid during the fiscal year 2004/05 by owners of all vacant parcels of real property which are located within 200 feet of a sewer main of the public sewer system within either the Big Bear City Community Services District or the City of Big Bear Lake or the public sewer system within Improvement Zone “B” of San Bernardino County Service Area 53 and by the owners of all improved

parcels of real property which are so located but not connected to the public sewer system in the following amounts:

- (a) A charge in the amount of twenty dollars (\$20) per parcel of real property of an acre or less; and
- (b) A charge in the amount of thirty dollars (\$30) per parcel of real property of more than an acre.

2. On Wednesday, March 24, 2004 at 4:30 p.m. at the office of the Big Bear Area Regional Wastewater Agency, 122 Palomino Drive, Big Bear City, California, this Governing Board shall hold a hearing for the purpose of determining whether or not to adopt the proposed ordinance prescribing such sewer standby or immediate availability charges, which ordinance is set forth in full in form of notice which is attached hereto as "Exhibit A". At said hearing any person interested, including all persons owning property in the Agency, may appear and be heard as to whether the proposed charges are discriminatory or excessive, or will not be sufficient under Section 54515 of the Government Code, or will comply with any other provision of Chapter 6, (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code, or will not be sufficient under the provisions or covenants of the outstanding revenue bonds of the Agency or on any other matter relating to said proposed ordinance or the rates or charges proposed therein.

3. The Secretary of this Governing Board shall cause a notice in the form of that which is attached hereto as Exhibit "A" to be posted in three public places within the Agency for not less than two weeks prior to the hearing and published in the Grizzly at least once each week for two weeks prior to the hearing. The first publication and posting of the notice shall be at least fifteen days prior to the date of the hearing.

ADOPTED this 25th day of February 2004.

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

ATTEST:

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

EXHIBIT "A"

NOTICE OF HEARING OF PROPOSED ORDINANCE OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY PRESCRIBING SEWER STANDBY OR IMMEDIATE AVAILABILITY CHARGES FOR FISCAL YEAR 2004/05

On Wednesday, March 24, 2004 at 4:30 p.m. at the office of the Big Bear Area Regional Wastewater Agency, 122 Palomino Drive, Big Bear City, California, the Governing Board of the Big Bear Area Regional Wastewater Agency will hold a hearing on a proposed ordinance prescribing sewer standby or immediate availability charges for fiscal year 2004/05. Said proposed ordinance is as follows:

ORDINANCE NO. O.02-2004

AN ORDINANCE OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY CLARIFYING THE SEWER STANDBY OR IMMEDIATE AVAILABILITY CHARGES FOR THE FISCAL YEAR 2004/05

WHEREAS, the Governing Board desires to clarify the sewer standby or immediate availability charges contained in Ordinance No. O.01-2003.

NOW, THEREFORE, the Governing Board of the BIG BEAR AREA REGIONAL WASTEWATER AGENCY hereby ordains as follows:

SECTION 1. Chapter 5.20 of the Big Bear Area Regional Wastewater Agency Code of Regulations and Ordinances is hereby amended to read as follows:

"Chapter 5.20

SEWER STANDBY OR IMMEDIATE AVAILABILITY CHARGES

Sections:

- 5.20.010** Properties subject to charges.
- 5.20.020** Amount of charges.
- 5.20.030** Collection
- 5.20.040** Credit against connection fee.

5.20.010 Properties subject to charges.

This Governing Board does hereby prescribe sewer standby or immediate availability charges (hereinafter "standby charge") for the fiscal year 2004/05 in the amounts hereinafter specified to be paid by the owners of all vacant parcels of real property which are located within 200 feet of a sewer main of the public sewer system of either the Big Bear City Community Services District or the City of Big Bear Lake or the public sewer system within Improvement Zone "B" of San Bernardino County Service Area 53 and by the owners of all improved parcels of real property which are so located but not connected to the public system. Such standby charges shall be collected from all owners of vacant parcels of real property which are so located and which are vacant as of July 1, 2004 and from all owners of improved parcels of real property which are so located and which are not connected to the public sewer system as of said date; provided, however, that owners of parcels of real property which are used primarily for public parking areas shall not be required to pay such a standby charge. The term "parcel of real property" means a parcel to which the County Assessor of the County of San Bernardino has assigned a separate assessor's parcel number, whether such parcel consists of a single lot or parcel or combination of lots or parcels.

5.20.020 Amount of charges.

Owners of parcels of real property which are an acre or less in size shall pay a standby charge in the amount of \$20.00, and owners of parcels or real property which are more than an acre shall pay a standby charge in the amount of \$30.00. All such standby charges shall payable on or before November 30, 2004.

5.20.030 Collection.

Such standby charges shall be collected by the Big Bear City Community Services District, the City of Big Bear Lake, and the County of San Bernardino from all owners of parcels of real property within their respective service area, the service area of said County being the territory within Improvement Zone "B" of San Bernardino County Service Area 53, whose parcels are subject to such charges, and shall be remitted by said District, City and County to the Agency for purposes of collecting such standby charges and shall exercise all powers which could be exercised by the Agency with respect to the collection of such charges.

5.20.040 Credit against connection fee.

Any owner of a parcel of real property who pays a standby charge and who later during said fiscal year makes application to connect to the public sewer system a home or business establishment which is located upon the parcel of real property for which such standby charge was paid, shall receive a credit against the connection fee, if any is due, in the amount of such standby charge."

SECTION 2. This ordinance shall become effective immediately upon its adoption. The Secretary of this Governing Board shall cause a copy of this ordinance to be published once in the 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 24th day of March 2004.

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

ATTEST:

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