

RESOLUTION NO. R.04-2007

**A RESOLUTION OF THE GOVERNING BOARD OF
THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY
APPROVING THE FORM OF AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A SIXTH AMENDED
JOINT POWER AGREEMENT**

WHEREAS, the Big Bear Area Regional Wastewater Agency, a public agency duly organized and existing under and by virtue of the California Government Code and laws of the State of California (the “Member Agency”), has entered into the Fifth Amended and Restated Joint Powers Agreement (the “Original Agreement”), relating to the Special District Risk Management Authority (the “Authority”);

WHEREAS, the Big Bear Area Regional Wastewater Agency and the other members of the Authority (the “Members”) find it beneficial to amend the Original Agreement (i) to amend Article 25 of the agreement regarding administrative fees paid by the Authority to the California Special District Association, and (ii) to make certain other amendments to the Original Agreement;

WHEREAS, in order to implement the foregoing, the Member Agency and the Members propose to execute and enter into a Sixth Amended Joint Powers Agreement (the “Amended JPA Agreement”);

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Governing Board is now is duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF
THE MEMBER AGENCY AS FOLLOWS:**

SECTION 1. Findings. The Governing Board of the Big Bear Area Regional Wastewater Agency hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the agency.

SECTION 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the Member Agency and The Members, in the form presented at this meeting and on file with the Agency Secretary, is hereby approved. Chair, Elizabeth Harris and Secretary, John Day (“The Authorized Officers”) are hereby authorized and directed, for and in the name and on behalf of the Governing Board, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. Effective Date of Amended JPA Agreement. The Amended JPA Agreement shall take effect on October 1, 2007, but not sooner than receipt of required affirmative written approval of 2/3 of the Members participating in the Authority’s risk management programs, and who are signatory to the Fifth Amended and Restated JPA Agreement.

SECTION 4. Other Actions. The Authorized Officers of the Governing Board are each hereby authorized and directed to execute and deliver any and all documents which they may deem necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

ADOPTED this 27th day of June, 2007 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

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