

RESOLUTION NO. R. 02-2023

**A RESOLUTION OF THE GOVERNING BOARD OF THE BIG
BEAR AREA REGIONAL WASTEWATER AGENCY
CLARIFYING THE FISCAL YEAR 2024 SEWER STANDBY OR
IMMEDIATE AVAILABILITY CHARGES**

WHEREAS, the Governing Board desires to clarify the sewer standby or immediate availability charges contained in Ordinance No. O. 03-2018; and

WHEREAS, the sewer standby or immediate availability charges are not being increased or extended beyond levels previously approved in accordance with article XIII D of the California Constitution. This Resolution only clarifies that the standby or immediate availability charges previously approved shall continue to be imposed in the same manner, and at the same amounts, as in previous years.

NOW, THEREFORE, the Governing Board of the Big Bear Area Regional Wastewater Agency hereby resolves as follows:

1. Recitals. The recitals set forth above are true and correct and by this reference incorporated herein.

2. Amount of Standby Charges. The Governing Board does hereby clarify and confirm that the rates for the sewer standby charges or immediate availability charges (hereinafter “standby charge”) are not increasing beyond levels previously adopted in accordance with article XIII D of the California Constitution. The Governing Board hereby clarifies and confirms that such standby charges shall continue to be imposed in the same manner, and at the same amounts, as in previous years, as follows: 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 of real property which are more than an acre shall pay a standby charge in the amount of \$30.00.

3. Amendment to Code of Regulations and Ordinances. 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 is authorized to prescribe sewer standby or immediate availability charges (hereinafter "standby charge") for each applicable fiscal year ending June 30 of such year, by resolution or ordinance, in the amounts specified in such resolution or ordinance, 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, 2023 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.

The standby charge shall be due in the amounts set forth on the most recently adopted schedule of standby charges, which schedule shall be on file in the administrative offices of BBARWA and posted on the BBARWA website.

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 on or before December 31, 2023 (fifty percent of such charges) and April 30, 2024 (fifty percent of such charges). Said District, City and County are hereby designated as and shall be the agents of the Agency for purposes of collecting such standby charges and shall have and 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."

3. Validity. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, including any portion of the standby charges confirmed and continued herein, such invalidity shall not affect other provisions or applications of this Resolution, including any portion of the standby charges not held invalid, and to this end the provisions of this Resolution are declared to be severable.

4. Prior Rates. All ordinances, resolutions or administrative actions by the Governing Board, or parts thereof that are inconsistent with any provision of this Resolution, are hereby superseded only to the extent of such inconsistency.

5. Effective Date. This Resolution shall become effective immediately. The rates for the standby charges set forth herein shall become effective as authorized herein.

ADOPTED, this 22nd day of March, 2023.



John Green, Chair of the Governing Board
of the Big Bear Area Regional Wastewater Agency

ATTEST:


I, Bridgette Burton, Secretary to the Big Bear Area Regional Wastewater Agency, DO HEREBY CERTIFY, that the foregoing Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency, being Resolution No. R. 02-2023, Clarifying the Fiscal Year 2024 Sewer Standby or Immediate Availability Charges, was duly adopted at a regular meeting of the Governing Board held on the 22nd day of March 2023, by the following vote:

AYES: *Herrick, Miller, Mote, Walsh, Green*

NOES: *∅*

ABSENT: *∅*

ABSTAIN: *∅*



Bridgette Burton, Secretary to the Governing Board
of the Big Bear Area Regional Wastewater Agency