

FIRST AMENDMENT TO  
JOINT EXERCISE OF POWERS AGREEMENT  
BETWEEN  
BIG BEAR CITY COMMUNITY SERVICES DISTRICT,  
BIG BEAR LAKE SANITATION DISTRICT,  
AND SAN BERNARDINO COUNTY  
CREATING THE  
BIG BEAR AREA REGIONAL WASTEWATER AGENCY

---

This Amendatory Agreement is made this 28th day of April, 1975, by and between BIG BEAR CITY COMMUNITY SERVICES DISTRICT, BIG BEAR LAKE SANITATION DISTRICT, AND THE COUNTY OF SAN BERNARDINO on behalf of San Bernardino County Service Area 53.

W I T N E S S E T H:

WHEREAS, the Environmental Protection Agency and the State Water Resources Control Board - Division of Water Quality Control have required that the Joint Exercise of Powers Agreement between the parties dated March 22, 1974, creating the Big Bear Area Regional Wastewater Agency (hereinafter "The Agreement") be amended to comply with §35.917-6 of the Regulations of the Environmental Protection Agency (40 CFR 35.917-6) by deleting Section 12;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 12 of the Agreement shall be deleted and Sections 13, 14, 15 and 16 shall be renumbered Sections 12, 13, 14 and 15, respectively.

2. Each of the parties hereby ratifies the execution of the Agreement and agrees that the Agreement as amended hereby shall be and remain fully operative.

IN WITNESS WHEREOF, the parties hereto have caused this Amendatory Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

BIG BEAR CITY COMMUNITY SERVICES DISTRICT

By: Edward E. Abbott  
EDWARD E. ABBOTT, President  
of the Board of Directors of  
Big Bear City Community  
Services District

ATTEST:

By: Earl L. Black  
EARL L. BLACK, Secretary  
of the Board of Directors  
of Big Bear City Community  
Services District

BIG BEAR LAKE SANITATION DISTRICT and  
the COUNTY OF SAN BERNARDINO on behalf  
of San Bernardino County Service Area 53

By: *Dennis Hansberger*  
Dennis Hansberger, Chairman  
San Bernardino County Board of  
Supervisors, governing body of  
Big Bear Lake Sanitation District  
and San Bernardino County Service  
Area 53

ATTEST:

LEONA RAPOPORT, Clerk of said Board

By: *Esther Hochbraun*  
Deputy Clerk

APPROVED as to form this 5 day of March, 1975.

STANFORD D. HERLICK, County Counsel

By: *Stanford D. Herlick*  
Deputy County Counsel

APPROVED as to form this 11<sup>th</sup> day of March, 1975.

BEST, BEST & KRIEGER

By: *Richard T. Anderson*  
Richard T. Anderson

Attorneys for BIG BEAR CITY COMMUNITY  
SERVICES DISTRICT

MINUTES OF THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA

1ST. AMENDMENT

AGREE: #74-120:/B.B. CITY COMM. SVCS. DIST & B.B. SANI. DIST & CSA #53:  
JT. EXERCISE OF POWERS: B.B. AREA REG. WASTEWATER AGENCY

Mr. Vern Knourek, of the Special Districts Department, requests the Board to approve an amendment to the joint powers agreement between Big Bear City Community Services District, Big Bear Lake Sanitation District and the County creating the Big Bear Area Regional Wastewater Agency. He states the amendment proposes the deletion of Section 12, which indicates that in the event the agency does not receive federal and state grants in sufficient amount to enable the agency to proceed with the acquisition, construction and installation of the Regional Sewage and Wastewater Treatment and Disposal Facilities, the agreement may be terminated by any of the parties giving written notice to the other parties. He states that the Federal Environmental Protection Agency is requiring that the joint powers agreement be amended as a condition to Step 1 Grant for the proposals of the facility plant to conform with their regulations which require the County to submit facilities plan and a commitment must be made on the part of the agency. He explains further that Section 12 of this joint powers agreement provides that any one of the parties to the agreement can terminate in the event the federal or state grants are not received in time. Mr. Knourek states they are now at a point where the agency is eligible to make application for grant payments in a total amount of \$240,000.00 for the Step 1 Grant. Mr. Knourek recommends that the Board approve the amendment to the agreement, which has been reviewed and approved s to legal form by County Counsel. APP

In answer to inquiry, Mr. Knourek states that the deletion of Section 12 will be construed by EPA that the project will be proceeding and they will make the grant monies available. He further states this is a project which could exceed \$14,000,000.00 and if the agency does not get the grant money, it is not a feasible project for this area. Deputy County Counsel Eugene Holder states that unless Section 12 is deleted, EPA will not give the County the money and he states he does not know that Special Districts has considered what happens if this money is not received. He states that he believes that all of the plans are based on obtaining this money and it is necessary to delete Section 12 to receive it. He further states EPA must have a commitment whether or not they give the money and he recommends that the Board accede.

Mr. Richard Anderson of Best, Best & Krieger states that if the grant monies are not received, the facility just will not be constructed since the agency would not be expected to proceed with the project. He states there is an understanding that EPA is making the money available