

THIRD 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 7th day of July, 1980, by and between BIG BEAR CITY COMMUNITY SERVICES DISTRICT (hereinafter referred to as "BBCCSD"), BIG BEAR LAKE SANITATION DISTRICT (hereinafter referred to as "BBLSD"), and the COUNTY OF SAN BERNARDINO (hereinafter referred to as "County") on behalf of San Bernardino County Service Area 53.

RECITALS

(1) WHEREAS, on March 22, 1974, the parties entered into a joint exercise of powers agreement (the "Agreement") creating the BIG BEAR AREA REGIONAL WASTEWATER AGENCY (the "Agency"); and

(2) WHEREAS, the Agreement was amended by an agreement dated April 28, 1975 to delete Section 12 and by an agreement dated January 15, 1979 to (a) clarify the manner in which the Agency's Governing Board may take action, (b) empower the Agency to borrow money and issue notes or grant anticipation notes as evidence of the indebtedness created thereby, and (c) provide that the powers of the Agency shall be subject to the restrictions on the manner of exercising the powers of BBCCSD; and

(3) WHEREAS, the parties desire to further amend the Agreement to permit members of the Agency's Governing Board to serve for three (3) consecutive terms;

COVENANTS

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The second paragraph of Subsection B of Section 3 of the Agreement shall be amended to read as follows:

"Members of the Governing Board shall be electors of the district or area from which they are appointed. Members of the Governing Board shall serve a four-year (4-year) term; provided, however, the initial appointments shall be for staggered periods to assure continuity as follows: One of the initial members of the Governing Board from both BBCCSD and BBLSD, to be designated by the appointing boards, shall serve a two-year (2-year) term, and the other members from BBCCSD and BBLSD and the member from Improvement Zone "B" of San Bernardino County Service Area 53 shall serve four-year (4-year) terms; and provided further that no member of the Governing Board shall serve for more than three (3) consecutive terms. Members of the Governing Board shall serve at the pleasure of their appointing board and until their respective successors are appointed and qualified. The initial Governing

Board shall be composed of the Commissioners of the Big Bear Valley Wastewater Planning Commission who shall serve until their successors are appointed. All voting power shall reside in the Governing Board."

2. Each of the parties hereto ratifies the execution of the Agreement and the First and Second Amendments to the Agreement, and agrees that the Agreement as amended by said First and Second Amendments and this Agreement shall be and remain fully operative.

IN WITNESS WHEREOF, the parties hereby 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: 

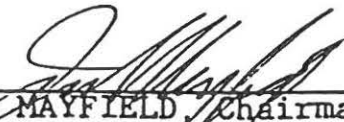
ROBERT E. OLSEN, President of the Board of Directors

ATTEST:

By: 

EARL L. BLACK, Secretary of the Board of Directors

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

By: 
JAMES L. MAYFIELD, Chairman of
San Bernardino County Board of
Supervisors, Governing Body of
Big Bear Lake Sanitation District
and San Bernardino County Service
Area 53


ATTEST:

ANDREE DISHARON, Clerk of said Board

By: 
Deputy Clerk

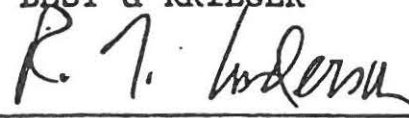
APPROVED AS TO FORM this 24th day of June, 1980.

ALAN K. MARKS, County Counsel

By: 
Chief Deputy County Counsel

APPROVED AS TO FORM this 10th day of June, 1980.

BEST, BEST & KRIEGER

By: 
RICHARD T. ANDERSON

Legal Counsel, Big Bear City
Community Services District