

City of Big Bear Lake



February 28, 2014

Laura H. Welch
Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Ave.
2nd Floor
San Bernardino, CA 92415-0130

Re: Request for Consolidation of City of Big Bear Lake Special Municipal Election with the June 3, 2014 Statewide Election

Dear Ms. Welch:

On February 24, 2014, the City Council of the City of Big Bear Lake adopted a resolution calling a special municipal election for June 3, 2014, and requesting the Board of Supervisors to consolidate the special municipal election with the Statewide election to also be held on June 3, 2014. A certified copy of this resolution is enclosed.

Pursuant to California Elections Code section 10400 *et seq.*, the City requests that the San Bernardino County Board of Supervisors and Registrar of Voters consolidate the City's special municipal election with the scheduled Statewide election on June 3, 2014, and that the consolidated election be held in all respects as if there were only one election. The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for these related costs.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Cheri A. Haggerty
City Clerk

Enclosure

cc: Michael J. Scarpello, San Bernardino County Registrar of Voters

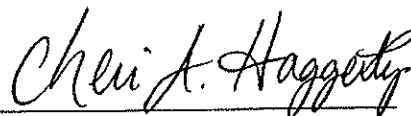
City of Big Bear Lake



CERTIFICATION

I, Cheri A. Haggerty, am the City Clerk of the City of Big Bear Lake. In this capacity, I am familiar with and responsible for maintaining the official records. I hereby certify that the attached volumes constitute the entire record related to the subject of this action. I further certify that the documents included in the attached record are true and correct copies of the original documents contained in the official records of the City of Big Bear Lake.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 28, 2014, at Big Bear Lake, California.



Cheri A. Haggerty

Cheri A. Haggerty, City Clerk

RESOLUTION NO. 2014-05

A RESOLUTION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014; REQUESTING CONSOLIDATION OF THE SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DATE; SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BIG BEAR LAKE AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014, ONE PROPOSITION TO AUTHORIZE THE SALE OF THE RIMFOREST SYSTEM FROM THE CITY OF BIG BEAR LAKE DEPARTMENT OF WATER AND POWER TO THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT

WHEREAS, pursuant to section 9222 of the California Elections Code, the City Council has the authority to place propositions on the ballot to be considered at a municipal election; and

WHEREAS, the City of Big Bear Lake, Department of Water and Power ("DWP") has the power and duty pursuant to Section 816 of the City Charter ("City Charter") of the City of Big Bear Lake ("City") to operate, maintain, manage and control works and property for the purpose of supplying the City and its inhabitants with water; and

WHEREAS, the City previously acquired the City's current water system from a private water company through an eminent domain proceeding, which water system includes not only water service to the region known as Big Bear Valley, in which the City is located, but also a non-contiguous remote water system commonly referred to as the "Rimforest System", which provides water service to an unincorporated community called Rimforest; and

WHEREAS, the Rimforest System, and the unincorporated community of Rimforest, are located within the jurisdictional boundaries of the Lake Arrowhead Community Services District ("LACSD"), which provides water and wastewater services; and

WHEREAS, the City has determined that the Rimforest System is unnecessary for the provision of water service to the inhabitants of the City, and LACSD desires to acquire the Rimforest System in exchange for a purchase price equal to the proportionate share of the debt service allocable to the Rimforest System, which the City has determined is just compensation; and

WHEREAS, Section 815 of the City Charter authorizes the sale of properties located outside the City that are unnecessary to the operation of the water or power systems with the authorization of DWP and the City Council; and

WHEREAS, Section 815 of the City Charter also prohibits the City from selling or otherwise disposing of properties or rights in any water or water rights owned or controlled by the City without the assent of a majority of the qualified voters of the City voting on the proposition at a general or special election; and

MEASURE ___ : AUTHORIZING THE SALE OF THE RIMFOREST SYSTEM		
Shall the ordinance authorizing the sale of the Rimforest system by the City of Big Bear Lake Department of Water and Power to the Lake Arrowhead Community Services District be adopted?	YES	
	NO	

Section 5. Consolidation. Pursuant to California Elections Code section 10400 and following, the City Council hereby requests that the Board of Supervisors of the County of San Bernardino, State of California, order the consolidation of the City's Special Municipal Election with the established election to be held on Tuesday, June 3, 2014. The consolidated election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Board of Supervisors is requested to issue instructions to the County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election. The Board of Supervisors of the County of San Bernardino is authorized to canvas the returns of that election with respect to the votes cast in the City and certify the results to the City Council. The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for all costs. The City Clerk of the City of Big Bear Lake is directed to file a certified copy of this Resolution with the Board of Supervisors of San Bernardino County and the Registrar of Voters of San Bernardino County.

Section 6. Conduct Of Election. The City Clerk is authorized, instructed and directed to procure and furnish any and all printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the Special Municipal Election.

Section 7. Arguments. The City Council hereby authorizes the Chairman of the Board of Commissioners of the Department of Water and Power, City of Big Bear Lake, to prepare and file written arguments and rebuttal arguments, accompanied by the printed name and signature of the author submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code.

Section 8. Enactment. Pursuant to California Elections Code section 9217, if a majority of the qualified voters voting in the election on the Proposition vote in favor of the adoption of such proposition, the Ordinance shall be deemed valid and binding.

Section 9. Severability. If any provision or clause of this Resolution or the Ordinance is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution and the Ordinance hereto are declared to be severable.

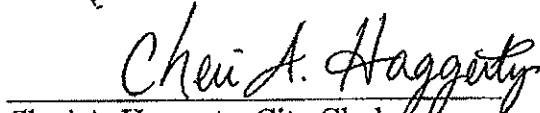
Section 10. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Big Bear Lake on the 24th day of February, 2014.

AYES: Caretto, Herrick, Jackowski, Jahn, Obernolte
NAYS: None
ABSENT: None
ABSTAIN: None


Jay Obernolte, Mayor

ATTEST:


Cheri A. Haggerty, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Cheri A. Haggerty, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Resolution, being Resolution No. 2014-05 was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the 24th day of February, 2014, and that the same was so passed and adopted by the following vote:

AYES: Caretto, Herrick, Jackowski, Jahn, Obernolte
NOES: None
ABSENT: None
ABSTAIN: None



Cheri A. Haggerty, City Clerk

EXHIBIT A

ORDINANCE NO. 2014-427

**AN ORDINANCE OF THE CITY OF BIG BEAR LAKE,
COUNTY OF SAN BERNARDINO, STATE OF
CALIFORNIA AUTHORIZING THE SALE OF PROPERTY
LOCATED OUTSIDE THE CITY OF BIG BEAR LAKE TO
LAKE ARROWHEAD COMMUNITY SERVICES
DISTRICT**

WHEREAS, the City of Big Bear Lake, Department of Water and Power ("DWP") has the power and duty pursuant to Section 816 of the City Charter ("City Charter") of the City of Big Bear Lake ("City") to operate, maintain, manage and control works and property for the purpose of supplying the City and its inhabitants with water; and

WHEREAS, the City previously acquired the City's current water system from a private water company through an eminent domain proceeding, which water system includes not only water service to the region known as Big Bear Valley, in which the City is located, but also a non-contiguous remote water system commonly referred to as the "Rimforest System," as further described and depicted in Exhibit A attached to this Ordinance and incorporated herein by this reference, which provides water service to an unincorporated community called Rimforest; and

WHEREAS, in order to finance the acquisition of the City's current water systems, the City originally issued bonds that were subsequently refunded and refinanced in or around 1996, which currently have a remaining principal balance of \$23,155,000 ("Bonds"); and

WHEREAS, in order to finance certain improvements to the City's current water systems, the City also secured funding from the California Department of Water Resources in or around 1993 in the amount of \$4,993,857, which currently has a remaining principal balance of \$627,240 ("DWR Loan"); and

WHEREAS, the debt service requirement attributed to the Rimforest System for the Bonds is \$4,815.32 per month through April 2022; and

WHEREAS, the debt service requirement attributed to the Rimforest System for the DWR Loan is \$1,973.38 per month through October 2015; and

WHEREAS, the Rimforest System, and the unincorporated community of Rimforest, are located within the jurisdictional boundaries of the Lake Arrowhead Community Services District ("LACSD"), which provides water and wastewater services; and

WHEREAS, the City has determined that the Rimforest System is unnecessary for the provision of water service to the inhabitants of the City, and LACSD desires to acquire the Rimforest System in exchange for a purchase price equal to the proportionate share of the debt service allocable to the Rimforest System, which the City has determined is just compensation; and

WHEREAS, Section 815 of the City Charter authorizes the sale of properties located outside the City that are unnecessary to the operation of the water or power systems with the authorization of DWP and the City Council; and

WHEREAS, Section 815 of the City Charter also prohibits the City from selling or otherwise disposing of properties or rights in any water or water rights owned or controlled by the City without the assent of a majority of the qualified voters of the City voting on the proposition at a general or special election; and

WHEREAS, On January 29, 2014, the Board of Commissioners of DWP ("Board") approved a resolution determining that the sale of the Rimforest System to LACSD would serve the interests of DWP's customers and the City's inhabitants by eliminating the need to maintain and repair property that is non-contiguous to the City and is unnecessary for providing water service within the City, and authorizing the sale of the Rimforest System to LACSD; and

WHEREAS, the City Council of the City of Big Bear Lake ("City Council") hereby determines that the sale of the Rimforest System to LACSD would serve the interests of DWP's customers and the City's inhabitants by eliminating the need to maintain and repair property that is non-contiguous to the City and is unnecessary for providing water service within the City; and

WHEREAS, the City Council authorizes the sale of the Rimforest System to LACSD, and that the proposed sale of the Rimforest System be submitted to the electorate at the June 3, 2014 election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the recitals discussed above are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

Section 2. Authorization. The City Council hereby authorizes the sale of the Rimforest System to LACSD, with the proposed sale to be submitted to the electorate at the next statewide election, to be held on June 3, 2014. The City Council further authorizes and directs staff to take any and all actions, and execute any and all documents, on behalf of the City that are necessary to provide for the sale of the Rimforest System to the LACSD and to assist with the placement of the proposed sale of the Rimforest System on the June 3, 2014 election ballot.

Section 3. Amendment or Repeal of this Ordinance. The provisions of this Ordinance may be amended or repealed by a majority vote of the electorate.

Section 4. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership, or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. Enactment of this Ordinance shall take effect only if approved by a majority vote of the voters voting at the June 3, 2014 election and shall become effective ten days after the City Council declares and certifies by resolution the results of the elections and that the measure was approved by a majority of the voters voting thereon.

PASSED, APPROVED AND ADOPTED this 24th day of February, 2014, by the following vote:

AYES: Caretto, Herrick, Jackowski, Jahn, Obernolte
NOES: None
ABSENT: None
ABSTAIN: None

Jay Obernolte, Mayor

ATTEST:

Date

Cheri A. Haggerty, City Clerk

REVIEWED AND APPROVED:

Best Best & Krieger LLP
City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Cheri A. Haggerty, City Clerk of the City of Big Bear Lake, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 2014-427 is a full, true and correct original of Ordinance No. 2014-427 of the said City of Big Bear Lake, California, entitled:

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
AUTHORIZING THE SALE OF PROPERTY LOCATED
OUTSIDE THE CITY OF BIG BEAR LAKE TO LAKE
ARROWHEAD COMMUNITY SERVICES DISTRICT

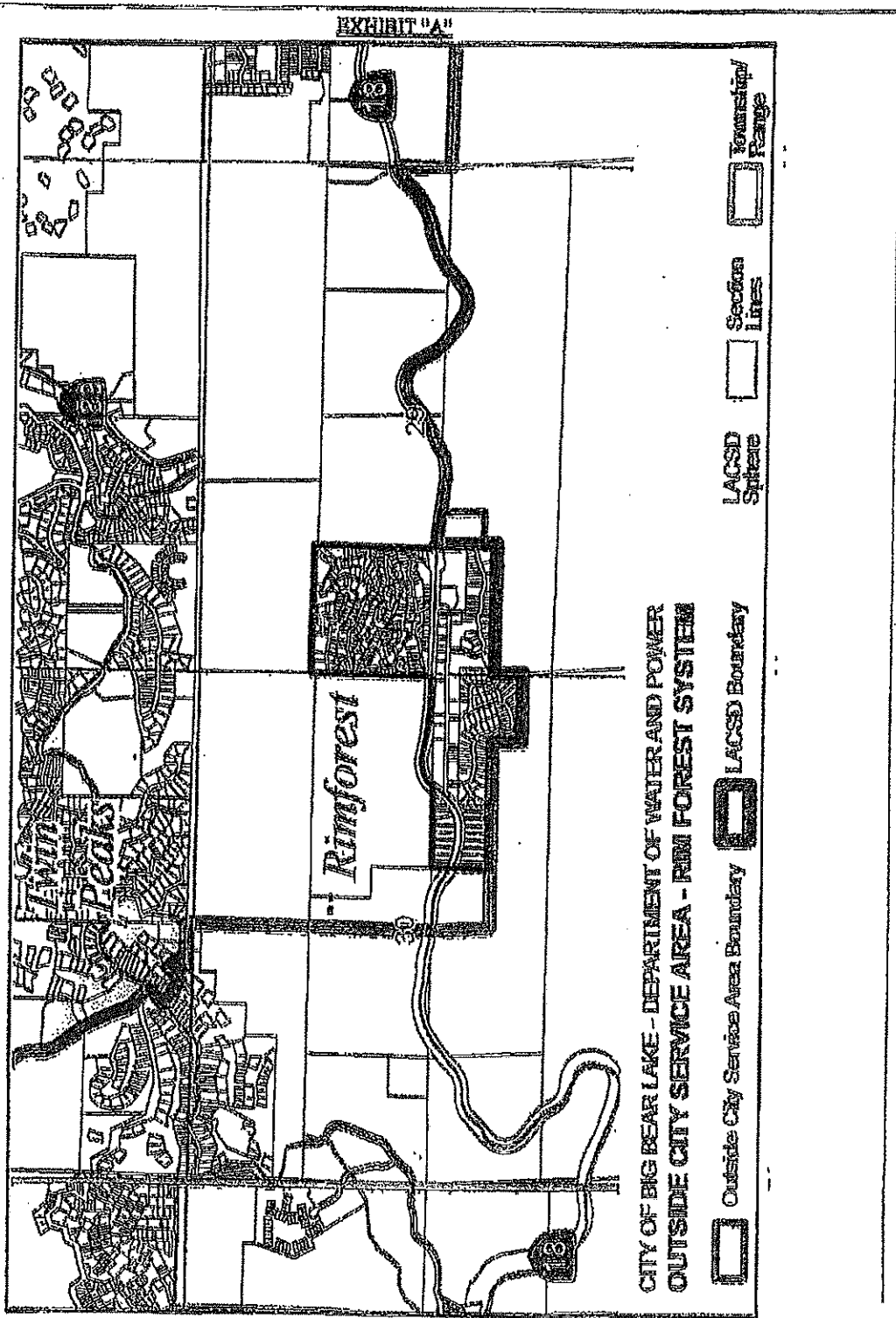
was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the 24th day of February, 2014, and that the same was so passed and adopted by the following vote:

AYES: Caretto, Herrick, Jackowski, Jahn, Obernolte
NOES: None
ABSENT: None
ABSTAIN: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2014-427 was duly and regularly published according to law and the order of the City Council and circulated within said City.

Cheri A. Haggerty
City Clerk

EXHIBIT A
DESCRIPTION AND DEPICTION OF THE RIMFOREST SYSTEM



WHEREAS, On January 29, 2014, the Board of Commissioners of DWP ("Board") approved a resolution determining that the sale of the Rimforest System to LACSD would serve the interests of DWP's customers and the City's inhabitants by eliminating the need to maintain and repair property that is non-contiguous to the City and is unnecessary for providing water service within the City, and authorizing the sale of the Rimforest System to LACSD; and

WHEREAS, the City Council of the City of Big Bear Lake ("City Council") hereby determines that the sale of the Rimforest System to LACSD would serve the interests of DWP's customers and the City's inhabitants by eliminating the need to maintain and repair property that is non-contiguous to the City and is unnecessary for providing water service within the City; and

WHEREAS, on February 24, 2014, the City Council approved an Ordinance authorizing the sale of the Rimforest System to LACSD, which is attached hereto as Exhibit A and incorporated herein by this reference ("Ordinance"), which Ordinance must be submitted to the electorate at the June 3, 2014 election; and

WHEREAS, the City Council desires to call a special municipal election on June 3, 2014, and to submit to the voters at the June 3, 2014 special municipal election one ballot proposition to approve the Ordinance.

NOW, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE DOES RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council finds that all of the forgoing recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

Section 2. Calling And Giving Notice Of Special Municipal Election. The City Council hereby calls and gives notice of a Special Municipal Election to be held on Tuesday, June 3, 2014 in the City of Big Bear Lake, County of San Bernardino. The City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 3. Submission Of Ballot Proposition. Pursuant to California Elections Code Section 9222 and any other applicable requirements of State law relating to cities, the City Council hereby orders the Ordinance to be submitted to the qualified voters of the City at the Special Municipal Election to be held on Tuesday, June 3, 2014.

Section 4. Ballot. The ballot proposition to approve the Ordinance shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 4 ("Proposition"). On the ballot to be submitted to the qualified voters at the City Special Municipal Election to be held on Tuesday, June 3, 2014, in addition to any other matters required by law, there shall be printed substantially the following: