

RESOLUTION NO. 13R-03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BIGHORN-DESERT VIEW WATER AGENCY
EXPRESSING ITS SUPPORT FOR SENATE BILL 246,
AN ACT TO AMEND SECTION 33305 OF THE WATER CODE**

WHEREAS, the Bighorn-Desert View Water Agency ("Agency") was established in 1990 by Assembly Bill 1819 (Woodruff), as a consolidation between the Desert View County Water District and the Bighorn Mountains Water Agency for the primary purpose of increasing the operational efficiencies of the two entities; and

WHEREAS, Water Code Section 33305 required the consolidated Agency to comply with the provisions of Water Code Section 31012, which states, in relevant part, that "all funds derived from the operation of the former [county water] district shall be separately accounted for and used exclusively for . . . the acquired water system"; and

WHEREAS, although the Agency maintains separate accounting of pre-consolidation debt and associated revenue, it does not operate as two separate enterprise districts since its consolidation, creating legal uncertainty under Section 33305; and

WHEREAS, retroactive compliance with Section 33305 would be more costly than the operational efficiencies gained from the 1990 consolidation and would only be detrimental to its ratepayers; and

WHEREAS, the enactment of Senate Bill 246 will not impact other public agencies.

NOW, THEREFORE, the Board of Directors of the Bighorn-Desert View Water Agency hereby expresses its unanimous and unqualified approval of, and support for, Senate Bill 246, introduced by Senator Fuller on February 12, 2013, and respectfully urges the State Legislature to enact this measure at the earliest opportunity.

BIGHORN-DESERT VIEW WATER AGENCY

By 
Mike McBride, Board President

Dated: February 26, 2013

CERTIFICATION

I hereby certify that this Resolution was duly adopted by the Board of Directors at its regularly-scheduled meeting on February 26, 2013, by the following vote:

AYES: McBride, Corl-Lorono, Larson, Burkhart, Staley

NOES:

ABSTENTION:

BIGHORN-DESERT VIEW WATER AGENCY

By  _____
David Larson, Board Secretary

