

NOTE: If you wish to address the MWD Board of Directors during discussion of an agenda item, or during the PUBLIC FORUM, please complete a Speaker Request card (blue in color) and give it to the Board Secretary. Unless a detailed presentation of an agenda item is required by the Board of Directors, it is requested that each speaker limit comments to FIVE MINUTES. All testimony given before the Board of Directors is tape recorded.

A G E N D A
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS

Regular Meeting

April 21, 2011

PLACE: Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA 92315

Next Resolution Number: 2011 - 03

OPEN SESSION: 1:00 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**
- 4. REPORTS**
 - A. General Manager
 - B. Lake Manager
 - C. Legal
 - D. Committee
 - E. Other
- 5. CONSENT CALENDAR**
 - A. Minutes of a Regular Meeting of April 7, 2011
 - B. Warrant List Dated April 15, 2011 for \$212,343.05
 - C. Consider Approval of a Concession Permit to Ruth Faley for Big Kahuna Hot Dog concession at the East Ramp
- 6. BUSINESS**
 - A. Consider authorizing Staff to engage in discussions with the Department of Water and Power, City of Big Bear Lake (DWP) regarding the possible acquisition of the DWP by the MWD

7. PUBLIC FORUM

(The Board will receive comments from the public on items not on the agenda; no action is permitted on these items. Time set aside not to exceed 30 minutes total by all participants)

8. ANNOUNCEMENTS

9. DIRECTOR COMMENTS

10. ADJOURNMENT TO CLOSED SESSION

11. CLOSED SESSION

Government Code Section 54956.8
Conference with Real Property Negotiator, Scott Heule GM negotiator concerning acquisition of Department of Water and Power, City of Big Bear Lake

12. ADJOURNMENT

NEXT MEETING: Open Session at 1:00 P.M.

Thursday, May 5, 2011

Big Bear Municipal Water District

40524 Lakeview Drive, Big Bear Lake, CA

**MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, APRIL 7, 2011**

CALL TO ORDER

President Suhay called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Fashempour, Director Eminger, Director Smith, District Counsel Scott Nave (via Skype), General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

REPORTS

General Manager, Scott Heule stated that he hopes that all of the Directors had a chance to read the articles in the Grizzly regarding our negotiations with Caltrans for a replacement bridge on the dam. He commented that if the reporting is accurate it is obvious that Caltrans is taking liberties with the clear record of the Districts efforts to get them to perform on their obligations. He added that it also appears that they do not consider the seepage at the left dam abutment a very significant issue. He stated that as his letter to Wolfe explained, they will have to produce an environmental document and approvals from the District and DSOD in order to commence on the grouting. He reported that staff will be sure that the appropriate review and processing of any plan to remove the old highway bridge and grout the left abutment will be thoroughly addressed. He added that Mike Stephenson spoke to Flairon Construction and they report that they should be able to remove the old bridge in July. Mr. Heule reported that he spoke with Reese Troublefield about the sea wall at new ski beach. He explained that Mr. Troublefield hopes to hear from his Risk Management department in a matter of a couple weeks to know if there is money to perform the repair. He added that in the mean time the area has been secured with chain link fencing. Mr. Heule reported that he spent a long time yesterday talking with Jim Doolley about the venue for Paddlefest. He explained that Mr. Doolley is having trouble working out the event hosting relationship and he suggested that he might want to talk with Reese Troublefield at the Recreation and Park District about using swim beach as an alternative venue. Mr. Heule explained that Mr. Doolley called back this morning and advise that he thought this years' event is likely to be moved to Swim Beach/Meadow Park and that he would be getting back to the District shortly to see about altering his special event permit. Director Fashempour stated that the Recreation and Park District is responsible for Swim Beach. Mr. Heule reported that he attended the Santa Ana Sucker Task Force meeting, also called the SAS Task Force, yesterday afternoon. He explained that the Task Force has secured commitments for \$611,000 to battle the habitat designation issued by the Fish and Wildlife Service. He added that a summary of the legal issues that have been raised by the Task Force that will be used to argue the designation violates the Endangered Species Act was put into the Directors boxes this morning for review. He summarized the issues as follows: if the designation results in the loss of access to local water supplies, more water will be required from the Delta and since the Wanger Decision on the Delta Smelt the cumulative lose of water supplies from the delta over the past three years totals over one million acre-feet of water. He explained that the Task Force claims that the SAS habitat designation places additional burdens on the already strapped delta. He added that Congressman Lewis and Senator Feinstein are fully supportive of the Task Force objections and are working to help the Task Force overturn the Fish and Wildlife Service designation. He explained that a legal notice, called a 60-Day Notice, will be delivered to the Secretary of the Interior, the Acting and Regional Directors of the Fish and Wildlife Service and

the Field Supervisor of the Carlsbad Fish and Wildlife Service formally challenging the designation as "arbitrary, capricious, an abuse of discretion, and contrary to the requirements of the Endangered Species Act and its implementing regulations, the Administrative Procedure Act and other Federal Laws." He added that he has a copy of the notice and if anyone wants to read it, let him know. He explained that this whole issue is the result of action taken by the Center for Biological Diversity. Mr. Heule commented that the Grizzly published the MWD Foundation article with a few minor edits this week. He added that so far he has not heard anything in response to the article. President Suhay reported that he had someone flag him down with an inquiry. Mr. Heule reported that the westerly winds, combined with the high lake level, have created quite an attraction on the north end of Stanfield Cutoff. He explained that the wind is blowing lake water up onto and over Stanfield Cutoff adding that along with the water also comes debris, including lake weeds and trash. He stated that while it makes a mess on the roadway, it has also provided some entertainment for passersby. He reported that he stopped and watched this noon and a half dozen cars stopped and some people got out and took pictures.

Lake Manager, Mike Stephenson reported that staff spent three days at Stanfield cleaning up debris on the road. He explained that it is in fact the County's responsibility to clean up the roadway but the District tries to help when they can. He explained that after this storm a lot of the debris is back on the highway adding that it is an endless job when the weather gets rough. He updated the Board on the trout in the creeks. He commented that he watched several coyotes yesterday evening eyeing and feeding on several trout. He added that he had contacted Fish & Game explaining that they have been working hard to rescue the stranded trout. He reported that they have been sending up extra wardens and even putting in overtime to try and get the job done. He explained that Fish and Game had put up nets to try and stop the trout from coming up the inlets with little success adding that the nets have fallen down in many of the areas. He reported that the aquatic weed program is in progress and they will be ready to begin when the time comes. Mr. Stephenson made a presentation on the water release program passing out tracking information charts for March (see attached). He reported that beginning with the first event on December 22nd the District began releasing and today we are releasing 20 CFS. He explained the March charts reporting that 2,998.6 acre feet total was released in March. He added that so far in April 115.73 acre feet has been released and that 6,682.20 acre feet has been released since the beginning in December. Director Eminger asked if the releases have removed sediment from the bottom of the lake. Mr. Stephenson reported that they have to some extent. He reported on a meeting that he attended this morning at the Resort Association regarding a cold water jump event (Polar Plunge) that is a Special Olympics fund raiser. He explained that the event will be held at Meadow Park the second week in March 2012 adding that they typically raise a lot of money. Director Eminger stated that he would like to see something in the Grizzly regarding the high lake water and water releases. President Suhay asked how much longer the trout spawn would continue. Mr. Stephenson reported that it should be almost over but the recent storms would probably prolong it. He added that Fish and Game projects they will be over by Memorial Day.

President Suhay announced that Item 5E (Special Event Permit for Old Miners' Big Bear Heritage Parade to use our parking facility) will be pulled from the Consent Calendar for discussion. Director Smith asked if Item 5D (Paddlefest event) should also be removed from the Consent Calendar since the location might change. Mr. Heule reported that it has not been formally moved so it could be approved as it stands now and then if it changes they would have to notify us and it could be amended.

APPROVAL OF CONSENT CALENDAR

Upon a motion by Director Eminger, seconded by Director Murphy, the following consent items were unanimously approved:

- Minutes of a Regular Meeting of March 17, 2011
- Minutes of a Special Meeting held March 28, 2011
- Warrant List Dated April 1, 2011 for \$51,325.73
- Approval of a Special Event Permit for Big Bear Paddlefest scheduled for July 9-10, 2011

CONSIDER APPROVAL OF A SPECIAL EVENT PERMIT FOR OLD MINERS' BIG BEAR HERITAGE PARADE TO USE OUR PARKING FACILITY ON JULY 23, 2011 FOR PARADE FLOAT DISBANDING

Mr. Heule reported that this special event application process was expedited through the Operations Committee in order for it to have time to be placed on today's agenda. He explained that in the rush to schedule the meeting, staff had not fully considered potential problems that using the lot might cause Big Bear Marina. He explained that the lease with Big Bear Marina makes the marina use of our parking facility subordinate to ours adding that the District should have notified Big Bear Marina of the possible conflict however. He commented that he spoke to Big Bear Marina after the fact and apologized adding all is well now. Mr. Heule reported that at the Operations Committee meeting, Dayan Anderson, President of the Old Miners' Association described the purpose and proposal to use the District Administrative Building parking lot for a special event after the parade on Saturday July 23, 2011. He explained that the parade will be a smaller, shorter version of past Old Miners' parades and the parking lot would be used to decommission some of the floats from the parade and allow float riders to get off floats and stage post event transportation. He added that the parade will start at 10:00 AM and the last entry will finish about 11:30 AM. He stated that organizers do not believe there will be more than 15 floats and the decommissioning will not require use of the entire parking lot. He explained that the first parade participants will probably reach the lot by 10:30 AM and is likely to be completed by noon. He reported that the Committee recommends approval of the Old Miners' Association special event subject to the following conditions in addition to standard conditions detailed in the special event application:

- a. Event organizers must meet with District Staff at least one month prior to the event to identify reserved areas and ingress/egress lanes from the parking lot.
 - b. The decommissioning area in the lot shall be secured with traffic cones and or barricades to prevent the general public from interfering with the space reserved for the parade activities.
 - c. At least two parking lot attendants supplied by the sponsor will be assigned the lot to direct traffic, both general public going to Big Bear Marina and parade participants.
 - d. Signs shall be posted to inform the public and parade participants that a portion of the lot has been reserved for the decommissioning of parade floats.
- Mr. Heule added that no fees will be charged however proof of liability insurance will be required.

Director Murphy moved approval of a special event permit for Old Miners' Big Bear Heritage Parade to use our parking facility on July 23, 2011 for parade float disbanding. Director Fashempour seconded the motion and it was unanimously approved.

Thursday April 7, 2011

PUBLIC FORUM

No comments were made

ANNOUNCEMENTS

Mr. Stephenson announced that he received a call from Jim at the County Yard who reported that high lake water on the north-west side of Stanfield Cutoff is apparently undermining the highway. He added that emergency repairs are going to be done immediately. He explained that the County does not have the equipment or resources available so they are going to hire someone to do the work. Mr. John Saunders, Captain Johns Marina, stated that he has rock and needs a place to put it. Mr. Stephenson responded that the County is going to hire Robertson for the work.

DIRECTOR COMMENTS

Director Murphy reported that he has received numerous comments on how wonderful the lake looks. Director Eminger added that the first day the East Ramp opened there were 27 boats that launched in the morning.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:44 P.M.

NEXT MEETING

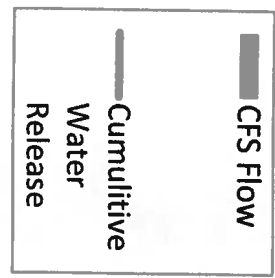
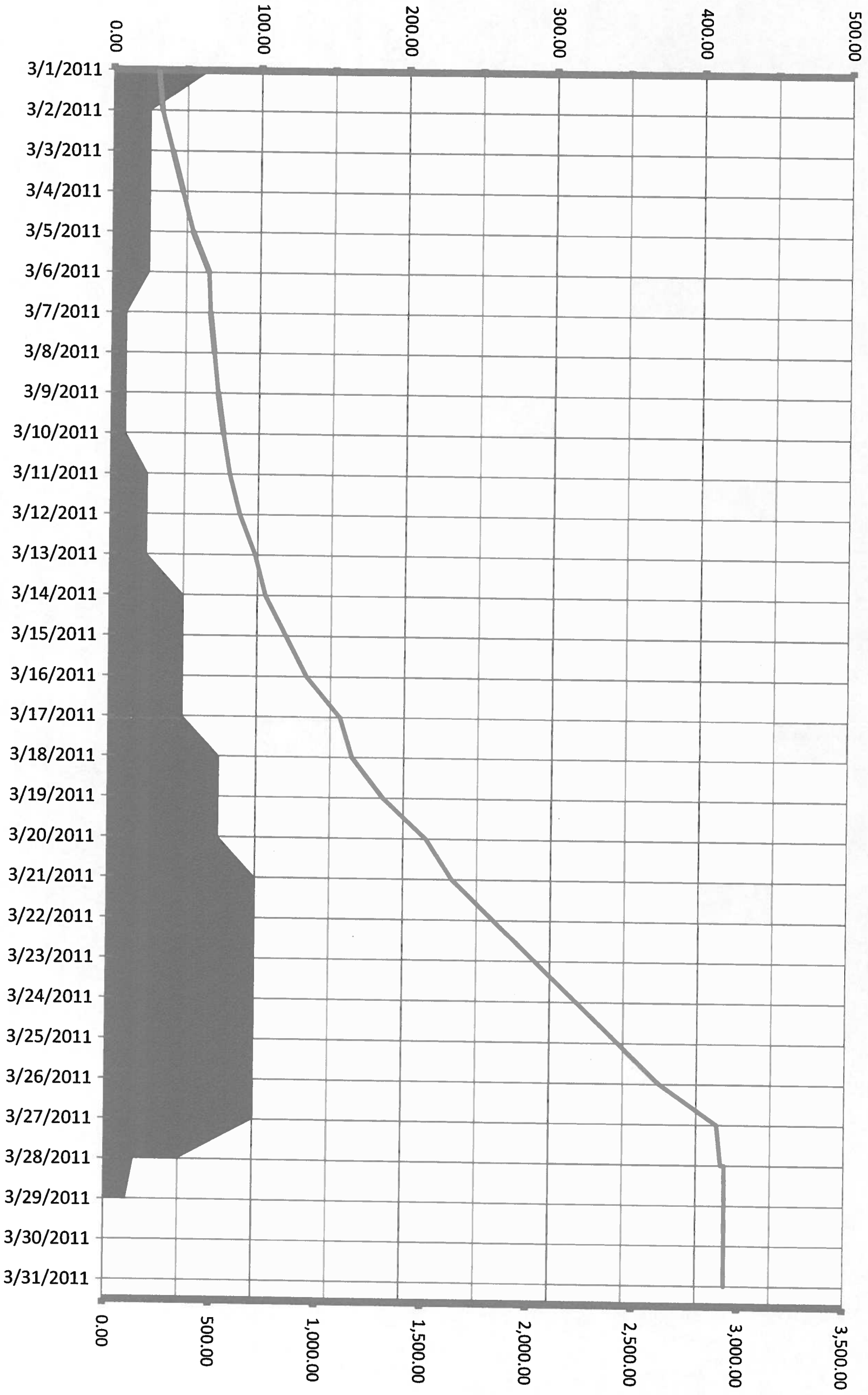
Open Session at 1:00 P.M.
Thursday, April 21, 2011
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

CFS FLOW

MARCH DAM RELEASE - 36" VALVE



ACRE FEET

**Big Bear Municipal Water District
Computer & Manual Check Register
Current and History Files, 04/01/11 to 04/14/11
Account 10010-00-001, Sessions 000000 to 002280**

Active Sessions (Not Included in Report)
002197

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
Checking Account: 10010-00-001							
149159	BVPRIN / Bear Valley Printing	04/08/11	2	12954-B	002271	DISPATCH	4341.25
BVPRIIN Subtotal :							4341.25
149160		04/08/11	2	80627	002273	QUAGGAPRIN	567.89
BVPRIIN Subtotal :							567.89
149161	ACWAHB / ACWA Health Benefits Authority (H	04/12/11	2	05012011	002280	INSURANCE	567.89
ACWAHB Subtotal :							20698.46
149162	ALLMOU / ALL MOUNTAIN FEED & PET SUPPLY	04/12/11	2	3008	002280	FISHREARIN	20698.46
ALLMOU Subtotal :							1440.39
149163	BAUMGA / Richard A. Baungartner, M.D.	04/12/11	2	22819	002280	PHYSICAL	1440.39
BAUMGA Subtotal :							810.00
149164	BBDSPPL / Big Bear Disposal	04/12/11	2	250942	002280	UTIL-MAIN	147.29
BBDSPPL Subtotal :							147.29
149165	BUTCHR / Butcher's Block & Building Materl	04/12/11	2	53957	002280	QUAGGA	37.52
BUTCHR Subtotal :							40.78
149165		04/12/11	2	61037	002280	SMTTOOLS	25.25
149165		04/12/11	2	61098	002280	SHOPMAINT	8.37
149165		04/12/11	2	61324	002280	SMTTOOLS	1.17
149165		04/12/11	2	61502	002280	EASTMAINT	7.20
149165		04/12/11	2	61908	002280	PATROLBOAT	13.85
149165		04/12/11	2	62460	002280	FACILMAINT	10.51
149165		04/12/11	2	62563	002280	FACILMAINT	40.78
BUTCHR Subtotal :							144.65
149166	BVELEC / Bear Valley Electric	04/12/11	2	03222011	002280	UTIL-RAMP	382.07
149166		04/12/11	2	03292011A	002280	UTLAERATO	618.75
149166		04/12/11	2	03292011B	002280	UTIL-DAM	11.53
149166		04/12/11	2	03292011C	002280	UTIL-DAM	386.74
149166		04/12/11	2	03292011D	002280	UTIL-MAIN	11.53
149166		04/12/11	2	03312011	002280	UTIL-DAM	69.58
BVELEC Subtotal :							1480.20
149167	BVHOSP / Bear Valley Community Hospital	04/12/11	2	06395366	002280	PHYSICAL	141.00
BVHOSP Subtotal :							141.00

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Check	Payment / Vendor Information	Ck Date	Priy Invoice	Session Reference	Amount
149168	CALJUN / Cal-June Incorporated	04/12/11	2 436992AJ	002280 FACILMAINT	-366.95
149168		04/12/11	2 437389-IN	002280 FACILMAINT	4156.97
CALJUN Subtotal :					3790.02
149169	CAPTOL / Capitol Enquiry Inc.	04/12/11	2 53739	002280 SUBSCRIPTO	36.52
CAPTOL Subtotal :					36.52
149170	CCONNE / CONNELLY PUMPING SERVICES	04/12/11	2 10465	002280 PORTABLES	255.33
149170		04/12/11	2 10472	002280 PORTABLES	295.00
149170		04/12/11	2 10473	002280 PORTABLES	290.28
149170		04/12/11	2 10476	002280 PORTABLES	290.28
CCONNE Subtotal :					1130.89
149171	CHARTE / CHARTER COMMUNICATIONS	04/12/11	2 03162011	002280 PHONE-DSL	554.10
CHARTE Subtotal :					554.10
149172	CNKLIN / Conklin Paints	04/12/11	2 82188	002280 SHOPMAINT	1.75
149172		04/12/11	2 82205	002280 FACILMAINT	36.36
149172		04/12/11	2 82206	002280 FACILMAINT	36.36
CNKLIN Subtotal :					74.47
149173	COMPVI / Computer Village	04/12/11	2 121217	002280 COMPCONSULT	550.00
COMPVI Subtotal :					550.00
149174	COMSER / ComSerCo	04/12/11	2 05MA50269	002280 RDIOSVCONT	255.00
COMSER Subtotal :					255.00
149175	DIRCTV / DIRECTV	04/12/11	2 1477059548	002280 UTIL-RV	157.49
DIRCTV Subtotal :					157.49
149176	DISH / Dish Network	04/12/11	2 04042011	002280 UTIL-MAIN	55.99
DISH Subtotal :					55.99
149177	DIVERS / Diversified Products, Inc.	04/12/11	2 11153168	002280	143.20
149177		04/12/11	2 1482304	002280 PATROLBOAT	-53.12
DIVERS Subtotal :					90.08
149178	DWP / Department of Water and Power	04/12/11	2 03222011C	002280 UTIL-POND	40.75
149178		04/12/11	2 03292011	002280 UTIL-RAMP	17.87
149178		04/12/11	2 03292011B	002280 UTIL-MAIN	44.15
149178		04/12/11	2 03292011D	002280 UTIL-POND	73.60

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Check	Payment / Vendor Information	CK Date	Prty	Invoice	Session	Reference	Amount
149178		04/12/11	2	0329201E	002280	UTIL-MAIN	73.60
149178		04/12/11	2	0329201F	002280	UTIL-RAMPS	113.70
149178		04/12/11	2	0329201G	002280	UTIL-MAIN	13.40
						DWP Subtotal :	377.07
149179	FEDERAL / Federal Express, Corp.	04/12/11	2	745477184	002280	SHIPPING	63.99
						FEDERAL Subtotal :	63.99
149180	GEI / GEI Consultants, Inc	04/12/11	2	503532	002280	WATERTEST	2505.00
						GEI Subtotal :	2505.00
149181	HAUPT / Ralph W. Haupt	04/12/11	2	889	002280	PETRO-AUTO	209.14
						HAUPT Subtotal :	209.14
149182	HOLLOW / Holloway's Marina & RV Park	04/12/11	2	16475JS	002280	WORKBOAT	66.33
						HOLLOW Subtotal :	66.33
149183	IDEARC / SUPERMEDIA LLC	04/12/11	2	0319201	002280	PHONE-WEB	29.95
149183		04/12/11	2	04012011	002280	PHONE-MAIN	64.50
						IDEARC Subtotal :	94.45
149184	LEMIEU / LEMIEUX & O'NEILL	04/12/11	2	20999M-140	002280	RETAINER	3500.00
						LEMIEU Subtotal :	3500.00
149185		04/12/11	2	20022M-20M	002280	LEGALCC	552.00
						LEMIEU Subtotal :	552.00
149186	MASTER / FIRST BANKCARD CENTER	04/12/11	2	0331118541	002280	MASTER102	5419.13
						MASTER Subtotal :	5419.13
149187		04/12/11	2	0331112328	002280	MASTER320	9340.93
						MASTER Subtotal :	9340.93
149188	MCMSTR / McMaster-Carr Supply Co.	04/12/11	2	80904518	002280	FACILMAINT	158.83
						MCMSTR Subtotal :	158.83
149189	MELTON / Melton Sign Service	04/12/11	2	4129	002280	QUAGAPRIN	185.00
						MELTON Subtotal :	185.00
149190	MOORE / VICTORIA MOORE	04/12/11	2	04052011	002280	TRAINING	102.15
						MOORE Subtotal :	102.15

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Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
149191	MWH / MWH America, Inc.	04/12/11	2	1391286	002280		2081.66
149191		04/12/11	2	1391287	002280		3649.25
149191		04/12/11	2	1391288	002280		9130.18
						MWH Subtotal :	14861.09
149192	NAPA / McConnell Motor Parts Inc.	04/12/11	2	017273	002280	ONROAD	61.20
149192		04/12/11	2	017943	002280	ONROAD	35.75
149192		04/12/11	2	018182	002280	ONROAD	23.53
149192		04/12/11	2	019325	002280	PATROLBOAT	10.33
149192		04/12/11	2	020084	002280	SMTTOOLS	28.06
149192		04/12/11	2	020196	002280	SMTTOOLS	29.28
149192		04/12/11	2	020645	002280	EQUIPMAINT	40.97
149192		04/12/11	2	020846	002280	EQUIPMAINT	7.40
149192		04/12/11	2	021165	002280	OFFSUPPRAM	7.32
						NAPA Subtotal :	243.84
149193	NATNOT / NATIONAL NOTARY ASSOCIATION	04/12/11	2	8524832	002280	TRAINING	461.45
						NATNOT Subtotal :	461.45
149194	NOCONT / NO CONTRACT VOIP	04/12/11	2	1569	002280	PHONE-NEW	136.89
						NOCONT Subtotal :	136.89
149195	PERS / Public Employees' Retirement Syst	04/12/11	2	320113	002280	PERS	4376.16
						PERS Subtotal :	4376.16
149196		04/12/11	2	320114	002280	PERS	4376.16
						PERS Subtotal :	4376.16
149197	PITNEY / Purchase Power	04/12/11	2	03202011	002280	POSTAGE	1067.55
						PITNEY Subtotal :	1067.55
149198	QUILL / Quill Corporation	04/12/11	2	3425440	002280	OFFICSUPPL	541.91
149198		04/12/11	2	3466736	002280	OFFICSUPLS	17.59
						QUILL Subtotal :	559.50
149199	RDIOSH / RadioShack	04/12/11	2	545040	002280	FACILMAINT	25.00
149199		04/12/11	2	545211	002280	CREEKCAMER	26.08
149199		04/12/11	2	546525	002280	EQUIPMAINT	12.60
						RDIOSH Subtotal :	63.68
149200	ROTARY / Rotary Club of Big	04/12/11	2	04012011	002280	MEMBERSHIP	130.00

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Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
	Bear Lake						
						ROTARY Subtotal :	130.00
149201	SQUEEG / Squeegee Clean Window Service	04/12/11	2	03312011	002280	FACILMAINT	50.00
						SQUEEG Subtotal :	50.00
149202	TCM / TCM	04/12/11	2	1226	002280	JANITSUPPL	103.73
149202		04/12/11	2	1227	002280	JANITSUPPL	18.05
						TCM Subtotal :	121.78
149203	TIFCO / Tifco Industries	04/12/11	2	70676512	002280	SHOPMAINT	165.57
						TIFCO Subtotal :	165.57
149204	UPS / UPS	04/12/11	2	F33Y11141	002280	SHIPPING	490.13
						UPS Subtotal :	490.13
149205	USBANK / US BANK TRUST N.A.	04/12/11	2	03072011	002280	COPINTERES	124560.63
						USBANK Subtotal :	124560.63
149206	VERIZO / Verizon California	04/12/11	2	03252011	002280	PHONE-WS	30.79
149206		04/12/11	2	03282011	002280	PHONE-DAM	42.03
149206		04/12/11	2	04012011A	002280	PHONE-MAIN	403.96
149206		04/12/11	2	04012011B	002280	PHONE-RAMP	47.00
149206		04/12/11	2	04012011C	002280	PHONE-RAMP	47.48
149206		04/12/11	2	04012011D	002280	PHONE-RAMP	42.13
						VERIZO Subtotal :	613.39
149207	VERWIR / VERIZON WIRELESS	04/12/11	2	964840693	002280	PHONE-CELL	250.42
						VERWIR Subtotal :	250.42
149208	XEROX / Xerox Corporation	04/12/11	2	54295452	002280	COPIERLEAS	739.05
						XEROX Subtotal :	739.05
Total For Check Account: 10010-00-001							212343.05
Check Register Total :							212343.05

**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: April 21, 2011

AGENDA ITEM: 5C

SUBJECT:

CONSIDER APPROVAL OF A CONCESSION PERMIT TO RUTH FALEY FOR BIG KAHUNA HOT DOG CONCESSION AT THE EAST RAMP

RECOMMENDATION:

The General Manager and the Administrative Committee (Directors Suhay & Eminger) recommend approval of this concession.

DISCUSSION/FINDINGS:

Ruth Fawley has again requested a concession for a hot dog cart at the East Ramp. No other requests for a concession at the ramp have been received. She would like to operate from May 1 through September 30, 2011. She has all of her other permits, insurance and county fees paid through September. The Committee recommends approval of a concession permit for Big Kahuna Hot Dogs to be located at the East Ramp during the summer of 2011. The Concession fee will be \$300 per month paid in advance for every full or partial month of operation. A copy of her letter requesting the permit from the District is attached along with the new concession permit for your approval.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

CONCESSION PERMIT

As of April 21, 2011, Big Bear Municipal Water District, hereinafter "District", grants a permit to Ruth Fawley, hereinafter called "Permittee", upon the following terms and conditions:

Section 1. Purpose.

Permittee may use Big Bear Lake to operate a hot dog concession from Carol Morrison East Launch Ramp from May 1 through September 30, 2011.

Section 2. Permit Fee.

Permittee shall pay District \$300 per month payable in advance for each full or partial month of concession operation.

Section 3. Operation and Maintenance.

Permittee shall:

- a) maintain equipment under its control in a good and workmanlike manner, and in compliance with laws, and regulations;
- b) Comply with all the rules and regulations which District may from time to time adopt
- c) Maintain in full force and effect, and pay all premiums for public liability insurance with insurance company or companies approved by the District naming the District as additional insured. The minimum liability limits of the policy or policies shall be three hundred thousand dollars (\$300,000) combined single limit policy. Concurrent with the date of this Permit, and each succeeding year, Permittee shall deliver to the District, a policy of such insurance and a certificate of insurance (with the ISO CG 2501 or insurer's equivalent endorsement provided to the District), which shall designate District as additional or co-insured. Insurance policies shall not be amended or terminated without thirty (30) days prior written notice to District.

Section 4. Reserved Rights.

- a) District may issue additional permits for the use of District property;
- b) District does not warrant or agree the Lake will be maintained as a Lake or that water will be maintained therein at any particular level or at all.

Section 5. Indemnification of District.

Permittee shall save and hold District, its officers, agents and employees free and harmless from any and all costs, liability or damages including attorney fees arising out of any act or omission to act including any negligent act or omission to act by Permittee, its officers, agents or employees arising out of or connected with Permittee's activities under this permit.

Section 6. Default.

- a) If Permittee breaches any term of this Permit, District may declare this Permit terminated if Permittee fails to cure the breach within thirty (30) days after written notice thereof from District;

- b) Every right and remedy given to District by this Permit is cumulative and no right or remedy shall be exclusive of any other right or remedy in law or equity. The exercise of one right or remedy by District shall not impair the right of District to exercise any other right or remedy;
- c) If either party hereto shall institute any legal action to enforce any of the terms or conditions of this Permit, the prevailing party in such action shall be entitled to attorney's fees adjudged by the Court in such action to be reasonable.

Section 7. Notice.

All notices required under this permit or given in connection therewith shall be in writing and shall comply with the provisions of this Section. Notices may be delivered personally, in which event the effective date shall be the date of delivery, or may be sent by United States mail, registered or certified, return receipt requested, in which event the effective date shall be the date of deposit in the United States mail, addressed as hereinafter set forth:

- a) Until otherwise directed by notice in writing, Permittee shall deliver or mail as aforesaid all notices to District as follows:
 Big Bear Municipal Water District
 P.O. Box 2863
 Big Bear Lake, CA 92315

- b) Until otherwise directed by notice in writing, District shall deliver or mail as aforesaid all notices to Permittee:
 Big Kahuna Hot Dogs
 P.O. Box 856
 Big Bear Lake, CA 92315

BIG BEAR MUNICIPAL WATER DISTRICT

By: _____
 Date: _____

PERMITTEE NAME

By: _____
 Date: _____

PERMITTEE NAME

By: _____
 Date: _____

Ruth Fawley
Big Kahuna Hot Dawgs
P. O. Box 856
Big Bear Lake, CA 92315
(909) 486.8870

March 1, 2011

Mr. Scott Heule, General Manager
Big Bear Municipal Water District
P. O. Box 2863
Big Bear Lake, CA 92315

Re: Hot Dog Cart at East Boat Launch

Dear Scott,

With Spring rapidly approaching (although you'd never know it), I'd like the opportunity to submit this letter for approval to set up Big Kahuna Hot Dawgs at the East Boat Ramp May 1 through September 30, 2011.

With such a positive response from our customers, I would like to sell seven days a week during Big Bear's busy season – mid June, July and August – weather providing. May and September would more than likely be limited to weekends.

All permits, insurance and county fees for the East Boat Ramp are currently paid through September 2011.

Once again, I thank the Water District for allowing me the concession. Please feel free to call me if you have any questions.

Sincerely,



Ruth Fawley, Owner
Big Kahuna Hot Dawgs

909-486-8870

**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: APRIL 21, 2011

AGENDA ITEM: 6A

SUBJECT:

CONSIDER AUTHORIZING STAFF TO ENGAGE IN DISCUSSIONS WITH THE DEPARTMENT OF WATER AND POWER, CITY OF BIG BEAR LAKE (DWP) REGARDING THE POSSIBLE ACQUISITION OF THE DWP FY THE MWD

RECOMMENDATION:

The DWP Acquisition AD HOC Committee (Directors Suhay & Murphy) recommends that the Board authorize Staff to engage in discussions with the DWP regarding the possible acquisition of the DWP by the MWD.

POWERPOINT PRESENTATION - DISCUSSION/FINDINGS:

On April 15, 2011 the DWP Acquisition AD HOC Committee met with representatives from the DWP (Steve Foulkes Commissioner, Interim General Manager Dani McGee and Water Resource Manager, Bill LaHaye) and Local Agency Formation Commission staff in San Bernardino. According to LAFCO Executive Director Kathleen Rollings-McDonald the only action required of her agency as it relates to possible acquisition of the DWP by MWD is to clarify the Districts' Water Power to include retail water sales. In addition to Water, available District Functions include Parks and Recreation, Sewer and Fire Protection. She also thought that, although not required, it would be appropriate for the District to establish an Improvement District, which footprint would consist of the existing DWP water service area plus the North Shore from Fawnskin to Stanfield Cutoff. Also during the discussion the DWP Rim Forest service area was discussed. DWP indicated that there have been ongoing discussions with Lake Arrowhead CSD about their desire to acquire the system but that no formal action has been taken on the matter. The timing of an MWD acquisition of the DWP was also discussed. The City charter requires an election to dispose of the DWP. The earliest that election could take place would be in November. Based on that timetable the earliest an acquisition could be completed would probably be January 2012. Staff will be exploring other options that might provide for an earlier completion of the acquisition process. Based on this meeting, tours of DWP facilities by the Board and earlier conversations with DWP Senior Management, the Committee recommends that the Board authorize Staff to engage in discussions with the DWP regarding the possible acquisition of the DWP by the MWD.

OTHER AGENCY INVOLVEMENT: City of Big Bear Lake, DWP, LAFCO

FINANCING: None

Submitted by: Scott Heule, General Manager