

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
January 6, 2011

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

Next Resolution Number: 2011-01

OPEN SESSION: 1:00 PM

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**
- 4. CONSENT CALENDAR**
 - A. Minutes of a Regular Meeting of December 16, 2010
 - B. Warrant list dated December 23, 2010 for \$46,468.46
 - C. Consider approval of a special event permit for Aaron's Spring Big Bear Big Bass Tournament to be held on May 21, 2011
- 5. REPORTS**
 - A. President Fashempour reports on the 2010 accomplishments
- 6. BUSINESS**
 - A. Administer Oath of Office to: Todd Murphy, Division 1; Paula Fashempour, Division 2; Skip Suhay, Division 3
 - B. Appointment of Board Officers for Calendar Year 2011
 - C. Appointment of Committee Members for Calendar Year 2011 & President's goals
 - D. Appointment of the District's JPIA Representative for Calendar Year 2011
 - E. Consider proposal from MWH for Engineering Services for Bear Valley Dam Rehabilitation
 - F. Dam bridge replacement Caltrans negotiations - provide direction
 - G. Report on December Lake Releases - information only

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. REPORTS & ANNOUNCEMENTS

A. General Manager

B. Lake Manager

9. DIRECTOR COMMENTS

10. ADJOURNMENT

NEXT MEETING: Open Session at 1:00 PM
Thursday, January 20, 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, DECEMBER 16, 2010***

CALL TO ORDER

President Fashempour called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Suhay, Director Smith, Director Eminger, District Counsel Wayne Lemieux (via Skype), and Board Secretary Vicki Sheppard.

President Fashempour made a presentation honoring John Tuttle and Jim Weber for their safety suggestions presenting them each a certificate and a \$75 check from ACWA-JPIA. She asked them what their suggestions were. Jim Weber explained that he constructed a safety railing at the dam. John Tuttle fabricated 2 safety gates in the RV Park.

REPORTS

General Manager, Scott Heule reported that he would be leaving shortly after the meeting due to illness. He explained that Travis Carroll was also home sick today. He added that Mike Stephenson is on a hunting vacation. Mr. Heule updated the Board on the Remediation Trench project at Big Bear Marina. He reported on the Caltrans meeting earlier in the month explaining that nothing has transpired since the meeting and he is still waiting to hear from them. He reported that the regional engineer for Division of Safety of Dams (DSOD) is following the issues regarding removal of the old bridge and stated that no demolition work can be done without approval from MWD and DSOD. He added that Simon Wong is working very hard on the designs and feels they can have them completed by February 1st. Mr. Heule reported that the District has received the deed for the Trout Farm. He added that he wants to schedule a walk-thru for the Directors to visit the site.

APPROVAL OF CONSENT CALENDAR

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

- Minutes of a Regular Meeting of November 18, 2010
- Minutes of a Special Meeting of December 8, 2010
- Warrant List Dated December 10, 2010 for \$77,737.03

CONSIDER AUTHORIZING MWH TO PERFORM A PROGRAM EIR FOR DREDGING PROJECTS IN BIG BEAR LAKE

Mr. Heule reported that the District has been working with MWH (Arcadia) for several months to develop a scope of work for preparation of the appropriate CEQA document for dredging in Big Bear Marina. He explained that after several meetings the Board decided that a program EIR that evaluates more than just a single dredge project that might occur over the next several years would be a more cost effective and useful tool to satisfy the Districts' environmental reporting obligations. He added that MWH has prepared a scope of work and cost proposal that addresses most potential Lake dredging projects on a program level but deals with the Big Bear Marina

Dredge project specifically as well (Task Order No. 7 of the Master Agreement for Consulting Services dated September 29, 2008). Mr. Heule explained that the earlier version of the scope of work had a price tag of \$140,000 adding that the revised scope of work includes a public scoping meeting that was not a part of the original proposal and it increased the cost for the work by \$6,050. He reported that the value of the scoping meeting is to solicit input from the affected public to be sure that all interests and concerns are addressed in the final environmental document. He added that the scoping meeting will also provide an opportunity for the public to be made aware that District funds for dredging is limited and that private dredge projects could be more cost effective if pursued by multiple parties using the District program EIR document as a portion of the basis for their required CEQA compliance. Mr. Heule reported that he has been in contact with MWH and it seems that the scoping meeting could be scheduled for sometime in March with the final document completed by October or November 2011. Director Suhay asked if the agreement with Fish & Game could work into this. Mr. Heule explained that they are separate issues. Director Murphy commented that he feels the scoping meeting is very important so other proposed dredges could be included.

Director Suhay moved approval of authorizing MWH to perform a Program EIR for dredging projects in Big Bear Lake. Director Eminger seconded the motion and it was unanimously approved.

CONSIDER DISTRICT SPONSORSHIP OBLIGATIONS AND OR COMMITMENTS FOR OCTOBER TROUTFEST IN 2011

Mr. Heule reported that the Board of Directors has reviewed and discussed the expenses associated with sponsorship of the annual October Troutfest during two meetings. He explained that the first was at the regular Board meeting on November 4 and the second was during a special Board Workshop on December 8, 2010. He reported that the 6th Annual Troutfest Event cost the District nearly \$10,000 in materials and manpower expenses over and above revenue received and the conclusion regarding the event from discussion at the November Board meeting was that it was unlikely that the District would be able to sponsor the event in 2011. He added that, although there were parties interested in volunteering time and providing indirect support for the event, no offers for financial support of the event were made. Director Eminger commented that tax revenues are way down adding to the problem. President Fashempour added that Troutfest is not the only area that the District is looking at to try and cut down expenses. Director Suhay stated that this is not an area that we can spend \$10,000. Director Smith stated that he appreciated the ideas brought up at the workshop but the District can't spend the money adding that he feels it is Western Outdoor's place to contribute. Mr. Heule reported what transpired at the Operations Committee meeting held on Tuesday, December 14th, explaining that the Committee reviewed again the information and testimony generated during the workshop December 8th and noted that, although several offers for volunteer help were made, no offers for financing the event were made. He explained that the Committee believes that the real bottom line is twofold; spending District funds for a commercial fishing event does not fit the District mission, and secondly the District is looking for ways to reduce spending on non-essentials. He added that when the event costs the District at least \$10,000 plus, the Committee does not believe it can be justified under the current circumstances. He explained that the Committee also recognizes that another co-sponsor probably cannot provide the same level of service and benefit to the event that is a significant contributor to the fall economy of the valley and therefore, they recommend that the District offer to continue to

co-sponsor the event for \$10,000 and a guarantee of \$15,000 for fish stocking. Mr. Heule reported that the District would also require some additional assistance from the Chamber of Commerce, Resort Association, and possibly others and if \$10,000 of funding is not available the District would provide the minimum services tabulated below at a location other than the District headquarters location.

- Minimum District obligations if District does not sponsor Troutfest
- Consultation prior to event
- Fish stocking if funded by event
- Fish tagging
- Pre-event vessel inspection and decon.*
- Pre-event permit sales*
- Early morning Lake Patrol (Sat. and Sun.)
- *May require fee for after hours work

Mr. Heule explained that WON has been notified of this information.

Alan Sharp, Big Bear Marina, stated that he is stunned by the conclusions of the Committee adding that he had hoped that the District would consider the Community and still participate. Director Suhay stated that it is not the District's job to promote the community. Director Smith stated that the next step is not ours but is WON explaining that they could raise the entry fee \$5 and solicit more advertisers. Mr. Sharp stated that WON benefits from this and they should participate however he doesn't believe they have any intention of coming up with \$10,000. Rick Bates, Big Bear Events Office, asked what benefit WON would get for \$10,000. Director Smith stated that they get the District facility, security, staff, porta-potties, parking arrangements, stage, numerous staff members, and so on adding that WON needs to step up and realize how important the District's contribution is to them adding that in the past they showed up understaffed and expected District staff to do most everything including stuffing goodie bags. Director Suhay stated that volunteers can't do some of the necessary duties. Director Smith stated that he hopes WON wants to commit and if so needs to make an offer stating what they are willing to contribute. He added that he doesn't want to see this event go away but he needs to see how committed WON is to the event. He added that there were a lot of good suggestions at the workshop but no offers of money. Rick Bates asked if WON comes back with a different proposal would the District consider it adding that he believes that the District has not shut its doors to the event. Director Smith stated that if they come back and tell us what they can do, the District could reconsider. He reported that David LeRoy (LeRoys Sporting Goods) came to the Operations Committee meeting explaining that he runs ads in WON and sponsors a tagged fish in the event adding that he gets lots of business because of the event. Director Smith added that if WON gave this information to prospective advertisers it could be a good selling point. Rick Bates asked when he should get in touch with WON to discuss this with them. Mr. Heule stated that WON's calendar is coming out soon so he could call them anytime (the sooner the better). Director Murphy commented that he realizes this is an important event to WON and the Valley but the District can't foot the bill. Director Suhay thanked Mr. Bates for the valuable report he supplied adding that it was very helpful. Director Smith added that he had not previously realized the extent of the impact of this event to the Valley. President Fashempour stated that we do not need to receive a check for \$10,000 but just relief from some of the costs. Director Smith stated that WON sponsors several bass tournaments where the entry fees are considerably

more and the perks far less. President Fashempour asked how important the \$15,000 for the fish plants are. Mr. Heule stated that it pays for much of our fish stocking for the tournament and to raise fish to release in the future adding that we can make the money go much further by raising trophy sized fish rather than purchasing them for the event. He added that WON also gets "feel good points" from helping the Big Bear Lake fishery. President Fashempour asked if we charged WON for holding it at our facility. Mr. Heule stated that rental of the facility has come up before and we can't rent to other than government and non-profit organizations unless we sponsor the event (part of our sponsorship was use of the facility). President Fashempour stated that perhaps our facility rental rules should be looked at in the future. Mr. Heule stated that there is no way the District can continue to sponsor the event without additional money. President Fashempour stated that perhaps we should start out more slowly and see what unfolds. Director Suhay stated that he feels we need to let WON know where we stand adding that the District could continue to co-sponsor for \$10,000 and \$15,000 for fish plants with help from the RA and the Chamber. He added that WON can't just show up without their own staff to help. Director Smith explained that WON knows we have lost money each year of the event. Director Murphy stated that we need to contact WON and let them know that there are groups of people who will volunteer to help.

Director Suhay moved approval for the District to offer to continue to co-sponsor the event for \$10,000 and a guarantee of \$15,000 for fish stocking, noting that a portion of the \$10,000 expense might be relieved if effective volunteer help can be secured. Director Murphy seconded the motion and it was unanimously approved.

PUBLIC FORUM

All comments were made during the Troutfest portion of the meeting.

ANNOUNCEMENTS

Mr. Heule stated that the Directors should wear coat and tie to the next meeting of January 6th. He added that the office will be closed for the holidays from December 24 through January 2nd returning on January 3rd. He asked the Directors to look at their calendars and decide on a date to tour the Trout Farm. It was decided to meet at the Trout Farm for the tour on Monday, December 20th at 1:30 pm. Mr. Heule stated that the next Watermaster Meeting was scheduled for January 10th, 2011 at the Con. District. He added that the staff holiday breakfast and gift exchange is scheduled for next Tuesday meeting at Teddy Bear Restaurant and then going back to the office for games and gift exchange.

Mr. Lemieux reported that on January 4, 2011 a trial would commence in the Los Angeles County Superior Court to determine the safe yield of the Antelope Valley Groundwater Basin. He added that a number of eminent hydrogeologists would be testifying explaining that this is a unique opportunity and as far as he has been able to determine, no court has ever conducted such a trial. He explained that his firm is representing several agencies in the case and they will be attending the entire trial which could last several weeks. He commented that if anyone might be interested they should attend. Mr. Lemieux briefly updated the Directors on the Conroy case explaining that Keith Lemieux will be there and he might be there a portion of the time himself. He assured the Directors that someone from his office would be there to represent the Board at all times.

DIRECTOR COMMENTS

President Fashempour commented that she appreciated attending ACWA JPIA adding that she learned a lot. Director Murphy complimented President Fashempour adding that she has done a very good job as President this past year.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:09 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, January 6, 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)

Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, After 12/11/10
 Account 10010-00-001, Sessions 000000 to 002160

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
Checking Account:		10010-00-001					
148898	CASH / Victoria Moore /Petty Cash	12/20/10	2	12202010	002152	PETTYCASH	282.61
CASH Subtotal :							282.61
148899	BMCC / BEAR MOUNTAIN COLLISION CENTER	12/21/10	2	JOB6584FIN	002155	08FORDF250	4375.98
BMCC Subtotal :							4375.98
148900	ACWAHB / ACWA Health Benefits Authority (H	12/23/10	2	02012011	002160	HEALTHINS	19138.79
ACWAHB Subtotal :							19138.79
148901	ATT785 / AT&T	12/23/10	2	12132010	002160	PHONE-LD	29.73
ATT785 Subtotal :							29.73
148902	BMARIN / Big Bear Marina	12/23/10	2	10311128	002160	PETRO-BOAT	44.88
BMARIN Subtotal :							44.88
148903	BUTCHR / Butcher's Block & Building Materi	12/23/10	2	47121	002160		80.58
148903		12/23/10	2	47755	002160		26.73
BUTCHR Subtotal :							107.31
148904	CALCHA / California Chamber of Commerce	12/23/10	2	10482159	002160	SUBSCRIPTI	186.20
CALCHA Subtotal :							186.20
148905	CANTY / BONNIE CANTY	12/23/10	2	INV25-MWD	002160	EMPRECOGNI	77.46
CANTY Subtotal :							77.46
148906	COMPVI / Computer Village	12/23/10	2	120021	002160	COMPCONSLT	550.00
148906		12/23/10	2	120089	002160	COMPCONSLT	593.23
148906		12/23/10	2	120133	002160	COMPMAINT	148.16
COMPVI Subtotal :							1291.39
148907	DISH / Dish Network	12/23/10	2	12042010	002160	UTIL-MAIN	50.98
DISH Subtotal :							50.98
148908	EADIEP / Eadie & Payne	12/23/10	2	RD116024	002160	PROFCONSLT	14275.00
EADIEP Subtotal :							14275.00
148909	ENDURA / Endura Steel, Inc.	12/23/10	2	5-419623	002160		304.28
ENDURA Subtotal :							304.28
148910	FEDRAL / Federal Express, Corp.	12/23/10	2	732256644	002160	SHIPPING	10.69
FEDRAL Subtotal :							10.69
148911	GEI / GEI Consultants, Inc	12/23/10	2	503227	002160	WATRTESTIN	2352.00

Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, After 12/11/10
 Account 10010-00-001, Sessions 000000 to 002160

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
						GEI Subtotal :	2352.00
148912	LUDECK / Ludecke's Electric Service	12/23/10	2	5850	002160		38.70
						LUDECK Subtotal :	38.70
148913	MCMSTR / McMaster-Carr Supply Co.	12/23/10	2	72585817	002160		236.48
						MCMSTR Subtotal :	236.48
148914	NAPA / McConnell Motor Parts Inc.	12/23/10	2	5411	002160		39.02
148914		12/23/10	2	6086	002160		11.40
						NAPA Subtotal :	50.42
148915	NICKS / Nick's Auto Care	12/23/10	2	2766	002160		58.00
						NICKS Subtotal :	58.00
148916	NOCONT / NO CONTRACT VOIP	12/23/10	2	1402	002160	PHONENEW	129.11
						NOCONT Subtotal :	129.11
148917	PITNY / PITNEY BOWES (RENTAL)	12/23/10	2	1098706D10	002160	POSTAGE	121.00
						PITNY Subtotal :	121.00
148918	QUILL / Quill Corporation	12/23/10	2	9740452	002160	OFFSUPPLIE	72.32
148918		12/23/10	2	9772967	002160	OFFICSUPPL	100.11
						QUILL Subtotal :	172.43
148919	RDIOSH / RadioShack	12/23/10	2	530352	002160	CREEKCAM	27.18
148919		12/23/10	2	531735	002160	OFFSUPPLIE	108.73
148919		12/23/10	2	533048	002160	CREEKCAM	6.51
						RDIOSH Subtotal :	142.42
148920	RIFFEN / Riffenburgh Lumber Co.	12/23/10	2	328372	002160	DAMMAINT	24.60
						RIFFEN Subtotal :	24.60
148921	SQUEEG / Squeegee Clean Window Service	12/23/10	2	12092010	002160	FACILMAITN	50.00
						SQUEEG Subtotal :	50.00
148922	SWSTGS / Southwest Gas Corp	12/23/10	2	12152010A	002160	UTIL-RV	44.36
148922		12/23/10	2	12152010B	002160	UTIL-MAIN	314.50
						SWSTGS Subtotal :	358.86
148923	TCM / TCM	12/23/10	2	1102	002160	JANITSUPPL	49.59
						TCM Subtotal :	49.59

Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, After 12/11/10
 Account 10010-00-001, Sessions 000000 to 002160

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
148924	VERIZO / Verizon California	12/23/10	2	12012010A	002160	PHONE-MAIN	56.48
148924		12/23/10	2	12012010B	002160	PHONE-MAIN	581.47
148924		12/23/10	2	12012010C	002160	PHONE-RAMP	44.97
VERIZO Subtotal :							682.92
148925	VERONL / VERIZON COMMUNICATIONS	12/23/10	2	12012010A	002160	PHONE-RAMP	45.84
148925		12/23/10	2	12012010B	002160	PHONE-RAMP	48.86
VERONL Subtotal :							94.70
148926	VERWIR / VERIZON WIRELESS	12/23/10	2	0929297343	002160	PHONE-CELL	250.42
148926		12/23/10	2	0931237042	002160	PHONE-CELL	582.26
VERWIR Subtotal :							832.68
148927	WASTE / Solid Waste Management	12/23/10	2	002745	002160	FACILMAINT	64.85
WASTE Subtotal :							64.85
148928	YEP / Walter Yep, Inc.	12/23/10	2	639	002160	PROFSERVIC	834.40
YEP Subtotal :							834.40
Total For Check Account: 10010-00-001							46468.46
Check Register Total :							46468.46

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 4C

SUBJECT:

**CONSIDER APPROVAL OF A SPECIAL EVENT APPLICATION FOR AARON'S
SPRING BIG BEAR BIG BASS TOURNAMENT TO BE HELD ON MAY 21, 2011**

RECOMMENDATION:

The General Manager, Lake Manager and 2010 Operations Committee (Director Suhay & Smith) recommend approval of this special event.

DISCUSSION/FINDINGS:

An application has been received for a bass tournament from Aaron Armstrong for a proposed date of May 21, 2011. The event will be staged at Holloways Marina and will be limited to 100 people. In addition to getting a permit for the event from the California Department of Fish and Game the Committee recommends approval of the event based on the following conditions:

- a. This will be a catch and release tournament only
- b. All anglers will be required to have a re-circulating live well to keep caught fish alive during transport to and from the weigh in station
- c. A fee of \$1,000 will be collected for the District to purchase and plant bass (size & weight will be at the discretion of the Lake Manager)
- d. A fee of \$500 will be collected for District staff to inspect all tournament boats for Quagga mussels and to assure live wells are operational
- e. A shotgun start at the buoy line at the mouth of Metcalf Bay will be permitted but not earlier than 7:00 AM.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager



Big Bear Municipal Water District

Lake Management

Board of Directors

Todd Murphy – Division 1
Paula Fashempour – Division 2
Skip Suhay – Division 3
John Eminger – Division 4
Vince Smith – Division 5

SPECIAL EVENT PERMIT FOR BIG BEAR LAKE

As of Big Bear Municipal Water District (hereinafter "District") grants a Special Event Permit to (hereinafter "Permittee") as follows:

Section 1. Event Described

Permittee may conduct only the event described on Exhibit "A", attached hereto and hereby incorporated by this reference. Permittee shall comply with laws, rules and regulations applicable to the event.

Section 2. Fees and Deposits

Within 30 days before the event: the Permittee shall pay the District \$100.00 to cover the cost of processing this Permit, and the Permittee shall deposit \$500.00 with the District to cover the cost of clean-up and other added expenses incurred by the District if Permittee fails to comply with this Permit. The part of the deposit, if any, not used by the District shall be refunded to the Permittee within 30 days after the event. The attached Fee Schedule (Exhibit "B") details rates for special services.

Section 3. Indemnification

A. Permittee shall indemnify and hold harmless and defend District, its officers, agents, employees and volunteers from and against: cost, liability and damages, including attorney's fees and litigation costs, arising out of any act or omission to, including any negligent act, or omission to act, by Permittee, its officers, agents, employees or volunteers arising out of activities permitted herein.

B. Permittee shall reimburse District and its directors, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

Section 4. Insurance

A. Permittee shall cause the District, its officers, agents and employees to be named as an additional or co-insurance under policies of commercial general liability insurance as broad as the following:

1. General Liability - one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the project/location (with the ISO CG 2501 or insurer's equivalent endorsement provided to the District) or the general aggregate limit shall be twice the required occurrence limit.

2. The coverage shall contain no special limitations on the scope of protection afforded to the District, its officers, employees, agents and volunteers.
3. The permittee's insurance shall be primary insurance as respects the District, its officers, employees, agents and volunteers. Any insurance, pooled coverage or self-insurance maintained by the District, its officers, employees, agents and volunteers shall not contribute to it.
4. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage.
5. The permittee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
6. Such liability insurance shall indemnify the permittee against loss from liability imposed by law upon, or assumed under contract by, the permittee for damages on account of such bodily injury (including death), property damage, personal injury and completed operations and products liability.
7. Such insurance shall be provided on a policy form written by underwriters through an agency satisfactory to the District which includes a cross-liability clause, and covers bodily injury and property damage liability, blanket contractual liability and completed operations liability.
8. Any deductible or self-insured retention must be declared to and approved by the District. At the option of the District, either the insurer shall reduce or eliminate such deductibles or self-insured retentions.
9. The insurer shall have a current A.M. Best's rating of no less than A-:VII or equivalent.

B. If applicable, the permittee shall cover or insure under the applicable laws relating to:

1. Workers' compensation insurance, all of their employees working on or about the event, regardless of whether such coverage or insurance is mandatory or merely elective under the law, and the permittee shall defend, protect and save harmless the District, its officers, employees, agents and volunteers from and against all claims, suits, and actions arising from any failure of the permittee to maintain such insurance. Before beginning work, permittee shall furnish to the District satisfactory proof that he has taken out for the period covered by the event, full compensation insurance for all persons employed directly by him in the event contemplated under this contract, has been obtained in accordance with the "Workers' Compensation and Insurance Act".
2. The permittee shall provide employer's liability insurance in the amount of, at least, \$1,000,000 per accident for bodily injury and disease.

C. Prior to execution of the contract, the permittee shall file with the District evidence of insurance from an insurer or insurers certifying to the coverage of insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (endorsement form or insurer's equivalent) signed by the insurer's representative and certificate of insurance (Accord Form 25-S or equivalent). If such proof is not received 30 days prior to the event, the event may be canceled by the District's General Manager. All evidence of insurance shall be certified by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional primary insurers, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, the expiration date. The insurer will give by certified mail, written notice to the District at least thirty (30) days prior to the effective date of any cancellation, lapse or material change in the policy.

Section 5. Safety Regulations

The Permittee shall conduct the event with due care for the safety and welfare of participants and spectators, and in compliance with all laws, rules and regulations of federal, state, county or local agencies asserting jurisdiction. The Permittee shall attend two meetings with District representatives prior to the event described as follows:

A. Permit compliance meeting: Permittee shall demonstrate that all permit conditions have been met.

B. Skipper's and/or Safety meeting: Event organizers and participants shall meet with District representatives to have any questions answered and to receive an update of current Lake conditions which may affect event activities.

Section 6. Conditions

The Permittee shall comply with the conditions set forth on Exhibit C attached hereto and hereby incorporated by this reference.

Accepted by:

Date

Permittee

Date

General Manager

EXHIBIT A

DESCRIPTION OF EVENT

1. Name of Event: Aaron's Spring Big Bear Big Bass
2. Location: Holloway's Marina Tournament
3. Date(s): May 21, 2011
4. Describe Event: Bass Tournament
5. Estimated Number of Participants: 100
6. Estimated Number of Spectators: 100
7. Method of Limiting Attendance: 100 people cut off
8. Method of Trash Collection and Disposal: Cool Cabins Maintenance
9. Proposed First-Aid Services: Local Fire Dept
10. Proposed Security Services: Local Sheriff & staff
11. Proposed Fire Protection Services: Local Fire Dept
12. Proposed Sanitation Facilities: Cool Cabins Staff
13. Parking Arrangements: Holloway's Marina
14. Name, Address and Telephone Number of Person Available Before and During Event with Authority to Control Event:
Aaron Armstrong, PO Box 120326 Big Bear Lake, CA 92315
Aaron Armstrong 909-936-3913
15. Perimeter control, if applicable: N/A

EXHIBIT B

FEE SCHEDULE

1. APPROVED SPECIAL EVENTS (except filming/photos):

100

Lake usage fee: Non-commercial -0-
Commercial \$200/event (or 5% of gross, whichever is greater)

500

*Lake Patrol or work boat services (one hour minimum):

Boat with operator \$110/hour
Each additional staff person \$ 30/hour

Other services: actual cost

*These fees will be deducted from the deposit where it is determined that additional Lake Patrol, weed harvesting or similar services will be necessary in the interest of health and safety.

2. GROUP SPECIAL EVENT PERMITS

A discounted boat permit fee for approved special events will be available at prevailing fees for the term of the event to those entrants not already having a boat permit. Any entrant participating for less than the full term of the event shall pay the normal daily permit fees. A minimum number of twenty-five special event boat permits shall be issued for the approved event to qualify for this special group rate. A group special event permit shall not be issued for major holidays or holiday weekends. Permittee shall be responsible for the sale of the special event boat permits. Proper remittance from the sale of these permits must be delivered to the District within three (3) days of the conclusion of the special event. Permittee shall be responsible for all permits including any missing permits. All other special event permit processing fees shall apply. Participants may upgrade the special event discounted boat permit to an annual boat permit by paying the difference between the special event permit fee and the annual permit fee. Upgrades to annual permits shall be handled at the District Administration office only.

**EXHIBIT C
SPECIAL CONDITIONS**

AARON'S SPRING BIG BEAR LAKE BASS TOURNAMENT

1. This will be a catch and release tournament only
2. All anglers will be required to have a re-circulating live well to keep caught fish alive during transport to and from the weigh-in station
3. A fee of \$1,000 will be collected for the District to purchase and plant bass (size and weight will be at the discretion of the Lake Manager)
4. A fee of \$500 will be collected for District staff to inspect all tournament boats for Quagga mussels and to assure live wells are operational
5. A shotgun start at the buoy line at the mouth of Metcalf Bay will be permitted but not earlier than 7:00 AM.
6. Game Fish Contest Permit from the State of California, Department of Fish and Game and proof of liability insurance naming the District as additionally insured must be submitted to the District at least 30 days prior to the event.

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6A

SUBJECT:

ADMINISTER OATH OF OFFICE TO: TODD MURPHY, DIVISION 1; PAULA FASHEMPOUR, DIVISION 2; SKIP SUHAY, DIVISION 3

RECOMMENDATION:

It is recommended that the District's Secretary, Vicki Sheppard, administer the oath of office to Todd Murphy, Division 1; Paula Fashempour, Division 2; and Skip Suhay, Division 3.

DISCUSSION/FINDINGS:

In the November election, Todd Murphy, Paula Fashempour, and Skip Suhay were appointed in lieu of election by the San Bernardino County Registrar of Voters as Directors for Division 1, Division 2, and Division 3. Once they take the oath of office, they will take their places at the dais.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6B

SUBJECT:

APPOINTMENT OF BOARD OFFICERS FOR CALENDAR YEAR 2011

RECOMMENDATION:

This process is described below.

DISCUSSION/FINDINGS:

At the first meeting of each year Board Officers are appointed. The District's Administrative Code determines the selection of the Board Officers as follows:

“The office of President shall be rotated from Division to Division annually on a numerical basis. If a Director declines the office, or has served less than one year, the Director serving the next numerical Division shall be President. The office of Vice President shall be rotated from Division to Division annually on a numerical basis to the Director whose Division is scheduled as the following year's President. If the Director declines the office, or has served less than one year, the Director serving the next numerical Division shall be Vice President”

Director Fashempour of Division 2 served as President during calendar year 2010. Division 3 is represented by Director Suhay who shall automatically rotate to the office of Board President for calendar year 2011. Additionally, Director Eminger of Division 4 shall automatically become Vice President for 2011.

The Administrative Code establishes that the District's Administrative Assistant shall serve as Secretary to the Board, and the District's General Manager shall serve as Board Treasurer. The General Manager shall serve as Deputy Secretary to the Board to act in cases where the Secretary is not available.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6C

SUBJECT:

**APPOINTMENT OF COMMITTEE MEMBERS FOR CALENDAR YEAR 2011 AND
PRESIDENT'S GOALS**

RECOMMENDATION:

It is recommended that the committees and committee assignments be announced at this meeting.

DISCUSSION/FINDINGS:

Each year, at the first meeting in January, the Board President announces the Committee Members and distributes the committee descriptions for the upcoming year. The President of the Board will announce the committees and assignments at today's meeting and will share his major goals for the upcoming year.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

BIG BEAR MUNICIPAL WATER DISTRICT

2011 COMMITTEE MEMBERS

ADMINISTRATIVE COMMITTEE

John Eminger
Skip Suhay

Alternate: Vince Smith

BUDGET AND FINANCE COMMITTEE

Todd Murphy
Vince Smith

Alternate: Paula Fashempour

FACILITIES COMMITTEE

Vince Smith
Paula Fashempour

Alternate: John Eminger

FOUNDATION COMMITTEE

Paula Fashempour
Todd Murphy

Alternate: Skip Suhay

LAKE IMPROVEMENT COMMITTEE

Skip Suhay
Vince Smith

Alternate: Paula Fashempour

OPERATIONS COMMITTEE

Skip Suhay
Todd Murphy

Alternate: Vince Smith

WATERMASTER COMMITTEE

John Eminger
Skip Suhay

Alternate: Todd Murphy

WATERSHED

John Eminger
Paula Fashempour

Alternate: Skip Suhay

***BIG BEAR MUNICIPAL WATER DISTRICT
2011 BOARD COMMITTEES***

ADMINISTRATIVE COMMITTEE

Responsible for:

1. Personnel
2. GM evaluation/contract
3. Projects list/schedule
4. District voting recommendations for organizations
5. Lobbying
6. Litigation
7. Special Contracts
8. Employee benefits

BUDGET AND FINANCE COMMITTEE

Responsible for:

1. Wages and salaries
2. Budget
3. Quarterly Financial Reports

FACILITIES COMMITTEE

Responsible for:

1. Surplus property
2. Maintenance
3. New construction/remodeling
4. Dam maintenance
5. Dam pedestrian bridge
6. Security
7. Boats
8. Vehicles

FOUNDATION COMMITTEE

Responsible for:

1. Formation issues
2. Recruitment issues

LAKE IMPROVEMENT COMMITTEE

Responsible for:

1. TMDL
2. ACOE
3. Fisheries
4. Dredges
5. Sea walls
6. Big Bear Marina contamination
7. Encroachment issues

8. CEQA
9. Easements
10. Weed control and mapping
11. Sediment basins
12. Program EIR for lake dredging
13. Winterize/de-winterize Stanfield Marsh Island
14. Boardwalk
15. Stanfield corner maintenance/improvements
16. Stanfield grounds/trees and shrubs

OPERATIONS COMMITTEE

Responsible for:

1. Docks
2. Marinas
3. Special Events
4. Navigation
5. Lake Hazards
6. Derelict docks/boats
7. Concessions
8. Quagga inspector training
9. Decon. facilities/equipment
10. Quagga advertising & public information
11. Ramp security (ingress & cameras)

WATERMASTER COMMITTEE

Responsible for:

1. Watermaster meetings
2. In Lieu agreements
3. Bear Creek issues

WATERSHED COMMITTEE

Responsible for:

1. Trout Pond issues

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6D

SUBJECT:

APPOINTMENT OF THE DISTRICT'S JPIA REPRESENTATIVE FOR CALENDAR YEAR 2011

RECOMMENDATION:

The President of the Board will appoint a member of the Board as the District's JPIA representative for calendar year 2011.

DISCUSSION/FINDINGS:

The District utilizes the services of the Joint Powers Insurance Authority (JPIA) for its property and liability insurance requirements. JPIA meetings are held for two days, twice a year in conjunction with the Association of California Water Agencies' (ACWA) conferences. The District's representative attends these meetings to keep the District informed about insurance issues. There may also be other occasional insurance meetings that would require attendance.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6E

SUBJECT: CONSIDER PROPOSAL FROM MWH FOR ENGINEERING SERVICES FOR BEAR VALLEY DAM REHABILITATION

RECOMMENDATION:

The Facilities Committee (Directors Fashempour & Smith) recommend approval of this proposal.

DISCUSSION/FINDINGS:

The previous contract for dam engineering work by Mike Rogers and his staff at MWH (San Diego) has been used. The General Manager met with Mike Rogers in November 2010 and developed a scope of work that will be needed for the balance of fiscal year 2010-11. The proposal is attached and is not to exceed \$84,000. Work will include the following:

- a. Ongoing instrumentation reporting to DSOD for underwater inspections and surveying monitoring results
- b. Service Road (pedestrian bridge) coordination consulting with Simon Wong Engineers and Caltrans
- c. Auxiliary spillway assessment to evaluate and define flood routing and the ability of the dam to safely pass the design floods without large, new spillway gates and to argue our case to the DSOD
- d. Coordination with DSOD during all issues related to the removal of the highway bridge and construction of the new pedestrian bridge on the dam.

OTHER AGENCY INVOLVEMENT: None

FINANCING: Funding from designated and undesignated Dam Repair Fund dollars.

Submitted by: Scott Heule, General Manager



MWH

BUILDING A BETTER WORLD

December 10, 2010

Mr. Scott Heule, General Manager
Big Bear Municipal Water District
40524 Lakeview Drive
Big Bear Lake, California 92315

Re: Bear Valley Dam Rehabilitation
Proposal for Engineering Services for FY 2010-2011

Dear Mr. Heule:

Thank you very much for the opportunity to prepare this proposal for MWH Americas, Inc. (MWH) to continue provision of engineering support for the Big Bear Municipal Water District (District) at Bear Valley Dam. If accepted, this would be Change Order #2 to Task Order #1 to our Master Services Agreement dated September 29, 2008.

Scope of Work

As we discussed during our meeting on September 3, 2010, MWH would be pleased to continue our services to the District at the dam. It is expected that MWH will provide as-needed support on issues related to Bear Valley Dam within the limitations of our approved budgets, including the following tasks.

1. **Instrumentation Report.** MWH has been coordinating the instrumentation reporting to DSOD since 2008, including underwater inspections of the upstream face. Underwater inspections have been made on December 3, 2008 and April 19, 2010. Within the limits of our time and materials budget, MWH will prepare an Instrumentation report to DSOD.

The District has a separate contract with Hicks & Hartwick to collect annual survey data of the crest. The last data that MWH has received is from October 27, 2010. MWH will update the data tracking spreadsheets previously compiled then prepare a summary report for submittal to DSOD. It is expected that this report will be completed 30 days following approval of this Change Order #2.

2. **Service Roadway Coordination:** The District has contracted directly with Simon Wong Engineering (SWE) – a consultant – to provide conceptual and final design for a new service pedestrian access bridge on the crest of Bear Valley Dam. MWH shall provide support to SWE concerning impacts of their design on the dam, as needed within the limit of the budget for this task. MWH services for this task will be as requested by the District. These services may include meetings with SWE, site coordination, design review for coordination with dam operations and review of available Cal Trans design reports.

MWH will support the District in reviewing documents for painting the cross-supports. It is anticipated that this work would be part of the new service roadway construction.

3. **Auxiliary Spillway Assessment:** Within the limit of the budget for this task, MWH shall provide hydrologic flood routing of 100-year and Probable Maximum Flood (PMF) storms that will overtop the dam to ascertain the maximum reservoir levels under the existing dam conditions, assuming 10 fully-operational slide gates. The peak reservoir levels for these two cases will be used to compute the stability of the dam, including tailwater effects. MWH will prepare a tailwater rating curve based on the downstream channel geometry. The inflow hydrographs will be based on the reference reports provided by the District – “Probable Maximum Floods and Flood from the 100-yr, 24-hr storm” (Catalino Cecilio, May 2008). MWH shall be entitled to rely on the foregoing report and assume they are accurate for the purposes of its assessment.

MWH shall prepare a letter-report summarizing the results of the flood routing and stability analyses as they relate to the previous studies that had recommended the installation of a large tainter-gated auxiliary spillway at the dam. The report shall include a map of the reservoir area showing normal high water level (at crest of the dam) as well as the peak 100-year and PMF levels. It is anticipated that the District Board could then use this map to help evaluate the need for an auxiliary spillway. It is assumed that the base map shall be provided by the District in electronic format with 2-foot contour intervals. Bathymetric mapping is not needed.

MWH shall also prepare an AACE International Class 5 conceptual-level opinion of probable cost for the three tainter-gates for an auxiliary spillway as part of the Flood Routing Report. Class 5 estimates are generally prepared based on very limited information, and subsequently have wide accuracy ranges. Typically, engineering is from 2% to 10% complete. They are often prepared for strategic planning purposes, market studies, assessment of viability, project location studies, and long range capital planning. Virtually all Class 5 estimates use stochastic estimating methods such as cost curves, capacity factors, and other parametric techniques. Expected accuracy ranges are from –20% to –50% on the low side and +30% to 100% on the high side, depending on technological complexity of the project, appropriate reference information, and the inclusion of an appropriate contingency determination. Ranges could exceed those shown in unusual circumstances.

4. **DSOD Coordination During Bridge Construction.** MWH will support the District on issues related to the Bear Valley Dam during ongoing Cal Trans work to replace the existing bridge.

Budget

It is suggested that an initial budget of \$84,000 be assigned for this work as follows:

TASK	HOURS	FEES
1 – Instrumentation Report	36	\$8,000
2 – Service Roadway Coordination	24	\$6,000
3 – Auxiliary Spillway Assessment	304	\$58,000
4 – DSOD Coordination During Bridge Removal	36	\$12,000
TOTAL NOT-TO-EXCEED	400	\$ 84,000

Limitations

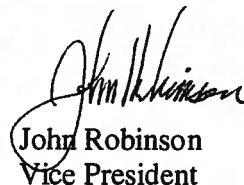
- MWH shall be entitled to rely on the reports and information provided by the District and assumes they are accurate for the purposes of this assessment.
- The District acknowledges that MWH has no control over costs of labor, materials, competitive bidding environments and procedures, unidentified field conditions, financial and/or market conditions, or other factors likely to affect the Opinion of Probable Construction Cost of this project, all of which are and will unavoidably remain in a state of change, especially in light of the high volatility of the market attributable to Acts of God and other market events beyond the control of the parties. The District further acknowledges that this is a “snapshot in time” and that the reliability of this Opinion of Probable Construction Cost will inherently degrade over time. The District agrees that MWH cannot and does not make any warranty, promise, guarantee, or representation, either express or implied, that proposals, bids, project construction costs, or cost of operation or maintenance will not vary substantially from MWH’s good faith Class 5 Opinion of Probable Construction Cost or Schedule

I would be pleased to discuss this proposal at your earliest convenience.

Sincerely,



Michael F. Rogers, P.E.
Vice President and
Project Manager



John Robinson
Vice President

CHANGE ORDER NO. 2
TO
TASK ORDER NO. 1

This Change Order is made this the 10th day of December, 2010, by and between Big Bear Municipal Water District ("CLIENT") and MWH Americas, Inc. ("CONSULTANT") pursuant to the terms and conditions set forth in the Master Agreement for Consulting Services executed between the parties on the 29th day of September, 2008, ("Agreement"), which incorporated this Change Order by reference.

1. The CONSULTANT Contract Number for this Change Order is Master Agreement for Consulting Services dated September 29, 2008. The CONSULTANT Task Order Number for this Change Order is 1. The Consultant Job Number for this Change Order is 1891564. The CONSULTANT Contract Number and Job Number shall be referenced in each invoice submitted by CONSULTANT to CLIENT under this Task Order/Change Order.
2. The Services to be performed by CONSULTANT under this Change Order are as follows:

Scope of Work

As we discussed during our meeting on September 3, 2010, MWH would be pleased to continue our services to the District at the dam. It is expected that MWH will provide as-needed support on issues related to Bear Valley Dam within the limitations of our approved budgets, including the following tasks.

1. **Instrumentation Report.** MWH has been coordinating the instrumentation reporting to DSOD since 2008, including underwater inspections of the upstream face. Underwater inspections have been made on December 3, 2008 and April 19, 2010. Within the limits of our time and materials budget, MWH will prepare an Instrumentation report to DSOD.

The District has a separate contract with Hicks & Hartwick to collect annual survey data of the crest. The last data that MWH has received is from October 27, 2010. MWH will update the data tracking spreadsheets previously compiled then prepare a summary report for submittal to DSOD. It is expected that this report will be completed 30 days following approval of this Change Order #2.

2. **Service Roadway Coordination:** The District has contracted directly with Simon Wong Engineering (SWE) – a consultant – to provide conceptual and final design for a new service pedestrian access bridge on the crest of Bear Valley Dam. MWH shall provide support to SWE concerning impacts of their design on the dam, as needed within the limit of the budget for this task. MWH services for this task will be as requested by the District. These services may include meetings with SWE, site coordination, design review for coordination with dam operations and review of available Cal Trans design reports.

MWH will support the District in reviewing documents for painting the cross-supports. It is anticipated that this work would be part of the new service roadway construction.

3. **Auxiliary Spillway Assessment:** Within the limit of the budget for this task, MWH shall provide hydrologic flood routing of 100-year and Probable Maximum Flood (PMF) storms

that will overtop the dam to ascertain the maximum reservoir levels under the existing dam conditions, assuming 10 fully-operational slide gates. The peak reservoir levels for these two cases will be used to compute the stability of the dam, including tailwater effects. MWH will prepare a tailwater rating curve based on the downstream channel geometry. The inflow hydrographs will be based on the reference reports provided by the District – “Probable Maximum Floods and Flood from the 100-yr, 24-hr storm” (Catalino Cecilio, May 2008). MWH shall be entitled to rely on the foregoing report and assume they are accurate for the purposes of its assessment.

MWH shall prepare a letter-report summarizing the results of the flood routing and stability analyses as they relate to the previous studies that had recommended the installation of a large tainter-gated auxiliary spillway at the dam. The report shall include a map of the reservoir area showing normal high water level (at crest of the dam) as well as the peak 100-year and PMF levels. It is anticipated that the District Board could then use this map to help evaluate the need for an auxiliary spillway. It is assumed that the base map shall be provided by the District in electronic format with 2-foot contour intervals. Bathymetric mapping is not needed.

MWH shall also prepare an AACE International Class 5 conceptual-level opinion of probable cost for the three tainter-gates for an auxiliary spillway as part of the Flood Routing Report. Class 5 estimates are generally prepared based on very limited information, and subsequently have wide accuracy ranges. Typically, engineering is from 2% to 10% complete. They are often prepared for strategic planning purposes, market studies, assessment of viability, project location studies, and long range capital planning. Virtually all Class 5 estimates use stochastic estimating methods such as cost curves, capacity factors, and other parametric techniques. Expected accuracy ranges are from -20% to -50% on the low side and +30% to 100% on the high side, depending on technological complexity of the project, appropriate reference information, and the inclusion of an appropriate contingency determination. Ranges could exceed those shown in unusual circumstances.

4. **DSOD Coordination During Bridge Construction.** MWH will support the District on issues related to the Bear Valley Dam during ongoing Cal Trans work to replace the existing bridge.

Limitations

- MWH shall be entitled to rely on the reports and information provided by the District and assumes they are accurate for the purposes of this assessment.
- The District acknowledges that MWH has no control over costs of labor, materials, competitive bidding environments and procedures, unidentified field conditions, financial and/or market conditions, or other factors likely to affect the Opinion of Probable Construction Cost of this project, all of which are and will unavoidably remain in a state of change, especially in light of the high volatility of the market attributable to Acts of God and other market events beyond the control of the parties. The District further acknowledges that this is a “snapshot in time” and that the reliability of this Opinion of Probable Construction Cost will inherently degrade over time.

- The District agrees that MWH cannot and does not make any warranty, promise, guarantee, or representation, either express or implied, that proposals, bids, project construction costs, or cost of operation or maintenance will not vary substantially from MWH's good faith Class 5 Opinion of Probable Construction Cost or Schedule

3. The Project Schedule is as follows: Work shall be completed as scheduled with the CLIENT.

4. The Compensation to be paid to CONSULTANT for the performance of the Services under this Change Order is as follows:

This Change Order 2 increases the not to exceed limit of Task Order 1 by the amount of \$84,000. This is a Cost Plus Fee type contract with a not to exceed limit of \$84,000 without prior written authorization. Costs to CLIENT are computed in accordance with the Master Services Consulting Agreement as follows:

- A. Base Salary Cost, plus
Overhead rate at 165% of base salary cost, plus
Profit at 15% of Salary with Overhead
- B. Associated Project Cost (APC) of \$10.00 per labor hour
- C. Other Direct Costs – actual costs plus 10%
CADD use is \$13.00 per hour
- D. Subcontractor Costs – actual invoice costs plus 15%

5. Deliverables to be provided under this Task Order are as follows: Deliverables to be determined as agreed between CLIENT and CONSULTANT.

CLIENT

Signature

Name (Printed or Typed)

Date

CONSULTANT



Signature

John Robinson, Vice President
Name (Printed or Typed)

December 10, 2010
Date

Appendix I

TASK ORDER COMPENSATION – Cost Plus Fixed Fee

1 COMPENSATION

1.1 This is a Cost Plus Fee type contract with a not to exceed limit of \$84,000 without prior written authorization, number appropriate. Costs to CLIENT are computed in accordance with the Master Services Consulting Agreement as follows:

- A. Base Salary Cost, plus
Overhead rate at 165% of base salary cost, plus
Profit at 15% of Salary with Overhead
- B. Associated Project Cost (APC) of \$10.00 per labor hour
- C. Other Direct Costs – actual costs plus 10%
CADD use is \$13.00 per hour
- D. Subcontractor Costs – actual invoice costs plus 15%

1.2 Electronic payment may be made to the following address:

Bank name Wells Fargo
Bank address 1000 Lakes Drive, Suite 250
West Covina, CA 91790

Bank contact Millie Pham
626/919-6602
Beneficiary MWH Americas, Inc.
Beneficiary a/c 4945081503
ABA routing 121000248

1.3 Mail / Lock Box

MWH Americas, Inc.
Dept. 2728
Los Angeles, CA 90084-2728

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

MEETING DATE: JANUARY 6, 2011

AGENDA ITEM: 6F

SUBJECT:

DAM BRIDGE REPLACEMENT CALTRANS NEGOTIATIONS - PROVIDE DIRECTION

RECOMMENDATION:

Facilities Committee will provide a report and recommendation at the Board meeting

DISCUSSION/FINDINGS:

Caltrans' commitment to construct a replacement bridge on the dam after the old highway bridge is removed continues to be a moving target. Most recently they have advised that they are rescinding their commitment to construct a bridge with an aesthetically and environmentally defensible railing design. Instead they have decided that "A cable railing would suffice for the proposed catwalk." They go on to say "The Department is committed to paying the construction cost (up to a limit) for a maximum of six feet wide catwalk which includes the railing. This width can be accomplished by using two of the proposed three void slab panels. If BBMWD would prefer a wider catwalk, then the additional cost will have to be borne by BBMWD. The Department would try to include this work as part of the ongoing construction contract if negotiations are successful with the contractor regarding the cost of the Contract Change Order (CCO) and if all the necessary approvals are received."

Caltrans provided this latest "news" on December 23, 2010 in response to Staff advising that the railing design prepared and approved by Caltrans environmental staff placed on the bridge or they are willing to build would restrict the working surface of the maintenance bridge to only four feet. This raises several questions that require action by Staff in order to make adjustments in the ongoing replacement bridge design engineering and negotiation with Caltrans.

Possible options include accepting Caltrans offer to build a six foot wide maintenance bridge with a cable railing system. If this option is selected the General Manager advises that the District should stop all work by Simon Wong Engineers and advise Caltrans that the District rescinds its offer to design the replacement bridge. This would be the least expensive option.

Another option is to attempt further negotiations with Caltrans. The General Manager believes this option is futile.

A third option is to secure a signed written agreement from Caltrans committing to a specified dollar contribution amount to defray the cost of a replacement bridge that the District would build. This option would cost the most money but it would result in a viable option from a dam maintenance standpoint compared to the marginal product Caltrans is offering to construct. It also appears based on Caltrans posturing that they would rather pay the District some defined

amount of money rather than go to the effort of negotiating and managing a contract change order with the new highway bridge contractor.

The Facilities Committee will be discussing all options prior to the Board meeting and will present their report at that time.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager