

A G E N D A
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS
Regular Meeting
July 19, 2012

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

Next Resolution Number: 2012-14

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 July 5, 2012
 - B. Warrant List Dated July 16, 2012 for \$36,327.60
- 6. BUSINESS**
 - A. Consider process for filling unexpired term for Division 2 Director vacancy
- 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**

NEXT MEETING: Open Session at 1:00 P.M.
Thursday, August 2, 2012
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

PLEASE 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.

Agenda related writings or documents provided to the Board of Directors are available for public inspection at www.bbwwd.org or in the District office during business hours, 8:00 am – 4:30 pm Monday – Friday.

Big Bear Municipal Water District wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in this meeting, please contact the Board Secretary. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting

**MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, JULY 5, 2012**

CALL TO ORDER

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

REPORTS

General Manager, Scott Heule reported that we are already nearly half way through the summer. He added that ramp attendants now are almost routinely catching Quagga Mussel infested boats attempting to launch. He explained that one boater spent over \$1,200 at a marine repair shop to get his boat cleaned to the point of being able to visit our lake. He commented that District staff spent a couple hours decontaminating an infested pontoon boat that we had quarantined. He explained that he feels we should establish a fee for this kind of work so we can recoup our expense. Mr. Heule reported on the disappointing results for the Carp Roundup. He explained that the windy weather reduced visibility and sent the carp down. He added that only about 4100 pounds were recovered. He stated that our electro-shock boat will be going out on the water as soon as the last of the herbicide is administered. He reported that last month we fell below our required fish release flow rate at Station A for several days. He explained that even though the rate at Station B met target requirements, downstream plant transpiration decreased Station A flows below the 1.2 cfs standard. He commented that fish releases have been increased and will be reviewed again later this month when the data is downloaded from the recording device at Station A. Mr. Heule updated everyone on last night (the 4th of July) commenting that it was fairly uneventful except for a minor confrontation where a boater shoved ramp attendant Chris Jackson. He explained that the sheriffs came and spoke to the boater (on 2 separate occasions) adding that no punches were thrown and no one was hurt. He reported on another incident where two inflatables were in the middle of the lake with 4 persons in each boat well after dark. He explained that neither of the boats had any lights so lake patrol couldn't see them and might have run into them. He added that they were removed from the lake.

APPROVAL OF CONSENT CALENDAR

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

- Minutes of a Regular Meeting of June 21, 2012
- Warrant List Dated July 2, 2012 for \$43,691.20
- Approval of a proposal from Eadie and Payne, Certified Public Accounts, for the completion of the Annual Audit for the year ended June 30, 2012

CONSIDER APPROVAL OF IN-LIEU WATER MOU BETWEEN BBMWD AND SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT (VALLEY DISTRICT)

Mr. Heule reported that the Watermaster Committee reviewed the latest version of an MOU prepared by Don Evenson. He commented that the Committee would like to

continue discussions with Valley District regarding an amendment to the 1996 in-lieu agreement that would allow the District to keep water in the Lake all summer long and have Valley District deliver in-lieu of releases during the summer boating season even when the Lake level would normally require Lake releases. He explained that Valley District would be "paid back" the water they delivered during this time with releases made after the Labor Day weekend. He reported that Don Evenson has suggested that additional operational efficiencies could be made that would provide for emergency storage of water in the Lake for Valley District but the details and modeling to understand the full impact of the storage has not been completed.

Mr. Heule reported that Valley District is undertaking a construction project that might interfere with their ability to deliver water to some of their customers during 2013. He added that they would like to enter into an MOU, which term would extend from July 1, 2012 through December 31, 2013, to store water in Big Bear Lake by making in-lieu deliveries to Bear Valley Mutual when Lake releases would normally be made under the Lake Release Policy and to use the stored water, as needed, to meet its water delivery needs while the elements of their delivery system are out of service. Mr. Heule explained that by making in-lieu deliveries to Bear Valley Mutual when Lake releases would normally be made, Valley District would create a storage account in the Lake that could be used as needed during construction. He added that the water that is left in the Lake after the term of the MOU would either be incorporated into an amendment to the in-lieu agreement if all parties can agree or will no longer be callable by Valley District. He reported that the Committee would like to continue moving forward on a possible amendment to the 1996 in-lieu agreement and believes the proposed June 2012 MOU is a good step towards accomplishing the longer term goal. He explained that the Watermaster Committee is recommending approval of the proposed MOU. Mr. Heule reported that on Tuesday the Valley District Board approved the MOU. To Begin the process of amending the 1996 In-Lieu Agreement, Big Bear and Valley District are willing to enter into this July 2012 MOU to replicate the conditions under Amendment 1 of the June 1999 Memorandum and to accommodate Valley District's needs as described in Paragraph 6 while the technical details of a future amendment to the 1996 In-Lieu Agreement are developed. This 2012 MOU will provide the Parties an opportunity to collect basic data on the effect of lake operations on Santa Ana River flows, to experiment with the impact lake releases will have on the ability of Valley District to divert lake releases for beneficial uses, and to evaluate how to maximize the effectiveness of lake releases on environmental management of Big Bear Lake and the Santa Ana River. This MOU will expire on Dec. 31, 2013 or the date the amendment to the In-Lieu Agreement is signed, whichever date occurs first.).

Director Murphy moved approval of the 2012 In-Lieu Water MOU between BBMWD and San Bernardino Valley Municipal Water District. Director Suhay seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT REVISING BOUNDARIES FOR DISTRICT DIVISIONS

Mr. Heule reported that at the Board meeting of April 5, 2012, a map that delineates the new Division boundaries was approved. He added that after that Board action, Staff authorized Hicks and Hartwick Engineers to prepare the legal description that fully defines the new Divisions. He added that Hicks and Hartwick has completed their work and Board approval of the resolution will formally adopt the new boundaries. He explained that once

the resolution has been approved it will be submitted to the San Bernardino County Registrar of Voters for use beginning with the November elections.

Director Smith moved approval of a Resolution revising boundaries for District Divisions. Director Murphy seconded the motion and it was unanimously approved.

PUBLIC FORUM

Mrs. Ellen Williams, Valley Resident, asked how many boats were on the lake for the 4th of July fireworks. Mr. Heule reported that there were several hundred; possibly 400 to 500. Mr. Jack Williams commented on speeding boats after sundown saying he shines a spot light on them and they seem to slow down.

ANNOUNCEMENTS

No announcements were made.

DIRECTOR COMMENTS

Director Suhay thanked staff for a good job on the 4th. He commented that patrol really did their job. Director Murphy asked about a lodge in the Boulder Bay area that appears to have kayaks with permits loosely stapled to their sides. He commented that this would allow for interchanging the permits between numerous kayaks. Mr. Heule said he would have staff look into it. Director Murphy also reported that he saw a contractor climbing over the fence at the dam commenting that we may want to look into other fencing and security. He also mentioned that he heard reports that both of the SS Reliefs were closed on the holiday. Mr. Heule stated that he was not aware of that and believed both were open. President Eminger commented that everyone should keep Director Fashempour in their prayers during her illness.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:30 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, July 19, 2012
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, 07/01/12 to 07/13/12
 Account 10010-00-001, Sessions 000000 to 002692**

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
Checking Account: 10010-00-001							
150541	AFLAC / AFLAC	07/09/12	2	228385	002692	PREMIUMS	284.18
						AFLAC Subtotal :	284.18
150542	ALTITU / ALTITUDE FINANCIAL PLANNING	07/09/12	2	1477	002692	CONSULTANT	1837.50
						ALTITU Subtotal :	1837.50
150543	BBSHET / Big Bear Sheet Metal	07/09/12	2	3891	002692	EQUIPMAINT	959.25
						BBSHET Subtotal :	959.25
150544	BMARIN / Big Bear Marina	07/09/12	2	10311169	002692	PETRO-BOAT	1646.80
						BMARIN Subtotal :	1646.80
150545	BUTCHR / Butcher's Block & Building Materi	07/09/12	2	134925	002692	SHOPMAINT	5.76
150545		07/09/12	2	135249	002692	SHOPMAINT	3.20
150545		07/09/12	2	135537	002692	WESTMAINT	30.21
						BUTCHR Subtotal :	39.17
150546	BVHOSP / Bear Valley Community Hospital	07/09/12	2	06442264	002692	PHYSICALS	163.00
						BVHOSP Subtotal :	163.00
150547	CNKLIN / Conklin Paints	07/09/12	2	84522	002692	SHOPMAINT	83.42
						CNKLIN Subtotal :	83.42
150548	CNTYSV / Water & Sanitation	07/09/12	2	06302012	002692	UTIL-RAMPS	108.38
150548		07/09/12	2	06302012B	002692	UTIL-RAMPS	108.38
						CNTYSV Subtotal :	216.76
150549	COLA / Los Angeles Coca Cola BTL CO	07/09/12	2	2205099702	002692		158.39
						COLA Subtotal :	158.39
150550	DIVERS / Diversified Products, Inc.	07/09/12	2	13874604	002692	PATROLMAIN	61.52
150550		07/09/12	2	13905929	002692	PATROL	52.64
150550		07/09/12	2	13927639	002692	PATROLMAIN	94.32
150550		07/09/12	2	13948129	002692	WORKBOAT	62.37
						DIVERS Subtotal :	270.85
150551	DIY / DIY HOME CENTER	07/09/12	2	2599	002692	EASTMAINT	42.65
						DIY Subtotal :	42.65
150552	DWP / Department of Water and Power	07/09/12	2	06282012A	002692	UTIL-TROUT	80.22
150552		07/09/12	2	06282012B	002692	UTIL-RV	129.36
150552		07/09/12	2	06282012C	002692	UTIL-MAIN	14.60

**Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, 07/01/12 to 07/13/12
 Account 10010-00-001, Sessions 000000 to 002692**

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
150552		07/09/12	2	06282012D	002692	UTIL-RAMPS	215.18
150552		07/09/12	2	06282012E	002692	UTIL-RAMPS	19.47
150552		07/09/12	2	06282012F	002692	UTIL-MARSH	48.12
DWP Subtotal :							506.95
150553	GRZZLY / Grizzly	07/09/12	2	537190	002692	DAMREPAIR	346.50
GRZZLY Subtotal :							346.50
150554	HAUPT / Ralph W. Haupt	07/09/12	2	930	002692	PETRO-AUTO	184.72
HAUPT Subtotal :							184.72
150555	HAVASU / HAVASU EMBROIDERY INC	07/09/12	2	15843	002692	UNIFORMS	576.50
HAVASU Subtotal :							576.50
150556	LEMIEU / LEMIEUX & O'NEILL	07/09/12	2	20-999M155	002692	LEGALRETAI	3500.00
LEMIEU Subtotal :							3500.00
150557		07/09/12	2	20024M 8	002692	LEGAL SAS	80.00
LEMIEU Subtotal :							80.00
150558	MASTER / FIRST BANKCARD CENTER	07/09/12	2	0629123378	002692	MASTER102	39.91
MASTER Subtotal :							39.91
150559		07/09/12	2	0629124484	002692	MASTER320	5127.30
MASTER Subtotal :							5127.30
150560	MCOYBR / Mountain Water Company	07/09/12	2	21092	002692	UTIL-RAMPS	38.35
150560		07/09/12	2	21161	002692	UTIL-RAMPS	106.00
MCOYBR Subtotal :							144.35
150561	ORION / Orion Radiology	07/09/12	2	5400044837	002692	PHYSICAL	34.00
150561		07/09/12	2	5400044838	002692	PHYSICAL	34.00
ORION Subtotal :							68.00
150562	ROMANS / Romans Construction Co.	07/09/12	2	4769	002692	FACILMAINT	19100.00
ROMANS Subtotal :							19100.00
150563	ROTARY / Rotary Club of Big Bear Lake	07/09/12	2	06302012	002692	MEMBERSHIP	111.00
ROTARY Subtotal :							111.00
150564	VERIZO / Verizon California	07/09/12	2	06252012	002692	PHONE-WS	40.18
150564		07/09/12	2	06282012	002692	PHONE-DAM	41.12
VERIZO Subtotal :							81.30
150565	VERWIR / VERIZON	07/09/12	2	1096661962	002692	PHONE-RAMP	94.61

Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, 07/01/12 to 07/13/12
 Account 10010-00-001, Sessions 000000 to 002692

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
WIRELESS							
						VERWIR Subtotal :	94.61
150566	XEROX / Xerox Corporation	07/09/12	2	06212012	002692	COPIERLEAS	664.49
						XEROX Subtotal :	664.49
Total For Check Account: 10010-00-001							36327.60
Check Register Total :							36327.60

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

MEETING DATE: July 19, 2012

AGENDA ITEM: 6A

SUBJECT:

**CONSIDER PROCESS FOR FILLING UNEXPIRED TERM FOR DIVISION 2
DIRECTOR VACANCY**

RECOMMENDATION:

The Administrative committee will bring a recommendation to this meeting suggesting how the Board can proceed in filling this vacancy.

DISCUSSION/FINDINGS:

Due to the sad loss of Director Paula Fashempour, the Division 2 seat on the Board of Directors is vacant. The Board has a 60 day timeframe to take action on a replacement (see attached Code section). Because the last day to add a Director election to the November 6, 2012 ballot was June 29, 2012 and the Board was informed of the loss on July 9 the seat cannot be on the November 6th ballot. The Board can either call an election for the next established election or they can appoint a replacement to complete Director Fashempour's unexpired term, which runs through calendar year 2014. If the Board appoints, the person must reside within the boundaries of the most recent Division 2 boundary (see attached map). An outline of the process is described below.

Board Vacancy

1. District was notified of Paula's death on Monday July 9, 2012.
2. Last day to notify County elections official to place another office on the ballot was June 29, 2012. The position cannot be placed on the November 2012 ballot.
3. Board can appoint a replacement to fill the balance of the term of Paula's office, which runs through 2014.
4. The appointee must be an elector within the most recent Division 2 boundary.
5. The District must notify the County Elections Official of the vacancy within 15 days of the date the District was notified.
6. The Board has until Friday September 7, 2012 (60 days) to appoint a replacement or call a special election for the next established election date, which is on August 27, 2013 for a mail in ballot or November 5, 2013 for a regular election.
7. The Board must place a notice in three conspicuous places that a vacancy on the Board will be filled at least 15 days prior to taking action.
8. After an appointment is made the District has 15 days to notify the County Elections Official that an appointment has been made.
9. An appointee cannot use the word "incumbent" in any voter information material until he/she wins an election for the position.

The Administrative committee will be bringing a recommendation suggesting how the Board can proceed in filling the vacancy. The General Manager suggests the Board discuss an approach that begins with soliciting letters of interest from electors within Division 2 to either complete

Director Fashempour's term of office or until the next established election date. The letters of interest could include;

1. Name and physical address
2. Summary of their occupational background
3. Description of their Big Bear history; that is when they moved to Big Bear, what activities they are or have been involved in, any volunteer work etc.
4. What particular interests they have concerning the work the MWD is responsible for
5. Why they would like to become a Director on the MWD Board

OTHER AGENCY INVOLVEMENT: None

FINANCING: To be determined

Submitted by: Scott Heule, General Manager

Government Code 1780 Special District Vacancy

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections **Code** that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill

the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections **Code** that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections **Code** that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

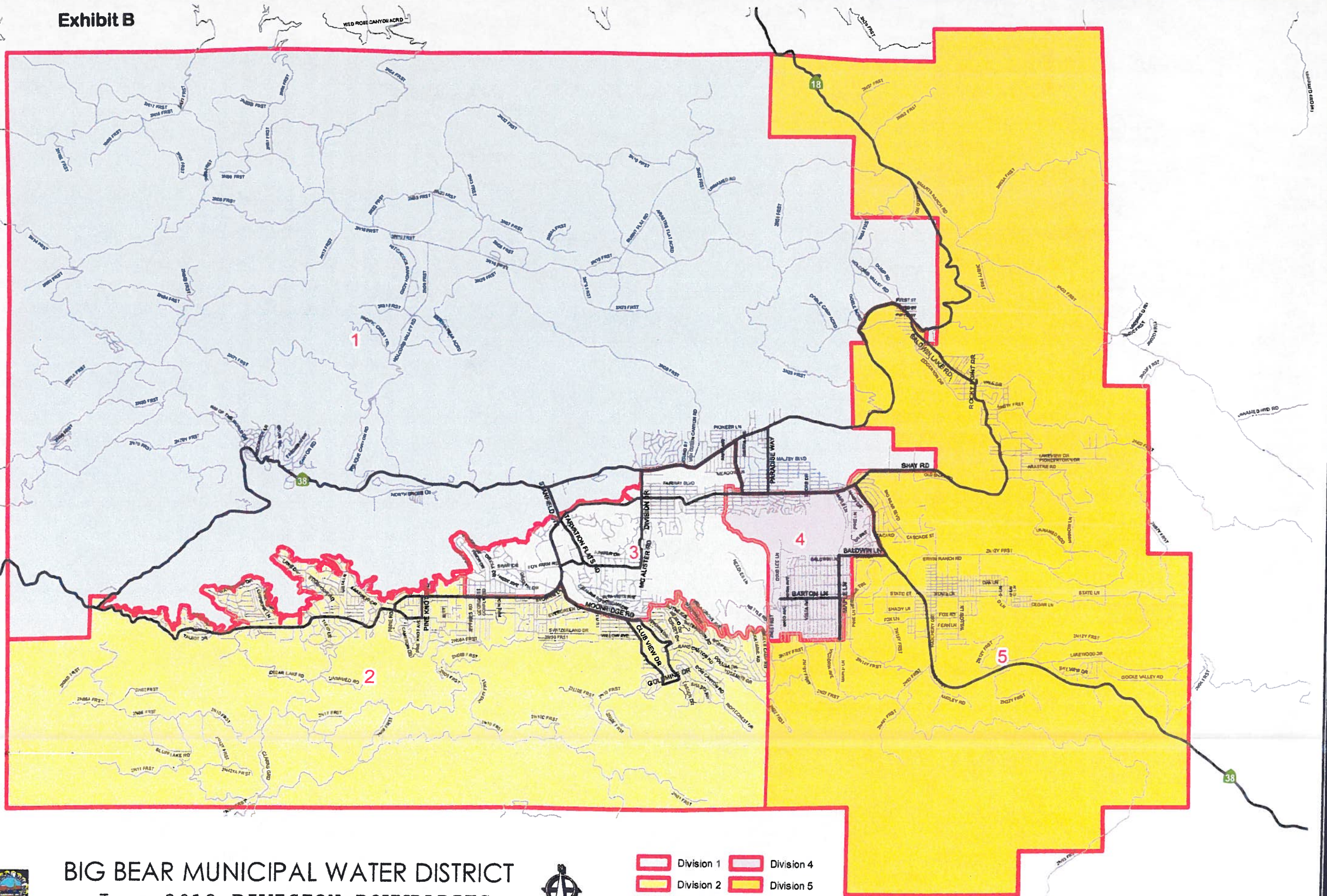
(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections **Code** that is held 130 or more days after the date the city council or board of supervisors calls the election.

Exhibit B



BIG BEAR MUNICIPAL WATER DISTRICT
June 2012 DIVISION BOUNDARIES



- | | |
|------------|------------|
| Division 1 | Division 4 |
| Division 2 | Division 5 |
| Division 3 | |

Document Name: g:\mappings\big_bear_muni_water\divisions_map.mxd
Map Created: Mar 6, 2012