

**A G E N D A**  
**BIG BEAR MUNICIPAL WATER DISTRICT**

**BOARD OF DIRECTORS**  
**Regular Meeting**  
**April 4, 2013**

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

Next Resolution Number: 2013-05

**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 March 21, 2013
  - B. Warrant List Dated April 1, 2013 for \$60,872.36
  - C. Consider approval of a Dock Resolution Amendment
  - D. Consider approval of a Special Event Permit for the SoCalFishn.com Kayak Angler's Fishing event series to be held April 21<sup>st</sup> and June 2<sup>nd</sup>
- 6. BUSINESS**
  - A. Consider Purchase of Station A Monitoring and Data Transmission Equipment
- 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, April 18, 2013  
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.bbmwd.org](http://www.bbmwd.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, MARCH 21, 2013***

**CALL TO ORDER**

President Smith called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Lewis, Director Suhay, Director Eminger, General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

**DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**

President Smith reported that there was no closed session meeting held on March 7, 2013

**REPORTS**

General Manager, Scott Heule reported that this morning the District hosted a Rotary exchange group from India. He added that after they arrived he explained District organization, governance and mission then Mike Stephenson took them on a Lake tour. He commented that they were interested in the remote controls for the outlet works and asked questions about security. He reported that there was a mechanical engineer, fashion designer, human resources professional, oral surgeon and an attorney/accountant. He explained that each of them had multiple interests outside of their professions that include event hosting, book binding, dancing, real estate, and trekking. He added that they all seemed to enjoy their visit. Mr. Heule stated that, as reported in the Committee meeting minutes, he had a good meeting with the City Planning Department regarding the trails masterplan. He added that they are anxious to identify access easements at the Trout Pond and Stanfield Wildlife Preserve. He explained that they also understand the obligations to prevent access across the south side of Bear Loop in order to protect the conservation easement there. He commented that as plans continue to move forward he has advised them that a formal presentation and request needs to be made directly to the Board so that formal approval and any needed changes can be made to their plans. Mr. Heule reported that after meeting with the Administrative Committee to discuss new marina software the Staff is working to get answers to the Committees questions. He explained that staff should be able to provide the Committee with reviews from marinas already using the software, hardware and accounting software compatibility etc.

Lake Manager, Mike Stephenson reported that the first returning seasonal maintenance employee, Trevor Harper, started back today. He explained that one of the first projects will be to rebuild the West Ramp fishing dock. He reported on the Lake level explaining that it is down 3" more than this time last year. He predicted that unless we get a lot of rain, the Lake will be down 2' more than last summer. He reported on the visitors from India explaining that he, along with Director Suhay, took them on a boat cruise. He explained that they were cold but had a very good time. He reported that he will be going to a Western Aquatic Plant Management Society (WAPMS) Conference next week and when he returns he and Catrina Rabago are going on a visit to see how Marina Operations Software users like the software.

### **APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of March 7, 2013
- Warrant List Dated March 14, 2013 for \$3,061,537.17
- Consider Fee Schedule update

### **CONSIDER WEED CONTROL EQUIPMENT PURCHASE**

Mr. Heule reported that the District's dump truck that is used to haul trash and weeds is scheduled to be replaced this year. He added that it is capable of hauling 1 & ½ harvester loads. He explained that last year the District replaced the tires and transmission but it does not have very high mileage because it is typically only used to drive around the lake and to the transfer station or the old Garstin sewage ponds. He stated that the Lake Manager, Mike Stephenson, suggested that in light of the expanded use of the harvester this coming summer, instead of replacing the dump truck the District add a smaller dump truck to the fleet. He reported that this would provide unrestricted use of the larger dump truck for weed hauling and the smaller truck for trash runs. He stated that Mr. Stephenson estimates the surplus value of the existing dump truck is about \$13,000 and to replace it would be more than \$30,000. He suggests that a smaller dump truck that could carry 5 tons and only require a class C driver's license could probably be purchased used from auction for between \$20,000 and \$30,000. He explained that when the smaller truck is not on a trash run it could also be used to haul weeds for the expanded harvester operations. He reported that the Committee recommends that instead of surplus the dump truck, another smaller dump truck be purchased and used in order to supplement the weed hauling capabilities of the maintenance program. Director Murphy asked if the old truck is good enough to last 4 to 5 more years. Mr. Stephenson stated yes, it is in good shape. President Smith asked if we had looked into hiring an outside company to do backup hauling. Mr. Stephenson said that was still an option. President Smith asked if trucks were found that only require a class C drivers license. Mr. Stephenson said "yes several". President Smith asked if it would come from the Capital Improvement Fund. Mr. Heule said "yes".

Director Murphy moved approval of purchasing a small dump truck in order to supplement the weed hauling capabilities. Director Suhay seconded the motion and it was unanimously approved.

### **CONSIDER PLACING TROUT POND PROPERTY UP FOR SALE AND DISCUSS OTHER PROPERTY ISSUES**

Mr. Heule reported that the Watershed Committee discussed Board Member comments during the recent Board Workshop. He explained that based on those comments the Committee concluded that District time and financial resources would best be spent in support of the Mission by selling the Trout Pond property. He added that the Committee recommends to the Board that the District declare the Trout Pond property surplus, offer the property for sale to other local agencies, and then place it on the open market if there are no interested public agencies. He explained that the sale would not take place until the pond sediment has been fully excavated, the outlet works have been replaced, and the new bridge has been installed. He

reported that the Board will still need to make decisions about easements for trails and possibly access for dredging sediment. He added that decisions will also need to be made regarding how much if any money should be expended to remodel the house and make repairs to the bathroom and to repair and replace fencing on the property. He explained that the Lake Manager hopes to get back to work on sediment excavation by mid-August. He reported that the Committee recommends that the Board discuss and possibly take action on the following:

- a. Consider if additional funds should be spent to repair and remodel the house.
- b. Consider if additional funds should be spent on fence repair and/or replacement.
- c. Consider if the District should record an easement allowing entrance onto the property for periodic sediment removal from the pond.

President Smith stated that he first wants to decide if we want to declare the property surplus. Director Suhay commented that if we sell it, how much do we care about sediment removal and would it put us in the same position as we were before. Mr. Heule explained that our intent is to remove the sediment that is there now and to discuss if we want to have sediment removal in the future. Director Suhay commented that we need to find out the value of the property adding that we don't want to take a big loss. Mr. Heule reported that we would want to be able to say that the sediment situation is resolved. President Smith asked if we could move the timeline up for finishing the sediment removal. Mr. Stephenson stated that it is a possibility but he can't commit to finishing early. He explained that it is looking good but depends on how quickly the area dries out. Mr. Heule reported that the Watershed Committee was looking at the Trout Pond area and the area below but has no recommendation for the Rathbun Creek area up-stream. He explained that those are two separate action items. President Smith called for a motion to declare the property surplus, explaining that we are just looking at the Trout Pond property, not the upstream property.

Director Suhay moved approval to declare the Trout Pond property surplus property.  
Director Murphy seconded the motion and it was unanimously approved.

President Smith explained that we already have funds set aside to fix the house and for fencing asking if we still want to proceed with those projects.

To consider if additional funds should be spent to repair and remodel the house was discussed and all agreed that if it was not a safety issue, no additional funds should be spent.

Director Murphy moved approval to not proceed with repairs or remodel of the house.  
Director Eminger seconded the motion and it was unanimously approved.

To consider if additional funds should be spent on fence repair and or replacement was discussed and all agreed that if it was not a safety issue, no additional funds should be spent.

Director Murphy moved approval to not proceed with fence repair and or replacement.  
Director Lewis seconded the motion and it was unanimously approved.

President Smith stated in reference to easements (item c) that he believes we should wait until a later time to discuss this. Director Suhay explained that if we grant easements it could de-value the property commenting "if we are going to get rid of it, let's get rid of it".

## **PUBLIC FORUM**

Lowell Gytri, US Coast Guard Auxiliary Flotilla Commander for Big Bear Lake, made a presentation to the Board on what the Coast Guard contributes to Big Bear Lake. He highlighted the awards and certificates they have been given this last year. He explained how the auxiliary assists Lake Patrol. He added that they have big plans for operations and will be out on the Lake

for all events assisting Lake Patrol. He explained their plans for educating the public about paddle crafters. He said he spoke to Adam Williams and found out that swimmer safety was a concern so they are going to concentrate on swimmers more.

Sharon Gytri, US Coast Guard Auxiliary, explained that she puts out their News Letter. She reported on the special merit awards that Lowell Gytri has received explaining that he came in second in the nation on one very prestigious award. President Smith stated that we appreciate all their efforts.

#### **ANNOUNCEMENTS**

Mr. Heule reported that the next Board meeting is April 4. He explained that he will be on vacation and unless he hears differently, he does not plan to Skype in. He stated that Mike Stephenson will be handling the meeting adding Wayne Lemieux will either Skype or be at the meeting. He reported that also on Thursday April 4<sup>th</sup>, the Redlands Classic bike race will hold qualifying trials on North Shore using the East Ramp all day. He explained that the ramp will be closed and boaters will be directed to Big Bear Marina where they can be inspected and launch for free. He commented that District staff will decontaminate any boats that arrive and need the work done. He explained that the Lake Operations Supervisor, Adam Williams, will enforce conditions for signage and boater notification that were included in the District permit to conduct the special event that day. Mr. Heule reported that the San Bernardino Valley Municipal Water District facilities tour will be Friday April 19 adding that Directors should block out the entire day for the event. He commented that he will be attending the ACWA Spring Conference in Sacramento with Director Suhay the second week in May.

#### **DIRECTOR COMMENTS**

Director Eminger stated that all the seasonal hiring is complete and we are looking forward to a busy summer season.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:54 P.M.

#### **NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, April 4, 2013  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA

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Vicki Sheppard  
Secretary to the Board  
Big Bear Municipal Water District

(SEAL)



**Big Bear MWD**  
**Warrant List Detail**  
 March 14 - 31, 2013

Num	Date	Name	Account	Paid Amount
151209	3/22/2013	SPECIAL OLYMPICS	1001-01 · General Checking Account	
169	3/14/2013		2800-02 · Special Event Deposits	-500.00
TOTAL				-500.00
151210	3/22/2013	DALTON SHARON	1001-01 · General Checking Account	
171	3/19/2013		4600-03 · REV OPS - Boat Permits	-110.00
TOTAL				-110.00
151211	3/22/2013	MULDER ADRIAN	1001-01 · General Checking Account	
173	3/19/2013		2800-03 · Boat Storage/RV Deposits	-100.00
TOTAL				-100.00
151212	3/22/2013	ALL PROTECTION ALARM	1001-01 · General Checking Account	
388730	3/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-41.96
388990	3/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-37.10
389129	3/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-198.45
388894	3/1/2013		5630-43 · OPS-Bldg/Fac Mtn/Rep-WEST RAMP	-91.86
TOTAL				-369.37
151213	3/22/2013	BEAR VALLEY ELECTRIC	1001-01 · General Checking Account	
03072013A	3/7/2013		5507-41 · OPS-Utilities-Main Office	-945.86
03072013B	3/7/2013		5507-41 · OPS-Utilities-Main Office	-69.37
03072013C	3/7/2013		5507-42 · OPS-Utilities-RV Park	-171.62
03112013	3/11/2013		5507-44 · OPS-Utilities-Trout Pond	-23.80
TOTAL				-1,210.65
151214	3/22/2013	BIG BEAR CHAMBER OF COM...	1001-01 · General Checking Account	
3546	4/1/2013		5509-10 · ADMIN-Member/Subs/Permit-Orgs	-125.00
TOTAL				-125.00
151215	3/22/2013	BIG BEAR DISPOSAL	1001-01 · General Checking Account	
292932	3/1/2013		5507-41 · OPS-Utilities-Main Office	-154.74
TOTAL				-154.74
151216	3/22/2013	BUTCHER'S BLOCK AND BUIL...	1001-01 · General Checking Account	
192046	3/12/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-4.21
192176	3/13/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-11.01
192595	3/14/2013		5630-41 · OPS-Bldg/Fac Mtn/Rep-RV PARK	-19.17
193205	3/18/2013		5640-01 · WATER-Aerator Maint	-23.60
193217	3/18/2013		5650-03 · WATER-Watershed Mgt Supplies	-55.07
194305	3/22/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-49.30
TOTAL				-162.36
151217	3/22/2013	CAL-JUNE INCORPORATED	1001-01 · General Checking Account	
0445696	3/15/2013		5630-30 · MAINT-Bldg/Facility Maint/Rep	-4,813.15
TOTAL				-4,813.15

**Big Bear MWD**  
**Warrant List Detail**  
 March 14 - 31, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151218	3/22/2013	CARPET CLEANING BY JESUS	1001-01 · General Checking Account	
3273	3/12/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-100.00
TOTAL				-100.00
151219	3/22/2013	CENTURY FORMS	1001-01 · General Checking Account	
71395	3/13/2013		5510-43 · OPS-Public Info-Boat Decal	-5,832.18
TOTAL				-5,832.18
151220	3/22/2013	CHEM-PAK	1001-01 · General Checking Account	
80937	3/8/2013		5504-30 · MAINT-Janitorial Supplies	-155.43
181126	3/20/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-265.16
TOTAL				-420.59
151221	3/22/2013	DISH NETWORK	1001-01 · General Checking Account	
03042013	3/4/2013		5507-41 · OPS-Utilities-Main Office	-70.00
TOTAL				-70.00
151222	3/22/2013	DIY HOME CENTER	1001-01 · General Checking Account	
6083	3/12/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-11.64
6216	3/21/2013		5630-41 · OPS-Bldg/Fac Mtn/Rep-RV PARK	-46.63
TOTAL				-58.27
151223	3/22/2013	DWP	1001-01 · General Checking Account	
03192013	3/19/2013		5507-44 · OPS-Utilities-Trout Pond	-81.32
TOTAL				-81.32
151224	3/22/2013	EVENSON DON (TRAVEL)	1001-01 · General Checking Account	
03112013	3/11/2013		5560-23 · WATER-Watermaster Travel Expens	-437.59
			5560-21 · WATER-Watermaster Report	-30.63
TOTAL				-468.22
151225	3/22/2013	GEIGER SUPPLY	1001-01 · General Checking Account	
T1052588	3/18/2013		5630-43 · OPS-Bldg/Fac Mtn/Rep-WEST RAMP	-682.92
TOTAL				-682.92
151226	3/22/2013	GRAINGER	1001-01 · General Checking Account	
9082397689	3/4/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-65.12
9093864099	3/18/2013		5640-01 · WATER-Aerator Maint	-1,028.16
TOTAL				-1,093.28
151227	3/22/2013	INFINITY TRUST	1001-01 · General Checking Account	
41079	3/17/2013		5509-03 · ADMIN-Memberships-Subscriptions	-10.00
			2100-09 · PR VSP Vision	-118.88
TOTAL				-128.88



**Big Bear MWD**  
**Warrant List Detail**  
 March 14 - 31, 2013

Num	Date	Name	Account	Paid Amount
151228	3/22/2013	MCMASTER-CARR	1001-01 · General Checking Account	
47754374	3/11/2013		6000-02 · Lake Impr Fund- East Ramp Quagg	-896.30
48002306	3/14/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-199.50
			5630-43 · OPS-Bldg/Fac Mtn/Rep-WEST RAMP	-199.49
TOTAL				-1,295.29
151229	3/22/2013	QUILL	1001-01 · General Checking Account	
9975539	3/6/2013		5503-01 · ADMIN-Office Supplies-Office	-210.01
1112982	3/12/2013		5503-01 · ADMIN-Office Supplies-Office	-175.63
1160964	3/13/2013		5503-01 · ADMIN-Office Supplies-Office	-621.60
1160965	3/13/2013		5503-01 · ADMIN-Office Supplies-Office	-80.04
1151269	3/13/2013		5503-01 · ADMIN-Office Supplies-Office	-465.16
TOTAL				-1,552.44
151230	3/22/2013	RADIOSHACK CORPORATION	1001-01 · General Checking Account	
039082	2/14/2013		5620-10 · ADMIN-Equip Maintenance	-12.95
TOTAL				-12.95
151231	3/22/2013	SMS FABRICATIONS	1001-01 · General Checking Account	
12-2574-1	3/18/2013		5861-03 · Dam Improvement FY 2012-2013	-34,994.58
TOTAL				-34,994.58
151232	3/22/2013	SOUTHWEST GAS CORPORAT...	1001-01 · General Checking Account	
03192013A	3/19/2013		5507-41 · OPS-Utilities-Main Office	-404.34
03192013B	3/19/2013		5507-42 · OPS-Utilities-RV Park	-44.02
03202013	3/20/2013		5507-44 · OPS-Utilities-Trout Pond	-11.25
TOTAL				-459.61
151233	3/22/2013	SQUEEGEE CLEAN WINDOW ...	1001-01 · General Checking Account	
03212013	3/21/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-50.00
TOTAL				-50.00
151234	3/22/2013	TIFCO INDUSTRIES	1001-01 · General Checking Account	
70839645	3/4/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-456.40
TOTAL				-456.40
151235	3/22/2013	UPS	1001-01 · General Checking Account	
F33Y11103	3/9/2013		5560-21 · WATER-Watermaster Report	-76.31
TOTAL				-76.31
151236	3/22/2013	VALERO	1001-01 · General Checking Account	
03202013	3/20/2013		5590-42 · OPS-Petroleum-VEHICLES	-1,078.15
TOTAL				-1,078.15

**Big Bear MWD**  
**Warrant List Detail**  
 March 14 - 31, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
<b>151237</b>	<b>3/22/2013</b>	<b>VERIZON CALIFORNIA</b>	<b>1001-01 · General Checking Account</b>	
03012013A	3/1/2013		5505-03 · ADMIN-Phones Long Distance	-32.66
			5505-01 · ADMIN-Phones Local/Hardware/Rep	-373.35
03012013B	3/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-48.63
03012013C	3/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-49.79
03012013D	3/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-44.81
03132013	3/13/2013		5505-01 · ADMIN-Phones Local/Hardware/Rep	-49.43
<b>TOTAL</b>				<b>-598.67</b>
<b>151238</b>	<b>3/22/2013</b>	<b>VERIZON WIRELESS</b>	<b>1001-01 · General Checking Account</b>	
9700981703	3/3/2013		5505-06 · ADMIN-Phone Cell Phones	-114.03
			5505-11 · ADMIN-Phones Ramp Aircards	-38.01
			5505-11 · ADMIN-Phones Ramp Aircards	-38.01
9701294876	3/9/2013		5505-06 · ADMIN-Phone Cell Phones	-159.91
<b>TOTAL</b>				<b>-349.96</b>
<b>151239</b>	<b>3/25/2013</b>	<b>LINCOLN NATIONAL</b>	<b>1001-01 · General Checking Account</b>	
03282013	3/28/2013		2101-01 · Deferred Compensation	-1,345.00
<b>TOTAL</b>				<b>-1,345.00</b>
<b>151240</b>	<b>3/28/2013</b>	<b>BEAR VALLEY PRINTING</b>	<b>1001-01 · General Checking Account</b>	
83332	3/28/2013		5510-40 · OPS-Public Info/Printing	-1,054.81
<b>TOTAL</b>				<b>-1,054.81</b>
<b>151241</b>	<b>3/28/2013</b>	<b>BEAR VALLEY PRINTING</b>	<b>1001-01 · General Checking Account</b>	
83329	3/28/2013		5510-44 · OPS-Quagga Mussel Printing	-682.34
			5510-40 · OPS-Public Info/Printing	-225.51
			5510-40 · OPS-Public Info/Printing	-159.41
<b>TOTAL</b>				<b>-1,067.26</b>

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

**MEETING DATE:** April 4, 2013

**AGENDA ITEM: 5C**

**SUBJECT:**

**CONSIDER APPROVAL OF A DOCK RESOLUTION AMENDMENT**

**RECOMMENDATION:**

The General Manager and Operations Committee (Directors Murphy & Suhay) recommend the approval of this Resolution.

**DISCUSSION/FINDINGS:**

District Dock Resolutions do not prohibit District licensed dock builders from placing a private dock at a property without the dock owner securing a dock license. When this occurs District Staff often has a difficult time bringing the new dock owner into compliance with District licensing requirements and there is no recourse to hold the dock builder responsible. While District Ordinance 43 states that no person shall construct, place or use a dock without first obtaining a dock license this requirement is not clearly stated in the language used in the license issued to approved dock builders on Big Bear Lake. In order to clarify the importance of obtaining a dock license prior to placement of a dock at an owner's property, the general dock regulations resolution needs to be updated. Staff proposes to amend resolution 2012-15, section 3(b) General Provisions, Licensing to be read as shown on the attached redline strikeout and underline. Additionally, Staff recommends that Exhibit "A", also attached, be incorporated into the annual license issued to dock builders on Big Bear Lake. The Operations Committee recognizes the need to improve enforcement of dock licensing and dock builder accountability on the Lake and therefore recommends that the Board approve the proposed amendment to Resolution 2012-15 and Exhibit "A" on the annual Dock Builders License.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

Submitted by: Scott Heule, General Manager

**RESOLUTION NO. ~~2012~~2013-1505**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
ESTABLISHING GENERAL DOCK CLASSIFICATIONS AND  
STANDARDS AND REPEALING  
RESOLUTION NO. ~~2009~~2012-0215**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BIG BEAR MUNICIPAL WATER DISTRICT as follows:

**1. Purpose and Scope.**

This resolution establishes classifications and standards by modifying the way in which a dock must be affixed to its moorings in Big Bear Lake.

**2. Definitions.**

The following terms are defined for the purposes of this resolution, unless otherwise apparent from context:

- (a) Abut: contiguous to.
- (b) Board: the Board of Directors of the District.
- (c) County: the County of San Bernardino including all departments and commissions thereof.
- (d) City: the City of Big Bear Lake including all departments and commissions thereof.
- (e) Commercial Marina: the seventeen (17) commercial marina operations permitted by the District's predecessor in interest, Bear Valley Mutual Water Company, and assigned to the District pursuant to the judgment entered in the case known as "Big Bear Municipal Water District v. North Fork Water Company, et al, Case No. SCV65493 ("1977 Judgment").
- (f) District: Big Bear Municipal Water District.
- (g) Dock: a floating structure that provides pedestrian access to the Lake, and wet storage of a boat.
- (h) Dock Types:
  - (1) Single Family Residential (SFR) Docks: any dock licensed to a qualifying residential parcel:
    - a. Standard SFR Dock: any dock licensed to moor no more than three (3) boats per single family residence;
    - b. Shared Dock: any dock where two (2) or more residential parcels share one dock by owners' choice; and

c. Dock in Common: any dock where two (2) or more residential parcels share one dock by mandate.

(2) Business/Multi-Family Residential Docks: any dock licensed to qualifying parcels with the potential for more than three (3) slips:

a. Lodging/Multi-family Residential Dock: any dock licensed to a lakefront property having lodging or multi-family dwelling unit(s);

b. Lakefront Business Dock: any dock licensed to a business operating on a lakefront property and not engaged in conducting commercial activities on the Lake;

c. Dock Club: any dock system which serves both lakefront and non-lakefront property owners in a lakefront residential subdivision; and

d. Yacht Club: any dock system that is an irrevocable conversion of any one of the original seventeen commercial marina permits that is managed either by a Homeowners' Association for a residential subdivision, other forms of joint ownership, including, but not limited to, sale to individuals of undivided fee interests in the real property owned by Permittee at the landing site, shareholder ownership interests, tenants in common, club membership, or other common interest developments.

(i) Fairway: the navigable channel between docks and/or abutments.

(j) General Manager: the General Manager of the District or General Manager's designee.

(k) Guest: a person visiting and residing at a residential property for less than ten (10) consecutive days and nights.

(l) Head Walk: an uncovered raised walkway constructed on pilings and installed in the Lake bottom to provide pedestrian access to a dock gangway.

(m) High Water Line: a historic contour within Bear Valley at the Dam spillway elevation of 6743.25' (NGVD-29).

(n) Lake: Big Bear Lake.

(o) Moorage Types:

(1) Slip (Berth): the space between two fingers of a dock for securing a boat;

(2) Side Tie: the area that is outside the dock, parallel to the fingers where a boat may be secured; and

(3) End Tie: the area that is outside the dock, perpendicular to the fingers where a boat may be secured.

(p) Owner: any person(s) or entity having fee title to the subject property.

(q) Parcel: a parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the Office of the County Recorder.



(r) Parcel Types:

- (1) Lakefront Parcel: any parcel abutting the high water line and as show on the County Assessor's parcel maps;
- (2) Old Parcel: any parcel existing prior to January 16, 1981;
- (3) New Parcel: any parcel created and recorded on or after January 16, 1981 in accordance with applicable regulations of the County;
- (4) Non-Conforming New Parcel: any lakefront parcel created after January 16, 1981 with a surveyed frontage abutting the high water line of less than fifty (50) feet;
- (5) Non-Conforming Old Parcel: any parcel existing prior to January 16, 1981 with a surveyed lake frontage abutting the high water line of less than fifty (50) feet;
- (6) Easement: a legal description in a Grant Deed conveyed prior to January 16, 1981 that provides Lake access to a non-lakefront parcel; and
- (7) Lakefront Business: any business operating on a lakefront property and not engaged in conducting commercial activities on the Lake.

**3. General Provisions.**

(a) Purpose.

This resolution establishes dock licensing, insurance, placement, inspection, suspension, and revocation regulations for all SFR and business/multi-family residential docks.

(b) Licensing.

- (1) Only the owner of a lakefront parcel may obtain a dock license except as otherwise authorized by the District;
- (2) No dock ~~license~~ shall be placed or license issued until an application is submitted with the following: application fee, license fee, proof of property ownership, applicant identification (i.e. driver's license), and certificate of insurance;
- (3) No dock ~~license~~ shall be placed or license issued until construction plans have been submitted to the District for plan check and approval has been given;
- (4) No dock ~~license~~ shall be placed or license issued to anyone other than the owner of record;
- (5) No dock ~~license~~ shall be placed or license issued to the owner of a non-conforming new parcel;
- (6) No dock ~~license~~ shall be placed or license issued unless the license specifies an individual who shall be responsible therefore;
- (7) The use of the dock shall be restricted to the owner of the parcel and/or to tenants or guests;
- (8) The dock shall not be used for any commercial purpose;
- (9) No dock ~~license~~ shall be placed or license issued to the owner of any parcel, unless the parcel has been improved with a dwelling unit constructed in accordance with applicable standards of the County and/or City;
- (10) Dock owners are prohibited from sub-letting, renting or otherwise realizing any value from the use of their dock by another party; and
- (11) The least restrictive dock limitations shall apply to any parcel with multiple use.

(c) Insurance Requirements.



The District, its officers, agents and employees shall be named as "Additionally Insured" for the purposes of bodily injury liability and property damage liability coverage on an insurance policy purchased and maintained by the dock owner(s). The District must receive a copy of the ISO CG2501 or insurer's equivalent endorsement. The minimum coverage required is as follows:

- (1) SFR Docks up to three (3) slips: \$300,000 minimum;
- (2) SFR Docks more than three (3) slips: \$300,000 minimum plus \$100,000 minimum for each slip more than three (3); and
- (3) Business/Multi-Family Residential Docks: \$1,000,000 minimum.

(d) Placement.

- (1) For safety and navigation concerns, and to accommodate fluctuating Lake levels, the District reserves the right to determine placement of any dock
- (2) The placement of any dock shall not unreasonably interfere with the navigable access to any adjacent parcel, as determined by the District, based on current conditions which may include, but are not limited to Lake level, location, available shoreline and other physical characteristics of the area;
- (3) The District does not guarantee placement or operation of docks between the imaginary extension of the licensed property's boundaries beyond the high water line or any other physical or geographical characteristics of the area; and
- (4) Installation of a head walk or steps does not guarantee a permanent dock location, as Lake levels may make it impossible to place the dock immediately adjacent to these structures.

(e) Inspections.

- (1) The District shall inspect each dock on the Lake at least once annually to ensure compliance with current resolutions;
- (2) The owner of a dock failing an inspection shall be provided with a mailed copy of the inspection report; and
- (3) The owner shall correct all noted deficiencies and notify the District of compliance within thirty (30) days.

(f) Suspension and Revocation.

- (1) The General Manager may suspend and revoke a dock license when terms or conditions of the dock license or this resolution are violated;
- (2) Failure of the owner to correct any deficiencies reported in the inspection report within thirty (30) days will result in suspension of dock license;
- (3) All use of the dock shall cease during such time as a license is suspended;
- (4) The General Manager shall revoke the dock license after the owner has failed to cure a violation following a suspension of thirty (30) days;
- (5) When a license is revoked, the owner shall return the affected areas, as near as practicable, to the same conditions existing prior to the issuance of the license; and
- (6) An owner whose license is suspended or revoked can appeal the decision of the General Manager to the Board.

#### **4. Single Family Residential Docks.**

(a) Dock Placement.

- (1) As allowed by lake levels and/or property configurations;
- (2) On parcels with fifty (50) feet of lake frontage or more, no part of any dock or boat tied to any dock shall extend beyond the imaginary extension of the property lines beyond the high water line;
- (3) Where the imaginary extension of property lines converge or diverge beyond the high water line, and where other parcels in close proximity may be affected, the District has the authority to determine dock placement;
- (4) No part of any dock or boat tied to any dock shall extend to within twelve (12) feet of the centerline of any cove or bay measured from the current water line;
- (5) No part of any dock system, including head walk, gangway(s), dock or boat tied to any dock shall extend more than seventy (70) feet into the Lake measured from the current water line; and
- (6) Conflicts involving any dock placement issues shall be resolved by the District, whose decision shall be final.
- (7) Mooring Buoys shall not be permitted.

(b) Lakefront Parcels.

- (1) Standard SFR Docks: Each parcel shall have not more than one (1) dock capable of mooring up to three (3) boats; and
- (2) Shared Dock: If the owners of two (2) or more parcels agree to install only one (1) dock for all parcels, each owner shall be responsible for maintaining individual dock licenses and insurance coverage, and shall be eligible for a license fee reduction in accordance with the current fee schedule.

(c) Easements.

- (1) The owner of an old parcel that no longer abuts the Lake due to a land division may obtain a dock license if the parcel is the beneficiary of an easement access to the Lake created prior to January 16, 1981; and
- (2) All parcels sharing the same easement shall share a Dock in Common, restricted to mooring one (1) boat per parcel; Easement access docks shall conform to the size restrictions as established by resolution.

(d) Non-Conforming Parcels.

- (1) A non-conforming old parcel with less than fifty (50) feet but more than twenty-five (25) feet of lake frontage may place a dock, the width of which shall not exceed the available lake frontage and be licensed to moor up to three (3) boats; and
- (2) A non-conforming old parcel with twenty-five (25) feet or less of lake frontage may place a dock conforming to the size restrictions established by current resolution, and shall be licensed to moor up to three (3) boats.

(e) Private Party Across a Right-of-Way, With No Intervening Buildable Property.

The owners of the following designated parcels across a right-of-way may obtain a dock license restricting the parcel owner to moor one (1) boat. For convenience, these parcels are described by reference to Assessor Records:

North Shore

304-071-02, 03, 04, 05, 09, 10, 11, 17 and 18;

304-061-09, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 31, 34

and 39; and

304-083-02 and 05.

South Shore

Boulder Bay: 306-056-06, 07, 08, 09, 10, 11, 12 and 13;

Willow Landing: 306-132-12, 13, 14 and 15, 306-075-07, 08, 09, 10, 11 and 12;

Blue Jay: 306-083-29;

Fisher Road: 308-031-01, 02, 03 and 04; and

Red Ant Landing: 308-063-02.

(f) Forest Service Docks.

(1) Southwest Shore Permittees - identified by the following cabin numbers: 8, 9, 14, 28, 29, 30, 32, 33, 34, 35, 48, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 66, 67, 68, 71, 72, 85 and 446 shall be eligible for a dock license subject to the following conditions:

a. A maximum of six (6) dock licenses shall be issued;  
b. Each dock license shall be for a maximum of six (6) slips;  
c. All dock licenses shall be issued in the name of the dock association formed in accordance with U.S. Forest Service regulations; and  
d. Each dock shall have the required insurance as set forth in this resolution.

(2) North Shore Permittees identified by cabin numbers 203 and 204 shall each be eligible to maintain an individual dock with a maximum of one (1) slip;

(3) Permittees owning cabins identified as cabin numbers 48, 58 and 214 currently maintain docks on the Lake with approval by the U.S. Forest Service under the following conditions:

a. The owner of cabin number 48 shall be eligible to maintain an individual dock so long as ownership of the cabin remains with the immediate family. After that time, the U.S. Forest Service permittee of record will join a dock association as set forth in Section 3.04(a);

b. The owner of cabin number 58 shall be eligible to maintain an individual dock with a maximum of one (1) slip;

c. The owner of cabin number 214 shall be eligible to maintain an individual dock so long as ownership of the cabin remains with the immediate family. After that time, the U.S.D.A. Forest Service permittee of record shall no longer be eligible for a dock.

**5. Business/Multi-Family Residential Docks.**

(a) Limitations.

(1) The numbers of docks, slips and configuration shall be determined by the District taking into consideration available Lake frontage, location and other physical characteristics of the area.

(2) In no event shall the number of moored boats exceed the number of slips.

(3) Businesses with non-registered vessels for tenant or guest use may not launch, store or transport vessels below the high water line.

(b) Lodging and Multi-Family Residential – Hotel, Motel, Bed & Breakfast, Timeshare, Townhouse, Condominiums, etc.

(1) Regardless of the number of lakefront parcels that any lodging business encompasses, in no case shall the number of slips exceed the following:

a. One (1) slip per dwelling unit for the first ten (10) dwelling units;

b. For more than ten (10) dwelling units, one (1) additional slip for every three (3) dwelling units beyond ten (10), up to a maximum of thirty-six (36) slips;

c. The only exception to these limits shall be Viking Estates (limited to twelve (12) slips per Board action on January 8, 1988); and

d. For any lodging business encompassing more than one parcel, one or more of which is non-lakefront, only those dwelling units on the lakefront parcel shall be used in calculating the eligible number of slips.

(2) Mooring buoys shall not be permitted.

(3) Boat Restrictions:

a. Hotel, Motel and Bed and Breakfast

(i) The number of boats owned and moored by the lodging facility shall be limited to three and shall be for the exclusive use of the resident owner or manager.

(ii) They shall not be available for rental or use by tenants or the general public.

(iii) Any dock slips not occupied by the facility's boats shall be only for the mooring of boats owned by registered tenants during their stay at the facility.

b. Timeshares, Townhouses and Condominiums

(i) The use of any boats owned individually or cooperatively by the owners of the units in the facility shall be for the use of the registered tenants only.

(ii) Rental of the boats is prohibited.

(iii) Any dock slips not occupied by the facility's private boats shall be only for the mooring of boats owned by registered tenants during their stay at the facility.

(c) Lakefront Business – RV Park, Mobile Home Park, Camp, Park, etc.

The use and number of docks and slips shall be as follows:

(1) In no case shall the number of slips exceed ten (10). The only exception to this limit shall be Lakeside Village Trailer Park (APN 0309-021-18) which shall be limited to not more than twenty-three (23) slips, per District approval on July 19, 1985;

(2) Mooring buoys shall not be permitted;

(3) Use of the dock shall be restricted to patrons of the business;

(4) No overnight mooring of boats is permitted other than the owner, except for camps and Lakeside Village Trailer Park (APN 0309-021-18).

(d) Lakefront Business – Restaurant.

The use and number of docks and slips shall be as follows:

- (1) In no case shall the number of slips exceed twenty (20);
- (2) Mooring buoys shall not be permitted;
- (3) Use of the dock(s) shall be restricted to patrons of the business;

and

(4) No overnight mooring of boats is permitted other than the owner (not to exceed three boats).

(e) Dock Clubs.

(1) There are currently three (3) dock club licenses issued as follows:

- a. Papoose Bay Homeowners' Association;
- b. Eagles' Knoll Community Association (Hamilton Estates);
- c. Eagle Point #3 (Owl Drive) - no common area, approved

and

for twenty (20) slips.

1999.

(2) No additional Dock Club licenses shall be issued after April 15,

(3) Existing Dock Clubs are managed under the following criteria:

a. Each member of the dock club is an owner of a parcel with a dwelling unit within the lakefront subdivision, other than the common area at which the dock system is placed;

b. The number of docks and configuration shall continue to be determined by the District, and shall take into consideration available Lake frontage, location and other physical characteristics of the area. In no case shall the number of slips exceed the number of improved parcels in the subdivision;

c. Any increase in the original number of docks or slips requires District authorization; and

d. Approval of the Dock Club did not supersede or in any way rescind individual dock privileges for lakefront parcels within the subdivision.

(f) Yacht Clubs.

The use and number of docks and slips shall be as follows:

(1) The yacht club shall be subject to approval by the Board of Directors and to the same requirements as other business/multi-family residential dock systems, including the per slip dock and weed control fees.

(2) The use of the dock system shall be restricted to yacht club members, guests and tenants;

(3) The commercial marina permit that is irrevocably converted to a yacht club shall become null and void at the time of the conversion to a yacht club and all commercial activities at that location shall be prohibited;

(4) If the commercial marina permit is site specific, the yacht club must also be located at that site. If the permit is not site specific, the yacht club site approved by the Board of Directors at the time of conversion shall become permanent and shall not be subject to transfer to another location;

(5) For purposes of complying with the limitation set forth in the 1977 Judgment, the District shall continue to recognize the yacht club as one of the original seventeen commercial marina permits;

(6) Any zone of influence or mooring radius specified in the commercial marina permit shall remain in effect for the yacht club;

(7) The yacht club license shall be issued in perpetuity, so long as all terms and conditions of the business/multi-family residential dock license and District regulations are met;

(8) A mooring plan showing dock placement at full build-out for high water conditions (elevation 6743.25 NGVD-29) and low water conditions (approximately 6728.20 NGVD-29) must be submitted and approved by the Board of Directors prior to the conversion. In no case shall the number of slips exceed the number of single family dwelling parcels and/or lodging units, plus 10%. For other situations, the number of slips shall be determined by the Board of Directors taking into consideration compatibility with the geography of the area and lake frontage of the facility; and

(9) Approval of a Yacht Club does not supersede or in any way rescind individual dock privileges for lakefront parcels within a single family residential subdivision.

(g) Business/Multi-Family Residential Dock Application.

(1) Application for a business/multi-family residential dock license shall be made in writing by the owner of the parcel and shall be accompanied by such documents and filing fees as may be specified by resolution of the Board; and

(2) No license for a business/multi-family residential dock shall be issued to any owner, unless the application has been approved by the Board after a public hearing in accordance with this resolution.

(h) Public Hearing.

(1) Within sixty (60) days after filing of the application, required documents and filing fees for a business/multi-family residential dock, the Board shall hold a public hearing thereon;

(2) At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the Board shall proceed with the hearing and shall consider all written and oral testimony and pertinent evidence;

(3) Any person may appear at the hearing and present any matters material to the subject thereof; and

(4) After conclusion of the hearing, the Board may approve, conditionally approve or disapprove said application.

(i) Action by the Board.

(1) The Board shall approve or conditionally approve an application for a business/multi-family residential dock if:

a. The proposed business/multi-family residential dock will not be detrimental to the safety or welfare of persons residing within the general vicinity of the subject parcel or injurious to any parcel or improvements in the general vicinity of the subject parcel;

b. The proposed business/multi-family residential dock will be consistent with approved or adopted recreational plans and programs for the Lake;

c. Failure of the Board to act on said application within sixty (60) days after conclusion of the hearing shall be deemed a disapproval of said application.



**6. Notice.**

(a) Mailed Notice.

Mailed notice of any public hearing required under this Resolution shall be given as follows:

- (1) Mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited;
- (2) Mailed notice shall be given at least fourteen (14) days prior to the date specified therein for hearing;
- (3) Mailed notice shall be given to each owner of any parcel located within five-hundred (500) feet of the subject parcel;
- (4) Mailed notice shall be addressed to each person to whom land is assessed, as shown upon the last equalized County assessment roll, at the address shown upon such assessment roll; and
- (5) Failure of the owner of any parcel to receive mailed notice shall not affect the validity of the public hearing.

(b) Published Notice.

Notice of any public hearing required under this resolution shall be published one time in a newspaper of general circulation within the District, said publication to occur at least fourteen (14) days prior to the date specified for hearing.

**7. Variances.**

(a) Justification.

Where practical difficulties, unnecessary hardships and/or results inconsistent with the general purpose of this resolution may result from the strict application of certain provisions, or where sufficient evidence can be demonstrated supporting modification of current restrictions, a variance may be granted, provided the applicant has complied with all procedures and the Board has made all findings specified herein.

(b) Application.

Application for a variance shall be made in writing by the owner of the parcel and shall be accompanied by required documents and filing fees as may be specified by resolution of the Board.

(c) Public Hearing.

- (1) Within sixty (60) days after filing of the Variance Application, required documents and filing fees, the Board shall hold a public hearing thereon;
- (2) At the time and place fixed for the hearing, the Board shall proceed with the hearing and shall consider all written and oral testimony and pertinent evidence;
- (3) Any person may appear at the hearing and present any matters material to the subject thereof; and
- (4) After conclusion of the hearing, the Board may approve, conditionally approve or disapprove said application.

(d) Action by the Board.

(1) The Board shall approve or conditionally approve an application for a variance only if:

a. The proposed variance will not constitute a grant of a special privilege inconsistent with limitations upon other parcels in the general vicinity of the subject parcel;

b. Special circumstances applicable to the subject parcel, including size, shape, topography, location or surroundings, the strict application of this resolution will deprive the subject parcel of privileges enjoyed by other parcels in the vicinity;

c. The proposed variance will not be detrimental to the safety or welfare of persons residing within the general vicinity of the subject parcel or injurious to any parcel or improvements in the general vicinity of the subject parcel; and

d. The proposed variance will be consistent with approved or adopted recreational plans and programs for the Lake.

(2) Failure of the Board of Directors to act on said application within sixty (60) days after conclusion of the hearing shall be deemed a disapproval of said application.

(e) Revocation.

Any variance granted under this Article shall be null and void if:

(1) Any terms or conditions of the variance are violated; or

(2) Any regulation of the District or other law is violated in connection with exercise of the variance or use of the dock.

(f) Hearing on Revocation.

The Board shall hold a hearing on any proposed revocation after giving mailed notice to the original applicant at least fourteen (14) days prior to the hearing.

**8. Dock Storage: Winter Storage of Docks.**

The owners of licensed docks may store their docks in any of the following locations when not in use:

(a) Out of the water, above the high water line, on property owned by the licensee;

(b) Securely anchored offshore in the vicinity of the licensed property no more than one-hundred (100) feet from the water line or within the center line of a bay or cove, whichever is closer, and in no way interfering with adjacent property; and

(c) With any commercial marina that has been authorized by the District to store docks.

**9. Dock Appurtenances.**

(a) Canopies.

(1) Only soft fabric covers shall be permitted over dock and covers shall not extend over gangways or head walks; and

(2) No person shall construct, install or maintain a dock with a soft fabric cover, until the following conditions are met:

a. The soft fabric cover and supporting structure shall withstand wind loadings of at least seventy-five (75) miles per hour;

b. Standard soft fabric covers (without sides) are authorized for year-round use;

c. Full enclosures are authorized from October 31 through March 31 for winter storage of the dock, but the sides or the entire enclosure must be removed during the remainder of the year so as not to present a hazard to navigation on the Lake; and

d. All other requirements applying to the construction, operation or use of docks shall be satisfied.

(b) Sundecks.

Sundecks shall be prohibited with the following exception: The dock with a sundeck appurtenant to the western boundary of Lot 5, Tract 2015, may be used and maintained on Big Bear Lake at this or other locations consistent with District regulations so long as such dock is not substantially altered or replaced. As used herein "substantially altered or replaced" means an increase in the size of the sundeck portion of the dock or total replacement of the existing structure with a new dock and sundeck.

(c) Boathouses.

Boathouses shall be prohibited with the following exception: The covered residential dock appurtenant to the north side, at a location not less than 20' west of the northeast corner of Lot 4 Tract 11014, may continue to be used and maintained without a new residential covered dock permit from the District as long as such dock is not substantially altered or replaced. As used herein, "substantially altered or replaced" means changing the location of the dock to a different appurtenant shore zone parcel or a change in area, dimension, bulk or other structure of greater than ten (10) percent.

(d) Dock Boxes.

- (1) Maximum size for dock boxes shall be no more than thirty-six (36) inches above the deck surface;
- (2) Dock boxes shall be securely fastened to the dock; and
- (3) Dock boxes shall not have an automatic latching system.

(e) Head Walks.

The following use restrictions shall apply:

- (1) A head walk shall not be used for mooring of boats;
- (2) A head walk shall be installed and maintained only in conjunction with a dock system. Should the dock system be removed for other than temporary winter storage or low lake levels, the head walk shall also be removed;
- (3) A head walk shall not be allowed for docks accessible only by an easement, for Forest Service permittees unless a Forest Service permit is obtained, or in areas of the Lake where the configuration of the shoreline precludes use and access as determined by the District; and
- (4) All head walks shall meet the size requirements with the following exceptions: Head walks constructed before October 19, 2000, including but not limited to, those located at dock nos. 57, 58, 213, 360, 389, 394, 396, 433, 638, 649, 672, 675, 687/88, 698 and 781 were subject to inspection and permitting by the agency having jurisdiction, but were exempted from the size requirements established on October 19, 2000. Upon replacement, these head walks shall meet the size restrictions in effect at that time.

**10. Implementation.**

Rules, Regulations, and Fee Schedules: The Board shall by resolution adopt such rules and regulations and establish such fee schedules as may be necessary to implement the purposes of this Standard.

**11. Repeals.**

Resolution No. 2009-02 is hereby repealed.

**PASSED, APPROVED AND ADOPTED** on ~~November 15, 2012~~April 4, 2013.

~~John Eminger~~Vince Smith, President

ATTEST:

\_\_\_\_\_  
Vicki Sheppard, Secretary to the Board

[SEAL]

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

**MEETING DATE:** April 4, 2013

**AGENDA ITEM:** 5D

**SUBJECT:**

**CONSIDER APPROVAL OF A SPECIAL EVENT PERMIT FOR THE SOCALFISHN.COM KAYAK ANGLER'S FISHING EVENT SERIES TO BE HELD APRIL 21<sup>ST</sup> & JUNE 2<sup>ND</sup>**

**RECOMMENDATION:**

The General Manager and Operations Committee (Directors Suhay & Murphy) recommend approval of this annual special event.

**DISCUSSION/FINDINGS:**

A new two date fishing event is proposed for Sunday April 21 and Sunday June 2, 2013. These two dates are part of a 12 date fishing series being sponsored by SoCalFishn.COM. The event series is being supported by Hobie Kayaks and locally by Big Bear Marina in addition to other vendors. The event sponsors propose to sell lake permits at the event and recognize the need for vessel inspection prior to the event. They are anticipating up to 30 anglers per date. The Committee recommends approval of this event subject to the following conditions in addition to standard application fee, insurance requirements, refundable deposit and fishing event angler fees as described in the District fee schedule (\$500 or \$15 per angler).

- a. All vessels shall be inspected at a location designated by the Lake Operations Supervisor prior to launch.
- b. The Lake Operations Supervisor shall verify the angler count at the beginning of each day of fishing.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

Submitted by: Scott Heule, General Manager



SoCALFISH'N.COM



SoCalFishn.com

30511 Bogart Pl.  
Temecula, CA. 92591  
951-852-6861  
[onefish@socalfishn.com](mailto:onefish@socalfishn.com)

To: Big Bear Municipal Water District  
Attn: Ms. Sheppard  
P.O. Box 2863  
Big Bear Lake, CA. 92315

From: Mr. Jeffrey Walters  
SoCalFishn.com  
30511 Bogart Pl.  
Temecula, CA. 92591  
951-852-6861-cell  
[onefish@socalfishn.com](mailto:onefish@socalfishn.com)

Ms. Sheppard,

As per our phone conversation on March 12<sup>th</sup> I am sending in this letter and permit application for the upcoming kayak fishing events I would like to hold at Big Bear Lake. I have attached a copy of the event flyer, DFG Permit, Insurance Coverage and other related information.

SoCalFishn.com is an outdoor based website geared towards fishing. The web site covers all ten counties in Southern California and shows information and listings for over 385 places to fish, camp, hike, hunt and enjoy the outdoors. SoCalFishn.com is the only web site that provides such detailed information.

We have teamed up with Hobie Kayaks, Big Bear Marina and many other vendors and sponsors that have helped put this huge series of events together. There are 12 different events at 6 different lakes all here in Southern California with Big Bear being the best choice for the anglers to go after good size trout.

The two events I would like to hold are on April 21<sup>st</sup> and June 2<sup>nd</sup>. There will be approximately 20-30 entries, most will have their own kayaks, and others can rent from Big Bear Marina. The entry cost is \$25.00 for each person to enter into each event, a very reasonable price. This covers lake access, vessel permits and any invasive species inspection cost.

SoCalFishn.com will be the only vendor at both events and will display an EZ-UP canopy that is 10X10 feet along with a table, two chairs and various paper handouts. Nothing will be sold at either event. We will not be providing food or drinks with the exception of maybe some bottled water. We will be responsible for all trash pickup. A first aid kit will be on site and I have instructions in first aid, CPR, AED.

Any and all photos or videos (yes I am sure some will be made or taken) can be used by the Big Bear Municipal Water District for any advertising if desired. This will be provided after each event free of charge.

SoCalFishn.com wishes to purchase vessel permits in advance to help speed up the course of the event. All remaining permits will be returned and arrangements will be made for any refunds. The number of permits should not exceed 30 for each event. Permits can be purchased with cash, credit or cashier's check.

As the owner of SoCalFishn.com, I also provide numerous articles for publication in magazines such as: California Game and Fish, California Fly Fisher, Bass Angler Magazine. I also publish a monthly newsletter for the SoCalFishn.com web site and for The Shootist Gun Store in Murrieta, CA. I look forward to hearing back from you soon. Have a great day.

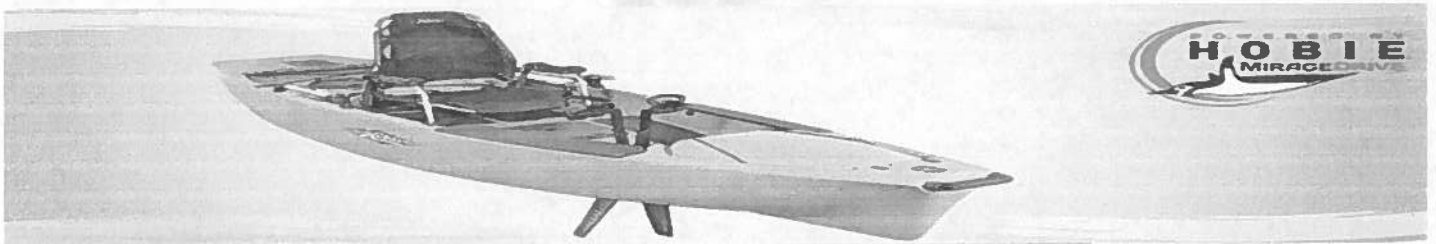
Sincerely:  
Jeff Walters



# SoCalFishn.com Kayak Angler's Series

Sunday, March 17<sup>th</sup>, Lake Hodges (San Diego County, big vendor event)  
Sunday April 7<sup>th</sup>, Lake Perris (Riverside County)  
Sunday April 14<sup>th</sup>, Vail Lake (Riverside County, big vendor event)  
Sunday, April 21<sup>st</sup>, Big Bear Lake (San Bernardino County)  
Sunday May 5<sup>th</sup>, Lake Hemet (Riverside County, big vendor event)  
Sunday May 19<sup>th</sup>, Lake Elsinore (Riverside County)  
Sunday, June 2<sup>nd</sup>, Vail Lake (Riverside County)  
Sunday, June 9<sup>th</sup>, Big Bear Lake (San Bernardino County)  
Sunday, June 16<sup>th</sup>, Lake Hemet (Riverside County)  
Sunday, July 14<sup>th</sup>, Lake Perris (Riverside County)  
Sunday, August 4<sup>th</sup>, Lake Perris (Riverside County)  
Sunday, September 8<sup>th</sup>, Vail Lake (Riverside County, Big Fish Fry Event)  
First Place Prize for each event, \$100.00, over \$1,200 in total prize money!  
Grand Prize Give-A-Way at the end of the series in September  
First Place, Second Place, Third Place Positions at the end of the series!

All other info located on the back. For directions to posted locations, log onto the SoCalFishn.com website and click on county were lake is located, click on the name, follow instructions, click on the "Gone Fish'n Engine" blue icon for a "3-D Live View". Cost is \$25.00 per event, angler must attend at least 7 events to qualify for grand prize. Tickets can be purchased in advance at: Nomad Ventures, Blue Water Tackle, Vail Lake, Lake Hemet. Anglers do not need to pre-register, cash only at all locations.



SoCalFishn.com





# Big Bear Municipal Water District

## Lake Management

### Board of Directors

Todd Murphy – Division 1  
Mary Ann Lewis – 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 **SoCalFishn.com Kayak Angler's Fishing Event Series** 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 an administrative fee described in Exhibit "B" 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. Any 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 additional rates for specific events and 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: *SOCALFISHN.COM KAYAK ANGLER'S SERIES*
2. Location: *BIG BEAR LAKE,*
3. Date(s): *APRIL 21ST, JUNE 2ND. 2013*
4. Describe Event: *KAYAK TROUT & BASS FISHING*
5. Estimated Number of Participants: *25*
6. Estimated Number of Spectators: *5*
7. Method of Limiting Attendance: *SALE OF ENTRY TICKETS*
8. Method of Trash Collection and Disposal: *SELF*
9. Proposed First-Aid Services: *SELF*
10. Proposed Security Services: *SELF*
11. Proposed Fire Protection Services: *SELF*
12. Proposed Sanitation Facilities: *FACILITIES IN PLACE ALREADY*
13. Parking Arrangements: *GENERAL PARKING*
14. Name, Address and Telephone Number of Person Available Before and During Event with authority to Control Event: *JEFFREY P. WALTERS  
951-852-6861*
15. Perimeter control, if applicable:

For District use only:

(601)  Deposit \$ \_\_\_\_\_  
Date \_\_\_\_\_ Ck # \_\_\_\_\_

(511)  Fee \$ 100 \_\_\_\_\_  
Date 3/20/13 Ck # Money order

(540)  Angler Fee \$ \_\_\_\_\_  
Date \_\_\_\_\_ Ck # \_\_\_\_\_

**EXHIBIT B**

**FEE SCHEDULE**

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

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

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

Boat with operator \$115/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**

**SoCalFishn.com Kayak Angler's Fishing Event Series**

1. All boating participants will pay the established Special Event boat permit fees. SoCalFishn.com will sell Special Event daily boat permits through the tournament headquarters and will be responsible for any lost or missing permits.
2. In addition to the standard \$100 application fee, insurance requirements, Fish & Wildlife permit, \$500 refundable deposit, fishing event angler fees as described in the District fee schedule (\$500 or \$15 per angler) is also required.
3. All vessels shall be inspected at a location designated by the Lake Operations Supervisor prior to launch.
4. The Lake Operations Supervisor shall verify the angler count at the beginning of each day of fishing.

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

**MEETING DATE:** April 4, 2013

**AGENDA ITEM:** 6A

**SUBJECT:** CONSIDER PURCHASE OF STATION A MONITORING AND DATA TRANSMISSION EQUIPMENT

**RECOMMENDATION:**

The General Manager and the Watermaster Committee (Directors Eminger & Suhay) recommend approval of this equipment purchase.

**DISCUSSION/FINDINGS:**

Last fall John Tuttle provided information about remote sensing and reporting equipment that could be installed at Station A in Bear Creek below the dam. The monitoring equipment would record weir water levels and then send, via an imbedded cell phone, the collected data once or multiple times daily to a web site for later download and viewing. The technology to accomplish this has improved dramatically over the past few years and this particular equipment can operate for multiple years without new battery installation or other service. The use of this equipment would eliminate the monthly hike down into the canyon to retrieve the data and allow daily or more often review of the flow conditions as they related to the requirements imposed on the District by the State Water Resources Control Board in order to keep the Bear Creek Fisheries "in good condition". Once installed, when Staff sees that Station A flows are falling below required minimums changes can be made in dam release rates immediately instead of observing the problems months after the fact as is the case today. The attached cost proposal from SCS Engineers details the equipment, installation and web hosting expenses. Equipment purchase price is \$2,845.00 and installation at the site and configuration of the flow monitoring equipment is \$1,617.00. The total cost for this work will be \$4,402.00

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** The equipment and installation would be paid for with undesignated money from the Lake Improvement Fund.

Submitted by: Scott Heule, General Manager

# SCS ENGINEERS



## Proposed Agreement for Services

Presented to:  
**Big Bear Municipal Water District**  
c/o Mr. John Tuttle  
40542 Lakeview Dr./P.O. Box 2863  
Big Bear Lake, California 92315

Presented by:  
**SCS ENGINEERS**  
8799 Balboa Avenue, Suite 290  
San Diego, California 92123  
(858) 571-5500

Proposal Number 010306213

March 28, 2013

Offices Nationwide  
[www.scsengineers.com](http://www.scsengineers.com)

**CONFIDENTIAL AND PRIVILEGED  
NOT TO BE DISCLOSED TO NON-CLIENT PARTIES**  
Copyright 2010, SCS Engineers

March 28, 2013

**Proposal Number: 010306213**

**Exhibit 00**

Mr. John Tuttle  
Big Bear Municipal Water District  
40524 Lakeview Dr. / P.O. Box 2863  
Big Bear Lake, Ca. 92315

**RE: Agreement for Services**

**Site: Big Bear Creek  
San Bernardino County, California**

Dear Mr. Tuttle:

SCS Engineers (SCS) is pleased to submit this proposal to provide flow monitoring equipment installation and consulting services. Upon your signature, this proposal will serve as Exhibit 00 to the attached Consulting Agreement (Contract) between SCS and Big Bear Municipal Water District (Client). This proposal is based on information obtained from the Client, our initial site visit on November 19, 2010, email correspondence, and phone conversations.

SCS looks forward to working with you on this important project, and if we may assist you in any way, please do not hesitate to call our offices at (858) 571-5500.

Sincerely,



Sean Porter  
Senior Technical Advisor  
**SCS ENGINEERS**



Chuck Pryatel MBA, REHS  
Vice President  
**SCS ENGINEERS**



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## 1 BACKGROUND

The Site is located on Big Bear Creek, San Bernardino County, California. The Creek flows through a steep canyon by controlled flow from Big Bear Lake Dam. Cellular signal is not consistent through this terrain. The Site contains a steel weir structure for flow monitoring. Historically, a submerged pressure transducer was used to log water level data, which was downloaded and converted into flow data using a level-to-discharge relationship. The data was retrieved manually through the use of an interrogator cable and laptop computer. This requires two Client staff to hike down into the canyon to retrieve the data. The data is used to regulate flow from Big Bear Lake Dam. When water levels measured at the weir structure fall below a threshold, additional water is released from Big Bear Lake Dam.

Based on conversations with the Client, installing a logging flowmeter or pressure transducer with real-time communication capabilities would reduce the number of annual Site visits and manual downloads, result in more reliable data, and increase staff safety. Several flowmeter options are available but their functionality depend on cellular provider signal strength from within the Big Bear Creek location.

The Site visit conducted on November 19, 2010 included hiking down into the canyon to the weir location on Big Bear Creek and testing the communication capability of a HACH Sprint-web-enabled flowmeter. During the Site visit the flowmeter probe was installed in the back bay of the weir structure, the flowmeter was able to acquire a signal, and transmit data to the HACH FS Data Website. To save costs, a HACH Hydromet OTT Ecolog 500 is the web-enabled water level logging device proposed for this project.

## 2 OBJECTIVES

The objectives of this proposed scope of services are to assist the Client with the following:

- Select, procure, and program web-enabled HACH water level logging monitoring equipment
- Assist in the installation of the flow monitoring equipment and set-up of web based data hosting services

## 3 SCOPE OF SERVICES

The scope of services that has been developed to meet the objectives includes the following tasks.





## **PROCURE FLOW MONITORING EQUIPMENT**

SCS will compile a list of needed equipment from HACH and place the order to procure the equipment. The monitoring equipment and associated hardware and software will include:

- HACH Hydromet OTT Ecolog 500
- 26 Amp Hour Lithium Battery
- 5.0-meter External Antenna
- Infrared communication device for use with the OTT

HACH charges a \$285 annual service fee to host the water level data on their website and associated cellular fees. The Client will pay these fees to HACH.

## **ASSIST WITH INSTALLATION AND IMPLEMENTATION**

Once the equipment is ordered and received, SCS will deliver the equipment to the Client and assist with the installation of the sensor and logger. This includes hiking down to Big Bear Creek with Client staff and helping staff to install the hardware. In addition, SCS will provide assistance in programming the logger, establishing the web-based connection, and implementing the flow monitoring program.

## **AS-NEEDED CONSULTING**

SCS will provide environmental consulting services in addition to the above scope of services on an "as-needed basis." This may include trouble shooting of equipment, assistance in relocating or re-configuring the equipment, and installation of additional monitoring stations. The work will be conducted on a time-and-materials basis in accordance with this proposal and the enclosed Fee Schedule upon request of the Client.

## **4 ESTIMATED BUDGET AND SCHEDULE**

The SCS team stands ready to begin this project immediately upon receipt of this signed contract. We estimate the project will take approximately 30 working days to complete.

**THE TOTAL TIME AND MATERIALS COST FOR CONSULTING ACTIVITIES DESCRIBED HEREIN IS ESTIMATED TO BE \$4,462.00\*.**

\* Please allow for a 10% variance in the total estimated cost due to changed site conditions or unanticipated circumstances.

The estimated costs per task are included in the following table.

TASK	DESCRIPTION	COST ESTIMATE
Procure Flow Monitoring Equipment	Procure HACH monitoring equipment	\$2,845.00
Assist with Installation and Implementation	Assist Client staff in installation and configuration of flow monitoring equipment	\$1,617.00
As-Needed Consulting	Additional out-of-scope work associated with this scope of services is to be conducted on an "as-needed" basis upon the request of the Client on a time and materials basis per the enclosed Fee Schedule.	Not included in this budget.
<b>Total Estimate: \$4,462.00</b>		

Compensation described herein shall be subject to renegotiation if authorization to proceed has not been given within 30 days of the date of the Agreement for Services. We propose to perform our services, and invoice, in accordance with the enclosed Consulting Agreement and the attached Fee Schedule and Conditions of Service.



Upon acceptance and execution of this proposal, this document may serve as Exhibit 00 to the attached Consulting Agreement (Contract) between SCS and the Client. The Client should sign the PDF copies and return the signed proposal and Contract to us. Upon our countersignature, a fully executed set will be returned to you for your records.

---

SCS Representative's Signature

Client Representative's Signature

---

Printed Name

Printed Name

---

Title

Title

---

Date

Date

## CONDITIONS OF SERVICE

This Agreement for Services is based on, but not limited to, the following conditions:

### **General Conditions and Client Service Support**

- We have assumed a total of 8 hours to install and assist with the installation of the equipment for budgeting purposes.
- We would be happy to perform services in addition to those described in this proposal. However, additional services that are requested, that are not specifically outlined in this proposal, will be billed to the Client on an as-needed basis as an additional cost per our Fee Schedule contained herein. We also respectfully request written notification of any additional tasks that you desire us to perform.