

A G E N D A
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS
Regular Meeting
May 2, 2013

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

Next Resolution Number: 2013-07

OPEN SESSION: 1:00 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**
- 4. REPORTS**
 - A. General Manager
 - B. Lake Manager
 - C. Legal
 - D. Committee
 - E. Other
- 5. CONSENT CALENDAR**
 - A. Minutes of a Regular Meeting of April 18, 2013
 - B. Warrant List Dated April 26, 2013 for \$128,173.56
 - C. Consider approval of General Manager's Contract
- 6. 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)
- 7. ANNOUNCEMENTS**
- 8. DIRECTOR COMMENTS**
- 9. ADJOURNMENT TO CLOSED SESSION**

10. CLOSED SESSION

Adjourn to closed session under Government Code Section 54956.8 Conference with Real Property Negotiator, Scott Heule General Manager, concerning price and terms of payment, 440 Catalina, Big Bear Lake, California

11. ADJOURNMENT

NEXT MEETING: Open Session at 1:00 P.M.
Thursday, May 16, 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.bbmbwd.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, APRIL 18, 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, District Counsel Wayne Lemieux, 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 April 4, 2013

REPORTS

General Manager, Scott Heule thanked the Board for giving him vacation time a week ago. He added that he was sorry he missed the Board meeting. He commented that he understands that technology during his missed Board Meeting didn't live up to expectations and he apologized for that. He reported that he enjoyed seeing New York City but doesn't need to spend any more time there. He reported that all District Staff are busy with beginning of the season chores adding that Lake Permit sales are booming. He stated that we have received some negative comments about the increase in Lake Permit prices, but they have been few. He explained that our fees for recreation on the Lake continue to be lower than any other Lakes in southern California. Mr. Heule reported that the RV Park is fully booked for June, July, and August and even May, September, and October are nearly full. He added that Catrina Rabago is doing a very good job of filling the dates at the Park. Mr. Heule reported that the CALPERS Board adopted a new actuarial method in order for the pension fund to become 100% funded over a 30 year period of time. He explained that this will require increases in member agencies employer contribution rates adding that he has not had enough time to look into the details of this change but will work with the Administrative Committee to be sure we are as fully informed as possible over the next few months.

President Smith reported that he went to a KBHR function yesterday evening and received a comment on the Lake Permit increase. He explained to them that if the District was guilty of anything it was of not raising fees on a regular basis. He added that we were in the black so we didn't raise fees but now we have to. Director Eminger stated that Big Bear Lake Permit Fees are still some of the lowest in Southern California.

Lake Manager, Mike Stephenson reported that he is predicting a great season on the Lake but added that the Lake level is going down. He explained that on Monday it was 4' 5" down and today it is 4' 5 ½" down. He reported that the fishing dock is ready to be installed explaining that

it has been too windy to place it or many of the buoys yet. He added that these tasks will be completed as soon as possible. He commented that boat traffic at the East Ramp is fairly busy for this early in the season. Mr. Stephenson explained that weeds are growing unseasonably early this year. He reported that Staff has revamped all the trash cans commenting that they look very nice. He stated that Catrina Rabago is doing a great job with docks and the RV Park. He reported that there was a Quagga training class last week with 20+ participants. He added that the next class is scheduled for May 7th. Mr. Stephenson reported that the District sent another employee (Ashley Wolcott) to Level 2 Quagga training explaining that now we have 4 certified employees who can train others (Mike Stephenson, Adam Williams, Mark Hopkins, and Ashley Wolcott). He reported that we are starting an in-house newsletter that will be produced weekly to update staff on what's happening at MWD. He added that it will also include a Quagga Quarantine form on the back that will go out to all employees as well as all the marinas.

Director Eminger remarked that he received reports that the restrooms at the East Ramp were not open during the bike event. Mr. Stephenson stated that was due to the possibility of pipes freezing explaining that there were portable restrooms available.

APPROVAL OF CONSENT CALENDAR

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

- Minutes of a Regular Meeting of April 4, 2013
- Warrant List Dated April 12, 2013 for \$88,057.43
- Approval of a Resolution of the Board of Directors of Big Bear Municipal Water District requesting a grant for the operation and maintenance of the Floating Restroom(s) from the Department of Boating and Waterways
- Consider approval of a Boat Rental Concession at Lighthouse Landing Marina

CONSIDER APPROVAL OF DOCK PROGRAM AND RV PARK SOFTWARE

Mr. Heule reported that at a previous Administrative Committee meeting the Committee asked staff to complete some additional research into this software. He explained that compatibility with District hardware and integration with QuickBooks Enterprise (District accounting program) was researched by District consultants. He stated that in addition, Mike Stephenson and Catrina Rabago arranged a visit to a site in San Diego where the software has been in use for five years. Mr. Heule reported that the consultants advised that both hardware and software will be compatible with existing District facilities but both also suggested that its use should be phased in at the Administrative offices before it is installed at the ramps in the spring of 2014. He added that the San Diego facility using the software is very happy with the functionality of the program and they use it to track slip leases, insurance, boat locker rentals and several commercial buildings. He reported that the cost to purchase the software, two hours of online training and one year of maintenance would be \$5,790.00 adding that the maintenance provides phone or

internet consulting services workdays. He explained that if the purchase is approved the dock program, RV park, and winter boat storage will be transitioned immediately and the sale of lake permits will be explored over the next several months in order to decide how best to track permit inventory. Mr. Heule reported that once the inventory method is determined, ramp staff will be able to use a touch screen to sell permits. He stated that the Committee recommends the Board approve the purchase of the Marina Office software for a cost of \$5,790.00 with the funding taken from the Computer Maintenance budget. Director Suhay asked if this price would include the ramps when they are ready to begin use. President Smith explained that this is just the software and no additional software will be needed when the ramps are ready to start use but it does not include any hardware. He added that he feels the trip to San Diego to view the program in use was well worth the trip.

Director Suhay moved approval of the purchase of Dock and RV Park software from Scribble Software for a cost of \$5,790. Director Lewis seconded the motion and it was unanimously approved.

PUBLIC FORUM

No comments were made

ANNOUNCEMENTS

No announcements were made

DIRECTOR COMMENTS

No comments were made

ADJOURNMENT TO CLOSED SESSION

The meeting was adjourned to Closed Session under Government Code Section 54957 & 54957.6 to conduct the General Manager's Performance Evaluation and Contract Negotiation at 1:22 pm.

RECONVENE TO OPEN SESSION

The meeting was reconvened to Open Session at 2:32 P.M.
Counsel was instructed to draft an agreement.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:33 P.M.

SPECIAL MEETING

A special meeting was convened at 2:35pm. The meeting was adjourned to closed session regarding potential litigation disclosure of which will prejudice the District.

RECONVENE TO OPEN SESSION

The meeting was reconvened to Open Session at 2:42 P.M.

The Board authorized the General Manager to settle a claim.

ADJOURNMENT

There being no further business, the special meeting was adjourned at 2:43 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, May 2, 2013
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 MWD
Warrant List Detail
 April 13 - 24, 2013

Num	Date	Name	Account	Paid Amount
151289	4/18/2013	WOLCOTT ASHLEY (TRAINING)	1001-01 · General Checking Account	
WIT LEVEL ...	4/18/2013		5570-34 · MAINT-Travel/Training-Quagga	-177.46
TOTAL				-177.46
151290	4/18/2013	WILLIAMS ADAM (TRAINING)	1001-01 · General Checking Account	
CBSOA 2013	4/18/2013		5570-03 · ADMIN-Training/Seminars-Empl	-177.00
TOTAL				-177.00
151291	4/24/2013	US BANK	1001-01 · General Checking Account	
94657600 - ...	3/8/2013		5760-02 · COP-2003 Interest	-119,482.50
TOTAL				-119,482.50
151292	4/24/2013	REDLANDS BICYCLE CLASSIC	1001-01 · General Checking Account	
183	4/11/2013		2800-02 · Special Event Deposits	-500.00
TOTAL				-500.00
151293	4/24/2013	VAN NOORD STEPHEN	1001-01 · General Checking Account	
184	4/12/2013		2800-03 · Boat Storage/RV Deposits	-100.00
TOTAL				-100.00
151294	4/24/2013	BEAR VALLEY ELECTRIC	1001-01 · General Checking Account	
04052013A	4/5/2013		5507-41 · OPS-Utilities-Main Office	-10.44
04052013	4/5/2013		5507-41 · OPS-Utilities-Main Office	-73.68
04052013C	4/5/2013		5507-42 · OPS-Utilities-RV Park	-44.44
04092013	4/9/2013		5507-44 · OPS-Utilities-Trout Pond	-26.36
TOTAL				-154.92
151295	4/24/2013	CARPET CLEANING BY JESUS	1001-01 · General Checking Account	
3320	4/21/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-450.00
TOTAL				-450.00
151296	4/24/2013	CHEM-PAK	1001-01 · General Checking Account	
81363	4/10/2013		5504-41 · OPS-Janitorial Supplies-Ramps	-258.75
			5504-41 · OPS-Janitorial Supplies-Ramps	-258.74
TOTAL				-517.49
151297	4/24/2013	CSB INFORMATION SERVICES...	1001-01 · General Checking Account	
14765	3/31/2013		5510-09 · ADMIN-Public Info - General	-288.00
TOTAL				-288.00
151298	4/24/2013	CSB REGISTRAR OF VOTERS	1001-01 · General Checking Account	
2103	4/12/2013		5509-03 · ADMIN-Memberships-Subscriptions	-1,607.00
TOTAL				-1,607.00

Big Bear MWD
Warrant List Detail
 April 13 - 24, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151299	4/24/2013	CSB SOLID WASTE MANAGEM...	1001-01 · General Checking Account	
019269	4/11/2013		5630-30 · MAINT-Bldg/Facility Maint/Rep	-25.93
TOTAL				-25.93
151300	4/24/2013	EVENSON DON (REIMBURSE)	1001-01 · General Checking Account	
03212013	3/21/2013		5560-21 · WATER-Watermaster Report	-121.64
TOTAL				-121.64
151301	4/24/2013	FEDEX	1001-01 · General Checking Account	
2-238-19686	4/12/2013		5560-21 · WATER-Watermaster Report	-31.07
TOTAL				-31.07
151302	4/24/2013	HOPKINS MARK (TRAINING)	1001-01 · General Checking Account	
0403-05 2013	4/3/2013		5570-05 · ADMIN-Training/Travel-Seas Empl	-503.45
TOTAL				-503.45
151303	4/24/2013	INFINITY TRUST	1001-01 · General Checking Account	
41507	4/17/2013		5509-03 · ADMIN-Memberships-Subscriptions 2100-09 · PR VSP Vision	-10.00 -118.88
TOTAL				-128.88
151304	4/24/2013	LINCOLN NATIONAL	1001-01 · General Checking Account	
04252013	4/25/2013		2101-01 · Deferred Compensation	-1,345.00
TOTAL				-1,345.00
151305	4/24/2013	MCMASTER-CARR	1001-01 · General Checking Account	
499932295	4/15/2013		5580-41 · OPS-Boat Maintenance-Patrol	-137.65
TOTAL				-137.65
151306	4/24/2013	MELTON SIGN SERVICE	1001-01 · General Checking Account	
4295	4/23/2013		5580-41 · OPS-Boat Maintenance-Patrol	-305.00
TOTAL				-305.00
151307	4/24/2013	MID AMERICA APPLE PLAN	1001-01 · General Checking Account	
04252013	4/25/2013		2100-20 · Apple Plan - Employee Pay 2100-21 · Apple Plan - Company Pay	-216.22 -216.22
TOTAL				-432.44
151308	4/24/2013	ORION RADIOLOGY	1001-01 · General Checking Account	
4374 64695...	3/29/2013		5540-32 · MAINT-PreEmployment Physicals	-34.00
4374 64697...	4/4/2013		5540-32 · MAINT-PreEmployment Physicals	-34.00
TOTAL				-68.00
151309	4/24/2013	QUILL	1001-01 · General Checking Account	
1874253	4/11/2013		5503-01 · ADMIN-Office Supplies-Office	-54.14
TOTAL				-54.14

Big Bear MWD
Warrant List Detail
 April 13 - 24, 2013

Num	Date	Name	Account	Paid Amount
151310	4/24/2013	SCAQMD	1001-01 · General Checking Account	
2585204	4/2/2013		5509-05 · ADMIN-Member/Subs/Permit-SCAQMD	-115.56
2583941	4/2/2013		5509-05 · ADMIN-Member/Subs/Permit-SCAQMD	-310.85
TOTAL				-426.41
151311	4/24/2013	SOUTHWEST GAS CORPORAT...	1001-01 · General Checking Account	
04172013A	4/17/2013		5507-41 · OPS-Utilities-Main Office	-132.73
04172013B	4/17/2013		5507-42 · OPS-Utilities-RV Park	-33.51
04182013	4/18/2013		5507-44 · OPS-Utilities-Trout Pond	-10.01
TOTAL				-176.25
151312	4/24/2013	VERIZON CALIFORNIA	1001-01 · General Checking Account	
04012013C	4/1/2013		5505-03 · ADMIN-Phones Long Distance	-50.75
04012013D	4/1/2013		5505-01 · ADMIN-Phones Local/Hardware/Rep	-374.53
04132013	4/13/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-50.21
			5505-01 · ADMIN-Phones Local/Hardware/Rep	-52.58
TOTAL				-528.07
151313	4/24/2013	VERIZON WIRELESS	1001-01 · General Checking Account	
9702953286	4/9/2013		5505-06 · ADMIN-Phone Cell Phones	-190.15
TOTAL				-190.15
151314	4/24/2013	XEROX	1001-01 · General Checking Account	
124166059	4/11/2013		5503-01 · ADMIN-Office Supplies-Office	-148.24
TOTAL				-148.24
151315	4/24/2013	CASH PETTY CASH	1001-01 · General Checking Account	
04242013	4/24/2013		5503-03 · ADMIN-Office Supplies-Meetings	-17.67
			5503-03 · ADMIN-Office Supplies-Meetings	-61.25
			5571-06 · ADMIN-Director Meeting/Workshop	-17.95
TOTAL				-96.87

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

MEETING DATE: *May 2, 2013*

AGENDA ITEM: *5C*

SUBJECT:

CONSIDER APPROVAL OF GENERAL MANAGER'S CONTRACT

RECOMMENDATION:

The General Managers Ad Hoc Committee recommends approval of the General Managers three year contract

DISCUSSION/FINDINGS:

The three year contract for General Manager, Scott Heule, will expire on May 31, 2013. The Board of Directors performed an evaluation of Scott and proposed a renewal of his contract for three years and a 2 ½% now and another 2 ½% raise June 1, 2014. District Counsel prepared the attached contract.

OTHER AGENCY INVOLVEMENT: None

FINANCING: 2013-14 FY Budget

Submitted by: Scott Heule, General Manager

BIG BEAR MUNICIPAL WATER DISTRICT EMPLOYMENT AGREEMENT

As of June 1, 2013, the **Big Bear Municipal Water District**, (hereinafter "Employer"), and **Scott Heule**, (hereinafter "Employee"), agree as follows:

1. Purpose

The Employer hereby continues to employ Employee as General Manager. Employee agrees to continue to accept employment and, as General Manager, to perform the functions and duties specified from time to time in the Employer's Administrative Code and the Job Description adopted for this position. Employee shall have the powers and duties delegated by the Board of Directors (hereinafter "Board"). Employee shall execute powers and duties in accordance with policies adopted by the Board and applicable state and federal laws.

2. Term

This Agreement commences June 1, 2013, and ends May 31, 2016. Based upon satisfactory performance evaluations, this Agreement may be renewed for additional three-year terms.

3. Compensation

(a) Employer shall pay Employee an annual base salary of One Hundred Forty-Five Thousand, Four Hundred Ninety Dollars (\$145,490.00), payable in installments at the same time as other employees of Employer are paid.

(b) Based upon a satisfactory performance evaluation at the first anniversary, Employee shall receive a 2.5% salary increase.

(c) Employer shall not reduce the salary, compensation or any other financial benefit of Employee, unless the reduction is applied in no greater percentage to Employee than the average reduction of department heads of the District.

4. Benefits

(a) Employer shall provide Employee with the same medical, dental and life insurance plan as other full-time employees.

(b) Employee shall accrue vacation leave at the same rate as other permanent full-time employees, forty (40) hours of which shall be credited to Employee upon commencement of employment.

(c) Employee shall accrue sick leave at the same rate as other full-time employees, forty (40) hours of which shall be credited to Employee upon commencement of employment.

(d) Employee shall be entitled to the same holidays as other full-time employees.

(e) Employee shall be compensated for accrued vacation and holidays, as of the date of termination.

(f) Employee shall receive one week of administrative leave annually.

(g) Employer shall provide Employee with a District vehicle for emergency response, travel to and from work, travel to meetings, and travel to any other activities of the District. The Employee may also use the vehicle for personal errands within the Big Bear Valley. Employer shall be solely responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for expenses attendant to the vehicle's purchase, operation, maintenance, and repair.

(h) Employee shall be enrolled in the Public Employees Retirement System (PERS) under the same conditions as other miscellaneous employees of the District, and Employer shall make contributions on Employee's behalf, for both the required Employer and Employee share, subject to the schedule set forth below:

As of July 1, 2013, Employee shall contribute the following amounts to PERS as a member contribution, reducing the Employer's contribution on behalf of Employee:

- (1) Beginning July 1, 2013: 2.5% of salary; and
- (2) Beginning July 1, 2014, and following: 3.5% of salary.

Employee shall have the option of converting accrued sick leave unused as of the date of termination to retirement credit. There shall be no compensation for unused sick leave.

(i) Employee shall have the option of participating in the Employer's Section 457 Deferred Compensation program, with all contributions paid by the Employee.

(j) Employee holds an exempt position and is not eligible for overtime pay.

(k) Employer shall annually pay for the cost of one boat slip capable of mooring at least a 20-foot boat at Big Bear Marina, and annual indoor winter storage of a boat not longer than 21 feet in the District facilities, provided the boat is available for the Employee to use for District business on the Lake during the summer.

5. Expense Reimbursement

(a) Employer shall appropriate reasonable sums to pay for professional dues and subscriptions of Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for Employee's continued professional participation, growth, and advancement, and for the good of Employer.

(b) Employer shall budget reasonable sums to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including, but not limited to, the annual ACWA and CSDA conferences, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member.

(c) Employer acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Accordingly, Employer shall pay for the reasonable membership fees or dues to enable Employee to become an active member in local civic clubs or organizations.

(d) Employer shall provide Employee with a laptop computer and cell phone, and shall pay Employees' cell phone expenses to the extent they are reasonable and necessary for employee to perform his job.

6. Termination

(a) Employee serves at the will and pleasure of the Board and may be terminated at any time, without cause by a majority vote of the full membership of the Board.

(b) Employer shall provide a severance payment equal to eight (8) months' salary at the current rate of pay, and eight (8) months of COBRA benefits if Employee is terminated by Employer without cause during the current term, or an extended term. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee.

(c) Employee shall provide a minimum of sixty (60) days' notice of resignation unless the parties agree otherwise.

7. Performance Evaluation

Employer shall review the performance of Employee every twelve months. The process, at a minimum, shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to Employee within twenty-four (24) hours of evaluation.

8. Outside Business Activities

With the prior written consent of the Employer, which consent may be withheld in the sole discretion of the Employer, Employee may participate in limited outside business interests. Such consent shall be conditional that the business arrangements shall not cause interference with or constitute a conflict of interest with Employee's responsibilities under this Agreement.

9. Amendment: Notices.

Notice pursuant to this Agreement shall be given by depositing same in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (a) EMPLOYER:
Big Bear Municipal Water District
P. O. Box 2863
Big Bear Lake, CA 92315

With a copy to:

Wayne K. Lemieux
LEMIEUX & O'NEILL
4165 E. Thousand Oaks Blvd., Suite 350
Westlake Village, CA 91362

(b) EMPLOYEE:
Scott Heule, General Manager
Big Bear Municipal Water District
P. O. Box 2863
Big Bear Lake, CA 92315

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Dated: _____, 2013.

Dated: _____, 2013.

By: _____
Scott Heule, General Manager

By: _____
Vince Smith, President,
Board of Directors