

**MINUTES OF A REGULAR BOARD MEETING  
CITY OF BIG BEAR LAKE  
DEPARTMENT OF WATER AND POWER  
BOARD OF COMMISSIONERS  
NOVEMBER 27, 2012**

A Regular Meeting of the Board of Commissioners of the Department of Water and Power, City of Big Bear Lake, was called to order at 9:00 a.m., by Chair Foulkes, at the DWP Board Room, at 41972 Garstin Drive, Big Bear Lake, California 92315.

**FLAG SALUTE:** Bob Tarras, Treasurer

**BOARD MEMBERS PRESENT:** Steve Foulkes, Chair  
Bill Giamarino, Vice Chair  
Bob Tarras, Treasurer  
Fred Miller, Commissioner  
Don Smith, Commissioner

**BOARD MEMBERS EXCUSED:** None

**PUBLIC FORUM**

No one from the public commented during the public forum.

**1. CONSENT CALENDAR**

**1.1 Approve Minutes of a Regular Board Meeting Dated October 23, 2012**

**1.2 Amend Rule Number 14 of the Personnel Rules & Regulations**

*Motion made by Commissioner Miller, seconded by Vice Chair Giamarino, and carried 5-0 to approve Consent Calendar item 1.1 as presented.*

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Item 1.2 was removed from the consent calendar for discussion. Board provided feedback on proposed amendment and directed Management to update entire Rules & Regulations document as needed, and bring back for Board consideration.

**OPEN SESSION**

**2. DISCUSSION/ACTION ITEMS**

*Chair Foulkes moved item #2.6 up to beginning of open session to accommodate public input from Financial Advisor Jamie Wolcott of Edward Jones.*

**2.6 DWP Eligible Deferred Compensation Plan**

Board discussed deferred compensation plan change with Management and Financial Advisor Jamie Wolcott of Edward Jones.

*Motion made by Vice Chair Giamarino, seconded by Commissioner Miller, and carried 5-0 to authorize deferred compensation plan change from Nationwide to ASPire Financial Service, LLC as represented by Edward Jones.*

**2.1 Check Register: 10/01/12 – 10/31/12**

*Motion made by Commissioner Smith, seconded by Vice Chair Giamarino, and carried 5-0 to authenticate the check register for October 2012 as presented.*

**2.2 Financial Data – Quarter Ended September 30, 2012**

Board reviewed and discussed financial data with Administrative Manager McGee. Board was pleased with the new format and provided additional formatting suggestions for next quarter's financial data report.

**2.3 USDA Projects Update**

Board received an update from Water Resource Manager La Haye on the status of USDA projects. Board suggested a press release for the new Seminole Well in Fawnskin.

**2.4 Lehman Brothers Settlement – Potential Liquidation**

Board discussed offer from Liquidity Solutions, Inc. to purchase DWP's claim against Lehman Brothers Special Financing. Board directed Management to reject offer by consensus.

**2.5 Technical Review Team Committee Report**

Board received update from TRT Committee.

**2.6 DWP Eligible Deferred Compensation Plan**

Item #2.6 was moved up to beginning of open session.

**2.7 Lifting the Water Shortage Emergency and Adopting a Water Conservation Program Resolution**

Board reviewed and discussed the draft water conservation resolution with Management. Board provided several suggestions and requested Management bring back a revised resolution in December for Board consideration.

**2.8 Change Order #3 – DDH Apple Valley Construction, Inc.**

Chair Foulkes combined items #2.8, #2.9, #2.10, #2.11, and #2.12 for discussion and action.

**2.9 Change Order #1 – Bowe Contractors, Inc.**

Chair Foulkes combined items #2.8, #2.9, #2.10, #2.11, and #2.12 for discussion and action.

**2.10 Change Order #2 – TK Construction**

Chair Foulkes combined items #2.8, #2.9, #2.10, #2.11, and #2.12 for discussion and action.

**2.11 Szytel Engineering and Surveying, Inc. Amendment #2**

Chair Foulkes combined items #2.8, #2.9, #2.10, #2.11, and #2.12 for discussion and action.

**2.12 Budget Adjustment – Construction Change Orders**

Chair Foulkes combined items #2.8, #2.9, #2.10, #2.11, and #2.12 for discussion and action.

*Motion made by Vice Chair Giamarino, seconded by Commissioner Smith, and carried 5-0 to approve Change Order #3 to Contract 1A with DDH Apple Valley Construction, Inc. in the amount of \$81,337.97; and Change Order #1 to Contract 6A with Bowe Contractors, Inc. in the amount of \$54,316.15; and Change Order #2 to Contract 5 with TK Construction in the amount of \$27,031.45; and Amendment #2 to Agreement with Szytel Engineering and Surveying, Inc. in the amount of \$6,411.10; and associated budget adjustments presented as Exhibit "A".*

**2.13 2012 DWP Holiday Reception**

Board discussed holiday reception with Management. Board approved holiday reception at Best Western Plus by consensus. Board decided that each Board member may contribute towards the cost of the reception on an individual basis.

*Chair Foulkes adjourned for recess at 10:03 a.m.*

*Chair Foulkes reconvened the meeting at 10:10 a.m.*

**2.14 Revenue Requirements**

Board reviewed and discussed revenue requirements with Management. Board provided Management with several scenarios to research further. Board requested Management bring back revised revenue requirements in December for Board consideration.

**2.15 Management Staff Reports**

Board discussed Management reports.

**2.16 General Manager's Report**

Board discussed General Manager's report.

**2.17 Board Member Reports**

Board did not have items to report.

**3. CLOSED SESSION**

*Board went into closed session at 12:33 p.m.*

**3.1. Closed Session Pursuant to Section 54956.9**

**Conference with Legal Counsel – Anticipated Litigation**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:  
One Potential Case

**3.2. Closed Session Pursuant to Section 54957**

**Public Employee Performance Evaluation**

Title: General Manager

*Board came out of closed session at 1:52 p.m.*

**OPEN SESSION**

No reportable action.

**ADJOURNMENT**

No additional business came before the Board. Chair Foulkes adjourned the meeting at 1:52 p.m.

*Diego Chavez*

Diego Chavez, PHR  
Secretary to the Board of Commissioners

Approved at meeting dated: December 18, 2012