

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, APRIL 16, 2009***

**CALL TO ORDER**

President Murphy called the Open Session to order at 1:07 PM. Those in attendance included Director Eminger, Director Suhay, Director Smith, Director Fashempour, District Counsel Wayne Lemieux, General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

**REPORTS**

Mr. Heule reported that he met with City Manager, Jeff Mathieu, regarding lake access points. He also reported that at the Big Bear Lake City Council meeting Monday evening, the Council approved authorizing the City Manager to negotiate and execute a Commercial Marina Permit with the District for Boulder Bay Marina. He added that they will be discussing compliance for commercial marina permits, fees, and insurance shortly. Mr. Heule reported that Forest Service District Ranger, Kurt Winchester, has changed positions and the new Acting District Ranger is Scott Tangenberg. Mr. Heule stated that he has written a letter to Mr. Tangenberg (including the Advanced Planning Study for the pedestrian bridge) asking for a meeting to go over the proposal. He commented that the new *Mountain Waters Dispatch* is out commenting that Ms. Moore and Mr. Carroll did a very nice job on the publication.

Mr. Stephenson reported that the fishing dock is placed at the East Ramp and the dock at the West Ramp will be placed shortly. He commented that boulders have been placed at several points around the lake. He reported on the Bridge Project meeting explaining that the construction crew will begin dynamiting rocks soon. Mr. Heule commented that Caltrans will close the road during the blast then clear the roadway and re-open. Director Fashempour asked how long the blasting will last. Mr. Stephenson explained that Caltrans will be blasting weekly throughout the months of construction. President Murphy asked if North Shore would be closed during blasting. Mr. Stephenson stated that they would learn more tonight at the bridge task force meeting. Mr. Stephenson reported that there have been no signs of weeds yet.

Director Suhay made a presentation to President Murphy on their trip to Washington DC and meeting with Congressman Jerry Lewis.

**APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of April 2, 2009
- Warrant List Dated April 10, 2009 for \$58,298.63

**CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING THE ADMINISTRATIVE CODE (RESOLUTION NO. 2006-13) BY ADDING PROVISIONS CONCERNING ADMINISTRATIVE HEARINGS**

District Counsel Wayne Lemieux reported that a recent Supreme Court decision provides guidance on how to avoid attorney disqualifications when the same law office advises the hearing officer (board) and acts as a prosecutor (for the staff). He stated that this is an important

consideration when a General Manager decision is appealed to the Board of Directors. He explained how this new Resolution amends the Administrative Code to incorporate the views of the court.

Director Suhay moved approval of a Resolution of the Board of Directors of Big Bear Municipal Water District amending the Administrative Code by adding provisions concerning Administrative Hearings. Director Eminger seconded the motion and it was unanimously approved.

**CONSIDER APPROVAL OF A PROPOSAL FROM AQUATECHNEX, LLC, FOR AQUATIC PLANT CONTROL ACTIVITIES DURING THE 2009 SEASON**

Mr. Heule reported that as part of the Districts ongoing invasive species management and Nutrient TMDL response, an annual survey of lake vegetation is needed. He stated that this effort identifies where Eurasian Water Milfoil is growing and needs to be treated, where and at what density and variety native lake vegetation is present. He explained that the annual data collected is compiled and will then be added to the beneficial use map being drafted and maintained by ReMetrix. Mr. Heule stated that the Lake Manager, Mike Stephenson, solicited a proposal for the lake survey work from Aquatechnex for the summer 2009 survey program, adding that the work will consist of three operations. He reported that the first is an aerial oblique photo survey to identify general areas of milfoil infestation explaining that this photography will be linked to the Districts GIS program for analysis. He added that while the proposal includes three of these events over the course of the summer for a cost of \$2,900, he explained that Mr. Stephenson hopes that only one will actually be needed (Aerial Shoreline Analysis Photography). Mr. Heule reported that the second activity is to use the aerial photography and on the water efforts to map milfoil, calculate treatment areas, and provide advice regarding chemical treatment options for a cost of \$2,500 (Mapping Invasive Species). He stated that the final activity that the District will need is Aquatic Plant Mapping for a cost of \$3,400 explaining that this is an annual activity used to document progress on improving lake aquatic vegetation and reduction of invasive species. Mr. Heule stated that the survey is conducted at the same locations each year and the information gained is added to our database in the beneficial use map of the lake. He added that the Watershed/Lake Improvement Committee, the General Manager, and Lake Manager recommend approving a contract with Aquatechnex for a not to exceed amount of \$8,800.

Director Fashempour asked how the aerial photos would be taken. Mr. Heule stated they would be taken by an Aquatechnex photographer in a private plane. Director Smith inquired that since the cost of the survey work would be divided evenly between the lake and dock weed control program budget, how we determined the costs should be divided evenly. Mr. Stephenson stated that he determined that the shoreline and the private dock area property are almost exactly 50/50, and dividing it equally seems very fair.

Director Fashempour moved approval of a proposal from Aquatechnex LLC for Aquatic Plant Control Activities during the 2009 season for an amount not to exceed \$8,800. Director Smith seconded the motion and it was unanimously approved.

**CONSIDER PROPOSAL TO VACATE EASEMENT FOR APN 0304-151-48 AND APN 0304-151-47**

Mr. Heule reported that John Basford owns the vacant lot, APN 0304-151-48, on North Shore Drive. He explained that Mr. Basford plans to build a house but an easement for "Lake Maintenance and Patrol Purposes" is recorded over the southerly 20 feet of the parcel and interferes with his plans. He stated that the easement was recorded on July 27, 1972 (Book 7986,

Page 1231 of Official Records). He added that Mr. Basford brought drawings of his lot and proposed house footprint to show the Watershed/Lake Improvement Committee and the Committee visited the site and asked that he have a surveyor mark the property corners on the lots south side; the Committee wanted to see the Districts 20 foot wide easement and how it compared to the existing topography, the sewer line, and the house constructed on the lot to the immediate east (Coletta). Mr. Heule explained that on April 9, Mr. Basford called to inform him that the corners of the lot had been marked, and the Committee met at the site again to review site conditions. He added that the surveyed monuments clearly show that the sewer line is constructed in "lake bottom" and the adjacent Coletta house encroaches five feet into the District 20 foot wide easement. Mr. Heule reported that it appears that during the Coletta dredge project soil was placed over the top of the sewer line and on "lake bottom" south of and across the entire width of the Basford and Coletta properties raising the grade an estimated four feet. He stated that the Committee does not believe that under current or future District operations there is a need for the easement and in light of these findings the Committee is recommending that Mr. Basford be told that the District is willing to sign paperwork to vacate the easements across both lots providing he prepares and files all paperwork and coordinates with Coletta. District Counsel, Wayne Lemieux, stated that he believes that since Mr. Basford owns the property and the District agrees it does not interfere with the District's easement, the General Manager should be directed to write a letter for Mr. Basford to take to the Building Department stating such. Mr. Lemieux added that the District would ask Mr. Basford to supply a new drawing of the proposed building. Mr. Lemieux stated that if the wording of the letter stated that the owner's building will not interfere with the District's use of the easement and also that no additional improvements would be made without prior consent of the District, it would be simpler to write the letter than to vacate the easement.

Director Suhay moved approval of a motion stating that encroachment of up to 10 feet on the northerly part of the easement does not interfere with the District's use of the easement. Director Smith seconded the motion and it was unanimously approved.

#### **CONSIDER APPROVAL OF PROPOSALS FROM HICKS AND HARTWICK, INC. AND AQUATECHNEX, LLC FOR THE BIG BEAR MARINA SURVEY PROJECT**

Mr. Heule reported that when Moffatt & Nichol began their design work for the Big Bear Marina dredge project they indicated a need for additional bathymetry and land surface surveying. He explained that they provided details on the scope of work necessary for both pieces of work. He added that Staff then secured proposals from Aquatechnex, LLC for the bathymetry portion and from Hicks & Hartwick Inc. for the land based surveying. He stated that using the technology specified by Moffatt & Nichol, Aquatechnex proposes to provide bathymetric surveying of up to 25 acres for a cost of \$2,200, and Hicks & Hartwick proposes to perform the land based surveying for a cost of \$5,600

Director Fashempour moved approval of a proposal from Hicks and Hartwick, Inc. for a cost of \$5,600 and a proposal from Aquatechnex, LLC for a cost of \$2,200 for the Big Bear Marina Survey Project. Director Eminger seconded the motion and it was unanimously approved.

#### **PUBLIC FORUM**

Mr. Robert Smith, President of the Board of Yermo CSD, stated that he was running for Alternate Special District member of LAFCO. He introduced himself and gave a brief explanation of his background and qualifications.

### **ANNOUNCEMENTS**

Mr. Heule announced that at the next Board meeting, the draft portion of the budget would be presented. He stated that the regularly scheduled meeting of May 21 would have to be adjourned due to lack of a quorum since he and several Directors would be out of town.

### **DIRECTOR COMMENTS**

Director Fashempour complimented Staff on the new *Mountain Waters Dispatch*. Director Eminger thanked Mr. Heule for updating the Board on the upcoming blasting at the Dam.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:51 P.M.

### **NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, May 7, 2009  
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)