

***MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, JUNE 4, 2009***

CALL TO ORDER

President Murphy called the Open Session to order at 1:00 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 explained that Business item number 6C is for discussion only and there is no action necessary. He added that the budget presentation will also be for information and discussion only. Mr. Heule reported that the summer 2009 *Lakeview's* produced by Victoria Moore is at the printer. He stated that it will be mailed to all Big Bear Valley addresses next week. He explained that it was delayed while launching the new web site and producing *Mountain Waters Dispatch*. He added that copies have been distributed to Director's boxes. Mr. Heule stated that the District is anticipating that the State will suspend subparagraph (1)(A) of 2004 Proposition 1A and "borrow" some percentage of ad valorem property tax revenue from the District. He reported that according to 2004 Proposition 1A, the borrowing shall not exceed 8% of the total ad valorem property tax revenues that were allocated among all local agencies within that county for the fiscal year immediately preceding the fiscal year for which subparagraph (1)(A) is suspended. He explained that what this means is that in the County of San Bernardino, the State will not borrow more than 8% of the total property tax, but that any individual agency borrowing can be more or less than 8%. He added that for the District, 8% would be about \$250,000. Mr. Heule reported that he is waiting to hear back from Caltrans on the proposed reimbursement agreement for a replacement bridge on the dam. He added that he expects to have more information for the Facilities Committee to consider on this specific issue later this month.

Mr. Stephenson stated that he received the final report from Fish & Game reporting that Big Bear Lake is Quagga Mussel free. He added that Fish & Game will do a monthly test from now on. He reminded the Board that the Carp Round-up is this coming weekend inviting them to come out for the lunch and awards. He reported that President Murphy gave a very close estimate earlier in the year predicting lake levels.

Lake Operations Supervisor, Travis Carroll, introduced two seasonal ramp attendants; Richard White (2nd year) and Brian Gray (1st year). He gave some details of their past work experience and complimented them both for being excellent employees.

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 May 7, 2009
- Warrant List Dated May 28, 2009 for \$139,023.03
- Approval of a Special Event Permit for the Antique Classic Boat Show to be held August 20 – 23, 2009
- Approval of a Special Event Permit for Bear Valley Recreation & Park District to allow boat parking in the swimming area at Swim Beach for the Lou Gramm Concert to be held on July 4, 2009
- Approval of a Special Event Permit for USARC (United States Adaptive Recreation Center) Summer Program to be headquartered at B's Backyard BBQ on various weekday dates throughout the summer months
- Approval of request from US Forest Service to assign the Juniper Point Marina Permit to the San Bernardino National Forest Association
- Approval of a concession permit to Ruth Fawley for Big Kahuna Hot Dog concession at the East Ramp

APPROVAL OF COMMERCIAL MARINA PERMIT FOR BOULDER BAY MARINA

Mr. Heule made a PowerPoint presentation going over the history of the Boulder Bay Marina permit back to when it was issued to Charles Tayles in 1954. He reported that in October 1997 there was Consent to Assignment to the City of Big Bear Lake. He reported that the City now holds the marina permit for Boulder Bay Marina. Mr. Heule explained that he and the Operations Committee have revised and updated the standard language and conditions for the City and under the new permit the City will now be responsible for all docks that are associated with interior lots in Big Bear Lake Tract 10583. He added that because there are docks on the water associated with the tract, the City marina permit requires payment of compensation, District indemnification and insurance. He explained that both District Counsel and the City Attorney have approved the language in the contract and it has already been signed by the City Manager. Director Suhay asked if there was a city park there in 1997. David Lawrence, City of Big Bear Lake, stated that there was no park there in 1997 but the City has since built a park and has a grant to finish and improve the park. Mr. Lawrence added that on June 8th the City Council is having a meeting to approve "going to bid" for finishing the park. He explained that the City is going to be adding a fishing dock, a non-motorized launch ramp, improving the picnic area, adding bathrooms, and doing some landscaping (basically giving the park a facelift). He added that there will be no motorized boat launching. There will just be canoes and kayaks and no plans at this time for any concessions. Director Suhay asked if the ramp was going to have an attendant at all times when the ramp is open. Mr. Lawrence stated that this is still under consideration.

Greg Boll, Big Bear Marina, stated that he opposes certain types of operations including concessions and any launching from the park area. Alan Sharp, Big Bear Marina, stated that there are 6 commercial marinas already operating at this time and he opposes the City using grant money and public money to compete with the commercial marinas. He also asked if the City had prepared an environmental document for the park. Roy Brownie, Pleasure Point Marina, stated that his marina has spent tens of thousands of dollars on permits to improve their marina adding that it has been difficult dealing with the City. He commented that the City is in competition with the businesses using tax payer's money and wonders if they are required to get the same permits as a private business. Loren Hafen, Holloways Marina, reported that he objects to 5D, 5E, 5F, 5G on the Consent Calendar since they affect commercial marinas. Mr. Heule stated that those items

have already been passed earlier in the meeting. Mr. Hafen stated that the Boulder Bay Marina would be in competition with the private marinas and also expressed his concern about the Quagga Mussel risks because the lake access points are unmonitored. He added that parking at the park/marina is a problem that would just become worse. Mr. Heule explained that the City would be required to have trained personnel manning the launch ramp as all marinas are required to do. Director Smith stated that the marinas have some legitimate concerns and asked District Counsel, Wayne Lemieux, if the District should postpone this item so the marinas could make their case to City Council. Mr. Lemieux stated that the District is trying to get the permits into a more uniform and standardized format, but this doesn't change the fact that the City has a right to operate the marina and he doesn't think a delay is necessary. Mr. Lawrence reported that they plan to build a fishing pier like the one at the West Ramp, the environmental documents have all been submitted and approved, and he and Mr. Heule have discussed launching of kayaks and canoes and if they need to have personnel at the launch site, they will comply. He added that the City wants the blessing of everyone in the room for this community improvement. Director Eminger commented that he can understand the marina's concerns about parking etc. and maybe we need to write the permit so the City can never rent boats or open concessions and also make it so that whatever restrictions we put on the marinas, the City has to comply with also. Mr. Lawrence responded by stating that they will not launch motorized boats adding that they only want to supply a public ADA compliant launch area for non-motorized boats. He added that parking has been addressed and there is on-street parking as well as the parking lot area. Mr. Lemieux stated that we have to understand that the City bought the marina permit and has the same rights as any marina but are also bound by the rules of the other marinas.

Director Suhay moved approval to remove item 6A, Commercial Marina Permit for Boulder Bay Marina, from the agenda to return to it to committee for further discussion. Director Eminger seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2006-13 (ADMINISTRATIVE CODE) AS IT PERTAINS TO PERMITS FOR NONPROFIT ORGANIZATIONS AND APPROVAL OF A PROPOSAL FROM TOM DODSON FOR PREPARING AND FILING THE CATEGORICAL EXEMPTION

Mr. Heule reported that a mechanism has been developed that would allow the District to issue a special use permit to non-profit organizations, Section 501(c)(3), if an owner of an existing marina permit agrees to forego operating a marina. He explained that the activities cannot involve the use of motorized boats or construction of launch ramps or any on the water facilities. He stated that marina compensation will be collected for these special permits and standard indemnification and insurance will be required. Mr. Heule reported that in order to implement the resolution, a CEQA document must be prepared and a proposal from Tom Dodson in the amount of \$2,000 has been received for preparing and filing a categorical exemption. He stated that the Committee recommends the Board approve resolution 2009-06 and authorize Tom Dodson and Associates to commence CEQA work in accordance with his proposal. Director Suhay asked why the District is not doing the categorical exemption in-house as we used to. Mr. Heule stated that he feels it is better to get a professional to prepare the categorical exemption so we don't run into any problems. Mr. Loren Hafen, Holloways Marina, remarked that this will relocate the marina permit and it will be in competition with the commercial marinas. Mr.

Lemieux responded stating that this is not a recommendation for the marina to move (relocate) explaining that the non-profit will still be able to operate without the marina. Mr. John Saunders, Captain John's Fawn Harbor, stated that he was providing canoes and kayaks to the Discovery Center at a reduced rate for years and now they are going to compete with him in his zone of influence making his liability questionable. Mr. Heule stated that they will have insurance and indemnification just like any marina. Director Suhay stated that this is beneficial to the marinas because this would limit a "full blown" marina from operating. President Murphy stated that there is a benefit from the Discovery Center in operating informational Naturalist tours.

Director Suhay moved approval of a Resolution of the Board of Directors of Big Bear Municipal Water District amending Resolution No. 2006-13 (Administrative Code) as it pertains to permits for nonprofit organizations and approval of a proposal from Tom Dodson, in an amount not to exceed \$2,000, for preparing and filing the Categorical Exemption. Director Fashempour seconded the motion and it was unanimously approved.

DESIGNATED WAKESPORTS CABLE WAKEBOARD SYSTEM CONCESSION – INFORMATION ONLY

Mr. Heule reported that Desi Hauer of Designated Wakesports has received written approval from the owners/operations of Pleasure Point Marina to conduct his cable wakeboard concession at their marina. He explained that the marina will receive \$5 for each paying customer. Mr. Heule stated that Travis Carroll, Lake Operations Supervisor, has directed Desi Hauer regarding marking of wakeboard concession hazards with lighted buoys and buoys with ropes (on three sides) to clearly mark the course as a hazard to boaters. The Operations Committee approved the concession on behalf of the District and this item is being presented for information only. Mr. Carroll showed a PowerPoint presentation of the system. Director Suhay asked if the rope was just floating. Mr. Carroll stated that it is floating and had lights to mark it. Director Eminger asked if this was ever tried before and if it had any problems. Mr. Carroll said it was tried before with no problems. Mr. Heule introduced Mr. Hauer to answer questions regarding the system. Director Suhay asked if it was under Pleasure Point's marina permit. Mr. Hauer stated that it was adding that it is a much more controlled environment than just wake boarding. He added that they are not going to have any water features at this time. Director Suhay asked about water features. Mr. Hauer stated that they were much like a snowboard parks features. He added that all riders will be wearing helmets and life jackets. President Murphy asked when they will begin. Mr. Hauer stated they hope to begin by the 4th of July. Director Fashempour asked if the riders would rent equipment or supply their own. Mr. Hauer stated that they could do either. Director Fashempour stated that approval of this is for a year and then the District will consider extending it. Mr. Stephenson asked if there was a participant weight limit. Mr. Hauer stated that they have had participants weighing up to 300 pounds and added that the system can pull more weight if necessary.

DISCUSSION AND PUBLIC COMMENT ON PROPOSED FISCAL YEAR 2009-10 BUDGET– NO ACTION

Mr. Heule reported on the new proposed budget. He discussed the ramifications if the state suspends (1)(A) and borrows our primary revenue source. President Murphy stated that the Budget & Finance Committee should meet to discuss Proposition 1A. Mr. Heule stated that a meeting would be scheduled shortly. President Murphy stated that he feels the budget is very

clear and concise and asked if there was any public comment. No comments were made. Mr. Heule stated that the next meeting, June 18th, would be for the budget adoption.

Director Suhay thanked the marinas for coming and expressing their concerns. Director Eminger agreed. Director Smith stated that the District has a legal requirement when the City bought the marina permit to allow them to operate and the City is the only party that can change the contract. He suggested that the marinas go to the City Council meeting on Monday.

PUBLIC FORUM

No comments were made

ANNOUNCEMENTS

No announcements were made

DIRECTOR COMMENTS

No comments were made

ADJOURNMENT TO CLOSED SESSION

The closed session was adjourned for today. There will be a closed session meeting of the Board of Directors scheduled for Monday, June 8, 2009 to conduct the General Manager's Performance Evaluation.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:18 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, June 8, 2009
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)