

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, DECEMBER 17, 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, General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

**REPORTS**

Mr. Heule reported on a proposed statewide ballot measure to effectively stop Sacramento from raiding funding sources for local government to balance the state budget. He stated that updates will be coming for CSDA and ACWA regarding this measure. He reported on a news release regarding the retirement of Randy Van Gelder, General Manager of San Bernardino Valley Municipal Water District. He reported that Mr. Van Gelder is being replaced by Doug Headrick. He highlighted Mr. Headrick's qualifications and experience. Mr. Heule reported on a conversation that he had with Mr. Van Gelder regarding Muni's obligations to provide in-lieu water to the District. He remarked that Mr. Van Gelder is a little concerned explaining that it is a little early to tell and will depend on how the winter goes. Mr. Heule presented President Murphy with two awards of recognition the District received from ACWA JPIA. He updated the Board on the TMDL Task Force explaining the pending action by the Santa Ana Regional Water Quality Control Board regarding proposed new waste discharge requirements associated with their storm water discharge permits. He commented that Tim Moore may advise the District to withdraw from the Task Force because of the potential conflict of interest he will be placed in and the potential for litigation with the resorts. Mr. Heule reported on the staff Christmas party Wednesday. Director Suhay asked if there was a going away party planned for Mr. Van Gelder and a welcome party for Mr. Headrick. Mr. Heule stated that he would advise the Directors as soon as he heard something.

Mr. Stephenson reported on his two recent District business trips to Lake Tulloch and Sacramento. He explained that the trip to Lake Tulloch was to learn more about their operations and lake management practices and also to share our experiences on weed and algae control. He stated that he was voted Southern Director for CALMS (California Lake Management Society). He reported that the trip to Sacramento was to help the State Department of Fish & Game evaluate the effectiveness of Quagga sniffing dogs. Mr. Stephenson explained that he was one of 10 invited participants. He reported that he scored 78% on his mussel detecting. He added that the other human inspectors scored an average of 66% while the mussel sniffing dogs scored 38.2% remarking that the dogs did not do as well as expected. President Murphy asked how our inspectors would score in the same test. Mr. Stephenson responded that since our inspectors work with this on a daily basis and are highly trained he feels they would do very well but he added that he can't really accurately answer that question. Mr. Larry Cooke, valley resident, asked if there were any interior mussels hidden. Mr. Stephenson stated that they had interior, exterior, and trailer mussels hidden. He added that he was hoping that the sniffing dogs were the cure-all but they turned out to be a disappointment. Director Fashempour asked if the dog handlers were concerned. Mr. Stephenson remarked that he believes they were embarrassed at the poor showing.

Mr. Heule reported that District Counsel Wayne Lemieux is away for the holidays but Keith Lemieux is available for consultation if needed.

## **APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of November 19, 2009
- Warrant List Dated December 11, 2009 for \$68,489.88

## **DOCK PLACEMENT TEST POLICY FOR EAGLE POINT**

Mr. Heule reported that during the past several months the Operations Committee has been working with private dock owners on Eagle Point between Swim Beach and Owl Drive to develop a plan that would allow them to exceed the existing 70 foot dock length regulation. He reported that on July 11<sup>th</sup> a workshop was held and 8 of the 10 dock owners were present. He explained that in many cases navigable water is not available within the 70 foot limitation, especially when lake levels drop more than five feet. He reported that the Operations Committee has reviewed the latest version of a proposed dock placement test policy and they have made a recommendation for a one year test policy to provide most dock owners with a useable dock during most lake level conditions. Mr. Heule explained that this is to allow dock owners from Swim Beach to Eagle Point Estates an exception to the 70 foot dock placement regulation under the following conditions: single docks can extend 125 feet for a fee 1.5 times the normal amount; two docks sharing a gangway can extend 200 feet and each dock owner will pay the regular dock fee; three docks sharing a gangway can extend up to 300 feet or to navigable water and each dock owner will pay the regular dock fee. He added that requests for the exception to the dock placement rule must be made at the time dock fees are paid in 2010 and docks that fail to abide by the exception restrictions will lose the chance to participate and will be required to return to the existing standards and regulations. He explained that it will be staffs responsibility to assure that the docks maintain or satisfy District dock standards. He reported that this will be a test policy for only a single 2010 calendar year and may or may not be extended pending the Operations Committee evaluation of the test policy results and decisions at the Board level. Director Fashempour asked if the owners will be required to have a gangway that reaches the entire length of the dock. Mr. Heule explained that the gangway is at the water's edge and the measurement begins at the water line and they will be able to use their existing gangway. He added that they will be allowed to walk on lake-bottom to get to their gangway. Director Fashempour asked if staff has looked into areas other than Eagle Point. Mr. Heule stated that this proposal would not work for some areas and so they are using this as a test only and then will consider other appropriate areas depending on the outcome of the test area.

Mr. Heule stated that he received two e-mails from marina owners regarding the proposal. He read the first e-mail from Alan Sharp, Big Bear Marina. "I will not be able to attend the meeting. I do have some concerns regarding Business Item 6A and would appreciate you presenting this to the Board for consideration. Even though this is a test program for 2010 and only applies to a specific section of Eagle Point, I believe it could establish a precedent for other private dock owners to be treated equally. In the not too distant past Dr. Wickwire requested a similar extension of his dock off Eagle Point and was denied. What is to stop the private dock owners of Mallard Lagoon (back bay), Shelter Cove, or Kidd Cove (to name a few) to request the same treatment? Low lake level has always been a problem for many private docks, granting them extensions into the lake at their expense with the possibility that it is only viable for one year is not a good solution. This test program also has an impact on the marinas. We have had numerous customers throughout the years moor their boats here due to low lake level or other adverse conditions on their properties. Our marina permits state that we have the right to move out in pursuit of navigable water, is this a right the MWD wants to extend to all private dock owners?

Careful consideration by the Board and staff on this matter would be appreciated. Sincerely, Alan Sharp” The second e-mail received was from Loren Hafen and stated “I would like to support Alan’s comments regarding lakefront docks and also will not be able to make the meeting and would respectfully request the issue be postponed until the January meeting. I do understand that a test program is not a permanent one, and if the Board decides to go ahead with the program I would like to place the issue on our list of things to discuss in the near future. If lakefront privileges conflict with the Marina Permit rights, I believe there will be continuing issues that will be detrimental to the existing marinas. Thank you for your consideration of my request, Loren.”

Mr. John Simmers, 138 S. Eagle Drive, stated that he is pleased with what is recommended. He stated that the 70 foot rule doesn’t work for them so he is very pleased with the proposal.

Director Suhay commented that he hopes the Eagle Point homeowners consider a dredge project. Mr. Simmers stated that they are discussing a dredge.

Larry Cooke, Big Bear Dock Systems, stated that he doesn’t want to get into the middle of this issue but has some pertinent information and concerns to share. He feels fees are excessive. He stated that it is not the distance from the water that matters, but the depth. He suggested that depth sounding would be a better choice explaining it is a simple process to address. He stated that marinas are making money during low lake levels. He explained that it is not only wading out to the depth of the gangway, but they also have to wade their boats into their slips and it is a big safety issue that the proposal doesn’t consider or answer.

President Murphy asked Mr. Heule to explain the fee schedule. Mr. Heule explained the proposed fee schedule itemizing the administrative fees, the weed control, and invasive species eradication fees and the increased costs associated with more gangways. Director Fashempour commented that the added fees are not a punishment but cover the increased administrative costs. Director Smith stated the proposal is an incentive to share docks and not buy new gangways. He stated that lakefront homeowners have spent a lot of money for their property and if marinas lose a couple of dock rentals, so be it. Director Fashempour asked how many dock owners are affected by the proposal. Mr. Heule stated that potentially 44 owners are affected.

Mr. Cooke stated again that he feels the fees are excessive. Mr. Stephenson explained that it is more expensive to treat weeds around docks.

Director Fashempour asked if the test program was also a test for appropriate fees. Mr. Heule stated that it was and that fees could go either way.

Director Suhay moved approval of the proposed test policy for Eagle Point.

Director Eminger seconded the motion and it was unanimously approved.

## **CONSIDER APPROVAL OF A COST SHARING AGREEMENT WITH THE U.S. FOREST SERVICE FOR BEAR PROOF TRASH CANS**

Mr. Stephenson reported that the USFS asked if the District would provide 50% matching funds for a grant to purchase 12 bear proof trash cans. He stated that the cost to the District would be \$8,000. He added that the trash cans would replace the ones already in place that the District services along North Shore Drive and at the ramps. He explained that the Forest Service says that unless all cans are bear proof, bears will simply move to the next accessible can to scavenge. Mr. Stephenson reported that the District performs the trash service as part of an agreement due to expire in 2010 in exchange for exempting parked cars along the lake side of the highway from needing to display an Adventure Pass. He stated that the Forest Service has agreed to renew our agreement for another term and perform all installation of the cans. He explained that the Budget & Finance Committee recommends approval of the cost sharing agreement for the bear proof cans and that undesignated funds in the Lake Improvement fund be used to pay the \$8,000.

Director Suhay asked who the Forest Service is getting the grant from. Mr. Stephenson reported that it is a Federal grant for wildlife enhancement but he is not sure what agency it is from. Director Fashempour asked for clarification of areas exempt from Adventure Pass fees. Mr. Stephenson said technically the exemption applies to the lake side of the highway only, but it has not been heavily enforced on the other side of the highway. Director Smith asked what the term of the agreement is for. Mr. Stephenson reported it is for 10 years. Director Suhay asked what the maintenance terms would be. Mr. Stephenson said we are responsible for maintenance but the Forest Service is responsible for installation of the cans. Director Fashempour commented that the costs to the District for cleanup of bear raided cans is fairly high and in the long run the cost of the bear proof cans won't be as much as clean up of the sites.

Director Suhay moved approval of the cost sharing agreement with the U.S. Forest Service for bear proof trash cans. Director Fashempour seconded the motion and it was unanimously approved.

### **PUBLIC FORUM**

No comments were made

### **ANNOUNCEMENTS**

Mr. Heule reported that he would be taking a vacation day tomorrow explaining that he will be going to Colorado for his brother's retirement. He added that he will be taking a side trip to meet with the representatives of the District's TMDL test labs. He announced that the District offices will be closed from December 24<sup>th</sup> until January 3<sup>rd</sup> for the Christmas holiday. He explained that staff will be using vacation time. He added that the next Board of Directors meeting will be January 7, 2010 and asked the Directors to be there at 11:30 for photos. Director Fashempour asked if staff could take the photos rather than hire a professional photographer. Mr. Heule stated that the photos turned out great last year and he would rather have a professional photographer. President Murphy stated that we would use the professional photographer this coming year.

### **DIRECTOR COMMENTS**

No comments were made

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:21 P.M.

### **NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, January 7, 2010  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard  
Secretary to the Board  
Big Bear Municipal Water District

(SEAL)