

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, SEPTEMBER 16, 2010***

**CALL TO ORDER**

President Fashempour called the Open Session to order at 1:00 PM. Those in attendance included Director Eminger, Director Suhay, Director Smith, Director Murphy, District Counsel Wayne Lemieux (via Skype), General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

**REPORTS**

General Manager, Scott Heule reported releases to San Bernardino Valley Municipal Water District ended shortly after Labor Day. He commented that as Don Evenson of MWH predicted the lake level was at four feet below full at Labor Day. He explained that they had difficulty regulating the ramp down to only 0.2 cfs/day because it is such a small number. He added that as we move towards a revised agreement with Muni for emergency storage in the Lake we will need to add some additional control and measurement options. He explained that some combination of a higher capacity weir at Station B or adding an 8-inch metered discharge pipe could help us do this. He stated that we will need to secure an okay from California Department of Fish & Game and USFS for ramp downs associated with larger release rates for a future revised In-Lieu agreement with Muni. Mr. Heule reported that the contractor working on the dam is no longer being paid by the State. He stated that Rob Richardson, Flatirons project superintendant, says they hope to open the new bridge mid December and plan on removing the old bridge from the dam in January. Mr. Heule explained that this all raises several issues including how little time is left to design a replacement bridge and secure approvals from DSOD for any construction activity on Bear Valley Dam. He stated that according to DSOD the dam owner must submit plans to them for review and it typically takes 3-4 months to secure their approvals. He added that this morning, during a meeting at the Chamber of Commerce Government Affairs Committee, he spoke with Larry Broedow, State Senator Dutton's Field Representative. He explained to him our ongoing discussions with Caltrans about commitments for funding the replacement service bridge. He added that Mr. Broedow would ask the Senator if he wanted to help us out on this matter. Mr. Heule explained that he also drafted a lengthy email message to Bryce Johnston (adding that all of the Directors were copied) that explains these bridge related issues and also describes the ramifications associated with old bridge removal without constructing a replacement bridge right away. He added that the utilities that control and monitor the service spillway gates will need to be moved to the downstream side of the dam and then protected from the weight of snow and ice until they can be incorporated into the design of the replacement bridge. He explained that this is a more complex issue than Caltrans anticipated. Director Suhay stated that he believes that the contractor should not remove the bridge yet adding that anything that is done on the dam should come to the Board first. He expressed his concern about the possible lack of access to the dam if the bridge was removed and not immediately replaced. Director Smith agreed adding that the District couldn't gain access to the dam in case of an emergency or for releases. Director Suhay added that a letter of support from DSOD would be helpful. Mr. Heule explained that DSOD does not have a requirement that we have a bridge over the dam adding that no one can touch the dam without our approval. District Counsel Wayne Lemieux joined the meeting at 1:14 pm via Skype.

Lake Manager, Mike Stephenson reported on his trip to Idaho and Montana studying effectiveness of various weed treatment herbicides. He explained that the trip was very valuable and educational thanking the Board for allowing him to go. He stated that staff will be harvesting weeds a couple more days and then they are done. Mr. Stephenson commented that this coming weekend is Aaron's Bass Tournament. He explained that Fish & Game has planted many fish. He also commented on the upcoming TroutFest tournament October 2<sup>nd</sup> and 3<sup>rd</sup>. Director Eminger asked how many signups there were so far. Mr. Stephenson said he hadn't checked recently but in the middle of August there were 650 and he anticipates it will get to 1000. He reported on the recent algae treatment. He commented on the recent limnological report. He added that the aeration system is turned off now and the destratification unit is on. Mr. Stephenson read a letter from one of the children who participated in the Kool Kids program adding that the letter shows the value of the program. He also reported on his trip to Phoenix to get the backhoe adding that it is a very nice piece of equipment. He explained that he was bidding with on-line participants but he feels having been there in person to see the piece of equipment first hand was a definite benefit. He added that the District saved on transportation charges by sending our old backhoe back at the same time the new one was delivered.

District Counsel Wayne Lemieux reported that in the last closed session the Board directed management to make an offer on real property. He added that his office will be relocated to their new facility by the next Board meeting.

President Fashempour reported that it was decided by the Budget & Finance Committee and then the Administrative Committee that the President, Vice President, and the General Manager would attend the ACWA Conference. She added that Director Suhay, General Manager Heule and she would be attending ACWA and she also would be attending the JPIA portion of the conference.

#### **APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of September 2, 2010
- Warrant List Dated September 13 for \$71,244.30

#### **HYBL SEAWALL, APPROVE BIOLOGICAL STUDY AND FILING OF CATEGORICAL EXEMPTION**

Mr. Heule stated that the District is the lead agency on any project proposed for the shorezone or lake bottom alteration. He reported that Gary Hybl proposes to build a 90 foot long seawall at the Lake edge on his property at 39342 Aurora Road on the northwest side of Metcalf Bay. He explained that Mr. Hybl submitted a biological review of the site in January 2010 along with a draft notice of exemption from CEQA. He added that the District turned the report and document over to Tom Dodson and Associates for review and advice and they concluded that before the District should accept the work the biological review should be conducted when the site was not covered in snow. Mr. Heule reported that a second survey was done in June 2010 and report prepared on July 12, 2010. He explained that the materials were again submitted for review by Tom Dodson and Associates and on July 19 they advised the District that based on the more recent biological survey and proposed work a categorical exemption (CE) from review under CEQA is the appropriate document for this work under section 15303, "New construction or conversion of small structures". He reported that the applicant has prepared all documentation needed for the District to process the Categorical Exemption and file the Notice of Exemption.

He commented that the Committee recommends that the Board make the finding that the Hybl seawall falls within the category defined for the exemption from review under CEQA and move to file the notice of exemption with the County of San Bernardino.

Director Eminger moved approval of the Hybl Seawall biological study and filing of a Notice of Exemption

Director Suhay seconded the motion and it was unanimously approved.

## **DISCUSSION AND POSSIBLE ACTION ON FORMATION OF MWD NON-PROFIT FOUNDATION**

Mr. Heule reported that the Ad Hoc Committee reviewed a draft white paper describing objectives, duties and operation of a future MWD Foundation. He explained that the Committee indicates that the MWD Board should be looking to appoint Foundation Directors who are high caliber, quality people, who can and will bring their energy and expertise to support the programs and policies of the Big Bear Municipal Water District through volunteer work and fundraising. He added that the Committee recommends that each Board member submit a prioritized list of three or four potential candidates from their Division who they believe would make good Foundation Directors to the General Manager. He explained that the lists would be compiled and then distributed to the full Board for their consideration and after the full Board approves a list of up to ten candidates, Board members will ask their nominees to become members of the Foundation Board. Mr. Heule explained that if the approach that the MWD Foundation Ad-Hoc Committee has proposed is acceptable they recommend authorizing District Council to draft Foundation By-Laws and 501(C) 3 Non-profit filing paperwork and once the By-Laws have been prepared and conceptually approved by the MWD Board the Foundation Board would be asked to select a name and review and suggest any edits or modifications to the By-Laws for consideration by the MWD Board.

Director Eminger stated that he thinks it is a good idea generally but doesn't think this is the right time to do it. Director Murphy asked what it could hurt. Director Eminger stated that he thinks it is just a bad time. Director Suhay stated "what does the District have to lose by trying?" Director Smith states that he sides with Director Eminger adding that he feels it could be detrimental to solicit people to participate at this time when money is so tight because it may destroy those participants chances of participating at a later time when times are better. Director Murphy stated that if we chose the right people they could do it now. Director Smith commented that he doesn't know if he could find two people in his Division that would participate. Director Suhay stated that he has already gotten three calls from people expressing interest. President Fashempour asked if other Directors have gotten calls and only Director Murphy and Suhay have received calls so far. Director Smith expressed his concern with insurance issues. District Counsel Lemieux stated that there should be no problem and the District's insurance already covers this. Alan Sharp, Big Bear Marina, addressed the Board stating that he thinks it is a good idea adding that he thinks the Marina's should be allowed to participate adding that he doesn't think being a marina operator would be a conflict to participate. Mr. Sharp added that he would like to be involved. Director Murphy stated that if a Director was having problems getting two from their Division then possibly one of the other Directors knows someone they could suggest that Director contact. Director Suhay agreed adding that he thinks it is important that the participants represent all Divisions. President Fashempour expressed surprise that Director Eminger and Smith felt that way adding that she thinks the Foundation is a good idea and is in favor of it. Director Eminger reiterated that he thinks it is an overall good idea but that the time is not right. District Counsel Lemieux asked who is going to come up with a name for the Foundation. Director Suhay stated that the new foundation would come up with the name. Mr.

Lemieux explained that he could draft the papers for "ABC Company" and then file the papers when a name is created. Director Eminger asked if District staff had time for all of this. Mr. Heule explained that no staff would be involved except for him. Director Suhay added that the Foundation would not involve our staff or use District equipment. Director Eminger stated that he would like a different paper to give to prospective candidates. Director Suhay stated the paper describing the objectives, duties and operation of the foundation is just a draft and changes could be made to it adding that if any Director has suggestions for changes they should make them known so they can be refined. Mr. Heule stated that District Counsel should not be advised to proceed until the Board is certain that they want to go ahead with it. Director Eminger stated that he would like more time to decide. Director Smith agreed. Director Murphy stated that we probably should hold off until a future meeting to make a decision. President Fashempour stated no action will be taken at this time and the proposal will be presented to the Board again at the October 21<sup>st</sup> meeting.

District Counsel Lemieux remarked that there may be a Conroy hearing at the meeting on the 21<sup>st</sup>.

#### **PUBLIC FORUM**

Mr. Roy Brownie, Pleasure Point Marina, stated that he has concerns about canoes and kayaks that are being rented and launched in Boulder Bay Park. He explained that it is hurting Johnny's rental business from his marina. Mr. Heule reported that the City of Big Bear Lake operates Boulder Bay Marina.

#### **ANNOUNCEMENTS**

Mr. Heule reported that Director Murphy would be attending a Calpers program in October. He added that Mr. Stephenson would be attending weed school at UC Davis next week.

#### **DIRECTOR COMMENTS**

Director Murphy commented that he feels next year's weed program could be very exciting.

Mr. Heule reported that there is nothing to report or discuss in Closed Session.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:11 P.M.

#### **NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, October 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)