

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, DECEMBER 19, 2013***

**CALL TO ORDER**

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

**DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**

Mr. Heule reported that there was no reportable action at the closed session of November 21<sup>st</sup>.

**REPORTS**

Mr. Heule reported that there is clutter in the Board room showing that Santa is on his way. He explained that the Board room is Santa Central for the next three days as the Rotary Club stages Santa visits here. He added that they promise it will all be cleaned up next week. Mr. Heule reported that work on modeling the proposed In lieu agreement amendment continues with Don Evenson advising the Valley District consultant on the intricacies of fishery releases, flood control releases, evaporation and the ramifications of where Mutual takes delivery of Lake water. He added that Valley will not see any losses when they use their lake account to meet Mutual demands because Mutual takes delivery of the water at the base of the dam. He explained that the cost to Valley District based on this information will be considerably less than the numbers that earlier modeling suggested. He added that more information should be available next month. Mr. Heule stated that it appears that the District could receive a substantial amount of money from the San Bernardino County storm water program members for an in lake alum treatment program. He explained that money that they had anticipated to be used as a match for grants last year is potentially available in 2014 to contribute to an in lake project. He reported that he has been discussing this with Mike Stephenson and the City of Big Bear Lake the past couple days and the Lake Improvement Committee will see this discussion in a meeting right after the first of the year. He explained that with the Lake level down we have an opportunity to accomplish an effective treatment of lake-bottom sediments where the highest phosphorous concentrations are known to occur.

Lake Manager Mike Stephenson reported on the Marina Point project. He explained that they had equipment operating on the site in violation of the original agreement adding that it will remain on site for now. He stated that the ice safety program is moving in full speed. He explained that advertisements are being run and signs are placed around the valley highlighting the dangers of walking on the ice. He added that the ads are in color this year explaining that it may attract more people to pay attention to them. Director Lewis asked if the Grizzly charges for these ads. Mr. Stephenson explained that they do. Director Lewis asked if people who walk on the ice and require fire department rescue are charged. Mr. Stephenson responded that there is a

threat of a fine but he has not heard of anyone receiving a bill for that service. He explained that the signs are universal with a stick figure of someone falling through the ice so even people who don't read English can understand the risk. Mr. Stephenson reported that the District is testing for Lake Patrol positions from an internal opportunity that was presented to last year's seasonal employees. He added that two applications have been received. He stated Merry Christmas to all adding that he will be off starting next week Christmas day until January 12<sup>th</sup>.

District Counsel Wayne Lemieux reported that there has been a change in the date that Directors take office explaining there is no need to worry about it adding the rotation of the President can occur in January as it has in the past.

#### **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 November 21, 2013
- Minutes of a Special Meeting Workshop of November 22, 2013
- Warrant List dated December 11, 2013 for \$106,327.23
- Consider approval of a Special Event Permit for Aaron's Big Bear Lake Bass Tournament Championship Series
- Consider approval of a Resolution of the Board of Directors of Big Bear Municipal Water District amending Resolution No. 2013-01 (Administrative Code) as it relates to Longevity Incentives

#### **CONSIDER APPROVAL OF THE DOROTHY ALLEN PORTER TRUST FAWNSKIN DREDGE PROJECT SALE OF A SLIVER FILL EASEMENT FROM THE DISTRICT**

Mr. Heule reported that this proposed dredge project in Fawnskin requires the purchase of a sliver fill easement (parcel 0304-131-12) from the District. He added that the sliver fill easement area occupies 4224 square feet. He explained that using the current District wide assessed valuation and the formula in the District's resolution 2011-06 the easement purchase would cost the applicant \$28,470. He reported that the sliver fill easement area and a significant portion of the applicant's property lies below the high water elevation of the Lake (6743). He explained that the sliver fill parcel and the proposed dredge area in the Lake bottom are thickly covered with willows. Mr. Heule reported that both the sliver fill parcel and the private property would receive dredged fill material to raise them to finished elevations of 6746 feet and 6750 feet respectively. He added that the dredge itself will extend to elevation 6735 feet to match Lake bottom elevations on either end of the proposed dredge. He explained that this would avoid having an isolated puddle of water in the area when the Lake drops below this elevation. Mr. Heule reported that the applicant has already discussed the proposed dredge project with his westerly neighbor and the neighbor had no objections to the plan but did make some requests of the applicant that would not affect any District interests with the plan. He explained that the Committee recommends that the District should sell the 4224 square foot sliver fill easement in accordance with the formula defined in Resolution 2011-06 after the project has permits from the

Army Corps of Engineers, California Fish and Wildlife and the Santa Ana Regional Water Quality Control Board but prior to issuing a shore zone alteration permit for the project.

Director Eminger moved approval of the Sale of a Sliver Fill Easement to the Dorothy Allen Porter Trust. Director Suhay seconded the motion and it was unanimously approved.

**CONSIDER APPROVAL OF A PROPOSAL FROM TOM DODSON & ASSOCIATES TO PREPARE ENVIRONMENTAL DOCUMENTATION FOR THE DOROTHY ALLEN PORTER TRUST/GIEBELHOUSE FAWNSKIN DREDGE PROJECT**

Mr. Heule reported that the proposed Dorothy Allen Porter Trust/Giebelhouse Fawnskin Dredge Project will require environmental documentation via the California Environmental Quality Act (CEQA). He explained that District policy stipulates that the CEQA effort can either be performed by the project applicant or by the District at the District's discretion. He added that in this case CEQA will be performed by District environmental consultant Tom Dodson and Associates at the applicant's expense. Mr. Heule reported that using the applicants engineering drawings and description of the proposed project Tom Dodson and Associates returned a proposed scope of work and cost of \$28,750 for the CEQA work. He explained that the Committee recommends that the Board authorize Tom Dodson and Associates to begin work subject to District receipt of a deposit from the applicant for the full \$28,750. He added that invoices from the consultant will be paid from this deposit and if unusual or complicating factors arise during the course of work that would require an increase in scope and cost the additional amount would need to be deposited by the applicant before the additional work is authorized.

Director Lewis moved approval of a proposal from Tom Dodson & Associates to prepare environmental documentation for the Dorothy Allen Porter Trust/Giebelhouse Fawnskin Dredge Project. 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 ADOPTING WORKERS COMPENSATION COVERAGE FOR VOLUNTEERS**

Mr. Heule reported that the District currently utilizes volunteers for shoreline cleanup. He added that there could be other opportunities in the future for using volunteers to perform other work for the District. He explained that volunteers working for the District are currently not covered by workers compensation insurance and could sue the District for injuries and illnesses suffered while performing volunteer service. He advised that District Counsel has drafted a resolution that would deem volunteers to be District employees solely for the purpose of Workers' Compensation Insurance benefits provided by law for an injury or illness sustained while engaged in the performance of services for the District. He added that the Committee recommends that the Board adopt this resolution. He reported that Counsel also drafted a volunteer waiver and release form that could be used in conjunction with the Workers' Compensation policy whenever volunteers are providing service to the District explaining that this form is not a part of the Resolution that is being considered today. Director Lewis asked about the financing of this insurance. District Counsel Wayne Lemieux explained that this

insurance is a gift to volunteers and cost would be added to the existing premiums that the District pays adding that the cost is very little. Mr. Heule explained that we now use volunteers with Adopt a Shoreline program and will possibly use volunteers for other programs in the future.

Director Suhay moved approval of a Resolution of the Board of Directors of Big Bear Municipal Water District adopting Workers Compensation coverage for Volunteers. Director Lewis seconded the motion and it was unanimously approved.

#### **PUBLIC FORUM**

No comments were made

#### **ANNOUNCEMENTS**

Mr. Heule announced that the next two Board meetings will occur on the second and fourth Thursdays in January (January 9<sup>th</sup> & 23<sup>rd</sup>). He explained that this is in response to the timing of the office closure between midday Christmas eve and Monday January 6, 2014.

#### **DIRECTOR COMMENTS**

No comments were made

#### **ADJOURNMENT TO CLOSED SESSION**

The meeting was adjourned to Closed Session at 1:46 P.M under Government Code Section 54956.8 Conference with Real Property Negotiator, Scott Heule General Manager, concerning 440 Catalina, Big Bear Lake, California, APN #2328-202-15, #2328-202-08, #2328-291-27

#### **RECONVENE TO OPEN SESSION**

The meeting was reconvened to Open Session at 2:12 P.M.  
No reportable action.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:13P.M.

#### **NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, January 2, 2014  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard

Secretary to the Board

Big Bear Municipal Water District

(SEAL)