

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, JULY 18, 2013***

**CALL TO ORDER**

President Smith called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Lewis, Director Suhay, 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 that the California Special Districts Association General Managers Summit he attended this past Monday and Tuesday was filled with excellent speakers and education. He explained that the presentations were made on topics including: documenting employee performance; building and maintaining community support; Pension Reform Act of 2013; how to prepare, interact and communicate with the Board; bringing out the best in your Board; and managing effective and ethical communications in a crisis. He reported that a quote from one presenter, Brent Ives, says "policy is the lasting, enduring legacy of a good Board". He commented that the Boards job is to establish agency policy. He added that a Board that develops policy effectively guiding agency actions for years enjoys a lasting and enduring legacy. He explained that what the Board needs from him is his professional opinion and perspective, help with policy, communication, his take on what is important and what's next, and his perspective on what he needs from the Board. He reported that the value of not flying under the radar was discussed in a couple sessions. He added that one comment that was made was "when you need a friend, it is too late to make one." Mr. Heule reported that he is making some progress on justifying the work in kind credit on our ACOE project. He explained that last week he turned in satisfactory documentation for nearly \$1.1 million dollars. He added that we have about \$3.5 million to go. He reported that he and Carrie Shirreffs are also continuing to justify \$47,000 of work in kind credit for the District's Proposition 13 Grant with the State Water Resources Control Board. He commented that the Directors should have received a copy of a draft term sheet prepared by Don Evenson regarding an amendment to the 1996 In-Lieu Water agreement. He explained that the concept of the amendment would allow emergency and operational water storage in the Lake for San Bernardino Valley Municipal Water District (Valley District) amounting to 5,600 acre feet. He reported that emergency Lake releases to Valley District of up to 2,800 feet might be made when their State Water Project deliveries were less than 25,000 acre feet or when problems with the State Water Project facilities prevent Valley from making normal in lieu deliveries. He added that maximum release rates during an emergency would be 15 cfs. He stated that operational releases would be made, up to 2,800 acre feet, only before Memorial Day and after Labor Day and would be limited to a release rate of 10 cfs. He reported that they would not be made if the lake level is more than 8 feet below full. He explained that there are two advantages to the District if the draft amendment to the in lieu agreement agreed to by both parties:

- (1) Waiver of the in lieu cost increase in FY 2017-18 of \$86,500 and \$50,000 reduction in the District's in lieu payment between now and FY 2017-18.
- (2) Higher Lake level under normal conditions. When the Lake is within 6 feet of full the Lake holds approximately 2,800 acre feet for every foot of Lake level.

Mr. Heule reported that he met with Jim Miller from the City and Mandy Parks with the Inland Empire Resource Conservation District at the Trout Pond yesterday. He explained that the Resource Conservation District works closely with State and Federal agencies to restore and conserve properties set aside for environmental mitigation. He reported that Ms. Parks said the Resource Conservation District is very interested in securing properties with restoration potential, and particularly riparian restoration potential like the Trout Pond property. He explained that they would like to perform a biological assessment by their field ecologist/biologist, assess the overall site function implications on future use, and conduct an on-site meeting of the Conservation Districts Mitigation Committee to review the site's potential. He stated that Ms. Parks indicated that the property absolutely has value relative to their mission and that if they secure the property they would work with the City and the District to ensure a portion remains available for public recreation use in cooperation with the trails master planning by the City. He explained that according to Ms. Parks we should be hearing more from the Resource Conservation District in the very near future. Director Suhay asked if we ever got an official appraisal of the Trout Pond property. Mr. Heule explained that costs for an appraisal to the property were received and presented to the Administrative Committee and the committee felt the cost of an appraisal was too much to spend at this time.

Lake Manager, Mike Stephenson stated that they began carp eradication with the shock boat a few days ago. He reported that a few smaller blue gill and bass (around 1 year old) are starting to appear showing that spawning is getting better. He explained that the harvester will be running until September 15<sup>th</sup> and they are cutting lots of native weeds and will be doing one more week using herbicide for dock owners who wish to pay for extra weed removal. He updated the Board on the Marina Point project explaining that they experienced a set-back yesterday due to vandalism. He reported that Kool Kids is coming up August 13<sup>th</sup> and 14<sup>th</sup> adding that he is counting on all Directors to help out at the event. Mr. Stephenson reported on a certificate received from Congressman Paul Cook honoring the District for their Carp Roundup event. President Smith reported that he was at Carp Roundup and received many favorable reports and compliments from people regarding Mr. Stephenson and the event as a whole. He said "thanks, you did a great job".

District Counsel Wayne Lemieux reported that he is happy to be back. President Smith commented "we are happy to have you back".

#### **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 June 20, 2013
- Warrant List dated July 12, 2013 for \$1,381,307.42

**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 DIRECTORS' ASSUMPTION OF OFFICE**

Mr. Heule reported that Assembly Bill 72 was recently signed into law, amending section 71253 of the Water Code with regard to when elected directors assume office. He explained that previous law provided that newly elected directors of municipal water districts assumed office on the first Monday after January 1 succeeding their election. He added that under the new law, such directors will take office on the first Friday in December after their election, and accordingly the District's Administrative Code needs to be revised in order to conform with the new law. He explained that the new Resolution revises the code's provision for how and when newly elected directors take their oath of office and allows that oaths of office shall be taken in a manner prescribed by law.

Director Suhay moved approval of a Resolution amending Resolution No. 2013-01 (Administrative Code) as it relates to Directors' assumption of office. Director Lewis seconded the motion and it was unanimously approved.

**CONSIDER APPROVAL OF A SHOREZONE ALTERATION PERMIT FOR HYBL SEAWALL**

Mr. Heule introduced this item and then provided the balance of the explanation. Mr. Stephenson stated that Gary Hybl started a shore zone alteration permit process in 2010 for a sea wall. He explained that the proposed sea wall is 98 feet long and five feet tall. He added that the sea wall is aligned on the property line but about 38 feet is below the high elevation of the Lake. He reported that the proposed project will, therefore, reclaim a small portion of Hybl's property that has eroded into the water. He explained that Mr. Hybl has completed his CEQA document (Notice of Exemption) and has permits from the Santa Ana River Regional Water Quality Control Board, Fish and Wildlife and Army Corps of Engineers. He added that Hybl has paid all of his fees and would like to start work on this project soon. Mr. Stephenson explained that he has reviewed the sea wall design and has determined that it satisfies District design standards. President Smith asked if this is just reclaiming property that Hybl has lost through erosion. Mr. Stephenson said yes that is the case.

Director Murphy moved approval of a shorezone alteration permit for Hybl seawall.

Director Suhay seconded the motion and it was unanimously approved.

**PUBLIC FORUM**

Jim Hart, valley resident, asked if there was discussion on the proposed use of the trout pond at the meeting with the City and the Conservation District. Mr. Heule stated that they were interested in securing the District owned property from up-stream of the Trout Pond to the lower end for riparian restoration (restore stream and wet meadow area). President Smith asked if they would be using plants as bio-filters. Mr. Heule responded yes.

**ANNOUNCEMENTS**

Mr. Heule reported that the next Board meeting is scheduled for August 1st. adding that he will be confirming attendance at Kool Kids at that meeting.

**DIRECTOR COMMENTS**

Director Murphy reported that the Fawnskin doo-dah parade is coming up.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:27 P.M.

**SPECIAL MEETING**

A special meeting was convened at 1:30 pm. The meeting was adjourned to closed session to conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) Section 54956.9, one case.

**RECONVENE TO OPEN SESSION**

The meeting was reconvened to Open Session at 2:24 P.M.  
No reportable action.

**ADJOURNMENT**

There being no further business, the special meeting was adjourned at 2:25 P.M.

**NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, August 1, 2013  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard  
Secretary to the Board  
Big Bear Municipal Water District

(SEAL)