

**MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, March 21, 2024**

1. OPEN SESSION

President Ludecke opened the regularly scheduled Board meeting at 1:00 PM at the Big Bear Municipal Water District located at 40524 Lakeview Drive, Big Bear Lake, CA 92315 on Thursday March 21, 2024.

BOARD MEMBERS PRESENT:

Steve Ludecke, President
Craig Brewster, Vice President
Mark Lee, Director
Tom Bradford, Director

2. PLEDGE OF ALLEGIANCE

Michael Kent

3. PUBLIC FORUM

No comments were made by the public in attendance.

4. REPORTS

A. The Interim General Manager's report was given by Mr. Stephenson in Ms. Lamson's absence. Mr. Stephenson stated that the Lake is 5.77 feet down from full, 3 inches better than last year at this time. Mr. Stephenson reported that the watermaster meeting was eventful, starting long before and ending long after the official meeting. He reported that the Edison facility which pipes water released from Big Bear Lake to Mutual has been down for two years now. He expects that there will be news announced at the next Watermaster concerning progress with the repairs to that pipeline. This is pertinent to the District because if the pipeline was repaired today, Mutual could call for water to be released. They can request water be released when lake level is between 0 and 4 feet down from full during the summer and between 0 and 6 feet down from full in the winter. The last time they requested a release was in 1996. Additionally, runoff from the current storm yesterday was 127cfs in the Santa Ana and today was 97cfs. Mutual can divert water from the river.

B. Mr. Stephenson said that Ms. Lamson is doing a really good job as the Interim General Manager.

C. Director Brewster reported that the Operations Committee had met for the spring marina task force meeting. Director Brewster reported that things are business as usual and the marinas are happy with the high lake level. Mr. Stephenson continued that one of the focuses of the meeting was encouraging the marinas to improve their usage of WID (the watercraft inspection and decontamination database software) in their marina operations. Director Brewster reported that the marinas are pushing to open the Saturday after the 1st of April.

5. CONSENT CALENDAR

- A. Minutes of a Regular Meeting on March 7, 2024.
- B. Warrant list dated 3/19/2024 in the amount of \$52,424.86.

Discussion:

No comments were made.

With a motion made by Director Brewster, and seconded by Director Lee, the consent calendar was approved unanimously:

AYES: Ludecke, Brewster, Lee, Bradford

NO:

ABSTAIN:

6. BUSINESS

A. Public Hearing for Ordinance #51 regarding language updates & dock related terms to be consistent with newly passed Resolutions 2024-01 & 2024-02.

Discussion:

1. Staff Presentation: Two changes were made to the ordinance, changes of law and change of language. On page 6 (of Ordinance 51), persons aged 60 years and younger must have a boater card if operating a motorized vessel. Including it in the ordinance gives Lake Patrol options for enforcement. The second change is with regards to dock license revocation. Previous language was struck out and replaced with new language to reflect the changes in the newly passed dock resolutions.
2. Written Public Communication: None was received.
3. Oral Public Comment: Gary Bosemer, 39319 Aurora Rd. asked if he was required to have a California Boater Card given that his primary residence is in Arizona and he already has a similar license issued by the state of Arizona. Mr. Bosemer asked if he can use his AZ boater license instead of the California Boater Card. Mr. Stephenson responded, yes, the Arizona license will be sufficient. Lee Tabor, 1168 Mount Doble Dr. asked if people who rent boats are required to have a boater card. Mr. Stephenson responded that they do not. Director Ludecke asked if the private marinas offer any training for people who rent boats. Jeff Cooper, of Pleasure Point Marina responded that there is a standard briefing for the person who will be driving the boat and they sign a paper saying they understand and will follow the rules.
4. Board Discussion/Comments: None were made.
5. Close Public Hearing.

With a motion made by Director Bradford, and seconded by Director Brewster, Ordinance #51 was approved unanimously:

AYES: Ludecke, Brewster, Lee, Bradford

NO:

ABSTAIN:

B. Appeal of special conditions for dock number 223

Discussion:

Mr. Stephenson explained the issues around dock number 223 and what District staff and the Directors had done to place special conditions that would benefit the most people for the most amount of time, as well elaborating on how much time District staff has spent on this issue. Pete Weeger stated that he never made a formal appeal. Mr. Stephenson stated that there was a request for an appeal. Mr. Stephenson presented an arial photograph with the special conditions shown. Mr. Stephenson stated that there are 89 feet on either side of the dock which allows for access to the lake for all parties involved. At full lake, dock 223 can be attached to the seawall. When the Lake is 6 feet down from full, dock 223 must be detached from the seawall and either follow the waterline or move out of the property boundary lines and out to the point. This exception will allow for leapfrogging at certain lake levels. Director Ludecke asked if these special conditions were noticed to dock 223 this year. Mr. Stephenson responded that yes, the new dock license with special conditions was sent out this year.

Peter Weeger, the owner of dock 223, stated that there was no dimensions on the picture presented and there was information missing. Mr. Weeger stated that there was no real easement dock shown in the picture. Mr. Weeger stated that his dock has been in the same place for 50 years, had an issue with the easement, and did a dredge. Mr. Weeger stated that the placement was allowed last year and he wants to be able to move between the sea wall and the point. Mr. Weeger stated that the dock not shown in the picture is massive and he does not know what measurements were used in the picture. Mr. Weeger also feels that his dock should be constantly monitored and asked to be able to change placement between the seawall and the point.

Director Ludecke asked if there are three easement owners. Mr. Weeger clarified that yes, there are three. Mr. Weeger continued, stating that he wants to move his dock to the sea wall and create a walkway (goatpath) for the easement dock. Mr. Weeger stated that he is willing to cooperate with his neighbors to allow access and wishes to continue with last years' placement. Mr. Weeger wants to keep with historical precedence, and move his dock to the point. Mr. Weeger expressed disagreement with leapfrogging.

District Council Lemieux stated that Mr. Stephenson had distributed historical documents about the easement and requests that it be added to the appeal. Council asked Mr. Weeger to add any written information he may have to the appeal.

Director Bradford requested clarification about dock 223, does Mr. Weeger want to move to the point right now? Mr. Weeger responded that between 0 and 6 feet down from full, he wants his dock placed at the point and when the Lake is greater than 6 feet down from full, he wants to have his dock placed at the sea wall. Director Bradford asked what the issues was with the easement? Mr. Bosemer responded, saying that he had spoken with the other easement owners and there was no issue.

Director Ludecke asked if the easement owners and the owner of dock 223 have created a written agreement between the four parties. Mr. Bosemer stated that they are working on those discussions. Mr. Weeger stated that they have been talking with Ms. Lamson and think sliding will not be a problem. Director Ludecke tabled the discussion at 13:34 to move to the next business item because the two items were over lapping and they wanted to make a decision on both items at the same time.

No action was taken on this item by the Board. Special Conditions for dock license 223 shall remain in effect.
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C. Appeal of special conditions for dock numbers 224, 225, 226

Discussion:

Director Ludecke opened this item asking who the easement dock owners are and if they have a formal agreement to present to the board. Mr. Stephenson responded that the other two easement owners (not in attendance) have had conversations with the District and are okay with the special conditions.

Director Ludecke asked Mr. Bosemer if he had any confidence that he could present a solution for the dock issue by April 1. Mr. Bosemer stated that he came to this meeting with no prior knowledge. Mr. Bosemer stated that the easement dock owners have not filed a formal appeal. We, the easement dock owners, disagree with the dock not being usable at higher water levels. Mr. Bosemer explained that the old easement was rescinded and there is no direct access without crossing below Mr. Weegers seawall. Mr. Stephenson replied, stating that the easement owners will have to walk around, like last year. Mr. Bosemer argued that the solution was only for one year. He agreed that going out to the point makes sense but questioned how to get there. Mr. Bosemer suggested a floating pier system. Mr. Stephenson stated that that solution does not work well. Mr. Bosemer stated that he does not have a solution today.

Director Bradford asked if the 36' walkway easement is a solution. Mr. Weeger replied that it is not. When the water is low, he will move his dock so they, the easement owners, can walk between his gangway and property. Mr. Weeger called it an easement in gross.

Council declined to comment on Mr. Weeger's statement. Director Bradford asked for clarification, if the easement is at the red line [on the map] and dock 223 is at the sea wall, where do the easement owners walk? Mr. Bosemer clarified that the easement owners have to walk below the seawall to get to the easement dock.

Director Bradford asked for further clarification. Mr. Bosemer further clarified that the easement owners do not have lakefront property and no direct easement from their properties to the Lake. Mr. Bosemer requested a committee discussion about the topic. Mr. Stephenson reminded Mr. Bosemer that a committee meeting on that topic has already occurred. Director Ludecke commented that the meeting was a waste of time and that the District has been dealing with this issue for a long time. Mr. Bosemer stated that there was a lot of information given without any time to prepare (referencing the committee meeting which took place in December of 2023).

Mr. Stephenson stated that there are approximately 784 docks on the Lake and only about 50% have been able to exercise in the last 10 years. When the Lake is 14 to 16 feet down from full, less than half of dock owners are able to exercise their dock privilege. With the current special conditions, the easement dock can exercise approximately 90% of the time. This is a gift for you. You will be able to exercise most of the time with this option and if you had a better option, you would present it.

Director Bradford stated that everything is relative to water level, high level is great for most people down is bad for most. Director Ludecke added that this case is the reverse. Director Bradford stated that the District tries to accommodate everyone as best we can. Sometimes we upset someone else when we accommodate people. We make our regulations as best we can to accommodate everyone, sometimes people lose. District Council asked if the District would consider a modification to the special conditions if the easement owners come back with an agreement. Mr. Stephenson stated that he believes that the Board

and Interim General Manager would accommodate this if they did. Other owners have been in bad situations and chose not to exercise.

Mr. Weeger addressed Mr. Stephenson, stating that when a government tells me something is a gift, you are wrong. Director Ludecke stated that he does not have a written agreement between all parties, and asked at what lake level is it impossible to walk to the easement dock below the seawall. Mr. Weeger responded that between 0 and 6 feet down from full, the easement dock owners cannot walk between the seawall and his gangway, which is why he wants to put his dock out on the point. Director Ludecke asked if the easement owners are able to walk to their dock now. Mr. Weeger stated that it is not possible and they are planning to move the easement dock to the seawall.

Director Ludecke asked Council if he could make a motion.

District Council replied that since Mr. Bosemer and Mr. Weeger are not here for an appeal, there is no action that the Board needs to take. You can make a motion if it is related to the agenda item.

Director Ludecke made a motion to leave the current special conditions in place until all four members, dock 223, 224, 225, 226 come to the Board with a solution that does not affect any other dock owners.

District Council replied that he did not think a motion is needed because the special conditions are already in effect.

Mr. Weeger inquired if he needed to sign the special conditions in order to have a dock on the Lake. Mr. Stephenson responded yes. Mr. Stephenson continued, saying that we, the District, were trying to have a hard stop on this issue, and by kicking the can we have not solved any issues. District Council added that this item was improperly agenda as an appeal or withdrawn. Director Ludecke asked Council if both this item and the preceding item could be closed. Council asked for final comments from the public, and with none, Director Ludecke closed the items.

No action was taken on this item by the Board. Special Conditions for dock license 224, 225, 226 shall remain in effect.

7. CLOSED SESSION

President Ludecke adjourned to closed session at 2:03 PM. Before closing, he asked if there were any comments from the public regarding the closed session items. Being none, the open session was adjourned to closed session.

The Board reconvened to open session at 2:37 PM and legal counsel reported, the only item in closed session was public employee appointment, Discussion of employee pursuant to government code 54957(b): Title General Manager, which had no reportable action. This concluded Council's report.

8. ITEMS REMOVED FROM CONSENT CALENDAR

N/A

9. ANNOUNCEMENTS

N/A

10. DIRECTOR COMMENTS

Director Ludecke reported that the Replenish Big Bear project is becoming a hot topic in the valley. He recommends everyone educate themselves on it.

11. ADJOURN

There being no further business, the meeting was adjourned at 2:40 PM.

DATE AND TIME OF NEXT MEETING

Date: April 4, 2024
Location: 40524 Lakeview Drive
Big Bear Lake, CA 92315
Time: 1:00 PM



Michael Kent, C/O Secretary to the Board of Directors of
Big Bear Municipal Water District

[SEAL]

