FALLEN LEAF LAKE COMMUNITY SERVICES DISTRICT
RESOLUTION No. 2026-016

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLEN LEAF LAKE COMMUNITY SERVICES DISTRICT REGARDING DISTRICT'S USE OF FACILITIES IN THE CLOSED SEASON AND DEMAND FOR REPORTS

WHEREAS, on or about March 27, 2023, the District entered into a Concessionaire Agreement ("Agreement") with Big Blue Hospitality, LLC, a California Limited Liability Company dba Big Blue Hospitality ("BBH" or "Contractor"); and

WHEREAS, the Agreement provides that BBH "shall have access to the District Facilities" commensurate with and in accordance with the District's Policy regarding the "Community Area at Fallen Leaf"; and

WHEREAS, the definition of "District Facilities" under the Agreement means and includes the General Store Building, the Community Building (the Old Store Building), the Marina (including all associated marina components and facilities, the paved and unpaved roadways and parking areas, and pedestrian easements and grounds situated in the Community Area; and

WHEREAS, the Agreement states that BBH shall operate the Marina and Store daily during the Open Season. (Section 5(u).) There is no requirement under the Agreement for BBH to operate the Marina and Store during the closed season; and

WHEREAS, the Agreement provides that "Contractor may use the Community Area premises for Contractor's permitted use and for no other purpose. No other use is permitted without first obtaining express written permission from the District."; and

WHEREAS, the District has a legitimate business and safety need to use the fuel-pump dock to moor a fire boat during the closed season of 2026-27; and

WHEREAS the US Department of Fish and Wildlife has made a legitimate and reasonable request to the District that the District permit it to park its boat in the upper parking lot; and

WHEREAS, the District owns District Facilities as described in the Agreement, and always requires full access to these District Facilities; and

WHEREAS, Section 5(t) of the agreement between the District and Big Blue Hospitality, "the Contractor shall comply with all reasonable directives, policies and procedures that the District may adopt from time to time."; and

NOW THEREFORE BE IT RESOLVED, DIRECTED AND ORDERED by the Governing Board of Directors of the Fallen Leaf Lake Community Services District, as follows:

1) District personnel shall be permitted to access to all portions of District Facilities as defined in the Agreement during the closed season without the prior consent of BBH, regardless of BBH's limited permitted access to District Facilities in the closed season;

2) District representatives are authorized to access and use the fuel pumps, docks, and parking lot within the District Facilities during the closed season to advance the legitimate business and safety needs and requirements of the CSD without restriction and without prior authorization from BBH;

3) BBH, and its agents or assigns, shall not interfere with the District's efforts to close facilities for the season and/or transition to a new vendor;

Upon motion of Director Gray, second by Director Sipprell, the Board adopted Resolution 2026-016 on the following vote:

AYES: Directors Gray, Martin, Kramer, Kerr and Sipprell

NOES: None

ABSTAIN: None

Karen Sipprell

Karen Sipprell, Board President

10/14/26

Date

Attest: [signature]

10/14/2026