

BISHOP AREA WASTEWATER AUTHORITY
BOARD OF DIRECTORS MINUTES
October 20, 2020

1. CALL TO ORDER

Chairman Pachucki called the Bishop Area Wastewater Authority Board of Directors meeting to order at 8:06 a.m. in the City Council Chambers, 301 West Line Street, Bishop, California via video conference.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Pachucki

3. ROLL CALL

Present:

Chairman Pachucki
Vice Chairman Muchovej
Board Member Stone

Absent:

Board Member Costello

Others Present:

Ron Phillips, Authority Treasurer/Auditor-Controller
Deston Dishion, Authority Administrator
Jennifer Krafcheck, Eastern Sierra Community Service District
Ward Simmons, Legal Counsel
Michele Rhew, Secretary
Russ Adams, Board Member Alternate

4. PUBLIC COMMENT: NOTICE TO THE PUBLIC: See modified public comment procedure above. Under California law the Board of Directors is prohibited from generally discussing or taking action on items not included in the agenda; however, the Board of Directors may briefly respond to comments or questions received from members of the public. Therefore, the Board of Directors will be provided with all public comments but will not generally discuss the matter or take action on it.

No public comments were received.

5. CONSENT CALENDAR – NOTICE TO THE PUBLIC: All matters under the Consent Calendar are considered routine by the Authority and will be acted on by one motion.
 - A. FOR APPROVAL/FILING
 1. Board of Directors of the Bishop Area Wastewater Authority Meeting Minutes – July 21, 2020
 2. Guidelines for Implementing the California Environmental Quality Act (CEQA) – The State CEQA Guidelines require local agencies to adopt “objectives, criteria and procedures” to implement the requirements of CEQA and the State CEQA Guidelines. (State CEQA Guidelines [14 Cal. Code Regs.] section 15022). The State CEQA Guidelines codified at 14 Cal. Code Regs. Section 15000 et seq. provide implementation direction and reflect relevant court opinions.
 - Recommended Action: Adopt Resolution No. _____ approving the State CEQA Guidelines for Implementing the California Environmental Quality Act for Bishop Area Wastewater Authority.
 3. Investment Policy – The California Legislature provides standards for governing bodies authorized to make investment decisions for local agencies.
 - Recommended Action: Adopt Resolution No. _____ approving the Fiscal Year July 2020 – June 2021 Investment Policy.
 4. Conflict of Interest Code of the Bishop Area Wastewater Authority – The Political Reform Act (the “Act”) requires all public agencies to adopt and maintain a Conflict of Interest Code containing the rules for disclosure of personal assets and the prohibition from making or participating in making governmental decisions that may affect any personal assets. A conflict of interest code must specifically designate all agency positions, except for those listed in Gov. Code § 87200, that make or participate in the making of agency decisions which may foreseeably have an effect on any financial interest of that person, and assign specific types of personal assets to be disclosed that may be affected by the exercise of powers and duties of that position. (Gov. Code §§ 87300, 87302.)
 - Recommended Action: Adopt Resolution No. _____ approving the Conflict of Interest Code of Bishop Area Wastewater Authority and directing that such Code be submitted to the Inyo County Board of Supervisors as the Authority’s code-reviewing body (Gov. Code § 82011) requesting approval of the adopted Code as required under Government Code section 87303.
 5. Bishop Area Wastewater Authority (BAWA) Bylaws and Policy Manual – Community Services District Law requires the Board of Directors to adopt rules or bylaws for its proceedings and adopt policies for the operation of the Authority. (Gov. Code, §§§ 61000et seq., 61045(f), 61045(g).

- Recommended Action: Adopt Resolution No. _____ approving the BAWA Bylaws and Policy Manual.

Legal Counsel Ward Simmons pointed out a mistake discovered by Jennifer Krafcheck in the Bylaws and Policy Manual, under Policy 5.3. Ward explained the mistake and what the correct wording should be.

Vice Chairman Muchovej and Chairman Pachucki stated they did not see any issues with the Consent Calendar items.

Due to Board Member Stone having technical issues, the meeting was delayed from 8:13 a.m. until 8:22 a.m. During this delay, Board Member Adams joined the meeting without input on any of the items.

Board Member Stone stated he did not see any issues with the Consent Calendar items.

Muchovej made a motion to approve the Consent Calendar with the modification in the Bylaws and Policy Manual designated by Simmons. Stone seconded the motion. Motion approved 3-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, and Chairman Pachucki
Noes: None

6. NEW BUSINESS

A. APPOINT BISHOP AREA WASTEWATER AUTHORITY SECRETARY – Board consideration to appoint Michele Rhew as Secretary – Deston Dishion.

Chairman Pachucki opened the item and turned it over to Authority Administrator Dishion to review the item with the Board.

Board Member Stone made a motion to appoint Michele Rhew as Bishop Area Wastewater Authority Secretary. Vice Chairman Muchovej seconded the motion. Motion approved 3-0.

Ayes: Board Member Stone, Vice Chairman Muchovej, and Chairman Pachucki
Noes: None

B. RESOLUTION – Resolution of the Board of Directors of the Bishop Area Wastewater Authority Providing Guidance to Staff Concerning Certain Properties Owned by the Los Angeles Department of Water and Power – Board consideration to approve the Resolution – Walt Pachucki.

Chairman Pachucki reviewed the item with the Board.

Vice Chairman Muchovej asked if the Board's hands will be tied by the resolution. Pachucki commented that it is his understanding that the resolution is drafted to not tie the current Board's hands or any future board.

Legal Counsel Simmons explained that the resolution was written in a way to express the Board's intention without tying their hands. Ward added that with many variables unknown, the intent is to move in the direction to leave the door open with Los Angeles Department of Water and Power (DWP).

Muchovej asked if the resolution will assist the negotiations with DWP. Pachucki said that the resolution is an attempt to reduce issues and work with the current land users. Muchovej asked if the attempt is to make it known what BAWA is planning to do and said the law is written in such a way that it is vague, and asked if it could be a proclamation instead of a resolution. Ward explained that in a previous meeting it was to be a verbal agreement but Pachucki did not think that was sufficient. We then went the resolution route but it could be in a different form. Muchovej questions the Board setting up a law that is very vague. Dishion explained that DWP has requested this sort of legal document. Dishion asked Ward if the resolution would remain valid if the BAWA dissolved and Ward said yes, that the resolution is basically a statement of intent with nothing binding. Discussion continued.

Muchovej made a motion to approve a Resolution of the Board of Directors of the Bishop Area Wastewater Authority Providing Guidance to Staff Concerning Certain Properties Owned by the Los Angeles Department of Water and Power. Board Member Stone seconded the motion. Motion approved 3-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, and Chairman Pachucki
Noes: None

C. ADMINISTRATIVE SERVICES AGREEMENT – Board consideration to approve the execution of the Administrative Services Agreement – Ward Simmons.

Chairman Pachucki opened the item and turned it over to Legal Counsel Ward to review the item with the Board.

Ward explained that the Administrative Services Agreement is a contract between BAWA and the City of Bishop appointing the City to act as the BAWA Administrator and to provide other administrator services. Ward pointed out a sentence in Section 2 that was not agreed upon by the attorneys and to have the Board discuss and give direction. Dishion added comments from the City attorney. Discussion continued.

Ward proposed that rather than terminating the agreement upon a 24-hour written notice, BAWA enters into a meet-and-concur process where the final decision is made by the Board of Directors.

Muchovej made a motion to approve the execution of the Administrative Services Agreement with the modification to Section 2, Term, proposed by Ward. Board Member Stone seconded the motion. Motion approved 3-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, and Chairman Pachucki
Noes: None

- D. CONSULTANT PROCUREMENT TO COMPLETE TITLE 22 ENGINEERING REPORT – Board consideration to approve the Consultant Procurement to Complete a Title 22 Engineering Report – Deston Dishion.

Chairman Pachucki opened the item and turned it over to Authority Administrator Dishion to review the item with the Board.

Dishion reviewed the item with the Board. Chairman Pachucki, Vice Chairman Muchovej, and Board Member Stone are in agreement to proceed with a contract with Lumos Inc. to complete a Title 22 Engineering report. Dishion will move forward with the contract with Lumos.

- E. FISCAL YEAR 20/21 INTERIM BUDGET – Board consideration to approve the Fiscal Year 20/21 Interim Budget – Deston Dishion.

Chairman Pachucki opened the item and turned it over to Authority Administrator Dishion to review the item with the Board.

Dishion reviewed the proposed interim budget with the Board. Vice Chairman Muchovej stated that the City Council is on board with the proposed budget. Chairman Pachucki stated that the Eastern Sierra Community Service District is on board as well.

Dishion asked about opening a bank account for BAWA. Legal Counsel Ward stated now that the Bylaws are approved a bank account can be set up. Dishion said that he would talk to city staff about moving forward with opening a separate bank account for BAWA. Ward suggested adding an item on the next agenda to name the signers on the bank account.

Board Member Stone made a motion to approve the Fiscal Year 20/21 Interim Budget as submitted. Vice Chairman Muchovej seconded the motion. Motion approved 3-0.

Ayes: Board Member Stone, Vice Chairman Muchovej, and Chairman Pachucki
Noes: None

7. STAFF AND BOARD REPORTS

Vice Chairman Muchovej mentioned he is curious about working with Department of Water and Power (DWP) and wonders how much DWP will charge for land transfers.

Authority Administrator Dishion stated he recently had a positive conversation with Todd Thornburg from DWP Real Estate office and that Thornburg is working on the land transfers. Muchovej asked if the Authority has a sense of what grants can be applied for to assist with the DWP land purchase and other capital improvements. Chairman Pachucki explained he has started working on grant processes. Dishion also touched on work he has been doing for grants.

8. ADJOURNMENT: The next regularly scheduled meeting of the Bishop Area Wastewater Authority Board of Directors will be January 19, 2021, 2020, at 8:00 a.m. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

Chairman Pachucki adjourned the meeting at 9:22 a.m. to the next regularly scheduled meeting on January 19, 2021.

Chairman Pachucki

Michele Rhew, Secretary