

THE BISHOP AREA WASTEWATER AUTHORITY BOARD OF DIRECTORS MEETING AGENDA

October 19, 2021

**City Council Chambers – 301 West Line Street
Bishop, California 93514**

NOTICE TO PUBLIC: In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Council Chambers remain closed to the public and that some, or all, of the Bishop Area Wastewater Authority Board of Directors may attend this meeting telephonically or via video conference.

You are strongly encouraged to observe the Bishop Area Wastewater Authority meetings live via YouTube at: https://www.youtube.com/channel/UC_7h0-6jtkioG8efGI13LhA/live and to submit public comments in writing by 3:00 pm on October 18, 2021, or you may join the video conference via Zoom at:

https://us02web.zoom.us/webinar/register/WN_e_W0L1k5QsOHb6sfx_WDGg

Individuals will be asked to register (by providing their name and email address) in order to access the video conference.

To submit a comment, you are encouraged to participate:

In writing. Please email publicworks@cityofbishop.com and write "Public Comment" in the subject line. In the body of the email, include the item number and/or title of the item as well as your comments. All comments received by 3:00 p.m. will be emailed to the Board of Directors and included as an attachment under the Agenda's Item Number as "Public Comment" prior to the meeting. Those comments received after 3:00 pm will be added to the record and shared with the Board of Directors after the meeting. Note, emailed and written comments will not be read aloud given the ability for live virtual public comment participation. You may also hand deliver public comments to the City drop/payment box located at the Church Street entrance to City Hall on or before the deadline noted above.

Via Zoom-Webinar. If you choose to join the Bishop Area Wastewater Authority meeting via Zoom-Webinar you will be able to utilize the "hand-waiving" feature to make a public comment and (when appropriate) the Board Chair will call on those who wish to speak (not to exceed three minutes).

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the City Clerk at 760-873-5863 Extension 24. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

The Bishop Area Wastewater Authority thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

**TUESDAY, October 19, 2021
8:00 A.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 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.
- 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 20, 2021
- 6. NEW BUSINESS**
 - a. Adoption of Resolutions to Continue to Allow Virtual BAWA Board Meetings
 - b. Discussion on Future Improvements in Treatment and Discharge of Waste Water
- 7. STAFF AND BOARD REPORTS**
- 8. ADJOURNMENT:** The next regularly scheduled meeting of the Bishop Area Wastewater Authority will be January 18, 2022, at 8:00 a.m. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

BISHOP AREA WASTEWATER AUTHORITY
BOARD OF DIRECTORS
MEETING MINUTES
July 20, 2021

1. CALL TO ORDER

Chairman Pachucki called the Bishop Area Wastewater Authority Board of Directors Meeting to order at 8:04 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 Board Member Schwartz.

3. ROLL CALL

Present:

Chairman Pachucki
Vice Chairman Muchovej
Board Member Stone
Board Member Schwartz

Absent:

none

Others Present:

Deston Dishion, Authority Administrator
Michele Rhew, Authority Secretary
Jennifer Krafcheck, Eastern Sierra Community Service District
Steve Nixon, Eastern Sierra Community Service District

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.

There were no public comments 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 – April 20, 2021
 2. Board of Directors of the Bishop Area Wastewater Authority Special Meeting Minutes – June 24, 2021.
 3. NRCS Agreement

Chairman Pachucki opened the item and asked for any comments from the Board.

Vice Chairman Muchovej shared that he is happy to see we received the agreement with NRCS. Authority Administrator Dishion stated that he wanted everyone to read the terms of the agreement before he signs and sends it off.

Chairman Pachucki pointed out a typo in the April 20,2021 minutes.

No further comments were made.

Vice Chairman Muchovej made a motion to approve the Consent Calendar with the correction noted and Board Member Stone seconded the motion. Motion approved 4-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, Board Member Schwartz, and Chairman Pachucki

Noes: None

6. NEW BUSINESS

- A. Authorize Administrator to Meet with Bishop Paiute Tribe

Chairman Pachucki opened New Business and turned it over to Authority Administrator Dishion to review the first three items with the Board. Dishion explained that the Bishop Paiute Tribe is a major contributor to the flow at the Eastern Sierra Community Service District Plant and in the past has been a willing partner in financial support for a new sewer plant.

Chairman Pachucki stated that he believes the Board would support and appreciate Dishion meeting with the Bishop Paiute Tribe. Board Member Stone concurred with Pachucki and added that it is a good opportunity and a good neighbor policy. Pachucki added that he does not see the necessity to include an Eastern Sierra Community Service District Board Member at the meeting. Board Member Schwartz and Vice Chairman Muchovej also concurred with Pachucki.

No further comments were made.

The Board gave direction to Authority Administrator Dishion to meet with Bishop Paiute Tribe.

B. Authorize Administrator to Sign Proposal for Appraisal Services

Authority Administrator Dishion reviewed the item with the Board.

No comments were made.

Board Member Stone made a motion to authorize Administrator Dishion to sign an agreement with Cheryl Bretton for appraisal services not to exceed \$10,000 and Board Member Schwartz seconded the motion. Motion approved 4-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, Board Member Schwartz, and Chairman Pachucki

Noes: None

C. Approve Proposal for Lumos and Associates

Authority Administrator Dishion reviewed the item with the Board.

Chairman Pachucki asked if Los Angeles Department of Water and Power has a concern about a new Waste Discharge Report on the lands. Dishion said yes and explained the process of revising the report.

Regarding the Assumptions and Exceptions in the contract, Vice Chairman Muchovej asked how many of the items listed could need to be completed and what the increase cost to the contract could be. Dishion stated that if a full-scale model was required, the cost could increase to \$45,000.

Vice Chairman Muchovej made a motion to approve the proposal from Lumos and Associates in the amount of \$33,000 and Board Member Stone seconded the motion. Motion approved 4-0.

Ayes: Vice Chairman Muchovej, Board Member Stone, Board Member Schwartz, and Chairman Pachucki

Noes: None

D. Election of Officers

Chairman Pachucki opened the item and turned it over to Authority Administrator Dishion. Dishion asked Authority Secretary Rhew to conduct the Election of Officers.

Rhew called for nominations for Chairman. Board Member Stone renominated Pachucki to serve as Chairman. No other nominations were made.

Rhew took roll call to close nominations for Chairman.

Ayes: Vice Chairman Muchovej, Board Member Stone, Board Member Schwartz, and Chairman Pachucki

Noes: None

Rhew took roll call to re-elect Pachucki for Chairman

Ayes: Vice Chairman Muchovej, Board Member Stone, and Board Member Schwartz

Abstain: Chairman Pachucki

Noes: None

Pachucki will serve as Chairman for another year.

Rhew called for nominations for Vice Chairman. Board Member Schwartz renominated Muchovej to serve as Vice Chairman. No other nominations were made.

Rhew took roll call to close nominations for Vice Chairman.

Ayes: Vice Chairman Muchovej, Board Member Stone, Board Member Schwartz, and Chairman Pachucki

Noes: None

Rhew took roll call to re-elect Muchovej for Vice Chairman

Ayes: Chairman Pachucki, Board Member Stone, and Board Member Schwartz

Abstain: Vice Chairman Muchovej

Noes: None

Muchovej will serve as Vice Chairman for another year.

7. STAFF AND BOARD REPORTS

Authority Administrator Dishion updated the Board on the CEQA process with Fish and Wildlife.

Chairman Pachucki mentioned that at the last Eastern Sierra Community Service District Board meeting efforts on the diversion structure at the canal were discussed. Pachucki asked Dishion for an update. Dishion gave an update and said he hopes to have the project out to bid in August with construction possibly starting in November.

No further reports were made.

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

Chairman Pachucki adjourned the meeting at 8:38 a.m. to the next regularly scheduled meeting on October 19, 2021.

Chairman Pachucki

Michele Rhew, Secretary

STAFF REPORT

To: Bishop Area Wastewater Authority Board
From: Deston Dishion
Subject: Adoption of Resolutions to continue to allow virtual BAWA Board Meetings
Prepared on: October 14, 2021
Attachment: Resolution making findings to continue to allow virtual BAWA Board Meetings



Approved By: _____
Deston Dishion, Administrator

Background/History:

Effective immediately, AB 361 amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology as long as there is a “proclaimed state of emergency.” Further, AB 361 will allow for virtual meetings during other state-proclaim emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. To that end, AB 361 also requires specific procedural safeguards for the public.

To accommodate individuals during these teleconferences and virtual meetings, a public comment period will be offered where the public can address the legislative body directly in real time. Additionally, public comments will be allowed up until the public comment period is closed at the meetings. The agenda will include information on the manner in which the public may access the meeting and provide comments remotely. If technical problems arise that result in the public’s access being disrupted, the legislative body will not take any vote or other official action until the technical disruption is corrected and public access is restored.

Presently, a state of emergency has been proclaimed related to COVID-19. In light of AB 361 and in order to promote social distancing and avoid an imminent safety risk to attendees, teleconferencing and virtual meetings may continue to take place until further notice.

Recommendation: Action Requested

The BAWA board adopt the resolution authorizing remote BAWA board meetings until further notice attached as Attachment 1.

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BISHOP AREA
WASTEWATER AUTHORITY AUTHORIZING VIRTUAL BOARD AND COMMITTEE
MEETINGS PURSUANT TO AB 361

WHEREAS, the Bishop Area Wastewater Authority (“Authority”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Authority’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the District’s meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the Authority has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, District staff and Directors; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expires on September 30, 2021; and

WHEREAS, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Authority, specifically, a state of emergency has been proclaimed related to COVID-19, state and local officials are recommending measures to promote social distancing, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF DIRECTORS OF THE BISHOP AREA WASTEWATER AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Remote Teleconference Meetings: Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect; (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board of Directors, including Committee meetings, under the provisions of Government Code Section 54953(e).

Section 3. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless earlier extended by a majority vote of the Board of Directors in accordance with Section 4 of this Resolution.

Section 4. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

PASSED AND ADOPTED by the Board of Directors of the Bishop Area Wastewater Authority this ____ day of _____ 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STAFF REPORT

To: Bishop Area Wastewater Authority Board
From: Deston Dishion
Subject: Discussion on Future Improvements in Treatment and Discharge of Wastewater
Prepared on: October 14, 2021



Approved By: _____
Deston Dishion, Administrator

Background/History:

The BAWA has been pursuing improvements in the discharge of secondary treated wastewater. Over the past year we have worked closely with NRCS, Laurel Ag, Lumos and Associates and Helix Environmental. Through these efforts I have gained valuable knowledge in mostly the enormity of the financial impacts that can be expected as we proceed with this project.

Analysis/Discussion

Discuss the potential options the BAWA may have for the future of wastewater treatment in the Bishop area. Staff will present the pros and cons of the following 2 items.

1. Improved irrigation
2. Tertiary treatment

Recommendation: Discussion item only.