

BISHOP AREA WASTEWATER AUTHORITY
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
May 7, 2024

1. CALL TO ORDER

Chair Pachucki called the Bishop Area Wastewater Authority Board of Directors Meeting to order at 8:00 a.m. in the City Council Chambers, 301 West Line Street, Bishop, California in-person and via Zoom.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Muchovej

3. ROLL CALL

Present:

Chair Pachucki
Vice Chair Muchovej
Board Member Stone
Board Member Schwartz

Others Present:

Nora Gamino, Authority Administrator
Michele Rhew, Authority Secretary
Matt Bullis, Assistant Administrator
Ward Simmons, Legal Counsel via Zoom
Deston Dishion, City of Bishop Administrator
Jennifer Krafcheck, Eastern Sierra Community Service District
Steve Nixon, Eastern Sierra Community Service District
Gary Milici, City of Bishop
Sandra Warlie, Bishop Paiute Tribe
Gloriana Bailey, Bishop Paiute Tribe
Brian Poncho, Bishop Paiute Tribe

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.

Sandra Warlie, Bishop Paiute Tribe Public Works Director, requested that the Bishop Paiute Tribe be considered as an equal partner of the Bishop Area Wastewater Authority (BAWA). Warlie shared that the Tribe has already demonstrated that they can contribute

to the new sewer plant project by qualifying the City of Bishop and Eastern Sierra Community Service District (ESCSD) as a disadvantaged community for funding opportunities. The tribe is requesting to have two equal seats on the BAWA Board and looks forward to working with the City and District to achieve the common goal.

There were no additional 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. Board of Directors of the Bishop Area Wastewater Authority Meeting Minutes – February 24, 2024 – Special Meeting Minutes

No comments were made.

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

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

Noes: None

6. NEW BUSINESS

a. Bishop Area Wastewater Authority Financial Structure

Chair Pachucki opened the item and turned it over to Authority Administrator Gamino.

Gamino explained that the Joint Powers Authority and Administrative Service Agreement talks about the Financial Officer of the Administrator being the Treasurer/Auditor Controller and introduced City of Bishop Finance Director Ethan Aukee who will formalize the BAWA budget and financial structure.

Aukee gave a brief background of the financial structure for BAWA. Aukee recommended the Board accept the proposed financial structure recommendations effect July 1, 2024.

No public comment was received.

Vice Chair Muchovej made a motion to approve the Bishop Area Wastewater Authority Financial Structure and Board Member Stone seconded the motion. Motion approved 4-0.

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

Noes: None

b. Fiscal Year 2024-2025 Proposed Budget

Chair Pachucki opened the item and turned it over to Authority Administrator Gamino.

Gamino commented that there is a slight amendment to the item. The budget cannot be adopted at this time and needs to be noticed with a Public Hearing. The 2024-2025 proposed budget portion of the item is only for consideration today. Gamino passed the item over to Assistant Administrator Matt Bullis.

Bullis shared with the Board the Fiscal Year 2024-2025 Proposed Budget and the updates to the current Fiscal Year 2023-2024 Budget.

Vice Chair Muchovej asked if the Professional Technical Services line Other Undefined includes LAFCO fees, and Bullis explained that the line is undefined, and the funds can be used for that purpose.

Gamino shared that with the adoption of the new fiscal structure, the budget will appear as it shows on pages 13 and 14 of the FY 24-25 budget.

Vice Chair Muchovej made a motion to approve the 2023-2024 budget adjustments and expenditures and Board Member Schwartz seconded the motion. Motion approved 4-0.

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

Noes: None

c. Adoption of Regular Scheduled Meetings of the Board of Directors

Chair Pachucki opened the item and turned it over to Authority Administrator Gamino.

Gamino explained that in 2021 when BAWA was formed, the second resolution of the Board was to establish regular meetings, the first month of each quarter on the third Tuesday. Gamino explained that the meeting dates are difficult for staff to adopt the budgets before the fiscal year. Gamino proposed to realign the meeting dates to the third month of each quarter on the third Tuesday.

No public comment was received.

Board Member Stone made a motion to adopt Resolution 2024-02 to Establish New Dates for Regularly Scheduled Board Meetings and Board Member Schwartz seconded the motion. Motion approved 4-0.

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

Noes: None

d. Discussion Regarding the Bishop Paiute Tribe Joining the Bishop Area Wastewater Authority

Chair Pachucki opened the item and turned it over to Authority Administrator Gamino.

Gamino explained that the item is on the agenda as requested at a previous board meeting by the Tribe. There is no staff report as it is only for discussion today. Gamino asks for direction on where the Board would like to go with the item and opened up the item for discussion.

Board Member Schwartz commented that she is in favor of anything that helps rate payers financially. Schwartz added that she is in favor if including the Bishop Paiute Tribe gives the authority access to capital funding to lower costs to rate payers. Schwartz's goal is to be efficient and to make sure to provide the best service possible to the rate payers.

Board Member Stone stated he does not have anything to comment on and explained that he was elected to represent the Eastern Sierra Community Service District (ESCSD) and will evaluate based on what he learns in the process.

Vice Chair Muchovej shared that he is looking at the long-term future of the Valley and with the high cost of a new sewer plant, having more organizations share the expense ultimately results in lower costs to the rate payers collectively. Muchovej pointed out pros and said as a whole region, this opens the authority up to more funding from the State and the Federal level as well. Muchovej did not see any Cons in pursuing the route of adding the Tribe to the Authority.

Chair Pachucki stated that considering adding the Tribe to the Authority is a substantive revision of the Joint Powers Authority (JPA) previously agreed to, and as a representative of the ESCSD, it is appropriate the subject is taken to the District Board. At this time, Pachucki first wants to hear from the ESCSD staff and Board members before making a decision.

Schwartz suggested a recommendation based on projected grant eligibility and financial projections adding the Tribe as a member of BAWA.

Gamino responded that including the Tribe puts BAWA in the Disadvantaged Community range and it unlocks potential Federal funding. Adding the Tribe would be a safe bet and assumption they would unlock funding opportunities BAWA would not be able to get otherwise.

Schwartz asked if staff could create an outline of the pros and cons with data that the board members could take back to their boards for discussion and recommendations. Gamino said it will take a little time to come up with the pros, cons, and financial data but she will get it to everyone soon. The Board agreed that after both agencies are informed of the idea of adding the Tribe to the Authority, to have a meeting of the BAWA Board to discuss what each agency's board direction is and then to have a collaborative meeting including the City, ESCSD, and Bishop Paiute Tribe and each organizations legal staff, regarding reorganizing the Authority.

Brian Poncho, Bishop Paiute Tribe Chief Operations Officer mentioned a few points on the legal standpoint regarding the Tribe being a member of a JPA. Poncho recommended the Board includes the Tribe in any legal discussion. Poncho reminded the Board that the Tribe has been a customer of ESCSD since the 1960s. Poncho hopes the Board does not only look at the Tribe as a way for additional State and Federal funding but as a collaborative effort of equal representation. In closing, Poncho asked to be invited to discussion within respective board meetings to be able to answer questions from a Tribal perspective.

No further public comment was made.

7. STAFF AND BOARD REPORTS

Vice Chair Muchovej asked Chair Pachucki about the District's current sewer flows and the notice regarding no new sewer connections. Pachucki explained that the specific flow numbers the District has about flow monitoring are preliminary and will be discussed at the next ESCSD Board meeting.

Authority Administrator Gamino updated the Board on the Clean Water State Revolving Plan Financial Assistance Application and explained that it was marked complete on March 7th with a few updates and amendments to be added, the City is updating their SCADA system, and City sewer flows are currently over 900,000 gallons a day.

No further reports were made.

9. ADJOURNMENT: The next regularly scheduled meeting of the Bishop Area Wastewater Authority Board of Directors will be June 18, 2024, at 8:00 a.m. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

Chair Pachucki adjourned the meeting at 9:01 a.m. to the next regularly scheduled meeting on June 18, 2024, 2024.



Chair Pachucki



Michele Rhew, Authority Secretary