

BISHOP AREA WASTEWATER AUTHORITY
BOARD OF DIRECTORS
MEETING MINUTES
September 17, 2024

1. CALL TO ORDER

Chair Muchovej called the Bishop Area Wastewater Authority Board of Directors Meeting to order at 8:04 a.m. in City Hall, 377 West Line Street, Bishop, California in-person and via Zoom.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Stone.

3. ROLL CALL

Present:

Chair Muchovej
Vice Chair Schwartz
Board Member Stone
Board Member Pachucki

Others Present:

Nora Gamino, Authority Administrator
Michele Rhew, Authority Secretary
Matt Bullis, Assistant Administrator via Zoom
Ward Simmons, Legal Counsel via Zoom
Deston Dishion, City of Bishop Administrator
Steve Nixon, Eastern Sierra Community Service District
Jennifer Krafcheck, Eastern Sierra Community Service District
Jeff Romero, Bishop Paiute Tribal Council Member
Steven Orihuela, Bishop Paiute Tribal Council Chairman
Meryl Picard, Bishop Paiute Tribal Council Secretary / Treasurer
Sandra Warlie, Bishop Paiute Tribe Public Works Director

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.

Bishop Paiute Tribe Public Works Director Sandra Warlie introduced Bishop Paiute Tribal Council Member Jeff Romero, Bishop Paiute Tribal Council Chairman Steven Orihuela, and Bishop Paiute Tribal Council Secretary / Treasurer Meryl Picard.

No additional 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. Board of Directors of the Bishop Area Wastewater Authority Meeting Minutes – June 18, 2024 – Minutes

No comments were made by the Board or received from the Public.

Board Member Pachucki made a motion to approve the Consent Calendar and Board Member Stone seconded the motion. Motion approved 3-0.

Ayes: Board Member Stone, Board Member Pachucki, Chair Muchovej

Noes: None

6. NEW BUSINESS

- a. Advantages and Disadvantages of the Bishop Paiute Tribe Joining the Joint Powers Authority

Chair Muchovej opened the item and turned the item over to Assistant Administrator Bullis.

Bullis presented a list of advantages and disadvantages of the Bishop Paiute Tribe joining the Joint Powers Authority.

Vice Chair Schwartz joined the meeting at 8:09 a.m.

Muchovej opened the item up for discussion and asked to discuss disadvantages first.

Vice Chair Schwartz asked if the Board could consist of one member from each organization instead of two members to create an odd number of three members total. Muchovej asked Legal Counsel Simmons if this could be a possibility, and Ward said yes if the Board agrees and votes for the change.

Board Member Pachucki asked about the economic impacts on the Staff Report listing none and Administrator Gamino explained that the report is written on a template that always lists those fields and there are no economic impacts at this time as this is only a discussion item, not an action item.

Muchovej stated that adding new members and changing the Board makeup is not a concern to him because everyone on the Board is an Elective Official.

Board Member Stone asked Bullis if any of the entities with Tribes as members had any efficiency issues with a large number of members on their boards. Bullis shared that he

did not speak to all the authorities listed, though did speak to the manager of the Del Norte County Airport and the feeling was that they were looking for increased community participation. Tulare County added the Tribal member last year to add regional members. The feeling received from those talked to was, the more the merrier.

Muchovej remarked that City Council members sit on ESCOG that is made up of four member agencies and OVGA with thirteen or more agencies.

Board Member Pachucki referenced the nine purpose statements of the Authority listed in the Staff Report and commented that as things move ahead and the new plant becomes a reality, there will be additional responsibilities. These responsibilities include who will be the operator of the plant, who will do the administrative work, and how will the plant be staffed. Pachucki said that every member of the JPA would be involved in those future commitments, and that is something we all should keep in mind.

Pachucki moved to advantages and shared that the District has been discussing adding the Tribe to the Authority in their monthly meetings. Pachucki said that his purpose of opening discussion, as we move forward, is so the best possible decisions can be made. Looking at history, there are challenges that need to be addressed. Regarding increased community participation, Pachucki remarked that the Tribe is currently represented in BAWA through the District. The Tribe has the opportunity to participate in BAWA and District meetings and has a voice by attending these meetings. Pachucki mentioned that the Tribe does not have experience with sewer plants. Moving on to increased grant and funding opportunities, Pachucki said it is certainly attractive to add the Tribe. Pachucki shared some history of previous attempts the District and Tribe together made for grants and funding for a new sewer plant without the City of Bishop. Pachucki explained that there could be opportunities to attract funding through the Tribe independently.

Muchovej tried to summarize the scenario Pachucki is describing, by commenting that the Tribe would not be a formal member but would be able to pursue funding to contribute to the new sewer plant. Muchovej asked if that would require renegotiation of the District and Tribe's contract. Pachucki replied that the contract would need to be renegotiated either way.

Schwartz asked Pachucki what the downside is of the Tribe joining the JPA. Pachucki commented that a board should be comprised of the minimum number of individuals necessary to conduct the business of that entity. Pachucki added that he is a firm believer of keeping things minimal at the board level. Pachucki then asked if we are doing our job at this point with the members we have. Muchovej commented that he thinks the Board's job is about to change. Pachucki asked if we can effectively do our job with only the District and City part of the JPA as we evolve. Muchovej asked Pachucki what he sees as our job moving forward, and Pachucki said there is a lot, including rendering the engineering design phase, selecting alternatives, and then moving into the construction phase. After the construction phase, then there is operation, administration, staffing, and regulatory compliance. Pachucki asked who is responsible for violations and will responsibilities be identified or negotiated.

Muchovej responded, speaking for himself, that Pachucki's response is partially where we might have a fundamental difference in the responsibility of this Board. Muchovej stated that operations and day-to-day maintenance are staff responsibilities, and the Board is to give direction. Schwartz also commented that with another JPA she is a board member of it was not challenging to figure out responsibilities. Pachucki responded that the Board is to look into future needs, and with the minimal number of members, it may be more streamlined moving forward and dividing up responsibilities for actions put into place.

Muchovej listed options discussed as status quo for things to stay as they are, status quo for the Tribe independently pursuing funding where the District would still be the Tribe's representative, or the Tribe has some sort of membership with either a single or double vote.

Board Member Stone asked if the Tribe would be a voting member or an advisory member. Muchovej asked Bullis if he knew how the JPAs with Tribal members worked and Bullis said they all were voting members.

City Administrator Dishion weighed in by saying it is difficult to have a member with financial responsibility not be able to vote.

Muchovej asked if there was any public comment.

Bishop Paiute Tribal Council Chairman Steven Orihuela shared that the Tribe brings a wealth of experience from health care, to running multi-million-dollar organizations such as the casino and gas stations and has had up to twelve years of clean auditing. Moving forward, everything can improve. It is important for everyone to work together and not be divided. Orihuela stated that the Tribe has the tools and experience to apply for federal and state funding. When a Tribe has a voting membership, they help to guide the community.

Bishop Paiute Tribal Council Secretary / Treasurer Meryl Picard commented that she agrees with Orihuela and what she is hearing is minimizing the Tribe's experience with operations, construction, billing, fiscal department, and hiring. The Tribe does all these things in many different capacities and not just a single area as the BAWA Board represents. Picard stated that the Tribe brings a wealth of knowledge and experience in operations, several years of applying for grants, and the Tribe's Public Works Department brings experience to the new sewer plant as well.

Muchovej asked if the Tribe has solar projects taking place and Picard said yes. Muchovej added that he hopes for a solar farm to help offset costs for the rate payers. Picard said that the Tribe's solar experience is a type of partnership they bring to the table.

Orihuela closed by sharing that the Tribe manages over 145 grants and has over 200 homes on the reservation connected to solar. The Tribe has the expertise to help BAWA move forward.

Bishop Paiute Tribal Council Member Jeff Romero thanked Bullis for the list of advantages and disadvantages. Thanked the Board for the inviting the Tribe to participate in the discussion. And ended by saying that Tribe employees are trained, certified, and take care of the Tribe's own water and sewer on the Reservation. And the Tribe definitely wants to be a piece on BAWA.

Steve Nixon with Eastern Sierra Community Service District clarified that both Eastern Sierra Community Service District and the City of Bishop have solar experience.

Muchovej asked what direction should be given to staff for going forward. The District has had discussion with their board and the City has not with Council. Options moving forward include the Tribe independently pursuing funding or setting the way for the Tribe to join BAWA. Muchovej asked if the BAWA Board feels comfortable giving a recommendation that can be taken to the City Council.

Pachucki responded that he would like an opportunity to take Bullis's staff report and a summary of today's discussion to the District's next Board meeting. Pachucki would also like to meet with Muchovej before coming up with a choice of alternatives. Muchovej stated that he and Scwartz will take the information to the City Council and at the next BAWA Board meeting give the Council's recommendation. Pachucki stated that the District's Board will discuss the information and may or may not have a recommendation for the next BAWA Board meeting.

7. STAFF AND BOARD REPORTS

Vice Chair Muchovej opened the item and asked for reports from the Board and Staff.

Board Member Pachucki commented that Board Member Stone will step down to be an alternate and Alternate Carr will take his place as a Board Member beginning with the December meeting.

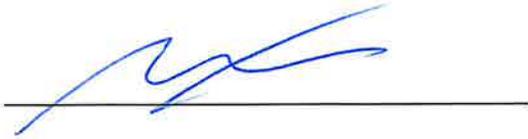
Authority Administrator Gamino updated the Board on funding sources and mentioned that when talking with funders, the first question asked is if there is a Tribe involved, and the second question asked is if we are a disadvantaged community. Gamino said that she is soliciting for funding and pursuing different and more creative ways to fund planning and design of the new sewer plant.

Assistant Administrator Bullis updated the Board on the Lumos contract.

No further reports were made.

9. ADJOURNMENT: The next regularly scheduled meeting of the Bishop Area Wastewater Authority Board of Directors will be December 17, 2024, at 8:00 a.m. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

Chair Muchovej adjourned the meeting at 9:33 a.m. to the next regularly scheduled meeting on December 17, 2024.

A blue ink handwritten signature, appearing to be 'M. Muchovej', written over a horizontal line.

Chair Muchovej

A blue ink handwritten signature, appearing to be 'Michele Rhow', written over a horizontal line.

Michele Rhow, Authority Secretary