

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

Special Board Meeting Minutes

December 19, 2023

1. CALL TO ORDER

A Special Meeting of the Governing Board of the Big Bear Area Regional Wastewater Agency was called to order by Chair Walsh at 10:00 a.m. on December 19, 2023 at 121 Palomino Drive, Big Bear City, California.

BOARD MEMBERS PRESENT

Larry Walsh, Chair
Jim Miller, Vice-Chair
Rick Herrick, Director
Bynette Mote, Director
John Russo, Director

BOARD MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

David Lawrence, General Manager
Christine Bennett, Finance Manager
Bridgette Burton, Administrative Services Manager/Board Secretary
John Shimmin, Plant Manager

OTHERS

Laine Carlson, Vice-President, Water Systems Consulting, Inc.
Kaitlyn Dodson-Hamilton, Vice-President, Tom Dodson & Associates
Glenn Jacklin, General Manager, Big Bear City Community Services District
Megan Kilmer, Associate, Best Best & Krieger, LLP
Charity Schiller, Partner, Best Best & Krieger, LLP
Ward Simmons, Partner, Best Best & Krieger, LLP

Members of the public who signed in included:

None

2. PLEDGE OF ALLEGIANCE

Director Russo

3. APPROVAL OF AGENDA

Upon motion by Director Mote, seconded by Vice-Chair Miller and carried, the Governing Board approved the agenda as presented.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

4. PUBLIC FORUM

None

5. PRESENTATION AND INTRODUCTION

5.A. Bridgette Burton 5-yr recognition

The General Manager thanked Ms. Burton for her service and presented her with a 5-yr pin.

5.B. Replenish Big Bear Program: Overview Presentation of the Draft Program Environmental Impact Report (DPEIR) by Water Systems Consulting, Inc., and Tom Dodson & Associates

Laine Carlson, Water Systems Consulting, Inc., presented an overview of the Replenish Big Bear Program. Kaitlyn Dodson-Hamilton, Tom Dodson & Associates, briefly explained the California Environmental Quality Act and National Environmental Policy Act, and presented the report analysis, conclusions, schedule, and process. Ms. Dodson-Hamilton advised that the Notice of Availability will be published on December 21, 2023, which will start the public review period of 45 days, ending on February 5, 2024.

The Governing Board requested additional information on the environmental impact if the project is not constructed, if keeping the water in this watershed would have a positive impact to the farmland in Redlands, and the possibility of discharging on the east side of the airport property in the existing ditch to reduce the length of the pipeline. The Governing Board requested clarification on how the DPEIR addresses the Sand Canyon Recharge Area of the project even though BBARWA will not be constructing that portion, the Shay Pond evaluation, nitrogen levels, and the impact on the Lucerne Valley farming potential production.

6. INFORMATION/COMMITTEE REPORTS

6.A. General Manager's Report

The Governing Board requested the Hampton Inn connection count be indicated in the General Manager's Report.

6.B. Bear Valley Basin Groundwater Sustainability Agency Meeting on November 13, 2023

Vice-Chair Miller reviewed the meeting items which included renewing the contract with Thomas Harder & Co. to prepare the 2022/23 Groundwater Sustainability Plan Annual Report, appointing a new Chair, and discussing the bank account fees.

The Governing Board inquired who is appointed to the Agency.

7. CONSENT CALENDAR APPROVED ITEMS

7.A. Meeting Minutes from the October 25, 2023 Regular Meeting

7.B. Monthly Disbursements Report for October and November

7.C. Investment Report Identifying Agency Investments and Reporting Interest Income for October and November

7.D. First Quarter Report, Three Months Ended September 30, 2023

Upon motion by Director Herrick seconded by Director Mote and carried, the Governing Board approved the Consent Calendar as presented.

Ayes: Herrick, Miller, Mote, Russo, Walsh

Noes: None

Absent: None

Abstain: None

8. ITEMS REMOVED FROM CONSENT CALENDAR

None

9. OLD BUSINESS

None

10. NEW BUSINESS – DISCUSSION/ACTION ITEMS

10.A. Amendments to the Joint Exercise of Powers Agreement and Operating Agreement No. 1: Adding the Replenish Big Bear Program to the Definition of the Regional System and Amending Termination and Indebtedness Language

The General Manager explained the Environmental Protection Agency is requiring amendments to the Joint Powers Agreement and Operating Agreement No. 1 for the WIFIA loan. The General Manager discussed the amendments with the member agencies. The goal is to have the amendments approved by April.

The Governing Board requested an explanation on whether and how their member agency's respective liabilities for indebtedness may change as a result of the Amendment and what happens if one of the member agencies wanted to withdraw

while some amount of loan/indebtedness was still outstanding. The Governing Board advised in the past San Bernardino County would require revisions to agreements after the two other member agencies have approved, and inquired if there was a way to circumvent the process by sending the amendments to San Bernardino County first. The Governing Board asked why the City Manager is the signatory for the City of Big Bear Lake and Board Chairs are the signatories for San Bernardino County and the Big Bear City Community Services District.

Upon motion by Director Herrick, seconded by Vice-Chair Miller and carried, the Governing Board authorized the General Manager to negotiate and work with the Member Agencies in adopting the Seventh Amendment to the Joint Exercise of Powers Agreement and Amendment No. 6 to Operating Agreement No. 1, and authorized the Governing Board Chair to execute the final versions, together with any changes approved by the General Manager, in consultation with BB&K, of the Seventh Amendment to the Joint Exercise of Powers Agreement and Amendment No. 6 to Operating Agreement No. 1.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

10.B. Award Contract for Design Services for the Replenish Big Bear Program

The General Manager described the process for the Request for Proposals for the Replenish Big Bear Program Design Services and advised the cost was included in the Agency's fiscal year 2024 and 2025 budgets.

The Governing Board questioned if there would be any issues if three bids were not received, and requested clarification on the schedule, budget, engineering services during construction, and the process for approving contracts over one year.

Upon motion by Director Mote, seconded by Director Herrick and carried, the Governing Board awarded a contract to Water Systems Consulting, Inc. for the Design Services for the Replenish Big Bear Program in the amount of \$3,896,725 with a contract term expiring October 13, 2027, and authorized the General Manager to negotiate and execute the contract documents.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

10.C. Resolution No. R. 18-2023, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Approving the Agency's Proposal for the United States Department of the Interior Bureau of Reclamation's WaterSMART:

Title XVI WIIN Act Water Reclamation and Reuse Project Grant Application for the Replenish Big Bear Project and Designating an Authorized Representative

The General Manager presented the resolution for the Title XVI grant.

Upon motion by Director Herrick, seconded by Vice-Chair Miller and carried, the Governing Board adopted Resolution No. R. 18-2023.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

- 10.D.** Resolution No. R. 19-2023, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Approving Adoption of a 401(a) Retirement Savings Plan; Revision to Big Bear Area Regional Wastewater Agency Personnel Policies and Procedures Manual Section 7.06

The General Manager presented the resolution for the 401(a) plan.

The Governing Board inquired if a Board Member can defer compensation to a 457 account. Director Mote advised the Administrative Committee reviewed the 401(a) plan and recommended it be considered for approval by the Governing Board.

Upon motion by Director Mote, seconded by Vice-Chair Miller and carried, the Governing Board adopted Resolution No. R. 19-2023, authorized the General Manager to finalize and execute the 401(a) Retirement Savings Plan document, and approved the revision to Personnel Policies and Procedures Manual Section 7.06.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

- 10.E.** Resolution No. R. 20-2023, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Making Emergency Findings and Authorizing and Ratifying the Emergency Contract for the Clarifier #1 Repair; Reallocate \$90,000 from the Capital Budget for Repairs

The General Manager presented the resolution for the emergency repair to Clarifier #1 and explained that the Plant Manager developed an operating plan if the plant receives high flows.

The Governing Board questioned if this was a repair or recast, if the Agency has a plan for the other clarifier which is the same age as Clarifier #1, the completion date, and utilizing the City of Big Bear Lake's overflow ponds.

Upon motion by Director Herrick, seconded by Director Russo and carried, the Governing Board adopted Resolution No. R. 20-2023, reallocated \$90,000 from the Capital Budget for costs related to the repair, and authorized the General Manager to take any other actions necessary to remediate the emergency repair to Clarifier #1.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

10.F. Resolution No. R. 21-2023, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Granting an Easement for Electric Service to Southern California Edison

The General Manager presented the resolution granting an easement for electric service to Southern California Edison.

The Governing Board asked if public utilities had the right to take easements, if the guy wire was already installed, and clarified the difference between the staff report indicating no compensation and the resolution indicating for a good and valuable consideration.

Upon motion by Vice-Chair Miller, seconded by Director Mote and carried, the Governing Board adopted Resolution No. R. 21-2023, and authorized the General Manager to negotiate, execute, and deliver to the Southern California Edison Company the Southern California Edison Company Easement Grant with such change as recommended by legal counsel.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

10.G. 41500 Swan Drive Connection Fee Refund Request

The Finance Manager explained the connection fee refund request from the City of Big Bear Lake and the Agency policy regarding refunds.

The Governing Board inquired about the process to reduce the connection fee count and revenue, and how the connection fee could be paid twice.

Upon motion by Vice-Chair Miller, seconded by Director Russo and carried, the Governing Board approved the connection fee refund for 41500 Swan Drive.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

10.H. Schedule Budget Workshop

The Governing Board discussed dates and times for the Budget Workshop.

Upon motion by Director Mote, seconded by Director Russo and carried, the Governing Board scheduled a special meeting for the Budget Workshop on February 28, 2024 beginning at 10:00 a.m. The regular meeting on February 28, 2024 at 5:00 p.m. will be adjourned to the special meeting on February 28, 2024 at 10:00 a.m.

Ayes: Herrick, Miller, Mote, Russo, Walsh
Noes: None
Absent: None
Abstain: None

11. COMMENTS AND ANNOUNCEMENTS

11.A. General Manager Comments

The General Manager advised the solar panels were cleaned recently.

11.B. Governing Board Member Comments

The Governing Board thanked Water Systems Consulting, Inc. and Tom Dodson and Associates for the presentation and wished everyone Happy Holidays.

12. ADJOURNMENT

With no further business to come before the Governing Board, Chair Walsh adjourned the meeting at 11:58 a.m.

ATTEST: Bridgette Burton
Bridgette Burton, Secretary to the Governing Board
Big Bear Area Regional Wastewater Agency