

**MINUTES OF A REGULAR MEETING
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY (VWVRA)
February 18, 2021**

CALL TO ORDER: Chair Debra Jones called the meeting to order at 7:36 AM; via teleconference with the following members present:

CITY OF VICTORVILLE

Debra Jones, Chair

CITY OF HESPERIA

Bill Holland, Vice-Chair

**ORO GRANDE (CSA 42) AND
SPRING VALLEY LAKE (CSA 64)**

Dakota Higgins, Secretary

TOWN OF APPLE VALLEY

Scott Nassif, Treasurer

VWVRA Staff and Legal Counsel:

Darron Poulsen, General Manager

Robert Coromina, Director of Administration

Kristi Casteel, Secretary to GM/Board

Chieko Keagy, Controller

Piero Dallarda, Legal Counsel (BB&K)

Guest Present:

Keith Metzler, City of Victorville

Janele Davidson, City of Victorville

Doug Robinson, Town of Apple Valley

Liz Becerra, City of Victorville

Nils Bentsen, City of Hesperia

Chair Jones read the following statement:

Welcome to the VWVRA February 18, 2021, regular meeting. I hope that you can all hear us. If you are following us and you are unable to speak for any reason or encounter any difficulties, please contact via e-mail our Board clerk, Kristi Casteel, her contact information is printed on the first page of the agenda. She or another VWVRA employee will try to assist you. Please note that we will be having a closed session shortly after 7:30 a.m. telephonically though a different line so this line maybe silent until we come back from closed session.

I am sure that all the participants have noticed the COVID 19 notice on the first page of our agenda. Public participation in our democracy is really fundamental to the health of our democracy. We wish we could hold our meeting in person but given the current COVID19 contagion concerns and our Governor's order and the Order of the Public Health officer for the County of San Bernardino, we are holding our meeting via Internet and telephonically. We will do our best to conduct the meeting in an orderly fashion and make sure that anyone who would like to participate has a chance to do so. Please follow the instructions on the first page of the agenda so we can make sure that you get to participate. Hopefully, we won't have to hold many meetings in this fashion and, our

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future meetings will be in person because COVID-19 is no longer a concern. For right now, however, it is key that we keep the social distancing guidelines.

CLOSED SESSION

PUBLIC COMMENTS- CLOSED SESSION AGENDA

Chair Jones asked if there were any comments from the public regarding any item on the Closed Session Agenda. Hearing none, Chair Jones called for a motion to enter into Closed Session.

Moved: Commissioner Nassif

Second: Commissioner Holland

Motion to enter Closed Session

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins- Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

REGULAR SESSION

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Jones called the meeting to order at 9:27 AM.

Roll Call for Open Session

Chair Jones- Present

Commissioner Holland- Present

Commissioner Higgins- Present

Commissioner Nassif- Present

REPORT FROM CLOSED SESSION

None

PUBLIC COMMENTS- REGULAR SESSION AGENDA

None

POSSIBLE CONFLICT OF INTEREST

Commissioner Nassif will be abstaining from any disbursements to Napa Auto Parts on item 6

CONSENT CALENDAR:

- 5. Receive, Approve and File Minutes January 21, 2021**
- 6. Receive, Approve and File January 2021 Disbursement**

Moved: Commissioner Nassif

Second: Commissioner Higgins

Approval of the Consent Calendar Items 5 and 6 with Commissioner Nassif abstaining from any disbursements to Napa Auto Parts on item 6.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins- Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

ACTION ITEM:

- 7. Recommendation to Approve Order No. R6V-2021-0004 VVWRA Settlement Agreement and Stipulation for Entry of Order.**

The Board will consider approval for General Manager to sign the Settlement Agreement and Stipulation for Entry of Order in the amount of \$129,000 to the California Regional Water Quality Control, pending legal review and approval of the agreement.

Moved: Commissioner Holland

Second: Commissioner Nassif

Approval for General Manager to sign the Settlement Agreement and Stipulation for Entry of Order in the amount of \$129,000 to the California Regional Water Quality Control, pending legal review and approval of the agreement.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

8. Recommendation to Approve BBK Amended Legal Fee Schedule for Special Counsel Rates for Partners.

The Board will consider approval of an increase in the billable hour rate for BBK senior partners in the special counsel areas from \$346 to \$360. This will allow VVWRA to avail itself of the more senior partners at the firm who have a high level of experience in their field, some of whom have been performing special counsel work for VVWRA for 10 years and more. There are no changes to the retainer agreement and rates of other attorneys at BBK, including Piero Dallarda's rates for general counsel work or the rates of more junior partners, associates, or paralegals. This change is limited to the special counsel rates of senior partners.

Moved: Commissioner Nassif

Second: Commissioner Higgins

Approval of an increase in the billable hour rate for BBK senior partners in the special counsel areas from \$346 to \$360. This will allow VVWRA to avail itself of the more senior partners at the firm who have a high level of experience in their field, some of whom have been performing special counsel work for VVWRA for 10 years and more. There are no changes to the retainer agreement and rates of other attorneys at BBK, including Piero Dallarda's rates for general counsel work or the rates of more junior partners, associates, or paralegals. This change is limited to the special counsel rates of senior partners.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

9. Recommendation to Amend the Fiscal Year 2020-21 Operating Budget with Unexpected One Time Revenues Totaling \$440,000 and Approve Usage of Unrestricted Capital Connection Fees to Cover the SRF Loan Payment Shortcoming of \$1,193,922.

The Board will consider approval for the General Manager and the Controller to amend the FY 2020-21 Operating Budget with one-time Revenues totaling

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\$440,000 to fund unforeseen operating needs which include the staff recommended purchases and services detailed in. It is also recommended that the Board of Commissioners approve the General Manager and the Controller to utilize unrestricted Capital Connection Fees to cover the SRF loan payment shortcoming of \$1,193,922.

Moved: Commissioner Nassif

Second: Commissioner Higgins

Approval for the General Manager and the Controller to amend the FY 2020-21 Operating Budget with one-time Revenues totaling \$440,000 to fund unforeseen operating needs which include the staff recommended purchases and services detailed in. It is also recommended that the Board of Commissioners approve the General Manager and the Controller to utilize unrestricted Capital Connection Fees to cover the SRF loan payment shortcoming of \$1,193,922.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

10. Recommendation to Award a Contract for Landscaping Services to High Desert Affordable Landscaping for \$64,770.50.

The Board will consider approval for the General Manager to award a landscaping maintenance contract to High Desert Affordable Landscaping for \$ \$64,770.50, pending legal review and approval of the agreement.

Moved: Commissioner Nassif

Second: Commissioner Holland

Approval for the General Manager to award a landscaping maintenance contract to High Desert Affordable Landscaping for \$ \$64,770.50, pending legal review and approval of the agreement.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

- 11. Recommendation to Approve Purchase of A Spiral Heat Exchanger and Hot Water Pump from Saddleback Environmental in the Amount of \$68,715.**

The Board will consider approval for General Manager to award the purchase of a spiral heat exchanger and hot water pump from Saddleback Environmental in the amount of \$68, 715.

Moved: Commissioner Holland

Second: Commissioner Nassif

Approval for General Manager to award the purchase of a spiral heat exchanger and hot water pump from Saddleback Environmental in the amount of \$68, 715.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

- 12. Recommendation to Award a Contract for the Replacement of Flooring in the O&M Building to Desert Flooring for \$39,952.72.**

The Board will consider approval for General Manager to award a contract to Desert Flooring for \$36,320.72, plus a 10% contingency of \$3,632.00, to cover unforeseen expenses, totaling \$39,952.72, pending legal review and approval of the agreement.

Moved: Commissioner Nassif

Second: Commissioner Holland

Approval for General Manager to award a contract to Desert Flooring for \$36,320.72, plus a 10% contingency of \$3,632.00, to cover unforeseen expenses, totaling \$39,952.72, pending legal review and approval of the agreement.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

13. Recommendation to Grant an Easement Agreement to Spectrum Pacific West LLC.

The Board will consider approval to authorize the General Manager to execute a Grant of Easement document provided by Spectrum Pacific West LLC, pending Legal review and approval of the agreement.

Moved: Commissioner Nassif

Second: Commissioner Higgins

Approval to authorize the General Manager to execute a Grant of Easement document provided by Spectrum Pacific West LLC, pending Legal review and approval of the agreement.

Chair Jones- Yes

Commissioner Holland- Yes

Commissioner Higgins - Yes

Commissioner Nassif- Yes

Motion passed by a 4-0 roll call vote

STAFF/PROFESSIONAL SERVICES REPORTS:

14. General Managers Report

Consent Calendar- the Board directed the General Manager to place budgeted items on the consent calendar.

Staff Reports- it was the consensus of the Board to direct staff to change staff reports from monthly to quarterly

15. Financial and Investment Report – January 2021

16. Operations & Maintenance Report – January 2021

17. Environmental Compliance Department Reports – January 2021

18. Septage Receiving Facility Reports – January 2021

19. Safety & Communications Report – January 2021

CLOSED SESSION (If Closed Session is continued)


ADJOURNMENT

The board will adjourn to a regular board meeting on February 18, 2021 at 7:30 a.m.

APPROVAL:

DATE: March 18, 2021

BY:


Approved by VVWRA Board Paul Cook,
Secretary VVWRA Board of Commissioners