

## **AGENDA**

**REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY (VWVRA)  
15776 Main Street, Room 146, Hesperia, CA 92345  
Phone: (760) 948-9849**

**MEETING DATE: WEDNESDAY, AUGUST 26, 2009      TIME: 9:00 AM**

**REGULAR SESSION (Scheduled to begin at 9:00 AM)**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS – REGULAR SESSION AGENDA**

**ANNOUNCEMENTS AND CORRESPONDENCE:**

- 1. Possible conflict of interest issues**
- 2. Correspondence from City of Victorville Regarding Sludge Management Contract**

**ACTION & DISCUSSION ITEMS:**

- 3. Revisions to the Joint Powers Agreement**
- 4. Sludge Management Agreement between VWVRA and City of Victorville**
- 5. Request from Town of Apple Valley to Change the Date of the September 17, 2009 Board Meeting to September 24, 2009.**

**COMMISSIONER COMMENTS**

**NEXT REGULAR BOARD MEETING:**

**Thursday, September 17, 2009 - Regular Meeting of the Board of Commissioners**

**ADJOURNMENT**

## CALL TO ORDER

## PUBLIC COMMENTS – CLOSED SESSION AGENDA

### CLOSED SESSION

**CLOSED SESSION:** During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted. Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; or (c) employment actions, or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

### ***CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION (Gov. Code Sec. 54956.9(b)):***

#### **6. Significant Exposure to Litigation: Three (3) Potential Cases**

### ***CONFERENCE WITH LEGAL COUNSEL-PUBLIC EMPLOYEE DISCIPLINE/ DISMISSAL/ RELEASE (Govt. Code Sec. 54957.6)***

#### **7. Personnel Issue: One (1)**

## REPORT FROM CLOSED SESSION

A complete agenda package can be viewed on the Agency's website at: [www.vvwra.com](http://www.vvwra.com)

## VVWRA Regular Board Meeting Agenda

Wednesday, August 26, 2009

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Agenda Posting: In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Authority's Administrative offices not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Board Secretary.

Items Not Posted: In the event any matter not listed on this agenda is proposed to be submitted to the Board for discussion and/or action, it will be done in compliance with Section 54954.2(b) as an emergency item or because there is a need to take immediate action, which came to the attention of the Board subsequent to the posting of the agenda, or as set forth on a supplemental agenda posted in the manner as above, not less than 72 hours prior to the meeting date.

Public Comments: Any member of the public may address the Board of Commissioners on specific agenda items or matters of general interest. As determined by the Chair, speakers may be deferred until the specific item is taken for discussion and remarks may be limited to five minutes. Persons desiring to submit paperwork to the Board of Commissioners shall provide a copy of any paperwork to the Board Secretary for the official record.

Matters of Interest addressed by a member of the public and not listed on this agenda cannot have action taken by the Board of Commissioners except as authorized by Section 54954.2(b). If you wish to speak, please complete a Speaker's Form (located at the table in the lobby outside of the Board Room) and give it to the Board Secretary prior to the start of the meeting.

If any individual wishes to challenge an action of the Commission in court, he or she may be limited to raising those issues that were raised at the public hearing pertaining to the Commission's actions, or in any written correspondence delivered to the Commission on or prior to the public hearing.

Consent Calendar: All matters placed on the Consent Calendar are considered as not requiring discussion or further explanation and unless any particular item is requested to be removed from the Consent Calendar by a Commissioner, staff member or member of the public in attendance, there will be no separate discussion of these items. All items on the Consent Calendar will be enacted by one action approving all motions, and casting a unanimous ballot for resolutions included on the consent calendar. All items removed from the Consent Calendar shall be considered in the regular order of business.

The Chair will determine if any items are to be deleted from the Consent Calendar.

Items Continued: Items may be continued from this meeting without further notice to a Committee or Board meeting held within five (5) days of this meeting per Government Code Section 54954.2(b)(3).

Meeting Adjournment: This meeting may be adjourned to a later time and items of business from this agenda may be considered at the later meeting by Order of Adjournment and Notice in accordance with Government Code Section 54955 (posted within 24 hours).

Accommodations for the Disabled: In compliance with the Americans with Disabilities Act (ADA), the Board of Commissioners Meeting Room is wheelchair accessible. If you require any special disability related accommodations, please contact the Victor Valley Wastewater Reclamation Authority Board Secretary's office at 760-246-2892 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

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# CITY OF VICTORVILLE



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14343 Civic Drive  
P.O. Box 5001  
Victorville, California 92393-5001

August 12, 2009

RECEIVED  
AUG 13 2009  
VWRA

Logan Olds  
Victor Valley Wastewater Reclamation Authority (VWRA)  
15776 Main Street, Room 146  
Hesperia, CA 92345

Subject: Sludge Management Contract

Dear Mr. Olds:

In that the amendments to the Amended and Restated Joint Exercise of Powers Agreement (JPA) have not been completed by the target date of July 2009, as outlined in Section 2 (A) of VWRA Resolution 2009-7, I hereby request that the Sludge Management Contract between VWRA and the City of Victorville be placed on the August 26, 2009 agenda, inclusive of City of Victorville comments, for approval.

The City of Victorville has repeatedly urged the approval of the Sludge Management Contract as it moves forward with its Industrial Wastewater Treatment Plant, which is an investment of some \$30M. At this juncture, it is imperative that we receive approval of the agreement, or pursue construction of sludge dewatering facilities at the plant.

Sincerely,

Rudy Cabriales  
Member of the Board of Commissioners

cc: Jim Cox, City Manager  
City Council

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**RESOLUTION 2009-7**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY TO APPROVE IN PRINCIPLE AND SUBJECT TO CONDITIONS SLUDGE MANAGEMENT CONTRACT WITH CITY OF VICTORVILLE**

**WHEREAS**, the Victor Valley Wastewater Reclamation Authority (“VWVRA”) has been created pursuant to a certain Joint Exercise of Powers Agreement, as amended, (“JPA”) in accordance with California Government Code section 6500, *et seq.*;

**WHEREAS**, the Authority is comprised of four (4) Member Entities, which are the City of Victorville, the Town of Apple Valley, the City of Hesperia, and two San Bernardino County Service Areas (CSA) No. 64 and No. 42 (the “Member Entities”);

**WHEREAS**, the City of Victorville has indicated that it has designed and intends to build a wastewater treatment plant (“Victorville’s Plant”) at or near the Southern California Logistic Airport (“SCLA”);

**WHEREAS**, the City of Victorville has indicated that the Victorville Plant will process approximately 2.5 million gallons per day (mgd) of domestic type sewage;

**WHEREAS**, the City of Victorville has presented VWVRA with a draft contract for the management of biosolids to be produced by the Victorville Plant a copy of which is hereto attached as Exhibit A;

**WHEREAS**, in order to begin the process of construction of the Victorville Plant, the City of Victorville has indicated that it needs a commitment by VWVRA by way of resolution that it will agree to manage the biosolids resulting from the treatment of 2.5 million gallons (mgd) of domestic sewage;

**WHEREAS**, the Victorville Plant will be intermittently diverting 1.5 mgd of existing sewage flows that otherwise would flow to VWVRA wastewater treatment plant (“WWTP”);

**WHEREAS**, the city managers and other members of staff of the member agencies have met and discussed amendments to the JPA and the Service Agreement and, as a result of said meetings, a draft amended JPA and Service Agreement will be circulated by VWVRA for review and comment by the member entities within two weeks of this Resolution;

**WHEREAS**, VWVRA has requested consultants to provide studies to analyze the financial detriment, if any, to VWVRA and/or its member entities from a 1.5 mgd diversion of existing flows; and,

WHEREAS, VVWRA has also requested consultants to determine the costs associated with the management of the waste activated sludge resulting from the treatment of 2.5 million gallons (mgd) of domestic sewage by the Victorville Plant;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COMMISSIONERS OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY RESOLVES AS FOLLOWS:**

**Section 1. RECITALS**

The above recitals are incorporated herein by this reference;

**Section 2. CONTINGENT APPROVAL OF SLUDGE MANAGEMENT CONTRACT**

The Authority hereby approves in principle the treatment of up to 3.5 dry tons of waste activated sludge as described in Exhibit A contingent upon all of the following:

(A) amendment of the JPA and Service Agreement by no later than July 2009 to allow for the diversion of existing flows by a Member Entity;

(B) agreement between VVWRA and the City of Victorville as to the costs associated with the treatment of up to 3.5 dry tons of waste activated sludge as described in Exhibit A, such agreement to be reflected in a final version of the draft Sludge Management Agreement currently attached as Exhibit A; and,

(C) agreement by VVWRA and the City of Victorville that the construction of the Victorville Plant and management of its biosolids under the terms of the Sludge Management Contract will not result in any violation of existing regulatory requirements and legal obligations of VVWRA.

**Section 3. DIRECTION TO STAFF AND LEGAL COUNSEL**

Staff and legal counsel are directed to seek the input from the Member Entities and retained consultants to resolve the contingencies set forth in Section 2 above.

**Section 4. EFFECTIVE DATE**

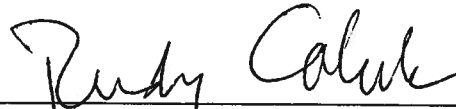
This Resolution shall take effect upon its adoption.

**Section 5. CIRCULATION**

Within fifteen (15) days after the passage of this Resolution, the General Manager shall cause a copy to be delivered to every Member Entity of the Authority.

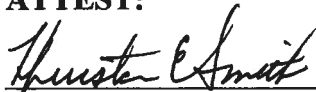
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**ADOPTED** this 28th day of April, 2009.



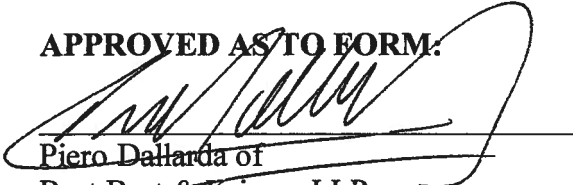
Rudy Cabrales  
Chair, VVWRA Board of Commissioners

**ATTEST:**



Thurston Smith  
Secretary, Board of Commissioners

**APPROVED AS TO FORM:**



Piero Dallarda of  
Best Best & Krieger LLP,  
General Counsel for VVWRA

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