



CARMEL AREA WASTEWATER DISTRICT REGULAR BOARD MEETING MINUTES

Thursday, 9:00 a.m., February 23, 2023

Via Teleconference Webinar & In Person with Proof of Vaccination

CALL TO ORDER - ROLL CALL - The meeting was called to order at 9:00 a.m. –
A quorum was present.

Present: Directors: President Ken White, Pro Temp Bob Siegfried, and Directors Greg D'Ambrosio, Mike Rachel, Kevan Urquhart

Absent: Barbara Buikema, General Manager, Carmel Area Wastewater District (CAWD or District)

Others: Chris Foley, Maintenance Superintendent, (Acting General Manger)
Carmel Area Wastewater District (CAWD or District)
Rachél Lather, Principal Engineer, CAWD
Patrick Treanor, Plant Engineer, CAWD
Ed Waggoner, Plant Superintendent, CAWD
Kevin Young, Plant Supervisor, CAWD
Mike Skinkle, Maintenance Mechanic III (Acting Maintenance Superintendent), CAWD
Robert Bowman, Collection Worker III (Acting Collections Superintendent),CAWD
Domine Barringer, Board Secretary, CAWD
Kevin Young, Operations Supervisor, CAWD
Robert Wellington, Wellington Law Offices, CAWD Legal Counsel
Peter McKee, Director of the Board Pebble Beach Community Services District (PBCSD)
Mike Niccum, General Manager, PBCSD
Nick Becker, Deputy General Manager, PBCSD

Public attendees:(In person or via Zoom (*))

Deborah Ju(*)	Donna(2) (*)	Ilana Entin(*)	Jim Burnis(*)
Michael Lang(*)	Queen(*)	18312779977(*)	Paul Goldman(*)
Barb Lang(*)	Keith Porter	18319159063(*)	Chuck Keller
Craig Barnes	Eric Oberg	Nicolas De Luca	
Wei Huang(September Ranch) (*)			
Rich Weber (Whitson Engineering) (*)			
Steve Thomas (TBC Communication) (*)			

- 1. Appearances/Public Comments: Public Comments:**
Prior to homeowners speaking the Board Secretary read aloud each homeowners name regarding their email submission and posting on the District website.

Homeowners stated their concerns regarding the ejector pump policy during the public comment period. See recorded motion by the Board on agenda item number 23.

2. **Agenda Changes:**

- **Item #43 on the agenda** – Closed Session was moved to the 9 am time frame after the meeting was opened. Legal Counsel, Rob Wellington stated that the closed session matter is based upon significant exposure to litigation based upon existing facts and circumstances brought to the District’s attention.

The board room was cleared of all attendees and the Board went into closed session, and discussed item #43 on the agenda. The closed session ended at 9:45 am and open session was reconvened immediately thereafter. See recorded Board motion on item #43 below.

- **Item #3 on the agenda** on pages 14-16 in the packet, the Pension & Budget meeting minutes were pulled and moved to the March 2023 board meeting
- **Item #4 on the agenda** on page 17 in the board packet - the Bank Statement Review was performed by Clifton Larson Allen (CLA) not Hayashi & Wayland.
- **Item #18 on the agenda** (September Ranch) on page 91 in the board packet-the dollar amount under the Discussion paragraph is listed as \$361,252 the correct amount is \$319,662.
 - **Corrected language on the following agenda items occurred:**
 - Staff Report-Discussion paragraph: CARMEL RESERVE needs to provide easements for the facilities to the District, provide a deposit of \$319,662 to pay for engineering inspection, District staff costs, and sign a sewer installation agreement.
 - Item #18 on the agenda-page 106 in the packet: Resolution 2023-10- **Additional language added:**
 - WHEREAS, Contingent on District receiving funds from CARMEL RESERVE in the amount of \$319,662.
- **Item #19 on the agenda**-page 120 in the packet:
 - Resolution 2023-11- **Additional language added:**
 - WHEREAS, Contingent on District receiving funds from CARMEL RESERVE in the amount of \$319,662.
- **Item #20 on the agenda**- page 137 of the packet:
 - Resolution 2023-12- **Additional language added:**
 - WHEREAS, Contingent on District receiving funds from CARMEL RESERVE in the amount of \$299,662.
- **Item #23 on the agenda** on page 144 in the board packet - Resolution 2023-15 approving the Carmel Area Wastewater District installed ejector pump policy was moved forward directly following the closed session to accommodate the attendees who wished to make public comments. The list below was read prior to all comments to indicate that the District had received their respective communication and the inclusion into the board meeting discussion.

Open session reconvened at 9:47 am, and Item #23 on the agenda was moved before the consent calendar, at which time public comments were heard by the Board regarding the Ejector Pump Policy. See recorded Board motion on Item #23.

Name	Address
Douglas Arme y	24700 Pescadero Rd
Ken & Kristine Keller	24916 Lincoln St.
Rod Richardson	24720 Pescadero Rd
Philip Aissen	24760 Pescadero Rd
Keith & Lori Porter	2935 Ribera Rd.
Gene & Donna Kusumoto	2915 Ribera Rd.
Michael Lang	24674 Pescadero Rd.
Deborah & Werner Ju	2805 Ribera Rd.
Laura Arme y & Nicholas De Luca	24770 Pescadero Rd.
Don Ryan	24752 Pescadero Rd.
Gail & Stan Dryden	2795 Ribera Rd.
Diane Guinta & Paul Goldstein	2730 Ribera Rd.
Margaret J. Sincoff	3030 Ribera Rd.
Jessica Raymond	24780 PESCADERO RD

If additional documents are produced by the District and provided to the Board regarding any item on the agenda, they will be made available on the District website.

CONSENT CALENDAR: APPROVAL OF MINUTES, FINANCIAL STATEMENTS AND MONTHLY REPORTS

Consists of routine items for which Board approval can be taken with a single motion and vote.

Board Action

A motion to receive and approve the amended consent agenda was made by Director Urquhart and seconded by Director Siegfried. After a Roll Call vote, the Board unanimously received and approved the following amended Consent Calendar/Agenda items.

The amended consent calendar occurred for the following reasons:

- ***Director Siegfried requested that going forward the monthly financial statement comparison showing budget to actual variances be included in the board packet going forward.***
- ***February 13,2023 Pension Committee Meetings and the February 16,2023 Budget meeting minutes were pulled and moved to the March 30th board meeting.***

The board was in consensus with adding the financial statement comparison and removing the minutes for February 13th and 16th to the next board meeting.

3. Approve January 26, 2023, Regular Board Meeting Minutes &
Approve January 23, 2023 Budget Committee Meeting Minutes
Approve January 31, 2023 Budget Committee Meeting Minutes
Approve February 7, 2023 Budget Committee Meeting Minutes
Approve February 9, 2023 Salary & Benefit Committee Meeting Minutes
~~Approve February 13, 2023 Pension Committee Meeting Minutes (Moved to March Meeting)~~
~~Approve February 16, 2023 Budget Committee Meeting Minutes (Moved to March Meeting)~~
4. Receive and Accept Bank Statement Review by ~~Hayashi Wayland~~ – January 2023
*Received document on 2-21-23 and posted to the CAWD website
Hayashi Wayland changed to Clifton Larsen Allen (CLA)*
5. Receive and Accept Schedule of Cash Receipts & Disbursements-January, 2023
6. Approve Register of Disbursements – Carmel Area Wastewater District –January, 2023
7. Approve Register of Disbursements – CAWD/PBCSD Reclamation Project –January, 2023
8. Receive and Accept Financial Statements and Supplementary Schedules – January, 2023
9. Receive and Accept Collection System Superintendent’s Report – 2023 January, December & November 2022
10. Receive and Accept Safety and Regulatory Compliance Report-January, 2023
11. Receive and Accept Treatment Facility Operations Report – 2023 January December & November, 2022
12. Receive and Accept Laboratory/Environmental Compliance Report –January 2023
13. Receive and Accept Capital Projects Report/Implementation Plan
14. Receive and Accept Project Summaries – Capital & Non-Capital
15. Receive and Accept Plant Operations Report – January 2023
16. Receive and Accept Maintenance Projects Report –January 2023
17. Receive and Accept District Engineer’s Report-February 2023

ACTION ITEMS BEFORE THE BOARD

Action Items consist of business which requires a vote by the Board. These items are acted upon in the following sequence: (1) Staff Report (2) Board Questions to Staff (3) Public Comments, and (4) Board Discussion and Action.

RESOLUTIONS

18. **Resolution No. 2023-10;** Resolution To Approve The September Ranch Sewer Extension Pipeline Installation Agreement With Carmel Reserve, project #18-29- Report by Rachel Lather, District Engineer

Board Action

After a lengthy discussion, a motion to approve the amended resolution was made by Director Siegfried and seconded by Director Rachel, with Director Urquhart abstaining. The amendment included that the District would own the entire sewer system, except for the ejector pumps from individual and private sewer laterals, and also contingent upon updating the MNS proposal for the additional work. Following a Roll Call vote, the Board passed Resolution 2023-10, Approving The September Ranch Sewer Extension Pipeline Installation Agreement With Carmel Reserve, project #18-29.

- 19. Resolution No. 2023-11;** Resolution To Approve The September Ranch Sewer Extension Project Easement Agreement For Sewer Improvements, Project #18-29-*Report by Rachel Lather, District Engineer-Note: If exhibits are not attached they will be inserted when received*

Board Action

After a lengthy discussion, a motion to approve the amended resolution was made by Director Siegfried and seconded by Director Rachel, with Director Urquhart abstaining. The amendment included that the District would own the entire sewer system, except for the ejector pumps from individual and private sewer laterals, and also contingent upon updating the MNS proposal for the additional work. Following a Roll Call vote, the Board passed Resolution 2023-11, Approving The September Ranch Sewer Extension Project Easement Agreement For Sewer Improvements, Project #18-29.

- 20. Resolution No. 2023-12;** A Resolution Authorizing The General Manager To Enter Into A Contract With MNS Engineers To Provide Construction Inspection Services For The September Ranch Sewer Project #18-29, In An Amount Not To Exceed \$299,662-*Report by Rachel Lather, District Engineer-Note: If exhibits are not attached they will be inserted when received*

Board Action

After a lengthy discussion, a motion to approve the amended resolution was made by Director Siegfried and seconded by Director Rachel, with Director Urquhart abstaining. The amendment included that the District would own the entire sewer system, except for the ejector pumps from individual and private sewer lateral, and also contingent upon updating the MNS proposal for the additional work. Following a Roll Call vote, the Board passed Resolution 2023-12, Authorizing The General Manager To Enter Into A Contract With MNS Engineers To Provide Construction Inspection Services For The September Ranch Sewer Project #18-29, In An Amount Not To Exceed \$299,662.

- 21. Resolution No. 2023-13;** A Reimbursement Resolution For Corona Road Through The Clean Water State Revolving Fund Program Requesting A Maximum For The Project Of \$6M-*Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director D'Ambrosio. Following a Roll Call vote, the Board unanimously passed Resolution 2023-13, A Reimbursement Resolution For Corona Road Through The Clean Water State Revolving Fund Program Requesting A Maximum For The Project Of \$6M.

- 22. Resolution No. 2023-14;** A Resolution For Corona Road Authorizing the General Manager To Sign and File, On Behalf Of The District, A Financial Assistance Application For A Financing Agreement With The Clean Water State Revolving Fund Program – *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director Siegfried. Following a Roll Call vote, the Board unanimously passed Resolution 2023-14, A Resolution For Corona Road Authorizing the General Manager To Sign and File, On Behalf Of The District, A Financial Assistance Application For A Financing Agreement With The Clean Water State Revolving Fund Program.

- 23. Resolution No. 2023-15;** A Resolution Approving The Carmel Area Wastewater District Installed Ejector Pump Policy- *Report by Rachel Lather, District Engineer*

Board Action

After a lengthy discussion, The Board made a motion to table Resolution 2023-15 with the first motion made by Director D'Ambrosio and seconded by Director Rachel. Following a Roll Call vote, the Board unanimously tabled Resolution 2023-15, and requested it be moved back to the Ejector Pump Ad Hoc Committee taking into consideration the public comments and move this item to the next board meeting.

- 24. Resolution No. 2023-16;** A Resolution Authorizing The General Manager To Execute A Professional Services Agreement With Kennedy Jenks Consultants In An Amount Not To Exceed \$291,208 For Wastewater Treatment Plant (WWTP) Water And Gas Service Replacement (Project #22-03)- *Report by Patrick Treanor, District Plant Engineer*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by President White. Following a Roll Call vote, the Board unanimously passed Resolution 2023-16, Authorizing The General Manager To Execute A Professional Services Agreement With Kennedy Jenks Consultants In An Amount Not To Exceed \$291,208 For The Wastewater Treatment Plant (WWTP) Water And Gas Service Replacement (Project #22-03).

- 25. Resolution No. 2023-17;** A Resolution Designating Classification Titles in the Carmel Area Wastewater District and Providing for the Number of Positions and Monthly Salary Ranges - *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director D'Ambrosio. Following a Roll Call vote, the Board unanimously passed Resolution 2023-17, for One Designating Classification Title change in the Carmel Area Wastewater District and Providing for the Number of Positions and Monthly Salary Ranges.

- 26. Resolution No. 2023-18-** A Resolution Authorizing the General Manager to Adopt a Workplace Electric Vehicle Charging Policy –*Report by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director Rachel. Following a Roll Call vote, the Board unanimously passed Resolution 2023-18 Approving The Electric Vehicle Charging Policy.

- 27. Resolution No. 2023-19** – A Resolution Authorizing the General Manager to Act as the District's Authorized Agent to Provide the Governor's Office of Emergency Services Application for Financial Assistance – *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director D'Ambrosio. Following a Roll Call vote, the Board unanimously passed Resolution 2023-19, Authorizing the General Manager to Act as the District's Authorized Agent to Provide the Governor's Office of Emergency Services Application for Financial Assistance.

- 28. Resolution No. 2023-20** – A Resolution Authorizing Execution of an Amendment to the Carmel Area Wastewater District Employees’ Pension Trust (“Plan”) - *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

Board Action

After brief discussion, a motion to approve the amended resolution, with the word “remove” changed, was made by President White and seconded by Director Siegfried. Following a Roll Call vote, the Board unanimously passed Resolution 2023-20, Authorizing the Execution of an Amendment to the Carmel Area Wastewater District Employees’ Pension Trust (“Plan”).

Director Siegfried requested that the board agenda the General Manager’s role as a Trustee on the Pension Committee. Legal Counsel stated that this should be on the March agenda and there was board consensus to bring this topic to the next board meeting.

COMMUNICATIONS

- 29.** General Manager Report – An Oral and Written Report Regarding Summary of General Manager’s goals and a letter from Constituents

Director Siegfried requested an information update on the monitoring of the flu virus and requested that the District find a lab that can monitor this virus. Superintendent of the Plant, Ed Waggoner, stated that the lab is working on this issue and has quotes to provide the General Manager. Director Siegfried would like the quotes to be brought forward to the Budget Committee.

Director Siegfried also requested that the board agenda an amendment to the published fiscal year 2022 Audit report regarding Section 115.

OTHER ITEMS BEFORE THE BOARD

- 30.** Monterey County Treasurer Report dated December 31, 2022 – *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

A motion to accept the Monterey County Treasurer Report dated December 31, 2022 was made by Director Urquhart and seconded by Director Rachel. After a roll call vote, the motion was accepted unanimously.

- 31.** CalPERS 2021 Classic & PEPRA Plans Actuarial Report – *Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

A motion to accept the CalPERS 2021 Classic & PEPRA Plans Actuarial Report was made by Director Urquhart and seconded by Director Siegfried. After a roll call vote, the motion was accepted unanimously.

- 32.** SAM 2022 Actuarial Report – *Motion to accept SAM 2022 Actuarial Report- Report written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

A motion to accept the SAM 2022 Actuarial Report was made by Director Urquhart and seconded by Director White. After a roll call vote, the motion was accepted unanimously.

Superintendent, Chris Foley stated the Pension Committee requested to add \$100K for fiscal budget year 2023-2024 due to the six month lag on the actuarial report and is currently in the Budget Committee hands. Director Siegfried stated that Pension Committee also recommended an additional \$100K added to the budget for Section 115.

- 33.** Double Time Policy - *Report Written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

A motion to accept the Double Time Pay adjustment, for this one-time only, for events that occurred on January 20, 2023 was made by Director Siegfried and seconded by Director Rachel, with a No vote from Director Urquhart . After a roll call vote, the Board accepted this one-time adjustment .

- 34.** New Brown Act Rules After the State Of Emergency Sunsets- *Report by Rob Wellington, Legal Counsel*
Informational only no action taken

- 35.** Reminder Form 700 FPPC– *Report by Domine Barringer, Secretary of the Board*
Informational only no action taken

INFORMATION/DISCUSSION ITEMS

36. January Construction Updates of Project #18-01 Electrical/Mechanical Rehab and Sludge Holding Tank Replacement – *Report by Plant Engineer, Patrick Treanor*
37. Wastewater Treatment Plant Rehab Paving Repairs Change Order Project #18-01-
Report by Plant Engineer, Patrick Treanor
38. December 9, 2022, PBCSD Board Meeting Summaries-*Report Written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*
39. Reclamation Management Committee -*Report Written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*
40. Pension Committee – *Hastie 4th Quarter Report*
Presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)

The Board was in consensus to agendize the investment pool items and the Pension Committee is to bring a recommendation back to the Board on hiring a qualified consultant.

41. Annexation Cost Recovery- *Report Written by General Manager, Barbara Buikema and presented by Chris Foley, Superintendent of Maintenance (Acting General Manager)*

The Board was in consensus to agendize the annexation costs for more discussion in the March board meeting. During the discussion, Director Urquhart suggested to setup a trust fund account and Director Siegfried stated that the fees should take into account the impact of inflation.

42. Announcements on Subjects of Interest to the Board Made by Members of the Board or Staff

Oral reports or announcements from Board President, Directors or staff concerning their activities and/or meetings or conferences attended.

PBCSD Board Public Meeting Notice & Agenda – The next PBCSD meeting is scheduled for:
Friday, February 24, 2023, at 9:30 a.m. – Director D’Ambrosio is scheduled to attend.
Friday, March 31, 2023, at 9:30 a.m. – Director Rachel is scheduled to attend.

Special Districts Association of Monterey County – The next SDA meeting is scheduled for:
Tuesday, April 18, 2023, at 6:00 p.m. – Director D’Ambrosio is scheduled to attend.
Tuesday, July TBD, 2023, at 6:00 p.m. – Director Rachel is scheduled to attend.

Reclamation Management Committee (RMC) Meeting – The next RMC meeting is scheduled for:
Tuesday, May 9, 2023, at 9:30 a.m. Director Rachel is scheduled to attend.

The Board was in consensus to agendaize in the March meeting the increase in Director’s compensation. Director Urquhart requested a summary of what other Director’s compensation are receiving in the area. Legal Counsel stated that the District will have to comply with the controlling law.

43. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the Board of Directors may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, real property negotiations, or to confer with the District’s Meyers-Millias-Brown representative.*


After President White opened the February 23,2023 board meeting Item #43 on the agenda regarding the Closed Session was moved to the start of the regular board meeting. Closed Session occurred and Legal Counsel reported out. Open session reconvened immediately thereafter.

44. ADJOURNMENT:

The Board adjourned open session at 9:01 a.m. and took a short break. The Board then convened into closed session at 9:02 a.m. The Board came out of closed session at 9:45 a.m., and Legal Counsel reported that during the closed session the Board took up, the matter at hand, with regard to the potential litigation, and no reportable action was taken. The Board came back into open session at 9:47 a.m. and the meeting was convened at 12:32 p.m.

As Reported To:


Domine Barringer, Secretary to the Board

APPROVED: 

Ken White, President of the Board