



# CARMEL AREA WASTEWATER DISTRICT (CAWD) BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

Tuesday, 9:00 a.m., August 1, 2023

Via teleconference webinar and in person

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## CALL TO ORDER - ROLL CALL:

The meeting was called to order at 9:04 a.m.- A quorum was present

**Present:** President Ken White, Pro Tem Bob Siegfried, and Directors Greg D'Ambrosio, and Mike Rachel, Director Urquhart

**Absent:** None

**Others:** Barbara Buikema, General Manager  
Rachél Lather, Principal Engineer, CAWD  
Patrick Treanor, Plant Engineer, CAWD\*  
Ed Waggoner, Plant Superintendent, CAWD\*  
Kevin Young, Plant Operations Supervisor, CAWD\*  
Daryl Lauer, Collections Superintendent \*  
Domine Barringer, Board Secretary, CAWD  
Rob Wellington, District Legal Counsel  
Stephanie Atigh, Wellington Law Offices, CAWD Legal Counsel  
Mike Niccum, General Manager, PBCSD\*  
Nick Becker, Deputy General Manager, District Engineer, PBCSD\*  
James Gilpin, Partner, Best Best & Krieger, LLP-Condemnation Presenter

## **In Person Public Attendees:**

### **Carmel Meadows Residents:**

Elizabeth Robbins, David Scopp, L Clay

### **\*Virtual Public Attendees:**

#### **Carmel Meadows Residents:**

Carol Keller, Charles Keller, Keith Porter

#### **\*Pescadero Residents:**

Douglas Armey, Nick DeLuca

#### **Others:**

Steve Thomas, TBC Communications|\*

- 1. *Appearances/Public Comments:*** Anyone wishing to address the Board on a matter not appearing on the agenda may do so now. Public comment shall be limited to 3 minutes per person. No action shall be taken on any item not appearing on the agenda. During consideration of any agenda item, public comment shall be limited to 3 minutes per person and will be allowed prior to Board action on the item under discussion.

*The Board received comments from Nick DeLuca, David Scopp, Chuck Keller, and Mike Niccum*

2. **Agenda Changes:** Any requests to move an item forward on the agenda will be considered at this time.

*The Board was in consensus to move agenda items 6 and 7 forward after the completion of the closed session to accommodate guest.*

3. **DISCUSSION:**

*James Gilpin, Partner of the Best Best & Krieger, Law Firm concerning general issues and considerations for a local public agency considering the possibility of eminent domain/condemnation proceedings.*

*This was for informational purposes only and no board action was taken.*

*The General Manager stated that this presentation on eminent domain has nothing to do with the District's current projects. This is being presented because the Coastal Commission has requested that the treatment plant be moved.*

4. **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-Milias-Brown representative.

- A. **Conference with Legal Counsel-Potential Litigation:**

Significant exposure to litigations pursuant to paragraph (2) of subdivision (d) Government Code section 54956.9 - one potential case

- B. **Public Employee Performance Evaluation**

Pursuant to Government Code Section 54957.6 the Board will meet in closed session to consider a Personnel Matter: General Manager Performance

*The Board went into closed session at 10:06 a.m. and discussed agenda item #4 regarding potential litigation and public employee performance evaluations. The closed session ended at 11:32 a.m. Legal Counsel reported that during the closed session the Board took up the matter at hand with regard to the potential litigation and public employee evaluations, and no reportable action was taken.*

*The Board reconvened into open session at 11:35 a.m. all in person attendees were invited back into the open session. There was a brief interruption of the audio, which was corrected shortly thereafter and the report out of closed session was not heard by the virtual attendees. After the audio correction, all virtual attendees had access to the audio and visual platform to participate in the meeting.*

## **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**

- 5. Resolution No. 2023-50:** A Resolution Approving A Contract with TBC Communications To Continue Contract Work On Pescadero Project #21-05 In The Amount Not To Exceed \$20K- *Report by Rachel Lather, District Principal Engineer*

### ***Board Action***

***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 2023-50 Approving A Contract With TBC Communications To Continue Contract Work On Pescadero Project #21-05 In The Amount Not To Exceed \$20K.***

- 6. Resolution No. 2023-51:** A Resolution For The General Manager To Conduct An Engineering Peer Review Regarding The Carmel Meadows Project And Sign A Contract With Carollo Engineering, Incorporated For An Amount Not to Exceed \$150K- *Report by Barbara Buikema, General Manager*

### ***Board Action***

***A Motion To Approve The Resolution Was Made By Director Siegfried And Seconded By Director Urquhart. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2023-51 Approving For The General Manager To Conduct An Engineering Peer Review Regarding The Carmel Meadows Project And Sign A Contract With Carollo Engineering, Incorporated For An Amount Not To Exceed \$150K.***

- 7. Resolution No. 2023-52:** A Resolution For The General Manager To Contract With An Engineering Consultant To Assist the General Manager In Managing The Engineering Peer Review For the Carmel Meadows Project And Sign A Contract With The Designated Engineering Consulting Firm In An Amount Not To Exceed \$100K- *Report by Barbara Buikema, General Manager*

### ***Board Action***

***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 2023-52 Approving For The General Manager To Contract With An Engineering Consultant To Assist The General Manager In Managing The Engineering Peer Review For The Carmel Meadows Project And Sign A Contract With The Designated Engineering Consulting Firm In An Amount Not To Exceed \$100K.***

**8. ADJOURNMENT**

*There being no further business to come before the Board, the President adjourned the meeting at 11:52 a.m. The next Regular Meeting will be held at 9:00 a.m., Thursday, September 28, 2023, or an alternate acceptable date, via teleconference webinar.*

**As Reported To:**

*Domine Barringer*  
*Domine Barringer, Secretary to the Board*

**APPROVED:**

*Ken White*  
*Ken White, President of the Board*