



CARMEL AREA WASTEWATER DISTRICT REGULAR BOARD MEETING MINUTES

Thursday, 9:00 a.m., September 26, 2024

3945 Rio Road

Carmel, California 93950

Via Teleconference Webinar & In Person with Proof of Vaccination

CALL TO ORDER - ROLL CALL - The meeting was called to order at 8:59 a.m.

**Signifies Virtual Attendance*

Present: President Ken White, Pro Tem Bob Siegfried, Directors: Cole, Rachel, Urquhart

Absent: None

A quorum was present.

Others: Barbara Buikema, General Manger Carmel Area Wastewater District (CAWD or District)
Domine Barringer, Board Clerk, CAWD
Patrick Treanor, District Engineer, CAWD
Jeff Bandy, Principal Engineer, CAWD
Chris Foley, Maintenance Superintendent, CAWD
Daryl Lauer, Collections Superintendent, CAWD
Ed Waggoner, Plant Superintendent, CAWD
Kevin Young, Plant Supervisor, CAWD*
Rob Wellington, Wellington Law Offices, CAWD Legal Counsel
Jeffrey Froke, Director, Pebble Beach Community District (PBCSD)
Nick Becker, General Manager, PBCSD

In Person Public Attendees:

Ken Spilfogel | President Carmel Restaurant Association

***Virtual Public Attendees:**

Chuck Else | Principal, Osborne Partners Capital Management, LLC

Steve Thomas |TBC Communications

Mary Bilse*

APPEARANCES, ORDERS OF BUSINESS & ANNOUNCEMENTS

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.*

Appearance/Public Comments was moved to after the closed session just before the regular meeting material so any attendees could make public comments.

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 pull Item number 22 on the agenda, Resolution 2024-43. President White requested that Appearances/Public Comments be moved after the Closed Session before the regular meeting. The Board was in consensus with this change.

3. **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 Labor Negotiators:

The Board will meet in closed session pursuant to Government Code Section 54957.6:

- **Agency Designated Representative:** Barbara Buikema, General Manager, Chris Foley, Maintenance Superintendent, Rick Bolanos Legal Counsel
Employee Organization: LiUNA United Public Employees of California, Local

Legal Counsel report out of the closed session information in open session

The board entered into the closed session at 9 a.m. to discuss labor negotiations. The Board ended closed session at 9:56 a.m. The Board reconvened into open session at 9:57 a.m. and Legal Counsel reported out that the board took up the item on the agenda and discussed item 3A regarding labor negotiations of the represented employees and the Board concluded their discussion of this item. There was no reportable action taken.

4. **Reconvened Back Into Open Session at 9:57 a.m. and the Board requested if there were any appearances or public comments.**

5. **Receive Staff Report** -for Ordinance 2024-02 Uniform Plumbing Ordinance –Report by District Engineer, Patrick Treanor

Note: There is one staff report for Ordinance 2024-02 and Ordinance 2024-03

OPEN PUBLIC HEARING

Open Public Hearing on Thursday, 9:59 a.m., September 26, 2024, or Soon Thereafter as the Matters May Be Taken Up considering Ordinance 2024-02 Uniform Plumbing Ordinance for Fiscal Year 2024-25.

Public Hearing Comments:

Mr. Spilfogel, President of the Carmel Restaurant Association, addressed the board regarding the restaurants not being in compliance with the ordinance and the importance of the issuances of business licenses and the enforcement of the rules.

Ordinance 2024-02; AN ORDINANCE (1) REPEALING AND REPLACING ORDINANCE NO. 2019-01 UNIFORM PLUMBING ORDINANCE OF THE CARMEL AREA WASTEWATER DISTRICT, AND (2) ADOPTING THE UNIFORM PLUMBING ORDINANCE OF THE CARMEL AREA WASTEWATER DISTRICT (redline version)

The Chair requested input from the board and after hearing their comments moved forward by addressing and approving the redline corrections. The Chair then requested a motion from the board, which closed the public hearing at 10:21 a.m.

A Motion To Approve Ordinance 2024-02 Was Made By Director Siegfried And Seconded By Director Urquhart. Following A Roll Call Vote, The Board Unanimously Passed Ordinance 2024-02 Repealing And Replacing Ordinance No. 2019-01 Uniform Plumbing Ordinance Of The Carmel Area Wastewater District, And (2) Adopting The Uniform Plumbing Ordinance Of The Carmel Area Wastewater District.

6. Receive Staff Report -for Ordinance 2024-03 Administrative Penalties-Report by District Engineer, Patrick Treanor

OPEN PUBLIC HEARING

Open Public Hearing on Thursday, 10:21 a.m., September 26, 2024, or Soon Thereafter as the Matters May Be Taken Up considering Ordinance 2024-03 Administrative Penalties for Fiscal Year 2024-25.

There was no public comment made during this public hearing. The Chair requested discussion from the board and having none the board made a motion on Ordinance 2024-03, which closed the public hearing at 10:22 a.m.

Ordinance 2024-03; AN ORDINANCE (1) REPEALING AND REPLACING ORDINANCE NO. 2019-03 ADMINISTRATIVE PENALTIES ORDINANCE OF THE CARMEL AREA WASTEWATER DISTRICT, AND (2) ADOPTING THE ADMINISTRATIVE PENALTIES ORDINANCE OF THE CARMEL AREA WASTEWATER DISTRICT (redline version)

A Motion To Approve Ordinance 2024-03 Was Made By Director Cole And Seconded By Director Siegfried. Following A Roll Call Vote, The Board Unanimously Passed Ordinance 2024-03 Repealing And Replacing Ordinance No. 2019-03 Administrative Penalties Ordinance Of The Carmel Area Wastewater District, And (2) Adopting The Administrative Penalties Ordinance Of The Carmel Area Wastewater District.

CONSENT CALENDAR: APPROVAL OF MINUTES, FINANCIAL STATEMENTS AND MONTHLY REPORTS-ALL REPORTS RELATE TO CURRENT YEAR

The Consent Agenda consists of routine items for which Board approval can be taken with a single motion and vote. A Board Member may request that any item be placed on the Regular Agenda for separate consideration.

Board Action

A Motion To Receive And Approve The Consent Agenda Was Made By Director Siegfried And Seconded By President White. After A Roll Call Vote, The Board Unanimously Received And Approved The Following Consent Calendar/Agenda.

7. August 26,2024 Regular Board Meeting Minutes, September 11, 2024 Salary & Benefits Minutes, September 17, 2024 Special Meeting Minutes
8. Receive and Accept Bank Statement Review by Clifton Larson Allen (CLA)-August 2024
9. Receive and Accept Schedule of Cash Receipts & Disbursements-August 2024
10. Approve Register of Disbursements – Carmel Area Wastewater District-August 2024
11. Approve Register of Disbursements – CAWD/PBCSD Reclamation Project –August 2024
12. Receive and Accept Financial Statements and Supplementary Schedules-August 2024
13. Receive and Accept Collection System Superintendent’s Report –August, July & June 2024
14. Receive and Accept Safety and Regulatory Compliance Report –August 2024
15. Receive and Accept Treatment Facility Operations Report –August, July & June 2024
16. Receive and Accept Laboratory/Environmental Compliance Report –August 2024
17. Receive and Accept Capital Projects Report/Implementation Plan
18. Receive and Accept Project Summaries – Capital & Non-Capital
19. Receive and Accept Plant Operations Report- August 2024
20. Receive and Accept Maintenance Projects Report – August 2024
21. Receive and Accept Source Control-Environmental Compliance Report- August 2024

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

22. **Resolution No. 2024-53;** A Resolution Authorizing The General Manager To Purchase Effluent Pump Rebuild Parts From JM Squared In Fiscal Year 2024-25 In An Amount Not To Exceed \$60,000- *Report By Maintenance Superintendent, Chris Foley*

The Board was in consensus to pull Resolution 2024-43 from the agenda.

- 23. Resolution No. 2024-54;** A Resolution Authorizing The General Manager To Purchase Two Gem Utility Carts From Total Industries In Fiscal Year 2024-25 In An Amount Of \$46,468.38- *Report By Maintenance Superintendent, Chris Foley*

A Motion To Approve The Resolution Was Made By Director Urquhart And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-54 Authorizing The General Manager To Purchase Two Gem Utility Carts From Total Industries In Fiscal Year 2024-25 In An Amount Of \$46,468.38.

- 24. Resolution No. 2024-55;** A Resolution Authorizing The General Manager To Update The Contract With Enterprise Automation In Fiscal Year 2024-25 In An Amount Of \$75,000- *Report By Maintenance Superintendent, Chris Foley*

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 2024-55 Authorizing The General Manager To Update The Contract With Enterprise Automation In Fiscal Year 2024-25 In An Amount Of \$75,000.

- 25. Resolution No. 2024-56;** A Resolution Approving The Designating Classification Titles In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Non-Represented Employees- *Report By General Manager, Barbara Buikema*

A Motion To Approve The Resolution Was Made By President White And Seconded By Director Cole. Following A Roll Call Vote, The Board Passed Resolution 2024-56 with Yes votes from President White, Directors; Cole, Rachel, Siegfried and a No Vote from Director Urquhart.

COMMUNICATIONS

- 26. General Manager Report-** *Report by General Manager, Barbara Buikema* *
- Annual Picnic Suggested Date October 23, 2024 at 11:30 a.m.

OTHER ITEMS BEFORE THE BOARD

- 27. Conversion of the Newsletter (or part of it) to an email format-** *Report by General Manager, Barbara Buikema*

A Motion To Place In the News Letter The Option For Constituents To Sign Up For The Email Version of the Newsletter Or To Receive The Newsletter Through Traditional Mail Was Made By President White And Seconded By Director Siegfried. Following A Roll Call Vote, The Board Unanimously Accepted Leaving It Up To The Constituents On How They Would Like To Receive The Newsletter.

28. Clifton Larsen Allen (CLA) Independent Accountant Response Letter

Request To Modify The Following Language: "This report is intended solely for the information and use of the Board of Directors of Carmel Area Wastewater District and is not intended to be and should not be used by anyone other than the specified parties"

The Board was in consensus to maintain the existing agreement with CLA and would like to append/suggest to notify the public that the CLA letter is available to the public in lieu of the statement listed on the independent accountant response letter stating, "This report is intended solely for the information and use of the Board of Directors of Carmel Area Wastewater District and is not intended to be and should not be used by anyone other than the specified parties". On future agendas a note clarifying the public's use of this document will be listed under the CLA Independent Accountant letter agenda item that the letter is available to the public.

29. Monterey County Treasurer Report – As of June 30, 2024

A Motion To Accept The Report Was Made By Director Urquhart And Seconded By President White. Following A Roll Call Vote, The Board Unanimously Accepted The June 30,2024 Monterey County Treasurer's Report.

30. Legal response to the Board's question regarding the District responsibilities and powers of annexed areas- Report by Legal Counsel, Rob Wellington

Board was in consensus in accepting the oral report from Legal Counsel regarding the District responsibilities and powers of annexed areas.

Rob Wellington, District Counsel, cited the codes sections as it applies to the District and that the District may compel when there is a sewer line in place. The word "may" is discretionary. The District may prohibit someone from connecting to the facility if there is a sewer line in the street and therefore creating a septic tank situation and using the septic tank instead of connecting to the District line. It allows the District to do what may be done but does not say what the District may not do. The implications is you may not do the opposite.

INFORMATION/DISCUSSION ITEMS

31. Internship Project Power Point Presentation,-Report by Plant Superintendent, Ed Waggoner

The PowerPoint presentation was presented to the Board and posted to the District website.

A Motion To Continue The Internship Program Was Made By President White and Seconded by Director Urquhart. Following A Roll Call Vote, The Board Unanimously Accepted The Continuation of Program And Requested That A Budget Be Provided As Soon As Possible.

32. Pebble Beach Community Service District Meeting Was Not Held In August 2024

33. Informational Meeting On Carmel Lagoon

- County certified the final Environmental Review on the Carmel Lagoon and Scenic Road and it included; A midpoint slope wall on the point, continuing sand bar management, as well as use of garden wall, and home elevation.
- Federal Emergency Management Agency (FEMA) – 2015 estimated cost for home elevation \$230K per home and FEMA would pay 75% and homeowner would pay 25% and this would include all the infrastructure, which includes the District pipes. However, they are not taking into consideration it would be difficult for the District if the pipes are under water.
- Director Urquhart stated that this is not a flood, as it does not happen infrequently, it is an inundation. This is an annual management program to allow infrastructure built below the natural high-water mark in a hydrologic body to remain in the area.

34. 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, September 27, 2024, at 9:30 a.m. – Director Rachel is scheduled to attend.

Friday, October 25, 2024, at 9:30 a.m. – Director Urquhart is scheduled to attend.

Special Districts Association (SDA) of Monterey County – The next SDA meeting is scheduled for:

Tuesday, October 15, 2025, at 6:00 p.m. – Director Rachel is scheduled to attend.

Tuesday, January (TBD), 2025, at 6:00 p.m. – Director Cole is scheduled to attend.

Reclamation Management Committee (RMC) Meeting – The next RMC meeting is scheduled for:

Tuesday, November 12, 2024, at 9:30 a.m. President White and Director Rachel are scheduled to attend.

- *President White stated that the Bridge To Everywhere is moving along and on October 2nd the committee and staff will meet with the Regional Park District Board. The City of Carmel and has informed the District they will release the Rio Park to the District. The property is classified as surplus property, per state law that one non-profit can offer to another non-profit agency. If the District or the Park's Department can pick it up then the intent is to keep it as open space.*
- *Director Cole's Report on CASA Conference Information. There are many issues facing sanitary district and we are not alone and they are the same issues across the board, but the District is in better financial shape. At each board meeting other topics will be brought forward such as succession planning and the utilization of algorithmic processes and hiring and how they fit into the culture, biosolids and passive receivers, and legislative updates.*

35. ADJOURNMENT

There being no further business to come before the Board, the President adjourned the meeting at 12:05 p.m. The next Regular Meeting will be held at 9:00 a.m., Thursday, October 31, 2024, or an alternate acceptable date, via teleconference webinar

As Reported To:

Domine Barringer
Domine Barringer, Board Clerk

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