



CARMEL AREA WASTEWATER DISTRICT
REGULAR BOARD MEETING MINUTES
Thursday, 9:00 a.m., May 30, 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, and
**Virtual Attendance - Director Urquhart (Just Cause)*

Absent:

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*
Ed Waggoner, Plant Superintendent, CAWD
Kevin Young, Plant Operations Supervisor, CAWD*
Carla James, Laboratory Supervisor, CAWD*
Aleksandra Kalnozola, Lab Analyst1/Environment Compliance Inspector I, CAWD
Chris Foley, Maintenance Superintendent, CAWD
Daryl Lauer, Collections Superintendent, CAWD
Seth Steele-Freitas, Collection Worker II, CAWD
Chris Dixon, Senior Operator, CAWD, United Public Employees of California, Local 792
Rob Wellington, Wellington Law Offices, CAWD Legal Counsel
Richard Gebhart, Vice-President, Pebble Beach Community District (PBCSD)
Mike Niccum, General Manager, PBCSD
Nick Becker, Deputy General Manager, District Engineer, PBCSD

In Person Public Attendees: None

***Virtual Public Attendees:**

Steve Thomas |TBC Communications
FeanknBeans| left meeting at 10:59 a.m.
S. Cheang| left meeting 9:30 a.m.
K. Kiama | left meeting 9:32 a.m.
V. Stockton | left meeting 9:55 a.m.
S. Wong | left meeting 10:01 a.m.

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.*

Public comment not appearing on the agenda:

9:02 am Director Siegfried requested to include eminent domain and the sea level rise on the next District board agenda. President White requested that the General Manager make a note of Director Siegfried's request. There was no board consensus or objection.

Public comment appearing on the agenda (related to Greg D'Ambrosio's public comment letter):

Jeff Bandy, Principal Engineer, made comments regarding the tree removal plan at the plant. Progress is being made and the Lidar (Light Detection & Ranging) survey is going to be updated. A project in hand will be later on in the year.

The General Manager, Barbara Buikema mentioned the thank you letter from the public not raising the rates.

2. **Agenda Changes:** *Any requests to move an item forward on the agenda will be considered at this time.*
 - *District legal counsel made an agenda language change to the closed session just prior to the closed session being conducted. See below on agenda item number 35.*
 - *Monterey County March 2024 Quarterly Investment Report was inserted at the time of the meeting along with the staff report on agenda item number 33. This same information was posted on the District website.*
3. *Introduction of Aleksandra Kalnozola – The Board welcomed Ms. Kalnozola as the new Lab Analyst I/Environmental Compliance Inspector I.*
4. *Recognition of Seth Steele-Freitas -Passed Grade II and promoted to Collection Worker II- The Board recognized Mr. Steele-Freitas's accomplishment for passing the Grade II test and his advancement to Collection Worker II.*

5. *Monterey Peninsula Certificate of Appreciation For The Districts Outstanding Contribution As A Valued Employer and Partner.*

Chris Foley provided an update on item number 29 on the agenda regarding the internship at Monterey Peninsula College. Ed Waggoner, Plant Superintendent, provided an update on the internship program with Carmel Unified 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 Cole And Seconded By President White. After A Roll Call Vote, The Board Unanimously Received And Approved The Following Consent Calendar/Agenda Items With Item number 20 being pulled to be discussed at the end of the meeting.

Director Cole had comments regarding the Bridge To Everywhere minutes regarding the project and agrees with the original assumptions of the program being fully funded from grants. There are concerns regarding this project being funded by a bond that would have to be paid by the rate payers, she has reservations about going in that direction. The minutes also mentioned the crosswalk would be moved from Mission Trails Park to the start of the Bridge To Everywhere and it does not avoid the safety issues on Rio Road.

President White requested that Director Cole's comments be added to the next agenda. There was no board consensus or objection.

Director Siegfried requested that item number 20 be pulled from the Consent Agenda to be discussed later in the meeting. There was no consensus or objection from the board to pull item 20 from the Consent agenda.

6. April 25,2024 Regular Board Meeting Minutes, May 15 , 2024 Bridge To Everywhere Minutes
7. Receive and Accept Bank Statement Review by Clifton Larson Allen (CLA)
8. Receive and Accept Schedule of Cash Receipts & Disbursements- April 2024
9. Approve Register of Disbursements – Carmel Area Wastewater District April 2024
10. Approve Register of Disbursements – CAWD/PBCSD Reclamation Project April 2024
11. Receive and Accept Financial Statements and Supplementary Schedules April 2024
12. Receive and Accept Collection System Superintendent's Report April, February & January 2024
13. Receive and Accept Safety and Regulatory Compliance Report April 2024
14. Receive and Accept Treatment Facility Operations Report April, March, February 2024
15. Receive and Accept Laboratory/Environmental Compliance Report April 2024
16. Receive and Accept Capital Projects Report/Implementation Plan
17. Receive and Accept Project Summaries – Capital & Non-Capital

18. Receive and Accept Plant Operations Report – April 2024
19. Receive and Accept Maintenance Projects Report – April 2024
20. Receive and Accept Source Control-Environmental Compliance Report- May 2024-Item 20 was pulled from the Consent agenda and discussed at the end of 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

21. **Resolution No. 2024-26** – A Resolution Approving the Insertion of “Maintenance” into the Collection Maintenance Classification Titles Under the Designating Classification Titles In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Represented Employees- *Report by General Manager, Barbara Buikema*

A Motion To Approve The Resolution Was Made By Director Siegfried And Seconded By Director Rachel. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-26 Approving the Insertion of “Maintenance” into the Collection Maintenance Classification Titles Under the Designating Classification Titles In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Represented Employees.

Daryl Lauer, Collections Superintendent, stated that it follows the certification titles.

22. **Resolution No 2024-27-** A Resolution Adopting The Carmel Area Wastewater District (CAWD)/Pebble Beach Community Service District (PBCSD) Fiscal Year 2024-2025 Reclamation Project Budget-*Report by General Manager, Barbara Buikema*

A Motion To Approve The Resolution Was Made By Director Rachel And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-27 Adopting The Carmel Area Wastewater District (CAWD)/Pebble Beach Community Service District (PBCSD) Fiscal Year 2024-2025 Reclamation Project Budget.

- 23. Resolution No. 2024-28**–Kennedy Jenks 15 Year Capital Budget requesting a resolution for an award of \$349,250 for a professional services contract with Kennedy Jenks for the Microfiltration/Reverse Osmosis and Tertiary System 15-year Capital Improvements Program Master Plan Phase 2-*Report by Principal Engineer, Jeff Bandy*

A Motion To Approve The Resolution Was Made By Director Rachel And Seconded By Director Siegfried. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-28 Authorizing The General Manager To Execute A Professional Service Agreement With Kennedy Jenks For \$349,250 For The Microfiltration/Reverse Osmosis and Tertiary System 15-year Capital Improvements Program Master Plan Phase 2.

- 24. Resolution No. 2024-29** Resolution Ordering An Election, Requesting The County Elections Department To Conduct The Election, And Requesting Consolidation Of The Election- *Report by General Manager, Barbara Buikema*

A Motion To Approve The Resolution Was Made By Director Siegfried And Seconded By President White. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-29 Ordering An Election, Requesting The County Elections Department To Conduct The Election, And Requesting Consolidation Of The Election.

- 25. Resolution No. 2024-30** A Resolution Authorizing The General Manager To Execute An Amendment To An Existing Professional Services Agreement With MNS Engineers, Inc. In An Amount Not To Exceed \$19,501 For Preparation Of A Cultural Resources Monitoring Plan For The Scenic Road Sewer Main Rehabilitation Project (Project #20-08)-*Report by District Engineer, Patrick Treanor*

A Motion To Approve The Resolution Was Made By Director Cole And Seconded Director Rachel. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-30 Authorizing The General Manager To Execute An Amendment To An Existing Professional Services Agreement With MNS Engineers, Inc. In An Amount Not To Exceed \$19,501 For Preparation Of A Cultural Resources Monitoring Plan For The Scenic Road Sewer Main Rehabilitation Project.

- 26. Resolution No. 2024-31** A Resolution Authorizing The General Manager To Execute A Purchase Order For Ten (10) Smartcovers From Hadronex, Inc. (Smartcover) In An Amount Not To Exceed \$55,622.60- *Report by District Engineer, Patrick Treanor*

A Motion To Approve The Amended Resolution To Move This Expenditure To The Next Fiscal Year 2024-25 Was Made By President White And Seconded By Director Rachel. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-31 Authorizing The General Manager To Execute A Purchase Order For Ten (10) Smartcovers From Hadronex, Inc. In An Amount Not To Exceed \$55,622.60.

27. **Resolution No. 2024-32** A Resolution Authorizing The General Manager To Execute A General Services Agreement With Parkson Corporation In An Amount Not To Exceed \$150,000 For Reconditioning Of DynaSand Continuous Backwash Sand Filters (Project #22-05-Waggoner- *Report by Plant Superintendent, Ed Waggoner*

A Motion To Approve The Resolution Was Made By Director Siegfried And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-32 Authorizing The General Manager To Execute A General Services Agreement With Parkson Corporation In An Amount Not To Exceed \$150,000 For Reconditioning Of DynaSand Continuous Backwash Sand Filters.

COMMUNICATIONS

28. General Manager Report- *Report by General Manager, Barbara Buikema*

The board was in consensus that a committee is to be added to the next agenda to pick the committee and they will source it out and a study session will be added later.

Discussion Comments:

- *Director Cole requested information on the Vac Con truck warranty. The truck was purchased through Sourcewell and the warranty stated service specified service in the U.S. The next truck will have Northern California*
- *Director Siegfried was requesting a board session performance and the use of artificial intelligence in the board room.*
- *Director Siegfried would like to recommend that committee be created to address Director Urquhart's concerns and take this on as well. President White asked if a board study session on each item. Director Siegfried stated that the product would inform a board study session.*
- *General Barbara Buikema, requested consensus from the board to create a committee*

OTHER ITEMS BEFORE THE BOARD

29. Monterey Peninsula College Information (IT) Internship-
Report by Maintenance Superintendent, Chris Foley

Board Action Required – *Requesting Approval To Move Forward On This Project*

A Motion To Move Forward On The Monterey Peninsula College IT Intern Project Was Made By Director Siegfried And Seconded By Director Rachel. Following A Roll Call Vote, The Board Unanimously Agreed To Move Forward With This Project.

- *General Manager, Barbara Buikema stated that the board should be aware that under California law if these interns finish school and do not get employment they can file for unemployment with the State of California. The District is a direct pay for unemployment and this did happen a few years back and the intern earned more in unemployment than they earned in wages from the District.*

30. Cash Investment at Monterey County - *Report by General Manager, Barbara Buikema*

Action Required – *Requesting the Board’s direction*

A Motion To Move For Further Information And Defer The Decision On Legal Counsel Until Next Month. A Motion Was Made By Director Cole And Seconded By Director Rachel, With A Yes Vote From Director Siegfried And President White, And A No Vote From Director Urquhart. Following A Roll Call Vote, The Board Agreed To Move This Discussion To The June 2024 Board Meeting Regarding The Board’s question.

- *The General Manager, Barbara Buikema, stated that entire \$50M is with the County currently earning 3.83% return. It is the long term funds in the amount of \$23/\$24M of the \$50M is currently in long term reserve for capital purchase and sea level rise that could be invested in the open market, in another vehicle, at a higher rate longer than twelve months. The Investment Committee is asking Does the Board want to continue and engage legal counsel to determine if the County is on firm legal grounds on how they can operate funds and if the balance with the County is all or nothing?*

INFORMATION/DISCUSSION ITEMS

31. Pebble Beach Community Service District Meeting April 26, 2024-*Report by General Manager, Barbara Buikema*

32. Reclamation Management Committee Meeting, May 7,2024-*Report by, Barbara Buikema, General Manager*

33. Treasurer’s Report To The Board- *Report by, Barbara Buikema, General Manager*

Report was inserted at the time of the meeting and posted on the District website

A Motion To Accept The Report Was Made By President White And Seconded By Director Cole. Following A Roll Call Vote, The Board Accepted the March 31,2024 Monterey County Treasurer Report.

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, May 31, 2024, at 9:30 a.m. – President White is scheduled to attend.
Friday, June 28, 2024, at 9:30 a.m. – Director Urquhart is scheduled to attend.

Special Districts Association of Monterey County – The next SDA meeting is scheduled for:
Tuesday, July 16, 2024, at 6:00 p.m. – Director Rachel is scheduled to attend.
Tuesday, October (TBD), 2024, at 6:00 p.m. – Director Siegfried 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.

35. 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.*

District Counsel, Rob Wellington stated we are going into a matter of potential litigation, which under the Brown Act requires that we advise generally what the matter has to do with communication that was received from a resident of the City, that was brought to this Board by a board member, and relates to the communication concerns about the application of the District Plumbing Code and situations dealing with accessory dwelling units that is the matter of potential litigation to be discussed in the closed session .

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*

The Board went into closed session at 10:50 a.m. and discussed agenda item #35 regarding potential litigation. The closed session ended at 11:45 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 no reportable action was taken. The Board reconvened into open session at 11:48 a.m. and there were no person attendees or virtual attendees remaining in the open session.

Consent item number 20 pulled earlier in the meeting:

President White brought the consent item number 20 back to the full board for discussion. The board did not make a motion regarding this item and the President moved to adjourn the meeting.

36. ADJOURNMENT

There being no further business to come before the Board, the President adjourned the meeting at 11:55 a.m. The next Regular Meeting will be held at 9:00 a.m., Thursday, June 27, 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