



CARMEL AREA WASTEWATER DISTRICT REGULAR BOARD MEETING MINUTES

Thursday, 9:00 a.m., December 19, 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 9:04 a.m.

**Signifies Virtual Attendance*

Note: There were some audio technical issues at the meeting. Confirmation was confirmed that attendees could hear the meeting and that they could see the presentations. The camera in the chamber was not working. Legal Counsel confirmed that we could proceed with the meeting.

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

Absent: Director Rachel

A quorum was present.

Others: Barbara Buikema, General Manager 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
Joshua Downing, Collections Worker I
Ed Waggoner, Plant Superintendent, CAWD
Kevin Young, Plant Supervisor, CAWD
Rob Wellington, Wellington Law Offices, CAWD Legal Counsel
Richard Verbanec, Director, Pebble Beach Community District (PBCSD)
Nick Becker, General Manager, PBCSD

In Person Public Attendees:

Hunter Leighton (at the beginning of the meeting)
Steve Wilson | Monterey Bay Engineering
Dan and Dasha Keig
Hergert Cortez, Monterey Peninsula College
Carla Becerra, Monterey Peninsula College

***Virtual Public Attendees:**

*Chuck Else | Osborne Partners
*Hunter Leighton
*GH Guest
*David Laredo
Steve Thomas | TBC Communications (requested the recording- there was internet connectivity issues on his end)

CALL TO ORDER - ROLL CALL

Cole (Present)- Rachel (Absent)- Siegfried(Present)- Urquhart (Present)- White(Present)

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.*

The appearances and public comment of Steve Wilson and Hunter Leighton occurred after the administering of the oath of Directors: Cole, Urquhart, and Siegfried.

Steve Wilson wished to state that he was the engineer on the Ribera Road retaining wall. His role as a professional engineer is to solve problems and wished to share his credentials as background information. The Chair requested that Mr. Wilson speak on his agenda item when it comes up in the meeting.

Hunter Leighton resident of the District wished to discuss charges for Accessory Dwelling Units (ADU's). He would like the ADU fees eliminated. District Legal Counsel, Rob Wellington, stated that the topic being discussed is on the agenda and that there is such an overlap it should be taken up on the agenda item when it comes up. The other topic that Mr. Leighton wished to discuss is the ADU user fee, and multiple dwelling units built in 50, 60, or 80 years ago and how records are kept and the accuracy of these records. Mr. Leighton's stated paying a full user fee for his ADU is wrong and that charging a full residential fee for ADUs is not legally justified.

The General Manager requested that Mr. Leighton leave his statement. Mr. Leighton said he would edit it and provide it later.

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

Move ITEM #26 Resolution 2024-78 & # 31 Accessory Dwelling Unit Policy After The Swearing Ceremony: To accommodate attendees who wish to make public comment-Board was in consensus

Item number #31 regarding the ADU's was commented on by Mr. Leighton during the public comment period. This item was also discussed later in the meeting and the Board made a motion. Please see item #31 for the recorded motion.

ADMINISTER CEREMONIAL OATH OF OFFICE

3. *Appointed to the Office of Carmel Area Wastewater District Board of Directors for a Term of Four Years (2022-2026) accompanied with an Oath of Office for:*

- Bob Siegfried
- Kevan Urquhart
- Suzanne Cole

4. *Plant Classification and Chief Plant Operator Presentation-By Superintendent of Operations- Ed Waggoner*

Mr. Waggoner presented the PowerPoint presentation.

5. *District Internship Presentation-By Superintendent of Operations- Ed Waggoner*

Board provided consensus of the internship program and the budget presented for 2025 in the amount of \$33K. Mr. Cortez, Associate Dean (Instruction Staff), Monterey Peninsula is excited about the partnership with the District.

Director Siegfried requested that the Interns perform Safety measures in an industrial setting and do a walk with the Safety Committee. The students will have to complete the Occupational Safety and Health Administration (OSHA) 10 class.

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.

A Motion To Receive And Approve The Consent Agenda Was Made By President White Seconded By Director Siegfried. After A Roll Call Vote, The Board Unanimously Received And Approved The Following Consent Calendar/Agenda Items With Item 12 (page 99) and Item 18 (page 135) being pulled to be discussed at the end of the meeting.

6. November 20, 2024 Bridge To Everywhere Minutes, November 21, 2024 Regular Board Meeting Minutes, December 4, 2024 Pension Meeting Minutes, December 10, 2024 Special Meeting Minutes-Ethics Training
7. Receive and Accept Bank Statement Review by Clifton Larson Allen (CLA)- November, October, and September 2024

The District has requested a response from CLA regarding the November, October and September independent accountant letter but a response has not been received.

(Note: The District was informed by CLA that both the November, October and September letters are not available for the December board meeting)

8. Receive and Accept Schedule of Cash Receipts & Disbursements- November 2024
9. Approve Register of Disbursements – Carmel Area Wastewater District- November 2024
10. Approve Register of Disbursements – CAWD/PBCSD Reclamation Project –November 2024
11. Receive and Accept Financial Statements and Supplementary Schedules –November 2024
12. Receive and Accept Collection System Superintendent’s Report – November, October & September 2024

Note: Director Siegfried requested that ***page 99 be pulled – GFIC question***)

13. Receive and Accept Safety and Regulatory Compliance Report – November 2024
14. Receive and Accept Treatment Facility Operations Report – November, October & September 2024
15. Receive and Accept Laboratory/Environmental Compliance Report – November 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- November 2024
*Note: Director Siegfried requested that ***page 135 be pulled – manager question***)*
19. Receive and Accept Maintenance Projects Report – November 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

- 20. Resolution No. 2024-72;** A Resolution Authorizing The Job Description, Title, And Salary Table For The Chief Plant Operator- *Report By Maintenance Supervisor, Chris Foley*

A Motion To Approve The Resolution Was Made By President White And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-72 Authorizing The Job Description, Title, And Salary Table For The Chief Plant Operator .

- 21. Resolution No. 2024-73;** A Resolution Designating Classification Title In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Non-Represented Employees- *Report By Maintenance Supervisor, Chris Foley*

A Motion To Approve The Resolution Was Made By President White And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Passed Resolution 2024-73 Designating Classification Title In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Non-Represented Employees .

- 22. Resolution No. 2024-74;** A Resolution Authorizing The Changes To The Job Description, Title, And Salary Table For The Laboratory Manager- *Report By General Manager, Barbara Buikema*

A Motion To Approve The Resolution Was Made By Director Cole And Seconded By President White. Following A Roll Call Vote, With All Ayes, Except For A No Vote By Director Urquhart The Board Passed Resolution 2024-74 Authorizing The Changes To The Job Description, Title, And Salary Table For The Laboratory Manager.

Director Urquhart supports the proposal and raising the ranges. However, he does not support the suggested range of 34 the same level of the other managers. Director Urquhart is requesting some justification from going from a range of 28 to 34 and is asking additional support for the change in range classification.

- 23. Resolution No. 2024-75;** A Resolution Designating Classification Title 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 Director Cole And Seconded By Director Siegfried. Following A Roll Call Vote, With All Ayes, Except For A No Vote By Director Urquhart, The Board Passed Resolution 2024-75 . Resolution Designating Classification Title In The Carmel Area Wastewater District And Providing For The Number Of Positions And Monthly Salary Ranges For Non-Represented Employees

- 24. Resolution No. 2024-76;** A Resolution Approving An Amendment To The Exit Interview Policy Requiring The Submission Of Said Document To The Board Of Directors Upon Its Completion- *Report By General Manager, Barbara Buikema*

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 2024-76 Approving An Amendment To The Exit Interview Policy Requiring The Submission Of Said Document To The Board Of Directors Upon Its Completion, With The Stipulation That The Employee Sign A Form If They Elect Not To Have An Exit Interview.

- 25. Resolution No. 2024-77;** A Resolution Authorizing The General Manager To Invite Bids For The Construction Of Project #23-01 - "Santa Rita And Guadalupe Sewer Main Rehabilitation Project"- *Report By District Engineer, Patrick Treanor*

A Motion To Approve The Resolution Was Made By Director Urquhart And Seconded By President White. Following A Roll Call Vote, All Ayes, Except For Director Siegfried Who Stepped Out Of The Board Room For A Brief Break, The Board Passed Resolution 2024-77 Authorizing The General Manager To Invite Bids For The Construction Of Project #23-01 - "Santa Rita And Guadalupe Sewer Main Rehabilitation Project .

- 26. (Moved)Resolution No. 2024-78:** A Resolution Affirming That Special Conditions Of Approval May Be Applied To Discretionary New Connection Applications That Do Not Conform To The District Standard Plans And Specifications As Adopted; And Affirming That The District Engineer Has Discretion In Developing Appropriate Special Conditions On Behalf Of The District"- *Report By District Engineer, Patrick Treanor*

A Motion To Indefinitely Table The Resolution 2024-78 Was Made By Director Siegfried And Seconded By Director Urquhart. Following A Roll Call Vote, The Board Unanimously Tabled Resolution 2024-78 and bring back a narrowly framed proposal for the Keig property.

Item #31 Internship Presentation: After this motion was completed the Internship presentation was presented.

- 27. Resolution No. 2024-79:** A Resolution Selecting a President and President Pro Tem, and Appointing a Secretary and Secretary Pro Tem of the Carmel Area Wastewater District, for a Term of One Year, Commencing on December 30, 2024 – Report by Domine Barringer, Board Clerk

A Motion To Approve The Resolution Was Made By Director Urquhart To Continue Current Officer Positions And Seconded By Director Cole . Following A Roll Call Vote, The Board Was In Consensus To Continue The Current Officer Positions For 2025 With Ken White As President and Bob Siegfried as Pro Tem.

The Board did not vote on the Board Clerk or Board Clerk Pro Tem. This item will be brought back to the January 2025 board meeting for a vote.

- 28. Resolution No. 2024-80:** A Resolution Authorizing Legal Services A Resolution Authorizing The General Manager To Enter Into A Professional Services Agreement With Law Firm Beginning In January 2025 In An Amount Not To Exceed \$0,000.00- Report By General Manager, Barbara Buikema

A Motion To Approve The Resolution Was Made By Director Urquhart And Seconded By Director Cole. Following A Roll Call Vote, All Ayes, Except For A No Vote By Director Siegfried. The Board Passed Resolution 2024-80 Authorizing Legal Services A Resolution Authorizing The General Manager To Enter Into A Professional Services Agreement With The Fenton & Keller Law Firm Beginning In January 2025 In An Amount Not To Exceed \$325/Hour.

Director Cole agreed with Director Siegfried's comments but stated there was a short time frame in making a decision. The conflicts of interest were addressed in the interview process.

- 29. Resolution No. 2024-81:** A Resolution Authorizing The General Manager To Sign The Investment Policy Document And Investment Policy Guidelines Document For The Carmel Area Wastewater District Defined Benefit Plan- *Report By General Manager, Barbara Buikema*

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 2024-81 Authorizing The General Manager To Sign The District Investment Policy Guidelines Document Written By The Osborne Partners For The Carmel Area Wastewater District Defined Benefit Plan. The District Investment Policy Signing Is Contingent Upon A Final Review By A Specialized Attorney, And If The Outcomes Are Fine, It Goes Into Effect And The General Manager Is Authorized To Signs It, And The General Manager Will Bring District Policy Document To The Pension Committee For A Final Review Before Bringing It Before The Full Board For A Vote. Where The District Policy Outcome Has Concerns, Comments, Corrections, The Document Will Come Back To The Board For A Final Decision,

The Board Was In Consensus.

COMMUNICATIONS

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

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- a. Retreat Progress

Per the General Manager, Barbara Buikema, staff is still working on this item will most likely occur in January/February

- b. CLA non submission of accountants letter

The Board gave direction to the General Manager to contact CLA to determine the final outcome.

Other Items mentioned:

- Directors requested that the spill enforcement letter be added to the website with a potential fine of \$226K. Director Cole asked if there was going to be a meeting regarding this particular violation. Barbara Buikema, General Manager, stated that the District must submit a response by the end of January and the Water Board will get back to the District if there is going to be a hearing.*
- Directors requested that the Director chairs be repaired.*

OTHER ITEMS BEFORE THE BOARD

- 31. (Moved)** Accessory Dwelling Unit Policy and addressing Mr. Leighton’s public comment-
Report by General Manager, Barbara Buikema

A Motion To Continue With The Current Accessory Dwelling Unit Policy Was Made By President White And Seconded By Director Urquhart. Following A Roll Call Vote, The Board Was In Consensus To Continue The Existing Policy And To Incorporate This Into The Rate Model In March.

Director Urquhart stated that the District could agendize a policy with a proportional charge based on size. Director Urquhart agrees with equity and fairness in the fee structure.

Mr. Leighton left the meeting after making public comment and returned to his office and joined the meeting via Zoom. Mr. Leighton confirmed that he could hear the meeting online and did not wish to make any additional comments.

Barbara Buikema, General Manager, stated the following regarding Mr. Leightons comments regarding ADU’s:

- Mr. Leighton requested that the ADU fee be waived
- There are inconsistencies in the application of the user fee

The District has requested a listing of ADU information from the City of Carmel and The County of Monterey and corrections will be made to the District user fees.

The General Manager is asking for direction from the Board on how they would like to proceed with respect to the District’s current ADU policy. The District is able to catch some of the incoming ADU’s when permits are being issued but it is not foolproof.

- 32.** 2025 Board Committee Assignments, PBCSD Meetings, SDA Meetings, and conference schedule – *Report by Board Clerk, Domine Barringer*

The Board Was In Consensus To Move The 2025 Committee Assignments To The January 2025 Board Meeting.

33. Budget Committee Discussion - Report by General Manager, Barbara Buikema

The Board Was In Consensus To Move The Budget Discussion To The January 2025 Board Meeting.

34. 2024 Actuary's Report by Nicolay Consulting - Pension Contribution Planned Year 2024-2025- Report by General Manager, Barbara Buikema

A Motion To Approve The Actuary's Report Was Made By President White And Seconded By Director Urquhart. Following A Roll Call Vote, The Board Was In Consensus To Refer The Unfunded Accrued Liability (UAL) Back To The Budget Committee To Bring Back To The Full Board.

Barbara Buikema, General Manager stated that the plan is slightly underfunded this year in the amount of \$20,639 for the next five years and would like to move that through the budget committee.

35. Monterey County Treasurer Report – As of June 30, 2024-Report by General Manager, Barbara Buikema

A Motion To Approve The June 30,2024 Monterey County Treasury Report Was Made By Director Urquhart And Seconded By Director Cole. Following A Roll Call Vote, The Board Unanimously Accepted The Report.

36. County Investment Return vs Inflation-Report by General Manager, Barbara Buikema

Requesting Board Discussion & Direction:

Director Urquhart states in his opinion it is appropriate to invest long term funds. Director Urquhart appreciated the analysis.

Director Siegfried stated that the returns that we get back from the County does not include their fees.

INFORMATION/DISCUSSION ITEMS

37. 12-13-24 Pebble Beach Community Service District Meeting

Nick Becker, General Manager of PBCSD that their Board had approved the very minor formula calculation correction to the Carmel Area Wastewater District and PBCSD Agreement. Mr. Becker also mentioned that they are in process in obtaining signatures.

Director Siegfried asked if there are any avenues of cooperation between the general managers of all these various districts? Barbara Buikema, General Manager, stated that the conversations with the County of Monterey Treasurer, stated they are very specific and focused on the Sanitary Act of 1973 with respect to our District. The other districts do not fall under this same act.

Consent Calendar/Agenda Items Pulled By Director Siegfried For Further Discussion:

Consent Item 12 (page 99), discussed the GFI codes on pump stations and Director Siegfried asked if there was a national electrical code required? Chris Foley, Superintendent of Maintenance stated that he is a state licensed electrician, that there are exceptions for industrial plants and that due to the training of staff it can be changed out with a regular plug. The Board had no further questions.

Consent Item 18 (page 135-137), discussed why there are three managers assigned to a project and requested that there be one manager assigned as the responsible party.

The Board was in consensus.

38. 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, December 13, 2024, at 9:30 a.m. – Director Siegfried is scheduled to attend. Friday, January 24, 2025, at 9:30 a.m. – President White is scheduled to attend.

Special Districts Association (SDA) of Monterey County – The next SDA meeting is scheduled for: Tuesday, January 21, 2025, at 5:30 p.m. – Director Cole is scheduled to attend. Tuesday, April (TBD), 2025, at 6:00 p.m. – President White is scheduled to attend.

Reclamation Management Committee (RMC) Meeting – The next RMC meeting is scheduled for: Tuesday, February 11, 2025, at 9:30 a.m. President White and Director Rachel are scheduled to attend.

- Director Cole’s Report on CASA Conference Information-Nothing reported out

There being no further business to come before the Board, the meeting adjourned at meeting at 12:30 p.m.

39. ADJOURNMENT

The next Regular Board Meeting will be held at 9:00 a.m., Thursday, January 30, 2025, or at an alternate acceptable date. NOTE: The meeting will have a teleconference option hosted through Zoom. You July access the Zoom link by visiting our website, www.cawd.org. If you need assistance, please call the District office at 831-624-1248 or send an email to downstream@cawd.org. After staff reports have been distributed, 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.

As Reported To:

Domine Barringer
Domine Barringer, Board Clerk

APPROVED:



Ken White, President of the Board