



CARMEL AREA WASTEWATER DISTRICT REGULAR BOARD MEETING MINUTES

Thursday, 9:00 a.m., June 29, 2023

Via Teleconference Webinar & In Person with Proof of Vaccination

CALL TO ORDER - ROLL CALL - The meeting was called to order at 9:06 a.m.

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

Absent:

A quorum was present.

Others: Barbara Buikema, 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 Operations Supervisor, CAWD*
Chris Foley Maintenance Superintendent, CAWD
Daryl Lauer, Collections Superintendent *
Domine Barringer, Board Secretary, CAWD
Stephanie Atigh, Wellington Law Offices, CAWD Legal Counsel
Richard Gebhart, Vice -President, Pebble Beach Community Services District (PBCSD) *
Mike Niccum, General Manager, PBCSD*
Nick Becker, Deputy General Manager, District Engineer, PBCSD*

In Person Public Attendees:

Carmel Meadows Residents:

Deborah Vieille, Craig Barnes

***Virtual Public Attendees:**

R. Richard|* Keith Porter-Carmel Meadows Resident|*

Lillian Hull-Corona Road Resident|* Call in 1-415-425-8531|*

Steve Thomas, TBC Communications|* Scott Ferguson|* Johnson Hall

**Signifies Virtual Attendance*

1. Appearances/Public Comments: Public Comments (Matters Not on Agenda Any Subject):

There was one public comment received prior to the board meeting on a non-agendized item from Mr. Littman. This letter was included in the June board packet. Mr. Littman is a constituent that lives in the Highlands.

The District Received Public Comment via email prior to the board regarding an item on the agenda for the June board meeting. These were included in the June 29, 2023 board packet.

Additional letters were received after the board packet creation and these were included in the meeting by posting them on the District website and providing a hard copy to all Directors prior to the commencement of the meeting. Letters received from the following Carmel Meadows Constituents: Andy Popadiuk, Arthur Hatley & Marjorie Herbert, Diane Guinta & Paul Goldstein, Gail Dryden, Karen Aznavoorian Keith Porter, Donna Kusumoto, Larry Purcell, Paula Tarantino, , and Mark Abelson.

Appearances/Public Comments on Agendized Items: (Matters On Agenda Any Subject):

Virtual public attendees that made comments on matters on the agenda regarding the Corona Road Project included the following resident below:

**Lillian Hull| Resident of Corona Road *Scott Ferguson| Jones Hall*

In person public attendees that made comments on matters on the agenda regarding the Carmel Meadows Project included the following residents below:

*Deborah Vieille, Craig Barnes, and *Keith Porter.*

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

The President White requested that agenda items number 25 and 26 (Corona Road Sewer Extension), and 34 (District Ownership of four ejector pumps) be moved to the front of the meeting to accommodate the public. The Board was in consensus.

3. Receive Staff Report for Sewer Rates for Fiscal Year 2022-23, *Report by Maintenance Superintendent, Chris Foley*

The Public Hearing Opened at 10:13 am regarding Ordinance 2023-01 establishing sewer service charges for Fiscal Year 2023-24. There were no public comments during the open hearing and the hearing was closed at 10:32 by the Board taking action with a motion and finalized with a roll call vote.

Ordinance 2023-01; An Ordinance Establishing Sewer Service Charges for Fiscal Year 2023-2024 and thereafter, Providing for the Collection of Such Charges on the Tax Roll, and Providing Further that this Ordinance and the Charges Established Hereby and the Tax Collection Procedure Selected Herein Shall Remain in Effect Until Either the Said Charges are Revised or this Ordinance is Otherwise Amended or Repealed – *Report by Maintenance Superintendent, Chris Foley*

Board Action

After a brief discussion, a motion to approve the Ordinance 2023-01, with two amendments to the rate model reflecting a change in the budget model doubling estimated interest income and decreasing the planned allocation of \$1M in long term capital reserve, which resulted in decreasing the service charges on the tax roll for fiscal year 2023-24.

The motion was made by Director Urquhart and seconded by Director D'Ambrosio. Following a Roll Call vote, the Board unanimously passed Ordinance Number 2023-01 Establishing Sewer Service Charges for Fiscal Year 2023-2024.

4. Receive Staff Report for the Codification Project
Report by General Manager, Barbara Buikema

The Public Hearing Opened at 10:33 am regarding An Ordinance Enacting A Code Of Ordinances. There were no public comments during the open hearing and the hearing was closed at 10:34 by the Board action with a motion and finalized with a roll call vote.

Ordinance 2023-02; An Ordinance Enacting A Code Of Ordinances For The Carmel Area Wastewater District, Revising, Amending, Restating, Codifying And Compiling Certain Existing General Ordinances Of District– Report by General Manager, Barbara Buikema

Board Action

A motion to approve Ordinance 2023-02 was made by Director Urquhart and seconded by Director Rachel. Following a Roll Call vote, the Board unanimously passed Ordinance 2023-02 Enacting A Code Of Ordinances.

CONSENT CALENDAR: APPROVAL OF MINUTES, FINANCIAL STATEMENTS AND MONTHLY REPORTS-ALL REPORTS RELATE TO 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 Urquhart and seconded by Director Rachel. After a Roll Call vote, the Board unanimously received and approved the following Consent Calendar/Agenda items.

5. Approve May 25, 2023, Regular Board Meeting Minutes & May 25, 2023 Pension Committee Meeting Minutes, June 15, 2023 Special Meeting Minutes June 22, 2023 Special Meeting Minutes
6. Receive and Accept Bank Statement Review by Clifton Larson Allen (CLA) – May, 2023

7. Receive and Accept Schedule of Cash Receipts & Disbursements-
May,2023
8. Approve Register of Disbursements – Carmel Area Wastewater District –
May,2023
9. Approve Register of Disbursements – CAWD/PBCSD Reclamation Project –
May,2023
10. Receive and Accept Financial Statements and Supplementary Schedules –
May,2023
11. Receive and Accept Collection System Superintendent’s Report – May,
April & March 2023
12. Receive and Accept Safety and Regulatory Compliance Report –
May,2023
13. Receive and Accept Treatment Facility Operations Report –May
April & March 2023
14. Receive and Accept Laboratory/Environmental Compliance Report –May
15. Receive and Accept Capital Projects Report/Implementation Plan
16. Receive and Accept Project Summaries – Capital & Non-Capital
17. Receive and Accept Plant Operations Report – May 2023
18. Receive and Accept Maintenance Projects Report –May 2023
19. Receive and Accept District Engineer’s Report-May 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

20. **Resolution No. 2023-31;** A Resolution Ratifying The Contract with ENGE0 as a Consultant for the Carmel Meadows Pipeline Replacement Project to Furnish Geotechnical Services. – *Report by Rachel Lather, Principal Engineer*

Board Action

A motion was made by Director Urquhart and seconded by Director D’Ambrosio. Following a Roll Call vote, the Board unanimously passed the ratification of the contract with ENGE0 as a consultant for the Carmel Meadows Pipeline Replacement Project to furnish Geotechnical Services.

21. **Resolution No. 2023-32** A Resolution Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments and Property Related Fees and Charges – *Report by Barbara Buikema, General Manager*

Board Action

A motion to approve the resolution was made by Director D'Ambrosio and seconded by Director Siegfried. Following a Roll Call vote, the Board unanimously passed Resolution 2023-32 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments and Property Related Fees and Charges.

- 22. Resolution No. 2023-33** A Resolution Determining the Fiscal Year 2023-24 Tax Proceeds Appropriation Limitation for the Carmel Area Wastewater District – Report by Barbara Buikema, General Manager

Board Action

After brief discussion, a motion to approve the resolution was made by President White and seconded by Director Rachel. Following a Roll Call vote, the Board unanimously passed the Resolution 2023-33 Determining the Fiscal Year 2023-24 Tax Proceeds Appropriation Limitation for the Carmel Area Wastewater District . The District is in compliance.

- 23. Resolution No. 2023-34:** A Resolution Adopting Budget for the Fiscal Year 2023-24 Report by Chris Foley, Maintenance Superintendent

Board Action

After brief discussion, a motion to approve the amended resolution 2023-34, to include the change in the budget model doubling estimated interest income and decreasing the planned allocation of \$1M in long term capital reserve, was made by President Urquhart and seconded by Director Siegfried. Following a Roll Call vote, the Board unanimously passed the amended Resolution 2023-34.

- 24. Resolution No. 2023-35:** A Resolution Approving a Contribution of \$100K to the District's CALPERS Section 115 Account as part of the Budget Process for FY 2023-2024 – 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 2023-35 Approving a Contribution of \$100K to the District's CALPERS Section 115 Account as part of the Budget Process for FY 2023-2024 and transfer all Strategy 2 Funds to Strategy 1.

- 25. Resolution No. 2023-36:** Resolution Requesting Approval By the County Of Monterey Of Proposed Resolution of Intention & Boundary Map Under Section 10104 of the Streets And Highways Code of California For the Proposed Carmel Area Wastewater District Assessment District No. 18-21 (Corona Road Sewer Extension Project) – Report by Rachel Lather, District Engineer

Board Action

After brief discussion, a motion to approve the resolution was made by Director D'Ambrosio and seconded by Director Urquhart. Following a Roll Call vote, the Board unanimously passed Resolution 2023-36 Requesting The Approval By the County Of Monterey Of Proposed Resolution of Intention & Boundary Map Under Section 10104 of the Streets And Highways Code of California For the Proposed Carmel Area Wastewater District Assessment District No 18-21 (Corona Road Sewer Extension Project).

- 26. DRAFT Resolution No. 2023-37:** A Resolution Of Intention To Make Acquisitions And Improvements For The Proposed Carmel Area Wastewater District Assessment District No. 18-21 (Corona Road Area Sanitary Sewer System Project)-
Report by Rachel Lather, District Engineer

Draft Resolution 2023-37 was placed on the June 2023 agenda and included in the packet To include all documentation regarding this project, for it to be brought back at a later date, after a decision by the County of Monterey has been determined, which will allow the District to finalize this resolution. The Board provided a consensus to bring this document forward to a future board meeting.

- 27. Resolution no. 2023-38-**Resolution Ratifying The General Manager To Execute An Amendment To An Existing Professional Services Agreement With Johnson Marigot Consulting In An Amount Not To Exceed \$50,666 For Archaeological And Regulatory Services For The Carmel River Floodplain Restoration And Environmental Enhancement (CRFREE) Mitigation Pipeline Undergrounding Project (Project #19-21)- *Report by Patrick Treanor, Plant Engineer*

Board Action

A motion to approve the resolution 2023-38 was made by Director Siegfried and seconded by Director D'Ambrosio. Following a Roll Call vote, the Board unanimously ratified the action of the General Manager to execute an amendment to an existing professional services agreement with Johnson Marigot Consulting.

- 28. Resolution no. 2023-39:** A Resolution Approving A Contribution Of \$1,000,000 To The Special Reserve Fund named "Defend Or Managed Retreat Restricted Reserve" As Part Of The Budget Process For Fiscal Year 2023-2024- *Report written by General Manager, Barbara Buikema*

Director Urquhart asked if this contribution is still in the budget? Barbara Buikema, General Manager, confirmed the contribution is still in the budget. Director Siegfried asked if it is still going to be short term and that is not wanted? Director Siegfried requested that this resolution be tabled until subsequent discussions, the funds will just remain in the account.

Director Urquhart wants to investigate exhaustively, because he is not satisfied with the current yields being earned. Director D'Ambrosio requested a time frame to come back to the board for further discussion.

Board Action

After brief discussion, a motion to table resolution 2023-39 was made by Director Siegfried and seconded by Director Urquhart to bring it back to the full board in September of 2023 to discuss how the \$1M planned allocation capital decrease to long term reserves impacts the budget model.

The Board was also in consensus to create an ad hoc committee with a motion made by President White and seconded by Director D'Ambrosio to continue this discussion to the September board meeting. The assigned Directors to this ad hoc committee will consist of Director Urquhart and Siegfried. Following a Roll Call vote, the Board unanimously agreed to continue Resolution 2023-39 to the September meeting.

- 29. Resolution no. 2023-40:** 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*

Board Action

A motion to approve the resolution 2023-40 was made by President White and seconded by Director Urquhart. Following a Roll Call vote, the Board unanimously passed Designating Classification Titles in the Carmel Area Wastewater District and Providing for the Number of Positions and Monthly Salary Ranges.

- 30. Resolution no. 2023-41:** A Resolution Specifying The New District Sewer Connection And Annexation Fees, As Adopted By Ordinance No. 85-2, Commencing July 1, 2023- *Report written by General Manager, Barbara Buikema*

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 2023-41 specifying the new District Sewer Connection And Annexation Fees of \$9,044.34, as adopted by Ordinance No. 85-2, Commencing July 1, 2023.

- 31. Resolution no. 2023-42-** A Resolution Authorizing The General Manager To Enter Into A Contract With Kennedy/Jenks Consultants, Inc. To Provide Engineering Support For Preparation Of A Condition Assessment On The District's Collection System In The Amount Of \$72,705 And To Rescind Resolution No. 2023-30- *Report written by General Manager, Barbara Buikema*

Board Action

After brief discussion, a motion to approve the resolution was made by Director Urquhart and seconded by Director D'Ambrosio and Director Siegfried with a No vote. Following a Roll Call vote, the Board passed Resolution 2023-42 Authorizing The General Manager To Enter Into A Contract With Kennedy/Jenks Consultants, Inc. For Preparation Of A Condition Assessment On The District's Collection System.

COMMUNICATIONS

32. General Manager Report – oral report

Barbara Buikema, General Manager discussed a cell phone tower at the plant. Director D'Ambrosio was concerned about the District having to abandon the site and wanted to know if the cell tower would be dismantled by the District or the vendor. Director Urquhart was concerned about the cell phone coverage and was supportive of additional earnings for the District. Director D'Ambrosio would like a visual rendering of the cell phone tower. The Board requested that additional information is needed in order to move forward.

OTHER ITEMS BEFORE THE BOARD

33. Union Acceptance-- Report written by General Manager, Barbara Buikema

This was a place card holder in the event the documentation was received. The documentation was not submitted so this item was not discussed.

Director D'Ambrosio, who is a retired member of a union stated he will be recusing himself from voting on union items. Legal Counsel responded that under these circumstances there is no conflict of interest.

34. Receive District Engineer's Presentation and Recommendation Concerning the Carmel Meadows Pipeline Replacement Project; Board to Consider Providing Direction concerning four ejector pumps to be owned and maintained by the District within the existing District easement and providing electrical connection for all four ejector pumps and the proposed Mariposa Pump Station from the Calle la Cruz Pump Station (including 24/7 District-provided power)- Report by Rachel Lather, District Engineer

This agenda item was moved by the Board to the beginning of the meeting. After agenda item number 34 was approved the Chair requested a brief break at 10:07 am and the meeting reconvened at 10:11 a.m. and took up the remaining agenda items.

Board Action

After a discussion, The motion was made by Director Rachel and seconded by President White. Following a Roll Call Vote, the Board unanimously agreed to the motion. This motion was made to address concerns of the residents of Carmel Meadows. The "replace in kind" option is not a constructible option for this line and the District recognizes the environmental hazard of any further sewage spills in the area. This exception to the District ownership of these four ejector pumps does not set any precedent for future annexations or new connections to the District – this agreement applies to the Carmel Meadows project only.

INFORMATION/DISCUSSION ITEMS

35. June Construction Updates of Project #18-01
Electrical/Mechanical Rehab and Sludge Holding Tank Replacement –
Report by Plant Engineer, Patrick Treanor

36. May 26, 2023, PBCSD Board Meeting Summary-
Report by General Manager, Barbara Buikema

37. Road Work Update-Oral Report *by General Manager, Barbara Buikema*

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, June 30, 2023, at 9:30 a.m. – President White is scheduled to attend.
Friday, July 28, 2023, at 9:30 a.m. – Director D’Ambrosio is scheduled to attend.
Friday, August, 2023 – No PBCSD Meeting

Special Districts Association of Monterey County – The next SDA meeting is scheduled for:
Tuesday, July 18, 2023, at 6:00 p.m. –President White is scheduled to attend.
Tuesday, October TBD, 2023, at 6:00 p.m. –Director Rachel are scheduled to attend.

Reclamation Management Committee (RMC) Meeting – The next RMC meeting is scheduled for:
Tuesday, November 7, 2023, at 9:30 a.m. President White and Director Rachel is scheduled to attend.

39. 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.*

Board Action

The Closed Session did not occur as President White requested that the all Directors fill out the paperwork regarding the public employee performance evaluation for the Legal Counsel and General Manager pursuant to Government Code Section 54957.6. The request made to the Board was that the evaluation are submitted by July 17th to legal counsel and that this matter be brought back to the next board meeting. The Board was in consensus with this request.

40. ADJOURNMENT

There being no further business to come before the Board, the President adjourned the meeting at 11:25 a.m. The next Regular Meeting will be held at 9:00 a.m., Thursday, July 27, 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