



REGULAR BOARD MEETING MINUTES

**BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK AVENUE
FRESNO, CALIFORNIA 93725
Tuesday, September 24, 2024 at 6:00PM**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a District Board Meeting, please contact the District Office at 559-485-7353 at least 48 hours prior to the meeting, to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

Please submit all written correspondence for the Board of Directors by 12:00 pm the Friday prior to the meeting. Please deliver or mail to the District Clerk.

1. Call to Order: 6:00pm

2. Roll Call: President Charles Garabedian, Jr.; Vice President Salvador Cerrillo; Director Irma Castaneda; Director Frank Cerrillo, Jr.; Director Carlos Tovar, Jr.

Absent at roll call: Director Tovar, Jr.

Also present: Norma Melendez and Michael Slater.

3. Certification: Certification was made that the Board Meeting Agenda was posted 72 hours in advance of the meeting.

4. Consent Agenda. The items listed below in the Consent Agenda are routine in nature and are usually approved by a single vote. Prior to any action by the Board of Directors, any Board member may remove an item from the consent agenda for further discussion. Items removed from the Consent Agenda may be heard immediately following approval of the Consent Agenda or set aside for discussion and action after Regular Business.

a. Minutes of the Regular Board Meeting of September 10, 2024.

Recommended action: To approve the Consent Agenda as presented or amended.

Motion by Vice President Cerrillo; Second by Director Castaneda and by a 4-0 vote to approve the consent agenda as presented.

Director Tovar, Jr. arrived after the consent agenda was approved (6:02pm).

5. Old Business:

a. **Consideration and necessary action to determine whether to retain the concrete foundations for the light poles being removed as bollards or remove them to use the space for landscaping.** When the new solar panels are installed at the park, two parking lot light poles will be removed leaving the round concrete posts (Approximated 30 inches in height and 18 inches in diameter) between the parking spaces. These can be kept in place as bollards or removed. It is recommended that they be removed and replaced with landscaping to match the surrounding area. Additionally, if the posts remain in place they may attract graffiti or may pose a danger to the public by children playing on or around them in the parking lot.

Recommended action: to remove and replace concrete foundations with landscaping to match the surrounding area.

Item tabled as the board wishes to have a walk through of the park to get a visual of the work that has to be done.

- b. **Determine whether the District wants to keep the two light poles being removed by the solar project and if so where they are to be used/stored.** When the new solar panels are installed at the park, two parking lot light poles will be removed and replaced with lighting on the underside of the solar structure. The District can repurpose these light posts at another location within the District.

Recommended action: for board discussion and approval.

Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to keep the two light poles. Light poles to be stored at the waste water plant.

- c. **Water Connections.** Authorize the Water Department to locate all water connections to the community center, install meters on all connections, and locate all water service lines that could be affected by the Solar Project. The Board previously requested that the District locate and install meters on all water connections to the park. It is understood that staff previously reported that it was unknown how many water connections there were servicing the park. Locating all of the water service lines that could affect the solar project will be required prior to the commencement of construction. Since water staff will be on site locating lines for the solar project it will be a good opportunity to locate all water connections to the park property. Installing meters to the property is important to determine whether there are any leaks at the park.

Recommended action: to authorize the Water Department to locate all water connections, install meters on all connections and locate all lines at the Community Center that could be affected by the Solar Project.

The cost of the project is in-house but will have to purchase water meters for installation at any water connection at the park. Motion by Director Castaneda; Second by Director Cerrillo, Jr. and by a 5-0 vote to authorize the Water Department to locate all water connections and to install meters.

6. New Business:

- a. **WWTF Tree Removal.** Consideration and necessary action authorizing the Acting General Manager to conduct a survey of trees at the WWTF for potential removal and to remove any trees that are deemed hazardous, sick, or no longer needed or desirable. During the last couple of winters, several trees at the WWTF have had branches break requiring urgent removal of the broken branches and in some cases pruning of the damaged trees. It has since been observed that several of the trees at the WWTF are diseased, old, or otherwise in poor condition and represent a hazard, or at the very least, no longer provide any significant amount of shade. Some of these trees are near the location of the proposed solar panels to be constructed in the next few months. These trees could pose a risk of damage to the new solar panels. It is recommended that the Board authorize the acting General Manager to have the trees evaluated and removed if the General Manager determines that it is in the best interests of the District to have them removed, in an amount not to exceed \$ _____

Recommended action: to authorize the acting General Manager to evaluate and remove the trees at their discretion. Amount shall not exceed \$_____.

Item tabled. There is a need to obtain a detailed quote to accurately assess the cost of the tree removal at the WWTF.

- b. **WWTF Fountain.** Consideration and necessary action authorizing WWTF CPO to remove fountain. The District has a water fountain located at the WWTF. The fountain has not been used on a continuous basis for at least 20 years. Prior attempts to use the fountain have been met with constant equipment failures and expensive repair estimates. Additionally, the fountain cannot use water from the WWTF and therefore must use potable water. Given the ongoing overdraft and calls for conservation the District would not be modeling water conservation if it used potable water to operate the fountain. Given the condition of the fountain, potentially costly repairs to make it workable, and the necessary loss of potable water through evaporation, it is highly unlikely that the District will ever use the existing fountain again. Further, if in the future the District has access to recycled water to operate a fountain, it would likely be more cost effective to build a new fountain than to repair the existing fountain.

Recommended action: To authorize the WWTF CPO to remove the existing fountain at the WWTF so that the space may be used for parking and/or storing equipment.

Motion by Director Cerrillo, Jr.; Second by Director Tovar, Jr. and by a 5-0 vote to authorize the WWTF CPO to remove the existing fountain at the WWTF.

- c. **Resolution No. 9-24-2024.** Consideration and necessary action on Resolution No. 9-24-2024 a resolution approving a Fourth Amendment to the Solid Waste and Recycling Franchise Agreement between the Malaga County Water District and Industrial Waste and Salvage for solid waste collection, green waste collection, recycling services effective October 1, 2024. The Fourth Amendment (“Amendment”) to the Solid Waste Franchise Agreement (“Agreement”) would amend the Agreement by transferring the commercial billing responsibility from the District to IWS. The reason for the transfer is because the costs to the District and the amount of time necessary to do the billing is greater than anticipated when the parties entered into the Agreement. Additionally, the IWS’s monthly billing cycle does not align with the District’s billing cycle resulting in a delay in IWS receiving payment. The parties believe that IWS can perform the billing for commercial customers in a more efficient manner than the District and that it is in the best interests of IWS and the District and its ratepayers, that IWS assume the duty of billing the commercial solid waste customers served by the District.

Recommended action: to approve Resolution No. 9-24-2024 as presented or amended.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve Resolution No. 9-24-2024 as presented.

- d. **Resolution No. 9-24-2024A.** Consideration and necessary action on Resolution No. 9-24-2024A a resolution of the Board of Directors of the Malaga County Water District approving a Memorandum of Understanding between the Malaga County Water District and Industrial Waste and Salvage related to the transfer of commercial/industrial billing effective October 1, 2024. The proposed memorandum of understanding (“MOU”) sets forth the process by which the District will transfer the commercial solid waste billing to IWS.

Recommended action: to approve Resolution No. 9-24-2024A as presented or amended.

Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve Resolution No. 9-24-2024A as presented.

- e. **Umpqua Bank Auto Pay.** Consideration and Necessary action authorizing the President to sign automatic withdrawal/payment forms with Umpqua Bank to make automatic debt service payments from the Districts bank account(s) with Umpqua Bank.

Recommended action: to authorize President Charles Garabedian, Jr. to sign forms with Umpqua Bank for the purpose of making automatic debt service payments.

Motion by Vice President Cerrillo; Second by Director Castaneda and by a 5-0 vote to authorize President Garabedian, Jr. to sign forms with Umpqua Bank for the purpose of making automatic debt service payments.

- f. **3511, 3517, 3521 S Maple Ave.** It has come to the attention of the District that the water service for the above referenced building was not constructed in a manner consistent with MCWD Standards.

Attachments are included that identify the comments routed to the developer prior to construction of the improvements in 2001. It is recommended that a memorandum is routed to the property owner that describes the current circumstances and requires submittal of a plan for construction of improvements consistent with MCWD Standards. It is recommended that the property owner is required to submit a corrective action plan and construct the improvements within the next six (6) months.

It is recommended that the property is allowed temporary water service through the fire line until the improvements are completed to MCWD satisfaction.

Key components of the memorandum would include the following:

- Listing of concerns, which include a) the fire line includes a tap to a 2-inch water line that leads to a backflow preventer, b) the backflow preventer is in the right of way, c) the backflow preventer is upstream of the water meters, d) there are three water meters, e) there is not information on how the water services are routed to the three suites within the building.
- At least one water service needs to be constructed across Maple Avenue to the location of the water meters.
- Each water service line needs to include a backflow preventer downstream of each meter and on private property. I do not see how one backflow preventer can work for three water services.
- The water line leading from the fire line needs to be removed.
- Plans of the proposed improvements need to be submitted to MCWD for review and approval prior to construction.

Recommended Action: Authorize issuance of correspondence to the property owner requiring corrective actions to the water service.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to authorize issuance of correspondence to the property owner to take corrective actions to the water service.

7. Recreation Reports:

Director Castaneda gave a report on the latest Fiesta Day updates. The recreation committee will be selling pozole, food and merchandise vendors continue to come last minute to sign up. She also reported that the recreation committee is also working on the Halloween program scheduled for the end of October.

Director Tovar, Jr. announced he had a pozole fundraiser and was able to raise \$700. The earnings will be donated to Fiesta Day to help offset entertainment expenses.

8. Engineer Reports:

a. District Engineer Report. *For information purposes.*

- i. **Well 3A and Tank 1.** The project is funded with a Grant from DWR. Construction activities are proceeding. It is expected that completion of the project will be mid-year 2025. Construction of the water storage tank is near completion. A bridge loan from RCAC is in place for interim financing of the construction activities.
- ii. **Well 5A County of Fresno Agreement A-24-186.** The County of Fresno has authorized award the project. The Notice of Award has been issued to Steve Dovali Construction.
- iii. **SPR 8400 3746 S Calvin Ave.** Comments have been routed regarding the proposed development at 3746 S Calvin Ave. The development is an additional home on the large lot.
- iv. **Well Destruction Plan.** In accordance with the authorized Task Order, work is proceeding for the Well Destruction Plan for Wells 1 and 4.
- v. **Lead Service Inventory.** In accordance with the authorized Task Order, the work is proceeding for the Lead Service Inventory.
- vi. **Sewer Unit Assignments.** Meetings have taken place with several commercial customers to review the impact of sewer unit assignments to the connections. Meetings have taken place with several commercial customers to review the impact of the groundwater sustainability charges to the connections.

b. CDBG Engineer Report:

- i. CDBG Nitrogen Reduction Project.

9. General Manager's Report:

President Garabedian, Jr. reported he spoke to Diane Tarrell in regard to the districts current health insurance. He stated Diane will be providing updates to the board soon.

Vice President Cerrillo will meet with ICAD Solutions on October 4th to discuss the district's well notification system.

10. President's Report:

11. Vice President's Report:

12. Director's Reports: None for this meeting.

13. Legal Counsel Report: None for this meeting.

14. Communications:

Item 14 a and b were moved to the beginning of the agenda, before old business.

a. Written Communications: **none for this meeting.**

b. Public Comment: *The Public may address the Malaga County Water District Board on item(s) of interest within the jurisdiction of the Board, not appearing on the agenda. The Board will listen to comments presented; however, in compliance with the Brown Act, the Board cannot take action on items that are not on the agenda. The public should address the Board on agenda items at the time they are addressed by the Board. All speakers are requested to wait until recognized by the Board President. All Comments will be limited to three (3) minutes or less per individual/group per item per meeting, with a fifteen (15) minutes maximum.*

Fowler Unified School District's Assistant Superintendent of Business Services, May Yang, Director of Maintenance, Operations, and Transportation, Javier Moreno, and Malaga Elementary Principal Hank Gutierrez wanted to express their gratitude towards Vice President Cerrillo for the help he has been bringing during the busy school mornings at Malaga Elementary such as crosswalk safety, and making sure kids are getting to school in a timely manner. They appreciate his help immensely.

15. Closed Session: 7:25pm

a. Potential Litigation. (Government Code 54956.9(d)(1)).
No reportable action.

16. Adjournment:

Motion by Vice President Cerrillo, Second by Director Cerrillo, Jr. and by a 5-0 vote to adjourn the meeting at 7:49pm.

Certification of Posting

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing minutes for the Regular Meeting of the Board of Directors of September 24, 2024 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno, CA 93725, on 10/09/2024.

Norma Melendez, District Clerk