



## REGULAR BOARD MEETING MINUTES

BOARD OF DIRECTORS MEETING  
MALAGA COUNTY WATER DISTRICT  
3580 SOUTH FRANK AVENUE  
FRESNO, CALIFORNIA 93725  
Thursday, May 16, 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: 6:00p.m.

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

**All present.**

**Also present: Michael Slater**

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

**Director Tovar, Jr. requested to add an item under recreation in regards to sports, park hours and community safety.**

**Motion by Vice President Cerrillo, Second by Director Castaneda and a 5-0 vote to add item 7.a. to the agenda.**

### 4. Old Business:

- a. **Well 5A and the Tank at the Well 5A site.** The County of Fresno Board of Supervisors has executed Amendments to the two Agreements on April 23, 2024. Work is proceeding to update construction documents for Well 5A and place the project out to advertisement for bids within a few weeks. An updated Task Order is attached for Board review and approval. The updated Task Order is consistent with the new County Agreement No. 22-172, subsequently updated by Agreement No. 24-186. The new Agreement has been sent to MCWD.

Recommended Action: Review and Approve updated Task Order 22-02.

**Motion by Vice President Cerrillo; Second by Director Castaneda and by a 5-0 vote to approve the updated Task Order 22-02 as presented.**

### 5. New Business:

- a. **Recreation Kitchen Hood.** The semi-annual kitchen hood inspection was completed on April 18, 2024. During the inspection, it was found that the Amerex tank is due for the 12-Year Hydrostatic testing. Jorgensen provided a quote for \$1,803.00. This quote includes scope of work, labor and materials.

Recommended action: for review and potential action.

**Item tabled. The President of the Board will research if there are other companies in the area that will be able to do the 12-year hydrostatic testing.**

b. **Site Plan Review 8257 Trillium; Development on Chestnut south of Malaga.** This site includes an existing water service and existing sewer service. The applicant has stated that they will proceed with Option 2 below. A few options have been suggested for consideration, as follows:

1. Declare the services to be inactive and not establish Trillium as a customer of MCWD. I would suggest that this is not preferred. Services actually exist and were in place prior to Trillium purchasing the property.
2. Confirm that the services remain available if the owner determines that they are needed in the future. MCWD to charge Trillium as a customer the minimum service charge for residential water and residential sewer. The water charge would be based on a ¾" to 1" service, not the larger service that is in place.
3. Confirm the existing water service. Declare the sewer service to be inactive if no service lines lead to the existing lift station (confirm all service extensions are plugged). Execute a deferral agreement for sewer service which would state that if sewer service was needed in the future, the site would be required to establish a new sewer connection to the community sewer system. MCWD to charge Trillium as a customer the minimum service charge for water service based on a ¾" to 1" service. The basis of the water charge would be memorialized in a will-serve agreement between MCWD and Trillium.
4. Remove the services that are in place. This would remove Trillium as a customer of MCWD, would eliminate the need for a will-serve and would require any future water or service requirements to start from scratch.

Recommended Action: Prepare an agreement for the development that initiates monthly billing for water and sewer service. The water service will be charged for a residential size meter rather than the 4-inch water meter that exists. The site will also be charged for the 8-inch fire line.

**Motion by Director Castaneda; Second by Vice President Cerrillo, and by a 5-0 vote to authorize preparation of an agreement for the development, initiating monthly billing for water and sewer services with the district. The water service will be charged at a residential size meter of 1-inch, along with a fireline charge for a 8-inch line.**

c. **Site Plan Review 8299; Development on Chestnut and North Ave.** The County requested additional review comments on this proposed grocery store at Chestnut and North Ave. The comment letter addressed to MCWD is attached.

**Recommended Action:** Provide any edits to the comment letter. Direct staff to either send the comment letter to the County or transfer the comments to MCWD letterhead and send to the County.

**Motion by Director Castaneda; Second by Director Cerrillo, Jr. and by a 4-1 vote to transfer comments to a MCWD letterhead and send it to the County. Director Tovar, Jr. voted against as he would like to see the SPR before approving.**

- d. **Site Plan Review 8376; Development on 3270 S. Golden State Blvd.** The County requested comments on this proposed solar farm at 3270 Golden State Boulevard. The comment letter addressed to MCWD is attached.

**Recommended Action:** Provide any edits to the comment letter. Direct staff to either send the comment letter to the County or transfer the comments to MCWD letterhead and send to the County.

**Item accidentally skipped. This item will be placed in the next board meeting agenda for review.**

- e. **Climate Adaptation Planning Grant Program.** The County of Fresno wants to apply for the State of California Governor's Office of Planning and Research Integrated Climate Adaptation and Resiliency Program Adaptation Planning Grant to create a Countywide Climate Adaptation and Action Plan (CAAP). The CAAP identifies and plans for environmental factors affecting Fresno County with the goal of reducing Greenhouse Gas Emissions.

With the help of this grant, a consultant will be hired to assist in writing a Countywide CAAP. To write the grant and complete the CAAP, they need to show that the County is building partnerships to identify all environmental issues in the County and assist with reaching out to the County's disadvantaged communities.

The County of Fresno wishes to partner with MCWD in hopes that the district can lend expertise to this project and assist with outreach by using the districts channels to reach out to residents. This project will also include a community meeting in which county would like at least one meeting in Malaga.

Recommended action: to approve letter of support to the County of Fresno for the Adaptation Planning Grant Program and have each board member supporting the County of Fresno efforts sign the letter.

**Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve the letter of support by the County of Fresno for the Adaptation Planning Grant Program and to have each board member sign the letter in support of the County of Fresno's effort in reducing greenhouse gas emissions.**

- f. **Auditor Services.** An engagement letter has been submitted by Jaribu W. Nelson for the fiscal year that ended on June 30, 2023. The cost for auditing services is \$6,000.

Recommended action: to approve the engagement letter and authorize President Charles Garabedian, Jr. to sign.

**Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve the engagement letter with Jaribu W. Nelson for his auditing services for \$6,000.00 and authorize President Charles Garabedian, Jr. to sign.**

**6. Incorporation Reports: None for this meeting.**

## 7. Recreation Reports:

- a. **Sports, Park Hours and Community Safety.** For discussion. Director Tovar, Jr. raises a concern over the use of a PA system during the soccer rentals. He states that several members of the community can hear this PA system, and many have found it to be disturbing their peace. He also stated that members of the community are concerned over the overcrowding of residential streets due to the soccer participants parking on the streets. These concerns, combined with the park closing late (10:00pm) raise safety concerns. Due to recent events that have occurred in Malaga, community members wish to have the park closed early to avoid any outsiders cruising around Malaga so late at night. Board consensus is to review and update the soccer agreement to add a clause of banning the use of a PA system during soccer games, updating the use of park hours during soccer games and to direct soccer guests to mark on Muscat Avenue to avoid overcrowding the residential streets. Vice President Cerrillo suggests having a community meeting to discuss safety issues. Legal Counsel, Michael Slater, suggests adding security company monitoring to the budget.

Director Castaneda reported that there will be no recreation bingo in the month of June due to graduations. The Recreation Committee meeting is scheduled for June 12 at 5:00pm where they will discuss details for the Malaga Campout which is scheduled for June 21<sup>st</sup>. This year, the campout will begin at 6pm and end at 12:00pm. No camping will take place this year.

President Garabedian, Jr. reported that he went shopping for items for the mother's and father's Day Program. After reviewing the shopping list the recreation committee provided, it was discovered that some items were already in the kitchen inside the recreation center. The President reiterated the importance of an inventory list for the recreation department. He suggests having members of the recreation committee create the inventory list.

## 8. Engineer Reports:

- a. District Engineer Report.
  - 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 will begin the week of May 13, 2024. A bridge loan from RCAC is in place for interim financing of the construction activities.

Recommended Action: For information purposes.

- ii. **Site Plan Review 8134. Development on 3430 E. American Avenue.** The developer is finalizing plans for the proposed Truck Stop at American and State Route 99. The developer is also finalizing plans for the water main extension to serve the site. Final comments are sent to the developer. The project includes a parcel split and will require an out-of-district water service. Sewer service and annexation are deferred until such time that sewer service is available and the District boundary is adjacent to the site.

**Recommended Action:** For information purposes.

- iii. **Development summary.** An exhibit is attached that shows the location of the various developments that are proposed in Malaga County Water District.

Recommended Action: For information purposes.

- iv. **Development at 3107 E Malaga Ave.** The applicant has been directed to update the site plan for a proposed Truck Parking site. An application for service and an application for non-residential wastewater discharge will be submitted by the applicant and fees would then be determined for the site.

Recommended Action: For information purposes.

- b. CDBG Engineer Report: **None for this meeting.**

**9. General Manager's Report:**

**President Garabedian reported having a discussion with an AmeriGuard representative for potential security services in the district. He also reported having attended the budget meeting at the district office with the District Engineer, MCWD staff, legal counsel, and the district's accountant to review the draft agenda. A special meeting and workshop will be scheduled for May 31 to go over the budget. Following the meeting of May 31, a special board meeting will be held on June 4 to approve the budget in preparation for the rate study. President Garabedian, Jr. informed the board that he will be on vacation June 3-7, but he will attend the June 4 meeting virtually and will post an agenda at his location to comply with the Brown Act.**

**Vice President Cerrillo reported to the board that two lifeguards passed their certification class and is hopeful the district will be able to find one more person to have a total of three lifeguards for this summer season. He also reported that it was determined that the water meter for Pacific Grain was not correct. To remedy the situation, a credit of approximately \$3,554.54 will be refunded as credit. However, there is an outstanding balance for solid waste. President Garabedian, Jr. suggests having a portion of that credit be used to cover any outstanding balances for solid waste, and the remainder can be used for future water balances.**

**10. President's Report: Report under GM Report.**

**11. Vice President's Report: Report under GM Report.**

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

**13. Legal Counsel Report: Michael Slater suggests setting up a meeting with SDRMA and ACWA to discuss workers' compensation and membership charges.**

**14. Communications:**

- 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.*

**15. 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 April 23, 2024.
- b. Financial Statement and Accounts Payable Reports.

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

**Motion by Vice President Cerrillo; Second by Director Castaneda and by a 5-0 vote to approve the Consent Agenda as presented.**

**16. Closed Session: 7:48pm**

- a. Personnel (Government Code Section 54957 (b)(1).) Employee evaluation; All positions.  
**Nothing to report.**

**17. Adjournment:**

**Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to adjourn the meeting at 8:34pm.**

**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 May 16, 2024, was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 05/29/2024.

*Norma Melendez*, District Clerk