



ACTION SUMMARY MINUTES
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
TUESDAY, DECEMBER 11, 2007, 7:00 P.M.

1. **CALL TO ORDER:** The meeting called to order by President Garabedian Jr. at 7:00 pm
2. **ROLL CALL:**
 - 2A. **Directors Present:** President Charles Garabedian, Jr., Vice President Salvador Cerrillo, Director Irma Castaneda, Director Frank Cerrillo, Jr., Director Frank Soto
 - 2B. **Others Present:** Russ Holcomb, Neal Costanzo, Judy Case, Lupe Cerrillo, Anthony Garcia, Travis Johnson, Sally Medina, Randy Nickel, Elaine Montoya, Lupe Rios, Elizabeth Tovar and Clara Miranda.
3. **CERTIFICATION:**

Certification was made that the agenda was posted 72 hours before the meeting
4. **PUBLIC COMMUNICATIONS:**

Any member of the public may address the Malaga County Water District Board on any item(s) of interest within the jurisdiction of the Board, not appearing on the Agenda. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot take action on items that are not on the agenda. Public may also address the Board on agenda items at the time they are addressed by the Board. Anyone wishing to speak is requested to wait until recognized by the Board President. **Public Speaker Limitations:** Public speakers will be limited to five (5) minutes or less per individual or group per meeting.

 - **Officer Elaine Montoya** gave the stats report for the Malaga area for the period of November 12, 2007 to December 8, 2007. Brief discussion followed.
 - **Supervisor Judy Case**, representing District 4 reported on the homelessness in Fresno County and the air pollution in Fresno County. Ms. Case reported she has been appointed on the air pollution control board and the State Board level as well. Lengthy discussion followed with Ms. Case on the different problems within the county and other areas and the services offered by the county and city. President Garabedian reported COG will have CMAC money that will be available for funding areas such as the Chestnut Avenue Median which is in the Malaga area. Discussion continued on the CMAC funds available and the districts sphere of influence. President Garabedian reported on the properties that are in default and stated the District may want to acquire the property on the corner of Muscat and Chestnut to put up a Welcome Display. Brief discussion held on the property tax revenues which are currently used for the recreation department. Ms. Case stated the sales tax revenue could be used for the Malaga area. Director Castaneda stated her concern was on all the chemical companies in the Malaga area. Ms. Case will check on this. The newsletter will be sent to Ms. Case every month. Brief discussion continued. Recreation budget will be sent to Ms. Case in order for her to work with county staff on helping the district.

4A. **PRESENTATIONS:**

4B **Seating of Re-Elected Board Members**

4C. **Administering of Oath:** President Charles Garabedian, Jr. reported the Re-Elected Board members were administered the Oath of Office at the Elections Office.

4D. **Election of Board Officers:**

Nomination and Election of new Board Officers for 2008 was conducted as follows:

SCGCC **MOTION AND NOMINATION BY DIRECTOR SOTO, SECONDED BY DIRECTOR CERRILLO, AND UNANIMOUSLY APPROVED, THE REAPPOINTMENT OF DIRECTOR GARABEDIAN, JR. AS PRESIDENT**

CCGCS **MOTION AND NOMINATION BY DIRECTOR CASTANEDA, SECONDED BY DIRECTOR CERRILLO, JR., AND UNANIMOUSLY APPROVED, THE REAPPOINTMENT OF DIRECTOR CERRILLO AS VICE PRESIDENT**

5. **CORRESPONDENCE:** The following items were introduced during the meeting

5A. **Thank You Card - Received:** from the Murrieta Family

5B. **Letter of Support - Fresno Metropolitan Flood District:** Regarding their Application for California Department of Water Resources Local Groundwater Assistance Program – “Urban Basin Soil Sampling Plan.”

5C. **Resolution No. MSR-07-41D – LAFCO:** A Resolution making determinations and adopting Municipal Service Review; and making determinations and updating Sphere of Influence for County Service Area No. 33. Commission encourages the County of Fresno, Malaga County Water District, and the City of Fresno to participate in a joint investigation of the best mechanism for providing existing necessary services to County Service Area No. 33. (Section #6).

6. **RANDY NICKEL, CPA - District Accountant:** Annual Audit Report & Memo of Engagement was presented by the District’s CPA. Mr. Nickel gave a page by page report on the audit. President Garabedian reported on the possibility of making a special assessment on the District for the community for the recreation department. This can be put on the November election ballot next year. A special assessment will also have to be approved by the Malaga residents. Legal Counsel will review this item and get back to the Board with the information necessary. Mr. Nickel recommended the District strongly consider increasing the penalty charged to customers who do not pay their bills on a timely basis. A penalty of \$10 or 10% whichever is greater, should significantly increase the incentive to make timely payments. Lengthy discussion followed.

6A. **Annual Audit Report for Fiscal Year 2006/2007:**

SCGCC **MOTION BY DIRECTOR SOTO, SECONDED BY VICE PRESIDENT CERRILLO, AND BY A 5-0 VOTE, APPROVED THE FISCAL AUDIT FOR 2006/2007, AND THE RECOMMENDATION MADE BY THE CPA**

6. **RANDY NICKEL, CPA - CONTINUED:**

- 6B. **Memo of Engagement:** Contracted District CPA/Accounting & Auditing Services for Fiscal Year 2007/2008, with a fee for services of \$10,500.00.

CSGCC **MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO AND BY A 5-0 VOTE APPROVED THE MEMO OF ENGAGEMENT FOR SERVICES FOR FISCAL YEAR 2007/08 AT A FEE OF \$10,500.00**

7. **REGULAR BUSINESS:**

7A **Minutes:**

Minutes of the Regular Board Meeting of November 27, 2007.

CSGCC **MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE BOARD MINUTES OF 11/27/07 AS PRESENTED**

7B. **Bills Payable/Financial Statement:**

Period of November 1-30, 2007.

CSGCC **MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE BILLS PAYABLE/FINANCIAL STATEMENT AS PRESENTED**

8. **ENGINEER'S REPORT:**

8A. **WWTP RWQCB Update:**

The RWQCB will be forwarding new Tentative Requirements for review and comment soon. Indications are that additional limits will be imposed and specified deadlines for improvements to be constructed. This was an informational item, therefore, no action was required.

8B. **Capital Improvement, Maintenance & Engineering Projects:**

Recommended list was submitted on November 13, 2007. It is requested that the Board provide direction for proceeding with any of the projects listed below.

Critical Items from the List are:

Capital Improvements:

1. Secondary Clarifiers
2. Expanding Tertiary Filtration

Maintenance Projects:

1. Replace Meters
2. Refurbishing Clarifiers

Engineering Projects:

1. Improvement Standards
2. Water & Sewer Master Plans
3. Preparation of the Sanitary Sewer Management Plan SSO Requirement

This was an informational item, therefore, no action was required.

8. **ENGINEER'S REPORT CONTINUED:**

8C. **DAF Clarifier & Sludge Bed Improvements Projects:**

The County of Fresno has prepared and submitted Contract Amendments for the additional grant funds requested by the District on September 12, 2007. The revised project budgets are \$139,814.00 for the Sludge Bed and \$ 34,742.00 for the DAF Improvements.

Progress Payment Estimate No. 1 has been submitted for review and approval in the amount of \$33,930.00, the total construction contract is \$264,715.00.

SCGCC **MOTION BY DIRECTOR SOTO, SECONDED BY VICE PRESIDENT CERRILLO, AND BY A 5-0 VOTE, AUTHORIZED THE CONTRACT AMENDMENTS, AND APPROVED PROGRESS PAYMENT NO. 1, IN THE AMOUNT OF \$33,930.00**

Mr. Taylor reported that he received an e-mail indicating that the District is eligible to participate in the Small Community Grant Program.

8D. **Well No. 7 Standby Generator:**

A Contract Change Order (CCO) has been prepared for review and action by the Board. The CCO addresses the reprogramming of the existing variable frequency drive unit; CCO No. 1 was prepared in the dollar amount of \$440.00.

Progress Payment Estimate No. 3 has been submitted for review and approval in the amount of \$16,696.80, the total construction contract is \$99,567.00. Brief discussion held.

CCGCS **MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR CERRILLO JR., AND BY A 5-0 VOTE, AUTHORIZED PROGRESS PAYMENT ESTIMATE NO. 3, IN THE AMOUNT OF \$16,696.80, AND THE CONTRACT CHANGE ORDER IN THE AMOUNT OF \$440.00**

8E. **Miscellaneous Development:**

Calpine (Produce Container) is requesting an updated permit with new conditions for wastewater discharge. A Draft permit with recommended conditions is submitted under separate cover. Mr. Taylor reported on the meeting the he and the Manager had attended with Calpine on the discharge requirements. Mr. Taylor reported this does increase the water flow; but, the sewer plant is still within the flow capacity. Anthony Garcia reported that Calpine Produce has been recording their capacity. Discussion followed on the discharge requirements.

CSGCC **MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE NEW PERMIT CONDITIONS FOR CALPINE (PRODUCE CONTAINER)**

9. **RECREATION REPORT:**

Liz Tovar reported on the following activities held during the past month and on upcoming events and activities for the remainder 2007

9A. Christmas Tree Lighting: Great turnout

9B. Teen Winter Dance: 40-50 kids were in attendance and had a good time

9C. Christmas Program: Event will take place on Saturday, December 15th

9D. Winter Break: Arts & crafts, movies, and computer lab for the kids

9E. New Years Dance: Event will take place on Monday, 12/31/07

9F. Basketball Program as the District has 42 children, ages 6 thru 14 enrolled in the program.

10. **GENERAL MANAGER'S REPORT:**

10A. **District Update:**

1. **Solar Lighted Stop Signs:** Attached is the info requested on the Solar Lighted Stop Signs that Fowler obtained. Fowler signs were obtained through a grant available to municipalities. Fresno County could obtain grant funds for Malaga
2. **Calpine Containers Meeting:** On Wednesday, 11/28/07, Michael Taylor & I met with Representatives from Calpine Containers regarding Discharge Permitting Limits/Requirements
3. **Fresno County Enterprise Zone Meeting:** Tuesday, 01/15/08, 9:00 – 11:30 am, at the Arriaga Community Center, 30 – 35 to Attend

10B. **Recreation Update:**

1. **Upcoming Events/Activities:**
 - A. **Christmas Home Decorating Contest Judging:** Thursday, 12/13/07 with Cash Prizes Awarded during Children's Christmas Party, Saturday, 12/15/07
 - B. **Children's Christmas Party – Toys for Tots Distribution:** Saturday, 12/15/07, 12:00 pm, Arriaga Community Center
 - C. **New Year's Eve Dance:** Monday, 12/31/07, 7:00 pm, Arriaga Community Center, \$10 Entry, \$5 Baby Sitting Optional Ages (4–10), DJ, BYOF
2. **Recreation Committee Meeting:** Thursday, 01/03/08, 5:30 pm, Arriaga Community Center
3. **Recreation Committee & Board Calendar of Events Workshop:** Tuesday, 01/15/08, 6:00 pm, Arriaga Community Center

11. **PRESIDENT'S REPORT:**

President Garabedian reported that he was re-elected to the EOC Board, which was contingent upon him being re-elected to the District Board.

12. **DIRECTOR'S REPORT(S):**

12A. **Director Frank Cerrillo** asked regarding the pothole on Ward Street. Manager stated the District will repair these holes.

12B. **Vice President Cerrillo** reported on Station #87 Open House on 12/14/07 from 11-2 pm. Asked if the meters are being worked on. Manager stated that an installation schedule is being developed. Asked when will the construction start at the park on the park projects. Brief discussion followed as the Manager stated the first project will be the sprinkler system, then the landscaping. Brief discussion held.

13. **LEGAL COUNSEL'S REPORT:**

No Legal Counsels Report for this Meeting

14. **CLOSED SESSION:**

Personnel

No reportable action was taken by the Board in Closed Session

15. **ADJOURNMENT:** Meeting Adjourned at 9:30 pm