



**REGULAR BOARD MEETING AGENDA**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK STREET**  
**FRESNO, CALIFORNIA 93725**  
**Tuesday, September 28, 2021 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.
- ❖ Public comments are limited to three (3) minutes or less per individual per item, with a fifteen (15) minute maximum per group per item and will be heard during the communication portion of the agenda.

**1. Call to Order:**

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

**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 16, 2021.
- b. Minutes of the Special Board Meeting of September 20, 2021.

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

**Motion by:** \_\_\_\_\_; **Second by:** \_\_\_\_\_

**5. Old Business:** None for this meeting

**6. New Business:**

- a. **Presentation.** A presentation by Artie Padilla from Central Valley Community Foundation's mission is to cultivate smart philanthropy, lead, and invest in solutions that build stronger communities. Presentation topics will include developing a regional inclusive and vibrant economy, industrial area plans happening in south Fresno and DRIVE community engagement strategy.

Recommended action: for discussion.

- b. **Resolution No. 09-28-2021.** A resolution approving the first amendment to the deposit and reimbursement agreement between the District and TPZP related to the High-Speed Rail project.

Recommended action: to approve Resolution No. 09-28-2021 as presented or amended.

**Motion by:** \_\_\_\_\_, **Second by:** \_\_\_\_\_

**7. Incorporation Reports:**

**8. Recreation Reports:**

**9. Engineer Reports:**

- a. District Engineer Report.
- b. CDBG Engineer Report: None for this meeting.

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

- a. District Security Community Meeting.
- b. 4180 E. Central Ave has inquired to get water service from MCWD. Well went dry.
- c. Proposed meter rate implementation of December 1<sup>st</sup>.
- d. Scheduling date for meter workshop. How will we support residents with major leaks?

**11. President's Report:**

**12. Vice President's Report:**

**13. Director's Reports:**

**14. Legal Counsel Report:**

**15. Communications:**

- a. Written Communications:
  - 1. **ACWA.** Suspension of Water Shutoffs extended until December 31, 2021.
- 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.*

**16. Closed Session:**

- a. Potential Litigation (Government Code Section 54956.9(d)(4).) two cases.
- b. Pending Litigation Malaga County Water District v. CVRWQCB 16CECG03036 (Government Code section 54956.9 (d)(1).)

**17. Adjournment:**

**Motion by:** \_\_\_\_\_, **Second by:** \_\_\_\_\_

### **Certification of Posting**

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing agenda for the Regular Meeting of the Board of Directors of September 28, 2021 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, at 5:00P.M. On 09/24/2021.

**Norma Melendez**

Norma Melendez, District Clerk



**REGULAR BOARD MEETING MINUTES**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK STREET**  
**FRESNO, CALIFORNIA 93725**  
**Thursday, September 16, 2021 at 6:00PM**

**item 4.a.**

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.
- ❖ Public comments are limited to three (3) minutes or less per individual per item, with a fifteen (15) minute maximum per group per item and will be heard during the communication portion of the agenda.

**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.

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

**4. Old Business:**

- a. **Industrial Park Presentation.** A presentation by Steve Brandau and Leigh Ann Eager regarding the Southeast Fresno Industrial Park.

Recommended action: for discussion.

**Not present at the meeting.**

- b. **Master Plan.** Draft Master Plan for review and comment. Initial comments include the potential to expand the ultimate service area and to prepare proposals for a wastewater treatment plant master plan for the existing facilities.

Recommended action: to review Master Plan draft and approve as presented or amended.

**The board suggested adjustments to the master plan. Item tabled for the next board meeting.**

**5. New Business:**

- a. **Resolution 09-14-2021.** A resolution authorizing the grant application acceptance and execution for the Well 3A Project. This project would include the construction of a replacement well (Well 3A) for Well 3. The project would include destruction of Well 3, construction of the new Well 3A, site work, a standby generator and connection to the existing water distribution system.

Recommended action: to approve Resolution 09-14-2021 as amended or presented, and to designate General Manager, Moises Ortiz, as the authorized person.

**Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and a 5-0 vote to approve Resolution 09-14-2021 as presented and designates the General Manager as the authorized person.**

- b. **Resolution 09-14-2021A.** A resolution authorizing the grant application, acceptance, and execution for the Storage Tank 1 project. This project would include the construction of a new water storage tank at the Well 3 site. The tank would be approximately 1 million gallons and would include a booster pump system.

Recommended action: to approve resolution 09-14-2021A as presented or amended, and to designate General Manager, Moises Ortiz, as the authorized person.

**Motion by Vice President Cerrillo; Second by Director Castaneda., and a 5-0 vote to approve Resolution 09-14-2021 as presented and designates the General Manager as the authorized person.**

- c. **Resolution 09-14-2021B.** A resolution authorizing the grant application, acceptance, and execution for the Water Main Loop American Avenue project. This project would provide for a 12-inch main from Well 8 south in Maple Avenue to American Avenue, then east in American Avenue to Chestnut Avenue, then north in Chestnut Avenue to the existing dead-end water main in Chestnut Avenue.

Recommended action: to approve resolution 09-14-2021B as amended or presented, and to designate General Manager, Moises Ortiz, as the authorized person.

**Motion by Vice President Cerrillo; Second by Director Tovar, Jr., and a 5-0 vote to approve Resolution 09-14-2021 as presented and designates the General Manager as the authorized person.**

- d. **Resolution 09-14-2021C.**

**Item added [description of why, necessary action] motion Vice President Cerrillo; Second by Director Cerrillo, Jr., and by a 5-0 vote to add item 5.d. to the agenda.**

**Motion by Vice President Cerrillo; Second by Director Tovar, Jr., and a 5-0 vote to approve resolution 09-14-2021C as presented and to designate the General Manager as the authorized person.**

6. **Incorporation Reports: none for this section.**

7. **Recreation Reports:**

**Preparations have begun for the Halloween events at the end of October. Board of Directors suggest that a haunted house be included during the Halloween events, and potentially make the haunted house available for up to 3 days. Special board meeting scheduled for Monday, September 20<sup>th</sup> to discuss plans. Recreation committee will be in attendance. Recreation committee bingo scheduled for October 6.**

## 8. Engineer Reports:

- a. District Engineer Report. **None for this section.**
- b. CDBG Engineer Report: none for this meeting.

## 9. General Manager's Report:

- a. Water: **1.) Potential annexation of parcel due to dry well. 2.) Broken lateral on Chestnut.**
- b. WWTF
- c. Pre-treatment: **1.) Imperial Truck Wash fined for non-compliance of agreement.**
- d. Prop-68: **1.) Application has been approved to receive grant.**
- e. Park & Rec

## 10. President's Report:

President Garabedian, Jr. reported having a meeting at the Red Caboose with Fermin to obtain ideas on what steps can be taken to make the Red Caboose more profitable. Fermin also gave suggestions on what improvements can be made at the recreation center. He also reported that Violet Selvian's home has been torn down after daughters sold the property to industrial.

## 11. Vice President's Report:

Vice President Cerrillo wants information on the cost to hire security or a sheriff in Malaga. The General Manager replied that the cost for a security and sheriff patrol is around the same price of \$15,000 per month but suggests that we bring the surrounding businesses together and join forces to help with the cost for surveillance for the community and the surrounding businesses.

## 12. Director's Reports:

The Director's continue to worry about the homeless problem in the area. New homeless camps are being reported. The General Manager reiterates that we must call the sheriff department to report the encampments.

## 13. Legal Counsel Report: None for this meeting.

## 14. Communications:

### a. Written Communications:

1. **ACWA Candidate Nominations.** A call to fill the Chair, Vice Chair and board members positions for the 2022-2023 term. Nominations must be received in the ACWA office by Thursday, September 30, 2021.
2. **ACWA Conference.** Registrations are now open. Conference will take place on November 30 to December 2 in Pasadena.
3. **State Center Community College District** plans to construct a new water main near the intersection of North and Willow Avenues. District has until October 6, 2021 to respond to confirm the District can provide water services.

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 August 24, 2021.
- b. Financial Statements and Accounts Payable reports.

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

**Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve the consent agenda as presented.**

**16. Closed Session: None for this meeting.**

**17. Adjournment:**

**Motion by Director Cerrillo, Jr., Second by Director Tovar, Jr. and by a 5-0 vote to adjourn the meeting at 7:58pm.**

#### **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 14, 2021, was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 09/29/2021.

**Norma Melendez**

Norma Melendez, District Clerk



**SPECIAL BOARD MEETING MINUTES  
RECREATION WORKSHOP  
BOARD OF DIRECTORS MEETING  
at the ARRIAGA COMMUNITY CENTER  
3582 SOUTH WINERY AVENUE  
FRESNO, CALIFORNIA 93725  
Monday, September 20, 2021 at 5:30PM**

**item 4.b.**

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.

- ❖ Public comments are limited to three (3) minutes or less per individual per item, with a fifteen (15) minute maximum per group per item and will be heard during the communication portion of the agenda.

**1. Call to Order: 5:40pm**

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

**3. Certification:** Certification was made that the Board Meeting Agenda was posted 24 hours in advance of the meeting.

**4. Old Business:** *None for this meeting.*

**5. New Business:**

- a. **Halloween Events.** Discussion to potentially add haunted house event during Halloween festivities of October 23<sup>rd</sup> and discussion of details of the event.

Recommended action: Board's Pleasure.

**Discussion was held. An additional meeting has been scheduled for September 27.**

**6. Communications:**

- a. Written Communications: None for this meeting.
- b. Public Comment: **None for this meeting.**

**7. Closed Session: None**

**8. Adjournment:**

**Motion by Vice President Cerrillo, Second by Director Tovar, Jr., and by a5-0 vote to adjourn the meeting at 6:18pm.**

**Certification of Posting**

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing minutes for the Special Board Meeting of the Board of Directors of September 20, 2021, was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 09/29/2021.

*Norma Melendez*

Norma Melendez, District Clerk



# item 6.b.

## FIRST AMENDMENT TO DEPOSIT AND REIMBURSEMENT AGREEMENT

The parties to the agreement entitled "Deposit and Reimbursement Agreement" entered into by and between the Malaga County Water District ("District") and Tutor Perini/Zachry/Parsons a Joint Venture Corporation ("TPZP") dated August 21, 2020, (the "Agreement"), a copy of which is attached hereto and incorporated herein by this reference as Exhibit A, hereby enter into this "First Amendment" to that Agreement effective September 1, 2021.

### RECITALS

WHEREAS, the District and TPZP entered into the Agreement for the purpose of reimbursing the District for expenses related to the California High Speed Rail Authority's ("CHSRA" or "Authority") High Speed Rail Construction Project which includes an overpass adjacent to the District's Wastewater Treatment Facility ("WWTF") on East Central Avenue, incorrectly referred to as Chestnut Avenue in the Agreement (the "Project") ; and

WHEREAS, the term of the Agreement was for a period of nine (9) months; and

WHEREAS, the Parties to the Agreement desire to amend the Agreement by extending the term of the Agreement to thirty-six (36) months.

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the District and TPZP as follows:

1. That paragraph 8 of the Agreement be amended to read as follows:

"8. Term and Termination. Either party may terminate this Agreement by giving the other party thirty (30) days written notice of intent to terminate this Agreement. Notwithstanding any other provision of this Agreement, the term of this Agreement shall not exceed thirty-six (36) months from August 21, 2020."

2. Each person signing below represents and warrants that he or she is duly authorized to sign and enter into this First Amendment to the Agreement. This First Amendment to Agreement may be executed in counterparts, or by facsimile or electronic transmission, each of which shall be an original and all of which will constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have entered into this First Amendment to the Agreement as of the day and year first written above.

MALAGA COUNTY WATER DISTRICT

TUTOR PERINI/ZACHRY/PARSONS

Date: \_\_\_\_\_

Date: 9/1/21

By: \_\_\_\_\_  
Charles Garabedian, Jr.,  
President

By:  \_\_\_\_\_  
Robert Long  
Project Manager

**RESOLUTION NO. 09-28-2021**

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**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT APPROVING THE FIRST AMENDMENT TO THE DEPOSIT AND REIMBURSEMENT AGREEMENT BETWEEN THE DISTRICT AND TPZP RELATED TO THE HIGH-SPEED RAIL PROJECT**

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**WHEREAS**, the District and Tutor Perini/Zackary/Parsons (“TPZP”) entered into a deposit and reimbursement agreement dated August 21, 2020, (the “Agreement”) to reimburse the District for costs associated with the California High-Speed Rail Project; and

**WHEREAS**, the Agreement expired nine months form the effective date of the Agreement; and

**WHEREAS**, the District and TPZP desire to amend the Agreement for a period of 36 months.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Malaga County Water District as follows:

1. That the forgoing recitals are true and correct and incorporated by this reference herein as though fully set forth at this point.

2. The Board of Directors of the Malaga County Water District hereby approves the amendment to the Agreement as attached hereto and incorporated herein by this reference as Attachment “A” and authorizes the President to sign the amendment on behalf of the District.

\*\*\*\*\*

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this 28<sup>th</sup> day of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

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Charles Garabedian, Jr., President  
Malaga County Water District

ATTEST:

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Moises Ortiz, General Manager  
Secretary of the Board of Directors  
Malaga County Water District

# item 15.a.1

**From:** ACWA <acwabox@acwa.com>

**Sent:** Friday, September 24, 2021 12:24:59 PM

**To:** Moises Ortiz <mortiz@malagacwd.org>

**Subject:** Legislative Advisory: Suspension of Water Service Shutoffs Extended to End of Year

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LEGISLATIVE | WATER SHUTOFFS  
Sept. 24, 2021

## Suspension of Water Shutoffs Extended to End of Year

Gov. Gavin Newsom has signed SB 155, an omnibus budget trailer bill that includes several provisions, including extending the prohibition of water service shutoffs until Dec. 31, 2021.

Newsom issued an [Executive Order](#) on March 4, 2020, that suspended the authority of urban and community water systems to discontinue residential water service. The action was in response to the then-emerging COVID-19 crisis.

The original order explicitly stated that it did not eliminate the obligation of water customers to pay for water service, prevent a water system from charging a customer for such service, or reduce the amount a customer already may owe to a water system.

The State Water Resources Control Board this week adopted draft guidelines that would establish the regulatory process and criteria for the distribution of \$985 million in COVID-19 relief funding for water arrearages.

More information about the California Water and Wastewater Arrearage Payment Program is available on the [State Water Board's website](#).

ACWA and other statewide water associations have strongly advocated to secure federal funding and state appropriation of California's share of that funding through the state budget process to assist with COVID-19-related customer arrearages. ACWA and the other associations also provided input into how the state should distribute the funding in an equitable and efficient manner to community water systems and wastewater treatment providers.

### Questions

For questions about SB 155 or the Water and Wastewater Arrearage Payment Program, please contact ACWA Director of State Relations [Adam Quiñonez](#) at (916) 441-4545.