



REGULAR BOARD MEETING AGENDA
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, March 27, 2018 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 March 13, 2018.

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

Motion by: _____; **Second by:** _____

5. Old Business:

a. **Beyond Tech Security Proposal.**

b. **Self-Help Credit Union (SHCU) Waiver of Security.** The SHCU deposit requires a Waiver of Security authorized by the Treasurer.

Recommended action: That the Board of Directors authorize the General Manager to sign the Waiver of Security form on behalf of the District in lieu of a Treasurer.

Motion by: _____; **Second by:** _____.

c. **Sheriff Report.** Community Service Officer, Elaine Montoya, will give the 1st quarter crime report of the community of Malaga.

6. New Business:

- a. **Resolution 3-27-2018: Fowler Packing Annexation.** A Resolution approving annexation of approximately 169.22 acres south of North Avenue and north of Central Avenue along Peach and Willow Avenues.

Recommended action: To adopt resolution 3-27-2018 as presented or amended.

Motion by: _____; **Second by:** _____.

- b. **Consideration and Necessary Action of Resolution No. 03-27-2018-A amending the employment agreement between the District and the General Manager.** To be continued pending closed session contract negotiations. Upon completion of closed session that matter will be considered for approval in open session.

Recommended action: To approve Resolution 3-27-2018-A as presented or amended.

Motion by: _____; **Second by:** _____.

7. Recreation Reports: To be submitted at the meeting.

8. Engineer Reports:

- a. District Engineer Report. The District Engineer has prepared a memorandum for the District’s consideration to retain Provost & Pritchard on a time and materials basis to complete tasks related to compliance with the SWRCB:
 - i. Local Limits: \$6,000.00
 - ii. Salinity Minimization: \$6,000.00
 - iii. Pollution Prevention: \$6,000.00
 - iv. Disposal Capacity: \$3,800.00

Recommended action: To authorize P&P to perform the tasks listed in the memo on a time and materials basis at the estimates provided.

Motion by: _____; **Second by:** _____.

- b. CDBG Engineer Report: No new report for this meeting.

9. General Manager’s Report:

- a. A conversation with HSR has been initiated to exchange demolition and excavation of the 4335 E Malaga Avenue property into a groundwater recharge pond for the soil to be removed.
- b. Report on the status of the 4335 E Malaga Avenue property.
- c. Department reports.
- d. Other reports.

10. President’s Report:

11. Vice President’s Report:

12. Director’s Reports:

13. Legal Counsel Report:

14. Communications:

a. Written Communications:

1.

15. Closed Session:

- a. Personnel: Consultation with District representative; negotiation of personnel contract: position General Manager [exempt position] (Government Code Section 54957(b) and 54957.6.
- b. Potential litigation, consultation with legal counsel regarding continuation rights for R/O haulers.

16. 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 March 27 2018 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 03/23/2018.

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
Tuesday, March 13, 2018 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.

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- ❖ 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: 6:00 p.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: Jim Anderson, Romana Campos, Neal Costanzo, Norma Melendez.

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

4. Old Business:

- a. **Public Hearing: 2018 Water Supply Report.** In accordance with the requirements of AB 2523 granting special legislation to the MCWD for the purpose of groundwater management, a public hearing is to be held on the second Tuesday in March of every even numbered year to address comments concerning the bi-annual Water Supply Report. The 2018 Water Supply Report is attached. For discussion and public comment. **Public Hearing opened at 6:02pm. Discussion was held. No public comment made. Public Hearing closed at 6:10pm.**
- b. **ACWA Solicitation for No Drinking Water Tax Coalition.** Continued from previous meeting. A solicitation to support ACWA's effort to retain a public affairs firm to build a coalition against the proposed drinking water tax. For consideration and potential action.
No reportable action.
- c. **CDBG 16451 Well 6 VFD Project:** The low bid of \$329,000 by AC Electric has been revised to \$293,000 pending approval by the Fresno County Department of Public Works and Planning to authorize a deductive change order of \$101,017. Should the deductive change order be approved, the total cost of the project is \$293,000 of which the District's out of pocket cost will be \$43,000.

Recommended action: To authorize awarding CDBG 16451 to AC Electric pending approval of a bid of \$293,000 by Fresno County.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to authorize awarding CDBG 16451 to AC Electric and to approve Resolution No. 3-13-2018.

5. New Business:

- a. **Self-Help Credit Union (SHCU).** Self-Help Credit Union Branch Manager Rosa Pereira desires to address the Board of Directors to thank the District for its deposit at SHCU and to explain the benefits that SHCU offers the Malaga community. For information and discussion.

No reportable action.

- b. **Round Tables and Chairs.** District staff has prepared a proposal to acquire round banquet tables that seat 10 people and stackable chairs to replace the plastic rectangular tables and folding chairs at the Arriaga Community Center.

Recommended action: To consider replacing the existing rectangular tables and folding chairs with round tables and stackable chairs.

Motion by Director Castaneda; Second by Vice President Cerrillo to approve the purchase of round tables and stackable chairs for \$18,193.79.

- c. **IT Managed Service Agreement.** The General Manager has received and reviewed 4 proposals for managed IT service to monitor and service the District's IT system and assets. The District has immediate needs for some of the services offered in the managed service proposals. A spreadsheet comparing the proposals is attached.

Recommended action: That managed IT service be approved and implemented by PC Solutions.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. to approve PC solutions to provide managed IT services to the District.

- d. **Security System Improvements.** Due to the recent theft of fence at Well 7 and previous break-ins at Well 8, the Water Department shop area, and the WWTF, a proposal has been developed by the District's preferred security system vendor for camera and sensor monitoring at the three well sites, the water department shop, and the WWTF.

Recommended action: To approve the proposal by Beyond Tech Solutions for security system improvements.

Item tabled until the next board meeting of March 27, 2018 for further review of proposal.

6. Recreation Reports: To be submitted at the meeting.

Romana Campos presented the board with a yearly calendar of events. BOD's suggested to start planning the 2019 calendar soon so center rentals can be scheduled around the events. Plans for the Easter Program are underway and being finalized.

7. Engineer Reports:

- a. District Engineer Report. No new report for this meeting.

- b. CDBG Engineer Report: CDBG 17451 project to install air conditioning at the Rec Center.

8. General Manager's Report:

- a. Based upon the mid-year budget review, the GM authorized salary increases for the 4 lowest salary levels so that \$15/hr is the minimum full-time staff hourly wage in the District.
- b. Department reports.
- c. Other reports.

9. President's Report:

10. Vice President's Report:

Nothing to report.

11. Director's Reports:

Nothing to report.

12. Legal Counsel Report:

Legal Counsel, Neal Costanzo reported that he is upset he did not get to meet President Trump after his visit to California.

13. 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 February 27, 2018.
- b. Financial Statements and Account Payable reports.

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

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

14. Communications:

- a. Written Communications:
 - 1. Reminder to that Form 700s must be submitted before 2 April 2018.
- b. **Public Comment:**
 - 1. **Lucia Rojas, President of Malaga Elementary Parent Teacher Organization asked if MCWD would be able to donate supplies for 2 upcoming programs.**

Motion by Director Cerrillo, Jr.; Second by Vice President Cerrillo and by a 5-0 vote to approve donation of \$300.00 to Malaga Elementary PTO.

15. Closed Session: 8:57PM

- a. District "rental" property at 4335 S Maple Ave. Consultation with legal counsel.
- b. Potential Litigation. Consultation with legal counsel. (Government Code Section 54956.9)
Discussion was held, no reportable action taken.

16. Adjournment:

Motion by Vice President Cerrillo, Second by Director Cerrillo, Jr. and by a 4-0 vote to adjourn the meeting at 10:05pm.

CID # _____

WAIVER OF SECURITY

To Whom it May Concern:

Pursuant to Section 53653 of the Local Agency Deposit Security Law, a treasurer may, at his or her discretion, waive security for such portions as are insured pursuant to Federal law.

WHEREAS, the National Credit Union Administration has set to a certain amount, the maximum insurance for public accounts, and,

WHEREAS, it is to the advantage of **Self-Help Federal Credit Union** to increase the amount of its available collateral to secure the deposits of public accounts, and in so doing, without increasing the risk of the deposits of such public accounts;

NOW, THEREFORE, the authorized agent of _____, a public institution, hereby agrees to waive the security required by Section 53652 of the Local Agency Deposit to the maximum federal insured amount of the deposits of the described public institution. As a condition of the granting of this Waiver of Security, it is understood that **Self-Help Federal Credit Union** shall continue to maintain approved collateral security for all deposits in excess of federal insured amount per Section 53652 of the Local Agency Deposit Security Law.

This Waiver shall remain in force as long as the deposit is continuous and the waiver has not been withdrawn by the treasurer.

I am authorized to waive security of the federal insured portion for deposits held by **Self-Help Federal Credit Union**

Local Agency: _____
(Public Agency/ Account Holder)

By: _____
(Signature of Officer of Public Agency/ Account Holder)

Title: _____
(Position/ Title of Officer of Public Agency/ Account Holder)

Date: _____

RESOLUTION NO. 03-27-2018
RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS
OF THE MALAGA COUNTY WATER DISTRICT
REQUESTING THAT FRESNO COUNTY LOCAL AGENCY FORMATION
COMMISSION TAKE PROCEEDINGS TO APPROVE THE REORGANIZATION OF
THE MALAGA COUNTY WATER DISTRICT'S BOUNDARIES, ANNEXING THE
TERRITORY DESCRIBED BELOW AND FINDING THAT THE MALAGA COUNTY
WATER DISTRICT REORGANIZATION IS EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

WHEREAS, The Malaga County Water District ("District") is a County Water District located entirely within Fresno County that provides water, wastewater, recreation, and solid waste services to residents within its boundaries desires to initiate proceedings pursuant to the Cortese- Knox-Hurtzburg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code (hereinafter referred to as the "Reorganization Act") for the reorganization herein after described in this resolution; and

WHEREAS, the specific changes of organization requested are annexation to the Malaga County Water District of certain property consisting of approximately 169.22 acres and hereinafter referred to as the "Affected Territory"; and

WHEREAS, the Affected Territory is identified by Assessor's Parcel Numbers (APN) set forth in Attachment "A" and the legal description is as set forth in Attachment "B," Attachment A and B are attached hereto and incorporated herein by this reference; and

WHEREAS, property owner(s) representing approximately 95% of the Affected Territory have consented to the re-organization herein after referred to as the "Peach and Central Annexation"; and

WHEREAS, in the event that all of the property owners in the Affected Territory do not consent to annexation, then the District will amend Attachments A and B as necessary to accurately describe the Affected Territory which all of the property owns have consented to annexation; and

WHEREAS, this proposed change in organization is within the established sphere of influence of the Malaga County Water District; and

WHEREAS, no portion of the Affected Territory is under a Williamson Act agricultural land conservation contract; and

WHEREAS, there are no disadvantaged unincorporated communities, as identified by Fresno County LAFCo, within three hundred feet of the proposed annexation; and

WHEREAS, the affected territory is currently located within the Sphere of Influence of the Malaga County Water District; and

WHEREAS, the District currently has or can extend water and sewer services and has the capacity to serve the Affected Territory; and

WHEREAS, in order to mitigate impacts of the annexation or development of the Affected Property, the District will require the owners of the parcels within the Affected Territory to assign their rights to surface water available to those parcels to the District for the purpose of groundwater recharge, as a condition of annexation or the development of the parcels; and

WHEREAS, the Affected Territory is currently zoned as indicated on Attachment A which will result in no change of use for the affected territory as a result of annexation; and

WHEREAS, because the Affected Territory is currently within the Sphere of Influence of the Malaga County Water District; will not result in a change of zoning or use for the Affected Territory, and the District is able to and will provide the affected territory with municipal water, wastewater, solid waste disposal (as applicable) and recreational services, the Board of Directors finds, based upon documentary and oral evidence received, and exercising their independent judgment, that it can be seen with certainty that there is no possibility that the proposed reorganization as referred to herein may have a significant effect on the environment and therefore the project is exempt from the California Environment Quality Act; and

WHEREAS, the Malaga County Water District desires to and hereby does request that the Fresno County Local Agency Formation Commission initiate reorganization proceedings for the annexation of the Affected Territory as described herein.

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 reference herein as the fully set forth at this point.
2. The District desires to annex the Affected Territory Described above into the Malaga County Water District boundaries.
3. The Peach and Central Annexation does not require detachment of the Affected Territory from any of the following agencies: Fresno County Library, Fowler Cometary, Fresno County Fire, Fresno County Fire/Zone 10, Fresno Irrigation District, Fresno Metropolitan Flood Control District, Kings River Conservation District, or the Fresno Mosquito Abatement District, therefore, the Annexation does not affect the percentage of increment of property tax received by these agencies and is therefore not subject to negotiations.
4. That the only remaining entities subject to a tax transfer or exchange require by a jurisdictional change pursuant to §99 et seq of the Revenue and Taxation Code is the County

of Fresno and the County of Fresno by Resolution No. _____ resolved that for annexation of unincorporated territory within the County of Fresno, the County of Fresno did not intend to share its percentage of annual property tax percentage or increment and that the agencies annexing territory would only receive the percentage or increment of property tax due to that agency pursuant to the calculations made by the Fresno County Auditor-Controller pursuant to AB-8 or other applicable statutes or regulations.

5. That the District does not seek any portion of Fresno County's annual tax increment or percentage and only seeks, by this annexation, to receive the percentage or increment of annual taxes it is entitled to related to the Affected Territory pursuant to the aforementioned calculations pursuant to AB-8 or other applicable statutes or regulations.

6. The Malaga County Water District does not seek to negotiate with Fresno County or any other agency for a share of that agencies annual tax increment or percentage related to the Peach and Central Annexation at this time.

7. That the General Manager is authorized and directed to complete an application for the reorganization as described herein and file such along with any other required or necessary documents or applications related to the Peach and Central Annexation.

8. That the Board of Directors of the Malaga County Water District finds, based upon documentary and oral evidence received, and exercising their independent judgment, that it can be seen with certainty that there is no possibility that the proposed reorganization as referred to in the above recitals may have a significant effect on the environment and therefore the project is exempt from the California Environmental Quality Act and adopts the Notice of Exemption attached hereto and incorporated by this reference herein as Exhibit C.

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this _____ day of _____ 20____, by the following vote:

AYES:

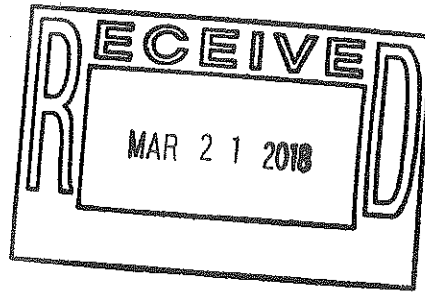
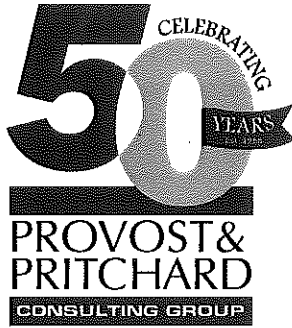
NOES:

ABSENT:

Charles Garabedian, President of the
Malaga County Water District

ATTEST:

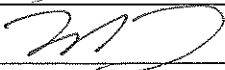
James D. Anderson, Secretary to the Board
of Directors of the Malaga County Water District



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

Memorandum

To: Malaga County Water District, James Anderson

From: Michael Taylor 

Subject: Follow Through for Local Limits, Salinity Minimization, Pollution Prevention Plan and Disposal Capacity Tasks

Date: March 19, 2018

Comments:

As previously discussed, it is understood that the District is committed to update the Local Limits, Salinity Minimization, Pollution Prevention Plan, and Disposal Capacity Plan. A budget is included below for your consideration. It is proposed that Provost & Pritchard is retained on a time and materials basis to perform the Basic Services described below.

Phase - Local Limits Tasks

- Review data from sample locations stated in the October 25, 2017 memorandum to Malaga CWD.
- Review flow diagram of waste streams at Caps Sandblasting.
- Prepare memo of background sampling results and determine if additional sampling locations are needed to evaluate high background levels of EC, ammonia and MBAS.
- Evaluate impact on Maximum Allowable Headworks Loadings (MAHLs) from additional background sampling, batch discharger sampling, and small discharger sampling. Prepare memo of findings.

Fee: \$6,000

It is understood that the District has performed the sampling identified in October 2017.

Phase – Salinity Minimization Tasks

- Update table and graph for recent WWTF influent and effluent results for EC, TDS, and chlorides.
- Update residential loadings of chloride, EC, sulfate, and TDS.
 - Develop a survey to determine if there are any residential water softeners being used.
- Update SIU and commercial loadings for chloride and EC.
- Update overall salinity mass balance.
- Update sampling plan.
- Prepare a memorandum of the results of the salinity minimization tasks and timeline for submittal to the RWQCB.

Fee: \$6,000

Phase – Pollution Prevention Plan Tasks

- Update table and graph for recent WWTF influent and effluent results for nitrate, cyanide, copper, and ammonia.
- Update residential loadings of ammonia, nitrate, cyanide and copper.
- Update SIU and commercial loadings for ammonia, nitrate, cyanide, and copper.
- Update overall system mass balances for ammonia, nitrate, cyanide and copper.
- Provide update on nitrification/denitrification improvements at the WWTF.
- Update sampling plan.
- Evaluate impacts on the Maximum Allowable Headworks Loadings (MAHLs) for ammonia, nitrate, cyanide and copper based on implemented minimization options.
- Prepare a memorandum of the results of the pollution prevention plan tasks and timeline for submittal to the RWQCB.

Fee: \$6,000

Phase – Disposal Capacity Tasks

- Review freeboard levels of the disposal ponds. Determine percolation rates based on effluent flow, evaporation rate and physical dimension of the ponds. The declination of percolation rates for the disposal ponds will be forecasted and used as the basis for necessary maintenance.
- Evaluate impacts of District water conservation measures and the effect on the disposal ponds.
- Prepare memo of the results of the pollution prevention plan tasks and timeline for submittal to the RWQCB.

Fee: \$3,800

Thank you for your consideration. Please contact me if you have any questions or if you need additional information.