



**REGULAR BOARD MEETING MINUTES**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK STREET**  
**FRESNO, CALIFORNIA 93725**  
**Tuesday, April 27, 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: 6:00pm**

- 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: Norma Melendez, Moises Ortiz 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 April 13, 2021.

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.**

**5. Old Business:**

- a. **Ordinance No. 2021-1.** The proposed ordinance is amends section 2.11.040 for the Malaga Code to restrict outdoor/landscape watering to two days per week during the summer; adds section 1.07.050 to the Malaga Code to clarify the prohibition against unauthorized use or theft of water and utility services and adds section 3.05.015 to clarify that industrial/commercial users may be required to obtain an individual wastewater discharge permit pursuant to the District's pretreatment program.

Recommended action: to approve Ordinance No. 2021-1 as presented or amended.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve Ordinance No. 2021-1 as presented.

**6. New Business:**

- a. **Resolution 04-27-2021.** In connection to discussion held on item 9.a.3, The District's attorney advised that the districts ordinance allows the board to adopt park rules, regulations, and policies by resolution and that because the issues came up after the posting of the agenda it would have to be added as an item brought to the attention of the board after the posting of the agenda that required action before the next regular meeting. President Garabedian noted that adding an item to the agenda required a four-fifths vote. The Attorney stated that the motion would be to add Resolution 4-27-2021, A Resolution of the Board of Directors of the Malaga County Water District Amending the Park Rules.

President Garabedian requested the motion; motion by Vice President Cerrillo; seconded by Director Tovar; the motion carried 5-0. The district's attorney then read the resolution into the record as follows:

**RESOLUTION 4-27-2021**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT AMENDING THE PARK RULES**

**WHEREAS, disputes have arisen between organized groups over use of the Malaga County Water District Park and Recreation Center soccer/baseball/softball playing fields; and**

**WHEREAS, disputes have arisen between vendors desiring to sell food or products at the Malaga County Water District Park and Recreation Center and unregulated food vendors creates a risk to the public health; and**

**WHEREAS, the use of the soccer/baseball/softball playing fields by organized groups infringes upon and disrupts the ability of the community to use the park, creates overflow parking, generally disrupts the peace of the park and surrounding community, creates an undue burden on District staff; and**

**WHEREAS, the Board of Directors desires to regulate the use of the soccer/baseball/softball playing fields and vendors at the Malaga County Water District Park and Recreation Center by amending the Malaga County Water District Park Rules.**

**NOW, THEREFORE, be it resolved by the board of directors of the Malaga County Water District as follows:**

- 1. The forgoing recitals are true and correct and incorporated herein by this reference as though fully set forth at this point.**
- 2. The Board of Directors of Malaga County Water District hereby amends the Malaga County Water District Park Rules to add a rule prohibiting organized sports (league, supervised by adults, rules and formal practice and competition, uniforms, payment of dues/fees by players, referees or umpires or otherwise an organized event) on soccer/baseball/softball playing fields at the Malaga County Water District Park and Recreation Center without apply for and receiving a permit for use of the soccer/baseball/softball playing fields.**
- 3. The Board of Directors of Malaga County Water District hereby amends the Malaga County Water District Park Rules to add a rule prohibiting vendors from operating and/or selling food or other goods at the Malaga County Water District Park and Recreation Center without applying for and receiving a permit from the District.**
- 4. General Manager is hereby directed to add the forgoing rules to the Park Rules, post a sign giving the public notice of these rules and enforce the rules as necessary. After a discussion relating to enforcement, the following was added to the resolution:**

In addition to any other penalty for violation of either of these rules, violation of these rules shall be deemed a trespass.

President Garabedian requested a motion on the resolution as read into the minutes; motion by Vice President Cerrillo; seconded by Director Tovar, Jr.; motion carried 5-0.

**7. Recreation Reports:**

- a. **Park Inventory.** Staff prepared an inventory list of items at the recreation center. President Garabedian, Jr. suggested that the board meeting of May 11, 2021 be held at the recreation center this way board members can walk through the center for a second inventory check of the facility.

**8. Engineer Reports:**

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

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

- a. Park/ Recreation Updates:
  - 1. Pool
  - 2. Lifeguards
  - 3. Sports rentals

The General Manager reported that over the weekend an organized soccer league used the park for soccer games/practice nearly all-day Saturday and Sunday and were using the entire park at this current time. He further reported that this was the same group that had appeared at a recent board meeting that described that they were an organized league, had referees, coaches, and collected fees from players. The group requested use of the park all day on weekends and nearly every weeknight. The group also had a vendor who was selling food at the park. The district and the group could not come to terms on an agreement for use of the park and that the group refused to pay rental fees, so the lights were not being turned after dark and that the organizer had called the General Manager on both Saturday and Sunday to complain about the sprinklers interfering with the scheduled games. The District clerk stated that the District had a contract with another soccer group for the use of the park however that use was suspended due to Covid-19 restrictions on use of the park. The group with contractual rights to use the park was questioning why they were not allowed to use the park while another group was. Director Cerrillo commented that the parking lot at the community center was completely full and that there were cars parked in the surrounding neighborhood. Director Castaneda commented that the group was using the entire open space area and picnic areas and that the community could not enjoy the park and open space due to the crowds and lack of parking. Further discussion included that the group was attracting food vendors to the park and that in addition to creating a health hazard could lead to conflicts between vendors and take sales from the Red Caboose. The Districts clerk and general manager stated that the district has an existing policy requiring an application and approved reservations and payment for use of the various areas of the park including the sports field areas however the group was simply ignoring those requirements and simply showing up and taking ownership of the park. The board determined that it was on the best interests to adopt specific park rules to prohibit use of the park by organized sports teams/leagues and vendors without a permit.

- 4. Donations
- 5. Bathroom

**10. President's Report:**

- a. Report on meeting with President/CEO of Fresno County EDC, Lee Ann Eager and Fresno County Supervisor, Steve Brandau.
- b. Held discussion regarding Fresno County's mobile home rent control.
- c. Suggest adding an incorporation item to all future agendas.

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

- a. Spoke to Elaine Montoya and mentioned that Malaga will have a new Community Service Director from the Sheriff Department.
- b. Johnny asked VP Cerrillo if he could potentially add new pneumatic tires on the kids train that is used at recreation events. The board suggested to have the tires replaced.
- c. Met with Sergio Perez from Hope Now for Youth regarding their annual event which will be held on April 28.
- d. Fowler High School principal, Rick Romero, will be leaving the position and asked the VP if he could join the principal selection committee to select a new principal for the high school.

**12. Director's Reports:**

- a. Director Castaneda suggests reserving McCoy's for the Recreation Committee Christmas dinner or to ask the committee if they would like to have it catered.

**13. Legal Counsel Report:**

- a. Report on letter received from Max Sanborn's attorney.
- b. He will draft a vendor permit for the District's use.

**14. Communications:**

a. Written Communications:

1. **Revised Notice of Preparation.** The City of Fresno has extended the comment period until May 14, 2021 for the revisions to the South Central Specific Plan, also referred to as the South Industrial Priority Area Specific Plan.

**Nothing to report.**

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. Closed Session: Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to go into closed session at 7:05pm.**

- a. Conference with Real Property Negotiators (Government Code Section 54956.8.).  
**No reportable actions.**

**16. Adjournment:**

**Motion by Vice President Cerrillo, Second by Director Cerrillo, Jr. and by a 5-0 vote to adjourn the meeting at 7:39pm.**

### **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 April 27, 2021 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 05/12/2021.

**Norma Melendez**

Norma Melendez, District Clerk