



REGULAR BOARD MEETING MINUTES

BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK AVENUE
FRESNO, CALIFORNIA 93725
Tuesday, February 13, 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:

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 and Michael Slater

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

4. Old Business:

- a. **Baseball Contract.** Don Munoz from the Fowler Redcat Baseball Team expressed to the Board of Directors in previous meetings interest in using the baseball fields at the park for practice. The team began practice on January 28, 2024, and will practice on Fridays and Sundays until June. If the team enters a tournament, they could potentially need the baseball fields for practice beyond June. As this will be a long-term rental, a draft agreement is presented for review.

Recommended action: to approve Contract with Don Munoz and the Fowler Redcat Baseball Team as presented or amended.

Discussion was held. Directors emphasized the importance of ensuring the field rental conditions were included when a rental reservation was made at Park Area #5. Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve the baseball contract with Don Munoz as presented.

- b. **Resolution 02-13-2024D.** Consideration and necessary action on resolution 02-13-2024D Authorizing the recording of a notice of completion of the parking lot project.

Recommended action: to approve the resolution as presented or amended.

Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve Resolution 02-13-2024D as presented approving the Notice of Completion for the parking lot project and for the notice to be recorded.

5. New Business:

- a. **Resolution 02-13-2024.** A resolution amending Personnel Policy No. 2010 relating to hours of work and overtime.

Recommended action: to approve the resolution as presented or amended.

Legal counsel clarified policy change begins in 2010.60. The goal of the updated policy is to ensure there is an efficient response time from the employee on standby and to update on-call time compensation. Motion by Director Castaneda; Second by Vice President Cerrillo and by a 5-0 vote to approve Resolution 02-13-2024 as presented.

- b. **Resolution 02-13-2024A.** A resolution amending Personnel Policy No. 2290 relating to district vehicle use and reimbursement for use of private vehicles for district business.

Recommended action: to approve the resolution as presented or amended.

The purpose of the policy is to update procedures for the use of district vehicles during business hours and on-call hours. This policy further clarifies vehicle cost reimbursements for use of an employee's private vehicle. Motion by Director Cerrillo, Jr.; Second by Director Tovar, Jr. and by a 5-0 vote to approve Resolution 02-13-2024A as presented.

- c. **Resolution 02-13-2024B.** A resolution adding Personnel Policy No. 3041 relating to credit card use.

Recommended action: to approve the resolution as presented or amended.

The purpose of the new personnel policy No. 3041 is to implement internal controls for management of district credit card use for accountability and transparency. Motion by Director Castaneda; Second by Director Tovar, Jr. and by a 5-0 vote to approve the resolution as presented.

- d. **Resolution 02-13-2024C.** A resolution repealing Personnel Policy No. 2280 relating to the use of district tools and equipment.

Recommended action: to approve the resolution as presented or amended.

By repealing Personnel Policy No. 2280, no person is to borrow district tools for personal use. Motion by Director Tovar, Jr.; Second by Director Cerrillo, Jr. and a 5-0 vote to approve Resolution 02-13-2024C as presented.

- e. **Well 5A and the Tank at the Well 5A site.** Discussions with County staff have taken place to determine a course of action for the projects. A draft memorandum has been prepared and routed for comment previously. The County of Fresno has communicated that the proposed course of action is acceptable.

Recommended Action: Direct staff to finalize the request for the course of action and submit a final executed letter to the County of Fresno for an alternative project definition with the available funds.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve direction to staff to finalize and submit final executed letter to the County of Fresno.

- f. **Development on Chestnut, South of Malaga. Site Plan Review 8180 – Vesting Tentative Parcel Map 8144.** The applicant has submitted an updated set of plans for the proposed development. Comments to the applicant are submitted under separate cover. The applicant is requesting that MCWD accept ownership of a new sewer lift station and that a fee schedule is prepared to charge the parcels within the limits of the proposed parcel map the cost of operation and maintenance of the sewer lift station.

Recommended Action: Review the response and direct staff regarding MCWD intentions relative to the sewer lift station.

Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve response and to direct staff regarding MCWD intentions relative to the sewer lift station.

- g. **Assembly Bill 2523 Biennial Report.** The draft Biennial Water Management Report is prepared. Pursuant to AB 2523 a notice of receipt of the report and of a public hearing to be held will then be published in a local newspaper. A public hearing will then be conducted the second Tuesday of March and the final report would be considered for adoption. It is noted that financial information is not yet available to be included in the report.

Recommended Action: Issue a Notice of Receipt and authorize publication of the notice of a public hearing to review the Biennial Water Management Report.

Motion by Vice President Cerrillo; Second by Director Tovar, jr. and by a 5-0 vote to issue Notice of Receipt and to authorize the publication of the notice of a public hearing for the report. The public hearing will be scheduled for March 26, 2024 during the regular board meeting.

- h. **Sewer Units/Groundwater Sustainability.** Meetings have been conducted with several commercial and industrial dischargers regarding sewer units, groundwater sustainability impacts, and the potential rate study. A review of sewer unit assignments has been conducted and recommendations have been submitted for several additional actions to address several loose ends.

Recommended Action: Direct staff to proceed with clarification of sewer unit assignments.

Due to miscalculations of sewer units, staff are currently reviewing each account to ensure the correct sewer units per business are correct. Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to approve moving forward with clarifying sewer unit assignments.

6. Incorporation Reports: none for this meeting.

7. Recreation Reports:

Director Castaneda reported that the regular recreation meeting is scheduled for February 15. There will be a review of the Valentine's Dance, and discussion for the upcoming programs scheduled in March.

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 near the end of 2024.

Well development is complete. The well is expected to have a capacity of up to 1,350 gpm.

A bridge loan from RCAC is in place for interim financing of the construction activities.

Recommended Action: For information purposes.

Nothing to report.

- ii. **WWTF Nitrogen Reduction Project.** The project is funded through the CDBG program. The project is now advertised for construction. The bid opening is scheduled for February 13, 2024.

Recommended Action: For information purposes.

The District Clerk reported no bids were submitted. The District Engineer & CDBG Engineer indicated review of the project as adjustments may be need.

b. CDBG Engineer Report: None for this meeting.

9. General Manager's Report:

- a. Solar Project Update. **The Vice President reached out to Sitelogiq representatives to get an update on the project.**

10. President's Report:

President Garabedian, Jr. is happy to be back home. He also thanked Norma Melendez and Maria Lopez for an exceptional job at the office.

11. Vice President's Report:

Vice President Cerrillo reported that the residents that share a fence with the park have been complaining of lost soccer balls that land on their property. The VP will contact the soccer coach to come to a resolution to resolve this issue. The VP also opened the discussion regarding an open Amazon account. Staff and Directors assured the Amazon account is being used to purchase items for recreation programs. The alarm at the recreation center went off over the weekend. It was suggested that the security company contact list be updated to ensure staff is notified when the alarm goes off, so response time is efficient. VP Cerrillo suggested to change food commodity hours of service. He will discuss with Lizz to get feedback on this potential change. Finally, the VP was approached by park staff reporting that the mower is malfunctioning. He directed staff to repair the mower as it is needed to complete tasks around the district.

12. Director's Reports:

Director Cerrillo, Jr. would like to thank the district's legal counsel, the President and Vice President and district staff for doing such a great job for the District.

Director Castaneda reported the Valentine's Dance had a good turn-out. She also reported she attended a Measure G meeting at Fowler Unified and has been working with

the principal of Malaga Elementary to bring awareness of the measure. She also mentioned that the park looks great.

Director Tovar, Jr. thanked everyone for their hard work.

13. Legal Counsel Report: Nothing to report.

14. Communications:

a. Written Communications:

1. **Public Hearing.** Notice of hearing on the Fresno County general plan review, comprehensive zoning ordinance update, final program environmental impact report and related documents. The hearing is scheduled for Tuesday, February 20, in the Board of Supervisors Chambers.
2. **Voting Center.** Staff reached out to James Kus, County Clerk, to reinstate the Arriaga Community Center as a voting center. James has asked his staff to reach out to the district after March 19's Special Election to schedule a visit/survey at the community center.
3. **Adopt-A-Tree.** A representative from the Central California Environmental Justice Network provided the district with a flyer to "Adopt-a-Tree". Residents, with an approved application, can adopt a 5-gallon drought tolerant tree to plant at their property free of cost.

Julio Lopez, Urban Greening Coordinator, introduced himself to the board and gave additional information regarding the Adopt-A-Tree program and the goals he has for the community. President Garabedian Jr. suggested the addition of trees on the district property off Chestnut and Central.

4. **Uniforms.** Notice has been given to the district of a price increase beginning February 6, 2024. Increase comes aoffstate of the current economy.

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.*

Gabino Gomez, the districts Lead Water Operator, reported that he found a source of funding for the well generators. Potential use of funds can also be used for sampling stations.

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 January 25, 2023.
- b. Accounts payable and financial reports.

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

During the review of the financial statements, concerns were raised regarding some unpaid bills from previous months. Members questioned the nature of these unpaid bills, and the reasons for their outstanding status. The District Clerk will follow up with the Accounts Clerk to get clarification. 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: 8:01pm

- a. Public Employment Pursuant to Government Code Section 54957
All Positions and Departments
- b. Pending Litigation Pursuant to Government Code Section 54956.9
Malaga County Water District v. Regional Water Quality Control Board
- c. Potential Litigation Pursuant to Government Code Section 54956.9
Two (2) Potential Cases

17. Adjournment:

The Board came back to open session at the time of 9:08pm. Discussion was held, nothing to report. Motion by Vice President Cerrillo, Second by Director Castaneda and by a 5-0 vote to adjourn the meeting at 9:09pm.

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 February 13, 2024 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 02/28/2024.

Norma Melendez, District Clerk