



**REGULAR BOARD MEETING AGENDA**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK AVENUE**  
**FRESNO, CALIFORNIA 93725**  
**Thursday, October 26, 2023, 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.

**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 October 12, 2023.
- b. Minutes of the Special Board Meeting of September 28, 2023

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. **Park Rules.** The current park rules for review.

Recommended action: board's pleasure.

**7. Incorporation Reports:**

**8. Recreation Reports:**

**9. Engineer Reports:**

- a. District Engineer Report. None for this meeting.
- b. CDBG Engineer Report: No new updates

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

- a. Budget workshop.
- b. Buddy Mendes meeting.
- c. Office security.
- d. CDBG meeting.

**11. President's Report:**

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

**13. Director's Reports:**

**14. Legal Counsel Report:**

**15. Communications:**

a. Written Communications:

- 1. CalRecycle will hold a public workshop on November 1, 2023, from 9:30am to 11:00am, to solicit public feedback regarding the feasibility of collecting products that are not acceptable compost feedstocks under the National Organic Program separately from organic wastes that are acceptable under the National Organic Program.

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).

**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 October 26, 2023 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 10/23/2023.

*Norma Melendez*, District Clerk



**REGULAR BOARD MEETING MINUTES**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK STREET**  
**FRESNO, CALIFORNIA 93725**  
**Thursday, October 12, 2023, 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.*

**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, Michael Slater and Moises Ortiz (via telephone)**

- 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 26, 2023.

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.**

**President Garabedian, Jr. requested the addition of a closed session item to the agenda. Motion by Vice President Cerrillo, second by Director Cerrillo, Jr. and by a 5-0 vote to add a closed session item.**

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

**6. New Business:** None for this meeting.

**7. Incorporation Reports: None for this meeting.**

**8. Recreation Reports:**

**The recreation department is finalizing preparations for the haunted house and Halloween program.**

The GM mentioned he will be attending a demonstration of a mobile security hub for the park. This device would be able to record, scan, and make emergency phone calls from any location.

**9. Engineer Reports:**

- a. District Engineer Report. None.
- b. CDBG Engineer Report: None.

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

- a. District Fleet.  
**District fleet is deteriorating and will need to begin searching for grants that can help purchase new vehicles in the future.**
- b. WWTF Clarifier #3 is still down.
- c. Projected Budget FY 23-24. **For information only.**

**11. President's Report:**

President Garabedian, Jr. requested to move the board meeting of October 24 to October 26. Unanimous decision to change the board meeting date. He also mentioned he had a great time on Fiesta Day.

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

Vice President Cerrillo directed the District Clerk to e-mail recreation program flyers to a PC Solutions representative. He also announced that during the Fowler parade, MCWD received 3<sup>rd</sup> place.

**13. Director's Reports:**

Director Cerrillo, Jr. asked when the community clean up is. The District Clerk confirmed that it will take place on November 11.

**14. Legal Counsel Report: None. Reserved for closed session.**

**15. Communications:**

a. Written Communications:

- 1. Notice from San Joaquin Valley Air Pollution Control District for the South-Central Fresno Agenda for Community Steering Committee Meeting which will be held Wednesday October 11, 2023 at 5:30pm.
- 2. Notice is given that the City of Fresno has prepared a Partial Recirculated Draft Program Environmental Impact Report (Partial Recirculated Draft PEIR) for the proposed Southeast Development Area Specific Plan Project (proposed project). The Partial Recirculated Draft PEIR can be accessed for 45 days from October 3, 2023, to November 17, 2023.

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.*

**Public comment took place during the recreation report portion of the agenda. Max from the soccer team that plays on Sundays at the park inquired on why they were not allowed to play at the park. The board expressed that they would like the community**

**to be able to use the park on the weekends, but if they were willing to pay a fee for the park, they would be able to use the park Sunday mornings.**

**16. Closed Session: 6:59pm**

- a. Personnel. General Manager contract (Government Code Section 54957).

**The board came out of closed session at the time of 7:39pm. No reportable action.**

**17. Adjournment:**

**Motion by Vice President Cerrillo, Second by Director Tovar, Jr. and by a 5-0 vote to adjourn the meeting at 7:44pm.**

**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 October 12, 2023 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 10/27/2023.

*Norma Melendez*, District Clerk



**EMERGENCY SPECIAL BOARD MEETING MINUTES**

**BOARD OF DIRECTORS MEETING  
MALAGA COUNTY WATER DISTRICT  
ALTERNATE MEETING ROOM AT  
3582 SOUTH WINERY AVE  
FRESNO, CALIFORNIA 93725  
Thursday, September 28, 2023 at 6:00PM**

**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: 6:07pm**

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

**All Present.**

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

**4. Closed Session:**

a. Potential Litigation (Gov't Code 54956.1) One case.

**The board went into closed session at 6:08pm and came out of closed session at 7:26pm. No reportable action. Board Consensus is to move the boardroom back to the district office.**

**5. Adjournment:**

**Motion by Vice President Cerrillo, Second by Director Tovar, jr. and by a 5-0 vote to adjourn the meeting at 7:29pm.**

**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 28, 2023 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 10/27/2023.

*Norma Melendez*

Norma Melendez, District Clerk

## Chapter 4.01

**item 6.a.****GENERAL PROVISIONS**

## Sections:

- 4.01.010 Authority.
- 4.01.020 Purpose.
- 4.01.030 Definitions.
- 4.01.040 Rules and policies.
- 4.01.050 Fees and charges.
- 4.01.060 General rules.
- 4.01.070 Penalty.
- 4.01.080 Savings clause.

**4.01.010 Authority.**

Pursuant to Article 8 of Part 5 of Division 12 beginning at § 31130 of the California Water Code, the Malaga County Water District has the authority to organize, promote, conduct and advertise programs of community recreation; establish systems of recreation and recreation centers including parks and parkways; acquire, construct, improve, maintain and operate recreational centers within the District; prescribe reasonable rules and regulations to govern the use of such facilities; and exercise other powers as permitted by law.

**4.01.020 Purpose.**

The purpose of this chapter is to set forth policies, rules and regulations to promote, maintain and operate community recreation facilities, parks, pools, and recreational facilities within the jurisdiction of the District.

**4.01.030 Definitions.**

Unless otherwise defined in this title, words and phrases in this title shall have the same meaning as the same words and phrases defined in this code.

As used in this title, the following words and phrases shall be defined as:

“Parks” means any park, grounds, community center, buildings, pools, roadways, or other facilities owned or used by the District for recreational purposes.

“Written permission of the District” means a permit or other form provided by the District approving a specific use, activity or event in any park. Such written permission may contain any reasonable rules, conditions or requirements.

**4.01.040 Rules and policies.**

A. Adoption of Rules. The Board may, by resolution, adopt any rules, policies or regulations governing the use and enjoyment of any parks or other recreational facilities owned or used by the District.

B. Violation of Rules. It shall be unlawful for any person to violate any rule, policy or regulation adopted by the District whether or not such rule, policy or regulation is posted by the District.

**4.01.050 Fees and charges.**

Pursuant to Cal. Water Code §§ 31130 et seq., the District may establish fees or charges for the use of parks or recreational facilities. Said fees or charges shall be set forth in the Master Schedule of Fees, Charges, Penalties and Recovered Costs.

A. Savings Clause. Nothing in this title is intended to or shall prohibit the District from exercising any power or remedy available as law.

**4.01.060 General rules.**

It shall be unlawful for any person, within any park or other recreational facility which is owned, leased, under the control of, or maintained or operated by the Malaga County Water District to violate any of the following:

A. Fires – Picnicking. No person shall make or kindle a fire or cook any meal within any park except in stoves, barbecues or other facilities specifically provided by the District or in a container commercially manufactured for such purpose. Fires or open flames may only be located in areas designated for such use during open park hours or by written permission of the District.

B. Park Hours, Closed to Public. The District may establish hours of operation of any park located within the District and no person shall enter any park or area of any park which is closed to the public. Closed areas or hours of operation shall be designated by signs posted at all entrances thereto.

C. Alcohol. No person shall provide or consume alcoholic beverages in any park, or in any building or structure thereon, not expressly designated as permitting such use or consumption without first obtaining written permission of the District and any/all necessary permits.

D. Controlled Substances. Possession, distribution, or use of any controlled substance (as defined by applicable sections of the California Penal or Health and Safety Codes) anywhere in any park of the District is strictly prohibited.

E. Firearms, Weapons and Fireworks. No person shall carry or discharge any firearm, rifle, pistol, air rifle, paintball, soft pellet or similar gun, slingshot, bow and arrow or other similar device or weapon within or into any park without written permission of the District. No person shall carry, possess or discharge any firework, firecracker, rocket or other type of explosive without written permission of the District.

F. Explosives, Inflammable Materials. No person shall use, possess or ignite explosives or highly flammable materials of any kind, including gas, lighter fluid, oil, or other fuel, except as necessary for a vehicle or equipment without written permission of the District.

G. Skateboards, Skates. No person shall use a skateboard, skates, scooter or other similar device in an unsafe or hazardous manner as to endanger any other person or in any area specifically prohibiting such use. Any person using a skateboard, inline skates, scooter or similar device in any park must wear protective equipment including helmet, elbow pads, and knee pads.

H. Bicycles. No person shall ride a bicycle within a park except in areas authorized for vehicular travel or specifically authorized for bicycle use. All persons required by law to wear a helmet or other protective equipment while riding a bicycle shall wear such helmet or other protective equipment while using a bicycle or similar device in any park.

I. Hazardous Activities. No person shall engage in model airplane flying, propelling a rocket or missile of any type, driving golf balls, engaging in archery or other hazardous activity within any park except in an area specifically designated for such activity or by written permission of the District.

J. Concessions and Profiteering. No person or commercial enterprise may use a park for financial gain without first obtaining written permission from the District and any/all necessary permits.

K. Noise. No person shall willfully make or continue a loud, unnecessary, annoying noise or engage in riotous, boisterous, threatening, indecent or abusive language or conduct within a park as to create a nuisance or disturb the public peace or the quiet enjoyment of any reasonable person of normal sensitivity who is lawfully present in any park or nearby property.

L. Amplified Sounds. No person shall cause the amplification of sound within any park if the noise level causes annoyance or discomfort to any reasonable person of normal sensitivity lawfully present in the park or on nearby properties or otherwise disturbs the public peace or creates a nuisance. Amplified sounds may be permitted by written permission of the District.

M. Animals and Pets. No animals or pets, except service animals, are allowed in the park at any time.

N. Model Aircraft. No model aircraft, remotely piloted vehicles, airplanes, or drones are allowed in the park at any time.



O. No Golf. No person shall play or practice golf or use golf equipment in the park without express written consent of the District. [Ord. 2014-1 § 4.]

**4.01.070 Penalty.**

In addition to any other penalties provided by this code, any person violating any provision of this chapter, or any rules, policies, or regulations adopted pursuant to this chapter may be expelled from any park by the District, General Manager, or his or her designee, including, but not limited to, authorized District employees, referees, umpires, or other designee. Any person so expelled from any park who refuses to leave the park or facility or who returns to the park or facility without permission of the District shall be in violation of this code. Such violation shall be punishable as a misdemeanor or infraction or as otherwise permissible by this code or any other law or regulation.

**4.01.080 Savings clause.**

Nothing in this title is intended to or shall prevent the District from exercising any power or purpose authorized by law. Nothing in this title shall supersede or infringe upon any agreement entered into the District for the collection of solid wastes entered into prior to the adoption of this ordinance.

# item 15.a.1.

**From:** [Moises Ortiz](#)  
**To:** [Norma Melendez](#)  
**Subject:** Fwd: Save the Date: AB 1201 Public Workshop  
**Date:** Monday, October 16, 2023 11:19:37 AM

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Correspondence.

Moises Ortiz, M.P.A  
General Manager  
MCWD  
Get [Outlook for iOS](#)

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**From:** Local Assistance and Market Development Branch <LAMD@calrecycle.ca.gov>  
**Sent:** Friday, October 13, 2023 11:32:57 AM  
**To:** Moises Ortiz <mortiz@malagacwd.org>  
**Subject:** Save the Date: AB 1201 Public Workshop

**AB 1201 (Ting, Chapter 504, Statutes of 2021 [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1201](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1201)) Public Workshop**

CalRecycle will hold a public workshop on November 1, 2023, to solicit public feedback regarding the feasibility of collecting products that are not acceptable compost feedstocks under the National Organic Program separately from organic wastes that are acceptable under the National Organic Program as described in Section 42357(g)(1)(B) to the Public Resources Code (PRC).

A discussion paper will be shared approximately two weeks prior to the workshop. Another listserv notice will be sent out when the discussion paper is available.

**Date and Time:**

Date: November 1, 2023  
Time: 9:30 a.m. to 11:00 a.m.

Attend in person, via Zoom, or via Webcast.

**To join In-Person:**

Byron Sher Auditorium at CalEPA Headquarters:  
1001 I St, 2nd floor  
Sacramento, CA 95814

No registration is necessary to participate in-person. In-person attendees will be invited to provide feedback during the workshop.

**To observe via through Webcast:** <https://video.calepa.ca.gov/#/>

No registration is necessary to view the webcast, but webcast participants will not be able to comment. If you are participating remotely and would like to provide feedback during the workshop, plan on participating via Zoom.

**To join via**

**Zoom:** <https://us02web.zoom.us/meeting/register/tZAuduGqqzwtGNUjWB1KEU1D2ZZG2tY8dMfg>  
Registration is necessary to join and participate via Zoom.