



REGULAR BOARD MEETING MINUTES

BOARD OF DIRECTORS MEETING MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725

Tuesday, February 28, 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.
- ❖ 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: 6:04pm

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: Neal Costanzo, Norma Melendez & Moises Ortiz

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 February 15, 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.

Director Castaneda excused herself to attend a personal matter at 6:04pm.

5. Old Business:

- a. **Municipal Services Review.** As directed, a draft Municipal Services Review document is attached for review. If acceptable, the document would be submitted to Fresno County LAFCo for finalization. The Fresno County LAFCo would complete any attachments to the Municipal Services Review. It is noted that, as directed, the Municipal Services Review considers the area encompassed by the existing Sphere of Influence. It is also noted that it is recommended that properties now served by the City of Fresno south of

North Avenue and Maple Avenue are removed from the Sphere of Influence because the Malaga County Water District will not provide services to the properties.

Recommended Action: Authorize submittal of the draft Municipal Services Review to Fresno County LAFCo for finalization.

Item tabled for further review of the MSR. President Garabedian, Jr. suggests revisions in certain sections of the MSR. Legal counsel will continue to review the MSR.

6. New Business:

- a. **KYA Project.** A quote for the modification of the district facility entrance at Maple & Central has been submitted. The total price of modifications is \$113,558.90.

Recommended action: to approve proposed quote as presented or amended.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 4-0 vote to approve quote for \$113,558.90 for the modification of the district facility entrance at Maple & Central.

- b. **Vitro Easement.** Vitro has routed Temporary Easement language for consideration by the MCWD. The purpose of the Temporary Easement is to locate a temporary pipeline and utilize an existing basin on the Vitro property for the disposal of well development water from the proposed Well 5A.

Recommended Action: Consideration of the Temporary Easement language and direction to staff for proceeding to finalize an easement for execution by MCWD and Vitro.

Motion by Vice President Cerrillo; Second by Director Cerrillo, Jr. and by a 4-0 vote to approve temporary easement language and to finalize an easement for execution.

- c. **High Speed Rail Amendment.** Consideration and necessary action of the Board of Directors to approve an amendment to a Right of Way Agreement, new Right of Way Agreement, and easement with the High-Speed Rail Authority.

Recommended action: Staff is recommending that the Board approve Resolution No. 02-28-2023, approving the amendment to the Right of Way Agreement, new Right of Way Agreement, and authorizing the President of the Board of the Board of Directors to sign the agreements along with the easement.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 4-0 vote to approve Resolution No. 02-28-2023 and to approve the Right of Way Agreement.

7. Incorporation Reports: None for this meeting.

8. Recreation Reports:

The General Manager reported the dates for the S.A.L. Program. The program will take place July 10 to the 27th.

The Vice President informed the other board members of the Recreation Bingo that will be occurring on Wednesday, March 1st.

9. Engineer Reports:

- a. District Engineer Report. *Items presented during old and new business.*
- b. CDBG Engineer Report: None for this meeting.

10. General Manager's Report:

- a. CSJ invoice. **Legal Counsel will review invoice.**
- b. Donation letter.
President Garabedian, Jr. suggests adding a short description for each item.
- c. **Solid waste compliance. Explanation of State of California new regulations on solid waste.**

11. President's Report:

President Garabedian reported that the Central Valley Water Awareness members are retiring and therefore organization will be dissolved. Leftover funds will be donated to a botanical garden in Clovis. He also advised the GM to follow up on KRCD's e-mails regarding a leadership conference.

12. Vice President's Report:

Vice President Cerrillo would like to continue to touch basis with the Housing Authority so both the Housing Authority & the District can be on the same page.

13. Director's Reports:

Director Cerrillo, Jr. reminds board members to do their 700 form before the deadline of April 1st.

14. Legal Counsel Report: for closed session.

15. Communications:

- a. Written Communications:
 1. **None for this meeting.**
- 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: 7:24pm

- a. Existing Litigation (Government Code Section 54956.9(d)(1).); Malaga v. Fresno Unified School District; Fresno County Cases No. 21CECG02198 **Nothing to report.**
- b. Potential Litigation (Government Code Section 54956.9(d)(2).); one case.
Nothing to report.

17. Adjournment:

Motion by Vice President Cerrillo, Second by Director Cerrillo, Jr. and by a 4-0 vote to adjourn the meeting at 8:00pm.

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 February 28, 2023 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 03/15/2023.

Norma Melendez

Norma Melendez, District Clerk