



REGULAR BOARD MEETING AGENDA
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, May 24, 2022 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 May 10, 2022.

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

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

5. Old Business:

- a. **Resolution No. 05-10-2022.** As previously discussed in the last board meeting. A resolution adopting and amended Malaga County Water District Master Schedule of Fees, Charges, Penalties and Recovered Costs. The District Engineer recommends a \$1,000 fee for application/initial review.

Recommended action: to approve Resolution No. 05-10-2022 as presented or amended.

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

6. New Business:

- a. **District Train.** Community Service Officer, Elaine Montoya, is asking the district the use of the train for a community event in Del Rey on June 3.

Recommended action: for discussion and potential action.

7. Incorporation Reports:

8. Recreation Reports:

9. Engineer Reports:

- a. District Engineer Report.
- b. CDBG Engineer Report:

10. General Manager's Report:

- a. Concrete pathway project to start early June and parking lot thereafter.
- b. Letter to Badger mailed.

11. President's Report:

12. Vice President's Report:

13. Director's Reports:

14. Legal Counsel Report:

15. Communications:

- a. Written Communications:
 - 1. Public workshop Tuesday, May 31 at 6:00pm regarding the Southeast Development Area Specific Plan.
 - 2. E-mail from Armando Ayala regarding dangerous roadways in the community.
- 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. Conference with real property negotiator (Government Code section (54956.8).).
Property Location: WWTF (corner of Maple and Central). District Negotiator Moises Ortiz, General Manager.
- b. 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 May 24, 2022, 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 05/20/2022.

Norma Melendez

Norma Melendez, District Clerk

item 5.a.

MALAGA COUNTY WATER DISTRICT

MASTER SCHEDULE OF FEES, CHARGES, PENALTIES AND RECOVERED COSTS

CHAPTER SIX - DRAFT

proposed

CHARGES FOR ADMINISTRATIVE, LEGAL AND ENGINEERING SERVICES

The following charges for administrative, legal and engineering costs incurred by the District in processing requests/applications for services by private individuals/developers, unless otherwise indicated, are as follows:

1. Water Service. The following fees shall apply to applications or requests by individuals/developers related to water service:
 - a. Review contracts, plans or miscellaneous research/reviews:
 - i. Application/initial review fee. \$1,000.
 - ii. legal fees – actual fees incurred plus 10% administrative fee, \$500 deposit;
 - iii. engineering fees – actual fees incurred plus 10% administrative fee, \$500 deposit
 - iv. staff fees- actual cost plus 10% administrative fee.
2. Sewer Service. The following fees shall apply to all requests by individuals/developers for services related to sewer service:
 - a. Review/draft contracts/agreements:
 - i. legal fees – actual fees incurred. \$500 deposit;
 - ii. engineering fees – actual fees incurred. \$500 deposit;
 - iii. staff fees \$100/hour.
 - b. Review plans:
 - i. legal fees – actual fees incurred. \$500 deposit;
 - ii. engineering fees – actual fees incurred. \$500 deposit;
 - iii. staff fees \$100/hour.
 - c. Miscellaneous research/reviews:
 - i. legal fees – actual fees incurred. \$500 deposit;
 - ii. engineering fees – actual fees incurred. \$500 deposit;
 - iii. staff fees \$100/hour.
3. Annexation. Fees related to annexations shall be as follows:
 - a. District annexation application fee \$200 per acre to be annexed.
 - b. \$ 10.85 per frontage foot existing water main; construction cost of new water main.
 - c. \$ 13.15 per frontage foot existing sewer main; construction cost of new sewer main.
 - d. Administrative, engineer, and legal review costs per items 1, 2, and 4.
 - e. LAFCo annexation fees at District cost

4. Construction Review. Fees for review of construction shall be based on the District Engineer's approved estimate of construction costs as follows:

Estimated Construction Costs As Approved by District Engineer	Estimated Construction Review Fee
\$0 - \$5,000	10% of cost
\$5,000 - \$25,000	\$600 + 6% of amount over \$5,000
\$25,000 - \$100,000	\$2,000 + 6% of amount Over \$25,000
\$100,000 - \$250,000	\$6,000 + 6% of amount Over \$100,000
Over \$250,000	\$15,000 + 5% of amount Over \$250,000

NOTE:

The Schedule of Construction Review Fees is provided as reference only. Construction activities are not directed by the District and are not under the control of the District. The District is due the fees incurred during the course of review of construction activities.

5. Additional Costs.

- a. Any meeting or conference held between the District and requesting party or his or her representative(s) and District staff shall be reimbursed by the individual requesting the service. The District staff, engineer and legal counsel will be reimbursed at the rates set forth above.
- b. Other Items. Costs incurred by the District related to requests for services not covered herein shall be determined, by the Board, at the time of the request.

6. Deposits. The District may require deposits for the processing of requests for services as set forth in this Chapter at an amount determined by the District. If, in the course of the project it is determined that the costs for the services requested will be in excess of the amount deposited, the requesting party shall be notified and will be required to make an additional deposit in an amount requested before any further work on the request proceeds. Failure of the requesting party or property Owner to make or maintain a deposit as required by the District shall result in the cessation of work on the request/project.

MALAGA COUNTY WATER DISTRICT**MASTER SCHEDULE OF FEES, CHARGES, PENALTIES AND RECOVERED COSTS****CHAPTER SIX****CHARGES FOR ADMINISTRATIVE, LEGAL AND ENGINEERING SERVICES**

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RESOLUTION NO. 05-10-2022

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MALAGA COUNTY WATER DISTRICT ADOPTING AND AMENDED MALAGA
COUNTY WATER DISTRICT MASTER SCHEDULE OF FEES, CHARGES,
PENALTIES AND RECOVERED COSTS**

WHEREAS, the Malaga County Water District ("District") has adopted and amends, from time to time, a Master Schedule of Fees, Charges, Penalties and Recovered Costs which lists various fees and charges for services provided by the District; and

WHEREAS, the Board of Directors of the District now desires to amend the Master Schedule of Fees, Charges, Penalties and Recovered Costs to amend fees for applications for services and costs related there to; and

WHEREAS, the Board of Directors of the District has considered the staff report, testimony given at the public hearing, and all other information available to the Board and determined that the amended fees as set forth in the Master Schedule of Fees, Charges, Penalties and Recovered Costs attached hereto and incorporated by this reference herein as Attachment A, and finds that the fees, charges and recovered costs as set forth in Attachment A are reasonable and do not exceed the costs to the District for providing the service or services related to said fees, charges and recovered costs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT AS FOLLOWS:

1. That the foregoing recitals are true and correct and are incorporated by this reference as fully set forth at this point.

2. That the Board of Director of the Malaga County Water District hereby adopts the amended Master Schedule of Fees, Charges, Penalties and Recovered Costs as attached hereto as Attachment A, effective upon passage of this Resolution.

* * * * *

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this 24th day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

Charles Garabedian, President of the
Malaga County Water District

ATTEST:

Moises Ortiz, Secretary to the Board
of Directors of the Malaga County Water District



MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725

PHONE: 559-485-7353 - FAX: 559-485-7319

BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR.
PRESIDENT

SALVADOR CERRILLO
VICE-PRESIDENT

IRMA CASTANEDA
DIRECTOR

FRANK CERRILLO JR.
DIRECTOR

CARLOS TOVAR JR.
DIRECTOR

Moises Ortiz- **GENERAL MANAGER**

May 18, 2022

MAILED 5/18/2022
CERTIFIED 209923246

BADGER TRANSPORTATION LLC
4910 North County Road 900 E
Brownsburg, IN 46112

US DOT 0871652
VIN LD660809

To Whom this may concern,

On May 5, 2022, at 7:00a.m., our water operator witnessed a Badger Truck Stealing water from a hydrant located on Chestnut Avenue. The driver did not have a fire hydrant meter connected to the fire hydrant, which is considered theft by Malaga County Water District ordinance 1.07.050. Badger is ordered to pay \$1,000.00 for this violation. Pictures are attached to this letter.

1.07.050 Unauthorized use/theft of water/utility service.

A. It is unlawful for any person to tamper, divert, reconnect (the terms “person,” “utility,” “customer,” “utility service,” “divert,” “temper,” or “reconnection” as used in this section shall have the same meaning as those words as defined in Penal Code § 498(a)) or otherwise obtain for himself, herself or theirself utility services without paying the full lawful charge therefor, or with the intent to enable another person to do so, or with the intent to deprive the District of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids or abets, in any of the following shall be guilty of a misdemeanor:

1. Diverts or causes to be diverted utilities services, by any means.
2. Prevents any utility meter, or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means.
3. Tamper with any property owned by or used by the District to provide utility services.

4. Makes or causes to be made any connection with or reconnection with property owned or used by the District to provide utility services without the authorization or consent of the District.
5. Uses or receives the direct benefit of all or any portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection exists at the time of that use, or that the use or receipt was otherwise without authorization or consent of the District.
6. Or commits any other violation as described in Penal Code § [498](#).
 - B. Any violation of any other section of the Malaga Code pertaining to the unauthorized use of utility service including, but not limited to, Chapter [2.10](#) MCWDC pertaining to temporary service or service from a fire hydrant.
 - C. Nonexclusive. The penalties and remedies described in this section shall be nonexclusive and cumulative.
 - D. Penalty. The penalty for violation of this section shall be \$1,000 per violation. [Ord. 2021-1 § 2.]

If there are any questions, please contact the District Office at (559) 485-7353.

Moises Ortiz
Malaga County Water District
General Manager









item 15.a.1.

SAVE THE DATE!

The City of Fresno Planning & Development Department wants to hear from you! Join us to learn about the Southeast Development Area (SEDA) Specific Plan and provide input on how Southeast Fresno develops into the future.

PUBLIC MEETING 1

 Learn about the SEDA Plan and how your input can impact the project.

 Tuesday, May 3rd, 2022
6:00pm

 Simonian Farms
2629 S Clovis Ave, Fresno, CA 93725



Register here,
Registrese aqui,
Rau Npes Ntawm No,
ਇੱਥੇ ਰਜਿਸਟਰ ਕਰੋ

PUBLIC MEETING 2

 Have a say in how the SEDA project develops over time.

 Tuesday, May 17th, 2022
6:00pm

 Sequoia Elementary School
1820 S. Armstrong, Fresno, CA 93727



Register here,
Registrese aqui,
Rau Npes Ntawm No,
ਇੱਥੇ ਰਜਿਸਟਰ ਕਰੋ

PUBLIC MEETING 3

 See the final plan and how your input shaped it.

 Tuesday, May 31st, 2022
6:00pm

 Simonian Farms
2629 S Clovis Ave, Fresno, CA 93725



Register here,
Registrese aqui,
Rau Npes Ntawm No,
ਇੱਥੇ ਰਜਿਸਟਰ ਕਰੋ

item 15.a.2.

From: [Moises Ortiz](#)
To: [Laurie Cortez](#); [Armando Ayala](#)
Cc: [Maria Lopez](#); [Norma Melendez](#)
Subject: Re: Danger
Date: Thursday, May 19, 2022 1:53:16 PM

Armando,

Thank you so much for bringing this to my attention. I will add this item to our board meeting agenda. This issue needs to be addressed. Along with adding it to our agenda for discussion I will be sending this issue to Fresno County since they are responsible for all streets In Malaga. Again thank you and I will do everything within my power to address this issue.

Moises Ortiz
General Manager
MCWD
Get [Outlook for iOS](#)

From: Laurie Cortez <LCortez@malagacwd.org>
Sent: Thursday, May 19, 2022 1:32:02 PM
To: Armando Ayala <ayalaarmando538@gmail.com>
Cc: Moises Ortiz <mortiz@malagacwd.org>; Maria Lopez <mlopez@malagacwd.org>; Norma Melendez <nmelendez@malagacwd.org>
Subject: RE: Danger

Armando,

I have forward your email to our General Manager, Moises Ortiz he will be back in the office next week if you wish to contact him.



From: Armando Ayala <ayalaarmando538@gmail.com>
Sent: Wednesday, May 18, 2022 6:23 PM
To: Info <info@malagacwd.org>
Subject: Danger

About a month ago I ran two accidents between Chestnut and Muscat avenues in exactly the same place two days in a row. but I have not only seen those two accidents that I have seen others at the same point months ago there was one where a truck overturned inside the ETA factory I don't know its name but good oil is produced the vehicle knocked down the fence and was overturned the good thing that a boy came immediately and took out a girl leaving the person inside. He asked me why no one from the Malaga Ca Water District does anything to request a traffic light at that exit. The

trailers go down the bridge at full speed and enter Muscat Avenue, almost rolling our cars. It is a real danger to leave through that avenue. you have to throw and go at full speed risking being hit and you have to go at that speed because behind you there are cars waiting and honking at you to get out. There are already four tombs there, how many more do you want to be able to do something? there is also another problem on the same chestnut with central avenue it hasn't even occurred to them to put a green arrow to turn too many trailers get together and it's a problem when you want to leave the AM gas station. I have seen traffic lights in the city of Fresno that have an arrow to turn and they are not even busy there, but the people there do care about the coming to be of their community, it is something that does not happen in Malaga. It will be that there are only two families that always have the water district. ha, but they do go out to the avenues of Malaga, they knock on your door so you can vote for them, but these two big, big and dangerous problems don't realize it. there are too many trailers around here they are invading us more now the Indians drive trailers and they are not very good at driving let's say they drive well. it is quite a serious problem. well but it's no use I don't think they read this email and if they do read it it will go in one ear and out the other. that perhaps those two families who have lived here in Malaga all their lives have not had that problem cross their minds. why it is very remarkable anyone with common sense to realize please man.