



**REGULAR BOARD MEETING MINUTES**  
**BOARD OF DIRECTORS MEETING**  
**MALAGA COUNTY WATER DISTRICT**  
**3580 SOUTH FRANK STREET**  
**FRESNO, CALIFORNIA 93725**  
**Tuesday, March 09, 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: Neal Costanzo, Norma Melendez and Moises Ortiz.**

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

**4. Old Business:**

- a. **Konkel Property Settlement Agreement.** Consideration and necessary action to approve a settlement agreement between the District and Fresno Unified School District (FUSD): The District filed a complaint in Fresno County Superior Court (Case No. 20CECG02666) which asserted, among other things, that FUSD failed to comply with the Naylor Act in the disposition of surplus property commonly known as the Konkel School Site. The District is in the process of applying for a Proposition 68 grant to purchase the Property from FUSD using grant funds. The District and FUSD have agreed to settle the complaint as set forth in the settlement agreement attached to the agenda.

Recommended action: Approve the settlement agreement and authorize the President of the Board to sign the agreement on behalf of the District in the form included in the agenda packet or, if necessary, as non-substantially modified in consultation with the Districts General counsel.

**Item moved to closed session to further discuss the agreement. No motion needed as there was a closed session item regarding this matter.**

- b. **MCWD Facilities Plan.** A copy of the facilities plan developed in 2018.

For information and discussion. **The reviewed the MCWD Facilities Plan. The GM will be updating the plan and prioritizing projects using suggestions from District Staff.**

- c. **Consideration and necessary action on Resolution 03-09-2021; Prop 68 Park Grant.** A Resolution of the Board of Directors of the Malaga County Water District approving the application for statewide park development and community revitalization program grant funds.

Recommended action: To adopt Resolution 03-09-2021 as presented or amended.

**Moved to closed session. No motion needed as there was a closed session item on this matter.**

**After coming back to open session, the board unanimously voted to approve Resolution 03-09-2021. Motion by Director Tovar, Jr., Second by Vice President Cerrillo.**

## 5. New Business:

- a. **Park Salaries.** A list of park positions and recommended salary.

Recommended action: for discussion and potential action. **All positions are to be part time. Director Castaneda suggested the addition of a salary schedule in the case a position becomes full time. The GM suggested the addition of a student aide position.**

## 6. Recreation Reports:

- a. **Center Rentals.** District staff needs input on limitations and/or recommendations when holding an event during the pandemic. Potential limitations may include reduction of event hours, price decrease, district liability notice, etc.

Recommended action: for discussion.

**The Board recommended to keep the center guidelines the same. Adjustments will be made if recommendations are given by the County Health Department.**

## 7. Engineer Reports:

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

## 8. General Manager's Report:

- a. **Gordon Saito completed the review of District financials. District CPA, Jaribu Nelson will visit the office to begin the audit.**
- b. **Report on District Staff meeting of March 9, 2021.**
- c. **Tree stump removal at the park. Suggestion was made to plant more trees.**
- d. **There is \$178,000 allotted to Malaga Park from Prop 68.**

## 9. President's Report:

**President Garabedian, Jr. suggests placing policy and procedures in the financial department. Regarding parking lot overflow suggests contacting the property owner of the warehouse behind the park to ask if the District can use their parking space for event overflow.**

## 10. Vice President's Report:

President Cerrillo shared that there will be a rosary held on March 15 for community member Pascual Ortiz in Parlier. He also reported he spoke to Fowler USD Superintendent, Paul Marietti regarding the Districts plans for the Konkel Schoolgrounds.

**11. Director's Reports:**  
None for this meeting.

**12. Legal Counsel Report:**  
Reserved for closed session.

**13. Communications:**

a. Written Communications:

1. **Notice of Public Hearing.** A Planning Commission hearing will be held on March 11, 2021 at 8:45am on Initial Study No. 7679 and Amendment Application No. 3838 to rezone a 1.74-acre parcel from the AL-20 Zone District to the M-1 Zone District located near Peach and North Avenues.

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.*

**14. 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 23, 2021.
- b. Financial Statements and Accounts Payable Reports.

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.**

**15. Closed Session: 7:27pm**

- a. Personnel Government Code Section 54957(b)(1).
- b. Pending Litigation (Government Code Section 54956.9): One Case Malaga v FUSD Fresno County Superior Court Case No. 20CECG02666 to the closed session agenda.

**The Board of Directors brought the meeting to open session at 8:43p.m. In closed session the Board unanimously voted to approve Resolution 3-09-2021 and the Settlement Agreement with Fresno Unified School District and the approval to authorize Legal Counsel and the General Manager to make any changes that may affect the District.**

**16. Adjournment:**

**Motion by Director Tovar, Jr., Second by Vice President Cerrillo and by a 5-0 vote to adjourn the meeting at 9:05p.m.**

**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 March 9, 2021 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 03/24/2021.

**Norma Melendez**

Norma Melendez, District Clerk