

item 4.a. revised

REVISED



REGULAR BOARD MEETING MINUTES

BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, May 16, 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.

1. Call to Order: 6:00p.m.

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

Vice President Cerrillo and Director Tovar, Jr. were not present at roll call.

Late arrivals.

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. 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 April 25, 2023.

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

Motion by Director Cerrillo, Jr. Second by Director Castaneda and by a 3-0 vote to approve the consent agenda as presented.

Vice President Cerrillo arrived at 6:01pm.

5. Old Business:

- a. **Public Hearing.** Continued from April 25, 2023, to consider an ordinance adding Chapter 5.02 to Title V of the Malaga County Water District Code ("Malaga Code") pertaining to sanitation and recycling services to comply with the requirements of SB 1383. The proposed Amendment will allow the District to better regulate sanitation and recycling service within the District and comply with the diversion requirements of SB 1383.

Recommended action: To hold a public hearing to adopt the proposed ordinance 2023- 1.

Director Tovar, Jr. arrived at 6:07p.m.

Public comment opened at 6:17pm. No public comment as no members of the public were present. No correspondence received. Public comment closed at 6:17pm.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr. and by a 5-0 vote to adopt ordinance 2023-1.

- b. **Resolution 4-25-2023.** A resolution approving a third amendment to the solid waste and recycling franchise agreement between the Malaga County Water District and Industrial Waste and Salvage for solid waste collection, green waste collection, recycling services.

Recommended action: to approve resolution 4-25-2023 as presented or amended.

Motion by Vice President Cerrillo; Seconded by Director Cerrillo, jr. and by a 5-0 vote to approve resolution 4-25-2023 as presented.

Vice president Cerrillo excused himself from the meeting at 7:00pm

- c. **MCWD Parking Lot Project.** To review quotes and direct General Manager.

Recommended action: To Award Project.

Motion by Director Tovar, Jr; Second by Director Cerrillo, Jr. and by a 4-0 vote to award project to Asphalt Technology.

- d. **Resolution 5-16-2023.** A Resolution approving an agreement between the Malaga County Water District and Fresno Irrigation District for a supply of surface water and finding the project exempt from CEQA.

Recommended action: Approve Resolution 5-16-2023.

Motion by Director Cerrillo, Jr. Seconded by Director Tovar, Jr. and by a 4-0 vote to approve Resolution 5-16-2023.

6. New Business: None for this meeting.

7. Incorporation Reports: None for this meeting.

8. Recreation Reports:

Director Castaneda reminded the board that Mother's and Father's Day program will be May 20.

The General Manager would like to change the closing time of the park during the summertime.

9. Engineer Reports:

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

10. General Manager's Report:

- a. None

11. President's Report:

President Garabedian reported that Fresno EDC's President, Lee Ann Eager, will be retiring. He also requested the first meeting in June to start at 6:30pm.

12. Vice President's Report: absent.

13. Director's Reports:

Director Cerrillo, Jr. asked the GM if there could be more staff vigilance at the park as himself and other board members have noticed certain individuals loitering at the park afterhours.

14. Legal Counsel Report: Reserved for closed session.

15. Communications:

Item 15.a. was moved to the beginning, after the approval of the consent agenda, to accommodate the presenters time restraints.

a. 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 minutes or less per individual/group per item per meeting, with fifteen minutes maximum.

- **Rosanna Roque: Expressed her desire to rent the Red Caboose. Proposal presented to the General Manager and Board of Directors.**
- **Keith Hester: Asked the board of Directors if they would be willing to extend the current franchise agreement by 2 years.**

16. Closed Session: 7:47pm

- a. Malaga v. FUSD case No. 20CECG02666 (Govt Code 54956.9.)
b. Potential Litigation (Gov't Code 54956.9(d)(2).) One case.

17. Open Session: 8:18pm

District General Counsel announced that the took reportable action in closed session as follows: the Board decided to reject a claim by Betty Roman.

18. Adjournment:

Motion by Director Tovar, Jr; Second by Director Castaneda, and by a 4-0 vote to adjourn the meeting at 8:21p.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 May 16, 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 5/31/2023.

Norma Melendez

Malaga County Water District Clerk