



REGULAR BOARD MEETING AGENDA
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, October 11, 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. Old Business: None for this meeting.

5. New Business:

- a. **Resolution 10-11-2022.** A resolution for the authorization of a temporary bridge loan from Rural Community Assistance Corporation for the construction of a new water well (Well. No. 3A) and water storage tank. This loan will cover the costs for construction of the project until such time as these costs will be reimbursed under the agreement.

Recommended action: to approve Resolution 10-11-2022 as presented or amended.

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

6. Incorporation Reports:

7. Recreation Reports:

8. Engineer Reports:

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

9. General Manager's Report:

- a. WWTF

10. President's Report:

11. Vice President's Report:

12. Director's Reports:

13. Legal Counsel Report:

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 September 27, 2022.
- b. Financial Statements & Accounts Payable reports.

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

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

15. Communications:

- a. Written Communications:
 - 1. **ACWA.** There will be a General Session Membership Meeting at the ACWA 2022 Fall Conference on Wednesday, November 30, 2022, at 12:30 p.m. The purpose of the meeting is to conduct a vote by the membership on proposed Amended and Restated Bylaws of the Association of California Water Agencies.
- 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 negotiators (Government Code section 54956.8)
District Negotiator: Moises Ortiz
Property: Easement across a portion of WWTF
Other negotiating party: California High Speed Rail Authority

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 11, 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 10/07/2022.

Norma Melendez

Norma Melendez, District Clerk

RESOLUTION NO. 10-11-2022

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MALAGA
COUNTY WATER DISTRICT AUTHORIZING A BRIDGE LOAN FROM
THE RURAL COMMUNITY ASSISTANCE CORPORATION**

WHEREAS, the Malaga County Water District is a County Water District duly formed and existing pursuant to §30000 et seq. of the California Water Code and as such is empowered to own property, borrow money, and give security for loans (the “District”); and

WHEREAS, the District, which is a severely disadvantaged community, has entered into an agreement with the State of California, California Natural Resources Agency, Department of Water Resources (Agreement No. 4600014587, the “Agreement”) to fund the construction of a new water well (Well No. 3A) and a water storage tank on property owned by the District under the Small Community Drought Relief Program (“Project”); and

WHEREAS, the District will require temporary or bridge loan financing (“Grant Anticipation Note; Government Code §53859 et. seq.”) to cover the costs of construction of the project until such time as those costs are reimbursed under the Agreement; and

WHEREAS, the District has determined that an agreement with the Rural Community Assistance Corporation (the “RCAC”) which is authorized to make loans for housing, environmental infrastructure and community facilities for low income people is the preferred proposal to provide such bridge financing; and

WHEREAS, the District wishes to obtain a loan from the RCAC for the Project as described above.

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 incorporated by this reference herein as though fully set forth at this point.
2. The District shall submit to RCAC an application for a loan for the Project to be developed in the County of Fresno and the State of California.

3. If the loan is approved, the District is hereby authorized to incur indebtedness in an amount not to exceed the amount approved by the RCAC and to enter into a loan agreement with the RCAC for the purposes set forth in the loan application and approved by the RCAC. It also may give a promissory note and execute security and other instruments required by RCAC to evidence and secure the indebtedness.

4. The District is further authorized to request amendments, including increases in the loan amount up to amounts approved by RCAC, and to execute any documents required by RCAC to evidence and secure these amendments.

5. The District authorizes Charles Garabedian, Jr., President, to execute in the name of the District, the loan application and the loan agreement, promissory note, security and other instruments, and any and all other documentation for the disbursement of funds required by RCAC to make and secure the loan and any amendments thereto.

6. The District authorizes Moises Ortiz, General Manager, to execute in the name of the District, only that documentation required by RCAC for the disbursement of funds during the term of the loan.

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this 11th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

Charles Garabedian, Jr., President
Malaga County Water District

ATTEST:

Moises Ortiz, General Manager-
Secretary of the Board of Directors
Malaga County Water District



REGULAR BOARD MEETING MINUTES
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, September 27, 2022, at 6:00PM

item 14.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.

1. **Call to Order: 6:00 p.m.**
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, Moises Ortiz, Michael Slater
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 13, 2022.

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.

5. **Old Business:** None for this meeting.
6. **New Business:**
 - a. **Resolution 09-27-2022.** A resolution to accept the work for the Fire Hydrant Replacement Project, CDBG 19451, in the amount of \$494,092.63 and to authorize recordation of the Notice of Completion with the Fresno County Recorder.

Recommended action: to approve resolution as presented or amended.

Motion by Vice President Cerrillo; Second by Director Tovar, Jr., and by a 5-0 vote to approve Resolution 09-27-2022 and to authorize recordation of the NOC with Fresno County.
 - b. **CDBG 21451.** To approve and authorize the General Manager to execute Amendment I to agreement No. 22-336 with the County of Fresno for the Malaga Wastewater Treatment Plant Nitrogen Reduction, CDBG Project No. 21451, effective upon execution with no change in term through June 12, 2024, increasing the maximum CDBG funding by \$250,000 to a total funding amount not to exceed \$500,000.

Recommended action: to approve execution of Amendment I to Agreement No. 22-336 for the Malaga Wastewater Treatment Plant Nitrogen Reduction project.

Motion by Vice President Cerrillo; Second by Director Castaneda and by a 5-0 vote to approve execution of Amendment I to Agreement No. 22-336 for the Malaga Wastewater Treatment Plant Nitrogen Reduction Project.

7. Incorporation Reports:

No new reports for this meeting. The GM mentions an incorporation meeting needs to be scheduled soon.

8. Recreation Reports:

Discussion of the Fiesta Day festival of September 24. Draft financials were presented to the board for review and comment. October events include haunted house, Halloween program and Halloween dance.

9. Engineer Reports:

a. District Engineer Report. **None for this meeting.**

b. CDBG Engineer Report: **None for this meeting.**

10. General Manager's Report:

a. WWTF SCADA.

b. **Walking path. Project began on Monday, September 26.**

11. President's Report:

President Garabedian stated for having a two-year hiatus, Fiesta Day went very well. Congrats to Moises and staff.

12. Vice President's Report:

Vice President Cerrillo gave thanks to Moises and District staff and suggests that staff receive a luncheon as thanks for the hard work.

13. Director's Reports:

Director Castaneda, Cerrillo, Jr. and Tovar, Jr. Also gave a congratulations and thanks to the General Manager and district staff for a successful festival.

14. Legal Counsel Report:

Michael Slater reported he and Moises had a meeting with High-Speed Rail.

15. Communications:

a. Written Communications:

1. **Community Meeting Invitation.** The County of Fresno invites you to participate in a community workshop to discuss the 2023-2031 6th Cycle Housing Element. In person meeting will take place in Del Rey on October 3rd and a Zoom meeting is scheduled for October 12.
2. **Tree Fresno Newsletter.**

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.

- 1. Lindsay Sanders introduced herself as the new superintendent of Fowler Unified.**
- 2. Maria Castaneda wanted to let the Board of Directors know that staff at Fiesta Day did a tremendous job in helping the Recreation Committee with anything they needed.**

16. Closed Session: none for this meeting.

17. Adjournment:

Motion by Vice President Cerrillo, Second by Director Tovar, Jr. and by a 5-0 vote to adjourn the meeting at 7:12pm.

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 September 27, 2022, was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 10/12/2022.

Norma Melendez, District Clerk



item 15.a.1. MEMORANDUM

Via U.S. Mail and Electronic Mail

TO: ACWA Member Agency Board Presidents and General Managers
CC: ACWA Board of Director
FROM: Dave Eggerton, ACWA Executive Director
DATE: October 5, 2022
SUBJECT: Notice of General Session Membership Meeting — November 30, 2022

There will be a General Session Membership Meeting at the ACWA 2022 Fall Conference on **Wednesday, November 30, 2022, at 12:30 p.m.** The meeting will be held in the Crystal Ballroom, Renaissance Esmeralda Resort Hotel, Indian Wells. The purpose of the meeting is to conduct a vote by the membership on proposed Amended and Restated Bylaws of the Association of California Water Agencies as recommended by the Board of Directors at its meeting on September 23, 2022.

Proposed Amended and Restated Bylaws

As part of ongoing efforts to ensure ACWA's Bylaws are current and reflect consistency with other governance documents and daily operations and to implement changes related to the election of ACWA's Board Officers, the Board of Directors is recommending proposed Amended and Restated Bylaws for consideration by the membership.

Staff worked with Dale Stern, Downey Brand LLP, to prepare the proposed Amended and Restated Bylaws, which include the following changes:

- Amendments to clarify language and to reflect consistency with other governance documents and daily operations
- Amendments to implement changes to the Board Officers' election process as recommended by the Election Task Force
- Amendments to incorporate California Corporations Code provisions allowing meetings to be held by electronic communication
- Restructuring and reformatting to incorporate a new numbering system

Legal Affairs Committee (LAC) Chair, Jennifer Buckman, appointed LAC member, Doug Coty, to serve as the committee's representative to review the proposed Amended and Restated Bylaws and provide an analysis pursuant to ACWA Bylaws (Article 9, Section 8). The proposed Amended and Restated Bylaws reflect the LAC's recommended edits as adopted by the ACWA Board on September 23.

Redline and clean versions of the proposed Amended and Restated Bylaws are available on ACWA's website at the link listed below. The materials have also been emailed to member agency general managers and board presidents.

<https://www.acwa.com/2022-membership-meeting/>

Voting Process

Consistent with ACWA's Bylaws, Article 9, Section 5:

- Each member of the Association shall be entitled to one vote that shall be cast by its authorized representative.
- Voters must be present at the membership meeting to vote.

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad.

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Deadline & Changes

The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 23, 2022**. While this form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency, if for any reason the member agency desires for the alternate voting delegate to vote at the membership meeting in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates by contacting the Senior Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-669-2425 **no later than 5:00 p.m. on Tuesday, November 29, 2022**.

ACWA General Session Desk

ACWA staff will be available at the **ACWA General Session Desk**, located in the Crystal Ballroom Foyer, Renaissance Esmeralda Resort Hotel, on **Wednesday, November 30**, between **9:00 a.m. and 11:45 a.m.** to answer questions about the membership meeting and voting process.

Voters need to check in at the ACWA General Session Desk on Wednesday, November 30, between 10:00 and 11:45 a.m. to pick up handheld keypads.

If you have any questions regarding the proposed Amended Bylaws and Restated or voting process, please contact Senior Clerk of the Board Donna Pangborn at 916-669-2425 or donnap@acwa.com.

dgp

Attachments:

1. Voter Designation & Information Form
2. Proposed Amended and Restated Bylaws (redline version) – see website link above
3. Proposed Amended and Restated Bylaws (clean version) – see website link above