

AGENDA
PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
November 08, 2022 – 9:30 a.m.

**CONSISTENT WITH RESOLUTION NO. 820-22 PROCLAIMING A LOCAL EMERGENCY AND
AUTHORIZING REMOTE TELECONFERENCE BOARD MEETINGS THROUGH NOVEMBER 10, 2022,
PURSUANT TO AB 361, THE OPEN SESSION OF THIS MEETING MAY BE JOINED
FROM YOUR COMPUTER, TABLET OR SMARTPHONE THROUGH THE FOLLOWING MEANS:**

<https://meet.goto.com/324045485>

AND PLEASE DIAL

Conference call in number: (866) 705-2554 Passcode: 148 890

PRESIDENT’S ANNOUNCEMENT: Pursuant to Government Code Section 54952.3, let it be known that Board Members receive no compensation or stipend for simultaneous or serial order meetings of the Panoche Water District, Panoche Drainage District, Panoche Financing Authority, and/or the Panoche Resource Conservation District.

- 1. CALL TO ORDER**
- 2. REVIEW OF AGENDA:** The Board will consider corrections and/or additions to the Agenda of items requiring immediate action that came to the attention of the Board after the Agenda was posted.
- 3. ROLL CALL:** A quorum will be confirmed and the Board will consider appointment of an acting Officer(s) in the event the President, Vice-President, and/or Secretary is absent from the meeting.
- 4. POTENTIAL CONFLICTS OF INTEREST:** Any Board member who has a potential conflict of interest may now identify the Agenda Item and recuse themselves from discussing and voting on the matter. [Government Code Section 87105]
- 5. PUBLIC COMMENT:** The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. The public will be given the opportunity to address the Board on any item in the Agenda at this time or before the Board’s consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the President of the Board at this time. Please note, California Law prohibits the Board from taking action on any matter during a regular meeting that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code Section 54954.2. During a special meeting, the Board may not take action on any matter that is not on the posted Agenda. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

6. DIVISION REPORTS:

- A. Water Operations & Maintenance – Juan Cadena
- B. Administration – Ara Azhderian
- C. Ethics, Compliance, & Human Resources – Lorena Chagoya

7. PANOCHÉ WATER & DRAINAGE DISTRICTS JOINT CLOSED SESSION: Conference with Legal Counsel.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation pursuant to Section 54956.9(d), paragraph (2) or (3):

Number of Cases: Ten

8. REPORT FROM JOINT CLOSED SESSION (GOVERNMENT CODE SECTION 54957.1)

9. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation pursuant to Section 54956.9(d), paragraph (2) or (3):

Number of Cases: Four

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Section 54956.9(d)(1):

Names of Cases:

- i. Imani Percoats & Chris Bettencourt vs. Panoche Water District
Fresno County Superior Court Case No. 18CECG01651
- ii. Center for Biological Diversity, et al. v. United States, et al.
US District Court, E.D. Cal, Case No. 1:20-CV-00760 DAD-EPG
- v. North Coast Rivers Alliance, et al. v. Kenneth Salazar, et al.
US District Court, E.D. Cal., Case No. 1:16-cv-00307-DAD-SKO
- vi. Firebaugh Canal Water District & Central California Water District v. United States, et al.
US District Court, E.D. Cal., Case 1:88-cv-00634-LJO-SKO

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6:

Agency Designated Representative: Ara Azhderian, General Manager

Employee Organization: International Brotherhood of Electrical Workers Local 1245

10. REPORT FROM CLOSED SESSION

11.

CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and non-controversial and will be acted upon by a single action of the Board of Directors, unless a Board Member requests separate consideration of the item. If such a request is made, the item may be heard as an Action Item at this meeting. The Board will review and consider (Tab 2):

- Adopting a Resolution determining that during the proclaimed state of emergency due to the COVID-19 pandemic, meeting in person would present imminent risk to the health or safety of attendees;
- Approving DRAFT minutes from the September 14, 2021, regular meeting of the Board;
- Approving DRAFT minutes from the September 28, 2021, special meeting of the Board;
- Approving DRAFT minutes from the October 12, 2021, regular meeting of the Board;
- Approving DRAFT minutes from the November 02, 2021, special meeting of the Board;
- Approving DRAFT minutes from the November 09, 2021, regular meeting of the Board;
- Approving DRAFT minutes from the November 16, 2021, special meeting of the Board;
- Approving DRAFT minutes from the November 23, 2021, special meeting of the Board;
- Approving DRAFT minutes from the December 14, 2021, regular meeting of the Board;
- Approving DRAFT minutes from the December 21, 2021, special meeting of the Board;
- Accepting the monthly financial statements for the period ending October 31, 2022;
- Accepting the Director’s Monthly Credit Card Usage Report.

ACTION ITEMS

- 12. The Board to review and consider accepting as FINAL the Price, Paige, & Company DRAFT Financial Audit for the fiscal-year ending February 28, 2022, subject to any further Board direction (Azhderian/Giosa – Tab 3);
- 13. The Board to review and consider authorizing execution of a First Amendment to San Luis & Delta-Mendota Water Authority Long Term North-to-South Water Transfer Program Activity Agreement (Azhderian – Tab 4);
- 14. The Board to review and consider authorizing award of contract to McElvany, Inc., for the Contour Canal Terminal Pump Station Traveling Water Screen Project, and making certain findings of exemption under the California Environmental Quality Act (Azhderian/Williams – Tab 5);
- 15. The Board to review and consider amending the Property Related Fees & Charges Delinquency Policy (Azhderian/Williams – Tab 6);
- 16. The Board to review and consider naming District Representatives to vote in the Association of California Water Agencies General Session Membership Meeting on proposed Amended and Restated Bylaws (Azhderian – Tab 7);
- 17. The Board to review and consider claim by General Manager for lost property damages (Williams – Tab 8);

18. The Board to review and consider accepting the Treasurer’s Quarterly Investment Report for the period ending September 30, 2022 (Azhdarian/Brazil – Tab 9);
19. The Board to review and consider approving the accounts payable (Azhdarian – Tab 10).

REPORT ITEMS

20. **FINANCIAL REPORTS** (Tab 11)
 - A. FYE 2023 Budget-to-Actual Report;
 - B. Other financial matters affecting the District.
21. **REPORTS UNDER DISTRICT POLICIES**
 - A. Emergency COVID-19 Pandemic Response Policy;
 - B. Report(s) on Brown Act Meetings & Conferences Attended at District Expense (may be written or oral and may be joint for multiple attendees);
 - C. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.
22. **GENERAL MANAGER’S REPORT** (Tab 12)
 - A. Water Supplies, Deliveries, and Quality;
 - B. Domestic Water Treatment Plant;
 - C. Solar Project;
 - D. Staffing;
 - E. Los Vaqueros Expansion Project;
 - F. B.F. Sisk Expansion Project;
 - G. Other Matters Affecting the District.
23. **REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)**
24. **FUTURE MEETING DATES**
 - A. Board to Consider Action to Set Special Meeting Date(s): *No staff requests.*
 - B. Next Regular Meeting Date: December 13, 2022.
25. **ADJOURNMENT**
 - ❖ Items on the Agenda may be taken in any order.
 - ❖ Action may be taken on any item listed on the Agenda.
 - ❖ Writings relating to open session: Agenda items that are distributed to members of the Board of Directors will be available for inspection at the District office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

Americans with Disabilities Act of 1990: Under this Act, a qualifying person may request that the District provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for assistance shall be made in person, in written form, or via telephone by calling (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.

Investment Information Disclaimer: This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq., and has not been prepared with

a view to informing an investment decision in any of the District's bonds, notes, or other obligations. Any projections, plans, or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the District's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the District on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.