

AGENDA
PANOCHÉ WATER DISTRICT
ENERGY SERVICE CONTRACT PUBLIC HEARING
and
REGULAR BOARD OF DIRECTORS MEETING
March 08, 2022 – 9:30 a.m.

**CONSISTENT WITH RESOLUTION NO. 800-22 PROCLAIMING A LOCAL EMERGENCY AND
AUTHORIZING REMOTE TELECONFERENCE BOARD MEETINGS THROUGH MARCH 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/860821805>

AND PLEASE DIAL

Conference call in number: (844) 783-6236 Passcode: 209 364 6136

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. Stephen W. Sloan vs. Panoche Water District
Fresno County Superior Court Case No. 18CECG00511
- ii. Imani Percoats & Chris Bettencourt vs. Panoche Water District
Fresno County Superior Court Case No. 18CECG01651
- iii. Greenhouse Ranch v. Panoche Water District, et al.
Merced County Superior Court Case No. 21CV-01348
- iv. 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

At approximately 10:30 a.m., it is anticipated President Bennett will call the public hearing to order.

11. PUBLIC HEARING: The Board will hold a public hearing on whether to enter into an energy service contract with ForeFront Power, LLC.

12. 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):

- Approval of DRAFT minutes from the May 11, 2021, regular meeting of the Board;
- Approval of DRAFT minutes from the February 22, 2022 special meeting of the Board;
- Acceptance of the monthly financial statements for the period ending February 28, 2022;
- Acceptance of Director's Monthly Credit Card Usage Report.

ACTION ITEMS

- 13.** The Board to review and consider appointment of District Officers to serve during the fiscal year beginning March 1, 2022, through February 28, 2023 (Azhderian – Tab 3);
- 14.** The Board to review and consider a Resolution authorizing execution of an energy service contract with ForeFront Power, LLC., and making certain findings of exemption under the California Environmental Quality Act (Azhderian/Williams – Tab 4);
- 15.** The Board to review and consider a Resolution adopting an amended and restated Panoche Water District Retirement Plan and Trust (Azhderian – Tab 5);
- 16.** The Board to review and consider a Resolution determining that during the Governor's proclaimed state of emergency due to the COVID-19 pandemic, meeting in person would present imminent risk to the health or safety of attendees (Azhderian – Tab 6);
- 17.** The Board to review and consider approving a hardship request from Turlock Fruit to transfer 200 acre-feet to Westlands Water District (Azhderian – Tab 5);
- 18.** The Board to review and consider authorizing execution of a Services Agreement with Panoche Drainage District (Azhderian/Williams – Tab 7);

19. The Board to review and consider accepting the General Manager’s annual review of the District’s Investment Policy (Azhderian – Tab 8);
20. The Board to review and consider approving payment of bills (Azhderian – Tab 9).

REPORT ITEMS

21. **FINANCIAL REPORTS** (Tab 10)
 - A. FYE 2022 Budget-to-Actual Report;
 - B. Other financial matters affecting the District.
22. **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.
23. **GENERAL MANAGER’S REPORT** (Tab 11)
 - A. Water Supplies & Deliveries;
 - B. Water Quality Report;
 - C. Domestic Water Treatment Plant;
 - D. WaterSmart Grant Application;
 - E. Sustainable Groundwater Management;
 - F. Staffing Update;
 - G. Other Matters Affecting the District.
24. **REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)**
25. **FUTURE MEETING DATES**
 - A. Board to Consider Action to Set Special Meeting Date(s): *No staff requests.*
 - B. Next Regular Meeting Date: April 12, 2022.
26. **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/>.