

AGENDA
PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
November 9, 2021 – 9:00 a.m.

**CONSISTENT WITH RESOLUTION NO. 787-21 PROCLAIMING A LOCAL EMERGENCY AND
AUTHORIZING REMOTE TELECONFERENCE BOARD MEETINGS THROUGH NOVEMBER 11, 2021
PURSUANT TO AB 361, THE OPEN SESSION OF THIS MEETING MAY BE JOINED
FROM YOUR COMPUTER, TABLET OR SMARTPHONE THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/277376749>

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 – John Paul Otollo
- C. Ethics, Compliance, & Human Resources – Lorena Chagoya

7. 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)

At approximately 10:15 a.m., it is anticipated President Bennett will suspend the Panoche Drainage District meeting and continue the Panoche Water District-ONLY meeting.

9. PANOCHÉ WATER DISTRICT-ONLY 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):

Name 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.
Eastern District California Case No. 1:20-CV-00760 DAD-EPG

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: General Manager

10. REPORT FROM PANOCHÉ WATER DISTRICT-ONLY 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):

- Approval of DRAFT minutes from the January 26, 2021, special meeting of the Board;
- Approval of DRAFT minutes from the February 9, 2021, regular meeting of the Board;
- Acceptance of the monthly financial statements for the period ending October 31, 2021;
- Acceptance of Director’s Monthly Credit Card Usage Report.

ACTION ITEMS

- 12. The Board to review and consider a Resolution in recognition and profound appreciation of the distinguished service of Suzanne “Sue” Redfern-West (Azhderian – Tab 3);
- 13. The Board to review and consider 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 (Azhderian – Tab 4);
- 14. The Board to review and consider a Resolution adopting certain findings under the California Environmental Quality Act and authorizing execution of an agreement with the United States Bureau of Reclamation for the exchange of water (Azhderian/Williams – Tab 5);
- 15. The Board to review and consider an oral recommendation regarding proposed changes to General Manager salary, and discussion and possible approval of changes to General Manager salary (Williams);
- 16. The Board to review and consider designating a voting representative and alternate to cast the District’s vote for the Association of California Water Agencies President and Vice-President (Azhderian – Tab 6);
- 17. The Board to review and consider accepting the Treasurer’s Quarterly Investment Report for the period ending September 30, 2021 (Otollo – Tab 7);
- 18. The Board to review and consider amending the District’s FYE-2022 budget and Operations & Maintenance rate (Azhderian/Otollo – Tab 8);
- 19. The Board to review and consider approving payment of bills (Otollo – Tab 9).

REPORT ITEMS

- 20. **CONTROLLER’S REPORT** (Tab 10)
 - A. FY 2021-22 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 11)

- A. Water Supplies & Deliveries;
- B. Water Quality Report;
- C. Domestic Water Treatment Plant;
- D. WaterSmart Grant Application;
- E. Power Purchase Agreement (presentation by Jeremiah Seng @ 11:30 a.m.)
- F. Sustainable Groundwater Management;
- G. Staffing Update;
- H. 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): *November 16 and 23, 2021.*
- B. Next Regular Meeting Date: December 14, 2021

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.