

NOTICE

PANOCHÉ WATER DISTRICT
52027 WEST ALTHEA AVENUE
FIREBAUGH, CA 93622

TO: Board of Directors
FROM: John Bennett, President
RE: Regular Meeting of the Board of Directors

A regular meeting of the Board of Directors of the Panoche Water District is scheduled for 9:00 a.m., October 13, 2020, to address the items listed on the attached agenda. In accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20 issued in response to the COVID-19 Pandemic, the meeting will be held by web and teleconference, and accessible to the public electronically, through the following means.

**IN ACCORDANCE WITH EXECUTIVE ORDERS N-25-20 AND N-29-20,
DIRECTORS AND THE PUBLIC MAY CHOOSE TO PARTICIPATE FROM ANY LOCATION,
WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT.**

**DIRECTORS AND MEMBERS OF THE PUBIC MAY CHOOSE TO PARTICIPATE
IN THE OPEN SESSION PORTION OF THE MEETING
FROM YOUR COMPUTER, TABLET OR SMARTPHONE
THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/859245661>

AND PLEASE DIAL

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

NOTE: Any member of the public may address the Board of Directors concerning any item on the Agenda before or during its consideration of that matter, as appropriate, by calling into the meeting and joining electronically via the GoToMeeting link above. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

AGENDA

**PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
October 13, 2020 – 9:00 a.m.**

**JOIN THE OPEN SESSION MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE
THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/859245661>

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 Panoche Water District and Panoche Drainage District.

- 1. CALL TO ORDER**
- 2. REVIEW OF AGENDA:** The Board will consider corrections and/or additions to the Agenda of items that require 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/German Rodriguez

7. 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 June 9, 2020, regular meeting of the Board;
- Approval of DRAFT minutes from the June 23, 2020, special meeting of the Board;
- Approval of DRAFT minutes from the July 14, 2020, regular meeting of the Board;
- Approval of Computer Software Policy periodic review;
- Approval of Harassment, Discrimination, and Retaliation Prevention Policy periodic review;
- Acceptance of the monthly financial statements for the period ending September 30, 2020;
- Acceptance of Director’s Monthly Credit Card Usage Report.

ACTION ITEMS

- 8.** The Board to review and consider revision of the District’s Organizational Chart and creation of an Asset Maintenance Supervisor position (Azhderian – Tab 3);
- 9.** The Board to review and consider granting a permanent easement to Hanza Farm, LLC, to cross Lateral 3 (Cadena – Tab 4);
- 10.** The Board to review and consider adopting Resolution XXX-20 authorizing the execution and delivery of a Joint Exercise of Powers Agreement to create the Panoche Financing Authority, and authorizing certain matters in connection therewith (Azhderian/Williams – Tab 5);
- 11.** The Board to review and consider adopting a Third-Party Risk Management Policy (Azhderian/Chagoya – Tab 6);
- 12.** The Board to review and consider accepting the Treasurer’s Quarterly Investment Report for the period ending September 30, 2020 (Otollo – Tab 7);
- 13.** The Board to review and consider approving payment of bills (Otollo – Tab 8).

REPORT ITEMS

- 14. CONTROLLER'S REPORT (Tab 7)**
 - A. FY 2020-21 Budget-to-Actual Report;
 - B. Other financial matters affecting the District.

- 15. REPORTS UNDER DISTRICT POLICIES**
 - A. Report(s) on Brown Act Meetings & Conferences Attended at District Expense (may be written or oral and may be joint for multiple attendees);
 - B. Report on Emergency COVID-19 Pandemic Response Policy;
 - C. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.

- 16. GENERAL MANAGER'S REPORT (Tab 8)**
 - A. Water Supplies & Deliveries;
 - B. Supplemental Water;
 - C. Water Quality Report;
 - D. Domestic Water Treatment Plant;
 - E. WIIN Act Contract Conversion and CVP Capital Prepayment:
 - i. Contract execution process;
 - ii. Prepayment financing.
 - F. Los Vaqueros Reservoir Expansion Project;
 - G. Sustainable Groundwater Management;
 - H. Maintenance Report:
 - i. Main Canal;
 - ii. Contour Canal;
 - iii. Metering Policy.
 - I. Staffing Update:
 - i. Janitor;
 - ii. Electrician.
 - J. Grassland Basin Authority;
 - K. Other Matters Affecting the District.

At approximately 10:45 a.m., it is anticipated the Panoche Water District meeting will be suspended and the Panoche Drainage District meeting will be resumed.

At approximately 11:15 a.m., it is anticipated the Panoche Water & Drainage Districts will meet jointly.

- 17. JOINT CLOSED SESSION: Conference with Legal Counsel.**
 - A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

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. Jeffrey Moore vs. Panoche Water District
U.S. Eastern District Court Case No. 1:20-cv-00143-DAD-EPG

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Number of Cases: Eight

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

19. PANOCHÉ WATER DISTRICT-ONLY CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Names of Cases:

- i. 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

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Number of Cases: Two

20. REPORT FROM PANOCHÉ WATER DISTRICT-ONLY CLOSED SESSION

21. REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)

22. FUTURE MEETING DATES

- A. Board to Consider Action to Set Special Meeting Date(s): *Staff requests October 27, 2020.*
- B. Next Regular Meeting Date: November 10, 2020

23. 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 to Jessica Saravia at (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.