

AGENDA

PANOCHÉ WATER DISTRICT SPECIAL BOARD OF DIRECTORS MEETING

April 27, 2021 – 9:00 a.m.

52027 West Althea Avenue, Firebaugh, CA 93622

**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/733792381>

AND PLEASE DIAL

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

- 1. CALL TO ORDER**
- 2. REVIEW OF AGENDA:** The Board will consider corrections to the Agenda.
- 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 Directors' 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.

At approximately 9:05 a.m., it is anticipated President Bennett will suspend the Panoche Drainage District meeting and continue the Panoche Water District Board meeting.

ACTION ITEMS

6. The Board to review and consider appointment of District Officers to serve during the fiscal year beginning March 1, 2021, and ending February 28, 2022 (Azhderian – handout Tab 2);
7. The Board to review and consider accepting the Treasurer’s annual review of the District’s Investment Policy (Azhderian/Otollo – handout Tab 3);
8. The Board to review and consider approving request from Westside Transplant to transfer up-to 11 acre-feet to Westlands Water District (Azhderian – Tab 4);
9. The Board to review and consider adopting a RESOLUTION to hold a Proposition 218 Special Assessment Hearing on June 2, 2021. (Azhderian/Williams – Tab 5);

REPORT ITEMS

10. **GENERAL MANAGER’S REPORT** (Tab 6)
 - A. Water Supplies & Deliveries;
 - B. Supplemental Water;
 - C. Water Quality Report;
 - D. Other Matters Affecting the District.

At approximately 9:45 a.m., it is anticipated President Bennett will suspend the Panoche Water District meeting and resume the Panoche Drainage District Board meeting.

At approximately 10:15 a.m., it is anticipated President Bennett will call a 15-minute recess and then call a JOINT meeting of the Panoche Water and Drainage Districts to order.

11. **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;
 - 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

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

13. PANOCHÉ WATER DISTRICT-ONLY CLOSED SESSION

A. 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: Three

14. REPORT FROM PANOCHÉ WATER DISTRICT-ONLY CLOSED SESSION

15. FUTURE MEETING DATES

A. Board to Consider Taking Action to Set Special Meeting Date(s): *No staff requests.*

B. Next Regular Meeting Date: May 11, 2021.

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

**APRIL 27, 2021, SPECIAL BOARD MEETING
MEMORANDUM**

TO: BOARD OF DIRECTORS

FROM: ARA AZHDERIAN, GENERAL MANAGER

SUBJECT: AGENDA ITEM 6
SELECTION OF DISTRICT OFFICERS

DATE: APRIL 26, 2020

CC:

Recommendation: At the beginning of each new fiscal-year, the Board review and consider selection of District Officers.

Current District Officers:

President: John Bennett

Vice-President: Suzanne Redfern-West

Secretary: Mike Stearns

Treasurer: John Paul Otollo

BACK

PANOCHÉ WATER DISTRICT STATEMENT OF INVESTMENT POLICY

Purpose: This statement is to provide a guideline for the prudent investment of temporarily idle cash, trust funds and restricted monies in the District's possession and to outline a policy for maximizing the efficiency of its cash management system.

Objective: The cash management system of the Panoche Water District will be maintained to accurately monitor and forecast expenditures and revenues, thus assuring the investment of monies to the fullest extent consistent with safety and liquidity. Funds will be invested in such a manner which will provide the highest interest yield within the confines of this policy and legal statutes consistent with safety and liquidity.

Policy: This policy applies only to idle funds in the District's possession or immediate control. "Idle funds" means funds the use of which is not required to meet the demands of cash flow for the succeeding month and all trust funds held by the District, including bond security funds which are unnecessary to make debt service payments within the next six months. Investments will be made under the terms and conditions of Sections 53600 through 53683 and Sections 16429.1 through 16429.3 of the Government Code. The criteria for selecting investments and the absolute order of priority in making investments are:

1. Safety
2. Liquidity
3. Yield

Except for deferred compensation invested pursuant to Government Code Section 53609, the following instruments are authorized for investment of District funds:

- 1) To the extent permitted by law and as conditions dictate, in the State of California Local Agency Investment Fund (LAIF) in accordance with Section 16429.1 of the Government Code;
- 2) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest;
- 3) Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority of the state.
- 4) Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority of the local agency;

- 5) To the extent otherwise permitted by law and as conditions dictate, in a bank or savings and loan association but only to the extent that the funds are insured by the Federal Deposit Insurance Corporation, (FDIC) or collateralized by the financial institution;
- 6) To the extent permitted or required by law, the District may use general funds to advance or pay amounts due from one or more of the District's managed districts. While the District does not consider such advances or payments to be investments for purposes of this policy, the District will nevertheless make such advances or payments only to the extent they are consistent with the overall policy articulated herein and provide the District with an appropriate level of safety, liquidity and yield consistent with investments made pursuant to this policy.

Where the policy does not specify a limitation on the term or remaining maturity at the time of investment, no investment shall be made in any security that at the time of the investment has a term remaining to maturity in excess of five years, unless the Board has granted express authority to make that investment either specifically or as a part of an investment program approved by the Board no less than three months prior to the investment.

The Treasurer shall annually review the investment policy and provide the Board of Directors with any recommendations for any changes or updates. The Treasurer shall render the report to the Board of Directors showing all investments as set forth in Section 53646(b) of the Government Code, on at least a quarterly basis. Such report, insofar as it is required by law, shall include:

- 1) For all securities, investments and moneys held by the District for each of the following: (a) the type of investment, (b) issuer, (c) date of maturity par and (d) dollar amount invested.
- 2) A description of any of the District's funds, investments or programs that are under the management of contracted parties, including lending programs.
- 3) A statement of the extent to which the District's investments are or may be out of compliance with this policy.
- 4) The report shall include a statement denoting the ability of the District to meet its cash demands for the next six months or shall provide an explanation as to why sufficient cash shall, or may, not be available.

To the extent all of the District's surplus or idle funds are invested in LAIF, or a bank or savings and loan association account insured by FDIC, or some combination thereof, the report may consist of the last statement from the institutions holding the funds plus each of the items set forth in paragraphs 2, 3 and 4 above.

This investment policy will remain in effect until rescinded or modified by the Board of Directors, but shall be reviewed annually insofar as such a review is required by law.

From: [Josh Marquez](#)
To: [Ara Azhderian](#)
Subject: FW: Westside Transplant - Hardship request.
Date: Monday, April 26, 2021 8:17:49 AM

From: Andy Pon [mailto:apon@westsidetransplant.com]
Sent: Friday, April 23, 2021 4:33 PM
To: Josh Marquez
Subject: Westside Transplant - Hardship request.

Josh,

Need to see if I can request a hardship transfer of 7 ac.ft from Well credit coming from my well on by CCID property in Gustine to my Westlands Water District greenhouse. I have pumped a total of 18.5 ac.ft. which CCID is making me split between my Panoche Water Dist. Greenhouse and my Westland's greenhouse. Unfortunately I need all my pumped water at my Westland's greenhouse before I run out of water. I have made other arrangement to cover my Panoche Greenhouse needs. I was just made aware of the transfer split today by CCID (Friday 4/23/21). As you know a majority of my water use, occurs in March, April, and May as I produce tomato seedlings for growers in the Exchange Contractors and the Federal Water District growers (mainly processing tomatoes). Please present to the Board and see if they will allow this hardship transfer so I can finish my transplant season at my Huron Greenhouse.

Thank You

Andy Pon, GM

Westside Transplant, LLC

BACK

PANOCHE WATER DISTRICT**RESOLUTION NO. _____-2021****RESOLUTION CALLING FOR A PUBLIC HEARING ON THE DISTRICT'S
PROPOSED ASSESSMENTS AND AUTHORIZING REQUIRED ACTIONS**

WHEREAS, Panoche Water District (the “District”) is a California water district established in 1953 with statutory authority pursuant to California Water District Law (Water Code sections 34000-38500) to provide water service to users spanning over 38,000 acres in the Central Valley of California. The District is a multi-county district located on the west side of the San Joaquin Valley, spanning portions of Merced and Fresno Counties, and is authorized through the California Constitution, Articles XIII C and D to levy assessments against lands that receive a special benefit; and

WHEREAS, on February 23, 2021, at the direction of the Board of Directors to District staff to explore bonding to finance a variety of projects and to fund recent agreements with the United States for more secure water supply, District staff identified for the Board of Directors several costs that could be analyzed for funding through the land-based assessments and the resulting Proposition 218 process; and

WHEREAS, on March 9, 2021, District staff and consultants held the Proposition 218 Growers Workshop to explain the District’s efforts to establish land-based assessments to reduce the District’s cost of borrowing and of administration; and

WHEREAS, on March 23, 2021, the Board of Directors reviewed and adopted as final the District’s Proposition 218 Engineer’s Report, and directed staff to take action to prepare and mail the appropriate materials, including notices and ballots; and

WHEREAS, on April 15, 2021, ballots were mailed to all landowners and owners of record of lands within the District whose lands may be subject to the assessment.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the Panoche Water District that:

1. The Board finds that the above Recitals are true and correct.
2. The Board hereby resolves that a public hearing, held in accordance with the requirements of Proposition 218, shall be held at Panoche Water District, located at 52027 W. Althea Ave., Firebaugh, CA 93622, on June 2, 2021, beginning at 9:00 am.
3. An opportunity for public testimony shall be provided during this hearing, and at the conclusion of public comment and testimony, District staff and consultants shall tabulate the ballots in accordance with the law and as provided for in the notice and ballots mailed to landowners. After tabulation is complete, the District shall announce the results of the election.

4. District staff are hereby directed to take all actions necessary to effectuate the public hearing and ensure an open, transparent, and lawful election.

PASSED AND ADOPTED this 27th day of April, 2021, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

John. Bennett, President
Panoche Water District

Attest:

Michael Stearns, Secretary

BACK

DRAFT

**CERTIFICATE OF SECRETARY
OF
PANOCHÉ WATER DISTRICT,
A California Water District**

I, _____, do hereby certify that I am the duly authorized and appointed Secretary of the Panoche Water District, a California Water District (the “District”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the District on the 27th day of April, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 27th day of April, 2021.

MICHAEL STEARNS
Secretary of Panoche Water District

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