

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 has been called for January 14, 2020, at 9:00 A.M., at the District Office at 52027 West Althea Avenue, Firebaugh, California to address items listed on the attached agenda. Some Directors may elect to participate by conference call; however, a quorum of the Board must be within the District's boundaries for a meeting to occur.

DIRECTORS MAY CHOOSE TO PARTICIPATE AT ONE OR MORE OF THE SPECIAL TELECONFERENCE LOCATIONS:

PANOCHÉ DRAINAGE DISTRICT
52027 West Althea Ave.
Firebaugh, CA 93622

HAMMONDS RANCH, INC.
47375 West Dakota Ave.
Firebaugh, CA 93622

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

NOTE: The Notice and Agenda must be posted publicly at least 72 hours before the meeting at any location from which a Board member may elect to participate telephonically. Any telephonic location must be ADA compliant and accessible to the public during the time of the meeting. Directors not calling from an authorized location will not be counted as a quorum or entitled to vote. Directors intending to call into the meeting should please inform Carol Erreca at least 18 hrs. prior to the meeting to ensure a quorum.

AGENDA

PANOCHÉ WATER DISTRICT REGULAR BOARD OF DIRECTORS MEETING

January 14, 2020 – 9:00 a.m.

52027 West Althea Avenue, Firebaugh, CA 93622

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 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 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.

OPEN JOINT PANOCHÉ WATER & DRAINAGE DISTRICTS MEETING

6. DIVISION REPORTS:

- A. Juan Cadena – Water Operations & Maintenance
- B. John Paul Otollo – Administration
- C. German Rodriguez – Risk Management: Ethics, Compliance, & Human Resources

7. **JOINT CLOSED SESSION:** Conference with Legal Counsel.
- A. Conference with Legal Counsel on Anticipated Litigation Pursuant to Subdivision (a) and paragraph (2), (3), or (4) of Subdivision (d) of Government Code Section 54956.9: ten (10) potential cases;
 - B. Conference with Legal Counsel on Existing Litigation Pursuant to Subdivision (d)(1) of Government Code Section 54956.9:
 - i. Firebaugh Canal Water District & Central California Water District v. United States, et al.
United States District Court, E.D. Cal., Case No. [1:88-cv-00634-LJO-SKO](#)
(Partially Consolidated).
 - C. Approval of Invoices & Authorization to Redact Privileged Information for Special Counsel(s) & Consultant(s);

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

RESUME PANOCHÉ WATER DISTRICT ONLY MEETING

9. **CLOSED SESSION:** Conference with Legal Counsel.
- A. Anticipated Litigation Pursuant to Subdivision (a) and Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9: four (4) potential cases;
 - B. Conference with Legal Counsel on Existing Litigation Pursuant to Subdivision (d)(1) of Government Code Section 54956.9:
 - 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;
 - C. Approval of Invoices & Authorization to Redact Privileged Information for Special Counsel(s) & Consultant(s);
10. **REPORT FROM CLOSED SESSION (GOVERNMENT CODE SECTION 54957.1)**

11. CONSENT CALENDAR (handout Tab 2)

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:

- Approval of DRAFT minutes from the November 12, 2019, regular Board of Directors meeting;
- Approval of DRAFT minutes from the December 10, 2019, regular Board of Directors meeting;
- Acceptance of the monthly financial statements for the period ending December 31, 2019.

ACTION ITEMS

- 12.** The Board to review and consider adopting Resolution authorizing execution of the Third Amendment to Central Delta-Mendota Region Multi-Agency Groundwater Services Agency Agreement, consenting to Memorandum of Agreement Participants, and authorizing related actions (Rathmann – handout Tab 3);
- 13.** The Board to review and consider authorizing the General Manger to execute a settlement agreement with Maverick Pistachios, LLC (Azhderian – handout Tab 4);
- 14.** The Board to review and consider authorizing the General Manger to execute a repayment agreement with Correia et al (Azhderian – handout Tab 5);
- 15.** Board to review and consider approving Repayment Agreement between the Panoche Water District and the Panoche Drainage District (Azhderian/Rathmann – handout Tab 6);
- 16.** The Board to review and consider approving payment of bills (Otollo – handout Tab 7).

REPORT ITEMS

- 17. CONTROLLER'S REPORT** (handout – Tab 8)
 - A. Update on Fiscal-Year Ending 2018 Financial Audit;
 - B. Board to review FY 2019-20 Budget-to-Actual Report;
 - C. Board to review initial Fiscal-Year 2020-2021 Budget estimates;
 - D. Other Financial Matters Affecting the District:
- 18. ACTIONS AND 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. Director's Report on Monthly Credit Card Usage (Koda/Linneman – handout Tab 9);
 - C. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.

19. GENERAL MANAGER'S REPORT (Handout Tab 10)

- A. Water Supplies & Deliveries;
- B. Supplemental Water;
- C. Domestic Water Treatment Plant;
- D. WIIN Act Section 4011 Prepayment;
- E. Los Vaqueros Reservoir Expansion;
- F. Sustainable Groundwater Management;
- G. Staffing Update;
- H. Grassland Basin Authority;
- I. Other Matters Affecting the District.

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

21. FUTURE MEETING DATES

- A. Board to Consider Action to Set Special Meeting Date(s): *no staff request*
- B. Next Regular Meeting Date: February 11, 2020

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