

# PANOCHÉ WATER DISTRICT

## REGULAR BOARD OF DIRECTORS MEETING

December 10, 2024 at 9:30 am

### MEETING LOCATION

Panoche Water District Boardroom  
52027 West Althea Ave.  
Firebaugh, CA 93622

## AGENDA

**PRESIDENT'S ANNOUNCEMENT:** Pursuant to Government Code Section 54952.3, Water Code sections 34740 and 34741, and the District's Bylaws, let it be known that Board members may receive either: A \$100.00 stipend as compensation for participation in today's meeting and for each day's service rendered as a Director, not to exceed a total of \$600.00 in any calendar month, or, as an Executive Officer of the District, a \$500.00 per month stipend as compensation for their service to the District.

**1. CALL TO ORDER**

**2. 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.

**3. 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]

**4. 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.

### ACTION ITEMS

- 5. THE BOARD TO REVIEW AND CONSIDER APPROVING THE OCTOBER 30<sup>TH</sup>, 2024 SPECIAL BOARD MEETING MINUTES AND THE NOVEMBER 12, 2024, REGULAR BOARD MEETING MINUTES (Reyes)**

6. **BOARD TO REVIEW AND GIVE DIRECTION TO STAFF REGARDING THE SUBSIDENCE MITIGATION POLICY ALONG THE DELTA MENDOTA CANAL WITHIN THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT'S DELTA MENDOTA SUBBASIN** (McGowan)
7. **THE BOARD TO REVIEW AND CONSIDER WATER TRANSFER REQUEST FROM KENNETH BETHEL'S 2015 TRUST ACCOUNT OF 12 ACRE FEET FROM PANOCHE WATER DISTRICT TO PACHECO WATER DISTRICT** (Reyes)
8. **BOARD TO DISCUSS AND GIVE DIRECTION TO STAFF REGARDING THE PANOCHE WATER DISTRICT MODERNIZATION PROJECT** (McGowan)
9. **FINANCIAL REPORTS** (Brazil)
  - A. Accounts Payable
  - B. Monthly Financials
  - C. FYE 2024 Budget-to-Actual Report
  - D. Other financial matters affecting the District

#### REPORT ITEMS

10. **DIVISION REPORTS**
  - A. Water Supply Update (Reyes)
  - B. Operations & Maintenance (Carlucci)
  - C. Domestic Water Treatment Plant (McGowan)
    - I. Update on Discussions with SWRCB
    - II. Engineering
  - D. Ethics, Compliance, and Risk Management Update (Marquez)
    - I. Update on Forefront Solar Project
    - II. Update on USBR Water Smart Grant Project for Contour Canal and Expenses
  - E. Human Resources Update (Brazil)
  - F. Other Matters
11. **THE BOARD TO RECEIVE UPDATES FROM STAFF ON VARIOUS MATTERS AFFECTING THE DISTRICT** (McGowan)
12. **GENERAL MANAGER'S REPORT** (McGowan)
  - A. Sustainable Groundwater Management Act
    - I. Central Delta Mendota SSMA
  - B. Los Vaqueros Expansion Project
  - C. Water Supply, Storage, and Conveyance Discussions
    - I. Water Banking Opportunities
    - II. M & I Water
    - III. South of Delta
  - D. SLDMWA
  - E. USBR Meetings
  - F. ACWA Conference Update

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

**14. 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: Three

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Section 54956.9(d)(1):

Names of Cases:

I. PCFFA v. Glaser, et. al.

US District Court, E.D. Cal, Case No. 2:11-cv-02980

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

**15. PANOCHÉ WATER DISTRICT 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. 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

ii. 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

iii. 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 REAL PROPERTY NEGOTIATORS

Pursuant to Section 54956.8

Property: Land and Associated Infrastructure

Agency Negotiator: Patrick McGowan, General Manager

Negotiating Parties: Panoche Water District

Under Negotiation: Price and Terms

Property: Water

Agency Negotiator: Patrick McGowan, General Manager

Negotiating Parties: Panoche Water District  
Under Negotiations: Price and Terms

Property: Real Property  
Agency Negotiator: Patrick McGowan, General Manager  
Negotiating Parties: Panoche Water District, SLDMWA  
Under Negotiations: Price and Terms

- D. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Gov. Code Section 54957.6  
Agency Designated Representative: Patrick McGowan, General Manager  
Unrepresented  
Employees: District Staff  
Employee Organization: International Brotherhood of Electrical Workers
- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Gov. Code section 54957(b)(1)  
Title: General Manager
- F. CONFERENCE WITH LABOR NEGOTIATOR  
Pursuant to Gov. code section 54957.6  
Agency Designated Representative: Aaron Barcellos, President Unrepresented Employee:  
General Manager

#### **REPORT FROM CLOSED SESSION**

- 16. **ORAL RECOMMENDATION REGARDING PROPOSED CHANGE TO THE SALARY AND/OR BENEFITS OF THE GENERAL MANAGER (Williams)**
- 17. **CONSIDERATION AND POSSIBLE ACTION REGARDING THE SALARY AND/ OR BENEFITS OF THE GENERAL MANAGER (Williams)**
- 18. **FUTURE MEETING DATES**
  - A. Next regular meeting date: January 14th, 2025
- 19. **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.

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