

AGENDA

**PANOCHÉ WATER DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
February 23, 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/173748797>

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 call the Board into closed session.

6. PANOCHÉ WATER DISTRICT 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: Two

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

Name of Cases:

- i. Imani Percoats & Chris Bettencourt vs. Panoche Water District
Fresno County Superior Court Case No. 18CECG01651

7. REPORT FROM PANOCHÉ WATER DISTRICT CLOSED SESSION

At approximately 12:45 p.m., it is anticipated President Bennett will resume the open session meeting.

ACTION ITEMS

8. The Board to review and consider authorizing analysis by Bartle Wells Associates of a new rate structure for the recovery of the District’s expenses as part of an Engineer’s Report as provided for under Proposition 218 (Azhderian/Williams – Tab 2);

9. FUTURE MEETING DATES

- A. Board to Consider Taking Action to Set Special Meeting Date(s): *No staff requests.*
B. Next Regular Meeting Date: March 9, 2021.

10. 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.

PANOCHÉ WATER DISTRICT

52027 WEST ALTHEA AVE, FIREBAUGH, CA 93622
TELEPHONE (209) 364-6136 • FAX (209) 364-6122



FEBRUARY 23, 2021, SPECIAL BOARD MEETING MEMORANDUM

TO: BOARD OF DIRECTORS

FROM: ARA AZHDERIAN, GENERAL MANAGER

SUBJECT: AGENDA ITEM 8
PROP 218 ENGINEER'S REPORT

DATE: FEBRUARY 22, 2020

CC: PHIL WILLIAMS, GENERAL COUNSEL

BACKGROUND: The District has executed a repayment contract with the U.S. Bureau of Reclamation as provided for under the Water Infrastructure Improvements for the Nation Act. As part of the agreement, the District will repay Reclamation for its share of the cost to construct the Central Valley Project. The amount owing can be paid in four installment payments beginning this summer, or the District can borrow the amount and spread the cost over a greater period of time thereby minimizing the annual cost of repayment. The Board has directed staff to explore bonding and has authorized hiring consultants to guide and support the process, including preparing an Engineer's Report for a Proposition 218 election to establish land-based assessments. In order to maximize the value of the Prop 218 efforts, the Board has asked staff to consider what, if any, other District costs should be considered for recovery through a land-based assessment. Staff has identified the following District costs for Board review and consideration:

- WIIN Act USBR Repayment Contract
- USBR Agreement Implementation
- Irrigation Modernization Projects
- Fixed Operating Costs
- Preventative Maintenance Program
- Rate Stabilization Fund
- Sustainable Groundwater Management Act Implementation
- Delta Habitat Conservation & Conveyance Program