

AGENDA
PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
December 14, 2021 – 9:00 a.m.

**CONSISTENT WITH RESOLUTION NO. 793-21 PROCLAIMING A LOCAL EMERGENCY AND
AUTHORIZING REMOTE TELECONFERENCE BOARD MEETINGS THROUGH DECEMBER 23, 2021
PURSUANT TO AB 361, THE OPEN SESSION OF THIS MEETING MAY BE JOINED
FROM YOUR COMPUTER, TABLET OR SMARTPHONE THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/832298085>

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 the Panoche Water District, Panoche Drainage District, Panoche Financing Authority, and/or the Panoche Resource Conservation 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 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

At approximately 9:30 a.m., it is anticipated President Bennett will suspend the Panoche Drainage District meeting and continue the Panoche Water District-ONLY meeting.

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 March 9, 2021, regular meeting of the Board;
- Approval of DRAFT minutes from the March 30, 2021, regular meeting of the Board;
- Acceptance of the monthly financial statements for the period ending November 30, 2021;
- Acceptance of Director’s Monthly Credit Card Usage Report.

ACTION ITEMS

- 8.** The Board to review and consider revising meeting dates and/or times (Azhderian);
- 9.** The Board to review and consider appointing a Vice-President and filling vacancies on the District’s Ethics & Compliance and Finance & Audit ad-hoc committees (Azhderian – Tab 3);
- 10.** The Board to review and consider a Resolution designating District representatives to serve on the San Luis & Delta-Mendota Water Authority Board of Directors (Azhderian – Tab 4);
- 11.** The Board to review and consider a Resolution designating District representatives to serve on the Central Delta-Mendota Region Groundwater Sustainability Agency Board of Directors (Azhderian – Tab 5);
- 12.** The Board to review and consider a Resolution adopting certain findings under the California Environmental Quality Act and authorizing execution of a Water Transfer Agreement with the East Side Canal & Irrigation Company and San Luis Canal Company (Azhderian/Williams – Tab 6);
- 13.** The Board to review and consider a Resolution determining that during the Governor’s proclaimed state of emergency due to the COVID-19 pandemic, meeting in person would present imminent risk to the health or safety of attendees (Azhderian – Tab 7);
- 14.** The Board to review and consider authorizing execution of a Service Agreement with K-Coe Isom to support recruitment of a Controller (Azhderian – Tab 8);

15. The Board to review and consider authorizing execution of a Service Agreement with Madera Pump for the repair and cleaning of Well #48 (Azhderian/Cadena – Tab 9);
16. The Board to review and consider authorizing execution of a Service Agreement with Gartung Consulting to provide design services and support issuance of a Request for Bids to upgrade the District’s surface water treatment plant (Azhderian/Cadena – Tab 10);
17. The Board to review and consider authorizing execution of a Letter of Intent with ForeFront Power to explore implementation of a Power Purchase Agreement (Azhderian – Tab 11);
18. The Board to review and consider authorizing execution of an Easement Agreement with Turlock Fruit Co. to facilitate construction of an irrigation pipeline under the District’s Contour Canal (Azhderian/Williams/Cadena – Tab 12);
19. The Board to review and consider amending the District’s FYE-2022 budget and Operations & Maintenance rate (Azhderian/Otollo – Tab 13);
20. The Board to review and consider authorizing District participation in associations and other forums supporting agricultural water and related outreach and education efforts (Azhderian – Tab 14);
21. The Board to consider presenting Christmas bonuses to all District employees (Azhderian – Tab 15);
22. The Board to review and consider approving payment of bills (Otollo – Tab 16).

REPORT ITEMS

23. **CONTROLLER’S REPORT** (Tab 17)
 - A. FY 2021-22 Budget-to-Actual Report;
 - B. FY 2022-23 Budget Development;
 - C. Other financial matters affecting the District.
24. **REPORTS UNDER DISTRICT POLICIES**
 - A. Emergency COVID-19 Pandemic Response Policy;
 - B. Report(s) on Brown Act Meetings & Conferences Attended at District Expense (may be written or oral and may be joint for multiple attendees);
 - C. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.
25. **GENERAL MANAGER’S REPORT** (Tab 18)
 - A. Water Supplies & Deliveries;
 - B. Water Quality Report;
 - C. Domestic Water Treatment Plant;
 - D. WaterSmart Grant Application;
 - E. Power Purchase Agreement
 - F. Sustainable Groundwater Management;
 - G. Staffing Update;
 - H. Other Matters Affecting the District.

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

27. 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):

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. Greenhouse Ranch v. Panoche Water District, et al.
Merced County Superior Court Case No. 21CV-01348
- iv. Center for Biological Diversity, et al. v. United States, et al.
Eastern District California Case No. 1:20-CV-00760 DAD-EPG

28. REPORT FROM PANOCHÉ WATER DISTRICT CLOSED SESSION

29. 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: Ten

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

31. FUTURE MEETING DATES

A. Board to Consider Action to Set Special Meeting Date(s): *Staff requests December 21, 2021.*

B. Next Regular Meeting Date: January 11, 2022.

32. 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.