

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 April 14, 2020, at 9:00 a.m., in accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20 issued in response to the COVID-19 Pandemic, which allows local and state legislative bodies to hold meetings by web and teleconference, and to make meetings accessible to the public electronically.

**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
OPEN SESSION MEETING FROM YOUR COMPUTER, TABLET AND SMARTPHONE
THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/145917253>

AND DIAL

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

NOTE: Any member of the public may address the Board of Directors concerning any item on the Agenda before or during its consideration of that matter, as appropriate, by calling into the meeting and/or joining electronically via the GoToMeeting link above.

AGENDA

**PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
April 14, 2020 – 9:00 a.m.**

**JOIN THE OPEN SESSION MEETING FROM YOUR COMPUTER, TABLET AND SMARTPHONE
THROUGH THE FOLLOWING MEANS:**

<https://global.gotomeeting.com/join/145917253>

AND DIAL

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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: eight (8) 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;
 - iii. Jeffrey Moore vs. Panoche Water District
U.S. Eastern District Court Case No. 1:20-cv-00143-DAD-EPG

- 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:

- o Approval of DRAFT minutes from the March 10, 2020, regular Board of Directors meeting;
- o Approval of DRAFT minutes from the March 24, 2020, special Board of Directors meeting;
- o Acceptance of the monthly financial statements for the period ending March 31, 2020;
- o Acceptance of Director's Monthly Credit Card Usage Report.

ACTION ITEMS

- 12.** The Board to review and consider opportunity to acquire supplemental water through an agreement with the United States Bureau of Reclamation and San Luis & Delta-Mendota Water Authority for the 2020 Consent of the Transfer and Forbearance of Base Supply and Transfer of Project Water to provide supplemental water from the Sacramento Valley (Azhderian – handout Tab 3);
- 13.** The Board to review and consider authorizing execution of an agreement with Maricopa Orchards, LLC, to acquire supplemental water (Azhderian – handout Tab 4);
- 14.** The Board to review and consider authorizing execution of a service agreement with K-Coe Isom, LLP, to provide Water Infrastructure Improvement for the Nation (WIIN) Act related Central Valley Project capital debt pre-payment and District ratesetting analysis, and to support implementation of a future decision by the Board regarding appropriate administrative process(es) to facilitate WIIN Act contract conversion (Azhderian – handout Tab 5);
- 15.** The Board to review and consider authorizing execution of a service agreement with Nelson Consulting, to provide consulting services to the District (Williams/Rathmann – handout Tab 6)
- 16.** The Board to review and consider adopting a Groundwater Conveyance Policy (Azhderian – handout Tab 7);
- 17.** The Board to review and consider adopting a Water Transfer Policy (Azhderian – handout Tab 8);
- 18.** The Board to review and consider request from Imperial Merchants for suspension of the District's account delinquency process due to COVID-19 business disruption (Cadena – Tab 9);

19. The Board to review and consider adopting a 2020-2021 fiscal-year budget, and establishing water supply and District operations & maintenance rates (Azhderian/Otollo – handout Tab 8);
20. The Board to review and consider authorizing execution of a proposed Price, Paige & Company engagement letter to conduct an audit of the District’s 2018-2019 fiscal-year ending February 28, 2019 (Azhderian/Otollo – handout Tab 9);
21. The Board to review and consider approving payment of bills (Otollo – handout Tab 8).

REPORT ITEMS

22. **CONTROLLER’S REPORT** (handout – Tab 9)
 - A. Board to review FY 2019-20 Budget-to-Actual Report;
 - B. Other Financial Matters Affecting the District:
23. **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. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.
24. **GENERAL MANAGER’S REPORT** (Handout Tab 10)
 - A. Water Supplies & Deliveries;
 - B. Supplemental Water;
 - i. Well Pump-In Plan.
 - C. Domestic Water Treatment Plant;
 - D. WIIN Act Repayment Contract and Section 4011 Prepayment;
 - E. Los Vaqueros Reservoir Expansion Project;
 - F. Sustainable Groundwater Management;
 - G. Pacheco Water District Service Agreement;
 - H. Staffing Update;
 - I. Grassland Basin Authority;
 - J. Other Matters Affecting the District.
25. **REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)**
26. **FUTURE MEETING DATES**
 - A. Board to Consider Action to Set Special Meeting Date(s): *staff request April 28, 2020*
 - B. Next Regular Meeting Date: May 12, 2020
27. **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 Jessica Saravia at (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.