

**BOARD OF DIRECTORS MEETING  
May 17, 2023 @ 9:30 am**

**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. PLEDGE OF ALLEGIANCE**
- 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. 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

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

**8. PANOCHE 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:

- ii. Imani Percoats & Chris Bettencourt vs. Panoche Water District  
Fresno County Superior Court Case No. 18CECG01651
- iii. 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
- v. 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
- vi. 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: Chase Hurley, General Manager  
Negotiating Parties: Panoche Water District, ForeFront  
Under Negotiation: Price and Terms

D. CONFERENCE REGARDING LABOR NEGOTIATIONS AND RECRUITMENT [GOV CODE §54950]

Pursuant to Section 54957.6:

Agency Designated Representative: Che Johnson; Legal Counsel  
Employee Organization: International Brotherhood of Electrical Workers Local 1245

Pursuant to Section 54957(b)(1):

The Board will confer regarding recruitment for the position of General Manager.

**9. REPORT FROM CLOSED SESSION**

**10. 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:

- Approving minutes from the April 18, 2023, regular meeting of the Board
- Accepting the monthly financial statements for the period ending April 30, 2023
- Accepting the Director’s Monthly Credit Card Usage Report

**ACTION ITEMS**

- 11. THE BOARD TO REVIEW AND CONSIDER APPROVAL OF AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CHASE HURLEY OF WATER AND LAND SOLUTIONS, LLC. ACTING AS INTERIM GENERAL MANAGER (Director Fausone)**
- 12. THE BOARD TO REVIEW AND CONSIDER APPROVAL AND EXECUTION OF AN UPGRADES, SCOPE AND/OR SCHEDULE CHANGE ACKNOWLEDGEMENT TO THE ENERGY SERVICES AGREEMENT -- SOLAR FOR THE OFFICE LOT, BETWEEN THE DISTRICT AND FFP BTM SOLAR, INC. (ForeFront Rep, Williams)**
- 13. THE BOARD TO REVIEW AND CONSIDER APPROVAL OF RESOLUTION #837-23, FORMALIZING THE PROPOSITION 218 VOTING TABULATION THAT SUBSEQUENTLY IMPLEMENTED THE PANOCHÉ WATER DISTRICT LAND BASED ASSESSMENT RATE FOR OPERATIONS AND MAINTENANCE OF DISTRICT FACILITIES (Williams)**
- 14. THE BOARD TO REVIEW AND CONSIDER APPROVAL OF RESOLUTION #838-23, AGREEING ON A MULTI-YEAR POWER LETTER OF AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION PURSUANT TO SUBDIVISION (G) OF ARTICLE 3 OF THE THEN CURRENT WARREN ACT CONTRCT NO. 20-WC-20-5643 (Williams)**
- 15. THE BOARD TO REVIEW AND CONSIDER APPROVAL OF REVISIONS TO CERTAIN DISTRICT HEALTH AND SAFETY POLICIES: (Chagoya)**
  - A. Drug Alcohol Free Workplace
  - B. Substance Abuse Policy Statement
  - C. Lock-out, Tag-out Program
  - D. Respiratory Protection Program
- 16. FINANCIAL REPORT (Brazil)**
  - A. Accounts Payable
  - B. FYE 2023 Budget-to-Actual Report;
  - C. FYE 2024 Budget-to-Actual Report;
  - D. Other financial matters affecting the District.
- 17. THE BOARD TO REVIEW AND CONSIDER APPROVAL OF THE WATER RATE FOR THE 2023 USBR ADDITIONAL 73% CENTRAL VALLEY PROJECT ALLOCATION (Reyes)**

## REPORT ITEMS

### **18. DIVISION REPORTS**

- A. Water Supply Update - Reyes
- B. Operations & Maintenance – Carlucci
- C. Domestic Water Treatment Plant - Cadena
- D. Ethics, Compliance, & Human Resources – Chagoya

### **19. GENERAL MANAGER’S REPORT**

- A. Sustainable Groundwater Management Act
- B. Los Vaqueros Expansion Project
- C. B.F. Sisk Expansion Project
- D. Legislative Update
- E. ACWA Conference
- F. Other Matters Affecting the District

### **20. 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

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

### **22. FUTURE MEETING DATES**

- A. Board to Consider Action to Set Special Meeting Date for review of GM applications
- B. Next Regular Meeting Date: June 13, 2023

### **23. ACTION ITEMS**

### **24. 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.

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