

AGENDA

**PANOCHÉ WATER DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
May 25, 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/263708397>

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 Vice-President Redfern-West will suspend the Panoche Drainage District meeting and continue the Panoche Water District Board meeting.

ACTION ITEMS

6. The Board to review and consider adopting a Resolution calling for a general election on November 2, 2021, of representatives to serve on the District’s Board of Directors (Azhderian/Williams – handout Tab 2);
7. The Board to review and consider adopting a Resolution to implement a District Election Plan to shift odd-year elections to even years (Azhderian/Williams – handout Tab 3);
8. **FUTURE MEETING DATES**
 - A. Board to Consider Taking Action to Set Special Meeting Date(s): *No staff requests.*
 - B. Next Regular Meeting Date: June 8, 2021.
9. **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

RESOLUTION NO. _____-2021

**RESOLUTION OF THE BOARD OF DIRECTORS
CALLING THE 2021 DISTRICT GENERAL ELECTION
AND AUTHORIZING REQUIRED ACTIONS**

WHEREAS, Panoche Water District (the “District”) is a California Water District duly organized and existing under and pursuant to the Constitution and laws of the State of California; and

WHEREAS, the District is governed by a Board of Directors consisting of five members who are elected for a term of four years; and

WHEREAS, the terms of office for three positions on the Board of Directors expire in 2021; and

WHEREAS, California Water District law, California Elections law, and the District’s Bylaws prescribe the time and manner for the conduct of the election to fill these elective offices, including the use of an all-mail ballot; and

WHEREAS, California Elections law provides that forms for declaration of candidacy shall be first available on the 113th day prior to the election and shall be filed no later than 5:00 p.m. on the 88th day prior to the election; and

WHEREAS, the California Water District law prescribes that each voter shall have one vote for each dollar’s worth of land to which he or she holds title, and that the last equalized assessment book of the District is conclusive evidence of ownership and of the value of the land; *provided*, however, the Board of Directors may authorize correction of the assessment book to reflect those persons who as of the 45th day prior to the election appear as owners on the records of the counties; and

WHEREAS, California Elections law prescribes the duties and responsibilities of the District, as well as those of the county clerk if requested by the District.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the Panoche Water District that:

1. In the event that the number of candidates for director exceed the number of positions on the Board of Directors which are to be filled by election this year and an election is required, such election shall be held on the second Tuesday in November, that day being the 9th of November, 2021.

2. Such election shall be conducted pursuant to the all-mail ballot procedure authorized and described by California Elections laws.

3. Forms for declarations of candidacy shall be available from the Secretary of the District at the District office on and after July 20th, 2021, and shall be filed not later than 5:00 p.m. on August 14th, 2017, in the same office; *provided*, however, that forms may be filed by certified mail so that the forms reach the District office no later than 5:00 p.m. on August 14th, 2021.

4. The Secretary of the District shall prepare a list of voters for this election based upon the last equalized assessment book of the District, corrected to reflect, as of the 45th day prior to the election, those persons who as of that date appear as owners of land within the District on the County’s records.

5. The Secretary of the District and District staff are authorized and directed to take any and all actions necessary in order to properly and efficiently conduct the election pursuant to and in compliance with California Water District law, California Elections law, and the District’s Bylaws.

PASSED AND ADOPTED this 25th day of May, 2021, by the following vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

John. Bennett, President
Panoche Water District

Attest:

Michael Stearns, Secretary

**CERTIFICATE OF SECRETARY
OF
PANOCHÉ WATER DISTRICT,
A California Water District**

I, _____, do hereby certify that I am the duly authorized and appointed Secretary of the Panoche Water District, a California Water District (the “District”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the District on the 25th day of May, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 25th day of May, 2021.

MICHAEL STEARNS
Secretary of Panoche Water District

DRAFT

PANOCHE WATER DISTRICT

RESOLUTION NO. _____-2021

**RESOLUTION OF THE BOARD OF DIRECTORS
TO CHANGE DISTRICT ELECTIONS TO BE HELD
ON THE SAME DATE AS THE STATEWIDE
GENERAL ELECTION**

WHEREAS, Panoche Water District (the “District”), is a California water district duly organized and existing under and pursuant to the Constitution and laws of the State of California; and

WHEREAS, the District is governed by a Board of Directors consisting of five members who are elected for a term of four years; and

WHEREAS, the District currently holds elections for its Board of Directors under the Elections Code and other applicable law on the second Tuesday of November in each odd-numbered year for expiring terms; and

WHEREAS, the State’s enactment of Senate Bill 415 (Elections Code sections 14050 – 14057) requires special districts to adopt a plan to move the Board of Directors elections to even-numbered years on the same November date as the general state-wide elections; and

WHEREAS, generally, voter participation is greater for statewide general elections than for special local elections, including water districts; and

WHEREAS, the Board of Directors seeks to encourage voter participation and specifically to increase the percentage of voters participating in the District’s Board of Directors elections and the Board of Directors believes that rescheduling to general elections in even-numbered years will have that effect; and

WHEREAS, Elections Code sections 1303, subdivision (b), and 10404, subdivision (b), authorizes the Board of Directors to adopt a resolution requiring elections of its members to occur on the same day as the statewide general elections and to submit that resolution to the Fresno county Board of supervisors, which resolution becomes operative upon approval by the Fresno County Board of Supervisors; and

WHEREAS, the next scheduled general election for Directors is November 9th, 2021; and

WHEREAS, if the change in election date is approved by the Fresno County Board of Supervisors, the Board of Directors requests that the next election date of November 9th, 2021, be kept and that the following general election be moved from November 2023 to November 2022, with directors whose terms would have expired in

2023 now expiring in 2022, and that the election scheduled for November 2025 be moved to November 2024, with directors whose terms would have expired in 2025 now expiring in 2024, as required by Elections Code section 10404, subdivision (i), and as more particularly described in Exhibit A to this Resolution; and

WHEREAS, if the change in election dates is approved by the Fresno County Board of Supervisors, the specific dates for the filing of nomination papers, notices, canvass of votes, certification of election results, and all other procedural requirements pertaining to the general election shall conform to the Elections Code as it pertains to general elections and the election of directors to the Board of Directors and as set forth in Exhibit B to this Resolution.

NOW, THEREFORE, the Board of Directors of Panoche Water District hereby resolves, finds, and orders as follows:

1. All of the recitals above are true and correct.
2. The Board of Directors adopts this resolution under Elections Code section 10404 to change the election dates for Directors so that, beginning in November 2022, the District's general elections will occur on the same date as statewide general elections in November in even-numbered years;
3. This resolution shall first become operative and apply to all specific dates necessary for the Board election to be held in concurrence with the statewide general election in November 2022 and each subsequent election of directors shall occur in even-numbered years at the same time as the statewide general election; *provided*, however, that the currently-set general election for November 9th, 2021, shall proceed.
4. For those Directors whose terms of office would have expired in 2023, their terms of office shall now expire in 2022. The term of any Director elected in November 2022 shall run to November 2026. Exhibit A describes the new timeline in greater particularity.
5. For those Directors whose terms of office would have expired in 2025, their terms of office shall now expire in 2024. The term of any Director elected in November 2024 shall run to November 2028. Exhibit A describes the new timeline in greater particularity.
6. The President of the District's Board, or his designee, is authorized to take additional and further actions and to execute any instruments and documents as may be required by the Fresno County Board of Supervisors and other County Officials in order to effectuate the change of election dates required by this resolution.
7. The President of the District's Board of Directors shall submit this resolution to the Fresno County Board of Supervisors for approval under Elections Code section 10404, subdivision (b)(2), and request formal approval of the change by the

Board of Supervisors at a public meeting within 60 days after that submission and after the resolution has been posted as required by law. This resolution shall become effective upon approval by the Fresno County Board of Supervisors.

7. The specific dates for the filing of nomination papers, notices, canvass of votes, certification of election results, and all other procedural requirements of the Elections Code, shall conform to the Elections Code as it pertains to general elections and the election of directors to the Board of Directors.

PASSED AND ADOPTED this 25th day of May, 2021, by the following vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

John. Bennett, President
Panoche Water District

Attest:

Michael Stearns, Secretary

DRAFT

**CERTIFICATE OF SECRETARY
OF
PANOCHÉ WATER DISTRICT,
A California Water District**

I, _____, do hereby certify that I am the duly authorized and appointed Secretary of the Panoche Water District, a California Water District (the “District”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the District on the 25th day of May, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 25th day of May, 2021.

MICHAEL STEARNS
Secretary of Panoche Water District

DRAFT

Panoche Water District
 Resolution No. __ - 2021

Exhibit A

Panoche Water District Board of Directors

Proposed Change in Elections for Director

	<u>Current Board Member</u>	<u>Current or Next Election Year</u>	<u>Proposed Election Year Cycle*</u>		
Group A**	Ross Koda	2021	2021	2024	2028
	Michael Linneman	2021	2021	2024	2028
	Michael Stearns	2021	2021	2024	2028
Group B**	John Bennett	2023	2022	2026	2030
	Suzanne Redfern-West	2023	2022	2026	2030

* Cycle continues in four year increments as of the last year noted.

** Group identifiers are for reference and organization purposes only.

EXHIBIT B:

Dates and Procedures for the Election of Directors

(All section references are to the California Elections Code.)

1. No later than 125 days before the date of the general election, the District secretary shall deliver a notice of election to the County elections office listing the elective offices to be filled, specifying which offices, if any, are for the balance of an unexpired term and whether the District or the candidate is to pay for the publication of a statement of qualifications under section 13307. A map of the District must accompany the notice. (§§10509, 10522.)
2. Between the 120th and the 90th days before the date of the general election, the County elections official with publish, one time, a notice of election in a newspaper of general circulation containing the date of the election, the offices to be filled, qualifications for candidacy required by the principal act, where nomination papers are available, the deadline for filing declarations for candidacy, and a notice that appointment will be made in lieu of election in accordance with law. (§ 12112.)
3. Between the 113th and 88th days before the date of the general election candidates for the District's Board may obtain and file their declarations of candidacy along with their candidate's statement of qualifications if they choose to submit one. (§§ 10510, 10511, 13307, 13311.)
4. If an incumbent member of the Board does not file a declaration of candidacy by 5:00 p.m. on the 88th day before the date of the general election, any person other than the incumbent may file a declaration of candidacy by 5:00 p.m. on the 83rd day before the date of the general election. (§§10407, subd. (b), 10516, subd. (b).)
5. If, by 5:00 p.m. on the 83rd day before the date of the general election: (1) only one person has filed a declaration of candidacy for any position to be filled on the Board; or (2) no one has filed a declaration of candidacy for such office; the County Board of Supervisors may appoint a person to the position. (§ 10515.)
6. On the 82nd day before the date of the general election, the Secretary of State shall conduct the randomized alphabet at 11:00 a.m. to determine the order in which the candidates for Director shall appear on the general election ballot. (§ 13112.)
7. Between the 57th and 14th days of before the date of the general election, write-in candidates must file their statement of write-in candidacy and nomination papers with the County elections official. (§ 8601.)
8. Between the 2nd and 30th days after the general election, the official canvass of the returns is to be completed. (§§ 10547 – 10549; 15300, *et seq.*)

If there be any future amendment to the Elections Code provisions identified above, the amended provisions are applicable. Where the dates described above are inconsistent with those provided for in the Elections Code for the statewide general election, the dates for statewide general elections are controlling.

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