

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 is scheduled for 9:00 a.m., January 12, 2021, to address the items listed on the attached agenda. In accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20 issued in response to the COVID-19 Pandemic, the meeting will be held by web and teleconference, and accessible to the public electronically, through the following means.

**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 PUBLIC 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/741887541>

AND PLEASE 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 joining electronically via the GoToMeeting link above. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

AGENDA

**PANOCHÉ WATER DISTRICT
REGULAR BOARD OF DIRECTORS MEETING
January 12, 2021 – 9:00 a.m.**

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

<https://global.gotomeeting.com/join/741887541>

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 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/German Rodriguez

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

The Panoche Financing Authority meeting is expected to continue at approximately 11:00 a.m.

The Panoche Drainage District meeting will continue at 9:00 a.m., Wednesday, January 13th.

It is anticipated the Panoche Resource Conservation District meeting will resume at approximately 11:30 a.m., Wednesday, January 13th.

7. LOS VAQUEROS RESERVOIR EXPANSION PROJECT – Contra Costa WD Presentation (Tab 2)

At approximately 10:00 a.m., it is anticipated President Bennett will call a 15-minute break, then continue the Panoche Water District meeting.

8. 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 3):

- Approval of DRAFT minutes from the September 08, 2020, regular meeting of the Board;
- Approval of DRAFT minutes from the September 29, 2020, special meeting of the Board;
- Acceptance of the monthly financial statements for the period ending December 31, 2020;
- Acceptance of Director’s Monthly Credit Card Usage Report.

ACTION ITEMS

- 9. The Board to review and consider approving as to form a Continuing Disclosure Certificate, and an Installment Purchase Agreement in support of anticipated future financing for the repayment of the District’s allocated costs for construction of the Central Valley Project and other activities (Williams – Tab 4);
- 10. The Board to review and consider adopting a RESOLUTION authorizing 1) the issuance of revenue bonds by the Panoche Financing Authority of a sum not to exceed \$38,000,000 in aggregate principal; 2) approving the execution and delivery of certain documents in connection therewith

and authorizing certain other matters; and 3) making findings of exemption under the California Environmental Quality Act (Azhderian/Williams – Tab 5);

11. The Board to conduct its annual review and consideration of the District’s Groundwater Conveyance Policy (Azhderian/Cadena – Tab 6);
12. The Board to review and consider approving a water user’s request to transfer CVP water out of the District, consistent with the District’s CVP Water Transfer Policy (Azhderian – handout Tab 7);
13. The Board to review and consider approving payment of bills (Otollo – Tab 8).

At approximately 11:00 a.m., it is anticipated President Bennett will suspend the Panoche Water District meeting, and continue the Panoche Financing Authority meeting.

At approximately 11:30 a.m., it is anticipated President Bennett will adjourn the Panoche Financing Authority meeting and continue the Panoche Water District meeting.

14. The Board to review and consider approving financial model to inform a new rate structure for the recovery of the District’s costs through future land-based assessments and water rates (Azhderian/Tozlian – Tab 9);

At approximately 12:00 p.m., it is anticipated President Bennett will call a 30-minute lunch break, then continue the Panoche Water District meeting.

15. The Board to review and consider authorizing revisions to the District’s Emergency COVID-19 Pandemic Response Policy (Azhderian/Williams – handout Tab 10);
16. The Board to review and consider authorizing execution of a Service Agreement with the Panoche Resource Conservation District to provide for its administration and operation (Azhderian – Tab 11)

REPORT ITEMS

17. **CONTROLLER’S REPORT** (Tab 12)
 - A. FY 2020-21 Budget-to-Actual Report;
 - B. Other financial matters affecting the District.
18. **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.
19. **GENERAL MANAGER’S REPORT** (Tab 13)
 - A. Water Supplies & Deliveries;

- B. Supplemental Water;
- C. Water Quality Report;
- D. Domestic Water Treatment Plant;
- E. WIIN Act Contract Conversion and CVP Capital Prepayment:
 - i. Contract execution process;
 - ii. Prepayment financing.
- F. Sustainable Groundwater Management;
- G. Staffing Update:
 - i. Electrician;
 - ii. Accounting Specialist;
 - iii. Maintenance Supervisor.
- H. Grassland Basin Authority;
- I. Other Matters Affecting the District.

At approximately 1:00 p.m., it is anticipated President Bennett will suspend the Panoche Water District meeting and resume a JOINT meeting of the Panoche Water and Drainage Districts at 9:00 a.m., Wednesday, January 13th.

20. JOINT CLOSED SESSION: Conference with Legal Counsel.

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

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. Jeffrey Moore vs. Panoche Water District
U.S. Eastern District Court Case No. 1:20-cv-00143-DAD-EPG
- iv. 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

B. 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: Eight

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

At approximately 10:30 a.m., January 13th, it is anticipated President Bennett will suspend the Panoche Drainage District meeting and continue the Panoche Water District-ONLY meeting.

22. PANOCHÉ WATER DISTRICT-ONLY 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 LABOR NEGOTIATORS

Agency Designated Representative: Ara Azhderian, General Manager

Employee Organization: International Brotherhood of Electrical Workers Local 1245

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: General Manager

23. REPORT FROM PANOCHÉ WATER DISTRICT-ONLY CLOSED SESSION

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

25. FUTURE MEETING DATES

A. Board to Consider Action to Set Special Meeting Date(s): *Staff requests January 26th.*

B. Next Regular Meeting Date: February 9, 2021

26. 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.