

AGENDA

PANOCHÉ DRAINAGE DISTRICT

SPECIAL BOARD OF DIRECTORS MEETING

September 28, 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/141358085>

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 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 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. The Board to review and consider a Resolution adopting the 2021 Assessment Book for the November 9th election of Directors to the District's Board (Azhderian/Williams – Tab 2);
7. The Board to review and consider a Resolution determining that during the proclaimed state of emergency due to the COVID-19 pandemic, meeting in person would present imminent risks to the health or safety of attendees (Azhderian/Williams – Tab 3);
8. **FUTURE MEETING DATES**
 - A. Board to Consider Action to Set Special Meeting Date(s): *No staff request.*
 - B. Next Regular Meeting Date: October 12, 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 by calling (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.

PANOCHÉ DRAINAGE DISTRICT RESOLUTION NO. 794-21

**RESOLUTION OF THE BOARD OF DIRECTORS DETERMINING THAT
THE FRESNO AND MERCED COUNTY ASSESSMENT ROLLS BE USED TO DETERMINE OWNERHIP
AND VALUE OF LANDS FOR PURPOSES OF THE DISTRICT'S GENERAL ELECTION ON
NOVEMBER 9, 2021, AND THAT THE FRESNO AND MERCED COUNTY ASSESSMENT ROLLS BE
CORRECTED TO REFELCT THOSE PERSONS WHO, AS OF SEPTEMBER 25, 2021,
APPEAR AS OWNERS ON THE RECORDS OF THE COUNTY**

WHEREAS, the Panoche Drainage District (the "District") is a California Drainage District duly organized and existing under and pursuant to the Constitution and laws of the State of California and particularly the Drainage District Act of 1903, found at California Water Code Appendix 8; 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 conducts its elections for Directors by Division, there being five Divisions within the District;

WHEREAS, the offices for those Directors elected by Divisions 2, 3, and 4 are up for election at the District's next general election; and

WHEREAS, by Resolution No. 791-2021, the Board of Directors called for a General Election to be held to fill those three positions on November 9, 2021; and

WHEREAS, Water Code Appendix section 8-7 applies to the initial election regarding a drainage district's organization "and in all other elections conducted by districts which have not changed their method of election ... from landowner voting based on the assessed value of land to voting by resident voters"; and

WHEREAS, the District has not changed its method of voting for general elections from landowner voting based on assessed value of land to voting by resident voters; and

WHEREAS, the California Water Code Appendix section 8-7, provides that each qualified property owner "shall be entitled to cast one vote for each one hundred dollars (\$100.00) of assessed valuation or fraction thereof, greater than fifty dollars (\$50), as the same appears to have been assessed on the equalized county assessment roll last preceding the holding of the election[]"; and

WHEREAS, the California Water Code Appendix section 8-7 states that, for purposes of the assessment and for computing the votes to which a particular real property owner is entitled, the District shall use the assessed value of "any real property or the improvements thereon" based on the "last preceding equalized assessment roll of the county in which the land is situated"; and

WHEREAS, the District only lies within Fresno and Merced Counties; and

WHEREAS, therefore, as authorized by the California Water Code Appendix 8, the District shall use the last preceding equalized assessment rolls of Fresno and Merced Counties in order to determine ownership of lands and the votes entitled to each voter within the District for purposes of the general election; and

WHEREAS, the District has reviewed the assessment rolls of both Fresno and Merced Counties and has made any necessary corrections in those assessment rolls in order to reflect actual ownership of lands within the District and in the respective counties.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Board of Directors of the Panoche Drainage District hereby finds and determines the above Recitals are true and correct and are incorporated herein.
2. Each of the respective County’s assessment rolls shall each be corrected to reflect actual ownership of lands within the District and in the respective County as of September 25, 2021.
3. For purposes of tallying votes in accordance with the California Water Code section 35003 for the District’s November 9, 2021, general election, the District shall use the last assessment roll of Fresno and Merced Counties, as corrected in accordance with paragraph 2 above, as evidence of ownership and value of the respective voter’s land.
4. The Secretary of the District and District staff are authorized and directed to take any and all actions necessary to effectuate the purposes of this Resolution and to properly and efficiently conduct the general election pursuant to and in compliance with California Water District law, California Elections law, and the District’s Bylaws.

PASSED AND ADOPTED this 28th day of September, 2021, by the following vote, to wit:

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

John. Bennett, President

Attest: _____
Michael Stearns, Secretary

BACK

PANOCHÉ DRAINAGE DISTRICT RESOLUTION NO. 794-21

RESOLUTION OF THE BOARD OF DIRECTORS PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE PANOCHÉ DRAINAGE DISTRICT THROUGH OCTOBER 28, 2021, PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Panoche Drainage District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Panoche Drainage District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, on March 4th, 2020, Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic and such proclamation has not as of the date of this Resolution been lifted; and

WHEREAS, due to what may be the sensitivity of some members of the public as well as to members of the Board and District staff, the contagious nature of COVID-19, including variants of the virus, and current guidance from federal, state, and local agencies that social distancing reduces the transmission of the virus, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the current status of the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the Proclamation of a State of Emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of Panoche Drainage District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, District notices and agendas shall provide a reasonable means for members of the public to meaningful participate in public meetings of the District; and

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Board of Directors of the Panoche Drainage District hereby finds and determines the above Recitals are true and correct and are incorporated herein.
2. The Board hereby proclaims that a local emergency now exists throughout the District, and meeting in person would present a significant risk to the health and safety of those participating in person.
3. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance on March 4, 2020.
4. The General Manager or his designee and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 28, 2021, or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without strictly complying with certain provisions of the Brown Act due to the ongoing COVID-19 pandemic and resulting State of Emergency.

PASSED AND ADOPTED this 28th day of September, 2021, by the following vote, to wit:

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

 John. Bennett, President

Attest: _____
 Michael Stearns, Secretary

BACK

DRAFT