

AGENDA

PANOCHÉ DRAINAGE DISTRICT

SPECIAL BOARD OF DIRECTORS MEETING

November 23, 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/603119469>

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.

At approximately 9:05 a.m., it is anticipated President Bennett will suspend the Panoche Drainage District meeting and continue the Panoche Water District-ONLY meeting.

At approximately 9:45 a.m., it is anticipated President Bennett will suspend the Panoche Water District meeting and continue the Panoche Drainage District-ONLY meeting.

6. The Board to review and consider adopting a Resolution certifying the results of the 2021 General Election for Directors to serve on the District's Board (Azhderian/Williams/Chagoya – Tab 2);
7. The Board to review and consider adopting a Resolution determining that during the proclaimed state of emergency due to the COVID-19 pandemic, meeting in person would present imminent risk to the health or safety of attendees (Azhderian – Tab 3);
8. **FUTURE MEETING DATES**
 - A. The Board to Set Special Meeting Date(s): *None requested – Happy Thanksgiving everyone.*
 - B. Next Regular Meeting Date: December 14, 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. _____-2021****RESOLUTION OF THE BOARD OF DIRECTORS
CERTIFYING THE 2021 DISTRICT GENERAL ELECTION
AND AUTHORIZING REQUIRED ACTIONS**

WHEREAS, in accordance with Resolution Number 791-21, Panoche Drainage District (the “District”) held its General Election on November 9, 2021, for Divisions 2 and 4 (the “General Election”); and

WHEREAS, the Elections Official has conducted the canvass of the votes of the General Election and has finalized the tally of those votes timely cast; and

WHEREAS, the District Secretary has reviewed the Elections Official’s final report and therefore brings this Resolution forward for the Board’s consideration and adoption.

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

1. The final results of the District’s General Election for Division 2 are:
 - 227,179 votes cast for Mr. Aaron Barcellos; and
 - 73,291 votes cast for Ms. Leyla Mostafavi
2. Mr. Barcellos received the most votes for Division 2. There being one seat up for election for Division 2, Mr. Barcellos shall assume the office of Director of Panoche Drainage District for Division 2 as of noon on Friday, December 3, 2021.
3. The final results of the District’s General Election for Division 4 are:
 - 171,421 votes cast for Mr. Beau Correia; and
 - 37,041 votes cast for Mr. Roman Echeveste; and
 - 0 votes cast for Mr. William Gleason; and
 - 79,683 votes cast for Mr. Michael Stearns.
4. Mr. Correia received the most votes for Division 4. There being one seat up for election for Division 4, Mr. Correia shall assume the office of Director of Panoche Drainage District for Division 4 as of noon on Friday, December 3, 2021.
5. The Secretary of the District and District staff are authorized and directed to take any and all actions necessary in order to fulfill the purposes of this Resolution

pursuant to and in compliance with California Drainage District law, California Elections law, and the District’s Bylaws.

PASSED AND ADOPTED this 23rd day of November, 2021, by the following vote,
to wit:

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

BACK

John. Bennett, President
Panoche Water District

Attest:

Michael Stearns, Secretary

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

I, Michael Stearns, 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 23rd day of November, 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 23rd day of November, 2021.

MICHAEL STEARNS
Secretary of Panoche Water District

PANOCHÉ DRAINAGE DISTRICT RESOLUTION NO. XXX-21

**A RESOLUTION OF THE BOARD OF DIRECTORS PROCLAIMING A LOCAL EMERGENCY,
RATIFYING THE MARCH 4, 2020, PROCLAMATION OF A STATE OF EMERGENCY BY
GOVERNOR NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE
LEGISLATIVE BODIES OF PANOCHÉ DRAINAGE DISTRICT THROUGH DECEMBER 31, 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 by this reference.
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 on December 13, 2021, and shall be effective until the earlier of (i) December 31, 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 _____ day of November 2021, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

Ayes:
Nays:
Abstain:
Absent:

BACK

John Bennett, President

Attest: _____
Michael Stearns, Secretary

DRAFT

**CERTIFICATE OF SECRETARY
OF
PANOCHÉ DRAINAGE DISTRICT,
A California Drainage District**

I, Michael Stearns, do hereby certify that I am the duly authorized and appointed Secretary of the Panoche Drainage District, a California Drainage 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 _____ day of November 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 _____ day of November 2021.

MICHAEL STEARNS, Secretary