

**AGENDA**  
**PANOCHÉ DRAINAGE DISTRICT**  
**REGULAR BOARD OF DIRECTORS MEETING**  
**December 13, 2022 – 9:00 a.m.**

**PURSUANT TO AB 361, THE OPEN SESSION OF THIS MEETING MAY BE JOINED  
FROM YOUR COMPUTER, TABLET OR SMARTPHONE THROUGH THE FOLLOWING MEANS:**

<https://meet.goto.com/280300237>

**AND PLEASE DIAL**

**Conference call in number: (866) 705-2554    Passcode: 148 890**

**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. DETERMINATION:** 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 risk to the health or safety of attendees (Azhderian – Tab 2);

**3. 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.

**4. 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.

**5. 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]

**6. 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.

## **7. 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):

- Approving DRAFT minutes from the November 08, 2022, regular meeting of the Board;
- Accepting the monthly financial statements for the period ending November 30, 2022.

## **ACTION ITEMS**

8. The Board to review and consider Officer’s appointments following the retirement of Director John Bennett (Azhderian – Tab 4);
9. The Board to review and consider adopting a Resolution designating authorized signatories to the District’s Mechanics Bank accounts (Azhderian – Tab 5);
10. The Board to review and consider approving the accounts payable (Azhderian – Tab 6).

## **REPORT ITEMS**

11. **FINANCIAL REPORTS** (Tab 7)
  - A. FYE 2023 Budget-to-Actual Report;
  - B. Other financial matters affecting the District.
12. **DRAINAGE MANAGEMENT REPORT** (Tab 8)
  - A. San Joaquin River Improvement Project;
  - B. Grassland Bypass Project;
  - C. Storm Water Management Water Quality Report;
  - D. Other Drainage Related Matters Affecting the District.
13. **GENERAL MANAGER’S REPORT** (Tab 9)
  - A. Prop 84 Grant for Westside Regional Drainage Plan:
    - i. Tile Sump SCADA Project;
    - ii. Land Acquisition;
    - iii. Stormwater Regulating Basins Expansion;
    - iv. Land Development;
    - v. Conveyance Optimization.
  - B. Annexation;
  - C. Other Matters Affecting the District.

**14. DIVISION REPORTS:**

- A. Water Operations & Maintenance – Juan Cadena
- B. Administration – Ara Azhderian
- C. Ethics, Compliance, & Human Resources – Lorena Chagoya

**15. 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: Ten

**16. REPORT FROM JOINT CLOSED SESSION (GOVERNMENT CODE SECTION 54957.1)****17. REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)****18. FUTURE MEETING DATES**

- A. Board to Consider Action to Set Special Meeting Date(s): *None Requested – Merry Christmas!*
- B. Next Regular Meeting Date: January 10, 2023.

**19. 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. 822-22**

### **A RESOLUTION OF THE BOARD OF DIRECTORS PROCLAIMING A LOCAL EMERGENCY, RATIFYING GOVERNOR NEWSOM’S MARCH 4, 2020, PROCLAMATION OF A STATE OF EMERGENCY, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF PANOCHÉ DRAINAGE DISTRICT THROUGH JANUARY 12, 2023 PURSUANT TO BROWN ACT PROVISIONS**

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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 4<sup>th</sup>, 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.

**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, 2022, and shall be effective until the earlier of (i) January 12, 2022, 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 13<sup>th</sup> day of December 2022, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

Ayes:  
Nays:  
Abstain:  
Absent:

\_\_\_\_\_  
\_\_\_\_\_, President

Attest: \_\_\_\_\_  
Steve Fausone, Secretary

DRAFT

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

I, Steve Fausone, 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 foregoing 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 13<sup>th</sup> day of December 2022; 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 December 2022.

\_\_\_\_\_  
Steve Fausone, Secretary

DRAFT





## MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Rebecca Akroyd, General Counsel

DATE: October 6, 2022

RE: Changes to the Brown Act Resulting from Enactment of AB 2449

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On September 12, 2022, Governor Newsom signed Assembly Bill 2449 (“AB 2449”<sup>1</sup>) into law, amending certain portions of the Ralph M. Brown Act (“Brown Act”) relating to teleconference participation by members of legislative bodies in public meetings. The changes are effective January 1, 2023, and facilitate teleconference participation in the absence of a state of emergency. This memorandum summarizes key provisions of changes in the law due to AB 2449.

### ANALYSIS

#### 1. Traditional Teleconference Rules

Government Code section 54953 includes various requirements for members of a legislative body participating in public meetings through teleconference. “Traditional” teleconference rules require (1) posting meeting agendas at all teleconference locations; (2) identifying all teleconference locations in the notice and agenda; and (3) making each teleconference location accessible to the public. (Gov. Code, § 54953(b).)

#### 2. Changes to the Brown Act in Response to the COVID-19 Emergency

In 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 (clarified by Executive Order N-56-20), which suspended certain public meeting requirements of the Brown Act, and authorized local legislative bodies to hold public meetings through teleconferencing without complying with traditional notice and accessibility requirements. The orders also suspended the teleconference participation requirement that at least a quorum of the members of the legislative body must participate within the boundaries of the jurisdiction of the public agency. Executive Order N-08-21, issued June 11, 2021, extended the provisions of N-29-20 until September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 into law, which extends the relaxed Brown Act teleconference rules for public meetings initially put into place by Executive Order through December 31, 2023. AB 361 allows public agencies to continue to hold telephonic and

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<sup>1</sup> Available at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2449](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2449).

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virtual public meetings using the COVID-19 pandemic rules **so long as specific emergencies exist**. If an agency does not make required ratifications and findings, it is subject to the otherwise applicable traditional teleconference rules.

The Water Authority Board of Directors last adopted a Resolution re-ratifying the Governor's proclamation of a state of emergency, proclaiming the state of emergency continues to directly impact the ability of members of the legislative bodies of the Water Authority to meet safely in person, and re-authorizing remote teleconference meetings for such legislative bodies on March 10, 2022, via Resolution No. 2022-505. Since the expiration of such authorization on April 9, 2022, members of the Water Authority's legislative bodies have been required to participate in Board and committee meetings in person, or via teleconference following compliance with traditional teleconference rules.

### 3. AB 2449 Changes

**Effective January 1, 2023, AB 2449 provides a new opportunity for less than a majority of a legislative body to attend a meeting via teleconference under certain conditions when the majority (a quorum) of the legislative body participates from a single physical location open to the public.**

**To take advantage of this new opportunity, the legislative body must provide either a "two-way audiovisual platform" or a "two-way telephonic service and a live webcasting of the meeting"<sup>2</sup> as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body." (Gov. Code, § 54953(f)(1)(A).) Agendas must include an opportunity for all persons to attend and address the legislative body directly "via a call-in option, via an internet-based service option, and at the in-person location of the meeting." (Gov. Code, § 54953(f)(1)(C).)<sup>3</sup>**

**A member of the legislative body is authorized to participate remotely pursuant to Government Code section 54953(f) under two specific circumstances:**

- (1) **Just Cause:** The member notifies the legislative body at the earliest possible opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely

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<sup>2</sup> While the Water Authority currently provides a two-way telephonic service, it does not provide live webcasting of meetings, and will need to obtain the necessary equipment if it wishes to allow members to participate remotely for just cause or under emergency circumstances.

<sup>3</sup> If there is a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, the legislative body cannot take any "further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored." (Gov. Code, § 54953(f)(1)(D).) Actions taking during a disruption are subject to challenge.

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at the given meeting. A member of the legislative body may not use the provisions of this clause for more than two meetings per calendar year.

“Just Cause” is defined as any of the following circumstances:

- (a) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- (b) A contagious illness that prevents a member from attending in person;
- (c) A need related to a physical or mental disability; or
- (d) Travel while on official business of the legislative body or another state or local agency.

(2) **Emergency Circumstances:** The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person. The legislative body must request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and does not require the member to disclose any medical diagnoses or disability, or any personal medical information that is already exempt under existing law. For the purposes of this clause, the following requirements apply:

- (a) A member must make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member must make a separate request for each meeting in which they seek to participate remotely.
- (b) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting of which the request is made, the legislative body may take action by majority vote on the emergency circumstances request at the beginning of the meeting.

Any member participating remotely because of just cause or emergency circumstances must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals. In addition, **the member must participate through both audio and visual technology.** The provisions of Government Code section 54953(f) do not permit a member to participate solely via teleconference for a period more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year.

**The provisions of AB 2449 will remain in effect until January 1, 2026.**

BACK



# Governor Newsom to End the COVID-19 State of Emergency

Published: Oct 17, 2022

*California's pandemic response saved tens of thousands of lives, protected the economy, distributed nation-leading financial assistance and built up an unprecedented public health infrastructure*

The SMARTER Plan will maintain California's operational preparedness to support communities and quickly respond to outbreaks

SACRAMENTO – Today, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, charting the path to phasing out one of the most effective and necessary tools that California has used to combat COVID-19. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards.

With hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts, California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation. As the State of Emergency is phased out, the SMARTER Plan continues to guide California's strategy to best protect people from COVID-19.

## [SMARTER Plan progress update](#)

“Throughout the pandemic, we've been guided by the science and data – moving quickly and strategically to save lives. The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it,” said Governor Newsom. “With the operational preparedness that we've built up and the measures that we'll continue to employ moving forward, California is ready to phase out this tool.”

To maintain California's COVID-19 laboratory testing and therapeutics treatment capacity, the Newsom Administration will be seeking two statutory changes immediately upon the Legislature's return: 1) The continued ability of nurses to dispense COVID-19 therapeutics; and 2) The continued ability of laboratory workers to solely process COVID-19 tests.

“California's response to the COVID-19 pandemic has prepared us for whatever comes next. As we move into this next phase, the infrastructure and processes we've invested in and built up will provide us the tools to manage any ups and downs in the future,” said Secretary of the California Health & Human Services Agency, Dr. Mark Ghaly. “While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation.”

Throughout the pandemic, Governor Newsom, the Legislature and state agencies have been guided by the science and data to best protect Californians and save lives – with a focus on those facing the greatest social and health inequities – remaining nimble to adapt mitigation efforts along the way as we learned more about COVID-19. The state's efforts to support Californians resulted in:

- Administration of 81 million vaccinations, distribution of a billion units of PPE throughout the state and processing of 186 million tests.
- Allocation of billions of dollars to support hospitals, community organizations, frontline workers, schools and more throughout the pandemic.
- The nation's largest stimulus programs to support people hardest hit by the pandemic – \$18.5 billion for direct payments to Californians, \$8 billion for rent relief, \$10 billion for small business grants and tax relief, \$2.8 billion to help with overdue utility bills, and more.

California's pandemic response efforts have saved tens of thousands of lives, kept people out of the hospital and protected the economy:

- California's [death rate](#) is the lowest amongst large states. If California had Texas' death rate, 27,000 more people would have died here. If California had Florida's rate, that figure jumps to approximately 56,000 more deaths.
- In only the first ten months of vaccines being available, a study showed that California's efforts [saved 20,000 lives](#), kept 73,000 people out of the hospital and prevented 1.5 million infections.
- California's actions during the pandemic protected the economy and the state continues to lead the nation in creating jobs and new business starts:
  - [“‘Lockdown’ states like California did better economically than ‘looser’ states like Florida, new COVID data shows,”](#) with **California's economy having contracted less** than such states – economic output shrank 3.5% on average for the U.S., compared with 2.8% for California.
  - Since February 2021, **California has created 1,628,300 new jobs** – over 16% of the nation's jobs, by far more than any other state. By comparison, Texas created 1,133,200 jobs (11.3% of the nation's) and Florida created 787,600 jobs (7.9% of the nation's) in that same timeframe.
  - Since the beginning of 2019, data from the [Bureau of Labor Statistics](#) shows that **over 569,000 businesses started in California**, by far more than any other state.

###

**PANOCHÉ DRAINAGE DISTRICT MEETING MINUTES  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
November 08, 2022, at 9:00 A.M.**

A regular meeting of the Board of Directors was held in accordance with District Resolution 820-22 proclaiming a local emergency due to the COVID-19 pandemic and authorizing the District’s legislative body to hold meetings by web and teleconference, and to make meetings accessible to the public electronically, pursuant to Assembly Bill 361. Those present at the meeting were:

- Directors Present: John Bennett, President  
Michael Linneman, Vice-President  
Steve Fausone, Secretary  
Aaron Barcellos, Director
- Directors Absent: Beau Correia, Director
- District Staff Present: Ara Azhderian, General Manager  
Juan Cadena, Water Resources Manager  
Lorena Chagoya, Ethics & Compliance Officer
- Others Present: Philip Williams, General Counsel

**ANNOUNCEMENT PURSUANT TO GOVERNMENT CODE SECTION 54952.3**

Pursuant to the Brown Act, President Bennett announced that Directors do not receive compensation or a stipend for simultaneous or serial order meetings of Panoche Water District, Panoche Drainage District, Panoche Financing Authority, and/or the Panoche Resource Conservation District.

**CALL TO ORDER**

President Bennett called the regular meeting to order at 9:00 a.m.

**REVIEW OF AGENDA**

There were no changes to the Agenda.

**ROLL CALL**

A quorum of the Board and presence of the District’s Officers were confirmed.

**POTENTIAL CONFLICTS OF INTEREST**

No conflicts were reported.

**PUBLIC COMMENT**

General Manager Azhderian noted this would be the last regular meeting of the Board for President Bennett following his decision to retire at the end of his current term on December 2, 2022. The other Board members expressed their appreciation for John’s long and dedicated service and wished him well in his future pursuits.

**CONSENT CALENDAR**

General Manager Azhderian presented the Board with the Consent Calendar items, which included a Resolution extending remote teleconference meetings through December 8<sup>th</sup> due to the COVID pandemic; and the monthly financial statements for the period ending October 31, 2022. After consideration, on a motion by Director Linneman, seconded by Director Fausone, the Board accepted the Consent Calendar as presented.

The vote on the matter was as follows:

Ayes:	Bennett, Linneman, Fausone, Barcellos
Nays:	None
Abstain:	None
Absent:	Correia

**THE BOARD TO REVIEW AND CONSIDER REVISING THE DRAINAGE SERVICE FEE FOR THE SAN JOAQUIN RIVER IMPROVEMENT PROJECT LANDS IRRIGATED AND MAINTAINED BY THE GRASSLAND BASIN AUTHORITY**

General Manager Azhderian requested the Board consider revising the Drainage Service Fee for lands used for the SJRIP. He explained that following Board discussion on the matter earlier in the year, staff has been working with Summers Engineering, the San Luis & Delta-Mendota Water Authority, and the Grassland Basin Authority to review and reconcile the billable acreages as part of the annexation process. In the meantime, Azhderian reported that he and the Grassland Basin Authority General Manager, Palmer McCoy, had met to review the outstanding Drainage Service Fee billings applicable to lands used for the SJRIP and agreed that it made sense for the District to no longer bill the GBA for the District's Operations & Maintenance costs as those are now administered through the GBA budget. They also agreed it was appropriate for the District to continue billing for the Grassland Bypass Project, SJRIP, and District administrative costs, Azhderian said. He requested the Board accept the recommendation of the general managers and authorize the rate adjustment. After consideration, on a motion by Director Fausone, seconded by Director Linneman, the Board accepted the recommendation as presented.

The vote on the matter was as follows:

Ayes:	Bennett, Linneman, Fausone, Barcellos
Nays:	None
Abstain:	None
Absent:	Correia

**THE BOARD TO REVIEW AND CONSIDER ACCEPTING THE TREASURER'S QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2022**

General Manager Azhderian presented the Board the Treasurer's Report. He reported on the status of the District's investment balances and stated that the District's financial portfolio was in compliance with its Statement of Investment Policy. Lastly, he said it is expected the District will be able to meet its expenditure requirements for the next six months based on projected revenue from Drainage Service Fees, reimbursement for services from other agencies, and application of Fresno County property tax receipts. After consideration, on a motion by Director Linneman, seconded by Director Fausone, the Board accepted the Treasurer's Report as presented.

The vote on the matter was as follows:

Ayes:	Bennett, Linneman, Fausone, Barcellos
Nays:	None



Abstain: None  
Absent: Correia

### **THE BOARD TO REVIEW AND CONSIDER APPROVING PAYMENT OF BILLS**

General Manager Azhderian presented the Board with the District's accounts payable. After consideration, on a motion by Director Fausone, seconded by Director Linneman, the Board approved payment of the bills as presented.

The vote on the matter was as follows:

Ayes: Bennett, Linneman, Fausone, Barcellos  
Nays: None  
Abstain: None  
Absent: Correia

### **FINANCIAL REPORTS**

General Manager Azhderian presented the Board the Budget-to-Actual report.

### **DRAINAGE MANAGEMENT REPORT**

No report was given.

### **GENERAL MANAGER'S REPORT**

General Manager Azhderian reported on the coming of a new regulatory drinking water replacement program related to the Regional Water Quality Control Board's Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) effort. He said the Regional Board had adopted a Basin Plan Amendment in 2018 implementing nitrate and salinity control programs and established "priority zones", which affect the timing of plan implementation. The District sits in a "Priority 2 Zone", which is expected to be required to begin complying with the new programs in mid-2023, after a Notice to Comply is received from the Regional Board, he said. The District's compliance with the program is administered both by the San Luis & Delta-Mendota Water Authority, for District lands located in the Grassland Drainage Area, and the San Joaquin Valley Drainage Authority, for District lands located outside of the GDA.

Azhderian said that part of the nitrate control program is a drinking water replacement program for residents dependent upon domestic wells that might exceed nitrate standards for drinking water. He explained that whatever agency becomes the responsible administrator of the nitrate control management zone, it will need to begin identifying domestic wells, test domestic wells for nitrates, provide replacement drinking water to residents whose wells exceed the nitrate standards, develop program funding mechanisms, coordinate with other local, regional, and state agencies, and engage the community through an outreach and education program. Azhderian noted the nexus between this new program and existing irrigated lands and groundwater sustainability programs are the wells and that the District has, through its administrative partners, already invested significantly to develop well data and land ownership information. He recommended the District work with its neighbors and the existing programs to identify a coordinated approach toward leveraging the existing work to reduce future costs and improve implementation efficiency. The Board concurred and directed staff to work with the others to develop recommendations for implementation of the anticipated drinking water replacement program.

### **DIVISION REPORTS**

No reports were given.

*At approximately 9:36 a.m., President Bennett suspended the Drainage District meeting and called the Water District Board to order.*

**PANOCHÉ WATER & DRAINAGE DISTRICTS' JOINT CLOSED SESSION**

General Counsel Williams announced that the Panoche Water and Drainage Districts Boards would meet jointly in closed session for a conference with legal counsel on anticipated litigation pursuant to Government Code Section 54956.9, Subdivision (d), Paragraphs (2) or (3).

*At approximately 11:02 a.m., President Bennett called the joint closed session to order.*

*At approximately 11:10 a.m., President Bennett adjourned the joint closed session.*

**JOINT CLOSED SESSION REPORT**

General Counsel Williams reported the Boards met jointly with legal counsel in closed session and took no reportable action.

**REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(A)(3)**

No reports were given.

**FUTURE MEETING DATES**

The next regular meeting of the Board was scheduled for December 13, 2022, at 9:00 a.m.

**ADJOURNMENT**

With no further business on the agenda, President Bennett adjourned the meeting at 11:11 a.m.

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John Bennett, President

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Steve Fausone, Secretary




<b>PANOCHÉ DRAINAGE DISTRICT</b>		
<b>TREASURER'S MONTHLY FINANCIAL REPORT</b>		
<b>BALANCE SHEET-CURRENT ASSETS &amp; LIABILITIES</b>		
<b>DATE AS OF</b>	<b><u>November 30, 2022</u></b>	<b><u>October 31, 2022</u></b>
<b><u>CURRENT LIABILITIES</u></b>		
ACCOUNTS PAYABLE	\$325,550	\$1,016,765
NOTE PAYABLE - PWD	\$36,105	\$48,080
CUSTOMER PREPAYMENTS	-	-
<b>TOTAL CURRENT LIABILITIES</b>	<b>\$361,655</b>	<b>\$1,064,845</b>
<b><u>CASH AND INVESTMENT ACCOUNTS</u></b>		
CHECKING ACCOUNT	\$678,697	\$562,787
FRESNO COUNTY FUNDS	\$287,399	\$287,399
PROP 84 CHECKING	\$30,631	\$33,589
LAIF ACCOUNT	\$185,179	\$185,179
<b>TOTAL CASH AND INVESTMENTS</b>	<b>\$1,181,905</b>	<b>\$1,068,953</b>
<b><u>ACCOUNTS RECEIVABLES</u></b>		
DRAINAGE SERVICE CHARGES	\$174,462	\$722,189
OTHER RECEIVABLES	-	-
DELINQUENT ACCOUNT CHARGES	\$235,548	\$235,701
CASH ADVANCE - PROP 84	-	-
<b>TOTAL ACCOUNTS RECEIVABLES</b>	<b>\$410,010</b>	<b>\$957,890</b>
<b>TOTAL CURRENT UNAUDITED ASSETS</b>	<b>\$1,591,915</b>	<b>\$2,026,843</b>
<b>NET CURRENT UNAUDITED ASSETS (NET CASH POSITION)</b>	<b>\$1,230,260</b>	<b>\$961,998</b>

	<b>Beginning Balance</b>	<b>Debit</b>	<b>Credit</b>	<b>Net Change</b>	<b>Ending Balance</b>
1311-000					
FRESNO COUNTY CASH ACCOUNT	152,667.51	136,305.45	1,574.26	134,731.19	287,398.70
1311-600					
MECHANIC CKNG#*****0066	165,528.95	3,501,817.18	2,988,649.37	513,167.81	678,696.76
1312-010					
MECHANIC-PROP 84 CK ACCT#*****6000	388,252.02	1,533,673.72	1,891,295.12	357,621.40-	30,630.62
1313-000					
L. A. I. F.	283,957.40	1,444.96	100,223.76	98,778.80-	185,178.60
<b>Report Total:</b>	<b>990,405.88</b>	<b>5,173,241.31</b>	<b>4,981,742.51</b>	<b>191,498.80</b>	<b>1,181,904.68</b>

RETURN SERVICE REQUESTED

PANOCHÉ DRAINAGE DISTRICT  
 PDD CHECKING  
 52027 W ALTHEA AVE  
 FIREBAUGH CA 93622-9401

**Managing Your Accounts**

-  Client Services 800.797.6324
-  Online [www.mechanicsbank.com](http://www.mechanicsbank.com)
-  Mobile Download Our Mobile Apps



**BUSINESS LINE OF CREDIT  
 UP TO \$100,000**

**Prime +0%**  
APR

LIMITED TIME OFFER  
[www.MechanicsBank.com/GrowIt](http://www.MechanicsBank.com/GrowIt)

All loans and credit products subject to program eligibility, collateral, underwriting approval and credit approval. Offer is for new lines of credit and does not apply to renewing lines of credit. Subject to change or cancellation without notice. Offer is effective as of 3/17/2022 and subject to change or cancellation without notice. Prime Rate is defined as "the Prime Rate as published daily in the Money Rates section of the Wall Street Journal." For the current Prime Rate, talk to a banker or visit <https://www.wsj.com/market-data/bonds/moneyrates>.

**WATCH OUT FOR GRANDPARENT SCAMS**

Criminals pose as a relative (usually a child or a grandchild) claiming to be in some kind of trouble that requires immediate financial support. **Learn how to spot this scam at [www.MechanicsBank.com/Security](http://www.MechanicsBank.com/Security).**




**Summary of Accounts**

Account Type	Account Number	Ending Balance
PUBLIC CHECKING	XXXXXXXX0066	\$678,696.76

RETURN SERVICE REQUESTED

PANOCHÉ DRAINAGE DISTRICT  
 PROP 84 NO 4600012787  
 52027 W ALTHEA AVE  
 FIREBAUGH CA 93622-9401

**Managing Your Accounts**

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**Summary of Accounts**

Account Type	Account Number	Ending Balance
PUBLIC CHECKING	XXXXXXXX6000	\$47,010.62

<b>PANOCHÉ DRAINAGE DISTRICT</b>					
<b>AGED ACCOUNTS RECEIVABLE, BY DUE DATE</b>					
<b>As of 11/30/2022</b>					
	<b>Name</b>	<b>31-60 Days</b>	<b>61-90 Days</b>	<b>Over 90 Days</b>	<b>Total A/R</b>
	B & C Farms, c/o Francisco & Romelia Nunez	157.43	157.43	23,517.56	23,832.42
	Carbajal, Sylvia	-	-	4,698.13	4,698.13
	Cecilia Echeveste Survivor's Trust	196.82	196.82	24,033.49	24,427.13
	Imperial Merchants USA, LLC	162.96	162.96	20,422.10	20,748.02
	McGrath, Mary K.	-	-	11,265.03	11,265.03
	Olam West Coast, Inc.	188.57	188.57	23,888.05	24,265.19
	Panoche Drainage District	-	-	39,185.22	39,185.22
	PDD/Maverick	-	-	87,127.08	87,127.08
	<b>Total:</b>	<b>705.78</b>	<b>705.78</b>	<b>234,136.66</b>	<b>\$ 235,548.22</b>

BACK





# PANOCHÉ DRAINAGE DISTRICT

52027 West Althea Ave, Firebaugh, CA 93622 – (209) 364-6136 – panochedrainage.specialdistrict.org



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## BOARD MEETING MEMORANDUM

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**TO:** BOARD OF DIRECTORS

**FROM:** ARA AZHDERIAN, GENERAL MANAGER

**SUBJECT:** AGENDA ITEM 7  
SELECTION OF DISTRICT OFFICERS

**DATE:** DECEMBER 13, 2022

**CC:** LORENA CHAGOYA, ETHICS & COMPLIANCE OFFICER

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Recommendation: The Board consider appointment of Officers following the retirement of Director John Bennett.

Current District Officers:

President: Vacant

Vice-President: Michael Linneman

Secretary: Steve Fausone

Treasurer: Marlene Brazil

New District Officers:

President: \_\_\_\_\_

Vice-President: \_\_\_\_\_

Secretary: \_\_\_\_\_

Treasurer: \_\_\_\_\_



# **PANOCHÉ DRAINAGE DISTRICT**

## **RESOLUTION NO. 823-22**

### **A RESOLUTION DESIGNATING AUTHORIZED SIGNATORIES TO THE DISTRICT'S MECHANICS BANK ACCOUNTS TO EXECUTE BANKING TRANSACTIONS SIGN CHECKS, MAKE ACCOUNTS TRANSFERS, AND WIRE TRANSFERS AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

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#### **RECITALS**

WHEREAS, Director John Bennett announced his retirement from the District's Board of Directors effective December 2, 2022; and

WHEREAS, on June 22, 2022, the District's Board of Directors adopted Resolution 811-22 calling for a General Election on November 8, 2022, and calling for Declarations of Candidacy to be submitted to the District no later than 5:00 p.m., August 12, 2022; and

WHEREAS, as of 5:00 p.m., August 12, 2022, only two individuals, Messrs. Michael Linneman and Wayne Western, had declared candidacy for the two seats up for election thereby negating the need for an election; and

WHEREAS, effective December 2, 2022, Messrs. Michael Linneman and Wayne Western assumed their positions as Directors of the District; and

WHEREAS, the Board desires to update the names and positions authorized to execute checks drawn on the District's Mechanics Bank accounts, as well as those authorized to engage in wire transfers and other banking transactions, including but not limited to online banking, and to provide for execution of any additional agreements required to update the District's accounts.

WHEREAS, the Board declares that the following are no longer authorized to execute checks, engage in wire transfers, and/or undertake any other banking transactions, effective immediately, and shall be removed from the District's accounts:

John Bennett, Former Director; and

WHEREAS, the Board declares that the following are hereby authorized to execute checks, engage in wire transfers, and/or undertake any other banking transactions, effective immediately, and shall be confirmed or added to the District's accounts:

Michael Linneman, Director  
Wayne Western, Director

**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 General Manager, or his designee, is hereby authorized to execute and deliver such agreements, documents and other instruments, and to perform such other acts as may be required by Mechanics Bank to recognize persons authorized to execute checks, engage in wire transfers, and/or undertake any other banking transactions on behalf of the District.
3. Insofar as Mechanics Bank requires a specific form of resolution in order to carry out the actions of this Resolution, such resolution as may be required is deemed to be hereby incorporated by this reference into this Resolution, as though fully set forth herein.

PASSED AND ADOPTED this 13<sup>th</sup> day of December 2022, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

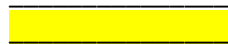
Ayes:

Nays:

Abstain:

Absent:

BACK

\_\_\_\_\_  
, President

Attest: \_\_\_\_\_  
Steve Fausone, Secretary

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

I, Steve Fausone, 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 foregoing 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 13<sup>th</sup> day of December 2022; 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 December 2022.

\_\_\_\_\_  
Steve Fausone, Secretary



PANOCHÉ DRAINAGE DISTRICT				
ACCOUNTS PAYABLE LIST				
PAYMENTS RUN FROM 11/9/2022 TO 12/13/2022				
DATE	CHECK NUMBER	VENDOR	AMOUNT	MEMO
11/22/2022	7060	GRASSLAND BASIN AUTHORITY	\$ 588,490.55	22/23 PARTICIPANTS 2ND INSTALLMENT \$ 588,465.00 & REPAY FOR PG&E ACCOUNT CLOSURE MADE OUT TO PDD \$ 25.55
11/22/2022	7061	PACIFIC GAS & ELECTRIC	\$ 1,420.83	ELECTRICAL POWER
12/13/2022	7062	ACWA/JPIA	\$ 2,139.00	10/1/2022-9/30/2023 AUTO & GENERAL LIABILITY INSURANCE
12/13/2022	7063	SUMMERS ENGINEERING	\$ 567.73	ANNEXATION & GENERAL ENGINEERING SERVICE
12/13/2022	7064	STREAMLINE	\$ 5,400.00	ANNUAL WEBSITE FEE
11/9/2022	W00000582	SLDM WATER AUTHORITY	\$ 106,181.25	FY23 2ND INSTALL MEMBERSHIP DUES (3RD PYMT)
11/23/2022	W00000584	WELTY WEAVER & CURRIE	\$ 3,300.01	OCTOBER 22 LEGAL SERVICE
		<b>TOTAL</b>	<b>\$ 707,499.37</b>	
PANOCHÉ DRAINAGE DISTRICT/PROP 84				
ACCOUNTS PAYABLE LIST				
PAYMENTS RUN FROM 11/9/2022 TO 12/13/2022				
DATE	CHECK NUMBER	VENDOR	AMOUNT	MEMO
11/27/2022	10152	HOLT OF CALIFORNIA	\$ 2,958.00	ROLLER RENTAL - SITE A TO RUSSELL
12/13/2022	10153	DIEPENBROCK ELKIN GLEASON LLP	\$ 32.93	SEPT EMBER 2022 LEGAL SERVICES
12/13/2022	10154	FENNEMORE DOWLING AARON	\$ 147.00	SEPTEMBER 2022 LEGAL SERVICES
12/13/2022	10155	HOLT OF CALIFORNIA	\$ 619.46	MINI EXCAVATOR RENTAL W/ AUGER - RUSSELL TO SITE A GATE
12/13/2022	10156	PACIFIC GAS & ELECTRIC	\$ 3,500.00	ELECTRICAL POWER
		<b>TOTAL</b>	<b>\$ 7,257.39</b>	



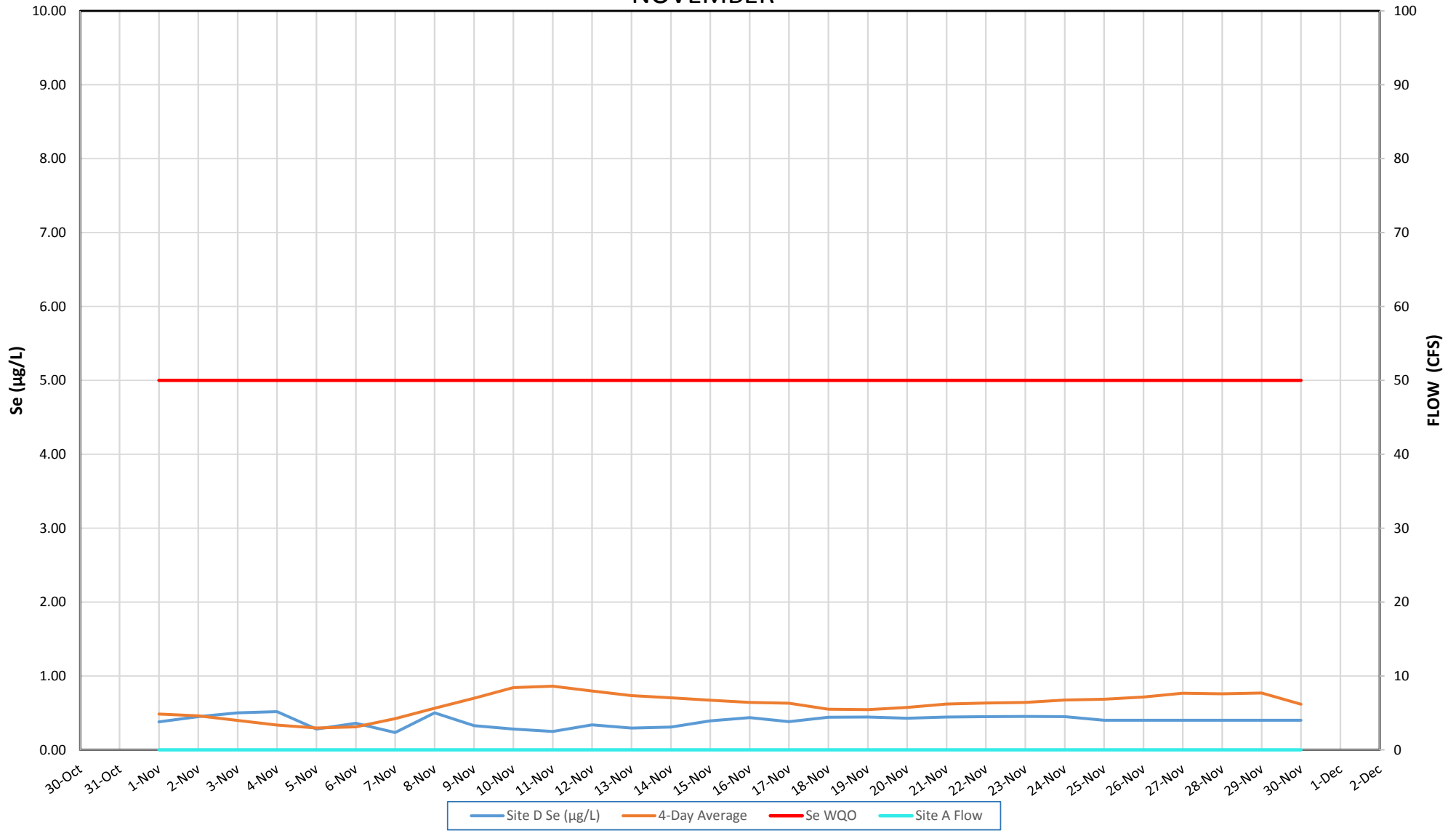


<b>PANOCHÉ DRAINAGE DISTRICT</b>				
<b>FYE 2023 BUDGET (March 1, 2022 - February 28, 2023) - Adopted April 12, 2022</b>				
<b>March thru November - 75%</b>	<b>Budget</b>	<b>Actual</b>	<b>Remaining</b>	
<b>OPERATING REVENUES</b>				
Drainage Service Fee	\$ 2,773,567	\$ 3,463,988	\$ (690,421)	125%
Fresno County Property Tax	\$ 240,000	\$ 134,731	\$ 105,269	56%
SLDMWA Reimbursement	\$ 223,000	\$ 61,365	\$ 161,635	28%
Other Revenues	\$ 74,500	\$ 6,762	\$ 67,738	9%
<b>TOTAL REVENUES</b>	<b>\$ 3,311,067</b>	<b>\$ 3,666,846</b>	<b>\$ (355,779)</b>	<b>111%</b>
<b>OPERATING EXPENSES</b>				
San Joaquin River Improvement Proj	\$ 1,176,930	\$ 1,176,930	\$ -	100%
Grassland Bypass Project	\$ 1,274,175	\$ 1,274,175	\$ -	100%
San Luis Drain Maintenance	\$ 223,000	\$ 62,652	\$ 160,348	28%
Irrigated Lands Program	\$ 203,462	\$ 203,462	\$ -	100%
Professional Fees	\$ 145,000	\$ 110,984	\$ 34,016	77%
Labor - Field	\$ 105,000	\$ 66,115	\$ 38,885	63%
Mercy Springs WD/SGMA	\$ 28,000	\$ -	\$ 28,000	0%
Labor - Admin	\$ 75,000	\$ 25,369	\$ 49,631	34%
General Overhead	\$ 32,000	\$ 58,911	\$ (26,911)	184%
Interest	\$ 15,000	\$ 8,221	\$ 6,779	55%
Energy	\$ 13,000	\$ 9,365	\$ 3,635	72%
Herbicides	\$ 12,000	\$ 11,907	\$ 93	99%
Water Quality Monitoring	\$ 3,500	\$ 1,504	\$ 1,996	43%
Repairs & Maintenance	\$ 140,000	\$ 58,481	\$ 81,519	42%
<b>TOTAL EXPENSES</b>	<b>\$ 3,446,067</b>	<b>\$ 3,068,076</b>	<b>\$ 377,991</b>	<b>89%</b>
<b>INCOME/(LOSS)</b>				
		\$ 598,770		

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### Mud Slough Water Quality - 2022 NOVEMBER



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