

**AGENDA**  
**PANOCHÉ DRAINAGE DISTRICT**  
**REGULAR BOARD OF DIRECTORS MEETING**  
**October 11, 2022 – 9:00 a.m.**

**CONSISTENT WITH RESOLUTION NO. 818-22 PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE BOARD MEETINGS THROUGH OCTOBER 13, 2022, 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/212759045>

**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. 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. 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 2):

- 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;
- Approving DRAFT minutes from the August 09, 2022, regular meeting of the Board;
- Accepting the monthly financial statements for the period ending September 30, 2022.

## ACTION ITEMS

7. The Board to review and consider authorizing an increase to the Repair & Maintenance Budget to replace the Sabatte Drain pipeline crossing at the Delta-Mendota Canal and to account for unbudgeted equipment usage (Azhderian/Carlucci – Tab 3);
8. The Board to review and consider approving the accounts payable (Azhderian – Tab 4).

## REPORT ITEMS

9. **FINANCIAL REPORTS** (Tab 5)
  - A. FYE 2023 Budget-to-Actual Report;
  - B. Federal Status Report Declaration of Richard A. Welsh;
  - C. Other financial matters affecting the District.
10. **DRAINAGE MANAGEMENT REPORT** (Tab 6)
  - 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.
11. **GENERAL MANAGER’S REPORT** (Tab 7)
  - 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.

**12. DIVISION REPORTS:**

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

**13. 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

**14. REPORT FROM JOINT CLOSED SESSION (GOVERNMENT CODE SECTION 54957.1)****15. REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)****16. FUTURE MEETING DATES**

- A. Board to Consider Action to Set Special Meeting Date(s): *No staff requests.*
- B. Next Regular Meeting Date: November 08, 2022.

**17. 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. 820-22**

### **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 NOVEMBER 10, 2022 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 October 11, 2022, and shall be effective until the earlier of (i) November 10, 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 11<sup>th</sup> day of October 2022, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

Ayes:  
Nays:  
Abstain:  
Absent:

\_\_\_\_\_  
John Bennett, 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 11<sup>th</sup> day of October 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 October 2022.

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

DRAFT



**PANOCHÉ DRAINAGE DISTRICT MEETING MINUTES  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
August 09, 2022, at 9:00 A.M.**

A regular meeting of the Board of Directors was held in accordance with District Resolution 812-22 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  
Aaron Barcellos, Director  
Beau Correia, Director
- Directors Absent: Steve Fausone, Secretary
- District Staff Present: Ara Azhderian, General Manager  
Juan Cadena, Water Resources Manager  
Lorena Chagoya, Ethics & Compliance Officer
- Others Present: Philip Williams, General Counsel  
Palmer McCoy, Grassland Basin Authority  
Wayne Western, Hammonds Ranch  
Charlie McElvany, McElvany Construction  
Will Gleason, West Hills Farming

**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 9:01 a.m.

**REVIEW OF AGENDA**

There were no changes to the Agenda.

**ROLL CALL**

A quorum of the Board was confirmed. Secretary Fausone was absent and General Manager Azhderian was named Acting Secretary.

**POTENTIAL CONFLICTS OF INTEREST**

No conflicts were reported.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT CALENDAR**

General Manager Azhderian presented the Board with the Consent Calendar items, which included a Resolution extending remote teleconference meetings through September 8<sup>th</sup> due to the COVID pandemic; draft meeting minutes of the August 10, 2021, regular meeting of the Board and draft meeting minutes of the July 12, 2022, regular meeting of the Board; and the monthly financial statements for the period ending July 31, 2022. Directors Bennett and Linneman affirmed the minutes of the August 10, 2021, meeting. After consideration, on a motion by Director Linneman, seconded by Director Barcellos, the Board accepted the Consent Calendar as presented.

The vote on the matter was as follows:

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

*Director Correia joined the meeting.*

**THE BOARD TO REVIEW AND CONSIDER ADOPTING A RESOLUTION MAKING CERTAIN FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REGARDING THE EXECUTION OF A SOLE SOURCE CONTRACT TO MCELVANY, INC., TO INSTALL PROPOSITION 84 GRANT FUNDED COLLECTOR DRAINS IN THE SAN JOAQUIN RIVER IMPROVEMENT PROJECT’S “PERIERA RANCH”, AND AUTHORIZING RELATED ACTIONS**

General Manager Azhderian requested the Board adopt the draft Resolution to make certain findings under the California Environmental Quality Act that related to the installation of connector drains at the recently acquired Periera Ranch. General Counsel Williams reviewed the Resolution in detail with the Board. After consideration, on a motion by Director Correia, seconded by Director Barcellos, the Board unanimously adopted the Resolution as presented.

The vote on the matter was as follows:

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

**THE BOARD TO REVIEW AND CONSIDER ADOPTING A RESOLUTION MAKING CERTAIN FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AUTHORIZING AWARD OF A CONTRACT TO MCELVANY, INC. TO CONSTRUCT PROPOSITION 84 GRANT FUNDED SHORT-TERM STORAGE BASINS, PUMP STATIONS, EARTHWORK, AND FACILITIES, AND AUTHORIZING RELATED ACTIONS**

General Manager Azhderian presented the Board a memorandum recommending adoption of Resolution 817-22. He explained that following the close of the formal bid period for the Basins project, the District received a “bid advisory” from the Foundation for Fair Contracting (“FFC”) regarding the intent to award the contract to McElvany. He said that while FFC was not a bidder, so they have no right to formally protest the award, staff considered the issues raised by the FFC in the interest of ensuring a proper award and, after investigation, concluded that none of the issues warranted changing the intent to award to McElvany. Azhderian reviewed the memorandum in detail. After consideration, on a motion by Director Barcellos, seconded by Director Correia, the Board unanimously adopted the Resolution as presented.

The vote on the matter was as follows:

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

**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 Barcellos, seconded by Director Linneman, the Board approved payment of the bills.

The vote on the matter was as follows:

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

**FINANCIAL REPORTS**

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

**DRAINAGE MANAGEMENT REPORT**

The Grassland Basin Authority General Manager, Palmer McCoy, reported on activities related to the San Joaquin River Improvement Project and General Manager Azhderian reported on activities related to the Grassland Bypass Project and Mud Slough Restoration.

**GENERAL MANAGER’S REPORT**

General Manager Azhderian reported on activities related to the Proposition 84 funded implementation of the Westside Regional Drainage Plan.

**DIVISION REPORTS**

No reports were given.

**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 9:36 a.m., President Bennett called the joint closed session to order.*

*At approximately 10:00 a.m., President Bennett suspended the Panoche Drainage District meeting.*

*At approximately 11:15 a.m., President Bennett resumed the joint closed session.*

*At approximately 11:49 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 September 13, 2022, at 9:00 a.m.

**ADJOURNMENT**

With no further business on the agenda, President Bennett adjourned the meeting at 11:50 a.m.

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John Bennett, President

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Ara Azhderian, Acting Secretary

DRAFT

<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>September 30, 2022</u></b>	<b><u>August 31, 2022</u></b>
<b><u>CURRENT LIABILITIES</u></b>		
ACCOUNTS PAYABLE	\$554,127	\$637,088
NOTE PAYABLE - PWD	\$60,025	\$71,941
CUSTOMER PREPAYMENTS		
<b>TOTAL CURRENT LIABILITIES</b>	<b>\$614,152</b>	<b>\$709,029</b>
<b><u>CASH AND INVESTMENT ACCOUNTS</u></b>		
CHECKING ACCOUNT	\$259,725	\$346,457
FRESNO COUNTY FUNDS	\$286,999	\$284,907
PROP 84 CHECKING	\$87,915	\$153,386
LAIF ACCOUNT	\$184,551	\$184,551
<b>TOTAL CASH AND INVESTMENTS</b>	<b>\$819,190</b>	<b>\$969,300</b>
<b><u>ACCOUNTS RECEIVABLES</u></b>		
DRAINAGE SERVICE CHARGES	\$7,044	\$215
OTHER RECEIVABLES		-
DELINQUENT ACCOUNT CHARGES	\$234,996	\$239,634
CASH ADVANCE - PROP 84	-	-
<b>TOTAL ACCOUNTS RECEIVABLES</b>	<b>\$242,040</b>	<b>\$239,849</b>
<b>TOTAL CURRENT UNAUDITED ASSETS</b>	<b>\$1,061,230</b>	<b>\$1,209,149</b>
<b>NET CURRENT UNAUDITED ASSETS (NET CASH POSITION)</b>	<b>\$447,078</b>	<b>\$500,121</b>

**General Ledger Detail Report**  
 Oct 11, 2022 – PDD Regular Board Meeting Packet  
**Summary Report for Period 01 Thru 07 Ending 9/30/2022**




**PANOCHÉ DRAINAGE DISTRICT (PDD)**

<b>Account Number/Description</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	135,905.98	1,574.26	134,331.72	286,999.23
1311-600 MECHANIC CKNG#*****0066	165,528.95	2,175,991.84	2,081,795.64	94,196.20	259,725.15
1312-010 MECHANIC-PROP 84 CK ACCT#*****6000	388,252.02	433,673.72	734,010.57	300,336.85-	87,915.17
1313-000 L. A. I. F.	283,957.40	817.01	100,223.76	99,406.75-	184,550.65
<b>Report Total:</b>	<b>990,405.88</b>	<b>2,746,388.55</b>	<b>2,917,604.23</b>	<b>171,215.68-</b>	<b>819,190.20</b>

RETURN SERVICE REQUESTED

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

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**WATCH OUT FOR TECH SUPPORT SCAMS**

Scammers pose as technology support representatives and offer to fix non-existent computer or technology issues. 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	\$265,942.42

RETURN SERVICE REQUESTED

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

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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 TECH SUPPORT SCAMS**

Scammers pose as technology support representatives and offer to fix non-existent computer or technology issues. 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	XXXXXXXX6000	\$198,415.17



<b>PANOCHÉ DRAINAGE DISTRICT</b>					
<b>AGED ACCOUNTS RECEIVABLE, BY DUE DATE</b>					
<b>As of 9/30/2022</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	-	23,360.13	23,517.56
	Carbajal, Sylvia	-	-	4,698.13	4,698.13
	Cecilia Echeveste Survivor's Trust	196.82	-	23,836.67	24,033.49
	Imperial Merchants USA, LLC	162.96	-	20,259.14	20,422.10
	McGrath, Mary K.	92.25	-	11,172.78	11,265.03
	Olam West Coast, Inc.	188.57	-	24,558.44	24,747.01
	Panoche Drainage District	-	-	39,185.22	39,185.22
	PDD/Maverick	-	-	87,127.08	87,127.08
	<b>Total:</b>	<b>798.03</b>	<b>0.00</b>	<b>234,197.59</b>	<b>\$ 234,995.62</b>

BACK



# PANOCHÉ DRAINAGE DISTRICT

52027 WEST ALTHEA AVE, FIREBAUGH, CA 93622  
TELEPHONE (209) 364-6136 – [panochedrainage.specialdistrict.org](http://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  
SABATTE DRAIN PIPELINE REPLACEMENT

**DATE:** OCTOBER 4, 2022

**CC:** CHRIS CARDELLA, MAINTENANCE MANAGER

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**Recommendation:** Authorize increase in the FYE 2023 Repair & Maintenance Budget to \$140,000.

**Background:** On May 10, 2022, I reported the budget adopted on April 12, 2022, significantly understated the Repair & Maintenance cost projections for the fiscal-year ending 2023 and explained the reason for the understatement was the recent, previously unaccounted for changes in the cost allocation and recovery procedures of the Panoche Water District, which provides the repairs and maintenance services to the Drainage District. I reported that in the past, the Water District was not recovering the cost of operating vehicles and equipment from the agencies it serves and, in order to more equitably distribute those costs, the Water District had implemented new procedures to establish, track, and recover its equipment costs, which are estimated to be \$80,000 for the fiscal-year. This matter was a report item and no formal action was taken by the Board.

More recently, the Drainage District was informed of work being planned by the San Luis & Delta-Mendota Water Authority to replace the bridge across the Delta-Mendota Canal upon which the Sabatte Drain pipeline is hung. The Sabatte Drain pipeline is steel, at the end of its useful life, and has been an increasing source of repairs and maintenance costs. As part of its work, the SLDMWA is offering to re-hang a new pipeline for the District, if the District is willing to purchase the pipe. The District would also be responsible for the installation of the pipe outside of the SLDMWA's right-of-way, to connect it from the Sabatte Drain pump station on the south side of the DMC to the pipeline's outlet on the north side, which then conveys the subsurface drainage to Outside Drain and on to the San Joaquin River Improvement Project thru open channels. The Sabatte Drain conveys subsurface drainage for the Charleston Drainage District, Pacheco Water District, and the Panoche Water District. The initial estimated cost of the replacement is \$55,000, though

this has not been reviewed by the District’s engineers. Additionally, the District will need to reach out to Charleston and Pacheco to review if there is an established cost-share allocation.

If approved, the Sabatte Drian pipeline replacement cost (\$55,000) plus the previously reported equipment use cost (\$80,000) plus the originally approved Repairs & Maintenance budget (\$5,000) would result in a total estimated R&M cost for FYE 2023 of \$140,000.



**Panoche Drainage District  
Sabatte Drain Pipeline Replacement  
Budget Estimate**

Description	Estimated Cost
Flanges and Weld Flanges	\$6,000
16” Steel Pipe & 90-degree elbows	\$29,072
Equipment	\$4,900
Labor	\$5,280
	Subtotal: \$45,252
	Contingencies & Incidentals (15%): \$6,790
	Total: \$52,042

BACK

PANOCHÉ DRAINAGE DISTRICT				
ACCOUNTS PAYABLE LIST				
PAYMENTS RUN FROM 9/14/2022 TO 10/11/2022				
DATE	CHECK NUMBER	VENDOR	AMOUNT	MEMO
9/23/2022	7044	BAKER MANOCK & JENSEN	\$ 994.50	JULY & AUGUST 2022 LEGAL SERVICE
9/23/2022	7045	EMPLOYER'S CHOICE	\$ 1,656.33	CLEANING RUSSELL DITCH
9/23/2022	7046	PACIFIC GAS & ELECTRIC	\$ 1,006.44	ELECTRICAL POWER
9/23/2022	7047	PANOCHÉ DRAINAGE DISTRICT	\$ 35,994.68	JULY 2022 LABOR \$ 12,372.25, EQUIPMENT USE \$ 5,545.46, BANK CHGS \$ 180.87 2 MONTHS, CHEMICALS \$ 7,239.57, INSURANCE M LINNEMAN \$ 2,350.66, LUNCH \$ 36.61, ADMIN COSTS \$ 883.51 & SLD O & M BYPASS \$ 7,385.75
9/23/2022	7048	PRICE, PAIGE & COMPANY	\$ 2,560.00	COMPLETE AUDIT FY21
10/11/2022	7049	BRYANT L. JOLLEY	\$ 2,325.00	AUGUST & SEPTEMBER 2022 ACCOUNTING SERVICE
10/11/2022	7050	WELTY WEAVER & CURRIE	\$ 5,431.25	JULY & AUGUST 2022 LEGAL SERVICE
9/14/2022	W00578	WELTY WEAVER & CURRIE	\$ 4,812.50	JULY 2022 LEGAL SERVICE LAFCO
9/14/2022	W00580	SLDM WATER AUTHORITY	\$ 106,181.25	FY23 2ND INSTALL MEMBERSHIP DUES (1ST PYMT)
		<b>TOTAL</b>	<b>\$ 160,961.95</b>	
PANOCHÉ DRAINAGE DISTRICT/PROP 84				
ACCOUNTS PAYABLE LIST				
PAYMENTS RUN FROM 9/14/2022 TO 10/11/2022				
DATE	CHECK NUMBER	VENDOR	AMOUNT	MEMO
9/14/2022	10141	SUMMERS ENGINEERING	\$ 51,807.21	APRIL & JULY 2022 TASK 3 DEVELOPMENT/RESERVOIR/CONVEYANCE
9/23/2022	10142	DIEPENBROCK ELKIN GLEASON LLP	\$ 1,050.00	JULY 2022 LEGAL SERVICE
9/23/2022	10143	MCVELVANY INC.	\$ 109,450.00	PEREIRA DRAINAGE SYSTEM
10/5/2022	10144	CAL INC	\$ 14,508.00	BUILDING DEMOLITION
10/5/2022	10145	BRYANT L. JOLLEY	\$ 2,100.00	AUGUST & SEPTEMBER 2022 ACCOUNTING SERVICES
10/5/2022	10146	WELTY, WEAVER & CURRIE	\$ 1,856.25	AUGUST 2022 LEGAL SERVICE
9/14/2022	W00579	WELTY, WEAVER & CURRIE	\$ 1,512.50	JULY LEGAL SERVICES
		<b>TOTAL</b>	<b>\$ 182,283.96</b>	



<b>PANOCHÉ DRAINAGE DISTRICT</b>				
<b>FYE 2023 BUDGET (March 1, 2022 - February 28, 2023) - Adopted April 12, 2022</b>				
<b>March thru September - 58%</b>	<b>Budget</b>	<b>Actual</b>	<b>Remaining</b>	
<b>OPERATING REVENUES</b>				
Drainage Service Fee	\$ 2,773,567	\$ 1,985,423	\$ 788,144	72%
Fresno County Property Tax	\$ 240,000	\$ 134,332	\$ 105,668	56%
SLDMWA Reimbursement	\$ 223,000	\$ 47,730	\$ 175,270	21%
Other Revenues	\$ 74,500	\$ 4,538	\$ 69,962	6%
<b>TOTAL REVENUES</b>	<b>\$ 3,311,067</b>	<b>\$ 2,172,023</b>	<b>\$ 1,139,044</b>	<b>66%</b>
<b>OPERATING EXPENSES</b>				
San Joaquin River Improvement Project	\$ 1,176,930	\$ 588,465	\$ 588,465	50%
Grassland Bypass Project	\$ 1,274,175	\$ 1,274,175	\$ -	100%
San Luis Drain Maintenance	\$ 223,000	\$ 49,097	\$ 173,903	22%
Irrigated Lands Program	\$ 203,462	\$ 203,462	\$ -	100%
Professional Fees	\$ 145,000	\$ 93,573	\$ 51,427	65%
Labor - Field	\$ 105,000	\$ 47,388	\$ 57,612	45%
Mercy Springs WD/SGMA	\$ 28,000	\$ -	\$ 28,000	0%
Labor - Admin	\$ 75,000	\$ 33,149	\$ 41,851	44%
General Overhead	\$ 32,000	\$ 50,254	\$ (18,254)	157%
Interest	\$ 15,000	\$ 6,521	\$ 8,479	43%
Energy	\$ 13,000	\$ 6,866	\$ 6,134	53%
Herbicides	\$ 12,000	\$ 11,907	\$ 93	99%
Water Quality Monitoring	\$ 3,500	\$ 1,504	\$ 1,996	43%
Repairs & Maintenance	\$ 5,000	\$ 52,448	\$ (47,448)	1049%
<b>TOTAL EXPENSES</b>	<b>\$ 3,311,067</b>	<b>\$ 2,418,809</b>	<b>\$ 892,258</b>	<b>73%</b>
<b>INCOME/(LOSS)</b>		<b>\$ (246,786)</b>		

BACK





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13 Attorneys for Federal Defendants

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13	FIREBAUGH CANAL WATER DISTRICT and	) 1:88-cv-00634-JLT/SKO
14	CENTRAL CALIFORNIA IRRIGATION DISTRICT,	) 1:91-cv-00048-NONE/SKO
		) (Partially Consolidated)
15	Plaintiffs,	)
16	v.	)
		) DECLARATION OF
17	UNITED STATES OF AMERICA, <i>et al.</i> ,	) RICHARD A. WELSH
		) IN SUPPORT OF
18	Defendants, and	) FEDERAL DEFENDANTS'
		) STATUS REPORT OF
19	WESTLANDS WATER DISTRICT, <i>et al.</i> ,	) October 1, 2022
20		)
	Defendants-in-Intervention.	)
21		)

22 I, Richard A. Welsh, declare as follows:

23  
24 1. I am the Principal Deputy Regional Director for the Bureau of Reclamation's  
25 ("Reclamation") Mid-Pacific Region, based in Sacramento, California. In my official capacity  
26 as Principal Deputy Regional Director, I am charged with assisting the Regional Director in  
27 overseeing the management of Reclamation's water projects in an area that encompasses the

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1 northern two-thirds of California, most of western Nevada, and part of southern Oregon. I began  
2 serving as the Principal Deputy Regional Director in December 2019. Prior to that I was Acting  
3 Deputy Regional Director, starting in June 2019, and provided direct oversight of the Klamath  
4 and Lahontan Basin Area Offices. I also supervised technical offices and programs within the  
5 region, including the Construction Office and the Divisions of Environmental Affairs; Safety and  
6 Emergency Management; Security; Design and Construction; Resources Management; and  
7 Planning. Prior to becoming Acting Deputy Regional Director, I served as the Regional  
8 Construction Engineer for the Mid-Pacific Construction Office. I began my Reclamation career  
9 in the Lower Colorado Region in 1985 and relocated to the Mid-Pacific Region in 1991. I am  
10 familiar with the actions undertaken by Reclamation to provide drainage service to the San Luis  
11 Unit of the Central Valley Project. I make this declaration based upon my personal knowledge  
12 and could and would so testify competently if called to do so.

13 2. In my previous declaration in support of the United States' Status Report of April  
14 1, 2022 (ECF 1046-1), I advised the Court of Reclamation's actions associated with  
15 implementation of drainage service in the San Luis Unit, including the implementation of the  
16 2011 Revised Control Schedule and the 2018 Revised Control Schedule, submitted on January  
17 19, 2018. *See* ECF 1027-1. I now provide this further declaration to update the Court on  
18 Reclamation's activities in the San Luis Unit since April 1, 2022.

19 **I. IMPLEMENTATION OF THE CONTROL SCHEDULE AND THE**  
20 **WESTLANDS SETTLEMENT**

21 A. The Westlands Settlement

22 3. On January 10, 2017, the United States and the Westlands Water District  
23 ("Westlands") executed an Addendum to the 2015 Westlands Settlement to extend by one year,  
24 from January 15, 2017 to January 15, 2018, the date by which the Westlands Settlement would  
25 become voidable if authorizing legislation were not enacted into law. ECF 1013-2. The United  
26 States and Westlands have not sought another extension, but neither the United States nor  
27 Westlands has taken action to void the Settlement. At this point, no bill has been introduced in

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1 the current Congress to authorize the 2015 Westlands Settlement. Nevertheless, Westlands and  
2 the United States remain engaged in discussions concerning the future of the 2015 Westlands  
3 Settlement.

4 B. Agreement with San Luis Unit Water District

5 4. On April 25, 2017, Reclamation signed the “Agreement between the United  
6 States and the San Luis Water District” (“San Luis WD Drainage Agreement”). Under the terms  
7 of the San Luis WD Drainage Agreement, San Luis Water District (“San Luis WD”) would agree  
8 to support amendments to the San Luis Act of 1960, set forth in the San Luis WD Drainage  
9 Agreement, that if enacted would relieve the United States of its obligations under the statute to  
10 provide drainage service to San Luis WD. San Luis WD would further agree to assume legal  
11 responsibility for the management of drainage within its boundaries, in exchange for certain  
12 consideration requiring approval by Congress.

13 5. As previously reported to the Court (*see* ECF 1037-1 ¶ 5), Reclamation awarded a  
14 \$3 million-dollar financial assistance agreement to San Luis WD on September 5, 2017, in  
15 furtherance of implementation of the San Luis WD Drainage Agreement. Work continues under  
16 the 2017 grant, but work has been slowed by the pandemic. Additional funding, in the form of a  
17 new grant, is being evaluated.

18 C. Continued Implementation of the 2018 Revised Control Schedule

19 6. On January 15, 2018, the one-year extension of the partial stay of the partial  
20 judgment and injunctive orders requiring Reclamation to implement drainage service within  
21 Westlands expired. In preparation for the expiration of the partial stay, Reclamation reviewed  
22 and revised the previous control schedule to update and plan for reinitiating drainage activities  
23 within Westlands. On January 19, 2018, Reclamation submitted to the Court the 2018 Revised  
24 Control Schedule describing major activities, schedule, and estimated annual funding  
25 requirements for the implementation of Phase 1 of drainage service for the Westlands Central  
26 sub-unit. (ECF 1027-1).

1           7.       Since submission of the 2018 Revised Control Schedule, Reclamation has  
2 continued with the following project activities:

3               a.       Re-scope Project Needs: Reclamation analyzed data from Westlands and  
4 Panoche Water District regarding land use, cropping, and current drainage needs. Reclamation  
5 will address any changes occurring since the 2008 Feasibility Study when final designs are  
6 prepared for specific features within each phase and geographic location of the overall project.  
7 Reclamation completed for Construction Group G conceptual 30% designs, design summary and  
8 cost estimates for drainage collection laterals, pumping plants, reuse facilities, and drainage  
9 conveyance pipelines. These features are part of the Phase 1 implementation for drainage service  
10 in the Westlands Central subarea. The designs, design summary, and cost estimate were  
11 reviewed by Reclamation's California Great Basin (CGB) Region. The Reclamation's Technical  
12 Service Center (TSC) continues to update the 30% design package to address the review  
13 comments. Upon completion, the design, design summary and cost estimate for Group G will be  
14 compiled into a package for Westlands to review. Additionally, Reclamation met with  
15 Westlands in June 2022, to discuss the initiation of 30% design for Construction Group H and  
16 visit various locations associated with the work.

17               b.       Westlands Water District Repayment Contract: Under Reclamation law,  
18 construction, operation, and maintenance of agreed upon drainage service features require  
19 repayment by Westlands. Over the past two years, Reclamation has been in the process of  
20 converting water service contracts under the Central Valley Project Improvement Act into  
21 repayment contracts under the Water Infrastructure Improvements for the Nation Act ("WIIN  
22 Act"), Pub. L. No. 114-322, § 4011 (2016), for approximately 80 Central Valley Project  
23 contractors. Section 4011 of the WIIN Act requires Reclamation, at the request of a contractor,  
24 to convert agricultural and municipal water service contracts to repayment contracts to allow for  
25 the accelerated prepayment of construction costs that otherwise would have been repaid to  
26 Reclamation over an extended period of time. *See* Pub. L. No. 114-322, § 4011(a). With regard  
27 to Westlands, Reclamation and Westlands reached agreement on Westlands' primary and largest

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1 WIIN Act contract conversion on February 28, 2020, but that repayment contract did not go into  
2 effect until June 1, 2020. In addition, Westlands and Reclamation executed four other contract  
3 conversions under the WIIN Act, which took effect June 1, 2020. One additional contract  
4 conversion took effect on July 1, 2020.

5 c. Comprehensive Control Schedule: Reclamation continues review and  
6 refinement of the comprehensive control schedule for the entire drainage obligation within both  
7 Westlands and the Northerly Area Districts. The comprehensive control schedule is being used to  
8 track the activities to implement Group G collection, reuse, and conveyance facilities as part of  
9 Westlands Central Phase 1. Reclamation's ability to successfully implement the control  
10 schedule will be based on the availability of appropriations from Congress.

11 8. As described in my previous declaration (ECF 1044-1), the San Luis  
12 Demonstration Treatment Facility ("Demo Plant") was shut down in January 2019 to retrofit the  
13 solid waste handling system. The purpose of the San Luis Demo-Plant is to 1) demonstrate and  
14 operate the reverse osmosis and selenium biotreatment technologies in order to collect the  
15 necessary data for final design of three full-scale drainage treatment components in Westlands,  
16 and 2) evaluate other innovative technologies that may reduce the cost and environmental  
17 impacts of implementing drainage. Reclamation awarded a construction contract for the retrofit  
18 work on September 18, 2019, in the amount of \$1,193,445.00. The construction contract  
19 duration was for nine months; however, delays due to COVID-19 from labor and  
20 equipment/material shortages extended the contract completion date to September 30, 2021. The  
21 construction contractor has completed all onsite work, including start up testing. The Demo Plant  
22 is currently shut down pending post construction operations to continue refining performance  
23 parameters. Reclamation's Technical Service Center in Denver will continue bench-scale testing  
24 (laboratory testing) for the various processes the demonstration treatment plant performs to  
25 optimize plant performance.

## 26 **II. SUPPORT FOR ADDITIONAL DRAINAGE PROJECTS**

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1           9.       In addition to reinitiating work under the 2018 Revised Control Schedule,  
2 Reclamation has taken a series of drainage-related actions in continued support of the following  
3 projects:

4               a.       Grassland Bypass Project: The 2009 Agreement for the Continued Use of  
5 the San Luis Drain (“Third Use Agreement”) expired on December 31, 2019. Reclamation and  
6 the San Luis & Delta-Mendota Water Authority entered into a new Use Agreement allowing  
7 Grassland Area Farmers to convey storm induced flows in the San Luis Drain (“The Drain”).  
8 The new Use Agreement is regulated by Waste Discharge Requirements (“WDR,” Order  
9 Number R-5-2019-0077) issued by the California Central Valley Regional Water Quality  
10 Control Board on December 5, 2019. Reclamation continues to conduct environmental  
11 monitoring as described in the WDR. The previous Third Use Agreement allowed for the  
12 conveyance of both agricultural and storm water induced flows through The Drain. Agricultural  
13 induced flows will continue to be managed in the San Joaquin River Improvement Project  
14 (“SJRIP”) area as described below.

15               b.       Continued Implementation of Activities Identified in the Westside  
16 Regional Drainage Plan: The following activities have been implemented in support of the  
17 Westside Regional Drainage Plan:

18               i.       Panoche DD and the Grassland Basin Authority (GBA) continues  
19 to implement activities associated with the Westside Regional Drainage Plan, notably the re-use  
20 of agricultural drainwater from the Grasslands Drainage Area to irrigate salt-tolerant crops such  
21 as pistachios and forage grasses in the SJRIP. Between August 1, 2021 and July 31, 2022,  
22 Panoche DD and the GBA used 14,247 acre-feet of drainage water to irrigate salt tolerant crops  
23 in the SJRIP. This water displaced 1,006 pounds of selenium and 98,113 tons of salt from Mud  
24 Slough and the San Joaquin River.

25               ii.       I previously reported on the consequences of a 2017 report by the  
26 California State Controller, titled “Panoche Water District, Review Report, Administrative and  
27 Internal Accounting Controls, March 1, 2013, through February 28, 2015,” and on Reclamation’s

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1 suspension of grant agreements with Panoche DD for the SJRIP. ECF 1037-1 ¶ 10(b)(ii). The  
2 suspension remains in effect pending conclusion of an investigation by the Interior Inspector  
3 General. The suspension may affect further development and expansion of the SJRIP  
4 infrastructure but has not affected current operations of the SJRIP as Reclamation's grant  
5 agreements do not fund operations of the SJRIP.

6           iii. To restore funding for the further development and expansion of  
7 the SJRIP infrastructure, Reclamation continues discussions with representatives of the  
8 Grasslands Drainage Area entities regarding options for the future management of drainage  
9 service for the Northerly Area Districts. Firebaugh Canal Water District, Panoche Drainage  
10 District/Panoche Water District, Charleston Drainage District/San Luis Water District, Pacheco  
11 Water District, and Camp 13 Drainage District formed a Joint Powers Authority, titled Grassland  
12 Basin Authority (GBA), to 1) provide drainage services relative to the Grassland Basin and the  
13 SJRIP, 2) administer grants from the State of California, and 3) resume the administration of  
14 grants from Reclamation in support of drainage projects. The Authority has a five-member  
15 Board, which is meeting monthly and has developed various policies. The Authority has hired a  
16 General Manager who has transited the management of the drainage service area from Panoche  
17 to the GBA. The General Manager in conjunction with various parties including the various  
18 drainage and water district along with consultants are developing a comprehensive plan for  
19 future activities to support drainage projects within the Northerly Districts. The first phase  
20 includes development of short-term storage basins and irrigation pipelines within a portion of the  
21 SJRIP. These features will aid in compliance with the 2019 waste discharge order.

22           iv. In July 2018, the Office of the Inspector General completed its  
23 audit (2017-WR-048) of Reclamation's Cooperative Agreement with Panoche DD for the  
24 operations of the Demo-Plant. The audit report identified \$20,777 in unsupported costs and  
25 \$193,814 in unallowable costs, for a total of \$213,891 in questioned costs. Reclamation has  
26 been working with the Office of the Inspector General and Panoche DD to resolve the audit  
27 findings. Reclamation issued Panoche DD a Remedy Notice in August 2019, providing Panoche

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1 DD an opportunity to respond to the audit and institute corrective actions. Reclamation and  
2 Panoche have resolved the audit findings and Reclamation collected the funds required.  
3 Reclamation received concurrence from OIG related to the remaining findings, thereby, closing  
4 out the OIG report.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Signed this 26th day of September 2022, in Glenn County, California.

7 

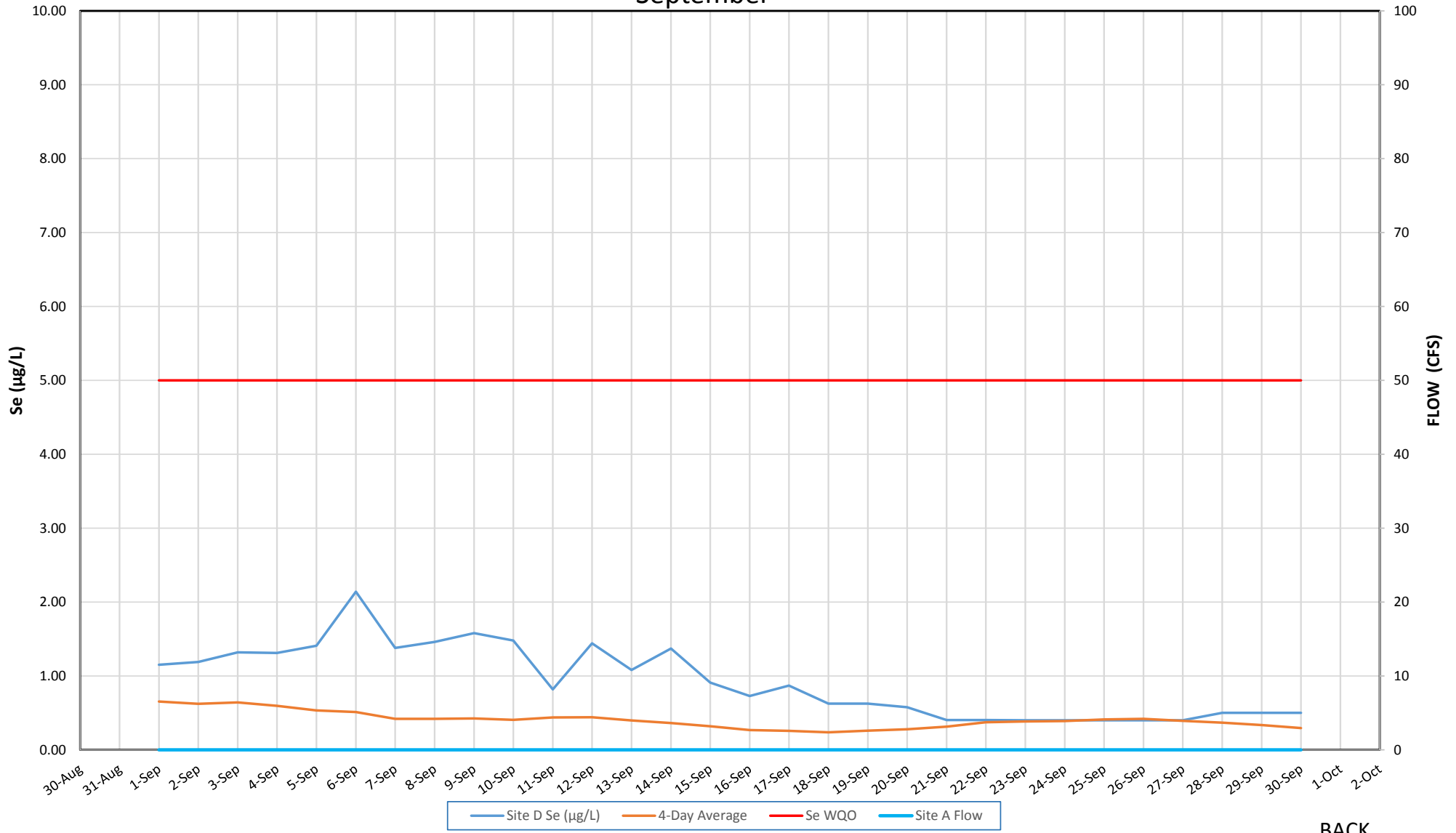
8  
9 Richard A. Welsh

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### Mud Slough Water Quality - 2022 September



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