

# **NOTICE**

PANOCHE DRAINAGE DISTRICT  
52027 WEST ALTHEA AVENUE  
FIREBAUGH, CA 93622

TO: Board of Directors  
FROM: John Bennett, President  
RE: Regular Meeting of the Board of Directors

A regular meeting of the Board of Directors of the Panoche Drainage District is scheduled for 9:00 a.m., October 13, 2020, to address the items listed on the attached agenda. In accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20 issued in response to the COVID-19 Pandemic, the meeting will be held by web and teleconference, and accessible to the public electronically, through the following means.

**IN ACCORDANCE WITH EXECUTIVE ORDERS N-25-20 AND N-29-20,  
DIRECTORS AND THE PUBLIC MAY CHOOSE TO PARTICIPATE FROM ANY LOCATION,  
WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT.**

**DIRECTORS AND MEMBERS OF THE PUBIC MAY CHOOSE TO PARTICIPATE  
IN THE OPEN SESSION PORTION OF THE MEETING  
FROM YOUR COMPUTER, TABLET OR SMARTPHONE  
THROUGH THE FOLLOWING MEANS:**

**<https://global.gotomeeting.com/join/859245661>**

**AND PLEASE DIAL**

**Conference call in number: 844 783-6236      Passcode: 209 364 6136**

NOTE: Any member of the public may address the Board of Directors concerning any item on the Agenda before or during its consideration of that matter, as appropriate, by calling into the meeting and joining electronically via the GoToMeeting link above. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

# **AGENDA**

**PANOCHÉ DRAINAGE DISTRICT  
REGULAR BOARD OF DIRECTORS MEETING  
October 13, 2020 – 9:00 a.m.**

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

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**AND PLEASE DIAL**

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**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 Panoche Water District and Panoche Drainage District.

- 1. CALL TO ORDER**
- 2. REVIEW OF AGENDA:** The Board will consider corrections and/or additions to the Agenda of items that require immediate action that came to the attention of the Board after the Agenda was posted.
- 3. ROLL CALL:** A quorum will be confirmed and the Board will consider appointment of an acting Officer(s) in the event the President, Vice-President, and/or Secretary is absent from the meeting.
- 4. POTENTIAL CONFLICTS OF INTEREST:** Any Board member who has a potential conflict of interest may now identify the Agenda Item and recuse themselves from discussing and voting on the matter. [Government Code Section 87105]
- 5. PUBLIC COMMENT:** The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. The public will be given the opportunity to address the Board on any item in the Agenda at this time or before the Board’s consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the President of the Board at this time. Please note, California Law prohibits the Board from taking action on any matter during a regular meeting that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code Section 54954.2. During a special meeting, the Board may not take action on any matter that is not on the posted Agenda. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

**6. DIVISION REPORTS:**

- A. Water Operations & Maintenance – Juan Cadena
- B. Administration – John Paul Otollo
- C. Ethics, Compliance, & Human Resources – Lorena Chagoya/German Rodriguez

*At approximately 9:30 a.m., it is anticipated the Panoche Drainage District meeting will be suspended and the Panoche Water District-ONLY meeting will continue.*

*At approximately 10:45 a.m., it is anticipated the Panoche Water District meeting will be suspended and the Panoche Drainage District meeting will be resumed.*

**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 2):

- Approval of DRAFT minutes from the June 9, 2020, regular meeting of the Board;
- Approval of DRAFT minutes from the June 23, 2020, special meeting of the Board;
- Approval of DRAFT minutes from the July 14, 2020, regular meeting of the Board;
- Approval of Computer Software Policy periodic review;
- Acceptance of the monthly financial statements for the period ending September 30, 2020.

**ACTION ITEMS**

- 8.** The Board to review and consider assignment of a contract between Nichols Pistachio and the District to the Grassland Basin Authority (Azhderian – Tab 4);
- 9.** The Board to review and consider adopting Resolution XXX-20 authorizing the execution and delivery of a Joint Exercise of Powers Agreement to create the Panoche Financing Authority, and authorizing certain matters in connection therewith (Azhderian/Williams – Tab 3);
- 10.** The Board to review and consider adopting a Third-Party Risk Management Policy (Azhderian/Chagoya – Tab 6);
- 11.** The Board to review and consider accepting the Treasurer’s Quarterly Investment Report for the period ending September 30, 2020 (Otollo – Tab 8);
- 12.** The Board to review and consider approving payment of bills (Otollo – Tab 6).

## REPORT ITEMS

13. **CONTROLLER'S REPORT** (Tab 7)
  - A. FY 2020-21 Budget-to-Actual Report;
  - B. Other financial matters affecting the District.
  
14. **DRAINAGE MANAGEMENT REPORT** (Azhderian – Tab 10)
  - A. Grassland Bypass Project Water Quality Monitoring;
  - B. San Joaquin River Water Quality Improvement Project;
  - C. Grassland Bypass Project;
    - i. Newman Land Company – Mud Slough Restoration Project
  - D. Other Drainage Related Matters Affecting the District.
  
15. **GENERAL MANAGER'S REPORT** (Tab 11)
  - 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. Federal Grant for Westside Regional Drainage Plan;
  - C. Reclamation's Demonstration Treatment Plant;
  - D. Grassland Basin Storm Water Management Plan;
  - E. Grassland Basin Authority;
  - F. Other Matters Affecting the District.

*At approximately 11:15 a.m., it is anticipated the Panoche Water & Drainage Districts will meet jointly.*

16. **JOINT CLOSED SESSION**: Conference with Legal Counsel.
  - A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
  
Name of Cases:
    - i. Stephen W. Sloan vs. Panoche Water District  
Fresno County Superior Court Case No. 18CECG00511;
    - ii. Imani Percoats & Chris Bettencourt vs. Panoche Water District  
Fresno County Superior Court Case No. 18CECG01651;
    - iii. Jeffrey Moore vs. Panoche Water District  
U.S. Eastern District Court Case No. 1:20-cv-00143-DAD-EPG
  
  - B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
  
Significant Exposure to Litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:

Number of Cases: Eight

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

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

**19. FUTURE MEETING DATES**

- A. Board to Consider Action to Set Special Meeting Date(s): *No staff request.*
- B. Next Regular Meeting Date: November 10, 2020

**20. 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 to Jessica Saravia at (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.