

CHARLESTON DRAINAGE DISTRICT

SPECIAL BOARD OF DIRECTORS MEETING

April 3, 2024 at 10:00 a.m.

MEETING LOCATION:

52027 West Althea Ave.

Firebaugh, CA 93622

AGENDA

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 Directors' meeting.

4. **POTENTIAL CONFLICTS OF INTEREST:** Any Board member who has a potential conflict of interest may now identify the 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 on 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.

ACTION ITEMS

6. **BOARD TO REVIEW AND CONSIDER APPROVING THE FEBRUARY 26, 2024, SPECIAL BOARD MEETING MINUTES (McGowan) (Tab 2)**

7. **THE BOARD TO CONSIDER ADOPTING RESOLUTION # 03-24 TO APPOINT A DIRECTOR TO FILL A VACANCY ON THE CHARLESTON BOARD OF DIRECTORS (McGowan) (Tab 3)**

REPORT ITEMS

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

9. FUTURE MEETING DATES

- A. Board to Consider Action to Set Special Meeting Date(s):
- B. Next Regular Meeting Date: May 15, 2024

10. 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 may be made in person, in written form, or via telephone at (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.

**CHARLESTON DRAINAGE DISTRICT MEETING MINUTES
SPECIAL MEETING OF THE BOARD OF DIRECTORS
February 26, 2024**

A special meeting of the Board of Directors was held on February 26, 2024, at 9:00 am. Those present at the meeting were:

- Directors: Jake Barcellos, President
Will Teixeira, Vice-President
Tom Teixeira, Director

- District Staff: Patrick McGowan, General Manager
Marlene Brazil, Accounting Supervisor
Chris Carlucci, Maintenance Manager
Juan Cadena, Water Resources Manager
Sandra Reyes, Water Master

- Others: Gabriel Delgado, General Counsel
Palmer McCoy, Grassland Basin Authority

CALL TO ORDER

President Barcellos called the meeting to order at 9:03 am.

REVIEW OF AGENDA

There were no changes to the agenda.

ROLL CALL

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

POTENTIAL CONFLICTS OF INTEREST

There were no conflicts of interest disclosed.

PUBLIC COMMENT

There was no public comment.

THE BOARD TO REVIEW AND CONSIDER APPROVING THE SEPTEMBER 21, 2023, SPECIAL BOARD MEETING MINUTES

Director Tom Teixeira requested that we specify on the minute approvals and documentation moving forward if it is he, or Will Teixeira being referenced to – example T. Teixeira, or W. Teixeira. Upon a motion by President Barcellos, and seconded by Vice-President W. Teixeira, the Board approved the minutes with the suggested change made by Director T. Teixeira.

The vote on the motion was as follows:

- Ayes: Barcellos, T. Teixeira, W. Teixeira
- Nays: None
- Absent: None
- Abstain: None

THE BOARD TO REVIEW AND CONSIDER APPOINTMENT OF DISTRICT OFFICERS TO SERVE DURING THE FISCAL YEAR BEGINNING MARCH 1, 2023, AND ENDING FEBURARY 28, 2025

Upon a motion by Director T. Teixeira and seconded by President Barcellos, the Board agreed to appoint the same officers for the upcoming fiscal year – President – Jake Barcellos, Vice-President – Will Teixeira, Secretary – Patrick McGowan, and Treasurer – Marlene Brazil.

The vote on the motion was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

THE BOARD TO REVIEW AND CONSIDER ACCEPTING THE GENERAL MANAGER’S RECOMMENDATION ON THE ANNUAL REVIEW OF THE DISTRICT’S INVESTMENT POLICY

General Manager Patrick McGowan reported that the District’s Investment Policy was adopted on April 26, 2018, and that the policy has been reviewed by staff and currently recommends no change to the policy. Upon a motion by Director T. Teixeira and seconded by Vice-President W. Teixeira, the Board approved the annual review as presented.

The vote on the motion was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

THE BOARD TO REVIEW AND APPROVE THE SETTLEMENT AGREEMENT BETWEEN PANOCHÉ WATER DISTRICT (PWD) AND THE GRASSLAND BASIN AUTHORITY (GBA), AS WELL AS APPROVE RESOLUTION # 02-24

General Manager Patrick McGowan reported that all of the entities have agreed on a final settlement agreement. It was explained that Tom Teixeira and Steve Fausone have worked extensively with GBA Manager Palmer McCoy on this document. Upon a motion by Vice-President W. Teixeira and seconded by Director T. Teixeira, the Board approved authorizing their CDD Representative on the GBA Board to approve the settlement, as well as approved Resolution # 02-24 as presented.

The vote on the matter was as follows:

Ayes:	Barcellos, W. Teixeira, T. Teixeira
Nays:	None
Absent:	None
Abstain:	None

THE BOARD TO REVIEW AND CONSIDER ADOPTING A BUDGET FOR THE FISCAL YEAR ENDING FEBRUARY 28, 2025, AND SETTING THE DRAINAGE SERVICE FEE

General Manager Patrick McGowan presented the 2024-2025 Fiscal Year Budget to the Board for their review. GBA Manager Palmer McCoy presented a breakdown on some components of the CDD Budget that are GBA related and explained that he expects GBA expenses to remain the same for the next five years. The Board asked that moving forward if a landowner has a request for work to be done, it must be presented and approved by the Board prior to any work being done. Upon a motion by Director T. Teixeira and seconded by Vice-President W. Teixeira, the Board approved to set the 2024-2025 Drainage Service Fees at the 2023-2024 Fiscal Year rate with any overage coming out of reserves.

The vote on the motion was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

THE BOARD TO REVIEW AND CONSIDER A). DECLARING VACANCY ON THE BOARD OF DIRECTORS, B). AUTHORIZING THE GENERAL MANAGER TO POST NOTICE OF VACANCY WITHIN THE DISTRICT FOR 15 DAYS AND NOTIFY THE MERCED COUNTY ELECTIONS OFFICE OF THE VACANCY, AND C). SET UP A SPECIAL MEETING WITHIN 60 DAYS TO CONSIDER APPOINTMENT OF NEW DIRECTOR TO RECOMMEND FOR APPROVAL BY THE MERCED COUNTY BOARD OF DIRECTORS

General Manager Patrick McGowan presented the Board with a resignation letter from Past Director Bob Teixeira. A vacancy was declared by the Board. A Notice of vacancy was posted for 15 days in three different locations within the District, as well as a letter sent to the County of Merced notifying their office of the vacancy on the Charleston Drainage District Board. Upon a motion by Vice-President W. Teixeira and seconded by Director T. Teixeira, the Board approved to declare a vacancy on the Charleston Drainage District board.

The vote on the motion was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

THE BOARD TO REVIEW AND CONSIDER APPROVING RESOLUTION # 01-24 SETTING THE PLACE AND TIME OF REGULAR MEETINGS OF THE BOARD OF DIRECTORS

General Manager Patrick McGowan presented the Board with a resolution that sets the meeting date and time of the Board on the third Wednesday of every third month at 9:00 am. Upon a motion by Director T. Teixeira and seconded by Vice-President W. Teixeira, the Board approved Resolution # 01-24 with corrections as stated.

The vote on the motion was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

FINANCIAL REPORTS

- A. Accounts Payable
- B. Monthly Financials
- C. FYE 2023 Budget to Actual Report
- D. Other Financial Matters Affecting the District

After discussion by the Board, Accounting Supervisor Marlene Brazil was given the direction to move all but \$5,000 into a money market account with Mechanics Bank if the interest is higher than LAIF's interest rate. Upon a motion by Director T. Teixeira and second by Vice-President W. Teixeira, the Board approved the financial reports as presented.

The vote on the matter was as follows:

Ayes:	Barcellos, T. Teixeira, W. Teixeira
Nays:	None
Absent:	None
Abstain:	None

REPORT ITEMS

DRAINAGE MANAGEMENT REPORT

- A. Grassland Bypass Project Water Quality Monitoring
Water Resources Manager Juan Cadena reported that Site B is currently below target.
- B. San Joaquin River Improvement Project; Grassland Basin Authority (GBA)
GBA Manager Palmer McCoy noted that discharging has occurred for the last month and a half and as of this morning reading 22 cfs. Selenium is getting up to 3.7 up in the mud slough. Mr. McCoy also explained that historically the SJRIP has pumped water in circles during these rain events, increasing power expenses. The GBA is now working to minimize costs associated with power consumption, however it is a tough balance of juggling the expense involved in pumping water and tile sumps deenergized harming growers commodities. The tile sumps are currently off, pending a break in precipitation in the forecast.
- C. Grassland Basin Storm Water Management Plan
- D. Other Drainage Related Matters Affecting the District
General Manager Patrick McGowan reported that the SCADA system is up and running and that Juan Cadena, Mike Gonzalez, and Roger Candelaria have been trained on how to operate the SCADA system.

GENERAL MANAGER'S REPORT

- A. Prop 84 Grant for Westside Regional Drainage Management Plan
- B. Grassland Basin Authority
- C. Other Matters Affecting the District
General Manager Patrick McGowan noted that all items had been discussed thoroughly and opened for any questions.

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

FUTURE MEETING DATES

The next regular meeting date of the Board is scheduled for May 15, 2024.

ADJOURNMENT

With no further business on the agenda, President Barcellos adjourned the meeting at 10:30 am.

Jake Barcellos, President

Patrick McGowan, Secretary

CHARLESTON DRAINAGE DISTRICT

RESOLUTION NO. 03-24

A RESOLUTION TO APPOINT ONE (1) DIRECTOR TO THE CHARLESTON DRAINAGE DISTRICT BOARD OF DIRECTORS TO FILL THE VACANCY LEFT BY THE RESIGNATION OF BOB TEICHEIRA

WHEREAS, the Charleston Drainage District (the “District”) is a California drainage district, located in the County of Merced, formed under the Drainage District Act of 1902, codified in Appendix 8 of the California Water Code;

WHEREAS, on February 26, 2024, the District Board of Directors (“Board”) was notified that Director Bob Teicheira resigned from his seat on the Board;

WHEREAS, on the same day, the Board took action to declare a vacancy on the Board and authorized the General Manager to post Notice of Vacancy within the District for fifteen (15) days, and to notify the Merced County elections office of the vacancy; and

WHEREAS, since the effective date of the resignation, Branden Teicheira submitted an application to the District to fill the vacant director position within the sixty (60) day period prescribed by California Government Code section 1780(d)(1); and

WHEREAS, the Board wishes to appoint Branden Teicheira to fill the vacant director seat left by Bob Teicheira, and to hold such office for the remainder of the unexpired term for that seat; and

WHEREAS, Branden Teicheira is qualified to serve on the Board as a legal representative of a holder of title to land within the District pursuant to Appendix § 8-17 of the California Water Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Board of Directors of the Charleston Drainage District hereby finds and determines the above Recitals are true and correct and are incorporated herein by this reference.
2. The Board hereby appoints Branden Teicheira to serve as a director on the Charleston Drainage District Board of Directors, filling the vacancy left by the resignation of Bob Teicheira, and to hold such office for the remainder of the unexpired term for that seat.
3. The District Secretary or his designee is authorized to provide a copy of this Resolution and any and all requested information to the Clerk of the County of Merced and the California Secretary of State, as appropriate.

PASSED AND ADOPTED this 3rd day of April 2024, in a duly noticed and open meeting of the Board of Directors by the following vote, to wit:

Ayes:
Nays:
Abstain:
Absent:

Jake Barcellos, President

Attest: _____
Patrick McGowan, Secretary

DRAFT

**CERTIFICATE OF SECRETARY
OF
CHARLESTON DRAINAGE DISTRICT
A California Drainage District**

I, Patrick McGowan, do hereby certify that I am the duly authorized and appointed Secretary of the Charleston 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 3rd day of April 2024; 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 April 2024.

Patrick McGowan, Secretary

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