

# **Westlands Water District Finance & Administration Committee**

## **Notice of Regular Meeting and Agenda**

### **Notice**

Notice is hereby given that a regular meeting of the Finance & Administration Committee of the Board of Directors of Westlands Water District will be held on April 16, 2024, at 8:30 a.m. at the District's Fresno Office, 286 W. Cromwell Avenue, Fresno, California 93711.

Join the meeting from a computer, tablet or smartphone:

[Join Zoom](#)

Meeting ID: 810 6283 8977

Passcode: 3130

Dial-In Number:

(669) 900-9128

Use the meeting ID and passcode from above

After you join, please mute your line.

If you have problems using the Zoom prior to the start of the meeting, please contact the District's IT staff at 559-224-1523 or [itstaff@wwd.ca.gov](mailto:itstaff@wwd.ca.gov). Requests for assistance made during the meeting may not be responded to timely.

# Westlands Water District Finance & Administration Committee

Regular Meeting

April 16, 2024, 8:30 a.m.

Committee Members

William Bourdeau, Chair  
Justin Diener  
Jeff Fortune  
Jeremy Hughes

**Public Comment** - Any member of the public may address the Committee concerning any matter on the agenda before or, for open session items, during its consideration of that matter. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Committee Chair may waive these limitations.

## Agenda

1. Call to Order
2. Committee to Consider Corrections or Additions to the Agenda of Items, as authorized by Government Code Section 54950 et seq.
3. Committee to Consider Approval of Minutes of the Special Meeting of the Finance & Administration Committee of the Westlands Water District and Joint Special Meeting of the Westlands Water District Board of Directors of February 22, 2024
4. Committee to Consider Request for Waiver of Rules & Regulations, Terms and Conditions, or Other District Financial Provisions:
  - a. Request for Waiver of Municipal and Industrial Water Advance Payment – Bertha Montijo Hendrickson
  - b. Request for Return of Turnback Pool Allocation and Refund – Westside Harvesting, LLC
  - c. Request for Waiver of penalties – F&F West
5. Public Comment - Any member of the public may address the Committee concerning any matter not on the Agenda within the Committee's jurisdiction. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Committee Chairperson may waive these limitations.
6. Adjournment

# **Westlands Water District**

## **Finance & Administration Committee**

### **Regular Meeting**

April 16, 2024, 8:30 a.m.

#### **Order of Business**

The order of business reflected in this Agenda is subject to change.

#### **Accessibility**

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the District provide a disability-related modification or accommodation in order to facilitate that person's participation in any public meeting of the District. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for such assistance may be made in person at the District's Fresno office, which is located at 286 W. Cromwell Avenue, Fresno, California, 93711 by telephone (559-224-1523), facsimile (559-241-6277), or written correspondence addressed to Westlands Water District, Attn: Karen Clark, P.O. Box 5199, Fresno, California 93711. Notifications of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made.

#### **Remote Participation by Members of the Public**

At this time, the District permits any member of the public to participate in meetings of its Board and Committees from any location by telephone or video, or both. Remote participation by members of the public from any location is offered as a courtesy and is not required by law. Telephone and internet access and reliability varies widely, and District staff may not be able to assist members of the public with technical difficulties. To avoid issues that may arise from participating remotely by phone or video, members of the public who wish to provide public comment are encouraged to attend in person at a noticed location.

At the appropriate time to provide the comment, members of the public wishing to comment will be acknowledged by the Chair of the meeting. Members of the public participating by video should use the "Raise Hand" tool located in Zoom meeting link when seeking to provide public comment on an item.

#### **Document Availability**

Written material related to an item on this agenda that is distributed less than 72 hours prior to this meeting to at least a majority of the members of the legislative body will be available for inspection at the District's Fresno office, which is located at 286 W. Cromwell Avenue, Fresno, California, 93711.

Written material distributed during a public meeting will be available for public inspection at the meeting, if prepared by District staff or a member of its legislative body, or after the meeting if prepared by some other person.

#### **Disclosure**

This agenda has been prepared pursuant to applicable laws of the State of California, including but not limited to, Government Code section 54950 et seq. The agenda and information to support items on the agenda have not been prepared to inform an investment decision concerning the District, including in any of District's bonds, notes, or any other financial obligations. Any projections, plans, or other forward-looking statements included in the information in this agenda or the information supporting the items on the agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from such statements. The information in this agenda and the information supporting the items on the agenda are not intended to be used by investors or potential investors in considering the purchase or sale of the District's bonds, notes, or other financial obligations. Investors and potential investors should rely only on information filed by the District on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and the District's Investor Relations website, maintained on the World Wide Web at [emma.msrb.org](http://emma.msrb.org) and [wwd.ca.gov/investor-relations](http://wwd.ca.gov/investor-relations), respectively. For purposes of this note, "District" means Westlands Water District, Westlands Water District Distribution District No. 1, Westlands Water District Distribution District No. 2, San Luis Unit/Westlands Water District Financing Authority, and/or Westlands Water District Financing Corporation.

MINUTES OF THE REGULAR MEETING  
OF THE FINANCE & ADMINISTRATION COMMITTEE  
OF WESTLANDS WATER DISTRICT

February 22, 2024

A regular meeting of the Finance & Administration Committee and Joint Special Board Meeting was held on February 22, 2024 at 8:30 a.m. at the District's Fresno Office, 286 W. Cromwell, Fresno, CA 93711.

Finance & Administration Committee present:

William Bourdeau, Chair (participated by Zoom)  
Justin Diener  
Jeff Fortune  
Jeremy Hughes

Staff present:

Allison Febbo, General Manager  
Jeff Payne, Assistant General Manager  
Jose Gutierrez, Assistant General Manager  
Tommi R. Saghatelian, Interim General Counsel  
Bobbie Ormonde, Deputy General Manager – Finance & Administration/  
District Secretary  
Bill Pierce, Director of Operations & Maintenance  
Jim Carter, Information Technology Officer  
Jas Singh, Senior Information Technology Analyst  
Russ Freeman, Deputy General Manager – Resources  
Elizabeth Jonasson, Deputy General Manager – External Affairs  
Alwin Acuna, Supervisor of Procurement & Fleet Services  
Kiti Campbell, Supervisor of Resources  
Eliz Manoukian, Supervisor of General Accounting  
Steve Farmer, Supervisor of Customer Accounting  
Ter Vang, Supervisor of Human Resources & Administration  
Nicole Branum, Financial Analyst  
Karen Clark, Executive Assistant/Assistant District Secretary

Others present:

Scott Slater, Brownstein Hyatt Farber Schreck  
Liz Esposito, Brownstein Hyatt Farber Schreck

Call to Order

Chair Bourdeau called the meeting to order at approximately 8:30 a.m.

DIRECTOR BORDEAU PROVIDES NOTICE

Director Bourdeau reported he had just cause to participate remotely at the board meeting under the Brown Act and AB 2449 because he was traveling on official business for the District at the Family Farm Alliance Conference in Reno, Nevada and was not physically able to participate in person for this meeting. No other individual was present in the teleconferencing location with him.

CORRECTIONS OR ADDITIONS TO THE AGENDA OF ITEMS, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54950 ET SEQ.

There were no corrections or additions.

COMMITTEE TO CONSIDER APPROVAL OF MINUTES OF THE SPECIAL MEETING OF THE FINANCE & ADMINISTRATION COMMITTEE OF THE WESTLANDS WATER DISTRICT AND JOINT SPECIAL MEETING OF THE WESTLANDS WATER DISTRICT BOARD OF DIRECTORS OF JANUARY 31, 2024

Director Hughes made a motion to approve the minutes of the Committee's meeting of January 31, 2024. The motion was seconded by Director Diener.

Chair Bourdeau asked if there was any public comments, however none were offered.

The Committee deemed the minutes approved as submitted.

Committee to Consider Request for Waiver of Rules & Regulations, Terms and Conditions, or Other District Financial Provisions; Request for Waiver of Penalties for Running Without an Order– Pappas Family Farms, Inc.

Mr. Farmer stated the purpose of this item was for the Finance & Administration Committee to consider a request for waiver of the District's Rules & Regulations by Pappas Family Farms, Inc. (Pappas). On January 19, 2024, Westlands Water District (District) received an email from Justin Nunes on behalf of Pappas. Mr. Nunes was requesting a waiver of the Use Without Order charge in the amount of \$734.01.

On December 26, 2023, District staff observed Turnout ID 6130, off of Lateral 6L, to be running without an order. Turnout ID 6130 is assigned to Pappas.

In his email, Mr. Nunes requests that the District waive the \$734.01 Use Without Order charge. He states that they were transitioning irrigators due to some leaving for Mexico.

Director Diener made a motion to deny the request for waiver of District Rules and Regulations, Terms and Conditions submitted by Pappas Family Farms, Inc. The motion was seconded by Chair Bourdeau.

Chair Bourdeau asked if there was any public comments, however none were offered. Additionally, Ms. Ormonde asked if there was a representative from Pappas Family Farms, Inc. available for comment, however there were none.

The Committee approved the action. Ms. Ormonde took roll as follows:

Chair Bourdeau: Aye  
Director Diener: Aye  
Director Fortune: Aye  
Director Hughes: No

COMMITTEE TO CONSIDER RECOMMENDATION THAT THE BOARD OF DIRECTORS ADOPTS THE GENERAL MANAGER'S 2024-2025 RECOMMENDED BUDGET, AND WATER RATES AND CHARGES, ESTIMATE OF OBLIGATIONS AND REVENUES, AND SALARY SCHEDULE

Ms. Ormonde stated on January 31, 2024, staff presented the Board with the proposed budget reviewed by the Committee. Ms. Ormonde discussed the proposed changes to the proposed budget that were now in the recommended budget.

Director Diener made a motion to recommend that the Board of Directors adopts the General Manager's 2024-2025 Recommended Budget and Water Rates and Charges, Estimate of Obligations and Revenues and Salary Schedule. The motion was seconded by Director Hughes.

Chair Bourdeau asked if there was any public comments, however none were offered.

The Committee approved the action. Ms. Ormonde took roll as follows:

Chair Bourdeau: Aye  
Director Diener: Aye  
Director Fortune: Aye  
Director Hughes: Aye

PUBLIC COMMENT

Chair Bourdeau asked for public comments concerning any matter not on the agenda but within the Committee's jurisdiction, however no public comment was given.

Adjournment

There being no further business, Chair Bourdeau adjourned the meeting at approximately 8:50 a.m.



# Westlands Water District

**DATE:** April 16, 2024

**TO:** Finance and Administration Committee

**THROUGH:** Allison Febbo, General Manager  
Jose Gutierrez, Assistant General Manager

**FROM:** Bobbie Ormonde, Deputy General Manager - Finance and Administration

**SUBJECT:** Consider Request for Waiver of Rules and Regulations, Terms and Conditions, or Other District Financial Provisions – Request for Waiver of Municipal and Industrial Water Advance Payment– Bertha Montijo Hendrickson

## **DISCUSSION:**

The purpose of this agenda item is for the Finance & Administration Committee to consider a request for waiver of the District's Rules & Regulations by Bertha Montijo Hendrickson. On March 20, 2024, Westlands Water District (District) received an email from Ms. Hendrickson requesting a waiver or reduction of the Municipal and Industrial (M&I) water advance payment requirement.

Prior to the beginning of each water year all M&I customers are billed an advance charge based on account usage for the prior year. An advance of two acre feet (AF) is required for all accounts, unless the prior year use is less than or equal to one AF. Accounts that are billed monthly must also pay an advance charge. In February 2024, Ms. Hendrickson was billed for her February Usage of \$9.52 as well as a two AF advance for \$1,122.86 (\$561.43 per AF) for the 2024-2025 water year. Ms. Hendrickson was also issued a credit for the advance payment of two AF from the 2023-2024 water year of \$317.24 (\$158.62 per AF), for a net charge of \$815.14. In 2023-2024, usage on the account was 4.28 AF, and she is billed monthly for her usage.

In her email, Ms. Hendrickson requests a waiver of the advance waiver requirement, or a reduction of the advance payment amount. She states that in 2023-2024 she had two water pipes breaks that lost a lot of water, and that both have since been repaired.

## **PROPOSED MOTION:**

Move to deny the request for waiver of District Rules and Regulations, Terms and Conditions submitted by Bertha Montijo Hendrickson.

## **RECOMMENDATION:**

Approve the proposed motion.

Attachment

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1. Waiver Request by Bertha Montijo Hendrickson, dated March 20, 2024.

March 20, 2024

To: Attn: Stephen Farmer  
Supervisor of Customer Accounting  
Westlands Water District  
P.O. Box 5199  
Fresno, CA 93755

Re: Lloyd Hendrickson and Bertha Montijo Hendrickson  
Customer T-4155

Dear Mr. Farmer:

On Monday, March 11, 2024, I received a Westlands Water District MI Advance Payment 2024-25 statement for \$815.14 due on March 25, 2024.

I am requesting a waiver of the advance payment and to continue making monthly payments, or a reduction of the advance payment.

Last year two sections of the water pipe busted, one was ten feet away from the water meter, which was approximately eight feet and six inches down, losing a lot of water. Also later last year another section of the pipe busted, approximately eight and six inches down and 15 yards away from the water system going west, losing a lot of water. Repairs have been made on both water lines.

Please give me an answer before the statement due date of March 25, 2024. You can contact me by phone at (559) 210-4553 or by mail 2944 S. San Diego Ave., Mendota, CA 93640.

Thank you,

A handwritten signature in cursive script that reads "Bertha Montijo Hendrickson".

Bertha Montijo Hendrickson





# Westlands Water District

**DATE:** April 16, 2024

**TO:** Finance and Administration Committee

**THROUGH:** Allison Febbo, General Manager  
Jose Gutierrez, Assistant General Manager

**FROM:** Bobbie Ormonde, Deputy General Manager - Finance and Administration

**SUBJECT:** Consider Request for Waiver of Rules and Regulations, Terms and Conditions, or Other District Financial Provisions – Request for Return of Turnback Pool Allocation and Refund – Westside Harvesting

## **DISCUSSION:**

The purpose of this agenda item is for the Finance and Administration Committee to consider a request for waiver of the District's Rules & Regulations by Mark Bonnar representing Helmick, Inc., Klein Row Crop Farming, Richard Scott Farms, Inc., Mary Welch Farms, Inc EJD Farms Inc., Errotabere 2000 Irrevocable Trust, Donaghy GT FBO Tara B Flores, Donaghy GT FBO Audra A, Donaghy GT FBO Meghan Trust, Donaghy GT FBO Ryan Trust, J&E Irrevocable Trust, and Westside Harvesting, LLC, (collectively Westside). On March 11, 2024, Westlands Water District (District), received an email from Mr. Bonnar requesting a return of water allocated to the turnback pool from the Westside accounts and to not be charged for the water that was withdrawn. Mr. Bonnar is also requesting to have additional acre feet (AF) that were lost, returned to the Westside accounts. Mr. Bonnar emailed a revised request on April 9, 2024, to clarify his request that the Westside accounts be waived of the charges they incurred above 25% of their remaining supply as of date the Turnback pool allocation was processed, and water be returned to the account up to the cap loss.

In August 2023, the Board directed staff to develop a water turn back pool for up to 30,000 AF to further the District's recharge activities, enable water users to reduce their risk of losing water under the District's Rescheduling Policy, and avoid some of the associated costs with loss. Water would be deducted from participating accounts once it was recharged by the District. A payment of \$46.01 per AF would be required at the time Turn Back Water was withdrawn by the District. As a condition of the application's acceptance, only 25% of the remaining supply could be requested for consideration in the Turn Back pool program. The water user could also revoke the agreement by written notice at any time prior to water being withdrawn. The District approved 58 requests totaling 20,868 AF of timely and late requests for the Turn Back program.

In February 2024, the District recharged 6,000 AF of Turn Back Pool water. On February 27, the District withdrew a like amount from water users who subscribed to the Turn Back

Pool Program. The Westside accounts had requests to turn back a total 3,402 AF of which 1,353 AF (39.7%) was withdrawn.

In his original request dated March 11, 2024, Mr. Bonnar states that during the year they were able to recharge much more than anticipated and were actually running out of water. He states that they were taking on water from their neighbors so their neighbors would not be subject to cap loss. He also states that because the Turn Back program was known to not be guaranteed, and be accepted as soon as reasonably possible, the Westside accounts had assumed that it was not being utilized and forgot about the program.

Mr. Bonnar states that approximately 50% of the remaining supply in the Westside accounts was removed and that they were shocked as he asserts the contract was only for 25% of their remaining supply. In his revised request dated April 9, 2024, Mr. Bonnar requests that the Westside accounts be waived of the charges they incurred above 25% of their remaining supply as of date the Turnback pool allocation was processed, and water be returned to the account up to the cap loss.

**PROPOSED MOTION:**

Move to deny the request for waiver of District Rules and Regulations, Terms and Conditions submitted by Mark Bonnar.

**RECOMMENDATION:**

Approve the proposed motion.

Attachment

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1. Waiver Request by Mark Bonnar dated March 11, 2024.
2. Revised Waiver Request by Mark Bonnar dated April 9, 2024.
3. Agreement to Turn Back 2023-2024 Central Valley Project Contract Water Contract - Sample

## Stephen Farmer

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**Subject:** FW: Turn-Back Pool

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**From:** Mark Bonnar <[mbonnar@westsideharvesting.com](mailto:mbonnar@westsideharvesting.com)>

**Sent:** Tuesday, April 9, 2024 11:15 AM

**To:** Russ Freeman <[rffreeman@wwd.ca.gov](mailto:rffreeman@wwd.ca.gov)>; Stephen Farmer <[sfarmer@wwd.ca.gov](mailto:sfarmer@wwd.ca.gov)>; Jose Gutierrez <[jgutierrez@wwd.ca.gov](mailto:jgutierrez@wwd.ca.gov)>; Bobbie Ormonde <[bormonde@wwd.ca.gov](mailto:bormonde@wwd.ca.gov)>

**Subject:** RE: Turn-Back Pool

You don't often get email from [mbonnar@westsideharvesting.com](mailto:mbonnar@westsideharvesting.com). [Learn why this is important](#)

Hi All,

Thank you again for meeting with me yesterday. As a follow-up to our conversations, I wanted to confirm that we are only looking for a waiver of the fees for the turn-back water above the 25% remaining supply limit, and that the additional ac/ft that was taken up to the cap loss be returned.

If there is anything else you need, please let me know.

Thanks,

Mark Bonnar

Ofc. 559 945-2524

Fax 559 945-9643

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**From:** Mark Bonnar

**Sent:** Monday, March 11, 2024 4:53 PM

**To:** [rffreeman@wwd.ca.gov](mailto:rffreeman@wwd.ca.gov); [sfarmer@westlandswater.org](mailto:sfarmer@westlandswater.org); [jgutierrez@wwd.ca.gov](mailto:jgutierrez@wwd.ca.gov)

**Subject:** Turn-Back Pool

Hi Jose, Russ, and Steve,

Thank you all for taking the time to speak with me about the issue I was having regarding the turn-back water calculation. Below are the circumstances that led to this, and the request that I have.

Back in August, the district created the turn-back program, which allowed a water user to turn-back some of their water supply to the district at a reduced fee. We decided at that time that it would be a good idea to engage into the program in order to avoid the expected cap rate losses.

Throughout the year, we were able to recharge much more than we initially expected, and were actually running out of water, and accepting additional water from our neighbors so they would not be subject to a cap loss. Because the turn-back program was known to not be guaranteed, and be accepted "as soon as reasonably possible", we had assumed that it was not being utilized, and forgot about it.

On Feb 27, approximately 50% of our remaining supply was removed from our water accounts. This came as a shock to us, especially since the contract was only for 25% of our remaining supply.

From my discussions with Russ and Steve, the districts stance was the “remaining supply” was calculated in September, rather than the actual remaining supply of water when the water was taken from our accounts. It is unclear in a what-if scenario, what would happen if a water users account went below zero (which ours would certainly have if we did not keep our accounts afloat with water from our neighbors).

I would like to request that we only be limited to losing the 25% of our water as of the end of February, and would not be charged for the additional water that was taken. If possible, I would also request to have the additional acre/ft above the cap that were lost be returned to our accounts.

If you have any questions, please let me know.

Thanks,

Mark Bonnar  
Ofc. 559 945-2524  
Fax 559 945-9643

**AGREEMENT TO TURN BACK 2023-2024 CENTRAL VALLEY PROJECT CONTRACT WATER**

Water User Name \_\_\_\_\_ Email Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

WWD Account No. \_\_\_\_\_ Turn Back Amount Requested\* (AF) \_\_\_\_\_

Note:

\* Must not exceed 25 percent of remaining supply

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I, herein referred to as "Water User", hereby request that the District accept return of 2023-2024 Water Year Central Valley Project (CVP) Contract Water requested amount above (Turn Back Water) and agree, as a condition of returning said water and in accordance with the District's Regulations, policies, and applicable agreements, as follows:

1. To make available, if and when required by the District, the Turn Back Water requested herein. Notwithstanding the foregoing, the District will not accept Turn Back Water from land for which charges or assessments are delinquent at the time Turn Back Water is required by the District or from any land for which advance payment is required until such advance payment is received, or in lieu thereof security, in a form acceptable to the General Manager, for such payment has been provided.
2. To make available Turn Back Water if the District determines it so requires. I understand, however, that I can revoke this agreement by written notice to the District.
3. Turn Back Water will be accepted as soon as reasonably possible after it is made available to the District, which is dependent on various factors, including the District's recharge capacity and authorized funding to use Turn Back Water for groundwater recharge.
4. To pay \$46.01 for each acre foot of Turn Back Water the District accepts, to make payment for such Turn Back Water at the time payment is requested and to make all payments by the due dates specified in the District's Terms and Conditions for Agricultural Water Service.
5. The District, in its sole discretion and dependent upon District requirements for groundwater recharge supplies for the year, may decline to accept Turn Back Water, and reduce my outstanding Turn Back Water request by the same amount, if I am delinquent on any amount owed to the District.
6. Except as otherwise provided by the District, to remain liable for any water remaining in Water User's account.

7. To comply with the Terms and Conditions of the Westlands Water District Agricultural Water Service Agreement, and the Regulations for the Allocation of Agricultural Water, copies of which will be furnished upon request, both of which are incorporated herein as though set forth at length.

8. To comply with the District's Sustainable Groundwater Management Act regulations and specifically Article 1, as may be amended, which is titled: "Regulations for the Groundwater Allocation Program and Use of Groundwater within the Westside Subbasin", a copy of which will be furnished upon request, and is incorporated herein as though set forth at length.

9. Return calculations will be based on irrigable acres as determined by U. S. Farm Service Agency or District measurements.

10. The District will notify Water User as to the amounts of Turn Back Water accepted by the District and will maintain a record of revisions, if any, of the Turn Back Water supply.

11. The District may use any funds held for the benefit of or on behalf of Water User to pay or offset any monetary obligation Water User has to the District, including obligations associated with Turn Back Water.

12. There are no intended third party beneficiaries to this Agreement and nothing contained herein, expressed or implied, is intended to give to any person, partnership, corporation, joint venture, limited liability company or other form of organization or association any right, remedy or claim under or pursuant hereto, and any agreement or covenant required herein to be performed by or on behalf of Water User or the District shall be for the sole and exclusive benefit of Water User or the District.

Date \_\_\_\_\_ Print Name \_\_\_\_\_

Signature \_\_\_\_\_

**Please complete this agreement and return it to the Fresno Office no later than close of business, September 8, 2023 by mail, facsimile, or attachment via email.**

- **Mail to: Westlands Water District, P.O. Box 6056, Fresno, CA 93703. You may also hand deliver the agreement to the District's Fresno Office, at 3130 N. Fresno Street.**
- **Scan and email to: [customeraccounting@wwd.ca.gov](mailto:customeraccounting@wwd.ca.gov)**
- **Facsimile to: (559) 241-6276**



# Westlands Water District

**DATE:** April 16, 2024

**TO:** Finance and Administration Committee

**THROUGH:** Allison Febbo, General Manager  
Jose Gutierrez, Assistant General Manager

**FROM:** Bobbie Ormonde, Deputy General Manager - Finance and Administration

**SUBJECT:** Consider Request for Waiver of Rules and Regulations, Terms and Conditions, or Other District Financial Provisions – Request for Waiver of Penalties– F&F West

**DISCUSSION:**

The purpose of this agenda item is for the Finance and Administration Committee to consider a request for waiver of the District's Rules & Regulations by F&F West. On April 9, 2024, Westlands Water District (District) received an email from Ryan Ferguson on behalf of F&F West. In the waiver request dated April 8, 2024, Mr. Ferguson is requesting a waiver of any penalties associated with the late payment of land-based charges (LBCs).

The District mailed LBC statements to owners of record on March 7, 2024, with a first installment due on March 25, 2024. In anticipation of the LBC billing, District staff request land ownership data from Kings and Fresno Counties. The District received land ownership records from Fresno County in January of 2024 and from Kings County in February 2024 and updated District records accordingly. However, the data that the Counties provide is often 3 to 6 months behind the date we request it. The data that we received did not have any ownership change data between B.E. Giovannetti and F&F West, and therefore the LBC was billed to the owner of record for the District, B.E. Giovannetti.

In his request, Mr. Ferguson states that he purchased the land on January 19, 2024, and assumed the District would be notified of the ownership change. He also states that the LBCs billed to B.E. Giovannetti were forwarded to him on April 1, 2024. F&F West paid the LBC March installment and 2% penalty on April 2, 2024. Mr. Ferguson is requesting that the penalty associated with the late payment of the B.E. Giovannetti LBC be waived.

**PROPOSED MOTION:**

Move to deny the request for waiver of District Rules and Regulations, Terms and Conditions submitted by F&F West.

**RECOMMENDATION:**

Approve the proposed motion.

Attachment

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1. Waiver Request by F&F West dated April 8, 2024.

# F WEST

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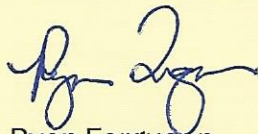
## F & F West

April 8<sup>th</sup>, 2024

To Bobbie Ormonde,

F&F West purchased property from B.E. Giovannetti on January 19<sup>th</sup>, 2024. F&F West was under the assumption that Westlands Water District would be notified that this transaction was made, and the property would switch over. The Land Based Charges due March 25<sup>th</sup> were sent to B.E. Giovannetti. Giovannetti forwarded the Land Based Charges to F&F West on Monday, April 1<sup>st</sup>. F&F West paid the Land Based Charges plus the 2% interest for late penalties. F&F West is requesting that any late penalties be waived for this property. Please let us know at your earliest convenience.

Regards,



Ryan Ferguson

F&F West