

January 16, 2019
Tracy, CA 95304

Pursuant to adjournment, December 12, 2018 the Board of Directors of the Banta-Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California on the above named date.

PRESENT: Directors: James M. McLeod, Keith Robertson, Glenn Robertson, James M. Thoming and Annette Elissagaray

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe and District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the December 12, 2018 as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

Secretary Howe presented the Treasurer's report and after review by the Board it was filed.

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

There was no correspondence presented.

ITEM 3 - Manager's Report & Discussion Items.

MANAGER'S REPORT

January 16, 2019

Vernalis flow +/- 1290 cfs. Wheeling +/- 84 cfs

Maintenance - The L4A pump for the old Paulsen Ranch was pulled in December by Stockton Pump of Stockton Ca. They also pulled the L2, cottonwood pump. They are due to be re-installed around the first of February.

Jorge Flores experienced acute pain Saturday, December 29, 2018, and visited the emergency room at the hospital. The pain was caused by his gall bladder which was removed that evening. He is scheduled to be off work through mid February. All other employees are available to work.

We have three pumpers on water schedule to wheel water. The remaining employees are repairing gates, structures, and building trash racks. These activities are typical annual maintenance tasks.

The San Joaquin County Environmental Health Department Hazardous Waste section conducted a site visit on Monday January 14, 2019. The inspector noted some minor violations regarding our handling of hazardous waste. We have thirty days to correct the violations and submit proof to the department. A copy of the inspection is available to review.

We have scheduled a deep cleaning of the office for January 25th. This will include deep cleaning of carpets, hard flooring, blinds, baseboards etc. Jan Pro will be doing the work. All offices will be cleaned.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled 3,250 af for USBR/Friant in December. In January it appears that we will be able to wheel about 4,500 af of a total available 5,250 af. When we shutdown at the end of December the return valve in pumping plant #6 blew off the pipeline inside the pump station. We elected to disconnect PP #6 from the new 72 inch pipeline (see photo) to prevent further potential issues in the old plant. That repair took us into the first couple of days in January to complete. We ran for one day and high winds knocked out 60 Kv service on Saturday, January 5. We elected not to restart that weekend due to high winds.

Sustainable Groundwater Management Act (SGMA) –The next milestone due is a Groundwater Sustainability Plan (GSA) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022.

Replacement Pumping Plant 5 Low Head Lift – Garrett Arnaudo has installed the pipeline and the pumps have been set. The starting pipeline section needs to be altered as it didn't clear the end of the 72 inch pipeline. The first piece needs to be shortened. The pipeline still needs grout to be applied on the joints inside the pipe. There wasn't any electrical work done on site in December.

Pumping Plant #4 Replacement Project – No report for December.

San Joaquin County Community Development Application # PA 160049 (AP) – The County sent a notice of public hearing for the project in December. I replied to the notice to county staff by re-iterating our concerns with groundwater contamination with the use of un-lined ponds for storm water runoff. The public hearing was removed from the calendar in December.

Website – New legislation passed last year, SB 929, requiring special districts to have a website that provides district contact information by January 1, 2020. This is simple enough except that there has been legislation on the books for several years that requires other information be posted **IF** you have a website. We have been exempt from those other postings because we never have had a website. We will now be required to make those postings.

New Pumping Plant #5 Noise – A residential neighbor, Mr. Daryl Rond, of the new pumping plant #5 came into the office on Monday, January 14, 2019, sharing that the noise from the new pumping plant has been disturbing in their house at night. He inquired as to whether or not we have any plans to enclose the pumps with a house. I shared with him that we didn't have any plans to deal with the noise at this time as we weren't aware that it was an issue to the neighbors.

Respectfully submitted by:

David Weisenberger
General Manager

ITEM 4 – DIRECTOR AND STAFF ITEMS

The Board of Directors directed staff to research what is available for noise control at the new Pumping Plant #5.

ITEM 5 – ELECTION OF OFFICERS AND HIRING OF LEGAL COUNSEL

Director Glenn Robertson made a motion to retain the current slate of officers and the current legal counsel. Director Annette Elissagaray seconded the motion. Retained were James McLeod, President of the Board; Keith Robertson, Vice President of the Board; David Weisenberger, General Manager; Margaret Howe, Secretary – Treasurer; and Jeanne Zolezzi, District Legal Counsel. The motion carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 6 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, CONSIDER TRANSFERS, AND REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

General Manager Weisenberger reported he was able to transfer an additional 1,175 acre feet of the District's 2018 CVP Water at \$61 per acre foot. This will leave the District 2,000 acre feet of 2018 CVP water available for rescheduling into 2019.

He expects to wheel approximately 4,500 acre feet of restoration flows for Friant Water Users in January and possibly 5,400 acre feet in February.

ITEM 7 – CONSIDER FOR APPROVAL A RATE AGREEMENT WITH THE POWER AND WATER RESOURCES POOLING AUTHORITY (PWRPA) FOR THE RE SOLAR PROJECT. ACTION AS NECESSARY

Staff presented a Rate Agreement with PWRPA for the RE Solar Project for review by the Board. The current agreement is for a 20 year term and the Board determined they are not willing to participate in the project for any longer than 10 years. The Board authorized General Manager Weisenberger to inform PWRPA of their decision.

ITEM 8 – CONSIDER FOR APPROVAL 2019 BUDGET. ACTION AS NECESSARY

Staff presented a revised budget for 2019 for review by the Board. After reviewing the budget, Director James M Thoming made a motion to approve the Banta-Carbona Irrigation District

Budget for 2019 as submitted. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 9 – CONSIDER FOR APPROVAL PROFESSIONAL SERVICES AGREEMENT WITH FISHBIO FOR PREDATION STUDY IN SOUTH DELTA. ACTION AS NECESSARY.

The Board reviewed the Professional Services Agreement with FISHBIO and Director Keith Robertson made a motion to approve the agreement. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 10 – REPORT ON PROGRESS OF PROP 1 GRANT APPLICATION DEVELOPMENT TO STUDY, DESIGN, AND PERMIT HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT'S DIVERSION POINT. ACTION AS NECESSARY.

The PROP 1 Grant Application was submitted on December 18, 2018. A decision on approval is not expected until May.

ITEM 11 – REVIEW FOR APPROVAL ONE YEAR EXTENSION OF FRIANT AGREEMENT FOR CONVEYANCE OF WATER. ACTION AS NECESSARY.

Staff presented a draft one year extension of the Friant Agreement for Conveyance of Water but took no action.

ITEM 12 – REVIEW FOR APPROVAL ONE YEAR EXTENSION OF MEMORANDUM OF AGREEMENT WITH U.S. BUREAU OF RECLAMATION REGARDING SJRRP DIVERSIONS ON THE SAN JOAQUIN RIVER. ACTION AS NECESSARY.

The Board reviewed the draft one year extension of Memorandum of Agreement with the U.S. Bureau of Reclamation regarding the SJRRP diversions on the San Joaquin River. Director James M Thoming made a motion to approve the Memorandum of Agreement conditional upon the U.S Bureau of Reclamation accepting the changes suggested by District Legal Counsel Jeanne Zolezzi and authorizing General Manager Weisenberger to execute the agreement. Director Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 13 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.

General Manager Weisenberger reported the District has received its construction repayment estimate from Reclamation. The current estimate owed as discounted for on Unpaid Construction Cost is \$2,083,844 and for Unpaid Intertie Construction Cost, \$136,960, for a total owed of \$2,220,804 dollars. The next negotiation scheduled is March 13, 2019 from 10 am- 3 pm at the George Sims Community Center, 6207 Logan Street, Sacramento, CA 95824. The request for delegation of authority from the Assistant Secretary of Water and Science is almost ready to be submitted. Once it is submitted, they expect it will take 1 to 2 months to receive approval. They will advise us when the request leaves the Mid-Pacific Region. The Form of Contract will be provided to all contractors 30 days prior to negotiations. Rather than enter into a new contract, Reclamation plans to enter into contract amendments (including those that have Interim Renewal Contracts) that will incorporate new standard language and add the WIIN Act provisions.

We have submitted our documentation identifying our representatives for negotiating purposes.

ITEM 14- CLOSED SESSION:

1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code

- A. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County Superior Court, Dept 1. This case originated in San Joaquin County as Case No. 39-2015- 00326421-CU-WM-STK

- B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

- A. Property: Water Transfer
Agency negotiator: District Counsel Jeanne Zolezzi
Negotiating parties: Modesto Irrigation District
Under Negotiation: Quantity, price, period of transfer
- B. Property: Wheel Water through lift canal and Pump Station Facilities for Third Parties
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating parties: Friant Water Authority

3) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
(2 cases)

The Board returned to open session with no announcement.

ITEM 15 - Approval of Warrants

Director Keith Robertson moved that the January 2019 Warrants in the amount of \$610,356.01 be approved for payment. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, February 13, 2019 at 9:00 a.m.

Respectfully,

Margaret G. Howe