

May 15, 2019
Tracy, CA 95304

Pursuant to adjournment, April 17, 2019 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, and James M. Thoming

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

ABSENT: Annette Elissagaray

ITEM 1 – REVIEW FINANCIAL AUDIT FOR 2018. ACTION AS NECESSARY

Sandy Sup, CPA, representing Fechter & Company, presented to the Board the audit they conducted for the District for fiscal year 2018. She reported that they made a finding that an “Unqualified Opinion” was appropriate for the audit. She reviewed the audit with the Board of Directors. After reviewing the audit, Director James M Thoming made a motion to accept the audit as presented for filing. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, Keith Robertson and James M Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

1(A) REVIEW AND ESTABLISH COST OF SERVICE RATE FOR 2019. ACTION AS NECESSARY

Staff reported the District’s Cost of Service as reported in the District’s Annual Audited Financial Report for the year 2017 was \$4,780,774.00 and for the year 2018 was \$5,709,940.00. The total acre feet of water delivered in the year 2017 was 37,263 and for the year 2018 was 42,064. The average Cost of Service for the years 2017 and 2018 is \$5,245,357.00 and the average acre feet of water delivered is 39,664. The average Cost of Service (\$5,245,357.00) divided by the average acre feet of water delivered (39,664) equals a Cost of Service rate of \$132.25. Director Keith Robertson made a motion to establish the District’s 2019 Cost of Service Rate at \$132.25. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

ITEM 2 - MINUTES & TREASURER’S REPORT

Director Keith Robertson made a motion to approve the minutes of the April 17, 2019 as presented. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

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

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the Directors of Banta-Carbona Irrigation District each received an invitation to an open house being held by Herum/Crabtree/Suntag (HCS) welcoming the Honorable Lesley D. Holland, Superior Court of California Judge, Retired as Of Counsel to the Firm. The open house will be held on Thursday, June 6, 2019, in the offices of HCS.

ITEM 4 - MANAGER’S REPORT & DISCUSSION ITEMS.

Manager’s Report May 15, 2019

Vernalis flow +/- 9,200 cfs. Wheeling +/- 0 cfs

Maintenance - Currently on-going emphasis is on weed control, terrestrial and aquatic.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled zero water for USBR/Friant in April. Friant has not responded to our proposed contract terms that we provided them in December 2018.

Reclamation CVP 9(e) contract to a 9(d) contract. We received our construction repayment estimate from Reclamation. The current estimate owed as discounted for today 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 for May 29, 2019. Esq. Jeanne Zolezzi will be attending on the District's behalf.

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. DWR is currently accepting public comments on their Phase 2 Basin Prioritization list that was released on April 30, 2019. The Tracy sub-basin is still listed as a medium priority basin. Our Tracy GSP group plans to submit comments that support a “LOW” priority basin designation. The Tracy sub-basin scored maximum points on the urban growth section and lands under irrigated agriculture, each getting 5 points. The total score was 19 points and to be designated a LOW priority the total score needs to be 14 or less. Being that this sub-basin relies almost exclusively on surface water for both urban and agriculture demands we feel those two scores are inappropriate.

Replacement Pumping Plant 5 Low Head Lift – Garrett Arnaudo has completed his portion of the project. Final payment is being made to Arnaudo Construction in the May Board meeting. Bockmon and Woody electricians have completed their portion except for any punch list items that may crop up. The low head station is running in manual mode. The SCADA program is being de-bugged. It maintained the water level correctly but was over working the VFD drives.

Pumping Plant #4 Replacement Project – Dahl Consultants and WAVE Engineering have been busy sending out requests for proposals (RFP's) for various equipment. A purchase order has been issued for the pumps and motors. There are currently RFP's out for pipeline/penstocks, transformers, and switchgear. WAVE is waiting on nameplate information from CASCADE Pump for the motors in order to prepare specifications for the Motor Control Centers (MCC's). An RFP for voltage regulators is also in the wings. The longest lead item remains to be the pumps and motors with a delivery date of January 31, 2020. Though we have been pressing CASCADE to expedite the submittal processes so that the order can go to manufacturing ASAP.

San Joaquin County Community Development Application # PA 1600049 (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. For the noise issue with the neighbors we have planted 225 Italian Cypress along the east side of the lift. This will be the long term solution. In addition we planted ground cover intended to spread over the inside of the canal bank to help absorb sound instead of the sound glancing off of the flat surface of the bank. We also did construct a three to four foot high berm but it made very little difference unless you knelt behind it. The trees and groundcover are planted on top of this berm.

In the meantime for the intervening 2-5 years we would like to build a frame around the motors and attach sound blankets. We propose to try this on one motor and see how much of a difference it makes. If it makes a significant difference then we would like to put them on the other two motors. We don't anticipate the new motors on the low head side to be a big issue.

Traveling Trash Screen – The foundation for the traveling trash screen at the tail end of 3 West canal at Banta Road has been constructed. PG&E. is processing our request for a 100 amp, 120/240 volt single phase service. Bockmon and Woody are pulling permits from the county to construct the electrical service to the equipment.

PROP 1 Grant Application – The Delta Conservancy Board is meeting next Wednesday, May 22, 2019, from 9 am to 1 pm to select applications for grant funding. The meeting will be held at the Bridgeway Lakes Boathouse at 3650 Southport Pkwy, West Sacramento, CA 95691. They encourage applicants to attend. I will be attending as well as FISHBIO and possibly CBEC.

Respectfully submitted by:

David Weisenberger
General Manager

ITEM 5 – DIRECTOR AND STAFF ITEMS

Directors James McLeod, Keith Robertson and James M. Thoming and Staff General Manager David Weisenberger and Secretary Margaret Howe attended the Spring ACWA Conference in Monterey, CA the first week of May 2019. Speakers at the conference included Wade Crowfoot, Secretary, California Natural Resources Agency; Jared Blumenfeld, Secretary for Environmental Protection, California Environmental Protection Agency; and E. Joaquin Esquivel, Chair, State Water Resources Control Board. Director James McLeod completed his required "Sexual Harassment Prevention for Board Members & Managers" training and Director Keith Robertson completed his required "Ethics Training for Water Agency Officials."

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

US Bureau of Reclamation announced an increase in the 2019/2020 CVP allocation for South of Delta Users to 55%. This will provide the District with 11,000 acre feet of CVP Water available for the 2019/2020 water year. The market for transfers' remains very slow.

ITEM 7 – CONSIDER POSSIBLE TRANSFER OF TEMPORARILY SURPLUS PRE-1914 WATER SUPPLY. ACTION AS NECESSARY.

General Manager Weisenberger reported he discussed the availability of conveyance in the Delta-Mendota Canal with Frances Mizuno, Assistant Executive Director, of the San Luis & Delta Mendota Water Authority. Ms. Mizuno's opinion is there will no room for conveyance during the months of July, August and September and possibly even June. Given this information General Manager Weisenberger feels it is unlikely the District will be able to transfer any temporarily surplus Pre-1914 water.

ITEM 8 – SALE OF DISTRICT PROPERTY NO LONGER REQUIRED, TWO PICKUPS A 2014 FORD F-150 ID#1FTMF1CM2EFB49924 A 2015 FORD F-150 ID#1FTMF1C88FKD18016. ACTION AS NECESSARY.

Staff reported the two 20198 pickups the District ordered have been delivered and the District will no longer need the above vehicles. Director Keith Robertson made a motion to sell the above vehicles, Director Glenn Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

RESOLUTION NO. 2019-03

**RESOLUTION OF May 15, 2019 AUTHORIZING THE
SALE OF CERTAIN EQUIPMENT AS PROPERTY NO
LONGER NECESSARY FOR DISTRICT PURPOSES**

WHEREAS, the District may sell for a valuable consideration any property of the District which it finds to be no longer necessary for District purposes, and

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2014 Ford F-150 ID#1FTMF1CM2EFB44924 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than \$8,000 for the 2014 Ford F-150 ID#1FTMF1CM2EFB44924 is a valuable consideration for said property

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2015 Ford F-150 ID#1FTMF1C88FKD18016 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than \$10,000 for the 2015 Ford F-150 ID#1FTMF1C88FKD18016, is a valuable consideration for said property;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the President and Secretary of the District are authorized to display said property for sale and directed to sell said property to whoever presents a cash offer, provided that said offer is equal to or greater than the amounts listed above.

BE IT FURTHER RESOLVED AND ORDERED that the President and Secretary are authorized and directed to take all necessary steps and execute all documents necessary to transfer title to said property.

PASSED AND ADOPTED this 15th day of May, 2019 by the following roll call vote:

AYES: James McLeod, Keith Robertson, Glenn Robertson, James M. Thoming

NOES: None

ABSTAIN: None

ABSENT: Annette Elissagaray

**ITEM 9 – CONSIDER POSSIBLE ACTION FOR APPROVAL OF A THIRD
FIFTEEN YEAR EXTENSION TO THE MASTER ENCROACHMENT
AGREEMENT DATED MARCH 24, 1988 WITH PG&E. ACTION AS
NECESSARY.**

A request by the Pacific Gas and Electric Company (PG&E) to extend the “Master Encroachment Agreement” dated March 24, 1988 for a third fifteen year extension was reviewed by the Board of Directors. Director Glenn Robertson made a motion to approve the agreement as presented. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

RESOLUTION NO. 2019-04

**RESOLUTION OF MAY 15, 2019 AUTHORIZING AMENDING THE MASTER
ENCROACHMENT AGREEMENT WITH PACIFIC GAS & ELECTRIC
COMPANY**

WHEREAS, rapid urbanization within the District brought with it many concerns relative to development within District occupied easements and fee-owned lands utilized for its irrigation and drainage facilities, and

WHEREAS, a Master Encroachment Agreement was negotiated with Pacific Gas and Electric Company (PG&E) in March 1988 which facilitates orderly and timely development of lands within the limits of the District and which assures that needed

PG&E facilities such as power lines and gas lines, together with necessary appurtenant structures are properly considered during the development stages without undue delay, and

Whereas, the District and PG&E finds that extending the Master Encroachment Agreement for another fifteen years is in the best interests of each party, and

Whereas, said Master Encroachment Agreement provides that PG&E indemnify and hold the District harmless and further provides that PG&E improvements are located, installed, operated, and maintained as approved by the District.

Whereas, the District finds that a fee of \$250 per crossing to be fair and reasonable for situations where no unusual circumstances exist and which would not require significant staff or attorney's time for analysis.

NOW, THEREFORE BE IT RESOLVED that the District approves said Amendment to the Master Agreement with PG&E and that the District's President and Secretary execute the Amendment to the Agreement on behalf of the District.

PASSED AND ADOPTED this 15th day of May, 2019 by the following roll call vote:

AYES: James McLeod, Keith Robertson, Glenn Robertson, and James M. Thoming y

NOES: None

ABSTAIN: None

ABSENT: Annette Elissagaray

ITEM 10 – CONSIDER POSSIBLE ACTION FOR APPROVAL A MEMORANDUM OF AGREEMENT FOR THE DEVELOPMENT OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY.

The Board reviewed the Memorandum of Agreement for the development of the Tracy Sub-basin Groundwater Sustainability Plan and after discussing it with staff and District Counsel, Director Keith Robertson made a motion to approve the agreement subject to District Counsel's amendments. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

ITEM 11 – REPORT ON PROGRESS OF PROP 1 GRANT APPLICATION DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A 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.

District's PROP 1 Grant Application will be reviewed at the Delta Conservancy's May 22nd board meeting between 9 and 1. General Manager David Weisenberger as well as representatives from FISHBIO and possibly CBEC will be attending to answer any questions from the Conservancy's board members may have.

ITEM 12 – REPORT ON STATUS OF ONE YEAR EXTENSION OF FRIANT AGREEMENT FOR CONVEYANCE OF WATER. ACTION AS NECESSARY.

The District did not wheel any water for USBR/Friant in April. Friant has not responded to our proposed contract terms that we provided them in December 2018.

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

The next negotiation meeting is scheduled for May 29th and 30th; District Counsel Jeanne Zolezzi will be attending on behalf of the District.

ITEM 14 – FISHBIO REPORT AND UPDATE ON SAN JOAQUIN RIVER PREDATION STUDY. ACTION AS NECESSARY

Staff presented a report from FISHBIO updating project activities in April. The permits have been received and they began trapping on April 29th. They are permitted to trap until June 30th or when the maximum water temperature reach a certain threshold, whichever comes first.

ITEM 15 – REVIEW WITH DAHL CONSULTANTS INC. PUMPING PLANT 4 REPLACEMENT PROJECT DESIGN CONCEPT ALTERNATIVES. ACTION AS NECESSARY.

The Board reviewed the draft civil Pump Station 4 site plan prepared by Dahl Consultants, Inc. and the electrical systems site plan prepared by Wave Engineers, Inc. The Board suggested the electrical equipment room should, in the interest of safety, have more emergency exits. The District has issued a purchase order to Cascade Pump Co. in the amount of \$1,120,291.00 for five pumps for the project.

ITEM 16- 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: 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 (1 cases)

The Board returned to open session with no announcement.

ITEM 17 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the May 2019 Warrants in the amount of \$367,112.82 be approved for payment. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Annette Elissagaray

The meeting was then adjourned to Wednesday, June 12, 2019 at 9:00 a.m.

Respectfully,

Margaret G. Howe