

June 12, 2019
Tracy, CA 95304

Pursuant to adjournment, May 15, 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, Glenn Robertson, James M. Thoming and Annette Elissagaray

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

ABSENT: Keith Robertson

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Annette Elissagaray made a motion to approve the minutes of the May 15, 2019 as presented. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

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

June 12, 2019

Vernalis flow +/- 15,000 cfs. Wheeling +/- 0 cfs

Maintenance - Currently on-going emphasis is on weed control, terrestrial and aquatic. Also putting squirrel and rodent bait out. Since last board meeting did road grading and box scraping in preparation for Dustoff application. The Dustoff application is complete. Also have been doing disking to knock down weeds.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled zero water for USBR/Friant in May. Do not plan to wheel water for them the rest of the water year ending on February 29, 2020.

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 June 17 and 18, 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. After consulting with a DWR representative our Tracy GSP group did not submit comments that support a "LOW" priority basin designation. After reviewing the criteria for basin designation the Tracy sub-basin could not get its score down from 19 points to 14 or less to qualify as LOW.

Replacement Pumping Plant 5 Low Head Lift – The low head station is running in auto mode maintaining the sump 5 pool on the mark. The SCADA program is still being de-bugged by Scott Penner of WAVE Engineers.

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, switchboard, transformers, and voltage regulators. There are currently RFP's out for pipeline/penstocks, control console, and motor control centers. 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. So far the electrical equipment looks like it will all be received by December 1, 2019.

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. There has been no news on this application since.

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 – We still need to order a sound blanket to try on one pump unit. 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. We have received the PG&E drawings for a 100 amp, 120/240 volt single phase service. Bockmon and Woody are gathering materials for installing the electrical equipment.

PROP 1 Grant Application – The Delta Conservancy Board met on Wednesday, May 22, 2019, from 9 am to 1 pm to select applications for grant funding. I attended as well as Andrea Fuller of FISHBIO and a representative of CBEC. The meeting went well even though BCID wasn't recommended for funding on that day. The Board left it open for BCID to work with Conservancy staff to clear up any questions they have that prevented them from recommending funding last month. We will be meeting them on June 25, 2019.

Respectfully submitted by:
David Weisenberger
General Manager

ITEM 4 – DIRECTOR AND STAFF ITEMS

Director James M. Thoming and General Manager Weisenberger attended a workshop hosted by the San Luis & Delta-Mendota Water Authority to tour Shasta Dam and the reservoir expansion area, including the McCloud River. Director James M Thoming gave an oral report on the workshop.

ITEM 5 - 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 70%. This will provide the District with 14,000 acre feet of CVP Water available for the 2019/2020 water year. The market for transfers' remains very slow.

ITEM 6 – REVIEW OUTSIDE DISTRICT WATER RATES. ACTION AS NECESSARY

The Districts current rate for water service to ground outside the district boundaries and has never been within the district boundaries is \$200 per acre foot. Ground that was once inside the district boundaries and was detached from the district is charged the inside the district rate plus \$14.00 (\$84.00 per acre foot). The Board reviewed these rates and took no action to make changes to these rates.

ITEM 7 – SALE OF DISTRICT PROPERTY NO LONGER REQUIRED ONE PICKUP A 2015 FORD F-150 ID#1FTMF1C88FKD18016. ACTION AS NECESSARY.

Staff reported one of the two pickups approved for sale at the May 15, 2019 board meeting did not sell. One offer was received for \$8,500.00, but the established minimum bid was \$10,000. Director Glenn Robertson made a motion to drop the minimum bid to \$8,500 and put the vehicle up for bid again. Director James M Thoming seconded the motion it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

ITEM 8 – CONSIDER PROPOSAL FOR 2019 AUDIT FROM FECHTER & CO. ACTION AS NECESSARY.

Secretary Howe reported she received a proposal from the District's current auditor, Fechter & Co, to do the District's 2019 audit for \$8,800. After some discussion, it was decided that since Fechter & Co. have done the District's audits for the last four years it would be best to request proposals from other firms. Director James M Thoming made a motion to authorize staff to prepare and send out a "Request for Proposal" for the 2019 audit. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

ITEM 9 - REVIEW AGREEMENT WITH MEYERS FAMILY FARMS. ACTION AS NECESSARY.

The Board of Directors reviewed the District's current "Water Transfer Agreement". The current agreement expires on February 28, 2025, but price can be re-negotiated every five years. After reviewing the agreement, Director Annette Elissagaray made a motion to make no changes to the current agreement. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

ITEM 10 – UPDATE ON MEMORANDUM OF AGREEMENT FOR THE DEVELOPMENT OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY.

General Manager Weisenberger reported the District is still waiting for an executable document. No action was taken.

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.

The Delta Conservancy Board met on Wednesday, May 22, 2019, from 9 am to 1 pm to select applications for grant funding. General Manager Weisenberger attended as well as Andrea Fuller of FISHBIO and a representative of CBEC. The meeting went well even though BCID wasn't recommended for funding on that day. The Board left it open for BCID to work with Conservancy staff to clear up any questions they have that prevented them from recommending funding last month. We will be meeting them on June 25, 2019.

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

General Manager Weisenberger presented a copy of a draft conveyance agreement with Friant Water Authority for review by the Board. After discussing the agreement Director James M Thoming made a motion to reject draft conveyance agreement and counter offer with the original agreement good for 1 year and no pumping available for 2019. Director Glenn Robertson seconded the motion and it carried by the following vote;

Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

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

District Counsel Jeanne Zolezzi attended negotiation meetings with the U.S. Bureau of Reclamation on May 29th and 30th. The next meetings are set for June 17th and 18th and she will attend those also.

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

General Manager Weisenberger presented the May summary reported prepared by FISHBIO for review by the Board. FISHBIO will be conducting boat tours of the project next week.

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

General Manager Weisenberger reviewed with the Board the construction schedule and equipment that has been ordered. So far the District has issued purchase orders in the amount of \$1,391,549. It is expected to start site excavation in July 2019 and the project should be completed by April 30, 2020.

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 (2 cases)

The Board returned to open session and announced they had executed a settlement agreement with John Pereira as authorized in closed session at a previous meeting.

ITEM 17 - APPROVAL OF WARRANTS

Director James M Thoming moved that the June 2019 warrants in the amount of \$314,214.08 be approved for payment. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

The meeting was then adjourned to Wednesday, July 17, 2019 at 9:00 a.m.

Respectfully,

Margaret G. Howe