

June 15, 2016  
Tracy, CA 95304

Pursuant to adjournment, May 11, 2016, 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, Roger Elissagaray and James M. Thoming

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

ABSENT: Director Keith Robertson

#### ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the May 11, 2016 as presented. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

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

#### ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received a letter from the Family Farm Alliance acknowledging the District's contribution.

#### ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

District staff is treating the canals with Teton for pond weed and copper for algae and also treating canal banks for weeds.

Friant Water Users may have water available for wheeling in October or November of 2016. We are still working on getting an agreement.

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

There were no director or staff items discussed.

#### ITEM 5 - REVIEW REQUEST FROM KASSON AREA GROWER TO FORGIVE/EXEMPT THEM FROM FINANCE CHARGES AND DISCUSS POSSIBLE SOLUTIONS TO THEIR IRRIGATION ISSUES. ACTION AS NECESSARY.

Natalie Silva of Double S Ranch was present to discuss with Board her issues with being charged finance charges on her water account and the reasons she is late paying her bill. She explained to the Board that in order to irrigate a portion of her property, she currently needs to run water across two parcels that she does not own. These other property owners are either late paying her or do not pay her. The Board discussed her issue and explained to her that it is not a District problem and it is District policy to charge finance charges on late payments. The Board requested staff work with Mrs. Silva to update her irrigation system to only water her own property.

#### ITEM 6 - SALE OF DISTRICT PROPERTY NO LONGER REQUIRED, TWO PICKUPS, 2007 CHEVROLET SILVERADO 1500 LONG BED, ID#1GCEC14C37Z623996 AND A 2011 FORD F-150 XL LONG BED, ID #1FTNF1CF3BKD74006. ACTION AS NECESSARY.

General Manager Weisenberger reported that the District had taken delivery of 2 new Ford F-150 pickups in April and no longer needed the above vehicles. Director James M. Thoming made a motion to sell the above vehicles, Glenn Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

**RESOLUTION NO. 2016-02**

**RESOLUTION OF June 15, 2016 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 2007 Chevrolet Silverado 1500 Long bed pickup, ID# 1GCEC14C37Z623996 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 \$5,000 for the 2007 Chevrolet Silverado 1500 Long bed pickup, ID# 1GCEC14C37Z623996, is a valuable consideration for said property;

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2011 Ford F-150 Long bed pickup, ID# 1FTNF1C3BKD74006, 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 \$7,000 for the 2011 Ford F-150 Long bed pickup, ID# 1FTNF1C3BKD74006, 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 15<sup>th</sup> day of June, 2016 by the following roll call vote:

AYES: James McLeod, Glenn Robertson, James M. Thoming and Roger Elissagaray

NOES: None

ABSTAIN: None

ABSENT: Keith Robertson

**ITEM 7 - CONSIDER PROPOSALS TO PURCHASE DISTRICT SURPLUS SOIL  
CREATED AS A RESULT OF CANAL MAINTENANCE CLEANING  
OPERATIONS. ACTION AS NECESSARY.**

General Manager Weisenberger reported he received proposals from both FTG Construction Materials and California Materials, Inc. regarding the purchase of District surplus soil. The Board reviewed both proposals. Director Roger Elissagaray made a motion to accept the proposal submitted by California Materials, Inc. and to authorize District Counsel Jeanne Zolezzi and General Manager Weisenberger to work with California Materials, Inc. on an agreement. Director Glenn Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

**ITEM 8 – REVIEW CURRENT WATER SUPPLIES AND 2016 WATER SUPPLIES  
AVAILABLE TO THE DISTRICT, POTENTIAL RATIONING, TRANSFER AND  
SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS  
NECESSARY.**

The District received notice from the U.S. Bureau of Reclamation the initial allocation for the 2016-2017 irrigation water year is 5% or 1,000 acre feet of CVP water.

As of May 31, 2016 the District has 31,077 acre feet of water in available, less 7,862 acre feet of 2015 allocated water, or 23,215 acre feet available for allocation in 2016 if it becomes necessary.

There is some concern that the San Luis Reservoir maybe full enough to spill water in early 2017. If that happens the District could lose some of its stored water. Staff feels the District should think

about possibly transferring some of its stored water. The Board took staffs suggestion under consideration, and requested that staff research possible water transfers.

**ITEM 9 – PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.**

General Manager Weisenberger reported the change order for SCADA automation would cost the District about \$50,000.00, but this amount would be reimbursable from PWRPA “P3” funds.

The MCC's have been delivered and the pumps are being shipped next week. Installation should take place in early July.

The motors are expected to be delivered by mid July.

**ITEM 10 – UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY.**

General Manager Weisenberger reported the San Luis & Delta-Mendota Water Authority (SL&DMWA) has prepared a draft activity agreement to operate a Groundwater Sustainable Agency (GSA) for the Tracy Sub-Basin. Both General Manager Weisenberger and District Counsel Jeanne Zolezzi agree that the agreement would be good for development of a Groundwater Sustainability Plan, but Banta-Carbona Irrigation District should continue to be its own GSA for lands within its boundaries. The Board discussed the matter and agreed with staff.

**ITEM 11– UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRCB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES AND ORDERS TO WATER RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER AND THE SACRAMENTO RIVER BASINS. ACTION AS NECESSARY.**

District Counsel Jeanne Zolezzi reported the SWRCB adopted an order dismissing both the civil liability complaint against Byron-Bethany Irrigation District and the draft cease and desist order against Westside Irrigation District. The SWRCB concluded that, in this case, there was insufficient data to show these districts violated the water rights priority system.

Staff inquired if counsel felt the District could refund the indemnification deposit it is holding. Counsel felt that in light of this decision the indemnification deposit could be refunded.

**ITEM 12 – CLOSED SESSION:**

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

Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 39-2015- 00326421-CU-WM-STK

- 2) CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Property:	Wheel water through lift canal and pump station facilities for third parties.
Agency Negotiator:	David Weisenberger and Jeanne Zolezzi, Esq.
Negotiating Party:	Friant Water Users
Under Negotiation:	Price, Quantity and Terms of Agreement for use of facilities

- 3) CONFERENCE LEGAL COUNSEL - ANTICIPATED LITIGATION

- a) Significant exposure to litigation pursuant to subdivision (b) Section 54956.9 (1 case)
- b) Initiation of litigation pursuant to § 54956.9(c): 1 potential case

Returned to open session with no announcement.

**ITEM 13 - APPROVAL OF WARRANTS**

Director James M Thoming moved that the June 2016 Warrants in the amount of \$567,674.08 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Glenn Robertson and James Thoming; Noes: None; Abstain: None; Absent: Keith Robertson

The meeting was then adjourned to Wednesday, July 13, 2016 at 9:00 a.m.

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Respectfully,

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Margaret G. Howe

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