

June 17, 2015  
Tracy, CA

Pursuant to adjournment, April 15, 2015, 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: Glenn Robertson, Keith Robertson, Roger Elissagaray and James M. Thoming

**OTHERS PRESENT:** General Manager David Weisenberger, Secretary Margaret Howe and District Counsel Karna Harrigfeld

**ABSENT:** James McLeod

In the absence of President James McLeod, Vice President Roger Elissagaray presided over the meeting.

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

Director Keith Robertson made a motion to approve the minutes of the May 13, 2015 board meeting as presented. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: James McLeod

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

#### ITEM 2 - Miscellaneous Correspondence

There was no correspondence presented.

#### ITEM 3 – REVIEW ANNUAL FINANCIAL AUDIT FOR 2014. ACTION AS NECESSARY.

David C. McCoy, CPA, presented to the Board the audit he conducted for the District for fiscal year 2014. He reported that he made a finding that an "Unqualified Opinion" was appropriate for the audit. He 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 Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors Roger Elissagaray, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: James McLeod.

#### ITEM 4 – REVIEW AND ESTABLISH COST OF SERVICE RATES FOR 2015. ACTION AS NECESSARY.

General Manager Weisenberger reported the District's Cost of Service as reported in the District's Annual Audited Financial Report for the year 2013 was \$4,682,794.00 and for the year 2014 was \$4,549,398.00. The total acre feet of water delivered in the year 2013 was 54,625 and for the year 2014 was 46,115. The average Cost of Service for the years 2013 and 2014 is \$4,616,096.00 and the average acre feet of water delivered is 50,370. The average Cost of Service (\$4,616,096.00) divided by the average acre feet of water delivered (50,370) equals a Cost of Service rate of \$91.64. Director Keith Robertson made a motion to establish the District's 2015 Cost of Service Rate at \$91.64. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Roger Elissagaray, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: James McLeod

#### ITEM 5 - MANAGER'S REPORT & DISCUSSION ITEMS.

General Manager Weisenberger reported staff is working on controlling aquatic weeds in the canals and running water as usual. The San Joaquin River is still in good shape and the District is not at the present time using any of its stored water or well water.

General Manager Weisenberger has been spending the majority of his time on water issues. He has had several meetings with Bureau officials. He has also attended several meetings and hearings in Sacramento with the State Water Resources Control Board.

#### ITEM 6 - DIRECTOR AND STAFF ITEMS

Director Glenn Robertson requested staff repair a leak in the pipeline at Banta Rd. and the railroad tracks.

**ITEM 7 - REVIEW CURRENT WATER SUPPLIES AND 2015 WATER SUPPLIES AVAILABLE TO THE DISTRICT, POTENTIAL RATIONING, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY.**

General Manager Weisenberger reported the District still has 24,430 acre feet of stored water for use in 2015. He continues to work with other local irrigation districts, San Luis and Delta Mendota Water Authority and the U.S. Bureau of Reclamation (USBR) to find ways to be able to physically move the water, if pumping is discontinued at Jones Pumping Plant. One of the options is to install three temporary lift stations on the Delta-Mendota Cana (DMC) and pump back the water up the DMC. It could be completed by mid-July. This option has an estimated cost of \$116 per acre foot, but would not have any water loss. Other options reviewed would have water losses of 10% to possibly 40%. It is expected that water rationing will be instituted no later than July 1<sup>st</sup>.

**ITEM 8 – 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 staff and counsel continue to monitor SWRCB activities and meeting related to water rights and the drought. The District received a curtailment notice from the State Water Resources Control Board on June 16<sup>th</sup>. The District's legal options in response to the curtailment notice will be discussed with District Counsel in closed session.

**ITEM 9 – CLOSED SESSION:**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS**

- |                    |                                       |
|--------------------|---------------------------------------|
| A) Property:       | District's Pre-1914 Water Rights      |
| Agency Negotiator: | David Weisenberger and Jeanne Zolezzi |
| Negotiating Party: | State Water Resources Control Board   |
| Under negotiation: | Water Rights                          |
|                    |                                       |
| B) Property:       | District's Pre-1914 Water Rights      |
| Agency Negotiator: | David Weisenberger and Jeanne Zolezzi |
| Negotiating Party: | United States Bureau of Reclamation   |
| Under negotiation: | Transfer or Exchange of Stored Water  |

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential cases)

Returned to open session with no announcement.

**ITEM 10– UPDATE ON 2015 WARREN ACT CONTRACT 15-WC-20-4659 WITH THE UNITED STATES BUREAU OF RECLAMATION. ACTION AS NECESSARY**

Staff reported the District has agreed to updated language in the 2015 Warren Act Contract, but has not received a final contract for signature yet.

**ITEM 11 – SALE OF PROPERTY NO LONGER NECESSARY. ACTION AS NECESSARY.**

- A) DUMP TRUCK (LICENSE #76170)
- B) CASE TRACTOR FRONT END LOADER (ID#8879430)
- C) FORD FLATBED PICKUP ( REMOVE FLATBED AND KEEP, GET RID OF CAB AND CHASSIS) (LICENSE #739435)
- D) FORD PICKUP (LICENSE #1380572)

Staff presented the above list of equipment as no longer necessary for District purposes. After reviewing the list, Director Keith Robertson made a motion to approve selling the Ford Pickup (License #1380572) at a selling price of no less than \$6,000 and the rest of the equipment at a selling price of \$1,000 or the best price offered. Director Glenn Robertson seconded the motion and it carried.

**RESOLUTION NO. 2015-05**

**RESOLUTION OF June 17, 2015 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 2011 Ford F-150 Long bed pickup, ID# 1FTNF1CF2CKD06667, License #1380572 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 \$6,000 for the 2011 Ford F-150 Long bed pickup, ID# 1FTNF1CF2CKD06667, License #1380572 is a valuable consideration for said property;

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that the following equipment 1) 1961 Ford Dump Truck, License #76170, 2) Case Tractor Front End Loader, ID#8879430, 3) Ford Flatbed Pickup, cab and chassis only, License #739435 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 \$1,000 or best offer for each piece of equipment listed 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 17<sup>th</sup> day of June, 2014 by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: James McLeod

**ITEM 12 – CONSIDER EASEMENT ALONG ALCOCK ORCHARD ON LINNE RD AS PROPERTY NO LONGER NECESSARY. ACTION AS NECESSARY**

Staff reported they had received an inquiry about abandoning the easement along the Alcock orchard on Linne Rd. After doing some research, it was determined the District's pipeline is not in the existing easement. The Board requested that staff check with the property owner where there the pipeline is about getting an easement. No action was taken.

**ITEM 13 - APPROVAL OF WARRANTS.**

Director Keith Robertson moved that the June 2015 Warrants in the amount of \$444,911.10 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Roger Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: James McLeod

The meeting was then adjourned to Wednesday, July 15, 2015 at 9:00 a.m.

Respectfully,

Margaret G. Howe