

September 12, 2018
Tracy, CA 95304

Pursuant to adjournment, August 15, 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 Karna Harrigfeld

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Keith Robertson made a motion to approve the minutes of the August 15, 2018 as amended. 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

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
September 12, 2018
Vernalis flow +/- 775 cfs. Diverting +/- 150 cfs

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled 1,325 af for USBR/Friant in August, that was the total available to wheel. In September it appears that we will be able to wheel the full share of the Friant restoration water, total of 1,425 af.

Pickup Sale – The two pickups have been sold. One for \$9,951 and the other for \$7,551, for a total of \$17,502. Our minimum bid requirement total was \$14,000.

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. Need to follow up with reclamation on timetable for next steps. There is a technical meeting scheduled by Reclamation for Wednesday September 26 at 10 am in Sacramento. They would like contractors to identify a designated negotiator to be at the table.

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 – We have completed building the Remote Terminal Unit (RTU). Michael McDonald did the work with supervision from WAVE Engineering, Tim Bristow and myself. Michael did a very nice job.

San Joaquin County Community Development Application # PA 1600049 (AP) – There isn't any more news at the county on this application.

ITEM 4 - DIRECTOR AND STAFF ITEMS

An engineer for Natel Energy was out to inspect the site for their low hydro generator at 6 sump. He determined there would be insufficient head pressure for the project.

San Joaquin County has said according to their records there is no need for a guardrail at Linne & Hwy 33, but it might be possible for Banta-Carbona to install one at their expense.

The District has received a \$1,000 deposit on legal/engineering work from George Clever for his requested easement crossing. Mr. Clever is putting together a more formal request.

Board President James McLeod and General Manager Weisenberger attended a San Luis and Delta Mendota Water Authority (SL&DMWA) workshop on how the members see the future of the Authority

Staff presented a proposal for two options from Oak Valley Community to enable the District to earn more interest on their account. The first option would be a "sweep" account that would pay

an interest rate of LAIF less .75% and requiring the District to maintain a compensating balance of \$1,000,000 in their account. The second option would be a standard interest-bearing account and not require a compensating balance but would pay LAIF less 1.00%. After some discussion the Board directed Staff to change the District's account with Oak Valley Community Bank to the second option and utilize the District's LAIF account for excess funds.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, CONSIDER TRANSFERS, AND REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

The current CVP Allocation is still 50%; this will provide the District with additional 10,000 acre feet of CVP Water plus 261 acre feet of rescheduled 2017 CVP water. The expected rescheduling maximum of 2018 CVP Water into the 2019 water year is still a total of 150,000 acre feet.

Staff executed a transfer agreement with Westlands Water District for 2,825 AF of 2018 CVP Water and a second agreement with Kern-Tulare Water District for 3,500 AF of 2018 CVP Water.

The District has used 96 AF of its 2017 rescheduled water, leaving 245 AF of 2017 rescheduled water available. After the all the water transfers the District will have 3,175 AF of 2018 CVP Water available for its use. This will give the District 3,420 AF of CVP Water available.

ITEM 6– DISCUSS POSSIBLE SHUTDOWN OR REDUCTION IN WATER DELIVERIES FOR TWO WEEKS IN OCTOBER FOR LIFT CANAL INSPECTIONS AND REPAIRS. ACTION AS NECESSARY

General Manager reported he would like to shutdown the District from October 15th through October 25th so staff can inspect the lift canal and do any necessary repairs. The Board discussed the closure and decided they did not see any problem with it.

ITEM 7 – CONSIDER PROPOSAL FROM NEIGHBORING LANDOWNER FOR A LOT LINE ADJUSTMENT AT 3514 W LEHMAN ROAD. ACTION AS NECESSARY. JOHN GLICK WILL MAKE A PRESENTATION.

Director James M Thoming announced that he has a financial interest in a decision within the meaning of Government Code section 87100 and the governmental decision relates to Item No.9. Director James M Thoming publicly identified the following as the economic interests he held that are involved in the decision:

- a. Director James M Thoming is the Chief Financial Officer for Gloriann Farms who is making the request for the lot line adjustment at 3514 W. Lehman Rd.

Upon making the foregoing public identification, Director James M Thoming determined that he had a personal interest found in 2 Cal. Code Regs. Section 18702.4(b), recused himself from voting on the matter and left the Boardroom.

John Glick of Quartaroli & Associates did a presentation of the requested lot line adjustment and exchange of property with the District. After reviewing the request, the Board authorized staff and District Counsel to prepare the necessary documents needed and bring them back to the October 17, 2018 Board meeting for review. Per District policy the landowner is to reimburse the District for all staff and legal costs.

ITEM 8– UPDATE ON AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT CALTRANS. ACTION AS NECESSARY

Staff reported Temporary Construction Easement requested by Caltrans has been updated except for a couple of items. One item being compensation to the District and they are still requesting justification. The Board discussed the item, but took no action.

ITEM 9 – REPORT ON SUBMITTAL OF CONCEPT PROPOSAL FOR A PROP 1 GRANT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE SPUR DIKES FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION. ACTION AS NECESSARY.

General Manager Weisenberger presented a copy of the concept proposal prepared by FishBio and submitted to the Delta Conservancy for a PROP 1 Grant for review by the Board. He also reported there will be a concept proposal meeting on October 4, 2018.

ITEM 10 – CONSIDER RESOLUTION OF NECESSITY APPROVING ACQUISITION OF INTEREST IN PROPERTY BY EMINENT DOMAIN. ACTION AS NECESSARY.

No action taken on this item.

ITEM 11 – CONSIDER RESOLUTION OF NECESSITY APPROVING ACQUISITION OF INTEREST IN PROPERTY BY EMINENT DOMAIN. ACTION AS NECESSARY.

No action taken on this item.

ITEM 12 – CONSIDER RESOLUTION OF NECESSITY APPROVING ACQUISITION OF INTEREST IN PROPERTY BY EMINENT DOMAIN. ACTION AS NECESSARY.

No action taken on this item.

ITEM 13- 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)

Returned to open session with no announcement.

ITEM 14 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the September 2018 Warrants in the amount of \$493,246.34 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, October 17, 2018 at 9:00 a.m.

Respectfully,

Margaret G. Howe