

September 16, 2016  
Tracy, CA 95304

Pursuant to adjournment, August 17, 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, Keith Robertson, Roger Elissagaray and James M. Thoming

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe,

ABSENT: None

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

Director James M. Thoming made a motion to approve the minutes of the August 13, 2016 as presented. Director Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson 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 16, 2016**

Vernalis flow 270 cfs. Diverting 65 cfs

##### Important issues:

**USBR "Borrowed Water" summer 2016** – USBR used all of the water in San Luis Reservoir that was recorded as being stored in the federal side of the reservoir by the end of July 2016. This included water stored by others such as BCID under Warren Act Contracts. This became an issue in the third week of July when the USBR sent out a notice that said that all deliveries to contractors would have to cease by July 23, 2016. The USBR did find other water to borrow by the 23<sup>rd</sup> of July and no one had to cease deliveries.

This episode led to questions such as how the USBR operates SLR with other people's water and secondly, does this borrowing impact negatively south of delta water allocations in future years. The GM of BCID along with legal counsel, Jeanne Zolezzi, have been pursuing these questions and continue to do so.

**Sustainable Groundwater Management Act (SGMA)** – The San Luis Delta-Mendota Water Authority (SLDMWA) has produced a draft activity agreement for providing services to Tracy Sub-basin Groundwater Sustainability Agencies (GSA) for assisting in the development of Groundwater Sustainability Plans (GSP). A group of GSA's did meet to discuss the first draft of the activity agreement. An attorney for the SLDMWA is making recommended changes to the agreement before re-distributing it for our own legal review. Frances Mizuno, assistant executive director of the SLDMWA, estimates that the cost to develop a GSP will be over a million dollars. The SLDMWA believes they will need to hire two more staff members in order to support the various GSA's within the SLDMWA boundaries.

**State Water Resources Control Board (SWRCB) Phase 1 Proceedings** – The SWRCB released the Supplemental Environmental Document (SED) yesterday, September 15, 2016. The Phase 1 proceedings are to develop new flow requirements on the San Joaquin River and salinity standards in the south delta. The SED is recommending a 40% of natural flow requirement for the spring months on the San Joaquin River and everyone on the San Joaquin River and its tributaries will be expected to donate water.

**Cal Poly Irrigation Training and Research Center (ITRC) testing flows from "metered gate" installations.** – The ITRC brought a mobile pump and metering station to BCID and tested flow rates through BCID metered gate installations. They are currently preparing final reports of the testing This mobile station and the testing was paid for by the Bureau of Reclamation as a part of their water conservation program to assure that measuring devices are within the acceptable limits of their water conservation program.

**SWRCB** - We continue to monitor State Water Resources Control Board (SWRCB) activities and meetings related to water rights and the drought.

Prepared by:

David Weisenberger

General Manager

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Staff reported there may be San Joaquin River Restoration Flows available in October to wheel for the Friant Water Authority.

Director Keith Robertson requested staff check the box at Linne Rd. and Banta Rd. It appears to be seeping water into the yard of the house on the corner.

Board President James McLeod announced the Directors and staff of Banta-Carbona Irrigation District wished acknowledge the passing of retired Director Clifford E. Robertson. Mr. Robertson was appointed to the office of Director, Division IV on March 9, 1970, he was elected Vice President of the Board of Directors on December 12, 1984 and served in that capacity until his retirement in December 1999. The District, its residents and other entities benefitted from his service, his dedication and his knowledge over his years of service. The Board of Directors, staff and residents of Banta-Carbona Irrigation District wish to honor and pay tribute to Mr. Robertson for his service and express their deepest sympathy to the family for their loss.

#### ITEM 5 – REVIEW DISTRICT CONFLICT OF INTEREST CODE FOR APPROVAL. ACTION AS NECESSARY

The District received notice from San Joaquin County that the District needs to review its Conflict of Interest Code and notify the County no later than October 3, 2016 whether or not an amendment is necessary. Secretary Howe had District Counsel review the District's current Conflict of Interest Code for any necessary amendments. It was not necessary to make a lot of changes, but it has been consolidated. The Board reviewed the revised version and Director Keith Robertson made a motion to approve it and directed staff to file it with the San Joaquin County Registrar of Voters. Director Roger Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

#### **CONFLICT OF INTEREST CODE FOR THE BANTA-CARBONA IRRIGATION DISTRICT**

The Political Reform Act, California Government Code section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, Division 6, Section 18730 (hereinafter "CCR 18730") which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the attached Appendix in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of the Banta-Carbona Irrigation District ("District").

Designated employees shall file annual statements of economic interests with the District no later than April 1 of each year. Upon receipt of the statements of the Directors, the District shall retain the original of these statements and the original statements for all other designated employees.

<u>DESIGNATED POSITIONS</u>	<u>ASSIGNED DISCLOSURE CATEGORIES</u>
Board of Directors and Director Candidates	1, 2, and 3
General Manager	1, 2, and 3
Secretary	1, 2, and 3
General Counsel	1, 2, and 3
Consultants <sup>1</sup>	1, 2, and 3

<sup>1</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus not required to full

comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

#### DISCLOSURE CATEGORIES

1. Interests in real property.
2. All investments and business positions in any business entity and income from any source, which is (1) a private water company; or (2) an entity or person engaged in farming, real estate development, or an owner of real property.
3. Investments and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery or equipment of the type utilized by the District.

#### **ITEM 6 - REVIEW CURRENT WATER SUPPLIES AND 2016 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY.**

There has been no change to the District's available water supplies. As of August 31, 2016 the District has 31,167 acre feet of water in storage.

#### **ITEM 7 – PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.**

General Manager Weisenberger reported the cost for the engineering and construction of the Outfall at Pumping Plant #5 is estimated at \$180,000. If approved by the Board, the work would be scheduled for between the end of November 2016 and January 2017. After some discussion, Director Glenn Robertson made a motion to approve the engineering and construction of the Outfall at Pumping Plant #5. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James Thoming; Noes: None; Abstain: None; Absent: None

The pumps are installed and start up was on Tuesday, September 13<sup>th</sup>. On Wednesday it was discovered the air conditioning in Unit # 3 was not working. It is under warranty and is expected to be repaired on Monday, September 19<sup>th</sup>. There was also a problem with water pushing the grease out of the tops of the units. The manufacturer has suggested not using the units until they can correct the problem.

Currently, the estimated cost of the "Pump Station 6 Replacement Project" is \$3,925,617. Of this amount the District has paid \$3,267,354, leaving a balance owed of \$658,263.

#### **ITEM 8 – UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY.**

The San Luis Delta-Mendota Water Authority (SLDMWA) has produced a draft activity agreement for providing services to Tracy Sub-basin Groundwater Sustainability Agencies (GSA) for assisting in the development of Groundwater Sustainability Plans (GSP). A group of GSA's did meet to discuss the first draft of the activity agreement. An attorney for the SLDMWA is making recommended changes to the agreement before re-distributing it for our own legal review. Frances Mizuno, assistant executive director of the SLDMWA, estimates that the cost to develop a GSP will be over a million dollars. The SLDMWA believes they will need to hire two more staff members in order to support the various GSA's within the SLDMWA boundaries.

#### **ITEM 9 – STATUS OF BCID WARREN ACT WATER STORED IN CENTRAL VALLEY PROJECT (CVP) FACILITIES. ACTION AS NECESSARY.**

USBR used all of the water in San Luis Reservoir that was recorded as being stored in the federal side of the reservoir by the end of July 2016. This included water stored by others such as BCID under Warren Act Contracts. This became an issue in the third week of July when the USBR sent out a notice that said that all deliveries to contractors would have to cease by July 23, 2016. The USBR did find other water to borrow by the 23<sup>rd</sup> of July and no one had to cease deliveries.

This episode led to questions such as how the USBR operates SLR with other people's water and secondly, does this borrowing impact negatively south of delta water allocations in future years.

The GM of BCID along with legal counsel, Jeanne Zolezzi, have been pursuing these questions and continue to do so.

ITEM 10 – 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

ITEM 11 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the September 2016 Warrants in the amount of \$314,156.43 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, October 12, 2016 at 9:00 a.m.

Respectfully,

Margaret G. Howe