

October 17, 2018  
Tracy, CA 95304

Pursuant to adjournment, September 12, 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 Jeanne Zolezzi

ABSENT: None

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

Director Keith Robertson made a motion to approve the minutes of the September 12, 2018 as presented. 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

October 17, 2018

Vernalis flow +/- 1200 cfs. Diverting +/- cfs

**FRIANT SJRRP Restoration Flows and Wheeling** – Wheeled 1,425 af for USBR/Friant in September, that was the total available to wheel for us. In October it appears that we will be able to wheel our full share of the Friant restoration water, total of 1,600 af.

I attended a workshop conducted by Stantec (old MWH) in Merced. They conducted the workshop on behalf of Reclamation on the topic of Recapture of Restoration Flows. I don't know how important the workshop was for BCID but it did allow us to meet the other players that are looking to get their water back. During the afternoon one or two of them expressed their thanks to us several times for wheeling the water for them.

**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. Reclamation held a workshop on September 26, 2018 where they laid out their potential timetable for completing the contract conversions. Their goal is to have them completed by the end of 2019. They hope to hold their first public negotiating session later this month.

**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) and it has been tested. It is ready for installation. Michael McDonald did the work with supervision from WAVE Engineering, Tim Bristow and I. Michael did a very nice job. Bockmon and Woody have been contacted to do the electrical work on a time and materials basis. This will be a better situation for us as we will be able to monitor the number of people working on site and track cost. They should be on site in the next week or two to begin the underground work. The electrical work should come in way lower than the bid last winter. Garrett Arnaudo should be on site by the end of the month to begin work. The pipe is ready and is sitting at Ameron. The pump mounting plates have been completed. We are only missing the MCC's riser that they sit on. Once that is delivered, maybe within two weeks, the MCC's and RTU can be set on site.

**Pumping Plant #4 Replacement Project** – Have been coordinating and planning with WAVE engineering for the replacement of PP #4. Also have been meeting with Dahl Consulting and coordinating soil boring locations. Four of the six test holes have been bored and sampled.

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

**Meetings attended** – Met with a vendor, REXEL, an electrical supply house. We have been buying our VFD's through them for several years on a bid basis. They have a lighting guru that I have scheduled to meet with on October 24<sup>th</sup> to tour the district. She is knowledgeable about incentive programs and best lighting options for facilities. We have a pot of money at PWRPA that is also reserved for just these sorts of conservation measures.

I am meeting with International Water Screens on Thursday morning to look at canal 3 West at the tail end next to Banta Road. Between Bird Road and Banta Road this canal is a hot bed for pondweed and algae growth as it normally has shallow slow moving water all season. This has been creating big problems for growers that are served off of the pipeline that is fed at Banta Road. This pipeline serves about 660 acres all on filter systems.

Culvert extensions Bird Road – Nothing new on this project. Dahl will be doing survey work in preparation for some design work in November or December.

L4 Pump Replacement – We are planning to remove the pump at L4, the outside pump at PP #2, in November or December.

Respectfully submitted by:

David Weisenberger  
General Manager

#### ITEM 4 – DIRECTOR AND STAFF ITEMS

Director James M Thoming reported that following the unexpected death of Arianna Koster, the daughter of a District farmer, a memorial scholarship fund is being set up in her memory. Ms Koster was a member of the San Joaquin County Farm Bureau, very active in the New Jerusalem 4-H program and active in her father's farming business. After some discussion, Director Keith Robertson made a motion to make a onetime contribution to the "Arianna Koster Memorial Scholarship Fund" in the amount of \$2,000. 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

#### 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.

#### ITEM 6 – CONSIDER FOR APPROVAL A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT DOCUMENT #16950-1 IN THE CORNERS OF SECTIONS 7 AND 18, T3S, R6E, WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION. ACTION AS NECESSARY.

Staff presented the State of California Department of Transportation Temporary Construction Easement agreement for review by the Board of Directors. After reviewing the agreement Director Keith Robertson made a motion to approve the agreement and authorize Board President James McLeod to sign it. Director Glenn Robertson seconded the motion and 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

**ITEM 7 – CONSIDER FOR APPROVAL A DRIVEWAY/UTILITIES EASEMENT OVER DISTRICT FEE STRIP IN SECTION 31, T2S, R6E, WITH CLEVERLANDS LIMITED, LLC. ACTION AS NECESSARY**

Staff presented a “Grant of Access and Utility Easement” agreement for review by the Board of Directors. The agreement will provide a driveway/utilities easement over a District fee strip. After reviewing the agreement Director James M Thoming made a motion to approve the agreement and authorize District President James McLeod to execute the document. Director Glenn Robertson seconded the motion and 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

**ITEM 8 – CONSIDER FOR APPROVAL AN AGREEMENT WITH GLORIANN FARMS, INC. TO PURSUE A LOT LINE ADJUSTMENT BETWEEN BCID AND GLORIANN FARMS, INC AT 3514 W LEHMAN ROAD TRACY, CA. ACTION AS NECESSARY.**

Director James M Thoming requested the Board take no action and move this item to the November 14, 2018 board meeting.

**ITEM 9 – REPORT ON MEETING WITH DELTA CONSERVANCY STAFF ON CONCEPT PROPOSAL FOR A PROP 1 GRANT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION. CONSIDER SUBMITTING AN APPLICATION FOR THE GRANT. ACTION AS NECESSARY.**

Manager Weisenberger reported on his meeting with the Delta Conservancy staff on the concept proposal for a PROP 1 Grant for the District’s habitat restoration project. They would like to see included with the proposal letters of support from landowners and other Districts in the area. The cost for a submittal ready application completed by FishBio is estimated to be approximately \$20,000. It is estimated the cost of the study will be \$600,000. After some discussion, Director Glenn Robertson made a motion to approve hiring FishBio to complete a submittal ready application for PROP 1 Grant funds at an estimated cost of \$20,000. Director Annette Elissagaray seconded the motion and 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

**ITEM 10 – CONSIDER RESOLUTION DECLARING VEHICLES, 1977 FORD DUMP TRUCK VIN# F61DV020415 AND 1975 FORD CRANE TRUCK VIN# F75FVV48073, NO LONGER REQUIRED TO CONDUCT DISTRICT BUSINESS. ACTION AS NECESSARY.**

General Manager Weisenberger reported that the District no longer needs the above vehicles. Director James M Thoming made a motion to sell the above vehicles at the best price available , Keith Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Glenn Robertson, Keith Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

**Resolution 2018-07**

**RESOLUTION OF OCTOBER 17, 2018 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 the following equipment 1977 Ford Dump Truck, VIN #F61DV020415 and the 1975 Ford Crane Truck VIN #F75FVV48073 are 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 for 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 October, 2018 by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**ITEM 11 – REVIEW HISTORICAL SAN JOAQUIN RIVER CONDITIONS, 1924-1928. ACTION AS NECESSARY.**

General Manager Weisenberger presented information on the historical conditions of the San Joaquin River from 1924 – 1928, information that originated from State of California Department of Public Works Bulletin No. 23. This bulletin identified that lower San Joaquin River flows during the months of July, August, September originated from surface water drainage sources, operational spills from diverters upstream, and sub-surface water entering the river from adjacent upslope lands on both sides of the river. During these months there weren't any natural flows in the lower San Joaquin River.

**ITEM 12 – CONSIDER ADOPTING A RESOLUTION DESIGNATING NEGOTIATING REPRESENTATIVES FOR BCID IN CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.**

Manager Weisenberger reported the U.S. Bureau of Reclamation requires a resolution designating negotiating representatives for the BCID in CVP Contract conversion 9(e) to 9(d) negotiations. Director James M Thoming made a motion to authorize General Manager David Weisenberger and District Legal Counsel Jeanne Zolezzi and negotiation representatives for Banta-Carbona Irrigation District. Director Keith Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Glenn Robertson, Keith Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

**RESOLUTION NO. 2018-06**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
BANTA-CARBONA IRRIGATION DISTRICT**

**DESIGNATING CONTRACTOR REPRESENTATIVES FOR NEGOTIATION OF  
CONVERSION OF REPAYMENT CONTRACT TO A 9(D) CONTRACT FOR WATER  
SERVICE WITH THE CENTRAL VALLEY PROJECT**

WHEREAS, in preparation for the start of negotiations to convert the Banta-Carbona Irrigation District's (District) existing long-term water service contract for Central Valley Project water service to a 9(d) repayment contract, the United States Bureau of Reclamation Mid-Pacific Region (Reclamation) has requested that the District advise Reclamation of the names of the individuals designated to represent and negotiate on behalf of the District during the negotiation process; and

WHEREAS, Reclamation requested that the District response be submitted in the form of a Board of Directors' resolution indicating the selection of the individuals to serve in that capacity.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS that the Board of Directors of Banta-Carbona Irrigation District hereby designate the following individuals to represent and negotiate on behalf of the District during the negotiation process:

Manager – David Weisenberger  
District General Counsel - Jeanne Zolezzi

PASSED AND ADOPTED by the Board of Directors of the Banta-Carbona Irrigation District at a regular meeting held on this October 17, 2018 by the following vote:

Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, James M. Thoming and Annette Elissagaray

Noes: None

Absent: None

Abstain: None

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)

The Board returned to open session with no announcement.

ITEM 14 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the October 2018 Warrants in the amount of \$786,991.90 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, November 14, 2018 at 9:00 a.m.

Respectfully,

Margaret G. Howe