

December 12 2018
Tracy, CA 95304

Pursuant to adjournment, November 14, 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 Annette Elissagaray made a motion to approve the minutes of the November 14, 2018 as presented. Director Keith 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

Secretary Howe presented a San Joaquin County Planning Commission Notice of Public Hearing on Use Permit Application No. PA-1600049 of Paree Enterprises, Inc. for a truck stop facility on the northwest corner of Interstate 5 and Ahern Rd. The hearing will be held on December 20, 2018 in Stockton. The District has presented comments on this project in the past regarding its concerns regarding potential groundwater and surface water contamination.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS

The District wheeled 3,250 af for USBR/FRIANT in November

Garrett Arnaudo is working on the Pump Station #5 Low Head Project.

Wave Engineering is working electrical for the Pumping Plant #4 Replacement Project.

The penstock on the #4/40 at Pump Station #2 has been replaced and is running.

ITEM 4 – DIRECTOR AND STAFF ITEMS

Attending the ACWA Fall Conference in San Diego were Directors James McLeod, Glenn Robertson, Keith Robertson, James M. Thoming and staff General Manager David Weisenberger and Secretary Margaret Howe. Speakers at the conference included Karla Nemeth, Director of the California Department of Water Resources, and Brenda Burman, U.S. Bureau of Reclamation Commissioner. Programs included information on groundwater recharge, energy, and the California Water Action Plan.

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 District has transferred 6,825 acre feet of its 2018 CVP leaving the District 3,175 acre feet of 2018 CVP water. It has used 116 acre feet of its 2017 rescheduled CVP water. The District's expected rescheduling maximum of 2018 CVP Water into the 2019 water year is a total of 2,000 acre feet. General Manager Weisenberger recommended the District keep 2,000 acre feet of its 2018 CVP and transfer the balance if possible. The Board discussed the options and authorized General Manager Weisenberger to transfer up to 1,175 acre feet of its 2018 CVP at no less than \$50 and acre foot.

ITEM 6 – REVIEW STANDBY ASSESSMENT POLICY AND ASSESSMENT RATES. ACTION AS NECESSARY

The Board of Directors reviewed the Districts current standby assessment policy and assessment rates and decided there was no need to make any changes to the policy. They requested staff prepare an "outreach" letter explaining the benefits of living within the District boundaries to send to the property owners.

ITEM 6 - REVIEW AND CONSIDER FOR APPROVAL THE BCID BUDGET FOR 2019. ACTION AS NECESSARY.

The Board of Directors reviewed the BCID Budget for 2019. They requested staff bring back the Budget for final review at the January Board meeting.

ITEM 7 - REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE FOR 2019. ACTION AS NECESSARY.

Board discussed employee compensation and determined a raise of 3% would be appropriate for the employees. Director Annette Elissagaray made a motion to approve an across-the-board increase of 3% for all employees for wages paid in 2019. Director James M. Thoming 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

The Board of Directors discussed a possible change to the employee handbook and Director Keith Robertson made a motion to approve the following change. Director Annette Elissagaray 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

During the time period of November 1st to February 28 each year the Maintenance rate of pay will be applied to **all** tasks including ditch-tending and pumping. There will not be an irrigation rate paid during this time period if you are running water, only the maintenance rate plus position pay. No night differential will be paid in this time period. This will be effective January 1, 2019.

ITEM 8 – CONSIDER CLOSING THE DISTRICT THE WEEK BETWEEN CHRISTMAS DAY AND NEW YEARS DAY. ACTION AS NECESSARY.

Director Keith Robertson made a motion to approve as days off with pay for all employees December 26, 2018 to December 29, 2018. Employees are to be called in if an emergency occurs. 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 9 – REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT OFFICIALS TO THE FOLLOWING 2019 CONFERENCES. ACTION AS NECESSARY

- A. Mid-Pacific Region Water Users Conference, January 2019
- B. ACWA Spring Conference, May 2019
- C. Delta Water Users Association Annual Meeting, March 2019
- D. ACWA Fall Conference, December 2019

Director James M. Thoming made a motion to approve sending District Officials to the above listed conferences. Director Glenn Robertson 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

ITEM 10 – REPORT ON PROGRESS OF PROP 1 GRANT APPLICATION DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT'S DIVERSION POINT. ACTION AS NECESSARY.

General Manager Weisenberger reported he has received several letter of support from the neighboring districts and is expecting to receive one from San Joaquin County and Reclamation District 2085.

He also reported he needs a resolution authorizing staff to submit the application. Director Glenn Robertson made a motion to approve the following resolution. 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

**BANTA-CARBONA IRRIGATION DISTRICT
RESOLUTION NO. 2018-08
RESOLUTION AUTHORIZING SUBMITTING THE 2018 DELTA
CONSERVANCY PROPOSITION 1 ECOSYSTEM AND WATER QUALITY
GRANT PROGRAM APPLICATION
& AUTHORIZING RELATED ACTIONS**

WHEREAS, under the Water Quality, Supply, and Infrastructure Improvement Act of 2014, the Delta Conservancy's ("Conservancy") Proposition 1 Ecosystem and Water Quality Grant Program ("Conservancy Grant") funds competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities that address ecosystem protection, restoration, and enhancement, water quality, or water-related agricultural sustainability for two project types: (1) planning projects that advance pre-project activities necessary for a specific, on-the-ground project; and (2) implementation projects that advance on-the-ground projects and land acquisition projects having an expected useful life of at least fifteen years.

WHEREAS, the Conservancy anticipates awarding through its Conservancy Grant up to \$12.4 million during the 2018-2019 cycle.

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District ("Board" and the "District," respectively) proposes submitting an application ("Application") for the Conservancy Grant for the Banta-Carbona Irrigation District's ("BCID") Phase 1 San Joaquin River Floodplain Restoration and Floodway Enhancement at Banta-Carbona ("Project") requesting total funds in the amount of \$600,000 for permitting fees (\$25,000) and for tasks to be completed by FISHBIO (\$175,000), CBEC EcoEngineering (\$375,000), and presently unidentified contractors for constructability review and potential geotechnical investigations (\$25,000) to account for estimated Project costs totaling \$630,000 (with a value of approximately \$30,000 of in-kind services provided by BCID for grant administration and outreach).

WHEREAS, the Board anticipates the Project will seek to design and permit a multi-benefit habitat restoration project to improve rearing habitat for juvenile salmon, reduce flood risk and address sedimentation at the BCID's intake fish screen.

WHEREAS, the Board's objectives in support of this Project include developing a design plan (1) to restore up to 30 acres of seasonally inundated floodplain habitat, (2) to increase channel capacity, (3) to re-contour the inlet in front of the BCID's fish screen, and (4) for biotechnical bank stabilization.

WHEREAS, the Conservancy Grant Application contact is District General Manager David Weisenberger.

WHEREAS, if selected for Conservancy Grant funding, the Board will execute a grant agreement with the State of California.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

Section 1. The facts stated in the Recitals above are true and correct, and the Board so finds and determines.

Section 2. The General Manager of the District is hereby authorized and directed to take all steps required to prepare and file the Application, including but not limited to, preparing or causing to be prepared the necessary data in support of the Application.

Section 3. In the event the District is awarded a grant based on the Application, the General Manager of the District is further authorized and directed to take all steps that are reasonably convenient or necessary to receive and administer the grant.

PASSED AND ADOPTED by the Board of Directors of the Banta-Carbona Irrigation District at a regular meeting held on this December 12, 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

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
James M. McLeod, President

Attest:

Margaret G. Howe, Secretary

ITEM 12 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.

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. We submitted our documentation identifying our representatives for negotiating purposes. Staff reported there was no new information to report to the Board.

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 (1 case)

The Board returned to open session with no announcement.

ITEM 14 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the December 2018 Warrants in the amount of \$157,336.36 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, January 16, 2019 at 9:00 a.m.

Respectfully,

Margaret G. Howe