

December 14, 2016  
Tracy, CA 95304

Pursuant to adjournment, November 16, 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, and James M. Thoming

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe, and District Counsel Jeanne Zolezzi

ABSENT: Director Roger Elissagaray

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

Director Keith Robertson made a motion to approve the minutes of the November 16, 2016 as presented. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Roger Elissagaray

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 December 14, 2016**

Vernalis flow 940 cfs. Diverting 0 cfs plus Wheeling 0 cfs

**Maintenance** – Inspection of pumps in pumping plants #1 through PP #5 should be complete today. They have two pumps left in PP #1 to inspect today.

Bockmon and Woody Electric have conducted preventative maintenance (PM) inspection and repairs to switchgear and motor control centers in pumping plants 2, 3, and 4. They have also completed the fishscreen facility PM. They will be starting to work in PP #1 tomorrow. PP #5 and PP #6 PM will be conducted last.

Sediment removal in the new pump station pump bays is being conducted this week. Otis Clifton is removing sediment with a long reach excavator and loading a truck that we rented. We also rented a bobcat with tracks to remove sediment from the pump bays. The work was started yesterday and should be complete today.

Crews are working on replacing stop gates.

A crew constructed trash racks for the front of the new PP #5-6.

The lift canal will be ready for operation on January 3, 2017.

Other work yet to be completed are the inspection and repair of turnout gates, pipeline repairs, canal lining repair, sediment removal from all canals, and inspection and repair of other miscellaneous control structures.

**FRIANT SJRRP Restoration Flows and Wheeling** – BCID began wheeling 15 cubic feet per second (cfs) on the ninth of November 2016 and ceased wheeling water on November 23, 2016. Total water wheeled was 408 acre feet.

**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, has been pursuing these questions and continues 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. No new activities since the November board meeting.

**State Water Resources Control Board (SWRCB) Phase 1 Proceedings** – The SWRCB released the Substitute Environmental Document (SED) 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. The public comment period has been extended from November 17, 2016 out to January 17, 2017. The SWRCB is holding public hearings in Stockton, Ca. on December 19, 2016 and in Modesto, Ca. on December 20, 2016. There are other dates but these two venues are located the closest to BCID.

**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. The final report has been delivered to BCID. 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.

We received their written final report.

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

**Lift Canal Project** – We are working to close out the contracts and purchase orders for construction of the pumping plant #6 replacement project. Final payments have not gone out to Control Tech for MCC's or for Syblon Reid as we are awaiting written documentation from each of these contractors to meet their contract requirements. Total balance owed \$135,602.

Respectfully submitted by:

David Weisenberger

General Manager

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Directors James McLeod, Glenn Robertson, and James M. Thoming as well as General Manager Weisenberger attended the ACWA Fall Conference held in Anaheim, CA, November 29 – December 2, 2016. They attended sessions on groundwater sustainability, energy storage and efficiency and State Water Resources Control Board Curtailments.

#### ITEM 5 - REVIEW CURRENT WATER SUPPLIES AND 2016 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 has 30,979 acre feet of water in storage and he plans on starting to pump Warren Act Pre-1914 water in January 2017. There may also be some Friant water available to wheel in January and February 2017.

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

General Manager Weisenberger reported he is working to finalize the contracts and purchase orders for construction of the pumping plant #6 replacement project. Final payments have not gone out to Control Tech for MCC's or to Syblon Reid as we are awaiting written documentation from each of these contractors to meet their contract requirements. He is hoping to get everything completed by the end of 2016.

#### ITEM 7 – PROGRESS UPDATE ON REMOVAL OF PUMPING PLANT #7. ACTION AS NECESSARY

Syblon Reid is currently working on the removal of Pumping Plant #7.

#### 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. No new activities since the November board meeting.

**ITEM 9 – STATUS OF BCID WARREN ACT WATER STORED IN CENTRAL VALLEY PROJECT (CVP) FACILITIES AND 2017 SOUTH OF DELTA OPERATIONS PLANNING. ACTION AS NECESSARY.**

USBR used all of the water in San Luis Reservoir (SLR) 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 General Manager Weisenberger along with legal counsel, Jeanne Zolezzi, has been pursuing these questions and continues to do so.

**ITEM 10– UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRCB) PROCEEDINGS. ACTION AS NECESSARY.**

The SWRCB released the Substitute Environmental Document (SED) 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. The public comment period has been extended from November 17, 2016 out to January 17, 2017. The SWRCB is holding public hearings in Stockton, Ca. on December 19, 2016 and in Modesto, Ca. on December 20, 2016. There are other dates but these two venues are located the closest to BCID. District Counsel Jeanne Zolezzi will be attending both public hearings with comments.

**ITEM 11 – REVIEW SECRETARY/TREASURER/ASSESSOR POSITION'S OFFICE HOURS, COMPENSATION PACKAGE, AND JOB DESCRIPTION. ACTION AS NECESSARY.**

**A. REVIEW ASSISTANT SECRETARY JOB DESCRIPTION. ACTION AS NECESSARY.**

Staff presented updated job descriptions for both the position of Secretary/Treasurer/Assessor and Assistant Secretary for review by the Board of Directors. The Board reviewed the job descriptions, but took no action.

**ITEM 12 –REVIEW AND CONSIDER FOR APPROVAL THE BCID BUDGET FOR 2017. ACTION AS NECESSARY.**

General Manager Weisenberger presented a draft budget for 2017, but stated he felt there were some items that needed further review by staff. The Board of Directors reviewed the budget and requested staff present an updated budget for review at the January 2017 Board Meeting.

**ITEM 13 - REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE FOR 2017. ACTION AS NECESSARY.**

The Board discussed employee compensation and determined a raise of 3% would be appropriate for the employees. General Manager Weisenberger declined to accept a raise this year. He stated he felt his wages were at the top of the wage scale for general managers of other local districts. The Board also reviewed the District's contribution to the Districts 457 retirement plan and agreed that it was time to make some change. They agreed to keep the current matching percentage at 130% but with a maximum district contribution of \$195 per month. Director Glenn Robertson made a motion to approve an across-the-board increase of 3% for all employees except the General Manager for wages paid in 2017 and to increase the District's contribution to the 457 retirement plan to a maximum of \$195 per month. Director Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Roger Elissagaray

The Board also reviewed a request from the employees for a change to retiree health benefits qualifications, but took no action.

**ITEM 14 – 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 27, 2016 to December 30, 2016. Employees are to be called in if an emergency occurs. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Roger Elissagaray

**ITEM 15 – REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT OFFICIALS TO THE FOLLOWING 2017 CONFERENCES. ACTION AS NECESSARY**

- A. Mid-Pacific Region Water Users Conference, January 2017
- B. ACWA Spring Conference, May 2017
- C. Delta Water Users Association Annual Meeting, March 2017
- D. ACWA Fall Conference, December 2017

Director Glenn Robertson made a motion to approve sending District Officials to the above listed conferences. 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: Roger Elissagaray

**ITEM 16 – DISCUSS AND CONSIDER THE POSSIBLE USE OF GRAVEL PITS IN THE TRACY AREA FOR SURFACE WATER STORAGE OR GROUNDWATER RECHARGE PONDS. ACTION AS NECESSARY.**

General Manager Weisenberger reported the gravel pits on the Huck property are for sale. The property amounts to 152 acres and the asking price is \$2,000,000. The ground would be suitable for possible surface water storage or groundwater recharge ponds. The Board of Directors requested that staff to additional research on the property and the feasibility using for storage or recharge ponds.

**ITEM 17 – REVIEW FISHERY RESTORATION ISSUES ON THE SAN JOAQUIN RIVER AND THE TRIBUTARIES TO THE SAN JOAQUIN RIVER. ACTION AS NECESSARY.**

General Manager Weisenberger and District Counsel Jeanne Zolezzi met with FishBio to discuss their report on fishery restoration issues on the San Joaquin River and its tributaries. The report determined the major reason for a lack of fish restoration in the San Joaquin River is predation by other species.

**ITEM 18 – 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 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
- 3) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Secretary/Treasurer/Assessor

The Board returned to open session and announced Secretary Howe informed the Board that even though she is eligible to retire she is not ready to retire. She would however, like to reduce her work week to 32 hours beginning January 2017. Director Keith Robertson made a motion to allow Secretary Howe to work a 4 day week taking off Wednesday or if she needs to work on Wednesday taking the following Friday off. She will also take a 10% reduction in pay. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James

McLeod, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: Roger Elissagaray

ITEM 19 - Approval of Warrants

Director Keith Robertson moved that the December 2016 Warrants in the amount of \$434,584.29 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: Roger Elissagaray

The meeting was then adjourned to Wednesday, January 11, 2017 at 9:00 a.m.

Respectfully,

Margaret G. Howe  
Secretary