

December 16, 2015
Tracy, CA 95304

Pursuant to adjournment, November 11, 2015, 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 and District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director James M. Thoming made a motion to approve the minutes of the November 11, 2015 as amended. 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 December 16, 2015

Vernalis flow 650 cfs. No diversions are occurring.

MAINTENANCE – District staff have completed the annual inspection and O&M of the fish screen facility. The floor was cleaned of sediment deposits and the screens washed down. It was noted during the inspection that some of the corrosion protection anodes are degrading to a point where they should be replaced in the coming months. The inspection also observed that we are seeing corrosion on the galvanized pipes of the sediment cleaning system where they are attached to stainless steel brackets. The pipes look fine between brackets but there is localized corrosion at the brackets.

The annual inspection of all Pumping Plants has also been completed. All grease lines, bolts, and iron were inspected for corrosion, functionality, and viability to last another season. The PP #1, #3, #4, and #5 are ready to operate at full capacity. Pumping plant #2 is awaiting a part replacement in the VFD drive in order for Unit #4-40 to be operable. In Pumping Plant #6 unit #3-12 cfs pump is out getting repairs. The two 30 cfs units are ready to operate. All motors equipped with winding heaters have the heaters on. All pumphouses have portable heater units that are operating along with fans for circulation. All portals to the water beneath the floor have been blocked by plywood boards to minimize up draft of humid air into the pumphouse and up through the motors.

The steel penstock for PP #5 that had a major leak this past season has been patched and the pump unit is back in service.

Staff has reported to me that all pre-emergent herbicide on District right of ways (ROW) has been applied. If you see weeds coming up then we have missed those areas.

Assistant Manager Jorge Flores has passed the exams for obtaining a pesticide applicator license. He now holds an applicator license. He did a very good job this season of monitoring aquatic pesticide applications. He has been fine tuning the hours and rates of applications to get good results from treatments while using as little material as possible.

PONDWEED and ALGAE CONTROL – Mr. Flores and I have been contacted by a commercial applicator business that specializes in applying Magnacide H for aquatic weed control. Mr. Flores and I will be evaluating in February if Magnacide applications could be cost effective at certain times of the year instead of using the product Teton.

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

SPUR DIKE – No activity on this topic.

Groundwater Sustainability Act activities – The general manager has attended two groundwater sustainability meetings for the Tracy Sub-basin since the last BCID board meeting. There will be an oral report on this.

Prepared by:

David Weisenberger

General Manager

ITEM 4 - DIRECTOR AND STAFF ITEMS

Board President James McLeod acknowledged the amount of time and effort General Manager Weisenberger has put into the re-organization of the Power and Water Resources Pooling Authority (PWRPA). The re-organization of PWRPA will save Banta-Carbona Irrigation District approximately \$50,000 in shared costs in 2016.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AND 2015 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 started pumping the groundwater well on November 2 and turned it off before the Thanksgiving holiday on November 24th due to possibly causing problems with a neighboring residential well. After talking to the neighbor, staff restarted the well again on December 11th and plans to pump groundwater until the Christmas holiday and then restart again in January 2016.

Marvin Meyers and Lydia Sosa, of Meyers Family Farms, were present to discuss the possibility of receiving water under the existing agreement they have with the District. The Board discussed the current needs of the District and Director Glenn Robertson made a motion to transfer to Meyers Family Farms, through San Luis Water District, 1600 af of the District's rescheduled 2013 CVP water. Director James M. Thoming seconded the motion and it carried.

RESOLUTION 2015-08

RESOLUTION OF December 16, 2015

AUTHORIZING THE SALE OF 1,600 ACRE-FEET OF RESCHEDULED 2013 CVP WATER 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 1,600 acre-feet of its rescheduled 2013 CVP water allotment is no longer necessary for District purposes during the 2015 irrigation season and that it is in the best interests of the District to sell said property; and

WHEREAS, the District has signed an agreement with The Meyers Farms Family Trust for purchase of up to 10,000 acre feet annually at a premium of \$325.00 per acre-foot plus costs.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the General Manager of the District is directed to sell said water to The Meyers Farms Family Trust, at the agreed price of \$325.00 per acre-foot plus costs.

BE IT FURTHER RESOLVED AND ORDERED that the General Manager and Secretary are authorized and directed to take all necessary steps and execute all documents necessary to transfer said property.

PASSED AND ADOPTED ON THIS 16TH day of December 2015, by the following roll call vote:

AYES: Directors James M. McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. McLeod

NOES: None

ABSENT: None

ITEM 6 – REVIEW PROPOSALS FROM FINANCIAL INSTITUTIONS AND CONSIDER OPENING AN ADDITIONAL BANK ACCOUNT. ACTION AS NECESSARY.

Staff presented proposals from three banks, BAC Community Bank, Oak Valley Community Bank and Wells Fargo Bank, for an additional bank account for the District. The Board reviewed all of the proposals. The proposal from Oak Valley Community Bank agrees to provide the services now being received from Central Valley Community Bank, plus 2 signature monitoring. Director Roger Elissagaray made a motion to authorize Secretary Howe to open a new checking account at Oak Valley Community Bank as soon as possible. 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

RESOLUTION NO. 2015 - 09

RESOLUTION AUTHORIZING OPENING BANK ACCOUNT AT OAK VALLEY COMMUNITY BANK AND ESTABLISHING SIGNATURE REQUIREMENTS THEREFORE

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District (the "Board" and the "District," respectively) has received the report from staff recommending that the District establish a business bank account, with Oak Valley Community Bank; and

WHEREAS, the staff has recommended, in keeping with prior authorizations of the Board, that checks written on any District checking account at Oak Valley Community Bank be issued on two (2) original signatures, being any two (2) of the following: Directors: James McLeod, Glenn S. Robertson, James M. Thoming, Roger D. Elissagaray and Keith Robertson; and Staff: Margaret Howe and David Weisenberger, so long as one of the persons signing is from the Director group and one is from the staff group.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The facts set forth in the recitals above are true and correct and the Board so finds and determines.

Section 2. District officials are hereby authorized and directed to open a business checking account with Oak Valley Community Bank.

Section 3. Checks drawn on the District checking account at Oak Valley Community Bank shall be issued on two (2) original signatures obtained from any two (2) of the following: Directors: James McLeod, Glenn S. Robertson, James M. Thoming, Roger D. Elissagaray and Keith Robertson; and Staff: Margaret Howe and David Weisenberger, so long as one of the persons signing is from the Director group and one is from the Staff group.

Section 4. The provisions of any form of resolution prescribed by Oak Valley Community Bank for adoption by the District to implement the actions authorized by this Resolution are hereby adopted and incorporated herein by reference as though fully set forth herein.

Section 5. District Treasurer Margaret Howe, General Manager David Weisenberger and President of the Board of Directors James McLeod are hereby authorized and directed to execute all documents, including without limitation contracts for deposit of moneys and waiver of security agreements, and to take any and all other steps which may be necessary or convenient to implement the intent of this Resolution.

Section 8. This Resolution shall take effect immediately.

PASSED AND ADOPTED, this 16th day of December 2015 on the following vote:

AYES: Directors James McLeod, Glenn S. Robertson, Keith Robertson, Roger D Elissagaray and James M. Thoming

NOES: None

ABSENT: None

ITEM 7 – OPEN PUBLIC HEARING AT 10 A.M. THE PURPOSE OF THIS PUBLIC HEARING WILL BE TO CONSIDER PUBLIC TESTIMONY ON WHETHER THE DISTRICT SHOULD ELECT TO ACT AS THE GROUNDWATER SUSTAINABILITY AGENCY (GSA) UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) (CALIFORNIA WATER CODE § 10720 ET SEQ.) FOR THE PORTION OF THE TRACY SUBBASIN OF THE SAN JOAQUIN VALLEY GROUNDWATER BASIN WITHIN THE SERVICE AREA OF THE DISTRICT. CLOSE PUBLIC HEARING.

Board President James McLeod opened the board meeting to consider public testimony on whether the District should elect to act as the Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act (SGMA) (California Water Code § 10720 et seq.) for the portion of the Tracy Subbasin of the San Joaquin Valley Groundwater Basin within the service area of the District. Since there was public testimony, President James McLeod closed the public hearing.

ITEM 8 – REVIEW PUBLIC TESTIMONY FROM PUBLIC HEARING AND CONSIDER POTENTIAL ACTION REGARDING WHETHER OR NOT TO PURSUE BEING A GSA. ACTION AS NECESSARY.

Since there was no public testimony to review, the Board discussed the pros and cons of becoming a GSA and other options available. On the advice of District Counsel and district staff, Director Keith 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, Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

BOARD OF DIRECTORS

BANTA-CARBONA IRRIGATION DISTRICT

RESOLUTION NO. 2015-10

RESOLUTION OF THE BANTA-CARBONA IRRIGATION DISTRICT DECLARING ITS INTENTION TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT FOR THE TRACY SUBBASIN OF THE SAN JOAQUIN VALLEY GROUNDWATER BASIN

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, the SGMA went into effect on January 1, 2015; and

WHEREAS, the SGMA requires all high and medium priority groundwater basins, as designated by the California Department of Water Resources (DWR) Bulletin 118, to be managed by a Groundwater Sustainability Agency (GSA); and

WHEREAS, the Tracy Subbasin of the San Joaquin Valley Groundwater Basin (Basin) has been designated by DWR as a medium priority basin; and

WHEREAS, the SGMA authorizes any local agency overlying the Basin to elect to become a GSA within the Basin; and

WHEREAS, the Banta-Carbona Irrigation District (District) is a local agency as defined under the SGMA and is therefore eligible to serve as a GSA within the Basin; and

WHEREAS, Section 10723.2 of the SGMA requires that a GSA consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans; and

WHEREAS, Section 10723.8 of the SGMA requires that a local agency electing to be a GSA to notify the DWR of its election and intention to undertake sustainable groundwater management within a basin; and

WHEREAS, the District held a public hearing on December 16, 2015 after publication of notice pursuant to Government Code section 6066 to consider the adoption of this Resolution; and

WHEREAS, the District wishes to exercise the powers and authorities of a GSA granted by the SGMA;

NOW, THEREFORE, BE IT RESOLVED that the Banta-Carbona Irrigation District hereby elects to become a groundwater sustainability agency for the Tracy Subbasin of the San Joaquin Valley Groundwater Basin; and

BE IT FURTHER RESOLVED that the District will develop an outreach program to include all stakeholders to ensure that all beneficial uses and users of groundwater are considered; and

BE IT FURTHER RESOLVED that the Board Members of the Banta-Carbona Irrigation District are authorized to submit to the DWR on behalf of the District a notice of intent to undertake sustainable groundwater management in accordance with the SGMA (Part 2.74 of the Water Code); and

BE IT FURTHER RESOLVED that such notification shall include the boundaries of the Tracy Subbasin that the District intends to manage, which shall include the lands within the District boundaries as well as lands included in the District service area, a copy of this resolution, a list of interested parties developed pursuant to Section 10723.2 of the SGMA, and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the GSA's groundwater sustainability plan.

On motion by Director Keith Robertson and seconded by Director James M. Thoming, the forgoing resolution was passed and adopted on December 16, 2015 by the following vote.

AYES – Directors James McLeod, Keith Robertson, Glenn Robertson, James M. Thoming and Roger Elissagaray

NOES – None

ABSTAINS – None

ABSENT – None

- ITEM 9 – PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.
- A. REVIEW AND CONSIDER CONSTRUCTION BIDS RECEIVED. ACTION AS NECESSARY.
 - B. CONSIDER AWARDED CONSTRUCTION CONTRACT. ACTION AS NECESSARY.

Wayne Dahl, Robert Rucker and Christine Kinney consultants from Dahl Consultants (DCI) were present to answer any questions the Board might have regarding the construction bids. The final day for submitting bids was December 4, 2015. The following four bids were received:

<u>Proposer</u>	<u>Bid</u>
Syblon Reid	\$1,003,810
Sierra Mountain Construction, Inc.	\$1,042,350
Auburn Constructors, Inc.	\$1,168,300
Mountain Cascade, Inc.	\$1,181,888

Using the lowest bid received, the project will cost the District about \$160,000 more than anticipated. DCI feels that, if the District wants to proceed with the project, all the proposals received were fully responsive and recommends the District award the contract to Syblon Reid the lowest bidder. After discussing the proposals, Director Keith Robertson made a motion to accept the proposal from Syblon Reid and authorize staff to execute the necessary paperwork. 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 M. Thoming; Noes: None; Abstain: None; Absent: None

- ITEM 10– UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRCB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES AND ORDERS TO WATER RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER AND THE SACRAMENTO RIVER BASINS. ACTION AS NECESSARY.

Due to existing litigation this item was reviewed in closed session.

- ITEM 11 –REVIEW AND CONSIDER FOR APPROVAL THE BCID BUDGET FOR 2016. ACTION AS NECESSARY.

General Manager Weisenberger presented the BCID Budget for 2016 for review by the Board of Directors. After reviewing the budget, Director Glenn Robertson made a motion to approve the budget as amended. 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

- ITEM 12 - REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE FOR 2016. ACTION AS NECESSARY.

Following discussion, Director James Thoming made a motion to approve an across-the-board increase of 3% for all employees for wages paid in 2016. 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

- ITEM 13 – CONSIDER CLOSING THE DISTRICT THE WEEK BETWEEN CHRISTMAS DAY AND NEW YEARS DAY. ACTION AS NECESSARY.

Director Glenn Robertson made a motion to approve as days off with pay for all employees December 26, 2015 to December 31, 2015. Employees are to be called in if an emergency occurs. 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

- ITEM 14 – REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT OFFICIALS TO THE FOLLOWING 2016 CONFERENCES. ACTION AS NECESSARY
- A. Mid-Pacific Region Water Users Conference, January 2016

- B. ACWA Spring Conference, May 2016
- C. Delta Water Users Association Annual Meeting, March 2016
- D. ACWA Fall Conference, December 2016

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

ITEM 15 – 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

Returned to open session with no announcement.

ITEM 16 – CONSIDER TERMS AND CONDITIONS FOR A POTENTIAL CONVEYANCE AGREEMENT WITH FRIANT WATER USERS. ACTION AS NECESSARY.

General Manager Weisenberger reported he was approached by representatives from the Friant Water Users about Banta-Carbona conveying San Joaquin River Restoration Flows from the San Joaquin River to the Delta-Mendota Canal. He presented a draft conveyance agreement for review by the Board as a starting point in negotiations. The Board discussed the possibilities of conveying the water and authorized General Manager Weisenberger to discuss the possible conveyance with the Friant Water Users.

ITEM 17 - REVIEW PROPOSED PRIVATE PARTY IMPROVEMENTS TO DISTRICT EASEMENT ON 4 WEST CANAL IN T3S R5E SECTION 13. ACTION AS NECESSARY

Staff reported there was no new information regarding the proposed improvements.

ITEM 18 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the December 2015 Warrants in the amount of \$404,122.32 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, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, January 13, 2016 at 9:00 a.m.

Respectfully,

Margaret G. Howe
Secretary