

February 15, 2017
Tracy, CA 95304

Pursuant to adjournment, January 11, 2017, 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: None

ITEM 1 - CONSIDER ANY QUALIFIED CANDIDATES FOR APPOINTMENT TO THE BOARD OF DIRECTORS TO FILL THE VACANCY IN DIVISION II. ACTION AS NECESSARY.

On motion of Director Keith Robertson, and seconded by Director James Thoming the following resolution was approved and adopted by the following vote; Ayes: Directors James McLeod, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

RESOLUTION 2017-01

RESOLUTION APPOINTING ANNETTE ELISSAGARAY TO FILL THE VACANCY ON THE BOARD OF DIRECTORS OF THE BANTA-CARBONA IRRIGATION DISTRICT (DIVISION II) OCCASIONED BY THE PASSING OF DIRECTOR ROGER ELISSAGARAY.

WHEREAS, as a result of the passing of Director Roger Elissagaray on January 7, 2017 a vacancy occurred on the Board of Directors of the Banta-Carbona Irrigation District; and

WHEREAS, subject to certain exceptions not here applicable, an irrigation district which elects its directors by division shall, pursuant to Section 21265.5, fill all vacancies on the board of directors pursuant to Government Code Section #1780; and

WHEREAS, the remaining members of the governing board of the district, pursuant to Government Code Section #1780, may fill the vacancy by appointment if, after notice, the appointment is made within sixty (60) days after the effective date of such vacancy; and

WHEREAS, the Secretary of the Board of Directors posted a notice of such vacancy in Three (3) conspicuous places in the District at least fifteen (15) days before the date of the resolution; and

WHEREAS, the Board of Directors finds that Annette Elissagaray is willing to serve on the Board of Directors and that she meets all qualifications set forth in Water Code Section #21100 for service as a director and is in all other respects a proper person for appointment to said office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Banta-Carbona Irrigation District hereby appoints Annette Elissagaray to fill the vacancy on the Board of Directors and to represent Division II of the District. Upon qualification, Annette Elissagaray, shall hold office for the balance of the unexpired term;

BE IT FURTHER RESOLVED that the Secretary shall give notice of this appointment to the Registrar of Voters of San Joaquin County.

PASSED AND ADOPTED this 15th day of February 2017.

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

NOES: None

ABSENT: None

Secretary Howe administered the Oath of Office to Director Annette Elissagaray.

ITEM 2 - ELECTION OF OFFICERS. ACTION AS NECESSARY

Secretary Howe reported that since the passing of Board Vice President Roger Elissagaray in January 2017 the Board needs to elect new officers. Director Glenn Robertson made a motion to appoint Director Keith Robertson to the office of Vice President of the Board of Directors.

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

Director Keith Robertson made a motion to make no changes in the slate of other officers or staff; James McLeod, President; David Weisenberger, General Manager; and Margaret Howe, Secretary-Treasurer. 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 3 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the January 11, 2017 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 4 - MISCELLANEOUS CORRESPONDENCE

There was no correspondence presented.

ITEM 5 - MANAGER'S REPORT & DISCUSSION ITEMS.

During the storms in January high winds broke insulator ties on 2 phases of the District's 60kv lines on the same pole at the Peterman Lateral pumping plant. At pumping plant #2 a lightening arrester exploded in the main switchgear. Power was off for 4 – 5 days, but is back on now. The damage, approximately \$45,000 will be covered by insurance.

The San Joaquin River level at Vernalis is at flood stage, over 29.5 feet, and District staff is assisting Reclamation Districts 2085 & 2095 in patrolling the levee.

District staff is also doing pipeline and gate repair and weed control.

ITEM 6 - DIRECTOR AND STAFF ITEMS

Secretary Howe reported all local agency officials are now required to complete 2 hours of Sexual Harassment Prevention Training and Education every 2 years. She will check on the availability of training and let the board know when training will be available at the March board meeting.

Secretary Howe reminded the Board of the ACWA Spring Conference being held in Monterey in May. She needs confirmation of who will be able to attend to register attendees and make room reservations.

ITEM 7 - REVIEW CURRENT WATER SUPPLIES AND 2017 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

General Manager Weisenberger reported the US Bureau of Reclamation has not announced a CVP allocation for the 2017/2018 water year.

At the January Board Meeting the Board authorized General Manager Weisenberger to transfer up to 24,755 af of stored water, however he was unable to find anyone who is interested in purchasing any water at this time

ITEM 8 - CONSIDER REQUEST BY THOMSEN FAMILY TO OBTAIN 3 EASEMENTS ACROSS DISTRICT FEE STRIP IN SECTION 34, T3S, R6E. ACTION AS NECESSARY.

Chris Thomsen of Thomsen Farms and John Glick of Quartaroli & Associates were present to discuss obtaining 3 easements across the District fee strip in Section 34, T3S, R6E. Mr. Thomsen said his family has done a parcel split on the property and would use the easements for driveway access to the parcels. The Board discussed the request and Director Keith Robertson made a motion to approve the request with Quartaroli and Associates to provide a map and legal descriptions, District Counsel to provide the necessary agreements and Thomsen Farms to pay all District legal fees. 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

ITEM 9 - PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.

Flow Science did the original study on the surge protection on the project, they are going to amend the study and produce a new safety manual. The cost of the study and the new safety manual will be about \$10,000.

The District has received the final "as-built" drawings required from Syblon Reed.

ITEM 10 - PROGRESS UPDATE ON REMOVAL OF PUMPING PLANT #7. ACTION AS NECESSARY

Syblon Reed has completed the work at Pumping Plant #7 and is starting the construction of the discharge structure at Pumping Plant #5. The discharge structure should be done the first week of March.

ITEM 11 - UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY

The District has received an updated draft activity agreement for providing services to Tracy Sub-basin Groundwater Sustainability Agencies (GSA) for assisting in the development of Groundwater Sustainability Plans (GSP) from the San Luis Delta-Mendota Water Authority (SLDMWA). At a meeting earlier in February, SLDMWA estimated their cost to develop a GSP would be about \$370,000 a year and would require them to hire additional personnel. General Manager Weisenberger feels that working together with other agencies might be a less expensive way to develop a GSP.

The boundaries on the Districts current GSA need to be adjusted to include the Kasson area in the San Joaquin County GSA. San Joaquin County is doing new maps and the District will need to notify the California Department of Water Resources with a new boundary map for their GSA.

ITEM 12 – STATUS OF BCID WARREN ACT WATER STORED IN CENTRAL VALLEY PROJECT (CVP) FACILITIES AND 2017 SOUTH OF DELTA OPERATIONS PLANNING. ACTION AS NECESSARY

The USBR has technically replaced the stored water that was "borrowed". A task group has been formed to work on a borrowing agreement for future years. General Manager Weisenberger and District Counsel Jeanne Zolezzi continue to monitor the progress of the meetings.

General Manager still feels that with the current year hydrology it is possible that San Luis Reservoir will fill and possibly spill and the District could lose a portion of its stored water. A conference call is scheduled to see if the US Bureau of Reclamation will replace the "spilled" water or possibly replace it as part of the 2017/2018 CVP allocation.

ITEM 13– 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 January 17, 2016 out to March 17, 2017.

ACWA has released a "Policy Statement regarding the State Water Resources Control Board's Water Quality Control Planning Process". The Board reviewed the policy statement and authorized staff to write a letter of support.

ITEM 14 - CONSIDER REALIGNMENT OF DISTRICT DIVISION LINES AS TO AREA AND POPULATION. ACTION AS NECESSARY

The Board reviewed the District's Division Lines for area and population and determined there was no need for realignment at this time.

ITEM 15- CONSIDER REQUEST BY SEMI-TROPIC WATER STORAGE DISTRICT FOR ENTERING NEGOTIATIONS FOR ACQUIRING WATER CONVEYANCE RIGHTS FROM THE SAN JOAQUIN RIVER TO THE DELTA MENDOTA CANAL FOR APPROXIMATELY 70 CFS ON A CONTINUOUS BASIS POTENTIALLY ON A 20 YEAR AGREEMENT. ACTION AS NECESSARY

General Manager Weisenberger reported he received a request from Semi-tropic Water Storage District regarding Banta-Carbona Irrigation District conveying water from the San Joaquin River to the Delta Mendota Canal on a continuous basis on a 20 year agreement. After discussing the request it was determined the District would be unable to conveyance during the irrigation season.

ITEM 16 - 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

ITEM 17 - PRESENTATION BY FISHBIO, DOUG DEMKO, REGARDING IMPLEMENTATION OF POTENTIAL PREDATION STUDIES IN THE LOWER SAN JOAQUIN RIVER AND SOUTH/CENTRAL DELTA. ACTION AS NECESSARY.

Mr. Demko did a presentation on "San Joaquin River and South Delta Predator Monitoring Program" a program for research and monitoring projects on all the San Joaquin River tributaries with emphasis on flow and predation. After the presentation, the Board of Directors discussed the program and its cost and felt it is a worthwhile program and they would be willing to share costs with other local districts to fund the study.

ITEM 18 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the February 2017 Warrants in the amount of \$208,151.73 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, Annette Elissagaray and Glenn Robertson; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, March 15, 2017 at 9:00 a.m.

Respectfully,

Margaret G. Howe
Secretary