

April 11, 2018
Tracy, CA 95304

Pursuant to adjournment, March 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 Karna Harrigfeld

ABSENT: None

ITEM 1- REVIEW FINANCIAL AUDIT FOR 2017. ACTION AS NECESSARY

Sandy Sup, CPA, representing Fechter & Company, presented to the Board the audit they conducted for the District for fiscal year 2017. She reported that they made a finding that an "Unqualified Opinion" was appropriate for the audit. She reviewed the audit with the Board of Directors. After reviewing the audit, Director James M Thoming made a motion to accept the audit as presented for filing. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Glenn Robertson, Keith Robertson and James M Thoming; Noes: None; Abstain: None; Absent: None

1(A) REVIEW AND ESTABLISH COST OF SERVICE RATE FOR 2018. ACTION AS NECESSARY

Staff reported the District's Cost of Service as reported in the District's Annual Audited Financial Report for the year 2016 was \$4,731,327.00 and for the year 2017 was \$4,780,774.00. The total acre feet of water delivered in the year 2016 was 40,365 and for the year 2017 was 37,263. The average Cost of Service for the years 2016 and 2017 is \$4,756,051.00 and the average acre feet of water delivered is 38,814. The average Cost of Service (\$4,756,051.00) divided by the average acre feet of water delivered (38,814) equals a Cost of Service rate of \$122.53. Director Keith Robertson made a motion to establish the District's 2018 Cost of Service Rate at \$122.53. 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

ITEM 2 - MINUTES & TREASURER'S REPORT

Director Keith Robertson made a motion to approve the minutes of the March 14, 2018 as presented. 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

Secretary Howe presented the Treasurer's report and after review by the Board it was filed.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe presented correspondence from the Tracy High FFA Foundation, Inc. requesting a contribution. The Tracy FFA is the most active, non-athletic group on the high school campus and encourages practical skill development and critical thinking skills. Because of the positive impact that Tracy High FFA has on agriculture and on the community, Director Keith Robertson moved to approve sending a contribution of \$1000 to the Tracy High FFA. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

ITEM 4 - Manager's Report & Discussion Items.

MANAGER'S REPORT

April 10, 2018

Vernalis flow +/- 8,500 cfs. Diverting +/- 50 cfs

Maintenance – Maintenance activities this month include repairing pipeline leaks, repairing or replacing turnout gates, diking right-of-ways, and spraying weeds. We did make water deliveries during the month of March and early April in between rain events.

Rescheduled Water – BCID share of 150,000 af ended up at 1,691 af – We did reschedule the water. The incremental cost to reschedule is an additional \$8.19/af. We may use this water anytime during the new year but it must be the first CVP water we use. It may be non-transferrable.

FRIANT SJRRP Restoration Flows and Wheeling – A procedure was agreed to and a document is being prepared for distribution to all parties to follow for protocol on wheeling flow rates and approvals. BCID is currently wheeling about 38 cfs in April. In March we wheeled 1,430 af.

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. In March I did attend a coordination meeting hosted by agencies in Contra Costa County in the northern part of the Tracy Sub-basin. Coordination meetings between GSA's within the Tracy sub-basin are recommended if not required by law. The next meeting is on April 30, 2018 in Contra Costa County.

Replacement Pumping Plant 5 Low Head Lift – WAVE Engineering and I met to discuss possible alternatives to the bid we received from Bockmon and Woody for the electrical work. We decided to get pricing and proposals for the equipment for the Board to consider purchasing the equipment directly. Then we would only need the electricians to set and wire the equipment. We have updated cost estimates that we feel are reasonably accurate. This latest estimate is \$200,000 below the bid we received from Bockmon and Woody. Arnaudo Construction has ordered the pipe.

San Joaquin County Community Development Application # PA 1600049 (AP) – I sent an e-mail to the contact person, Stephanie Stowers, "I write you in regards to the Use Permit application PA-1600049 (UP), the truck stop being proposed for the intersection of Ahern Road and Interstate 5. The Banta-Carbona Irrigation District is very concerned about the possibilities of pollutants leaching into subsurface waters or surface waters. We have a surface water canal that is below grade located 1200 feet to the east of the project site. We cannot have any pollutants migrating from the project site to or into our irrigation water.

We object to this project until the project applicant demonstrates to the BCID that the project cannot possibly discharge pollutants to the soil or to subsurface or surface waters.

We look forward to learning more about how water runoff will be handled or any water being discharged to leaching systems are handled. Waters from this site could be discharged to the San Joaquin River if they are not prevented from entering the soil, subsurface water or surface waters."

ITRC Workshops on SCADA – Michael McDonald, Alex Casteneda, and Rodrigo Botello successfully attended the ITRC week long SCADA workshop in San Luis Obispo. Jorge and I met with them after they returned to review their learning experience. It was an eye opener to them as to SCADA equipment parts being so expensive. They relayed that the first day that was supposed to be for beginners didn't start at the beginning. The initial day had a lot of experienced tech's in the room and the instructor tended to talk at higher playing field to the majority. During the hands on exercises the experienced techs did teach our fellas how to conduct the exercises.

After Jorge and I met with them in the board room we took them out to our pumphouses and the fishscreen where we have SCADA equipment. We gave them a general overview of the equipment and the types of equipment installed. This all seemed to gel with what they had learned the week before. They recognized what we were showing them. In addition, they were happy to see that we have drawings for our systems that they could use in the future.

This week we had them shadow Scott Penner of WAVE engineering on a troubleshooting job at the fishscreen on the sedimentation system. We are trying to provide them as many opportunities as possible to work with our equipment and on issues in order to keep their learning fresh in their minds.

ITEM 5 - DIRECTOR AND STAFF ITEMS

Staff reported JSSC, Inc would be seal coating the parking lot later in April. The cost of the seal coating is \$5,400.00

ITEM 6 - REVIEW CURRENT WATER SUPPLIES AND 2018 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

The Bureau of Reclamation has announced a total of 150,000 acre feet of 2016/2017 CVP water will be available for rescheduling into the 2017/2018 water year. Banta-Carbona's share will be

1,691 acre feet. The rescheduled water must be used before the 2017/2018 allocation. The Bureau of Reclamation has announced a 2017/2018 CVP allocation of 20%. This will provide the District with an additional 4,000 acre feet of CVP Water. It is possible the allocation maybe increased.

ITEM 7 – CONSIDER AMENDING LIST OF CAPITAL PROJECTS BY ADDING POTENTIAL PROJECTS. ACTION AS NECESSARY.

General Manager Weisenberger presented 2 potential projects he would like to add to the list capital projects in the District Reserves Policy. The first is to move and replace the gates at Bird Rd. on 3 West Canal. The second is to construct renewable energy generation facilities. The Board discussed the projects and agreed they should be added to the capital projects list.

ITEM 8 – UPDATE ON CONVERSION OF RECLAMATION CVP 9(E) CONTRACT TO A 9(D) CONTRACT. ACTION AS NECESSARY.

Staff reported they sent a letter to Bureau of Reclamation requesting conversion of its Long-Term Renewal Contract, 14-06-200-4305A-LTR, to a 9(d) contract. They also requested an estimate of the Districts construction cost obligations. The Bureau is required to provide a response within 90 days.

ITEM 9 – CONSIDER ENTERING NEGOTIATIONS WITH UNITED STATES BUREAU OF RECLAMATION FOR WHEELING SAN JOAQUIN RIVER RESTORATION FLOWS FOR A FIVE YEAR TERM, MARCH 1, 2019 – FEBRUARY 28, 2024. ACTION AS NECESSARY.

Manager Weisenberger reported he had spoken with Barbara Hildleburg, a contract specialist with the Bureau of Reclamation. Ms. Hildleburg said the Bureau is working a five year agreement for wheeling San Joaquin River Restoration flows. General Manager Weisenberger inquired if the Board is interested in negotiating for a 5 year agreement or a shorter term. After some discussion, the Board determined they would be more interested in a 2 – 3 year agreement with an option to extend for additional years. General Manager Weisenberger said he would let Ms. Hildleburg know of the Board's decision.

ITEM 10 – UPDATE ON SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION #PA-1600049 (AP) FOR A USE PERMIT FOR A TRUCK STOP FACILITY ON CORNER OF AHERN RD AND I5. ACTION AS NECESSARY.

General Manager Weisenberger received a Stephanie Stowers regarding the San Joaquin County standard wording for storm water drainage. He responded that in order to mitigate the risk of storm water runoff Banta-Carbona Irrigation District requests they be required to provide a lined storm water drain.

ITEM 11 – UPDATE ON PROGRESS TO CHANGE ELECTION CYCLES FOR BOARD MEMBERS AS PER SB 415. ACTION AS NECESSARY

Secretary Howe reported District Counsel's office has sent the District's resolution to the San Joaquin County Registrar of Voters. We are waiting for the county to do the necessary paper work to complete the process.

ITEM 12 – REPORT ON PROGRESS TO INSTALL LOW HEAD PUMPS AT NEW PP #5 ON LIFT CANAL SYSTEM. ACTION AS NECESSARY.

General Manager Weisenberger presented an estimated cost to install low head pumps at the new Pumping Plant #5 on the lift canal system of \$800,000. After some discussion, Director Keith Robertson made a motion to proceed with the project. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

ITEM 13 – UPDATE ON BCID/WSID/PID SAN JOAQUIN RIVER PREDATION STUDY. ACTION AS NECESSARY.

FISHBIO is continuing to work with the Army Corp of Engineers on permitting. They originally thought we would need a 404 certification; however the Army Corp of Engineers has determined we will need a 408 certification. A 408 certification is a longer process and will take more time. It is possible FISHBIO may be catching fish in May or June 2018

ITEM 14- 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
- 3) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 case)

Returned to open session with no announcement.

ITEM 15 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the April 2018 Warrants in the amount of \$142,987.86 be approved for payment. Director Annette Elissagaray 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, May 16, 2018 at 9:00 a.m.

Respectfully,

Margaret G. Howe