

May 16, 2018
Tracy, CA 95304

Pursuant to adjournment, April 11, 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 Glenn Robertson made a motion to approve the minutes of the April 11, 2018 as presented. 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

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

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received a letter from the Pacific Legal Foundation thanking the District for its support.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT

May 16, 2018

Vernalis flow +/- 5,200 cfs. Diverting +/- 160-200 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.

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.

Reclamation CVP 9(e) contract to a 9(d) contract. No news on this. Need to follow up with reclamation on timetable.

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. I attended a meeting via WebEx 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. The bid for the Remote Terminal Unit cabinet that holds SCADA equipment (RTU) came in at \$40,000 last month. Scott Penner of WAVE engineering priced out the equipment at about \$15,000. We have put together a plan, pending board approval, whereby our District personnel would be trained to build our own RTU on this project and future RTU's. We have estimated that we can build a room in the Fish Screen Storage building, 16X16, buy the necessary tools, buy the SCADA equipment and supplies, and train at least one of our younger employees if not two of them on building, testing and maintaining our RTU equipment for about \$30,000 - \$35,000. It may be close to a push in cash outlay for the RTU but under this scenario we end up with tools, room and training for future troubleshooting and maintenance of our SCADA hardware in the field. **San Joaquin County Community Development Application # PA 1600049 (AP)** – There isn't any more news at the county. I did contact Mike Wackman of the

San Joaquin County & Delta Water Quality Coalition and he responded with "As far as the Coalition is concerned, we really do not get involved in development and land use issues. However we are concerned if any of the runoff may contribute to our growers being out of compliance. Usually if we get other contaminants in the water from sources other than agriculture we just inform the Regional Board it did not come from ag."

Respectfully submitted by:
David Weisenberger
General Manager

ITEM 4 - DIRECTOR AND STAFF ITEMS

Attending the ACWA Spring Conference in Sacramento was: Directors James McLeod, Glenn Robertson, James M. Thoming and staff: General Manager David Weisenberger and Secretary Margaret Howe. They attended workshops on renewable energy, Folsom Dam, the California Delta and the California Water Fix. General Manager Weisenberger met with the U.S. Bureau of Reclamation regarding a new 5 year agreement for wheeling water for Friant SJRRP Restoration Flows.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFERS, AND SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

The Bureau of Reclamation has announced a total of 150,000 acre feet of 2017/2018 CVP water will be available for rescheduling into the 2018/2019 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 an increase in the 2018/2019 CVP allocation. The new allocation will be 40%. This will provide the District with additional 8,000 acre feet of CVP Water. It is possible the allocation maybe increased.

Erick Johnson of the Water Agency was present to discuss with the board the possibility of a water transfer of the District's rescheduled 2017/2018 water. Mr. Johnson presented an offer for the transfer of up to 1,691 acre feet of the District's rescheduled water. After some discussion Director Glenn Robertson made a motion to approve the transfer and 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

Mr. Johnson also indicated he might be able to move additional water for the District. After Mr. Johnson left the Board discussed the options of transferring more water this early in the irrigation season. After discussing the issue, Director Keith Robertson made a motion to authorize General Manager Weisenberger to transfer up to 2,000 af of 2018/2019 CVP water at a premium of no less than \$100. 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 6 – CONSIDER REQUEST FROM AT&T MOBILITY FOR AN ACCESS EASEMENT AGREEMENT ACROSS TWO BCID PROPERTIES TO ACCESS VINKS' PROPERTY FOR CONSTRUCTING, MAINTAINING AND OPERATING A CELL TOWER. ACTION AS NECESSARY.

The Board reviewed the request and Director Glenn Robertson made a motion to approve the access easement agreement at a cost of \$5,000 (cashiers check) for the agreement; AT&T Mobility paying the cost of all legal and engineering fees with a deposit of \$1,000 to start and to be paid in increments of \$1,000 and authorizing Board President James McLeod to execute the document. 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 7 – CONSIDER REQUEST FROM SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT (SSJDD) REQUESTING A TEMPORARY ENTRY PERMIT TO ACCESS 241-090-07 TO CONSTRUCT LEVEE REPAIRS. ACTION AS NECESSARY.

The District received a requested from the Sacramento and San Joaquin Drainage District for a Temporary Entry Permit to access District property for levee repairs. The permit would all necessary personnel to enter with equipment needed to construct levee repairs and other needed repairs. After reviewing the request, Director Keith Robertson made a motion to approve the Temporary Entry Permit and authorize General Manager Weisenberger to execute the necessary documents. 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 8– SALE OF DISTRICT PROPERTY NO LONGER REQUIRED, TWO PICKUPS A 2013 FORD F-150 ID#1FTMF1CM8DFB92145 A 2013 FORD F-150 ID#1FTMF1CM6DFB92144. ACTION AS NECESSARY.

Staff reported the two 2018 pickups the District ordered will be ready for delivery next week and then the District will no longer need the above vehicles. Director Keith Robertson made a motion to sell the above vehicles, Director Annette Elissagaray seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Keith Robertson, Annette Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

RESOLUTION NO. 2018-05

RESOLUTION OF May 16, 2018 AUTHORIZING THE SALE OF CERTAIN EQUIPMENT 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 its 2013 Ford F-150 ID#1FTMF1CM8DFB92145 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than \$8,500 for the 2013 Ford F-150 ID#1FTMF1CM8DFB92145 is a valuable consideration for said property

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2013 Ford F-150 ID#1FTMF1CM6DFB92144 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than \$5,500 for the 2013 Ford F-150 ID#1FTMF1CM6DFB92144, is a valuable consideration for said property;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the President and Secretary of the District are authorized to display said property for sale and directed to sell said property to whoever presents a cash offer, provided that said offer is equal to or greater than the amounts listed above.

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

PASSED AND ADOPTED this 16th day of May, 2018 by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

ITEM 9– UPDATE ON PROGRESS TO CHANGE ELECTION CYCLES FOR BOARD MEMBERS AS PER SB 415. ACTION AS NECESSARY

Secretary Howe reported we are still waiting on the county to complete the process.

ITEM 10 – REPORT ON PROGRESS TO INSTALL LOW HEAD PUMPS AT NEW PP #5 ON LIFT CANAL SYSTEM. ACTION AS NECESSARY.

General Manager Weisenberger met with WAVE Engineering 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. The bid for the Remote Terminal Unit cabinet that holds SCADA equipment (RTU) came in at \$40,000 last month. Scott Penner of WAVE engineering priced out the equipment at about \$15,000. We have put together a plan, pending board approval, whereby our District personnel would be trained to build our own RTU on this project and future RTU's. We have estimated that we can build a room in the Fish Screen Storage building, 16X16, buy the necessary tools, buy the SCADA equipment and supplies, and train at least one of our younger employees if not two of them on building, testing and maintaining our RTU equipment for about \$30,000 - \$35,000. It may be close to a push in cash outlay for the RTU but under this scenario we end up with tools, room and training for future troubleshooting and maintenance of our SCADA hardware in the field. After some discussion, the Board directed General Manager Weisenberger to complete the project using District staff.

ITEM 11 – UPDATE ON BCID/WSID/PID SAN JOAQUIN RIVER PREDATION STUDY.
ACTION AS NECESSARY.

Staff reported the 408 application has been finalized and is awaiting signature from the department lead at the Corps. After it is signed it will go to legal review, this usually takes about a month. If everything goes well, FISHBIO thinks the permits will be ready by June 1st. If the permits are ready by June 1st, they should be able to some sampling before the San Joaquin River temperatures get too high.

ITEM 12- 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: Water Transfer
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating parties: Santa Nella County Water District
Under Negotiation: Quantity, price, period of transfer
 - C. 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
 - D. Property: Access easement agreement
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating Parties: Epic Wireless Group LLC
- 3) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (2 cases)

Returned to open session with no announcement.

ITEM 13 – CONSIDER EXTENDING FECHTER & CO. AUDITING SERVICES FOR ONE YEAR. ACTION AS NECESSARY.

Secretary Howe reported Fechter & Co expressed an interest in extending their auditing services for an additional year at a cost of \$8,600 and direct expenses not to exceed \$500. After some discussion, Director Keith Robertson made a motion to extend Fechter & Co. auditing services for one year and authorizing Secretary Howe to sign the engagement letter. Director Glenn Robertson seconded the motion and it passed by the following vote; Ayes: Directors James McLeod, Keith Robertson, Annette Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 14 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the May 2018 Warrants in the amount of \$268,105.52 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, June 13, 2018 at 9:00 a.m.

Respectfully,

Margaret G. Howe

