

February 12, 2020
Tracy, California

Pursuant to adjournment, January 15, 2020 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 January 15, 2020 Regular Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; 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 request from the Family Farm Alliance for a 2020 contribution. The Family Farm Alliance is an advocate for family farmers, ranchers, irrigation districts and other ag-related businesses in the seventeen Western states. The focus of the Alliance is to ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The District made a contribution to the Alliance of \$10,000 in 2019, after some discussion, Director Keith Robertson made a motion to authorize a contribution to the Family Farm Alliance in the amount of \$10,000. 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 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT

February 12, 2020

Vernalis flow +/- 1,995 cfs. Wheeling 0 cfs

Running water this week only.

Maintenance - Currently on-going emphasis is on terrestrial weed control, pipeline repairs, turnout gate repairs. The maintenance pickup that Tim Bristow drives threw an engine rod this week. It cracked the engine block. The pickup is a 2004 with 168,000 miles.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled zero water for USBR/Friant from May 2019 through January 2020. Do not plan to wheel water for them the rest of the water year ending on February 29, 2020.

Reclamation CVP 9(e) contract to a 9(d) contract. We have received our working draft WIIN Act Contract for a negotiation session to be held on February 25, 2020. The session will be in Fresno, Ca. We have not received an updated construction repayment estimate from Reclamation. The previous estimate owed as discounted for today on Unpaid Construction Cost is \$2,083,844 and for Unpaid Intertie Construction Cost, \$136,960, for a total owed of \$2,220,804 dollars. Esq. Jeanne Zolezzi has been attending the negotiation session on the District's behalf. I also plan to attend the negotiation session scheduled for February 25, 2020.

Sustainable Groundwater Management Act (SGMA) –The next major milestone due is a Groundwater Sustainability Plan (GSP) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022. There is a regularly scheduled staff meeting on the third Thursday of the month at the Banta-Carbona Irrigation District office at 1 pm. The next meeting is February 20, 2020. The consulting firm, GEI, Inc, has

64 started to collect historical information from the GSA's. BCID has not submitted any
65 information as of today. Historical water supplies and quantities by month and year is the
66 current information request.

67 **Pumping Plant #4 Replacement Project** – The pumps and motors are in our
68 storage shed. Motor control centers and switchgear are being moved into the control
69 building at the construction site. The Remote Terminal Unit (RTU) that houses the
70 Supervisory Control and Data Acquisition (SCADA) equipment will be delivered to the
71 site on Friday of this week. Also being delivered will be the control console as well as
72 other miscellaneous equipment such as panels and transformers. Next week the high
73 voltage electricians will be on site to place the high voltage transformers and install the
74 high voltage switches that feed pumping plants three and four.

75 **San Joaquin County Community Development Application # PA 1600049**
76 **(AP)** – No new news.

77 **Website** – New legislation passed last year, SB 929, requiring special districts to
78 have a website that provides district contact information by January 1, 2020. This is
79 simple enough except that there has been legislation on the books for several years that
80 requires other information be posted **IF** you have a website. We have been exempt from
81 those other postings because we never have had a website. We will now be required to
82 make those postings. The new website is actively under development with J Comm, Inc.
83 out of Rocklin, California. We are also working at getting our diversion data stored for
84 our meters at Pumping Plant #1.

85 **New Pumping Plant #5 Noise** – The original sound blankets arrived and we
86 installed them on Unit 6 at PP #5. They do make a noticeable difference but do not
87 completely kill all of the noise. The custom made blankets for all of the units at PP #5
88 have been delivered. WE still need to install them.

89 **Traveling Trash Screen** – The foundation for the traveling trash screen at the
90 tail end of 3 West canal at Banta Road has been constructed. We have a PG&E meter
91 and can now install the traveling screen in the canal. International Water Screens, inc.
92 has sent us the correct motors for the unit. WE still need to change out the motors.

93 **PROP 1 Grant Application** – The Delta Conservancy Board met on
94 Wednesday, May 22, 2019, from 9 am to 1 pm to select applications for grant funding. I
95 attended as well as Andrea Fuller of FISHBIO and a representative of CBEC. The
96 meeting went well even though BCID wasn't recommended for funding on that day. The
97 Board left it open for BCID to work with Conservancy staff to clear up any questions they
98 have that prevented them from recommending funding in May. FISHBIO has numerous
99 times answered their questions. The next Delta Conservancy meeting is in March 2020.
100 Our project is supposed to be considered at that meeting if staff is satisfied with our
101 answers to their latest requests from last week.

102
103 Respectfully submitted by:
104 David Weisenberger
105 General Manager

106 **ITEM 4 – DIRECTOR AND STAFF ITEMS**

107 General Manager Weisenberger reported he is working with Bureau of Reclamation to
108 renew the District's Warren Act Contract. The current contract expired December 31,
109 2019.

110 Secretary Howe reminded the Directors that ethics training would be available at the
111 ACWA Conference in May for those who need it.

112 Frances Mizuno will be retiring from her position at the San Luis & Delta Mendota Water
113 Authority and a luncheon will be held on March 12 in her honor

114 Attending the Mid-Pacific Region Water Users' Conference in Reno, Nv were Directors
115 James McLeod, Keith Robertson, Glenn Robertson, James M Thoming, General
116 Manager David Weisenberger and Secretary Margaret Howe. Among the subjects
117 discussed in the sessions were sustainable groundwater management and voluntary
118 agreements for the delta tributaries

119 **ITEM 5 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE** 120 **DISTRICT, CONSIDER TRANSFERS, REVIEW SCHEDULING OF AVAILABLE** 121 **WATER SUPPLIES AND AUTHORIZE RE-SCHEDULING AMOUNT. ACTION** 122 **AS NECESSARY**

123 The District currently has 4,421 af of its 2019 CVP allocation available. General Manager
124 Weisenberger plans to reschedule the maximum amount allowed by the USBR (2,000

125 af) into the 2020 irrigation season. This will leave 2,421 af of CVP water available.
126 General Manager Weisenberger would like to transfer 1,500 af of that amount to
127 Westlands Water District, leaving the District 921 af for its use in February.

128 Director Keith Robertson made a motion to authorize General Manager Weisenberger to
129 transfer 1,500 acre feet of the District 2019 CVP water allocation to Westlands Water
130 District. Director James M. Thoming seconded the motion and it carried by the following
131 vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn
132 Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

133 The Bureau of Reclamation is expected to announce the CVP allocation for the 2020
134 water year on February 20th, it is estimated it will be 10 – 15%.

135 **ITEM 6 – CONSIDER FOR APPROVAL 2020 BUDGET. ACTION AS**
136 **NECESSARY**

137 Staff presented a budget for 2020 for review by the Board. After discussing the proposed
138 budget, Director Keith Robertson made a motion to approve the 2020 budget as
139 presented. Director James M Thoming seconded the motion and it carried by the
140 following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson,
141 Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

142 **ITEM 7 – REVIEW DISTRICT’S RESERVE POLICY, RESERVE LEVELS, AND**
143 **CAPITAL IMPROVEMENTS PROJECT LIST. ACTION AS NECESSARY.**

144 The Board of Directors reviewed the District’s current reserve policy, reserve levels at
145 December 31, 2019 and the capital improvements project list for 2020. Director James M
146 Thoming made a motion to approve the current reserve policy and authorize allocating
147 the Undesignated Funds balance as of December 31, 2019 as needed. Director Glenn
148 Robertson seconded the motion carried by the following vote; Ayes: Directors James
149 McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M.
150 Thoming; Noes: None; Abstain: None; Absent: None

151 **ITEM 8 – REVIEW WATER RATES FOR 2020. ACTION AS NECESSARY**

152 After discussing the conditions in the farming community, Director Keith Robertson made
153 a motion to drop the inside district water rate from \$70.00 to \$65.00 and the outside
154 district water rate from \$200.00 to \$150.00 effective February 1, 2020. Director Annette
155 Elissagaray seconded the motion carried by the following vote; Ayes: Directors James
156 McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M.
157 Thoming; Noes: None; Abstain: None; Absent: None

158 **ITEM 9 – CONSIDER OPTIONS FOR PIPELINE CONSTRUCTION FOR**
159 **YAMASAKI FARMS AND TO PROVIDE FINANCIAL ASSISTANCE FOR**
160 **PIPELINE AND PUMP STATION TO SERVE IN-DISTRICT PARCELS #255-**
161 **120-10 AND 255-270-16 AS WELL AS OTHER PARCELS OUTSIDE OF THE**
162 **DISTRICT’S BOUNDARIES. ACTION AS NECESSARY**

163 General Manager Weisenberger reported Dahl Consultants, Inc. is working on a cost
164 estimate for the pipeline and pump station needed to serve both the Yamasaki Farms
165 property and other properties that have expressed interest in being served by the
166 District. The Board needs cost information prior to making any decisions on financial
167 assistance.

168 **ITEM 10 – REVIEW FOR DRAFT INSIDE AND OUTSIDE DISTRICT WATER**
169 **SERVICE AGREEMENT FOR EAST SIDE GROUND. ACTION AS**
170 **NECESSARY.**

171 District Counsel Jeanne Zolezzi provided draft inside and outside district water service
172 agreements for review by the Board. The Board reviewed the agreements, discussed
173 possible changes and requested to review the agreements again at the March board
174 meeting.

175 **ITEM 11 – REVIEW OR DISCUSS A ONE YEAR FRIANT AGREEMENT FOR**
176 **CONVEYANCE OF WATER. ACTION AS NECESSARY.**

177 General Manager Weisenberger reported he hoped to have an agreement for the Board
178 to review, but the Friant Water Authority has not provided one yet.

179 **ITEM 12 – REVIEW A POTENTIAL ONE YEAR EXTENSION OF**
180 **MEMORANDUM OF AGREEMENT WITH U.S. BUREAU OF**
181 **RECLAMATION REGARDING SJRRP DIVERSIONS ON THE SAN**
182 **JOAQUIN RIVER. ACTION AS NECESSARY.**

183 Director Keith Robertson made a motion to approve a one year extension of the
184 Memorandum of Agreement with the U.S. Bureau of Reclamation and authorize General
185 Manager Weisenberger to execute the necessary documents. Director Annette
186 Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors
187 James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M.
188 Thoming; Noes: None; Abstain: None; Absent: None

189

190 ITEM 13 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D)
191 NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS
192 NECESSARY.

193 District Counsel Jeanne Zolezzi has received a working draft WIIN Act Contract for a
194 negotiation session to be held on February 25, 2020. The session will be in Fresno, Ca.
195 We have not received an updated construction repayment estimate from Reclamation.
196 The previous estimate owed as discounted for today on Unpaid Construction Cost is
197 \$2,083,844 and for Unpaid Intertie Construction Cost, \$136,960, for a total owed of
198 \$2,220,804 dollars. Esq. Jeanne Zolezzi has been attending the negotiation session on
199 the District's behalf. General Manager Weisenberger also plans to attend the negotiation
200 session scheduled for February 25, 2020.

201 ITEM 14 – CONSIDER FOR APPROVAL A RESOLUTION ACKNOWLEDGING
202 JOSE CASTRO'S RETIREMENT AND RECOGNIZING HIS MANY
203 YEARS OF SERVICE TO THE DISTRICT. ACTION AS NECESSARY.

204 General Manager Weisenberger reported District employee Jose Castro has decided to
205 retire the end of March 2020. Director Glenn Robertson made a motion to approve the
206 following resolution. Director Annette Elissagaray seconded the motion and it carried by
207 the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith
208 Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None;
209 Absent: None

210

RESOLUTION 2020-01

211

HONORING JOSE L. CASTRO

For his many years of service to the Banta-Carbona Irrigation District

214

216 WHEREAS, Jose L. Castro was hired to the position of Ditchtender on November 1,
217 1995, and thereafter served in that capacity for 24 years; and

218

219 WHEREAS, Mr. Castro was promoted to Day Watermaster, of Banta-Carbona Irrigation
220 District in 2008; and

221

222 WHEREAS, Jose Castro has decided to retire as Day Watermaster of the Banta-Carbona
223 Irrigation District on March 27, 2020, thus serving the District continuously for 24 years;
224 and

225

226 WHEREAS, Mr. Castro has earned the admiration and respect of his colleagues and
227 supervisors at Banta-Carbona Irrigation District for his dedication, enthusiasm,
228 professionalism, sense of humor and hard work; and

229

230 WHEREAS, Mr. Castro has exhibited integrity and reason in all matters to come before
231 him in the course of his service to the Banta-Carbona Irrigation District, he therefore is
232 held in high esteem; and

233

234 WHEREAS, the many years of Mr. Castro's dedicated service to Banta-Carbona
235 Irrigation District is appreciated. Banta-Carbona Irrigation District, including
236 the Board and all employees wish Mr. Castro good luck on his retirement; and

237

238 NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-
239 Carbona Irrigation District regret that he has severed his connection as Day Watermaster
240 of said District and that the Board, acting on behalf of the people he has represented,
241 hereby offers acknowledgment and appreciation for the service he has rendered; and

242

243 BE IT FURTHER RESOLVED that the Board of Directors wish he and his wife, Irma,
244 many years of health, happiness and prosperity.

245
246 PASSED AND ADOPTED THIS 12th day February, 2020 by the following roll call vote:
247

248 AYES: Directors James McLeod, James Thoming, Annette Elissagaray, Keith Robertson,
249 and Glenn Robertson; Noes: None; Absent: None

250 ITEM 15 – CONSIDER HOURLY PAY RATES FOR PART-TIME
251 EXPERIENCED HELP. ACTION AS NECESSARY.

252 After some discussion, the Board took no action on this item.

253 ITEM 16 - CLOSED SESSION:

254

255 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION
256 PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code

257

258 A. Banta-Carbona Irrigation District v. California State Water Resources
259 Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County
260 Superior Court, Dept 1. This case originated in San Joaquin County as
261 Case No. 39-2015- 00326421-CU-WM-STK

262

263 B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the
264 Interior Case No. 1:05-cv-01207 LJO-GSA

265

266 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

267

268 A. Property: Wheel Water through lift canal and Pump Station Facilities for
269 Third Parties

270

271 Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
272 Negotiating parties: Friant Water Authority

272 The Board returned to open session and announced a motion had been made regarding
273 a minimum price acceptable to the District on 2-A.

274 ITEM 17 – CONSIDER REQUEST FROM CHRIS REECE TO PROVIDE FIRE
275 PROTECTION WATER TO PARCEL 255-020-61. ACTION AS NECESSARY.

276 Great Pacific Nut Company is building a warehouse at 3501 W. Lehman Rd. They have
277 received a notice from the South San Joaquin County Fire Authority regarding fire
278 protection for their facility. The Fire Authority is requesting the District provide:

279 1. An agreement allowing the use of their canal for fire suppression purposes on
280 a year round basis.

281 2. Documentation from the District of the typical days and times the canal is
282 maintained and when water would not be available.

283 3. A fitting at the canal to permit a fire apparatus to connect to the canal.

284 The Board requested District Counsel determine if providing this information could cause
285 the District any legal issues. No action was taken.

286 ITEM 18 – CONSIDER UPGRADING DISTRICT INTERNET SERVICE TO
287 FIBER. ACTION AS NECESSARY.

288 General Manager Weisenberger has been talking to AT&T providing fiber-optic internet
289 service to the District. The monthly cost for 50 Mbps would be \$620.85. After some
290 discussion, the Board determined the District does not need fiber-optic internet at this
291 time.

292 ITEM 19 - Approval of Warrants

293 Director Keith Robertson moved that the February 2020 Warrants in the amount of
294 \$2,084,425.98 be approved for payment. Director Annette Elissagaray seconded the
295 motion and it carried by the following vote; Ayes: Directors James McLeod, Keith
296 Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; Noes: None;
297 Abstain: None; Absent: None

298 The meeting was then adjourned to Wednesday, March 11, 2020 at 9:00 a.m.

299

300

301

302

303

Respectfully,

