

January 15, 2020
Tracy, California

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5 President McLeod called a meeting of the Board of Directors of Banta-Carbona Irrigation
6 District. Said meeting was held at the office of the Board on Wednesday, January 15,
7 2020 at 9:00 a.m.

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9 PRESENT: Directors James McLeod, Keith Robertson, Glenn Robertson, and Annette
10 Elissagaray

11
12 ABSENT: James M Thoming

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14 OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe,
15 and District Counsel Jeanne Zolezzi

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17 ITEM 1 - MINUTES & TREASURER'S REPORT

18 Director Annette Elissagaray made a motion to approve the minutes of the December
19 18, 2019 Special Board Meeting as presented. Director Keith Robertson seconded the
20 motion and it carried by the following vote; Ayes: Directors James McLeod, Keith
21 Robertson, Glenn Robertson, and Annette Elissagaray; Noes: None; Abstain: None;
22 Absent: James M Thoming

23
24 Secretary Howe presented the Treasurer's report and after review by the Board it was
25 filed.

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27 ITEM 2 - MISCELLANEOUS CORRESPONDENCE

28 Secretary Howe reported there was no miscellaneous correspondence.

29 ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

30 **Website** – New legislation passed last year, SB 929, requiring special districts to
31 have a website that provides district contact information by January 1, 2020. This is
32 simple enough except that there has been legislation on the books for several years that
33 requires other information be posted **IF** you have a website. We have been exempt from
34 those other postings because we never have had a website. We will now be required to
35 make those postings. The new website is under development with J Comm, Inc. out of
36 Rocklin, California.

37 **Fiber Optics** – Staff is working with AT&T to determine the availability and cost
38 of upgrading the District's phone and internet service to fiber optics.

39 **Pumping Plant #4 Replacement Project** – The longest lead item remains
40 to be the pumps and motors with a delivery date of January 1, 2020, though it sounds
41 like that date may be slipping now to the end of January. Motor control centers have
42 arrived and the pipe has been delivered. BCID is responsible for supplying the Remote
43 Terminal Unit (RTU) that houses the Supervisory Control and Data Acquisition (SCADA)
44 equipment. The RTU is 95% complete. Arnaudo Construction has poured the slab floor
45 for the new pump station is now working on forming up the pump bay walls. They are
46 scheduled to pour walls and will begin pouring some concrete by the end of next week.

47 District staff has removed the pumps and electrical from the original plumping
48 plant #4 structure and will begin the demolition of the structure next week.

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50 ITEM 4 – DIRECTOR AND STAFF ITEMS

51 Director Keith Robertson requested the board review water service rates for 2020
52 irrigation season at the February

53 ITEM 5 – ELECTION OF OFFICERS AND HIRING OF LEGAL COUNSEL

54 Director Glenn Robertson made a motion to retain the current slate of officers and the
55 current legal counsel. Director Annette Elissagaray seconded the motion. Retained were
56 James McLeod, President of the Board; Keith Robertson, Vice President of the Board;
57 David Weisenberger, General Manager; Margaret Howe, Secretary – Treasurer; and
58 Jeanne Zolezzi, District Legal Counsel. The motion carried by the following vote; Ayes:
59 Directors James McLeod, Keith Robertson, Glenn Robertson, and Annette Elissagaray;
60 Noes: None; Abstain: None; Absent: James M Thoming

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62 ITEM 6 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE
63 DISTRICT, CONSIDER TRANSFERS, AND REVIEW SCHEDULING
64 OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

65 General Manager Weisenberger reported there was nothing new to report regarding
66 water supplies. The 2019/2020 CVP allocation for South of Delta Users is 75%; this will
67 provide the District with 15,000 acre feet of CVP Water available for the 2019/2020
68 water year. The District has transferred 6,300 af of its 2019/2020 CVP supply. General
69 Manager Weisenberger reported he has an offer to sell another 945 af.

70 ITEM 7 – REVIEW DISTRICT’S RESERVE POLICY, RESERVE LEVELS, AND
71 CAPITAL IMPROVEMENT PROJECT LIST. ACTION AS NECESSARY.

72 No action was taken on this item and it was tabled until the February 12, 2020 board
73 meeting.

74 ITEM 8 – CONSIDER FOR APPROVAL 2020 BUDGET. ACTION AS
75 NECESSARY

76 No action was taken on this item and it was tabled until the February 12, 2020 board
77 meeting.

78 ITEM 9 – CONSIDER OPTIONS FOR PIPELINE CONSTRUCTION FOR
79 YAMASAKI FARMS AND TO PROVIDE FINANCIAL ASSISTANCE
80 FOR PIPELINE AND PUMP STATION TO SERVE IN-DISTRICT
81 PARCELS #255-120-10 AND 255-270-16 AS WELL AS OTHER
82 PARCELS OUTSIDE OF THE DISTRICT’S BOUNDARIES. ACTION
83 AS NECESSARY

84 Staff reported the District has received inquiries for water service from several other
85 landowners in the same area as the Yamasaki Farms property. They are working on
86 determining the size pipeline that would be needed and cost. The Board discussed the
87 issues and requested District Counsel prepare agreements for water service to both
88 inside and outside District properties on the east side detailing an up-front payment and
89 payment options.

90 ITEM 10 – REPORT ON PROGRESS OF PROP 1 GRANT APPLICATION
91 DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT
92 RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK
93 STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT
94 RESTORATION AND PROTECTION OF DISTRICT’S DIVERSION POINT.
95 ACTION AS NECESSARY.

96 District representatives had a meeting with the Delta Conservancy and are still preparing
97 a project description to present at the Conservancy’s next board meeting for possible
98 approval. The Conservancy’s February board meeting has been cancelled, so the next
99 meeting will be in March.

100 ITEM 11 – REVIEW OR DISCUSS A ONE YEAR FRIANT AGREEMENT FOR
101 CONVEYANCE OF WATER. ACTION AS NECESSARY.

102 General Manager Weisenberger reported he still has not received any information from
103 Friant for conveyance of water in 2020.

104 ITEM 12 – REVIEW A POTENTIAL ONE YEAR EXTENSION OF
105 MEMORANDUM OF AGREEMENT WITH U.S. BUREAU OF
106 RECLAMATION REGARDING SJRRP DIVERSIONS ON THE SAN
107 JOAQUIN RIVER. ACTION AS NECESSARY.

108 Staff reported the District has not received a copy of the Memorandum of Agreement
109 yet.

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

113 District Counsel reported we have still not received a copy of the CVP Contract
114 conversion agreement.

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117 ITEM 14 - UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN
118 GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS
119 NECESSARY

- 120 A. Consider for approval agreement with DWR for placement of a
121 shallow monitoring well at 3514 W Lehman Road.

122 General Manager Weisenberger reported he had no new information to report. There is
123 a Sustainable Groundwater Management meeting tomorrow.

124 ITEM 15 - UPDATE ON SAN JOAQUIN RIVER NON-NATIVE FISH
125 POPULATION STUDY. ACTION AS NECESSARY

126 General Manager Weisenberger reported there was no new information on the study.

127 ITEM 16 - UPDATE ON THE CONSTRUCTION OF THE PUMPING PLANT 4
128 REPLACEMENT PROJECT. ACTION AS NECESSARY.

129 General Manager Weisenberger reported the new control building walls and ceiling are
130 up and Bockman & Woody are work on installing the high voltage equipment. The
131 pumps and motors from the original Pumping Plant #4 have been pulled and are in
132 storage for backup. District staff will start removing the original building on Friday.

133 ITEM 17- CLOSED SESSION:
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135 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION
136 PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
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138 A. Banta-Carbona Irrigation District v. California State Water Resources
139 Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County
140 Superior Court, Dept 1. This case originated in San Joaquin County as
141 Case No. 39-2015- 00326421-CU-WM-STK
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143 B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the
144 Interior Case No. 1:05-cv-01207 LJO-GSA
145

146 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS
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148 A. Property: Wheel Water through lift canal and Pump Station Facilities for
149 Third Parties
150 Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
151 Negotiating parties: Friant Water Authority

152 The Board returned to open session and announced Director Glenn Robertson made a
153 motion to authorize District Counsel to appeal the court decision to deny the District
154 request for reimbursement of legal fees in the Banta-Carbona Irrigation District v.
155 California State Water Resources Control Board case. Director Keith Robertson
156 seconded the motion and it carried by the following vote; Ayes: Directors James
157 McLeod, Keith Robertson, Glenn Robertson, and Annette Elissagaray; Noes: None;
158 Abstain: None; Absent: James M Thoming

159 ITEM 18 - Approval of Warrants

160 Director Keith Robertson moved that the January 2020 Warrants in the amount of
161 \$1,326,215.12 be approved for payment. Director Annette Elissagaray seconded the
162 motion and it carried by the following vote; Ayes: Directors James McLeod, Keith
163 Robertson, Glenn Robertson, and Annette Elissagaray; Noes: None; Abstain: None;
164 Absent: James M Thoming

165 The meeting was then adjourned to Wednesday, February 12, 2020 at 9:00 a.m.
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168 Respectfully,

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170 Margaret G. Howe

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