

March 11, 2020
Tracy, California

Pursuant to adjournment, February 12, 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 Karna Harrigfeld.

ABSENT: None

Item too late to be agenized

President McLeod asked to include an item on the agenda pursuant to Government Code section 54954.2(b)(2). Staff requested the Board consider approving lining the lift canal in front of the new Pump Station #4. Director James M. Thoming made a motion to add the item to the agenda, upon the finding that (1) the need for action on this item came to the attention of the district after the agenda had been posted, and (2) there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. Director Keith Robertson seconded the motion and it carried by unanimous vote.

General Manager Weisenberger reported the lift canal in front of the new pump station #4 is badly deteriorated and suggested that while the canal is dry now it would be a good time to concrete line it. He has discussed it with Arnaudo Construction and they feel they can complete approximately 3,400 feet of line by April 1, 2020 at a cost of \$465,000. After discussing the need for lining the canal, Director Keith Robertson made a motion to approve lining the lift canal in front of pump station #4. 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 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the February 12, 2020 Board Meeting as amended. Director Keith Robertson 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 there was no miscellaneous correspondence received.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

Maintenance - The District has been running water for the last 2 – 3 weeks.

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. We are expecting to receive a draft wheeling agreement from Friant within a few weeks.

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 March 19, 2020. The consulting firm, GEI, Inc, has started to collect historical information from the GSA's. BCID has not submitted any information as of today. Historical water supplies and quantities by month and year is the current information request.

Pumping Plant #4 Replacement Project – The pumps have been installed and the certified start up was conducted on March 9th and 10th. The plant is working as of today. Next week the high voltage electricians will be on site to place the high voltage

transformers and install the high voltage switches that feed pumping plants three and four. The high voltage regulators received were the incorrect size and are being exchanged.

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

Website – New legislation passed last year, SB 929, requiring special districts to have a website that provides district contact information by January 1, 2020. This is simple enough except that there has been legislation on the books for several years that requires other information be posted **IF** you have a website. We have been exempt from those other postings because we never have had a website. We will now be required to make those postings. The new website is actively under development with J Comm, Inc. out of Rocklin, California and should be up and running in about 2 weeks. We are also working at getting our diversion data stored for our meters at Pumping Plant #1.

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

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

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

Request for Fire Protection Water for Parcel 255-020-61 – We have submitted a letter to the South San Joaquin County Fire Authority providing the typical days and times when the canal is in use and when it might not have water.

ITEM 4 – DIRECTOR AND STAFF ITEMS

Secretary Howe reported she has registered everyone for the ACWA Conference in May and made hotel reservations.

She reminded everyone their Form 700's are due by April 1, 2020.

She also reminded everyone that this will be an election year for Divisions 1, 4 and 5.

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

On March 9, 2020 the Bureau of Reclamation announced an allocation for the 2020/2021 water year of 15%. This will provide the District with 3,000 acre feet of water. The District has also rescheduled 1,988 acre feet of 2019/2020 CVP water, giving the District 4,988 acre feet of supplemental water. There are no transfers planned at this time.

ITEM 6 – REVIEW FOR APPROVAL RESOLUTION APPROVING EXECUTION OF 2020 - 2024 WARREN ACT CONTRACT 20-WC-20-5575 AND POWER LETTER OF AGREEMENT 20-WC-20-5576 WITH THE UNITED STATES BUREAU OF RECLAMATION. ACTION AS NECESSARY

The Board of Directors reviewed the 2020 – 2024 Warren Act Contract 20-WC-20-5575 and the Power Letter of Agreement 20-WC-20-5576 and approved them subject to District Counsel approval. Director Glenn Robertson made a motion to approve both contracts subject to District Counsels approval and to authorize Board President James McLeod to execute the documents. Director Keith Robertson 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

RESOLUTION NO. 2020 - 02
Resolution of March 11, 2020

THE BANTA-CARBONA IRRIGATION DISTRICT
RESOLUTION ADOPTING NOTICE OF EXEMPTION
AND APPROVING EXECUTION OF
2020 WARREN ACT CONTRACT NUMBER 20-WC-20-5575 WITH THE
UNITED STATES BUREAU OF RECLAMATION

WHEREAS, the State of California is currently experiencing unprecedented water management challenges; and

WHEREAS, following three straight years of below-average rainfall, very low snowmelt runoff and the largest court-ordered water transfer restrictions in state history; and

WHEREAS, the United States Bureau of Reclamation declared that CVP allocations for 2014 were 0% and are expected to be the same for 2015, and CVP contractors do not anticipate receiving full supplies under current operations in the near future; and

WHEREAS, because of continuing drought and conditions of water management uncertainty in place in California, the Banta-Carbona Irrigation District wishes to take all actions to protect its irrigators, as well as to attempt to provide assistance to irrigators in adjacent districts through effective use of its Pre-1914 Water Right from the San Joaquin River; and

WHEREAS, execution of Multi-Year Temporary Warren Act Contract – Years 2020 - 2024 with the United States Bureau of Reclamation will allow the district to use its Pre-1914 Water Rights, flexibly and to the greatest benefit in the years 2020 - 2024; and

WHEREAS, the Banta-Carbona Irrigation District has determined that entering into the Multi-Year Temporary Warren Act Contract – Years 2020 – 2024 is exempt from CEQA under the circumstances existing at this time.

NOW, THEREFORE, be it RESOLVED that:

1. The BCID Board of Directors has determined that entering into the Multi-Year Temporary Warren Act Contract – Years 2020 - 2024 is exempt from CEQA under the circumstances existing at this time.
2. BCID staff is authorized to file a notice of exemption with the San Joaquin County Clerk's office.
3. The President of the Board of Directors is authorized to execute the Multi-Year Temporary Contract between the United States and Banta-Carbona Irrigation District Providing for Storage and Conveyance of Non-Project Water for the years 2020 – 2024

PASSED AND ADOPTED by the Board of Directors of Banta-Carbona Irrigation District on the 11th day of March 2020 by the following vote:

AYES:	Directors James McLeod, Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray
NOES:	None
ABSENT:	None
ABSTAIN:	None

RESOLUTION NO. 2020 – 03
Resolution of March 11, 2020

THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE
LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND
FEES INCURRED FOR THE CONVEYANCE OF PRE-1914 WATER IN FEDERAL
FACILITIES

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (the "**Reclamation**") executed Contract no. 20-WC-20-5575, "*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Storage and/or Conveyance of Non-Project Water,*" ("**Contract**") and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 10,000 acre-feet (AF) of Non-Project Pre-1914 San Joaquin River water rights water, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to the Bureau using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and fees Incurred for the Conveyance of Pre-1914 Water in Federal Facilities (Non-Project Water) –2020-2024 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

PASSED AND ADOPTED, this 11th day of March 2020 by the following vote:

AYES:	Directors James McLeod, Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray
NOES:	None
ABSENT:	None
ABSTAIN:	None

ITEM 7 – REPORT ON DEVELOPMENT OF A NEW WESTERN AREA POWER ADMINISTRATION (WAPA) CONTRACT FOR ELECTRIC SERVICE BASE RESOURCE (BR) PRODUCED BY THE CENTRAL VALLEY PROJECT (CVP) HYDRO- ELECTRIC GENERATION FACILITIES. ACTION AS NECESSARY.

General Manager Weisenberger reported a new Western Area Power Administration (WAPA) Contract for Electric Service Base Resource (BR) produced by the Central Valley Project (CVP) hydro- electric generation facilities will be available for review by the Board and District Counsel in a couple of months.

ITEM 8 – CONSIDER PARTICIPATION IN SLATE ENERGY STORAGE PROJECT TO MEET CAISO RESOURCE ADEQUACY REQUIREMENTS AND OPTIMIZE SOLAR FACILITY OUTPUT. ACTION AS NECESSARY

General Manager Weisenberger recommended the District commit to 2 MW of battery storage in the Slate Energy Storage Project for a 20 year period. Director Glenn Robertson made a motion to approve committing to the Slate Energy Storage Project for 2 MW of battery storage for a 20 year period and a authorizing General Manager David Weisenberger to execute any necessary documents. 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

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

Staff continues to work on needed size and location of the pipeline and pump station to service in District parcels 255-120-10 and 255-270-16 as well as other parcels located outside the District boundaries who have expressed an interest in receiving water. The Board discussed several options, but took no action.

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

The Board reviewed the agreements and determined the cost share should be based on a per acre basis of the maximum number acres being served. The term for payments will be 20 years with an interest to be determined at a later date. Once those changes are made staff is authorized to provide them as a “draft” agreement to landowners who might be impacted if requested.

ITEM 11 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.

General Manager Weisenberger and District Counsel Jeanne Zolezzi both attended contract negotiations with the Bureau of Reclamation in February. District Counsel thinks the contracts will be ready in a couple of months and be executed before the end of 2020.

Secretary Howe is working with Angela Munson to coordinate a RRA final audit for the years 2017, 2018, 2019 and 2020.

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: 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

The Board returned to open session with no announcement.

ITEM 13 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the March 2020 Warrants in the amount of \$603,125.90 be approved for payment. Director James M. Thoming 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

The meeting was then adjourned to Wednesday, April 15, 2020 at 9:00 a.m.

Respectfully,

Margaret G. Howe