

June 17, 2020
Tracy, California

Pursuant to adjournment, May 13, 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: Jim McLeod, Keith Robertson, Glenn Robertson, and Annette Elissagaray

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe

CONFERENCE LINE: Director James M Thoming, District Counsel Jeanne Zolezzi and Sandy Sup, CPA

ABSENT: None

ITEM 1 – Review Financial Audit for 2019. Action as necessary

Sandy Sup, CPA, representing Fechter & Company, presented to the Board the audit they conducted for the District for fiscal year 2019. 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 Glenn Robertson made a motion to accept the audit as presented for filing. Director Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Glenn Robertson, Keith Robertson, Annette Elissagaray and James M Thoming; Noes: None; Abstain: None; Absent: None

ITEM 2 – REVIEW AND ESTABLISH COST OF SERVICE RATE FOR 2020. ACTION AS NECESSARY

Staff reported the District’s Cost of Services as reported in the District’s Annual Audited Financial Report for the year 2018 was \$5,709,940.00 and for the year 2019 was \$5,995,276.00. The total acre feet of water delivered in the year 2018 was 42,064 and for the year 2019 was 38,049. The average Cost of Service for the years 2018 and 2018 is \$5,852,608.00 and the average acre feet of water delivered is 40,057. The average Cost of Service (\$5,852.608.00) divided by the average acre feet of water delivered (40,057) equals a Cost of Service rate of \$146.11. Director Keith Robertson made a motion to establish the District’s 2020 Cost of Service Rate at \$146.11. 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 3 - MINUTES & TREASURER’S REPORT

Director Glenn Robertson made a motion to approve the minutes of the May 13, 2020 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 4 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported Mike Mattos of Mike Mattos Farms, Inc. has notified the District in writing, as required by his lease, of his intention to extend his lease for another three years.

ITEM 5 - MANAGER’S REPORT & DISCUSSION ITEMS.

Currently on-going emphasis is on terrestrial weed control and aquatic weed control, and light maintenance of pickups.

The custom made blankets for all of the units at PP #5 have been delivered. We still need to install them. Frames are currently being painted for the blankets.

The traveling trash screen at the tail end of 3 West canal at Banta Road is in operation. We are looking at adding some fencing to protect the facility from wire theft and vandalism.

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ITEM 6 – DIRECTOR AND STAFF ITEMS

Staff reported the District’s Employee Handbook needs to be updated and they plan on including a District policy for GPS in District vehicles.

General Manager Weisenberger reported he tried to contact John Glick the engineer for the request from Scott Bedford to convert a fee strip to an easement on Vernalis Rd, but had not received a response yet.

ITEM 7 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

On May19, 2020 the Bureau of Reclamation increased the District’s allocation for the 2020/2021 water year to 20%. This provides the District with 4,000 acre feet of Supplemental CVP Water. The District has additional 419 acre feet of rescheduled water from the 2019/2020water year. The District currently has 4,419 acre feet of supplemental water available.

The District has received a wheeling agreement from Friant Water Authority and has executed it for wheeling Water through February 28, 2021. We wheeled 124 acre feet in April 2020 and 450 acre feet in May 2020.We are currently wheeling 12 cfs in the last half of June and expect to wheel 360 acre feet.

ITEM 8 – REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT’S DIVERSION POINT. ACTION AS NECESSARY.

The schedule of and list of deliverables requested by The Delta Conservancy has been provided.

ITEM 9 – UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

Staff reported that during May FishBio re-deployed fyke traps, prepped and tested the PIT antenna and recorded eight recapture/reports of tagged fish. The water Temperatures continue to remain above the permitted threshold to conduct ARIS/E-fish surveys. They continue to conduct quality assurance/quality control procedures on previously collected data and conducting preliminary analyses.

ITEM 10 – SELL DISTRICT VEHICLES NO LONGER REQUIRED FOR SERVICE 2004 CHEVY SILVERADO ID#1GBHC24U74E319301 AND 2016 FORD F-150 ID#1FTMF1C89GKE18840. ACTION AS NECESSARY.

RESOLUTION NO. 2020-04

RESOLUTION OF June 17,2020 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 2016 Ford F-150 ID# 1FTMF1C89GKE18840 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 \$3,500 for the 2016 Ford F-150 ID# 1FTMF1C89GKE is a valuable consideration for said property

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2004 Chevy Silverado ID# 1GBHC24U74E319301 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

126 WHEREAS, the District finds that no less than \$1,000 for the 2004 Chevy Silverado
127 ID# 1GBHC24U74E319301, is a valuable consideration for said property;

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

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

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138 PASSED AND ADOPTED this 17th day of June, 2020 by the following roll call vote:

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

142 NOES: None

143 ABSTAIN: None

144 ABSENT: None

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146 ITEM 11 – UPDATE ON PP 4 CONSTRUCTION PROGRESS. ACTION AS
147 NECESSARY.

148 The District started operating Pumping Plant #4 on April 7, 2020. It is currently operating
149 in auto mode as the bugs are worked out of the logic programming. Remaining work to
150 be completed on the replacement pumping plant is finish sealing the roof of control
151 room, sealing the block on the control room, and add fencing to substation.

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153 ITEM 12 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D)
154 NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION.
155 ACTION AS NECESSARY.

156 General Manager Weisenberger reported the District has received our draft WIIN Act
157 Contract for public review. The District has authorized Reclamation to release it for
158 public review. No new update from Reclamation on how much we owe in capital
159 repayment. Reclamation has been confirming their records for our use in 2018-19. It
160 appears that calculations are in progress. The contract is scheduled to go out for public
161 comment at the end of June.

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163 ITEM 13 - CLOSED SESSION:

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

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

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

172 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

173 A. Property: Consider financing distribution facilities and long term water
174 service to ground inside and outside of District boundaries.
175 Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
176 Negotiating parties: Various landowners in T.3.S R.6.E, SECTIONS 9, 10,
177 14, 15, AND 16.

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179 The Board returned to open session with no announcement.

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183 ITEM 14 – CONSIDER OPTIONS FOR PIPELINE CONSTRUCTION FOR
184 YAMASAKI FARMS AND TO PROVIDE FINANCIAL ASSISTANCE FOR
185 PIPELINE AND PUMP STATION TO SERVE IN-DISTRICT PARCELS #255-

186 120-10 AND 255-270-16 AS WELL AS OTHER PARCELS OUTSIDE OF THE
187 DISTRICT'S BOUNDARIES. ACTION AS NECESSARY

188 No action was taken on this item

189 ITEM 15 – UPDATE ON DISTRIBUTION OF DRAFT INSIDE AND OUTSIDE
190 DISTRICT WATER SERVICE AGREEMENT FOR EAST SIDE GROUND.
191 ACTION AS NECESSARY.

192 No action was taken on this item

193 ITEM 16 - UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN
194 GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS
195 NECESSARY

196 The next major milestone due is a Groundwater Sustainability Plan (GSP) for our GSA as
197 Well as for the Tracy Sub-basin this is due by January 31, 2022. There is a regularly
198 scheduled staff meeting on the third Thursday of the month by teleconference at 1 pm.
199 The next meeting is June 18, 2020. The consulting firm, GEI, Inc, has started to collect
200 historical information from the GSA's. The first three chapters are in working draft form
201 and being internally reviewed. There is a public workshop scheduled for July 21 at
202 5:30 pm in the City of Lathrop council chambers.

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204 ITEM 17 – REVIEW REQUEST FOR ACCESS FOR NUTRIA MONITORING
205 AND TRAPPING. ACTION AS NECESSARY.

206 The Board reviewed the "Temporary Entry Permit" (TEP) received from the California
207 Department of Fish and Wildlife as amended by District Counsel Jeanne Zolezzi.
208 Director Keith Robertson made a motion to approve TEP subject to the approval of
209 District Counsel and authorized General Manager Weisenberger to execute the
210 document. Director Annette Elissagaray seconded the motion and it carried by the
211 following vote; Ayes: Directors James, McLeod, Keith Robertson, Glenn Robertson,
212 James M Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: None

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214 ITEM 18 - APPROVAL OF WARRANTS

215 Director Keith Robertson moved that the June 2020 Warrants in the amount of
216 \$827,775.30 be approved for payment. Director Annette Elissagaray seconded the
217 motion and it carried by the following vote; Ayes: Directors James, McLeod, Keith
218 Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; Noes: None;
219 Abstain: None; Absent: None

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

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Respectfully,

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Margaret G. Howe

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