

September 16, 2020
Tracy, California

Pursuant to adjournment, August 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: Jim McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M Thoming

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe

CONFERENCE LINE: District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Annette Elissagaray made a motion to approve the minutes of the August 12, 2020 Board Meeting as presented. 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

The District received information from the California Department of Water Resources regarding a judicial validation proceeding for the proposed revenue bond financing for the environmental review, planning and possible construction of the Delta water conveyance facilities. It also explained the process to contest the validation action.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

General Manager Weisenberger reported the District is pumping Warren Act Water for its own use in October.

The District will begin installing two long crested weirs in October along the lift canal.

Work is being done on bank maintenance on the lift canal.

There has been some flooding in the Kasson area due to sub-surface leakage. There was also some flooding along the lift canal due to the overheating of a control panel.

The noise blankets have been installed at pump station #4.

ITEM 4 – DIRECTOR AND STAFF ITEMS

The relief watermaster, Michael McDonald, has requested FMLA and will be off until early December. He is being temporarily replaced by Mike McManus.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES, CONSIDER IF ANY SUPPLIES WILL BE SURPLUS TO DISTRICT DEMANDS IN THIS WATER SEASON. 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 360 acre feet of rescheduled water from the 2019/2020 water year. The District currently has 4,360 acre feet of supplemental water available. Staff is planning on carrying over 2,000 acre feet of CVP into the 2021/2022 water year. This will leave 2,360 acre feet of water available a surplus to the District's demands this water season.

General Manager Weisenberger reported Erick Johnson of the Water Agency has expressed interest in a transfer of 560 acre feet of water. Director Keith Robertson made a motion to authorize the transfer of 560 acre feet of surplus water at an appropriate rate and authorized General Manager Weisenberger to execute the documents necessary. 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

General Manager Weisenberger reported this would leave the District with 1,800 acre feet of surplus water and inquired if there was any interest in transferring it. After some discussion Director James M Thoming made a motion to authorize General Manager Weisenberger to transfer up to 1,800 acre feet of surplus water at a premium of no less than \$250.00 per acre foot. 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 6 – 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.

General Manager Weisenberger reported the grant contract is being reviewed by the Delta Conservancy legal department.

ITEM 7 – UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

There was no new information to report.

ITEM 8 – DISCUSS NOTICE OF ELECTION FOR DIVISIONS 1, 4 AND 5. ACTION AS NECESSARY.

Secretary Howe reported she contacted the Registrar of Voters office and since no one filed to run against the incumbent Directors they will retain their seats.

ITEM 9 – UPDATE ON PP 4 CONSTRUCTION PROGRESS. ACTION AS NECESSARY.

General Manager Weisenberger reported PP4 is basically complete other than a few minor items that need to be completed.

ITEM 10 – REVIEW OPTION FOR REPLACING ROOF ON PP #1. ACTION AS NECESSARY.

Staff reported the roof on PP#1 is leaking and needs to be replaced. They presented a proposal from Billmans Cool Roofing Company to replace the roof for \$23,650.00. Director James M Thoming made a motion to approve the proposal and authorize General Manager Weisenberger to execute the documents to replace the roof on PP#1. Director Keith Roberson 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 11 – UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.

Staff reported the public comment period for the CVP Contract conversion was up in August and as far as the District knows there were no comments filed. The District is now waiting on the Bureau of Reclamation to complete their paperwork.

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

The board returned to open session with no announcement.

ITEM 13 – UPDATE ON 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.

General Manager Weisenberger reported Quartaroli & Associates are working on the doing the mapping work for the pipeline routes and title searches are also being worked on. He is hoping to have the first phase of the project completed by March 1, 2021 in time for the next water season.

ITEM 14 – UPDATE ON DISTRIBUTION OF DRAFT INSIDE AND OUTSIDE DISTRICT WATER SERVICE AGREEMENT FOR EAST SIDE GROUND. ACTION AS NECESSARY.

No action was taken on this item.

ITEM 15 - UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY

The next technical meeting will be held Thursday, September 17, 2020.

ITEM 16 – CONSIDER FOR APPROVAL PROPOSAL FOR 2020 AUDIT FROM FECHTER & CO. ACTION AS NECESSARY.

Secretary Howe reported the District could use Fechter & Co one more year for their 2020 audit. She also felt it is too late in the year to search for a new auditor. She will send out a "Request for Proposal" for the 2021 audit. After some discussion the Board authorized Secretary to execute the documents necessary for the 2020 audit and send out a "Request for Proposal" for the 2021 audit

ITEM 17 – CONSIDER USING A GLORIANN FARMS MONITORING WELL LOCATED ON DISTRICT PROPERTY FOR SGMA GROUNDWATER MONITORING. ACTION AS NECESSARY.

Director James M. Thoming recused himself due to a potential conflict of interest and left the room.

General Manager Weisenberger reported Gloriann Farms has drilled a monitoring well on District property. Gloriann would like to allow Banta-Carbona Irrigation District (BCID) to use the well as a SGMA groundwater monitoring well in exchange for the well being on BCID property. Richard Shatz, engineer, for the Tracy Sub-basin has reviewed the well to make an assessment of whether the well will meet the needs of the GSP. Mr. Shatz determined the well could be used as a SGMA monitoring well and provided suggestions for an agreement with Gloriann Farms.

After some discussion, Director Keith Robertson made a motion to authorize General Manager Weisenberger to negotiate with Gloriann Farms for the use of their monitoring well on BCID property as a SGMA monitoring well. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, and Annette Elissagaray; Noes: None; Abstain: James M Thoming; Absent: None

ITEM 18 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the September 2020 Warrants in the amount of \$355,387.19 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, October 14, 2020 at 9:00 a.m.

Respectfully,

Margaret G. Howe