

February 17, 2021  
Tracy, California

Pursuant to adjournment, January 13, 2021 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: Glenn Robertson, Annette Elissagaray and James M Thoming

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe

CONFERENCE LINE: Director Keith Robertson and District Counsel Jeanne Zolezzi

#### ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the January 13, 2021 Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors 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 as presented.

#### ITEM 2 - MISCELLANEOUS CORRESPONDENCE

There was no miscellaneous correspondence presented.

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

Currently on-going emphasis is on terrestrial weed control applying pre-emergent herbicide and cleaning district right of ways.

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Secretary Howe reported the mandatory 80 hours of sick leave for COVID-19 cases has expired the end of 2020 and inquired about how the District wanted to handle any new cases in 2021. The Board directed Secretary Howe to see if there had been an extension of the benefit.

#### 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

The CVP allocation for the 2021/2022 year has not been announced yet but a possible announcement is expected in March 2021 of maybe 5%. The District is planning on rescheduling the balance of its 2020/2021 allocation of 2,000 af. Since it is looking like a dry year, the District will be storing water under its Warren Act Contract for possible use in July & August.

#### ITEM 6 – REVIEW POSSIBLE TRANSFER AGREEMENT WITH SAN LUIS WATER DISTRICT. ACTION AS NECESSARY.

This item was discussed in closed session.

#### ITEM 7 – REVIEW FOR ACCEPTANCE SJRFF CONVEYANCE AGREEMENT FOR 2021 WATER YEAR. ACTION AS NECESSARY

General Manager Weisenberger presented a draft "Temporary Agreement for Conveyance of Water" for review by the Board of Directors. The agreement will terminate on February 28, 2022. After some discussion, Director Glenn Robertson made a motion to approve the agreement and authorize General Manager Weisenberger to execute the necessary documents. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: None

#### ITEM 8 - REVIEW DISTRICT DIRECTOR DIVISION BOUNDARIES. ACTION AS NECESSARY

The District is required to review its division boundaries to determine if it needs to adjust them based on population and size. Staff presented a summary of the legal requirements of adjusting division boundaries for the Boards review. They reviewed the summary and determined there was no need for any changes at this time.

**ITEM 9 – AUTHORIZE POSTING OF DIRECTOR VACANCY IN DIVISION III.  
ACTION AS NECESSARY.**

The Board of Directors reviewed the legal requirements to fill the vacancy in Division III. Director Annette Elissagaray made a motion to direct staff to post the Notice of Vacancy as required by law in three conspicuous places in the District and at least 15 days prior to the District's March 17<sup>th</sup> Board meeting. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: None

**ITEM 10 – REVIEW PROPOSAL FROM ARNAUDO CONSTRUCTION FOR  
WET WELL REPLACEMENT PROJECT AT  
PUMP STATION #3. ACTION AS NECESSARY**

General Manager Weisenberger presented a proposal from Arnaudo Construction for the Wet Well Replacement Project at Pump Station #3 with a cost of \$1,015,000.00. The District will also need to have design and engineering completed on the project. Staff would expect the project to start in October 2021. The Board discussed the project and Director Keith Robertson made a motion to authorize Dahl Consultants to provide the needed design and engineering work, but to hold off on the construction work. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Keith Robertson, Glenn Robertson, James M Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: None

**ITEM 11 – PRESENTATION FROM BPM INFORMATION SECURITY  
ASSESSMENT FOR EVALUATING POTENTIAL RISK TO CYBER  
THEFT. ACTION AS NECESSARY.**

BPM did a remote presentation on their Information Security assessment Services as well as a written proposal. They do a comprehensive assessment-only review of a business's information security controls. After the presentation the Board thanked them for time and the presentation. The Board then discussed the need for this type of service and determined they needed more information regarding BPM and if anyone else provided this service.

**ITEM 12– REVIEW POTENTIAL CHANGES TO EMPLOYEE IRRIGATION  
WORK SCHEDULES AND PAY RATES FOR 2021. ACTION AS  
NECESSARY.**

Staff reported they would like to change the current irrigation work schedules to a 7 day schedule with the field crew working 7, 12 hour days and 7 days off and being paid the same hourly rate year round. The Directors discussed the changes, but decided they want some input from the field personnel and would review the changes again at the March 17<sup>th</sup> Board meeting.

**ITEM 13 – 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 Prop 1 Grant Contract has been signed and FishBio and Sebec are working on the project.

**ITEM 14 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY.  
ACTION AS NECESSARY.**

General Manager Weisenberger reported there will be a general manager's meeting with FishBio on the river and including a demonstration of electro fishing.

**ITEM 15 - 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

B. Property: Water

Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi  
Negotiating parties: San Luis Water District

The Board returned to open session with no announcement.

**ITEM 16 – 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 he had no new information to report.

**ITEM 17 - UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY**

There was a public workshop on ZOOM on January 21, 2021. The regular monthly meeting will be held by teleconference on Thursday, February 18, 2021.

**ITEM 18 - REVIEW COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION REFERRAL NUMBER PA – 1600049 (UP) FOR A TRUCK STOP ON AHERN ROAD. ACTION AS NECESSARY.**

General Manager Weisenberger contacted San Joaquin County Public Works regarding the District’s concerns about storm drainage from the truck stop. He was told the storm drainage system has not been fully designed yet and is not required to be at this point in the process. The Public Works Conditions of Approval do address the need to retain storm water onsite.

**ITEM 19 – APPROVAL OF WARRANTS**

Director Annette Elissagaray moved that the February 2021 Warrants in the amount of \$358,579.95 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors: Keith Robertson, Annette Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, March 17, 2021 at 9:00 a.m.

Respectfully,  
*Margaret G Howe*

Margaret G. Howe