

August 11, 2021
Tracy, California

Pursuant to adjournment, July 14, 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: James M Thoming, Glenn Robertson and Annette Elissagaray

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

CONFERENCE LINE: Director Mark Cardoza

ABSENT: Director Keith Robertson

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the July 14, 2021 Board Meeting and the July 29, 2021 Special Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Mark Cardoza and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

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.

General Manager Weisenberger reported the vehicle involved in the accident on April 17, 2021 has been deemed a total loss by the District's insurance carrier ACWA/JPIA. He plans on keeping the vehicle and seeing if it can be used in some capacity by the District.

Jorge Flores, Assistant Manager/Watermaster, has announced his retirement sometime between January 2022 and March 2022. He is willing to return and do weed control on a part time basis if needed.

ITEM 4 - DIRECTOR AND STAFF ITEMS

There were no director or staff items discussed.

ITEM 5 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES, AND POTENTIAL RATIONING. ACTION AS NECESSARY

As of today the District has approximately 9,500 acre feet of Warren Act Water in storage and about 1,800 acre feet of rescheduled 2020 CVP Water available for use as supplemental water if needed. If the District is curtailed and needs to ration, we have enough water to provide 0.60 acre feet of water per farmed acre. General Manager Weisenberger is also planning on ending the 2021 irrigation season on October 31st.

ITEM 6 – UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY

The Groundwater Sustainability Agencies of the Tracy Sub-basin have released a Notice of Intent to Adopt the Groundwater Sustainability Plan (GSP). The GSP public comment period is from August 9th – September 9, 2021. They are also held a public workshop on Tuesday August 10th via Zoom.

ITEM 7 – 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 second quarter progress report has been completed and submitted to the Delta Conservancy. Cbec continues to work on the topographic and bathymetric surveys. General Manager Weisenberger is trying to set up a meeting with the Paradise Cut Expansion Project planning team to discuss the effects it would have on the Banta-Carbona project.

**ITEM 8 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY.
ACTION AS NECESSARY.**

General Manager Weisenberger reported next week will be the last week of electro-fishing for this year. Fishbio will be doing tours of the project next week on Tuesday, Thursday and Friday.

ITEM 9 - UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRCB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES, EMERGENCY REGULATIONS, WATER UNAVAILABILITY METHODOLOGY AND POTENTIAL IMPACTS TO PRE-1914 WATER RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER. ACTION AS NECESSARY

The State Water Resources Control Board adopted the Emergency Regulation on August 2, 2021 and it was sent to the Office of Administrative Law on August 9 for approval. This usually takes 1 to 2 weeks. General Manager Weisenberger has been talking to the Delta Watermaster, Michael George, and he expects curtailment letters to be mailed the week of August 16th.

ITEM 10 - 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: District's Pre-1914 Water Rights
Agency Negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating Party: State Water Resources Control Board
Under negotiation: Water Rights
 - B. 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
- 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case)

The Board returned to open session with no announcement.

ITEM 11– 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

Staff reported they are waiting for legal descriptions of easements from Quartaroli & Associates before proceeding with the agreements.

ITEM 12 – REVIEW THE 2020-2021 SAN JOAQUIN COUNTY GRAND JURY REPORT ON INDEPENDENT SPECIAL DISTRICTS TRANSPARENCY “NOT FOUND”. ACTION AS NECESSARY.

The board reviewed the San Joaquin County Grand Jury report and a response prepared by the District Counsel. They directed Secretary Howe to mail a hard copy of the response to the Presiding Judge and email a copy to the Staff Secretary.

ITEM 13 – REVIEW FOR APPROVAL PROPOSAL FROM FECHTER & CO. FOR AUDIT SERVICES. ACTION AS NECESSARY

Secretary Howe presented a proposal from Fechter & Co for audit services to be reviewed by the Board of Directors. The proposal is for 3 years beginning with the 2021 audit and with an option for an additional 3 years. The fees for the 2021 audit will be \$9,270.00 with an increase of 3% per year for the term of the agreement. Director Glenn Robertson made a motion to approve the

proposal and authorize Secretary Howe execute the documents. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Mark Cardoza and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

ITEM 14 – APPROVAL OF WARRANTS

Director Glenn Robertson moved that the August 2021 Warrants in the amount of \$271,961.38 be approved for payment. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors: Mark Cardoza, Annette Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Keith Robertson

The meeting was then adjourned to Wednesday, September 15, 2021 at 9:00 a.m.

Respectfully,

Margaret G. Howe