

June 16, 2021
Tracy, California

Pursuant to adjournment, May 12, 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, Annette Elissagaray, and Mark Cardoza

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

CONFERENCE LINE: Director Keith Robertson

ABSENT: None

ITEM 1 – REVIEW FINANCIAL AUDIT FOR 2020. ACTION AS NECESSARY

Sandy Sup, CPA, representing Fechter & Company, joined the meeting by conference phone and presented to the Board the audit they conducted for the District for fiscal year 2020. 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 Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James M Thoming, Glenn Robertson, Keith Robertson, Annette Elissagaray and Mark Cardoza; Noes: None; Abstain: None; Absent: None

ITEM 2 – REVIEW AND ESTABLISH COST OF SERVICE RATE FOR 2021. ACTION AS NECESSARY.

Staff reported the District’s Cost of Services as reported in the District’s Annual Audited Financial Report for the year 2019 was \$5,995,276.00 and for the year 2020 was \$3,975,839.00. The total acre feet of water delivered in the year 2019 was 38,049 and for the year 2020 was 48,107. The average Cost of Service for the years 2019 and 2020 is \$5,852,608.00 and the average acre feet of water delivered is 40,057. The average Cost of Service (\$4,985,558.00) divided by the average acre feet of water delivered (43,078) equals a Cost of Service rate of \$115.73. Director Mark Cardoza made a motion to establish the District’s 2021 Cost of Service Rate at \$115.73. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James M Thoming, Keith Robertson, Glenn Robertson, Annette Elissagaray and Mark Cardoza; Noes: None; Abstain: None; Absent: None

ITEM 3 - MINUTES & TREASURER’S REPORT

Director Mark Cardoza made a motion to approve the minutes of the May 12, 2021 Board Meeting as presented. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Keith Robertson, Mark Cardoza 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 4 - MISCELLANEOUS CORRESPONDENCE

Staff presented a notice from the State Water Resources Control Board regarding the unavailability of water for Post-1914 water rights holders and warning of impending water unavailability of water for Pre-1914 water rights holders and Riparian claimants in the Sacramento-San Joaquin Delta Watershed. The notice is informational only and not an order or directive from the State Water Board to stop diverting water.

The District received an application referral, PA2100077, from the San Joaquin County Community Development Department regarding a use permit application to develop a 3 acre lot to include a convenience store, restaurant with drive-thru, diesel and gas pumps on parcel 255-020-1, address 30022 S State Route 33, Tracy. We will be submitting comments for the record as to concerns with subsurface drainage and people traffic concerns about trespassing onto our lift canal and the dangers that presents.

ITEM 5 - MANAGER’S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT
June 16, 2021
Vernalis flow +/- 1200 cfs
(spring pulse flows ended in May. New Melones releasing
1500 cfs for delta water quality outflow).
Wheeling 0 cfs

COVID 19 – No new cases of COVID among BCID employee since the March 2021 board meeting.

Maintenance - Currently on-going emphasis is on terrestrial weed control by disking right of ways (ROW) and applying aquatic herbicides for pondweed and algae. The treatment of canals for aquatic weeds has required a higher of volume of product as canal flows have been generally higher than last year. Also, the main lift canal has required two treatments already this year. All employees are off of family leave which returns our maintenance employee back to maintenance tasks. The custom sound blankets have arrived and will be installed at PP 5 this summer.

Pumping Plant 3 Replacement Project – Design work has commenced for the wet well structure for a new Pumping Plant 3. Geotechnical work has been completed by Wallace Kuhl, which included four shallow groundwater monitoring wells. The wells indicate that the shallow groundwater level is about two feet above the water surface area in the lift canal in front of the existing pumping plant #3. A topo survey is being scheduled to confirm lift canal elevations, box culvert elevations at the freeway, and water surface elevations. Reference elevations will be placed at various points along the lift canal from Kasson Road to Pumping Plant #3.

Pumping Plant #5 Cavitation Investigation – Susan Fox and Wayne Dahl of DCI and I have been researching a new pumping lineup for Pumping Plant #5 that will provide us a range of pumping from 10 cfs to 90 plus cfs. It appears that one of the existing pumps will need to be replaced with a smaller capacity pump capable of pumping 10-27 cfs. One of the existing pumps would require anew impeller that could pump 27 to 44 cfs, and the last existing pump would remain with a capacity of 36 to 50 cfs.

In conjunction with this investigation we are looking at PP #4 pumps to determine if cavitation damage could be a future problem. And we are beginning to look at a potential pump lineup for a new PP #3.

FRIANT SJRRP Restoration Flows and Wheeling – We are currently wheeling no water.

Reclamation CVP 9(e) contract to a 9(d) contract. We have received our signed WIIN Act Contract. The contract is being challenged in court, see agenda item under closed session.

San Joaquin County Community Development Application # PA 1600049 (AP) – The application was approved by the Planning Commission with “conditions of approval”. Our comments were included in the approval packet but we do not have any regulatory authority granted in the conditions of approval. The county stated at this stage of the development process that design is not required and design will be submitted during the building permit process at a later date.

FISHBIO – A field trip is being considered for July to witness the electro-fishing project first hand to learn about the project. We are looking to expand our circle of knowledge to larger groups such as SLDMWA, Friant, etc. Predation populations are not known and predation is not a significant input into ESA listed fish species life models. Populations are needed to be known in order to improve model accuracies. Otherwise no change in recovery will occur based on the existing models.

Respectfully submitted by: David Weisenberger, General Manager

ITEM 6 - DIRECTOR AND STAFF ITEMS

Secretary Howe reported her Notary License will expire on August 14, 2021. Since she cannot notarize any documents she signs, she inquired if the Board would like for Shelby Santana, Office Assistant, to train and test for a Notary License. The Board agreed it would be a good idea and for Secretary Howe to discuss it with Shelby to see if she would be interested.

Staff is working on getting a property exchange agreement completed with Pete and Jane Vink. The original agreement is from 2008 and requires and escrow and title insurance. Staff inquired if

the Board still wants to open an escrow and get title insurance on the property it will be receiving in the exchange.

Secretary Howe reported she checked with ACWA and they are planning an in person Fall Conference in Pasadena the week after Thanksgiving.

President Thoming inquired if it would be possible to get a new coat of paint on Pump Station #1. General Manager Weisenberger said he would be it on the list of maintenance items to be completed.

ITEM 7 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES, AND POTENTIAL RATIONING. ACTION AS NECESSARY

The US Bureau of Reclamation announced on May 26th that due to the continued dry conditions the 5% allocation announced in March and suspended until further notice has been confirmed at 0%. The District has rescheduled the balance of its 2020/2021 allocation of 1,999 af and has 7,600 – 7,700 af of Warren Act Water available for its use in July and August if needed.

The District received a notice from the State Water Resources Control Board regarding the possibility of water unavailability for Pre-1914 water users.

Governor Newsom has declared San Joaquin County to in a “State of drought emergency” due to the severe dry conditions as bad as or worse than in 2015.

The District sent out notices to the growers to notify them of the current dry conditions and District policies in May.

ITEM 8 – CONSIDER PROPOSAL FROM OFFICEPERFECT FOR COMPUTER IT SECURITY AND SUPPORT SOLUTIONS. ACTION AS NECESSARY.

The Board reviewed a proposal from OfficePerfect for computer IT security and support solutions at a cost of \$3,265 per month. Director Mark Cardoza made a motion to accept the proposal and authorize General Manager Weisenberger to sign the documents. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Keith Robertson, Mark Cardoza and Annette Elissagaray; Noes: None; Abstain: None; Absent: None

ITEM 9 – 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.

Due to the low flows in the San Joaquin River, Cbec has not been able to complete the bathymetric and topographic surveys. They intend to request an amendment to the Grant agreement to complete these surveys during the second quarter of the project.

ITEM 10 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

Staff provided the Board with the monthly report on the project provided by FishBio. FishBio has resumed fyke trapping and plans to resume electro-fishing in sometime in June and July.

ITEM 11 - 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 12 – REVIEW BANTA-CARBONA IRRIGATION DISTRICT CAPITAL IMPROVEMENT PROGRAM. ACTION AS NECESSARY.

General Manager Weisenberger reviewed with the Board the District's capital improvement program. No action was taken.

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

Staff continues to work on the necessary easement agreements needed to complete the pipeline construction.

ITEM 14- UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY

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 by teleconference at 1 pm. They will be discussing the draft list of projects, management actions, and water balances for the sub-basin.

ITEM 15 – APPROVAL OF WARRANTS

Director Annette Elissagaray moved that the June 2021 warrants in the amount of \$526,795.51 be approved for payment. Director Mark Cardoza seconded the motion and it carried by the following vote; Ayes: Directors: Annette Elissagaray, Glenn Robertson, Keith Robertson, Mark Cardoza and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, July 14, 2021 at 9:00 a.m.

Respectfully,

Margaret G. Howe