

February 16,2022
Tracy, California

Pursuant to adjournment, January 12,2022, 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 and Secretary Margaret Howe

CONFERENCE LINE: District Counsel Jeanne Zolezzi and John Herrick Counsel for the South Delta Water Agency

ABSENT: Director Keith Robertson

ITEM 1- BOARD TO CONSIDER THE CIRCUMSTANCES OF THE STATE OF EMERGENCY AND DETERMINE THAT (I) THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON AND/OR (II) STATE OR LOCAL OFFICIALS CONTINUE TO IMPOSE OR RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING. ACTION AS NECESSARY.

Director Glenn Robertson made a motion that the state of emergency continues to directly impact the ability of the members to meet safely in person and authorize teleconferencing as needed. Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

ITEM 2 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the January 12, 2022, Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, James M. Thoming 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.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

The District received correspondence from ACWA/JPIA on future Cyber Liability Coverages detailing the renewal process and estimated costs for the 2022/23 coverage year. General Manager Weisenberger reported he is working with Officeperfect, the District's IT support, complete the needed application.

ITEM 4 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT
February 16, 2022
Vernalis flow +/- 1300 cfs
Wheeling 0 cfs

COVID 19 – No new cases of COVID among BCID employees.

Maintenance - Maintenance activities have been completed on all facilities related to the lift canal, fishscreen and pumphouses. All pumps and the fishscreen have been inspected, cleaned, and are ready for operation. All pump stations and Fishscreen facility electrical gear has been inspected and maintained by Bockmon and Woody, Inc., of Stockton. The number #5-40 cfs pump in Pumping Plant #2 has been replaced by a rebuilt pump that was in storage and is in service. All pre-emergent herbicide has been applied in District. Maintenance activities are now focused on canal laterals and pipeline laterals. Major leak repairs are being made on turnout 5 West – 06, a half mile long concrete pipeline. 5 East Canal Pipeline across the Dietz pipeline has been repaired. Repairing pipeline leaks continue to be a priority. Employees are inspecting, repairing or replacing gates and trash racks as needed on the lift canal. The Lift Canal facilities are operational and ready for the new irrigation season. There is one employee on Family Medical Leave. One employee is on light duty.

Pumping Plant 3 Replacement Project – Design work is nearly complete for the wet well structure for a new Pumping Plant 3.

Pumping Plant #5 Cavitation Investigation – We have ordered a smaller capacity pump and motor capable of pumping 10-27 cfs. We have ordered the parts to convert an existing pump (Unit 4) to pump 27 to 44 cfs, and the last existing pump will remain with a capacity of 36 to 50 cfs.

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

Nonnative Predator Research Project, FISHBIO – Predator 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.

Lift Canal Final Grading Project - Arnaudo Construction Inc. will work on final grading the new lining section of the Lift Canal in front of PP #4 in Spring 2022.

Peterman Lateral Pump Station Pipe Crossing Project – The construction of the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed property should begin in February by Arnaudo Construction Inc. Work has not commenced.

Yamasaki Pipeline – A down payment has been made to Central Irrigation Company in order to order the 36-inch diameter PVC pipe for the project. Easements are being sought for the pipeline.

John Herrick, Counsel for South Delta Water Agency (SDWA), called on the conference line to discuss with the Board the SDWA Paradise Cut Project and how it might affect the BCID habit restoration project. Mr. Herrick assured the Board their project would not have any detrimental affects on the BCID project.

ITEM 5 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger reported there was flooding along Bird Rd. over the weekend caused by a grower's pump shutting off. He said the grower has been notified and understands this is not acceptable.

Attending the Mid-Pacific Water Users Conference in Reno were Directors James M Thoming, Glenn Robertson and Mark Cardoza.

ITEM 6 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY

The U.S. Bureau of Reclamation has announced a 0% allocation for the 2022/23 water year. The District has 8,743 acre feet of stored Warren Act Water for the 2021/22 year and is currently pumping Warren Act Water. The District should have its contract amount of 10,000 acre feet complete by the end of March.

General Manager Weisenberger reported curtailment by the SWRCB is possible in June or July and maybe even sooner. The Board directed staff to send out a curtailment warning letter and discussed a possible drought policy and ways to supply supplemental water.

ITEM 7 – CONSIDER FOR APPROVAL WATER WHEELING AGREEMENTS TO WHEEL SAN JOAQUIN RIVER RESTORATION PROGRAM (SJRRP) FLOWS TO DELTA-MENDOTA CANAL (DMC). ACTION AS NECESSARY.

- a. MOA with the Bureau of Reclamation
- b. Wheeling payment agreement with the Friant Water Authority.

General Manager Weisenberger presented the water wheeling agreement for the San Joaquin River Restoration Program for review. After reviewing the documents, Director Glenn Robertson made a motion to both document and authorizing General Manager Weisenberger to sign them. Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

ITEM 8 - REVIEW DRAFT AND CONSIDER FOR APPROVAL 2022 BUDGET. ACTION AS NECESSARY.

Staff presented a 2022 Budget for review by the Board of Directors. After reviewing the Budget, Director Glenn Robertson made a motion to approve the 2022 budget. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

ITEM 9 – REVIEW DISTRICT’S RESERVE POLICY, RESERVE LEVELS AND CAPITAL IMPROVEMENTS PROJECT LIST. ACTION AS NECESSARY.

The Board of Directors reviewed the District’s Reserve Policy, Reserve Levels and Capital Improvements Project List for 2022 as presented by staff. Director Mark Cardoza made a motion to approve the District’s Reserve Policy, Reserve Levels and Capital Improvements Project List for 2022 as presented. Director Glenn Robertson seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson.

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

FishBio is currently conducting electro fishing and plan on starting the fyke net fishing soon.

ITEM 11 – 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.

Staff reported there was nothing new to report on the Prop 1 Grant.

ITEM 12 – UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

The Tracy Subbasin GSAs continue to meet on a regular basis to coordinate groundwater sustainability plans within the group

ITEM 13 – 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, currently on appeal in the 6th District.
 - B. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 34-2021-80003718 in Sacramento County Superior Court, Department 17
 - C. Center for Biological Diversity et al. v. United States Bureau of Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern District of California
- 2) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Assistant Manager/Watermaster: Jorge Flores
- 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 and announced that Director Mark Cardoza made A motion that in recognition of Jorge Flores many years of service be issued a gift card in the amount of \$2500.00 and resolution plaque. Director Glenn Robertson seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson.

ITEM 14 – 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 an agreement has been signed and a deposit made to Central Irrigation Company for the 36-inch PVC pipe for the project. General Manager is working on obtaining the needed easements.

ITEM 15 – UPDATE ON FILLING FUTURE OPEN POSITIONS OF ASSISTANT MANAGER, SECRETARY/TREASURER, DITCHTENDER, AND MAINTENANCE. ACTION AS NECESSARY.

The District has received 3 applications for the position of Assistant Manager from 3 current employees. The General Manager plans to interview all of them and then decide on who is best suited for the position.

General Manager Weisenberger feels that with this promotion, other employees reaching retirement age and one employee quitting, the District needs to hire 3 – 4 new employees. He needs to fill 1 maintenance position and 2 – 3 ditch tending positions.

ITEM 16 – CONSIDER RESOLUTION RECOGNIZING JORGE FLORES, ASSISTANT MANAGER/WATERMASTER, FOR HIS YEARS OF SERVICE TO THE BANTA-CARBONA IRRIGATION DISTRICT. ACTION AS NECESSARY.

On a motion by Director Annette Elissagaray and seconded by Director Mark Cardoza the following resolution was approved.

RESOLUTION 2022-01

**HONORING JORGE R. FLORES
for his many years of service to the
Banta-Carbona Irrigation District**

WHEREAS, Jorge Flores was hired to the position of Ditchtender on January 6, 1992, and thereafter served in that capacity for 14 years; and

WHEREAS, Jorge Flores served as a ditchtender and a shift watermaster until 2006, and thereafter served as Watermaster, for the next 2 years; and

WHEREAS, Jorge Flores, was promoted to Assistant Manager/Watermaster, of Banta-Carbona Irrigation District on January 15, 2008, where he served in that position until March 31, 2022; and

WHEREAS, Jorge Flores has decided to retire as Assistant Manager/Watermaster of the Banta-Carbona Irrigation District on March 31, 2022, thus serving the District continuously for 31 years; and

WHEREAS, Jorge Flores has earned the admiration and respect of his colleagues and supervisors at Banta-Carbona Irrigation District for his dedication, enthusiasm, professionalism, sense of humor and hard work; and

WHEREAS, Jorge Flores has exhibited integrity and reason in all matters to come before him in the course of his service to the Banta-Carbona Irrigation District, he therefore is held in high esteem; and

WHEREAS, the many years of Jorge Flores's dedicated service to Banta-Carbona Irrigation District will not easily be forgotten nor replaced, as no one else can possibly fill his shoes. Banta-Carbona Irrigation District, including the Board and all employees wish Jorge good luck on his retirement; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-Carbona Irrigation District regret that he has severed his connection as Assistant Manager/Watermaster of said District and that the Board, acting on behalf of the people he has represented, hereby offers acknowledgment and appreciation for the service he has rendered; and

BE IT FURTHER RESOLVED that the Board of Directors wish he and his wife, Leticia, many years of health, happiness, and prosperity.

PASSED AND ADOPTED THIS 16th day of February 2022 by the following roll call vote:

AYES: Directors James M. Thoming, Glenn S. Robertson, Annette M. Elissagaray, and Mark E. Cardoza

NOES: None

ABSENT: Keith E. Robertson

“The reward of a thing well done is to have done it.”
Ralph Waldo Emerson

ITEM 17 - APPROVAL OF WARRANTS

Director Annette Elissagaray moved that the February 2022 warrants in the amount of \$150,008.91 be approved for payment. Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Keith Robertson

The meeting was then adjourned to Wednesday, March 16, 2022, at 9:00 a.m.

Respectfully,

Margaret G. Howe