

January 12,2022  
Tracy, California

Pursuant to adjournment, December 15, 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 and Secretary Margaret Howe

CONFERENCE LINE: Director Keith Robertson and District Counsel Jeanne Zolezzi

ABSENT: None

**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, Keith Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None

**ITEM 2 - MINUTES & TREASURER'S REPORT**

Director Glenn Robertson made a motion to approve the minutes of the November 17, 2021, Board Meeting as amended. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, Keith 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 amended.

**ITEM 3 - MISCELLANEOUS CORRESPONDENCE**

Secretary Howe reported the District received a request from the Family Farm Alliance for a 2022 contribution. The Family Farm Alliance is an advocate for family farmers, ranchers, irrigation districts and other ag-related businesses in the seventeen Western states. The focus of the Alliance is to ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The District made a contribution to the Alliance of \$10,000 in 2021, after some discussion, Director Mark Cardoza made a motion to authorize a contribution to the Family Farm Alliance in the amount of \$10,000. Director Glenn Robertson 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

**ITEM 4 - ELECTION OF OFFICERS AND HIRING OF LEGAL COUNSEL. ACTION AS NECESSARY**

Director Mark Cardoza made a motion to retain Herum/Crabtree/Suntag as legal counsel, David Weisenberger as General Manager, Margaret G. Howe as Secretary-Treasurer & Assessor-Collector as Director James M. Thoming as President of the Board, Director Keith Robertson as Vice President and Director Glenn Robertson as Vice President Pro-Tem. 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 4 - MANAGER'S REPORT & DISCUSSION ITEMS.**

Vernalis flow +/- 1005 cfs

Temporarily Made Water Deliveries from December 7 to 15th, 2021; 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.

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

**Pumping Plant #5 Cavitation Investigation** – Susan Fox and Wayne Dahl of DCI and Dave 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. **We are currently putting together an order for the required pumps and motor.**

**FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling no water. We received a heads up that there is water available to wheel in January 2022, as much as 65 cfs, but currently the DMC is running at capacity and does not have room for SJRRP 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 be unable to get to final grading the new lining section of the Lift Canal in front of PP #4 as the ground dries out until early Spring. Work has not commenced on this project.

**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. Estimated cost to cross is about \$150,000. 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.

Respectfully submitted by:  
David Weisenberger  
General Manager

## ITEM 5 – DIRECTOR AND STAFF ITEMS

President James M Thoming inquired about the status of finding qualified applicants to replace retiring Assistant Manager Jorge Flores and Secretary Howe. Staff reported they are looking for replacements, but haven't found anyone for either position yet.

## 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 not announced a CVP allocation for the 2022/2023 Water year. The District has a balance of 8,742 af of stored Warren Act Water (WAC) to reschedule into the 2022/2023 water. The District will pump WAC Water for storage when there is room in the Delta-Mendota canal.

## 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.

Staff presented a map showing a possible design for the District's habitat restoration project on the San Joaquin River.

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

Staff presented a draft 2022 budget for review by the Board. The Board reviewed the draft but took no action on the budget. Staff will present an updated 2022 budget at the February meeting.

**ITEM 9 - REVIEW DISTRICT'S RESERVE POLICY, RESERVE LEVELS AND CAPITAL IMPROVEMENTS PROJECT LIST. ACTION AS NECESSARY.**

Staff presented draft Reserve Levels. The Board took no action and will review it again after the 2022 budget is approved.

**ITEM 10 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY**

The District held a public hearing on December 15, 2021 and adopted the Tracy Subbasin Sustainability Plan. We are now waiting for approval from the Department of Water Resources.

**ITEM 11 - UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRB) 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**

General Manager Weisenberger reported there was no new information on this item.

**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, currently on appeal in the 6<sup>th</sup> 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. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA
  - D. 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) 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
- 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 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 he signed an agreement with Central Irrigation

for the pipeline construction for Yamasaki Farms. Central Irrigation started delivering pipe.

**ITEM 14 - REVIEW RETIREMENT BENEFITS FOR DIRECTORS. ACTION AS NECESSARY.**

Secretary Howe reported at the July 1997 board meeting the approved reducing the eligibility requirements for directors' retiree benefits to a minimum of 12 years service and age 50. Government Code Section 53201 states that any director, who takes office on or after January 1, 1995, will not be eligible for benefits upon retirement, regardless of the number of years served. Therefore none of the currently seated Directors or any future elected Directors will be entitled to benefits upon retirement.

**ITEM 15 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.**

FishBio is waiting for approval from the Central Valley Flood Protection Board for fyke net fishing. Electro fishing is scheduled to start in February

**ITEM 16 - APPROVAL OF WARRANTS**

Director Mark Cardoza moved that the December 2021 warrants in the amount of \$232,135.81 be approved for payment. Director Annette Elissagaray 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, February 16, 2022, at 9:00 a.m.

Respectfully,

Margaret G. Howe