

December 14, 2022
Tracy, California

Pursuant to adjournment, November 16, 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, Mark Cardoza and Kyle Robertson

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

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the November 16, 2022, Board Meeting as presented. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

Secretary Howe presented the Treasurer's report and after review by the Board it was filed.

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received notice from the San Joaquin Registrar of Voters that Annette Elissagaray; Director, Division 2 and Mark Cardoza; Director, Division 3 have both been appointed to their positions by San Joaquin County Resolution R-22-215 Resolution to Appoint Candidates in Lieu of Election.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

We have 3 staff and the General Manager out on COVID leave.

The District's Maintenance Supervisor is planning on retiring in June 2023 and staff is looking for a replacement for him.

District staff is currently working on the annual clean up of the Fish Screen. They have completed the annual inspection of Pump Stations #2 and #3.

Otis Clifton is cleaning the canals.

The District started wheeling water for Friant on Monday and intends to continue through December. In January we will be able to start pumping for the District's use.

ITEM 4 - DIRECTOR AND STAFF ITEMS

Secretary Howe inquired if any Directors would be attending the Mid-Pacific Water Users Conference in Reno, NV January 18-20, 2023. Those attending will be Directors James M Thoming, Glenn Robertson, Mark Cardoza and General Manager David Weisenberger.

Directors Jim Thoming, Glenn Robertson, Kyle Robertson, General Manager Weisenberger and Secretary Howe attended the ACWA Fall conference in Indian Wells.

Jesus Mendoza, a long time ditchtender, has submitted his intention to retire as of December 12, 2022.

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

General Manager Weisenberger reported 2022 water season ended on November 18th. The District currently has approximately 17,400 acre feet of water in storage and can start pumping water into storage in January 2023.

The District was notified Friant SJRRP restoration flows will be available for wheeling during the month of December, subject to some reporting requirements. General Manager Weisenberger is making plans to wheel water through Christmas day and New Year's Day.

A draft contract extension for delivered to Meyers Family Farms for their review.

ITEM 6 - UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

The budget for the 2023 San Joaquin River fish population study is \$510,000. District

participation was approved at the October 11, 2022, board meeting subject to at least two other agencies participate in the study. The District is waiting for confirmation that two other agencies have approved participation. San Luis Water District has expressed an interest in participating in the study.

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.

CBEC continues to work on developing alternatives for a habit project adjacent to the BCID fish screen facility on the San Joaquin River. CEBC and Fishbio are putting together a presentation to show the regulating agencies in January our current alternatives to get their input on our current plans. Our grant required we engage with the regulating agencies at the 65% design level to get their input.

ITEM 8 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

- A. Review proposed BCID Conjunctive Use Project. Consider applying for grant funds for proposed project. Action as necessary.

General Manager Weisenberger reported Richard Shatz, a consultant from GEI, has suggested Banta-Carbona apply for grant funds for extend the 3 East Pipeline to Durham Ferry Rd. After some discussion Director Mark Cardoza made a motion to approve Banta-Carbona Irrigation District applying for grant funds for the proposed project. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

**BANTA-CARBONA IRRIGATION DISTRICT
RESOLUTION NO. 2022-04**

GRANT APPLICATION FOR GENERAL FUNDS AND/OR PROPOSITION 68 GRANT FUNDS WITH THE DEPARTMENT OF WATER RESOURCES' (DWR) FINANCIAL ASSISTANCE BRANCH

WHEREAS, Proposition 68 amended the Public Resources Code to add, among other sections, section 80146 authorizing the Legislature to appropriate General Obligation Bond funds for competitive grants for projects that address drought and groundwater investments to achieve regional sustainability; and

WHEREAS, the Sustainable Groundwater Management Grant Program for the Sustainable Groundwater Management Act Implementation is administered by the Department of Water Resources (DWR); and

WHEREAS, Banta-Carbona Irrigation District (BCID) is seeking funding its Conjunctive Use Project – which consists of Phase Two of the Yamasaki Pipeline project that could allow up to 1,700 irrigated acres to receive supplemental surface water from BCID in lieu of pumping groundwater (Project).

NOW THEREFORE, BE IT RESOLVED that the Board of Directors the BANTA-CARBONA IRRIGATION DISTRICT RESOLVES AS FOLLOWS:

1. An application be made to the California Department of Water Resources to obtain a grant under the 2021 Sustainable Groundwater Management (SGM) Grant Program SGMA Implementation Grant pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68) (Pub. Resource Code, § 80000 et seq.) and the California Budget Act of 2021 (Stats. 2021, ch. 240, § 80); and
2. Enter into an agreement to receive a grant for the Project. The General Manager of BCID is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, and execute a grant agreement and any future amendments (if required), submit invoices, and submit any reporting requirements with the California Department of Water Resources.

Passed and adopted at a meeting of the Banta-Carbona Irrigation District on December 14, 2022.

AYES: Directors: James M Thoming, Glenn Robertson, Annette Elissagaray, Mark Cardoza, Kyle Robertson

NOES: None

ABSTAINS: None

ABSENT: None

PASSED AND ADOPTED, this 14th day of December 2022 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District.

ITEM 9 – CONSIDER NOMINATING A BCID DISTRICT OFFICIAL TO THE ACWA REGION 4 BOARD. ACTION AS NECESSARY.

Staff reported the Region 4 Board is looking for candidates to fill two board vacancies. After some discussion, Director Annette Elissagaray made a motion to nominate General Manager Weisenberger to apply for one of the open vacancies. Director Kyle Robertson seconded the motion it carried by and the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

RESOLUTION NO. 2022-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BANTA-CARBONA IRRIGATION DISTRICT
PLACING IN NOMINATION DAVID WEISENBERGER
AS A MEMBER OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
REGION 4 BOARD MEMBER**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BANTA-CARBONA IRRIGATION DISTRICT AS FOLLOWS:

A. Recitals

- (i) The Board of Directors (Board) of the Banta-Carbona Irrigation District does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA).
- (ii) General Manager David Weisenberger has indicated a desire to serve as a Board Member of the ACWA Region 4.

B. Resolves

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF BANTA-CARBONA IRRIGATION DISTRICT,

- (i) Does place its full and unreserved support in the nomination of David Weisenberger for Board Member of ACWA Region 4.
- (ii) Does hereby determine that the expenses attendant with service of David Weisenberger in ACWA Region 4 shall be borne by the Banta-Carbona Irrigation District.

Adopted and approved this 14th day of December 2022.

AYES: Directors: James M Thoming, Glenn Robertson, Annette Elissagaray, Mark Cardoza, Kyle Robertson

NOES: None

ABSTAINS: None

ABSENT: None

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, currently on appeal in the 6th District.

- B. 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 LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

- a. Property: Negotiate purchase of water from Oakdale Irrigation District WY 2023.
Agency Negotiator: David Weisenberger and Jeanne Zolezzi
Negotiating Party: Oakdale Irrigation District
Under Negotiation: Water
- b. Property: Up to 10,000 acre feet of San Joaquin River Water under the District's Pre-1914 Water rights
Agency Negotiator: David Weisenberger and Jeanne Zolezzi
Negotiating Party: Meyers Farm Family Trust
Under Negotiation: Price, Quantity and Terms of Payment

3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential cases)

The Board returned to open session with no announcement.

ITEM 11 - UPDATE ON FILLING FUTURE OPEN POSITION OF SECRETARY/TREASURER. ACTION AS NECESSARY.

Secretary Howe reported Donna Braxton is going to start work on January 3, 2023.

ITEM 12 – REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE FOR 2023. ACTION AS NECESSARY.

Board discussed employee compensation and determined a raise of 7% would be appropriate for the employees at this time. Director Annette Elissagaray made a motion to approve an across-the-board increase of 7% for all employees for wages paid in 2023, Director Kyle Robertson seconded the motion, and it carried by the following vote: Ayes: Directors Glenn Robertson, Mark Cardoza, Kyle Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 13 – CONSIDER CLOSING THE DISTRICT THE WEEK BETWEEN CHRISTMAS DAY AND NEW YEARS DAY. ACTION AS NECESSARY

Director Mark Cardoza made a motion to approve as days off with pay for all employees December 27, 2022, to December 30, 2022. Employees are to be called in if an emergency occurs. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Glenn Robertson, Mark Cardoza, Kyle Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 14- REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT OFFICIALS OR STAFF TO THE FOLLOWING 2023 CONFERENCES. ACTION AS NECESSARY

- A. Mid-Pacific Region Water Users Convention January 2023
B. ACWA Spring Conference, May 2023
C. Delta Water Users Association Annual Meeting, March 2023
D. ACWA Fall Conference, December 2023

Director Annette Elissagaray made a motion to approve sending District Officials and staff to the above listed conferences. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson, Mark Cardoza, Kyle Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 15 - REVIEW CLAIMS. ACTION AS NECESSARY

A. DIETZ FARMS

The Board reviewed a claim received from Dietz Farms in the amount of \$6,263.00 for damage to his 2021 almond crop caused by a pipe leak at a vent on his property. After some discussion, Director Glenn Robertson made a motion to approve the claim and Director Mark Cardoza seconded the motion and carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson, Mark Cardoza, Kyle Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

B. J&K ROBERTSON FAMILY, LLC

District Counsel Jeanne Zolezzi suggested that since this claim involves damages caused to a Board members crop, the Board table this until she can do research on the proper way to proceed.

ITEM 16 – APPROVAL OF WARRANTS. ACTION AS NECESSARY

Director Annette Elissagaray made a motion to approve December 2022 warrants in the amount of \$257,657.91 be approved for payment. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent:

The meeting was then adjourned to Wednesday, January 11, 2023, at 9:00 a.m.

Respectfully,

Margaret G. Howe
Secretary – Treasurer