

February 15, 2023
Tracy, California

Pursuant to adjournment, January 11, 2023, 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, Treasurer Donna Braxton, and District Counsel Jeanne Zolezzi

ABSENT: Director Kyle Robertson

With the unexpected announcement of retirement by Secretary Margaret Howe on February 11, 2023 the Board of Directors took action at this meeting to make General Manager David Weisenberger Secretary of the Board on an interim basis. It was moved by Mark Cardoza and seconded by Annette Elissagaray, and passed by a unanimous vote.

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the January 11, 2023, Board Meeting as amended. 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: Kyle Robertson

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

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

No correspondence.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT **February 15, 2023** **Vernalis flow +/- 9300 cfs Wheeling 0 cfs**

COVID 19 – No new cases since January 11, 2023.

Maintenance - The #2 40 cfs pump at PP #1 has been removed for rehabilitation. It is at Geiger Manufacturing, Inc, in Stockton, for repair and rehabilitation.

Staff has also commenced working on repairing pipeline leaks.

Homestead Property Lease – WhitePine Renewables has inquired about the possibility of leasing some of the Homestead Ranch ground for installing a solar facility. Their initial inquiry suggested a \$1,000 per acre lease. No further action has taken place.

Pump L4A – The new (used) dry transformer for the outside pump, L4A, is operational. The inside #4-40 cfs VFD pump has been reconnected and is operational.

FRIANT SJRRP Restoration Flows and Wheeling – We commenced wheeling water for the SJRRP on December 12, 2022 at a rate of 90 cfs. We wheeled continuously at that rate until Noon Monday, January 9, 2023. The San Luis Delta Mendota Water Authority, operators of the Delta Mendota Canal, had us cease pumping into the DMC as the DMC was at capacity with rain water runoff. WE recommenced pumping and pumped through January 16th. No wheeling water since January 16.

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. We have engaged JCOMM, Inc, to produce a video of about 12-15 minutes to share with outside groups and the public about the studies and preliminary findings.

PROP 1 Grant Habitat study – CBEC continues to develop and perfect alternatives for a habitat project adjacent to the BCID fish screen facility on the San Joaquin River. CBEC and FISHBIO are organizing a presentation to show regulating agencies in January our current alternatives in order to get their feedback on our current plans. Our PROP 1 grant requires that we engage the regulators at the 65% design level to get their feedback.

Lift Canal Final Grading Project - Arnaudo Construction Inc. conducted work on final grading the new lining section of the Lift Canal in front of PP #4 in Spring 2023. Yet to be completed are drainage culverts.

Peterman Lateral Pump Station Pipe Crossing Project – The project is not fully complete as automation and electrical work still needs to be completed in order to operate the pump station in auto. We are currently operating the pump station in “Hand” mode.

Local Creeks are running – Corral Hollow Creek and Lone Tree Creek began flowing out of the hills down to the valley floor the morning of January 1, 2023. They have been running continuously since that morning at varying flow rates depending on the rainfall in the hills from day to day. It has been raining off and on nearly every day since December 26, 2022, with only a couple of days without showers. The Corral Hollow Creek flow has been crossing Kasson Road since January 10 onto the State Prison property, DVI. The Lone Tree Creek has had minimal flow across Kenner Road. But the Lone Tree Creek has periodically run at substantial flow rates crossing Bird Road, estimated at up to 100 – 200 cfs. Rainfall total for December was 2.86 inches and January 5.94 inches.

ITEM 4 - DIRECTOR AND STAFF ITEMS

Director Thoming suggested that the district staff should create, update, or amend District policies and procedures in 2023. He suggested that an ad hoc committee of the board be created to meet with staff at least once per month to monitor staff progress and provide feedback on draft work products.

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

The District currently has about 17,500 acre feet of Warren Act Water in storage at the San Luis Reservoir. Due to the rainy current weather conditions the District is not pumping water into storage.

The current estimate shows that San Luis Reservoir may not spill. If it does spill then District water in storage would be lost from storage to make room for CVP “Project Water”.

ITEM 6 - 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 develop and perfect alternatives for a habitat project adjacent to the BCID fish screen facility on the San Joaquin River. Our PROP 1 grant requires that we begin permit applications for the project in 2023.

ITEM 7 - REVIEW DRAFT 2023 BUDGET. ACTION AS NECESSARY.

The Board of Directors reviewed the draft budget as presented by Manager Weisenberger. After discussion Director Cardoza mover to adopt the budget as presented and Director Elissagaray seconded the motion. The motion passed by unanimous vote.

ITEM 8 – REVIEW DISTRICT’S RESERVE POLICY, RESERVE LEVELS AND CAPITAL IMPROVEMENTS PROJECT LIST. ACTION AS NECESSARY.

General Manager Weisenberger reported that he would bring a list of capital projects to the March 2023 board meeting for review with the intention of prioritizing the projects.

ITEM 9 – REVIEW DISTRICT CHECKING ACCOUNTS AND FINANCIAL CONTROLS. ACTION AS NECESSARY.

The Board of Directors adopted the following Resolution:

Banta-Carbona Irrigation District Resolution No. 2023-02

RESOLUTION AUTHORIZING REMOVAL OF MARGARET HOWE AND JAMES M. MCLEOD AS SIGNERS ON ANY AND ALL BANK ACCOUNTS AT OAK VALLEY COMMUNITY BANK AND ESTABLISHING SIGNATURE REQUIREMENTS THEREFORE

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District (the "Board" and the "District," respectively) has received the resignation of Margaret Howe as Secretary-Treasurer Assessor-Collector effective February 9, 2023 the Board hereby authorizes the removal of Margaret Howe as a signer to all bank accounts and investment funds; and

WHEREAS, James M. McLeod has passed away as of January 1, 2021, the Board of Directors of the Banta-Carbona Irrigation District (the "Board" and the "District," respectively) hereby authorizes the removal of James M McLeod as a signer to all bank accounts and investment funds; and

WHEREAS, the staff has recommended, in keeping with prior authorizations of the Board, that checks written on any District checking account at Oak Valley Community Bank be issued on two (2) original signatures, being any two (2) of the following: Directors: Mark Cardoza, Glenn S. Robertson, James M. Thoming, Annette Elissagaray and Kyle Robertson; and Staff: David Weisenberger, so long as one of the persons signing is from the Director group and one is from the staff group; and

WHEREAS, the staff has recommended that the District checking account be enrolled in Positive Pay, an anti-fraud system, at the Oak Valley Community Bank to provide the District additional protection against check fraud ,

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The facts set forth in the recitals above are true and correct and the Board so finds and determines.

Section 2. District officials are hereby authorized and directed to enroll the District's checking account in Positive Pay with Oak Valley Community Bank.

Section 3. District officials are hereby authorized and directed to open a bank account with Oak Valley Community Bank.

Section 4 Checks drawn on the District checking account at Oak Valley Community Bank shall be issued on two (2) original signatures, signed by two directors, or signed by one director and one staff member, from the following: Directors: Mark Cardoza, Glenn S. Robertson, James M. Thoming, Annette Elissagaray and Kyle Robertson; and Staff: David Weisenberger.

Section 5. The provisions of any form of resolution prescribed by Oak Valley Community Bank for adoption by the District to implement the actions authorized by this Resolution are hereby adopted and incorporated herein by reference as though fully set forth herein.

Section 6. District General Manager and President of the Board of Directors James M Thoming are hereby authorized and directed to execute all documents, including without limitation contracts for deposit of moneys and waiver of security agreements, and to take any and all other steps which may be necessary or convenient to implement the intent of this Resolution.

Section 7. The Banta-Carbona Irrigation District requires two signatures for withdrawals/checks written, however the bank will not be held responsible for monitoring our compliance with this requirement. This requirement will be monitored internally within the irrigation district.

Section 8. This Resolution shall take effect immediately.

PASSED AND ADOPTED, this 15th day of February 2023 on the following vote:

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

NOES: None

ABSENT: Kyle Robertson

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

The District filed an application for \$13 million grant funds to extend the 3 East Pipeline to Durham Ferry Rd. There were only a total of 15 applications filed and grant funds available of \$200 million so the District may get some funds. Funding announcements by DWR are not expected before May 2023.

ITEM 11 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

General Manager Weisenberger reported Patterson Irrigation District and West Stanislaus Irrigation District are both interested in participating in the cost of a video to be produced by J.Comm. The video would combine scientific information, visuals and animation to tell the story and would be approximately 12 to 15 minutes long. It is anticipated it could be shown at an ACWA conference and used on the participating agencies websites. The cost of the video would not exceed \$50,000. There is a meeting scheduled for Friday to discuss process of producing the video.

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. 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: Negotiate purchase of water from Oakdale Irrigation District WY 2023
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating party: Oakdale Irrigation District

Under Negotiation: Water

- 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 – DISCUSS AND CONSIDER INVESTIGATING GROUNDWATER BANKING OPPORTUNITIES. ACTION AS NECESSARY.

General Manager Weisenberger inquired if the Board had an interest in investigating Groundwater banking opportunities. After some discussion, the Board authorized staff to look into possible groundwater banking.

ITEM 14 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion to approve February 2023 warrants in the amount of \$378,125.65 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: Kyle Robertson

The meeting was then adjourned to Wednesday, March 15, 2023, at 9:00 a.m.

Respectfully,

David Weisenberger
Secretary