

July 12, 2023
Tracy, California

Pursuant to adjournment, June 14, 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 (President), Glenn Robertson (Vice-President), Annette Elissagaray, Mark Cardoza and Kyle Robertson.

OTHERS PRESENT: General Manager/Secretary David Weisenberger, Treasurer/Assessor-Collector Danisha McDonald, and District Counsel Jeanne Zolezzi

ABSENT: NONE

ITEM 1 – OPPORTUNITY FOR PUBLIC COMMENT

No public comment

ITEM 2 - MINUTES

Director Glenn Robertson made a motion to approve the minutes of the June 14, 2023 Regular Board Meeting and the minutes of the May 23, 2023 Special Board Meeting. Director Mark Cardoza 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.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

None.

ITEM 4 – TREASURER’S REPORT

The Treasurers report was presented by Danisha McDonald. The Treasurers report was filed as presented.

ITEM 5 – AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY BANK ACCOUNT TO CHECKING ACCOUNT.

Director Annette Elissagaray made a motion to transfer \$748,947.89 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. Director Mark Cardoza 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.

ITEM 6 - DIRECTOR AND STAFF ITEMS

Staff was directed to put an item on the August Board meeting agenda in closed session for negotiating a wheeling contract with the Friant Contractors.

Director Cardoza asked staff if they have explored the possibility of using VOIP for phone system instead of the AT&T landline. Staff reported that they are currently waiting for a quote from ITS Currie, the District’s Information Technology (IT) support vendor, for VOIP services.

ITEM 7 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Manager Weisenberger reported that work on updating the District’s employee manual continues but there has been slow progress as staff reviews the benefits sections of the manual.

ITEM 8 – CONSIDER RESOLUTION RECOGNIZING TIMOTHY BRISTOW FOR HIS MANY YEARS OF SERVICE.

Director Annette Elissagaray moved to adopt Resolution 2023-07 recognizing Timothy Bristow’s years of service to the District. Director Kyle 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.

Resolution 2023-07

Honoring Timothy E. Bristow for his many years of service to the Banta-Carbona Irrigation District

WHEREAS, Timothy Bristow was hired to the position of Relief-Ditchtender on March 10, 1988, and thereafter served in that capacity for 10 years; and

WHEREAS, Timothy Bristow was promoted to the position of Maintenance Supervisor in April 1998; and

WHEREAS, Timothy Bristow was the Maintenance Supervisor, of Banta-Carbona Irrigation District where he served in that position until August 31, 2023; and

WHEREAS, Timothy Bristow has decided to retire as Maintenance Supervisor of the Banta-Carbona Irrigation District on August 31, 2023, thus serving the District for 35 years; and

WHEREAS, Timothy Bristow 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, Timothy Bristow 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 Timothy Bristow'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 Tim 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 Maintenance Supervisor 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, Lori, many years of health, happiness, and prosperity.

PASSED AND ADOPTED THIS 12th day of July 2023 by the following roll call vote:

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

NOES: None

ABSENT: None

"The reward of a thing well done is to have done it."

Ralph Waldo Emerson

ITEM 9 – REVIEW CURRENT WATER SUPPLIES

U.S. Bureau of Reclamation announced a 100% contract allocation of water for south of delta water contractors for the water year 2023 which ends February 28, 2024. The District's CVP contract is 20,000 acre feet. San Joaquin River is running at around 7,500 cubic feet per second (cfs) and the projected low flow at Vernalis later in the summer is about 4500 cfs. Current river stage at Vernalis is 16.3 NGVD.

ITEM 10 – MANAGER’S REPORT & DISCUSSION ITEMS.

MANAGER’S REPORT **July 12, 2023** **Water Season (deliveries) Started April 4, 2023** Vernalis flow +/- 7,500 cfs, Stage 16.3 NGVD

AUDIT – The 2022 annual audit being conducted by the Fechter and Company, Sacramento, California, should be complete and ready for presenting to the Board of Directors at the 2023 August regular board meeting. They are waiting on a couple of informational items from district staff in order to wrap up the audit and have their upper management review the draft audit.

New Employees – Three new employees were hired and started in June. Saul Ruiz was hired and started work on June 5, 2023 as Maintenance/Pesticide Specialist. Christian Rodriquez has been hired as Maintenance/Pesticide Specialist and started on June 19, 2023. Francesca Gonzer was hired as an Office Assistant and started on June 19, 2023. The two new maintenance employees, Saul Ruiz and Christian Rodriguez, are being trained to apply all pesticides and to obtain their pesticide Qualified Applicators Certificate. They both have demonstrated an aptitude for learning their job responsibilities. The new office assistant, Franchesca Gonser, started work on June 19 and submitted her resignation on June 30. She also demonstrated a strong ability to learn her job responsibilities and was performing well.

Maintenance - The softstart starter for the sediment pump at the fishscreen facility failed earlier in 2023. It has been replaced and the pump is in operation. Sediment accumulation was not a problem because of the flood stage of the river during the pumps non-operation.

Aquatic weed control has been on-going in district canals. The aquatic weed problems in canals this year are much less of a problem than last year in 2022. Typically aquatic weed species in district canals consist of Sago Pondweed, Horned Pondweed, Elodia, Filamentous algae, and Duckweed. The predominant problem weed this year has been Elodea and algae, with some Horned pondweed. The GM applied all of the aquatic herbicides in 2023, estimated hours spent on aquatic weed applications 72. There will be a contractor on-site on Monday, July 19 to apply Magnacide H to the Main Lift Canal at Kasson Road. Allied Weed Control out of Livingston, Ca is making the Mag H application for a price of \$21,400 plus any cost variation in the actual product. Mag H kills all submerged aquatic weeds. The other products available to the district are more selective in nature, whereas Mag H is non-selective. Teton is one of the products that the district uses that covers the widest spectrum of weeds, but not all submerged weeds, and to use it at the top of label rate in the main lift canal would cost over \$37,000 for one application in July. This Mag H application being applied by a contractor is a pilot project to compare the effectiveness of Mag H and to evaluate the distance covered by Mag H in a single point of application.

Terrestrial weed control is on-going as well. The new employees are applying glyphosate to all right of ways. Two new Ford F-150 pickups, shortbeds, were purchased in June from Haidlen Ford in Oakdale, Ca. Lift Canal SonTek-IQ flow meter quit working and was not repairable. A new SonTek-IQ Plus flow meter was ordered to replace it. There is another measuring device at the site that we are using to measure our diversions.

FRIANT SJRRP Restoration Flows and Wheeling – SJRRP wheeling was ceased in April due to SLR filling and Friant contractors have no place to use the water in real time or store elsewhere. USBR contacted the District and asked about available wheeling capacity during this summer. The District’s response was that no capacity would be available to wheel Friant water until about the end of September and continuing on through February 2024. Friant contractors have expressed interest in completing a new contract for wheeling services as our current contract expired earlier in 2023.

Pumping Plant 5 impeller replacement project – The new impellers for one of the high head pumps, Unit 4, need to be scheduled for installation. The district is in possession of the new impellers. The new pump, a smaller capacity unit, and motor for replacing Unit 6 will not be delivered until about June. It still has not been received.

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.

ACWA Region 4 – General Manager Weisenberger submitted an application to run for the ACWA Region 4 board of directors.

Meetings attended by GM –

June 15, Tracy Sub-basin GSA's/GSP meeting

June 22, Attended SLDMWA strategic planning session.

June 23, hosted a meeting with Andy Roth of Centrica corporation providing information about district facilities and risk mitigation for power reliability in the future, specifically how batteries might be a part of that strategy. Also attending was Bruce McLaughlin, GM/legal counsel, for the Power and Water Resources Pooling Authority (PWRPA).

June 29, meeting with CBEC on finalizing design details for Habitat Restoration Project, Prop 1.

June 29, public workshop at City of Tracy for GSP public update and participation.

July 6, meeting with ACWA Rep Ana Javid for tour of Jones pumping plant on October 4, 2023.

July 6, group Region 4 meeting with ACWA leadership for one of their "Listening" sessions.

Training – GM spent time on training in the field and in the classroom the new employees on the safe use of pesticides and application techniques. Estimated hours 12.

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

FISHBIO continued to electro-fish in June. No fyke net traps were set in 2023 as the San Joaquin River was in various flood stages and has just now receded the past two weeks. I accompanied Mr. Will Holbert, a journalist for the ACWA Newsletter, on a tour of the electrofishing activity on June 13. Andrea Fuller of FISHBIO hosted the tour and provided Mr. Holbert with a lot of history of the study. He has prepared an article about the fish population study for publication in the July ACWA Newsletter.

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

A public workshop was held in Tracy, Ca., at the Tracy City Hall on June 29, 2023, at 6:00 pm. There was an oral and slide presentation that updated the public on the status of the Tracy Subbasin water levels and projects currently being contemplated to maintain the sustainability of the subbasin. During and after the presentations there were question and answer periods to listen to public comments, answer questions, and provide clarifications. There appeared to be only two individual citizens present but quite a few agency people such as Sierra Club, Mountain House, City of Tracy, BBID, BCID, City of Lathrop, City of Tracy, a developer consultant, and the consultant for the GSA's GEI, Richard Shatz. The program was completed by 7:30 pm.

The BCID has not heard from DWR about the recommended grant funding for \$10 million dollars for expansion of district water distribution facilities to provide surplus surface water, in years like 2023, to ag lands east of Koster Road and north of Durham Ferry Road that have historically relied upon groundwater only.

ITEM 10D - 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 is finalizing remaining details for the specifications and drawings as the term on our PROP 1 grant winds down. Design is to a point now where the district can and should engage local landowners to obtain agreements for crossing or using portions of their property. It is also time to seek contractors who are capable of doing the grading work and disposing of the excess material on the project site.

ITEM 10E - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD. ACTION AS NECESSARY.

The district has been reviewing and commenting on two agreements with WhitePine Renewables, the Power Purchase Agreement (PPA) and the lease agreement. The PPA has been amended to meet with the approval of PWRPA's legal counsel as to the conditions of power purchase. The district is relying on PWRPA's legal counsel for the PPA as that is one of

their areas expertise. The lease agreement is nearing completion once WhitePine's acknowledges the district's legal counsel edits.

ITEM 10F - UPDATE ON POTENTIAL FUTURE WATER STORAGE OPPORTUNITIES.
ACTION AS NECESSARY.

There doesn't appear to be any future surface water storage opportunities to be available in the near future.

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. 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
- B. Natural Resources Defense Council et al. v. Kempthorne, et al. U.S. District Court Eastern District, Case No. 1:05-CV-01207 OWW GSA (Consolidated).
- C. Banta-Carbona Irrigation District v. State Water Resources Control Board Santa Clara County Superior Court Judicial Council Coordination Proceeding No. 4828.
- D. STATE WATER RESOURCES CONTROL BOARD CURTAILMENT CASES JCCP 5229

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

- A. Property: 200 acres Homestead Ranch lease
Agency Negotiator: David Weisenberger and Jeanne Zolezzi
Negotiating Party: Mike Mattos
Under Negotiation: Lease conditions, Price, Term of lease, and Payment terms

The Board returned to open session with no announcement.

ITEM 12 - Update on renewing lease for Homestead Ranch property for 2024 and beyond.
Action as necessary.

The current lessee Mr. Mike Mattos of the Homestead Ranch provided an offer to lease the Homestead ranch for another three years at a rate of \$400 per acre, with an option to renew for another three years at the end of the first three years. After much discussion, the board took no action other than to direct legal counsel to prepare a new lease agreement.

ITEM 13 - Review investment opportunities for reserve funds. PFM Asset Management LLC representatives presenting the CAMP program. Action as necessary.

Ms. Leslie Murphy of PFM Asset Management LLC ("PFMAM"), an investment adviser, attended and presented on the California Asset Management Program known as CAMP. This is a program that serves public agencies only providing a competitive rate of return on Cash Reserve Portfolios. Ms. Murphy reviewed all features of the program including the programs flexibility in providing same-day liquidity, unlimited transactions, online account management, no minimum investment, and interest paid monthly. The board took no action and informed Ms. Murphy that the board would be looking at other potential investment options for reserve funds over the next 90 days before making any investment decisions.

ITEM 14 - APPROVAL OF WARRANTS

Director Kyle Robertson made a motion that July 2023 warrants in the amount of \$540,650.99 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, James M. Thoming, and Kyle Robertson; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary