

March 15, 2023
Tracy, California

Pursuant to adjournment, February 15, 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. Kyle Robertson arrived 9:07 am.

OTHERS PRESENT: General Manager David Weisenberger, Treasurer Donna Braxton, and District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 - MINUTES

Director Mark Cardoza made a motion to approve the minutes of the February 15, 2023, Board Meeting. 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: 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 – APPOINT DISTRICT REPRESENTATIVE TO VOTE IN ACWA 2023 ELECTIONS. The Association of California Water Agencies (ACWA) changed its voting procedures for the election of President and Vice-President. The new procedures require that each member select a representative to place the vote for the positions which will take place during the summer of 2023. Historically, voting took place during the Fall Conference every other year. Glenn Robertson moved to appoint General Manager David Weisenberger as the representative for the district for this election. 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 4 – TREASURER'S REPORT

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

ITEM 5 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT

March 15, 2023

Vernalis flow +/- 21,000 cfs, Stage 23.7 NGVD
Vernalis Monitor Stage 24.5, 34,000 cfs
Vernalis Flood Stage 29.0,
Vernalis Danger Stage 29.5
Peak Stage of Record 34.9. Jan 5, 1997

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

Maintenance - The #2 40 cfs pump at PP #1 has been re-installed. The motor needs to be aligned with the pump column and then it will be ready for operation.

Staff did some cleanup work in the yard at 3514 W. Lehman Road. They took a lot of junk steel and impellers to recycle at Modesto Junk Co., Inc. in Modesto. Total earnings for the recycling was \$21,687.60. The bulk of that was from the worn out red bronze impellers from several years' worth of impeller replacements.

Staff has also been active in flood monitoring of local creeks and cleaning drains from storm events.

We have had four men on the 7 days/nights on/off schedule since February 28th operating the main lift canal for SJRRP wheeling. We have one man on the day shift and one man on the night shift.

FRIANT SJRRP Restoration Flows and Wheeling – We commenced wheeling water for the SJRRP on February 28, 2023 and continue to wheel water today at a rate of 90 cfs.

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 crossing Chrisman Road and Blewett Road respectively. Rainfall total for November 2022 .59 inch, December 2022 was 2.86 inches, January 2023 5.94 inches, February 1.65 with snow on the hills, ridgeline, for the last two weeks of month, and March to date 2.13 inches with snow on ridgelines for first 9 days of month. The nightly lows were in the 30's for about three weeks until March 9th.

ITEM 6 - DIRECTOR AND STAFF ITEMS

Director Thoming suggested that the district staff should create, update, or amend District policies, procedures, manuals, job descriptions, and handbooks 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. Board members expressed an interest in participating in this process. A noticed special board meeting was agreed to for 10 am, March 21, 2023.

Director Kyle Robertson asked General Manager Weisenberger if the pipeline lateral leaks off of Peterman Lateral had been repaired. Manager Weisenberger was not certain if they were repaired and said he would check.

Director Thoming observed that the banks surrounding new Pumping Plant #4 suffered quite a bit of erosion damage during this past winter. He asked General Manager Weisenberger if there were any measures the district can take to prevent future erosion in the future. General Manager Weisenberger responded that he would look into potential solutions and report back to the board at a future board meeting.

ITEM 7 - 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 it now appears that the San Luis Reservoir will fill by about April 6th hence the District's approximately 17,500 acre feet will spill and be lost. Reclamation (USBR) announced a 35% CVP water allocation for south of delta water contractors for the 2023 irrigation season. That equates to a 7,000 acre feet allocation for the district.

ITEM 8 - 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 9 - REVIEW DISTRICT'S RESERVE POLICY, RESERVE LEVELS AND CAPITAL IMPROVEMENTS PROJECT LIST. ACTION AS NECESSARY.

The Board of Directors reviewed the District's current Reserve Policy and Reserve Levels as of December 31, 2022. Staff recommended resetting the reserve amounts for 2023 by reducing the Undesignated Funds balance down to \$3,301.00, effective January 1, 2023. Director Glenn Robertson made a motion to reset the reserve amounts, effective January 1, 2023, as follows:

Operating Reserve Account -	\$500,000.00
Rate Stabilization Reserve -	\$2,500,000.00
Emergency Reserve -	\$3,000,000.00
Undesignated Funds -	\$3,301.00
Capital Reserve Account -	\$6,250,000.00

Director Annette Elissagaray 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

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

ITEM 10 – REVIEW FOR APPROVAL QUOTES FOR EQUIPMENT FOR REPLACEMENT OF PUMPING PLANT #3 ON THE MAIN LIFT CANAL.

Manager Weisenberger reported on the progress of the design for a new pumping plant to replace old Pumping Plant #3. Design and specifications for the new pumping plant are on track to be completed by the July 2023 board meeting. Dahl Consultants, Inc. and WAVE, Inc. are the engineering firms working on the design and specifications for the new pumping plant. Manager Weisenberger reported that Richard Hearth, electrical engineer of WAVE Inc out of Sacramento, has been finding that electrical equipment for the proposed replacement of Pumping Plant #3 can take as long as one year to receive after placing an order. Manager Weisenberger recommended that the Board of Directors authorize staff to purchase up to one million dollars (\$1,000,000) in electrical equipment for the future replacement of Pumping Plant #3. Manager Weisenberger stated that this equipment will be like equipment already installed at new Pumping Plant #4 and could also be used at a new Pumping Plant #2 if priorities change in regards as to which pump station to replace next. Director Mark Cardoza moved to authorize staff to purchase the required electrical equipment, not to exceed one million dollars. 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 11 – REVIEW DISTRICT CHECKING ACCOUNTS AND FINANCIAL CONTROLS. ACTION AS NECESSARY.

Manager Weisenberger reported that the District's checking account had been compromised on February 28, 2023. An Individual apparently obtained a district check written to a vendor from the mail. The individual changed the payee information and changed the amount of the check, then cashed it at an Oak Valley Community Bank branch. Then later on the same day, February 28, attempted to do the same thing at an OVCB branch at which time bank staff suspected foul play and did not honor the check. As a result district staff opened a new checking account on March 1, 2023, opened a savings account as previously authorized by the board, and initiated a safety application called Positive Pay on the checking account. As directed by the board in a previous meeting all deposits are being made into the savings account as of March 1, and all expenditures are made from the checking account.

The District currently has three Wells Fargo Master Cards with a total credit line of \$25,000. It needs to cancel the card for the retired Treasurer/Assessor Margaret Howe. Director Kyle Robertson made a motion to authorize General Manager/Secretary David Weisenberger to cancel the credit card for Margaret Howe, and request the following new credit limits: General Manager David Weisenberger \$17,500, Assistant Manager Michael McDonald \$7,500. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson, Mark Cardoza, Jim Thoming, and Kyle Robertson; Noes: None; Abstain: None; Absent: None

ITEM 12 - 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 13 - REVIEW A REQUEST FOR A NEW TURNOUT ON 3 EAST LATERAL; OUTSIDE THE DISTRICT WATER SERVICE CONTRACT; AND TERMS FOR RE-PAYING CONSTRUCTION COSTS FOR THE 3 EAST PIPELINE BY REGAL NUT COMPANY, MR. RAJ NIJJAR.

Regal Nut Company, owner of parcel apn 239-270-07, desire water service to a 183.86 acre portion of said parcel that lies west of the City of Tracy New Jerusalem Air Strip property. There is an existing pipeline adjacent to the Regal Nut Company property that was constructed in 2022 from the Peterman Lateral Pump Station. The pipeline and associated facilities constructed in 2022 is called Phase 1. The BCID Board of Directors reviewed the total cost of Phase 1, new pipeline and Peterman pump station upgrades, and agreed that the current balance owed on the project is \$2,013,120. The potential acreage that could be served at ultimate buildout is projected to be plus or minus 1,655 assessed acres. Staff divided the balance of the total cost of Phase 1 by the remaining estimated acreage of 1,655 acres to arrive at a buy in cost of \$1,216 dollars per assessed acre. The repayment due to the District for phase one would be 183.86 acres times \$1,216, for a total of \$223,573.76.

Director Glenn Robertson moved that the District enter into a water service contract with Regal Nut Company, or the legal owner of the property, with at a minimum the following conditions:

1. That the owner pay the district a total of \$223,573.76 with a first payment due of no less than 50% by July 1, 2023, and the final payment due by no later than November 30, 2023.
2. That the owner install intervening facilities to the District's satisfaction, (IDC drawings as approved by the GM), install flow meters on existing groundwater wells on the parcel, and provide any existing well drilling logs and existing well information documents.
3. Sign an agreement that establishes that the water service rate shall be provided at a rate equal to the "outside the district water rate" as set by the BCID directors from time to time, currently \$150/af. The agreement shall allow BCID employees and its consultants access to the property for the BCID to read meters, measure well water levels, and gather mapping information of groundwater wells that exist during the term of the agreement.

Director Kyle Robertson seconded the motion and it carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson, Mark Cardoza, Jim Thoming, and Kyle Robertson; Noes: None; Abstain: None; Absent: None

ITEM 14 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

General Manager Weisenberger reported that JCOMM, Inc has started taking video that will combine scientific information, visuals, interviews, and animation to tell the story of the fish predation study. The video is planned to be about 12 to 15 minutes long. It is anticipated it could be shown at an ACWA conference and a link placed on the participating agency websites. The cost of the video will not exceed \$50,000. Video of interviews with Banta-Carbona Irrigation District General Manager Weisenberger, Director Kyle Robertson, and Patterson Irrigation District General Manager Vince Lucchesi was shot on Thursday, February 23, 2023 at the BCID diversion point on the San Joaquin River.

ITEM 15 - 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: Explore potential purchase of real property
Agency negotiators: David Weisenberger, District Counsel Jeanne Zolezzi, and President James Thoming.
Negotiating party: Landowner

Under Negotiation: Parcels in Fresno County

3) **CLOSED SESSION PURSUANT TO Gov. Code § 54957**
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Treasurer/Assessor

The Board returned to open session with no announcement.

ITEM 16 – DISCUSS AND CONSIDER INVESTIGATING GROUNDWATER BANKING OPPORTUNITIES. ACTION AS NECESSARY.

General Manager Weisenberger reported that there could be some opportunities for groundwater banking in the Tracy Subbasin. Two local creeks, Lone Tree Creek and Corral Hollow Creek, flow across the lands overlying the Tracy Subbasin. Further research would be needed to quantify any benefits that these sheet flows could provide to the groundwater basin. Director Glenn Robertson observed that the Corcoran clay layer does not extend into the Corral Hollow Canyon and that the canyon might provide a good location for percolation ponds for replenishing the deep aquifer. The same could be said for the Lone Tree Creek canyon. Another potential groundwater banking opportunity is to expand surface water supplies into the farmland east of Koster Road and north of Durham Ferry Road. This land is predominately served by ground water wells only. The District could provide water to this area potentially in years of surplus water if infrastructure is constructed to serve those lands. This would be in-lieu groundwater banking where the district tracks how much surface water is served to that area and get credit for water being stored in the Tracy Subbasin. It is estimated that there is about 1,650 acres that could be served if the required infrastructure is constructed.

There is also the possibility of purchasing or renting space in existing groundwater banks. The known water banks generally exist south of the Banta-Carbona Irrigation District which creates a challenge for recovering the water when needed. Staff continues to explore all potential opportunities for groundwater storage. It was pointed out that groundwater storage could minimize storage losses like is being experienced in 2023 at San Luis Reservoir.

ITEM 17 - REVIEW SOLAR PROJECT PROPOSAL FROM WHITEPINE RENEWABLES, INC. FOR CONSTRUCTING ON HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

Evan Riley, co-founder and managing partner of Whitepine Renewables, was present to present a 5,000 kW(dc) ground-mounted solar voltaic power generating system project for siting on the District's Homestead Ranch property on Kasson Road. The approximate acreage required for the project was estimated to be about 40 acres. He provided background on the cost benefits that can be potentially expected from such a solar project located adjacent to District electric distribution lines. He recommended a Power Purchase Agreement (PPA) as a vehicle for the District to consider to obtain solar energy from the project and Mr. Riley presented a term sheet for the Board's consideration for the proposed PPA. The term sheet offered a power rate of \$0.0827/kWh with an annual escalator of 0.5% for a 25-35 year term. After many questions by the board members and deliberations, Director Kyle Robertson moved that the District authorize General Manager Weisenberger to sign a term sheet with Whitepine Renewables for siting the project on District land, APN 239-270-140, and secondarily if needed on APN 239-270-130 or APN 239-270-120, for the electricity rate of \$0.0827/kWh. Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson, Mark Cardoza, Jim Thoming, and Kyle Robertson; Noes: None; Abstain: None; Absent: None

ITEM 18 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion to approve March 2023 warrants in the amount of \$334,543.31 be approved for payment. 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

The meeting was then adjourned to Wednesday, April 12, 2023, at 9:00 a.m.

Signed,

David Weisenberger
Secretary