

May 17, 2023
Tracy, California

Pursuant to adjournment, April 12, 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, Mark Cardoza and Kyle Robertson.

OTHERS PRESENT: General Manager David Weisenberger, Administrative Assistant Danisha McDonald, and District Counsel Jeanne Zolezzi

ABSENT: NONE

ITEM 1 – OPPORTUNITY FOR PUBLIC COMMENT

No public comment

ITEM 2 - MINUTES

Director Mark Cardoza made a motion to approve the minutes of the April 12, 2023 Regular Board Meeting. Director Glenn Roberston 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.

Director Glenn Robertson made a motion to approve the minutes of the April 18, 2023 Special Board Meeting. 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.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

No correspondence was presented to the Board.

ITEM 4 – TREASURER’S REPORT

The treasurers report was presented by Danisha McDonald as Treasurer Donna Braxton resigned on April 20, 2023. The treasurers report was filed as presented.

Ms. Danisha McDonald and General Manager Weisenberger presented various forms of accounting reports for consideration to be added to the Treasurers report for the future. After reviewing the existing treasurer’s report contents in detail the board provided guidance to staff as to how to improve the report for greater transparency.

ITEM 5 – RESOLUTION AUTHORIZING ACCESS/TRANSFER AUTHORITY TO LAIF ACCOUNT

RESOLUTION NO. 2023-05-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BANTA-CARBONA IRRIGATION DISTRICT
AUTHORIZING INVESTMENT OF MONIES
IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Board of Directors hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the District;

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the deposit and withdrawal of District monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein.

BE IT FURTHER RESOLVED, as follows: Section 1. The following District officers holding the title(s) specified hereinbelow or their successors in office are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the

transactions contemplated hereby:

James M. Thoming
President

Glenn Robertson
Vice-President

Annette Elissagaray
Board Member

Mark Cardoza
Board Member

Kyle Robertson
Board Member

Section 2. This resolution shall remain in full force and effect until rescinded by the Board of Directors by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

PASSED AND ADOPTED, by the Board of Directors of Banta-Carbona Irrigation District of State of California on May 17, 2023.

ITEM 6 - DIRECTOR AND STAFF ITEMS

No directors items were raised.

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

Draft job descriptions for an Executive Secretary, Maintenance/Pesticide Specialist, and a Maintenance Ditchtender were provided for review. No action was taken on two of the job descriptions and board directed staff to finalize the Maintenance/Pesticide Specialist job description for future approval. Manager Weisenberger reported that he intended to use a sample employee manual available on the JPIA website as the template for the District's new and updated employee manual.

ITEM 8 – CONSIDER FILLING VACANCY FOR THE POSITION OF TREASURER/ASSESSOR-COLLECTOR.

Director Annette Elissagaray made a motion to appoint Danisha McDonald as the Treasurer/Assessor-Collector at an annual salary of \$75,000 to be effective May 15, 2023. 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.

ITEM 9 - REVIEW DISTRICT'S INVESTMENT POLICY.

The District's existing investment policy was distributed for review. After review and discussion the board took no action.

ITEM 10 - CONSIDER REQUEST FOR FMLA LEAVE

This was an informational item. Manager Weisenberger reported that an employee had requested FMLA leave during this summer and reviewed with the Board the existing practice of allowing employees to use sickleave and vacation to receive pay during their leave.

ITEM 11 – CONSIDER NOMINATING A BCID OFFICIAL TO THE ACWA REGION 4 BOARD.

General Manager Weisenberger expressed interest in continuing to serve on the ACWA Region 4 Board. This requires that he apply to be considered for the Region 4 ballot and that application requires the District's Board of Directors to adopt a resolution of support.

RESOLUTION NO. 2023-05-02

**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.

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

NOES: None

ABSENT: None

Adopted and approved this 17th day of May 2023.

ITEM 12 – CONSIDER EXTENSION OR RENEWAL OF WATER TRANSFER AGREEMENT WITH MEYERS FARM FAMILY TRUST.

Nothing to report on the progress of the proposed extension or renewal of the water transfer agreement.

ITEM 13 – 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. San Joaquin River is running at around 25,000 cubic feet per second (cfs) and the projected low flow at Vernalis later in the summer is about 4500 cfs.

ITEM 14 – MANAGER’S REPORT & DISCUSSION ITEMS.

MANAGER’S REPORT
May 17, 2023
Water Season (deliveries) Started April 4, 2023
 Vernalis flow +/- 24,500 cfs, Stage 25.5 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

Maintenance - The softstart starter for the sediment pump at the fishscreen facility has failed. It will require a new starter. Bockmon and Woody Electric Inc. is in the process of obtaining a new starter.

Paradise Cut Expansion Proposed Project – Nothing new to report.

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.

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.

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 – Local creeks continue to creep across Interstate 580 along the foothills. All creeks along the westside continue to have a small flow across Interstate 5 all the way down to Santa Nella.

Retirement – Mr. Timothy Bristow, Maintenance Supervisor, has submitted in writing his retirement date of September 1, 2023. Plans will be made accordingly to recognize his 35 years of service to the District.

ACWA Spring Conference 2023 – General Manager Weisenberger attended the 2023 ACWA Spring Conference the week of May 8th – 11th. General Manager Weisenberger along with representatives of the Patterson Irrigation District, West Stanislaus Irrigation District, and the San Luis Water District met with Mr. Will Holbert a Communications Specialist with the ACWA News. The purpose of the meeting was to introduce Mr. Holbert to the on-going non-native fish species population study being sponsored by the four districts. The representatives provided background on the study and the need for the water world to have a greater awareness about the impact these non-native species have on native endangered fish species in the Delta and in Central Valley rivers.

JCOMM Video Production – JCOMM has completed all interviews and shooting video for the production of a 12-15 minute presentation on the topic of the non-native fish population study. JCOMM has also completed a draft script for review with comments due by the end of today. The proposed title is **“The Missing Piece: the Struggle to Save Native Fish”**

Dahl Consultants Inc. (DCI) – Wayne Dahl, a principal of DCI, contacted General Manager Weisenberger about a new direction that DCI intends to take in the future. DCI will be moving away from doing design and specifications for projects and focus more on direct consulting on projects. Wayne, and his partner and brother, John Dahl, will be moving away from a business model that requires employees and focus on services that only require their own participation.

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

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 in 2023 of about 12-15 minutes to share with outside groups and the public about the studies and preliminary findings. This video is nearly complete

ITEM 14B - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

General Manager Weisenberger asked Richard Shatz of GEI, an engineering firm out of Sacramento, Ca, to prepare a proposal for investigating potential areas for surface water recharge to the underground aquifers of the Tracy Sub-basin. There was a tremendous amount of local creek flow into the Tracy Subbasin this past winter. The intent is to research the best places to use that local creek water for groundwater recharge in the subbasin. In addition, the BCID may want to store water through surface water recharge to the basin and is interested in the best land areas to do that type of recharge.

ITEM 14C - 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. CBEC and FISHBIO met with regulating agencies in January to get feedback on our current alternatives. The response by the agencies was positive in regards to the alternatives shown. CBEC is now working on 65% design for the habitat berm alternative. 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 14D - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD. ACTION AS NECESSARY.

Wave Engineering has provided WhitePine Renewables with drawings of the district's electric distribution system for reviewing any upgrades required for interconnecting the solar project into the districts electric system. A site visit was completed in April to look at the facilities in the field.

ITEM 14E - UPDATE ON POTENTIAL FUTURE WATER STORAGE OPPORTUNITIES. ACTION AS NECESSARY.

No opportunities were presented for discussion.

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
- 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) CLOSED SESSION PURSUANT TO Gov. Code § 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Administrative Assistant

The Board returned to open session with no announcement.

ITEM 16 - APPROVAL OF WARRANTS

Director Kyle Robertson made a motion to approve May 2023 warrants in the amount of \$263,016.41 be approved for payment. Director Annette Elissagary 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

Director Kyle Robertson made a motion to transfer \$425,000 from the District's Liquidity bank account to the District's checking account. Director Annette Elissagary 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