

September 20, 2023  
Tracy, California

Pursuant to adjournment, August 16, 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, and Kyle Robertson.

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

ABSENT: Mark Cardoza

#### ITEM 1 – OPPORTUNITY FOR PUBLIC COMMENT

No public comment

#### ITEM 2 - MINUTES

Director Glenn Robertson made a motion to approve the minutes of the August 16, 2023 Regular Board Meeting. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Mark Cardoza.

#### 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 Kyle Robertson made a motion to transfer \$548,495.64 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Mark Cardoza.

#### ITEM 6 - DIRECTOR AND STAFF ITEMS

Staff was directed to consider hiring an intern in the future to review all District deeds and easements and to map them.

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

Treasurer McDonald and Manager Weisenberger presented some draft updated procedures and an updated format of the standard operating safety procedures form.

#### ITEM 8 - UPDATE ON PROGRESS OF UPGRADING OF BCID ELECTRIC SUBSTATION #2 TO 12KV/60KV TRANSFORMERS.

WAVE engineer’s Dick Hearsh has been diligently exploring and researching equipment availability and upgrades that will be required to convert the 2.4kv distribution lines to 12kv lines from Sub-station #2 at Durham Ferry Road to Pumping Plant #5. The lines cross PG&E lines at Durham Ferry Road and at Bird Road requiring consultation with PG&E. Mr. Hearsh and General Manger Weisenberger have been conferring on appropriate sizing of the new substation transformers. Mr. Hearsh has discovered that to get sub-station transformers 12kv/60kv will take just under one year for delivery. Field inspections are needed to confirm the sizes and classes of equipment currently on the current distribution poles to PP #5.

#### 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 1,700 cubic feet per second (cfs) and the projected low flow at Vernalis later in the summer is about the same. In light of current water supply conditions the board of directors discussed the possibility of transferring some of the CVP supply. After much discussion director Annette Elissagaray made a motion to authorize General Manager Weisenberger to transfer up 5,000 acre feet at a price no less than ten dollars per acre foot plus any and all charges associated with any transfer of the water, including Reclamation charges and any conveyance charges by any other entity. Director Glenn

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

#### ITEM 10 – MANAGER’S REPORT & DISCUSSION ITEMS.

**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 October regular board meeting. They are currently awaiting for their upper management to review the draft audit.

**Employee Matters** – Kelly Wright-La Force started work as administrative assistant on Monday, August 21, 2023.

**Over-Voltage/Over Current Event** – On Saturday evening, July 22, 2023, about 7:30 pm, the BCID electric transmission/distribution system experienced an over-current event that completely shutdown the system. A transformer bushing in Sub-station 2 was destroyed on the middle leg of the three phase circuit. The fragments from that bushing chipped the porcelain on the H2 bushing on the same transformer. There were no observable causes for any of the events hence staff and WAVE engineers decided that the transformers on the middle leg in both substations be tested to make sure they did not have any short circuit damage causing the events. RESA, formerly Western Utilities, out of Visalia, Ca. was called to come out and test the three transformers on Tuesday, July 25, 2023. All three transformers passed the tests. Bockmon and Woody Electric then disconnected the damaged transformer bank in Sub 2 and disconnected the bad lightning arrestor in Sub 1, and replaced all of the blown fuses on that Tuesday after testing was completed.

**Maintenance** - The aquatic filamentous algae weed problems in canals in August of this year were much less of a problem than last year, 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 during August was pondweed and Elodea. Allied Weed Control, Inc. out of Livingston, Ca. was on-site on Wednesday, August 23 to apply Magnacide H to the Main Lift Canal at Kasson Road. The application cost was \$17,450.00 of which the product cost was the bulk of the expenses. The application portion of the invoice was about \$3,500. 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. 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. The result of the August treatment was not as effective in kill or distance as was the July treatment.

The new SonTek-IQ Plus flow meter has been installed in the canal. The wiring has not been connected yet. There is another measuring device at the site that we are using to measure and report our diversions.

**FRIANT SJRRP Restoration Flows and Wheeling** – There isn’t any capacity 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 has been delivered.

**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.

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

FISHBIO continued to electro-fish in August. No fyke net traps were set in 2023 as the San Joaquin River was in various flood stages during the permitted sampling period.

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

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. The Tracy Sub-basin has been granted groundwater well drilling services for four monitoring wells by DWR. DWR is ready to commence drilling the

wells. MW-203 is currently being drilled along the BCID Lift Canal just south of 5 Sump. The BCID did execute a license agreement with the State of California for the placement of well MW-203. In addition, an agreement for Technical Support Services was entered into that obligates the BCID GSA for operating and maintaining the MW-203 monitoring well and sharing the data gathered with the State.

**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.

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

The district has executed two agreements with WhitePine Renewables, the Power Purchase Agreement (PPA) and the lease agreement.

**ITEM 10F - UPDATE ON CAPITAL IMPROVEMENT PROJECTS AND CASH FLOW REQUIREMENTS.**

No update was presented.

**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: Wheel Water through lift canal and Pump Station Facilities for Third Parties  
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi  
Negotiating parties: Friant Water Authority

The Board returned to open session with no announcement.

**ITEM 12 - CONSIDER AND POSSIBLY APPROVE RESOLUTION AUTHORIZING OPENING A BROKER ACCOUNT WITH OAK VALLEY BANK FOR INVESTING RESERVE FUNDS AND AUTHORIZING SPECIFIC DISTRICT OFFICIALS TO MANAGE INVESTMENTS.**

Director Kyle Robertson made a motion to adopt the following resolution to establish and maintain one or more accounts with Celera Investment Services LLC. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Mark Cardoza

[INSERT RESOLUTION HERE]

ITEM 13 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that September 2023 warrants in the amount of \$475,386.19 be approved for payment. Director Kyle Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Mark Cardoza

The meeting was then adjourned.

Signed,

David Weisenberger  
Secretary