December 13, 2023
Tracy, California

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

OTHERS PRESENT: General Manager/Secretary David Weisenberger, Treasurer/Assessor-Collector Danisha McDonald, Administrative Assistant Kelly Wright-Laforce, 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 November 15, 2023 Regular Board Meeting. Director Mark Cardoza seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

Correspondence from ACWA JPIA recognizing the Banta-Carbona Irrigation District under their President's Special Recognition Award for the Workman's Compensation Program for the period of July 7, 2019 – June 30, 2022 for the low ratio of claims to deposit premiums. ACWA JPIA also recognized the District for the same time period for the Liability Program, for the low ratio of claims to deposit premiums.

Correspondence from the California Farm Water Coalition asking for donations was presented. Director Glenn Robertson made a motion to donate $2,181 to the California Farm Water Coalition (CFWC). Director Kyle Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 4 – TREASURER'S REPORT

The Treasurer's report was presented by Danisha McDonald. The Treasurer's report was filed as presented. Treasurer McDonald noted that the standby assessments were recorded as Deferred Income on the balance sheet for November 30, 2023 and would be moving over to receivables on the December 31, 2023 balance sheet.

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

Director Annette Elissagaray made a motion to transfer $426,128.13 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. Director Kyle Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 6 – UPDATE ON INVESTMENT ACCOUNTS WITH OAK VALLEY BANK THROUGH CETERA INVESTMENT SERVICES LLC

The amounts on deposit in investments were reported by Treasurer McDonald. Treasurer McDonald provided copies of the monthly investment account summaries. No investments have matured. The first maturity date of the investments will be in January 2024. Ms. McDonald reported on her search for an accountant as a resource to ask about appropriate accounting practices such as recording the investment portfolio investments.

ITEM 7 - DIRECTOR AND STAFF ITEMS

Directors asked if there was any response to the video called "The Missing Piece" that was presented at the ACWA Fall Conference in Indian Wells in 2023. Manager Weisenberger reported that it appeared well received by the audience of about 50

people. Though there weren't any agencies that approached Manager Weisenberger about participating in the research.

ITEM 8 - REVIEW AND UPDATE COST OF SERVICE RATES FOR KASSON CONTRACTS.

Treasurer McDonald provided the 2022 annual audit cost of service calculations as per the terms in the Kasson area settlement contracts. The cost of service was calculated as $128.94 per acre foot.

Director Kyle Robertson made a motion to set the cost of service rate as $128.94 per acre foot. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 9 – CONSIDER AUTHORIZING TREASURER TO ENGAGE FECHTER & COMPANY TO CONDUCT THE FY 2023 AUDIT.

Director Glenn Robertson made a motion to engage Fechter & Company to perform the FY 2023 annual audit. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None.

ITEM 10 – REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE FOR 2024.

Treasurer McDonald provided Consumer Price Index (CPI) information for 2023. The Board discussed current employee compensation at length. Director Annette Elissagaray made a motion to approve an across-the-board increase of 5% for all employees and pay classifications for wages with implementation of the increase in January 2024, Director Mark Cardoza seconded the motion, and it carried by the following vote: Ayes: Directors Glenn Robertson, Mark Cardoza, Kyle Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 11 – CONSIDER CLOSING THE DISTRICT THE WEEK BETWEEN CHRISTMAS DAY AND NEW YEARS DAY

Director Kyle Robertson made a motion to approve as days off with pay for all employees December 26, 2022, to December 29, 2022. Employees are to be called in if an emergency occurs. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Glenn Robertson, Mark Cardoza, Kyle Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 12 - REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT OFFICIALS OR STAFF TO THE FOLLOWING 2024 CONFERENCES.

A. Mid-Pacific Region Water Users Convention January 2024
B. ACWA Spring Conference, May 2024
C. Delta Water Users Association Annual Meeting, March 2024
D. ACWA Fall Conference, November-December 2024

Director Glenn Robertson made a motion to approve sending District Officials and appropriate staff to the above listed conferences. 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

ITEM 13 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Treasurer McDonald and Administrative Assistant Kelly Wright presented draft policies and procedures for review. They reported that several Standard Operating Procedures and Hazard Analysis's have been completed.

ITEM 14 - UPDATE ON PROGRESS OF UPGRADING OF BCID ELECTRIC SUBSTATION #2 TO 60KV/12KV TRANSFORMERS.

Manager Weisenberger presented quotes for new transformers to upgrade the BCID electrical distribution system to 12.47Kv voltages. The quotes were from RexelUSA Inc. To facilitate an orderly and timely replacement of existing transformers the following was presented for consideration of purchase. The anticipated delivery time is about one year out, November of 2024.

Quantity two 1500/1680 KVA padmount transformers, 12.47Kv/480V for PP #4, $337,793.00

Quantity two 3750/4200 KVA padmount transformers, 12.47Kv/480V for PP #5, $509,476.00
Quantity two 7500/8400 KVA Substation transformers, 60Kv/12.47Kv for Substation #2, $870,680.00
Startup Testing and Commissioning by the manufacturer, $217,391.00.
Sales Tax $149.988.85
Purchase Order #1190 Total of $2,085,328.85.
Director Glenn Robertson made a motion to approve Purchase Order #1190 in the amount of $2,085,328.85 for the above listed equipment and services. 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

ITEM 15 – 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. The district has 17,576 acre feet remaining. San Joaquin River is running at around 1,200 cubic feet per second (cfs) at the Vernalis Gauging Station.

ITEM 16 – MANAGER'S REPORT & DISCUSSION ITEMS.

Manager Weisenberger reported that pre-emergent applications are complete. Maintenance is focused on turnout gate inspections and repairs. Also pipeline leaks are being addressed as well around the district. The number 3 20 cfs motor in Pumping Plant #1 is being sent to Industrial Electric in Modesto for inspection, testing and repairs. The keeper on the main shaft became unbolted allowing the motor shaft to drop the impellers. Industrial Electric did make an on-site inspection and did some motor testing and preliminary results show that the motor condition may be fine.

Manager Weisenberger reported that staff will be digging up a 48 inch diameter spur off of the 72 inch pipeline adjacent to 5 Sump. The spur currently has a 48 inch blind flange. Staff will also dig up a 48 inch butterfly valve on that same 72 inch pipeline adjacent to old Pumping Plant #6. The blind flange will replace the valve at PP #6 and the valve will be installed at 5 Sump to allow CVP water to be delivered directly into 5 Sump. Currently CVP water is introduced into the lift canal at PP #6 and runs back down to 5 Sump. This switch will allow the District to keep that section of lift canal dry and reduce maintenance costs. There will need to be some pipe purchased and installed at 5 Sump to complete the project. The 48 inch spur is 45 feet from the sump.

ITEM 16B - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY.

FISHBIO hosted a predator species population study annual report meeting at their facility in Oakdale on December 5, 2024. Attendees were representatives from the four funding districts of BCID, West Stanislaus ID, Patterson ID, and San Luis Water District. The reported findings of the fyke net trapping and electrofishing are supporting a finding that introduced specie populations are decimating salmon populations enroute to the ocean.

ITEM 16C - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN.

The district received a letter from the State of California Department of Water Resources (DWR) informing the district that the "BCID Conjunctive Use Project" proposal was approved for funding for $10 million dollars. DWR has sent the District a draft contract for review. This grant is for an 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 16D - 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.

CBEC is finalizing remaining details for the specifications and drawings as the term on our PROP 1 grant winds down. General Manager Weisenberger reported that he attended the South Delta Water Agency (SDWA) board meeting, the New Jerusalem

Drainage District(NJDD) board meeting, and the Reclamation District 2095 (RD 2095) board meeting to present the project components and to respond to any comments or questions by these agencies. All of the agencies thought the project was a good project for the river and for levee protection. The next steps are to meet with local landowners to get feedback on the proposed project. RD 2085 will be meeting during the ACWA conference which prevents General Manager from attending their board meeting. But Weisenberger has forwarded the materials to the RD 2085 Board for their review. RD 2085 and RD 2095 use the same civil Engineer, Daniel DeGraaf, so he has heard the presentation first hand. Also both RD's have a director in common, Mr. Bob Pombo, who also has heard the presentation in person. FISHBIO is currently working on completing the Environmental Impact Statement (EIS) & Biological Assessment (BA) before applying for the permits to construct the project.

ITEM 16E - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

WhitePine Renewables approached PG&E about an interconnection agreement and PGE said that the lines belonged to the CAISO. WhitePine then went to the CAISO for an agreement and the CAISO said the lines are PG&E's. No new news since this occurred in October.

ITEM 17 - 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

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

The Board returned to open session with no announcement.

ITEM 18 - APPROVAL OF WARRANTS

Director Kyle Robertson made a motion that December 2023 warrants in the amount of $292,616.42 be approved for payment. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary