February 14, 2024
Tracy, California

Pursuant to adjournment, January 17, 2024, 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 Lilliana Selke from Herum\Crabtree\Suntag, substituting for 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 January 17, 2024 Regular Board Meeting as amended. 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 3 - MISCELLANEOUS CORRESPONDENCE

No correspondence presented.

ITEM 4 – TREASURER'S REPORT

The Treasurer's report was presented by Danisha McDonald. The Treasurer's report was filed as amended. There were some re-imbursement checks that were voided due to policy clarifications made by the board.

A) CONSIDER APPROVING ENGAGEMENT LETTER WITH KEMPER CPA GROUP, LLC FOR CONSULTING ON AN AS NEEDED BASIS.

The Board and the Treasurer discussed the benefits of having a CPA firm under contract to use as accounting support. From time to time there are irregular accounting entries to be recorded and the Treasurer can use professional support for advice on how to enter those transactions. This can provide for more accurate accounting books for auditors to review and potentially fewer adjusting entries at the end of the fiscal year. Director Kyle Robertson made a motion to engage the Kemper CPA Group for accounting support. 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 5 – AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY BANK ACCOUNT TO CHECKING ACCOUNT.

Director Annette Elissagaray made a motion to transfer $585,277.27 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, 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. President Thoming requested that Treasurer McDonald to add detail to the treasurer report for the specifics of the investments such as the amounts invested and date of maturity for each separate investment.

ITEM 7 - DIRECTOR AND STAFF ITEMS

No items

ITEM 8 - REVIEW ACWA/JPIA RISK CONTROL SITE VISIT LETTER. CONSIDER SIGNING ON TO THE JPIA “COMMITMENT TO EXCELLENCE” PROGRAM.

Manager Weisenberger reported on the recent site visit by ACWA/JPIA risk control advisor, Paul Myers. Mr. Myers provided a follow-up letter to the district which was distributed to the board for their review. Manager Weisenberger added that during Mr. Myers visit he explained the Commitment to Excellence (C2E) program and encouraged the BCID to participate in the program. The program doesn’t commit the BCID to any specific actions other than to acknowledge as a part of the program that district staff and the board of directors will refer to the C2E best management practices when considering policies, safety measures, and work plans.

Director Mark Cardoza made a motion to participate in the C2E program. 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 9 – CONSIDER FOR APPROVAL A MASTER SERVICES AGREEMENT (MSA) WITH GEI CONSULTANTS.

Manager Weisenberger reported that in light of the fact that BCID’s engineering firm of Dahl Consultants Inc (DCI) no longer does design and specifications as a part of their services that GEI Consultants will be the best fit to do the engineering, design, specifications and construction management for the Eastside pump/pipeline project. GEI wrote the DWR SGMA grant application and provided all of the cost estimates for the job, including the engineering estimate of $300,000. This is the project that is being funded by a ten million dollar grant from DWR SGMA grant program. Susan Fox who previously worked for DCI and did most of the engineering and pre-design for this pipeline project went to work for Carollo engineering. Manager Weisenberger did inquire with Ms. Fox and Carollo and their estimate for doing the work was in the $700,000 range. Manager Weisenberger recommended that the district enter into a master services agreement (MSA) with GEI. After engaging in the MSA then any work performed by GEI would be by individual task orders individually approved as work arises.

Director Glenn Robertson made a motion to approve the minutes of the January 17, 2024 Regular Board Meeting as amended. 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.

A) CONSIDER FOR APPROVAL A TASK ORDER WITH GEI FOR ENGINEERING, DESIGN, AND SPECIFICATIONS FOR THE SGMA GRANT PUMP/PIPELINE PROJECT TO THE EAST SIDE.

Manager Weisenberger presented a task order prepared by GEI, Task Order 24-01 for design, bidding, and construction management of BCID’s phase II distribution system for the SGMA Grant project, the “BCID Conjunctive Use Project”. Manager Weisenberger also provided a budget for the project as amended for the $10 million dollar grant from DWR. The board found the task order consistent with the budget provided and Director Annette Elissagaray made a motion to approve GEI Task Order 24-01. 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 10 – REVIEW DRAFT 2024 BUDGET

Manager Weisenberger presented a budget proposal for fiscal year 2024 along with cash flow estimates for years 2024 and 2025. The budget proposed an estimated income of about 7.5 million, expenses of about 5.5 million dollars, and estimated capital expenditures of about 6.3 million dollars in 2024. This would be a reduction in cash of about 4.5 million dollars at the end of the 2024 fiscal year, December 31, 2024. The capital dollars are intended to do a voltage upgrade on BCID electric distribution from 2.4Kv to 12.47Kv, and upgrading substations to 60Kv/12.47Kv substation transformers. In addition there is about 2.5 million of equipment, pumps, motors, switchgear, and mcc’s ordered in spring 2023 for the replacement of Pumping Plant #3.

After some discussion Director Glenn Robertson moved to adopt the proposed budget as presented. 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 – REVIEW DISTRICT'S RESERVE POLICY AND RESERVE LEVELS

The Board of Directors reviewed the District's current Reserve Policy and Reserve Levels as of December 31, 2023. Staff recommended resetting the reserve amounts for 2024 by reducing the Undesignated Funds balance down to $4,207.00, effective January 1, 2024. Director Glenn Robertson made a motion to reset the reserve amounts, effective January 1, 2024, as follows:

Operating Reserve Account -	$500,000.00
Rate Stabilization Reserve -	$2,500,000.00
Emergency Reserve -	$3,000,000.00
Undesignated Funds -	$4,207.00
Capital Reserve Account -	$7,610,000.00

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

ITEM 12 – REVIEW DISTRICT'S INVESTMENT POLICY.

The Board of Directors reviewed the current investment policy adopted April 17, 1996 and found that no changes are required at this time.

ITEM 13 – REVIEW PROPOSAL FROM JCOMM FOR PROVIDING PUBLIC OUTREACH MATERIALS, MEDIA TRAINING, VIDEO PRODUCTIONS

Nick Janes from JCOMM, Inc., a communications firm, was present to present and discuss a proposal for using different media types, videos, fact sheets, press releases, oral presentations, staff training on messaging to enhance messaging on BCID projects. The goal presented was to develop project specific media materials that would enhance the messaging to regulators, potential funding partners, landowners that are critical to project(s) success and potential research partners.

After the presentation the board discussed at length any potential benefits to the district and its landowners by pursuing the JCOMM proposal. Even though the proposal had many suggestions, the board identified a project that could use enhanced messaging and that is the Non-native fish population study that BCID has been engaged in for the past five years. This project costs about $127,000 dollars per year. The study has gathered enough evidence to demonstrate that non-native fish populations are great enough in the San Joaquin River and Delta to impact native fisheries, particularly out-migrating salmon. The study also has findings that prove that it is not only a problem in the SJR and Delta but in all of the rivers and streams in the central valley. The study demonstrates that these populations are impacting the native fisheries to such a degree that any fish flows are not improving native fish populations because of the predation by non-native species. General Manager Weisenberger recommended that BCID make a hard and concerted effort in 2024 to reach out to the largest agencies whose water supply is most impacted by state mandated fishery flows to message the findings of the study and to encourage a much larger effort in gathering more scientific proof that non-natives are currently and primarily responsible for poor salmon out-migrations.

After much discussion Director Glenn Robertson made a motion to enter into a Master Services Agreement with JCOMM and for staff to work with JCOMM to develop a task order that will identify and target no less than twelve important agencies that have science programs or that influence science programs in the central valley on the topic of non-native fish populations and predation. 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 14 – REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

The board and staff reviewed current meal re-imbursement policies and discussed options to consider for the new employee manual that is currently being written. In addition, the board directed staff to re-imburse employees traveling based on receipts submitted even though meal expenses may be higher than allowed in the current employee manual. The board recognized that the meal prices in the Employee Manual were established over twenty years ago and are not relevant in today's economy.

ITEM 15 – CONSIDER FOR APPROVAL RESOLUTION 2024-02-01 AUTHORIZING DISTRICT OFFICIALS TO SUBMIT AN APPLICATION FOR GRANT FUNDING FOR CENTRAL VALLEY PROJECT HABITAT & FACILITY IMPROVEMENTS.

Manager Weisenberger reported that an application for funding for the construction of the Habitat Restoration Project is being prepared by CBEC and FISHBIO. The application is being made to the Central Valley Project Improvement Act Notice of Funding Opportunity (NOFO). Application is due in mid-March 2024. The BCID board of directors at their regular board meeting in 2023 authorized up to $30,000 for the preparation of this application. One of the requirements for submitting the application is a resolution adopted by the applicant's board of directors.

Director Glenn Robertson moved to adopt Resolution 2024-02-01. 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

BANTA-CARBONA IRRIGATION DISTRICT

RESOLUTION NO. 2024-02-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BANTA-CARBONA IRRIGATION DISTRICT AUTHORIZING SUBMITTAL OF AN APPLICATION IN RESPONSE TO THE NOTICE OF FUNDING OPPORTUNITY ISSUED BY THE DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, INTERIOR REGION 10, FOR CENTRAL VALLEY PROJECT HABITAT & FACILITY IMPROVEMENTS AND DESIGNATING THOSE PERSON(S) WITH AUTHORITY TO ENTER INTO SAID GRANT AGREEMENT AND ANCILLARY DOCUMENTS

WHEREAS, the Department of the Interior, Bureau of Reclamation, Interior Region 10, California Great Basin ("**Bureau**") issued a Notice of Funding Opportunity No. R24AS00447 ("**NOFO**") for Central Valley Project Habitat & Facility Improvements inviting applicants to submit applications to receive financial assistance to fund authorized activities;

WHEREAS, Banta-Carbona Irrigation District ("**BCID**") desires to submit an application in response to the NOFO for its Phase 1 San Joaquin River Floodplain Restoration and Floodway Enhancement at Banta-Carbona ("**Project**"). The purpose of the Project is to design and permit a multi-benefit habitat restoration project to improve rearing habitat for juvenile salmon, reduce flood risk, and address sedimentation at BCID's intake fish screen;

WHEREAS, the Bureau requires a complete application submitted in response to the NOFO to include an Official Resolution of the applicant (1) identifying the official with legal authority to enter into an agreement with the Bureau, (2) verifying the board of directors, governing body, or appropriate official who has reviewed and supports the application submitted, and (3) verifying that the applicant will work with the Bureau and/or the United States Fish & Wildlife Service ("**Service**") to meet established deadlines for entering into a grant or cooperative agreement;

WHEREAS, by this Resolution the Board of Directors of BCID desire: (i) to state it has reviewed and supports submittal of an application for the Project to the Bureau; (ii) to authorize and direct submittal of an application for the Project to the Bureau in response to the NOFO (iii) to authorize its President, JAMES M. THOMING, and its General Manager, DAVID WEISENBERGER, to act as authorized signatories on behalf of BCID for said Project application and to work with the Bureau and/or the Service to meet established deadlines for entering into any

subsequent grant or cooperative agreement with the Bureau related to the Project and to act as authorized signatories therefor, following review and approval by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Banta-Carbona Irrigation District Board of Directors hereby finds, determines, and/or declares, as follows:

1. BCID's Board of Directors has reviewed and supports submittal of an application for the Project to the Bureau in response to the NOFO.

2. BCID is authorized and has the authority and shall submit to the Bureau an application for the Project in response to the NOFO.

3. The President of BCID's Board of Directors, JAMES M. THOMING, and its General Manager, DAVID WEISENBERGER, are hereby authorized to act as authorized signatories on behalf of BCID for said Project application and to work with the Bureau and/or the Service to meet established deadlines for entering into any subsequent grant or cooperative agreement with the Bureau related to the Project and to act as authorized signatories therefor, following review and approval by the Board of Directors.

4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED, this 14th day of February, 2024.

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
James M. Thoming, President

Attest: _____
David Weisenberger, Secretary

CERTIFICATION

I, David Weisenberger, Secretary of the Banta-Carbona Irrigation District, do hereby certify that the foregoing Resolution No. 24-02-01 is a full, true, and correct copy of the resolution duly passed and adopted by the Board of Directors of the District at a regular meeting thereof assembled on the 14th day of February, 2024, by the following vote of the Board of Directors:

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

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

By: _____
David Weisenberger, Secretary

ITEM 16 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL TRANSFERS

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 15,241 acre feet remaining after transferring 3,400 af to Kern-Tulare Water District (KTWD) in January. Manager Weisenberger has put in a request to the Bureau of Reclamation to reschedule ten percent of its contract total (20,000 af) of 2,000 af into the new water year beginning on March 1, 2024. In addition, Manager Weisenberger put in an offer to the SLDMWA Drought Water Pool Program of 1,900 af. If these requests are granted there will be a balance of 11,941 af of unused 23-24 WY CVP allocation.

The San Joaquin River is running at around 6,500 cubic feet per second (cfs) at the Vernalis Gauging Station.

ITEM 17 – MANAGER'S REPORT & DISCUSSION ITEMS.

ITEM 17A - DISTRICT ACTIVITIES AND OPERATIONS REPORT

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 at 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. IT has been determined that rewind the motor should be completed while this motor is in the shop.

Manager Weisenberger reported that staff is currently 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 is also digging 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 change in configuration 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 five sump.

ITEM 17B - 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. All four districts have agreed to fund the study activities for another year through 2024 with the intent to expand the participation in this study to a much broader region and with more funding partners.

ITEM 17C - 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. The DWR has not provided to the BCID an agreement for execution.

ITEM 17D - 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.

Manager Weisenberger reported that the Delta Conservancy has approved an extension in time for the grant work to be completed. The dollar amount remains the same and the extension is to February 28, 2025.

ITEM 17E - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

WhitePine Renewables did meet with Manager Weisenberger in December to discuss next steps for the development of the solar project. PGE/CAISO expressed concerns related to power factor using the District's existing 2.4Kv distribution lines. PGE/CAISO wanted Whitepine Renewables to explore with the district the possibility of upgrading the lines from the fishscreen back to Substation #1 to a 12.47Kv voltage. Manager Weisenberger is working with WAVE engineering and Bockmon and Woody to evaluate what facilities would need to changed our added.

ITEM 18 - 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 19 – CONSIDER FOR APPROVAL A CONTRACT WITH THE FRIANT WATER AUTHORITY (FWA) FOR WHEELING SJRRP WATER FROM THE SAN JOAQUIN RIVER TO THE DELTA-MENDOTA CANAL.

The Friant Water Authority requested that the BCID board of directors consider an interim extension to the wheeling contract that has been in place the last couple of years until a new one year contract can be agreed upon. The request was for a 60 day extension at the old rate of $135/af. After some discussion Director Mark Cardoza moved to extend the agreement with the following changes, that the rate be $150/af and the term run from March 1, 2024 through July 31, 2024. Director Glenn Robertson 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

The board directed General Manager Weisenberger to contact the Friant Water Authority of the Board's action and offer.

ITEM 20 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that January 2024 warrants in the amount of $469,072.47 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, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary