January 17, 2024
Tracy, California

Pursuant to adjournment, December 13, 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 by conference call.

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 December 13, 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

No correspondence presented.

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 have been moved to receivables on the December 31, 2023 balance sheet.

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

Director Kyle Robertson made a motion to transfer $741,540.70 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, 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. One investment has matured.

Greg Hoekman representing Oak Valley Bank Investments was present to discuss the options available to the district for re-investing a CD that recently matured in the amount of $2,027,958.30. In addition the board discussed the $3,456,476.36 dollars in the LAIF account and if it should be invested in a fund that can return a higher interest rate. After much discussion Kyle Robertson made a motion to reinvest two million twenty-seven thousand nine hundred fiftyeight and 30/100 dollars ($2,027,958.30) into six month Treasury Bills (T-Bills) and to transfer $3,450,000 dollars from the LAIF account to Oak Valley Community Bank for investing in six month Treasury Bills. 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 7 - DIRECTOR AND STAFF ITEMS

No items

ITEM 8 - ELECTION OF OFFICERS AND HIRING OF LEGAL COUNSEL

Director Mark Cardoza made a motion to elect the current slate of officers, James M Thoming President, Glenn Robertson Vice-President, David Weisenberger Secretary/General Manager, Danisha McDonald Treasurer/Assessor Collector, and Herum Crabtree, Jeanne Zolezzi legal counsel. 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 9 – CONSIDER SELLING A PORTION OF FEE STRIP ON 6 WEST CANAL LATERAL AT TRACY BLVD.

Director Mark Cardoza reported that a neighboring landowner to a BCID fee strip on the end of 6 West Canal lateral at Tracy Blvd was interested in purchasing the BCID fee strip adjacent to his land.

ITEM 10 – REVIEW FOR APPROVAL AMENDING DISTRICT EMPLOYEE TAX DEFERRED COMPENSATION CONTRIBUTION LIMITS TO ALIGN WITH IRS TAX EXEMPT LIMITS.

Treasurer McDonald reported that there are some employees that would like to contribute more money to their tax deferred compensation plan called “Deferred Compensation 457” than our current Employee Manual allows. Current IRS regulations now allow a contribution amount higher than that stated in the Employee Manual. Treasurer McDonald requested that the Board consider amending the current employee handbook to align with IRS regulations.

Director Mark Cardoza moved that on page twenty-one in the employee manual, that the text in “Section 3. Contribution Limits” be deleted entirely and replaced with the following language, “Employee contributions shall not exceed the limits established by IRS regulations.” 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 11 – REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Treasurer McDonald reported that a few employees, that had recently attended the Cal Poly ITRC water measurement workshops in San Luis Obispo, Ca., informed her that the current meal allowances in the current Employee Manual were not sufficient to purchase meals. Treasurer McDonald requested that the Board consider amending the employee manual to adjust for current meal prices. The meal prices used in the Employee Manual were established over twenty years ago. The Board directed staff to change the meal re-imbursement policy in the new version of the Employee Manual currently being drafted to use per diem rates.

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

No new information.

ITEM 13 – 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 19,241 acre feet remaining. San Joaquin River is running at around 1,200 cubic feet per second (cfs) at the Vernalis Gauging Station.

ITEM 14 – MANAGER’S REPORT & DISCUSSION ITEMS.

ITEM 14A - 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 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 14B - 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 14C - 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 14D - 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 is willing to consider an extension in time for the grant work to be completed. The dollar amount would remain the same but the extension request is out to February 28, 2024.

ITEM 14E - 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 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: 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

3) EMPLOYEE PERFORMANCE EVALUATION

A. Employee name: Danisha McDonald, Treasurer

The Board returned to open session with no announcement.

ITEM 16 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that December 2023 warrants in the amount of $621,174.68 be approved for payment. 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

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary