October 11, 2023
Tracy, California

Pursuant to adjournment, September 20, 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 phone), Fishbio consultant Jason Guinard, and Michael Fink of Fechter & Company, Certified Public Accounts, was present via an internet TEAMS connection.

ABSENT: None

ITEM 1 – OPPORTUNITY FOR PUBLIC COMMENT

No public comment

ITEM 2 – OPPORTUNITY FOR PUBLIC COMMENT – SAN JOAQUIN RIVER FLOODPLAIN RESTORATION AND FLOODWAY ENHANCEMENT PROJECT.

No public was in attendance.

ITEM 3 - MINUTES

Director Glenn Robertson made a motion to approve the minutes of the September 20, 2023 Regular Board Meeting. 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 - MISCELLANEOUS CORRESPONDENCE

General Manager Weisenberger provided the Association of California Water Agency's (ACWA) election results for the new slate to take office in January 2024.

Also presented were flyers for upcoming Cal Poly Irrigation and Training Research Center (ITRC) workshops in 2024 on flow measurement and SCADA training.

An email was shared from NYTIMES correspondent Raymond Zhong requesting an interview about the recent state legislature bills on water rights reforms.

ITEM 5 – TREASURER'S REPORT

The Treasurers report was presented by Danisha McDonald. The Treasurers report was filed as presented. Treasurer McDonald provided a revised August treasurer report for review as the original that was filed contained a minor error regarding the reporting of payroll related expenses that should have been reported in the September report and not in the August time period.

ITEM 6 – AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY BANK ACCOUNT TO CHECKING ACCOUNT.

Director Annette Elissagaray made a motion to transfer $423,084.41 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 7 - CONSIDER AND POSSIBLY AUTHORIZE TRANSFER OF FUNDS TO INVESTMENT ACCOUNTS WITH OAK VALLEY BANK.

Greg Hoekman representing Oak Valley Bank Investments was present to discuss the options available to the district for investing reserve funds not immediately required for operations. After a robust discussion on the available options, Kyle Robertson made a motion to transfer six million dollars ($6,000,000) from the district's LAIF account into the district's Oak Valley Liquidity account for the purpose of investing one million dollars ($1,000,000) into twelve month Certificates of Deposit (CD's), two million dollars ($2,000,000) into three month Treasury Bills (T-Bills), two million dollars ($2,000,000)

into six month T-Bills, and one million dollars ($1,000,000) into twelve month T-Bills. 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 8 - DIRECTOR AND STAFF ITEMS

No items were raised for staff to consider.

ITEM 9 - REVIEW 2022 AUDITOR'S REPORT.

Michael Fink of Fechter & Company, Certified Public Accounts, was present via an internet TEAMS connection and presented a review of the December 31, 2022 and 2021 Financial Report and Independent Auditor's Report. After the presentation board members asked clarifying questions which Mr. Fink addressed to the board's satisfaction. The board directed staff to bring back the final report at the next regular meeting of the board in November 2023 to review and accept.

ITEM 10 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Treasurer McDonald presented a procedure for processing quarterly workers comp payments.

ITEM 11 - UPDATE ON PROGRESS OF UPGRADING OF BCID ELECTRIC SUBSTATION #2 TO 12KV/60KV TRANSFORMERS.

WAVE engineer's Dick Hearth 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. Mr. Hearth and General Manger Weisenberger have been conferring on appropriate sizing of the new substation transformers. Mr. Hearth has discovered that to get sub-station transformers 12kv/60kv will take just under one year for delivery. A pole inspection is being arranged to inspect poles from PP #5 north to Interstate 5 before upgrading the existing 5kv class insulators to 15kv class insulators. Before the 2024 irrigation season it is the goal to get the insulators changed from PP#5 to the freeway and to replace any poles and crossarms that do not have a serviceable life remaining. Dick Hearth will be on site October 18, 2023 to determine what other equipment may need to upgraded for 12kv service in sub-station #2 and the pumping plants it serves.

ITEM 12 – 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 19,276 acre feet remaining. San Joaquin River is running at around 2,200 cubic feet per second (cfs).

ITEM 13 – MANAGER'S REPORT & DISCUSSION ITEMS.

**Office Landscaping -** Staff designed and replaced the landscaping in front of the office using low water use plants and installing drip irrigation.

**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 13B - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY.

FISHBIO's last month electro-fishing was in August as per the permit requirements. No sampling during adult salmon migration in the Fall. Electro-fishing will resume in January 2024.

ITEM 13C - 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's next steps are to meet with local landowners and agencies to get feedback on the proposed project. FISHBIO is currently working on completing the Environmental Impact Statement (EIS) & Biological Assessment (BA) before applying for the permits to construct the project.

ITEM 13D - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

No update available.

ITEM 13E - UPDATE ON CAPITAL IMPROVEMENT PROJECTS AND CASH FLOW REQUIREMENTS.

General Manager Weisenberger reviewed the anticipated steps and phases necessary to upgrade the 100 year old transformers located in Sub-station #2. The anticipated completion of replacing one set of transformers is fall/winter of 2024-25. The second set of transformers would be replaced in a future year after 2024.

ITEM 14 - 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 15 - 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 requested that the BCID board of directors provide a letter of acceptance and an authorizing resolution. Director Annette Elissagaray moved that the President of the Board of Directors, James M. Thoming, sign the letter of acceptance for the grant award and that Resolution 2023-

10-01 be adopted, 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.

**BANTA-CARBONA IRRIGATION DISTRICT**

**RESOLUTION NO. 2023-10-1**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BANTA-CARBONA IRRIGATION DISTRICT AUTHORIZING ENTRANCE INTO A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND DESIGNATING THOSE PERSON(S) WITH AUTHORITY TO ENTER INTO SAID GRANT AGREEMENT AND ANCILLARY DOCUMENTS**

**WHEREAS**, the Banta-Carbona Irrigation District ("**BCID**") received an award from the California Department of Water Resources ("**DWR**") in the amount of $10 million for the BCID Conjunctive Use Project in connection with the Sustainable Groundwater Management Grant Program pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code, § 80000, et seq.) and the Budget Acts of 2021 and 2022 ("**Award**");

**WHEREAS**, acceptance of the Award is conditioned upon the execution of a Grant Agreement between DWR and BCID;

**WHEREAS**, by this Resolution the Board of Directors of BCID desires: (i) to authorize and direct entrance into a Grant Agreement with DWR in connection with the Award and (ii) to authorize its President, JAMES M. THOMING, to act as the authorized signatory on behalf of BCID for said Grant Agreement, any subsequent amendments to said Grant Agreement, and for any invoices and other deliverables, including the submission of any reporting requirements, related to the Award 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 is authorized and has the authority and shall enter into a Grant Agreement with DWR to receive the grant and Award for the BCID Conjunctive Use Project.

2. The President of BCID's Board of Directors, JAMES M. THOMING, is hereby authorized to act as the authorized signatory on behalf of BCID for any Grant Agreement entered into between DWR and BCID, any subsequent amendments to said Grant Agreement, and for any invoices and other deliverables, including the submission of any reporting requirements, related to the Award following review and approval by the Board of Directors.

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

**PASSED, APPROVED AND ADOPTED**, this 11th day of October, 2023.

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
James M. Thoming, President

ITEM 16 - APPROVAL OF WARRANTS

Director Mark Cardoza made a motion that October 2023 warrants in the amount of $364,078.45 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