March 13, 2024
Tracy, California

Pursuant to adjournment, February 14, 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 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 February 14, 2024 Regular Board Meeting. 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 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.

ITEM 5 – ADOPT APPROPRIATION LIMIT FOR FISCAL YEAR 2024.

Manager Weisenberger and Treasurer McDonald reviewed the requirement that the district annually adopt an appropriation limit. During this presentation it was noted that a public notice must be posted on the front door for fifteen days prior to adopting an appropriation limit. A notice will be posted precedent to the April board meeting so that the limit can be set by resolution. Director Elissagaray recommended that staff write a brief paragraph explaining the purpose of an appropriation limit and for what purposes an appropriation can be spent.

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

Director Glenn Robertson made a motion to transfer $1,267,013.39 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 7 – 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. Treasurer McDonald noted that an investment will be maturing on April 11, 2024.

ITEM 8 - DIRECTOR AND STAFF ITEMS

Director Thoming informed the board that he would be unable to attend the regular board meeting on April 17, 2024. The board determined that it was in the best interest of the district to hold a Special Board Meeting on Thursday, April 11, 2024 to conduct the business of the district.

ITEM 9 - CONSIDER FOR APPROVAL RESOLUTION 2024-03-01 RECOGNIZING THE SERVICE TO THE DISTRICT BY JAVIER NUNEZ UPON HIS RETIREMENT FROM THE DISTRICT ON MARCH 22, 2024.

It was moved by Glenn Robertson to adopt Resolution 2024-03-01.The motion was seconded by Mark Cardoza.

RESOLUTION 2024-03-01

HONORING JAVIER NUNEZ
for his many years of service to the
Banta-Carbona Irrigation District

WHEREAS, Javier Nunez was hired to the position of Ditchtender–Maintenance Worker on July 17, 1995, and thereafter served in that capacity for 11 years; and

WHEREAS, Javier Nunez was promoted to the position of Pumper in 2006; and

WHEREAS, Javier Nunez was a Pumper, of Banta-Carbona Irrigation District where he served in that position until March 22, 2024; and

WHEREAS, Javier Nunez has decided to retire as Pumper of the Banta-Carbona Irrigation District on March 22, 2024, thus serving the District for 29 years; and

WHEREAS, Javier Nunez has earned the admiration and respect of his colleagues and supervisors at Banta-Carbona Irrigation District for his dedication, enthusiasm, professionalism, sense of humor and hard work; and

WHEREAS, Javier Nunez has exhibited integrity and reason in all matters to come before him in the course of his service to the Banta-Carbona Irrigation District, he therefore is held in high esteem; and

WHEREAS, the many years of Javier Nunez's dedicated service to Banta-Carbona Irrigation District will not easily be forgotten nor replaced, as no one else can possibly fill his shoes. Banta-Carbona Irrigation District, including the Board and all employees wish Javier good luck on his retirement; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-Carbona Irrigation District regret that he has severed his connection as Maintenance Supervisor of said District and that the Board, acting on behalf of the people he has represented, hereby offers acknowledgment and appreciation for the service he has rendered; and

BE IT FURTHER RESOLVED that the Board of Directors wish he and his wife, Arcelia, many years of health, happiness, and prosperity.

PASSED AND ADOPTED THIS 13th day of March 2024 by the following roll call vote:

AYES: Directors James M. Thoming, Glenn S. Robertson, Annette M. Elissagaray, Mark E. Cardoza, and Kyle Robertson
NOES: None
ABSENT: None

"The reward of a thing well done is to have done it."
Ralph Waldo Emerson

ITEM 10 - REVIEW FOR APPROVAL AGREEMENTS FOR OUT OF DISTRICT WATER SUPPLY AND FACILITY REPAYMENT, TURNOUT 3E-04 ON 3 EAST PIPELINE, WITH THE REGAL NUT COMPANY.

This item required no action as it was discovered that the board had approved this agreement in 2023.

ITEM 11 – CONSIDER TASK ORDER 24-01 FOR APPROVAL FROM JCOMM FOR PROVIDING VIDEO PRODUCTION SERVICES FOR AGENCY OUTREACH ON THE SUBJECT OF NON-NATIVE FISH POPULATION RESEARCH. ACTION AS NECESSARY.

JCOMM Task Order 24-01 was presented for consideration to enhance messaging about the Non-native fish population study that BCID has been engaged in for the past five years. This task order is for the production of a four minute video intended to be shown in meetings with prospective agencies that can help fund an expansion of the study area throughout the central valley. The estimated cost is $21,850. The study has gathered enough evidence to demonstrate that non-native fish populations are large 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 discussion Director Mark Cardoza made a motion to approve Task Order 24-01 under the Master Services Agreement with JCOMM and for staff to work with JCOMM to develop a four minute video on the importance of expanding the study of non-native fish populations and predation throughout the central valley from Redding to Bakersfield. 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 12 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Staff presented a spreadsheet that tracks all training safety and educational seminars by employee and dates. It identifies required training and when required training terms expire.

Staff also informed the board about new requirements for employee rest break and lunch breaks that need to occur at specific time periods during the work shift. Staff recommended that the current time cards be revised to reflect these requirements in order to document that employees are taking the required breaks.

ITEM 13 - CONSIDER FOR APPROVAL RESOLUTION 2024-003-02 AUTHORIZING THE SALE OF EQUIPMENT SURPLUS TO DISTRICT NEEDS, EQUIPMENT BEING THE SALE OF TWO PICKUPS AND AN OLD CRANE TRUCK.

It was moved by Kyle Robertson to adopt Resolution 2024-03-02.The motion was seconded by Mark Cardoza.

RESOLUTION NO. 2024-03-02

RESOLUTION OF MARCH 13, 2024 AUTHORIZING THE SALE OF CERTAIN EQUIPMENT AS PROPERTY NO LONGER NECESSARY FOR DISTRICT PURPOSES

WHEREAS, the District may sell for a valuable consideration any property of the District which it finds to be no longer necessary for District purposes, and

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 1975 Ford F-750 ID#F75FVV48073 Crane Truck is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than $500.00 for the 1975 Ford F-750 ID#F75FVV48073 Crane Truck is a valuable consideration for said property; and

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2015 Ford F-150 ID#1FTMF1C81FKD18018 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than $6,000 for the 2015 Ford F-150 ID#1FTMF1C81FKD18018 is a valuable consideration for said property; and

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that its 2017 Ford F-150 ID#1FTMF1C80HKD01438 is no longer necessary for District purposes and that it is in the best interests of the District to sell said property; and

WHEREAS, the District finds that no less than $7,500.00 for the 2017 Ford F-150 ID#1FTMF1C80HKD01438 is a valuable consideration for said property; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the President and Secretary of the District are authorized to display said property for sale and directed to sell said property to whoever presents a cash offer, provided that said offer is equal to or greater than the amounts listed above.

BE IT FURTHER RESOLVED AND ORDERED that the President and Secretary are authorized and directed to take all necessary steps and execute all documents necessary to transfer title to said property.

PASSED AND ADOPTED this 13th day of March, 2024 by the following roll call vote:

AYES: James M. Thoming, Glenn Robertson, Annette Elissagaray, Mark Cardoza, Kyle Robertson
NOES: None
ABSTAIN: None
ABSENT: None

ITEM 14 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL TRANSFERS.

U.S. Bureau of Reclamation announced a 15% contract allocation of water for south of delta water contractors for the water year 2024 which ends February 28, 2025. The District's CVP contract is 20,000 acre feet, resulting in an allocation of 3,000 acre feet. Manager Weisenberger had 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. But in light of better reservoir conditions in San Luis Reservoir at the end of February Manager Weisenberger cancelled the rescheduling request. In addition the district has put 1,689 acre feet into the 2024 SLDMWA Drought Water Pool Program. San Joaquin River is running at around 6,000 cubic feet per second (cfs) at the Vernalis Gauging Station.

ITEM 15 – MANAGER'S REPORT & DISCUSSION ITEMS.

ITEM 15A - 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. They have determined that a motor rewind would be prudent based on the age of the motor and since it is already in the shop.

Manager Weisenberger reported that staff has removed the 48 inch butterfly valve at PP #6 on the 72 inch pipeline. The blind flange was removed from the 72 inch pipeline at 5 Sump and the butterfly valve was installed at 5 Sump. The blind flange was mounted on the 72 inch pipeline adjacent to PP #6. The blind flange has replaced the valve at PP #6 and the valve has been installed at 5 Sump to allow CVP water to be delivered directly into 5 Sump. Previously CVP water was introduced into the lift canal at PP #6 and run back down the lift canal 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 lift canal at five sump.

ITEM 15B - 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 species 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 15C - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN.

The district did authorize in February 2024 a Master Services Agreement as well as a Task Order 24-01 with GEI to design and engineer the pump-pipeline project for the "SGMA Phase Two Conjunctive Use Project" that was approved for funding for $10 million dollars. 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 15D - 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 CBEC and FISHBIO are working on a grant application to access funds from the CVPIA restoration program to construct the floodplain restoration area. In addition, in a meeting by phone with the Delta Conservancy Project Manager, Lauren Damon, she recommended that the district request a change in scope, TASK 5, for applying for the necessary permits to construct the restoration project. The dollar amount remains the same and the extension is to February 28, 2025.

ITEM 15E - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

WhitePine Renewables did meet with Manager Weisenberger in February 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 be changed our added.

ITEM 16 - 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 17 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that March 2024 warrants in the amount of $1,053,655.38 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