May 15, 2024
Tracy, California

Pursuant to adjournment, April 11, 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 April 11, 2024 Special 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 3 - MISCELLANEOUS CORRESPONDENCE

Treasurer McDonald presented information about the Delta Charter School FFA. After some board discussion on the value of encouraging young people to become involved in agriculture Director Glenn Robertson made a motion to donate $500. 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 4 – TREASURER'S REPORT

The Treasurer's report was presented by Danisha McDonald. Director Glenn Robertson made a motion to file the Treasurers report as presented. 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 Glenn Robertson made a motion to transfer $766,896.09 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 TRANSFER OF FUNDS TO INVESTMENT ACCOUNTS WITH CETERA INVESTMENT SERVICES LLC.

The Board of Directors reviewed the financial position of the district and determined that a maturing $1,000,000 dollar investment be re-invested in a 30 day Treasury Bill that would mature before the June 2024 board meeting. They directed Treasurer McDonald to make the transaction.

ITEM 7 - 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 2021 and 2022 Curtailment Cases, Sacramento Superior Court JCCP 5229

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

A. Property: Up to 10,000 acre feet of San Joaquin River Water under the District's Pre-1914 Water rights
Agency Negotiator: James Thoming, David Weisenberger and Jeanne Zolezzi
Negotiating Parties: Meyers Farm Family Trust, Silvertip
Under Negotiation: Price, Quantity, and Terms of Payment

B. Property: Wheel Water through lift canal and Pump Station Facilities for Third Parties
Agency negotiator: James Thoming, David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating parties: Friant Water Authority

3) EMPLOYEE PERFORMANCE EVALUATION

A. Employee name: Danisha McDonald, Treasurer

ITEM 8 - CONSIDER ISSUANCE OF A WELLS FARGO CREDIT CARD TO TREASURER MCDONALD.

Staff reported that it would be more convenient if a District credit card is issued to Treasurer McDonald. Ms. McDonald pays incidentals like conference registrations, training seminars, small one-off purchases and uses either Manager Weisenberger's credit card or Assistant Manager McDonald's credit card. After some discussion Director Mark Cardoza made a motion to authorize staff to obtain a credit card for Ms. McDonald with a credit limit of $7,500, reduce the credit limit of Manager Weisenberger's credit card from $17,500 down to $10,000, and leave the credit limit on Mr. McDonald's credit card at $7,500. 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 ADDING STAFF TO OAK VALLEY COMMUNITY BANK ONLINE PORTAL TO PERFORM LIMITED FUNCTIONS FOR PAYROLL AND POSITIVE PAY SUBMISSION PURPOSES AND PAYROLL APPROVAL(S).

Treasurer McDonald requested the Board consider making the following changes to the District's online banking functions and permissions. Consider adding Administrative Assistant, Kelly Wright-La Force as an Oak Valley Community bank portal user with limited access for payroll and positive pay submission purposes. Consider increasing Treasurer McDonald's Oak Valley Community bank portal permissions to include payroll submission, positive pay submission, and payroll approval permission. Currently the General Manager is the only staff authorized to approve transactions with the bank online portal. Treasurer McDonald observed that by implementing the recommendations that it could facilitate continued banking functions in the event that either Treasurer McDonald or Manager Weisenberger were to be absent from work for any extended periods. In addition, it would expand the office staff knowledge on how to perform these functions in the absence of key managers. The board of directors requested that staff explore any safe guards that would need to be in place to prevent any one person the authority to submit transactions and approve those same transactions. The matter was deferred to the next board meeting.

ITEM 10 - CONSIDER ADDING TREASURER MCDONALD AS AN OAK VALLEY COMMUNITY BANK CHECKING ACCOUNT SIGNER.

Treasurer McDonald requested that the Board consider adding Ms. McDonald as a signer on checks. Currently the only staff that can sign checks is Mgr. Weisenberger. Current policy states that one staff member and one director shall sign all checks. Ms. McDonald stated that at times with Mgr. Weisenberger out of the office on business trips it can be cumbersome to get checks signed. Director Kyle Robertson made a motion establishing a policy that creates the following hierarchy that designates which positions shall sign checks. The motion stated that the President of the board and the GM shall be the primary signers of checks and in their absence the Vice-president shall sign for the President and the Treasurer shall sign in the absence of the General Manager. In addition, the motion stated that Treasurer Danisha McDonald be added as a signer of checks on the Oak Tree Checking Account. 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 11 - DIRECTOR AND STAFF ITEMS

Treasurer McDonald reported that Directors James Thoming, Glenn Robertson and Kyle Robertson terms expire at the end of 2024. She provided an update on potential filing dates if they choose to run for their division in the 2024 Presidential Election in November 2024.

ITEM 12 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

General Manager Weisenberger reported that the following employee policy updates are near complete and next steps will be to send them to District legal counsel and the Joint Powers Insurance Authority (JPIA) for review and comment. Return to Work, Hazard Communication Policy and Procedure, Driving on the Job, BCID Meals and Break times, Heat and Illness policy, and Injury and Illness Prevention Program are nearing a state that are ready for review.

Staff needs to write or edit the wages and salary section, insurance sections, sickness and vacation sections, retirement section, insurance for spouses section, skill enhancement and education sections.

ITEM 13 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL TRANSFERS.

U.S. Bureau of Reclamation has updated south of delta 2024 contract allocation of water to 35%. The District's CVP contract is 20,000 acre feet, resulting in an allocation of 7,000 acre feet. In addition to the 2024 CVP allocation the district has put 1,689 acre feet into the 2024 SLDMWA Drought Water Pool Program. San Joaquin River is running at around 7,000 cubic feet per second (cfs) at the Vernalis Gauging Station.

ITEM 14 - MANAGER'S REPORT & DISCUSSION ITEMS.

Employee Education – Christian Rodriguez and Saul Ruiz took the pesticide Qualified Applicator Certificate Laws and Regs tests at the end of April and passed them. They now have their QAC (Qualified Applicators Certificate) Christian passed the aquatics and right-of-way tests and Saul has passed the aquatics test.

Substation #2 Bushing Replacement – The bushing that was destroyed back on July 23, 2023 in Substation #2, on the bank of transformers that serve PP #3 and #4 has been replaced with a new high voltage bushing by Resa Power out of Visalia, California. Resa Power was on site May 7th and installed the replacement. Resa also performed testing on the transformer and changed the transformer oil which tested 65 ppm PCB.

Maintenance - The John Deere 4 wheel drive tractor that pulls the disk and spray rig was been down for repairs for over eight weeks. The front drive line splines were worn out completely requiring a new spline for the driveline and new front end gears. The parts came in and were installed by the Belcorp John Deere dealership out of Modesto/Patterson. The tractor in now in service.

The Main Lift Canal meter Sontek Argonaut was not working and could not be repaired. It was over ten years old. It has been replaced with a Sontek IQ which is measuring fine. There is an issue with it reporting to the cloud through the Storm 3 data logger. This local data logger receives data from the two ITRC flow measuring devices and the Sontek meter to report that data to the cloud. It was reporting the ITRC data fine but was not reporting the new Sontek IQ data to the cloud. In the process of trying to connect the Sontek IQ meter to the cloud the Storm 3 logger quit reporting all data to the cloud. The Storm 3 has been sent in for diagnostics and the report back is that the logger checks out as fully operational. It was shipped back to the district and re-installed by district staff. The STORM 3 still does not report to the cloud.

In PP #1 the #3-20 motor screeched to a stop on shutdown during October 2023. The motor was sent to Industrial Electric in Modesto to inspect, test, and make any necessary repairs. They determined that a motor rewind would be prudent based on the age of the motor and since it was already in the shop. The motor rewind is complete and the motor was connected and put into service. The pump and motor were running fine very smooth until yesterday. Loud knocking sound coming from pump. It is likely something stuck in the impeller. It is now out of service.

Employees are on their irrigation schedule of seven days on and seven days off.

Pumping Plant #3 Replacement Project – Cascade has provided submittals that incorporate their completed Performance and Hydrostatic Test Reports. Cascade is a bit ahead of their estimated production schedule. Dahl Consultants Inc. approved the performance and hydrostatic test reports on the District's behalf. Cascade is ready to finalize assembly of the units and arrange shipment to the jobsite. The motor vendor is maintaining their original schedule, they should be ready for shipment early in May. Meanwhile electrical equipment continues to trickle in to the District and is being stored in the Fish Screen storage building at the office corporation yard, 3514 W. Lehman Road.

FRIANT SJRRP Restoration Flows and Wheeling – The District wheeled 3,255 acre feet of SJRRP water for Friant in March and 3,062 acre feet in April for a total of 6,317 af in 2024. The District is not currently wheeling water in May.

Pumping Plant 5 impeller replacement project – The original Unit #6 has been replaced with the new low flow pump and motor. The old unit is in the shop at Delta pump having the new impellers installed. That unit when it returns will replace Unit #4 for intermediate flow.

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. This part of that project has been put on "hold" pending design of a new pump station under the $10 million dollar SGMA grant for facility expansion eastward.

ITEM 15 - UPDATE ON PROGRESS OF "SGMA PHASE 2 CONJUNCTIVE USE PROJECT".

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. In February 2024 the Board of Directors approved a Master services Agreement with GEI Consulting and approved a Task Order, 24-01, to design and engineer the new facilities under the DWR Grant. GEI has been working on the project and conducts weekly project meetings with all on the team. The team consists of GEI Consultants engineering lead, WAVE Engineering electrical, KSN Engineers surveying, Wayne Dahl project consultant and district staff continue to meet weekly to hone down the route of the pipeline, layout of the pump station expansion, pressure/vacuum relief features on the pipeline and any other clarifications required.

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

Staff was unsuccessful in getting an on river tour together this past month with Cynthia Meyer, lead science manager with SLDMWA, David Mooney USBR Bay-Delta Chief, a State Water Contractor Science Manager, and a WWD assistant manager all on the same trip. There was a lack of response to the district's inquiry as to what dates they would be available.

JCOMM Video Task Order 24-01 – JCOMM has finished shooting video and is in post production work. JCOMM was successful in getting on camera participation by FISHBIO's Andrea Fuller and Dana Lee, a salmon fishing representative in bay area, David Guy of Northern California (NCCA), Federico Barajas of San Luis Water Authority (SLDMWA) and a representative from Turlock Irrigation District (TID).

FISHBIO continues to do fish surveys using fyke nets and electro-fishing.

ITEM 17 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN.

The Tracy Sub-basin Groundwater Sustainability Agencies continue to meet monthly with meetings being facilitated by Stantec. Current focus is on developing a budget for the new fiscal year that commences on July 1, 2024. Interested parties can get more information off of the website, https://tracysubbasin.org, and sign up for new meeting announcements.

ITEM 18 - REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT 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 has completed work on a draft final design for the specifications and drawings as the term on our PROP 1 grant winds down. FISHBIO is taking those design and specifications to permitting agencies to obtain the necessary permits to construct and operate the project. Currently need to get a letter of support for the construction of the project from McMullin Reclamation District (RD 2075) in order to complete a permit application package with the Central Valley Flood Control Protection Board (CVFPB).

CBEC, Fishbio, and BCID staff prepared and submitted a grant application to the CVPIA Restoration Fund on March 18, 2024. The request was for just under ten million dollars for the construction of the floodplain restoration project.

ITEM 19 - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD.

Manager Weisenberger met with WhitePine Renewables on March 4, 2024 to discuss next steps. The CAISO has concerns about power factor being impacted by a 2.4Kv feed to Substation #1. Whitepines' recommended solution is to convert the distribution line from the Fishscreen to Sub-station #1 to 12Kv. WAVE engineering, Dick Hearth, is looking into a redesign of Substation #1 to accommodate a 12Kv/60Kv transformer. A 12Kv/2.4Kv pad mount transformer will be needed at PP #1 and a 12kv/480v pole mounted transformer will be needed at the fishscreen. All of this work would occur during the fall of 2024/winter of 2025.

ITEM 20 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that May 2024 warrants in the amount of $ 622,223.15 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