August 14, 2024
Tracy, California

Pursuant to adjournment, July 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 Jeanne Zolezzi.

ABSENT: None

ITEM 1 - OPPORTUNITY FOR PUBLIC COMMENT

No public comment

ITEM 2 - CONSIDER FOR APPROVAL JULY 17, 2024 MINUTES.

Director Glenn Robertson made a motion to approve the minutes of the July 17, 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.

Delta Charter School FFA chapter sent a thank you for the BCID donation to their club.

Tracy High School FFA chapter sent a plaque acknowledging the life member status of BCID in the FFA Foundation as well as a thank you card recognizing the BCID donation.

ITEM 4 - TREASURER'S REPORT.

The Treasurer's report was presented by Danisha McDonald. It was filed for audit.

ITEM 5 - AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY ACCOUNT TO CHECKING ACCOUNT.

Director Mark Cardoza made a motion to transfer $596,629.24 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. 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 6 - UPDATE ON TRANSFER OF FUNDS TO INVESTMENT ACCOUNTS WITH CETERA INVESTMENT SERVICES LLC.

The Board of Directors reviewed the cash on hand and took no action to add any money to the investment instruments. Mr. Gregory Hoekman representing Cetera Investment Services LLC will be present to discuss investment options at the September 11,2024 board meeting at which time the Board of Directors will re-evaluate the investment options.

ITEM 7 - REPORT ON DELINQUENT ASSESSMENTS.

Treasurer/Assessor-Collector Danisha McDonald reported on delinquent accounts. She noted that there is a current total of $27.56 delinquent as a result of one landowner not paying their assessments. Publishing costs, penalties and interest will be more than the actual amount owed by the land owner and Treasurer McDonald was looking for guidance on how to proceed. The Board directed Ms. McDonald to send another bill to the landowner that requires a signature that they received the document. They directed Ms. McDonald to follow district procedure for collecting delinquent assessments.

ITEM 8 - REVIEW OPTIONS FOR PROVIDING CUSTOMERS AN OPTION TO PAY BILLS USING A CREDIT CARD OR OTHER ONLINE SERVICE.

Treasurer McDonald provided information about various methods that can be used for customers to remote pay or to use their credit cards. The board of directors took no action.

ITEM 9 - DIRECTOR AND STAFF ITEMS

Staff enquired as to who planned on attending the ACWA Fall Conference in Palm Desert in 2024. Glenn Robertson, Jim Thoming, and David Weisenberger affirmed they planned to attend.

ITEM 10 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL TRANSFERS.

Manager Weisenberger reported that the U.S. Bureau of Reclamation increased the south of delta 2024 contract allocation of water to 50%. The District's CVP contract is 20,000 acre feet, resulting in an allocation of 10,000 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 ran between 650cfs and 775 cfs during the last four weeks at the Vernalis Gauging Station. This week it is running at about 950 cubic feet per second (cfs) at the Vernalis Gauging Station.

Manager Weisenberger reported that there is an inquiry made to the district about the possibility of transferring some CVP water south of the delta this summer. After some discussion Director Kyle Robertson made a motion to transfer 2,500 acre feet at a net rate of $185 per acre foot and to authorize up to another 2,500 acre feet be transferred if the district didn't need it to finish the irrigation season. 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 11 - REVIEW AND CONSIDER APPROVAL OF TRAVEL, LODGING AND SEMINAR EXPENSES FOR DISTRICT PERSONNEL

a. CSDA 2024 Board Secretary/Clerk Conference, San Diego, Ca October 21-23
b. ACWA Leadership Forum Aug 29-30 1 pm to 1 pm, 2024, Petaluma, Ca

Manager Weisenberger provided information about these two conferences.

Manager Weisenberger recommended that Treasurer Danisha McDonald and Administrative Assistant Kelly Wright-Laforce attend the ACWA Leadership conference in Petaluma, Ca. on August 29 and 30. It will require a one night stay in a local hotel.

Manager Weisenberger recommended that Treasurer Danisha McDonald attend a second iteration of the Secretary/Clerk training seminar sponsored by the California Special Districts Association (CSDA) in San Diego, Ca on October 21 through 23. This will require four nights stay and airline tickets. The board concurred with the recommendation.

Director Glenn Robertson made a motion that travel, lodging, registration and any related conference expenses be authorized for the two conferences for Danisha McDonald and Kelly Wright-Laforce as recommended by the General Manager. 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 FOR APPROVAL DISTRICT CONFLICT OF INTEREST CODE.

Treasurer McDonald presented the district's conflict of interest code as well as language that could be used to update the current policy. The county requires that the board of directors review the policy biennially. Director Glenn Robertson made a motion to adopt the Conflict of Interest policy 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.

CONFLICT OF INTEREST CODE FOR
THE BANTA-CARBONA IRRIGATION DISTRICT

The Political Reform Act, California Government Code section 81000 *et seq*., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, Division 6, Section 18730 (hereinafter "CCR 18730") which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the attached Appendix in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of the Banta-Carbona Irrigation District ("District").

Designated employees shall file annual statements of economic interests with the District no later than April 1 of each year. Upon receipt of the statements of the Directors, the District shall retain the original of these statements and the original statements for all other designated employees. The statements will be made available for public inspection and reproduction (Gov. Code Sec. 81008).

By: _____
President

Date: _____

APPENDIX "A"

CONFLICT OF INTEREST CODE

OF THE

BANTA-CARBONA IRRIGATION DISTRICT

DESIGNATED POSITIONS	ASSIGNED DISCLOSURE CATEGORIES
Board of Directors and Director Candidates	1, 2, and 3
General Manager	1, 2, and 3
Secretary	1, 2, and 3
Treasurer	1, 2, and 3
General Counsel	1, 2, and 3
Consultants[1]	1, 2, and 3

Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus not required to full comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ITEM 13 - MEET WITH SILVERTIP AND WESTSIDE AGRICULTURE LLC REPRESENTATIVES, BUYERS OF THE MEYERS FAMILY TRUST FARM AND WATER BANK.

President of Silvertip, Matt Payne, Vice President Trevor Warren, and consultant Jason Dean were present to meet with the board. The Westside Agriculture LLC, a subsidiary of Silvertip, purchased the ranch and the water bank from the Meyers family in August 2024. The purchase of the land included the current water transfer agreement with the Meyers Family Trust that expires in February 28, 2025. Mr. Payne expressed interest in renewing that agreement.

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. State Water Resources Control Board 2021 and 2022 Curtailment Cases, Sacramento Superior Court JCCP 5229

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (§ 54956.8)

   A. Properties: 255-120-10, 255-120-11, 255-270-72, 255-270-73, 255-270-45, 255-270-43, 255-270-44, 255-270-29, 255-270-09, 255-270-07, 255-270-53

      Agency Negotiation: David Weisenberger
      Negotiating Parties: Various landowners
      Under Negotiation: compensation and other terms

   B. Conference with Legal Counsel – Anticipated
      Litigation - Significant exposure to litigation pursuant to
      § 54956.9(b): One case

   C. 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 Party: Westside Agriculture LLC
      Under Negotiation: Price, Quantity and Terms of Payment

ITEM 15 - UPDATE ON POWER AND WATER RESOURCES POOLING AUTHORITY (PWRPA) ACTIVITIES.

Manager Weisenberger reported that he and administrative assistant Kelly Wright-Laforce attended the two day PWRPA board meeting in Santa Rosa on August 8 and 9, 2024. The first day consisted of a board workshop where PWRPA staff had all vendors introduce themselves to the board and review their roles in the operation of the Power and Water Resources Pooling Authority (PWRPA). The purpose was to enlighten the Board of Directors about contracts that will be expiring and staff and officers that will be retiring in the next three to four years. In the next three years the Treasurer, Secretary of the Board, Vice-chairman, and the General Manager/General Counsel will be retiring from PWRPA.

Manager Weisenberger presented the reconciled PWRPA fiscal year 2023 (Calendar Year) revenue and expenses. The reconciliation identified a $247,101.15 refund due BCID and a P3 refund of $10,461.24 owed BCID. The BCID board elected to keep the funds on deposit with PWRPA as the funds could potentially earn more interest if held by PWRPA.

ITEM 16 - UPDATE ON JCOMM VIDEO SERVICES TO PROMOTE AND EDUCATE INTERESTED PARTIES ON VARIOUS DISTRICT PROJECTS.

Manager Weisenberger reported that JCOMM has created a new web page for Sustainable Groundwater activities around the district. In addition, General Manager Weisenberger invited JCOMM to participate in the development of an ACWA fall conference 2024 program. JCOMM has also been very engaged with many other organizations in promoting the Non-native Species Population study findings. This promotion has garnered another article in the ACWA news and a Northern California Water Association article on the topic.

ITEM 17 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Staff sent the draft Heat and Illness Prevention Policy to the Joint Powers Insurance Authority (JPIA) risk control department for review. Mr. Paul Meyers, a risk control advisor, provided detailed comments to improve the policy. The policy is currently being updated with his comments.

ITEM 18 - MANAGER'S REPORT & DISCUSSION ITEMS.

Power Outage on Main Lift Canal – On the night of July 23, 2024 PG&E was doing emergency work replacing a power pole on Kasson road and ended up killing power to our lift

canal about midnight. Power was restored at about 4 am. When power was restored two fuses blew on the incoming 60kV. We don't know why. When we replaced those fuses on Wednesday morning, July 24th, all stations started fine except PP #5 high head pumps units 3&4 (700 hp). A low voltage circuit serving the coils in the contactor units had melted down in both units, 3 & 4. After testing it was determined that the coils had failed causing the 110 voltage circuit to melt down. The cause of the melt down was the result of an oversized fuse in the circuit, a 60 amp fuse, which was too big for that circuit. That fuse was part of the original design. The coils are integrated into the contactor body so complete contactor units needed to be replaced. It was difficult to find contactors available and as result the contactor in Unit #6 was robbed to put in Unit #3. Unit #6 was not in service as it has a VFD issue that faults the unit out. There was no pumping to the DMC from July 24 -July 29th. On the morning of July 30 Unit #3 was started with no further issues. Unit 4 was placed back into service on August 5th. CVP water was used for six days at a rate between 20-35 cfs (about 350 acre feet was used) to serve six sump that serves 6 East and 6 West canals.

In the early morning hours of July 24th when the night watermaster and the GM were inspecting the powerlines and substations a small arc of electricity was observed on the 60kV pole just outside of Sub-station #2. It was a small arc from crossarm to pole on the middle phase, phase B. It is puzzling to district staff why there would be power there as the fuse to that leg was blown. And why was it arcing? The GM is chasing this down with WAVE engineering and Bockmon and Woody Electric. Mr. Al Spagnola is scheduling an on-site inspection.

Maintenance - Maintenance staff continues to spray terrestrial weeds, disk weeds, and apply aquatic herbicides for pondweed weed and algae in canals.

Mitch's truck has a seized engine that's getting replaced at ford that is under warranty. Replaced some rotors on spare trucks to get them operational again. Found AC replacements for 2 and 3 station.

The data loggers and flow meters in the main lift canal are now reporting to the cloud. The local data logger receives data from the two ITRC flow measuring devices and the Sontek IQ meter to report that data to the cloud. Assistant Manager Michael McDonald was able to restore operation using technical support from the Cal Poly ITRC and Sontec.

In PP #1 the #3-20 pump and motor were running fine, very smooth until May 14, 2024. On May 14th a loud knocking sound coming from the pump below started and a large vibration was occurring. It is likely there is something stuck in the impeller. It is now out of service. Staff will need to wait until the river drops to a summer low in order to dewater the pump bay and inspect the impeller. Currently the remaining pumps are able to meet the required flow rates as the river elevation is high enough to where the remaining pumps are able to pump higher flow rates.

Pumping Plant #3 Replacement Project – Wayne Dahl of Dahl Consulting Inc. is completing the final grading plan. When the final grading plan is complete then the Specifications and Drawings package will be complete and ready for going out to bid.

FRIANT SJRRP Restoration Flows and Wheeling – The District executed an extension to the wheeling contract that will run through February 28, 2025. BCID 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 now wheeling water at a rate of about 15 cfs which is half of the available flow. Patterson Irrigation District (PID) is wheeling the other half, 15 cfs. Approximately 330 acre feet has been wheeled in August to date.

Pumping Plant 5 impeller replacement project – The original Unit #6 has been replaced with the new low flow pump and motor. The new 15 cfs pump and 350 hp motor were running fine for about two to three weeks. Then a VFD fault occurred that is indicating low voltage and is shutting down the pump. The trouble is intermittent and a solution to prevent the fault has not been identified. Staff has had Scott Penner out from WAVE engineering but he was unable to fix the underlying issue.

The old unit #6 will be repaired with the new impellers and will replace Unit #4 for intermediate flow. District staff will be looking for a vendor that can handle the size of the pump and make the switch.

Employee Education – Kelly Wright-Laforce attended the ACWA Region 3 and 4 Groundwater event on July 31 along with General Manager Weisenberger. It turned out that it was a global look at how the Sacramento area is taking treated surface water and putting it through injection wells. On that same afternoon they visited WAVE engineering in their Sacramento office to review priorities and ask questions about the July 23, 2024 electrical outage and the failed contactor coils.

Kelly Wright-Laforce and Manager Weisenberger attended the PWRPA board workshop on August 8th. The workshop provided an A – Z review of how PWRPA obtains power, bills for power, delivers power, etc. Basically an over-whelming amount of information for any of the new directors and their staff's.

Substation #2 Upgrade – The work for replacing insulators between Substation #2 and PP #3 and PP #5 is about 50% complete. The balance of the change will need to be completed

this fall/winter. The transformers for Substation #2 have been released to manufacturing. The transformers for PP # 3, 4, and 5 have also been released to manufacturing. Shipping dates are anticipated for August 2024.

ITEM 19 - UPDATE ON PROGRESS OF "SGMA PHASE 2 CONJUNCTIVE USE PROJECT" DESIGN, ENVIRONMENTAL, EASEMENT ACQUISITION, AND ENGINEERING.

This project 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.

Manager Weisenberger reported that GEI has been working on the project design 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. They 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.

Current work emphasis is on acquiring title reports, doing utility research work in the project area, preparing CEQA documents, potholing existing facilities in the pipeline route. Staff has conducted a site visit with GEI engineers, shot video explaining the project and communicated with some landowners.

Next steps are to use title reports to prepare easement agreements, have KSN mark pipeline route, USA pipeline route, complete design, drawings and specifications with a bid package ready to distribute in September.

GEI presented an amended Task Order 24-01 Amendment 1 increasing the original task order amount from $300,000 to $780,620. General Manager Weisenberger had requested that GEI contract with sub-contractors whose scope was under the BCID scope such as surveying, Utility research, and mapping title search legal descriptions. In addition, the project team agreed that doing some representative soil borings, and doing a surge/vacuum protection study would be prudent before final design and specifications were completed.

Director Kyle Robertson made a motion to approve Task Order 24-01 Amendment1 for a total of $780,620.00. 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 20 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY AND OUTREACH EFFORTS.

General Manager Weisenberger showed the video "The Missing Piece" at the ACWA Board of Directors regular meeting on July 26, 2024. It was a well received topic and generated questions, comments, and discussion so much so that the Chairwoman had to shut it down to keep the meeting moving.

General Manager Weisenberger reported that the Association of California Water Agencies (ACWA) is seeking proposals for policy programs for ACWA's 2024 Fall Conference & Expo in Palm Desert. This process is intended to give members the opportunity to propose, develop, and execute a conference program in partnership with ACWA staff. ACWA is seeking proposals for innovative programs and speakers that cover water issues relevant to a broad range of ACWA member agencies. ACWA has limited agenda space for member-proposed programs and cannot guarantee that a submission will be chosen. Program dates and times will be determined by ACWA. Manager Weisenberger reported that he met with FISHBIO and JCOMM on July 24th to discuss what type of presentation to make and potential panelists to address non-native fish species and their impact on endangered species in California.

ITEM 21 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN AND RELATED ACTIVITIES.

It was reported to the board that the Tracy Sub-basin Groundwater Sustainability Agencies will be meeting quarterly for the remainder of 2024 with meetings being facilitated by Stantec. Interested parties can get more information off of the website, https://tracysubbasin.org, and sign up for new meeting announcements and see information about the subbasin.

The BCID staff are recording monthly water levels from monitoring wells MW-203 and MW-204 located within the district boundaries.

ITEM 22 - 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.

FISHBIO continues to take design and specifications to permitting agencies to obtain the necessary permits to construct and operate the project. Currently we 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). The McMullin Reclamation District (RD 2075) asked some technical questions about the hydraulic study on the east bank of river and CBEC is responding to those questions.

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

Manager Weisenberger did meet with WhitePine Renewables on July 19, 2024, to discuss PG&E requirements that the project must do a "Cluster Study". Manager Weisenberger will be contacting PG&E about that requirement. WhitePine says that it won't impact building the project but that it could push back the start of construction. Manager Weisenberger also presented a draft site plan of the solar project overlying BCID land parcels. The current layout overlaps onto two separate parcels because of an existing district canal. The board directed staff to survey the land and see if the canal be moved whereby the solar arrays can be placed all on one single land parcel.

ITEM 24 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion that the August July 2024 warrants in the amount of $543,835.37 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