September 11, 2024
Tracy, California

Pursuant to adjournment, August 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, and Kyle Robertson.

ABSENT: Director Mark Cardoza

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 AUGUST 14, 2024 MINUTES.

Director Kyle Robertson made a motion to approve the minutes of the August 14, 2024 Regular Board Meeting. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE.

ITEM 4 - TREASURER'S REPORT.

The Treasurer's report was presented by Danisha McDonald.

Director Glenn Robertson made a motion to file for audit the Treasurer's report as presented. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

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

Director Annette Elissagaray made a motion to transfer $1,093,493.99 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. Director Glenn Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

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 was present to discuss investment options. The board of directors discussed re-investing money that was maturing in other investments. Director Kyle Robertson moved that the monies currently maturing from existing investments, approximately $1,086,000.00, be invested in a six month T-Bill that would mature in the middle of March 2025. Director Annette Elissagaray seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

ITEM 7 – REVIEW AND UPDATE COST OF SERVICE RATES FOR KASSON CONTRACTS

Staff reported the District's Cost of Services as reported in the District's Annual Audited Financial Report for the year 2022 was $5,152,289.00 and for the year 2023 was $4,679,528.00. The total acre feet of water delivered in the year 2022 was 49,422 and for the year 2023 was 36,506. The average Cost of Service for the years 2022 and 2023 is $4,915,908.00 and the average acre feet of water delivered is 42,964. The average Cost of Service ($4,915,908) divided by the average acre feet of water delivered (42,964) equals a Cost-of-Service rate of $114.42. Director Glenn Robertson made a motion to establish the District's 2024 Cost of Service Rate at $114.42. Director Kyle Robertson seconded the motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Kyle Robertson, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

ITEM 8 - DIRECTOR AND STAFF ITEMS

Director Kyle Robertson observed that algae in canals 3 West and 4 West are impacting the on farm filter pump stations. Manager Weisenberger responded that he would have staff inspect the canals and treat as appropriate for pondweed and algae.

ITEM 9 - 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 the south of delta 2024 contract allocation of water is 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 850cfs and 1,000 cfs during the last four weeks at the Vernalis Gauging Station. This week it is running at about 1,000 cubic feet per second (cfs) at the Vernalis Gauging Station.

Manager Weisenberger reported that 2,500 acre feet of CVP water was transferred at a net rate of $185 per acre foot to Kern-Tulare Water District. The board discussed authorizing the release of the second 2,500 af that was authorized at the August board meeting as not needed to finish the 2024 irrigation season but took no action. The board wanted to hold onto that water supply until it is determined that it cannot be put to beneficial use in the district service area.

ITEM 10 - DISCUSS WATER TRANSFER EXTENSION WITH SILVERTIP AND WESTSIDE AGRICULTURE LLC REPRESENTATIVES, BUYERS OF THE MEYERS FAMILY TRUST FARM AND WATER BANK.

President of Silvertip, Matt Payne, was present to meet with the board regarding renewal of the Meyers Farm water transfer. Mr. Payne explained to the board the basis of their proposed revisions to the agreement. 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 11 - 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 12 - UPDATE ON JCOMM VIDEO SERVICES TO PROMOTE AND EDUCATE INTERESTED PARTIES ON VARIOUS DISTRICT PROJECTS.

Manager Weisenberger reported that JCOMM has been assisting the district with preparing and submitting an ACWA fall conference 2024 program about the non-native fish population study. JCOMM has also been very engaged with many other organizations in promoting the Non-native Species Population study findings. The video JCOMM produced on the SGMA Phase 2 project was well received by DWR project staff when the link was submitted with the quarterly report.

ITEM 13 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

Staff presented a procedure for updating the Hazardous Waste Questionnaire Policy and Procedure required by Department of Toxic Substances Control, State of California.

ITEM 14 - MANAGER'S REPORT & DISCUSSION ITEMS.

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 was taken to Ford, that is under warranty, has been repaired with a new engine.

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 wait until maintenance season to dewater the pump bay and inspect the impeller. Currently the remaining pumps are able to meet the required flow rates as on farm irrigation demands are low enough to where the remaining pumps are able to meet the demand.

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. 922 acre feet was wheeled in August. The current schedule for wheeling should result in 990 acre feet being wheeled in September.

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. It has been decided to buy a new contactor for this Unit #6 and use the old VFD units from Unit #6 as spares for Units 3 and 4.

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 – Employees Danisha McDonald and Kelly Wright-Laforce attended the ACWA Leadership Summit seminar on August 29 and 30th in Petaluma, California. Saul Ruiz has passed all of his Pesticide Applicator's tests.

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 shipped in September leaving Mumbai, India. The transformers for PP # 4, and #5 have also been shipped. Delivery dates for those transformers is estimated for November 4, 2024.

Tours – The Paradise Cut Bypass Project planning committee and consultants toured their project site on Monday, September 9, 2024. They stopped at BCID Pumping Plant #1 and the Fishscreen where Manager Weisenberger explained long term planning of the district regarding floodplain restoration and replacing PP #1. Manager Weisenberger emphasized that their project cannot be impacting the BCID project sites and properties.

The California Farm Water Coalition sent a staff member, Ashlee Pike, out to tour the BCID on August 16th. The purpose was to get social media video footage of on farm irrigation practices. It is the intent to share this information on various social media platforms such as Facebook, Instagram, etc.

In addition to the written report Manager Weisenberger presented some power point slides about the planning of new Pumping Plant 5, that has been built in phases over the last thirteen years. The slides showed the layout of the underground and above ground features of the new plant. Manager Weisenberger suggested that the board of directors may want to consider building the electrical/control room this winter. In the process of upgrading Sub-station #2 to 12kV distribution to PP #5 new transformers will need to be installed at PP #5, 12kV/480v, and the electric supply side of conduits and wire will need to be reconfigured. By constructing the new Control Room the reconfiguration cost can go towards the long term planning goals instead of another temporary configuration. In addition, all of the "temporary" electrical equipment located on the wetwell structure can be removed and put into the control building where it belongs in the long term plan. The board requested that Manager Weisenberger bring more detailed information about doing this project to the October board meeting, including an estimate of cost and time to complete the project.

ITEM 15 - 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 laying out easement widths and routes, doing utility research work in the project area,

KSN is currently using title reports to prepare easement layouts and legal descriptions,

Manager Weisenberger provided to the board a copy of the Quarter 2, 2024, report to DWR on the progress of the project.

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

General Manager Weisenberger reported that he will be showing the video "The Missing Piece" at the San Luis Delta-Mendota Water Board meeting on September 12, 2024. General Manager Weisenberger reported that the Association of California Water Agencies (ACWA) was seeking proposals for policy programs for ACWA's 2024 Fall Conference & Expo in Palm Desert. This process was intended to give members the opportunity to propose, develop, and execute a conference program in partnership with ACWA staff. ACWA was seeking proposals for innovative programs and speakers that cover water issues relevant to a broad range of ACWA member agencies. BCID did submit a program application. Stephen Pang, ACWA staff member reported that the ACWA Fall Conference planning meeting, and the State Relations Department thought that the concept submitted "A Startling Picture: Impacts of Nonnative Fish on Salmon Recovery" would make for a great Solutions Spotlight program. The Solutions Spotlights is 30 minutes and are meant to highlight member case studies. This timeslot will be on Wednesday, December 4, between 1:30-2:00 pm. Manager Weisenberger responded to Mr. Pang that the BCID would accept the time slot.

ITEM 17 - 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. The next meeting is tentatively scheduled for Thursday September 19th at 3:00 pm.

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 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.

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.

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

Manager Weisenberger reported that he did confer with Whitepine about the current layout of the solar arrays that overlaps onto two separate parcels because of an existing district canal. Whitepine said that the solar arrays could be re-aligned to keep them on the same parcel but a final layout was not decided.

ITEM 20 - APPROVAL OF WARRANTS

Director Kyle Robertson made a motion that the August 2024 warrants in the amount of $885,158.29 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, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Mark Cardoza.

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary