

**MINUTES OF THE REGULAR BOARD MEETING OF THE
BOARD OF TRUSTEES OF JORDAN VALLEY WATER CONSERVANCY DISTRICT**

(Unapproved and subject to change)

June 7, 2023

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held both in person and electronically on Wednesday, June 7, 2023, at 3:00 p.m. at JVVCD's administration building located at 8215 South 1300 West, West Jordan, Utah.

This meeting was conducted electronically in accordance with the Utah Open and Public Meetings Act (Utah Code Ann. (1953) §§ 52-4-1 et seq.) and Chapter 7.12 of the Administrative Policy and Procedures Manual ("Electronic Meetings").

Trustees Present:

Corey L. Rushton, Chair
Zach Jacob
Karen D. Lang
Sherrie L. Ohrn
Mick M. Sudbury
Barbara L. Townsend

Trustees Not Present:

A. Reed Gibby
Dawn R. Ramsey
John H. Taylor

Staff Present:

Alan Packard, General Manager
Jacob Young, Deputy General Manager
Matt Olsen, Assistant General Manager
Shazelle Terry, Assistant General Manager
Gordon Batt, Operations Department Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Shane Swensen, Engineering Department Manager and Chief Engineer
Mark Stratford, General Counsel
David Martin, Chief Financial Officer/Treasurer
Kurt Ashworth, Human Resources Manager
Beverly Parry, Executive Assistant
Mindy Keeling, Administrative Assistant
Alicia Sekiller, Administrative Assistant
Cynthia Bee, Public Information Officer
Travis Christensen, Senior Engineer - Property
Margaret Dea, Senior Accountant (electronic)
Martin Feil, Database Administrator (electronic)
Kelly Good, Communications Division Manager
Jon Hilbert, Water Quality Division Manager
Jeanette Perry, Customer Services Supervisor (electronic)
Kevin Rubow, Registered Engineer
Wade Tuft, Water Supply Manager
Conor Tyson, Staff Engineer

Also Present:

Greg Anderson, General Manager, Kearns Improvement District
Tish Buroker, City Counsel, Riverton City
Mark Chalk, General Manager, Taylorsville-Bennion Improvement District (electronic)
Greg Davenport, Utility Manager, City of West Jordan
Clint Dilley, General Manager, Magna Water District (electronic)
Justun Edwards, Public Works Director, Herriman City (electronic)
Sam Fankhauser, Project Manager, AE2S (electronic)
Brien Maxfield, Senior Engineer, Draper City
Stacie Olson, Water Director, Riverton City
Jason Rasmussen, Public Works Director, South Jordan City (electronic)
David Robertson, Vice President, Lewis Young Robertson and Burningham
Dan Tracer, Assistant City Engineer, Bluffdale City (electronic)
Wayne Winsor, Assistant General Manager/Chief Engineer, Metropolitan Water District of Salt Lake and Sandy

Call to order and introduction of visitors

Mr. Corey Rushton, Chair, convened the Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:00 p.m. on Wednesday, June 7, 2023. Mr. Rushton introduced the members of the Board and the public who joined the meeting both in person and electronically. Mr. John Taylor, Mr. Reed Gibby, and Ms. Dawn Ramsey were excused from the meeting.

Approval of common consent items

Mr. Rushton presented the minutes of the Public Hearing/Board meeting held May 10, 2023. He also presented the May 2023 Trustees' Expenses Report. Mr. Rushton called for a motion. Ms. Sherrie Ohrn moved to approve the minutes of the May 10th Public Hearing/Board meeting and the May 2023 Trustees' Expenses Report. Following a second by Mr. Mick Sudbury, the motion was approved by those present as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

Public comments

There were no public comments.

Core Mission Reports

Water supply update

Mr. Alan Packard, General Manager, reviewed the Municipal and Industrial (M&I) Water Deliveries report through May 2023, and the Wholesale Contract Progress report for each Member Agency. Ms. Sherrie Ohrn expressed appreciation for a recent letter sent out to Member Agencies regarding water availability and continued conservation messaging. Mr. Wade Tuft, Water Supply Manager, reviewed the Provo River Reservoirs Update, and the Wholesale and Retail Actual and Projected Deliveries report. He shared information on Trial Lake and Beaver Divide snow water equivalent levels and gave details on river flows and reservoir levels.

Water quality update

Mr. Jon Hilbert, Water Quality Division Manager, reported on laboratory analyst certification requirements. He said that NELAP (National Environmental Laboratory Accreditation Program) is a voluntary program to develop consensus national standards for environmental laboratory accreditation. He then reviewed the specific certification requirements for

each individual analyst's position at Jordan Valley Water's laboratory.

Standing Committee Reports

Mr. Brian McCleary, Controller, reviewed the Financial Report for April 2023. He said that the Year-to-Date Expenses and Revenues are very close to what was projected for the 2022/2023 budget. He also reviewed the Wholesale and Retail Water Sales Revenue and the Income Statement.

Finance update

Conservation update

Ms. Kelly Good, Communications Division Manager, reported on various conservation-related events that have occurred this spring, including: a press event announcing Salt Lake County's \$1 million grant for turf conversion projects, the Utah Water Savers' "Grass Doesn't Belong Everywhere" campaign kickoff with Governor Cox, and a Conservation Garden Park open house. Mr. Matt Olsen, Assistant General Manager, commended JWCD conservation staff for all their hard work during the last few months.

Financial matters

Consider adoption of Resolution No. 23-11, "Adopting JWCD's Retail Water Rates and Wholesale Water Rates for Fiscal Year 2023/2024, and Amending Penalties and Fees for Services"

Mr. Dave Martin, Chief Financial Officer, reviewed the proposed water rates for fiscal year 2023/2024, which includes an average rate adjustment of five percent. He said the proposed rates were tentatively approved at the April Board meeting and discussed with JWCD's Member Agencies at the Annual Member Agency meeting in April. JWCD's retail customers were sent a notice of a public hearing, which was held in May, where comments were made and noted. Mr. Martin reviewed the proposed wholesale and retail water rates and the amended penalties and fees for services for fiscal year 2023/2024. Mr. Martin recommended adoption of Resolution No. 23-11, "Adopting JWCD's Retail Water Rates and Wholesale Water Rates for Fiscal Year 2023/2024, and Amending Penalties and Fees for Services."

Mr. Rushton called for a motion on the recommendation. Ms. Barbara Townsend moved to approve Resolution No. 23-11. Following a second by Mr. Mick Sudbury, the motion was approved as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

Consider Adoption of Resolution No. 23-12, "Adopting JWCD's Tentative Budget and Financial Plan for Fiscal Year 2023/2024"

Mr. Martin said the fiscal year 2023/2024 tentative budget and financial plan have been discussed and reviewed at Finance Committee meetings and JWCD's May public hearing. The budget is based on 102,000 acre-feet of water deliveries, an average water rate increase of 5.0%, a property tax increase of approximately 9.0%, and using \$5.7 million from the Revenue Stabilization Fund. The proposed budget will fund the Operations and Maintenance budget, which includes a 7.5% inflation-related increase over the previous fiscal year budget, bond principal and interest, with a 9.7% increase due to a new bond issuance, and the budgeted transfers to reserve funds. Included in the budget is a merit pay increase of 6.5% or a step increase for employees below midpoint, and four new personnel positions. The total budget, sources and uses, is \$177 million. Mr. Martin reviewed the budgeted sources and uses of funds, the various departments'

proposed operating and maintenance budgets, general equipment budget, and capital projects budget.

Mr. Rushton called for a motion on the recommendation. Mr. Mick Sudbury moved to adopt Resolution No. 23-12. Following a second by Ms. Barbara Townsend, the motion was approved as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

Consider Adoption of Resolution No. 23-13, “Determining and Fixing JVVCD’s Proposed Tax Rate for Fiscal Year 2023/2024”

Mr. Martin said the certified tax rate is not available at this time as the State Tax Commission has not determined JVVCD’s certified tax rate yet. As a result, the resolution states the tax levy for fiscal year 2023/2024 shall be established using the estimated revenue from property taxes shown in the District’s adopted tentative budget. Because the proposed revenue exceeds the amount of tax revenue from last year in the amount of \$2.3 million, the proposed tax rate will exceed the certified tax rate and will require a Truth-in-Taxation process, including notification and a public hearing in August. Mr. Martin recommended adoption of Resolution No. 23-13, “Determining and Fixing JVVCD’s Proposed Tax Rate for Fiscal Year 2023/2024.”

Mr. Rushton called for a motion on the recommendation. Ms. Karen Lang moved to adopt Resolution No. 23-13. Following a second by Mr. Mick Sudbury, the motion was approved as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

Consider scheduling final approval at the August 9, 2023, public hearing, at 6:00 p.m., to be held in person and electronically at 8215 South 1300 West in West Jordan, Utah, of the following items for fiscal year July 1, 2023, to June 30, 2024: determining, fixing, and adoption of a tax rate; and final adoption of the financial plan and budget

Mr. Rushton called for a motion to schedule final approval at the August 9, 2023, public hearing, at 6:00 p.m., to be held in person and electronically at 8215 South 1300 West in West Jordan, Utah, of the following items for fiscal year July 1, 2023, to June 30, 2024: determining, fixing, and adoption of a tax rate; and final adoption of the financial plan and budget.

Ms. Barbara Townsend moved to set a public hearing for August 9, 2023, at 6:00 p.m. Following a second by Ms. Sherrie Ohrn, the motion was approved as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend – aye	

**Review completed
Fraud Risk
Assessment for fiscal
year ending June 30,
2023**

Mr. Martin said the Fraud Risk Assessment is required to be presented to the Board before the end of the fiscal year and submitted to the State Auditor within six months of the end of the fiscal year. He said JVVCD has adopted all the policies and achieved all the recommended measures to achieve the highest score possible, which puts JVVCD at a very low risk of fraud.

**Engineering
Activities**

**Consider
authorization to
award a construction
contract for SERWTP
Bridging Polymer
System
Improvements**

Mr. Jacob Young, Deputy General Manager, said bridging polymer is used at the SERWTP to help bind particles in the water to improve removal during the sedimentation process. The existing bridging polymer system is aging and requires frequent maintenance, and this project will replace this aging system with a new system. Mr. Young recommended authorization to award a construction contract for SERWTP Bridging Polymer System Improvements to Corrio Construction in the amount of \$737,043.

Mr. Rushton called for a motion on the recommendation. Mr. Mick Sudbury moved to authorize the award of a construction contract to Corrio Construction in the amount of \$737,043 for the SERWTP Bridging Polymer System Improvements. Following a second by Ms. Karen Lang, the motion was approved by those present as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

**Consider
authorization to
award a construction
contract for 5200
West 6200 South
Reservoir Project**

Mr. Young said this project will construct a new 6.8 million gallon buried concrete reservoir at 5200 West 6200 South, which will help serve the growing demands in the northwest section of JVVCD's service area. Mr. Young noted that the 10-Year Capital Projects Plan has now been updated to account for anticipated project costs, and this project will be included in three fiscal year budgets. Mr. Young recommended authorization to award a construction contract for 5200 West 6200 South Reservoir Project to Ralph L. Wadsworth Construction in the amount of \$15,522,920.

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to authorize the award of a construction contract to Ralph L. Wadsworth Construction in the amount of \$15,522,920 for 5200 West 6200 South Reservoir Project. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

**Consider approval of
pipeline crossing
agreements with UTA
for 3300 South
Pipeline Replacement
– Phase 2**

Mr. Young said the Board approved the construction contract for the 3300 South Pipeline Replacement - Phase 2 project at the April Board meeting. As part of this project, there are two crossings with UTA facilities which require written agreements with UTA. Mr. Young recommended approval of pipeline crossing agreements with Utah Transit Authority for the 3300 South

Pipeline Replacement-Phase 2 and authorize the Chair to execute the agreements subject to non-substantial changes deemed necessary by the General Counsel.

Mr. Rushton called for a motion on the recommendation. Mr. Mick Sudbury moved to approve pipeline agreements with Utah Transit Authority for the 3300 South Pipeline Replacement – Phase 2 and authorize the Chair to execute the agreements subject to non-substantial changes deemed necessary by the General Counsel. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

Reporting Items

Mr. Packard reviewed the routine reporting items which included: the Central Utah Project/CUWCD activities report, facilities rental agreements signed by the General Manager, easement encroachment agreements signed by the General Manager, performance indicators for April 2023, and media coverage. Mr. Shane Swensen, Engineering Department Manager and Chief Engineer, gave a final project completion report on the 11400 South Redwood Road Meter Vault Rehabilitation. He also gave an update on the JWWTP Sedimentation Basins 3-6 Equipment Replacement project.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings including the Conservation Committee meeting, Monday, July 10 at 3:00 p.m.; Executive Committee meeting, Monday, July 10 at 3:30 p.m.; and regular Board meeting, Wednesday, July 12 at 3:00 p.m.

Closed meeting

Mr. Rushton proposed to convene a closed meeting at 4:19 p.m. to discuss the sale or purchase of real property and/or water rights or water shares and pending litigation. Ms. Barbara Townsend moved to go into closed session for the discussions. Following a second by Mr. Mick Sudbury, the motion was approved by those present as follows:

Mr. Gibby – not present	Mr. Jacob – aye
Ms. Lang – aye	Ms. Ohrn – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – not present
Ms. Townsend - aye	

The closed meeting convened at 4:23 p.m. with the following Trustees present: Mr. Zach Jacob, Ms. Karen Lang, Ms. Sherrie Ohrn, Mr. Corey Rushton, Mr. Mick Sudbury, and Ms. Barbara Townsend. Also present were: Alan Packard, General Manager; Jacob Young, Deputy General Manager; Matt Olsen, Assistant General Manager; Shazelle Terry, Assistant General Manager; Mark Stratford, General Counsel; Dave Martin, Chief Financial Officer; and Beverly Parry, Executive Assistant.

No votes or actions were taken during the closed meeting.

Open meeting

The open meeting reconvened at 4:43 p.m. Mr. Rushton called for a motion to adjourn. Mr. Zach Jacob moved to adjourn. Following a second by Ms. Barbara Townsend, the meeting adjourned at 4:44: p.m.

Adjourn

Corey L. Rushton, Chair of the Board of Trustees

Alan E. Packard, District Clerk