

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

(Unapproved and subject to change)

Held November 8, 2021

The Executive Committee meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held in person and electronically on Monday, November 8, 2021, at 4:15 p.m. at JVVCD's office 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
Gregory R. Christensen
A. Reed Gibby
Karen D. Lang
Sherrie L. Ohrn
Dawn R. Ramsey
Lyle C. Summers
Barbara L. Townsend (electronic)
John H. Taylor (electronic)

Staff Present:

Bart Forsyth, General Manager/CEO
Matt Olsen, Assistant General Manager
Alan Packard, 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
David Martin, CFO/Treasurer
Reid Lewis, General Counsel
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Linda Townes Cook, Public Information Manager
Beverly Parry, Executive Assistant
Mindy Keeling (electronic)
Jess Morgan, Administrative Assistant
Marty Feil, Database Administrator (electronic)

Welcome

Mr. Corey L. Rushton, Chair, called the meeting to order at 4:15 p.m. All trustees were present either in person or electronically.

**Review agenda
for November
10, 2021, Board
meeting**

Mr. Rushton asked Mr. Bart Forsyth, General Manager, to proceed with the review of the proposed agenda. Mr. Forsyth reviewed the proposed agenda for the November 10, 2021, Board of Trustees meeting. Some of the topics for discussion and consideration for the Board meeting included: consider approval of minutes of the Executive Committee meeting held October 12, 2021, the regular Board meeting held October 13, 2021, and the Trustees' expenses report for October 2021; consider approval of

Board and Committee meetings schedule for 2022; consider acceptance of the audit report by Gilbert & Stewart for fiscal year ending June 30, 2021; consider adoption of Resolution No. 21-17, "Authorizing a Transfer of Funds from the Revenue Fund to the Capital Projects Fund and Other Designated Reserve Funds"; consider approval of Localscapes Homebuilder Rewards expenditure for Ivory Homes; consider approval of Member Agency Water Efficiency Standards Funding Agreement with Herriman City; consider approval of Member Agency Water Efficiency Standards Funding Agreement with the City of South Jordan; consider adoption of Resolution No. 21-18, "Adopting the Jordan Valley Water Conservancy District Hazard Mitigation Plan"; consider award of construction contract for 8518 South 960 East Well Pump Replacement; consider award of construction contract for Five Concrete Reservoirs Repairs; consider award of construction contract for 3600 West 10200 South Booster Pump Station; consider award of engineering contract for 2023 Vault Improvements Project; consider award of engineering contract for Four Well Redevelopment and Test Pumping; consider contract amendment for Southeast Collection Line Condition Assessment; report on Water Efficient Plumbing Fixtures Recommendation; report on UASD resolution awarding the 2021 Distinguished Board Member Award to Gregory R. Christensen; consider approval to cancel the Conservation Committee meeting and the Executive Committee meeting scheduled for December 6, 2021, and the Board of Trustees meeting scheduled for December 8, 2021; consider approval of easements to South Valley Sewer District for the Bringhurst Station Residential Phase 3 Development; consider approval of agreement to sell five million gallon storage tank and related property at 4408 South 4800 West; core mission reports; standing committee reports; and various routine reporting items. A closed session was proposed to discuss information provided during procurement process, discuss sale or purchase of real property and/or water rights or water shares, and discuss potential litigation.

**Discuss District
General
Counsel**

Mr. Bart Forsyth, General Manager, announced the retirement of JVVCD's Legal Counsel, Mr. Reid Lewis, to be effective April 1, 2022. He said plans to move forward with replacement of General Counsel include the advertisement of open position in newspapers, Utah State Bar website, JVVCD website, and other applicable advertising mediums. Interviews will be conducted by the General Manager, Assistant General Managers, and any Board member wishing to be included. Mr. Forsyth said that a top ranked candidate will be introduced to the Board for consideration at the January or February 2022 Executive Committee meeting.

**Discuss water
purchase
contracts**

Mr. Alan Packard, Assistant General Manager, said an issue raised during the October Executive Committee meeting was that it is likely that some of the wholesale Member Agencies will take less water than their minimum purchase amount in response to water use restriction messaging by JVVCD and the Governor. Mr. Packard said that the JVVCD Wholesale Rules and Regulations include a provision which states that when a Member Agency does not take delivery during any year of all its minimum amount of water allotted for purchase under its water purchase agreement, the Member Agency must pay for the water but can take deferred delivery

of up to five percent of contract amount in the following calendar year. Mr. Packard said there are three Member Agencies that appear to be outside the five percent carryover window which include Granger-Hunter Improvement District, South Jordan City, and Utah Department of Corrections. Staff is considering a response action to allow more than the five percent deferred delivery. Mr. Packard said staff will continue monitoring the situation and further recommendations will be brought to the Board at the January or February 2022 Board meeting.

Ms. Ohrn said water conservation should be rewarded to a degree, but she does not want to allow too far away from the five percent deferment as it is there for budgetary purposes and to keep the water district healthy.

Mr. Christensen asked if the current water purchase contracts are too big. Mr. Rushton said that there have been huge amounts of water conservation messaging this year prompting the lower water use by Member Agencies. He said there are two things to consider, exceptional years with broad water use restriction messaging and the overall issue of guaranteed contracts being a hinderance to water conservation. He suggested there needs to be an equitable solution moving into a new year regarding JWCD's response to future drought conditions and the impact it has on water deliveries.

Mr. Taylor said the reason JWCD has contracts for water deliveries is due to the differing costs of water today versus the cost of developing water in the future. He said if JWCD reduces the contracted water delivery amounts, JWCD should not begin selling the saved water. Mr. Rushton suggested that since there are agencies that are growing and may need more water and other agencies that are saving water, JWCD could facilitate an exchange. Ms. Ramsey said more time is needed before making policy adjustments to see if this year is an anomaly or if lower water use will be consistent moving forward.

**Discuss audit
report for fiscal
year ended
June 30, 2021**

Mr. Brian McCleary, Controller, discussed the Auditors' Report that will be presented by the auditor during the regular Board meeting on Wednesday, November 10, 2021. This report will be the official financial statement for the year ended June 30, 2021. He said the report will then be distributed and placed on the State Auditor's website and will be used by rating agencies and other industry analysts to evaluate JWCD's performance. He reviewed various sections of the report, including the Management's Discussion and Analysis; Statement of Net Position; Statement of Revenues, Expenses, and Changes in Net Position; and Statements of Cash Flow.

Adjourn

Mr. Rushton called for a motion to adjourn. Ms. Sherrie Ohrn moved to adjourn. Following a second by Mr. Reed Gibby, the meeting adjourned at 5:02 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Barton A. Forsyth, District Clerk