

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

(Unapproved and subject to change)

Held February 10, 2021

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held electronically on Wednesday, February 10, 2021, at 3:00 p.m.

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 (electronically):

Corey L. Rushton, Chair
Greg R. Christensen
A. Reed Gibby
Karen D. Lang
Sherrie L. Ohrn
Dawn R. Ramsey
Lyle C. Summers
John H. Taylor
Barbara L. Townsend

Staff Present (electronically):

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
Reid Lewis, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Linda Townes Cook, Public Information Manager
Beverly Parry, Executive Assistant
Mindy Keeling, Administrative Assistant
Jessica Morgan, Administrative Assistant
Martin Feil, Database Administrator
Kevin Rubow, Registered Engineer

Also Present (electronically):

Greg Anderson, Public Works Director, Kearns Improvement District
Mark Chalk, General Manager, Taylorsville-Bennion Improvement District
John Crandall, Managing Director, Stifel
Justun Edwards, Director of Public Works, Herriman City
Christine Finlinson, Assistant General Manager, Central Utah Water Conservancy District
Pam Gill, General Manager, Kearns Improvement District
Jason Helm, General Manager, Granger-Hunter Improvement District
Gary Henrie, Engineer, Bureau of Reclamation
Brien Maxfield, Senior Engineer, Draper City

Dustin Lewis, Assistant City Manager, South Jordan City
Annalee Munsey, Assistant General Manager, Metropolitan Water District of Salt Lake & Sandy
Stacie Olson, Assistant Water Director, Riverton City
Dennis Pay, Public Works Director, City of South Salt Lake
Jason Rasmussen, Public Works Director, South Jordan City
David Robertson, Vice President, Lewis Young Robertson and Burningham
Scott Robertson, Principal, Lewis Young Robertson and Burningham
Shawn Robinson, Director of Operations & Maintenance, Taylorsville-Bennion Improvement District
Ryan Willeitner, Engineer, Jacobs Engineering
Jacob Young, Director, Brown & Caldwell

Call to order and introduction of visitors

Mr. Corey L. Rushton, Chair, convened an electronic Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:05 p.m. on Wednesday, February 10, 2021. Mr. Rushton introduced the members of the Board and public who joined the meeting electronically.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held January 11, 2021, and the regular Board meeting held January 13, 2021. He also presented the January Trustees Expenses Report. Mr. Rushton called for a motion. Mr. Lyle Summers moved to approve the minutes of the January 11th and January 13th meetings and the January 2021 Trustees Expenses Report. Following a second by Ms. Barbara Townsend the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Public comments

There were no public comments.

Core Mission Reports

Water Supply Update

Mr. Forsyth reviewed the Municipal and Industrial (M&I) Water Deliveries report for December 2020, the Wholesale Contract Progress report for each Member Agency, the M&I Water Sources report, the Provo River Reservoirs Update, the Wholesale and Retail Actual and Projected Deliveries report, and the Water Outlook Update. He presented snow water equivalent graphs for both Trial Lake and Beaver Divide which showed the extremely low snowpack at both locations. He said that as a result of dry soil conditions and low snowpack, much lower than normal run-off can be expected this year.

Water Quality Update

Ms. Shazelle Terry, Assistant General Manager, reported that in 2020 the District was in 100% compliance with drinking water regulations. She reviewed water quality tracking and customer complaints for 2020. Ms. Terry reported on current water quality projects being undertaken by staff which include the Groundwater Drinking Water Source Protection Plan update, strategy for lead and copper rule revisions compliance, Shared Stewardship with the U.S. Forest Service, Utah Lake Study, system-wide water quality study, and preparations for Unregulated Contaminant Monitoring Rule 5.

Standing Committee

Reports

Mr. Brian McCleary, Controller, reviewed the Financial Report Summary for December 2020 and reported that the District had an increase in water deliveries which accounts for higher than projected revenues. He said that December is usually the highest month for property tax collection which also accounts for high revenues. Mr. McCleary also reviewed the December Income Statement.

Finance update

Conservation update

Mr. Matt Olsen, Assistant General Manager, reported that in June of 2020 the Conservation Committee authorized a new program with which member cities and districts may apply for additional supplemental funding and assistance for up to three years following formal adoption of the District's Water Efficiency Standards. Grant funding may be used for additional staffing, consulting or professional services, and supporting software or equipment. He said assistance from District staff can be requested for training, plan reviews, and inspection services.

Financial matters

Consider award of professional services contract for bond counsel services

Mr. David Martin, Chief Financial Officer, said that when a public agency such as the District wishes to issue bonds, it should assemble a finance team of professionals to perform the different roles, such as financial advisor, bond counsel, underwriter, and bond trustee. He said the District anticipates issuing several bonds in the next five years, both new money and refunding bonds, and contracts are currently in place with the District's financial advisor and bond trustee. The professional services contract before the Board for approval is for bond counsel services. Mr. Martin reviewed the bond counsel's role in bond refunding and issuance of new bonds. He also reviewed the procurement process undertaken by District staff to select new bond counsel. Mr. Martin recommended awarding a five-year professional services contract for bond counsel services to Chapman and Cutler.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve a professional services contract for bond counsel services to be awarded to Chapman and Cutler. Following a second by Ms. Karen Lang, the motion was unanimously approved as follows:

- | | |
|-----------------------|-------------------|
| Mr. Christensen – aye | Mr. Gibby – aye |
| Ms. Lang – aye | Ms. Ohrn – aye |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Summers – aye | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider award of professional services contracts for bond underwriter services

Mr. Martin said when using the negotiated method of selling bonds, the underwriter's role is to market the issuer's bonds to investors, negotiate terms, and purchase unsold bonds. He reviewed the underwriter selection process and said the Government Finance Officers Association best practices suggests using multiple underwriters for bond issuances using the negotiated method. He said staff used the competitive process of requesting Statements of Qualifications (SOQ) for selection of underwriters and six SOQs were received. The selected underwriters will remain under contract for five years, and their participation/role will be determined for each transaction by the District. He explained that when using both underwriters for a single transaction, the senior and co-manager fee split will be

determined by the District for each transaction.

Mr. Martin recommended professional services contracts for bond underwriter services be awarded to Stifel Nicolaus & Company and J.P. Morgan Securities and to authorize the General Manager and General Counsel to review and agree to the contracts, services, and fees approved by the Board.

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to approve awarding of professional services contracts for bond underwriter services to Stifel Nicolaus & Company and J.P. Morgan Securities and to authorize the General Manager and General Counsel to review and agree to the contracts, services, and fees approved by the Board. Following a second by Ms. Sherrie Ohrn, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Engineering activities

Consider approval of construction contract for Terminal Reservoir Basins 1 and 2 Joint Repairs

Mr. Alan Packard, Assistant General Manager, said the Terminal Reservoir is located west of Bangerter Highway at approximately 5800 South and is an important feature connected with the Jordan Aqueduct. In total, it holds 100 million gallons of drinking water. He explained that the first two basins were completed in 1984, and the sealant in the joints of these reservoir basins are in need of replacement. Mr. Packard recommended approval of a construction contract for Terminal Reservoir Basins 1 and 2 Joint Repairs be awarded to TJ Lotz Construction, LLC in the amount of \$93,093.

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to approve a construction contract be awarded to TJ Lotz Construction, LLC in the amount of \$93,093 for Terminal Reservoir Basins 1 and 2 Joint Repairs. Following a second by Ms. Dawn Ramsey, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Consider approval of construction contract for 9800 South 2300 East Well Development and Pump Testing

Mr. Packard said the District currently has a project that involves rehabilitation of four different wells. Upon inspection of the well at 9800 South 2300 East, significant corrosion was found on the well screens and casing which required replacement. New stainless-steel screens were installed inside the existing casing and the gravel pack was replaced. He explained the installation of the new liner and gravel pack requires well development and pump testing to determine the capacity of the well. Mr. Packard recommended approval of a construction contract for 9800 South 2300 East Well Development and Pump Testing be awarded to Boart Longyear Company in the amount of \$65,880.

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to approve a construction contract with Boart Longyear Company in the amount of \$65,880 for 9800 South 2300 East Well Development and Pump Testing. Following a second by Mr. Reed Gibby, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Consider approval of amendment to Master Agreement with UDOT for Bangerter Highway Three Interchanges Project

Mr. Packard said the District has a Master Utility Agreement (MA) with UDOT for UDOT’s Bangerter Highway Three Interchanges Project that is currently underway. In August of 2020, a new federal law went into place that prohibits federal and state agencies that receive federal dollars from entering into or procuring services or equipment of certain telecommunications or video surveillance equipment that could pose a national security concern. This amendment to the MA is required by UDOT and addresses this issue by stating that the District is compliant with this new federal law.

Mr. Packard recommended approval of an amendment to a Master Agreement with Utah Department of Transportation for Bangerter Highway Three Interchanges Project and authorize the Assistant General Manager, General Counsel, and General Manager to make necessary revisions and execute the agreement.

Mr. Rushton called for a motion on the recommendation. Ms. Dawn Ramsey moved to approve an amendment to a Master Agreement with UDOT for Bangerter Highway Three Interchanges Project and authorize the General Manager, General Counsel, and Assistant General Manager to make necessary revisions and execute the agreement. Following a second by Mr. John Taylor, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Reporting items

Legislative update report

Mr. Forsyth presented the Board with a summary of legislative bills that are of interest to the District. He reviewed HB98 which allows a developer to opt out of certain local building inspections and plan review requirements; allows an independent building inspector to issue a certificate of occupancy to a building permit applicant in certain circumstances; exempts a construction project involving repairs to a building damaged by a natural disaster from certain State Construction Code and building permit requirements; and prohibits a municipality or county from regulating certain building design elements. He said the primary concern the District has regarding this bill is that it could remove regulatory authority of a city regarding landscaping requirements which are needed to achieve water conservation and water use efficiency in landscapes.

Ms. Ramsey suggested Board members contact their legislators regarding this bill to express concern on the impact it could have on water conservation efforts.

Mr. Forsyth reviewed the routine reporting items which included: CUP/CUWCD activities report, District performance indicators for December 2020, and media coverage. Mr. Forsyth congratulated Gene Shawcroft, General Manager at CUWCD, on his appointment as the Colorado River Commissioner by the Governor of Utah. He reviewed steps staff are taking to improve employee safety and business risk management (vehicle and equipment incidents) which is in the red on the District performance indicators report. Mr. Shane Swensen, Engineering Department Manager, reviewed three final project completion reports included in the capital projects report for January 2021.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings for March including: Conservation Committee meeting, Monday, March 8 at 3:00 p.m.; Executive Committee meeting, Monday, March 8 at 3:00 p.m.; Finance Committee meeting, Monday, March 8 at 3:30 p.m.; and annual Board meeting, Wednesday, March 10 at 3:00 p.m.

Mr. Rushton recommended cancelling the Conservation Committee meeting. Mr. Reed Gibby moved to cancel the March 8 Conservation Committee meeting. Following a second by Ms. Barbara Townsend, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Gibby – aye
Ms. Lang –aye	Ms. Ohrn – aye
Ms. Ramsey – aye	Mr. Rushton –aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

Closed meeting

It was determined that a closed meeting was not needed to discuss information provided during a procurement process.

Adjourn

Mr. Rushton called for a motion to adjourn. Mr. Reed Gibby moved to adjourn. Following a second by Ms. Sherrie Ohrn, the meeting adjourned at 5:10 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Barton A. Forsyth, District Clerk