

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

(Unapproved and subject to change)

February 8, 2023

A Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held both in person and electronically on Wednesday, February 8, 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
A. Reed Gibby
Karen D. Lang
Lyle C. Summers
John H. Taylor
Barbara L. Townsend

Trustees Not Present:

Sherrie L. Ohrn
Dawn R. Ramsey
Mick M. Sudbury

Staff Present:

Alan Packard, General Manager
Jacob Young, Deputy General Manager
Matt Olsen, Assistant General Manager
Shazelle Terry, Assistant General Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Shane Swensen, Engineering Department Manager
Mark Stratford, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Beverly Parry, Executive Assistant
Mindy Keeling, Administrative Assistant
Alicia Sekiller, Administrative Assistant
Martin Feil, Database Administrator (electronic)
Wade Tuft, Water Supply System Manager
Jeanette Perry, Customer Services Supervisor (electronic)
Conor Tyson, Staff Engineer
Kelly Good, Communications Division Manager
Cynthia Bee, Public Information Officer

Also Present:

Greg Anderson, General Manager, Kearns Improvement District
Ballard, CFO/Controller, Granger-Hunter Improvement District (electronic)
RD Bishop, Engineer, Psomas (electronic)

Tish Buroker, Riverton City Council Member
Greg Davenport, Utility Manager, City of West Jordan
Clint Dilley, General Manager, Magna Water District (electronic)
Justun Edwards, Public Works Director, Herriman City (electronic)
Jason Helm, General Manager, Granger-Hunter Improvement District (electronic)
Gary Henrie, Engineer, Bureau of Reclamation (electronic)
Darrin Jensen-Peterson, General Manager, WaterPro (electronic)
Jason Luettinger, Principal, Bowen Collins & Associates
Todd Marti, Assistant General Manager, Granger-Hunter Improvement District (electronic)
Brien Maxfield, Senior Engineer, Draper City
Annalee Munsey, Assistant General Manager, Metropolitan Water District of Salt Lake & Sandy (electronic)
Cary Necaie, Public Works Director, Riverton City (electronic)
Stacie Olson, Water Director, Riverton City
Parry Osborn, Senior Principal Engineer, Hazen and Sawyer
Ana Paz, Associate Engineer, South Jordan City (electronic)
Jason Rasmussen, Public Works Director, South Jordan City
David Robertson, Principal/Owner, Lewis Young Robertson and Burningham
Shawn Robinson, Director of Operations and Maintenance, Taylorsville-Bennion Improvement District (electronic)
KC Shaw, Deputy General Manager, Central Utah Water Conservancy District (electronic)
Dan Tracer, Assistant City Engineer, Bluffdale City (electronic)
Ryan Willeitner, Engineer, Jacobs Engineering (electronic)

Call to order and introduction of visitors

Mr. Corey Rushton, Chair, convened a Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:00 p.m. on Wednesday, February 8, 2023. Mr. Rushton introduced the members of the Board and the public who joined the meeting both in person and electronically. Ms. Sherrie Ohrn, Mr. Mick Sudbury, and Ms. Dawn Ramsey were excused from the meeting.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held January 9, 2023, and regular Board meeting held January 11, 2023. He also presented the January 2023 Trustees' Expenses Report. Mr. Rushton called for a motion. Ms. Barbara Townsend moved to approve the minutes of the January 9 and January 11 meetings and the January 2023 Trustees' Expenses Report. Following a second by Mr. Lyle Summers, the motion was unanimously approved by those present as follows:

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

Public comments

There were no public comments.

Core Mission Reports

Ms. Karen Lang arrived at 3:08 p.m.

Water supply update

Mr. Alan Packard, General Manager, reviewed the Municipal and Industrial (M&I) Water Deliveries report through January 2023, the Wholesale Contract Progress report for each Member Agency, the Provo River Reservoirs Update, and the Wholesale and Retail Actual and Projected Deliveries report. Mr. Wade Tuft, Water Supply System Manager, shared information

on the M&I water sources used for the water year ending on October 31, 2022. He reviewed the Turn Back Water Recharge agreement which JVVCD entered into in 1998 to turn back 5,800 acre-feet of water as part of the Ground Water Recharge Program. This agreement was for a 5-year period beginning in 2000, and it has been extended through 2025 with the amount of water turned back decreasing over the years. Mr. Tuft reviewed the M&I Water Sources through December 31, 2022, the snow water equivalent status for the State of Utah, the snow levels at various sites, and shared a video of a recent avalanche that occurred on January 10, 2023, at Bridal Veil Falls.

Water quality update

Ms. Shazelle Terry, Assistant General Manager, reviewed the Member Agency Web Portal, which is a resource to access various JVVCD public documents and each Member Agency's wholesale meter and laboratory data. The Member Agency Web Portal also has information on the JVVCD Grant Assistance Program and can be utilized by Member Agencies to report their M&I water use.

Standing Committee Reports

Mr. Brian McCleary, Controller, reviewed the Financial Report for December 2022. He provided information on wholesale and retail water sales revenue for the 2022/2023 fiscal year so far. He also reviewed the Income Statement and highlighted the property taxes collected during the month of December.

Finance update

Conservation update

Mr. Matt Olsen, Assistant General Manager, said changes will need to be made to Utah Water Savers to accommodate the statewide funding of turf replacements programs, as well as changes to the Conservation Garden Park 2023 classes. Mr. Olsen said over 50 educational events will be hosted both in-person and online by the Conservation Garden Park, which will include classes, tours, live demonstrations, and other small events. Locascapes University and the Park Strip Class have been updated to reflect the changes being made to the Utah Water Savers rebate programs. He said the Conservation Garden Park has partnered with Tracy Aviary, Utah State University, and Red Butte Garden to support, grow, and create a unified voice for sustainable landscapes.

Consider adoption of Resolution No. 23-06, "Amending JVVCD's Administrative Policy and Procedures Manual"

Mr. Mark Stratford, General Counsel, said Resolution 23-06 proposes changes to the JVVCD Administrative Policy and Procedures Manual. The proposed changes include updating Board member per diems, including training, to match the Utah Code, increasing the General Manager's signature authority from \$50,000 to \$75,000, recognizing that the role of the Chief Financial Officer can be appointed by the General Manager but is subject to the Advice and Consent of the Board, putting into policy the Board's decision to increase the self-insurance fund to \$10 million, and general updates to the travel policy.

Mr. Stratford recommended adoption of Resolution No. 23-06, "Amending Jordan Valley Water Conservancy District's Administrative Policy and Procedures Manual."

Mr. Rushton called for a motion. Ms. Karen Lang moved to adopt Resolution No. 23-06, "Amending Jordan Valley Water Conservancy District's Administrative Policy and Procedures Manual." Mr. Reed Gibby seconded

the motion. The motion was unanimously approved by those present as follows:

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

Consider adoption of Resolution No. 23-07, “Amending Appendix 3 of JVVCD’s Administrative Policy and Procedures Manual”

Mr. Stratford said Resolution 23-07 proposes changes to Appendix 3 of the JVVCD Administrative Policy and Procedures Manual which is the rules governing purchasing. The first proposed change recognizes multi-year contracts approved by the Board are essentially approved for the duration of the contract, subject to approval of funding in the annual budget, and do not need to be brought before the Board for approval again until a new contract is under consideration. The exception is that a contract for design or construction of a facility or the financing of equipment cannot be part of a multi-year contract. The other proposed changes would increase the threshold for small construction projects or small non-professional services purchases and increase the purchasing authority of other District staff members.

Mr. Stratford recommended adoption of Resolution No. 23-07, “Amending Appendix 3 of Jordan Valley Water Conservancy District’s Administrative Policy and Procedures Manual.”

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to adopt Resolution No. 23-07, “Amending Appendix 3 of Jordan Valley Water Conservancy District’s Administrative Policy and Procedures Manual.” Following a second by Ms. Barbara Townsend, the motion was unanimously approved by those present as follows:

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

Consider adoption of Resolution No. 23-08, “Amending JVVCD’s Rules and Regulations for Retail Water Service”

Mr. Stratford said Resolution 23-08 amends the Rules and Regulations for Retail Water Service. The proposed change states that all fees, including impact fees, will be reviewed at least every three years. If an adjustment to impact fees is recommended, any change in the fee will be made in accordance with Utah Code. Mr. Stratford recommended adoption of Resolution No. 23-08, “Amending Jordan Valley Water Conservancy District’s Rules and Regulations for Retail Water Service.”

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to adopt Resolution No. 23-08, “Amending Jordan Valley Water Conservancy District’s Rules and Regulations for Retail Water Service.” Following a second by Mr. Lyle Summers, the motion was unanimously approved by those present as follows:

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

**Engineering
Activities**

**Consider approval to
award a construction
contract for
Distribution Pipeline
Replacements-Old
Farm and 5650 South
areas**

Mr. Jacob Young, Deputy General Manager, said this project pertains to replacement of cast iron pipelines in the Old Farm and 5650 South areas. This location has been identified as an area experiencing high levels of waterline breaks and has been prioritized for replacement. The Old Farm HOA has scheduled renewal of their roads and this project will replace the pipes in that area before the roadwork begins. This project is part of the JVVCD renewal and replacement program which has been put in place to maintain infrastructure stability throughout its system.

Mr. Young recommended approval to award a construction contract to Rolfe Construction, Inc. in the amount of \$1,899,800 for Distribution Pipeline Replacements – Old Farm and 5650 South areas.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to award a construction contract for Distribution Pipeline Replacements – Old Farm and 5650 South areas to Rolfe Construction, Inc. in the amount of \$1,899,800. Following a second by Ms. Barbara Townsend, the motion was unanimously approved by those present as follows:

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

**Consider approval of
a fixed time water use
donation agreement
for water rights
release to Farmington
Bay**

Mr. Packard said that approximately 20 years ago, JVVCD acquired 12,049 acre-feet of lower Jordan River water rights. These rights were purchased as a future water supply. After acquiring these rights, JVVCD obtained approval of water right change applications allowing the water to be diverted from shallow wells near the Jordan River for subsequent treatment for new M&I water supplies. As JVVCD does not need the water supply at this time, the water has been left in the system. He said there has been an effort by the State legislature to find ways to get water to Great Salt Lake. As the projected time of need for this water supply is approximately 2040, JVVCD proposes to make a temporary, five to ten years, commitment to release these rights to Farmington Bay of Great Salt Lake. The proposed agreement is between Utah Division of Wildlife Resources, the National Audubon Society, and The Nature Conservancy.

Mr. Packard recommended approval of a fixed water use donation agreement for water rights release to Farmington Bay and authorize the General Counsel to revise as needed and authorize the General Manager to sign the agreement.

Mr. Rushton called for a motion on the recommendation. Mr. Lyle Summers moved to approve a fixed water use donation agreement for water rights release to Farmington Bay and authorize the General Counsel to revise as needed and authorize the General Manager to sign the agreement.

Following a second by Ms. Karen Lang, the motion was unanimously approved by those present as follows:

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

**Operations and
Maintenance
activities**

**Consider approval of
expenditure for
annual Provo River
Watershed Council
workplan**

Ms. Terry said JVVCD participates in the Provo River Watershed Council and provides funding, along with other agencies, for the annual workplan. The workplan provides for water quality monitoring and management of the Provo River Watershed to protect this major source of water supply and comply with the EPA Drinking Water Source Protection Plan requirements. She provided information on the tasks included in the fiscal year 2022/2023 workplan. Ms. Terry recommended approval of an expenditure for annual Provo River Watershed Council workplan.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve an expenditure for annual Provo River Watershed Council workplan. Following a second by Ms. Karen Lang, the motion was unanimously approved by those present as follows:

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

Reporting Items

**Legislative update
report**

Mr. Packard gave a Legislative Update Report which included the following bills being considered in the current legislature:

- HB 173 Government Attorney Fees Amendments - This bill requires the Court to award attorney fees to a private entity that prevails in litigation brought by a governmental entity. The bill is opposed by UAC, ULC&T, and UASD. The bill is in the House Political Subdivisions Committee.
- HB 272 Water Efficient Landscaping Amendments – Mark Stratford has worked extensively with Rep. Doug Owens on this bill to fund turf removal, and many elements are going to be combined with SB 118. In addition to the elements that have been transferred to SB 118, Rep. Owens may have additional elements to be included with this bill.
- HB 286 Great Salt Lake Funding Modifications - The bill proposes to redirect funds that are currently going into the Water Infrastructure Reserve Account, from a small portion of state sales tax, which is intended to support state projects like Lake Powell Pipeline, Bear River Development Project, and to support repair and replacement of federal facilities. The funds would be allocated to the Great Salt Lake Restricted Account to be used for management

(purchasing water) for Great Salt Lake for the next five years. The bill is in the House Rules Committee.

- HB 307 Utah Water Ways - This bill was developed under the direction of Speaker Brad Wilson. It is intended to create a public/private partnership between unknown entities and the State of Utah. It would try to get private and public dollars to use towards the promotion of water efficiency throughout the state. This bill passed the House with no opposing votes.
- HB 345 Local District Property Tax Amendments - This bill would require district trustees to report proposed bond issues to the entities they represent, similar to the way that property tax increases are reported. It would also require each city or county to adopt a recommendation to the member on whether the tax increase or bond should be approved or issued. It has been assigned to the House Revenue and Taxation Committee.
- HB 349 Water Reuse Projects Amendments – This bill would prohibit water reuse projects in the Great Salt Lake Basin unless the water right for the project is owned by the federal government or the water produced is used to supply water to Great Salt Lake. Three Member Agencies are considering reuse projects, but they would not be affected by this bill as their projects would rely on federal water rights.
- SB 34 Water Infrastructure Funding Study – This bill began as a termination of water conservancy districts' ability to utilize property taxes. Senator McCay adopted an interim proposal study for water infrastructure funding as an alternative to the bill with a report back to the interim committees of Natural Resources and Revenue and Taxation by October of 2024.
- SB 76 Water Amendments - This bill addresses coordination of planning related to water. It encourages land use authorities and water providers to check with each other in supporting future development plans.
- SB 118 Water Efficient Landscaping Incentives – This bill is a follow-up to last year's legislative session when \$5 million was approved for the State to do nonfunctional turf removal. This bill allows for the State to give water districts funds to run the program for the State. To qualify for this funding, the property owner must reside in a municipality that has adopted the Water Efficiency Standards. Instead of \$5 million per year, this bill allows for \$10 million per year of ongoing funding and requires matching funding for funds administered by a water conservancy district.
- SB 119 Per Capita Consumptive Use – The concept of this bill has been generated by the Prep60 group who thought that it would be helpful to have this new metric for measuring per capita use on a consumptive basis. This is because most other western states that use Colorado River water express their per capita use on a

consumptive basis, and they credit back any water that returns to the system.

Mr. Packard reviewed the routine reporting items which included: Central Utah Project/CUWCD activities report, easement encroachment agreements signed by the General Manager, performance indicators for December 2022, and media coverage. Mr. Shane Swensen, Engineering Department Manager, gave final project completion reports on the SERWTP Fluoride Room Upgrades, the Deep Well #6 Well Improvements, and the Five Concrete Reservoirs Repairs. He also reported on the ongoing JWVTP Sedimentation Basins 3-6 Equipment Replacement Project and shared photos of the installation of plate settler sedimentation equipment. He reported that because of a reduction in stainless steel costs, JWVCD received a credit of \$123,000 and that the project is on schedule to be completed on time.

Upcoming Meetings

Mr. Rushton reviewed the upcoming meetings for March including the Conservation Committee meeting, Monday, March 6 at 3:00 p.m.; Executive Committee meeting, Monday, March 6 at 3:00 p.m.; Finance Committee meeting, Monday, March 6 at 3:30 p.m.; and annual Board meeting, Wednesday, March 8 at 3:00 p.m.

Consider approval to cancel the Conservation Committee meeting scheduled for March 6, at 3:00 p.m.

Mr. Rushton recommended cancelling the Conservation Committee meeting. Ms. Karen Lang moved to cancel the March 6 Conservation Committee meeting. Following a second by Mr. John Taylor, the motion was unanimously approved by those present as follows:

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

Adjourn

Mr. Rushton called for a motion to adjourn. Ms. Karen Lang moved to adjourn. Following a second by Ms. Barbara Townsend, the meeting adjourned at 4:49 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Alan E. Packard, District Clerk