

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

(Unapproved and subject to change)

Held January 12, 2022

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held in person and electronically on Wednesday, January 12, 2022, 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 (Electronic)
Karen D. Lang
Sherrie L. Ohrn (Electronic)
Dawn R. Ramsey (Electronic)
Lyle C. Summers
Barbara L. Townsend (Electronic)
Greg R. Christensen
John H. Taylor

Staff Present:

Matt Olsen, Assistant General Manager (electronic)
Alan Packard, Assistant General Manager
Shazelle Terry, Assistant General Manager
Gordon Batt, Operations Department Manager (electronic)
Jason Brown, Information Systems Department Manager (electronic)
Brian Callister, Maintenance Department Manager (electronic)
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 (electronic)
Beverly Parry, Executive Assistant
Mindy Keeling, Administrative Assistant
Jacqueline Morgan, Administrative Assistant (electronic)
Travis Christensen, Registered Engineer (electronic)
Margaret Dea, Senior Accountant (electronic)
Martin Feil, Database Administrator (electronic)
Conor Tyson, Staff Engineer (electronic)

Also Present:

Greg Anderson, General Manager, Kearns Improvement District (electronic)
Darrell Casteel, Operations Manager, AE2S (electronic)
Mark Chalk, General Manager, Taylorsville-Bennion Improvement District (electronic)
Clint Dilley, General Manager, Magna Water District (electronic)
Justun Edwards, Public Works Director, Herriman City (electronic)
Sam Fankhauser, Project Manager, AE2S (electronic)

Christine Finlinson, Assistant General Manager, CUWCD (electronic)
Brian Folsom, Engineer, Jacobs Engineering
Jason Helm, General Manager, Granger-Hunter Improvement District (electronic)
Gary Henrie, Engineer, Bureau of Reclamation
Aaron Kraft (electronic)
Brien Maxfield, Senior Engineer, Draper City (electronic)
Annalee Munsey, Assistant General Manager, Metropolitan Water District of Salt Lake & Sandy (electronic)
Ana Paz, Associate Engineer, South Jordan City
David Robertson, Vice President, Lewis Young Robertson and Burningham (electronic)
Mark Stratford, Deputy City Attorney, Ogden City
Dan Tracer, Assistant City Engineer, Bluffdale City (electronic)
Ryan Willeitner, Engineer, Jacobs Engineering (electronic)
Jacob Young, Director, Brown & Caldwell (electronic)

Call to order and introduction of visitors

Mr. Corey L. Rushton, Chair, convened a Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:00 p.m. on Wednesday, January 12, 2022. Mr. Rushton introduced the members of the Board and public who joined the meeting both in person and electronically.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held November 8, 2021, and the regular Board meeting held November 10, 2021. He also presented the November and December Trustees' Expenses Reports. Mr. Rushton called for a motion. Mr. Greg Christensen moved to approve the minutes of the November 8th and 10th meetings and the November and December 2021 Trustees' Expenses Reports. Following a second by Mr. Lyle Summers, the motion was unanimously approved by those present as follows:

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

Ms. Karen Lang joined the meeting at 3:04 p.m.

Public comments

There were no public comments.

Core Mission Reports

Ms. Dawn Ramsey and Mr. Reed Gibby joined the meeting electronically at 3:09 p.m.

Water supply report

Ms. Shazelle Terry, Assistant General Manager, reviewed the Municipal and Industrial (M&I) Water Deliveries report through December 2021, the Wholesale Contract Progress report for each Member Agency, the M&I Water Sources report, the Provo River Reservoirs Update, and the Wholesale and Retail Actual and Projected Deliveries report. She reported that JVWCD delivered just over 100,000 acre feet of water during 2021, which is 11% less than 2020. She also shared information on monthly precipitation for October, November, and December 2021; snowfall for the various Utah basins; daily precipitation during the month of January; the 8-14 day precipitation outlook; and the snow water equivalency at Trial Lake.

Water quality report

Mr. Gordon Batt, Operations Department Manager, reviewed the Sanitary Survey that was recently completed. He said all public drinking water systems are inspected at a minimum of every three years to assess system conditions, operations, and record keeping. The inspections identify conditions that may present a sanitary or public health risk. Sanitary surveys are conducted by the Division of Drinking Water (DDW), and systems are evaluated against the rules and specific criteria set forth in the R309-400 Water System Rating Criteria. Mr. Batt explained that each system is given a certain number of points that they cannot go over or they will be given a rating of "Not Approved," and JVVCD cannot go over 150 points in order to receive an "Approved" rating. He said the Sanitary Survey took place in September 2021, which included inspection of 3 water treatment plants, 12 booster stations, 40 well houses, and 31 reservoirs. The DDW found fifteen deficiencies during the inspection. Mr. Batt reviewed the deficiencies and the steps taken to correct 12 of them. Three deficiencies were for media depths at JVVWTP and SERWTP where core samples were taken for each filter to verify depths, sieve tests were performed to measure media size, and the media requirements have been resolved. Mr. Batt reported that no points have been assessed to the JVVCD system.

Standing Committee Reports

Finance update

Mr. Brian McCleary, Controller, said financial reports for both October and November were included in the Board packet. He reviewed the Financial Report Summary and Income Statement for November 2021. He compared 2020 and 2021 year-to-date water deliveries and explained that revenues from water deliveries are down approximately \$4.6 million from last year. He also explained that property tax revenues begin coming in during November and can be spread out over several months. Mr. McCleary also reviewed the November fund balances.

Conservation update

Mr. Matt Olsen, Assistant General Manager, reviewed the 2022 Conservation Garden Park Class and Event Schedule, which includes both in person and online offerings. He explained that staff will work with Member Agencies to send out class and event schedules in upcoming billing cycles. Mr. Olsen said that there are plans to increase Garden activities in 2022, including more demonstrations, tours, and classes. He also said the Party in the Park will be replaced with a Localscapes Open House where people can come to the Garden for additional resources to help with their own Localscapes projects.

Consider ratification of General Counsel appointment

Mr. Alan Packard, Assistant General Manager, said Reid Lewis, JVVCD's General Counsel, recently announced he will retire April 1, 2022. He explained that staff conducted a selection process to replace Mr. Lewis, and Mr. Mark Stratford was selected to be the new General Counsel. He said Mr. Stratford comes with extensive experience that aligns well with JVVCD positions. Mr. Packard recommended ratification of the appointment of Mr. Mark Stratford as General Counsel.

Mr. Reed Gibby said four candidates were interviewed for the General Counsel position, and he was impressed with all the candidates. He said the interview committee conducted itself very professionally and after deliberation, Mr. Stratford was selected as the new General Counsel. Mr. Gibby stated he is fully in support of Mr. Stratford being selected. Mr.

Rushton turned some time over to Mr. Stratford, who expressed appreciation for the opportunity to join the JWCD team and hopes his past experience will be of benefit to JWCD.

Mr. Rushton called for a motion on the recommendation. Ms. Dawn Ramsey moved to ratify Mr. Mark Stratford's appointment as General Counsel. 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 adoption of
Petition Certification
(Rowley Drive),
certifying petition for
annexation of lands
into the JWCD**

Mr. Packard explained that three properties located at approximately 800 East 4400 South in Millcreek have submitted a petition to annex into JWCD's service area. These are adjoining residential properties with homes built in the 1950s and are within JWCD's retail service area. He explained that the homes have been serviced by their own domestic wells, which went dry during the summer and are no longer a reliable source of water. Mr. Packard said that this action is the first in a two step annexation process, and he recommended adoption of the Petition Certification, certifying petition for annexation of lands into the Jordan Valley Water Conservancy District.

Mr. Gibby asked if these wells have water rights attached to them and if there is a possibility of securing them. Mr. Packard said each of the three wells would have a small water right associated with them and staff could look into securing them.

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to adopt the Petition Certification, certifying petition for annexation of lands into Jordan Valley Water Conservancy District. 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	

**Consider adoption of
Resolution No. 22-
01, "Amending
JWCD's Policy
Manual (Personnel
Rules and
Regulations)**

Mr. Kurt Ashworth, Human Resources Manager, said staff regularly reviews the JWCD policy manual and proposes changes to bring the policies up to date. One of the larger proposed policy changes includes the JWCD Annual Leave policy. Staff is proposing to add a paragraph to the Annual Leave policy that would enable 48 hours of paid leave be advanced to newly hired employees, who would then not accrue paid leave during their six month introductory period. When the introductory period is complete, they would then begin to accrue eight hours of paid leave per month.

Mr. Ashworth said the JWCD Disability Leave policy was written many years ago and some of the language is out of date. He reviewed the proposed changes to this policy. Mr. Ashworth recommended adoption of

Resolution No. 22-01, "Amending JVVCD's Policy Manual."

Mr. Rushton called for a motion on the recommendation. Ms. Karen Lang moved to adopt Resolution No. 22-01. Following a second by Mr. Lyle Summers, the motion was unanimously approved as follows:

Mr. Christensen – aye
Ms. Lang – aye
Ms. Ramsey – aye
Mr. Summers – aye
Ms. Townsend – aye

Mr. Gibby – aye
Ms. Ohrn – aye
Mr. Rushton – aye
Mr. Taylor – aye

Financial matters

Establishing a level of service for preparation of fiscal year 2022/2023 budget

Mr. Packard said that each year it has been staff's practice to begin the budget process by establishing the level of service which retail customers and Member Agencies expect from JVVCD. This level of service document is the basis for creating the fiscal year 2022/2023 budget and is organized using the ten attributes reported to the Board each month as key performance indicators. Mr. Packard said there are three conditions this year that influenced the preparation of the level of service document. These include the COVID-19 pandemic, the continuing drought conditions, and economic conditions including high inflation.

Preliminary budget preparation calendar

Mr. David Martin, Chief Financial Officer, summarized the preliminary budget preparation calendar and noted that it has not yet been determined if a property tax increase will be proposed, which would require an evening public hearing in August, and that the certified tax rate will not be known until June.

Preliminary budget parameters plan

Mr. Martin explained that the budget parameters plan is a preliminary plan that gives an overview of the parameters staff will be using for the fiscal year 2022/2023 budget preparation. He reviewed items in the preliminary budget parameters plan including the projected water deliveries, possible water rate adjustment, use of the Revenue Stabilization Fund, estimated property tax rate, reserve fund balances, Operations and Maintenance expenses which includes a personnel compensation adjustment and three new positions, capital project expenditures, and PayGo capital to be generated from operations.

Mr. Rushton asked if implementation of the Drought Contingency Plan has been taken into account when preparing the budget. Mr. Packard said the level of service document has been based on a pessimistic water supply outlook. Mr. Martin said most of the expenditures in the budget are fixed in nature, but that changes in budgeted water deliveries would impact the variable expenditures.

Engineering activities

Consider award of construction contract for Jordan Aqueduct Reach 3 Cathodic Protection Systems

Mr. Shane Swensen, Engineering Department Manager, said the existing JA-3 passive cathodic protection system was originally installed in the 90's and is now in need of replacement. He said this system provides critical corrosion protection to the aqueduct and helps extend the life of this important asset. JVVCD's consultant has recommended that an impressed current cathodic protection system be installed to replace the existing system. Mr. Swensen recommended awarding a construction contract for the Jordan Aqueduct Reach 3 cathodic protection system to ICORR

Technologies, Inc. in the amount of \$146,200.

Mr. Rushton called for a motion on the recommendation. Mr. Greg Christensen moved to award a construction contract to ICORR Technologies, Inc. for the Jordan Aqueduct Reach 3 cathodic protection system in the amount of \$146,200. 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
engineering contract
amendment for 3600
West 10200 South
pump station**

Mr. Swensen said the proposed engineering contract amendment includes an additional six months of construction management services for the construction of the 3600 West 10200 South Pump Station. He explained that during the initial planning for the pump station project, a twelve month construction window was planned. As a result of the pandemic, supply chain issues, and labor shortages, staff recommends extending the contract to eighteen months. This has allowed for more competitive bids from construction contractors. He said this amendment will cover inspection, construction management, and engineering services for the extended construction period. Mr. Swensen recommended approval of an engineering contract amendment for 3600 West 10200 South pump station with AE2S in the amount of \$121,104.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to amend an engineering contract with AE2S in the amount of \$121,104 for 3600 West 10200 South pump station. Following a second by Mr. Greg Christensen, 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
Verification of
compliance with
selected legal
requirements and
internal District
practices**

Mr. Reid Lewis, General Counsel, reported that Jordan Valley Water Conservancy District is in compliance with all legal requirements and internal District practices. Mr. Packard reviewed the routine reporting items which included: Central Utah Project/CUWCD Activities Report, lease agreements signed by the General Manager, performance indicators for November 2021, and media coverage. Mr. Swensen provided information on final project completion reports for pipeline repairs at Bron Breck Street and 1516 West 14600 South well improvements.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings for February, including: Conservation Committee meeting, Monday, February 7 at 3:00 p.m.; Executive Committee meeting, Monday, February 7 at 3:30 p.m.; and regular Board meeting, Wednesday, February 9 at 3:00 p.m.

Closed meeting

Mr. Rushton proposed to convene a closed meeting at 4:45 p.m. to discuss the sale or purchase of real property and/or water rights or water shares.

Ms. Sherrie Ohrn moved to go into closed session for the discussion. 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	

The closed meeting convened at 4:51 p.m. with the following Trustees present: Mr. Corey Rushton, Mr. Greg Christensen, Mr. Reed Gibby (electronic), Ms. Karen Lang, Ms. Sherrie Ohrn (electronic), Ms. Dawn Ramsey (electronic), Mr. Lyle Summers, Mr. John Taylor, and Ms. Barbara Townsend (electronic). Also present were: Alan Packard, Assistant General Manager; Shazelle Terry, Assistant General Manager; Matt Olsen, Assistant General Manager (electronic); David Martin, Chief Financial Officer; Reid Lewis, General Counsel; Beverly Parry, Executive Assistant.

No votes or actions were taken during the closed meeting.

Open meeting

The open meeting was reconvened at 5:12 p.m.

Consider approval of determination that water right a32138a is surplus and can be made available for sale

Mr. Packard recommended approval of determination that water right a32138a is surplus and can be made available for sale. He said prior to selling the water right, an analysis will be conducted to determine optimum timing and conditions of the sale, and it will be brought back before the Board.

Mr. Rushton called for a motion on the recommendation. Mr. Greg Christensen moved to approve a determination that water right a32138a is surplus. 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	

Adjourn

Mr. Rushton called for a motion to adjourn. Following a motion by Ms. Karen Lang to adjourn, the meeting adjourned at 5:18 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Barton A. Forsyth, District Clerk

