

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

(Unapproved and subject to change)

Held December 4, 2019

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held Wednesday, December 4, 2019, at 3:00 p.m. at the District office 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”).

Trustee Karen D. Lang participated electronically, and at the conclusion of the meeting she verbally certified that she participated in good faith during the entire meeting.

Trustees Present:

Corey L. Rushton, Chair
Greg R. Christensen
Wm. Brent Johnson
Karen D. Lang (electronically)
Scott L. Osborne
Ronald E. Sperry
Lyle C. Summers
John H. Taylor
Barbara L. Townsend

Trustees Not Present:

Staff Present:

Richard Bay, General Manager/CEO
Bart Forsyth, Assistant General Manager
Alan Packard, Assistant General Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Matt Olsen, Communications Department Manager
Shane Swensen, Engineering Department Manager
Shazelle Terry, Operations Department Manager
Reid Lewis, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Linda Townes, Public Information Manager
Beverly Parry, Executive Assistant
Michele Guy, Administrative Assistant
Jess Morgan, Administrative Assistant

Also Present:

Riley Astill, Controller, Kearns Improvement District
Patrick Carlson, Manager, Carollo Engineers
Mark Chalk, General Manager, Taylorsville-Bennion Improvement District
Darrell Child, Executive Vice President, Olympus Insurance
Mike DeVries, General Manager, Metropolitan Water District of Salt Lake & Sandy
Justun Edwards, Public Works Director, Herriman City

Sam Fankhauser, AE2S
Chris Finlinson, Assistant General Manager, Central Utah Water Conservancy District
Louie Fuell, Assistant General Manager, Granger-Hunter Improvement District
Jason Helm, Granger-Hunter Improvement District
Tim Heyrend, Utilities Manager, City of West Jordan
Clint Jensen, General Manager, Granger-Hunter Improvement District
Ed Mignone, Stantec
Jason Rasmussen, Public Works Director, South Jordan City
David Robertson, Vice President, Lewis Young Robertson and Burningham
Ryan Willeitner, Engineer, Jacobs Engineering
Jacob Young, Utah Operations Leader, Brown & Caldwell

Call to order and introduction of visitors

Mr. Corey L. Rushton, Chair, convened the Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:00 p.m. on Wednesday, December 4, 2019, in the Administration Building at 8215 South 1300 West in West Jordan, Utah. Mr. Rushton introduced the members of the Board and visitors. Ms. Karen Lang joined the meeting electronically.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held November 12, 2019, and the Public Hearing/Board meeting held November 13, 2019. He also presented the November Trustees Expenses Report. Mr. Rushton called for a motion. Mr. Greg Christensen moved to approve the minutes of the November 12 and November 13 meetings and the November Trustees Expenses Report. Following a second by Mr. Ron Sperry, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – not present
Ms. Lang – aye	Mr. Osborne – aye
Mr. Rushton – aye	Mr. Sperry – aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Public comments

There were no public comments.

Consider adoption of Petition Certifications (SSSLC, LLC and AK Legacy, LLC), certifying petitions for annexation of lands into the JVVCD

Mr. Reid Lewis, General Counsel, said the Board approved annexation of lands in Herriman City (lot no. 4) at the September 2019 Board meeting, with the understanding that the lot had only one owner, SSSLC, LLC. Staff later discovered that lot no. 4 has two owners: SSSLC, LLC and AK Legacy, LLC. Mr. Lewis said the Board reversed the annexation process by rescinding Resolution No. 19-21 at the November Board meeting. Mr. Lewis recommended adoption of Petition Certifications for both SSSLC, LLC and AK Legacy, LLC.

Mr. Rushton asked for a motion on the recommendation. Mr. Ron Sperry moved to adopt Petition Certifications (SSSLC, LLC and AK Legacy, LLC), certifying petitions for annexation of lands into the Jordan Valley Water Conservancy District. Following a second by Ms. Barbara Townsend, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Johnson – not present
Ms. Lang – aye	Mr. Osborne – aye
Mr. Rushton – aye	Mr. Sperry – aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Reporting Items

Mr. Bay, General Manager, and Mr. Brian McCleary, Controller, reviewed the financial statement for October 2019.

Upcoming meetings

Mr. Rushton reviewed the upcoming January Board meeting dates including the Conservation Committee meeting, Monday, January 6 at 3:00 p.m.; Executive Committee meeting, Monday, January 6 at 4:00 p.m.; and regular Board meeting, Wednesday, January 8 at 3:00 p.m.

Mr. Brent Johnson arrived at 3:14 p.m.

Report and recommendation from subcommittee assigned to evaluate General Manager candidate(s)

Mr. Rushton said the process of searching for a new general manager began in July 2019 with a lengthy discussion at the July Board meeting about the future needs of the District and what the process would include. It was decided the Board would appoint a subcommittee, consisting of Corey Rushton, Lyle Summers, and John Taylor, to begin the search. The subcommittee solicited feedback from District senior management and trustees. From this feedback, the subcommittee updated the General Manager job description and established a framework for conducting interviews. The position was posted nationally, and 352 applications were received. Seven candidates were advanced to the interview phase, 4 internal and 3 external to the District. Hour-long interviews were conducted on November 21 and 22, 2019. Mr. Rushton said all seven candidates were qualified, but one stood out as most capable and qualified, Assistant General Manager Bart Forsyth.

Mr. Summers expressed appreciation for the process the subcommittee went through during the search for the next General Manager. He said Bart Forsyth's experience, knowledge, and grasp of the situations the District may experience in the future made him an exceptional candidate.

Interview candidate(s) for General Manager Position

Mr. Forsyth thanked Mr. Bay for all he has learned from working with him over the past 34 years. He thanked the subcommittee for their confidence in him and said he is excited for this potential opportunity. Mr. Forsyth said the District provides an essential service, and its primary purpose is to protect and promote the health and welfare of the public through providing a safe, clean and reliable drinking water supply to the inhabitants of the District's service area. This is a great responsibility and something that is taken seriously by District staff. He said the District has strived to be a leader in the water industry, and he wants to continue that endeavor by continuing to develop trust and confidence with the public, Member Agencies, and other governmental agencies.

Mr. Rushton asked what Mr. Forsyth sees as the future needs of the District. Mr. Forsyth said the District needs to stay ahead of the curve with respect to water supply, achieve additional water conservation results, and meet challenges with respect to environmental issues, the District's ability to

assess property tax, and additional water supply from the Bear River Development Project.

Mr. Christensen said Member Agencies have expressed concern about lack of communication with the District and asked how Mr. Forsyth would address these concerns. Mr. Forsyth said that he was not aware of such concerns, but if there are concerns from the District's retail service customers or wholesale Member Agencies, then they need to be addressed and an improved communications plan needs to be developed. He said a possible solution may be to have more regular meetings with Member Agencies.

Mr. Rushton asked Mr. Forsyth to share his experience and relationships with stakeholders. Mr. Forsyth said he thinks stakeholders feel comfortable contacting District employees about concerns, and he feels he has staff support. He said he has developed a relationship of trust and confidence with wholesale Member Agencies and peer agencies over the years, and he knows staff at many of the governmental agencies and has had some exposure with the state legislature.

Mr. Osborne thanked the subcommittee for the work they did during the General Manager search process and expressed appreciation to the District staff that applied for the position. He asked Mr. Forsyth what his future plans are with regards to continued employment with the District. Mr. Forsyth said he has no definite timeline for future plans.

Mr. Taylor said during the interview process, he looked for where would be the best opportunity to mentor, teach, train, and look toward the next succession, as well as maintain the District moving forward.

Mr. Sperry asked how much involvement Mr. Forsyth has had in dealing with the Governor and legislature. Mr. Forsyth said he has met with the Governor a few times and has made reports and given testimony to legislative committees.

Consider determination of whether it is in the best interest of the District to allow a trustee to join electronically in a discussion of character and professional competency of an individual in closed meeting

Mr. Rushton said, as Ms. Lang is joining the meeting electronically, District policy makes it necessary to determine whether it is in the best interest of the District to allow her to join electronically in a discussion of character and professional competency of an individual in closed meeting.

Mr. Rushton asked for a motion. Mr. John Taylor moved to determine it is in the best interest of the District to allow Ms. Lang to join electronically in a discussion of character and professional competency of an individual in closed meeting. Following a second by Mr. Brent Johnson, the motion was approved unanimously as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Rushton – aye	Mr. Sperry – aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Closed Meeting

Mr. Rushton proposed to convene a closed meeting at 3:49 p.m. in the Board room of the District's Administration Building at 8215 South 1300

West, West Jordan, Utah, to discuss the character and professional competency of an individual. Mr. Lyle Summers moved to go into closed session for the discussion. Following a second by Mr. Ron Sperry, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Rushton – aye	Mr. Sperry – aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend – aye	

The closed meeting convened at 3:55 p.m. with all Trustees present. Ms. Lang joined electronically. Also present during part of the closed meeting was Mr. Bart Forsyth.

No votes or actions were taken during the closed meeting.

Open meeting reconvened

The open meeting was reconvened at 5:11 p.m.

Appointment of General Manager

-Discussion of appointment

-Selection and appointment of General Manager

-Delegate authority to negotiate an employment contract and other conditions

Mr. Rushton asked the Board members to give their thoughts on appointing Bart Forsyth as General Manager. Mr. Taylor said, having gone through the selection and interview process, he recommended appointing Mr. Forsyth as General Manager. He said all seven candidates that were interviewed were seriously discussed and considered. He said the District provides an essential, life-saving service, and Mr. Forsyth's experience and institutional knowledge qualify him for this position. Mr. Sperry recommended moving forward and appointing Mr. Forsyth as General Manager. Mr. Osborne expressed appreciation to Mr. Bay for his leadership and recommended appointing Mr. Forsyth as General Manager. Mr. Summers said he has worked with Mr. Forsyth for a long time, especially dealing with water conservation, and recommended Mr. Forsyth be appointed General Manager. Ms. Lang thanked the subcommittee for the work they performed to get the Board to one candidate recommendation, and she feels confident Mr. Forsyth can perform the duties of General Manager. Mr. Christensen, Ms. Townsend, and Mr. Johnson agreed with the recommendations.

Mr. Rushton said Mr. Bay and Mr. Kurt Ashworth, Human Resources Manager, had been very helpful through the selection process. He expressed appreciation to the Board members for providing direction to the subcommittee and said the selection process undertaken was a good model for others to follow. He said Mr. Forsyth's detailed knowledge of upcoming issues, past issues, relationships, partnerships, and creative solutions to issues made him the clear choice for General Manager.

Mr. Rushton asked for a motion. Mr. Scott Osborne moved to appoint Barton A. Forsyth as General Manager of Jordan Valley Water Conservancy District and authorize Mr. Rushton and Mr. Lewis to negotiate an employment contract and other conditions. Following a second by Mr. John Taylor, the motion was unanimously approved as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Rushton – aye	Mr. Sperry – aye
Mr. Summers – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Adjourn

Mr. Rushton called for a motion to adjourn. Mr. Greg Christensen moved to adjourn. The motion was unanimously approved as follows:

Mr. Christensen – aye

Mr. Johnson – aye

Ms. Lang – aye

Mr. Osborne – aye

Mr. Rushton – aye

Mr. Sperry – aye

Mr. Summers – aye

Mr. Taylor – aye

Ms. Townsend – aye

The meeting adjourned at 5:27 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Richard P. Bay, Clerk