

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

(Approved April 10, 2024)

March 13, 2024

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held both in person and electronically on Wednesday, March 13, 2024, 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
Zach Jacob
Karen D. Lang
Andy Pierucci
John B. Richardson
Mick M. Sudbury
John H. Taylor
Barbara L. Townsend

Trustees Not Present:

Dawn R. Ramsey

Staff Present:

Alan Packard, General Manager
Jacob Young, Deputy General Manager
Shazelle Terry, Assistant General Manager
Shane Swensen, Chief Engineer
Gordon Batt, Operations Department Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Mark Stratford, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Mindy Keeling, Executive Assistant
Lisa Wright, Administrative Assistant III
Wade Tuft, Water Supply Manager
Travis Christensen, Engineering Group Leader
Martin Feil, Database Administrator (electronic)
Kelly Good, Community Engagement Department Manager
Cheyenne Davis, Customer Services Representative
Margaret Dea, Senior Accountant

Also Present:

Greg Davenport, Utility Director, West Jordan City
Justun Edwards, Public Works Director, Herriman City

Greg Anderson, General Manager, Kearns Improvement District
 Brandon Crookston, Water Manager, South Jordan City
 Stacie Olson, Assistant Public Works Director, Riverton City
 Jason Helm, General Manager, Granger-Hunter Improvement District
 Brien Maxfield, Senior Engineer, Draper City
 Shannon Ellsworth, Principal Advisor, Rio Tinto
 Jen Robison, External Affairs, Rio Tinto
 Jason Leuttinger, Bowen, Collins & Associates
 Rob Moore, General Counsel, CUWCD (electronic)
 Ana Paz, Associate Engineer, South Jordan City (electronic)
 David Robertson, Principal/Owner, LRB Public Financial Advisors
 Will Bowman, Engineer, Kimley-Horn
 Riley Fisher, Engineer, Kimley-Horn
 Ryan Willeitner, Engineer, Jacobs Engineering (electronic)
 Greg Christensen, Trustee, Kearns Improvement District
 Kent Rowe
 Austin Ballard, CFO/Controller, Granger-Hunter Improvement District (electronic)
 Clint Dilley, General Manger, Magna Water District (electronic)
 Wayne Winsor, Assistant General Manager, Metropolitan Water District of Salt Lake & Sandy
 Dustin Lewis (electronic)
 Parry Osborn (electronic)

Call to order and introduction of visitors

Mr. Corey Rushton, Chair, convened the Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:01 p.m. on Wednesday, March 13, 2024. Mr. Rushton introduced the members of the Board and the public who joined the meeting both in person and electronically. He excused Ms. Dawn Ramsey from the meeting.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held February 12, 2024, and the regular Board meeting held February 14, 2024. He also presented the February 2024 Trustees' Expenses Report. Mr. Rushton called for a motion. Ms. Barbara Townsend moved to approve the minutes of the February 12th and February 14th meetings and the Trustees' Expenses Report for February 2024. Following a second by Mr. Mick Sudbury, the motion was unanimously approved by those present as follows:

Mr. Zach Jacob – aye	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Public comments

Mr. Greg Anderson, General Manager, Kearns Improvement District, said that last year Senate Bill 34 was signed requiring a study be conducted regarding the use of property tax by water providers. He encouraged JVVCD staff to exercise patience until the study is complete to fully utilize its findings as a resource and source of information for any changes in property tax decision making.

Mr. Kent Bown commented on a variety of concerns regarding the Kennecott mine and potential effects to our water supply and to the water quality of Great Salt Lake, the West Jordan airport traffic and its noise level, and increased property taxes.

Election of District Officers for the coming year

Mr. Rushton asked Mr. Packard to review the list of current District officers. Mr. Rushton indicated that Mr. Alan Packard is willing to remain as District Clerk, Mr. Jacob Young remain as Assistant District Clerk, and Mr. David Martin remain as Treasurer. Ms. Barbara Townsend moved to approve that those individuals be reappointed to the respective District office they now hold. Following a second by Mr. Andy Pierucci, the motion was unanimously approved by those present as follows:

Mr. Richardson – aye	Mr. Jacob – aye
Ms. Lang – aye	Mr. Pierucci – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Mr. Mick Sudbury nominated Ms. Barbara Townsend to serve as Conservation Committee Chair. With no other nominations, Mr. Rushton called for a vote. The nomination was approved by those present as follows:

Mr. Richardson – aye	Mr. Jacob – aye
Ms. Lang – aye	Mr. Pierucci – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Ms. Barbara Townsend moved to retain Mr. Corey Rushton as Board Chair, Ms. Karen Lang as Board Vice Chair and Mr. John Taylor as Finance Committee Chair. Following a second by Mr. Mick Sudbury, the motion was approved by those present as follows:

Mr. Richardson – aye	Mr. Jacob – aye
Ms. Lang – aye	Mr. Pierucci – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – aye
Ms. Townsend - aye	

Core Mission Reports

Water supply update

Mr. Alan Packard, General Manager, reviewed the Municipal and Industrial (M&I) Water Deliveries report through February 2024, the Wholesale Contract Progress report for each Member Agency, the Wholesale and Retail Actual and Projected Deliveries report, and the Provo River Reservoirs Update. He also presented a 2024 water supply forecast projection for runoff for the Provo River/Hailstone area.

Water quality update

Ms. Shazelle Terry, Assistant General Manager, gave a brief history of fluoridated culinary water in the United States and the State of Utah. She said fluoridation in Utah is regulated on a county basis. Ms. Terry explained that there are some communities that have natural fluoridation at the

optimum level of 0.7 mg/L or greater, and most water systems in Davis and Salt Lake Counties add fluoride to their water in accordance with voter approval referendum. She then reviewed the current rule requirements including concentration levels and reporting. She said there is a continued debate for and against fluoridated water. The main arguments for fluoridating water are that it can reduce tooth decay in children and adults by 25%, and that it can benefit less affluent individuals. The main arguments against fluoridating water are the potential risk to water operators, and that the cost to fluoridate includes water that is not actually consumed, with the vast majority of JWWCD water deliveries going to outdoor use, sanitation, and uses other than consumption. Ms. Terry summarized an active lawsuit between Food & Water Watch, Inc. and the Environmental Protection Agency (EPA), where the use of hydro fluorosilicic acid (HFSA) is claimed to cause harm to the developing brains of children and not be used as a drinking water fluoridation agent. She said that a written verdict on the case is pending and could potentially prohibit the use of HFSA across the nation.

Standing Committee Reports

Mr. Brian McCleary, Controller, reviewed the finance report for January 2024 and the Wholesale and Retail Water Sales Revenue.

Finance update

Conservation update

Mr. Jacob Young, Deputy General Manager, provided a status report on updating JWWCD's Conservation Plan (Plan). He said when the Plan was last updated in 2019, water use per capita within JWWCD's service area was at 199 gpcd with a goal to reach 187 gpcd by 2030 and 169 gpcd by 2065. As of 2022, water use measured 160 gpcd, which has met and exceeded the projected goals for both 2030 and 2065. The current Plan included milestones and benchmarks such as training on leak mitigation programs, strategic water management programs, and custom incentive programs. The Plan also included requiring water efficiency standards, service area wide adoption of the water efficiency standards, additional conservation staff, and increasing participation levels and budgets of conservation programs. Mr. Young said the analyses will be performed by JWWCD staff to update the Plan for 2024. It is projected to be ready for adoption by the December 2024 or 2025 January Board meeting.

Mr. Rushton asked how the recently adopted Strategic Plan will inform updates for the Conservation Plan. Mr. Young said that the core imperative to establish the community's conscious connection with water will be a driving theme to the update. Mr. Rushton also suggested that staff explore other metrics in addition to gpcd to measure key performance.

Engineering activities

Consider authorization to award a construction contract for 2024 Landscaping Project

Mr. Shane Swensen, Chief Engineer, said that over the next several years, JWWCD plans to replace existing landscaping (predominantly turf grass) at various well, reservoir, and pump sites with water-wise landscaping. This project will include turf grass removal within park strips and the frontage areas at seven well sites. Mr. Swensen recommended authorization to award a construction contract for 2024 Multi-Site Landscaping to Nelson Brother's Construction in the amount of \$137,168.

Mr. Rushton called for a motion on the recommendation. Mr. Mick Sudbury moved to authorize award of a construction contract to Nelson Brother's Construction in the amount of \$137,168 for 2024 Multi-Site Landscaping. Following a second by Ms. Barbara Townsend, the motion was unanimously approved by those present as follows:

Mr. Zach Jacob – aye	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Consider adoption of Petition Certification (Olympia Hills), certifying petition for annexation of lands into the JVVCD

Mr. Mark Stratford, General Counsel, explained that a petition has been submitted by the Olympia Development to add approximately 940 acres of land to JVVCD's service area in Herriman City. Mr. Stratford 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. Taylor asked who would certify that all processes for the petition have been met. Mr. Stratford explained that the Board will certify the petition with a vote but will rely on statements by staff that all requirements have been met and are included in the Petition Certification document.

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to adopt the Petition Certification, certifying the petition for annexation of lands into Jordan Valley Water Conservancy District. Following a second by Ms. Karen Lang, the motion was unanimously approved as follows:

Mr. Zach Jacob – aye	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Consider adoption of Resolution No. 24-04, "Amending JVVCD's Rules and Regulations for Wholesale Water Service"

Mr. Stratford reviewed the language for the proposed water availability budget policy as previously discussed in the February 2024 Executive Committee Meeting. He pointed out modifications to policy language based on the previous discussion and said that adopting the proposed changes does not affect any development of current land within JVVCD boundaries, only new lands being annexed into JVVCD boundaries. Mr. Stratford also mentioned a provision that says if a development requires more water than is allowed by the budget, then the developer shall make up the difference to JVVCD that is in addition to the budget. He said this can be done by conveying water rights or other water interests to JVVCD, making a payment in lieu of transferring water, or providing other benefits that will make JVVCD whole. Mr. Stratford recommended adoption of Resolution No. 24-04, "Amending Jordan Valley Water Conservancy District's Rules and Regulations for Wholesale Water Service" as well as authorize the staff to make any clerical or format changes needed.

Ms. Lang asked what benefits could be anticipated that would require negotiation for something other than water or funds. Mr. Stratford explained that an example would be the contribution of land for items such as new facilities or storage tanks.

Mr. Rushton asked if a development were to convey water rights for any water used over the budget, what is JWVCD's process for receiving that type of asset. Mr. Stratford said JWVCD has a series of standards and procedures for any water acquisition. Mr. Rushton then inquired as to the process used for evaluating the monetary value of water rights. Mr. Stratford said that acceptable water rights or shares to JWVCD will be reviewed for the yield it would provide to ensure that JWVCD is receiving the correct amount of water rather than focusing on monetary value.

Mr. Packard said that conversations regarding this proposed policy have taken place with Herriman City, the City of South Jordan and Kennecott, Draper City, the Point Development Authority, and Division of Facilities and Construction Management, amongst others.

Mr. Rushton called for a motion on the recommendation. Mr. Zach Jacob moved to adopt Resolution No. 24-04, "Amending Jordan Valley Water Conservancy District's Rules and Regulations for Wholesale Water Service" Following a second by Mr. Andy Pierucci, the motion was unanimously approved by those present as follows:

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|-------------------------------|----------------------------|
| Mr. Zach Jacob – aye | Mr. Corey Rushton – aye |
| Ms. Karen Lang – aye | Mr. Mick Sudbury – aye |
| Mr. Andy Pierucci – aye | Mr. John Taylor – aye |
| Ms. Dawn Ramsey – not present | Ms. Barbara Townsend – aye |
| Mr. John Richardson – aye | |

Consider extension of a standby bond purchase agreement between JWVCD and JP Morgan Chase

Mr. Dave Martin, Chief Financial Officer, said that David Robertson, Principal/Owner, LRB Public Financial Advisors assisted in negotiating the standby bond purchase agreement extension with JP Morgan Chase. JWVCD issued its first series of variable rate bonds in 2002, and currently has \$48,865,000 of outstanding variable rate bonds. He said that JWVCD's variable rate bonds are remarketed weekly and if the bonds fail to be purchased when remarketed, they must be purchased by JWVCD. To mitigate the risk of repurchasing these bonds, JWVCD has previously entered into a Standby Bond Purchase Agreement with JP Morgan Chase. JWVCD has approved extensions to this agreement over the years, for terms of one to three years. The latest one-year extension expires April 14, 2024. Mr. Martin recommended approval of a one-year extension to the Standby Bond Purchase Agreement with JP Morgan Chase.

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to authorize approval of a one-year extension to the Standby Bond Purchase Agreement with JP Morgan Chase. Following a second by Ms. Mick Sudbury, the motion was unanimously approved by those present as follows:

- | | |
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| Mr. Zach Jacob – aye | Mr. Corey Rushton – aye |
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Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Reporting Items

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

- HB 11 Water Efficient Landscaping Amendments – Passed. This bill requires new government buildings to limit overhead spray irrigation to active recreation areas only.
- HB 280 Water Related Changes – Passed. The Water Development Coordinating Council is directed to prioritize water projects requesting state funding. Funding mechanism to be studied (may be an end user fee or a tax).
- HB 330 Unincorporated Areas Amendments – Passed. Automatic annexation of unincorporated islands in first class counties into bordering municipality if not annexed or incorporated by July 1, 2027. Allows for groups of unincorporated islands to join together to create non-contiguous cities.
- SB 118 Water Efficiency Amendments – Failed, no funding. This bill establishes a developer incentive fund (with the same provisions as landscape incentive program) to pay developers to install new water efficient landscaping.
- SB 211 Generational Water Infrastructure Amendments – Passed. This bill creates a Water District Water Development Council to coordinate generational water projects in the state and the office of an Agent to seek importation of water into the state from other states.
- SB 259 Requirements for Districts Providing Services – Passed. Provides for general clean up for special districts language. Allows Jordan Valley to hold hearings for changing trustee division boundaries and then seek the governor's approval of these changes.

Mr. Packard reported on Ms. Shazelle Terry's appointment to the Utah Drinking Water Board.

Mr. Packard reviewed the routine reporting items which included: Central Utah Project/CUWCD activities report, easement encroachment agreements signed by the General Manager, he introduced the new format for the performance indicators for January 2024, and media coverage. Mr. Swensen reported on the Jordan Aqueduct Reach 1 and Southeast Collection Line Condition Assessment, and the Southwest Groundwater Well Improvements final completion reports.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings including the Finance Committee meeting, Monday, March 25 at 3:00 p.m.; Conservation Committee meeting, Monday, April 8, at 3:00 p.m.; Executive Committee meeting, Monday, April 8 at 3:30 p.m.; Annual meeting of the Employee Retirement Plan Committee, Monday, April 8, 4:00 p.m.; Regular Board meeting, Wednesday, April 10 at 3:00 p.m.

Closed meeting

Mr. Rushton proposed to convene a closed meeting at 5:05 p.m. to discuss sale or purchase of real property and/or water rights or water shares. Mr. John Taylor moved to go into closed session for the discussion. Following a second by Ms. Barbara Townsend, the motion was unanimously approved as follows:

Mr. Richardson – aye	Mr. Jacob – aye
Ms. Lang – aye	Mr. Pierucci – aye
Ms. Ramsey – not present	Mr. Rushton – aye
Mr. Sudbury – aye	Mr. Taylor – aye
Ms. Townsend – aye	

The closed meeting convened at 5:13 p.m. with the following Trustees present: Mr. Andy Pierucci, Mr. Zach Jacob, Ms. Karen Lang, Mr. John Richardson, Mr. Corey Rushton, Mr. Mick Sudbury, Mr. John Taylor, and Ms. Barbara Townsend. Also present were: Alan Packard, General Manager; Jacob Young, Deputy General Manager; Shazelle Terry, Assistant General Manager; Dave Martin, Chief Financial Officer; Mark Stratford, General Counsel; Mindy Keeling, Executive Assistant; Ben Perdue, Right-of-Way & Property Manager; Travis Christensen, Engineering Group Manager and Shane Swensen, Chief Engineer.

No votes or actions were taken during the closed meeting.

Open meeting

The open meeting reconvened at 5:43 p.m.

Consider approval of grant of easement to Senawave Communications at 1518 West Geyser Lane

Mr. Shane Swensen, Chief Engineer, said that to provide fiber optic services to homes located within Edge Home’s Bringhurst Station development in Bluffdale, Vaix Inc., dba Senawave Communications, has requested an easement to cross through property owned by JVVCD within the vicinity of 1518 West Geyser Lane. The property contains JVVCD’s 48-inch welded steel Central Pipeline. He said the proposed easement is the same in size, and location as that of previous easements granted to various other utility companies in the Bringhurst Station development with an adjusted market cost. The property owned by JVVCD also has an existing easement for Salt Lake County’s Jordan River Trail which was executed with the County on February 24, 2015. Mr. Swensen mentioned that the County must also approve and sign the easement document as a concurring agency. Mr. Swensen recommended approval of the easement to Vaix Inc., dba Senawave Communications; and, authorize the General Manager and General Counsel, to make necessary revisions and execute a grant of easement agreement with Vaix Inc., dba Senawave Communications.

Mr. Rushton called for a motion on the recommendation. Mr. John Richardson moved to approve the easement to Vaix Inc., dba Senawave Communications; and, authorize the General Manager and General Counsel, to make necessary revisions and execute a grant of easement agreement with Vaix Inc., dba Senawave Communications.. Following a second by Mr. Mick Sudbury, the motion was unanimously approved by those present as follows:

Mr. Zach Jacob – not present	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Consider approval of sale of property and grant of easement to the UDOT at 5655 South 3275 West, Roy, Utah

Mr. Shane Swensen, Chief Engineer, said that the Utah Department of Transportation (UDOT) is designing a road widening project for 5600 South in Roy, Utah. He said the project includes construction of a storm water detention basin. UDOT would like to acquire land and construct the detention basin on a portion of JVVCD's property ("Property") located at 5655 South 3275 West. JVVCD acquired the 3.52 acre Property in 1999 for the future construction of the Wasatch Front Regional Pipeline (WFRP). UDOT is proposing to purchase a portion of the Property in fee title along with an access easement across a portion of the Property. Mr. Swensen recommended 1) declaring all but the easternmost 90 feet of property at 5655 South 3275 West in Roy, Utah surplus to JVVCD's needs; 2) authorizing the General Manager to enter into negotiations for the sale of a portion of the property and grant of an easement for not less than the property's fair market value, and a consent to enter and construct to UDOT, including signing related contract documents; and, 3) authorizing the Board Chair to execute a final deed and easement to UDOT once negotiations are complete.

Mr. Rushton called for a motion on the recommendation, clarifying that a separate motion is made to first declare surplus property then a second motion on the rest of the recommendation. Mr. John Taylor moved to declare all but the easternmost 90 feet of property at 5655 South 3275 West in Roy, Utah surplus. Following a second by Ms. Karen Lang, the motion was unanimously approved by those present as follows:

Mr. Zach Jacob – not present	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Mr. Rushton called for a motion on the remainder of the recommendation. Mr. Taylor suggested changing the language to the sale of 'all or a portion of' JVVCD's property. Mr. John Taylor moved to authorize the General Manager to enter into negotiations for the sale of all or a portion of the property and grant of an easement for not less than the property's fair market value, and a consent to enter and construct to UDOT, including

signing related contract documents; and, authorize the Board Chair to execute a final deed and easement to UDOT once negotiations are complete. Following a second by Ms. Karen Lang, the motion was unanimously approved by those present as follows:


Mr. Zach Jacob – not present	Mr. Corey Rushton – aye
Ms. Karen Lang – aye	Mr. Mick Sudbury – aye
Mr. Andy Pierucci – aye	Mr. John Taylor – aye
Ms. Dawn Ramsey – not present	Ms. Barbara Townsend – aye
Mr. John Richardson – aye	

Adjourn

Mr. Rushton called for a motion to adjourn. Mr. Andy Pierucci moved to adjourn. Following a second by Mr. John Richardson, the meeting adjourned at 5:55 p.m.



Corey L. Rushton, Chair of the Board of Trustees



Alan E. Packard, District Clerk