

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

(Approved November 8, 2023)

October 11, 2023

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, October 11, 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 (electronic)
Zach Jacob
Karen D. Lang (electronic)
Sherrie L. Ohrn
Dawn R. Ramsey
John H. Taylor
Barbara L. Townsend

Trustees Not Present:

Mick M. Sudbury

Staff Present:

Alan Packard, General Manager
Jacob Young, Deputy General Manager
Matt Olsen, 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 and Chief Engineer
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
Cynthia Bee, Public Information Officer
Margaret Dea, Senior Accountant (electronic)
Martin Feil, Database Administrator (electronic)
Kelly Good, Communications Division Manager
Kira Diaz Pleitez, Asset Management Data Analyst
Jeanette Perry, Customer Services Supervisor
Ben Perdue, Property and Right-of-Way Manager

Also Present:

Austin Ballard, CFO/Controller, Granger-Hunter Improvement District (electronic)
Mark Chalk, General Manager, Taylorsville-Bennion Improvement District (electronic)
Greg Davenport, Utility Director, West Jordan City

Clint Dilley, General Manager, Magna Water District (electronic)
 Justun Edwards, Public Works Director, Herriman City (electronic)
 Raymond Garrison, Public Works Director, South Jordan City
 Jason Helm, General Manager, Granger-Hunter Improvement District (electronic)
 Gary Henrie, Engineer, Bureau of Reclamation (electronic)
 Jason Luettinger, Principal, Bowen Collins & Associates
 Brien Maxfield, Senior Engineer, Draper City
 Alan McKean, Water/Wastewater Program Manager, David Evans & Associates (electronic)
 Rob Moore, General Counsel, CUWCD
 Nathan Olmedo, Documenter, Salt Lake Tribune
 Parry Osborn, Engineer, Hazen & Sawyer
 Ana Paz, Associate Engineer, South Jordan City (electronic)
 David Robertson, Principal/Owner, LRB (electronic)
 Wayne Winsor, Assistant General Manager/Chief Engineer, MWDSLS

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 3:00 p.m. on Wednesday, October 11, 2023. Mr. Rushton introduced the members of the Board and the public who joined the meeting both in person and electronically. Mr. Mick Sudbury was excused from the meeting.

Approval of common consent items

Mr. Rushton presented the minutes of the Executive Committee meeting held September 11, 2023, and the regular Board meeting held September 13, 2023. He also presented the September 2023 Trustees' Expenses Report. Mr. Rushton called for a motion. Ms. Sherrie Ohrn moved to approve the minutes of the September 11th and September 13th meetings and the Trustees' Expenses Report for September 2023. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

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

Public comments

There were no public comments.

Core Mission Reports

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

Water supply update

Ms. Ohrn said she was glad to see the public is still using water responsibly even though the Water Availability Level is normal.

Water quality update

Ms. Shazelle Terry, Assistant General Manager, provided information on public perceptions of tap water. She began by saying that JVVCD recently received awards for the Best Groundwater and Best Overall Water at the recent AWWA Intermountain Section Conference. She reviewed a 2023 AWWA Survey which indicated that 71% of respondents view the water at their home faucets as safe and 79% of water bill payers trust their water utility. It also showed that respondents who are aware of water testing

requirements hold more trust in their water utility and have higher ratings of water safety than all respondents as a group. In addition, only 57% of respondents were aware of testing requirements for utilities, but those that are aware of the testing requirements rate their water quality as excellent or good. She said that positive ratings of tap water quality by customers continues to be directly correlated to whether an odor is detected and if they trust their water utility to tell them if the water at their faucet is unsafe. She said one-third of adults drink bottled water several times a day while only one-quarter drink water from their faucet several times a day.

Ms. Terry reviewed a recent JWCD Retail Customer Survey which indicated 93% of respondents are satisfied with the overall service received from JWCD, 82% rate their water quality as good or excellent, 73% rate their water taste as good or excellent, and 77% rate their water odor as good or excellent. Ms. Terry reviewed water quality calls by type. She reviewed the major factors that influence the taste and odor of JWCD water and the difference in EPA regulations for primary and secondary drinking water.

Standing Committee Reports**Finance update**

Mr. Brian McCleary, Controller, reviewed the Financial Report for August 2023. He reviewed the Income Statement and said \$5.6 million was transferred into the Revenue Fund from the Revenue Stabilization Fund, which was less than last year. He also reviewed the Fund Balances sheet which showed \$5.8 million transferred from the Revenue Stabilization Fund into the Revenue Fund and the General Equipment Fund. He also showed the remaining Bond Projects Fund balance was transferred into the Capital Projects Fund.

Conservation update

Mr. Matt Olsen, Assistant General Manager, reported on two completed Integrated Water Conservation and Land Use Municipal Partnerships Grant projects. The program uses funds provided by Salt Lake County for municipal projects that convert nonfunctional turf to water-efficient landscaping. He reported on projects that have recently been completed by Taylorsville City and South Jordan City. Taylorsville City converted lawn areas around its city hall, including park strips along 5400 South, north and east perimeters, and main entrance islands. Lawn in these areas was replaced with rock and plants watered with drip irrigation. South Jordan City also converted lawn areas at its city hall, including four areas surrounding the building on the east and west sides. Lawn in these areas was replaced with rock and wood mulch and plants watered with drip irrigation.

He reported that the program will be accepting another round of applications in the next couple months. Ms. Ramsey expressed appreciation on behalf of South Jordan City for the financial assistance it received through this program.

Mr. Rushton suggested schools be included in this program as there is a lot of nonfunctional turf in school landscaping. Mr. Olsen agreed with the suggestion and said that this request was made recently with the program stakeholders, but they did not think these projects would be a good fit for the program at this time. He pointed out, however, that JWCD's Landscape Leadership Grant program is available to schools. Ms. Ramsey

suggested finding community organizations that would be willing to donate funds towards converting school landscapes to water efficient landscaping.

Conservation, Communications, and Information Systems activities

Consider approval of Landscaping Conversion Incentives Program Grant Agreement with Utah Division of Water Resources

Mr. Olsen said this agreement is with the Utah Division of Water Resources (DWR) to formalize cost sharing of turf replacements projects utilizing JWWCD's Landscaping Conversion Incentive Program. JWWCD will sponsor and administer the program. Completed projects that meet the state's requirements would be eligible for state funding. The agreement will be in effect for four years. The initial invoice will be for \$250,000 and thereafter additional funds will be available on a first come, first served basis. Mr. Olsen reviewed key points of the agreement and recommended approval of a Landscaping Conversion Incentives Program Agreement with the Utah Division of Water Resources and authorize the General Manager to execute the Agreement.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve a Landscaping Conversion Incentives Program Agreement with the Utah Division of Water Resources and authorize the General Manager to execute the Agreement. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

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

Consider approval of a funding commitment letter for the 2023 BRIC JWWCD Regional Water Treatment Plant Drought, Wildfire, and Earthquake Resiliency Project

Mr. Jacob Young, Deputy General Manager, said that as part of JWWCD's efforts to mitigate the cost of renewing, expanding, and enhancing the resiliency of the District's systems, staff actively look for opportunities to pursue grants. Staff have applied for a FEMA Building Resilient Infrastructure and Communities (BRIC) grant to assist with the cost of the JWWTP Sedimentation Basins 1&2 Seismic and Process Upgrade Project. As part of the grant application, FEMA requires the applicant submit a letter stating its commitment to provide local matching funds. The application process also requires the governing body of the applicant to authorize the designated staff member to sign the application. Mr. Young recommended approval of a funding commitment letter for the 2023 BRIC JWWCD Regional Water Treatment Plant Drought, Wildfire, and Earthquake Resiliency Project to be signed by the General Manager and authorize the Deputy General Manager/Assistant General Manager to sign the FEMA grant application.

Mr. Rushton said as there may be changes to the JWWCD Board by the time this process is complete, he wants to be respectful and considerate of the future Board members as grant applications are considered and approved. Ms. Ramsey asked if JWWCD gets letters of support from congressmen when applying for FEMA grants, and Mr. Young responded that staff received letters of support from congressmen when they applied for this grant previously and will seek letters of support for this grant application.

Mr. Rushton called for a motion on the recommendation. Ms. Dawn Ramsey moved to approve a funding commitment letter for the 2023 BRIC JWWCD Regional Water Treatment Plant Drought, Wildfire, and Earthquake Resiliency Project to be signed by the General Manager and authorize the

Deputy General Manager/Assistant General Manager to sign the FEMA grant application. Following a second by Mr. Reed Gibby, the motion was approved by those present as follows:

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|---------------------------|-------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – aye | Ms. Ohrn – aye |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider adoption of Resolution No. 23-17, “Approving an Application for a United State Bureau of Reclamation WaterSMART Drought Resiliency Project Grant”

Mr. Young said JWCD successfully applied for the USBR WaterSMART Drought Resiliency Program Grant last year and received \$3.2 million to equip two new high quality groundwater wells and re-purpose two aging existing wells. This year staff have once again applied for this grant to assist with the cost to install treatment equipment at the Casto and Dry Creek springs. This project is estimated to increase the JWCD reliable water supply by 900 acre-feet per year and aligns well with two mitigation measures identified in the Drought Contingency Plan (develop additional high quality groundwater and expand operation of the JWCD artificial groundwater recharge facilities). Mr. Young said that this grant application requires a resolution stating JWCD’s intent to proceed with the subject project. Mr. Young recommended adoption of Resolution No. 23-17, “Approving an Application for a United States Bureau of Reclamation WaterSMART Drought Resiliency Project Grant.”

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to adopt Resolution No. 23-17, “Approving an Application for a United States Bureau of Reclamation WaterSMART Drought Resiliency Project Grant.” Following a second by Ms. Dawn Ramsey, the motion was unanimously approved by those present as follows:

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|---------------------------|-------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – aye | Ms. Ohrn – aye |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider adoption of Resolution No. 23-18, “Amending JWCD’s Personnel Rules and Regulations Manual”

Mr. Kurt Ashworth, Human Resources Manager, said this proposed policy change would allow JWCD to convert from a semi-monthly pay schedule to a bi-weekly pay schedule. Also, in several sections of the Personnel Rules and Regulations Manual the words “pay periods” should be changed to “paydays”. He also said that the Funeral and Pregnancy Loss Leave would be changed to Bereavement Leave. Mr. Ashworth recommended adoption of Resolution No. 23-18, “Amending JWCD’s Personnel Rules and Regulations Manual” with the change of the words “pay periods” to “paydays” in Section 3.1.B.5, Section 4.2.A.1, and Section 4.3.A.1.

Mr. Rushton called for a motion on the recommendation. Ms. Sherrie Ohrn moved to adopt Resolution No. 23-18, “Amending JWCD’s Personnel Rules and Regulations Manual” with the change of the words “pay periods” to “paydays” in Section 3.1.B.5, Section 4.2.A.1, and Section 4.3.A.1. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

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

Consider adoption of Resolution No. 23-19, “Amending JVVCD’s Rules and Regulations for Wholesale Water Service”

Mr. Mark Stratford, General Counsel, said that under JVVCD’s wholesale policies, when a “take or pay” water purchase agreement is signed by a Member Agency (MA) it commits the MA to take a certain amount of water each year. If the MA does not take the agreed upon amount of water, it is still obligated to pay for that water. This provides JVVCD with financial stability, the ability to make bond payments, and covers the cost of continuing to provide water service from year to year. He said JVVCD also has policy to make sure a MA is not required to make payment on water they did not receive on a regular basis. JVVCD has encouraged MAs to budget their water usage so a MA is taking approximately 110% of its contract so the contract is “right-sized.” Over time, because of conservation, growth, etc., a MA may not be taking 100% of its contracted amount of water and have to pay for water it has not used. Currently, a MA who takes delivery of less than its minimum contract purchase volume in a given year is allowed to defer up to 5% of its contract amount to be used in a subsequent year. The two proposed policy changes will give a MA flexibility in how it manages its contract and continue to maintain JVVCD’s financial stability.

The first proposed policy change is a recognition that as certain MAs grow, they need to increase their purchase contracts. As they increase their contracts, this allows JVVCD to maintain its financial stability and provides an opportunity for a MA that does not use its full contract amount to permanently reduce its contract. A fundamental concept of the proposed policy change is that a MA will not reduce its contract in excess of the amount of water that other MAs have increased their contracts. This would be a permanent change to the MA contracts. The second proposed policy change would provide for a temporary annual partial assignment of contracted water which allows the District to partially assign water from a MA who takes less than its take-or-pay amount to another MA who has taken more than its take-or-pay amount in that year. Mr. Stratford compared the difference between deferred water and partial water assignment. A discussion took place on the benefits and possible abuse of the partial assignment policy. Mr. Stratford said a common question regarding this policy might be that if a MA receives an assignment of water, will it affect the amount they pay for the water they are receiving and is there any benefit to the MA assigning the water? He said this proposal will not change the water rate that a MA pays. If a MA assigns water, it will not pay for the water being assigned, and the MA receiving the assigned water will pay for the assigned water at its regular per acre foot rate. Contract amounts will not be changed due to partial assignment of water. He also stated that if a MA takes over 120% of its contract amount, which includes assigned water, it will pay Block 2 rates.

Mr. Stratford proposed that the language “normal” water year be replaced by “weather neutral” water year in the policy. He also proposed that the words “beginning in calendar year 2024” be deleted from Section 1.9.1. Mr. Stratford recommended adoption of Resolution No. 23-19, “Amending

JVWCD's Rules and Regulations for Wholesale Water Service" with the deletion of the words "beginning in calendar year 2024" from Section 1.9.1.

Mr. Rushton called for a motion on the recommendation. Ms. Barabara Townsend moved to adopt Resolution No. 23-19, "Amending JVWCD's Rules and Regulations for Wholesale Water Service" with the deletion of the words "beginning in calendar year 2024" from Section 1.9.1. Following a second by Mr. John Taylor, the motion was approved by those present as follows:

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

Reporting Items

Mr. Stratford verified that JVWCD is in compliance with all selected legal requirements and internal District practices. Ms. Beverly Parry, Executive Assistant, reviewed the proposed 2024 Board meeting schedule and the conferences available for trustees to attend during 2024.

Mr. Packard reviewed awards that JVWCD received at the AWWA Intermountain Section Conference which included Water Taste Test Winner (Best Groundwater), Water Taste Test Winner (Overall), and System Safety Award. He also reported that Brian McCleary, Controller, received the distinguished Fuller Award and Jeanette Perry, Customer Service Supervisor, received the Outstanding Service Award. He reported that David McLean, Senior Engineer; Conor Tyson, Registered Engineer; Clifton Smith, Senior Business Data Analyst; and Jacob Young, Deputy General Manager, presented at the conference.

Mr. Packard reviewed the routine reporting items which included: facilities rental agreements signed by the General Manager, easement encroachment agreements signed by the General Manager, performance indicators for August 2023, and media coverage. Mr. Shane Swensen, Engineering Department Manager and Chief Engineer, reported on a final project completion report for the 11800 South Pump Station Upgrades.

Upcoming meetings

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

Consider approval to cancel the Conservation Committee meeting scheduled on November 6, 2023

Mr. Rushton recommended cancelling the Conservation Committee meeting scheduled for Monday, November 6 at 3:00 p.m. Ms. Barbara Townsend moved to cancel the Conservation Committee meeting scheduled for Monday, November 6. Following a second by Mr. Zach Jacob, the motion was approved by those present as follows:

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

Adjourn

Mr. Rushton called for a motion to adjourn. Ms. Sherrie Ohrn moved to adjourn. Following a second by Ms. Barbara Townsend, the meeting adjourned at 4:43 p.m.



Corey L. Rushton, Chair of the Board of Trustees



Alan E. Packard, District Clerk