

CACHE WATER DISTRICT BOARD OF TRUSTEES MEETING

APRIL 3, 2017

MINUTES

The Cache Water District Board of Trustees convened in a regular session on April 3, 2017 at 5:30 p.m. at the Cache County Administration Building, Multipurpose Room, 179 North Main Street, Logan, Utah.

ATTENDANCE

MEMBERS OF THE BOARD IN ATTENDANCE:

Jeannie F. Simmonds – Logan #1 Council District
Barbara Y. Tidwell – Logan #2 Council District
Herm Olsen – Logan #3 Council District
Max Pierce – North Council District
Jonathan W. Hardman – South Council District
David L. Erickson – At-Large Position
Jared Clawson – At-Large Position
Jon White – At-Large Position
Don Baldwin – Agricultural Representative

MEMBERS OF THE BOARD ABSENT:

Bret Randall – Northeast Council District
Shaun Dustin – Southeast Council District

ALSO IN ATTENDANCE:

Robert M. Fotheringham – Cache County
Craig W Buttars – Cache County
Scott Archibald – Sunrise Engineering
Joanna Endter-Wada – Utah State University
Heather Christensen – Citizen
Mark Christensen – Citizen
Janeen Allen – Cache County

CALL TO ORDER

The meeting was called to order by Chair, Jeannie Simmonds at 5:30 p.m.

Simmonds asked Fotheringham to tell a little bit more about the Northern Utah Water Conference on April 5th. Fotheringham said that the Panel Discussion group is on the agenda and is titled “What’s Up with Cache Water District?” David Erickson, Don Baldwin, Jon White, and Jeannie Simmonds will attend. All others who are interested are welcome to be there.

PUBLIC COMMENT

There was no public comment

ITEMS OF BUSINESS

1. REVIEW AND APPROVAL OF AGENDA AND MINUTES (MARCH 8, 2017)

ACTION: Motion was made by Olsen and seconded by White to approve the minutes of the Cache Water District meeting held March 8, 2017 as written. The vote in favor was unanimous, 8-0

2. DECISION TO JOIN UTAH LOCAL GOVERNMENTS TRUST

Simmonds said the annual fee for the bond is \$120 and will come from the funds transferred to the district through the interlocal agreement. It will also need to be added to the Cache Water District budget when it is created.

ACTION: Motion was made by Herm Olsen and seconded by Jared Clawson and Barbara Tidwell to approve the \$120 annual fee for bonding for the Cache Water District Board of Trustees members from the Utah Local Governments Trust. Motion passed on a unanimous vote, 8-0

3. DECISION ON CLERK / SECRETARY

Simmonds didn't think the board could decide on the position at this meeting. The responsibilities of the clerk involve taking minutes of the meetings, creating checks, and providing a quarterly financial report. Butters said there is a person willing to take minutes, but probably not the financial responsibilities.

Allen said she would be willing to continue taking minutes for the meetings until a person is hired to take the Clerk / Secretary position.

5:40 p.m. – Don Baldwin arrived

4. DECISION ON MEETING ON 1ST AND 3RD MONDAYS

Simmonds proposed meeting on the 1st and 3rd Mondays at least through August in order to accomplish all the things the district needs to do to become fully operational as quickly as possible. She was especially concerned with the financial issues that require public hearings and thought that meeting more often will get the district through them faster.

Baldwin said he would not be able to meet that often and was therefore opposed to the idea. Clawson suggested meeting this way for two months and then deciding how often the board should meet.

ACTION: Motion was made by Jared Clawson and seconded by Herm Olsen that the Cache Water District Board of Trustees meet on the 1st and 3rd Mondays for two months and then determine how often to meet. Motion passed 8-1, with opposing vote from Don Baldwin

Simmonds said the board will revisit the issue at the second meeting in May.

5. DECISION ON WHO WILL DRAFT INTERLOCAL AGREEMENT

Fotheringham said Mark Anderson said he could start a draft of the Interlocal Agreement. The question for the board is if they would like to have Anderson draft the Interlocal Agreement or have another attorney write it.

ACTION: Motion was made by David Erickson and seconded by Barbara Tidwell to have Mark Anderson draft the Interlocal Agreement for the transfer of funds from Cache County to the Cache Water District. Motion passed unanimously 9-0

6. DECISION TO DRAFT LETTER OF SUPPORT FOR WATER MARKETING GRANTS

Fotheringham said that the county has expressed approval to invest \$7,000 for two years towards the research project. The gathered from this project will be important for future water storage and banking considerations of the Cache Water District. Fotheringham emphasized the importance of this research, saying it won't give the district a water bank, but it will provide all the resources needed to set one up. The data will also back up what this water district thinks should happen versus what the Wasatch Front thinks should happen regarding conservation and development strategies.

Pierce asked what kinds of deliverables the district should expect out of the research. Fotheringham responded saying that in the end, the project should indicate the procedures to set up a water bank for Cache County. Erickson added he hoped the research would quantify what and how much can go into the bank. White noted that this research involves the Bear River system and all entities that benefit from it. A lengthy discussion followed regarding the research and what issues the board would like to see go into it.

Simmonds state for clarification that the letter is meant to support the research and move the grant process forward. She noted that the board already approved the appropriation of \$14,000 for the research at a previous meeting.

ACTION: Motion was made by Herm Olsen and seconded by Jon White to draft a letter of support for the USU Water Marketing Grant. Motion passed unanimously 9-0

Simmonds will work with Fotheringham to draft the support letter and will send it to all the board members electronically for their approval.

DISCUSSION ITEMS

1. REVIEW OF SECTIONS 1-4 OF THE BYLAWS

Simmonds reminded the board that this review is meant to discuss changes only. There will be no decision until all of the bylaws have been reviewed.

Clawson said he believes the board has an obligation to the citizens of the county to stick to the bylaws created by the Work Group because that's one thing that was promised when the proposition went on the ballot.

Items discussed for change were:

Section & Title	Change to:
2.4.1 <u>Specified Duties</u>	2.4.3 <u>Specified Duties</u>
2.4.2 <u>Residency within Election Divisions</u>	2.4.4 <u>Residency within Election Divisions</u>
2.4.2 <u>Residency within Election Divisions</u>	Add 2.4.5 <u>Residency for At-Large Positions</u> “Each member of the Board who is elected at large, as provided in UTAH CODE ANN. § 17B-1-306.5, in addition to satisfying all other applicable qualifications, as required by UTAH CODE ANN. § 17B-1-302(1)(a)(ii)(A) shall be a registered voter who resides within the boundaries of the District.”
1.3 DISTRICT OFFICE	Add location of business as: 199 North Main Street, Logan, UT 84321
2.5.3 <u>Special Meetings</u>	Add “electronically” to “Notice of special meetings shall be given to each Trustee personally, or by mail or telephone.”
4.1.3 <u>Amendments</u>	Add ...”by a 2/3 majority vote of the Board.”
2.4.2 <u>Forbidden Acts</u>	Under 2. Add, “District’s” in front of “Water Master Plan”
2.3 TERM OF OFFICE	Add language to limit the terms of office to 3 terms
ARTICLE 2: BOARD OF TRUSTEES	Add language that elections be non-partisan

ACTION: Motion was made by Jon White and seconded by Herm Olsen to add language to the Cache Water District Bylaws that limits the term of office to three consecutive terms. Motion passed unanimously 9-0

Simmonds asked the board members to review sections 5-9 of the Bylaws before the next Board of Trustees meeting and be prepared to discuss any clarifications, changes, or corrections prior to a vote to approve the Bylaws as a whole.

2. INTERLOCAL AGREEMENT COMMITTEE – JON HARDMAN

Hardman distributed a handout which is part of these minutes as “Attachment A.” He said that it is his understanding that the county will budget \$250,000 each year for the next four years to be allocated to the Cache Water District. After four years, the County will decrease the portion of the property tax for water development so the district can consider levying its own tax. Buttars noted that \$250,000 is the amount budgeted for this year and he anticipates it will remain around that same amount, but it is the County Council that approves the budget.

Other issues discussed by the Interlocal Agreement Committee are as follows:

- Attorney’s costs to establish the District \$20,000
- Publication costs to establish the District \$8,000
- Wages for Bob Fotheringham through March \$18,000
- New District Planner (\$60,000 salary / \$40,000 benefits) \$100,000

- County Office Space
- Water Marketing Research Study \$14,000
- Web Page (Duo Marketing Group) \$12.00 per year for Domain
- Contract Minutes \$150 to \$175 per meeting
- District Meeting Space (Fotheringham's Office) \$?
- County GIS Services \$?
- Bob Fotheringham Contract Services \$?

Discussion followed regarding what the role of the planner would be. Fotheringham said his idea is to hire someone like the CMPO who attends all the meetings and brings information to the board for discussion. Pierce noted that the Bylaws specify a General Manager. Fotheringham said the Planner would not be the General Manager, and the Board may not want to hire this person until the District is more established. Simmonds added that a decision on hiring a Planner seems to be one that would come after the Interlocal Agreement is in place.

It was suggested that a person be hired as soon as possible to take Bob Fotheringham's place so that Fotheringham can train him or her since he is looking to be gone by August. The District will need someone who is trained that can step in when Fotheringham leaves.

Hardman briefly discussed upcoming important decisions including:

- Deciding on an Attorney to represent the District
- Joining the Utah Local Governments Trust
- Joining the Utah Association of Special Districts
- Contacting the State Auditor's Office for help with Budgeting (Ryan Roberts or LeGrande Bitter)
- Hiring of Planner
- Compensation for Board members such as mileage, travel time and conferences.

Buttars suggested putting together a timeline for significant decisions to be made. Simmonds asked the Interlocal Agreement Committee members to meet with her to put together a timeline to bring to the next meeting. Tidwell added that whoever is hired to take on the Clerk responsibilities should do so under contract.

Simmonds said she believes this first Board of Trustees should act without compensation until there is a board that has been fully elected by the citizens unless it's for conferences.

3. STATEWIDE MEETING ATTENDANCE – BOB FOTHERINGHAM

Fotheringham said there are about 10 meetings coming up that should be attended including:

- Utah Water Strategy Advisory Meeting
- Water Banking Meetings
- Little Bear River Conservation Action Plan
- Powder Mountain Water Issues
- Water Task Force

Simmonds recommended sending the list of upcoming meetings to the Board members who can sign up to attend with Fotheringham and gain a working familiarity of the issues surrounding the District

and the State. She asked Fotheringham to provide her with the list so she could send it out.

4. CANAL PROJECT STUDY – MAX PIERCE

Pierce was unable to attend the meeting so there is no report. He will get information and bring it back to the next meeting.

5. GOVERNOR’S WATER CONSERVATION TEAM – BOB FOTHERINGHAM

Fotheringham said the group got together last week and is working to put out Public Service Announcements. He really encouraged the District to be involved with this team as he thinks it will have more and more impact on this area.

6. NORTHERN UTAH WATER CONFERENCE – APRIL 5TH – BOB FOTHERINGHAM

Already discussed earlier in the meeting.

7. SPRING RUN-OFF CONFERENCE – BOB FOTHERINGHAM

Fotheringham and Simmonds attended the conference and gathered a lot of very good information.

OPEN ITEMS

No additional items were brought before the Board.

ADJOURN

The meeting adjourned at 6:58 p.m.

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ATTACHMENT A

Interlocal Agreement Discussion

County designates a portion of Property Tax to the Water District equal to \$250,000.00/ annually for next four years. Draft of agreement by May for District review and County Council.

FY2017 Interlocal Agreement Amounts	\$250,000.00
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New District Planner (\$60,000 salary/\$40,000 benefits)	\$ 100,000.00
County Office Space	\$????
BOR Grant (Water Marketing Study)	\$ 7,000.00 (+\$7,000.00 in 2018)
Web Page (Duo Marketing Group)	\$ 12.00/?
Contract Minutes (\$150/meeting)	\$
District Meeting Space	\$ 0
County GIS Services	\$????
Bob Fotheringham contract Services	\$????

Important Decisions

- 1.) Deciding on an Attorney (approx. \$20,000/year)
- 2.) Joining the Utah Local Government Trust (\$)
- 3.) Joining Utah Association of Special Districts (\$)
- 4.) Contacting State Auditors Office for Budgeting help – Ryan Roberts (also LeGrande Bitter)
- 5.) New employee (County or District Hire); Follow County HR policies; Payroll
- 6.) Water District Board Supervisors compensation???

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