



BOARD OF TRUSTEES PUBLIC MEETING

Meeting date: September 9, 2024
Time: 6 p.m.
Location: St George City Hall, 175 East 200 North, St. George, UT 84770
Participants: Board members Ed Bowler, Victor Iverson, Kevin Tervort, Michele Randall, Chris Hart, and Kress Staheli. Board member Adam Bowler was not present. District staff included Zach Renstrom, general manager; Mindy Mees, secretary; Jodi Richins, attorney; Brie Thompson; and Corey Cram, associate general manager. Other meeting attendees are noted on the attached sign-in sheet.

Public hearing regarding establishment of Development Review Fees

Chairman Ed Bowler opened the public hearing.

Associate General Manager Brie Thompson explained that the District provides retail water service in certain areas of unincorporated county. The county is encouraging new developments to come to the District to provide retail water service instead of creating private water companies or Special Service Districts. After a thorough review of the infrastructure and costs of providing services, the district has proposed a fee schedule to help reimburse the District for the costs of undertaking the review and evaluation of proposed developments. The proposed fee schedule will cover both existing and new developments that want to connect to the district's systems. The fees will cover the following tasks related to reviewing proposed developments:

Preliminary Evaluation – An initial review of the project's viability.

Feasibility Evaluation – A more detailed analysis, potentially including hydraulic modeling to assess the project's impact on the water system.

Plan Review – Reviewing detailed project plans to ensure compliance with standards.

Inspection – Conducting on-site inspections to confirm that work meets the approved plans and regulations.

After-Hours Inspection – Additional charges for inspections conducted outside of normal working hours.

Legal Costs – Fees associated with legal reviews or consultations required for the project.

Chairman Ed Bowler opened the hearing for public comment. There were no comments, and the public hearing was closed.

Victor Iverson made a motion to close the public hearing, the motion was seconded by Kevin Tervort and all voted aye.

Consider approval of resolution adopting Development Review Fees

Michele Randall made a motion to approve the resolution adopting the Development Review Fees, the motion was seconded by Victor Iverson and a roll call vote was taken as follows:

Kress Staheli	Yes
Michele Randall	Yes
Victor Iverson	Yes
Ed Bowler	Yes
Kevin Tervort	Yes

Public hearing regarding establishment of Easement Review Fees

Chairman Ed Bowler opened the public hearing.

Development Services Administrator Trevor Brown told the Board that there are various costs associated with reviewing requests for easements across district property, including coordination with the District's legal, operations, and project development departments. The District is proposing an easement review fee of \$500 to cover the costs of evaluating easement requests.

Chairman Ed Bowler opened the hearing for public comment. There were no comments, and the public hearing was closed.

Victor Iverson made a motion to close the public hearing, the motion was seconded by Michele Randall and all voted aye.

Consider approval of resolution adopting Easement Review Fees

Victor Iverson made a motion to approve the resolution adopting easement review fees, the motion was seconded by Kevin Tervort and a roll call vote was taken as follows:

Kress Staheli	Yes
Michele Randall	Yes
Victor Iverson	Yes
Ed Bowler	Yes
Kevin Tervort	Yes

Consider approval of Resolution adopting Revised Retail Water Service Rules and Regulations

Presentation of Retail Water System Standards and Specifications

The District's General Council Jodi Richins explained the district has rules and regulations regarding the provision of retail water services that need to be updated because there is a version that has been in existence since the 1990s. The rules and regulations focus on development requirements and district administrative practices, terms of service that will apply to individual retail customers, construction and design standards and specifications, water efficiency standards, and an approval process. The District recommends the board approve the resolution adopting the revised retail water service rules and regulations.

Victor Iverson thanked the Water District for supporting small private water companies, especially when it involves ensuring they have a sustainable future.

Kress Staheli said that municipalities should remain the primary retail water providers, especially when there is an opportunity for developers to annex into municipal boundaries. Mr. Staheli said while the District's wholesale role is essential, it should not compete with the cities' responsibilities in retail water service. Mr. Staheli also commented that he supports the proposed rules and regulations.

Victor Iverson said that encouraging subdivisions in the unincorporated areas to come directly to the District for their water needs ensures the long-term stability and safety of their drinking water systems, avoiding the risk of failure that some small private water companies have faced.

Victor Iverson made a motion to adopt the resolution of the revised retail water service rules and regulations the motion was seconded by Michele Randall and a roll call vote was taken as follows:

Kress Staheli	Yes
Michele Randall	Yes
Victor Iverson	Yes
Ed Bowler	Yes

<i>Kevin Tervort</i>	<i>Yes</i>
<i>Chris Hart</i>	<i>Yes</i>

Presentation of Retail Water System Standards and Specifications

Ms. Thompson provided an overview of the standards and specifications, which outline the requirements and guidance for designing and constructing retail water system improvements. These standards are similar standards to standards used in local cities. One difference in the District's standards compared to municipal standards is that the District's standards accommodate infrastructure such as large tanks, pump stations, and wells. Updates will be approved by the general manager and any exceptions requested by developers will be reviewed and approved by the board.

Consider approval of resolution approving and acknowledging the Gunlock groundwater study associated with grant funds

Grant Administrator Kelsi Tullinen explained the resolution is required to obtain the grant agreement. The amount of the grant is around \$300,000, and matching funds have not been determined.

Chris Hart made a motion to approve the resolution approving and acknowledging the Gunlock groundwater study associated with grant funds, the motion was seconded by Kevin Tervort and a roll call vote was taken as follows:

<i>Kress Staheli</i>	<i>Yes</i>
<i>Michele Randall</i>	<i>Yes</i>
<i>Victor Iverson</i>	<i>Yes</i>
<i>Ed Bowler</i>	<i>Yes</i>
<i>Kevin Tervort</i>	<i>Yes</i>
<i>Chris Hart</i>	<i>Yes</i>

Discussion of Town of Leed's request to join the Regional Water Supply Agreement

General Manager Zach Renstrom explained that a couple of weeks ago he was invited to Leeds Town council meeting, and they formally requested to join the Regional Water Supply Agreement. This was taken before the AAC meeting last week, and some of the questions were what the demand is, and to talk about the return flows. The District had a preliminary meeting with the mayor, and he said the town of Leeds is looking at 5000 additional units. The District is going to do some analysis. Also, some large developers have reached out with ideas on conservation.

Discussion:

Chris Hart commented his concerns about the reliability and long-term sustainability of private water companies, especially when they continue to supply existing residents while the District takes on future commitments. Setting clear terms and agreements to address potential failures by these private companies is important to ensure the residents are protected and that the District is not overcommitting without proper safeguards in place

Kress Staheli is concerned about the long-term responsibilities the District might face if it ends up taking over aging private water systems, like the Leeds Domestic Water Users Association, which has already approached the board multiple times for funding assistance. It is a valid concern, especially given the potential financial and operational burden of maintaining and upgrading deteriorating infrastructure.

Chris Hart commented he would want to ensure the District does not take on the liabilities of a failing system, especially if it is not connected to the District's infrastructure. Setting clear terms and leaving the responsibility for maintenance and upgrades with the private company would safeguard the District from being drawn into their issues down the line. It might be helpful to formalize an agreement that clearly outlines this, ensuring that if the private system fails, the responsibility does not fall to the District.

Kress Staheli commented that before any decision is made regarding Leeds potentially joining the District or collaborating more closely with it. The District's staff ask critical questions and assess the situation comprehensively, making sure all aspects are covered, than present a proposal to the board.

Victor Iverson asked all the cities that have joined the regional water supply agreement have their own water rights and infrastructure, and the District supplies and brings water in and puts it into some of the tanks, how does that collaborate with smaller communities like Toquerville for example they have infrastructure and so does the District.

Mr. Renstrom responded that the District has a set point of where they deliver water to the majority of the cities. He envisions that is what they would do with Leeds and set point a meter.

Mr. Renstrom is also concerned about Leeds' future water needs aligning with the 20-year plan, which could influence how the District manages future infrastructure and supply commitments.

Chris Hart commented that all the cities before the water agreement came about were delivering water to their residents through a municipal system. The difference is Leeds residents are not being delivered through a municipal system but a private water system.

Michele Randall asked if Leeds have talked about taking over the water company.

Mr. Renstrom commented that the city would be open to that idea, but the private water company is adamantly opposed.

Kress Staheli commented that the Town of Leeds submit a comprehensive written water service proposal for the consideration of this board, to direct District staff to prepare guidelines for the content of said report; for the Town of Leeds to obtain the Districts approval on the selection of persons or firms qualified to produce such a report; and that the following submittal of the report; District staff will submit supplemental findings and recommendations for the boards further consideration.

Chris Hart commented that before any agreement could be signed the town of Leeds would need to adopt the conservation requirements.

Consider approving agreement with Widdison Well Services to rehabilitate Sand Hollow Well 2 for \$430,900

Ms. Thompson explained that Sand Hollow well #2 provides service to Hurricane Valley and future plans are to incorporate it into the regional system to provide water to all our regional customers. A few years ago, the District started having production issues with the well and sent a sample off to water systems engineers who determined that the issues were primarily caused by scaling and also iron bacteria that plugs off the screens and can cause some aesthetic issues. This service will clean the screens and provide chemical treatment to address the issues.

Michele Randall made a motion to approve the agreement with Widdison Well Service to rehabilitate Sand Hollow Well #2 for not to exceed \$430,900., the motion was seconded by Chris Hart and all voted aye.

Consider approval of bids for Cottam to Casa parallel pipeline

Consulting Project Manager Brett John explained that the Cottam to Casa parallel pipeline project involves the installation of 6400 feet of 14" ductile iron pipeline plus 425 feet of casing underneath the freeway. The project is funded by a \$2 million grant from the Governor's Office of Economic Opportunity. The line will tie into Cottam Well running down Mills road and cross under and tie back into the District's line on the other side. The District put this out for bid and received seven responses. Sunroc came back with the lowest bid. The District recommends the board approve the bid to Sunroc in the amount of \$1,536,563.00.

Kress Staheli made a motion to award the construction contract for the Cottam to Casa parallel pipeline project to Sunroc in the amount of \$1,536,563. The motion was seconded by Chris Hart and all voted aye.

Consider approval of bid for Cottam Well #3 Pump Station Project

Project Manager Trinity Stout explained that the Cottam Well # 3 Pump Station project involves the construction of a pump station and a chlorination system, plus 1000 feet of 10" C900 PVC to connect to the District's existing infrastructure. The District put this out for bid and received three responses. Interstate Rock came back with the lowest bid. The District recommends the board approve the bid to Interstate Rock in the amount of \$801,200.00

Victor Iverson made a motion to award the construction contract for Cottam Well #3 pump station project to Interstate Rock for \$801,200. The motion was seconded by Kevin Tervort and all voted aye.

Consider approval of P-card for Carson Wright

General Manager Renstrom said that the district's new employee Carson Wright will need a purchasing card (P-Card). The district's policy requires board approval for the issuance of p-cards for employees. Mr. Renstrom recommended that the board approve the p-card for Carson Wright.

Chris Hart made a motion to approve the P-card for Carson Wright, the motion was seconded by Michele Randall and all voted aye.

Consider approval of procurement construction contract for Sand Hollow 2 MG Tank B

Project Manager Tony Jones explained that the Sand Hollow 2 MG Tank B project is to construct an additional 2MG tank next to an existing 2MG tank. This project consists of replacing yard piping and adding a large concrete vault to hold all the valves and meters. It also consists of repairs to the existing 2MG tank. The District did a pre-qualification for this project, and there were four contractors that qualified. Interstate Rock came in with the lowest bid. The District recommends the board approve the bid to Interstate Rock in the amount of \$7,398,588.

Chris Hart made a motion to award the construction contract for Sand Hollow 2MG Tank B to Interstate Rock in the amount of \$7,398,588. The motion was seconded by Michele Randall and all voted aye.

Consider approval of procurement construction contract for Sand Hollow Crossroads to 2 MG Tank Pipeline Replacement

Mr. Jones explained the Sand Hollow Crossroads to 2 MG Tank Pipeline Replacement is a project to repair an HDPE line that has had several failures the last few years. The District decided to replace the existing 18" HDPE pipeline between the crossroads and the 2 MG tank with a ductile iron pipe and will upsize the pipe from 18" to 24" to accommodate future developments in this area. The project went out for bid and the District received ten responses. Royal T Enterprises came back with the lowest bid. The District recommends the board approve the bid for construction of the Sand Hollow Crossroads to 2MG tank pipeline replacement to Royal Enterprises for \$1,789,712.00.

Victor Iverson made a motion to award the contract for the construction of the Sand Hollow Crossroads 2MG Tank Pipeline Replacement to Royal T Enterprises for \$1,789,712. The motion was seconded by Michele Randall and all voted aye.

Report on an audit of the district's impact fee conservation easements and provide direction to staff

Water Conservation Manager Doug Bennett explained that more than 14,500 impact fee reductions were issued between 2006 and 2022 in return for conservation easements granted to the District. The easements were designed to ensure oversized lots in excess of 10,000 square feet had similar water demands as a typical parcel. The easements

limited irrigated landscape to 5,000 square feet, but grantors could pay for additional area on a per-square foot basis. The easements run with the land, so all owners are beholden to the agreement in perpetuity.

In 2023, the District used aerial vegetation analysis to estimate the amount of irrigated landscape on parcels with impact fee easements. It was discovered that about 1% of all those easements may have more irrigated vegetation on them than the easement would allow. Of the 167 suspected violations, 152 are irrigated with district supplied water and 13 are irrigated with canal company or private water right. 44 are the original grantor of the easement, and 2 have taken corrective action and are no longer in violation.

The remedy clause in the easement calls for violators to pay the full fee on the total square footage of their lot at the 2023 rate which is \$1.56 per square foot. Pursuing this remedy to the fullest would involve collective payment of an estimated \$6.3 million. However, the terms of the easement allow the District to negotiate in good faith with property owners. If instead of collecting the full fee on the total square footage, the landowners take corrective action to remove excess landscape and irrigation and then pay \$1.56 per square foot for only the excess irrigated landscape, the total collective payment would be about \$1.2 million. The District would also have the option of filing a lien if the parcel owner was unable to take corrective action or pay the additional \$1.56 per square foot.

Mr. Bennett said that under the District's plan, when a parcel owner is notified of a violation, they have 45 days to respond and negotiate with the District in good faith. If they fail to respond, the District would file a lien on the property.

The District's plan will give the parcel owner the option to modify their landscaping or irrigation system to bring it into compliance with the easement. They would be given a reasonable amount of time (e.g., 180 days) to make these changes, after which a compliance inspection would occur. If the property owner chooses to make a payment, the easement would be updated to reflect the new square footage, and the property would be considered in compliance. If they fail to make the agreed-upon payment, a lien will be filed. A lien can be placed on the property without pursuing foreclosure, meaning the District would only be paid when the property changes ownership.

Mr. Bennett explained that managing and resolving violations for around 160 parcels could require hundreds of hours of staff time and that the District plans to engage legal counsel to help manage any disputes. The estimated legal costs could be up to 10% of the amount the District expects to recover. There may also be enforcement costs, and it is uncertain which of these costs are recoverable. If a property owner refuses to act, fails to comply with the agreement, or disagrees with the findings, the District may escalate the case, potentially incurring additional legal and enforcement expenses.

Mr. Bennett said that the easement violations impact ratepayers and communities served by the District, both financially and in terms of water resource demand. The District must enforce its agreements and easements to protect the larger community and sustain its obligations.

Mr. Bennett recommended that the board direct the District's staff to pursue remedies for all known violations of the District's easements, and authorize the District to allow violators to comply by either bringing their parcel's into compliance or by paying the District \$1.56 for each square foot in excess of the allowed landscape amount. Mr. Bennett also recommended that the Board authorize the District to pursue full remedy from violators who are unresponsive or fail to negotiate in good faith, to charge violators reasonable, allowable costs incurred by the District in obtaining compliance, and to file liens for overdue payments or other appropriate amounts due to the District.

Chris Hart suggested that there should be an added penalty if the violation goes to a lien, but Mr. Bennett responded that Utah State law does not allow the district to collect penalties via a lien.

Mr. Bennett said that as the District staff moves forward in good faith negotiations and continues to receive guidance from legal counsel, staff will gain a clearer understanding of the available options, including what the law permits and prohibits. There may be opportunities to revisit this issue with the board to discuss any changes in conditions or additional alternatives that become available.

Chris Hart commented that he recognizes that some individuals may not have been aware of their non-compliance, and the District should provide every opportunity for them to either come into compliance or pay for the additional footage. If it reaches the point where a lien is necessary, it should be for reasons beyond mere inability to pay, as sometimes that is the only solution due to limited resources. However, Board Member Hart said that if the issue is simply an unwillingness to comply or pay, despite being given ample time and opportunities for negotiation, there should be more stringent measures. The District should be willing to offer extensions for payment if needed but should not tolerate individuals exploiting the system to avoid responsibility.

In response to a question from Board member Staheli, Mr. Bennett said that the district has almost 15,000 conservation easements and 99% of them appear to be in compliance, which suggests that the conservation easements are working.

Kress Staheli made a motion to direct staff to pursue remedy of all known violations of District easements; to allow violators to comply by specific performances and/or by paying the District \$1.56 for each square foot in excess of the allowed landscape amount; to pursue full remedy from violators who are unresponsive or fail to negotiate in good faith; to charge violators reasonable, allowable costs incurred by the District in obtaining compliance; and to file liens for overdue payments or other appropriate amounts due to the District, the motion was seconded by Michele Randall and all voted aye.

Manager's Report

Mr. Renstrom reported that water use is decreasing, and the reservoirs are performing well, even with the recent hot weather. He informed the board about an issue near Toquerville, where Cottam Wells are located. The District has a pipeline there, but when it was installed, lava rock was used as bedding around the pipe, which has now caused failures and resulted in property damage to two homes. Since the line feeds water to Virgin, it cannot be taken offline for an extended period. The District plans to fix the pipe during the winter months when water demand is lower. The District is pursuing the repairs under emergency protocols and will bring the contract to the board for approval. Part of the master plan includes upsizing that line, so a portion of the cost will be covered by impact fees for the upsizing, while the remainder will come from the general fund to address the existing issue with the pipeline.

Closed session to discuss the purchase, exchange, or lease of real property

Chair Bowler noted that two-thirds of the District's board members are present and stated that the purpose of the closed session is to discuss the purchase, exchange, or lease of real property. Mr. Bowler stated that the closed session is held at the St. George office building 175 East 200 North St. George Utah on September 9, 2024.

A motion was made to go into the closed session, and a roll call vote was taken as follows:

<i>Kress Staheli</i>	<i>Yes</i>
<i>Michele Randall</i>	<i>Yes</i>
<i>Victor Iverson</i>	<i>Yes</i>
<i>Ed Bowler</i>	<i>Yes</i>
<i>Kevin Tervort</i>	<i>Yes</i>
<i>Chris Hart</i>	<i>Yes</i>

After a discussion, the Board ended the closed session and returned to regular meeting.

Consider approval of August 5, 2024 & August 23, 2024 board meeting minutes

Chris Hart made a motion to approve the August 5 & August 23, 2024 board meeting minutes, the motion was seconded by Michele Randall, and all voted aye.

The meeting was adjourned upon motion.

Mindy Mees

Secretary

Title	Development Fee Schedule for Retail Water Systems
Name	Whit Bundy, Trevor Brown
Date	August 29, 2024

Situation

District staff spend considerable time performing preliminary feasibility evaluations, hydraulic analyses, plan review, inspection, legal drafting and review, and final plat review to ensure proposed retail water system improvements meet applicable standards and specifications and need to assess fees to cover expenses incurred.

Background

Developers of property in unincorporated county apply to have the District provide retail water service to proposed developments. The District wants water improvements it will eventually own and maintain to be designed and constructed according to its standards and specifications to ensure public safety requirements are met and minimize future operations and maintenance expenses. District staff devote substantial time working with developers to review system designs and construction and incorporate new infrastructure into the District's operations.

Assessment

The anticipated costs incurred by the District at each step of the development review process were assessed to determine a fee schedule for the different services the District provides. The components and estimated costs associated with these steps are listed in the tables below.

1. Preliminary feasibility evaluation fee components.

Service	Existing retail water system	New retail water system
Water right analysis	NA	5 hours @ \$400
Source capacity evaluation	NA	2 hours @ \$75
Level of service determination	NA	2 hours @ \$75
Preliminary evaluation report (PER) review	NA	4 hours @ \$75
Preliminary construction plan review	8 hours @ \$75 plus \$25 per lot	10 hours @ \$75 plus \$25 per lot
Preliminary hydraulic model review	2 hours @ \$75	2 hours @ \$75
Preliminary rate analysis	2 hours @ \$75	4 hours @ \$75
Issuance of preliminary will-serve letter	1 hour @ \$75	1 hour @ \$75
Total	\$975 plus \$25 per lot	\$3,875 plus \$25 per lot

2. Plan review fee components.

Service	Existing retail water system	New retail water system
Construction drawings review	\$100 plus \$5 per lot, \$500 per tank, well/spring & pumphouse, booster pump station	\$100 plus \$5 per lot, \$500 per tank, well/spring & pumphouse, booster pump station
Revised construction drawings review	2 hours @ \$75	2 hours @ \$75
Revised hydraulic model review	1 hour @ \$75	1 hour @ \$75
DDW approval coordination	2 hours @ \$75	4 hours @ \$75
Issuance of construction drawing approval	1 hour @ \$75	1 hour @ \$75
Total	\$550 plus \$5 per lot \$500 per tank, well/spring & pumphouse, booster pump station	\$700 plus \$5 per lot \$500 per tank, well/spring & pumphouse, booster pump station

3. Inspection fee components.

Service	Retail water system
Base fee	\$500
Pipeline submittals/tests review, installation, pressure test, disinfection verification	\$1 per linear foot of distribution pipeline
Water storage tank, submittals/tests review, installation, tank drop test, disinfection verification	\$1,000
Well or spring development, including pumphouse, submittals/tests review, drilling, pump test, installation, disinfection verification	\$1,000
Booster pumphouse submittals/tests review, installation, test pumping, disinfection verification	\$1,000
After-hours inspection outside Monday through Friday from 7 to 3:30, holidays	\$100 per hour, 2 hours minimum
Total	\$500 plus \$1 per linear foot of distribution pipeline, \$1,000 for each water storage tank, well or spring development, and booster pumphouse After-hours inspection \$100 per hour, 2-hour minimum

4. Final plat review fee components.

Service	Existing retail water system	New retail water system
Source protection plan & water quality review	NA	3 hours @ \$75
Well log & pump test data	NA	2 hours @ \$75
Plat, easements & deeds review	1 hour @ \$75 1 hour @ \$400	2 hours @ \$75 1 hour @ \$400
Final plat approval	1 hour @ \$75	1 hour @ \$75
Total	\$550	\$1,000

The legal costs associated with draft and review of development agreements, water service agreements, pioneering agreements, easements, property deeds, etc. cost \$400 per hour.

Recommendation

Adopt the following development fee schedule:

Service	Fee in existing retail water system	Fee in new retail water system
Preliminary feasibility evaluation ¹	\$975 plus \$25 per lot	\$3,875 plus \$25 per lot
Hydraulic analysis (if provided by district)		\$1,500
Plan review	\$550 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station	\$700 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station
Inspection	\$500 plus \$1 per linear foot of distribution pipeline, and \$1,000 per tank, well/spring & pumphouse, and/or booster pump station.	
After hours inspection ¹		\$100 per hour, 2 hours minimum.
Legal costs ²		\$400 per hour
Final plat review	\$550	\$1,000

¹Outside of Monday through Friday from 7 am to 3:30 pm and on district holidays.

²Draft and review of development agreements, water service agreements, pioneering agreements, easements, property deeds, etc.

**WASHINGTON COUNTY WATER CONSERVANCY DISTRICT
A RESOLUTION ADOPTING A DEVELOPMENT FEE SCHEDULE
FOR RETAIL WATER SERVICE**

WHEREAS, Washington County Water Conservancy District provides retail water service in certain unincorporated areas of the county; and

WHEREAS, district staff reviews proposed retail water system improvements to serve proposed developments in certain unincorporated areas of the county; and

WHEREAS, district staff spend considerable time performing preliminary feasibility evaluations, hydraulic analyses, plan review, inspection, legal drafting and review, and final plat review to ensure proposed retail water system improvements meet applicable standards and specifications; and

WHEREAS, notice of the proposed fee schedule has been given; and

WHEREAS, interested persons have been given an opportunity to speak for or against the proposed fee schedule; and

WHEREAS, the need for the proposed fee schedule has been demonstrated;

NOW THEREFORE, be it resolved the Development Fee Schedule in Exhibit A is hereby adopted.

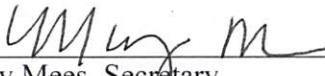
ADOPTED by the Board of Trustees this 9th day of September, 2024.

WASHINGTON COUNTY
WATER CONSERVANCY DISTRICT:



Ed Bowler, Chairman of the Board

ATTEST:



Mindy Mees, Secretary

VOTING:

Ed Bowler	Yea <input checked="" type="checkbox"/> No <input type="checkbox"/>
Adam Bowler	Yea <input type="checkbox"/> No <input type="checkbox"/>
Chris Hart	Yea <input type="checkbox"/> No <input type="checkbox"/>
Victor Iverson	Yea <input checked="" type="checkbox"/> No <input type="checkbox"/>
Michele Randall	Yea <input checked="" type="checkbox"/> No <input type="checkbox"/>
Kress Staheli	Yea <input checked="" type="checkbox"/> No <input type="checkbox"/>
Kevin Tervort	Yea <input checked="" type="checkbox"/> No <input type="checkbox"/>

EXHIBIT A

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT RETAIL WATER SYSTEM DEVELOPMENT FEES

Service	Fee in existing retail water system	Fee in new retail water system
Preliminary feasibility evaluation	\$975 plus \$25 per lot	\$3,875 plus \$25 per lot
Hydraulic analysis (if provided by district)	\$1,500	
Plan review	\$550 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station	\$700 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station
Inspection	\$500 plus \$1 per linear foot of distribution pipeline, and \$1,000 per tank, well or spring, including pumphouse, and/or booster pump station	
After hours inspection ¹	\$100 per hour, 2 hours minimum	
Legal costs ²	\$400 per hour	
Final plat review	\$550	\$1,000

¹Outside of Monday through Friday from 7 am to 3:30 pm and on district holidays.

²Draft and review of development agreements, water service agreements, pioneering agreements, easements, property deeds, etc.

Title	Easement Review Fee
Name	Trevor Brown
Date	August 29, 2024

Situation

The District needs to assess a fee to cover the cost it incurs for reviewing easement requests.

Background

The District owns multiple parcels throughout the county, and requests for easements on these parcels are received from time to time. The District's easement review process includes reviews by the legal, operations and planning, and project development departments. Additionally, easement requests often require follow-up and negotiation regarding price, location, and easement language.

Assessment

To determine a reasonable fee, anticipated costs incurred by the District were assessed for each step of easement review process. A fee of \$500 per review was determined to cover the costs of most easement requests.

Recommendation

Adopt an Easement Review Fee of \$500.

**WASHINGTON COUNTY WATER CONSERVANCY DISTRICT
A RESOLUTION ADOPTING AN EASEMENT REVIEW FEE**

WHEREAS, Washington County Water Conservancy District owns property in multiple areas of the county; and

WHEREAS, the district receives requests for easements on its property; and

WHEREAS, district staff spend considerable time reviewing the impact of the proposed easements on existing and future operations, verifying property descriptions, and evaluating appraisals and negotiating purchase prices to present to the board; and

WHEREAS, each step of the easement review process was assessed and an Easement Review Fee of \$500 is anticipated to offset the costs incurred by district staff; and

WHEREAS, notice of the proposed fee has been given; and

WHEREAS, interested persons have been given an opportunity to speak for or against the proposed fee schedule; and

WHEREAS, the need for the proposed fee schedule has been demonstrated;

NOW THEREFORE, be it resolved the Easement Review Fee of \$500 is hereby adopted.

ADOPTED by the Board of Trustees this 9th day of September, 2024.

WASHINGTON COUNTY
WATER CONSERVANCY DISTRICT:



Ed Bowler, Chairman of the Board

ATTEST:



Mindy Mees, Secretary

VOTING:

Ed Bowler	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Adam Bowler	Yea <input type="checkbox"/>	No <input type="checkbox"/>
Chris Hart	Yea <input type="checkbox"/>	No <input type="checkbox"/>
Victor Iverson	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Michele Randall	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Kress Staheli	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Kevin Tervort	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**WASHINGTON COUNTY WATER CONSERVANCY DISTRICT
A RESOLUTION ADOPTING REVISED RETAIL WATER SERVICE RULES AND
REGULATIONS**

WHEREAS, Washington County Water Conservancy District provides retail water service in certain unincorporated areas of the county; and

WHEREAS, the district has rules and regulations that govern the provision of water to these areas; and

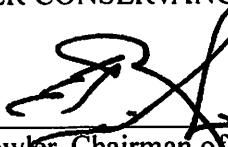
WHEREAS, advances in technology, water system design, and best practices necessitate revisions to the rules and regulations; and

WHEREAS, the rules and regulations incorporate the Retail Water Terms of Service by reference;

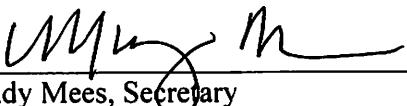
NOW THEREFORE, be it resolved that the Retail Water Service Rules and Regulations as set forth in Exhibit A and the Retail Water Terms of Service as set forth in Exhibit B are hereby adopted.

ADOPTED by the Board of Trustees this 9th day of September, 2024.

**WASHINGTON COUNTY
WATER CONSERVANCY DISTRICT:**


Ed Bowler, Chairman of the Board

ATTEST:


Mindy Mees, Secretary

VOTING:

Ed Bowler
Adam Bowler
Chris Hart
Victor Iverson
Michele Randall

Yea No _____
Yea No _____
Yea No _____
Yea No _____
Yea No _____

Kress Staheli
Kevin Tervort

Yea No ____
Yea No ____

EXHIBIT A

RETAIL WATER SERVICE RULES AND

REGULATIONS

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT RETAIL WATER SERVICE RULES AND REGULATIONS

The following rules and regulations are applicable to Washington County Water Conservancy District (hereafter "district") retail water delivery systems.

New Construction

Development Agreement. Residential or commercial developers must request retail water service by signing a development agreement with the district before installation of water mains, fire hydrants, or other waterworks required by the district and pay all applicable development fees.

Design and Construction Standards and Specifications; Inspection. New construction or additions to the district's retail water delivery systems must comply with the district's design and construction standards and specifications as they are approved from time to time by the general manager or the general manager's designee. New construction or additions to the district's retail water delivery systems must be inspected and approved by the district during installation. The district will not accept any new construction or additions to its system that do not meet its design and construction standards and specifications, nor will it accept any new construction or additions not inspected by the district during installation.

Water Efficiency. New construction or additions to the district's retail water delivery systems must comply with the district's applicable water efficiency standards adopted and amended from time to time by the district board of trustees. In the event that another entity with jurisdiction has water efficiency requirements that are stricter than the district's, new construction or additions to the district's retail water delivery systems shall comply with the stricter requirements.

Costs of Construction; Ownership. Any person or entity who obtains retail water service from the district shall be responsible to construct and install at their sole expense and without any cost or other obligation to the district, any pipeline, delivery lines, hydrants, appurtenant fixtures, additional storage, or pump capacity and other facilities, and any water meters or measurement devices involved in obtaining and distributing water made available from district facilities to the individual lot meter locations pursuant to a design approved by the district. After the district's inspection and approval, all such facilities shall be conveyed to the district.

Water Main Extensions. To the extent practicable, the cost of installing water line extensions shall be borne by those benefitting from the extensions, as determined by the district. If, in the discretion of the district, projected future water needs require a water main of greater size than that needed for the development alone, the district may require that a larger water main be installed. All water main extensions shall become the property of the district and existing water mains shall be maintained and replaced by the district.

Fire Capacity. To the extent practicable, the cost of installation and materials for fire hydrants and fire line systems shall be borne by those benefiting from the location of the facilities, as determined by the district. The district has the right to approve the type of fire hydrant together with the design,

specifications, and installation of all fire line systems. Upon installation, the hydrants and fire line systems shall become the property of the district.

One connection per unit. Except as otherwise approved by the district, each residential service connection shall supply one dwelling unit and each commercial service connection shall supply one commercial unit.

Upgrading Size of Connections. Customers desiring a larger service connection than is presently in place shall be charged the then current impact fee and meter connection fee and any additional costs of up-sizing the connection.

Water Efficiency

Customers shall comply with the applicable water efficiency standards adopted and amended from time to time by the district board of trustees. In the event that another entity with jurisdiction has water efficiency requirements that are stricter than the district's, customers shall comply with the stricter requirements.

Septic Density Requirements

For subdivision lots to be served by septic systems which were platted and approved by the Washington County Planning Commission and by state and local health agencies prior to Washington County adopting the Hansen, Allen & Luce report ("HAL Study," Date, 2000), the district will honor the densities approved in the plat. The district will not provide water to lots in subdivisions approved after the date of adoption that do not meet the density requirements in the study.

Fire Hydrants & Fire Lines

Maintenance. Existing hydrants will be inspected, maintained, and replaced as determined by the district.

Use Prohibited. Use of fire hydrants without permission of the district, except by the fire department, is prohibited.

Hydrant Connection Meters. Applicants for a hydrant connection to provide water at a location within the district on a temporary basis (for purposes such as construction), shall complete an application for hydrant meter usage which shall include the information, terms and conditions approved by the general manager or the general manager's designee. Applicants are responsible to ensure proper air gaps, or other means of backflow prevention, are present to prevent cross connection to the water system.

Development Fees

Development fees include preliminary feasibility evaluation, plan review, inspection, legal, and final plat review fees. Development fees are adopted and adjusted from time to time by the district board of trustees. The district will not accept any new construction or additions to its system until all applicable development fees have been paid. Development fees are to be reasonably related, to the extent practical, to the cost of providing the service for which they are assessed.

Service Fees

Fees in General. Service fees include a meter connection fee, impact fee, standby fee, water development surcharge (base surcharge and excess water use surcharge), base rate, water service rate, and service restoration fee. Service fees are adopted and adjusted from time to time by the district board of trustees. Service fees are to be reasonably related, to the extent practical, to the cost of providing the service for which they are assessed.

Standby Fees. In systems that the district has acquired subject to payment of a standby fee for water availability for lots that have not yet connected to the system, the standby fee shall be due and payable as billed, until the customer's meter is connected, at which time the water rate shall apply. If the customer fails to pay a standby fee when due, no connection shall be made until the customer has paid delinquent standby fees, late fees and legal and collection costs and interest. In addition, if the customer fails to pay the standby fee for any ninety (90) day period, water availability will no longer be maintained for the lot and the then current impact fee will be due as a condition of connection to the system including where no impact fee was previously paid to obtain water serviced to the property.

All Other Services. All other services to be rendered by the district shall be negotiated between the customer and district and shall be approved by the district board of trustees. Fees are to be reasonably related, to the extent practical, to the cost of providing the service for which they are assessed.

Terms of Service

Customers shall abide by the retail water terms of service as approved by the general manager or the general manager's designee. The retail water terms of service are incorporated herein by reference.

General Provisions

Reservation of rights. The district reserves all rights and remedies available at law and in equity if an individual subject to these rules and regulations fails to comply with them, including but not limited to terminating service, terminating a reservation of capacity, enforcing specific performance, recording a lien against the property, and pursuing debt collection.

Severability of terms. The provisions of these rules and regulations are severable. If any provision hereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of, or its application in a different circumstance.

Waiver. The waiver by the district of a breach of any provision of these terms of service or of any law, rule or regulation shall not be deemed to be a continuing waiver or a waiver of any subsequent breach. Any waiver shall be in writing and signed by the district.

EXHIBIT B
RETAIL WATER TERMS OF SERVICE

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT RETAIL WATER TERMS OF SERVICE

The following terms of service are applicable to Washington County Water Conservancy District (hereafter "district") retail water delivery systems.

Application for Retail Water Service

Applicants for retail water service must complete the application provided by the district and agree to these terms of service to receive retail water service.

Upon approval of the application, payment of the required fees and installation of the service connections by the district, the applicant may connect into the district's system through the service connection provided. The water provided shall only be used for the purpose outlined in the application. Use in any other manner constitutes grounds for cancellation of service.

The district does not accept applications for service from lessees or tenants. The property owner is responsible for application for service and payment of all required fees, even when a property is leased out.

If a property is conveyed, the new owner shall complete a new application and agree to these service rules to receive service.

The district may deny applications for water service from previous customers with unpaid balances until the unpaid balances together with the interest at a current rate as approved by the Board of Directors are paid.

Security Deposit and Termination of Service

The applicant must pay a security deposit at the time of application for service. When termination of service is desired, the customer must notify the district and request the preparation of a final bill. When a customer terminates service, the security deposit will be applied to the customer's outstanding balance and the district will refund the remainder, if any, to the customer if the customer has provided the district with a valid forwarding address for the refund. Deposits not refunded or claimed after one year will be forwarded to the state.

Fees

Payment of fees. Service fees include a meter connection fee, impact fee, standby fee, water development surcharge (base surcharge and excess water use surcharge), base rate, water service rate, and service restoration fee. To receive service, the customer must pay the applicable service fees adopted and adjusted from time to time by the district board of trustees, as well as any other fees provided for under Utah law such as fees for insufficient funds, late fees, interest and legal and collection fees. The customer shall pay fees when due.

Remedies. The district reserves all rights and remedies available at law and in equity if the customer fails to timely pay any fee, including but not limited to terminating service or capacity reservation, recording a lien against the property, and pursuing debt collection. The customer agrees that any service fees not paid when due shall constitute a lien on the customer's real property serviced pursuant to these terms of service.

If the customer is a corporation or partnership, the undersigned individual(s), guarantees payment of the service fees.

Infrastructure Construction, Ownership, and Maintenance

Division of ownership. The service connection is the point of connection between the water meter box and the water line stubbed from the customer's property. The customer acknowledges that the water meter box, water meter and the service connection and all of their parts and materials from the water main through the service connection are the property of the district, and the line stubbed from the customer's property to the service connection are the customer's property ("customer's plumbing").

Construction and Maintenance. The customer has the obligation at its sole expense to construct, operate and maintain, repair and replace the customer's plumbing according to standards and specifications approved by the district and the Utah Department of Environmental Quality. The customer also has the obligation at its sole expense to construct any water infrastructure necessary to extend the existing district infrastructure to the service connection for the customer according to standards and specifications approved by the district and the Utah Department of Environmental Quality, which infrastructure will become the property of the district. Customers shall prevent any backflow to the district's water system and shall ensure that there are no cross connections or other hazards to the district's water system in customer's plumbing or on its property.

Customer water leaks. The customer is responsible for payment of water lost through leaks in the customer's plumbing. If the customer petitions for relief when a leak occurs, the district in its discretion may waive a portion of the bill pursuant to a method approved by the general manager.

Damage to district property. Any cost associated with tampering with or damage to the district's property caused by the customer will be billed to and must be paid by the customer. Legal action may also be taken by the district.

Access and Inspection

The district has the right to access water meters wherever located for inspection, meter reading, and maintenance. The district has the right to enter onto the customer's property to inspect, observe, measure, sample and test the customer's plumbing and water system including water quality inspections and inspections for possible cross connections or other hazards to the district's water system. The customer shall not impair or prevent district access for these actions.

Water Efficiency

Customers shall comply with the applicable water efficiency standards adopted and amended from time to time by the district board of trustees. In the event that another entity with jurisdiction has water efficiency requirements that are stricter than the district's, customers shall comply with the stricter requirements.

Shutoffs, Curtailment, and Termination of Service

To facilitate repair, maintenance, or extension of the district's water system, the district may temporarily shut off or curtail water service at any time without notice.

In the event of a water scarcity, the district may temporarily shut off or curtail water service at any time without notice. In addition, the district board of trustees in its discretion may limit the use of water for any purpose and time period. In the event a meeting of the district board of trustees cannot be convened before preventative action is required, the district general manager may limit the use of water for any purpose until a meeting of the board of directors can be convened.

The district may terminate water service for violating these terms of service, the district's rules and regulations, and any other applicable law, rule or regulation. The district may disconnect the meter and water infrastructure serving the Customer in order to complete the termination of service. If the district terminates service because of the presence of a cross-connection or other hazard to the district's system in the customer's plumbing or on the customer's property, service will not be resumed until the hazard is removed or corrected.

The district may also terminate the water service for any just cause and after due notice and an opportunity to be heard before the district general manager or the general manager's designee.

The customer relinquishes any claim against the district for shut off, curtailment or termination of water service pursuant to these terms of service.

If the district has terminated water service at any location for any reason, and service is restored by a party other than the district without express permission of the district, the customer shall be assessed three times the normal restoration service fee, plus the cost of restoring the connection to its normal operational status.

Service Disruption

The district is not responsible for disruptions of service caused by circumstances beyond its control, including broken water mains, power outages, and equipment failure. The customer relinquishes any claim against the district for disruptions of service under such circumstances. In the case of any emergency such as a natural disaster, customers shall cooperate with the district in its efforts to mitigate the disaster and restore service.

Billing and Payment

Meter reading. Meters are generally read, and bills issued monthly. Meters for seasonal systems may be read and billed less regularly. An initial reading is made when water service is commenced, and a final reading is made when service is terminated or transferred to a new customer. The water bill will give a statement of the current and past meter readings. If a meter down for maintenance, is inaccessible or otherwise unreadable, the district may estimate the bill, taking into account the customer's past water use, the water use of customers with similar circumstances, the season, the prevailing weather patterns and water use, and any other relevant criteria. Any over-charge or under-charge resulting from estimating water usage will be equalized when the meter is next read and a billing thereon issued.

Collection. The district has the right to bill for water services on a periodic basis or, insofar as authorized by law, have the water assessed and collected annually as part of the annual property tax collection. Nothing contained herein shall be construed to exempt the Customer from paying taxes levied pursuant to law.

Statement due date and late charges. A bill is due and payable within 25 days from the date the statement is prepared. A bill that is not paid by its statement due date is delinquent. A late fee, interest, and legal and collection costs will be assessed as provided under Utah law. If a customer pays the bill, interest and late fee in full, and any legal and collection costs incurred by the district in collecting the amount, the delinquent status will be removed. If service is terminated, the customer must also pay the service restoration fee prior to service being restored. If the meter is removed to complete the termination of service, the customer must also pay the meter connection fee prior to service being restored.

Termination of service. A bill which remains unpaid for more than 45 days after the statement due date may result in termination of the water service.

Insufficient funds. If a customer issues any check, draft, order, electronic funds transfer or other instrument for payment of a water bill which is not honored upon presentation to the depository institution upon which it is drawn, the customer will be charged a service charge as provided under Utah law, and the account will be considered delinquent.

Disputed Bills. If a customer believes a bill is incorrect, the customer may protest the bill in writing within 15 days of the issuance of the bill. Protests made after such date are waived. Disputed bills will not be declared delinquent during a reasonable time in which to resolve the dispute. Upon resolution of the dispute, or if the dispute is not resolved within a reasonable time frame, a new statement showing any revised charges will be issued. If the new statement is not paid, it will be treated as delinquent pursuant to the provisions in these terms of service.

Payment Plans. Payment plans may be allowed at the discretion of the district upon a showing by the customer of unexpected financial hardship. The general manager or the general manager's designee must approve the terms of the payment plan which may include immediate payment of all interest charges, late fees, service restoration fees, a security deposit, if required, and minimum payment requirements. Any scheduled payment not made when due may result in immediate termination of service without notice.

Annexation by a municipality

If the district retail water service area is annexed into a municipality, the customer will become a retail customer of the municipality to which it is annexed, except as otherwise agreed to by the municipality and the district.

Legal Compliance

The customer must also comply with all applicable laws, rules, and regulations, including applicable septic density requirements adopted by the district board of trustees and the Utah Department of Environmental Quality. These requirements include standards and specifications for retail water systems and septic density or sewage treatment requirements as applicable. The customer must also comply with the Utah Water Conservancy District Act and any requirements adopted pursuant to it. The customer shall be responsible for any costs associated with compliance.

General Provisions

Reservation of rights. The district reserves all rights and remedies available at law and in equity if the customer fails to comply with these terms of service, including but not limited to terminating service, terminating a reservation of capacity, enforcing specific performance, recording a lien against the property, and pursuing debt collection.

Severability of terms. The provisions of these terms of service are severable. If any provision hereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of, or its application in a different circumstance.

Waiver. The waiver by the district of a breach of any provision of these terms of service or of any law, rule or regulation shall not be deemed to be a continuing waiver or a waiver of any subsequent breach. Any waiver shall be in writing and signed by the district.

For Water Users in Kolob Water Service Area

Customers in the Kolob Water Service Area may only use district water for indoor use. No water provided pursuant to these terms of service may be used for outdoor irrigation. Such use may result in termination of water service.

The water service in the Kolob Water Service Area is provided on a seasonal basis as determined by the district and not year-round.

**WASHINGTON COUNTY WATER CONSERVANCY DISTRICT
BOARD OF TRUSTEES
A RESOLUTION AUTHORIZING GRANT FUNDING FOR THE GUNLOCK
GROUNDWATER STUDY**

WHEREAS, a primary purpose and goal of the Washington County Water Conservancy District (District) is to efficiently manage and conserve the use of available water resources of the county;

WHEREAS, the District is planning and managing a groundwater study for Gunlock reservoir;

WHEREAS, Federal Assistance is available through the U.S. Bureau of Reclamation's (Reclamation) WaterSMART – Applied Science Grant program;

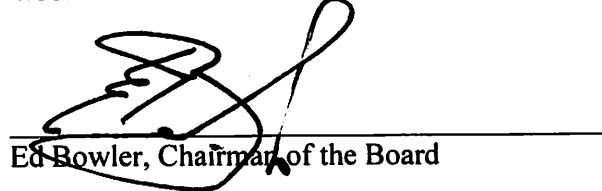
WHEREAS, the District has submitted an application to Reclamation to be considered for funding for the Gunlock Groundwater Study, and has been approved for funding through the Applied Science program.

NOW THEREFORE, be it resolved that the Board of Trustees of the Washington County Water Conservancy District that:

- A. The General Manager is authorized to enter into an agreement with the U.S. Bureau of Reclamation;
- B. The District will commit to the financial and legal obligations associated with receipt of a financial assistance award;
- C. The attached Gunlock Groundwater Study application has been reviewed and is approved;
- D. The District has sufficient funds budgeted to fund its contributions to the Gunlock Groundwater Study; and
- E. The District will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

DATED this 9th day of September, 2024.

**WASHINGTON COUNTY
WATER CONSERVANCY DISTRICT:**



Ed Bowler, Chairman of the Board

ATTEST:

Mindy Mees
Mindy Mees, Secretary

VOTING:

Ed Bowler
Adam Bowler
Chris Hart
Victor Iverson
Michele Randall
Kress Staheli
Kevin Tervort

Yea No ____
Yea No ____



Memo

To Board of Directors

From Zach Renstrom, General Manager

Date September 9, 2024

Subject Consider a request from the Town of Leeds for district water services

Situation

The Town of Leeds has requested water services from the district.

Background

Existing residents in Leeds receive water service from the Leeds Domestic Water Users Association, a not-for-profit, non-governmental corporation. Leeds has proposed additional developments, the scale of which is beyond the ability of the existing water purveyor to serve. Leeds is proposing building a municipal water system which will require supply from the district. Foreseeable water demands could range into thousands of acre-feet.

Assessment

Through the Water Conservancy District Act, the Utah legislature intended for the districts to strive for the highest beneficial use of water and to ensure water serves the highest duty for Utah's citizens. Determining where, when and how to invest the region's limited resources merits serious consideration.

As water stewards for all citizens in Washington County, the board's decision to accept or reject requests for service merit a full review of the complex financial, economic, social and environmental consequences of the proposal.

Recommendation

"I move to request the Town of Leeds submit a comprehensive, written water service proposal for the consideration of this board; to direct district staff to prepare guidelines for the content of said report; for the Town of Leeds to obtain the district's approval on the selection of persons or firms qualified to produce such a report; and that following submittal of the report, district staff will submit supplemental findings and/or recommendations for the board's further consideration".



Procurement Memo

To Zachary Renstrom, General Manager

From Dave Jessop, Operations Manager

Date September 9, 2024

Subject Procurement of Sand Hollow Well 2 Rehabilitation

Type of Procurement: Request for Proposals for Service

Item Description: Rehabilitate Sand Hollow Well 2, which includes videoing the well, brushing and bailing, dual swabbing, applying and removing chemicals, and final disinfection.

Reason for Procurement: The Operations Department of the Washington County Water Conservancy District (district) needs to procure this service because SH Well 2 has been inoperable for seven years due to bacterial growth in the Well. Rehabilitation will allow the Well to be used again in the future, providing an additional water source.

Review of Vendors: The following vendors submitted proposals in response to the district's Request for Proposals. Widdison Well Services was the highest scoring vendor.

1. Widdison Well Services, Inc.: The reasons this vendor provides the best value to the district are described in the attached procurement statement.

Purchase Amount: \$430,900.00 (not to exceed)

Contract Type(s): Fixed price.

Accounting Code: 20-7632-742

Approved:

A handwritten signature in black ink, appearing to read "Zachary Renstrom".

Zachary Renstrom, General Manager



Memo

To Zachary Renstrom, General Manager
From Dave Jessop, Operations Manager
Date September 9, 2024
SUBJECT Sand Hollow Well 2 Rehabilitation

Situation

With the increased demand for water, the District has need to maximize its use of the Sand Hollow Aquifer making it necessary to rehabilitate Sand Hollow Well 2. The well has been taken out of production because it has high amounts of iron bacteria and other scale buildup. With the increased need for water especially for the Hurricane Valley Water System, it has become necessary to rehabilitate the well and return it to a condition where it can produce quality water.

Background

Several years ago, the flows from Sand Hollow Well 2 began to decrease significantly. Water Systems Engineering, Inc. (Water Systems) conducted a complete Well Profile Analysis finding that the well contained concentrations above a desirable concentration of calcium, sodium, chlorides, total organic carbon, and resuspended iron. This caused the well casing to plug off, reducing flow, which then led to the need to take Well 2 offline until the well could be treated.

Assessment

As a result of the Well Profile Analysis, Water Systems provided a treatment recommendation to rehabilitate the well and allow it to be put back in service. The District followed its established procurement process and determined that Widdison Well Services is capable of performing all services outlined by the water systems report.

Recommendation

Motion to approve the purchase of well rehabilitation services from Widdison Well Services for the not-to-exceed amount of \$430,900.



Cost Proposal - Revision 1

Widdison Well Services, Inc.
12645 Minuteman Dr. Suite B
Draper, Utah 84020

Date: 8/26/2024

Customer:	Washington County Water Conservancy District				
Attention:	Emily Kagan				
Email:	EmilyK@wcwcd.gov				
Phone:	207-735-7626				
Job Name:	Sand Hollow Well 2				
Condition of Service:	Rehab Well				
#	Item	Description	Quantity	Unit	Extension
1	Mobilization		1	Lump Sum	\$ 60,000
					\$ 60,000
3	Video Well Log		3	Each	\$ 2,000
					\$ 6,000
4	Brush and Bail Well		24	Hourly	\$ 600
					\$ 14,400
5	Dual Swab Development		175	Hourly	\$ 700
					\$ 122,500
6	Chemicals		1	Lump Sum	\$ 60,000
					\$ 60,000
7	Apply and Remove Chemicals		100	Hourly	\$ 700
					\$ 70,000
8	Optional Mud/Clay Treatment		1	Lump Sum	\$ 39,000
					\$ 39,000
9	Additional Dual Swab Development		75	Hourly	\$ 700
					\$ 52,500
10	Final Disinfection (Per AWWA C-654)		1	Lump Sum	\$ 6,500
					\$ 6,500
Freight					N/A
Tax					N/A
Total Price:					\$ 430,900
Shipment:					
FOB:					

* Not to exceed total cost of \$430,900



Procurement Memo

To Zachary Renstrom, General Manager

From Brett John, Consulting Project Manager

Date September 5, 2024

Subject Procurement of Construction Services for the Cottam to Casa Parallel Pipeline Project

Type of Procurement: Invitation for Bids for Service

Item Description: Procurement of Construction Services for the Cottam to Casa Parallel Pipeline Project.

Reason for Procurement: The Project Development Department of the Washington County Water Conservancy District (district) needs to procure this service in order to construct the Cottam to Casa Parallel Pipeline. Funds for the pipeline project are covered by a grant (Number 240632229) from the Governor's Office of Economic Opportunity.

Review of Bidders: Sunroc submitted the lowest responsive bid of \$1,536,563.00. Other bids received are described in the attached recommendation letter.

Purchase Amount: \$1,536,563.00

Contract Type(s): Fixed Price

Accounting Code: 65-5415-720

Approved:

A handwritten signature in black ink, appearing to read "Zachary Renstrom".

Zachary Renstrom, General Manager



43 South 100 East, Suite 100
St George, Utah 84770

T 435.628.6500

F 435.628.6553

alphaengineering.com

September 5, 2024

Mr. Trinity Stout
Washington County Water Conservancy District
533 East Waterworks Drive
St. George, UT 84770

Re: Cottam to Casa 14" Culinary Waterline Project

Dear Trinity:

As you are aware, seven bids were received for the above-mentioned project. Please find attached the bid tabulation for the project. Sunroc was the lowest bid with a price of \$1,536,563.00. The following are the bidders and their amounts:

<u>Bidder</u>	<u>Amount</u>
Sunroc	\$1,536,563.00
PCI	\$1,560,175.00
Interstate Rock Products	\$1,566,496.06
Landmark Excavating	\$1,622,250.00
Feller Enterprises	\$1,652,830.43
Whitaker Construction	\$1,659,615.00
BHI	\$2,114,802.50

We reviewed the unit costs of the low bid in comparison to other bids received and there are not any major discrepancies. We recommend awarding the bid to Sunroc if the project is within the budget you have planned for the project.

Sincerely,

A handwritten signature in blue ink that reads "Todd Gardner".

Todd Gardner, P.E.
Alpha Engineering Company



Procurement Memo

To Zachary Renstrom, General Manager

From Trinity Stout, Project Manager

Date September 5, 2024

Subject Procurement of Construction Contract for Cottam Well #3

Type of Procurement: Invitation for Bids for Service

Item Description: Procurement of Construction Services for the Cottam Well #3 Pump Station Project.

Reason for Procurement: The Project Development Department of the Washington County Water Conservancy District (district) needs to procure this service in order to construct the pump station and associated yard piping as part of the overall Cottam Well #3 Project.

Review of Bidders: Interstate Rock Products submitted the lowest responsive bid of \$801,200.00. Other bids received are described in the attached recommendation letter.

Purchase Amount: \$801,200.00

Contract Type(s): Fixed Price

Accounting Code: 60-5443-720

Approved:

A handwritten signature in black ink, appearing to read "Zachary Renstrom".

Zachary Renstrom, General Manager



43 South 100 East, Suite 100 **T** 435.628.6500
St George, Utah 84770 **F** 435.628.6553

alphaengineering.com

September 5, 2024

Mr. Trinity Stout
Washington County Water Conservancy District
533 East Waterworks Drive
St. George, UT 84770

Re: Cottam Well #3 Pump Station Project

Dear Trinity:

As you are aware, three bids were received for the above-mentioned project. Please find attached the bid tabulation for the project. Interstate Rock Products was the lowest bid with a price of \$801,200.00. The following are the bidders and their amounts:

<u>Bidder</u>	<u>Amount</u>
Interstate Rock Products	\$801,200.00
Whitaker Construction	\$967,410.00
Feller Enterprises	\$1,121,537.21

We reviewed the unit costs of the low bid in comparison to other bids received and there are not any major discrepancies. We recommend awarding the bid to Interstate Rock Products if the project is within the budget you have planned for the project.

Sincerely,

A handwritten signature in blue ink that reads "Todd Gardner".

Todd Gardner, P.E.
Alpha Engineering Company



Memo

To WCWCD Board of Trustees

From Tony Jones

Date September 9, 2024

SUBJECT Sand Hollow 2 Million Gallon Tank B

Situation

The District is looking to add additional storage capacity in the Sand Hollow area.

Background

The District's master plans states, "As demands on the Sand Hollow Wells increase so will the need for additional storage capacity. Water produced from the wells is currently stored in the Sand Hollow 2 MG Tank and the Sand Hollow 1 MG Tank. It is recommended that an additional 2 MG tank be constructed next to the existing Sand Hollow 2 MG tank at the same elevation." In September of 2023, the District procured Bowen, Collins & Associates to design the additional 2 MG tank that will be situated next to the existing Sand Hollow 2 MG tank.

Assessment

Not only does this second 2-million-gallon tank add storage capacity for the Sand Hollow area (east side of the county), but because of the Sand Hollow Regional Pipeline, it also increases storage capacity for the cities of Washington and St. George.

Beyond storage capacity, this tank will serve several other purposes; 1) It will provide additional emergency response time in the event of water shortages, and line breaks. 2) Because there are currently culinary wells in the Sand Hollow area that are not in use because they produce water high in arsenic, this second water tank will allow the District to more efficiently blend high arsenic water with low arsenic water and, therefore, allow the District to use those high arsenic-producing wells and still provide consumers water (after it is blended) that is below the State's allowable limits for arsenic. 3) By having two water tanks next to each other at the same elevation, it allows the District to shut down one tank down for cleaning and other maintenance and still maintain service to consumers without changing water pressures and causing disruptions in supply.



Because of the complexities of the where this tank will be constructed and the extensive valving that will be required to run these tanks in series or in parallel, we required all contractors interested in constructing this tank to submit a Statement of Qualification to ensure only qualified contractors would bid this project. Interstate Rock Products, Gerber Construction, Dale Cox Construction, and Ralph Wadsworth Construction were all pre-qualified to bid for this project. In the bidding process, Interstate Rock Products submitted the lowest bid.

Recommendation

It is recommended that the Board approve the bid for construction of the Sand Hollow 2 Million Gallon Tank B to Interstate Rock Products for \$7,398,588.00

Sand Hallow 2 MG Tank B Bid Prices

Contractor	Price
Interstate Rock	\$7,398,588
Gerber Construction	\$8,198,812
Dale Cox Construction	\$11,398,070
Ralph Wadsworth Const.	\$13,337,244

*A pre-qualification process was done to qualify these four contractors for the bidding process.



Memo

To WCWCD Board of Trustees

From Tony Jones

Date September 9th, 2024

SUBJECT Sand Hollow Crossroads to 2 Million-Gallon Tank Pipeline Replacement

Situation

Because of several recent leaks along a section of HDPE pipeline in the Sand Hollow area, the District finds it necessary to replace and upsize this section of pipeline with ductile iron pipe.

Background

In 2004, soon after the construction of Sand Hollow Reservoir, the District installed miles of HDPE pipe in the Sand Hollow area to convey water from culinary wells on the north side of Sand Hollow Reservoir to a 2-million-gallon water tank that sits above the Northeast portion of the reservoir, and then from that 2-million-gallon tank to subdivisions in the Sand Hollow area. At that time, HDPE pipe was considered the most feasible, durable pipe material on the market. However, as time has passed, we have noticed an increasing number of leaks along those sections of HDPE pipe where chlorine has been present for a number of years. In 2022 alone, the District experienced three major leaks in the section of HDPE pipe that feeds water from the 2-million-gallon tank to the intersection of 3680 West and Dixie Springs Drive ("Crossroads"), as well as several other smaller leaks that predate 2022.

Assessment

To reduce expensive repair costs and to ensure a reliable source of water to the Sand Hollow area, the District decided it would be best to replace the existing 18" HDPE pipeline between the Crossroads and the 2-million-gallon tank with a ductile iron pipe. Also, to accommodate future developments in the area, the District decided to upsize the pipe from 18" to 24". In, January 2024, the District procured Civil Science as the design professional for this project. The project then went out to bid in August 2024 and had 10 different construction companies bid the construction of this project. Royal T Enterprises was the low bid.

Recommendation



It is recommended that the Board approve the bid for construction of the Sand Hollow Crossroads to 2 Million Gallon Tank Pipeline Replacement to Royal T Enterprises for \$1,789,712.00

Sand Hollow Crossroads to 2 MG Tank Pipeline Replacement

Bid Prices

Contractor	Bid Price
Royal T Enterprises	\$1,789,712.00
Interstate Rock Products	\$1,843,170.75
Feller Enterprises	\$2,091,091.85
M&T Enterprises	\$2,225,426.50

*A total of 10 bids were submitted. Lowest 4 are shown above.

*Engineer's estimate for the project was \$2,452,750.



Memo

To Board of Directors

From Doug Bennett, Conservation Manager

Date September 9, 2024

SUBJECT Receive a report on an audit of the district's impact fee conservation easements and direct staff.

Situation

Through a data audit conducted in 2023, staff identified 167 properties believed to have violated conservation easements granted to Washington County Water Conservancy District.

Background

Between 2006 and 2022, the district discounted impact fees if property owners granted the district an easement limiting irrigated landscaping on their property. About 14,500 such easements were granted to the district.

Most commonly, the easements limited irrigated landscape to 5,000 square feet. An audit was conducted using aerial imagery to identify properties that may have irrigated landscape in excess of the agreed amount. Every potential violation was reviewed by staff and water use history was obtained from municipalities.

Assessment

Whereas these properties received significant reductions in fees in return for limiting water demand, they have a disparate impact upon other customers served by the district. The average suspected violator has water demand of more than 500,000 gallons annually; approximately twice the district's expected duty for a single-family home. The district should enforce remedy for any confirmed violations to sustain the integrity and intent of the agreements.

Recommendation

"I move to direct staff to pursue remedy of all known violations of district easements; to allow violators to comply by specific performance and/or by paying the district \$1.56 for each square foot in excess of the allowed landscape amount; to pursue full remedy from violators who are unresponsive or fail to negotiate in good faith; to charge violators reasonable, allowable costs incurred by the district in obtaining compliance; and, to file liens for overdue payments or other appropriate amounts due to the district."



Board of Trustees Meeting

September 9, 2024

AGENDA

1. Public hearing regarding establishment of Development Review Fees
2. Consider approval of resolution adopting Development Review Fees
3. Public hearing regarding establishment of Easement Review Fees
4. Consider approval of resolution adopting Easement Review Fees
5. Consider approval of Resolution adopting Revised Retail Water Service Rules and Regulations
6. Presentation of Retail Water System Standards and Specifications
7. Consider approval of resolution approving and acknowledging the Gunlock groundwater study associated with grant funds
8. Discussion of Town of Leed's request to join the Regional Water Supply Agreement
9. Consider approving agreement with Widdison Well Services to rehabilitate Sand Hollow Well 2 for \$430,900
10. Consider approval of bids for Cottam to Casa parallel pipeline
11. Consider approval of bid for Cottam Well #3 Pump Station Project
12. Consider approval of P-card for Carson Wright
13. Consider approval of procurement construction contract for Sand Hollow 2 MG Tank B
14. Consider approval of procurement construction contract for Sand Hollow Crossroads to 2 MG Tank pipeline replacement
15. Report on an audit of the district's impact fee conservation easements and provide direction to staff
16. Manager's Report
17. Closed session to discuss the purchase, exchange, or lease of real property
18. Consider approval of August 5, 2024 & August 23, 2024, board meeting minutes



1. Public hearing regarding establishment of Development Review Fees



2. Consider approval of resolution adopting Development Review Fees

- Presented by Brie Thompson
- This item is for board action



Proposed Development Fees

Service	Fee in existing retail water system	Fee in new retail water system
Preliminary feasibility evaluation ¹	\$975 plus \$25 per lot	\$3,875 plus \$25 per lot
Hydraulic analysis (if provided by district)		\$1,500
Plan review	\$550 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station	\$700 plus \$5 per lot, \$500 per tank, well or spring, including pumphouse, and/or booster pump station
Inspection	\$500 plus \$1 per linear foot of distribution pipeline, and \$1,000 per tank, well/spring & pumphouse, and/or booster pump station.	
After hours inspection ¹	\$100 per hour, 2 hours minimum.	
Legal costs ²		\$400 per hour
Final plat review	\$550	\$1,000

¹Outside of Monday through Friday from 7 am to 3:30 pm and on district holidays.

²Draft and review of development agreements, water service agreements, pioneering agreements, easements, property deeds, etc.



Preliminary Feasibility Evaluation

Service	Fee in existing retail water system	Fee in new retail water system
Water right analysis	NA	5 hours @ \$400
Source capacity evaluation	NA	2 hours @ \$75
Level of service determination	NA	2 hours @ \$75
Preliminary evaluation report (PER) review	NA	4 hours @ \$75
Preliminary construction plan review	8 hours @ \$75 plus \$25 per lot	10 hours @ \$75 plus \$25 per lot
Preliminary hydraulic model review	2 hours @ \$75	2 hours @ \$75
Preliminary rate analysis	2 hours @ \$75	4 hours @ \$75
Issuance of preliminary will-serve letter	1 hour @ \$75	1 hour @ \$75



Plan Review

Service	Fee in existing retail water system	Fee in new retail water system
Construction drawings review	\$100 plus \$5 per lot, \$500 per tank, well/spring & pumphouse, booster pump station	\$100 plus \$5 per lot, \$500 per tank, well/spring & pumphouse, booster pump station
Revised construction drawings review	2 hours @ \$75	2 hours @ \$75
Revised hydraulic model review	1 hour @ \$75	1 hour @ \$75
DDW approval coordination	2 hours @ \$75	4 hours @ \$75
Issuance of construction drawing approval	1 hour @ \$75	1 hour @ \$75



Inspection

Service	Fee in existing or new retail water system
Base fee	\$500
Pipeline submittals/tests review, installation, pressure test, disinfection verification	\$1 per linear foot of distribution pipeline
Water storage tank, submittals/tests review, installation, tank drop test, disinfection verification	\$1,000
Well or spring development, including pumphouse, submittals/tests review, drilling, pump test, installation, disinfection verification	\$1,000
Booster pumphouse submittals/tests review, installation, test pumping, disinfection verification	\$1,000
After-hours inspection outside Monday through Friday from 7 to 3:30, holidays	\$100 per hour, 2 hours minimum



Final Plat Review

Service	Fee in existing retail water system	Fee in new retail water system
Source protection plan & water quality review	NA	3 hours @ \$75
Well log & pump test data	NA	2 hours @ \$75
Plat, easements & deeds review	1 hour @ \$75 1 hour @ \$400	2 hours @ \$75 1 hour @ \$400
Final plat approval	1 hour @ \$75	1 hour @ \$75



Item 2 - Recommendation

- Move to approve resolution adopting Development Fee Schedule for Retail Water Service.



3. Public Hearing regarding establishment of Easement Review Fee



4. Consider approval of resolution adopting Easement Review Fee

- Presented by Trevor Brown
- This item is for board action



Easement Review Procedure

1. Development Services Administrator (DSA) reviews the easement request packet and coordinates reviews with the following departments:
 1. Legal department reviews the draft easement and purchase contract.
 2. Operations department reviews for potential impact on district infrastructure and operations.
 3. Project development department reviews for potential impact on future projects.



Easement Review Procedure cont'd

2. DSA compiles comments and creates a recommendation report for General Manager to review and approve.
3. DSA presents to the board for approval.
4. DSA coordinates payment and finalizes easement documents.



Item 4 - Recommendation

- Move to approve resolution adopting Easement Review Fee of \$500



5. Consider approval of resolution adopting Revised Retail Water Service Rules & Regulations

- Presented by Jodi Richins
- This item is for board action



Background

- First version of rules and regs coincided with acquisition of Hurricane Valley Water System
- Existing retail systems: Hurricane Valley Water System, Casa de Oro, Homespun
- New system: Kolob Heights (New Harmony)
- Update reflect changes in legal requirements and best practices



Summary

- Rules and regulations focus on development requirements and district administrative practices
- Terms of service (incorporated) focus on retail customer requirements
- Compliance with district construction and design standards and specifications required



Substantive Addition

- Water Efficiency Standards incorporated
 - Already applicable to existing systems
 - Extends to Kolob Heights



Item 5 - Recommendation

- Move to approve resolution adopting revised retail water service rules and regulations



6. Presentation of Retail Water System Standards and Specification

- Presented by Brie Thompson
- This item is for board information



Standards and Specifications

- Provide requirements and guidance for design and construction of retail water system improvements.



Standards and Specifications

- Includes water storage tanks, pump stations, and wells in addition to pipeline infrastructure.
- Updates will be approved by General Manager.
- Exceptions will be approved by Board.



7. Consider approval of resolution approving and acknowledging the Gunlock Groundwater Study associated with grants.

- Presented by Kelsi Tullinen
- This item is for board action



Key Acknowledgements

- The District is aware of the Gunlock Groundwater Study
- The District has the capabilities to provide the match required within the grant agreement.



Grant Details

- The Resolution Letter is required to obtain the grant agreement
- We are expecting \$300,118
 - This is subject to change
- Match has not been determined



Gunlock Groundwater Study

- The purpose of the Study*:
 - Characterize the aquifer recharge
 - Determine the actual sustainable yield
 - *Please see application for detailed description
- Study to be conducted around the Gunlock Reservoir



Item 7 - Recommendation

- Move to approve resolution approving and acknowledging the Gunlock Groundwater Study associated with grant funds



8. Discussion of Town of Leed's request to join the Regional Water Supply Agreement

- Presented by Zach Renstrom
- This item is for board information



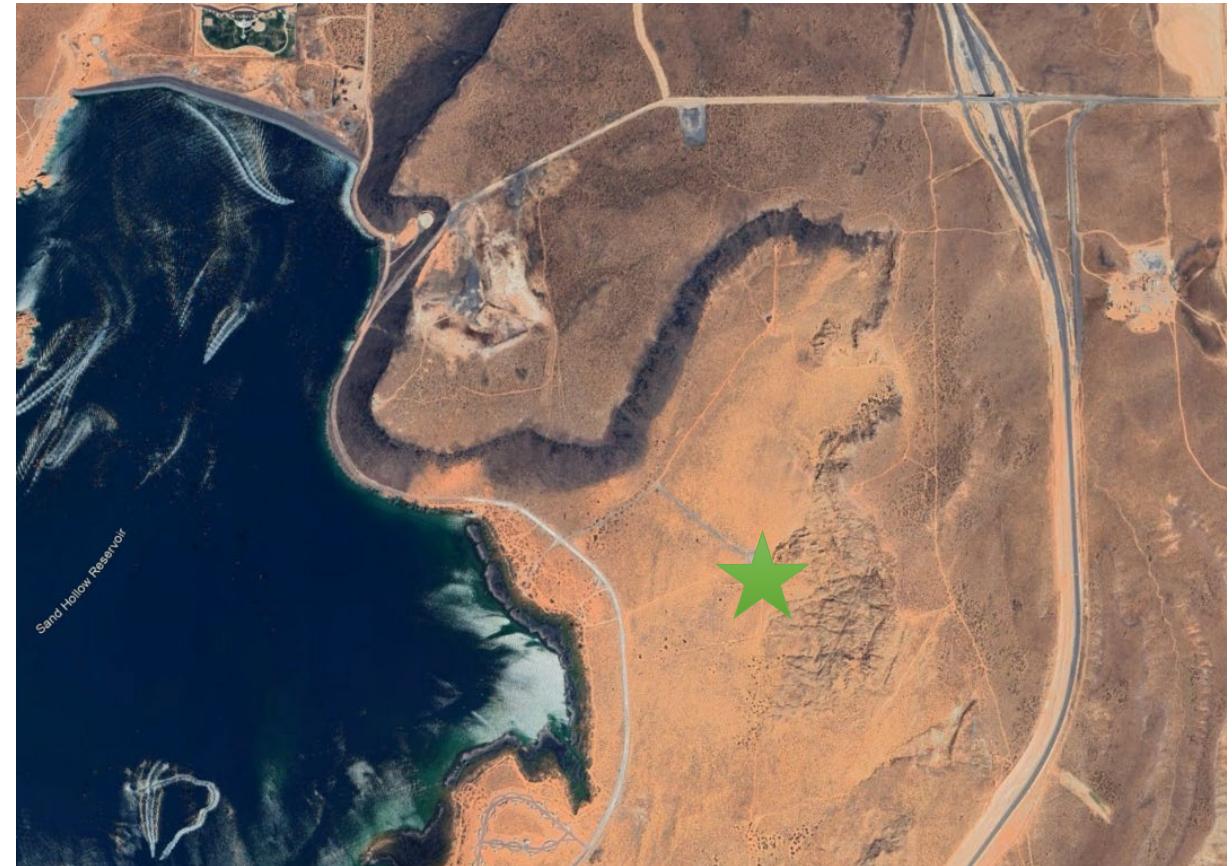
9. Consider approving agreement with Widdison Well Service to rehabilitate Sand Hollow Well 2 for \$430,000.

- Presented by Brie Thompson
- This item is for board action



Sand Hollow Well 2 Rehabilitation

- Sand Hollow Well 2 supplies water to the Hurricane Valley Water System
- Planned to be tied into Regional System



Sand Hollow Well 2 Rehabilitation

- Chemical and mechanical treatment of well.
- Installation of equipment.
- Disinfection of well.



Item 9 - Recommendation

- Move to approve the purchase of well rehabilitation services from Widdison Well Services for an amount not to exceed \$430,900.

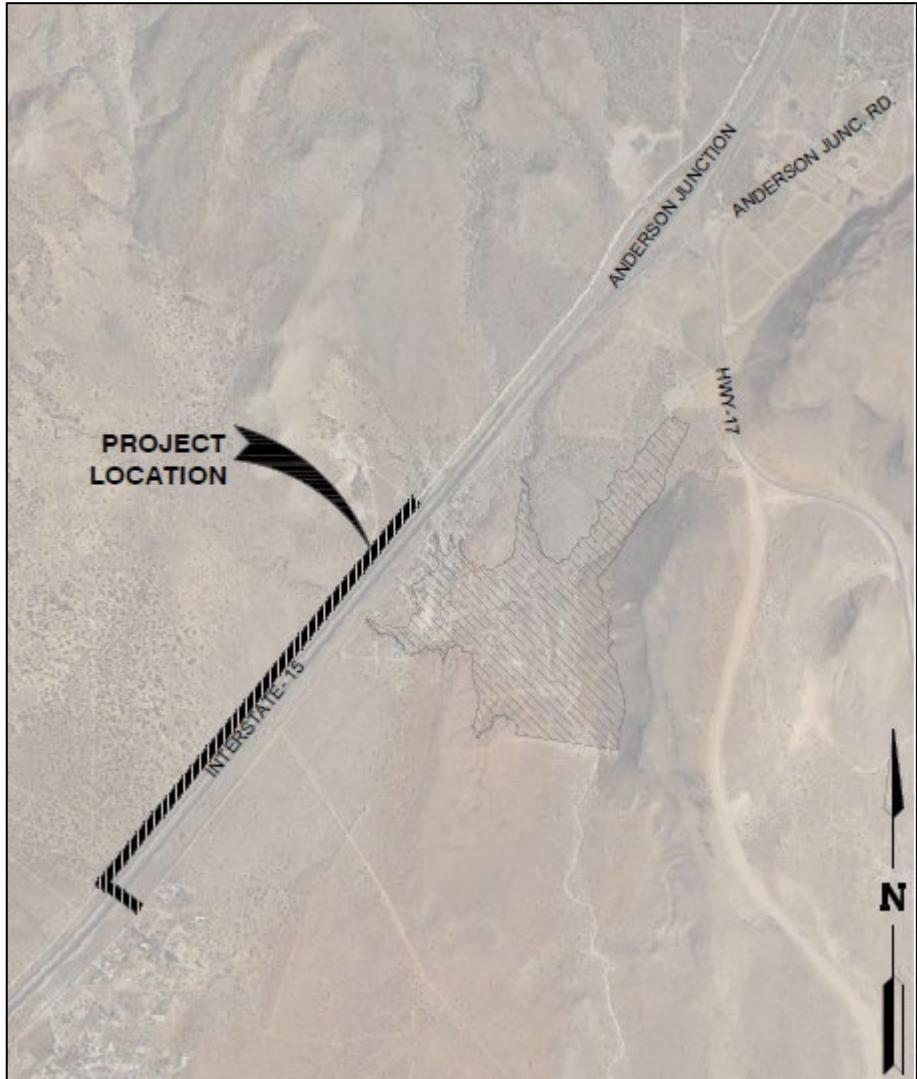


10. Consider approval of bids for Cottam to Casa parallel pipeline

- Presented by Trinity Stout
- This item is for board action

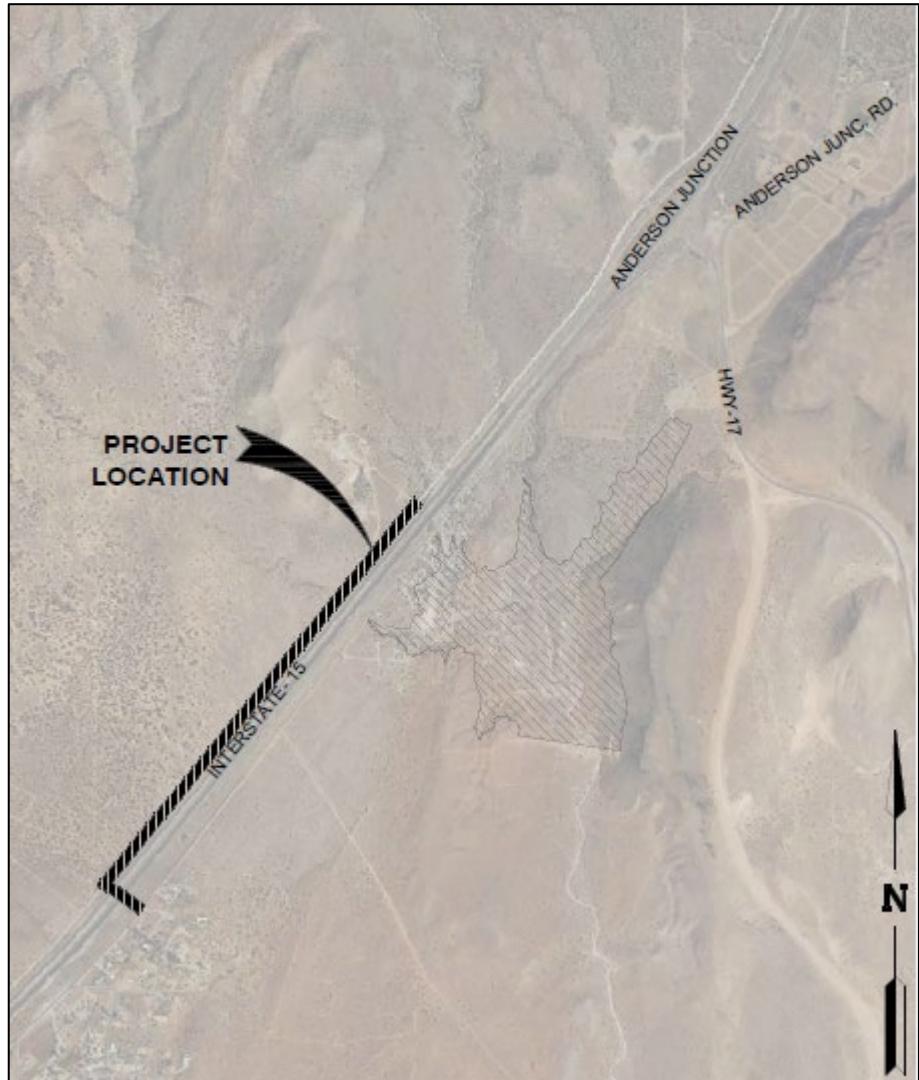


Cottam to Casa Parallel Pipeline Project



- Project Summary
 - Furnish and Install 6,400 ft of 14" D.I. Pipe.
 - Furnish and Install 425 ft of 30" Casing under I-15
 - Project funded by \$2M grant from Governor's Office of Economic Opportunity

Cottam to Casa Parallel Pipeline Project



- Bid Tabulation

Contractor	Bid
Sunroc	\$1,536,563.00
PCI	\$1,560,175.00
Interstate Rock	\$1,566,496.06
Landmark Excavating	\$1,622,250.00
Feller Enterprises	\$1,652,830.43
Whitaker Construction	\$1,659,615.00
BHI	\$2,114,802.50

Item 10 - Recommendation

- Move to approve the bids for the Cottam to Casa Parallel Pipeline Project and approve a contract with Sunroc for the amount of \$1,536,563.00.

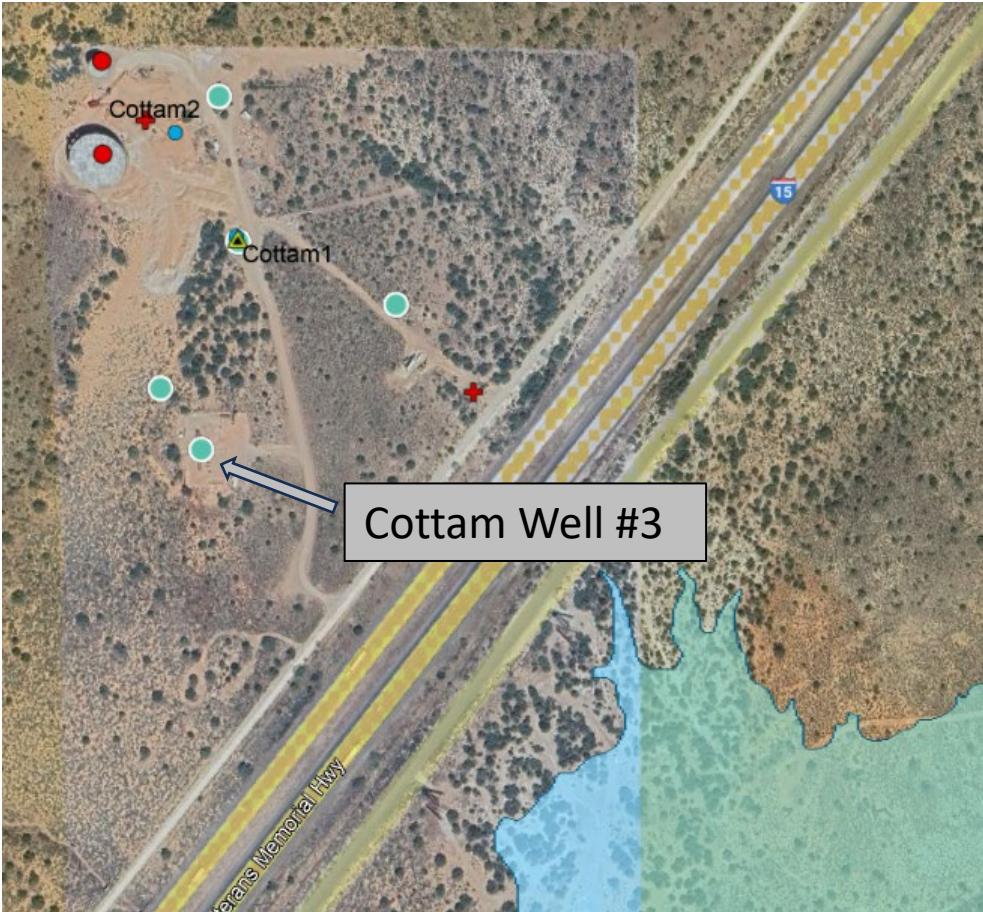


11. Consider approval of bids for Cottam Well #3 Pump Station Project

- Presented by Trinity Stout
- This item is for board action



Cottam Well #3 Pump Station Project



- Project Summary
 - Construct pump station and chlorination system
 - Furnish and Install 1,000 ft of 10" C900 PVC and connect to existing piping.

Contractor	Bid
Interstate Rock	\$801,200.00
Whitaker Construction	\$967,410.00
Feller Enterprises	\$1,121,537.21

Item 11 - Recommendation

- Move to approve the bids for the Cottam Well #3 Pump Station Project and approve a contract with Interstate Rock Products for the amount of \$801,200.00.



12. Consider approval of P-Card for Carson Wright

- Presented by Zach Renstrom
- This item is for board action



Item 12 - Recommendation

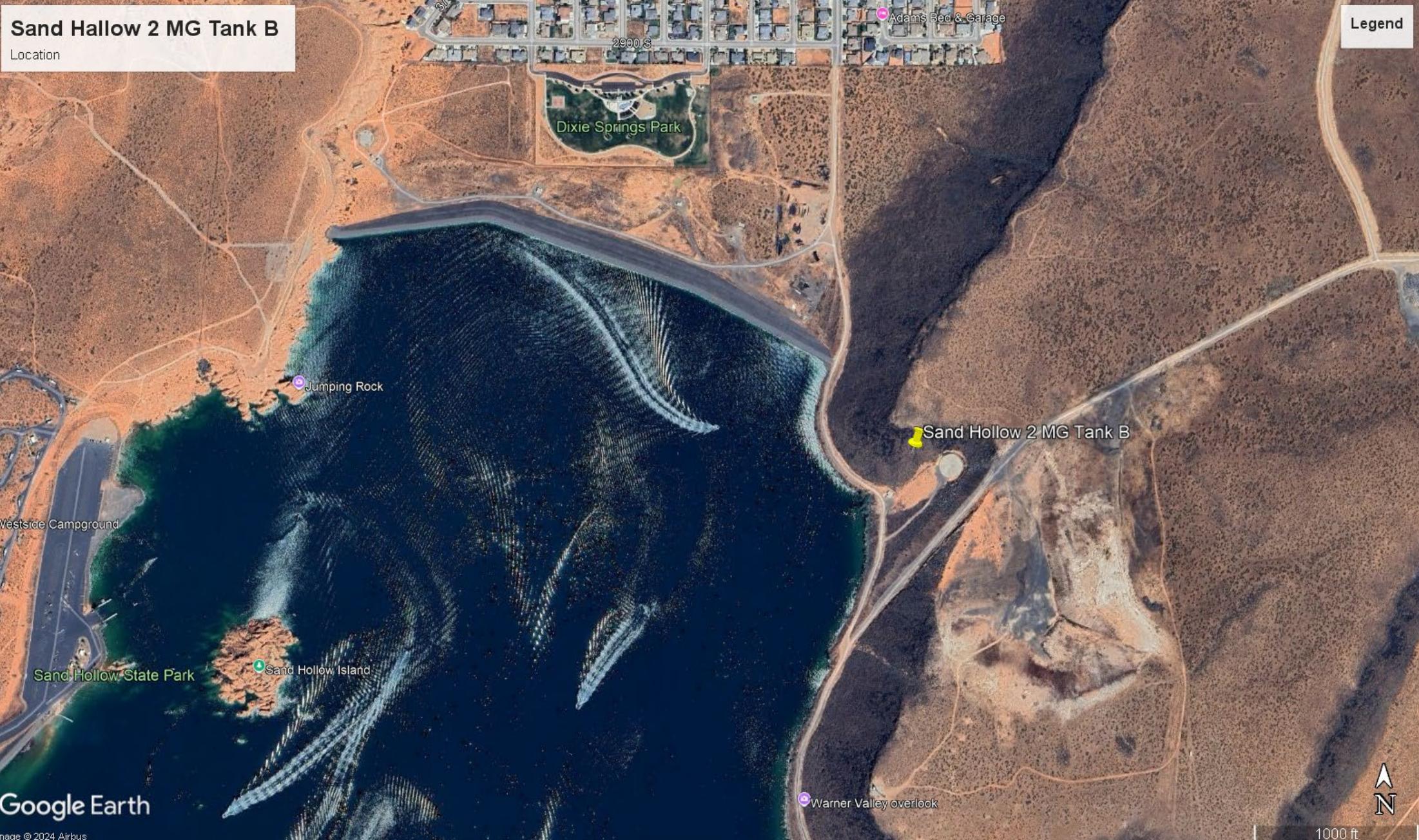
- Move to approve P-Card for Carson Wright

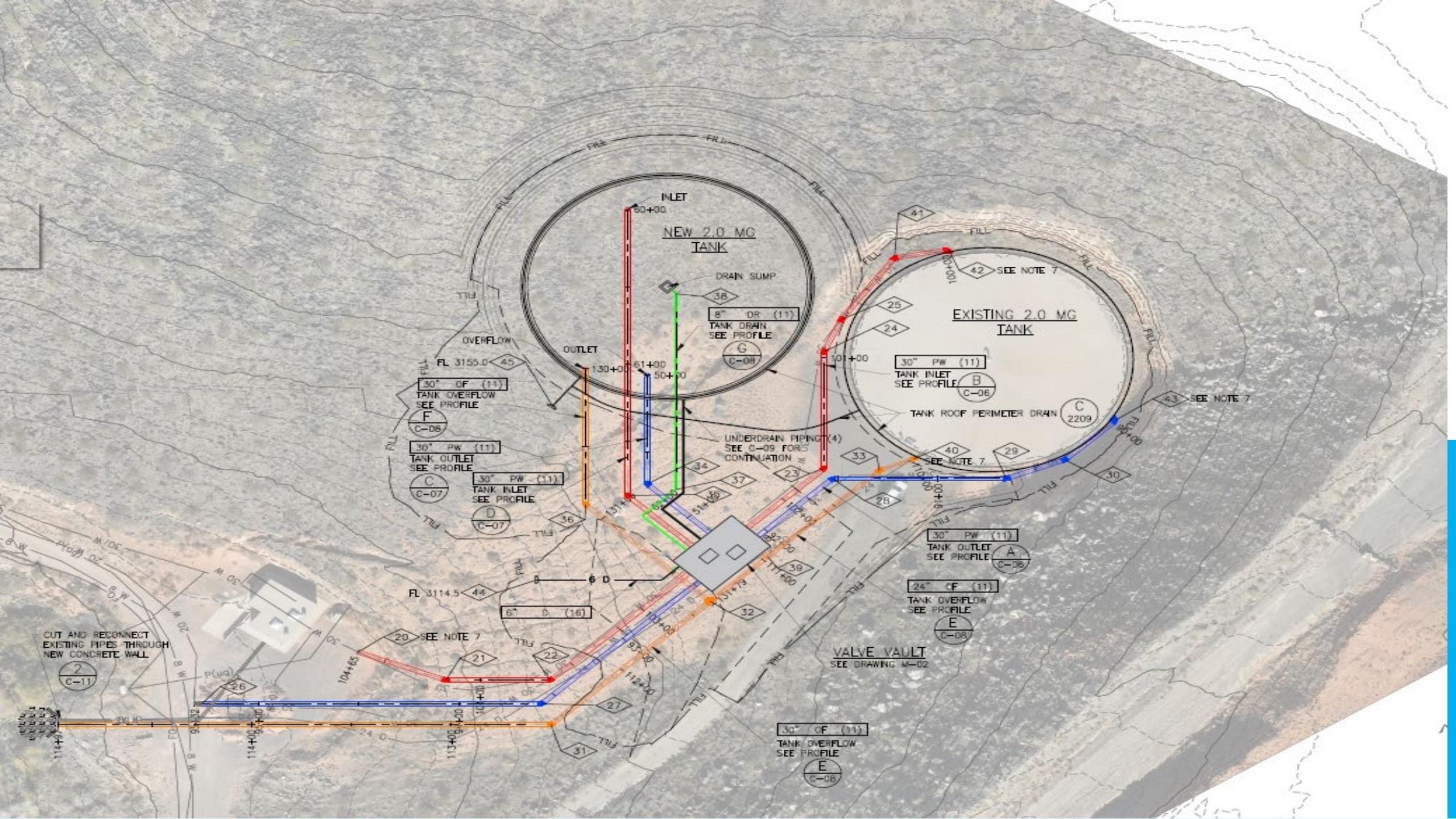


13. Consider approval of procurement construction contract for Sand Hollow 2 MG Tank B

- Presented by Tony Jones
- This item is for board action







Bid Prices

Contractor	Price
Interstate Rock	\$7,398,588
Gerber Construction	\$8,198,812
Dale Cox Construction	\$11,398,070
Ralph Wadsworth Const.	\$13,337,244

*A pre-qualification process was done to qualify these four contractors for the bidding process.

Item 13 - Recommendation

- Move to approve the bid for construction of the Sand Hollow 2 MG Tank B to Interstate Rock Products for \$7,398,588.00



14. Consider approval of procurement construction contract for Sand Hollow Crossroads to 2 MG Tank Pipeline Replacement

- Presented by Tony Jones
- This item is for board action





Bid Prices

Contractor	Bid Price
Royal T Enterprises	\$1,789,712.00
Interstate Rock Products	\$1,843,170.75
Feller Enterprises	\$2,091,091.85
M&T Enterprises	\$2,225,426.50

*A total of 10 bids were submitted. Lowest 4 are shown above.

*Engineer's estimate for the project was \$2,452,750.

Item 14 - Recommendation

- Move to approve the bid for construction of the Sand Hollow Crossroads to 2 MG Tank Pipeline Replacement to Royal T Enterprise for \$1,789,712.00



15. Report on an audit of the District's impact fee conservation easements and provide direction to staff

- Presented by Doug Bennett
- This item is for board action



Situation

- More than 14,500 impact fee reductions were issued between 2006 and 2022 in return for conservation easements granted to the district.
- Easements were designed to ensure oversize lots (>10,000 SF) had similar water demands as a typical parcel.
- Typically, easements limited irrigated landscape to 5,000 square feet, but grantors could pay for additional area on a per-square foot basis.
- Easements run with the land, so all owners are beholden to the agreement in perpetuity.



The Audit

- In 2023, the district used aerial vegetation analysis to estimate the amount of irrigated landscape on parcels with impact fee easements.
- 167 suspected violations (1.1% of all easements).
 - 152 irrigate with district-supplied water.
 - 13 may irrigate with canal company or private rights.
 - 44 were the original grantor of the easement.
 - 2 took incidental corrective action and are no longer in violation.



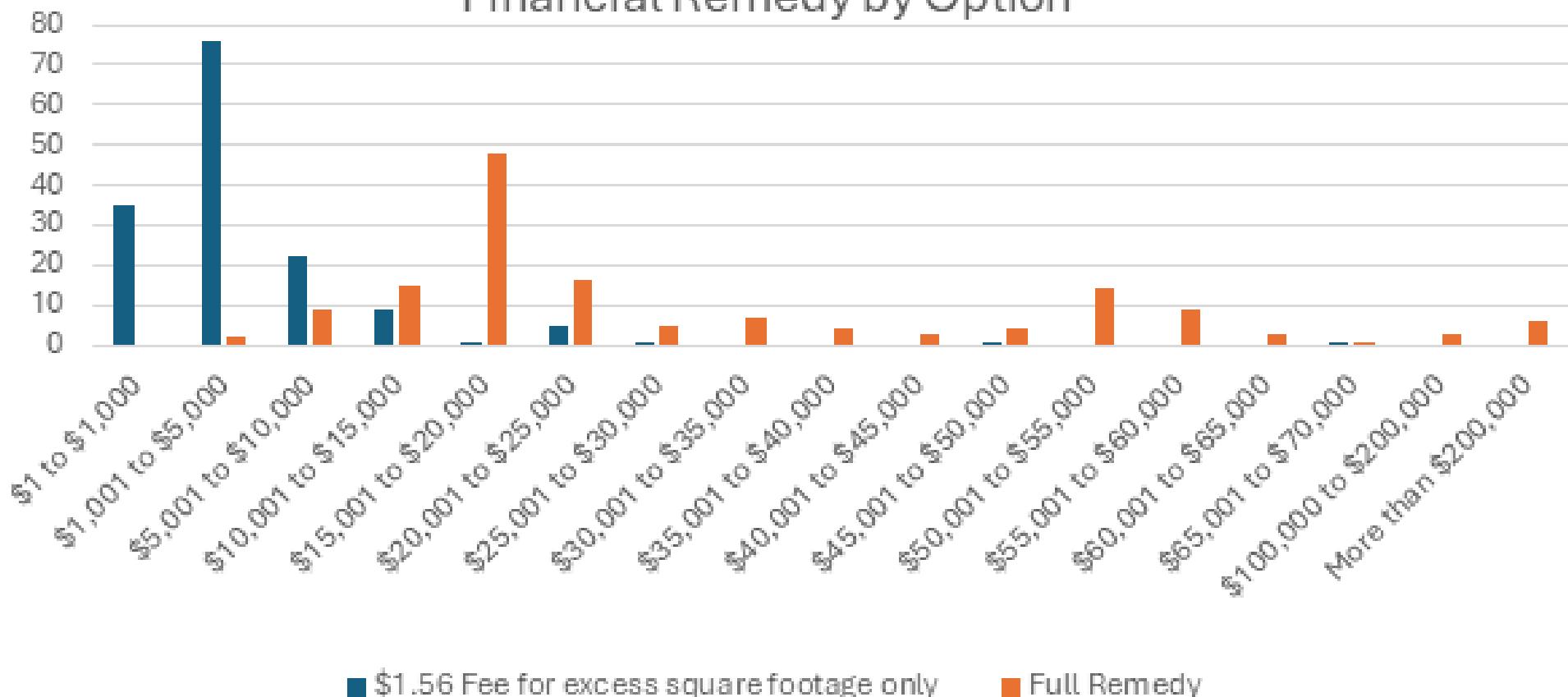
Potential remedies

- The remedy clause in the easement calls for violators to pay the full fee on the total square footage of their lot at 2023 rates (\$1.56 per square foot). This approach would require collective payment of an estimated \$6.3 million.
- The easement allows the district to negotiate in good faith with property owners.
 - Corrective action – remove excess landscape and irrigation.
 - Pay \$1.56 per square foot for only the excess irrigated landscape. This approach requires collective payment of \$1.2 million.
 - Lien – The district may file a lien but would not foreclose.



Comparison of Remedy Options

Chart 1
Financial Remedy by Option

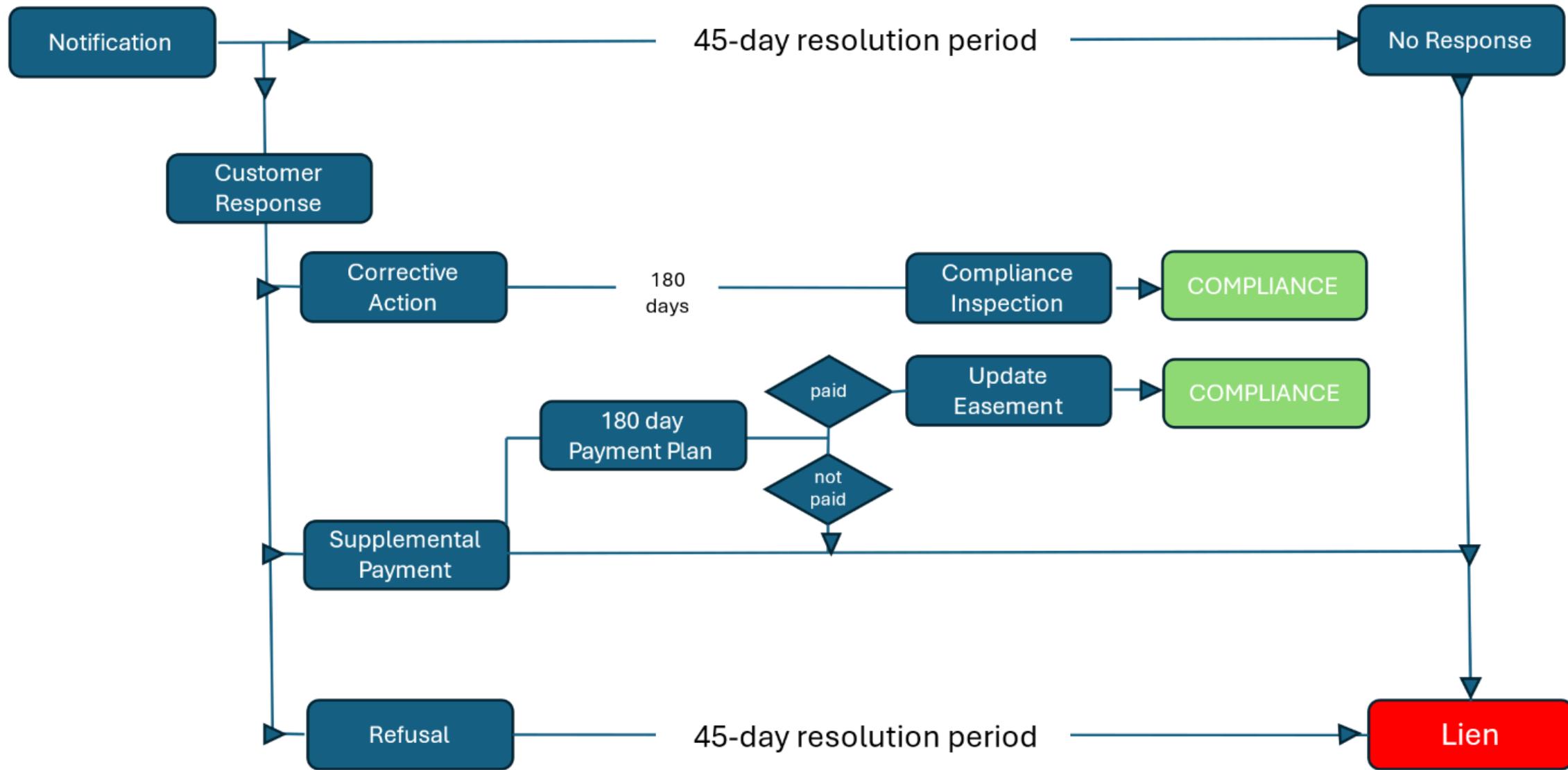


Other considerations

- Communication and resolution is anticipated to require hundreds of staff hours. Costs may escalate due to legal action. The district intends to secure services through existing contract attorneys.
- The district will incur expense in enforcement, as well as the process to remove or modify easements upon remedy. The district maybe eligible to recover some costs.



Compliance Pathway – Conservation Easement Violations



Summary

- Easement violations impact ratepayers and communities served by the district, both financially and in terms of water resource demand.
- The district must enforce its agreements and easements to protect the larger community and sustain its obligations.
- The district may offer remedy options to owners who negotiate in good faith with the district.



Item 15 - Recommendation

- Move to direct staff to pursue remedy of all known violations of district easements; to allow violators to comply by specific performance and/or by paying the district \$1.56 for each square foot in excess of the allowed landscape amount; to pursue full remedy from violators who are unresponsive or fail to negotiate in good faith; to charge violators reasonable, allowable costs incurred by the district in obtaining compliance; and, to file liens for overdue payments or other appropriate amounts due to the district.



16. Manager's Report

- Presented by Zach Renstrom
- This item is for board information



17. Closed session to discuss the purchase,
exchange or lease of real property



18. Consider approval of August 5, 2024 & August 23, 2024, board meeting minutes

- Presented by Zach Renstrom
- This item is for board action



Item 18 - Recommendation

- Move to approve the August 5, 2024 & August 23, 2024 board meeting minutes





That concludes the posted agenda