

**What:** Bridgerland Water Group, Meeting Three Agenda  
**When:** Monday, March 21, 2016 at 2:00 p.m. to 4:00 p.m.  
**Where:** County Council Chambers

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**Meeting Agenda**

This agenda lists the topics we will cover at the meeting and the outcomes we expect to achieve and the process we will use to achieve them. The materials provided for each topic are also listed and attached.

**Welcome and Introductions (2:00 to 2:05)** by Dave Rayfield

**Topic 1: Review Minutes and Address Administrative Items (2:05 to 2:20)**

Objective/Outcome:	Process:	Materials (Addendum 1)
<ul style="list-style-type: none"> <li>Approve Minutes from 3/7/16 meeting</li> <li>Establish clarity regarding timeline and status</li> </ul>	<ul style="list-style-type: none"> <li>Review Minutes</li> <li>Review timeline</li> </ul>	<ul style="list-style-type: none"> <li>Minutes from 3/7/16 meeting</li> <li>Updated timeline (larger fold-out copies will be provided)</li> </ul>

**Topic 2: Branding and Public Relations (2:20 to 2:40)**

Objective/Outcome:	Process:	Materials (Addendum 2)
<ul style="list-style-type: none"> <li>Finalize name</li> <li>Choose branding</li> <li>Identify website scope</li> </ul>	<ul style="list-style-type: none"> <li>Duo presents branding options</li> <li>Facilitated discussion</li> </ul>	<ul style="list-style-type: none"> <li>Branding options</li> <li>Q &amp; A Summary</li> </ul>

**Topic 3: Article 2 (2:40 to 3:10)**

Objectives/Outcome:	Process:	Materials (Addendum 3)
<ul style="list-style-type: none"> <li>Finalize Article 2</li> </ul>	<ul style="list-style-type: none"> <li>Overview and follow-up on questions by Mark Anderson</li> <li>Facilitated discussion</li> </ul>	<ul style="list-style-type: none"> <li>Revised Purpose Statement (to be handed out)</li> <li>Article 2 (in binders)</li> </ul>

**Topic 4: Article 3 (3:10 to 3:50)**

Objectives/Outcome:	Process:	Materials (Addendum 4)
<ul style="list-style-type: none"> <li>Finalize Article 3</li> </ul>	<ul style="list-style-type: none"> <li>Overview by Mark Anderson</li> <li>Facilitated Discussion</li> </ul>	<ul style="list-style-type: none"> <li>Article 3 (in binders)</li> </ul>

**Topic 5: Talking Points and Review Action Items (3:50 – 4:00)**

## **Addendum 1**

Cache Water Conservancy District (CWCD)

Meeting Minutes -Monday, March 7, 2016

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**Attended by:**

<b>CWCD Members</b>	<b>Advisory Members &amp; Visitors</b>	<b>Project Staff</b>
Michael Gibbons (Agriculture, Farming)	Mark Anderson (Outside legal counsel for Cache County)	Josh King (Facilitator, The Langdon Group)
Barbara Tidwell (Banking, Business)	Bob Fotheringham (Cache County Water Manager)	Andrea Gumm (Facilitator, The Langdon Group)
Jim Gass (Former Smithfield City Manager)	Lisa Welsh (Utah State University, Natural Resources)	Marcus Murdock (Facilitator, The Langdon Group)
Jennefer Parker (U.S. Forest Services, Park Ranger)	Shaun Dustin (Nibley City Mayor)	Elise Egbert (Duo Marketing Group)
Clark Israelsen (Agriculture and Natural Resources)	Max Pierce (Cornish City Council Member, Hyde Park City Engineer)	Marcie Lyons (Duo Marketing Group)
Kymber Housley (Legal, Logan City Attorney)	Theo Thomson	
Jim Huppi (Utah State University, Landscape Architecture, Cache Highline Water Association)		
Dave Erickson (Cache County Council, Education, Farming)		
Dave Rayfield (Bear River Land Conservancy, Environmental)		
Rob Smith (Farm Bureau, legal)		

**Meeting Purpose:**

- Approve Minutes from 2/22/2016 meeting
- Finalize the public purpose statement of the WCD
- Make decision on name of district
- Initiate development of public relations and public outreach strategies
- Determine number of trustees, terms and voting units

**Agenda:**

**Topic 1: Review Minutes and Address Administrative Items**

- Josh King, facilitator, welcomed everyone to the meeting and reviewed the agenda. New attendees provided brief self-introduction.
  - Max Pierce, Cornish City council member, Hyde Park City engineer
  - Shaun Dustin, Nibley mayor

- Josh presented the meeting minutes from 2/22/2016. Clark suggested a change in the meeting minutes under item #5 – change “legislature” to “legislation.”
  - The amendment approved unanimously by the group.
- Andrea Gumm reviewed the contents of the binders given to group members. TLG will bring meeting materials to the meetings for people to include in their binders.

## **Topic 2: Public purpose of the District**

- Josh: A water collaborative workshop was held in July 2015. At that event, the group was divided into five tables. Tables were determined by geography (districts/units). Discussions took place regarding district purpose, organization/structure and finances. A summary of that meeting is included in addendum 2 of your meeting materials today. You will see a summary of proposed district purposes and some of the comments that we received. You’ll also see suggestions that we incorporated into a draft (“district purpose with stakeholder input”). Today, we want to have a discussion on the district purpose as it is stated in the bylaws. To lay a foundation for that, Mark will review the purpose statement, its relevance, and what we should be looking at as we craft it.
- Mark: The purpose statement has two goals. One is to provide guidance to the board and those who are directly involved with the district, making the district operational, and moving the district forward. The other goal is to draft a purpose that is educational. Something that you can use for general education. It can be an internal guiding document and external education document. It needs to adequately serve both functions. It has to be easily understood and state the most important key principals of what this group really about.
- Josh: Some of this comes from the WCD Act.
- Mark: The purpose statement is really driven by that Act more than anything else. The Act affectively divides up Bear River water and allocates certain portions of the river to each county. The allocation to Cache County is 60,000 acre/feet of water. The act is very clear and states that if the Department of Water Resources is involved in the development of the Bear River, then only the local entities can participate. The development Act gives two entity choices in developing the water – the county or a WCD. This county doesn’t have a WCD, Cache County is allowed to do develop the water. The problem is that counties, in general, are not well equipped to provide these kinds of services. Districts are set up to do one thing – develop water resources and safeguard water rights to deliver them to the communities that need them.
- Dave R.: Why does the plan have to be connected to a certain development?
  - Mark: It doesn’t. A conservancy district isn’t limited to the Bear River. It can develop other available water sources.

- Dave R.: I ask because we should develop water if it is needed. To tie it to just that 60,000 doesn't seem what the district is for. We shouldn't be tied to it for the purpose.
  - Dave E.: It is important to mention the 60,000 acre/feet. Especially when educating the public. I don't think we are limited to that Bear River water.
  - Mark: We could make that more clear.
  - Dave R.: We should say that we will develop water sources as they are needed. How specific do we get?
  - Mark: The district is in a position to develop the 60,000 acre/feet. I think whatever you develop is directly or indirectly part of the 60,000.
- Kymber: What do we put in the purpose statement that helps voters understand this and vote in favor of it? Most voters won't see the bylaws, but some people could use it against us. Are we putting something in here that is giving opponents something to attack us with?
    - Mark: Anything we put in has to be backed up.
- Dave R. (provides handout): Here is something that has to be considered. If you read this, it talks about the impact on pulling water from the Bear River as it relates to the Great Salt Lake.
- Jim G.: As I read through this, as a voter, you can talk about 60,000 acre/feet and that doesn't mean anything to anybody. One of the reasons that we are forming this district is to protect our rights. The public understands that. You can talk about county water master plans. Master plans are everywhere. Nobody cares about master plans, but they will care about someone protecting their rights. All of this other stuff is nice when trying to put together a full page of things to talk about, but in the end, that is what they will want to hear. I don't think people know that their water is at risk. I don't think people know the value of water. Going forward, they will need to know how this organization will be there to take care of it; this water is a commodity that we could conceivably lose.
    - Dave E.: We have to make sure that people know that we have this 60,000 acre/feet that we could use.
    - Bob F.: In the second paragraph, it talks about managing a system that protects and conserves. Is there any way that we could give that some emphasis in the main body? Can we take that one sentence and move it up? So it looks like we have a systems approach rather than a developmental approach?
    - Kymber: Start off with that, "the purpose of the district is to protect and conserve," if nobody reads the first paragraph, they will hopefully get it. The purpose statement has to have that phrase up front.
    - Shaun: This isn't a legal question, it's a political question.

- Kymber: If we talk about delivery, is that part of the retail part of that?
  - Clark: It is one thing to develop, it is another thing to deliver.
  - Mark: I wouldn't say that the district could never do delivery.
  - Kymber: We can do what the act allows us to do, if it isn't in there or not. It is that which gives opponents ammunition.
  
- Dave R.: I read other district plans and purposes. Some of them have purposes that are one sentence long. Some of them address water quality, hydro power, compliance with federal requirements, irrigation, natural resources, wildlife fisheries, protection of resources, etc.
  - Mark: Those are all district that are already up and running. That is more of an internal guidance document than an educational document.
  
- Josh: Is there a risk in being too simplistic in the purpose statement? Are there any powers or authorities lost if they aren't in the purpose statement?
  - Mark: There is a bigger risk in being too complex than being too simple. Someone has to pick up and read and understand.
  - Max: Keeping it simple is ultimately to the public's advantage. Something that is brought up in other purpose statements was recreational use. Recreational is not mentioned in here.
  - Mark: Recreation isn't one of the core things that districts do, but it is a potential byproduct. At this point, I wouldn't want to guarantee that.
  
- Jim H.: I like the last sentence of 2<sup>nd</sup> paragraph. "It is a primary purpose of the District to fill that void and to provide the municipalities and unincorporated areas within the County, and the citizens and business that they represent and serve, an entity that can facilitate the County's involvement in water resource development and allocation under the Act."
  
- Mark: We will work on reorganizing and restructuring this statement. We will distribute a new statement in advance of the next meeting.

**Topic 3: WCD name and why it matters; public relations and public outreach**

- Josh: The County has contracted with The Duo Group for a resource to this group as we look to reach out to the community. On Monday, we met with them and invited them here today to tell us what they do. They have some questions about the name of our group.
  
- Elise: Duo is a full service marketing firm. For this group we plan on writing a radio script, designing a logo and slogan, developing a 30-60 second video, establishing social media assistance, providing materials to be shared through social media and some

training for publicizing materials. Also, our work would also include design of graphics, fliers, newspaper ads, etc. All of this includes the branding and naming you all come up with.

- Marcie: We primarily do digital marketing. Our biggest clients are in health care industry - hospitals along the Wasatch Front. We do a lot of their social media and marketing.
- Dave R.: It seems like there would be other costs associated with this scope. Have we planned for funding those portions (i.e. advertisement placement costs)?
  - Bob: Funding comes from the county. There are other groups who have some interest in providing other materials. This scope has been approved by the county.
  - Dave R.: Do we have a budget for those additional items?
  - Josh: There has been a discussion about budget. Duo will be available to help us along in this process. Distribution needs to be determined by this group.
- Mike: How long does it take to develop these materials?
  - Elise: 1-2 weeks after we have a name for the group.
- Dave E.: This is an emotional issue, and we should try and tap into that. Water is tied to people's future. We have to touch the urgency and emotion of that.
- Jennefer: At the last meeting, Jon said that we are going to gain people's support when they buy into the problem we are dealing with. These are the soundbites that get people's attention. Where do they go for more information?
  - Josh: Currently, information is housed on the county's website. If we need to expand beyond that, maybe to an independent site that links to the county's website. We can explore that.
- Josh: Craig's hope is we could get something back from the Duo group by next meeting.
  - Duo Group: We need the purpose statement to start the FAQ page, as well as a group name. Name recognition helps people. People will come up with a name if we don't give them one.
  - Mark: Because of legalities, we should not use "Cache County"
  - Shaun: Do you gain more by being inclusive with the name? There is more to be gained by including everyone in the valley.
  - Mark: If you say Cache Valley, is there confusion because Preston is in Cache Valley?
  - Rob: I like Cache Water Conservancy District.

*The name "Cache Water Conservancy District" was approved unanimously by the group*

- Jennefer: The Envision Utah effort has a lot of goals and strategies, some of those speak directly to what we are doing. Now it is called Your Utah, Your Future.
  - Jim H: Another resource would be the Governor's water task force

#### Topic 4: Board of Trustees

- Josh: (References bylaws) There can be up to 11 board members.
- Mark: SB-235 is being considered right now. It passed out of committee but I am not sure if it will get a vote in the senate. If it passes, it amends the WCD Act to basically say that everyone on the board has to be elected to the board. Currently, you only have to have a majority of the board made up of elected officials
- I don't believe this will get passed. If it were to pass, or come back next year, we've been talking about part elected and part appointed. I was going to recommend 10 elected and 1 appointed. There is a concern to make sure agriculture is represented. If part of the water is developed for agriculture, one could be appointed for that. If you are comfortable with the approach that we've been talking about, there will always be some agriculture representation for the foreseeable future. I recommend an elected board, so that no matter what happens with the law, you could always function. Also keep in mind that when we met two weeks ago I asked how many county council members in agriculture, several were.
- Jim: Define elected official.
  - Mark: Mayors, City Council and County Council members, etc. If this becomes a law, they have to be trustees directly elected to the board.
  - Kymber – It takes away an argument that could be made against us. Instead of dealing with an appointed elected official, the safer approach is to have them all elected (Jim and Barbara agreed).
  - Jim G.: Someone will run for this because they want to be involved in this. They have interest.
  - Jim H.: The first few of the trustees will be appointed no matter what.
- Mark: I've concluded that we create the district and with 11 vacant seats. The County Council would appoint someone to fill those vacancies. Half of those would serve until the next election, and then half until the next election. Right now, we would be on the municipal election cycle. Getting on the general election cycle would need approval by Lt. Governor.
- Initially, there can't be any election, because we aren't formed yet. The initial board, the county council could make sure they have the balance we are talking about.

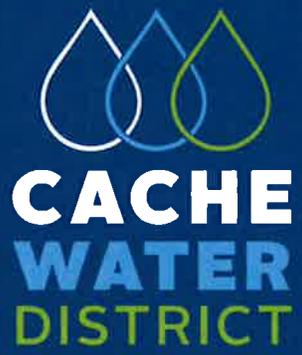
- Mike: The agriculture community is changing. Further down the road, you will have less and less agriculture representation and need. I think you need at least one person representing agriculture. 60-70 percent of the water is used by agriculture.
  - Kymber: Can't you draw the boundaries to represent that?
  - Mike: It's not necessarily about land area.
  - Mark: Farms are consolidating and turning into sub divisions.
  
- Dave: The County is set up for voting with seven districts, so you couldn't do the 11 districts without changing the district voting.
  - Mark: As long as there is rough proportionality.
  - Josh: If we had 7 units, could some of the units have two people elected?
  - Mark: Yes, as long as it is proportionate. If demographics change, the lines can change. The law says that you have to look at district boundaries every 10 years.
  
- Josh: So we are discussing an 11 member board: 7 elected with 4 appointed or 10 elected and 1 appointed?
  - Mark: You have a much better chance of having diverse interests with 11 board members.
  
- Dave R.: We talked about agriculture, but what about industry, environmental, etc.?
  - Josh: The only one that you can carve an exception out for is agriculture, based on the law.
  - Mark: You can encourage the County Council to appoint people to fit certain criteria. To the extent the County Council is willing to do that. You could put provisions in the bylaws, but if someone filed a lawsuit challenging that, I wouldn't want to defend that. It is clear that the bylaws have to be consistent with state law.
  - Kymber: When you start carving out specific groups, you get away from true representation from voting.
  - Mark: Representatives from manufacturing and environmental interests can run for election.
  
- Jim G. I motion to set the board at 7 elected, 3 elected at large, 1 from agriculture with 7 districts to mirror county districts.  
*Motion was approved unanimously by the group*
  
- Bob: There has been a concern from citizens. Will this be partisan or nonpartisan?
  - Mark: Nonpartisan.
  
- Jennifer: Once there is an actual board, and they decide, some of this won't be implemented. They can change it, right?

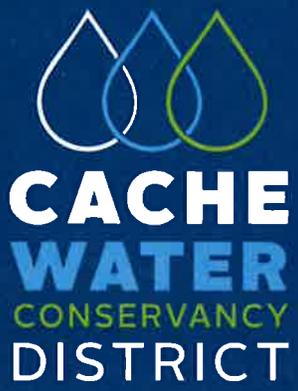
- Mark: The law allows a super majority of the board for a change. I think the County Council will have to approve the change, because they are the appointed authority.

#### **Topic 5: Modification of other items**

- Mark: (Referencing agenda) You've already decided the first two bullet points. Terms – Four years: half of the board would initially serve two years and the other half would serve 4.
- Jim G.: Are we setting term limits?
  - Mark: You can serve as many terms that you are elected to?
  - Jim G.: Can you change that?
  - Mark: There is a provision in the law that says that there isn't a provision on term limit.
  - Kymber: Our city council has term limits because our appointed authority wants to do that.
- Mark: There is a little bit of room to require super majorities. We can write that but the board would put restrictions on itself for super majority on things. There are some internal controls that they can put on themselves that require a super majority on sensitive things. If the dually constituted board wants to change that, by the law, they can. The board has to establish a meeting policy. Quorum requirements: simple majority (6 of 11). For certain things, you could have a greater quorum requirement built in to the bylaws. In regards to trustee compensation, there is a fairly strong sentiment that these folks ought to serve as civic minded citizens, not be looking for compensation. The law allows for \$5K per trustee per year, in addition, \$100 for a full day of training and up to 12 per diems at state per diem for extra activities. Those are all board decisions. If you want to compensate more than that you have to hold a public hearing
- Mark: I would be surprised if you ended up with a board that wouldn't approve the bylaws worked through this board. There are things that the board can impose upon itself and then impose a supermajority to amend the bylaws themselves.
- Dave R.: As far as edits and comments to the bylaws, would it be best to have us just send those to Josh?
  - Mark: Send comments to Josh and then we can distribute the redline document. That can be done over the next couple weeks.
  - Josh: Send purpose statement comments to me by COB Thursday.

## **Addendum 2**





**Q: Are there any legal issues respecting the use of the word "Conservancy" in the District's name?**

A: No. Other water conservancy districts use "conservancy", which makes it easy to identify the applicable local district type, but other types of local districts don't necessarily follow suit. For example, the South Davis Water District and the South Davis Sewer District are both improvement districts and the Oquirrh Recreation and Parks District is a service area. On the other hand, many districts do include the district type as part of the name of the district--for example, the Kearns Improvement District and the Bluff Service Area. There is no legal requirement that the district type be reflected in the name of the district, but a name that reflects the district type may avoid confusion in the future concerning which Utah Code provisions are, and are not, applicable to the district. On the other hand, there may be benefits from a shorter, more compact, name.

**Q: Did S.B. 235 pass?**

A: No, but it also did not die. The subject will go to interim study, which often is a graveyard for Bills that failed to pass, but that doesn't appear to be the case respecting S.B. 235. Mark Anderson anticipates a very active interim, and expects another Bill to be presented during the 2017 Legislative Session, likely as an Interim Committee Bill (and they almost always pass). Mark doesn't think next year's Bill will be a carbon copy of S.B. 235, but it could be problematic. The Utah Association of Special Districts will be actively involved in the interim process, and will try to do as much damage control as possible.