

Bridgerland Water Group (BWG)
Meeting Minutes -Monday, February 1, 2016

Attended by:

BWG Members	Advisory Members & Visitors	Project Staff
Michael Gibbons (Agriculture, Farming)	Mark Anderson (Outside legal counsel for Cache County)	Josh King (Facilitator, The Langdon Group)
Barbara Tidwell (Banking, Business)	Craig Buttars (Cache County Executive)	Chris Slater (Engineer, JUB Engineers)
Ruth Maughan (Small Municipal)	Bob Fotheringham (Cache County Water Manager)	Andrea Gumm –(Facilitator, The Langdon Group)
John White (Cache County Council, Ranching)	Joanna Endter-Wada (Utah State University, Natural Resources, Environmental Policy)	
Clark Israelsen (Agriculture and Natural Resources)	Lisa Welsh – (Utah State University, Natural Resources)	
Kimber Housley (Legal, Logan City Attorney)		
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 Summary:

- Welcome and Introductions
- Current Situation and Process Getting Here
- Next Steps and Expectations: BWG Charter, Operating Principles, Timeline

Action Items from Meeting:

Action Item	Who
Add power point to County website	Bob
Update Charter	Josh/Andrea
Call Jim Gass	Bob/Craig
Draft Resolution and Petition Documents	Mark
Set up Google Drive for BWG	Josh

Agenda:

Topic 1: Welcome and Introductions

- Josh King, facilitator, welcomed everyone to the meeting. Attendees provided brief self-introduction.

Topic 2: Current Situation and Process Getting Here (Refer to presentation slides 1-14 attached)

- Overview of County Master Plan Process: To kickoff this process, an intense effort was started in 2012 to gather information and conduct key stakeholder interviews, including interviews with each municipality in Cache County, the County Council, irrigators, environmental representatives, and other stakeholders. A technical evaluation of existing and future municipal, agricultural and environmental water supplies and demands was completed with assistance from the Utah Division of Water Resources. More work needs to be done to quantify environmental water demands. The project team gathered about 50 people as a steering committee and met multiple times for review and comment on the master plan process. The project team then developed a matrix of alternatives – things important for the county to do with water management related to supply, social, and political elements. This matrix identified key water strategies to focus on, then evaluated potential water governing structure alternatives and gave a recommendation to form a water conservancy district.
- Overview of Bear River Development Act provided: There are 220,000 acre feet of water that could be stored or developed on the Bear River. The Act split up the allocation between four entities – Jordan Valley Water Conservancy District (JVWCD), Weber Basin Water Conservancy District (WBWCD), Bear River Water Conservancy District (BRWCD) and Cache County or a Water Conservancy District in Cache County.
- Key themes of the master planning process identified and presented: A key theme was that if Cache County has this Bear River allocation, it needs a plan to protect and/or develop its allocation, and it needs to be organized to do so. The County supported the recommendations of the Water Master Plan and determined that water conservancy district would be the best management system. The County Council adopted the master plan and supported the process moving forward.
- Explanation of why efforts to create a water conservancy district have failed in the past - This process and effort is designed to overcome failures of the past. The project team has created a first draft of proposed district bylaws for this new effort. The team went out to every municipality (key water representatives and city councils) and gained a better understanding of their level of support and concerns. All the concerns could be broken out into three key themes: purpose, financial, governance.
- Discussion of the two approaches to establishing a water conservancy district (refer to attached presentation slides 15-16):
 - **Petition** –This is a seven step process:
 1. File Request for Services to all governing bodies (must be signed by 10% property owners by area and 7% by value or 10% of registered voters)
 2. Certify Request (each clerk certifies and delivers to governing body and each governing body has 30 days to certify. If they don't then it's certified)
 3. Public Hearing(s) (within 45 days of certification for each governing body or joint hearing)
 4. Adopt Resolutions (within 60 days each body gives a resolution to either provide the service or consent to the creation of district)
 5. File Petition proposing creation of district with County Clerk (at least 33% of area and at least 25% of property value or 33% of registered voters - signatures)

- from the Step 1 Request can be used on Petition if clearly stated as such on the Request)
6. Certify Petition (County clerk sends copy of petition to each municipality within 5 days of filing - 35 days for each clerk to determine if Petition meets requirements, report back to county clerk within 45 days of filing, County Clerk must certify)
 7. Election at next special or general election (Election not required if Petition covers 67% of area or 50% of property value in entire area and within each governing body or 67 of registered voters).
 - **Resolution** – This is a four step process:
 1. Adopt Resolution by each municipality and County
 2. Public Hearing(s) (Hold hearing(s) within 45 days of resolution)
 3. Protest Period (Open for 60 days. If protested by at least 25% area and at least 15 property value or 25% of registered voters then it doesn't go on the ballot and no resolution for a district can be made again for at least 2 years)
 4. Election if no protest (within 60 days from last public hearing)
- **Question & Answer Discussion:**
 - **Q:** How is the property value determined for this process? Tax or fair market value?
 - **A:** Taxable value. If this is funded by a property tax, it makes sense to have the properties evaluated by their taxable value.
 - **Q:** If there is one municipality in the county that doesn't want to participate, does it all fail?
 - **A:** You would have to make a decision to go forward and just not include any such municipality.
 - **Q:** Are there other types of entities we could use besides conservancy districts? Like a metropolitan water district or inter-local agreement?
 - **A:** We are not aware of any inter-local agreements or arrangements that serve the same purpose as a water conservancy district. Water conservancy districts primarily provide wholesale services. They are not in competition with other services and systems.
 - **Q:** If we, as a water conservancy district, receive Federal money – does that limit our control?
 - **A:** This shouldn't be a concern because there is not much federal money out there now. That money has dried up.

Topic 3: Next Steps and Expectations: BWG Charter, Operating Principles, Timeline

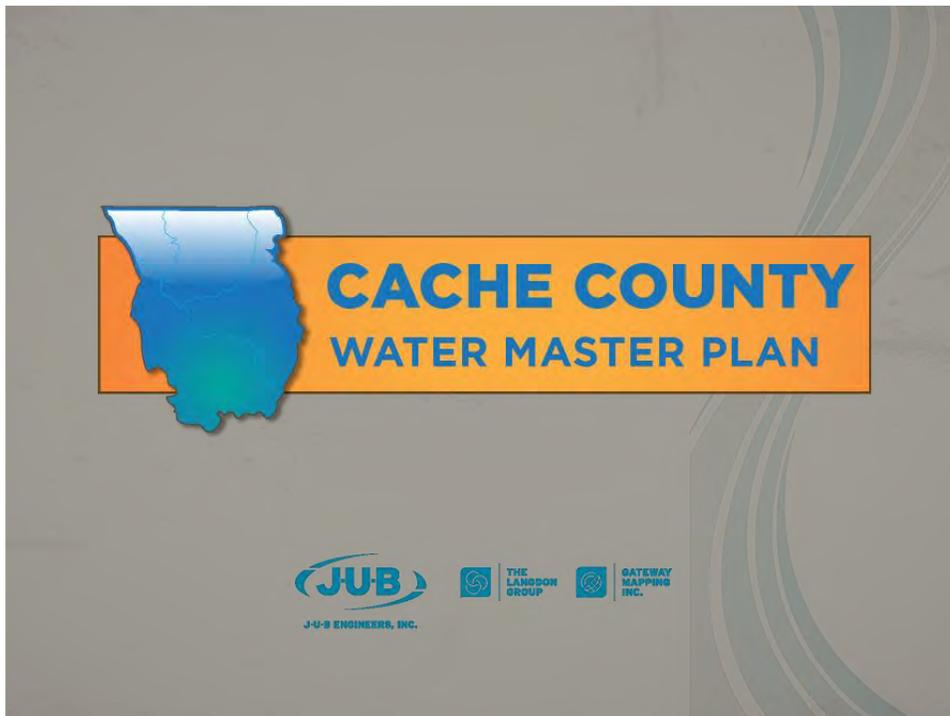
- Discussion about the Bylaws: The group needs to come together on what should be in the bylaws. The district board of trustees would eventually adopt these bylaws. As you move through the proposed draft bylaws, there are certain blanks that need to be filled in (e.g., Number of Board of trustees. It has to be an odd number with a cap at 11.) Recommendation that with all the communities involved, it should be a larger board with terms of four years for elections. The project team has created a few scenarios of geographical district unit scenarios that geographically fit together and have equal and logical vested interest. (see presentation slide 18)
- The draft proposed bylaws are meant to keep this water conservancy district lean. This water conservancy district would be more like Box Elder, not like JWCD or WCWCD.
- **Question & Answers**
 - **Q:** Can't the board of trustees take these bylaws and decide not to adopt them? Would all this work be for not?

- **A:** Yes, they potentially can. One could assume the initial board of trustees would not discard these bylaws, but they could. One of the provisions of the proposed draft bylaws says that it requires a 2/3 majority to amend the bylaws. Whatever method the BWG decides to go, would be based on us collaboratively drafting bylaws, with the input and involvement of the future board members. What the board decides should be consistent with what this group proposes because they are involved in this process. What they decide in the future should be in line with what their constituents want to see.
- **Q:** Could the water conservancy district's purpose be achieved through an inter-local entity (agreement)?
- **A:** The Bear River Development Act mandates that the purpose can only be achieved through a water conservancy district.
- Discussion about the draft BWG Charter and Operating Principles:
 - Are there members of this work group that are missing? Considerations from the group:
 - Public Works
 - Perhaps one of the larger cities like Mark Neilson
 - Jim Gass
 - Federal government/federal lands representation
 - Manufacturing/private business
- Discussion about the background and overall mission summary – No changes
- Discussion about Section I. The Bridgerland Water Group – No Changes
- Discussion about Section II. Representation, Participation, Committees
 - Co-chairs: Discussion of need and potential candidates.
 - Need description of co-chair roles and responsibilities – it was suggested that co-chairs help with agenda development, membership decisions, messaging to the public, etc.
- Discussion of Section III. Group Values and Collaboration Ground Rules – no changes
- Discussion of Section IV. Meetings – No changes
- Discussion of Section V. Communication
 - Utilize Google docs for record keeping
- Discussion of Section VI. Decision-Making System
 - Modify (C)(4) as follows: Decisions made by the BWG will be provided to the County and incorporated into the District bylaws, *as appropriate (added language)*
 - Add language in charter regarding county council supports the decisions made by the BWG
- Discussions about miscellaneous Items:
 - Update Ruth's email address
- Questions & Answers
 - **Q:** Does the county have to formally approve any of what we are doing? How can we ensure the work we are doing is viable? Can the county decide they want to stop what we are doing?
 - **A:** The county wants this group to be the decision making body, and if we reach consensus and make decisions, those decisions go forward. Barring any major disagreement.

Meeting Adjourned at 4:00 p.m.

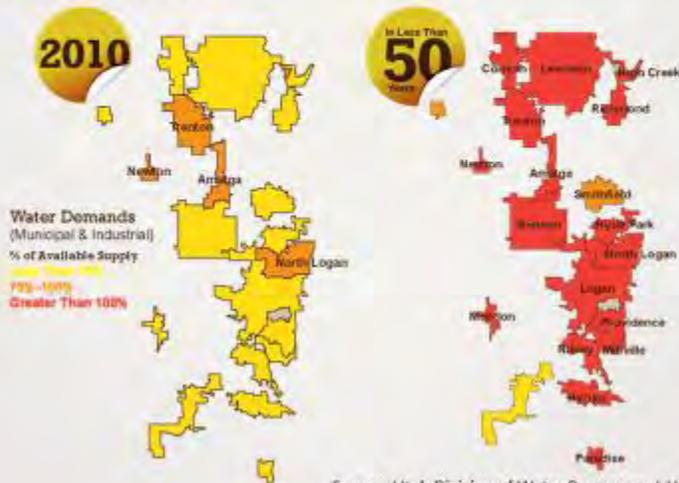
Next meeting: Monday, February 22, 2016 from 2 p.m. to 4 p.m. at Cache County Building, Multipurpose Room

Presentation Slides:

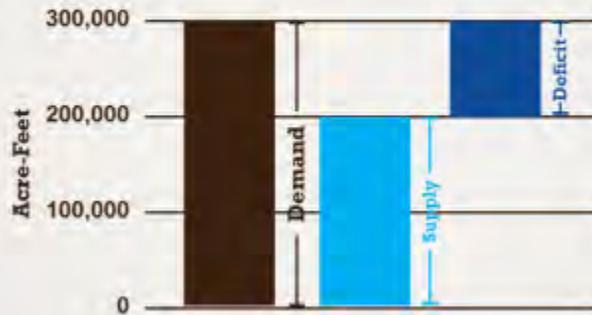


WMP Conclusions: Drinking Water Supply

How much municipal water do we have and will we need?



WMP Conclusions: Agriculture Water Supply & Need



Source: Average based on annual volumes recorded by Division of Water Rights over last 10 years



WMP Conclusions: Environmental Demands & Needs

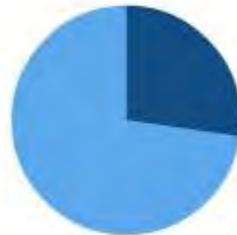
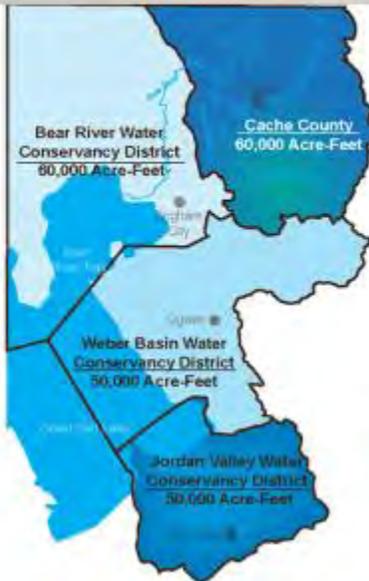


- Quantify environmental water demands
- Incorporate Best Management Practices (BMP's) and other measures to maintain or improve our environment and wildlife habitat



WMP Conclusions: Protect Bear River Allocation

(Allocation: Pursuant to Legislative Action - U.C.A. 72-26-203)



- Cache County (27%)
- Weber Basin WCD (23%)
- Jordan Valley WCD (23%)
- Bear River WCD (27%)



“Water Grab” Bear River Development by the State is well underway



Source: Utah Division of Water Resources



WMP Studied Options to Conserve and Protect Our Water

- Achieves Objective
- Effective
- ◐ More Effective
- ◑ Very Effective

	Continue with Current Systems (Water Manager)	Water Manager with more Resources (Additional funds and staff for projects)	Special Service District	Water Conservancy District
Water Supply Protect Bear River allocation	○	◐	◐	●
Governance Represent all County water users	○	◐	◐	●
Implementation Promote collaboration	○	◐	●	●
Environment Maintain or improve environmental quality	○	◐	●	●



WMP Recommendations: Water Conservancy District

Why Now?

- Bear River development has started on the Wasatch Front
- County population has increased by more than 30% since 1999 and will double between now and 2060
- Conservancy districts can be more focused on water conservation and the environment
- No new sources of water (Groundwater management plan enacted in September 1999)
- Majority of board members must be **elected**



Collaborative & Iterative Process

Public Process





District Purpose

Protect and conserve our water interests.
Primarily,

- Secure our Bear River allocation
- Promote water conservation
- Safeguard adequate amounts of water for the future



Responses to FAQs About a Water Conservancy District

A District Will Not:

- “Pool” existing water rights from municipalities or irrigation companies
- Interfere with local management of water systems
- Build a castle on the hill (spend irresponsibly)
- Manage rights of individual cities, irrigation companies, or other private rights

How is a District Created?

Petition (vs. Resolution)



Source: Utah Code Ann. 17B-1 Part 2

Board and Representation

Up to
11 Board Members



At least 1 has to be from the agriculture community

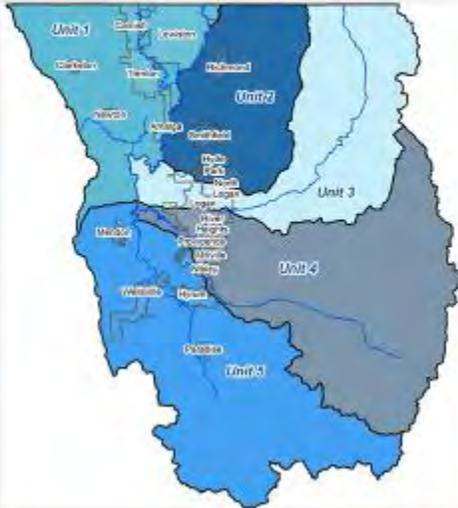
Over 50% have to be elected or an elected official that is appointed to levee a tax

- All could be elected
- The County Council can appoint a minority of the board

Source: Utah Code Ann. 17B-2a-1005



Board and Representation: District Units?



5 Units



7 Units



Cost (Tax) of a WCD and Estimated Value of Bear River Water Allocation

Value of Water

**1.8
Billion**
per year



Source: Based on \$25 per cubic meter of fresh water given in Real Value Of Water study prepared by Applied Analysis

Cost to Protect



Source: Based on draft Joint Resolution prepared by Fabian Law, Utah Code Ann. 17B-2a-1006

