

**CENTRAL WYOMING REGIONAL WATER SYSTEM
JOINT POWERS BOARD**

MEETING PROCEEDINGS

February 27, 2024

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, February 27, 2024, at 11:30 a.m., in the Joint Powers Board Conference Room, Regional Water Treatment Plant, 1500 SW Wyoming Boulevard, Casper, WY.

Board Members Present - Chairman Bertoglio, Vice-Chairman North, Secretary Waters, Treasurer Cathey, and Board Members Aars and Sabrosky. Board Members Pacheco and Pollock were absent.

City of Casper – Bertoglio, Cathey, Tom Brauer, Bruce Martin, Mark Anderson, Janette Brown

Natrona County – North

Salt Creek Joint Powers Board – Aars

Wardwell Water & Sewer District – Sabrosky

Pioneer Water & Sewer District – Waters

Poison Spider Improvement & Service District –

Wyoming Water Development Office -

Sandy Lakes Estates –

Lakeview Improvement & Service District -

33 Mile Road Improvement & Service District –

Mile-Hi Improvement and Service District –

Central Wyoming Groundwater Guardian Team (CWGG) –

Others — Charlie Chapin and Alia Scott – Williams, Porter, Day & Neville, P.C.; Steven Clark, Patrick Holscher, and Frank Schwarzrock – Town of Bar Nunn

The Board meeting was called to order at 11:31 a.m.

1. In Announcements, Mr. Martin stated that Ms. Alia Scott, with Williams, Porter, Day & Neville, P.C., is joining the meeting virtually to help facilitate the Wardwell dissolution

discussion when the Board gets to that point in the agenda.

2. In Approval of Minutes:

- a. Chairman Bertoglio asked for a motion to approve the minutes from the January 16, 2024, Regular meeting. A motion was made by Vice-Chairman North and seconded by Secretary Waters to approve the minutes from the January 16, 2024, Regular meeting. Motion put and carried.
- b. Chairman Bertoglio asked for a motion to approve the minutes from the July 26, 2023, Special Executive meeting. A motion was made by Vice-Chairman North and seconded by Board Member Sabrosky to approve the minutes from the July 26, 2023, Special Executive meeting. Motion put and carried.
- c. Chairman Bertoglio asked for a motion to approve the minutes from the August 2, 2023, Special Executive meeting. A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to approve the minutes from the August 2, 2023, Special Executive meeting. Motion put and carried.
- d. Chairman Bertoglio asked for a motion to approve the minutes from the August 15, 2023, Executive meeting. A motion was made by Vice-Chairman North and seconded by Secretary Waters to approve the minutes from the August 15, 2023, Executive meeting. Motion put and carried.
- e. Chairman Bertoglio asked for a motion to approve the minutes from the August 24, 2023, Special Executive meeting. A motion was made by Board Member Sabrosky and seconded by Vice-Chairman North to approve the minutes from the August 24, 2023, Special Executive meeting. Motion put and carried.

3. Mr. Martin stated that no additional vouchers were added to the listing that was sent out in the agenda packet. Mr. Martin asked the Board to reference the voucher listing on the screen.

Mr. Martin stated that voucher 8654 for Sheet Metal Specialties is for the HVAC Chiller Replacement Project No. 20-30. Mr. Martin stated that this project is near completion as they are working on the final punch list items.

Mr. Martin stated that voucher 8655 for Fibersurace is for repairs to the Sodium Hypochlorite Tanks that were leaking. Mr. Martin stated that the leaks have been repaired, however an inspection of the interior of the tanks shows that they need to be lined. Mr. Martin stated that this will be discussed when the Board reviews the Capital Budget for FY25.

Mr. Martin stated that vouchers 8656 through 8659 for Cahoy Pump Service, Inc. are for replacement well pumps for Morad 2, Morad 8, Morad 11, and Casper 9 wells.

Mr. Martin stated that voucher 8662 for Crown Construction, LLC is for the 42" Steel Waterline Replacement Project No. 21-45 which is just getting started.

Mr. Martin stated that voucher 8663 for West Plains Engineering is for design and construction administration for the HVAC Chiller Replacement Project No. 20-030.

Mr. Martin stated that voucher 8665 for CEPI is for surveying for dedicated easements for RWS Raw Water waterlines, well houses, and access on the City of Casper Izaak Walton plat.

Mr. Martin stated that the vouchers are in good order and recommended approval of vouchers 8653 through 8665 in the amount of \$325,683.19.

A motion was made by Secretary Waters and seconded by Treasurer Cathey to approve the February 2024 voucher listing to include voucher numbers 8653 through 8665 in the amount of \$325,683.19. Motion put and carried.

4. Mr. Martin asked the Board to reference the Water Production chart on the screen. Mr. Martin stated that there were 188 MG of water produced in January, which is 21 MG above the five-year average of 167 MG.

Mr. Martin stated that the fiscal year-to-date water production was 2.35 BG, which is 125 MG below the five-year average of 2.48 BG.

Mr. Martin asked the Board to reference the Comparative Income Statement on the screen. Mr. Martin stated that the FY24 Interest Earned is \$176,119. Mr. Martin stated that there have been good interest earnings so far this fiscal year.

Mr. Martin stated that Water Utility Charges year-to-date are currently \$5,428,402, compared to \$5,803,488 last year, which correlates with the below average water sales.

Mr. Martin stated that System Development Charges (SDC) year-to-date are \$148,792 compared to \$87,479 last year. Mr. Martin stated that there has been a bit of an increase in SDC revenues this year.

Mr. Martin stated that Reimbursable Contract Expense is \$2,309,933, which includes January expenses. Mr. Martin stated that this line item is approximately \$100,000 more than last year, but it is where it was expected to be at this time of the Fiscal Year.

Board Member Sabrosky asked if the Interest Earned is just for one month. Mr. Martin stated that the total is fiscal year to date, which began in July.

Chairman Bertoglio asked for a motion to approve the January 2024 Financial Report as presented. A motion was made by Secretary Waters and seconded by Board Member Aars to approve the January 2024 Financial Report as presented. Motion put and carried.

5. Mr. Martin stated that the WTP Manager position has not been filled yet so he will present the WTP Operations Update.

Mr. Martin stated that a first round of interviews for the WTP Manager position were held. Mr. Martin stated that a gentleman from Ohio looked pretty strong, he actually

came and visited the facility, an offer was made, and he declined the offer. Mr. Martin stated that he was upfront, that he was looking at other positions as well and he and his family were deciding what they wanted to do, what would work out best for them. Mr. Martin stated that he accepted a different offer. Mr. Martin stated that there will be another round of interviews next week.

Mr. Martin stated that production is approximately 5 to 6 MGD, which is where it is expected to be at this time of year. Mr. Martin stated that through February, production has been met with only the wellfield.

Mr. Martin stated that Xylem has been on site doing the annual service on the ozone monitors.

Mr. Martin stated that the contractor plans to be on site the week of March 4th for the WWDC contract for Well Rehabilitation. Mr. Martin stated that they will be rehabbing three wells, so it will be good to get those underway.

Mr. Martin stated that staff has been working on regular preventive maintenance for the Actiflo system to get it ready for the upcoming summer season.

Mr. Martin stated that last month he informed the Board that the advertisement for the Plant Mechanic position was put out, interviews were held, and an offer was made and accepted. Mr. Martin stated that since that time, one of the newer Operators turned in their notice, so that position is currently being advertised and will be filled as soon as possible.

The time was turned over to Mr. Anderson for the Transmission System Update.

Mr. Anderson stated that the weekly security checks and tank sampling continue to be completed each week.

Mr. Anderson stated that the system chloramine residuals are looking really good right now.

Mr. Anderson stated that staff checked all the non-draining fire hydrants for the month.

Mr. Anderson stated that staff got the Airport Booster Pump No. 2 up and running.

Mr. Anderson stated that WD staff also got Pioneer Booster Pump No. 2 up and running, so both of the pumps at this booster have been replaced. Mr. Anderson stated that all that is left to do at this booster is to touch up the paint on the piping, which will be completed directly.

Mr. Anderson stated that staff completed the annual pump alignments at all the booster stations.

6. There was no Public Comment.

7. In Old Business:

- a. Chairman Bertoglio stated that all three of these items dealing with the Wardwell dissolution are subject to ratification of the Joint Powers Agreement. Mr. Chapin stated that is correct. Chairman Bertoglio stated that even if the Board approves all three of the items, they are still subject to ratification. Chairman Bertoglio turned the time over to Ms. Scott.

Ms. Scott stated that the Board of Control (BOC) meeting was held on February 6th. Ms. Scott stated that the BOC unanimously approved the petitions, both petitions for the surface water rights. Ms. Scott stated that they were approved conditional on the receipt of a letter of consent, or acknowledgement from the Town of Bar Nunn as being named as the Owner of Record of those appropriations. Ms. Scott stated that the following day, Bar Nunn executed a resolution that formally consented and acknowledged being named as the Owner of Recorded on the amended appropriations. Ms. Scott stated that the BOC received and reviewed the resolution and sent a letter that was received on February 14th saying that the BOC staff has received and reviewed the resolution and it satisfied that condition and will be taken back before the BOC for issuance of an order confirming the grant of those petitions in May, when they meet next. Ms. Scott stated that there is a bit of a waiting period until she receives the formal amended Certificates of Appropriation, but we can rest assured that those petitions have been granted and everything is good to go.

Ms. Scott stated that based on that, there aren't really any other areas that need to be cleaned up, and she would move forward with the request from Wardwell to Regional Water to withdraw as a member, and in conjunction with that, for Bar Nunn to be their replacement.

Chairman Bertoglio asked if there were any questions for Ms. Scott. Chairman Bertoglio stated that since there were none, the Board would move forward with considering the requests.

Board Member Sabrosky stated that he would be abstaining from the vote on these items. Chairman Bertoglio stated that there would still be a quorum of the Board with Board Member Sabrosky abstaining from the vote.

Secretary Waters stated that he would like to ask a question on the Regional/Wardwell Lease Agreement. Secretary Waters asked what tanks and booster station are being discussed in the Agreement. Mr. Martin stated that he just pulled it up on the screen for the Board. Mr. Martin stated that the Lease Agreement was initially brought before the Board a while ago about renewing the lease or what the option would be, but then things started rolling with Wardwell, and this was placed on the back burner. Mr. Martin stated that it is an item now that needs to be cleaned up. Mr. Martin stated that the original lease agreement expired in 2021.

Secretary Waters asked if this is a tank that Regional owns, and Wardwell is

leasing from Regional. Mr. Martin stated that Wardwell has been leasing this from the Board for a lot of years, and the operation of the facility is with Wardwell.

Secretary Waters asked about the waterlines that are referenced in the lease agreement. Mr. Martin stated that the waterline that the Board needs to be concerned with is the RWS waterline that he believes falls within the right-of-way, but it needs to be confirmed if an easement is needed. Mr. Martin stated that the agreement also talks about 6-inch waterlines, but they are actually 8-inch waterlines that belong to Wardwell. Mr. Martin stated that this facility is operated by Wardwell. Mr. Martin stated that he believes Regional's main concern needs to be on the 16-inch waterline, to make sure that an easement isn't needed.

Secretary Waters asked if what the Board is discussing is releasing those facilities to Wardwell. Mr. Martin stated that is a thought that he and Ms. Scott, and Mr. Chapin have discussed what it would take to clean this up. Mr. Martin stated that he is unsure what the best approach would be moving forward on this.

Ms. Scott stated that it is up to the Board as to what they think is the best move forward. Ms. Scott stated that currently, the booster station and the tanks are not being utilized, as they are not necessary right now. Ms. Scott stated that she thinks one of the easiest things to do would be to possibly convey those assets to Bar Nunn, or to Wardwell, who can then convey them to Bar Nunn. Ms. Scott stated that it could be included in it that it is subject to any easement that Regional may need, if any. Ms. Scott stated that if the RWS waterline is in the right-of-way, that is great, but giving an abundance of caution, a professional easement can be executed, like what was intended with the lease, she thinks that covers a lot of bases and would be in everyone's best interest. Ms. Scott stated that if that is not the avenue Regional wants to go down, she thinks that renewing that lease on paper is definitely the option that would be number two. Ms. Scott stated that the lease renewal could be with Wardwell, and modified to have an assignment provision, and then assigning it to Bar Nunn, or having Regional execute a type of lease agreement directly with Bar Nunn. Ms. Scott stated that where the necessity to consider this comes into play is because the land that those infrastructure are currently on belongs to Wardwell and has been deeded to Bar Nunn, so we just want to make sure that the ownership of all the infrastructure is clear going forward and who's in charge of maintaining and operating it. Ms. Scott stated that she will leave it up to the Regional Board. Ms. Scott stated that she thinks it would be cleanest to convey the infrastructure either to Wardwell and then to Bar Nunn, or directly to Bar Nunn. Ms. Scott stated that it seems like that was the intended purpose of that lease that was executed in 2011, because it had a \$1 option to purchase that just didn't happen. Ms. Scott stated that she thinks it didn't happen because they are not being used, she thinks everyone forgot about the lease, and then in 2021 it was figured out that it expired and it was brought to everyone's attention and Regional orally extended the lease in 2022, but that was in the heat of when Mills had their petition to force dissolution, so there was some uncertainty with what was going on with Wardwell, and the brakes were put on that to figure out what it was going to look like down the road. Ms. Scott stated

that is why it wasn't put to paper.

Mr. Brauer stated that these three tanks and booster were built in the mid-1980's. Mr. Brauer stated that the booster just pumped up to Coleman Court, which are the buildings above the Port of Entry. Mr. Brauer stated that when the Regional System came into play, back when Wardwell got their water from their well and water from the Mills/Wardwell Impact Joint Powers Board Water Treatment Plant, so the water would get pumped to the booster and then pumped to Coleman Circle. Mr. Brauer stated that when one of the first bid packages was done for Regional Water in about 1997, those three tanks and the booster station were abandoned in place. Mr. Brauer stated that they just sat there for years, and then in 2011, 609 Engineering went in and said they need higher water pressure in Coleman Court, and that's when the elevated tank was built. Mr. Brauer stated that the booster station was then repurposed so it would pump water from Zone 2B up to that tank. Mr. Brauer stated that these three tanks have not been used since 1996 or 1997, the booster station sat dormant for 15 years, but has been reequipped with new pumps that pump up to the elevated water storage tank. Mr. Brauer stated that from a standpoint of liability for Regional and the assets that Bar Nunn operates, this is and never will be a Regional asset as far as the booster station. Mr. Brauer stated that the tank, the booster, and the pipelines are all within what was Wardwell, and now is Bar Nunn's water system. Mr. Brauer stated that to him it makes sense to just transfer that ownership.

Secretary Water stated that Mr. Brauer just made a comment that this is Wardwell's, it was all reverted back to Wardwell. Secretary Waters stated that Wardwell is dissolved, so none of this infrastructure will go back to Wardwell.

Mr. Holscher, the attorney for Bar Nunn, stated that right now the Wardwell board is acting as Trustees for Wardwell as it completes its dissolution, so there is an entity still there to address the final bits and pieces of things like this. Mr. Holscher stated that there is still a legal entity there until it all gets completely wrapped up, which is why there is a Wardwell representative on this Board.

Chairman Bertoglio stated that the Board still has to approve the transfer of Wardwell's assets, all of their assets, to Bar Nunn, so this is a unique item that is sitting out here that the Board has to take one step further because it is under a separate agreement. Mr. Chapin stated that is correct as there is a lease agreement. Chairman Bertoglio stated that the Board has to cure the lease agreement in order to transfer the tanks and booster station. Mr. Chapin stated that the opportunity was missed when we had the intent to convey that, and he can't remember why it wasn't done in a timely manner, but as Ms. Scott said we then tried to get the lease with the option to transfer signed, but then the dam broke. Chairman Bertoglio stated that this is just cleaning this up to say that this is a Wardwell asset. Mr. Chapin stated that is correct. Chairman Bertoglio stated that right now it is somewhat subject under the terms of the lease agreement.

Mr. Brauer stated that this is somewhat split, as the land is owned by Wardwell, and the assets on the property, three tanks and the booster station, are owned by

Regional Water. Mr. Brauer stated that this lease was originated so that Wardwell could install the pumps in the booster station that was owned by Regional Water for its new intended purpose. Mr. Brauer stated that right now the land is owned by Wardwell, which will ultimately be transferred to Bar Nunn, the assets are owned by Regional Water, and the Board can either lease them to Bar Nunn or transfer the ownership of them to Bar Nunn.

Treasurer Cathey stated that it sounds like Wardwell replaced the pumps in the booster station, so really what is being discussed is that Regional will still own the three tanks and the booster station because the plumbing in the building has been replaced by Wardwell. Mr. Brauer agreed with Treasurer Cathey's statement.

Ms. Scott stated that there is one other option as the lease agreement has an assignment provision that is only applicable to the Lessor, which is Regional Water, so if the Board wants to, they can assign the lease from Regional Water to Bar Nunn. Ms. Scott stated that there is not an assignment from the Lessee, which makes sense from a structural standpoint, but if the Board wants to just assign the lease to Bar Nunn, that would be an option.

Mr. Chapin stated that is what the Board was going to do before everything broke loose, was just to do the assignment and extend the lease because we missed the final day. Ms. Scott stated that the lease agreement was definitely extended orally. Chairman Bertoglio asked Mr. Chapin if he was suggesting that the Board just enter a new lease agreement with Bar Nunn. Mr. Chapin stated that he agrees with Ms. Scott that an assignment can be done, because the lease is valid at this point. Mr. Chapin stated that it could be assigned to Bar Nunn and then it is done. Ms. Scott stated that is the easiest route, as then the Board can take a better look at those tanks and booster station and figure out whose is whose and what is what in there, where exactly that 8-inch line is, if it will need an easement, and not be rushed with any drafting of a subsequent conveyance and subject to an easement.

Chairman Bertoglio asked what was the cleanest. Treasurer Cathey stated that the Board should just assign the assets and be done with it.

- i. Chairman Bertoglio asked for a motion to accept the formal notice and request to withdraw Wardwell from the Central Wyoming Regional Water System Joint Powers Board subject to final ratification of the changes necessary for the Operating Agreement.

A motion was made by Secretary Waters and seconded by Board Member North to accept the formal notice and request to withdraw Wardwell from the Central Wyoming Regional Water System Joint Powers Board subject to final ratification of the changes necessary for the Operating Agreement. Motion put and carried with Board Member Sabrosky abstaining from the vote, and Chairman Bertoglio voting on the motion.

Board Member Sabrosky asked that after this vote if he should vacate his seat. Chairman Bertoglio stated that not until the Operating Agreement is

approved. Chairman Bertoglio stated that what the Board is doing here is agreeing that they are going to make the exchanges official.

- ii. Chairman Bertoglio asked for a motion to approve Wardwell's request for written consent to assign rights and responsibilities under the Asset Transfer Agreement to the Town of Bar Nunn subject to ratification of changes to the Asset Transfer Agreement.

A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve Wardwell's request for written consent to assign rights and responsibilities under the Asset Transfer Agreement to the Town of Bar Nunn subject to ratification of changes to the Asset Transfer Agreement.

Ms. Scott stated that this request is a requirement of the Asset Transfer Agreement from 1996 and she would request that after the discussion and vote that a written decision be issued to her in letter format because she would like to provide proof of the consent in writing to the State because the State also has to consent to it. Ms. Scott stated that she does not foresee any issues since the State is kind of removed from this, but she thinks that if the State can see that Regional Water was on board and granted the written request, then they will as well. Mr. Chapin asked if the minutes would be sufficient written notice to the State. Ms. Scott stated that she thinks so, but if not, we can always follow up with something. Mr. Chapin stated that he would do it that way.

Motion put and carried with Board Member Sabrosky abstaining from the vote, and with Chairman Bertoglio voting.

- iii. Chairman Bertoglio asked for a motion to assign Regional's assets, more particularly identified and described under the lease agreement with option to purchase dated January 18, 2011, to the Town of Bar Nunn.

Chairman Bertoglio stated that what the Board is going to do is simply assign the Board's interest in the booster station and tanks that are identified in the lease agreement to Bar Nunn.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to assign Regional's assets, more particularly identified and described under the lease agreement with option to purchase dated January 18, 2011, to the Town of Bar Nunn. Motion put and carried with Board Member Sabrosky abstaining from the vote, and with Chairman Bertoglio voting.

- b. Vice-Chairman North asked if the approval for Bar Nunn to join the Board would be contingent on the ratification of the revisions to the Joint Powers Board Agreement. Chairman Bertoglio stated that was correct.

Chairman Bertoglio stated that if there was no further discussion on the Town of Bar Nunn's request to join the Central Wyoming Regional Water System Joint Powers Board, he would entertain a motion to approve Bar Nunn's request to become a member of the Central Wyoming Regional Water System Joint Powers Board.

Secretary Waters stated that with everything that has transpired, Wardwell dissolving and going to Bar Nunn, he asked what the justification was for Bar Nunn to become a member of the Board. Chairman Bertoglio stated that they are the second largest entity that the Board wholesales water to. Secretary Waters stated that if you go with that thought process, that any entity in Natrona County that utilizes water could come to this Board and say that since they are utilizing water from the Board, they want a spot on the Board. Board Member Sabrosky stated that anyone could request it, but it's up to the Board to approve it. Chairman Bertoglio stated that typically they will have no assets to transfer.

Chairman Bertoglio stated that when Regional Water was formed, everybody that came in brought something to the Board. Chairman Bertoglio stated that some of the entities did not bring much. Chairman Bertoglio asked about Lakeview and how they are represented. Ms. Brown stated that Lakeview is a wholesale entity of the Board and is represented on the Board by the County. Chairman Bertoglio stated that most of the smaller water districts are represented by the County.

Chairman Bertoglio stated that the original Joint Powers Agreement allowed for Evansville and Mills to come in for up to ten years, and being as that time has expired, he doesn't know if anyone else would be allowed on the Board. Chairman Bertoglio stated that because Wardwell has been named in the body of the Agreement right now, and the Board is following the Agreement for removing Wardwell and substituting Bar Nunn, which is laid out in the Agreement as an acceptable process.

Mr. Holscher stated that with Bar Nunn taking over the Wardwell system, it is the exact same customers, and the exact same system. Mr. Holscher stated that all that is really happening is the entity is changing hats. Mr. Holscher stated that the people that will be served by Bar Nunn are being served on the exact same waterlines, they are getting the exact same water rates, the exact same service, so those people have always had a voice on this Board through Wardwell, and they would be entitled to continue to have their voice expressed through Bar Nunn, the same system.

Chairman Bertoglio stated that he would restate the motion and asked for a motion to approve Bar Nunn's request to become a member of the Central Wyoming Regional Water System Joint Powers Board subject to ratification of the changes within the Asset Transfer Agreement.

Treasurer Cathey asked if needs to go all the way back to the original Agreement. Chairman Bertoglio stated that the Asset Transfer Agreement is the original Agreement, and asked if there was a Joint Powers Board Agreement as well. Ms.

Brown confirmed there is. Chairman Bertoglio stated that it will have to be amended as well, as it talks about the formation of the Board and how it works, and he believes Wardwell is mentioned in it as well. Mr. Chapin stated that is correct. Chairman Bertoglio stated that will need to be added to the motion.

A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve Bar Nunn's request to become a member of the Central Wyoming Regional Water System Joint Powers Board subject to ratification of the changes within the Asset Transfer Agreement and Joint Powers Board Agreement. Motion put and carried with Chairman Bertoglio voting, Board Member Sabrosky abstaining from the vote, and Secretary Waters voting against.

Treasurer Cathey asked if the vote carries. Chairman Bertoglio stated that there is a quorum and majority rules. Treasurer Cathey asked about Board Member Sabrosky. Chairman Bertoglio stated that Board Member Sabrosky abstained from the vote. Treasurer Cathey stated that on City Council with a quorum, you have to have five affirmative votes, and asked if there is a minimum number of positive votes. Chairman Bertoglio stated that he thought it was a majority of the quorum. Mr. Chapin stated that was his understanding. Chairman Bertoglio stated that there are six members of the Board with one abstaining from the vote. Treasurer Cathey stated that there are eight members of the Board. Chairman Bertoglio stated that there are eight members of the Board, but it's usually a majority of those sitting, or present. Mr. Chapin stated that as long as there was a quorum to start the meeting. Chairman Bertoglio asked Mr. Chapin to doublecheck this and report back to the Board.

Treasurer Cathey stated that on City Council, he can have five members in attendance, which is a quorum, but if one votes against, it is a defeated motion because anything approved by Council has to have five yes votes. Treasurer Cathey stated that is why he was asking the procedural question.

Board Member Sabrosky asked if the Board follows Roberts Rules of Order or Masons Rules. Treasurer Cathey and Chairman Bertoglio both answered Roberts.

Chairman Bertoglio asked Mr. Chapin to check on this as there are exceptions to the rules depending on if it is a resolution or ordinance. Chairman Bertoglio stated that ordinances, anything that is going to become law, requires five yes votes.

c. There was no Other Old Business.

8. In New Business:

a/b. Chairman Bertoglio stated that he will be combining Agenda Items 8 a. and 8 b.

Mr. Martin stated that these well pumps are similar to the previous well pumps that were on the voucher listing and already came in. Mr. Martin stated that staff is looking at replacing well pumps for Morad 9 and Casper 19, which are both

more than twenty years old and are failing. Mr. Martin stated that Casper 19 Well is one of the wells that is in the WWDC rehab program and will be installed after the rehab has taken place.

Mr. Martin stated that quotes were obtained from Cahoy Pump Service and DXP. Mr. Martin stated that Purvis also submitted quotes, however they did not meet the specs as they quoted a Simflo pump.

Mr. Martin stated that the low bid is from Cahoy Pump Service and staff recommends approval of both agreements.

A motion was made by Secretary Waters and seconded by Vice-Chairman North to approve two agreements with Cahoy Pump Service for well pumps for Casper 19, in the amount of \$22,346.00, and Morad 9, in the amount of \$21,146.00. Motion put and carried.

- c. Mr. Martin stated that currently there are five Operators on staff at the WTP. Mr. Martin stated that EPA requires Level IV Operators as this is a Level IV Facility. Mr. Martin stated that all Operators are encouraged to get to Level IV as quickly as they can. Mr. Martin stated that there are currently three Level IV Operators on staff, one will be eligible for retirement this year. Mr. Martin stated that the Operator has not turned in his official retirement notice, but it is anticipated that it will be turned in this year. Mr. Martin stated that another Level IV Operator is anticipating retiring in the next two to three years. Mr. Martin stated that one of the Level I Operators recently resigned. Mr. Martin stated that the trouble we are having is keeping our Operators as there has been a lot of turnovers in the last few years.

Mr. Martin stated that currently, the Lead Operator or Maintenance Staff has to cover Operator shifts, which has been happening quite frequently. Mr. Martin stated that additionally, one of the newer Level I Operators serves in the military and is gone for extended periods of time, especially during the summertime, which is the busiest time. Mr. Martin stated that what is being proposed is adding another Operator to get trained to cover the shifts as well as to make it less burdensome when we do lose an Operator due to regular turnover, and to have someone else on staff certified as a Level IV Operator before we get into these retirements. Mr. Martin stated that it is proposed to add an Operator position to cover these gaps. Mr. Martin stated that he doesn't want to make any guarantees, but maybe when we get to the point where these Level IV Operators retire, and if we have a solid staff at that point, we could look at dropping back to the five Operators.

Mr. Martin stated that as a budgetary impact, this would come to a roughly \$65,000 expense, which equates to a 0.7 percent rate increase. Mr. Martin stated that this is a preliminary approval today, and it would have to be approved in the FY25 Budget to make it official.

Secretary Waters asked if an additional Operator was added to the WTP staff a

year or two ago. Mr. Martin stated that when we made a dedicated Maintenance Staff a floater position was added.

Chairman Bertoglio asked what the odds were that these positions would be consistently filled. Chairman Bertoglio stated that the Casper Police Department, and the Sheriff's Department are allocated for 110 officers, but it is seldom that they are at 110, so you budget for them, but you are budgeting for a position that may or may not ever be filled. Mr. Martin stated that for a long time the WTP staff was solid, not much turnover at all, and then after COVID, we are seeing a lot more turnover. Mr. Martin stated that we can get the positions filled, but the question is how long we can keep them on staff.

Secretary Waters asked if the last person to leave gave any indication as to why they left. Mr. Martin stated that the Operator that is leaving now has been here just a short time, four or five months, and it's just that the position doesn't turn out to be for everyone, and he was struggling with operations and getting a handle on things and was not performing to a level where we could leave him on his own. Mr. Martin stated that we were investing more and more training in him and he realized that the position was not a good fit for him.

Chairman Bertoglio asked if Mr. Brauer had anything to add. Mr. Brauer stated that it is very present in his mind that the City is responsible for the operation of the Regional Water System, the Regional Wastewater System, and the Regional Solid Waste Facility, and the responsibility that goes with the water is huge. Mr. Brauer stated that 99.9% of the people served by Regional drink the product that we make. Mr. Brauer stated that he remembers back in the 1990's where it was staff that had been here for 20+ years, and then staff rolled over. Mr. Brauer stated that culturally since COVID, and with younger generational changes, it is more challenging to find these people that want to take on a career long project and job and work someplace for 30 years. Mr. Brauer stated that he can't underestimate how important it is to have high quality people who are running this facility. Mr. Brauer stated that it is important that the water is safe, and he is an advocate for trying to do what we need to do to retain these people and to hire good people that are very committed to making a product that we all consume. Mr. Brauer stated that from an economic standpoint, communities will never survive or exist unless it has a reliable water system. Mr. Brauer stated that he is in full support of an additional Operator and doing everything we need to do to train these folks and trying to hire and retain the best. Mr. Brauer stated that he is open to ideas for finding the right people that would stay on the job and be committed to it for a career.

Board Member Sabrosky stated that it has been an issue and was brought to light that the CT programs in the high schools are failing and it seems like there is a push to get them back in the right direction and get back on the trades. Board Member Sabrosky stated that maybe this entity should consider how they can be part of that and be at job fairs and at the high schools and show the possibilities of a career in this field and stay home instead of leaving the State.

Mr. Brauer stated that it is interesting that Board Member Sabrosky brought that up as he had a discussion with Human Resources about a month ago where we need to be at CAPS, where they are doing some of that training, and be active and involved and letting them know that there is a really good career path here if you want to go into the Water Treatment, Water Distribution, Wastewater Collection, and Wastewater Treatment fields. Mr. Brauer stated that these are very reliable careers as they are 7 days a week, 24 hours a day operation, they don't stop.

Chairman Bertoglio asked if Mr. Brauer has checked with the Boys and Girls Club. Mr. Brauer stated that he has not. Chairman Bertoglio stated that they have a very interesting development program. Chairman Bertoglio stated that one program they have is where they work with employers, but they also have a virtual program that the Board might be able to acquire, that actually shows you hands on what the job is, and then if they find that they like it, then they can come out here and get mentored. Chairman Bertoglio stated that there has been a great response from the schools. Chairman Bertoglio stated that they currently have eight units and can't keep up. Chairman Bertoglio stated that they will probably purchase another eight. Chairman Bertoglio stated that this is a career works program and Board Member Sabrosky is right, we have to get them when they are bored with going further on to college to get a job, you have to capture them when they are Sophomores, and Juniors, where there is some interest in it and help mentor them into the trades. Chairman Bertoglio stated that he will check with the Boys and Girls Club on this.

- d. There was no Other New Business.
9. In the Chairman's Report, Chairman Bertoglio stated that there will be a meeting regarding the Service Area Map. Chairman Bertoglio stated that they are going to try to make it as broad as possible. Chairman Bertoglio asked Mr. Martin to fill the Board in on the discussion with the State. Mr. Martin stated that he has spoken with Chairman Bertoglio and with Mr. Phil Stump with HDR, and it looks like the update to the Service Area Map won't be that difficult as it won't have to go to the full Board of Control, it will only have to go to the State Engineer's Office. Mr. Martin stated that once we have the new areas identified, which we are currently working on with the Water Distribution GIS Tech, the old areas will be identified, and some new areas will be outlined. Mr. Martin stated that once the Board approves the map it will be taken to the State Engineer's Office for final approval. Mr. Martin stated that this all stems from the folks out at Thirty-Three Mile that wanted service for property that is right outside of the Thirty-Three Mile District. Mr. Martin stated that the Board decided to look at a more holistic approach to update the Service Area Map. Mr. Martin stated that once all the areas are identified, and the legal description put in place with Mr. Stump's assistance, it will be brought to the Board for approval. Chairman Bertoglio stated that once the Board approves the Service Area Map, staff will let the individual out at Thirty-Three Mile know that it has been submitted and they can move forward, as it is just administrative.

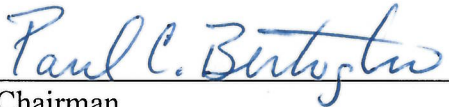
Chairman Bertoglio asked Mr. Chapin what his advice is for moving forward with revisions to the Joint Powers Agreement and Asset Transfer Agreement. Chairman Bertoglio asked if it would be a good idea to have a working group go through it and then

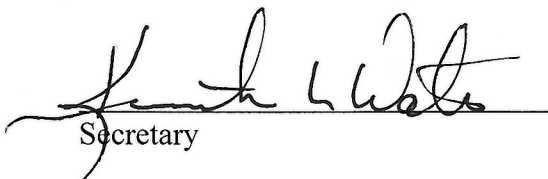
bring it to the Board with the changes. Mr. Chapin stated that was his assumption that a working group would take a broad-brush stroke look at it. Chairman Bertoglio stated that he knows that there was some other discussion about some of the things associated with Wardwell, Mills' little piece that they annexed. Chairman Bertoglio stated that if anyone has anything that they want to bring up, now would be the time to do it, not just Wardwell related items, anything else that needs to be done with the Agreements, so we can get it all done at once and not have to go back to the State. Chairman Bertoglio stated that everyone should have a copy of the Asset Transfer Agreement, and if not, to contact Ms. Brown. Chairman Bertoglio asked that the Joint Powers Agreement be sent out to the Board Members, and asked if there is anyone interested in participating in the review. Chairman Bertoglio stated that his thoughts are that they sit down for a couple of hours and go page by page with the Agreements to find where changes need to be made. Chairman Bertoglio stated that some of the changes will just be substituting Bar Nunn for Wardwell. Vice-Chairman North, Chairman Bertoglio and Mr. Chapin will meet to review the Agreements. Secretary Waters and Board Member Aars stated that if they are informed when the review takes place, they will try to work it into their schedules.

Chairman Bertoglio stated that the next Regular Meeting will be held on March 19, 2024.

Ms. Scott stated that when she sent the email asking for the lease agreement to be put on the agenda for today's meeting, and in conjunction with that the 8-inch pipe, she asked for confirmation that there are five assets that are owned, operated, and maintained by Regional Water, but she wanted to check. Ms. Scott stated that those assets are the Wardwell Zone IIIB Tank, the Wardwell Booster Station, the Bar Nunn Tank, Big Blue, and the Mills Tank. Mr. Martin stated that he wasn't sure what Mills Tank she referenced, but the Wardwell Booster, the Zone IIIB Tank, and the two tanks at Bar Nunn belong to Regional Water. Mr. Brauer stated that the Mills Tank is the pedestal tank that is next to the Bar Nunn Tank. Mr. Martin confirmed it is Regional as well.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to adjourn the meeting at 12:29 p.m. Motion put and carried.


Chairman


Secretary