

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

MEETING PROCEEDINGS

December 20, 2022

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, December 20, 2022 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 - Vice-Chairman Bertoglio, Secretary Waters, Treasurer Cathey, and Board Members, Sabrosky and Sutherland. Chairman King, and Board Members Knell and Pollock were absent.

City of Casper – Cathey, Sutherland, Andrew Beamer, Bruce Martin, Tom Edwards, Mark Anderson, Janette Brown

Natrona County – Bertoglio

Salt Creek Joint Powers Board –

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 – Williams, Porter, Day & Neville, P.C.

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

1. In Announcements, Vice-Chairman Bertoglio stated that he is sitting as Chairman for Chairman King while he is recovering from surgery.

2. Vice-Chairman Bertoglio asked for a motion to approve the minutes from the November 15, 2022 Regular meeting. A motion was made by Secretary Waters and seconded by Board Member Sutherland to approve the minutes from the November 15, 2022 Regular meeting. Motion put and carried.
3. Mr. Martin informed the Board that no additional vouchers were added to the voucher listing that was sent out in the agenda packet.

Mr. Martin stated that voucher 8530 for Dave Loden Construction, Inc. in the amount of \$91,090.75 is for the WTP Roof Replacement Project No. 21-062. Mr. Martin stated that this project is for the North Chem Building roof, and has been completed.

Mr. Martin stated that voucher 8532 for Skogen, Cometto & Associates, P.C. in the amount of \$12,000 is for the completion of the FY2022 Audit.

Mr. Martin stated that the vouchers are in good order and recommended approval.

Vice-Chairman Bertoglio asked for a motion to approve the December 2022 vouchers. A motion was made by Treasurer Cathey and seconded by Board Member Sabrosky to approve the December 2022 voucher listing to include voucher numbers 8527 through 8533 in the amount of \$491,958.03. Motion put and carried.

4. Mr. Martin asked the Board to reference the Water Production Charts in the agenda packet. Mr. Martin stated that there were 166 MG of water produced in November, which is 6 MG above the five year average of 160 MG.

Mr. Martin stated that year to date water production in November was 2.24 BG, which is 143 MG above the five year average of 2.1 BG. Mr. Martin stated that so far, every month of FY23 has been above the five year average.

Mr. Martin stated that Interest Earned for FY23 is \$59,792. Mr. Martin stated that this is a result of putting funds in the WyoStar accounts.

Mr. Martin stated that Water Utility Charges for FY23 is \$5,004,190, which is approximately \$718,000 more than last year. Mr. Martin stated that the increase is due to the rate increase, and the above average water sales.

Mr. Martin stated that under Expenses, Consulting Services is \$5,263, which is a bit above what was spent last year. Mr. Martin stated that this expense was for surveying work for the Pioneer Tank easement with BLM.

Mr. Martin stated that Reimbursable Contract Expense is \$1,889,376. Mr. Martin stated that the current figure also includes the November Operations Reimbursement. Mr. Martin stated that this is a change in the way it is posted by Finance in order to be more accurate. Mr. Martin stated that this line item is on track for where it was expected to be.

Vice-Chairman Bertoglio asked if the natural gas bill came in yet. Vice-Chairman Bertoglio stated that several County facilities and other people he has spoken to had a

huge spike in the volume of gas that was used. Secretary Waters stated that it makes sense, as there were at least two weeks with steady high winds that sucked the heat out of homes. Treasurer Cathey stated that his bill volume was double what it was a year ago.

Vice-Chairman Bertoglio asked for a motion to approve the November 2022 Financial Report as presented. A motion was made by Secretary Waters and seconded by Board Member Sutherland to approve the November 2022 Financial Report as presented. Motion put and carried.

5. Vice-Chairman Bertoglio turned the time over to Mr. Edwards for the WTP Operations Update.

Mr. Edwards stated that production is currently 5.5 MGD and is being met using eight Casper wells and seven Morad wells.

Mr. Edwards stated that Maintenance staff has been rebuilding the Surface Water Injector Pump No. 2 and replacing the conduits on the pump.

Mr. Edwards stated that a new turbidimeter was installed on Casper Well 15. Mr. Edwards stated that the well was flushed and put back in service.

Mr. Edwards stated that Maintenance staff has begun cleaning out Actiflo and the Settled Water Basin as part of the winter maintenance.

Mr. Edwards stated that the Ozone Cooling Water Pump was rebuilt.

Mr. Edwards stated that the Raw Water Screen Wash line was re-plumbed.

Mr. Edwards stated that valves were replaced in Ground Water Ozone Injection, Settled Water Injection Pump. Mr. Edwards stated that a broken check valve and recirculating pump in the Mechanical Room was replaced. Mr. Edwards stated that some chain valves were replaced on the Ground Water Injector Pump. Mr. Edwards stated that ball valves on the Actiflo Sand Pumps were also replaced.

Mr. Edwards stated that the contractor has completed the North Chem Roofing project.

Mr. Edwards stated that he has a follow-up to the electrical issue on Caisson No. 1. Mr. Edwards stated that Modern Electric replaced the meter housing as there was some arcing due to loose electrical connections, possibly because of the wind and age. Mr. Edwards stated that Modern Electric also replaced the weatherhead.

Vice-Chairman Bertoglio turned the time over to Mr. Anderson for the Transmission System Update.

Mr. Anderson stated that staff has been continuing to service the non-draining fire hydrants. Mr. Anderson stated that during the cold months, the non-draining fire hydrants are serviced monthly.

Mr. Anderson stated that there was a leaking pump at Salt Creek Booster. Mr. Anderson stated that the pump was leaking through the packing, and staff replaced the packing.

Mr. Anderson stated that Wardwell Water's Blair Lane Waterline tie-in has not been completed as there have been issues.

Mr. Anderson stated that staff redid the seal lines and worked on the line to the pressure transducer at Sandy Lake Booster. Mr. Anderson stated that they were getting old and plugged up.

Mr. Anderson stated that there is some nitrification still going on in the system. Mr. Anderson stated that he suspects the cold weather will help with that. Mr. Anderson stated that the nitrification season usually ends in December.

Board Member Sabrosky asked if a day has been scheduled for the Blair Lane tie-in. Mr. Anderson stated that the last he heard they weren't passing bacti testing, so they haven't done service tie-overs yet. Mr. Anderson stated that he spoke to the contractor yesterday and gave instructions on how to re-chlorinate and flush the line.

6. There was no Public Comment.

7. There was no Old Business.

a. There was no Other Old Business.

8. In New Business:

a. Mr. Martin stated that Per- and Polyfluoroalkyl Substances (PFAS) are chemicals that are commonly found in firefighting foam, non-stick cookware, stain resistant furniture and carpets, stain resistant clothing, fast food packaging, floor care products, and makeup and personal care products. Mr. Martin stated that this chemical has been found to be linked to harmful health effects in humans and animals.

Mr. Martin stated that since the early 2000's, state and federal authorities have established a number of health-based regulatory values and evaluation criteria for PFAS. Mr. Martin stated that in the last couple of years it has really started to come into the Water and Wastewater industries. Mr. Martin stated that probably in the very near future the EPA will establish a Maximum Contaminate Level for drinking water.

Mr. Martin stated that some preliminary testing has been done, and it has not been found in our source water. Mr. Martin stated that he doesn't think we will have a problem, but you just never know, for example, if someone upstream puts out a fire with firefighting foam that contains PFAS it could get into the environment and show up in the source water. Mr. Martin stated that PFAS is a long-lasting chemical that doesn't go away.

Mr. Martin stated that he received an email from Mark Pepper with Rural Water. Mr. Martin stated that the National Rural Water Association has teamed with Napoli Shkolnik law firm to enter into a cost recovery action. Mr. Martin stated that this is kind of like the Opioid suit, where the intent is to hit the major manufacturers and a pool of money is set aside for entities that have to deal with this, whether it's testing, or treatment, there may be an option to get some funding from that pool if it comes to fruition. Mr. Martin stated that there is no guarantee that the pool will be there.

Mr. Martin stated that with the cost recovery action, there are a few things to keep in mind with it. Mr. Martin stated that the action taken is cost recovery, not punitive; It is filed against the global manufactures of these forever compounds, thus does not impact a local company who may have used them; There is no upfront cost to register onto the rolls and benefit from this action, but a system must be registered prior to a settlement in order to benefit.

Mr. Martin stated that you have to register online to be a part of the action, and answer a few questions. Mr. Martin stated that they send a retainer agreement, that will be reviewed by Mr. Chapin, and then brought to the Board before a commitment is made. Mr. Martin stated that this is an opportunity for the Board to join this suit, and the Board should be able to benefit from some of these funds if costs have to be covered in the future.

Board Member Sabrosky asked if there is a deadline to participate. Mr. Martin stated that there is a deadline to register very soon. Mr. Martin stated that his understanding is that they are in discussion with the action now, and in January they may make the final decision so we would want to be registered ahead of that. Mr. Martin stated that it is a time sensitive issue.

Vice-Chairman Bertoglio asked if this is just being a party to a class action, with no cost to the Board. Mr. Martin stated that was correct. Board Member Sabrosky asked if it is an actual class action, or a possible class action. Mr. Chapin stated that he suspects it is a class action, as that is the normal way that they proceed on these.

Board Member Sutherland asked if there is any downside to joining the cost recovery action. Mr. Chapin stated that there is not. Mr. Chapin stated that one of the advantages to lawyers in a class action suit is that they take a percentage of the amount obtained.

Board Member Sabrosky asked who the defendants would be. Mr. Chapin stated that it is the manufacturers. Mr. Chapin stated that how it works is they file the lawsuit and everyone sits down and figures out how much of the overall production there was of this substance. Mr. Chapin stated that it is then parceled out, and they come up with a settlement amount and everyone pays their proportionate share.

Board Member Sabrosky asked if this chemical is found in the water, and

someone gets sick, would this protect the Board for doing their due diligence, or can they still come after the Board for contaminated water. Mr. Chapin stated that he doesn't think this protects the Board, but it is a step in the direction that the Board has undertaken activities necessary to eradicate it out of the system. Mr. Chapin stated that the Board would probably be named as a party in the action, which is unfortunate as the Board didn't have anything to do with it.

Treasurer Cathey stated that it sounds like, based on what Mr. Martin said, that we have already been testing for the PFAS and not found any. Treasurer Cathey stated that becomes the Board biggest defense against someone coming after the Board. Board Member Sabrosky stated that the Board would be proactive.

Vice-Chairman Bertoglio asked that if the chemical is found in the source water, how is it treated. Mr. Martin stated that granulated activate carbon is one way, reverse osmosis is also a way to treat it. Vice-Chairman Bertoglio stated that it is expensive. Mr. Martin agreed, saying that it adds to the treatment process.

Board Member Sutherland asked how frequently tests for PFAS are being performed. Mr. Martin stated that it has been a couple of years since it was tested, but it is included in the upcoming testing for UCMR5. Mr. Martin stated that then depending on what regulation EPA comes down with will determine the frequency of testing.

Mr. Chapin asked if the testing for PFAS is expensive. Mr. Martin stated that it costs approximately \$2,000 for the test. Mr. Martin stated that this is fairly expensive and is relatively new test methods. Mr. Edwards stated that there are only a handful of labs in the United States that test for PFAS. Mr. Edwards stated that it is tested as parts per trillion, which is very small.

Board Member Sabrosky asked if the new Ultraviolet Disinfection System that will be installed will help with the PFAS. Mr. Martin stated that it would not.

Chairman King asked the Board their preference regarding joining the cost recovery action suit. A motion was made by Board Member Sutherland and seconded by Board Member Sabrosky to join the PFAS cost recovery action suit. Motion put and carried.

- b. Mr. Martin stated that the topic of increasing the WTP Administrative Assistant position to full-time was discussed last year during budget preparations. Mr. Martin stated that with preparing for FY2024 budget, a recommendation is being made to make the part-time WTP Administrative Assistant position full-time.

Mr. Martin stated that some of the reasoning for this is that in the recent Risk and Resilience Assessment, as well as the Security Assessment completed by the Casper Police Department, found a deficiency in the security at the WTP. Mr. Martin stated that usually the Administrative Assistant monitors the gate, lets people in to the building, making sure that they are not just wandering around, but are assigned to a member of staff to escort them as needed. Mr. Martin stated that

there is also a need to monitor phone calls, as currently the Administrative Assistant only works until noon, and other staff is not always available to answer phones, and there is the potential to miss a water emergency call.

Mr. Martin stated that other benefits to making this position full-time is assistance with sourcing contractors, vendor quotes, ext. Mr. Martin stated this full-time position would provide inventory procurement control, enter workorders into the workorder software, help with the monthly EPA reporting, and help free up Maintenance and Operations staff to focus on their regular duties, rather than covering the front desk.

Mr. Martin stated that this position could also help with some accounts receivable and accounts payable tasks. Mr. Martin stated that Ms. Brown helps with a lot of this now, and this would be good for succession planning and cross training.

Mr. Martin stated that when looking at budget impacts, right now \$20,000 is budgeted annually for the part-time position. Mr. Martin stated that looking at going full-time with full benefits, the worst case scenario would be adding \$46,000 to the annual budget. Mr. Martin stated that this would equate to a 0.5% rate increase.

Mr. Martin stated that employees at the WTP are City of Casper employees, so this position request would have to be considered by the City Manager and City Council, not just this Board. Mr. Martin stated that the Board's recommendation weighs heavily on this as the funding for the position comes from the Board.

Mr. Martin stated that this is a consideration request at this time, final approval would not happen until the budget is approved. Mr. Martin stated that this is being brought forward to the Board prior to the budget preparation process.

Mr. Martin stated that this position reports directly to Mr. Edwards.

Secretary Waters asked who is currently doing all the monthly reports, and everything else that was discussed that could be picked up by this position. Mr. Martin stated that right now Mr. Edwards and Mr. Van Wyck do the majority of the monthly reporting.

Vice-Chairman Bertoglio asked that if it is so critical to put this position at full-time, why not start it now. Mr. Martin stated that it was not budgeted in FY23, so it is being looked at to start in the FY24 budget, which starts in July.

Mr. Martin stated that this would also need to be included in the rate model for FY24.

Vice-Chairman Bertoglio asked if staff is looking for support to change the position from part-time to full-time. Mr. Martin stated that was correct, that if the Board supports this, he will move it forward in the budget preparation process.

It was the consensus of the Board to make the WTP Administrative Assistant position full-time in FY24.

c. There was no Other New Business.

9. A motion was made by Secretary Waters and seconded by Treasurer Cathey to adjourn into Executive Session at 11:54 a.m. Motion put and carried.

A motion was made by Secretary Waters and seconded by Board Member Sabrosky to adjourn from Executive Session and move back into Regular Session at 12:10 p.m. Motion put and carried.

The Regular Session was called to order at 12:10 p.m.

The following motion was made by Treasurer Cathey and seconded by Secretary Waters:

I hereby move to authorize Mr. Chapin and Mr. Silva, Counsel for the Board, to prepare and file an Amended Complaint in the matter of *Central Wyoming Regional Water System Joint Powers Board, et al. v. The City of Mills f/k/a The Town of Mills*, filed in the District Court, Seventh Judicial District, Natrona, County, Civil Action Number 109776-A. The amendment is sought to allow the correction of a questioned jurisdictional issue raised by the Court during a Status Conference conducted by the Court on November 30, 2022, in relation to notice being made to the State of Wyoming of the pending action.


Motion put and carried.

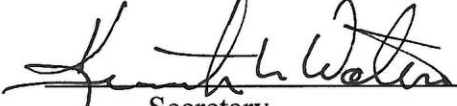
Mr. Chapin stated that as he is trying to get the Amended Complaint filed in a timely manner, he requested authorization for the Board Officers to sign the motion as approved on this date. Vice-Chairman Bertoglio asked if a motion is needed. Mr. Chapin stated that it is.

A motion was made by Board Member Sabrosky and seconded by Secretary Waters to grant the Board Officers the authorization to sign the motion regarding authority to file an Amended Complaint indicating the motion was approved on this date. Motion put and carried.

10. In the Chairman's Report, Vice-Chairman Bertoglio stated that he will be back on the Board next month. Secretary Waters asked in what capacity. Vice-Chairman Bertoglio stated that he will be representing the City of Casper. Vice-Chairman Bertoglio stated that in the Joint Powers Agreement, the City can have one of their four representatives be a citizen at large. Vice-Chairman Bertoglio wished everyone a Merry Christmas and Happy New Year.

A motion was made by Secretary Waters and seconded by Treasurer Cathey to adjourn the meeting at 12:15 p.m. Motion put and carried.


Vice-Chairman


Secretary