

**Special Board Meeting Minutes
May 22, 2012**

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF TRUSTEES OF
MAGNA WATER DISTRICT**

A special executive meeting of the Board of Trustees of the Magna Water District was held Tuesday, May 22, 2012, at 3:24 p.m. at the District's offices at 2711 South 8600 West, Magna, Utah.

Trustees Present:

Hank Johnson, Chairman
Mick Sudbury
Doug Bezzant

Staff Present:

Brent Williams, General Manager
LeIsle Fitzgerald, District Controller
Kim Bailey, Water Operations Manager
Steve Williams, Wastewater Operations Manager

Also Present:

David Hartvigsen, Smith Hartvigsen, PLLC, Telecom
Marty Cowin, Local 222
Rusty Hart, Local 222
Clint Giles, Union Steward
Shawn Wall, Union Steward
Dan Peay, Magna Resident
Jack Weiss, Magna Resident
Dan Stewart, Magna Resident
Laura Jo McDermaid, Magna Resident

Call to Order:

Hank Johnson called the special board meeting to order at 3:24 p.m. and welcomed the public.

Discussion and possible motion on District employee being named to the all-star team to compete in the national operator challenge at WEFTEC September 29-October 3, 2012 in New Orleans, LA: Brent informed the Board that he was informed last week by WEAU that one of our operators has been selected to be on the operators challenge team for the national competition. The Magna team chose LeLand Lamper to go for Magna Water. A motion was made by Doug Bezzant to allow a team member to attend the all-star challenge at the WEFTEC conference. The motion was seconded by Mick Sudbury and approved as follows: Hank Johnson, yea, Doug Bezzant, yea and Mick Sudbury, yea.

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Discussion and possible motion to change Districts AR&R's section 3.9 Removal of General Manager and section 3.17 Removal of Other Officers: Mick Sudbury indicated that he had done some research with other district's regarding the nature of the AR & R's. Mick Sudbury made a motion to change the AR&R's section 3.9 Removal of the General Manager and 3.17 Removal of Other Officers. The motion was to change the language in section 3.9, line 2 to change the unanimous to a majority vote, line 6 change 6 months pay to 3 months pay and also change section 3.17, change unanimous to a majority vote, line 5 change 6 months to 3 months.

Hank indicated that he wanted the agenda item to be tabled to the next board meeting to look into the proposed agenda item further. Mick Sudbury wanted to vote on the motion now. Because of the competing motion, the Board took a vote whether to table or act on the motion at that time.

The public asked if they could comment; the board did not take any public comment.

A motion to table the agenda item was made by Hank Johnson, seconded by Doug Bezzant, the motion to table the agenda item was not approved as follows: Doug Bezzant, nay, Mick Sudbury, nay and Hank Johnson, yea.

A discussion was held on the motion. Hank expressed his thoughts on tabling the agenda item because of the nature and changes that it would make to the District and didn't want to be compared to other District's with more board members that Magna Water has. Mick expressed his thoughts that other District's don't require a unanimous vote of board members for the nature of this Administrative Rule.

David Hartvigsen commented that there is a provision in the new code on voting procedures or voting levels for the board of trustees. The code indicates that a board may adopt rules that require action by more than a majority of a quorum to constitute action by the board, in other words that sentence allows the board to set a higher standard than just a simple majority. The code then lists a qualification, "except for board action to dispose of real property owned by the local district, board rules may not require a vote of more than 2/3rd's of the board to constitute board action". David explained that the code appears to be saying you cannot have a requirement of more than 2/3rd's on any type of vote except for a vote to sell property owned by the District. David indicated that it troubled him because with a three-member board, every single vote has to be a 2/3rd's majority or it doesn't pass. With a three-member board, there is no such thing as a simple majority; everything has to be a 2/3rd's majority, which does not allow a three-member board to have two different levels, a lower level for routine issues and a higher level for very significant issues. David indicated that he's not sure that the AR&R's as they are written right now, allowing for a unanimous vote, complies with the statute.

David indicated that the motion open on the floor included four distinct changes that could be treated separately if desired.

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A new motion was made by Mick Sudbury to change the District's AR&R's section 3.9, line 2 to change the language from a unanimous vote to a majority vote. The motion was seconded by Doug Bezzant. The motion was passed as follows: Hank Johnson, nay, Doug Bezzant, yea, Mick Sudbury, yea.

A motion was made by Mick Sudbury to change the District's AR&R's section 3.9, line 6 to change the language from 6 months of pay to 3 months of pay. The motion was seconded by Doug Bezzant. The motion was not passed as follows: Hank Johnson, nay, Doug Bezzant, nay and Mick Sudbury, yea.

A motion was made by Mick Sudbury to change the District's AR&R's section 3.17, line 1 to change the language from a unanimous vote to a majority vote. The motion was seconded by Doug Bezzant. The motion was passed as follows: Hank Johnson, nay, Doug Bezzant, yea and Mick Sudbury, yea.


A motion was made by Mick Sudbury to change the District's AR&R's section 3.17, line 5 to change the language from 6 months of pay to 3 months of pay. The motion was seconded by Doug Bezzant. The motion was not passed as follows: Hank Johnson, nay, Doug Bezzant, nay and Mick Sudbury yea.

Meet in closed session immediately to discuss union negotiations: Motion was made to meet immediately in closed session by Mick Sudbury and seconded by Doug Bezzant. Motion was approved as follows: Doug Bezzant, yea, Hank Johnson, yea and Mick Sudbury, yea, at 3:43 p.m.

(The closed session recessed and resumed from time to time as needed to address issues that arose during the ongoing negotiations. The closed session was not adjourned until the next duly noticed regular or special session.)

On June 21, 2012, the closed session was adjourned and the open session was resumed at 3:00 p.m. upon motion of Doug Bezzant, seconded by Hank Johnson. Motion was approved as follows: Hank Johnson, yea, Doug Bezzant, yea, and ~~Mick Sudbury, yea.~~

A motion to adjourn the special meeting was then made at 3:01 p.m. by Doug Bezzant, seconded by Hank Johnson. Motion was approved as follows: Hank Johnson, yea, Doug Bezzant, yea, and ~~Mick Sudbury, yea.~~


Attest


Chairperson