

**Joint Meeting  
of  
Spanish Valley Water & Sewer Improvement District  
and  
Grand County Council**

3025 E. Spanish Trail Rd, Moab, Utah  
April 5, 2001 5:00 p.m.

Present: SVWSID Board Members: Paul Morris, Neal Dalton, Dan Holyoak, Al McLeod, Karla VanderZanden; GCC Members: Jim Lewis, Susanne Mayberry, Joette Langianese, Kim Schappert, Bart Leavitt, Jerry McNeely, Al McLeod.

Also present: Judy Bane – Grand County Administrator; GWSSA Board Members – Kyle Bailey, John Keys, Bill McDougald, Gary Wilson, Rex Tanner, Jerry McNeely; Steve Russell – SVWSID Counsel; Dale Pierson – GWSSA Manager/Operator; and Barbara Morra.

Meeting called to order at 5:08 p.m. by Kim Schappert.

Kim asked that the letter from Mark Anderson and Brent Rose be gone through point by point and stated that she hoped a conclusion to the matter would be arrived at by the end of this meeting.

Kim read the letter aloud.

The residency requirement was discussed.

Steve discussed residency, terms, extension of terms.

Steve discussed the three options outlined in the letter from Mark Anderson and Brent Rose. The options presented are as follows:

- “1. Mr. Morris, if willing, could resign from office, and the County Council could then appoint a new trustee to serve his unexpired four-year term as adjusted to January 7, 2002.
2. The County Council could attempt to remove Mr. Morris for cause on the grounds of his non-residency.
3. The County Council could determine to let Mr. Morris serve out the remainder of his current four-year term, adjusted to expire on January 7, 2002. Although Mr. Morris does not now meet the statutory residency requirement, his service on the board could continue pursuant to the provisions of §17B-2-403(2)(b) which provides that a board member *shall* serve until a successor is duly appointed an qualified. Assuming Mr. Morris remains a non-resident, he would not be eligible for reappointment, however, after the expiration of this current, extended term.”

Steve stated that the intelligent options are one and three. Further discussion of the options followed.

Karla stated that she appreciates the work that the Attorney's did on the issue, noting it was very thorough.

Neal stated that he felt Paul has done nothing wrong; he should serve out his term, and should not be forced into anything. Neal added that Paul has been an excellent Board member.

Karla agreed adding the Council acted in good faith at the time of Paul's last appointment. Paul should serve out his term.

Gary also concurred, stating that Paul is a valuable asset.

Kim asked if Paul had anything to say on the subject.

Paul responded that he's spent a lot of time with the job, adding how much he appreciated the Board and Staff.

Dan commented that he would turn to the County Council, and hoped the Council would accept the District Board member's recommendations.

Kyle asked that Paul, if allowed to stay, would be more sensitive to other Board members.

Neal commented that he felt that the problems at the last meeting should not have been brought up as they were not on the agenda, and should have been discussed in executive session.

Bill agreed with Neal.

Bart commented that in 1996 the Council did not want to exclude anyone who they felt would be an asset to the Board. The Council at that time appointed Paul knowingly, aware he no longer resided within the District. Bart added he thinks that Paul has been an asset to the Board and that Board members have told him that. He thinks the Council should allow Paul to serve out his term.

Steve noted there is no risk of liability on the Council's part or the District Board from having Paul on the Board. Steve added he thinks that if litigated the judge would find that Paul could remain on the Board. Except for the residency issue there is no just cause for removal.

John stated Paul should serve out his term, adding there'd be no cloud over the Board according to three attorneys.

Rex praised Paul's knowledge and involvement. Rex said he thinks Paul is a good representative of Grand County and the District. Rex continued to note it seems unfortunate that the question of Paul's validity as a Board member comes up at this time when other tough issues need to be resolved. He added that he prefers that Paul serve out his term.

Paul added that another issue is whether or not the Board should be elected or not. There might be a possibility of funding to provide for election process if election is held off until the Legislature requires that all District Boards be elected.

Bart asked if a vote was necessary for Paul to serve out his term.

Steve stated only if it were put on the Council agenda.

Al stated he was opposed to the status quo, adding he feels the residency requirement was in place and that it is an important requirement. Al added he feels Paul has a conflict of interest.

Susanne also voiced opposition to Paul remaining on the Board. She noted that when asked to resign from positions in the past, she has. Susanne added that she feels there is a conflict, noting she has observed Paul show a lack of respect to the public attending meetings. She added that she thinks if a mistake is made it should be corrected.

Paul noted that other conflicts of interest exist with other Board members who are also members of either the City Council or Moab Irrigation Company. Paul stressed all conflicts can be overcome.

Bill McDougald added the City Representative is an important member of the GCSSWD Board.

Susanne commented that the other members with conflicts were correctly appointed.

Karla noted that behavior and residency are two separate issues.

Steve noted the Council could remove Paul from the Board with 2/3 majority vote and it would take effect immediately.

Bill commented he could not understand how Paul alone could control the votes of the Board.

Kim noted that things have been turbulent in the past few months, and she would like to be assured that at all Board meetings everyone who wants to be heard will be. She asked if Paul would adhere to that.

Paul responded that he does not feel that he restricts comment.

Kim added she hopes that Paul will accept and listen to the feedback of the other Board members.

Susanne asked that this item be placed on the next agenda for Council vote.

Jerry asked why not decide it now.

Susanne asked if the District Board could still conduct business up until the Council votes on the issue.

Both Steve and Kim agreed that yes, Paul would still serve legally until the Council vote.

Karla reiterated Kim's statements regarding improving behavioral patterns.

Paul noted that he has made an offer on a house in Spanish Valley.

Gary commented that if the public wants the District Board elected it should be up to the public.

Bart suggested there should be a retreat or workshop to discuss an election, noting he did not feel it could be resolved this evening.

Jim stated he agreed with Gary, and doesn't think the Council should decide this. He added he was uncertain whether or not the Council could decide it, the citizens should.

Kyle asked questions regarding the election process.

Dan commented that if the Board becomes an elected board they would want to be paid.

Susanne said she felt the Agency should be dissolved.

Kyle said he thought the Agency is confusing, and is not sure it is a good thing.

Bart suggested that the Agency pros and cons be addressed.

John suggested that perhaps a presentation by the Agency Staff to the Council should be done.

Meeting adjourned at 6:30 p.m.

ATTEST:

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Paul Morris, Chairman

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Neal K. Dalton, Clerk