

Gunlock Special Service District

February 7, 2024

Board members present: Directors: Justin Leavitt, Diann Covington, Odean Bowler, [7:04] Dusty Leavitt present. Kip Bowler, excused. Judy Leavitt, Certified Operator, Ethel Benware, CCA, and Roxanne Aplanalp, Clerk present. Dusty Leavitt, filling info Chairman, called the meeting to order at 7:00 PM; quorum established. Pledge of Allegiance recited.

Approve December Minutes:

Motion by Director J. Leavitt seconded by Director Covington to approve the December minutes. Unanimous approval with Directors Covington, D Leavitt, J Leavitt voting aye.

Approve November, December, January Expenditures: Clerk reviewed the December Profit & Loss budget to actual report. Explained changed way loan payment made. In past, money from PTIF to checking. Check wrote to pay loan. Now transferring money from one Utah state agency to another. Explained expense for rewiring head house shown under Repairs rather than the Water Project where budgeted. Dividends from PTIF and bank CD much higher than projected. Ended year with net income of \$9000.

Motion by Director J Leavitt seconded by O. Bowler to approve the financial expenditures. Unanimous approval with Directors Covington, J Leavitt, O. Bowler, D Leavitt voting aye.

Director Reports:

Water System: Director D Leavitt said he changed out Helen Leavitt and Bowler Feedlot boxes. Also placed stake at Bowler so easier to find.

Street Lights/Park: Director O Bowler said he forgot February work day. Asked if anyone went. No one did. Will target cleanup for 1st Saturday in March.

Clerk Report: Clerk explained Lead and Copper Inventory is posted on required spreadsheet format. Clerk asked what type delivery lines to two subdivision. Director D. Leavitt said both were pvc. Clerk gave out inventory sheets to those at meeting for customer service line needing to be identified. Information will be returned to Roxanne. There are 51 lines to be identified.

Certified Operator [CO] Report:

- Reported December & January samples passed. February has been taken.
- DBP due 1-15 —turned in.
- Has not started the Water Use Data Report yet.
- Certification was renewed.

-Backup pump had not been purchased. Still trying to find one.

-Will be switching out chlorine tanks next week. Happens 2-3 times a year.

Cross Connection Administrator Report: Ethel submitted agreement for 2024 to be signed by Chairman. Annual report has been completed. Float at Rodeo grounds need to be fixed if livestock are in there. Discussed next bill insert which will be a link to public awareness. Discussion about which month since violation notice needs to go in next bill insert. Clerk advised our source protection plan shows April as month for cross connection/backflow public awareness. Ethel said April will work okay.

Old Business:

Status of Rewiring at Headouse: Director J. Leavitt reported completed.

Status of Employee Annual Review: Chairman absent. Certified Operator said it was done.

Status of Park Pavillon Grant: Chairman absent.

Advise # of Connections for Reporting Purposes: Clerk said 74 connections are read. Will use as 56 houses; 11 Industrial [tanks/pastures]; 7 Institutional. Other 2 connections installed are for Ohran [meter turned off as leak on customer side and no home] and Todd Taylor [meter in but no service line on customer side of meter].

Status of Water Use from Hydrant by Gold Wheel: Clerk advised Chairman talked with Salisbury and use was 8K gallons. Certified Operator will provide billing address for Clerk to issue invoice.

New Business:

Notice of Violation: Clerk asked CO if she brought to meeting. Answer no. Clerk said needs the attachment for template for notice wording. Clerk advised this will be sent to users in next billing.

Discuss/Approve Write Off Lien Clerk said there is \$3101.20 showing on Balance sheet under assets lien receivables. She has been working with accountant and County Treasurer on all liens GSSD has requested in past. None appear to be outstanding. Accountant advised the previous accounting firm showed \$6K worth of liens due when they turned books over in 2017. Since then all but this \$3101 have been paid. Clerk said her records show liens from 2014-17 all cleared. Clerk requested Board pass a motion to write off the amount to clear the balance sheet. Director J Leavitt said he thought we should wait until Kip, who is a banker, is at meeting to discuss. Clerk said he is aware of this and asked how others felt. Director O. Bowler said he would make the motion.

Motion by Director O. Bowler seconded by Director Covington to write off \$3101.20. Unanimous approval with Directors Covington, D Leavitt, O. Bowler, voting aye.

Approve Authorized Individuals for PTIF: Clerk explained the PTIF records show Roxanne Aplanalp and Gary Bringham names on file. Director D. Leavitt said he would have his name put on it.

Motion by Director O. Bowler seconded by Director Covington to remove Gary Bringham and add Dusty Leavitt to PTIF account. Unanimous approval with Directors Covington, J Leavitt, O. Bowler, D. Leavitt voting aye.

Board Member Training: Clerk said she gave each Director information on how to do the online training. Chairman and Dusty will do both—Board Training and Open Meetings. Others Open and Public Meeting Training.

Signatures Needed on Conflict of Interest and Ethical Behavior: Clerk advised Directors and Judy need ethical behavior forms signed and return to her.

Judy, CO, asked if anyone going to the RWUA conference end of month. Dates are 2-27 thru March 1. Appears only Certified Operator going. Clerk asked to get in early for cheaper price—Just said already sent.

Discuss/Approve Removal of Director for Non qualification: Clerk apologized to Board and public that she should have refused Justin Leavitt's offer to fill open spot on Board as his primary residence is outside the GSSD boundaries. Boundaries stop just below the bridge. Clerk said she tried to get him qualified under the seasonal occupied properties since 62% of connections fall under that. But code specifically read "single family home" so livestock tanks do not count. Gunlock seasonal occupied homes is 32% so short of the 50% needed. She read Utah code 17B-1-302 Board Member Qualifications. Justin said he was not ready to resign because he felt there was something he could do to stay on Board. He stated he uses his Mom's address for voting registration. Clerk then read the State Utah code 59-2 and Washington county definition for primary residence rule. Both include "domicile for 183 consecutive days". Clerk also read household definition. She also read what researched on the Administrative code 884-24P-52 definition. Director O. Bowler said we should table until the Chairman back. Director D. Leavitt asked if we would be okay tabling. Clerk said she did not know as both State and County people talked to advised getting him to resign asap and if not the Board should pass motion to remove him as Director. They asked Clerk to review all motions during his tenure to see if open to liability on controversial issues. She said most motions passed unanimously and he was not the controlling vote. Others in town are aware of this Board member problem. Clerk said once Board aware of problem and fails to take action then errors and omission insurance invalid because Board contained with problems after knowing of issue. Clerk she did not want to be sued personally because of being on a Board that did not take action. Director D. Leavitt asked Justin if he planned to move onto the property he has within the GSSD boundaries, Justin replied yes—eventually as soon as he can get it done. Director D Leavitt expressed concern that it is now part of the minutes and both State and County aware of it. Director Covington said she does not see we have choice—we take action or suffer the consequences. Director D Leavitt asked how do we fill an opening. Clerk explained the Board would announce an opening and has 90 days to fill it. If Board cannot fill it then it gets turned over to the County. That was where we were when Justin offered to fill spot if no one would do it. Clerk said if Justin can move into the boundaries during the time opening is posted he can reapply. Judy Leavitt asked if the 183 days means someone has to be in boundaries for 183 before running for Board. Clerk replied no—if the address within the boundaries is the only home they have and is their primary residence they could run for Board if only moved into boundaries in the past month. Key is

primary residence. Clerk said the problem we have is being a small community so we all know where everyone lives and it is obvious Justin lives outside the boundaries. Justin said he knows we have to follow the rules but he wants to look at everything carefully since not voting on this until April. Clerk said she personally has a problem not voting on this until April when the whole community knows about the problem. But since she is not a voting member of Board it is up to the others about how much liability they open themselves to. Judy asked if in the interim if Justin got moved onto his lot, then he could reapply. Clerk said yes. Justin said his career might require him to travel 90% of time in the future. Clerk said are you saying then you would not be able to do duties on the Board. Justin said I could be at the meetings. Clerk said that is a different issue about how you are filling your position. Director Covington said she has had a couple people ask her why Justin is on Board. She said this is not a personal thing but what the Board needs to do to follow the rules. Director D Leavitt said we need to resolve this now since it has been brought up and easiest thing is for Justin to resign. Judy Leavitt asked about moving the boundaries. Clerk said Rod Leavitt was adamant his property below the bridge not be included in the special district. It took Ed Bowler talking to him to understand the property by the bridge had to be included. but the rest below that would be excluded. Clerk said it is something the Board could consider but is a very involved process. There are also two instances where precedence was set when Willoughby asked to be included and Board refused plus the Meeks lawsuit wanting to be included which was rendered in the GSSD favor of property not in boundaries. Director D Leavitt said a lawsuit against the Board over this residence issue would be hard to win since all aware of where Justin lives. Justin said until he looked at this very closely he was not willing to resign tonight but he might in a 2-3 days. Director D Leavitt said we really don't have 2-3 days to resolve since issue known. Justin said the correct way is the correct way but he has not looked closely at his status. Ethel Benware said he could always fight to get back on Board if he finds something to overturn what Board has been advised is the rule. Director D. Leavitt asked if he could make a motion since Chairing the meeting. Clerk responded yes because he is one of the three making up the quorum. Director D Leavitt made a motion. Discussion about delaying the opening of position for two weeks to give Justin time to research. Director O Bowler said you can do one or the other. You remove him from the Board or you give him time to research and if find it so and he then resign. Director D Leavitt said where does that leave us in the meantime? Clerk said Justin has been made aware of this for about a week. Justin said he want to make sure it has been researched thoroughly before taking action. Clerk said there is a motion on the floor which needs to proceed. Director D Leavitt asked for second which Director Covington gave. Vote then taken.

Motion by Director D. Leavitt seconded by Director Covington to protect the Board by removing Justin Leavitt as Director. Directors Covington and D Leavitt voting aye and Director O. Bowler voted nay.

Clerk said the motion carried on a 2-1 vote but she would delay posting opening for two weeks giving Justin time to research.

Board Comments for Future Agenda Items: Director O. Bowler asked about the report he does annually. She said self assessment due by May 1. It will be on April agenda.

Public Comments: None

Community Issues: Easter Egg Hunt will be in Park on March 30 at 10AM.

Adjourn: Meeting adjourned at 8:06 PM

**Motion by Director Covington seconded by Director O. Bowler, to adjourn.
Unanimous approval with Directors Covington, O. Bowler, D Leavitt voting aye.**

Approved: 4-3-2024

Roxanne Aplanalp, GSSD Clerk

Public Present: Shaunelle Leavitt