

Resolution No. 12112025 -01

RESOLUTION TO ESTABLISH SUPPORT FOR PENDING LITIGATION AND
PROCESS FOR AVOIDING VIOLATION OF UTAH MUNICIPAL OFFICERS' AND
EMPLOYEE'S ETHICS ACT

WHEREAS, in Town of Levan previously filed litigation against the Levan Irrigation Company, and former Mayor, Robert Shepherd, which litigation is currently pending as Case No. 250600024 (the "Litigation"); and

WHEREAS, in November, residents of the Town of Levan elected Tyler Shepherd as the Mayor of the Town of Levan; and

WHEREAS, Tyler Shepherd is the president of the Levan Irrigation Company; and

WHEREAS, Utah Code Ann. § 10-3-1304(2) makes it an offense for an elected officer to: (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or municipal employee's official position or in the course of official duties in order to further substantially the officer's or municipal employee's personal economic interest or to secure special privileges or exemptions for the officer or municipal employee or for others; or (b) use or attempt to use the officer's or municipal employee's official position to: (i) further substantially the officer's or municipal employee's personal economic interest; or (ii) secure special privileges for the officer or municipal employee or for others.

WHEREAS, Tyler Shepherd's active role with the Levan Irrigation Company would make it impossible for him to be privy to private, controlled or protected information regarding litigation strategies, filings or other attorney-client privileged information related to the Litigation between Town of Levan and Levan Irrigation Company; and

WHEREAS, the Town of Levan is supportive of continuing the Litigation; and

WHEREAS, the Town Council wishes to establish a process for the Town to make decisions related to the Litigation that would not jeopardize the Litigation, breach the attorney-client privilege or result in a violation of the Utah Municipal Officers' and Employee's Ethics Act by any elected officials.

NOW, THEREFORE, BE IT RESOLVED, by the Levan Town Council be as follows:

1. The Town of Levan supports the continuation of the Litigation;

2. The Town Council appoints Ray/Rachel (together the "Liaisons") to act as the liaisons between the Town of Levan's attorneys handling the Litigation and the Town of Levan. Unless otherwise determined by a majority vote of the Town Council, the Liaisons are hereby authorized to make any decisions related to strategy, pleading or other matters related to the Litigation, except any settlement or dismissal of claims must be approved by the Town Council.

3. The Liaisons shall review all invoices by the Town of Levan's attorneys handling the Litigation and shall provide redacted versions of the invoices that do not include any attorney-client information to the remainder of the Town Council.

This Resolution is effective immediately upon passage.

Roll call vote:

	Yes	No	Not present
Councilmember Chris Chipping	X	---	---
Councilmember Jerry Spencer	X	---	---
Mayor Bruce Rowley	---	---	<u>Abstain</u>
Councilmember Rachel Goates	X	---	---
Councilmember Ray Evans	X	---	---

Passed and adopted on the 11th day of December 2025.

By:

Bruce Rowley

Bruce Rowley, Mayor

Attest:

C. Carrigan

Christine Carrigan, Town Clerk