

FINAL MINUTES
VIRGIN TOWN COUNCIL SPECIAL APPEAL HEARING AGENDA
Tuesday, October 26, 2021
10:00 am
114 So. Mill Street, Virgin, Utah

Present:

Council Members: Gene Garate
Jay Lee
LeRoy Thompson

Others:

Krystal Percival, Town Clerk
Heath Snow, Town Attorney
Monica Bowcutt
Lori Rose
Paul Luwe
Darlene Pope
Several people who did not sign in

Special Town Council Meeting
This is NOT a Public Meeting

A. MEETING/ACTION ITEMS: 10:00 a.m.

1. Call to Order - LeRoy Thompson

LeRoy Thompson called the meeting to order at 10:06 am.

2. Invocation/Pledge of Allegiance

Gene Garate gave the invocation. Jay Lee led the Pledge of Allegiance.

3. Declaration of Conflict of Interest

No conflicts were declared.

4. Motion to hold an Executive Session

Jay Lee moved to enter into an executive session. Gene Garate gave the second.

Heath Snow, Town Attorney, directed the council to explain or state the purpose for the executive session. He then asked if the council wished to have a discussion prior to entering the closed session. He stated he had been advised of a request for continuance by Mr. Holm, but had been out of town and was unaware of it. Mr. Snow continued that he had over 170 emails that needed to be reviewed plus he had changed phones and had lost his voice-mails. However, he had received a message from someone who had claimed to be representing Chris Holm. Attorney Snow had reached out to this firm on the drive to the Hearing today, but had not spoken to anyone. Mr Snow continued, that he was looking at the notice of request for continuance, which had been sent last Thursday (October 21). He reported that Mr. Holm had hired an attorney and had formally requested more time. He felt that there was no harm in granting the extension.

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Gene Garate expressed thoughts, but they were inaudible. Attorney Snow, in answer, stated the employee handbook was vague on the issue. The appeal had to be submitted within ten days of the dismissal, but there was nothing set as to when the appeal hearing must happen and there was nothing about how much time the appellet must be given. His only advice was that it did not need to be thirty days. Mr. Holm's extension request was read aloud, which stated the purpose was to retain counsel. Mr. Snow stated that this had been done, so the new date could be set.

The Council discussed when the hearing should be held. Attorney Snow stated he had suggested that the mayor recuse himself, but a quorum was needed if the council decided to grant the extension. Mr. Snow suggested that a date be suggested, and then he be allowed to coordinate this proposed date with Mr. Holm's attorney.

LeRoy Thompson voiced his inclination, but it was inaudible. Jay Lee followed, but was unable to be heard.

Attorney Snow read a letter that he had received from Chris Holm's attorney the day before this appeal hearing, October 25, 2021. This letter is attached to the minutes. Mr. Snow stated that the current set of policies and procedures was prepared in 1975, but needed to be followed because that was all the town had. Mr. Holm's had appealed to the city council, so they should hear the appeal.

Gene Garate spoke but was unable to be heard on the recording. Attorney Snow stated this was an administrative appeal process. If Mr. Holm disagreed with the decision, he had the right to bring a wrongful termination suit against the town, but he would need to exhaust his administrative appeal rights first.

The date was tentatively set for November 4, in the afternoon around 3 pm, so that Council Member Thompson would be back in town. Attorney Snow stated he would make sure Chris and his attorney were available at this time. Specifics of the hearing were discussed: if the meeting could take place remotely, if witnesses could be called, if questions could be asked, or time limits could be set. The hearing was very informal based on the policy and procedures book, which did not give a lot of guidelines or procedures.

The motion could not be heard. The motion typed is not complete.

Gene Garate moved to continue for no more than 15 days, with a tentative date of November 4 at 3 pm. LeRoy Thompson gave the second. No roll call vote. The motion was unanimously approved.

A. Executive Session - Chris Holm Employment Termination Appeal Hearing
No executive Session was held.

Council Comments:
No comments were given.

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B. ADJOURN MEETING:

Jay Lee moved to adjourn.

Gene Garate gave the second.

No roll call vote. The motion was unanimously approved.

The meeting adjourned at 10:28 am.

Krystal Percival
Town Clerk

Approved: _____