

MINUTES OF THE
SPECIAL BOARD MEETING/ELECTION CANVASS CERTIFICATION MEETING
OF THE BOARD OF TRUSTEES OF MAGNA WATER DISTRICT

A special board meeting/election canvass certification meeting of the Board of Trustees of the Magna Water District was held Tuesday, December 5, 2023, at 3:00 p.m., at the Magna Water District General Office, Kim Bailey Board Room, located at 8885 West 3500 South, Magna, UT.

Trustees Present:

Mick Sudbury, Chairman
Jeff White
Dan Stewart

Staff Present:

Clint Dilley, General Manager
LeIsle Fitzgerald, District Controller/Clerk
Andrew Sumsion, HR Manager
Dallas Henline, Wastewater Operations Manager
Raymond Mondragon, Water Operations Manager
Trevor Andra, District Engineer

Also Present:

Nathan Bracken, Smith Hartvigsen, PLLC
Nathan Rogers, Bowen Collins Associates

Call to Order: Mick Sudbury called the meeting to order at 3:00 pm.

Welcome the Public and Guests: Chairman welcomed those in attendance.

Presentation of the Trustee Election Results performed by Salt Lake County Elections Division held on November 21, 2023: This agenda item was tabled until after the closed meeting. The results were not received from Salt Lake County at the time.

Motion to adopt Resolution 2023-06 Certifying the 2023 Trustee Election Results: This agenda item was tabled until after the closed meeting. The results were not received from Salt Lake County at the time.

Discussion and possible motion regarding the District Inspector Position: Andrew presented to the Board the job description for the District Inspector, which was also previously presented to the Board at an earlier board meeting. There have been no changes to the job description besides the date. Management and Board reviewed the logistics of Staff's scheduling. A motion was made by Jeff White, seconded by Dan Stewart, to approve hiring for the District Inspector Position. The motion was approved as follows: Mick Sudbury, yea, Jeff White, yea, and Dan Stewart, yea. For full discussion please go to board meeting recording beginning at position 1:10 to 11:07.

Discussion and possible motion to approve IGES Geotechnical Investigation proposal not to exceed the amount of \$11,800: Trevor indicated this proposal is for geotechnical investigation for the 7200 W Secondary Water line Project that is currently in design. It will identify the ground water level, type of soil and its attributes where the pipe alignment is designed to be installed. A motion was made by Jeff White, seconded by Dan Stewart, to approve the IGES Geotechnical Investigation proposal not to exceed the amount of \$11,800. The motion was approved as follows: Mick Sudbury, yea, Jeff White, yea and Dan Stewart, yea. For full discussion please go to board meeting recording beginning at position 11:08 to 12:57.

Discussion and possible motion to approve the vacation of an Easement as part of Arbor Park Apartment Development located at 8317 W Arbor Park Dr: Trevor explained to the Board this easement is on Arbor Park Drive where an existing water line is. Now with apartments going in, Arbor Park is making improvements along that roadway, adding sidewalks as well as abandoning some water infrastructure that used to go to existing buildings. They are also adding secondary water along the roadway. The developer is asking that the current easement held by Magna Water District be vacated and are now dedicating the total width of the roadway as an easement to Magna Water District. A motion was made by Jeff White, seconded by Dan Stewart, to approve the vacation of an Easement as part of Arbor Park Apartment Development located at 8317 W Arbor Park Dr. The motion was approved as follows: Mick Sudbury, yea, Jeff White, yea and Dan Stewart, yea. For full discussion please go to board meeting recording beginning at position 12:58 to 19:55.

Motion to meet immediately in closed session to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah code Ann. §§ 52-4-204 through 205. Jeff White made a motion to meet immediately in closed session to discuss the character, professional competence, or physical or mental health of an individual, pursuant to Utah code Ann. §§ 52-4-204 through 205. The motion was seconded by Dan Stewart, and approved as follows: Mick Sudbury, yea, Dan Stewart, yea and Jeff White, yea at 3:22 p.m.

Motion to close the closed session and to reopen the open session of the Board Meeting: Jeff White made a motion to close the closed session and reconvene the open session at 3:22 p.m. The motion was seconded by Dan Stewart and approved as follows: Mick Sudbury, yea, Jeff White, yea, and Dan Stewart, yea.

Presentation of the Trustee Election Results performed by Salt Lake County Elections Division held on November 21, 2023: Clint Dilley presented the Magna Water Trustee Election Statistics which have been provided by Salt Lake County Elections Office. The result of the election is as follows: (See also attached Magna Water District Canvass Statistic sheet provided by Salt Lake County Elections Division) For full report by Clint Dilley, please go to board meeting recording beginning at position 20:55 to 22:41.

3,124 Votes Counted
1,779 Votes for Dan Stewart – 63.09%
1,041 Votes for Shawn Ron Wall – 36.91%
2,820 Total Votes

Motion to adopt Resolution 2023-06 Certifying the 2023 Trustee Election Results: A motion was made to adopt Resolution No 2023-06, a resolution of the Magna Water District Certifying the 2023 General Election Results, and to accept the Election Canvass Statistics provided by Salt Lake County Elections by Jeff White, seconded by Dan Stewart, and approved as follows: Mick Sudbury, absent, Dan Stewart, yea and Jeff White, yea. For full report please go to board meeting recording beginning at position 22:41 to 26:03.

Magna Water District Clerk is authorized and directed to file the Certified Report of the Election Results when signed by the election officer and by the members of the Board as follows:

- a. Record or file the certified report in a book kept for that purpose;
- b. Prepare and transmit a certificate of election to each elected candidate;
- c. Within seven days of the date of this resolution: (1) publish the attached notice in a newspaper of general circulation within the District; (2) post the attached notice to the Utah Public Notice Website for one week; and (3) post the attached notice on the Magna Water District website for one week; and
- d. File a copy of the certified report with the Lieutenant Governor.

Consider action on any noticed agenda item discussed in closed meeting: None

Other Business:

Next Regular Board Meeting – December 14, 2023 @ 10:00 am

Adjourn: Having no further business to discuss, a motion was made by Jeff White, seconded by Dan Stewart, to adjourn the meeting at 4:42 pm. The motion was approved as follows: Jeff White, yea, and Dan Stewart, yea.

LeAnne Fitzgerald

Attest

Mick Sudbury

Chairperson

MAGNA WATER DISTRICT BOARD OF TRUSTEES AT-LARGE (Vote for 1)

	Total	
Times Cast	3,124 / 12,424	25.14%

Candidate	Total	
DAN L STEWART	1,779	63.09%
SHAWN RON WALL	1,041	36.91%
Total Votes	2,820	

Magna Water District Canvass Statistics

General Election 11/21/2023

Section 1 - Ballot Statistics

1A	25.1%	Voter Turnout
1B	12424	Active voters (Given to counties on the Monday before the election)
1C	3089	Number of counted ballots (Mail or Drop Box)
1D	32	Number of counted ballots (In-person)
1E	1	Number of ballots that were returned electronically (UOCAVA/disability)
1F	0	Number of counted ballots (Provisional)
1G	3124	Total number of ballots counted
1H	No	Does total ballots counted match the number of voters given vote history in VISTA
1I	2	If no, what is the difference
1L	Explain:	We attribute the difference in ballot totals to in-person fleeing voters, envelopes submitted without a ballot, and current election envelopes containing ballots for previous elections.

Section 2: Challenged and Uncounted Ballot Statistics

2A	25	Number of envelopes with a signature that does not match the voter's signature
2B	4	Number of unsigned envelopes
2C	2	Number of challenged ballots for other curable reasons
2D	57	Total number of ballots that were challenged (cured and not cured combined)
2E	31	Total number of curable that were not cured
2F	54.4%	Percentage of curable ballots that were not cured
2G	5	Total number of ballots where the voter submitted a disability affidavit*

Section 3: Rejected ballot statistics (ballots that cannot be cured)

3A	70	Number of ballots that were returned after the postmark deadline
3B	0	Number of ballots rejected for other non-curable reasons
3C	70	Total number of rejected that were not curable
3D	1.7%	Percentage of ballots that were returned as undeliverable

Section 4: Provisional ballot statistics

4A	0	Number of provisional ballots issued
4B	0	Number of provisional ballots counted
4C	0	Total Number of provisional ballots not counted
4D	0	Already Voted
4E	0	Insufficient ID
4F	0	Unsigned
4G	0	Incomplete Form
4H	0	Other
4I	#DIV/0!	Percentage of provisionals that were counted
4J	0	Number of provisional ballots that are same-day registration

Section 5: County Clerk Certification

/s/ Lannie Chapman
Salt Lake County

I certify that the information contained in this report is true and accurate.

This report must be sent to elections@utah.gov upon completion of the canvass

RESOLUTION NO. 2023-06

A RESOLUTION OF MAGNA WATER DISTRICT
CERTIFYING THE 2023 GENERAL ELECTION RESULTS

RECITALS

WHEREAS, Magna Water District (the “**District**”) is a governmental entity charged with providing water and sewer services to residents of the District; and

WHEREAS, the District’s 2023 general election was held on November 21, 2023; and

WHEREAS, the Board of Trustees (the “**Board**”) serves as the governing body for the District; and

WHEREAS, the Salt Lake County Clerk’s Office, Election Division, received and counted the election returns for the 2023 Municipal Election and has prepared the attached election report; and

WHEREAS, the Board met on December 5, 2023, to canvass the returns of the 2023 municipal general election; and

WHEREAS, the Board publicly canvassed the returns and determined from the returns the vote of each candidate.

WHEREAS, the Board desires to certify the 2023 general elections results pursuant to Utah Code Ann. § 20A-4-304.

NOW, THEREFORE, BE RESOLVED by the Board effective immediately:

1. The Board accepts and approves the attached election report for the 2023 Municipal General Election for the Magna Water District.
2. The following candidates are declared to have received the number of votes indicated.

Magna Water District Board of Trustees At-Large (vote for two)

	<u>Total</u>
<i>Ballots Counted</i>	<i>3,124</i>
<i>Danny Stewart</i>	<i>63.09%</i>
<i>Shawn Ron Wall</i>	<i>36.91%</i>

3. The Board declares “elected” the following persons to the office indicated:

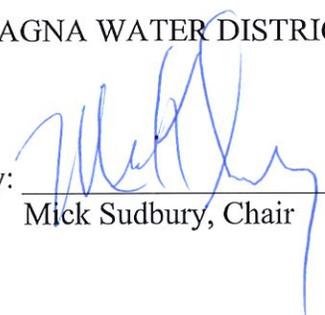
Board Member At-Large

Danny Stewart

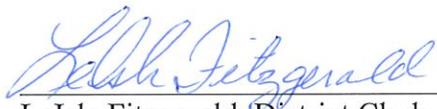
4. Pursuant to Utah Code § 20A-4-304, the District Clerk is authorized and directed to file the Certified Report of the Election Results when signed by the election officer and by the members of the Board as follows:
- a. Record or file the certified report in a book kept for that purpose;
 - b. Prepare and transmit a certificate of election to each elected candidate;
 - c. Within seven days of the date of this resolution: (1) publish the attached notice in a newspaper of general circulation within the District; (2) post the attached notice to the Utah Public Notice Website for one week; and (3) post the attached notice on the Magna Water District website for one week; and
 - d. File a copy of the certified report with the Lieutenant Governor.

APPROVED and ADOPTED this 5th day of December 2023.

MAGNA WATER DISTRICT

By: 
Mick Sudbury, Chair

ATTEST


Leslie Fitzgerald, District Clerk

Voting:

Dan L. Stewart voting

Mick Sudbury voting

Jeff White voting

yea
absent
yea