

1 Minutes of the special meeting of the City Council held March
2 29, 1989 at 7:00 p.m. in the Council Chambers of the City Hall,
3 Bountiful, Utah.

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5 Present: Mayor: Dean S. Stahle
6 Council Members: C. Harold Shafter, Bob Gramoll,
7 Barbara Holt, and H. Keith
8 Barton
9 City Manager: Tom Hardy
10 City Attorney: Layne B. Forbes
11 City Prosecutor: Russell Mahan
12 City Recorder: Arden F. Jenson
13 Dep. Recorder: Lois Hoskins
14 Rec. Secretary: Nancy T. Lawrence
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16 Absent: Councilwoman: Phyllis C. Southwick
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18 Mayor Stahle called the meeting to order and welcomed those in
19 attendance. The invocation was offered by Councilman Shafter.
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21 Official Notice of this meeting had been given by posting a
22 written notice of same and an Agenda at the City Hall and providing
23 copies to the following newspapers of general circulation: Davis
24 County Clipper, Deseret News, and Salt Lake Tribune.
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26 Minutes of the City Council meeting held March 22, 1989 will be
27 presented for approval at the next regular meeting.
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29 **LETTER OF RESIGNATION FROM PHYLLIS C. SOUTHWICK**
30 **CONSIDERED**

31 Mayor Stahle reviewed that in last week's meeting Councilman
32 Shafter had requested that action on the letter of resignation from
33 Councilwoman southwick be tabled for further consideration.
34 Councilwoman Holt said that she had calls from a number of citizens
35 regarding the matter and she had talked with Ralph Finlayson from
36 the Attorney Generals office to get his opinion on proper handling
37 of this matter. It is her understanding that the issue in question
38 is whether or not the letter constitutes a vacancy, or whether the
39 Council must accept the resignation to effect the vacancy. She
40 reviewed the opinion given her by Mr. Finlayson (that the
41 resignation has taken place and there is a vacancy), and based on
42 that, she made the motion that the resignation should be accepted,
43 unless it has already occurred.
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45 Mr. Forbes reported that he, too, talked with Mr. Finlayson,
46 and following that discussion, it was the opinion of the State
47 Attorney General's office that the vacancy does not occur until the
48 Council accepts the resignation. Contradictory to Mr. Forbes'
49 opinion, Councilman Gramoll quoted Section 10-3-302, which gives no
50 indication that the Council must accept the resignation in order for
51 the vacancy to occur. This matter was discussed thoroughly, and
52 based on case law, Mr. Forbes held that the Council's acceptance of
53 the resignation is necessary to make it effective. Councilman
54 Barton noted that one of the reasons that no action was taken last
55 week was to give time to contact Councilwoman Southwick to see if
56 she had a recommendation for a person to fill the vacancy. The
57 Mayor said that he had talked with her and that she does not have a
58 recommendation. Councilman Barton then made the motion that the

1 Council formally accept the resignation of Phyllis Southwick as a
 2 member of the Bountiful City Council and that appreciation be
 3 extended to her for the many hours and contributions which she has
 4 made to the City and to wish her the best for her future.
 5 Councilman Shafter seconded the motion. Councilman Gramoll
 6 indicated that he agreed with the portion of the motion that
 7 extended appreciation; however, he said that he did not think the
 8 Council has the right to accept or reject the resignation.
 9 Following discussion of this point and the 30-day provision included
 10 in case of a tie vote in filling the vacancy, the motion carried by
 11 a majority. Councilman Gramoll abstained.

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 13 **COUNCIL VOTES TO ADVERTISE VACANCY IN**
 14 **LOCAL NEWSPAPER AND INTERVIEW CANDIDATES**

15 Based on the fact that a vacancy does occur, Councilwoman Holt
 16 made the motion that all persons desiring to be considered to fill
 17 the unexpired term of Mrs. southwick make written application to the
 18 City, stating their qualifications and reasons for seeking the
 19 appointment. Discussion followed regarding the timeframe for this
 20 procedure, and it was determined, and included in the motion, that
 21 the applications be in to the City Manager no later than 4:30 p.m.
 22 on April 10, 1989; that a special meeting to hear from those
 23 individuals (approximately 5 minutes/candidate) be held Tuesday
 24 evening (April 11th), and that a selection be made (if possible) in
 25 the regular City Council meeting on April 12, 1989. If, for some
 26 reason, the appointment cannot be made on April 12th, further
 27 direction will be decided upon at that time. Councilman Gramoll
 28 seconded the motion which carried unanimously.

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 30 **COUNCIL VOTES TO PUT PAID ADVERTISEMENT**
 31 **IN NEWSPAPER TO ADVERTISE VACANCY**

32 Councilman Shafter made the motion that a paid advertisement be
 33 placed in the Davis County Clipper, Deseret News, and Salt Lake
 34 Tribune informing the citizenry of the vacancy and of the invitation
 35 for applications, with the details as outlined above. The press was
 36 also asked to feature this as a news article to provide additional
 37 exposure. Councilman Barton seconded the motion and voting was
 38 unanimous.

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 40 The meeting adjourned at 7:43 p.m. on a motion made by
 41 Councilwoman Holt and seconded by Councilman Gramoll.

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 46 **MAYOR**

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 51 **CITY RECORDER**
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