

RESOLUTION NO. 2019 - _____

RESOLUTION REQUESTING THE STATE AUDITOR TO REVIEW CONTRACTS AND INVOICES PAID TO OUTSIDE LEGAL COUNSEL AND TO REVIEW THE SAN JUAN COUNTY ATTORNEY'S SUPERVISION OF ALL OUTSIDE COUNSEL REPRESENTATION.

WHEREAS, San Juan County is a party in various civil cases.

WHEREAS, during the past ten years, the San Juan County Attorney has entered into contracts with various outside law firms and attorneys to represent San Juan County in these various civil cases.

WHEREAS, these contracts with various outside law firms and attorneys have cost, and continue to cost, the County millions of dollars in legal fees.

WHEREAS, one of the biggest problems facing the County is the rising cost of fees for outside legal counsel who represent the County in these civil cases.

WHEREAS, one member of the San Juan County Commission, Bruce Adams, recently appeared before a Utah legislative committee requesting that the State allocate funds to pay \$1.5 million of San Juan County's outstanding legal fees owed to outside counsel.

WHEREAS, as is true of any client, the County, through its Commission, needs to be fully informed as to the supervision and oversight of the various outside counsel by the San Juan County Attorney.

WHEREAS, the San Juan County Commission has sole authority to choose the legal options to be pursued by the County as expressed through official actions of the Commission.

WHEREAS, the San Juan County Attorney, Kendall Laws, is required to implement the directives of his client, San Juan County, as those directives are expressed in official actions of the County Commission. *See, Salt Lake County Commission v. Salt Lake County Attorney*, 985 P.2d 899, 905 (1999); UCA § 17-18a-802; Rules 1.2 and 1.13, Utah Rules of Professional Conduct.

WHEREAS, the County, through an official action of the San Juan County Commission, San Juan County Resolution 2019-04 directed the County Attorney to provide a comprehensive inventory of all civil litigation in which the County is a party, including a summary of the current status of the cases, copies of the representation agreements and contracts between the outside counsel and the county, copies of invoices of work performed by such counsel from January 2018 through the present date.

WHEREAS, the San Juan County Attorney has failed to comply with the official action of the San Juan County Commission and has not provided the requested information pursuant to San Juan County Resolution 2019-04.

WHEREAS, the County is concerned that the County Attorney may have entered into outside attorney contracts without proper authorization and has not supervised the work of outside counsel in the manner required by state law and professional ethics.

WHEREAS, the State Auditor, pursuant to Utah Code 67-3-1(14) can initiate audits or investigations to “determine honesty and integrity in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of financial controls and compliance with the law.”

NOW, THEREFORE, BE IT RESOLVED:

Section 1: San Juan County requests that the State Auditor conduct an audit and investigation of the outside legal contracts entered into by the San Juan County Attorney to ascertain compliance with compliance with the law, including adequacy of financial controls and professional supervision of outside counsel, from 2009 through the present date.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this _____ day of _____ 2019.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Board of San Juan County Commissioners

Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk/Auditor