



SPECIAL BOARD OF COMMISSIONERS MEETING

**In-person and Electronic
May 11, 2022 at 10:00 AM**

AGENDA

The public will be able to view the meeting on San Juan County's Facebook live and Youtube channel

ONLINE PARTICIPATION

Join Zoom Meeting <https://us02web.zoom.us/j/3125521102> Meeting ID: 312 552 1102 One tap mobile +16699006833

CALL TO ORDER

ROLL CALL

INVOCATION

APPROVE AGENDA

BUSINESS/ACTION

1. CONSIDERATION OF A RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COMMISSIONERS APPOINTING _____ AS THE COUNTY ATTORNEY COMPLETING THE TERM VACATED OFFICIALLY ON MARCH 28, 2022 BY THE ELECTED COUNTY ATTORNEY KENDALL LAWS WHICH TERM EXPIRES DECEMBER 31, 2022.
2. CONSIDERATION OF AN ALTERNATE RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COMMISSIONERS APPOINTING _____ AS THE COUNTY ATTORNEY TO COMPLETE THE TERM VACATED MARCH 28, 2022 OF ELECTED COUNTY ATTORNEY KENDALL LAWS WHICH TERM EXPIRES DECEMBER 31, 2022
3. Discussion and Direction Regarding the County, Board of County Commissioners' and County Staffs' Legal Representation for the Seventh Judicial District Court Case Number: 22070004 and Authorization of the County Administrator to Execute Retainer Agreements on Behalf of San Juan County Staff and the Board of County Commissioners.

ADJOURNMENT

The Board of San Juan County Commissioners can call a closed meeting at any time during the Regular Session if necessary, for reasons permitted under UCA 52-4-205

All agenda items shall be considered as having potential Commission action components and may be completed by an electronic method **In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice**

**SAN JUAN COUNTY UTAH
RESOLUTION NO 2022- ____**

Item 1.

A RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COMMISSIONERS APPOINTING _____ AS THE COUNTY ATTORNEY COMPLETING THE TERM VACATED OFFICIALLY ON MARCH 28, 2022 BY THE ELECTED COUNTY ATTORNEY KENDALL LAWS WHICH TERM EXPIRES DECEMBER 31, 2022

WHEREAS, on March 28, 2021, the former County Attorney Kendall Laws resigned his position as the County Attorney; and

WHEREAS, on March 17, 2022, the County Clerk/Auditor solicited all attorneys within the County who were currently licensed, active members in good standing, with the Utah State Bar and a registered voter of San Juan County to apply by submitting a “letter of declaration of candidacy” in accordance with UCA 20A-1-509.2 (1-3) and instructing them to meet the deadline of March 26, 2022 before 5 p.m.; and

WHEREAS, of the five (5) currently licensed, active members in good standing, with the Utah State Bar and a registered voter of San Juan County, the County Clerk/Auditor received four (4) applications from the following attorneys: Craig C. Halls, Brittney Ivins, Daniel Anderson, and Alex Goble; and

WHEREAS, on March 28, 2022, the County Clerk/Auditor submitted a letter to the San Juan County Democratic Central Committee notifying them of the vacancy, provided the four (4) respective applications, and notified them that in accordance with UCA 20A-1-509.2 that they had twenty (20) days from that date (April 17, 2022) to nominate three (3) of the four (4) candidates to the Board of San Juan County Commissioners; and

WHEREAS, On April 7, 2022 the Democratic Party Central Committee notified the County Commissioners that they are unable to fulfill their obligation due to the fact that they have not received “bona fide” applications and advised that the Board of San Juan County Commissioners “advertise for and make a selection from additional applicants”; and

WHEREAS, on April 11, 2022, the County Clerk/Auditor submitted a letter explaining the validity of the applications submitted to the Democratic Central Committee and again provided the four (4) applications of the attorneys and provided the Democratic Central Committee with their statutory obligation in accordance with UCA 20A-1-509.2 that the Central Committee **shall** nominate three of the applicants and forward the applicants names to the Board of San Juan County Commissioners; and

WHEREAS, on April 13, 2022, the Democratic Central Committee notified the County that they “no longer has a statutory role to fulfill in performing any vacancy related tasks. The authority to fill the vacancy rests solely with the County Commission”.

WHEREAS, the Board of San Juan County Commissioners appreciates the applications from all four (4) attorney applicants and their willingness to serve in this capacity as a County Officer and County Attorney; and

WHEREAS, having a fully staffed Attorney’s office and an officially appointed County Attorney to fulfill the role and duties of a County Attorney in continuation of the current term and duties

in accordance with UCA 17-18A Powers and Duties of County and District Attorney is of the utmost importance to the County; and

Item 1.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of San Juan County Commissioners appoint _____ as the County Attorney whose term expires on December 31, 2022;

PASSED, ADOPTED, AND APPROVED by the Board of San Juan County Commissioners this 11th day of May, 2022, by the following vote:

Those voting aye:

Those voting nay:

Those absent or abstaining:

BOARD OF SAN JUAN COUNTY COMMISSIONERS

Willie Grayeyes, Chair

ATTEST:

Lyman Duncan, Clerk/Auditor

####



Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

March 17, 2022

Craig C. Halls
1557 N Blue Mountain Rd
Blanding, Utah 84511-2036

Dear Craig C. Halls,

San Juan County Attorney Kendall Laws is resigning his position effective March 28, 2022. As a registered voter and licensed, active attorney in good standing who resides in San Juan County, you are invited to apply for his vacancy. You have 10 calendar days from the date of this letter to submit your declaration of candidacy. You must respond before 5 p.m. on the 10th day, March 26, 2022, to be considered. Please contact me at the information below with any questions.

Thank you,

A handwritten signature in cursive script that reads "Lyman W. Duncan".

Lyman W. Duncan
County Clerk/Audit



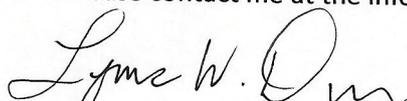
Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

March 17, 2022

Daniel Anderson
49 N 200 W
Monticello, Utah 84535

Dear Mr. Daniel Anderson,

San Juan County Attorney Kendall Laws is resigning his position effective March 28, 2022. As a registered voter and licensed, active attorney in good standing who resides in San Juan County, you are invited to apply for his vacancy. You have 10 calendar days from the date of this letter to submit your declaration of candidacy. You must respond before 5 p.m. on the 10th day, March 26, 2022, to be considered. Please contact me at the information below with any questions.


Thank you.

Lyman W. Duncan
County Clerk/Auditor
435-587-3223



Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

March 17, 2022

Alex Goble
416 Latigo Loop
Monticello, UT 84535

Dear Mr. Alex Goble,

San Juan County Attorney Kendall Laws is resigning his position effective March 28, 2022. As a registered voter and licensed, active attorney in good standing who resides in San Juan County, you are invited to apply for his vacancy. You have 10 calendar days from the date of this letter to submit your declaration of candidacy. You must respond before 5 p.m. on the 10th day, March 26, 2022, to be considered. Please contact me at the information below with any questions.

Thank you.

A handwritten signature in cursive script that reads "Lyman W. Duncan".

Lyman W. Duncan
County Clerk/Auditor



Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

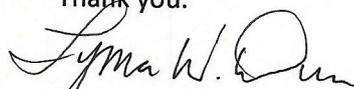
March 17, 2022

Brittney Ivins
466 W 800 S
Blanding, Utah 84511-3901

Dear Brittney Ivins,

San Juan County Attorney Kendall Laws is resigning his position effective March 28, 2022. As a registered voter and licensed, active attorney in good standing who resides in San Juan County, you are invited to apply for his vacancy. You have 10 calendar days from the date of this letter to submit your declaration of candidacy. You must respond before 5 p.m. on the 10th day, March 26, 2022, to be considered. Please contact me at the information below with any questions.

Thank you.


Lyman W. Duncan
County Clerk/Auditor
435.587.3223



Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

March 17, 2022

L. Robert Anderson
17 S Blue Mountain Dr.
Monticello, UT 84535

Dear L. Robert Anderson,

San Juan County Attorney Kendall Laws is resigning his position effective March 28, 2022. As a registered voter and licensed, active attorney in good standing who resides in San Juan County, you are invited to apply for his vacancy. You have 10 calendar days from the date of this letter to submit your declaration of candidacy. You must respond before 5 p.m. on the 10th day, March 26, 2022, to be considered. Please contact me at the information below with any questions.

Thank you.

A handwritten signature in black ink that reads "Lyman W. Duncan".

Lyman W. Duncan
County Clerk/Auditor
435-587-3223

March 24, 2022

Lyman Duncun
San Juan County
117 South Main
Monticello, UT 84535

Dear Lyman Duncun:

I would like to submit my name to be considered for the position of San Juan County Attorney.

Thank you.

/s/ Brittny M. Ivins
Brittny M. Ivins, Esq.

LETTER OF INTENT
March 21, 2022

Lyman Duncan
Clerk/Auditor San Juan County
lduncan@sanjuancounty.org

Mr. Duncan,

I received your letter dated March 17, 2022, requesting application to fill the vacancy of the San Juan County Attorney. This letter is to express my interest in filling that vacancy.

Last year the County Attorney's Office handled over 650 criminal cases. About a quarter of those were felony filings, the remainder being misdemeanors. Those numbers do not include the thousands of traffic citations that flow through the county justice court. In the last 12 months there have been three multi-day jury trials, and presently there are five more currently scheduled before the end of July. The County Attorney also takes many middle-of-the-night phone calls from law enforcement and, at times, is required to respond to crime scenes.

The criminal caseload makes up the primary day-to-day duties of this office; however, there is also the additional caseload of five separate civil matters before an administrative law judge, two civil matters before the seventh district court, and five matters on appeal to either the Utah Supreme Court or the Utah Court of Appeals.

The County Attorney also provides civil counsel to all departments in the county, the County Commission, and multiple Special Service Districts that are under the county's oversight (such as the Health Department, the Spanish Valley Water and Sewer, Library, Cemeteries, etc.). Additionally, since the departure of the prior P&Z Administrator (who was also an attorney) this office dedicates a minimum of 15 hours a month to Planning and Zoning alone and increasing development (particularly on the north end of the county) continues to increase the workload. This is on top of all contract reviews, plat map approvals, policy reviews, human resource questions, and various meetings between different entities and the county where the attorney's office is requested to be present.

Due to my current position as the Deputy County Attorney, I am aware of the current workload for this position. I am also aware of the status of the cases above, and those matters have been passed off to me for management as the current County Attorney is preparing to leave this office. The above workload is enough to keep three full-time attorneys busy. This office currently operates with two-and-a-half and, as of March 25, it will be one-and-a-half.

I am currently the only person who has filed for this year's election to fill that position. While the County Attorney's departure will inevitably have some costs to the County, it would appear that if the County Commission chose to appoint me to fill the vacancy we could immediately advertise and fill the full-time deputy position and avoid serious disruption and cost to the County.



Alex Goble



Duncan, Lyman <lduncan@sanjuancounty.org>

County Attorney Interim Appointment

2 messages

Craig Halls <craigchalls@yahoo.com>

Reply-To: Craig Halls <craigchalls@yahoo.com>

To: Lyman Duncan <lduncan@sanjuancounty.org>

Wed, Mar 23, 2022 at 1:24 PM

I would like to indicated my interest in being considered as a candidate to fill the remainder of Mr. Laws term as County Attorney made available by his resignation. I am a qualified candidate being a lifelong resident of San Juan County and a member in good standing of the Utah State Bar. Bar Num.01317.

Craig C. Halls, Esq.

403 South Main Street

Blanding, Utah 84511

Tele:435-678-3333

Duncan, Lyman <lduncan@sanjuancounty.org>

To: Craig Halls <craigchalls@yahoo.com>

Thu, Mar 24, 2022 at 8:11 AM

Craig, thank you for your response.

Thank you.

Lyman W. Duncan

San Juan County Clerk/Auditor

PO Box 338, 117 S. Main

Monticello, UT

Phone 435-587-3223 Ext 4113

[Quoted text hidden]



Item 1.

Duncan, Lyman <lduncan@sanjuancounty.org>

County attorney position

2 messages

Daniel G. Anderson <daniel@aotitle.com>
 To: lduncan@sanjuancounty.org

Sat, Mar 26, 2022 at 4:25 PM

Mr. Duncan:

I'm interested in the county attorney position resulting from the resignation of Kendall Laws.

Daniel Anderson

Duncan, Lyman <lduncan@sanjuancounty.org>
 To: "Daniel G. Anderson" <daniel@aotitle.com>

Sat, Mar 26, 2022 at 4:45 PM

Thank you for your response. Best,

[Quoted text hidden]



Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

Item 1.

March 28, 2022

Democratic Party

Chair Marilyn Holly
Chair Sue Halliday
Secretary Janet Ross

Hi,

On March 15, the Office of Clerk/Auditor was notified that the County Attorney was resigning from his position effective March 28, 2022. I utilized State of Utah Code 20A-1-509.2 (1-3) for the Procedure for filling a vacancy in a county with fewer than 15 attorneys.

I contacted the Utah State Bar Association and requested a list of attorneys that are currently licensed, active members in good standing with the Utah State Bar, and a registered voter. I received the names of five (5) attorneys that met these qualifications, of which I prepared and mailed letters seeking their interest in the open vacancy. The applicants received a deadline of 5:00 pm on March 26, 2022 to respond concerning their interest for the open vacancy.

I was contacted by four (4) attorneys who expressed interest in the attorney position. Therefore, I submit to the county Democratic Party, the names of the applicants: Craig C. Halls, Brittney Ivins, Daniel Anderson, and Alex Goble. The Democratic Party has twenty (20) days (due by April 17th by 5:00 pm) to nominate three (3) individuals to the County Commission. Upon receipt of the names of the three candidates, the Commissioners will select the attorney to fill the open County Attorney vacancy.

Best,

Lyman W. Duncan
County Clerk

PO Box 338

117 South Main Street

Monticello, Utah 84535

435-587-3223

**SAN JUAN COUNTY, UTAH
RESOLUTION NO. 2022 - _____**

**RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COMMISSIONERS
APPOINTING _____ AS THE
COUNTY ATTORNEY TO COMPLETE THE TERM VACATED MARCH 28,
2022 OF ELECTED COUNTY ATTORNEY KENDALL LAWS WHICH
EXPIRES DECEMBER 31, 2022**

WHEREAS, San Juan County has a long history of violating the civil rights of its Native American citizens.

WHEREAS, Native Americans residing on reservations in Utah, including Native Americans in San Juan County, were denied the right to vote until 1957.

WHEREAS, in 1983, the United States Department of Justice brought two actions against San Juan County in Federal District Court for violations of Section 2 of the Voting Rights Act, in which the County admitted it failed to comply with Section 203 of the Voting Rights Act, *United States v San Juan County*, C-83-1286 and C-83-1287 (D. Utah)

WHEREAS, the Court entered a permanent injunction against the County and required it to adopt single-member election districts for County Commissioners, and further ordered the County to implement language provisions including a bi-lingual registration agents for each precinct on the Navajo Reservation, bi-lingual poll officials, and to provide election information in the Navajo language on radio stations and in newspapers, and pursuant to the final Consent Decree and Settlement Order the County adopted remedial County Commission election districts in 1984, comprised of three single- member districts, one of which (District 3) was majority Native American.

WHEREAS, in 1986, the first Native American was elected to the San Juan County Commission.

WHEREAS, following the 1990, 2000 and 2010 census, the County had a duty to revise the County Commission and School Board election districts to ensure they complied with the Equal Protection requirements of the United States constitution. The County did not undertake such revisions.

WHEREAS, Craig Halls was the County Attorney from 1986 to 2014, with a responsibility to give legal advice to the County Commission regarding its duties to comply with the above-referenced voting rights requirements.

WHEREAS, in 2012, the Navajo Nation and several individual Navajo plaintiffs sued San Juan County in Federal District Court, *Navajo Nation v San Juan County*, Case No. 2:12-cv-00039, for violating the one-person, one-vote requirement of the Equal

Protection Clause of the U.S. Constitution for continuing to use the County Commission districts and School Board districts which had last been redrawn in in 1992, ignoring changes in population as reported by the decennial census and for intentional racial discrimination in the drawing of those districts.

WHEREAS, during the course of the litigation, when the County Attorney responsible for ensuring legal compliance by the County was Kendall Laws, the County developed race-based remedial plans in response to the on-going Equal Protection violations of Native American voting rights. The Court rejected these race-based remedial plans, finding that both the County Commission and School Board districts were unconstitutional and concluding County Commission District 3 was racially gerrymandered in violation of the Equal Protection Clause and the School Board election districts violated the one-person, one-vote requirement of the Equal Protection Clause.

WHEREAS, after rejecting the County's race-based remedial plans, the federal court developed election district plans for both the Commission and the School Board and ordered that those plans be used in the 2018 election.

WHEREAS, in 2018, the first Native American majority San Juan County Commission was elected, which, in turn elected the first ever Native American San Juan County Commission Chair.

WHEREAS, the voting rights litigation, which began when Craig Halls was the County Attorney and continued when Kendall Laws was the County Attorney, cost County taxpayer's nearly \$4 million.

WHEREAS, in June, 2018, current San Juan County Commission Chairman Willie Grayeyes was forced to seek injunctive relief in Federal District Court when he was illegally removed from the November 2018 ballot on which he was running for County Commissioner, *Grayeyes and Whitehat v. Cox, Neilson, Laws, et al.*, Case No. 4:18-cv-0004. Kendall Laws was the County Attorney when the County Clerk illegally removed Mr. Grayeyes from the ballot.

WHEREAS, in granting a Preliminary Injunction, the Federal Court found that the actions taken by the County violated Mr. Grayeyes' civil rights and ordered that his name be restored to the ballot.

WHEREAS, the cost to County taxpayers of the County's decision to violate Mr. Grayeyes' constitutional rights by illegally removing him from the ballot was approximately \$300,000.

WHEREAS, Kendall Laws, the San Juan County Attorney, resigned effective March 28, 2022.

WHEREAS, on March 17, 2022, the San Juan County Clerk, pursuant to UCA 20A-1-509.2 (1) and (2), sent a letter to each licensed, active member in good standing with the

Utah State Bar residing in San Juan County informing them of the vacancy and inviting them to apply for the vacancy within 10 calendar days to be considered for appointment as County Attorney.

WHEREAS, the Clerk received four responses, but did not receive any actual applications describing such things as the education, relevant skills and prior job experience of the respondents.

WHEREAS, on March 21, 2022, Alex Goble responded with a one-page letter of interest that stated he is the current Deputy County Attorney, he is aware of the work responsibilities of the County Attorney position and is interested in being appointed to fill the vacancy. Mr. Goble did not submit an actual application describing such things as his education, relevant skills and other relevant job experience.

WHEREAS, on March 23, 2022, Craig Halls responded “I would like to indicated [sic] my interest in being considered as a candidate to fill the remainder of Mr. Laws term as County Attorney made available by his resignation. I am a qualified candidate being a lifelong resident of San Juan County and a member in good standing of the Utah State Bar. Bar Num. 01317.” Mr. Halls did not submit an actual application stating his qualifications for the County Attorney position, describing such things as his education, relevant skills and relevant job experience.

WHEREAS, on March 24, 2022, Brittney Ivins responded with an expression of interest, stating only, “I would like to submit my name to be considered for the position of San Juan County Attorney.” Ms. Ivins did not submit an actual application stating her qualifications for the County Attorney position, describing such things as her education, relevant skills and relevant job experience.

WHEREAS, on March 26, 2022, Daniel Anderson responded “I am interested in the county attorney position resulting from the resignation of Kendall Laws.” Mr. Anderson did not submit an actual application stating his qualifications for the County Attorney position, describing such things as his education, relevant skills and relevant job experience.

WHEREAS, on March 28, 2022, the Clerk sent a letter to the San Juan County Democratic Party (hereafter “Party”) with the four names of the attorneys who had sent expressions of interest, but did not forward any actual applications containing the kind of information, such as education, relevant skills and relevant job experience education, that would have allowed the Party to engage in a meaningful evaluation of the four attorneys.

WHEREAS, upon request by the Party, the Clerk subsequently forwarded to the Party the four attorneys’ original responses. The Clerk did not forward any information, such as education, relevant skills and relevant job experience, that would have allowed the Party to engage in a meaningful evaluation of the four attorneys.

WHEREAS, on March 31, 2022, the Party, immediately contacted each of the four attorneys who had responded to the Clerk's letter, requesting that they submit actual applications by close of business Monday, April 4, 2022, including a letter of interest explaining why they were qualified for, and why they wanted to be appointed to fill, the County Attorney vacancy, as well as a current curriculum vitae or resume.

WHEREAS, prior to end of the April 4 deadline, the Party received letters of interest and associated curricula vitae from Alex Goble and Daniel Anderson. These contained sufficient information to constitute real and meaningful applications that would allow a full evaluation of these applicants.

WHEREAS, on April 5, 2022, one day *after* the April 4 deadline, the Party received a 2019 application for a judge position in the Grand County Justice Court from Craig Halls. This old application for a different position arguably contained sufficient information to meaningfully evaluate Mr. Halls' credentials.

WHEREAS, Brittney Ivins did not submit an application to the Party describing her education, relevant skills and relevant job experience. The only communication ever submitted by Ms. Ivins to anyone was her expression of interest sent to the Clerk. The Party therefore concluded that it did not have more than three applications.

WHEREAS, pursuant to UCA 20A-1-509.2(3) and (4), the Party notified the County Commission on April 7, 2022, that due to not receiving the statutory number of applications required by UCA 20A-1-509.2(3) ("more than three"), the Party has no authority to act, and therefore the Commission was required to move forward pursuant to the options set forth in UCA 20A-1-509.2(4); the Party forwarded to the Commission the materials the Party received from the attorneys.

WHEREAS, the Commission reviewed the materials forwarded by the Party to the Commission.

WHEREAS, pursuant to UCA 20A-1-509.2(4)(b)(i) "[i]f three or fewer attorneys who are licensed members in good standing of the Utah State Bar and are registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district."

WHEREAS, due to the importance of the position of County Attorney and the statutory deadline imposed by UCA 20A-1-509.2, the Commission found it to be in the best interests of the residents of San Juan County to solicit additional applications for the County Attorney vacancy and voted to do so (2 in favor, 1 opposed) at its April 19, 2022 meeting.

WHEREAS, Craig Halls filed a Petition for Declaratory Judgement and Motion of Injunction against the San Juan County Commission, each County Commissioner, Commission staff, County Clerk and County Administrator, on behalf of himself,

Brittney Ivins and others, which was served on the County Clerk on April 27, 2022, alleging that, among other things, the County Commission has no authority to solicit attorney applicants from outside San Juan County to fill the County Attorney vacancy.

WHEREAS, the Petition was never served on the County Commissioners themselves.

WHEREAS, the 7th District Court of Utah issued an Order Granting Temporary Restraining Order against the defendants on May 3, 2022, ordering that defendants “are restrained . . . from appointing any person for the position of San Juan County Attorney except one of these four individuals who were the original applicants for the position: Craig C. Halls, Brittney Ivins, Alex Goble or Daniel Anderson.” In short, the Court concluded that the submissions from the four attorneys constituted applications as a matter of law. ORDER, May 3, 2022, Case No. 220700004.

WHEREAS, Craig Halls and Kendall Laws served as the County Attorney during the litigation of *Navajo Nation et al. v. San Juan County*, which was filed to correct civil rights violations by the County against Native American residents of San Juan County that occurred when Mr. Laws and Mr. Hall were the County’s chief legal officers, and which the County lost, costing the County millions of dollars in attorneys’ fees.

WHEREAS, Kendall Laws was the County Attorney at the time when the County violated Commissioner Grayeyes’ civil rights by illegally removing him from the 2018 ballot and during the pendency of *Grayeyes and Whitehat v. Cox, Neilson, Laws, et al.*, Case No. 4:18-cv-0004, in which now Commissioner Grayeyes had to resort to Federal Court to protect his rights to free speech, equal protection and due process under the First and Fourteenth Amendments of the United States Constitution after the County and its officials denied him access to the ballot as a candidate for the seat of Commissioner in District 2 on the San Juan County Commission.

WHEREAS, through the years San Juan County attorneys have been responsible for giving legal advice to the County on matters concerning the civil rights of Native American citizens of the County. How the County handled those matters lead to civil rights lawsuits being filed against the County, which the County then fought and ultimately lost, at significant cost to County taxpayers.

WHEREAS, San Juan County appreciates and acknowledges the significance and importance of the Office of County Attorney. The Commission believes it was necessary to have meaningful information about the background and experience of the attorneys who expressed an interest in the position. The Commission also believes that it is important to ensure that it appoint an attorney to the position who will respect the civil rights of *all* the County’s citizens and who will not exhaust the County treasury through litigation or other actions that would deprive some of those citizens of their basic civil rights.

WHEREAS, the vacancy and the issue of filling the county attorney vacancy was not created by the Commission and the Commission has sought to follow the statutory

process for filling the vacancy provided in UCA § 20A-1-509.2; however, the Commission has now been ordered by the District Court to make an appointment from the four attorneys residing in San Juan County who submitted expressions of interest in response to the Clerk’s initial notice of vacancy letter.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: The Board of San Juan County Commissioners appoints _____ to fill the vacancy of County Attorney to serve the remainder of the term through December 31, 2022.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this _____ day of _____ 2022.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

Commissioners

Board of San Juan County

Willie Grayeyes, Chairman

ATTEST:

Lyman Duncan, County Clerk/Auditor