



## **SPECIAL BOARD OF COMMISSIONERS MEETING**

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

---

### **MINUTES**

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

#### **Audio Links:**

<https://www.utah.gov/pmnp/files/847577.MP3>

<https://www.utah.gov/pmnp/files/847579.MP3>

<https://www.utah.gov/pmnp/files/847581.MP3>

#### **Video Links:**

<https://www.youtube.com/watch?v=XdlF8AhBVdY>

<https://www.youtube.com/watch?v=on6ocSjGiuQ&t=47s>

#### **ONLINE PARTICIPATION**

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

#### **CALL TO ORDER**

Meeting was called to order at 10:01 a.m.

#### **ROLL CALL**

#### **PRESENT**

Commission Chairman Willie Grayeyes

Commission Vice-Chair Bruce Adams

Commissioner Kenneth Maryboy

#### **INVOCATION**

#### **APPROVE AGENDA**

Mack reviewed the agenda for approval.

Motion made by Commissioner Maryboy, Seconded by Commission Vice-Chair Adams.

Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Adams, Commissioner Maryboy

## 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.

### Audio & Video Recording Part #1

Mack discussed the Resolution and explained that the Resolution is fairly a simple and straight to the point Resolution of appointment for the vacancy explaining the process and appointment. He mentioned it would probably be wise to stick with the original Resolution that he drafted rather than the second alternate Resolution that names specific individuals and is defamatory in nature. He stated that those County Attorneys were doing their jobs at the direction they received from their respective County Commissioners. The Board of County Commissioners are the ones who decides whether a County and the County Attorney pursues a lawsuit, hires outside Counsel, or continues in a lawsuit rather than settling. It is not the County Attorney's decision to make but the second alternate Resolution is suggesting that it is the fault of these Attorney's named. The second alternative Resolution would likely end us in another lawsuit by calling out these former County Attorney's by name.

Interim, Interim County Attorney Alex Goble made a comment that he has spoken with Craig Halls and asked if one of the four Attorneys were appointed into the position would he drop the lawsuit? He said Craig stated that if the first resolution was passed then he would drop the lawsuit but if the second alternate Resolution was the one to pass then he would not drop the lawsuit.

Commissioner Adams motioned to adjourn the meeting and proceed to District Court there was no call for a second. There was no recognition of the motion.

Commissioner Maryboy spoke up and made a motion over Commissioner Adams to recognize the second resolution and appoint Brittney Ivins as the Interim County Attorney.

Commissioner Adams called point of order and stated that he didn't feel it was appropriate for his motion to not be acknowledged. Commissioner Grayeyes stated he was not going to recognize the motion.

Commissioner Maryboy repeated his motion to appoint Brittney Ivins as the Interim County Attorney under the second alternative Resolution and stated that the contents and language in the alternative Resolution is purely a statement of facts in the Resolution.

Commissioner Adams called point of order again and asked again if his motion was going to go unrecognized. Commissioner Grayeyes said that is correct he is not recognizing the motion Commissioner Adams had made.

Commissioner Grayeyes seconded the motion Commission Maryboy presented. Commissioner Adams said he would like to make a comment, Commissioner Adams stated that at this point we are going to be sued. He proceeded to state that the two Commissioners in support of the alternate Resolution stated that when they got in office as Commissioners that they would not

be involved in another lawsuit. Commissioner Grayeyes stated that the contents of the alternate Resolution just states history here in the County, and that history hurts.

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

Motion by Commissioner Maryboy to approve the alternate resolution and appoint Brittney Ivins as the County Attorney, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commissioner Maryboy

Commissioner Adams asked the Interim Interim County Attorney Alex Goble if a Commissioner can strike language from the Resolution and still approve appointing Brittney Ivins as the County Attorney and nothing else. Alex indicated that they could strike language and only keep that section of the Resolution. Commissioner Adams made a motion to that effect.

Motion Failed for a lack of a Second.

Commissioner Adams said he would like to vote no on the alternate Resolution

Motion passes two in favor and one opposed Commissioner Grayeyes and Commissioner Maryboy Yay. Commissioner Adams Nay.

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.

Audio & Video Recording #1

Entered into a closed session to discuss pending litigation.

Audio & Video Recording # 2

Mack reviewed the legal representation to represent the Commission and for Administration and the County Clerk Auditor for the upcoming court hearing as well as asking for the authorization to execute the agreements once they are finalized with the respective attorney representation.

Commissioner Adams made a motion to have the County Administrator to continue with the route he is on to hire the attorneys.

Commissioner Maryboy asked how he is supposed to vote on this item when he wasn't involved in the Executive Session and didn't hear the discussion.

Deputy Attorney Alex Goble spoke up and said that if Commissioner Maryboy did not feel comfortable with voting then he does not have to take a vote in this on this item at this time..

Commissioner Adams acknowledged that he was not in agreement with the other Commissioners and voted in opposition of the other two Commissioners in their actions to solicit additional Attorneys, because of this he felt that he should have his own Attorney representing him, it was discussed utilizing the County's Public Defender Happy Morgan as Commissioner Adams representative in an effort to save County tax dollars, if she was not available then he could be represented by Administrators Attorney.

Commissioner Grayeyes asked if he could choose his own representation because Commissioner Adams chose Happy Morgan.

Mack explained the legalities behind selecting an Attorney for representation without going out to a Request for Proposal process, where Happy Morgan is already contracted through the County that is why she is being considered. It is a proper channel to go through UCIP for those Attorneys that can represent Counties and that is the resource used to find representation in past legal cases. Using that source is also where the Attorney he found to represent himself and Lyman and is using this same source in obtaining representation for Commissioner Maryboy and Commissioner Grayeyes.

A discussion took place regarding the representation, and the need to hurry and obtain representation prior to the hearing and using outside Attorneys between Mack, Commissioner Grayeyes and Commissioner Adams.

Commissioner Grayeyes requested to be represented by Steve Boos.

Mack stated that he would most likely be deposed and wouldn't be able to represent the County Commissioners where he has been used in their private individual capacities and where there would be a conflict.

Commissioner Grayeyes and Mack continued to discuss.

Commissioner Grayeyes brought the meeting back to Commissioner Adams motion.

Motion made by Commission Vice-Chair Adams, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Adams  
Voting Abstaining: Commissioner Maryboy

Motion to enter back into Executive Session to discuss pending litigation.  
Motion made by Commission Vice-Chair Adams, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Adams  
Voting Abstaining: Commissioner Maryboy

## **ADJOURNMENT**

Audio Recording #3


Motion made by Commission Vice-Chair Adams, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Adams

\*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\*\*

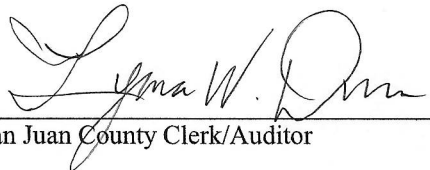
APPROVED: \_\_\_\_\_

  
San Juan County Board of County Commissioners

DATE: \_\_\_\_\_

6-8-2022

ATTEST: \_\_\_\_\_

  
San Juan County Clerk/Auditor

DATE: \_\_\_\_\_

6/7/22