

# Constitutional Defense Council

## Public Lands Policy Coordination Office

Southern Utah University  
Hunter Conference Center, Charles Hunter Room  
Cedar City, Utah

**October 4, 2021**

9:00 a.m.

## Minutes

### **Attendees:**

#### **Members:**

Deidre Henderson, Lt. Governor, *Chair*  
Lance Sorenson for Brian L. Tarbet, OAG  
Phil Lyman, Utah House  
Brian Steed, DNR  
David Ure, SITLA  
Leland Pollock, Garfield County Commissioner  
Tammy Pearson, Beaver County Commissioner  
Bob J. Stevenson, Davis County Commissioner  
Bruce Adams, San Juan County Commissioner

#### **Staff:**

Redge B. Johnson, PLPCO  
Anthony Rampton, OAG  
Kathy Davis, OAG  
Jake Garfield, PLPCO  
Carmen Bailey, PLPCO  
Mark Boshell, PLPCO  
Sindy Smith, PLPCO  
Nancy Merrill, PLPCO  
Jen Robison, Lt. Governor's Office

#### **Guests:**

Lance Sorenson, OAG

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## **Welcome and Introductions**

Deidre Henderson, Lt. Governor, called the meeting to order at 9:05 a.m. and welcomed everyone.

## **Approval of the Minutes**

Members approved June 10, 2021 minutes by unanimous vote.

## **Decisions**

- CDC members adopted the “*Constitutional Defense Council Meeting Schedule Resolution*,” formalizing the CDC meeting schedule.
- CDC members recommended the Attorney General’s Office review for constitutionality, Executive Orders 14042: *Ensuring Adequate COVID Safety protocols for Federal Employees* and 14043: *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*.
- CDC members approved as a standing CDC agenda item all new executive orders published since the last CDC meeting.

## **Proposed Resolution Formalizing a Meeting Schedule**

Mark Boshell, *Legal Counsel, Public Lands Policy Coordinating Office*, provided council members with a copy of the “*Constitutional Defense Council Meeting Schedule Resolution*,” to formalize the CDC meeting schedule.

### ***Discussion***

Members discussed the “*Constitutional Defense Council Meeting Schedule Resolution*.”

### **MOTION**

Director David Ure moved to adopt the “*Constitutional Defense Council Meeting Schedule Resolution*,” to formalize the CDC meeting schedule. Commissioner Tammy Pearson seconded the motion. The motion carried unanimously.

## **Executive Session**

Members convened the meeting in executive session to discuss litigation.

## **Litigation Update**

Commissioner Leland Pollack

## **Open Meeting**

### **Review of Recent Federal Mandates**

Phil Lyman, *Vice Chair, Speaker of the House*, reported on recent federal mandates. The main points included the following items.

- Executive Order 14042: *Ensuring Adequate COVID Safety protocols for Federal Employees*.
- Representative Lyman recommended a standing CDC agenda item, a list of new executive orders since the last CDC meeting.

Representative Lyman introduced Lance Sorenson, Assistant Attorney General. Lance gave a brief update on the Occupational Safety and Health Administration (OSHA) vaccine mandate lawsuit. The main point included the following item.

- The State plans to file a motion to join other states in a lawsuit against OSHA on the vaccine mandate. The motion will be filed as soon as the rule is published. Joining the lawsuit allows the pooling of resources. The AG's Office has developed several arguments to fight against the OSHA vaccine mandate for employers with 100 or more employees. Part of the discussion has included federal contractors becoming a party to the lawsuit.

### ***Discussion***

CDC members discussed recent federal mandates and adding a standing CDC agenda item listing all new executive orders.

### **MOTION**

Commissioner Tammy Pearson moved to recommend the Attorney General's Office review and determine constitutionality of Executive Orders 14042: *Ensuring Adequate COVID Safety protocols for Federal Employees* and 14043: *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*. CDC members approved, as a standing CDC agenda item, a list of all new executive orders published since the last CDC meeting. Commissioner Bruce Adams seconded the motion. The motion carried unanimously.

### **Other Business**

No other business.

### **Public Comment**

No public comment.

### **Adjourn**

The meeting adjourned at approximately 10:00 a.m.