Gmail

Brian Raymond <braymond@daggettcounty.org>

County attorney offer

4 messages

Jeri Allphin <jallphin@daggettcounty.org> Mon, Apr 18, 2022 at 12:52 PM
To: Brian Raymond <braymond@daggettcounty.org>

Brian,
Thank you for kind offer to apply for the Daggett county attorney position. However, based on the position I accepted just a couple of months ago, I'm going to decline the offer.

Happy hunting!

Judge Jeri Allphin

Sent from my iPad

Brian Raymond <braymond@daggettcounty.org> Mon, Apr 18, 2022 at 1:49 PM
To: Niel Lund <nlund@daggettcounty.org>

Niel
Just received this back from Judge Allphin. What's next? Do the Commissioners need to come up with a vacancy notice that we can give to the State Bar and send out to possibly interested parties or am I supposed to do that?
Thanks!
Brian
[Quoted text hidden]
--

Brian Raymond

Daggett County Clerk
435-784-3154 Office
www.daggettcounty.org
www.visitflaminggorge.com

Niel Lund <nlund@daggettcounty.org> Mon, Apr 18, 2022 at 1:59 PM
To: Brian Raymond <braymond@daggettcounty.org>

What does the code say? I think it says the commissioners "may" solicit from outside council. I don't think it's you. The commissioners need to decide.

Respectfully,

Niel H. Lund
Daggett County Attorney
435-784-3218 x 140
[Quoted text hidden]

Brian Raymond <braymond@daggettcounty.org> Mon, Apr 18, 2022 at 2:52 PM
To: Niel Lund <nlund@daggettcounty.org>

Code says County legislative body may solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b)., so I will bring it up tomorrow and they can go from there.
Thanks!
Brian
[Quoted text hidden]

Lynne Shelly
brady - licensing

Effective 5/14/2019

20A-1-509.2 Procedure for filling vacancy in county or district with fewer than 15 attorneys.

(1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

(a) informs the attorney of the vacancy;

(b) invites the attorney to apply for the vacancy; and

(c) informs the attorney that if the attorney has not responded before 5 p.m. within 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

(3)

(a)

(i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior officeholder.

(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

(b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body before 5 p.m. within 20 days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).

(c) The county legislative body shall appoint one of the nominees to fill the vacant position.

(d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:

(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and

(ii)

(A) the list of nominees, if any, submitted by the central committee of the political party; or

(B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.

(f) The governor shall appoint, within 30 days after the day on which the governor receives the letter, a person from the list to fill the vacancy.

(4)

(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:

(i) appoint one of them to be county or district attorney; or

(ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).

(b)
(i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.
(ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.
(c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall:
(i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
(ii) provide the governor with a list of all the applicants.
(d) The governor shall appoint a person to fill the vacancy within 30 days after the day on which the governor receives the notification.
(5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

Amended by Chapter 255, 2019 General Session