



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

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 went over the first resolution and explained it is fairly simple and straight to the point. He mentioned it would probably be wise to stick with the original resolution and not go with the second resolution that states specific individuals. He stated that they were doing their jobs and it could get people in trouble by directly naming individuals.

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 it if the second resolution was the one to pass then he would not drop the lawsuit.

Commissioner Adams motioned to adjourn the meeting and proceed to 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 County Attorney under the second resolution and stated that it is purely 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 Grayeyes seconded the motion Commissioner Maryboy presented. Commissioner Adams said he would like to make a comment, Adams stated that at this point we are sued. He proceeded to state that the two Commissioners in support of said resolution stated that when they got in office as Commissioners that they would not be involved in another lawsuit. Commissioner Grayeyes stated that the resolution just states history, and 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 made by Commission Adams

Unrecognized by Commissioner Grayeyes and Commissioner Maryboy

Motion made by Commissioner Maryboy, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commissioner Maryboy

Commissioner Adams asked for it to come back and made a motion to appoint Brittney Ivins as the County Attorney and nothing else.

Motion Failed with lack to a second.

Commissioner Adams said he would like to vote no on the second 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 legalities.

Audio & Video Recording # 2

Mack reviewed the legal representation he is looking in to for the upcoming court hearing.

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

Commissioner Maryboy asked how should he vote 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 he did not feel comfortable than he did not see to vote.

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

Mack explained the legalities behind it, as Happy Morgan is already contracted through the county that is why she is being considered. It is a proper channel to go through UCIP and that is where the Attorneys he found to represent himself and Lyman and is discussing who shall represent Commissioner Maryboy and Commissioner Grayeyes.

Discussion bounced back and forth 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.

Commissioner Grayeyes and Mack continued to discuss.

Commissioner Grayeyes bounced 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.

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: _____

ATTEST: _____
San Juan County Clerk/Auditor

DATE: _____