



SPECIAL BOARD OF COMMISSIONERS MEETING

In-Person and Electronic Meeting

May 05, 2022 at 9:00 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 <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, Mack McDonald, Chief Administrative Officer

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 5th 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

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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 black ink that reads "Lyman W. Duncan". The signature is written in a cursive style.

Lyman W. Duncan
County Clerk/Audit



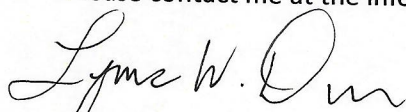
Clerk/Auditor
Lyman W. Duncan
lduncan@sanjuancounty.org

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

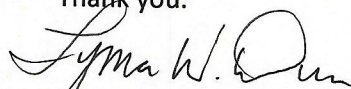
March 17, 2022

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



Item 1.

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