

SAN JUAN COUNTY, UTAH
RESOLUTION NO. 2022 - 02

STATEMENT OF OPPOSITION REGARDING UTAH H.B. 285 OPEN AND PUBLIC MEETINGS ACT VIOLATIONS

WHEREAS, San Juan County supports and encourages public participation in the workings of the County government and County Commission decisions that affect the health, safety and welfare of all county residents.

WHEREAS, San Juan County Board of Commissioners is familiar with HB 285 "Open and Public Meetings Act Violations," pending in the Utah Legislature.

WHEREAS, HB 285 is sponsored by former San Juan County Commissioner, and current Utah state representative, Phil Lyman.

WHEREAS, HB 285 would impose a criminal penalty of a Class C misdemeanor on a public body member who knowingly or intentionally excludes from an open meeting a member of the public entitled to attend the meeting.

WHEREAS, HB 285 would criminalize communications between county residents trying to access their elected County Commissioners.

WHEREAS, HB 285 appears to be in response to the San Juan County Attorney's memo that was included in the January 18, 2022 Commission packet, accusing Commissioners of violating the Utah Open and Public Meetings Act due to receiving an email with a proposed ordinance.

WHEREAS, state legislators and county commissioners routinely receive draft legislation from lobbyists and other people who draft proposed legislation.

WHEREAS, a February 18, 2022 article in the *Salt Lake Tribune* quoted a well-known Utah-based attorney who has been involved in hundreds of open meetings over the past three decades:

That's [drafting legislation] part of your right to petition the government. You're petitioning them by giving them a proposed resolution . . .

WHEREAS, HB 285 violates the civil rights of all San Juan County residents.

WHEREAS, HB 285 is not in the best interests of the residents of San Juan County.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: San Juan County hereby opposes proposed changes to the Utah Open and Public Meetings Act, pending in the Utah Legislature contained in HB 285,

Section 2: The San Juan County Commission directs the County Administrator to immediately provide a copy of this Resolution to all members of the Utah Legislature.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 01 day of March 2022.


Those voting aye: Grayeyes, Maryboy

Those voting nay: Adams

Those abstaining:


Absent:

**Board of San Juan County
Commissioners**



Willie Grayeyes, Chairman

ATTEST:



Lyman Duncan, County Clerk/Auditor