

RESOLUTION NO. 2019 - 04

RESOLUTION DIRECTING THE SAN JUAN COUNTY ATTORNEY, KENDALL LAWS, TO IMMEDIATELY PREPARE A COMPREHENSIVE INVENTORY OF ALL CIVIL LITIGATION IN WHICH THE COUNTY IS A PARTY.

WHEREAS, San Juan County is a party in various civil cases.

WHEREAS, the San Juan County Commission has sole authority to choose the legal options to be pursued by the County as expressed through official actions of the Commission.

WHEREAS, as is true of any client, the County, through its Commission, needs to be fully informed of the legal issues facing the County. The Commission has two new members who need to understand the status of civil litigation in which the County is a party.

WHEREAS, in addition, a recent article in the San Juan Record suggests that one of the biggest problems facing the County is the rising cost of fees for outside legal counsel who represent the County in these civil cases.

WHEREAS, the San Juan County Attorney, Kendall Laws, is required to implement the directives of his client, San Juan County, as those directives are expressed in official actions of the County Commission. *See, Salt Lake County Commission v. Salt Lake County Attorney*, 985 P.2d 899, 905 (1999); UCA § 17-18a-802; Rules 1.2 and 1.13, Utah Rules of Professional Conduct.

WHEREAS, the County, through this official action of the San Juan County Commission, intends to exercise its sole authority to choose the legal options pursued by the County by directing the County Attorney to provide a comprehensive inventory of all civil litigation in which the County is a party.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: The County Attorney is directed to immediately prepare a comprehensive inventory of all civil litigation to which the County is a party. This inventory shall include, for each case, the case name, case number, court in which the case is filed and a summary of the current status of the case. The inventory shall also include any key pleadings in the case and, if the case is being handled by outside legal counsel, a copy of the representation agreement between the outside counsel and the County and copies of all invoices for work performed by such counsel from January 2018 through the present date.

Section 2: The County Attorney is to prepare and transmit the litigation inventory to the Commission by not later than January 25, 2019.

Section 3: If the County Attorney is unwilling to comply with the directives contained in this Resolution, he is further directed to submit a letter or memorandum to the Commission stating his refusal and the grounds for his refusal by not later than January 18, 2019.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 15th day of January 2019.


Those voting aye: Commissioner Grayeyes, Commissioner Maryboy, Commissioner Adams

Those voting nay:

Those abstaining:


Absent:

Board of San Juan County Commissioners



Kenneth Maryboy, Chairman

ATTEST:



John David Nielson, County Clerk/Auditor