

SAN JUAN COUNTY UTAH
RESOLUTION NO 2019- 29

A RESOLUTION APPROVING A SETTLEMENT IN THE CASE OF NAVAJO NATION ET AL V. SAN JUAN COUNTY WITH REGARD TO ATTORNEYS FEES OWED TO THE PLAINTIFFS

WHEREAS, on December 21, 2017, the U.S. District Court of Utah ruled against San Juan County (“County”) in Case 2:12-cv-000390RJS Navajo Nation et al v. San Juan County, and on July 16, 2019 the U.S. Tenth Circuit Court of Appeals unanimously upheld that ruling; and

WHEREAS, the County recently participated in mediation with the Navajo Nation and other plaintiffs (“Plaintiffs”) to resolve the issue of what attorney’s fees were owed to the Plaintiffs; and

WHEREAS, the Plaintiffs claimed more than \$3.4 million in attorney’s fees over the course of seven years of litigation; and

WHEREAS, the Board of San Juan County Commissioners (“Commission”) believes it is in the best interest of the County, its residents, and the businesses within the County to bring finality to this matter rather than risk spending additional time, money, and human capital in further litigation; and

WHEREAS, the County and the Plaintiffs reached an agreement, subject to approval by the Commission, to compensate the Plaintiffs \$2.6 million total for attorneys’ fees owed, with an initial payment of \$1.3 million by January 31, 2020 followed by a series of installment payments starting in 2021 (with annual payments of \$200,000 for six years and one final payment of \$100,000 in the last year, all due by January 31 of each year); and

WHEREAS, pursuant to Utah Code Annotated (“U.C.A.”) §17-52a-201(3), the Board of San Juan County Commissioners acts as “both the county legislative body and the county executive [with the] powers, duties, and functions of a county legislative body...and the powers, duties, and functions of a county executive”, and thus retains the authority to enter into a formal settlement agreement with the Plaintiffs.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of San Juan County Commissioners hereby approves the terms of the settlement negotiated with the Plaintiffs as articulated above and agrees to a court order memorializing these terms as appropriate.

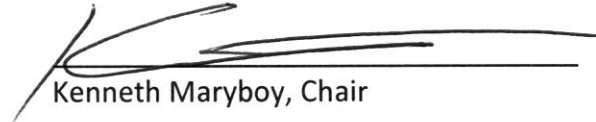
PASSED, ADOPTED, AND APPROVED by the Board of San Juan County Commissioners this 24th day of September, 2019, by the following vote:

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


Those voting nay: 0

Those absent or abstaining: 0

BOARD OF SAN JUAN COUNTY COMMISSIONERS


Kenneth Maryboy, Chair

ATTEST:


John David Nielson, Clerk/Auditor

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