

RESOLUTION NO. 2019 - 06

RESOLUTION DIRECTING THE SAN JUAN COUNTY ATTORNEY, KENDALL LAWS, TO IMMEDIATELY WITHDRAW THE COUNTY'S MOTION TO INTERVENE IN *HOPI TRIBE, et al. v. DONALD TRUMP, et al.*, CASE NO. 1-17-CV-2590; *UTAH DINÉ BIKÉYAH, et al. v. DONALD TRUMP, et al.*, CASE NO. 1:17-CV-2605 (TSC); and *NATURAL RESOURCES DEFENSE COUNCIL, INC., et al., v. DONALD TRUMP, et al.*, CASE NO. 17-CV-2606 (TSC) AND TO FURTHER IMMEDIATELY TERMINATE ANY AND ALL REPRESENTATION AGREEMENTS BETWEEN SAN JUAN COUNTY AND THE MOUNTAIN STATES LEGAL FOUNDATION.

WHEREAS, San Juan County has filed various pleadings in three cases filed in the United States District Court for the District of Columbia. These cases are as follows: *HOPI TRIBE, et al. v. DONALD TRUMP, et al.*, CASE NO. 1-17-CV-2590; *UTAH DINÉ BIKÉYAH, et al. v. DONALD TRUMP, et al.*, CASE NO. 1:17-CV-2605 (TSC); and *NATURAL RESOURCES DEFENSE COUNCIL, INC., et al., v. DONALD TRUMP, et al.*, CASE NO. 17-CV-2606 (TSC) (referred to below as "the Cases").

WHEREAS, the pleadings filed by the County include an Answer to the complaint filed in each case (Dkt. Nos. 25-1; 25-2; and 25-3), a Declaration of Kendall Laws (Dkt. No. 25-5) stating that the County has authorized intervention in these cases on behalf of the Defendants, a Defendant-Intervenor's Motion to Intervene (Dkt. No. 25) and San Juan County's Reply in Support of Motion to Intervene (Dkt. No. 70).

WHEREAS, the County is represented in these cases by the Mountain States Legal Foundation and William Perry Pendley.

WHEREAS, the San Juan County Commission has reconsidered its position regarding the Bears Ears National Monument and no longer supports the unlawful reduction of the Monument by President Donald Trump.

WHEREAS, in light of its changed position concerning the Monument, the County will withdraw its prior authorization for intervention in the 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 withdraw all pleadings filed by the County in the Cases and to specifically withdraw the County's motion to intervene in the Cases.

WHEREAS, in light of the County's withdrawal from the Cases, the County will no longer require the services of Mountain States Legal Foundation and William Perry Pendley and the County,

through this official action, will also exercise its authority to direct the County Attorney to immediately terminate the representation agreement between the County and Mountain States Legal Foundation and William Perry Pendley.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: The San Juan County Commission has reconsidered its position regarding the Bears Ears National Monument and no longer supports the unlawful reduction of that Monument by President Donald Trump.

Section 2: In light of its changed position concerning the Monument, the County hereby immediately withdraws its prior authorization for intervention in the Cases, as that authorization was expressed to the United States District Court for the District of Columbia in the Declaration of Kendall Laws (Dkt. No. 25-5).

Section 3: The County Attorney is directed to immediately file a motion, or to instruct Mountain States Legal Foundation and William Perry Pendley to file such a motion, withdrawing all pleadings filed by the County in the Cases and to specifically withdraw the County's motion to intervene in the Cases on behalf of the Defendants.

Section 4: The motions directed to be filed in Section 3 of this Resolution shall be filed not later than January 22, 2019. If the County Attorney is unwilling to comply with the directives contained in this Resolution concerning the County's withdrawal from the Cases, 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 22, 2019.

Section 5: The representation agreement between San Juan County and Mountain States Legal Foundation and William Perry Pendley is hereby terminated as of the date on which the motion to withdraw is filed with the United States District Court for the District of Columbia. As soon as the motion to withdraw is filed, but in no event by later than January 22, 2019, the County Attorney is directed to give notice terminating the County's representation agreement with Mountain States Legal Foundation and William Perry Pendley. If the County Attorney is unwilling to comply with the directives contained in this Resolution concerning termination of the representation agreement with Mountain States Legal Foundation and William Perry Pendley, 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 22, 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 Marybay

Those voting nay: Commissioner Adams

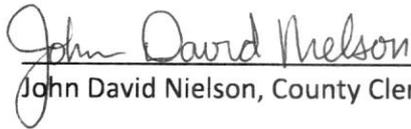
Those abstaining: ⊕

Absent:

Board of San Juan County Commissioners


Kenneth Maryboy, Chairman

ATTEST:


John David Nielson, County Clerk/Auditor