

RESOLUTION NO. 2019 - 10

RESOLUTION DIRECTING THAT THE COUNTY ATTORNEY SHALL PROVIDE WRITTEN LEGAL MEMORANDA CONTAINING A COMPLETE LEGAL ANALYSIS OF ALL PROPOSED COMMISSION RESOLUTIONS SUBMITTED FOR REVIEW IN ADVANCE OF ANY COMMISSION MEETING WHERE THOSE RESOLUTIONS WILL BE CONSIDERED OR ACTED UPON.

WHEREAS, for purposes of transparency and good government, it is critical to have written procedures governing the review and consideration of official actions taken by the San Juan County Commission so that those procedures can be published, be available to all citizens of the County and be applied in a manner that is consistent.

WHEREAS, some procedures used by the San Juan County Commission do not meet the standard stated above, taking the form of unwritten customary practices that are unavailable outside the County government.

WHEREAS, one area of procedures governing official actions by the San Juan County Commission that stands out in this regard is the review of proposed resolutions by the County Attorney, where the current practice is for the County Attorney to review such resolutions and then give a very summary oral legal opinion about the substance of the resolutions at regular meetings of the San Juan County Commission.

WHEREAS, for example, at the regular meeting of the Commission held on February 5, 2019, during the discussion of a proposed resolution to hold occasional regular meetings of the Commission outside the County seat at Monticello, Utah, the County Attorney orally opined that only "special hearings" could be held outside the County seat, even though the term "special meeting" does not appear in UCA § 17-53-204 and the County Attorney offered no other authority for his opinion.

WHEREAS, the San Juan County Commission is concerned that less than thorough legal review of proposed official actions of the Commission is a disservice both to the citizens of San Juan County and the Commission.

WHEREAS, it appears necessary to adopt a procedure that will assure a thorough legal review of all proposed resolutions submitted to the County Attorney and that citizens and the Commission have the benefit of such thorough review.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: The San Juan County Attorney shall review all proposed resolutions of the San Juan County Commission.

Section 2: The County Attorney shall conduct a thorough legal review of all proposed resolutions and shall submit a memorandum to the Commission providing his legal opinion, citing to relevant authority from applicable statutes and case law that supports that opinion.

Section 3: Copies of all authority cited in the County Attorney's memorandum shall be attached to the memorandum.

Section 4: The County Attorney's legal review memorandum for each proposed resolution shall be circulated to all members of the San Juan County Commission not less than 24 hours before the proposed resolution is scheduled for consideration by the Commission.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 5 th day of March 2019.

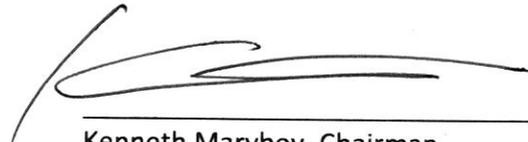
Those voting aye: Commissioner Maryboy, Commissioner Grayeyes

Those voting nay: Commissioner Adams

Those abstaining:

Absent:

Board of San Juan County Commissioners



Kenneth Maryboy, Chairman

ATTEST:

John David Nielson, County Clerk/Auditor