

June 13, 2017

VIA CERTIFIED MAIL

Kane County Commission
Attn: Chairman Dirk Clayson
76 North Main Street
Kanab, Utah 84741

Re: Violation of Utah's Open and Public Meetings Act

Dear Chairman Clayson:

I represent the Southern Utah Wilderness Alliance ("SUWA") with respect to the matters that follow.

I am advised that on May 10, 2017, all three members of the Kane County Commission met with Interior Secretary Ryan Zinke during his visit to Utah, and that the subject matter of the discussion involved, among other things, the future of the Grand Staircase-Escalante National Monument and its relationship to Kane County and other matters under the jurisdiction of the Commission. I am further advised that this meeting was not publicly noticed and that members of the public were not permitted to attend or otherwise participate in that meeting.

If these facts are true, the Commission has violated Utah's Open and Public Meetings Act. Under the act, meetings are not limited to formal Commission meetings where votes are taken. Meetings include any time a quorum of the body is together and the discussion involves matters within the jurisdiction or advisory power of the body. *See* Utah Code § 52-4-103(6)(a). This has long been settled law in Utah. *See* Utah Atty. Gen. Opinion 77-181 (June 27, 1978) ("It is beyond question that the legislature clearly intended the act to cover more than meetings at which official action is taken by the public body by providing that the term 'meeting' would include the convening of a public body for the purpose of 'discussing or acting' upon a matter over which the public body had jurisdiction."). That definition unquestionably includes the meeting described above, as the possible partial revocation of the

Grand Staircase-Escalante National Monument directly affects multiple matters over which the Commission exercises jurisdiction and/or advisory power.


Governmental bodies are not entitled to operate and conduct policy discussions in secret, particularly when they are meeting with high-level government officials and discussing matters that would affect thousands of citizens of this state. The reasons for proper closure of a meeting are limited and narrow, and none of them apply here. *See* Utah Code § 52-4-204. By failing to properly notice and allow public attendance at their meeting with Secretary Zinke, the Commission violated the Act.

I would like to have a dialogue with you or your legal counsel to discuss this matter and explore whether we can resolve it short of litigation. If we are not able to reach a resolution, SUWA will consider all available legal remedies, including seeking injunctive relief and payment of attorneys' fees. This letter is not intended to be an offer of compromise or a complete expression of SUWA's rights and remedies, all of which are expressly reserved.

I look forward to hearing from you.

Sincerely,

PARR BROWN GEE & LOVELESS



David C. Reymann

cc: Stephen Bloch, SUWA