



southern
utah
wilderness
alliance

VIA ELECTRONIC MAIL AND CERTIFIED MAIL

San Juan County Commission
Attn: Chairman Bruce Adams (bbadams@sanjuancounty.org)
P.O. Box 9
Monticello, Utah 84535

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

Dear Chairman Adams:

This letter is in regard to several recent violations of Utah's Open and Public Meeting Act by the San Juan County Commission

Southern Utah Wilderness Alliance (SUWA) is aware that all three members of the San Juan County Commission have held numerous meetings with Interior Secretary Ryan Zinke and other Interior Department, Trump administration, and congressional members and staff and that the subject matter of the discussions involved, among other things, the future of the Bears Ears National Monument and its relationship to San Juan County and other matters under the jurisdiction of the Commission. This includes, but is not limited to, meetings held on May 8 and May 9, 2017 in San Juan County, Utah, and May 2 and June 5, 2017 in Washington, D.C. We are further aware that these meetings were not publicly noticed and that members of the public were not permitted to attend or otherwise participate in these meetings.

In addition, the San Juan County Commission met on May 16, 2017 and June 6, 2017 but has made neither the minutes for the May 16 meeting, nor the audio recordings for either meeting, available to the public. We believe that the Commission approved the minutes for the May 16 meeting at the June 6 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 Bears Ears National Monument

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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 meetings with Secretary Zinke, Trump administration officials, and Utah's congressional delegation and staff, the Commission violated the Act.

The Commission has also violated provisions of the Act which require that audio recordings be made available within three business days after holding an open meeting, *see* Utah Code § 52-4-203(4)(f)(i), and that a copy of approved minutes and any public materials distributed at the meeting within three business days after approving written minutes of an open meeting. *See id.*

We 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.

We look forward to hearing from you: (801) 428.3981 or steve@suwa.org.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Stephen Bloch
Laura Peterson
Attorneys for Southern Utah Wilderness Alliance