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**IN THE THIRD JUDICIAL DISTRICT COURT**

**SALT LAKE COUNTY, STATE OF UTAH**

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SOUTHERN UTAH WILDERNESS ALLIANCE, a Utah non-profit corporation,	<b>COMPLAINT</b>
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Plaintiff,

**(Tier 2)**

vs.

Case No. \_\_\_\_\_

SAN JUAN COUNTY COMMISSION,

Judge \_\_\_\_\_

Defendant.

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Pursuant to Utah Code § 52-4-303(3), Plaintiff Southern Utah Wilderness Alliance (“SUWA”) hereby complains of Defendant San Juan County Commission (“Defendant” or “SJCC”), and for its claims alleges as follows:

**NATURE OF THE CASE**

1. This case concerns Defendant’s violations of Utah’s Open and Public Meetings Act (the “Act”), Utah Code §§ 52-4-101, *et seq.*, by operating and conducting secret policy meetings with United States Secretary of the Interior Ryan Zinke (“Secretary Zinke”), United States Department of the Interior officials and staff, and Members of Congress and congressional

staff. This includes meetings held on or about May 8 and May 9, 2017 in San Juan County, Utah and May 2 and June 5, 2017 in Washington, D.C. (the “Closed Meetings”).

2. These repeated Closed Meetings flagrantly violated multiple provisions of the Act and, if left unchecked, would shield Defendant’s activities on important public policy matters from the light of day and deprive Utah citizens of their right to have their public bodies “conduct their deliberations openly.” Utah Code § 52-4-102(2)(b). SUWA brings this action to address these violations of law and to stop Defendant’s secret policy discussions with high-level government officials.

**PARTIES, JURISDICTION, AND VENUE**

3. SUWA is a Utah non-profit corporation with its principal place of business located in Salt Lake County. It promotes local and national recognition of the unique character of Utah’s remaining wild lands through research and public education; supports both administrative and legislative initiatives to permanently protect Utah’s wild places; builds support for such initiatives on both the local and national level; and provides leadership within the conservation movement through uncompromising advocacy for wilderness preservation. SUWA’s membership consists of citizens from all over Utah and every other state in the Union.

4. SJCC is a legislative and executive body of San Juan County and is therefore a “public body” within the meaning of Utah Code § 52-4-103(9)(a). It consists of two or more persons; it expends, disburses, or is supported in whole or in part by tax revenue; it is vested with the authority to make decisions regarding the public’s business; and it does not fall within any of the exceptions to the Act’s definition of “public body” set forth in Utah Code § 52-4-103(9)(c). SJCC’s mailing address is P.O. Box 9, Monticello, UT 84535.

5. This Court has jurisdiction over this matter pursuant to Utah Code §§ 52-4-303(3) and 78A-5-102.

6. Venue is proper pursuant to Utah Code § 52-4-303(3).

7. SUWA seeks a decree pursuant to Utah Code § 52-4-303(3)(b) that Defendant's Closed Meetings with Secretary Zinke, United States Department of the Interior officials and staff, and Members of Congress and congressional staff violated the Act, as well as an injunction compelling Defendants' compliance with the Act and enjoining Defendants from further violating the Act pursuant to Utah Code § 52-4-303(3)(a). Because such relief is non-monetary, this case is designated as Tier 2 under Rule 26(c)(3) of the Utah Rules of Civil Procedure. SUWA reserves the right to amend this designation should later events in this case so warrant.

#### **GENERAL ALLEGATIONS**

8. On or about May 2, 2017, all three members of the SJCC met with Secretary Zinke and United States Department of the Interior officials and staff in Washington, D.C.

9. On or about May 2, 2017, all three members of the SJCC met with Senator Mike Lee and members of his staff in Washington, D.C.

10. On or about May 2, 2017, all three members of the SJCC met with Senator Orin Hatch and members of his staff in Washington, D.C.

11. On or about May 2, 2017, all three members of the SJCC met with Representative Chris Stewart and members of his staff in Washington, D.C.

12. On or about May 2, 2017, all three members of the SJCC met with Representative Rob Bishop and members of his staff in Washington, D.C.

13. On or about May 8 and May 9, 2017, all three members of the SJCC met with Secretary Zinke and United States Department of the Interior officials and staff while he was in Utah.

14. On or about June, 5, 2017, all three members of the SJCC met with United States Department of the Interior officials and staff in Washington, D.C.

15. On information and belief, the subject matter of the discussions at each of the Closed Meetings involved, among other things, the possible revocation – or partial revocation – of the Bears Ears National Monument; its potential implications for San Juan County’s political, economic, business, and development interests and relationships; and other similar matters over which Defendants exercise jurisdiction and/or advisory power.

16. Defendant did not publicly notice the Closed Meetings.

17. Defendant did not permit any members of the public to attend or otherwise participate in the Closed Meetings, including members of SUWA who were in San Juan County and Washington, D.C. when the meetings occurred, and who would have attended and participated if Defendant had properly noticed the meetings under the Act.

**FIRST CAUSE OF ACTION**  
**(Violation of Utah’s Open and Public Meetings Act)**

18. SUWA incorporates by this reference the foregoing allegations of this Complaint as though fully set forth herein.

19. Defendant is a “public body” within the meaning of Utah Code § 52-4-103(9)(a).

20. A “quorum” of Defendant was present at the Closed Meetings within the meaning of Utah Code § 52-4-103(11)(a).

21. As set forth above, on information and belief, the Closed Meetings involved discussion that directly affects multiple matters over which Defendant exercises jurisdiction and/or advisory power. *See id.* §§ 52-4-103(6)(a); *id.* § 52-4-103(3).

22. The Closed Meetings were “meetings” within the meaning of Utah Code § 52-4-103(6)(a).

23. None of the reasons for proper closure of a meeting—which are limited and narrow in light of the strong public policy favoring access—applies here. *See id.* § 52-4-204.

24. Defendants have violated the Act by virtue of the conduct alleged herein, and SUWA and SUWA members have been denied rights as a result of such conduct, including:

- a. The right to a minimum of 24-hours’ public notice of the Closed Meetings, including notice of their agenda items, dates, times, and places, *see* Utah Code § 52-4-202;
- b. The right to attend, understand, and otherwise participate in the meetings (which, on information belief as discussed above, involved discussion of important public policy matters going to the very heart of SUWA’s organizational mission), *see id.* § 52-4-103(7);
- c. The right to creation of—and access to—written minutes and recordings of the meetings, *see id.* § 52-4-203; and
- d. The rights to be present for, understand the alleged basis of, and object to any attempt by Defendants to close the meetings, and to require two-thirds of the SJCC, to publicly announce and record in minutes any votes by name for closure, the alleged reasons for closure, and the locations of the closed meetings. *See id.* § 52-4-204.

25. SUWA accordingly is entitled to a decree that the Closed Meetings violated the Act pursuant to Utah Code § 52-4-303(3)(b).

26. SUWA is further entitled to an injunction compelling Defendant's compliance with the Act and enjoining Defendant from further violating the Act pursuant to Utah Code § 52-4-303(3)(a).

**PRAYER FOR RELIEF**

WHEREFORE, SUWA demands judgment against Defendant as follows:

1. For a decree that the Closed Meetings violated the Act pursuant to Utah Code § 52-4-303(3)(b);
2. For an injunction compelling Defendant's compliance with the Act and enjoining Defendant from further violating the Act pursuant to Utah Code § 52-4-303(3)(a); and
3. For such other and further relief as this Court deems reasonable and just.

DATED this 15th day of September 2017.

/s/ Laura E. Peterson  
Laura E. Peterson  
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**Plaintiff's Address:**  
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