



**Kendall G Laws**  
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NOTICE OF VOID ACTION

The following email has come to the attention of the County. (See attached). The content of the email has made it apparent that a violation of the Utah Open Meetings Act has taken place. Specifically, the email constitutes an electronic meeting between a quorum of the County Commission, a lobbyist for the Navajo Nation, a government official with the Navajo Nation, and a paralegal for the lobbyist.

No notice of any meeting was provided to the public as county staff was unaware you intended to hold such a meeting. Further, the content of the email indicates there was a meeting and quorum agreement to put the matter on the January 18, 2022 agenda. A decision to take action is evident in the content of the email and county staff was directed to take the action.

By way of reminder of the training you received: "Meeting" means the convening of a public body or a specified body, **with a quorum present**, including a workshop or an executive session, whether in person or *by means of electronic communications*, for the purpose of discussing, *receiving comments from the public about, or acting upon a matter* over which the public body or specific body has jurisdiction or advisory power.

"Quorum" means a **simple majority** of the membership of a public body, unless otherwise defined by applicable law. "Quorum" does not include a meeting of two elected officials by themselves **when no action, either formal or informal**, is taken.

Unfortunately the attached electronic communication, which is a follow up to a currently unknown discussion, does constitute both a meeting and action. A quorum met (either in person or by other electronic means) with representatives of the public or other entities, agreed to action, and directed the county staff to take the said action. All of this occurred without proper notice or opportunity for the

public at large to attend the decision making process of their elected officials. This is in violation of both Utah Code Ann. 52-4-201 and San Juan County Ordinance 2020-06.

You may recall that corrective action had to be taken several years ago regarding the appointment of the interim county administrator for a similar violation. Likewise, such corrective action must be taken in this situation to correct the OPMA violation. As such, the County Commission should not vote on the requested item on January 18, 2022, and it must be brought back at the next County Commission meeting. This will give the public time to be aware of the OPMA mistake and have opportunity to properly comment **prior** to any action being taken.

It is with great frustration this letter must be sent. That this very important matter is unnecessarily delayed is an even greater frustration. However, by statute I am obligated to enforce OPMA, and instruct the proper way to correct this problem. I again reemphasize that any drafting of ordinances or similar items can be directed to county staff or my office to avoid these types of errors. The use of outside parties for such drafting has already financially damaged the county multiple times over the past few years and it must stop. Likewise, there should never be a quorum present with a lobbyist or the lobbyist's client without proper public notice of the meeting.

If you choose to vote on this item on January 18, 2022, please be advised that Utah Code Ann. §53-4-302 already dictates the matter is void. Delaying the action and providing proper notice will result in the county being able to address the proposed ordinance in a timelier manner. Again, please review the training you received so important matters like this proposed ordinance are not unnecessarily delayed in the future.

/s/ Kendall G. Laws

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Kendall Laws  
County Attorney



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## Fw: Ordinance & NNHRC SJCO School Board Eastland Adjustment

1 message

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**Willie Grayeyes** <williegrayeyes@yahoo.com>  
Reply-To: Willie Grayeyes <williegrayeyes@yahoo.com>  
To: Mack McDonald <mmcdonald@sanjuancounty.org>

Thu, Jan 13, 2022 at 9:36 AM

----- Forwarded Message -----

**From:** Liz Thomas <moablizard72@gmail.com>  
**To:** Kenneth Maryboy <kenneth.maryboy.13@gmail.com>  
**Cc:** Leonard Gorman <leonardgorman@navajo-nsn.gov>; Willie Grayeyes <williegrayeyes@yahoo.com>; Steve Boos <steve@stevebooslaw.com>  
**Sent:** Thursday, January 13, 2022, 07:57:16 AM PST  
**Subject:** Ordinance & NNHRC SJCO School Board Eastland Adjustment

Dear Commissioner Maryboy,


Thanks for agreeing to forward this Ordinance and associated NNHRC School Bd. District maps to McDonald with **instructions to put the Ordinance and maps on the 1-18-22 Agenda.**


If you have Q's, please contact Mr. Gorman, Steve or me.

-liz

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### 2 attachments

 **SJCO Ordinance 2021-11B Confirming 2021-11 Amending 2021-11A 1-9-22.pdf**  
123K

 **NNHRC SJCO Sch Board Eastland Adj.pdf**  
1011K