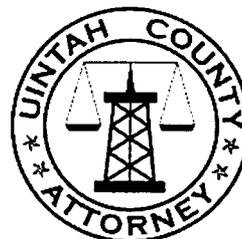


UINTAH COUNTY ATTORNEY'S OFFICE

641 East 300 South, Suite 200, Vernal, UT 84078

G. Mark Thomas, County Attorney
Jonathan A. Stearmer, Chief Deputy



March 16, 2018

Derek Hopper
Vernal Express
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Dear Mr. Hopper,

I write this letter in response to your editorial entitled, *Is it worth the risk?*, published in the Vernal Express on March 13, 2018. You insinuate that the Uintah County Attorney's Office has provided faulty advice to county officials. This insinuation is without merit.

The Uintah County Attorney's Office is charged with the duty to provide legal advice to the various offices and departments of Uintah County. This office does not set policy for Uintah County, but provides legal advice concerning various matters and then it rests with the policy makers to act accordingly within those parameters.

The Uintah County Attorney's Office legal opinion about whether a Uintah County Commissioner can sit on the Administrative Control Board of a Special Service District without jeopardizing PILT money is consistent with other legal opinions previously rendered by other legal counsel. I have attached all letters referenced herein and also have posted them on our website (<http://co.uintah.ut.us/departments/and-departments/attorney/index.php>).

The United States Department of the Interior's Office of the Solicitor issued a legal memorandum in 1988 to the Utah Association of Counties, which reads in part:

"Special Service Districts that are financially and politically independent from the counties that create them may receive mineral lease payments without triggering corresponding deductions from PILT money the creating counties otherwise receive." See page 1.

The Associate Solicitor also provided guidance on evaluating the political and financial independence of a Service District:

"While the county might direct the process of selection and there might be some overlap of individuals, the county body should not

also be the governing body of the Service District, nor should it be able either to direct the day-to-day actions of the Service District governing board or disband the governing body at will." See page 4.

On November 1, 1988, the Utah Association of Counties received another legal opinion concurring with the Associate Solicitor's and stating further that having one commissioner on a special service district board would not jeopardize PILT money to the county.

In 2016, the Office of the Utah State Auditor opined: "It is preferable that no member of the county commission serve on the [special service district] board. If it is considered necessary for members of the county commission to serve on the board, they should constitute a minority of the members on the board." The State Auditor reiterated this guidance in its 2017 audit.

There is no legal requirement for the County Commissioners to remove themselves from the special service district boards. To do so would be a policy decision and it is not the duty of the Uintah County Attorney's Office to force a policy change.

In further clarification, The Uintah County Attorney's Office has not been requested by any county official to issue an opinion on the propriety of a commissioner participating in a special service district meeting where another commissioner sits as a board member. Additionally, the Uintah County Attorney's Office is the legal representative of Uintah County and therefore cannot not opine on the validity, or lack thereof, of a contract between a private individual and another governmental entity.

Sincerely Yours,



Jonathan A. Stearmer
Chief Deputy Uintah County Attorney