

Gehrke: All of us may end up paying for San Juan County's litigious streak

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By Robert Gehrke

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For years, San Juan County officials have spent more time in court than most judges — sometimes as plaintiffs poking the federal government and sometimes defending their own bad decisions, for example, their attempts to disenfranchise Navajo voters.

Now, they want you to help pay for it.

Last week, Sen. Ralph Okerlund, R-Monroe, and San Juan County Commissioner Bruce Adams made a pitch to legislators, asking state taxpayers to bail them out on their legal fees, which have sapped 25 percent of the county's total budget, according to Adams.

You've probably read about some of their greatest hits: The county had to defend itself against allegations that it had wrongfully gerrymandered the County Commission districts to disenfranchise the predominant Navajo population.

[A federal judge ruled they had and redrew the commission seats](#) to make them more equitable, resulting in the first majority Navajo commission since white people came to town. That lawsuit, which the county is appealing, has cost \$1.2 million so far.

Last fall, the county clerk determined — based on an illegally backdated complaint — that commission candidate Willie Grayeyes didn't live in the county and kicked him off the ballot. [Grayeyes sued and won](#). That lawsuit cost the county \$327,000. Grayeyes went on to win the election and have his eligibility challenged again by the loser in the race, only to [have a judge rule, categorically, that Grayeyes is eligible to serve](#).

Early last year, the county settled a lawsuit by the Navajo Human Rights Commission [alleging the county was illegally disenfranchising Navajo voters by closing down polling places](#). That lawsuit ended up costing nearly \$360,000.

Add in \$615,000 the county has [spent challenging the designation of the Bears Ears National Monument](#) (a lawsuit where the attorney general's office was already representing the state), nearly \$350,000 the county has spent litigating ownership of disputed roads, and almost \$227,000 it cost [defending the county sheriff from charges he abused one of his own deputies](#) (the case was thrown out) and the county has racked up nearly \$3.1 million in legal expenses.

Adams told lawmakers that all of those legal fees has strained the budget of the small county and it would be fair for the state to pay half of the costs — an assertion that didn't sit well with Sen. Curt Bramble, R-Provo.

"How is it fair for me to tell a taxpayer in Provo ... that it's only fair that we assess the state for these costs you incurred?" Bramble said. "Make the case that a single mom on a fixed income, that her taxes have to pay for the decisions of San Juan County on redistricting or voting, that that is fair for her."

Adams hedged, saying commissioners "accept responsibility for at least half of what has happened," which is why they are only asking the state for half. Lawmakers will decide whether to foot San Juan County's legal bill in the next few weeks.

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You knew it was coming

For more than a year, the big breweries — think the Anheuser-Busches of the world — have warned that, because Utah is one of the last states around to limit beer to 3.2 percent alcohol, Utah beer drinkers may start seeing their choices disappearing.

Sen. Jerry Stevenson, R-Layton, has a bill that would [raise Utah's legal beer level to 4.8 percent](#) and it has the backing of some real giants like Walmart and Maverik and most of the state's retailers. With that kind of muscle behind it, can anything stand in its way? Oh right. The Church of Jesus Christ of Latter-day Saints.

Irresistible force, meet immovable object.

The church's lobbyist, Marty Stephens, has told legislators the church opposes the change. That's not a surprise to Stevenson.

"No one would think the church would be in favor or even neutral on this bill," said Stevenson, who [views it as a commerce bill](#).

Stevenson got his bill out of committee last week and it could be up for a vote in the Senate this week. This one will get interesting.

Families aren't forever

In the session's first week, Sen. Gene Davis' proposed a nonbinding resolution, essentially a sternly worded letter, expressing the Senate's disapproval of the Trump administration's practice of separating children from their parents at the southern border.

"I firmly believe that Utahns believe families belong together," Davis said.

But the Salt Lake City Democrat's proposal was too much for Republican senators.

"I never take anything at face value," said Senate Majority Leader Evan Vickers, R-Cedar City. "My problem is it stems from some of these news stories and I'm just not sure they're valid."

That same day, the Trump administration filed a court brief detailing the scope of the separations and obstacles to reuniting children with their parents. The document was a response to a report by the [Department of Health's inspector general that found thousands more children have been separated from their parents than originally disclosed](#).

The committee rejected Davis' resolution along party lines.