

RESOLUTION NO. _____ - 2018

AUTHORIZING OPT-IN TO *KANE COUNTY, UTAH V. UNITED STATES*

Background: The United States Court of Federal Claims has certified a pending case entitled *Kane County, Utah v. United States*, Case Nos. 1-739C and 17-1991C (Consolidated), as a class action lawsuit, allowing local governments such as Sauk County to opt in as a member of the class to qualify for a portion of any monies awarded to the class that may be owed to it by the government of the United States under the Payments in Lieu of Taxes Act (PILT Act) for the fiscal years 2015, 2016, and 2017. The PILT Act, 31 U.S.C. §§ 6901–07, provides that the Secretary of the Interior must make a payment to each eligible local government each fiscal year, in an amount determined by the statute’s formulas. In FYs 2015 through 2017, Congress did not appropriate enough funds to make full payments according to the PILT Act’s formulas, and the Secretary therefore reduced each eligible government’s payment proportionally. Kane County sued, alleging that the federal government’s failure to pay the full formula amounts was a breach of the statute’s money-mandating obligation. It moved for summary judgment as to liability in both cases and the Court granted that motion and then granted a request for class certification. The County meets the qualifications for the class but must formally file a Class Action Opt-In Notice Form with the Court by no later than September 14, 2018 in order to qualify for its share of the class action recovery. There are no financial costs to the County for opting in.

Fiscal Impact: [X] None [] Budgeted Expenditure [] Not Budgeted

NOW, THEREFORE, the Sauk County Board of Supervisors, met in regular session, authorizes the participation of Sauk County as a party in said class action lawsuit and authorizes Sauk County Corporation Counsel, Daniel M. Olson, to complete and file a Class Action Opt-In Notice Form on behalf of the County prior to the September 14, 2018 deadline for filing with the Court, as the official act of Sauk County.

For consideration by the Sauk County Board of Supervisors on August 21, 2018.

Respectfully submitted,

EXECUTIVE & LEGISLATIVE COMMITTEE

PETER VEDRO, Chair

WILLIAM HAMBRECHT

WALLY CZUPRYNKO

WILLIAM WENZEL

THOMAS KRIEGL

Fiscal Note: No cost. May be financial benefit.

MIS Note: No information systems impact