

Resolution No.  
SCHUYLER COUNTY LEGISLATURE  
Regular Meeting  
August 13, 2018

RE: AUTHORIZE PARTICIPATION IN THE CLASS ACTION LAWSUIT KANE COUNTY V. UNITED STATES, RELATED TO UNDERPAYMENT OF PAYMENTS IN LIEU OF TAXES BY THE FEDERAL GOVERNMENT – COUNTY ATTORNEY

WHEREAS, the United States Court of Federal Claims has certified a class action lawsuit regarding the right to recover additional sums under the Payments In Lieu of Taxes act [PILT Act] for fiscal years 2015, 2016, and 2017, and

WHEREAS, the statutory formula for the PILT Act is intended to compensate local governments for tax revenues lost from federal lands in their jurisdictions, and

WHEREAS, the Court of Federal Claims, in the case of *Kane County, Utah v. United States*, Case Nos. 17-739C and 17-1991C (Consolidated) [the Lawsuit], has directed sending a notice to a Class made up of: “All ‘unit[s] of general local government,’ as defined in 31 U.S.C. § 6901(2), that received payment under 31 U.S.C. § 6902(a) of the [PILT Act] in fiscal years 2015, 2016 and/or 2017,” and

WHEREAS, the County of Schuyler has received such notice because it is a unit of local government believed to be a member of that Class, and to have been underpaid in those years for tax revenues lost from federal lands, and

WHEREAS, the County Treasurer reports that the County received payments for the affected years as follows: 2015, \$16,526.00; 2016, \$17,244.00; 2017, \$17,091.00, and

WHEREAS, the Lawsuit seeks to recover additional monies that the Court has determined that the federal government owes each Class Member for the underpayment of its respective PILT Act entitlement in fiscal years 2015, 2016, and/or 2017, and

WHEREAS, the aforesaid court notice states that it costs no money for the County to participate in the lawsuit, and

WHEREAS, if the County does not join in the lawsuit, it will not be included in the Lawsuit, and it will have no right to any money recovered in the Lawsuit,

WHEREAS, the deadline to opt in is September 14, 2018, and

WHEREAS, the documents to join the lawsuit must be executed by a municipal official authorized to execute documents for filing with a court.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Attorney, on behalf of the County of Schuyler, is hereby authorized and directed to execute and submit any and all court documents necessary to join the aforesaid lawsuit, pursuant to his statutory duties under County Law § 501.