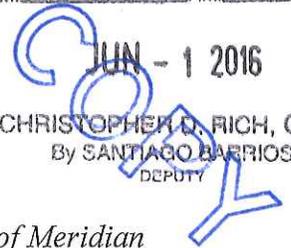


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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

IN RE: LACK OF FACILITIES,
EQUIPMENT, STAFF PERSONNEL,
SUPPLIES, AND OTHER EXPENSES OF
THE MAGISTRATE DIVISION PROVIDED
BY THE CITIES OF MERIDIAN AND
GARDEN CITY IN SUPPORT OF
MAGISTRATE DIVISION

Case No. CV-OT-2014-06552

**MERIDIAN AND GARDEN CITY'S
JOINT PROPOSAL REGARDING
COMPLIANCE WITH THE 1994 ORDER**

COME NOW the City of Meridian and City of Garden City (collectively referred to as “the Cities”), and pursuant to the directives of the Idaho Supreme Court in its decision in *Ada County v. City of Garden City, et al.*, 155 Idaho 914 (2014) and Rule 3 of the *Local Administrative Rules of Procedure for Compliance with an Order Issued Pursuant to I.C. § 1-2218*, adopted by the Idaho Supreme Court in its November 19, 2014 *Order Adopting Local Rules*, hereby respectfully submit this joint proposal in advance of the public hearing to determine “*whether*” and “*how*” the Cities are to comply with the 1994 Order requiring the Cities to provide suitable and adequate court facilities for the Ada County magistrate’s division of the Fourth Judicial District.

FACTUAL BACKGROUND

The subject of this proceeding is a two-page “Order” signed twenty-one years ago on August 12, 1994 by a majority of the then District Judges of the Fourth Judicial District (hereinafter referred to as the “1994 Order”). In signing the 1994 Order (**Exhibit A**), the District Judges were acting pursuant to the authority granted to them by Idaho Code § 1-2218, which reads:

Any city in the state shall, upon order of a majority of the district judges in the judicial district, *provide suitable and adequate quarters* for a magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies, and other expenses of the magistrate's division.

(emphasis added). The text of the 1994 Order simply stated that Meridian and Garden City were separately ordered to provide “suitable and adequate quarters for the magistrate’s division of the Fourth Judicial District” by October 1, 1994. The 1994 Order did not require the Cities to make monetary contributions to any of the magistrate court facilities operated by Ada County.

When the District Judges signed the 1994 Order, overcrowding of the Ada County court system was a real problem and had led to court services being held at three different locations within the county. As recognized by the Ada County Commission in various documents, confusion and injustice often resulted from people showing up at the wrong building. (**Exhibit B**) Criminal magistrate proceedings were held in five courtrooms in a facility located on Barrister Street in Boise. That facility was at maximum capacity and there was no room for expansion. In 1994, there was a real and definite need for additional magistrate court space in Ada County. The 1994 Order directing the Cities to build separate court facilities in their respective cities was a logical fix to the space shortage that plagued the county-wide court system two decades ago.

Even though the 1994 Order required the Cities to open their court facilities by October 1, 1994, the District Judges delayed implementation of the order for one year to allow the Cities and the Trial Court Administrator to identify what the court's specific needs were at each planned facility. **(Exhibit C)** At about the same time, the Ada County Commission was developing a plan to construct a consolidated courthouse and administrative complex in downtown Boise. County records from the mid and late 1990s indicate that while the consolidated courthouse project was a real ambition, it was still in its conceptual phase. The County touted the new courthouse as a means to "allow the courts to be consolidated into one building, achieve efficiencies in operation, and provide for future expansion." **(Exhibit B)** Similarly, the Ada County Commissioners declared the following in a subsequent resolution:

WHEREAS, County has run out of room to house justice facilities, administrative facilities and the officers and employees to run these systems and is sprawled out in six different locations scattered throughout Boise, Idaho; and

WHEREAS, the scattered nature of the County facilities is economically inefficient and prevents the fair management of the justice system and the County administrative system;

(Exhibit D)

A June 13, 1994 memorandum from Dave Logan, Ada County Operations Director, to Ada County Commissioner Roger Simmons **(Exhibit E)**, set forth the capacity issues facing the County in all court facilities and discussed the favorability of constructing a new facility on County-owned property on Front Street. It was intended to be a facility that would meet the County's courthouse needs for the next 50 years. This memorandum was written two months before the District Judges entered the 1994 Order, so the Courts and the County were clearly on parallel tracks addressing the overcrowding issues faced by the Courts and the County. If the

consolidated courthouse on Front Street did not come to fruition, then Meridian and Garden City may have had to construct their own municipal magistrate facilities pursuant to the 1994 Order.

Only one of the two contingencies was going to occur in the late 1990s, because building a new state-of-the-art, county-wide consolidated courthouse facility on Front Street in Boise and constructing two separate municipal courthouses in Meridian and Garden City at the same time would be absurd and a waste of taxpayer money. In other words, either the 1994 Order or the planning for the construction of a new consolidated court facility would have to take precedence over the other.

The answer came in an October 10, 1995 letter from John Traylor, the Fourth Judicial District Court's Trial Court Administrator. **(Exhibit F)** The letter stated that Ada County had decided to pursue the construction of a consolidated courthouse and administrative facility on Front Street in Boise. The letter also invited the Cities in the County to open discussions for the lease of office space within the facility for their prosecutors. The letter did not mention the 1994 Order directing the cities of Meridian and Garden City to construct municipal facilities. Nor did the letter request the Cities to contribute financially to the project. Indeed, the 1994 Order was never discussed in public thereafter. It was literally dropped from the discussions. The most reasonable inference from this letter is that the 1994 Order was not further pursued because suitable and adequate facilities were going to be provided in the form of the consolidated courthouse.

Instead of requesting the Cities in 1995 and 1996 to make monetary contributions towards the construction of the consolidated courthouse, the Ada County Commission only requested that the Cities provide their full public support for the proposed courthouse project. The County determined that conventional financing for the project – i.e., issuing bonds after approval by a super majority of the voters – would be very difficult. Rather, Ada County

MERIDIAN AND GARDEN CITY'S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER – pg. 4

approached the project by asking the Capitol City Development Corporation, an urban renewal agency in Boise, to issue bonds on a lease-back basis, thereby avoiding the necessity of a binding public vote.

This approach to finance the consolidated courthouse project was controversial and needed political support from city leaders in Ada County because it drew considerable criticism from members of the public and one county commissioner. In response to the criticism, the Ada County Commission enlisted the support of elected officials throughout the County, including the elected officials in Meridian and Garden City. Without the support from city elected officials, the project would not have moved forward. The Ada County Commission also campaigned to the public and the press for support of the project.

The most significant component of the Ada County Commission's plan was that the project would not raise new property taxes to fund construction of the courthouse. (**Exhibits B and G**) The Ada County Commission repeatedly assured the public and elected officials that the new courthouse would be built without residents having to pay any more than what they were currently being taxed. Rather, the County's share of the cost for construction would be made up through existing County resources and cost savings through consolidation of services. The balance of the project would be funded through the private development of the remaining property on Front Street. Again, funding through financial contributions from Garden City and Meridian pursuant to the 1994 Order was never requested, considered or relied upon in financing the project.

To abate criticism from opponents of the proposed project, the County led a public campaign for support of the project and put the proposal to a non-binding vote of the public. The ballot language read:

If there is **NOT** an increase in property taxes, do you favor the construction of a Consolidated Courthouse and Administrative Center through a public-private partnership?

(Exhibit H) The residents of Ada County overwhelmingly approved the ballot measure. It passed in a majority that surpassed the bond requirement of two-thirds. **(Exhibit I)**

After the May 1996 election, the consolidated courthouse project moved forward in earnest. Throughout the construction of the facility, it had the full political support from the Mayors and Councils of Garden City and Meridian. The project was challenged in court by a taxpayer association and the financing of the project was found to be constitutionally sound. Groundbreaking for the consolidated courthouse and administrative facility took place in 2000 and the facility opened in 2002. The new courthouse was not financed through an increase in property taxes, but property tax revenue was and has been a substantial portion for funding its construction. Since the courthouse opened, the residents of Garden City and Meridian, along with the balance of Ada County taxpayers, have made substantial payments toward paying the bonds on the courthouse project.

Notwithstanding the above history and the fact that the 1994 Order had not been mentioned in nearly sixteen years, in July of 2010, the Ada County Commissioners contacted the Mayors of the Cities and threatened that the County was “unable to continue providing Magistrate Court services without payment from [the Cities] as required by the August 12, 1994 Order.” Ada County demanded that the Cities make annual monetary contributions to the County for its operation of the Ada County Courthouse in Boise. The Cities rejected the County’s request in light of the Idaho Supreme Court’s decision in *Twin Falls County v. City of Twin Falls, et al.*, 143 Idaho 398 (2006) (“*Twin Falls County*”) and the reality that the 1994 Order was satisfied through the construction of the consolidated courthouse with full public support of the project and payment of taxes.

The Cities further objected because the Ada County Commissioners are, in essence, demanding that the taxpayers of Meridian and Garden City pay additional taxes towards the consolidated courthouse in Boise. This is especially troubling to the Cities because the plan that the Ada County Commissioners sold to the elected city officials and residents of Ada County in 1996 was that the new courthouse would not require any of the County's residents to pay additional taxes. (**Exhibits B, D, G, H and I**) That no Ada County taxpayer will pay additional taxes to fund the Ada County Courthouse in Boise appears to still be the understanding of the Fourth Judicial District Court. On a page dedicated entirely to the "Ada County Courthouse," the Fourth Judicial District Court's website declares that, "No new taxes have been or will be assessed to pay for this facility."¹ If that is still the case, then why are the Ada County Commissioners demanding that the Cities divert their taxpayers' funds towards the consolidated courthouse in Boise?

In December of 2010, Ada County brought lawsuits against the Cities seeking declaratory relief. The Cities quickly filed a motion to vacate the 1994 Order, in part because the order had been entered without providing any due process to the Cities. The District Judges dismissed Ada County's complaint because it determined that a declaratory judgment action was "not the appropriate mechanism to consider the issues" raised by Ada County. *Memorandum Decision*, May 11, 2012, p. 2, Case No. CV-OC-2010-24980. However, the District Judges denied the Cities' motion to vacate and ordered the Cities to "prepare a plan and schedule for how the Cities will comply with the 1994 Order." *Order Denying Motion to Vacate 1994 Order*, May 11, 2012, p. 8.

¹ <http://fourthjudicialcourt.idaho.gov/ada/courthouse.html>

The Cities appealed and the Idaho Supreme Court rendered a decision in February 2014 in *Ada County v. City of Garden City, et al.*, 155 Idaho 914 (2014) (“*Ada County*”). In holding that the dispute was not ripe, the Idaho Supreme Court concluded that Meridian and Garden City “have not been required to make any expenditures or to construct any facilities pursuant to the 1994 Order.” *Id.* at 918. The Court also recognized that “there is no plan, proposal, or schedule from any interested party regarding what the Cities must, might or could do to comply with the 1994 Order.” *Id.*

The Idaho Supreme Court in *Ada County* compared the 1994 Order to the Indian Gaming Initiative (Proposition One), which was challenged in *Noh v. Cennarusa*, 137 Idaho 798, 801 (2002) as violating the Idaho Constitution. *Ada County*, 155 Idaho at 918. At the time the lawsuit in *Noh* was filed, the proposition had only been qualified to appear on the ballot in a general election and had not yet become law. *Noh*, 137 Idaho at 801. The Court in *Noh* found that there was no real controversy because the proposition was “simply a proposal.” *Id.* (emphasis added). Like it did in *Noh*, the Idaho Supreme Court in *Ada County* held that the Cities’ challenge of the 1994 Order was not ripe for adjudication:

Here, the 2012 panel merely resuscitated the dormant 1994 Order by ordering the Trial Court Administrator to meet with the Cities “to prepare a plan and a schedule on how the Cities will comply with the 1994 Order.” The obvious intent was to get the ball rolling to see if some plan could be devised. There is no indication what was to be included in the plan, what the Cities might have to construct or contribute, and how the plan might be enforced. Without any of this information, the case is simply not ripe for determination.

Ada County, 155 Idaho 914, 918 (emphasis added).

Recognizing that its ruling would not end this dispute, the Idaho Supreme Court deemed it “appropriate to address the procedure to be employed in the event action is taken to compel the Cities’ compliance with the 1994 Order.” *Ada County*, 155 Idaho 914, 919 (2014). The Idaho

MERIDIAN AND GARDEN CITY’S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER – pg. 8

Supreme Court reviewed its prior decision in *City of Boise v. Ada County, et al.*, 147 Idaho 794 (2009) (“*City of Boise*”) and affirmed its holding that before a party’s financial interest can be impacted under Idaho Code § 1-2218, the party must be given the opportunity to appear and be heard:

Although *City of Boise* did not spell out the process to be employed in a proceeding under I.C. § 1-2218, the Court indicated that a party having “a substantial financial stake” in such an order must have “the opportunity to appear and be heard.” It should be pointed out that the Court did not say cities and counties have due process rights, as individuals do, nor did we hold that a city or county must be given the opportunity to appear and be heard prior to the issuance of an order commencing a proceeding under I.C. § 1-2218. Indeed, in *City of Boise*, we noted that such a proceeding is “commenced” by the issuance of the district judges’ order. The requisite process must be afforded before a party’s financial stake may be impacted. In order for a party to such a proceeding to receive suitable process, it must have the opportunity to appear and be heard before being required to provide any specific quarters, facilities, equipment or expenses.

155 Idaho 914, 919 (citations omitted) (emphasis added). Said differently, District Judges merely “commence” proceedings pursuant to Idaho Code § 1-2218 when they issue an order requiring a city to provide suitable and adequate facilities. *Id.* However, before a city can be required to comply with such an order, the District Judges must first afford the city with the opportunity to appear and be heard. *Id.*

Furthermore, in recognizing that the District Judges have only commenced proceedings by issuing the 1994 Order, and have yet to afford Garden City and Meridian with the requisite opportunity to appear and be heard, the Idaho Supreme Court in *Ada County* ordered the District Judges to adopt procedures “for purposes of determining *whether* and *how* the Cities are to comply with the requirements of the 1994 Order.” *Ada County*, 155 Idaho 914, 919 (2014) (emphasis added) On June 16, 2014, the District Judges of the Fourth Judicial District submitted the *Local Administrative Rules of Procedure for Compliance with an Order Issued Pursuant to MERIDIAN AND GARDEN CITY’S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER* – pg. 9

I.C. § 1-2218. On November 19, 2014, the Idaho Supreme Court adopted the District Judges' proposed rules.

ANALYSIS

Pursuant to the directives of the Idaho Supreme Court in *Ada County* and the Fourth Judicial District's administrative rules adopted by the Idaho Supreme Court, the District Judges are required to provide a public hearing for the purpose of determining "*whether*" the Cities are required to comply with the 1994 Order at this time, and, if so, "*how*" the Cities are to comply with the order. As mandated by the Idaho Supreme Court, the Cities must be afforded the requisite process before the Fourth Judicial District Judges require the Cities "to provide any specific quarters, facilities, equipment or expenses." *Ada County*, 155 Idaho 914, 919.

The Cities have already complied with any obligations imposed by the 1994 Order. Instead of being required to build separate court facilities in their respective cities, both Meridian and Garden City supported and furthered Ada County's plan to build the consolidated courthouse in Boise. The Cities never opposed the County's plan and did not opt instead to satisfy the 1994 Order by building court facilities in Meridian and Garden City. In doing so, the Cities permitted Ada County to continue to receive the court-imposed fees that the Cities would have otherwise received had they provided separate magistrate facilities pursuant to Idaho Code § 31-3201A. Additionally, the residents of Garden City and Meridian, along with the balance of Ada County taxpayers, have made substantial payments toward paying the bonds on the courthouse project over the past 20 years. In fact, the bond was retired in 2015, seven years earlier than anticipated.

That the Cities' obligations imposed by the 1994 Order have been satisfied is evident in the fact that the 1994 Order was not an issue in the planning and construction of the consolidated courthouse facility. The Cities were never required or asked to provide monetary contributions to the construction of the consolidated courthouse, and the funding scheme developed by the Ada

MERIDIAN AND GARDEN CITY'S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER – pg. 10

County Commission did not contemplate any of the cities in Ada County providing special monetary contributions. Nor was it requested, discussed or even thought of during the construction phase of the consolidated courthouse complex that the Cities should satisfy the 1994 Order by constructing new facilities in their respective cities.

The Cities' purported "options" of satisfying the 1994 Order by making monetary contributions or, in the alternative, building separate facilities in their cities were neither expected of the Cities nor made available once Ada County Commissioners decided on the plan. Rather, the Cities were expected and encouraged to support the building of the consolidated courthouse, and the Cities' conduct and financial support for the consolidated courthouse since 1996 has satisfied the obligations imposed by the 1994 Order.

In the event the District Judges determine that the Cities are required to further comply with the 1994 Order, it is important that Ada County and the District Judges understand that, based on existing case law, the Cities will not divert funds necessary for essential city services in order to make monetary contributions to Ada County for the operation of the consolidated courthouse in Boise.

It has been mentioned at every turn in the proceedings and litigation regarding the 1994 Order that it is the Cities' "option" to make a financial contribution to the County to satisfy the order. However, it is well settled that neither § 1-2217 or § 1-2218 obligate a city to make monetary contributions to a county court facility. In 2006, the Idaho Supreme Court in *Twin Falls County* concluded that these two statutes "contemplate two distinct scenarios" and "do not envision entwined or shared facilities and expenses." 143 Idaho 398, 400 (emphasis added). In other words, "[t]he entity which provides the building also provides the expenses associated with operating it." *Id.* (emphasis added).

Accordingly, the Idaho Supreme Court in *Twin Falls County* held that district judges have no statutory authority to order cities to make monetary contributions to a county facility. 143 Idaho 398, 400. Rather, pursuant to Idaho Code § 1-2218, district judges only have the authority to order cities to provide separate courthouse facilities. *Id.* In reaching its conclusion, the Court relied upon the plain language of § 1-2218:

While it may seem inefficient to order each of the Cities to provide their own building, instead of ordering each City to contribute cash to the County to pay its proportionate share, that does not justify ignoring the plain wording of the statute. An amendment to the statutes to provide greater efficiency is left to the legislature, not the courts. Idaho Code § 1-2218 simply does not include the district judges ordering the Cities to put up the money for the operations of a courthouse provided by the County. Until the statute is amended to direct otherwise, the current statute means what it says: District judges have the option to order the Cities to “provide suitable and adequate quarters for a magistrate’s division;” once the district judges decide not to order the Cities to provide facilities, their authority over the matter is at an end.

Twin Falls County, 143 Idaho 398, 400.

Not only are the Cities under no obligation to make monetary contributions to the Ada County Courthouse in Boise, but it would be unfair and unwise for the Cities to require their residents to pay twice for the same courthouse. Like all Ada County taxpayers, the residents of Meridian and Garden City already pay their proportionate share of property taxes that support the operation of the consolidated courthouse in Boise and the many other services operated by Ada County with the county residents’ taxes (e.g., the jail, paramedics, indigent services and public defender’s office, etc.). The Ada County Commissioners have not alleged or demonstrated with any financial analysis that the taxes paid by residents of Meridian and/or Garden City are inadequate or disproportionate to what other residents in Ada County currently pay to support the consolidated courthouse.

And, as set forth above, the residents of Meridian and Garden City have already made substantial payments toward paying the bonds on the courthouse project over the past twenty years. Making direct monetary contributions to the County courthouse would divert city funds from other valuable city projects and would not result in any additional benefit to the residents and taxpayers living in Meridian or Garden City. Further, to require or expect the Cities' taxpayers to make monetary contributions towards the consolidated courthouse in Boise would also break the promise the County made to voters in 1996 that the courthouse would not result in new taxes for any of Ada County's residents. (**Exhibits B, D, G, H and I**)

Ultimately, the District Judges will need to decide *whether*, in the proper administration of justice, it is necessary to compel the Cities to provide two separate court facilities in Meridian and Garden City. The issue before the District Judges at this time is whether it is necessary for the Cities to further comply with the 1994 Order by providing magistrate court facilities. The Cities' option to make a financial contribution to the County is not before the Court. If the need is truly present, then the Cities will seek permission to submit a supplemental proposal pursuant to Rule 5 of the Administrative Rules that sets forth how the Cities plan to provide "suitable and adequate court facilities" in their cities.

To this end, the Cities respectfully request that the District Judges first articulate to the Cities, and to the public, why adding court facilities in Meridian and Garden City is necessary at this time, especially since enforcing the 1994 Order would be contrary to the County's 1996 plan to consolidate all court facilities into one centralized location as a long-term fix to the overcrowding and decentralized court system that existed prior to 2002.

The Ada County Courthouse currently has 27 courtrooms, for all court hearings, and additional space to construct more courtrooms as originally planned in 1996. According to the Trial Court Administrator, the utilization rate for the courtrooms at the Ada County Courthouse

MERIDIAN AND GARDEN CITY'S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER – pg. 13

is around 80%, which only means that on 8 out of 10 business days in a year there is at least one hearing or proceeding in each of the courtrooms. This is counted as a full day's utilization for calculating the rate, so the actual occupancy rate is much less. Moreover, frequently a courtroom will have one brief hearing in the morning and be entirely unoccupied for the rest of the day. Visitors to the courthouse often find that courtrooms are locked and vacant for most of the day.

Neither the County nor the Fourth Judicial District Court has stated that additional facilities are needed in Meridian and Garden City to alleviate overcrowding at the courthouse in Boise. If lack of space is actually an issue at the Ada County Courthouse, then how is seeking a monetary contribution from the Cities going to resolve the issue? It will not. In fact, the Ada County Commission has repeatedly tried to force the Cities to pay a monetary contribution that defies the directive in *Twin Falls County*, thus clearly demonstrating that additional facilities are not needed and that the Commission is rather attempting to use the old 1994 Order to elicit money from the Cities.

Nor has Ada County or the Fourth Judicial District Court ever expressed any desire or benefit in having additional magistrate court facilities in Meridian and Garden City. To the contrary, it is widely acknowledged that satellite court facilities are inherently inefficient and their use should be avoided whenever possible. In fact, the inefficiencies in operating multiple court facilities was one of the primary problems the County sought to alleviate when it proposed the consolidated courthouse plan in 1996. As was Ada County's concern twenty years ago, requiring proceedings to be at multiple different facilities throughout the County will result in confusion and injustice resulting from people showing up at the wrong building. There will be no cost savings to the County by having satellite facilities in Meridian and Garden City, and to the contrary, operating two more facilities will increase costs to the Ada County Clerk and Sheriff. Moreover, the satellite facilities will be a logistical nightmare for all interested parties, including

MERIDIAN AND GARDEN CITY'S JOINT PROPOSAL REGARDING COMPLIANCE WITH THE 1994 ORDER – pg. 14

the Cities, the County, the Court, the Clerk, the courtroom marshals, the Sheriff, and the Ada County Public Defender's and Prosecutor's offices.

Despite the actual lack of any need or desire for satellite court facilities, and without yet having addressed the “**whether**” question, the Fourth Judicial District has provided to the Cities a list of “minimum requirements” that the Cities have been told they must follow in the event they are compelled to provide separate facilities in their jurisdictions. (**Exhibit J**) These “minimum requirements” are significantly more involved and costly than those the Court first provided to the Cities in 1994. (**Exhibit C**) Certainly, if the Cities are compelled to build separate courthouses in their respective cities, based on the Court's “minimum requirements,” each individual court facility will require the expenditure of several million dollars at the very least.²

Absent any need, compelling the Cities to build, operate and fund those facilities would be a catastrophic waste of taxpayer funds. This is especially true considering the limited scope of court services that the Cities will be expected to provide at the proposed facilities. Great expense will be incurred for facilities that will require the use of only one courtroom for one to one and one-half days each week at most. Certainly, the Cities' combined caseload for infractions and non-jury trial misdemeanor proceedings is but a drop in the bucket of the total services handled at the consolidated courthouse in Boise. It does not warrant the construction of two new and expensive satellite facilities in Meridian and Garden City.

² It should be noted that no courthouse in the Fourth Judicial District, let alone in the State of Idaho, currently meets the “minimum requirements” as provided by the Trial Court Administrator. (**Exhibit J**) Regardless, the Cities are concerned that it would be inappropriate, unnecessary and a waste of valuable resources to apply many of the Court's “minimum requirements” to the small and limited satellite court facilities that the Cities may be compelled to build in Meridian and Garden City. Accordingly, if the Cities are compelled to build separate magistrate courthouses, then the Cities reserve the right to propose alternative requirements.

CONCLUSION

For the foregoing reasons, Meridian and Garden City respectfully request that the District Judges of the Fourth Judicial District enter a new order holding that (1) the Cities have already complied with the obligations of the 1994 Order by way of the construction of the consolidated courthouse in Boise and that (2) the Cities are not required to provide any specific quarters, facilities, equipment or expenses at this time. If the Court does not find that the Cities have sufficiently complied with the 1994 Order, this Court should then find that there is a clear and present need for the Cities to construct two courthouses in order to rectify a problem or meet a legitimate need. With all due respect, the Cities contend that requiring the Cities to build separate court facilities in Meridian and Garden City would be inefficient, illogical and a waste of taxpayer resources.

DATED this 1st day of June, 2016.

Garden City Attorney's Office

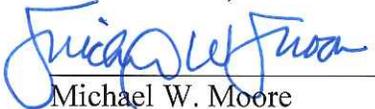


Frank Walker

Counsel for Defendant Garden City

DATED this 1st day of June, 2016.

Moore & Elia, LLP



Michael W. Moore

Counsel for Defendant City of Meridian

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of June, 2016, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

Jan Bennetts
Ada County Prosecutor
Theodore E. Argyle
Chief Civil Deputy Prosecuting Attorney
Heather M. McCarthy
Deputy Prosecuting Attorney
Civil Division
200 W. Front Street, Room 3191
Boise, ID 83702

U.S. Mail, postage prepaid
 Hand Delivered
 Overnight Mail
 Facsimile Transmission 287-7719
 E-Mail



Lisa Aberasturi
Lisa Aberasturi

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EXHIBIT
A

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

THE STATE OF IDAHO

IN RE: FACILITIES, EQUIPMENT,
STAFF PERSONNEL, SUPPLIES AND
OTHER EXPENSES OF THE
MAGISTRATE DIVISION

ORDER

No. 94-08-0012

Having reviewed the Petition filed by the City of Boise and Ada County, the undersigned District Judges of the Fourth Judicial District have concluded that the volume of work generated by the processing of citations and complaints through the Magistrate Division of the Fourth District have reached such levels that it is no longer reasonable for the City of Boise and Ada County to bear sole financial responsibility for the processing of citations and complaints issued by other municipalities.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT, the City of Garden City, Idaho, pursuant to authority provided in Idaho Code 1-221B, provide by October 1, 1994 suitable and adequate quarters for the magistrate's division of the Fourth Judicial District, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division. The suitability and adequacy of said quarters, facilities, equipment, staff personnel, supplies and other expenses are subject to final approval by this Court.

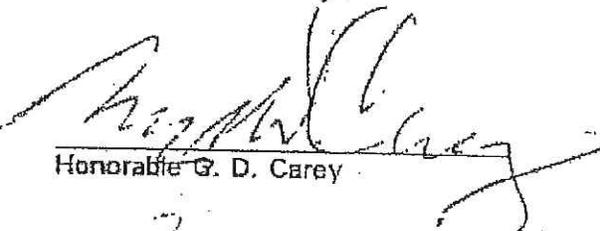
ORDER - 1

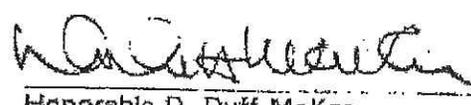
FURTHER, THAT the City of Meridian, Idaho, pursuant to authority provided in Idaho Code 1-2218, IS HEREBY ORDERED to provide by October 1, 1994 suitable and adequate quarters for the magistrate's division of the Fourth Judicial District, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division. The suitability and adequacy of said quarters, facilities, equipment, staff personnel, supplies and other expenses are subject to final approval by this Court.

IT IS SO ORDERED.

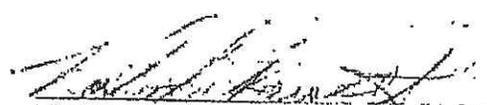
^{August 15, 1994}
DATED: July 28, 1994

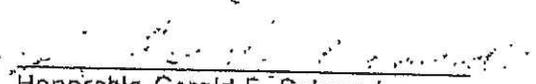

Honorable K. Deborah Bail

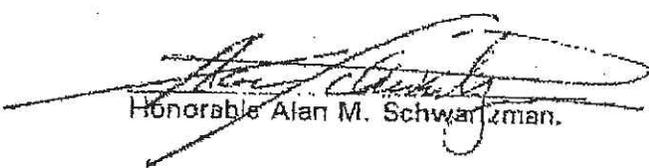

Honorable G. D. Carey


Honorable D. Duff McKee


Honorable Robert G. Newhouse


Honorable Robert M. Rowatt


Honorable Gerald F. Schroeder


Honorable Alan M. Schwartzman

ORDER - 2

EXHIBIT
B

tabbles

REASONS TO BUILD A NEW COURTHOUSE

1. Victims, jurors, and others having business at one of Ada County's courthouses have difficulties getting to the facilities. Overcrowding has led to courts located in four different facilities. Confusion and injustice often result from people showing up at the wrong building. The downtown courthouse is located in an area that is simply inaccessible for high volumes of users. The Barrister courthouse is located in one of the most congested traffic areas in all of Idaho. Further additions to the traffic flow on Cole Road would create safety concerns for law enforcement officers attempting to respond to emergencies from the public safety building. The Barrister site simply can not support additional traffic and does not contain enough space for a new courts building, let alone the parking requiring by increasing the use in such a fashion.

The proposed facility would be located on the connector couplet. There are few sites in Ada County with easier access for vehicle traffic. Customers could get and out of the complex with little difficulty.

2. When someone does get to one of the courthouses there is limited or no parking. What parking is available can not economically be expanded. As a result, access to the courthouse can be difficult. Parking for the downtown courthouses is especially unavailable when the legislature is in session.

The new site contains plenty of space for parking for current needs, and for the needs of Ada County's residents for years to come.

3. Although metal detection equipment has been installed, the downtown courthouse is not secure and cannot be made more secure. It has no hardened sally port for the safe and secure transfer of prisoners and is vulnerable to other forms of violent attack. In an era of rising violence in courtrooms nationwide security of victims and other participants in our courtrooms is essential.

A new courthouse can be designed with security considerations in mind.

4. The current courthouses are not capable of being economically and functionally retrofitted for advances in technology such as electronic media access, computer connections, and video arraignments.

A new facility allows planning for advances in technology.

5. The current downtown courthouse does not meet current life safety codes and can not be economically and practically renovated to meet code.

A new building would not have this difficulty.

6. Those citizens who are performing public service by serving on a jury must walk three blocks in often adverse weather and in serious cases are subject to potential tampering and threat.

Current design standards alleviate this risk in new court buildings.

7. Ada County's services are spread out all other the county.

A new facility would consolidate most operations in one facility offering taxpayers one stop shopping. Consolidation would also allow county departments to achieve cost savings from less travel time and overhead.

8. The current number of courtrooms is inadequate, particularly in the downtown location. Yet each of the facilities has reached its maximum feasible expansion. Creation of another court complex would only add to the confusion already experienced by patrons attempting to find their way to the current court.

A new courthouse will allow the courts to be consolidated in one building, achieve efficiencies in operation, and provide for future expansion.

9. Would provide an enhancement to the urban core.

10. Some improvements in government operation are not presently possible. An example is a drive up teller for the payment of driver's license renewals, child support, or taxes.

The new facility can be made more user friendly by allowing design for such things as drive up tellers.

WHY DO WE NEED A NEW COURTHOUSE?

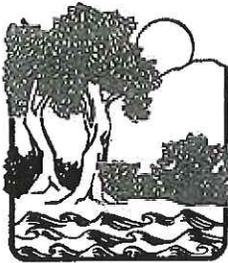
FACTS:	THE PROPOSED SOLUTION
<p>Ada County services are spread out all over the county. Courts are currently located in four locations.</p>	<p>The new courthouse building would consolidate most operations into one facility, offering taxpayers "one stop" services. Consolidation would also allow county departments to achieve cost savings with less travel time between facilities and a decrease in overhead cost of maintaining separate facilities.</p>
<p>The number of courtrooms is inadequate, particularly in the downtown location. Each of the facilities has reached a maximum feasible expansion potential. Creation of another court complex would only add to the present confusion experienced by patrons attempting to find their way to the current courts.</p>	<p>A new courthouse will allow the courts to be consolidated into one building with efficiencies in operation and provision for future expansion.</p>
<p>Victims, juror and others having business in Ada County's courthouses have difficulty finding the facilities. Confusion over which court is where results in people showing up at the wrong building.</p>	<p>Proposed site for the new courthouse would be located on the connector couplet for ease of access by Ada County residents.</p>
<p>There is limited or insufficient parking at present courthouse locations, and there is no opportunity for expansion of parking at present facilities. Parking is extremely difficult at the downtown courthouse when the Legislature is in session.</p>	<p>Proposed site has adequate space for present and future parking.</p>
<p>Present downtown courthouse is located in an area which is inaccessible for the high volume of users.</p>	<p>The new courthouse site is one of the best in Ada County for easy vehicle access.</p>
<p>Barrister site does not have enough land for a new courthouse or space for parking required by a new facility Barrister courthouse is located in one of the most congested traffic areas in all of Idaho. Barrister site cannot support additional traffic. Additions to traffic flow on Cole Road would create safety concerns for law enforcement officers attempting to respond to emergencies from the public safety building.</p>	<p>Proposed site has sufficient land for a new courthouse building and adequate space for present and future parking.</p>

Courthouse is 57 years old in fact in 1939

FACTS:	THE PROPOSED SOLUTION:
<p>Safety at present courthouse facilities is of great concern.</p> <ul style="list-style-type: none"> ▪Even with metal detection equipment at the downtown courthouse, the facility is not secure and cannot be made secure. ▪Prisoners cannot be safely and securely transported, because there is no hardened sally port. ▪Jurors are at risk in the present facilities. Citizens who perform a public service by serving on a jury must walk to court for three blocks in all types of weather, and in serious cases are subject to potential tampering and threat. ▪Downtown courthouse does not meet current life safety codes and cannot be economically and practically renovated to meet codes. 	<p>Safety design standards for new court buildings would alleviate the risks for jurors, prisoners, employees, and the public in the new courthouse.</p>
<p>Present courthouse facilities cannot be economically and functionally retrofitted for advances in technology, i.e. electronic media access, computer connections, video arraignments.</p>	<p>Design of the new facility will plan for current and future advances in technology.</p>
<p>Existing facilities do not allow for improvements in government operations, such as a drive-up teller window for payment of driver's license renewals, child support, taxes, etc.</p>	<p>The design of the new facility will be more user friendly and allow for such services as a drive-up teller window for payment of licenses, child support, taxes, etc.</p>
<p>Ada County taxpayers do not want to pay more in taxes for a new courthouse.</p>	<p>A public/private partnership would allow for design and construction of the new courthouse on county-owned with NO NEW TAXES!</p>
<p>Property adjacent to the new courthouse site will be developed by the Civic Partners Development Team with uses complementary to those of the County.</p>	<p>The Civic Partners Development Team will either lease or purchase the land adjacent to the new facility, and the proceeds will be used by the County to offset the cost of the new Courthouse.</p>

THE FACTS:	THE PROPOSED SOLUTION:
<p>Existing County Facilities (County Administrative Building, County Courthouse, Eagles Building, etc.) will be leased to CCDC. CCDC will securitize the lease obligation on a tax exempt basis by issuing non-general obligation certificates of participation (COPs) to either public or private investors.</p>	<p>The net proceeds of the securitization will be available for construction of the new County facilities.</p>
<p>At the expiration of the lease to CCDC, ownership of the land and new County facilities will revert to the County.</p>	<p>The County will occupy the new facilities during the lease period, and own the land and facilities at the end of the lease...with no new tax expense to Ada County citizens!</p>
<p>The May 28 advisory ballot will give Ada County taxpayers an opportunity to indicate their approval of this proposal.</p>	<p>A "YES" vote will give Ada County Commissioners a nod from the citizens to proceed with much needed new facilities at NO TAX COST to the taxpayers of Ada County.</p>
<p>Draft for discussion 4/24/96</p>	

EXHIBIT
C



"Nestled by the River"

city of Garden City

201 East 50th Garden City, ID 83714-1499
Phone: (208) 377-1831 • Fax: (208) 377-2820

August 15, 1994

John Traylor
Trial Court Administrator
Ada County Courthouse
514 W. Jefferson St.
Boise, ID 83702-5959

RE: District Judges Order of 8/12/94

Dear John:

By Court Order dated August 12, 1994, the City of Garden City was ordered by the District Judges of the 4th Judicial District to provide suitable and adequate quarters for the Magistrates' division of the Fourth Judicial District, including facilities and equipment necessary to make the space provided functional for court use. The City was further ordered to provide staff personnel, supplies and other expenses for the magistrate division. The District Judges also mandated an October 1, 1994 deadline for compliance with the Order.

The awkward timing of the Order makes it imperative that the City make an immediate assessment of the costs and revenues involved in complying therewith. The Judges timing is most unfortunate since the Order was issued after the City's preliminary budget was passed by the Council and a public hearing on the budget is set for August 30, 1994. The final budget must be certified to the County not later than September 12, 1994.

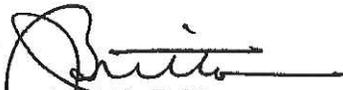
Please provide Garden City with the following information as soon as possible:

1. Minimum requirements of the District Judges as to:
 - a. quarters
 - b. facilities
 - c. equipment
 - d. staff personnel

- e. supplies
 - f. "other expenses" of the Magistrate Division.
2. What percent, if any, of the Ad valorem tax collected by the County for the operation of the District Court will be used to support a Garden City Court.
 3. What percent, if any, if the fines and forfeitures ear marked for the District Court fund will be available to the Garden City Court.
 4. Identify any other county funds available for the maintenance and operations of a Garden City Magistrate Court.
 5. Court requirements for handling and monitoring collections of fines and forfeitures.
 6. Magistrate schedule for the Garden City Court.
 7. Proposed Magistrate coverage for in custody arraignments.
 8. Court security requirements.
 9. How the Garden City cases currently in the Court system are to be handled.

Time is of the essence.

Very Truly Yours,


Jack B. Britton
Garden City Attorney

JBB:pjt

cc: Wayne Crookston, Meridian City Attorney

Rec'd 8/26
COPY

JOHN TRAYLOR
TRIAL COURT ADMINISTRATOR
MAIN OFFICE AT
ADA COUNTY COURTHOUSE
514 W. JEFFERSON ST.
BOISE, ID 83702-5959



DISTRICT COURT
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO

ADA, BOISE, ELMORE
AND VALLEY COUNTIES

TELEPHONE
(208) 364-2100
FAX
(208) 364-2064

August 24, 1994

Jack Britton
Garden City Attorney
201 E. 50th
Garden City, ID 83714

Dear Jack:

In response to your August 15th letter, I have met with David Navarro, Clerk of the District Court, Ada County, and asked him to project what costs would be involved from the Clerk's perspective in complying with the Court's order referred to in your letter. I enclose a copy of his response for your review. Mr. Navarro and I reviewed the other questions in your memo and I would like to offer you our joint response thereto.

Question #1: Minimum requirements of the District Judges as to:

- a. quarters
- b. facilities
- c. equipment
- d. staff personnel

Answer: The assigned magistrate will need, at a minimum, the following items:

*Two full and regularly current sets of Idaho Code, Garden City Code and Ada County Code. One set for courtroom and one for chambers. One bookcase for each set of code books.

*Professional size/style desk, chair, computer desk, personal computer (minimum requirements include 486 chip with at least 4mb Ram, color monitor, 3.5 floppy drive, 100mb hard drive, internal modem with dedicated phone line) with most current version of DOS and WordPerfect, together with a sufficient supply of typing paper and other supplies to maintain the operation of such computer equipment, necessary supplies for the operation of the court, separate

Jack Britton
August 24, 1994
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phone and phone line not shared by any other city staff, Hewlett-Packard DeskJet printer and an adequate supply of printer cartridges, a minimum of two side-chairs, electric adding machine, other miscellaneous supplies as determined on a continuing basis.

*A private judge's chambers directly adjacent to the courtroom to which only the judge and court personnel will have a key and access. The judge's chambers must be soundproofed.

*I have examined the council hearing room in Garden City and deem that to be an inadequate facility for use as a courtroom. This room lacks adequate facilities for a six-person jury box and a witness stand. A courtroom approximately the same dimensions as this council hearing room will be needed. Courtroom arrangement must follow the traditional set up with elevated bench and sufficient seating facilities for public, counsel and clerk.

*A four-draw legal-sized locking file cabinet for the judge's office (Although Mr. Navarro's letter did not include file cabinets or file storage space, the city should anticipate such needs).

*A jury deliberation room which is soundproofed will need to be furnished. Jurors must have access to bathrooms not common to the general public.

*The Clerk of the Court is the keeper of the record. Garden City must provide adequate recording equipment so that all court proceedings can be recorded at a speed which is compatible with the transcribing machines used by the court's Transcription Department; together with an adequate supply of blank cassette tapes of the type and quality prescribed by the Court's Transcription Supervisor.

Jack Britton
August 24, 1994
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* Answering Machine

* Dictation & Transcription units

Question #2: What percent, if any, of the Ad Valorem tax collected by the County for the operation of the District Court will be used to support a Garden City Court?

Answer: None.

Question #3: What percent, if any, of the fines and forfeitures ear marked for the District Court Fund will be available to the Garden City Court?

Answer: None. Idaho Code 19-4705 provides for the distribution of funds paid the court or the Clerk of the Court in the form of fines and forfeitures. In certain cases, Garden City will receive 90% of those funds, as it currently does. No funds which are required by this statute to be deposited into the district court fund will be available for the operation of a court in Garden City.

Question #4: Identify any other county funds available for the maintenance and operations of a Garden City Magistrate Court.

Answer: None.

Question #5: Court requirements for handling and monitoring collections of fines and forfeitures.

Answer: The Clerk of the District Court is directly responsible for receiving and accounting for monies taken in through the criminal justice system. I believe Mr. Navarro's letter addresses this. Please contact him directly if you have further questions on this issue.

Jack Britton
August 24, 1994
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Question #6: Magistrate schedule for the Garden City Court.

Answer: A schedule has not yet been created. I will advise you when such has been done.

Question #7: Proposed coverage for in custody arraignments.

Answer: A schedule has not yet been created. I will advise you when such has been done. Garden City will have to make arrangements with the Ada County Sheriff, however, for future transport of prisoners. If in custody arraignments are to be held in Garden City, facilities must provide adequate secure holding cells or facilities for prisoners.

Question #8: Court Security Requirements.

Answer: At a minimum, two armed and POST certified security officers will have to be present during all court proceedings. Two such staff will be needed in the event the judge orders a person taken into immediate custody. It is possible that the city will have to purchase a magnetometer (metal detection device) and provide a person to staff that device through which all persons entering the courtroom must pass to detect any weapons or other items which could be used as weapons against the judge, clerks or staff. Security staff will need to be equipped with authorized hand gun and handcuffs (these items they must purchase themselves) and city-purchased items such as blue blazers, plastic deputy badge for jacket, hand-held communications radio, earpiece for radio, metal badge, weapons permit issued by the court, body armor vest (bullet proof vest) and pepper spray.

When jury trials are conducted, a trained bailiff must be present to perform those duties and to attend to and guard the jury. Some clerical staff will be necessary to check-in and check-out summoned jurors and to take roll call.

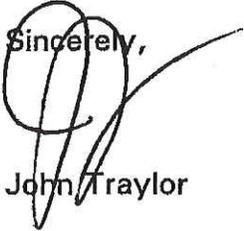
Question #9: How the Garden City cases currently in the Court system are to be handled.

Answer: This has not yet been determined.

Jack Britton
August 24, 1994
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Please be advised this is not meant to be an exhaustive list of items needed to comply with the court's order. That assessment will have to be made on a continuing basis and may change from time to time. This letter is offered merely as a response to your letter. Nor do I view Mr. Navarro's letter as being conclusive and closed-ended. Also, all courtroom/jury facilities must comply with the Americans With Disabilities Act.

Sincerely,



John Traylor

encl.

cc: Wayne Crookston, Meridian City Attorney
David Navarro

Judge Gerald J. Schroeder

DISTRICT JUDGE

FOURTH DISTRICT COURT OF THE STATE OF IDAHO
ADA COUNTY COURTHOUSE
BOISE, IDAHO 83702



October 21, 1994

Wayne Crookston
ATTORNEY AT LAW
P O Box 427
Meridian, Id 83680

Re: Magistrate's Court in Meridian and Garden City

Dear Mr. Crookston:

The district judges determined to extend implementation of the order previously entered for one year. The precise language of the continuance has not been agreed upon, but the continuance has been granted. You should proceed on the basis that the order previously entered will be effective October 1, 1995.

Yours Very Truly,

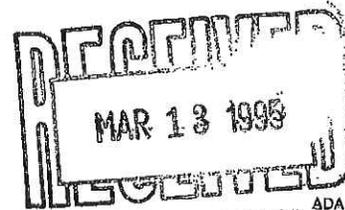
A handwritten signature in cursive script, appearing to read "Gerald F. Schroeder".

GERALD F. SCHROEDER
District Judge

JOHN TRAYLOR
TRIAL COURT ADMINISTRATOR
MAIN OFFICE AT
ADA COUNTY COURTHOUSE
514 W. JEFFERSON ST.
BOISE, ID 83702-5959



DISTRICT COURT
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO



ADA, BOISE, ELMORE
AND VALLEY COUNTIES

TELEPHONE
(208) 364-2100
FAX
(208) 364-2064

March 8, 1995

Jack Britton
Garden City Attorney
201 E. 50th
Garden City, ID 83714

Wayne Crookston
Meridian City Attorney
P.O. Box 427
Meridian, Idaho 83642

Gentlemen:

On February 27, 1995, the District Judges of the Fourth Judicial District met and confirmed that their previous Order issued August 12, 1994 requiring your client cities to provide suitable quarters, etc., for the magistrate division is still in effect and expected to be complied with, and directed that I contact each of you regarding this matter. On August 24, 1994, I directed a letter to Jack Britton [copy enclosed] setting forth some minimum standards which we would accept with regard to that Order. By this letter, I also inform Mr. Crookston and the City of Meridian that the same standards set forth in that letter and this letter will apply to Meridian.

In addition to those standards, I add the following as a minimum requirement. It is mandatory that both the attending deputy clerk and the presiding magistrate have access, through their personal computer at your respective sites, to Ada County's AS400 computer main frame which is the system used to store, retrieve, and process court data, and which also creates, maintains and updates our Register of Actions. I suggest you contact Virgil Alldritt, Director of Computer Information Services for Ada County at 364-2255 to determine how this is to be accomplished and how much it will cost your clients for hook up and use. Boise City is charged a fee by Ada County for being on this system and it is likely that your clients also will be assessed a monthly charge.

Although I have no evidence of a signed Order, it is my understanding the former Administrative Judge Gerald Schroeder authorized an extension of this Court's original Order until October 1, 1995. We will honor that. It is your responsibility to ensure that all requirements set forth by this office thus far or in the future have been complied with by that date. It is my assumption that Boise City will discontinue processing your citations and complaints on that date.

Jack Britton/Wayne Crookston

March 8, 1995

Page 2

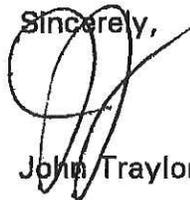
I will direct a letter to the Ada County Sheriff's Office and the Ada County Public Defender advising them of this Order as they will be impacted.

As to the suitability of the proposed courtroom, some comparison has been made to the McCall City courtroom facility which actually is the City Council Chambers. Please note that you should not use that facility as a measuring stick in preparing the courtroom required by the Order in question. First, that facility is outdated and inadequate. Our standards have changed since that facility was first provided. Second, the volume of cases going through the McCall facility pale in comparison to what we anticipate in your cities. Thus, the facility in McCall is not an adequate standard to use. As I set forth in my August 24, 1994 letter to Mr. Britton, and as I reiterate now, I have viewed the city council chambers in both of your cities and they are both inadequate for our needs. Our minimum standards for a courtroom are at least 700 square feet with a permanent, raised bench, and a permanent six-person jury box designed with a full-length vanity shield. The witness box must be at least five feet deep measuring from the back wall to the outer edge of the vanity shield, and, seven feet across, including a walkway for the witness.

I will be setting up a series of meetings with the Clerk of the District Court, the Sheriff's transport team and others to establish how your paperwork will be processed. I do not anticipate placing a magistrate in your courts more than one or two days each week at the most. If it becomes necessary at any time, we also reserve the right to conduct court proceedings on your cases at other, more convenient locations. Our determinations will be based on the assumption that you will have met our minimum standards by October 1, 1995. I am available to each of you to answer questions or resolve issues. Please call me if you feel it is necessary. Once you have the facilities prepared to meet these standards, please let me know as soon as possible so I can inspect them to ensure compliance. Please remember, the standards I have set forth in my August 24, 1994 letter and this letter are minimum standards. Further, they are dynamic and may change from time to time.

Finally, if some other arrangements are made between your clients and Boise City and Ada County, please inform me immediately. Absent any notice from either of you, I am proceeding under the assumption that your courts will be open on October 1st.

Sincerely,



John Traylor

cc: Judge Newhouse
Bill Nary

EXHIBIT
D

RESOLUTION NO. 998

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ADA COUNTY, APPROVING THE FORM AND CONTENT OF THE COURTS COMPLEX LEASE, SETTING AS A CONDITION PRECEDENT APPROVAL OF A BUDGET CONTAINING AMOUNTS TO FUND THE INITIAL TERM OF THE LEASE, INSTRUCTING THE CLERK TO ADD FUNDING FOR THE INITIAL TERM OF THE COURTS COMPLEX LEASE TO THE ESTIMATED FISCAL YEAR 1999-2000 BUDGET, AND SETTING FURTHER CONDITIONS THAT CASE NO. CV OC 9804773D BE RESOLVED AND THAT THE CAPITAL CITY DEVELOPMENT CORPORATION FUND CONSTRUCTION FOR THE COURTS COMPLEX PROJECT.

THE BOARD OF COMMISSIONERS OF ADA COUNTY FINDS AS FOLLOWS:

WHEREAS, Ada County, Idaho (the "County") is a duly organized and existing county under the laws and the constitution of the State of Idaho; and

WHEREAS, County is authorized and statutorily mandated by Idaho Code Section 31-1001 to provide a courthouse, suitable office space and facilities for county departments and for the justice systems; and

WHEREAS, County constructed the current Ada County Courthouse in 1939 to function as a combined courts and administration facility; and

WHEREAS, the current Ada County Courthouse has been remodeled, renovated, and repaired numerous times over the years, adding additional courtrooms and work spaces for the justice system; and

WHEREAS, the former jail on the upper floors of the current Ada County Courthouse can no longer accommodate prisoners for extended periods of time due to safety, sanitation, and security reasons; and

WHEREAS, the former jail facilities can not be put to productive and efficient use; and

WHEREAS, in the mid 1970s County and the City of Boise constructed a public safety complex housing the Ada County Sheriff's Office, the Boise City Police Department, the Ada County Jail, and five additional courtrooms all of which are located some ten miles from the current Ada County Courthouse; and

WHEREAS, due to space limitations, County must currently operate courtrooms in three separate locations which causes confusion for users of the County's justice facilities and contributes to inefficient administration of justice; and

WHEREAS, new judges are scheduled be added to the list of those currently chambered in Ada County; and

WHEREAS, there is no more room to house additional judges, court clerks, and support staff in any of the existing court facilities; and

WHEREAS, when additional judges, court clerks, and support staff are provided, the County will be forced to find yet a fourth location for court facilities; and

WHEREAS, due to a lack of space, jurors reporting for jury duty must assemble three blocks from the current downtown Courthouse and then walk through the elements and stand in line exposed to potential tampering and the elements while waiting to pass through security checkpoints; and

WHEREAS, due to the outdated design of the old Courthouse, prisoners being transported from the Ada County Jail to court enter the old Ada County Courthouse through an unsecured parking lot utilized by the judiciary and staff employees and are then walked to court through open corridors mingling with members of the public; and

WHEREAS, the current criminal courtrooms do not have modern security features for the handling of high risk criminal defendants; and

WHEREAS, there are insufficient private waiting areas for the victims of abuse and sexual assault to wait during trial causing them to sit in the hallways, oftentimes near their assailants; and

WHEREAS, there are few areas for the private consultation of lawyers with their clients in the courthouses in Ada County; and

WHEREAS, there is insufficient parking available for the users of the County's current downtown Courthouse; and

WHEREAS, the current downtown Courthouse was not designed, and cannot be efficiently retrofitted for, modern electronic litigation and the presence of electronic media during trial; and

WHEREAS, several courtrooms in the current downtown Courthouse have been converted to courtroom use from other uses leaving structural support pillars obstructing the view of the courtroom by the judge, and the witness by observers; and

WHEREAS, efficient use and consumption of utility services is not possible in the current downtown Courthouse in its configuration as a courthouse; and

WHEREAS, the proposed new Ada County Courthouse to be located on the Corridor Property is designed to make the most economical use of services such as natural gas, electricity, and geothermal water; and

WHEREAS, the current Courthouse is bordered on all sides by major facilities of the State of Idaho, including the State Capitol, the State Supreme Court and three state office buildings; and

WHEREAS, design and location restrictions make it impossible to economically or feasibly modernize and expand the old Ada County Courthouse; and

WHEREAS, in 1978 a shortage of space caused County to build an Administration Building to house the administrative functions of the County; and

WHEREAS, there is no room left for growth in the Administration Building; and

WHEREAS, in 1990 County entered into a lease purchase of the Eagle's Building to provide additional administrative and court offices; and

WHEREAS, there is no room left for growth in the Eagle's Building; and

WHEREAS, in 1990 the Board of Ada County Commissioners determined that the existing Courthouse facilities were inadequate, did not comply with statutory mandates, and that a new larger facility would be needed in the foreseeable future; and

WHEREAS, the Board of Ada County Commissioners found that consolidating the County's scattered justice and administrative facilities into one building is necessary; and

WHEREAS, the Board of Ada County Commissioners found that providing for the orderly and efficient use of space would require a new facility; and

WHEREAS, in 1990, in order to obtain the real property on which to construct a new courthouse facility to meet the need to replace the existing structures and to provide the necessary parking for patrons and employees, the Board of Ada County Commissioners

entered into a lease purchase agreement for approximately 14 acres of land, (the Corridor Property), in downtown Boise, Idaho, the County Seat of Ada County, Idaho; and

WHEREAS, certain residents of Ada County, including Robert Forrey, and the Ada County Property Owners Association, Inc., questioned that decision and the transaction was thereafter presented for review in a contested hearing through the procedures provided in the Judicial Confirmation Law; and

WHEREAS, Robert Forrey personally participated in those contested proceedings and took the stand and testified against the purchase of the Corridor Property at that hearing; and

WHEREAS, in 1992, the lease and purchase agreements for the Corridor Property were determined and adjudged by the Honorable George Granata in that lawsuit to be, *inter alia*, an ordinary and necessary expense of County government due to the inadequate, overburdened, and obsolescent nature of the existing County facilities; and

WHEREAS, in that lawsuit, the transaction as structured was determined and adjudged by the Honorable George Granata, not to be a liability as defined by Idaho Constitution, Article VIII, § 3; and

WHEREAS, a copy of the decision of Judge Granata is appended hereto as Exhibit "4;" and

WHEREAS, the decision of Judge Granata was appealed by neither the Ada County Property Owners, Association, Inc. nor Robert Forrey; and

WHEREAS, the conditions recited therein and the basis for that decision have not changed; and

WHEREAS, County is now the owner of the Corridor Property in fee simple; and

WHEREAS, County has run out of room to house justice facilities, administrative facilities, and the officers and employees to run these systems and is sprawled out in six different locations scattered throughout Boise, Idaho; and

WHEREAS, the scattered nature of the County facilities is economically inefficient and prevents the fair management of the justice system and the County administrative system; and

WHEREAS, for the reasons and as described above, County purchased the Corridor Property; and

WHEREAS, County determined to provide for the orderly development of the Corridor Property and adjacent areas in the public interest and specifically to provide an economic basis so as to avoid the imposition of new taxes and to defray the costs of a new courthouse, the entire development having become known and designated as the "Ada County Courthouse Corridor Project;" and

WHEREAS, approximately ten (10) acres of Corridor Property is to be used for a courthouse, related parking facilities, other public improvements, integrated retail spaces, and other public and private development, and is referred to herein as the "Site", the portion of the development to be completed on the Site having become known as the "Courts Complex Project;" and

WHEREAS, County determined to construct a new courthouse, parking facilities, integrated retail space, and related development on a portion of the Site which is referred to herein as the "Land;" and

WHEREAS, the Capital City Development Corporation (Agency) is an urban renewal agency created by and existing under the authority of and pursuant to the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20, as amended and supplemented (the "Law"); and

WHEREAS, the City of Boise City, Idaho (the "City"), by adoption of Ordinance No. 5596 on December 6, 1994, duly adopted the River Street-Myrtle Street Urban Renewal Plan (the "Urban Renewal Plan") as part of its Land Use Planning Principles to be administered by Agency; and

WHEREAS, the Urban Renewal Plan has designated a geographical area to be covered by the Urban Renewal Plan located in the River Street-Myrtle Street area of the City and referred to herein as the "Urban Renewal Area;" and

WHEREAS, the Corridor Property is located within the River Street-Myrtle Street area; and

WHEREAS, Agency has, as a part of the Urban Renewal Plan, determined that the Ada County Courthouse Corridor Project is an important element of the Myrtle Street portion of the Urban Renewal Area and is appropriate for its commitment of resources for public improvements and has expressed a willingness to consider other kinds and levels of support; and

WHEREAS, Agency and County entered into an agreement under which it was agreed that Agency would provide, at no charge to County, expertise and other assistance to County in the process of selecting a potential developer for the Ada County Courthouse Corridor Project; and

WHEREAS, Agency was designated as County's agent for purposes of providing advice and document control during the developer selection process; and

WHEREAS, in August 1995, County began its competitive process for selecting a developer or developers for the Ada County Courthouse Corridor Project by soliciting expressions of developer interest in designing and building, according to certain performance criteria, a replacement for the current County justice and administrative facilities, and the other portions of the Ada County Courthouse Corridor Project; and

WHEREAS, the solicitation of expressions of interest was published in local newspapers of general circulation and in national publications several times for a period in excess of 60 days; and

WHEREAS, sixty-one (61) developers requested information packages containing the design build and other performance criteria concerning the Ada County Courthouse Corridor Project; and

WHEREAS, twelve (12) developers submitted Phase I proposals expressing interest in the Ada County Courthouse Corridor Project therein, ten (10) of which ultimately qualified; and

WHEREAS, on November 9, 1995, the Board of Ada County Commissioners named a citizens' selection committee composed of eleven (11) persons representing a variety of disciplines and community perspectives (the "Committee") to assist in the selection process and to make a recommendation to the Commissioners of a developer or developers who could satisfy the design build and other performance criteria and with whom County should negotiate to complete the Ada County Courthouse Corridor Project; and

WHEREAS, the proposals of each of the remaining ten (10) developer teams and other background information were delivered to each of the Committee's members, and, after reviewing these Phase I proposals and other information, on December 12, 1995, the Committee met, conferred about and then selected six (6) developers who were invited to submit Phase II proposals, to wit: P-SG Boise/Hensel Phelps, The Boyer Company, Robert A. Alleborn, the Fluor/Wilmore Civic Partners Group, Renaissance Partnership/Griffin Realty Corporation, and Kajima Construction (Kajima thereafter withdrew from consideration); and

WHEREAS, each of the five (5) remaining developers was allowed to and did avail itself of an opportunity to meet with members of the Committee, County and Agency staff for the purpose of developing a better understanding about the Ada County Courthouse Corridor Project prior to submitting a Phase II Proposal; and

WHEREAS, on or before March 1, 1996, Agency received Phase II submissions from all remaining developers and, after reviewing the Phase II submissions, the Committee selected and met with four (4) developers on April 3, 1996: P-SG Boise/Hensel Phelps, The Boyer Company, Robert A. Alleborn, and the Fluor/Wilmore Civic Partners Group; and

WHEREAS, after due consideration and deliberation, the Committee recommended to the Board of Ada County Commissioners that it select Fluor/Wilmore Civic Partners Group with Morrison Knudsen Corporation, as principal contractor as the preferred developer candidate, with The Boyer Company being named as the alternate candidate; and

WHEREAS, on April 9, 1996, the Commissioners, by motion duly made and unanimously passed, accepted the Committee's recommendation and determined to begin negotiations with the Fluor/Wilmore Civic Partners Group, with the Morrison Knudsen Corporation as principal contractor; and

WHEREAS, on May 21, 1996, the question of whether the Ada County Courthouse Corridor Project should go forward, within certain constraints and subject to certain conditions, was presented for an advisory vote by the electors of County on the Primary Election Ballot, the specific proposition on which the vote was taken is attached hereto as Exhibit "5" (the "Ballot Proposition"); and

WHEREAS, the Ballot proposition passed overwhelmingly by a majority in excess of seventy percent (70%); and

WHEREAS, on September 10, 1996, County, Agency, and the Fluor/Wilmore Civic Partners Group, together with Wilmore Holdings, Inc., with Morrison Knudsen Corporation as principal contractor, entered into an Agreement to Negotiate Exclusively (the "ANE"), pursuant to which, as it has been amended, the parties have negotiated concerning the preparation and execution of an acceptable plan for development of the Ada County Courthouse Corridor Project and the Corridor Property; and

WHEREAS, Steven P. Semingson, the principal of the Wilmore Civic Partners Group and Wilmore Holdings Inc., after withdrawal of one member, Fluor Daniel, from the Fluor/Wilmore Civic Partners Group, continues to act as the Developer for the Ada

County Courthouse Corridor Project, (the "Developer"), with Morrison Knudsen Corporation continuing as principal contractor; and

WHEREAS, on April 28, 1998, County, Agency, and Civic Partners Idaho, LLC, (an Idaho subsidiary of Wilmore Civic Partners Group), entered into an Amendment to the ANE to reflect the current circumstances and to revise the Schedule of Performance in light of then current conditions; and

WHEREAS, Agency is authorized to acquire any interest in real property by negotiation which it deems necessary for or in connection with an Urban Renewal Project; and

WHEREAS, County is specifically authorized by Idaho Code Sections 50-2015 and 31-836, to lease its properties to a redevelopment agency for redevelopment purposes; and

WHEREAS, Agency has entered into a Development Agreement with the County for the development of the Site (the "Master Development Agreement"), attached hereto as Exhibit "1", which agreement provides, *inter alia*, for the construction of a new Ada County Courthouse and related parking facilities (the Facilities), to replace the existing outdated structures, integrated retail space (the "37 Retail Space") and ancillary public improvements (the "Bond Public Improvements") with Bond proceeds (collectively, the "Courts Complex Project"), related public improvements by Agency (the "Other Public Improvements"), and certain private development (the "Private Development") consistent with the Urban Renewal Plan; and

WHEREAS, County has determined that the remaining portions of the Corridor Property, to the east of Avenue A extended, to Broadway Avenue (the Avenue A Project), are not interconnected in use, parking and circulation with the Courts Complex Project, and should be developed independently of the Courts Complex Project; and

WHEREAS, because the Avenue A Project is not a part of the Site, and is not currently necessary for County's use in facilitating Agency's construction of the County courthouse building and the related development as now proposed, the Avenue A portion of the Corridor Property should, pursuant to Idaho Code § 31-836, be separately leased to Agency as surplus property of County; and

WHEREAS, Agency is authorized by the Law to acquire the Site, to finance the acquisition and construction of the Courts Complex Project by the issuance, sale, and delivery of lease revenue bonds, and to lease the Courts Complex Project to County, and Agency desires to undertake construction of the Courts Complex Project and to

provide financing for the Courts Complex Project pursuant to the Urban Renewal Plan; and

WHEREAS, Agency proposes, under the Law, to finance the acquisition and construction of the Courts Complex Project, including the funding of a reserve fund, payment of capitalized interest and the payment of certain costs of issuance associated therewith, by the issuance of its Urban Renewal Lease Revenue Bonds (Ada County Courts Complex) Series 1999 in the aggregate principal amount of \$67,025,000.00 (the "Series 1999 Bonds"); and

WHEREAS, County has requested Agency to issue its Series 1999 Bonds in an amount sufficient, together with other monies available therefore, to (a) finance the costs of the Courts Complex Project; (b) fund the Debt Service Reserve Account in an amount equal to the Reserve Account Requirement as provided in the Bond Resolution; (c) fund a capitalized Interest Account in an amount sufficient to pay interest on the Series 1999 Bonds through August 15, 2001; and (d) to pay the cost of issuance associated therewith; and

WHEREAS, County proposes to lease the Site to Agency, pursuant to the Master Ground Lease, attached hereto as Exhibit "2", dated as of January 1, 1999, and has provided in the Master Ground Lease and in the Master Development Agreement, for development of the Site in compliance with the performance criteria expressed in the solicitations of interest, and for certain other controls over the development of the Courts Complex Project and Private Portions of the Site, as expressed in the Disposition and Development Agreement, (the "DDA") attached hereto as Exhibit "6", the Master Sublease, attached hereto as Exhibit "7," and the Sub-subleases; and

WHEREAS, Agency proposes to enter into a Design and Construction Contract with Morrison Knudsen Corporation for the construction of the Facilities, which contract is attached hereto as Exhibit "9;" and

WHEREAS, County will continue to have fee ownership of the Site subject only to Agency's interests in the Master Ground Lease and the sub-interests created therein; and

WHEREAS, it is proposed that pursuant to Idaho Code § 30-1001, County will sublease and rent the Facilities from Agency under the terms and conditions set forth in the Courts Complex Lease Agreement (the "Courts Complex Lease Agreement") attached hereto as Exhibit "8;" and

WHEREAS, the initial lease term of the proposed Courts Complex Lease commences on October 1, 1999, and will expire on September 30, 2000, and County shall be under no obligation to renew the term of the Courts Complex Lease; and

WHEREAS, the proposed Courts Complex Lease contains a provision for annual renewal terms that may be exercised by the affirmative action of the Board of Ada County Commissioners, in its sole discretion, prior to September 15th of each lease year of appropriating sufficient funds, to pay the lease payments due under the Courts Complex Lease for the next succeeding renewal term or the Courts Complex Lease will terminate; and

WHEREAS, pursuant to Idaho Code § 31-1001, County may purchase the Facilities upon due retirement of the Series 1999 Bonds; and

WHEREAS, County has imposed, pursuant to the solicitation of expressions of interest, as a condition of Agency's obtaining an interest in the Site for purposes of development and redevelopment pursuant to the Urban Renewal Plan, that Agency enter into certain agreements with Developer, and that Agency may not seek any other developer for the Ada County Courthouse Corridor Project; and

WHEREAS, Agency has no current interest in the Corridor Property and will obtain an interest only pursuant to the Master Ground Lease; and

WHEREAS, County would not have agreed to enter into the Master Ground Lease unless Agency committed to entering into the DDA and the Master Sublease with Developer; and

WHEREAS, Agency is required to invoke certain disposition procedures in compliance with Idaho Code Section 50-2011(b), when Agency disposes of real property by way of sale or lease, such requirements including public notice of its intent to sell or lease such property prior to the delivery of any instrument of conveyance, and that the sale or lease price, as the case may be, is no less than the fair reuse appraisal value of such property, all as set out under the Law; and

WHEREAS, Agency has published its Notice of Intent to Proceed with review for approval of the DDA; and

WHEREAS, Agency has previously published notice of its intent to dispose of the facilities to County under the Courts Complex Lease Agreement; and

WHEREAS, Agency will comply with its statutory procedures for the disposition of the private development parcels to Developer under the Master Sublease; and

WHEREAS, the Board of Ada County Commissioners has reviewed the proposed Courts Complex Lease, and has determined it is in the best interests of the County to enter into that agreement if, and when, the lawsuit filed by the Ada County Property Owners Association, Inc., and certain others, has been resolved and removed as a legal impediment to entering into the Agreement, and contingent upon Agency's funding of its Series 1999 Bonds to finance the Courts Complex Project, pursuant to the Bond Purchase Contract, attached hereto as Exhibit "3;" and

WHEREAS, the Board of Ada County Commissioners has reviewed the proposed Master Development Agreement and Master Ground Lease, and has determined it is in the best interest of the County to enter into those Agreements, subject to the condition that the Agency issue its Series 1999 Bonds for the construction of the Facilities; and

WHEREAS, the Board of Ada County Commissioners has reviewed the proposed Master Sublease, the DDA, the Bond Purchase Contract, and the Design Build Contract and, in conformance with the Master Ground Lease, has determined it is in the best interest of the County to approve the form and content of those agreements; and

WHEREAS, Agency will republish notice of its intent to enter into the Courts Complex Lease Agreement prior to its consideration of approval of the Courts Complex Lease Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 2nd DAY OF FEBRUARY, 1999, That the form and content of the Master Sublease, the DDA, and the Design Build Contract are hereby approved; and

BE IT FURTHER RESOLVED that County shall execute, sign, and enter into the Master Development Agreement, and the Master Ground Lease; and

BE IT FURTHER RESOLVED that County shall approve and execute the Bond Purchase Contract; and

BE IT FURTHER RESOLVED that County shall approve the form and content of the Courts Complex Lease; and

BE IT FURTHER RESOLVED that the Ada County Clerk/Auditor/Recorder be instructed to place an amount necessary to fulfill the County's obligation under the Ada County Courts Complex Lease in the 1999-2000 fiscal year Estimated Budget for an initial Term commencing October 1, 1999; and

BE IT FURTHER RESOLVED that it shall be a condition precedent to the effectiveness of the Ada County Courts Complex Lease that the amounts necessary to fulfill the County's obligations thereunder have been approved in the Final Budget for the fiscal year 1999-2000 which commences October 1, 1999, by the Board of Ada County Commissioners; and

BE IT FURTHER RESOLVED that it shall be a condition precedent to the effectiveness of the Ada County Courts Complex Lease that resolution of that certain lawsuit between the Ada County Property Owners Association and Ada County be obtained, allowing the transaction to proceed forward; and

BE IT FURTHER RESOLVED that it shall be a condition precedent to the effectiveness of the Ada County Courts Complex Lease that the sale of its Series 1999 Bonds, or other Bonds by the Agency in an amount necessary to finance the construction of the Courts Complex Project have occurred.

ADOPTED this 2 day of February, 1999.

Board of Ada County Commissioners

By: Vernon L. Bisterfeldt
Vernon L. Bisterfeldt, Chairman

By: Frank Walker
Frank Walker, Commissioner

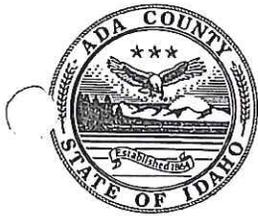
By: Roger Simmons
Roger Simmons, Commissioner

ATTEST:

David Navarro
David Navarro, Ada County Clerk

EXHIBIT
E

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ADA COUNTY

OPERATIONS
DEPARTMENT

650 Main Street
Boise, Idaho 83702

Dave Logan
Director

Phone
(208) 364-2345

M E M O R A N D U M

DATE: June 13, 1994

TO: Roger Simmons
Ada County Commissioner

FROM: Dave Logan, Director
Ada County Operations

SUBJECT: COURTHOUSE PROJECT

Please review the attached information that you requested:

The following is a brief description of the County's Courthouse Project which should be used to identify the possible scope.

- * Ada County has a need to replace its Courthouse, Administration Building, and the Eagle Building Complex.
- * The County is the landowner of a highly desirable 14.25 acre site.
- * The County has interest in developing a multi-use phased (but integrated) planned development.
- * The County's projection for office space (administrative and courthouse needs) through the year 2000 is 211,000 square feet. - 30%
- * The project site lends itself to the potential integration of extensive private office and retail uses, governmental uses, public space and plazas within the site located at the present eastern boundary of downtown.
- * The project site will have strategically placed on-site structured parking for over 1,000 cars.
- * The County is interested in both meeting its foreseeable needs and providing options to meet its needs 25-50 years.

page 2

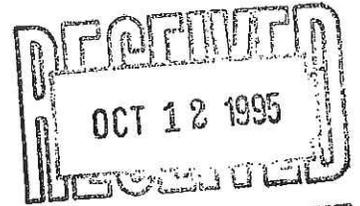
- * The County is interested in utilizing (mining) the value of its land holdings and to assist in financing the development of its expanded administrative facility requirements.
- * The land values in this area are estimated at _____ per square foot and the height restriction is approximately _____ feet above ground level.

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EXHIBIT
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DISTRICT COURT
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO



JOHN TRAYLOR
TRIAL COURT ADMINISTRATOR
MAIN OFFICE AT
ADA COUNTY COURTHOUSE
514 W. JEFFERSON ST.
BOISE, ID 83702-5959



ADA, BOISE, ELMORE
AND VALLEY COUNTIES

TELEPHONE
(208) 364-2100
FAX
(208) 364-2064

October 10, 1995

Wayne Crookston, Meridian City Attorney
P.O. Box 427
Meridian, ID 83642

Dear Wayne:

As you know, the Ada County Commissioners are seriously pursuing construction of a new courthouse to be located at the intersection of 3rd and Front Streets. The initial thoughts on design include a "twin-towers" concept wherein county administration and court functions would be located in opposite ends of the building. At this point in time, the Commissioners have gone public with the concept by advertising for interested developers to submit proposals. It is my understanding that once a developer and architect are chosen, we will begin the design phase of this large project. It is my hope that each department which will be affected by this building, or who will be located therein, will have a chance to offer input as to needs.

It is also my understanding that your City may wish to negotiate with the county for some space allocation in the new building. I believe it is none too early for you and your staff to begin formulating ideas and suggestions for what your needs will be in a new courthouse.

It will be to your benefit to begin this review phase now so that we can be prepared to submit ideas and suggestions when we reach the design phase. If you believe it is prudent, you may have your designated staff member(s) contact me at any time and I will provide whatever information I can to assist you. I will be happy to meet with any one or a group of your staff to pursue this, if you so desire. I believe that the better prepared we are, we will be able to move through the complete process with ease and efficiency. At the very least, it is not too early for you and your staff to begin an internal review of needs and ideas for a new courthouse.

Sincerely,

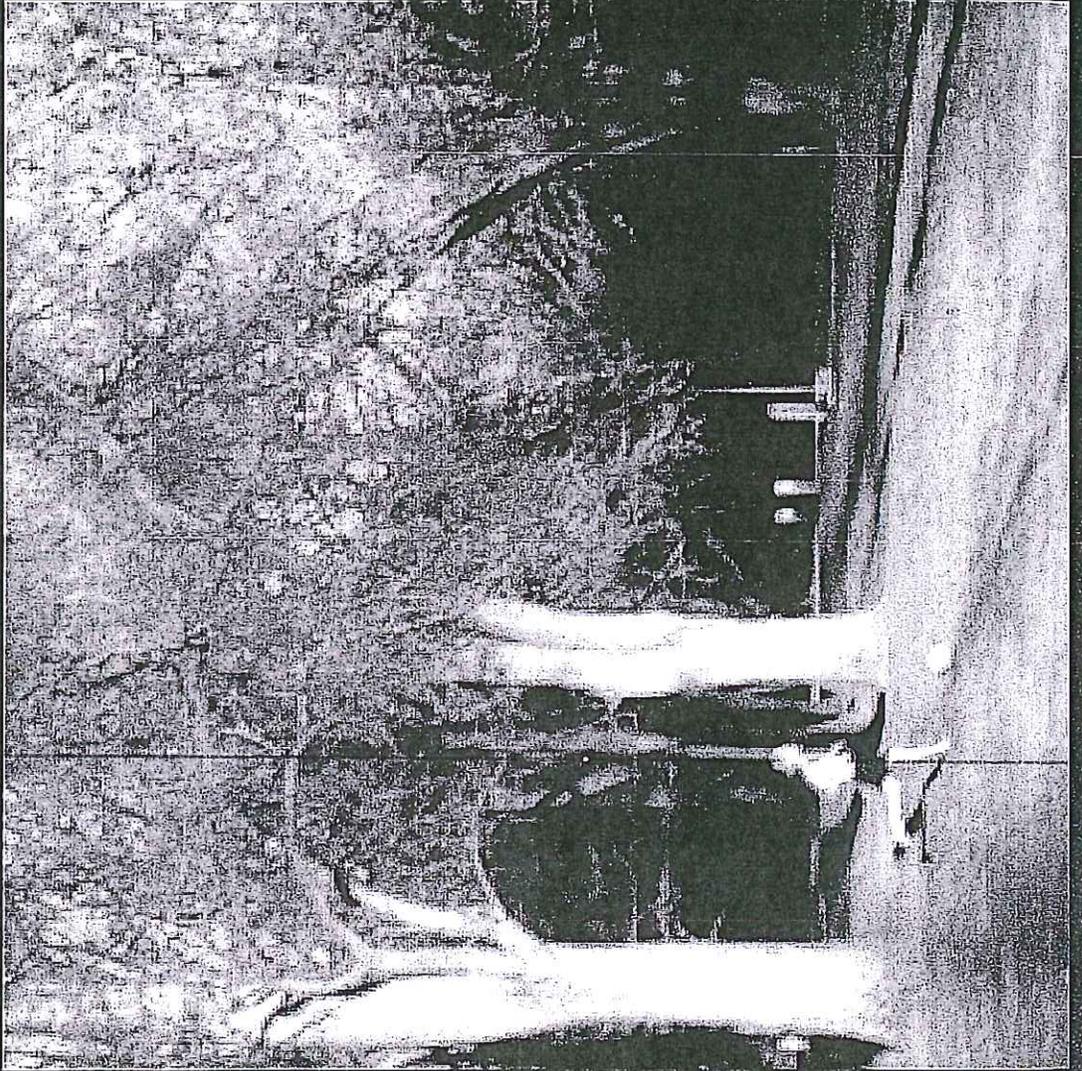
A handwritten signature in black ink, appearing to be "John Traylor", written over the word "Sincerely,".

John Traylor

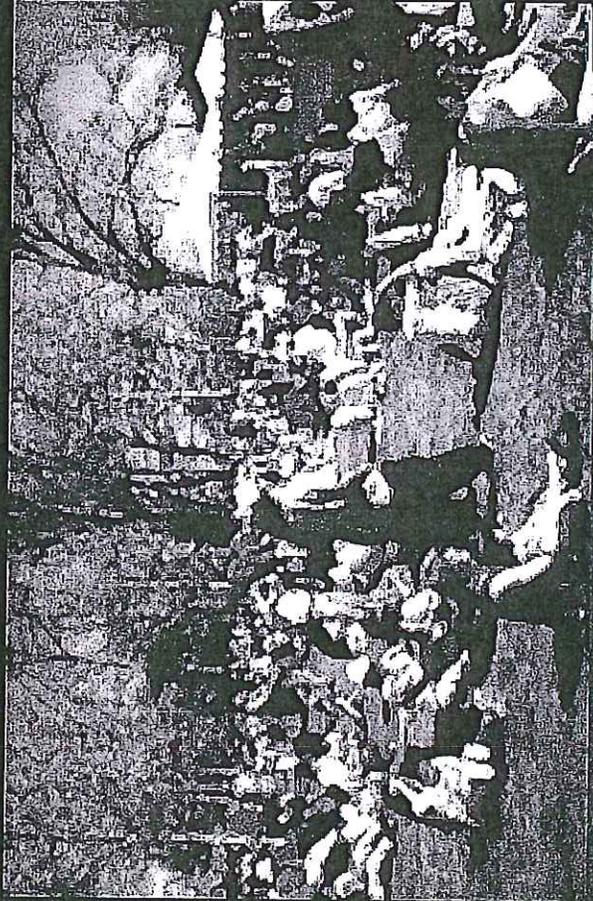
cc: Ada County Commissioners

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EXHIBIT
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no new Tax Dollars

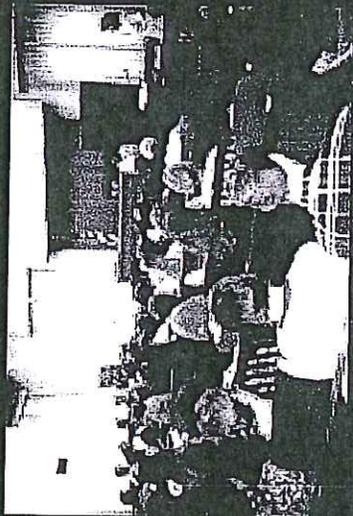


Ada County Corridor Project A Public/Private Partnership

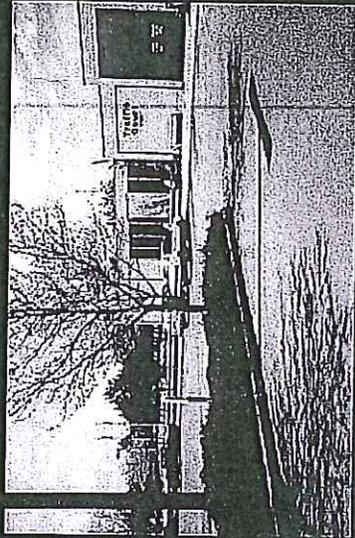


❖ Made Possible by
74% of the Voters of
Ada County

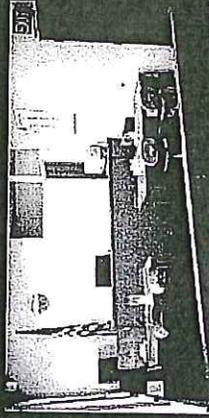
A Public Solution!



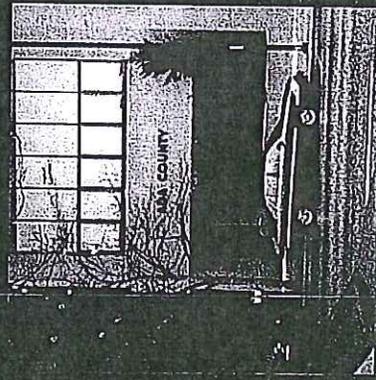
Jury Commission



Magistrate Court

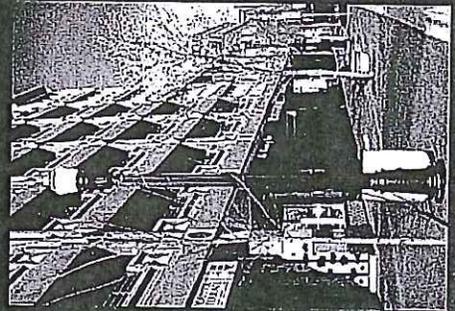


Small Claims Court

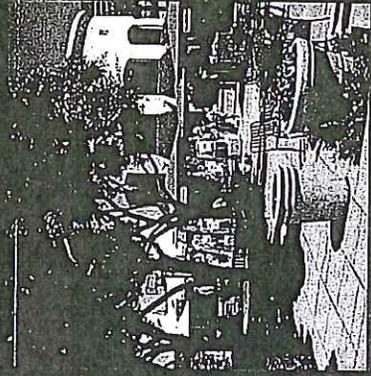


Administrative Services

❖ All Services in One Location



Adequate Parking



Retail Support

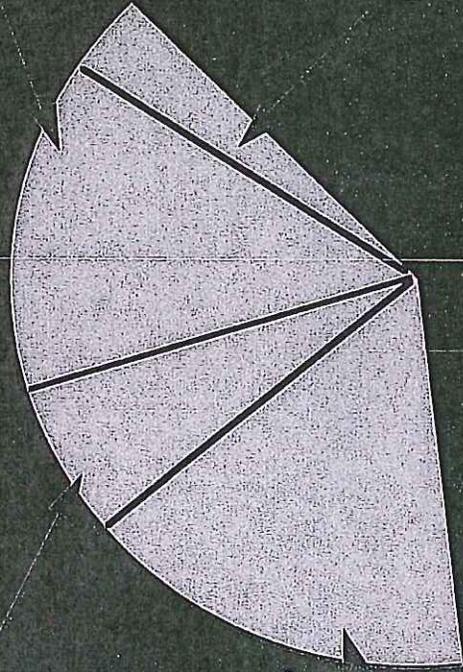
How Does the County Make Its Contribution?

Dedicated Justice Funds 36%

Lease Savings 4%

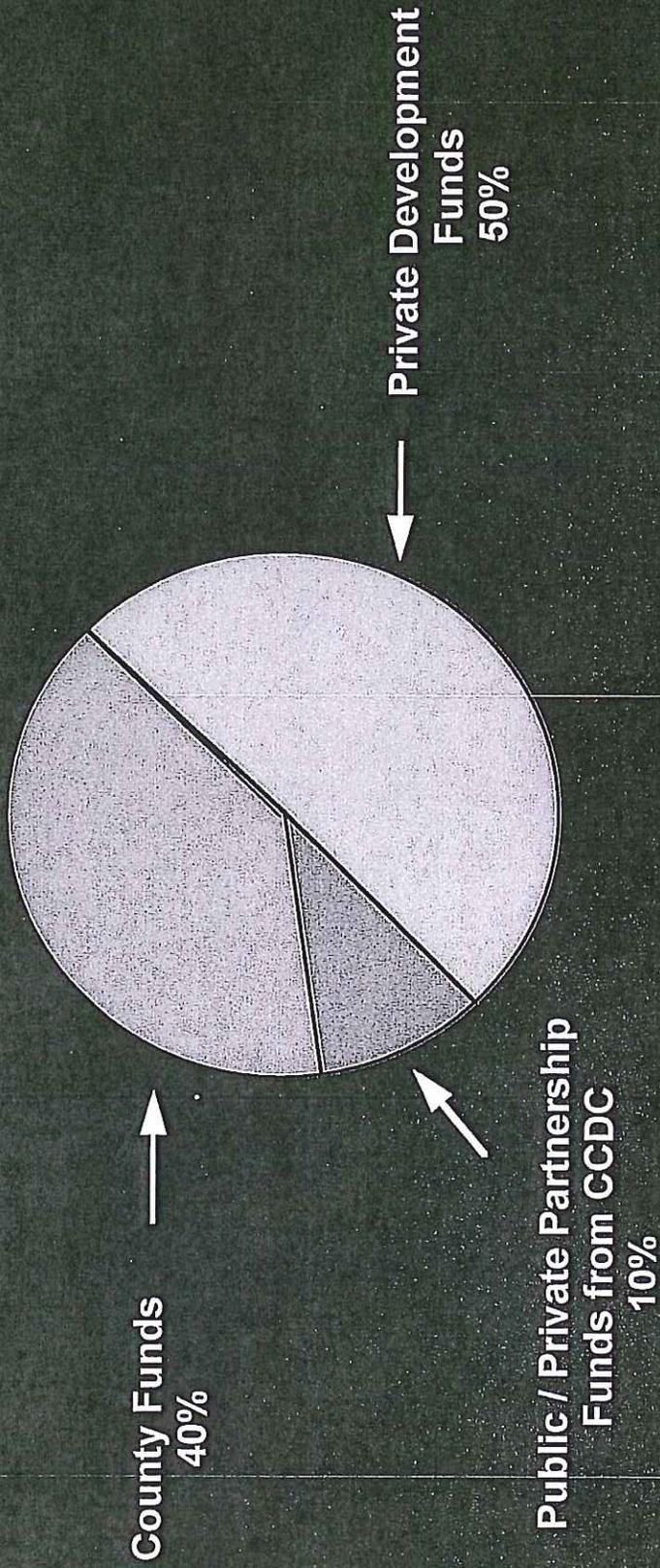
Private Development 15%

Property Disposition/Lease 45%

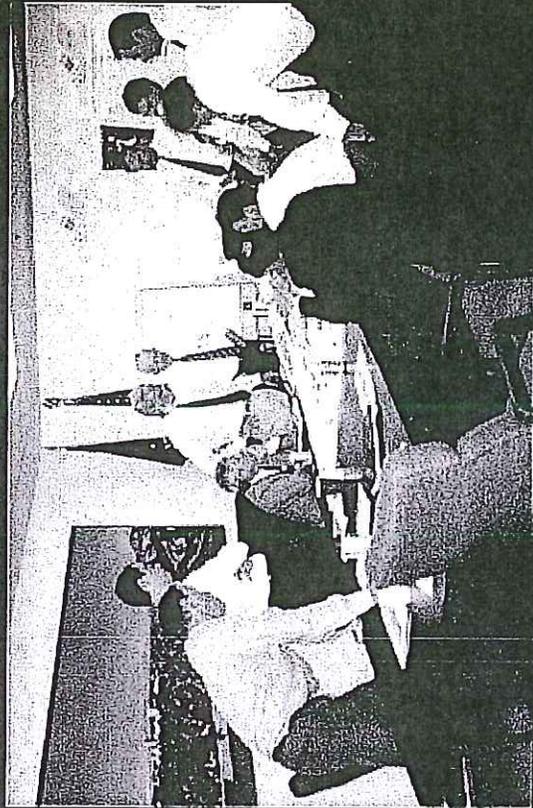
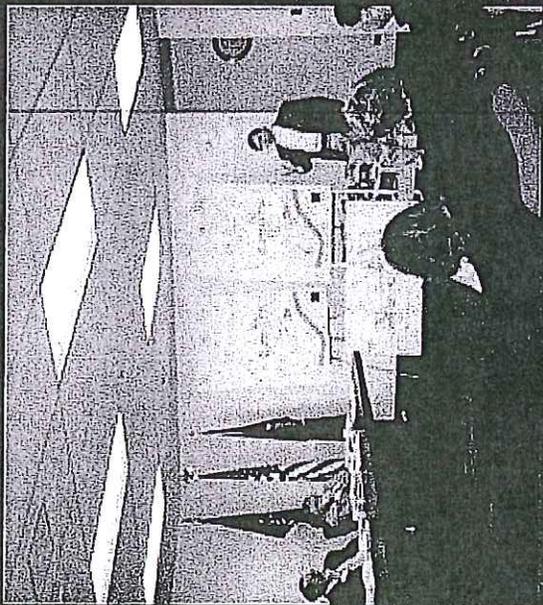


* Based on 30-year Financing Plan

Who Shares The Cost?



*A Public / Private Partnership
Makes This Possible . . .*

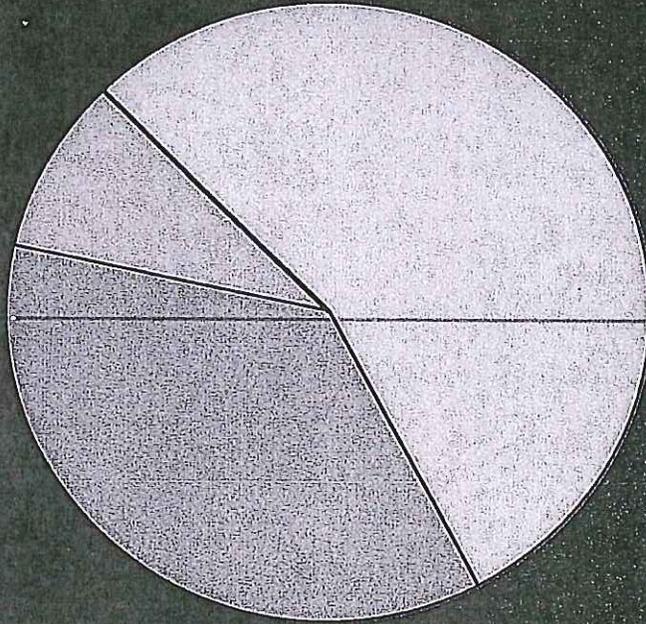


*. . . Because Private Dollars
Are Added To County Funds*

Why Private Sector Interest?

- ❖ *Attractive Location*
- ❖ *Anchored by Govt Center and Major Medical Facility*
- ❖ *Anchors generate Consumer Activity*
- ❖ *Govt & Medical Office Tenants*
- ❖ *CCDC provides Parking and Infrastructure*
- ❖ *Equates to Economic Opportunity*

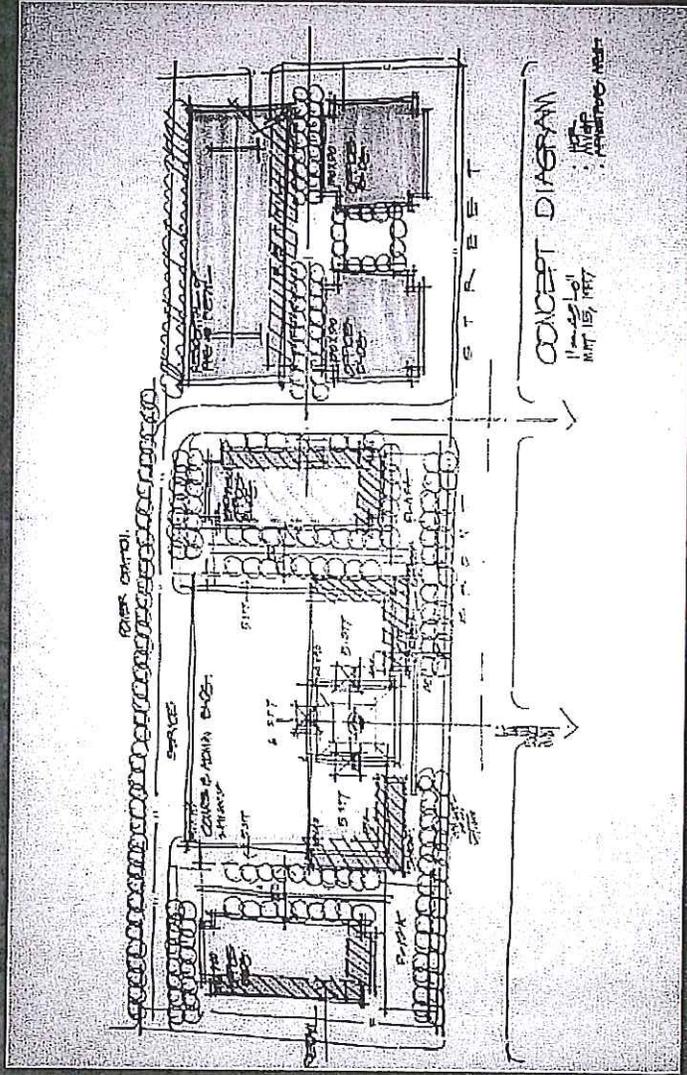
We Have the Opportunity



- ❖ To Implement a Cost Effective Solution

We Have the Opportunity

- ❖ To Implement a Conservative Plan
 - Build for Tomorrow
 - Plan for Growth



tabbies®
EXHIBIT
H

CONSOLIDATED COURTHOUSE
AND
ADMINISTRATION CENTER

BACKGROUND:

The current Ada County Courthouse was constructed 57 years ago and is deteriorating at a rapid rate. Besides having structural problems, the courthouse lacks proper security for victims, witnesses, employees and judges. The courthouse lacks room for expansion and cannot be properly adapted for current and future uses of technology.

The county owns land at 3rd and Front Streets for a Consolidated Courthouse and Administration Center. The county is proposing that a private entity construct the facility, with no tax increase, in return for development opportunities on Front Street near Broadway Avenue. As part of this agreement, the private entity could construct office buildings, apartments, retail stores and other mixed-uses. The county will continue to own the land.

ADVISORY QUESTION;

If there is NOT an increase in property taxes, do you favor the construction of a Consolidated Courthouse and Administration Center through a public-private partnership?

YES 227



NO 228



EXHIBIT
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FOR IMMEDIATE RELEASE

February 2, 1999

**FINAL DEVELOPMENT DOCUMENTS SIGNED TO START ADA COUNTY
COURTHOUSE PROJECT**

(Boise)---More than two years after voters approved a public/private partnership to build a new Ada County Courthouse and Administration building, officials from Civic Partners, Morrison-Knudsen, Capital City Development Corporation and the Ada County Commissioners signed documents today to allow the development to move forward. A total of eight separate documents were either signed or approved this afternoon in the Ada County Commissioners hearing room, including the Master Development Agreement, the Authorizing Resolution, the Master Ground Lease, the Disposition and Development Agreement, the Master Sublease, the Bond Purchase Contract, the Design-Build Contract and the Courts Complex Lease.

The voluminous paperwork was required in part due to a lawsuit filed against the county by northern Idaho attorney Starr Kelso on behalf of Ada County Property Owners Association members Jim Auld and Robert Forrey. The signing of the documents today allows that lawsuit to move forward. County officials estimate that the lawsuit has cost the county and county taxpayers a full fiscal year due to bond timing problems. With today's signing it is possible to have a decision, and, if the decision is favorable, the sale of bonds in August of this year.

Although there are still other details to be worked out by the developer, Civic Partners Chief Executive Officer, Steve Semingson, says they are hoping for a ground breaking for the private side of the mixed-use development by mid-1999. Ground breaking for the courthouse and administration building is contingent on the timing and the outcome of the lawsuit. While Ada County Commissioners expressed confidence in the outcome, they acknowledge that the litigation has been expensive thus far, and that expense will continue to mount as the lawsuit continues.

The current Ada County Courthouse was built in 1939, when the population of Ada County was only 50,000 people. The building housed the courts and the county administration. More than 260,000 people now reside in Ada County, and county operations have spread to numerous locations. Ada County Commissioners proposed the current public/private partnership concept to relieve overcrowded conditions and avoid judicial gridlock. The consolidation of services will allow Ada County to pay for the facility by using funds generated from the disposition of existing properties, lease savings from current rented space, lease payments to the county from the retail, office and residential uses, fees generated from court activity, and revenues derived from

incremental property tax values. This financing concept will allow the county to avoid bond indebtedness which would impose a new and separate tax on property owners in Ada County. The concept was proposed and approved by almost three-fourths of Ada County voters on an advisory ballot in May of 1996. Ada County Commissioners feel the public/private partnership provides county taxpayers with a unique opportunity to address an obvious governmental need while creating a desirable, multi-use development without raising taxes.

The project will utilize county-owned property in the downtown core and is designed to combine work, shopping and living elements into an urban setting that is pedestrian friendly and reminiscent of the architectural style that characterizes historical downtown business districts. Along with the courthouse/administration building, other uses include office, retail, residential housing and public parking. Local design firms involved with the project include Armstrong Architects, Lombard-Conrad Architects, HDR Civil Engineering and Jensen Belts Landscape Architects. In addition, the national firms of McLarand, Vasquez & Partners and EDWA, Inc. are involved in the project's overall design. Marketing for retail and office space is being administered by the local office of Colliers International.

EXHIBIT
J

**Court Facilities
Meridian and Garden City
Misdemeanor and Infractions Only**

Minimum Needs
as Identified by the District Court (6/25/12)
(and Revised 10/30/15)

Projected Number of Courtrooms

Garden City – 1
Meridian – 1

(Non-Jury cases only; jury cases heard downtown)

Bullet-proof judicial bench; bench chair w/mat
HVAC control at the bench
Lighting control at the bench
Clerk station and chair w/mat
Witness stand and chair w/mat
Multi-line conference phone with speaker phone
Two large counsel tables with four chairs w/mat
Large side table with two chairs w/mat
Internet connectivity in courtroom
Marshal station (small table and chair w/mat)
Audience seating (for approx.. 50)
Divider between courtroom well area and audience
Courtroom signage, including ADA compliance requirements

Staffing Needs

In-court clerk position comparable in sal./ben. of Ada County court clerk?
Courtroom security position comparable in sal./ben. of Ada County marshal?
Experienced courthouse entrance screening staff (2) comparable to security staff
of Allied Barton
Certified court interpreter costs
Court clerk counter staff

Facility

Judges' chambers and adjacent restroom; minimum NCSC standard SF
Chambers guest seating (4)
Secure judge parking
Clerk and bailiff parking
Secure facility access from parking area to court (judge)
Secure access to/from facility for law enforcement prisoner transportation
Entrance magnetometer for public screening
(2) Hand wand metal detectors for security staff
Entrance X-ray machine for item screening

NOV 05 2015

Entrance security station and (2) chairs for screening staff
Secure prisoner holding area (25)
Security control room housing camera monitoring of courtroom and public areas
Male and female secure restrooms (holding area)
(2) Conference rooms for (4) for attorneys/clients each adjacent to courtroom
Public hallway (bench) seating outside of courtroom
Office file-storage area for court cases, as necessary
Front clerk counter with designated area for public transactions
Staff break-room
Facility - outside signage identifying courthouse
Male/Female public restrooms
Interior courthouse signage and electronic calendar boards; ADA compliant
Public parking
Convenient access to public transportation stops

Maintenance

Daily/Nightly cleaning of facility
Full-time maintenance staff availability
Daily mail service to chambers
Regularly scheduled facility and grounds maintenance
Regularly scheduled fire safety inspection plan and loggings
Regularly scheduled pest control service plan and logging
Snow removal plan and service schedule

Furniture and Supplies

Judge and clerk staff offices: desks, chairs and mats, robe closet, multi-line speaker phone, file cabinets, bookcases, fax machines, computers
Court interpreter: desk, chair and mat, file cabinets bookcase, computer, printer
Ample office supplies – pens, paper, etc.

IT Related

Judge and staff computers (offices and courtroom), printers, scanners, copiers/fax
ODYSSEY Judicial Workbench station on bench in courtroom
ODYSSEY computer network
ODYSSEY E-filing capability on City cases
ODYSSEY connectivity and state financial reporting capability
Software applications for judge and staff: Odyssey Case Manager software, Word, Excel, Outlook email, web browser
FTR audio recording software system in courtroom
Courtroom PA system
Video arraignment capability – Jail to courtroom
Remote video testimony capability in courtroom
Overhead projector with large screen or Large HDTV
Elmo/DVD player podium
Sound enhancement hardware for hearing impaired in courtroom

Headset availability in courtroom for hearing impaired
Assigned IT staff to courts
Automated External Defibrillator (AED) device in public hall near courtroom
AED trained personnel
Public access computers in designated area

Library

City Codes
Ada County Code
Idaho Code
Idaho Reports
Idaho Digest
Court Rules