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*Counsel for Defendant City of Garden City*

**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

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

COMES NOW the City of Garden City, 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 submits this proposal for the provision of magistrate court facilities, as ordered by this Court on August 2, 2016.

In *Ada County v. City of Garden City, et al.*, 155 Idaho 914 (2014) and in 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*, the Idaho Supreme Court directed the District Court to determine “*whether* an (sic) how the cities of Garden City and Meridian (the Cities) are to comply with the 1994 order requiring

the Cities to provide adequate court facilities for the Fourth Judicial District magistrate's division, in and for the County of Ada." Does the actual need exist for the City of Garden City to construct and provide a municipal court facility within its municipal boundaries?

The District Court has not made such a determination that Garden City's caseload necessitates the construction of municipal court facility. Presently, Garden City generates approximately 6% of the misdemeanor caseload in Ada County. This is on par with the caseload generated by the Idaho State Police or the combined caseload of various agencies such as the Idaho Department of Fish and Game. Furthermore, there has been no finding that the present Ada County courthouse lacks capacity thereby necessitating the construction of a Garden City municipal court facility. The City of Garden City respectfully requests that the District Court adhere to the Order adopted by the Idaho Supreme Court, and make a specific finding that the caseload generated by Garden City mandates the expenditure of public funds for the construction of a court facility.

Moreover, the scope of the services to be provided has not been defined and ordered by the District Court. In off-the-record discussions with Administrative Judge Timothy Hansen, the Trial Court Administrator, Ada County and the Cities of Meridian and Garden City, the scope of services was initially set for non-jury misdemeanors and infractions. This would call mainly for infraction trials since non-jury misdemeanor trials are rare. The scope was later expanded to infractions, non-jury misdemeanor trials and pre-trial conferences and sentencings for jury trials.

Under the scenario for jury trials, the initial appearance and pre-trial hearing would be scheduled in Garden City. The case would then be transferred to Ada County for the jury trial. Once the jury trial has been completed, the matter would then be transferred back to Garden City for sentencing. The latter scenario would be much more complicated and burdensome for Ada

County and Garden City, and the City needs to know for planning purposes what specific services are going to be required.

Another issue is in-custody holding cells. Since this matter began in 1994, the Cities have been given five separate lists identifying the provisions for a magistrate court facility. One list specifically states that only non-custody misdemeanor matters would be held at the City. A more recent schedule differs and calls for secure holding facilities for twenty-five prisoners. Copies of the five minimum standards schedules are attached. Garden City cannot provide a facility with holding cells for twenty-five prisoners and needs further clarification on the issue.

With these considerations in mind, and without waiving any of the City's rights to appeal the August 2, 2016, District Court Order, Garden City proposes that for one day, every other week, the Garden City Police Headquarters, located at 301 East 50<sup>th</sup> Street, be used to provide municipal court services. The building has a training room large enough to hold court and a holding cell large enough to accommodate two prisoners. The building has secure parking and a secure entrance. The furnishings necessary to hold court will be provided, as will chambers for the magistrate judge. Office space for prosecuting attorneys and public defenders will be available for the days that court is in session. None of the rooms used for court and staff will be converted to permanent office/courtroom space.

Garden City will provide a security system similar to the Ada County courthouse entrance, and will enter into a contract with Ada County to staff the courtroom entrance and courtroom. Garden City will also contract with the Ada County Clerk Office to staff clerk functions. Garden City cannot justify retaining security and court staff as city employees for two days of court per month.

Garden City will work in conjunction with the Ada County Clerk to equip the court facility with the proper technology to function (Odyssey, iCourt Portal, iCourt E-File, etc.). The Clerk has indicated that the conversion to the Odyssey system will not be completed until early 2018. If the District Court determines that the facility needs to be operational prior to the completion of the Odyssey project, arrangement will be made with the Ada County Clerk to physically transport paper files to and from Garden City.

This proposal is submitted in good faith as directed by the District Court in compliance with Idaho Code §1-2218. The Mayor and City Council of Garden City strongly believe that requiring Garden City to provide a municipal court facility in Garden City is unnecessary and a poor use of taxpayer funds. The caseload generated by the City's law enforcement is minimal in comparison to other agencies using the present courthouse. Effectuating this change of services will cause far more disruption for everyone involved than the benefit gained for the parties or the public. To the contrary, the difficulties arising from this change in venue will only cause confusion and a redundancy in services.

DATED this 30<sup>th</sup> day of August, 2016.

Garden City Attorney's Office



Frank Walker



Charles I. Wadams

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of August, 2016, I served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

Jan M. Bennetts  
Ada County Prosecutor  
Theodore E. Argyle  
Chief Civil 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 424-3100  
 E-Mail

Michael W. Moore  
Brady J. Hall  
Moore & Elia, LLP  
Post Office Box 6756  
Boise, Idaho 83707

U.S. Mail, postage prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile Transmission 424-3100  
 E-Mail

  
Frank Walker

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) 384-2100  
FAX  
(208) 384-2064

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.

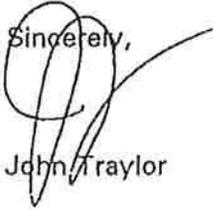
Question #9: How the Garden City cases currently in the Court system are to be handled.

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

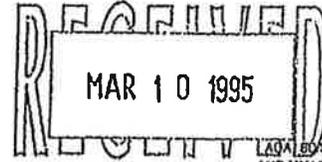
encl.

cc: Wayne Crookston, Meridian City Attorney  
David Navarro

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  
CITY OF BOISE AND VALLEY COUNTIES  
LEGAL DEPARTMENT

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.

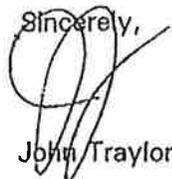
Jack Britton/Wayne Crookston  
March 8, 1995  
Page 2

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

## Basic Facility Options

### Full Function Facility

- Provide city clerk's office: accept filings, manage case files
- Provide court clerk and security
- Infraction and misdemeanor court
- In-custody arraignments
- Jury trials held at Ada County Courthouse

### Partial Function Facility – i.e. Infractions Only

- Provide city clerk's office: Infraction filings only, manage case files
- Provide courtroom clerk and security

### Courtroom Facility Only – i.e. Non-custody misdemeanor and infractions

- Cases filed at Ada County courthouse
- Judge, clerk and courtroom security staff travel to city court facility with case files.
- All in-custody matters and jury trials handled at Ada County courthouse

## Court Facility Needs

### Staffing

Court clerk  
Courtroom security staff  
Facility entrance screening staff  
Interpreter  
Office counter staff for public payments/business trans

### Space

Courtroom  
Judges offices  
Court clerk offices  
Court files  
Parking

### Furniture and Supplies

Offices: Desks, chairs, phones, file cabinets, bookcases  
Courtroom furniture  
Office supplies/Forms

### IT Related

Computers, printers, scanners, copier, fax  
Public computer for case lookup  
Computer network  
ISTARS access  
Staff software applications (Word)  
Audio recording software (CourtFLOW) and maintenance contract  
Financials/electronic transmittals  
Magnetometer (entrance)  
Public ATM

### Library

Idaho code, Court rules (print/electronic)

**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 0 5 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

