

**Resolution 2014-44  
Authorize Filing of a Petition  
for Judicial Confirmation**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO MAKING FINDINGS AND DECLARATIONS WITH RESPECT TO A PROPOSED LEASE AGREEMENT WITH KOOTENAI COUNTY FACILITIES HOLDINGS, LLC; AUTHORIZING THE FILING OF A PETITION FOR JUDICIAL CONFIRMATION IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR KOOTENAI COUNTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Kootenai County, Idaho (the "County"), is a political subdivision duly organized and operating under the laws of the State of Idaho; and

**WHEREAS**, the Board of County Commissioners (the "Board") has determined that entering into a lease agreement with Kootenai County Facilities Holdings, LLC, for the lease of a jail facility (the "Lease") is in the best interests of the County and its citizens; and

**WHEREAS**, the County has determined that the lease does not create an indebtedness, or liability, in any manner, or exceeding in a year, the income and revenue provided for it for such year and such Lease is in compliance with Article 8, Section 3, or the Idaho Constitution; and

**WHEREAS**, in order to execute the Lease, Kootenai County Facilities Holdings, LLC, and bond counsel for the County require the County to obtain judicial confirmation of its determination that the Lease does not create an indebtedness or liability exceeding in a year, the income and revenue provided for it for such year and thus, such Lease complies with Article 8, Section 3, of the Idaho Constitution, pursuant to the Judicial Confirmation Law; and

**WHEREAS**, the Board, on May 12, 2014, held and conducted a public hearing, pursuant to at least fifteen (15) days' published notice in the manner required by Section 7-1304 and 7-1306, Idaho Code, on the question of whether the Board should adopt a resolution authorizing the filing of a petition with the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, seeking judicial confirmation that the proposed Lease complies with Article 8, Section 3, of the Idaho Constitution, pursuant to the Judicial Confirmation Law; and

**WHEREAS**, at least fourteen (14) days has elapsed following such public hearing, and the Board has determined that it is in the best interests of the County and its citizens to file a petition for judicial confirmation pursuant to the Judicial Confirmation Law.

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO**, as follows:

Section 1: The foregoing recitations are hereby adopted as findings of fact by the Board.

Section 2: The Board of County Commissioners hereby finds and declares that the proposed Lease, attached and incorporated herein as "Exhibit A", does not create an indebtedness, or liability, in any manner, or exceeding in a year, the income and revenue provided for it for such year; and thus, is authorized by the general laws of the State of Idaho, within the meaning of Article 8, Section 3, of the Idaho Constitution.

Section 3: The law firm of Moore Smith Buxton & Turche, Chartered, Boise, Idaho, is hereby authorized to file a Petition for Judicial Confirmation on behalf of the County in District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai ("District Court") confirming the findings of the Board set forth in Section 2 of this Resolution, and to take all actions necessary with respect thereto in order to obtain a judgment of the District Court in accordance with the prayer of the Petition.

Section 4: Subject to the entry of a final order of the District Court, confirming the authority of the County to execute the proposed Lease, and upon approval of the Lease by the Board, the Chairman is hereby authorized to execute the same for and on behalf of the County.

Section 5: This Resolution shall take effect and be in force immediately upon its passage and approval.

Dated this 5<sup>th</sup> day of June, 2014

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

W. Todd Tondee  
W. Todd Tondee, Chairman

Daniel H. Green  
Daniel H. Green, Commissioner

Jai Nelson  
Jai Nelson, Commissioner

ATTEST  
JIM BRANNON, CLERK  
By: [Signature]  
Deputy Clerk

