

Resolution 2013-29
Comprehensive Study of Public Defense Delivery System
(Supersedes Resolution 2013-26)

WHEREAS, the Kootenai County Board of Commissioners (Board) has the duty mandated by *Idaho Code* 19-859 to provide for the legal representation of needy persons in criminal matters; and

WHEREAS, the Board is required pursuant to *Idaho Code* §19-859 to provide this representation by: (1) establishing and maintaining an office of public defender; (2) arranging with the courts of criminal jurisdiction in the County to assign attorneys on an equitable basis through a systematic, coordinated plan; or (3) adopting a combination of these alternatives; and

WHEREAS, this representation is currently provided by the Kootenai County Office of Public Defender, which has been in existence since 1988; and

WHEREAS, the Board has determined as a matter of planning and policy that an up-to-date and comprehensive study of the public defense delivery system in Kootenai County should be performed to allow the Board to most effectively provide for the representation of needy persons through one or more of the alternatives provided by *Idaho Code* §19-859; and

WHEREAS, the Board intends to implement any decisions made upon recommendations from the planned comprehensive study at an appropriate time upon consideration of all relevant facts and circumstances, which may include one or more of the alternatives provided by *Idaho Code* §19-859; and

WHEREAS, since the adoption of Resolution 2013-26 on March 19, 2013, certain information has come to the attention of the Board as a whole, which has caused the Board to reconsider the portions of Resolution 2013-26 that provide for expiration of the term of the current Kootenai County public defender effective September 30, 2013; and

WHEREAS, the Board believes that it is in the best interests of all concerned, including the County and the Kootenai County public defender to supersede Resolution 2013-26 to eliminate the provision providing for the expiration of the term of the current Kootenai County public defender on September 30, 2013;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT Resolution 2013-29 is hereby adopted to eliminate the reference to expiration of the term of the current Kootenai County public defender;

BE IT FURTHER RESOLVED that the Board shall undertake a comprehensive study of the public defense delivery system for Kootenai County to most effectively provide for the representation of needy persons and which shall include one or more of the

alternatives provided by *Idaho Code* §19-859 and to be implemented at an appropriate time upon consideration of all relevant facts and circumstances.

Upon a motion to adopt the text of the foregoing Amended Resolution made by Commissioner Green, and seconded by Commissioner Tondee,
The following vote was recorded:

Commissioner Nelson:	Excused
Commissioner Green:	Aye
Chairman Tondee:	Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 2nd day of April, 2013.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



W. Todd Tondee, Chairman



Daniel H. Green, Commissioner

excused

Jai Nelson, Commissioner

ATTEST:
CLIFFORD D. HAYES, CLERK

By 

Deputy Clerk
AND
RECORDER
FIRST JUDICIAL DISTRICT
KOOTENAI COUNTY
STATE OF IDAHO