

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

\* \* \*

BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In the matter of:	)	
	)	THIRD AMENDED
A Joint Order by the Administrative Judge	)	ADMINISTRATIVE ORDER AND
of the Fourth Judicial District and the	)	RESOLUTION NO. 2063
Board of Ada County Commissioners.	)	GOVERNING USE OF THE ADA
_____	)	COUNTY COURTHOUSE AND
	)	ADMINISTRATION BUILDING

A JOINT RESOLUTION OF THE BOARD OF COMMISSIONERS OF ADA COUNTY AND COURT ORDER OF THE ADMINISTRATIVE JUDGE OF THE FOURTH JUDICIAL DISTRICT ESTABLISHING RULES AND REGULATIONS FOR THE PUBLIC USE OF THE ADA COUNTY COURTHOUSE AND ADMINISTRATION BUILDING; PROVIDING RULES AND REGULATIONS FOR THE CONDUCT OF MEMBERS OF THE PUBLIC IN THE CORRIDORS, LOBBIES, AND HALLS OF THE ADA COUNTY COURTHOUSE AND ADMINISTRATION BUILDING; PROVIDING RULES AND REGULATIONS GOVERNING THE USE OF VIDEO, AUDIO OR PHOTOGRAPHIC EQUIPMENT IN THE ADA COUNTY COURTHOUSE AND ADMINISTRATION BUILDING; AND PROVIDING RULES AND REGULATIONS CONCERNING THE POSTING OR DISTRIBUTION OF SIGNS, BANNERS, FLYERS OR OTHER MATERIALS IN THE ADA COUNTY COURTHOUSE AND ADMINISTRATION BUILDING.

THE BOARD OF ADA COUNTY COMMISSIONERS AND ADMINISTRATIVE JUDGE OF THE FOURTH JUDICIAL DISTRICT FIND AS FOLLOWS:

WHEREAS, pursuant to Idaho Code §§ 1-1613 and 1-2217, the Board of Ada County Commissioners (“Board”) is charged with providing and maintaining suitable and adequate facilities for the district and magistrate courts within Ada County (“Courts”);

WHEREAS, the Board has general and incidental powers to do all things necessary to discharge its duties as the chief executive authority of Ada County (“County”) which are not inconsistent with the authority of the Courts;

WHEREAS, the Constitutions of the United States and the State of Idaho require the free and impartial administration of justice;

WHEREAS, pursuant to Idaho Code §§ 1-907, 1-1603, 1-1622, 1-1901, 1-1902, case law, and the rules of the Idaho Supreme Court, the Administrative Judge of the Fourth Judicial District (“Administrative Judge”) has the statutory and inherent authority to regulate certain activities within the Ada County Courthouse and Administration Building to ensure the orderly administration of

justice, and to ensure that the spaces provided by the County for the administration of justice function for their intended purposes;

WHEREAS, non-governmental or non-judicial assemblages in court facilities can affect or appear to affect the impartial administration of justice;

WHEREAS, the Ada County Courthouse and Administration Building was not designed to accommodate public assemblages in its hallways, lobbies, and public areas during business hours;

WHEREAS, the Idaho Supreme Court has authorized the operation of video, audio or photographic equipment in courtrooms during court proceedings in the State of Idaho, subject to the discretion of the presiding judge of each proceeding;

WHEREAS, the rules issued by the Idaho Supreme Court regulating the operation of video, audio or photographic equipment provide that the Administrative Judge shall promulgate rules governing the operation of video, audio and photographic equipment in the Ada County Courthouse and Administration Building in instances not governed by the discretion of the presiding judge of a specific proceeding;

WHEREAS, the Board and Administrative Judge desire to allow use of certain spaces and facilities in the Ada County Courthouse and Administration Building for non-County or non-Court purposes in keeping with the mission of the Courts and County for so long as these uses do not shift financial responsibility for upkeep and maintenance to the County and for so long as these uses do not interfere with the operations of the Courts and County;

WHEREAS, the Board and Administrative Judge believe that private facilities are available to serve the assembly and meeting space needs of members of the public not connected with County or Court business;

WHEREAS, the Board and Administrative Judge believe that governmental facilities should not be utilized by members of the public at the expense and in place of privately funded and operated meeting facilities unless those uses further the mission of the Courts or County;

WHEREAS, the Board and Administrative Judge believe that allowing other Idaho governmental and quasi-governmental entities to use certain spaces in the Ada County Courthouse and Administration Building serves the public interest and is a public purpose;

WHEREAS, the Elections Division of the Ada County Clerk, ex Officio Auditor/Recorder is located in the Ada County Courthouse and Administration Building;

WHEREAS, certain kinds of meetings and assemblages and the posting or distribution of non-governmental posters, banners, signs, flyers, pamphlets, or the like in the foyers, lobbies, and corridor spaces of the Ada County Courthouse and Administration Building would interfere with the orderly and impartial administration of election laws;

WHEREAS, the posting or distribution of non-governmental posters, banners, signs, flyers, pamphlets, or the like in the foyers, lobbies, and corridor spaces of the Ada County Courthouse and

Administration Building interferes with the orderly and impartial administration of justice and operations of County government;

WHEREAS, the orderly administration of County business requires free movement in the hallways and corridors of the Ada County Courthouse and Administration Building;

WHEREAS, the Board has authority to establish rules and regulations for facilities owned by Ada County;

WHEREAS, on September 8, 2009, in order to protect and maintain Court and County government facilities and to ensure the impartial administration of justice, the Board and Administrative Judge repealed Administrative Order and Resolution No. 1617, and entered and adopted the Second Amended Administrative Order and Resolution No. 1628;

**NOW, THEREFORE, BE IT HEREBY ORDERED AND RESOLVED ON THIS 14<sup>th</sup> DAY OF JULY, 2015**, that the Board and Administrative Judge, in order to continue to protect and maintain Court and County government facilities and ensure the impartial administration of justice, hereby repeal the Second Amended Administrative Order and Resolution No. 1628, and enter and adopt this Third Amended Administrative Order and Resolution No. 2063, for the purpose of establishing the following guidelines for the Ada County Courthouse and Administration Building:

**I. Priority of Permitted Uses of Certain Facilities During Business Hours:**

A. Room # 1235 located on the 1<sup>st</sup> Floor of the Ada County Courthouse and Administration Building (“Public Hearing Room”).

1. The Public Hearing Room shall be reserved for use by the County for County business as needed as a first priority.
2. The Public Hearing Room may be reserved by the Court for Court uses when not in use or reserved for County uses.
3. When not reserved for County or Court uses, the Public Hearing Room may be reserved for use by other Idaho state and local governmental and quasi-governmental units, first come, first served, no more than 60 days in advance of the meeting, for a period not exceeding one day in duration.

B. Room ## 3134, 3258, and 3262 (“3<sup>rd</sup> Floor Conference Rooms”).

1. The 3<sup>rd</sup> Floor Conference Rooms may be reserved for use by the Courts or County for Court or County business as needed.
2. When not reserved for County or Court uses, the 3<sup>rd</sup> Floor Conference Rooms may be reserved for use by other Idaho state and local governmental and quasi-governmental units, first come, first served, no more than 60 days in advance of the meeting, for a period not to exceed one day in duration.

3. When not reserved for uses having a higher priority, the 3<sup>rd</sup> Floor Conference Rooms may be reserved by litigants in cases being tried in the Courts for trial preparation purposes, first come, first served, no more than 14 days in advance of the meeting or use.
- C. Room # 4117 (“Jury Commission Assembly Area”).
1. The Jury Commission Assembly Area shall be reserved first for uses of the Jury Commission.
  2. When not in use or reserved by the Jury Commission, the Jury Commission Assembly Area may be reserved for County uses.
- D. Room ## 201-207, 401-410, and 501-510 (“Courtrooms”).
1. Courtrooms shall be reserved first for use by the Courts.
  2. Courtrooms may be reserved for use by the County to the extent not required by the Courts for periods not exceeding one day in duration, subject to the prior approval of the Administrative Judge.
  3. When not in use or required by the Courts, and when not in use or reserved by the County, Courtrooms may be reserved for events or uses that promote the education for, understanding of, and familiarity with the judicial system, including the delivery of legal services, subject to the prior approval of the Administrative Judge.
- E. Room ## 201-A, 202-AB, 203-ABC, 204-AB, 205-A, 206-AB, 207, 401-AB, 402-AB, 403-AB, 404-A, 405-A, 406-AB, 407-AB, 408-AB, 409-ABC, 410, 501-A, 502, 503-A, 504-AB, 505-A, 506-A, 507, 508-A, 509, 510-A (“2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Floor Conference Rooms”).
1. The 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Floor Conference Rooms shall be reserved first for Court uses.
  2. To the extent not in use or reserved for Court uses, the 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Floor Conference Rooms may be reserved by litigants in cases being tried in the Courts for trial preparation purposes, first come, first served, no more than 14 days in advance of the meeting or use, subject to the prior approval of the Administrative Judge.
- F. The County or Courts, as budget, agreement, design and need dictate, shall reserve all other rooms in the Ada County Courthouse and Administration Building for use by the County and the Courts.

## **II. Priority of Permitted Uses of Certain Facilities After Business Hours:**

### **A. Courtrooms.**

1. Courtrooms shall be reserved after hours first for Court business.
2. Courtrooms may be reserved after hours for use by the County when not in use for Court business.
3. Courtrooms, to the extent not in use or reserved for a higher priority use after hours, may be reserved for events that promote the education for, understanding of, and familiarity with the judicial system, including the delivery of legal services, subject to the prior approval of the Administrative Judge.

### **B. Jury Commission Assembly Area.**

1. The Jury Commission Assembly Area shall be reserved after hours first for Court business.
2. The Jury Commission Assembly Area may be reserved after hours for use by the County.
3. The Jury Commission Assembly Area, to the extent not in use or reserved for a higher priority use after hours, may be reserved for events that promote the education for, understanding of, and familiarity with the judicial system, including the delivery of legal services, subject to the prior approval of the Administrative Judge or Trial Court Administrator.

### **C. After regular business hours, all other rooms in the Ada County Courthouse and Administration Building shall be reserved only for Court and County uses.**

## **III. Personnel Authorized to Schedule Meeting Rooms:**

A. The Public Hearing Room and the 3<sup>rd</sup> Floor Conference Rooms shall be scheduled by the Ada County Operations Department. Fees and costs for use of facilities shall be established by resolution of the Board.

B. The Jury Commission Assembly Area, the Courtrooms, and the 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Floor Conference Rooms shall be scheduled by the Trial Court Administrator, subject to the prior approval of the Administrative Judge. Fees and costs for use of the facilities shall be established by an order of the Administrative Judge.

**IV. Certain Uses of Foyers, Corridors, Lobbies and other Public Spaces Prohibited by Order of the Administrative Judge:**

- A. Conduct which creates loud or unusual noise which disturbs the operation of Court proceedings, creates a nuisance, or which obstructs foyers, lobbies, doorways and/or corridors shall be forbidden.
- B. There shall be no parades, processions, or assemblages in the Ada County Courthouse and Administration Building, nor any display therein of any flag, banner, placard, or device designed to bring into public notice any party, organization, or movement. The flags and seals of the United States, State of Idaho, and County of Ada shall be permitted.
- C. There shall be no distribution of non-governmental posters, banners, signs, notices, flyers, pamphlets, or the like in the foyers, lobbies, and corridor spaces of the Ada County Courthouse and Administration Building.
- D. Any person committing a proscribed act described in this Section IV may be charged with criminal contempt pursuant to Idaho Code § 18-1801, and/or trespass pursuant to Idaho Code § 18-7008, and/or such other criminal charge(s) as may be appropriate, and may be imprisoned or fined as the court may determine in lawful course.
- E. Courtrooms shall be locked until open to the public for court proceedings.

**V. Certain Uses of Video, Audio or Photographic Equipment Are Prohibited:**

- A. The Presiding Judge of a judicial or other legal proceeding shall allow, or disallow, in accordance with the rules established by the Supreme Court of the State of Idaho, the use of any video, audio or photographic equipment, including the use of cell phones for such purposes, in the courtroom in which the proceeding is being held.
- B. In all areas of the Ada County Courthouse and Administration Building that are open to the public, with the exception of the first floor lobby and the Public Hearing Room, the use of video, audio or photographic equipment, including the use of cell phones for such purposes, is prohibited unless expressly authorized by the elected official in charge of that area, or their designee. Use of video, audio or photographic equipment is authorized in the first floor lobby and the Public Hearing Room.
- C. For all areas under control of the Courts of the Fourth Judicial District, other than courtrooms where proceedings are being held, permission must be obtained from the Administrative Judge.
- D. Any person committing a proscribed act described in this Section V may be charged with criminal contempt pursuant to Idaho Code § 18-1801, and/or trespass pursuant to Idaho Code § 18-7008, and/or such other criminal charge(s) as may be appropriate, and may be imprisoned or fined as the court may determine in lawful course.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_, 2015.

\_\_\_\_\_  
Honorable Timothy Hansen  
Administrative District Judge

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**Board of Ada County Commissioners**

By: \_\_\_\_\_  
Jim Tibbs, Commissioner

By: \_\_\_\_\_  
Rick Yzaguirre, Commissioner

By: \_\_\_\_\_  
David L. Case, Commissioner

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk