

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

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BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

Re:

A Joint Order by the Administrative District Judge of the Fourth Judicial District and the Board of Ada County Commissioners.

FOURTH AMENDED
ADMINISTRATIVE ORDER AND
RESOLUTION NO. 2581
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 DISTRICT 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; AND PROVIDING RULES AND REGULATIONS CONCERNING THE DISTRIBUTION OR DISPLAY OF SIGNS, BANNERS, FLYERS OR OTHER MATERIALS IN THE ADA COUNTY COURTHOUSE AND ADMINISTRATION BUILDING.

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

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").

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.

The Board has authority to establish rules and regulations for facilities owned by Ada County.

The Constitutions of the United States and the State of Idaho require the fair and impartial administration of justice.

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 District Judge of the Fourth Judicial District ("Administrative District 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.

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

The Board and the Administrative District Judge believe that allowing any political organization, entity, affiliate, or committee to use space in the Ada County Courthouse and Administration Building, is not in the public interest because it is not in keeping with the primary purpose of the Courthouse, which is the fair and impartial administration of justice.

The Board and the Administrative District Judge believe that allowing Idaho governmental and Idaho educational entities (schools, colleges, and universities,) to use certain spaces in the Ada County Courthouse and Administration Building serves the public interest and is a public purpose, so long as the use promotes civics.

The Board and Administrative District Judge believe, for public safety and courthouse security reasons, that no entity or group or individual should be allowed to obstruct the steps and entranceways of the Ada County Courthouse and Administration Building for any purpose that impede the ability of the public, employees, and staff to freely and safely enter and exit the building.

On July 14, 2015, in order to protect and maintain Court and County government facilities and to ensure the impartial administration of justice, the Board and the Administrative District Judge repealed the Second Amended Administrative Order and Resolution No. 1628 and entered and adopted the Third Administrative Order and Resolution No. 2063.

IT IS HEREBY ORDERED AND RESOLVED ON THIS ____ DAY OF _____, 2020, that the Board and Administrative District Judge, in order to continue to protect and maintain Court and County government facilities and ensure the impartial administration of justice, hereby repeal the Third Amended Administrative Order and Resolution No. 2063, and enter and adopt this Fourth Amended Administrative Order and Resolution No. _____, 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 1st 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 Idaho governmental and Idaho educational entities, first come, first served, no more than 60 days in advance of the meeting, for a period not exceeding one day in duration, so long as the use is to promote civics.
- B. Room # 3262 ("3rd Floor Conference Room").
1. The 3rd Floor Conference Room 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 3rd Floor Conference Room may be reserved for use by Idaho governmental and Idaho educational entities, first come, first served, no more than 60 days in advance of the meeting, for a period not to exceed one day in duration, so long as the use is to promote civics.
- 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 or Court uses.
- D. Room ## 200-207, 400-410, 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 District 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 or understanding of, and familiarity with the judicial system, including the delivery of legal services, subject to the prior approval of and conditions set by the Administrative District Judge.
- E. Room ## 200-A, 201-A, 202-A, 202-B, 203-C, 204-A, 204-B, 205-A, 206-A, 206-B, 400-A, 400-B, 401-A, 401-B, 402-A, 402-B, 403-A, 403-B, 406-A, 406-B, 407-A, 407-B, 408-A, 408-B, 409-A, 409-B, 501-A, 503-A, 504-A, 504-B, 508-A, 510-A (the foregoing rooms are designated as "2nd, 4th and 5th Floor Conference Rooms").
1. The 2nd, 4th and 5th Floor Conference Rooms shall be reserved first for Court uses.

2. To the extent not in use or reserved for Court uses, the 2nd, 4th and 5th 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 District Judge.

F. The County or Courts 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 or understanding of, and familiarity with the judicial system, including the delivery of legal services subject to the prior approval of and conditions set by the Administrative District 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 or understanding of, and familiarity with the judicial system, including the delivery of legal services subject to the prior approval of and conditions set by the Administrative District Judge or the Trial Court Administrator's Office.

C. After regular business hours, all other rooms in the Ada County Courthouse and Administration Building are reserved for Court and County uses.

III. Personnel Authorized to Schedule Meeting Rooms:

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

B. The Jury Commission Assembly Area, the Courtrooms, and the 2nd, 4th and 5th Floor Conference Rooms, shall be scheduled by the Trial Court

Administrator's Office, subject to the prior approval of the Administrative District Judge. Fees and costs for use of these facilities shall be established by an order of the Administrative District Judge.

IV. Certain Uses of Foyers, Corridors, Lobbies and other Public Spaces Prohibited:

- A. Conduct which creates loud or unusual noise, which disturbs the operation of Court or County proceedings, creates a nuisance, or which obstructs foyers, lobbies, doorways or corridors, or which is otherwise unlawful, is prohibited.
- B. There shall be no parades, processions, or assemblies 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 or display of posters, banners, signs, notices, flyers, pamphlets, or the like, in the foyers, lobbies, and corridor spaces of the Ada County Courthouse and Administration Building, other than such items distributed or displayed by Ada County, without the prior written approval of the Administrative District Judge.
- D. For public safety, security, and law enforcement reasons, court security and law enforcement may limit the use of the steps and entranceways of the Ada County Courthouse and Administration Building to entering and exiting the building only. Any other use of the building's steps and entranceways, without the prior written consent of the Administrative District Judge, is prohibited.
- E. 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 charge(s) as may be appropriate, and may be imprisoned and/or fined. See also Title 7, Chapter 6, Idaho Code.

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

- A. 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.

IT IS SO ORDERED this 24th day of November, 2020.

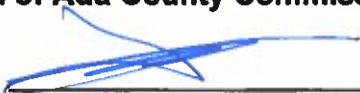


Steven J. Hippler
Administrative District Judge

APPROVED AND ADOPTED this 1st day of December, 2020.

Board of Ada County Commissioners

By:



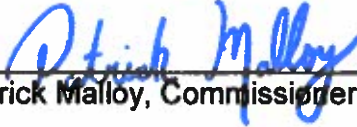
Kendra Kenyon, Commissioner

By:



Diana Lachiondo, Commissioner

By:



Patrick Malloy, Commissioner

ATTESTATION:



Phil McGrane, Ada County Clerk

by Katie Reed, Assistant Deputy Clerk