

**Minutes of Meeting
District Court Discussion
May 28, 2013
3:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Trial Court Administrator Karlene Behringer, Court Appointed Special Advocates (CASA) Executive Director Dan English, Judge Lansing Haynes, Judge Clark Peterson, Finance Director David McDowell, and Deputy Clerk Nancy Jones.

A. Call to Order: Chairman Tondee called the meeting to order at 3:00 p.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: There were no changes made to the agenda.

D. Old Business: There was no old business discussed.

E. New Business:

Trial Court Administrator Karlene Behringer came before the Board to discuss several District Court administrative concerns. Ms. Behringer began by noting recent legislative changes in the Child Protection Act that will be effective as of July 1, 2013, and will affect our court system. Under *Idaho Code* §16-1614, all children age twelve (12) or older shall be appointed an attorney, and all children under the age of twelve (12) shall be appointed a guardian ad litem (typically through CASA), with that appointee represented by an attorney. The County holds the fiscal responsibility to provide counsel in such cases. Ms. Behringer advised the Board that this cost has been included in the FY2014 budget planning process, but that budget provisions are needed to encompass these costs in the FY2013 budget (from July 1, 2013 through September 30, 2013). The Board inquired as to the available options with regard to providing legal counsel for appointed guardians ad litem. Ms. Behringer clarified that this will be a requirement of virtually every juvenile court case, and she explained options that are currently being considered or initiated in other counties throughout the state. Judge Clark Peterson noted that, in some cases, an attorney might be required for both a minor under the age of twelve (12) and their appointed guardian ad litem. The group agreed that establishing a system that is similar to the current conflict attorney process would be more cost effective than hiring counsel on a case-by-case basis at an hourly rate. Another option was considered that would provide a budget for CASA to hire their own counsel (either in-house or through a local firm), to ensure that they have the ability to choose representation that best fits their needs. Judge Peterson stated that the overall goal will be to find a long-term, cost effective solution that is similar to other practices being adopted statewide, to enhance communication and expedite uniform processes. Commissioner Nelson suggested designating a portion of the Public Defender Office as a separate, in-house division for juvenile cases. Ms. Behringer noted that internal departmental conflicts may be an issue when multiple attorneys are representing opposing parties. The group discussed the timing of implementing a new structure to address this matter.

CASA Executive Director Dan English discussed the legal needs and concerns of his organization. Mr. English expressed concern over the idea of hiring a single attorney to represent CASA, because he felt that the caseload might overwhelm a single person. Mr. English was supportive of asking the County to contract with a local firm who might be willing to provide guardian ad litem counsel for a set monthly or annual fee.

The Board asked Mr. English to create a job description that would define the scope of work for the attorneys hired to represent CASA, in order to move forward with vetting firms for this purpose. The Board clarified that any outside contract will not be subject to the bid process, as it will exist as a professional services contract.

Judge Peterson exited the meeting at 3:36 p.m. Mr. English exited the meeting at 3:40 p.m.

Ms. Behringer then shared concerns with regard to budgetary issues resulting from the Clark court case, which is scheduled to begin in September. Ms. Behringer was disconcerted that over \$76,000 in unbudgeted funds have already been spent on this case in FY2013. In order to more accurately track expenditures, Ms. Behringer asked that the Auditor's Office establish a separate sub-account for this case alone. Finance Director David McDowell confirmed that this request could be fulfilled, and offered to complete a journal correction as part of that process. In response to concerns that the District Court administrators are not able to review individual bills, the Board expressed support for the idea of having a panel of judges assigned to review expenditures and ensure that a quality control process is in place to audit conflict attorney expenses. Ms. Behringer stated that an additional \$50,000 will be included in the budget for FY2014, for anticipated expenditures after the end of the current budget cycle. The Board acknowledged the unique aspect of this case, as it was court appointed, noting that costs associated with this case have been preapproved by the Board. The Board also acknowledged that FY2013 budget adjustments will be required at the end of the fiscal year. Main budgetary concerns expressed by the Board were ensuring that any expenditures are clearly reasonable and necessary, and that the most restrictive funds are used first. Mr. McDowell explained that contingency funds may be used to source these costs.

Ms. Behringer explained that each year, each district receives \$50,000 from the State Supreme Court. This money is provided for use in the Court Administrator's Office and the Specialty Courts. Kootenai County District Court has been using those funds to fund the salary of a part-time, temporary employee. Ms. Behringer shared some of the accomplishments of this employee, and requested that she be allowed to extend a permanent offer of employment. The group discussed the responsibilities and need for this new, full-time position. The Board acknowledged the additional responsibilities that might exist due to legislative changes associated with both the juvenile system and the conflict attorney structure, and was, therefore, supportive of Ms. Behringer's request.

F. Staff Reports: There were no staff reports.

G. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 4:07 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Nancy A. Jones, Deputy Clerk