

**RESOLUTION NO. 2010-68**  
**Authorization to Hire Bentley Stromberg**  
**as Conflict Counsel**

**WHEREAS**, *Idaho Code* § 31-2604 requires the prosecuting attorney to give advice to the Board of County Commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers; and,

**WHEREAS**, *Idaho Code* § 31-2607, requires the prosecuting attorney to attend the meetings of the Board of County Commissioners, when required, and to attend and oppose all claims and accounts against the county when he deems them unjust or illegal; and,

**WHEREAS**, the Kootenai County Sheriff, as a duly elected public officer of Kootenai County, receives legal advice from the prosecuting attorney, and or his deputies, concerning all civil or criminal matters which may arise and require legal guidance; and,

**WHEREAS**, the Kootenai County Sheriff and the Kootenai County Board of Commissioners have encountered disagreements as to the duties and responsibilities of the County in providing the necessary public buildings, furnishings, facilities, staffing and law enforcement manpower in order for the Sheriff to meet its statutory and constitutional obligations; and

**WHEREAS**, the Kootenai County Sheriff has hired Joel P. Hazel and Jason S. Wing, Witherspoon Kelley, as its private legal counsel, to pursue a Petition for Writ of Mandate filed against the Kootenai County Board of Commissioners, said case being filed with the Kootenai County District Court as Case No. CV-10-6297, *Kootenai County Sheriff Rocky Watson v. Kootenai County, et al.*; and,

**WHEREAS**, the Kootenai County Board of Commissioners believe the actions taken by the Board are lawful, and the Board therefore desires to vigorously defend against the allegations set forth in the Petition for Writ of Mandate; and,

**WHEREAS**, because the prosecuting attorney advises both the Kootenai County Board of Commissioners and the Kootenai County Sheriff on legal issues and matters involving county business, the prosecuting attorney has a direct conflict in representing either the Kootenai County Board of Commissioners or the Kootenai County Sheriff in the above-referenced pending litigation; and

**WHEREAS**, the Kootenai County Board of Commissioners deem it necessary to retain outside counsel to represent the interests of the Board in the above-referenced pending litigation.

**RESOLUTION - 1**

**NOW THEREFORE**, it is hereby resolved that Bentley G. Stromberg, of the firm of Clements, Brown & McNichols, P.A, P.O. Box 1510, Lewiston, Idaho, 83501, be hired on behalf of the Kootenai County Board of Commissioners to defend against the allegations of Sheriff Watson and attempt to resolve the issues raised in the pending litigation.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following vote was recorded:

Commissioner Tondee:   Aye  
Commissioner Piazza:   Aye  
Chairman Currie:       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 17<sup>th</sup> day of August, 2010.

DATED this 17<sup>th</sup> day of August, 2010.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

**ATTEST:  
DANIEL J. ENGLISH, CLERK**

\_\_\_\_\_  
Elmer R. Currie, Chairman

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Richard Piazza, Commissioner

\_\_\_\_\_  
W. Todd Tondee, Commissioner