



# BOISE COUNTY

## RESOLUTION #2010-02

### A BOISE COUNTY RESOLUTION TO PETITION THE DISTRICT COURT TO APPOINT JAY ROSENTHAL AS SPECIAL PROSECUTING ATTORNEY FOR BOISE COUNTY

**WHEREAS**, Idaho Code §31-2603 grants to the Board of County Commissioners the right, duty and power to petition the district court to appoint a suitable person to act as special prosecuting attorney when the County prosecutor is unable to attend to his duties; and

**WHEREAS**, the Boise County Prosecuting Attorney RJ Twilegar has informed the Boise County Board of Commissioners that he is engaged in an investigation of former and current County officers and employees, and has informed the Board of the need for a special prosecuting attorney; and

**WHEREAS**, the Boise County Prosecuting Attorney is unable to attend to his duties because he may not engage in conduct against the interests and to the disadvantage of his clients without violating the Idaho Rules of Professional Conduct; and

**WHEREAS**, the Boise County Board of Commissioners is charged by Idaho law to act as the chief executive officers of the County, to supervise County officers and see that they faithfully perform their duties; and

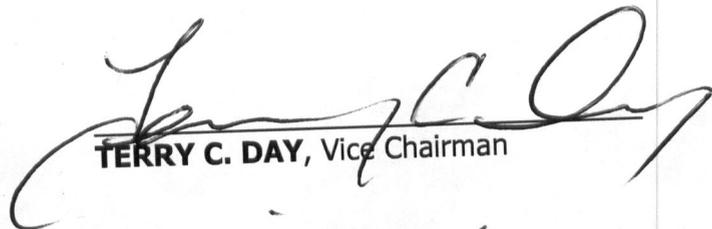
**WHEREAS**, Jay Rosenthal is an attorney in good standing, has many years of experience as an Ada County deputy prosecuting attorney, Deputy Attorney General, and Boise County deputy prosecuting attorney, and is a suitable person to supervise any criminal investigation sought by RJ Twilegar.

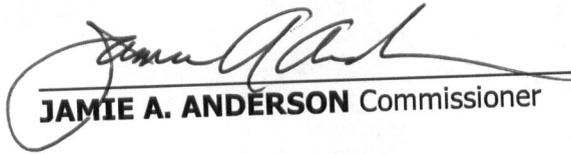
**NOW THEREFORE IT IS HEREBY RESOLVED** by the Boise County Board of Commissioners that an order be entered into the minutes authorizing Terry Day, Vice-Chair of the Boise County Board of Commissioners, to petition the District Court for an appointment of Jay Rosenthal as special prosecuting attorney for Boise County for the purpose of evaluating the allegations brought by RJ Twilegar, supervising the investigation, if any, and otherwise acting in the capacity as prosecuting attorney in regard to any and all matters where RJ Twilegar is unable to attend to his duties as a result of a conflict of interest.

**APPROVED and ADOPTED** in open session this 5<sup>th</sup> day of October 2009.

**BOISE COUNTY BOARD OF COMMISSIONERS**

*Linda W. Zimmer /cs*  
**LINDA W. ZIMMER, Chair**  
*approved by phone at 4:05 PM*

  
**TERRY C. DAY**, Vice Chairman

  
**JAMIE A. ANDERSON** Commissioner



**Attest:**

  
**CONSTANCE SWEARINGEN**, Clerk to the Board