

RESOLUTION 2015-26

Whereas, the Lewis & Clark County Attorney has requested prosecutorial assistance in representing the County in the case of the *State of Montana vs. Jacob James Nicholls* with respect to the case now filed as Cause BDC 2014-464 in the Montana First Judicial District Court, Lewis and Clark County.

Whereas, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the investigation and prosecution of the aforementioned case; and

Whereas, upon the approval of the board of county commissioners, § 7-4-2402, MCA, authorizes the county to appoint such deputy officers as may be necessary for the faithful and prompt discharge of the duties of the Office of County Attorney; and

Whereas, § 44-4-111, MCA authorizes the training coordinator for county attorneys to act as special counsel on request of the county attorney and upon approval of the board of county commissioners; and

Whereas, § 2-15-501(5), authorizes the Attorney General to provide assistance to the county attorney in the discharge of his duties; and

Now, Therefore, It Is Hereby Resolved:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice, are hereby appointed as special deputy county attorneys for Lewis and Clark County for the purpose of the prosecution of the aforementioned case and that any of these deputies may act in the same capacity and have the same privileges, powers and immunities as a salaried County Attorney or Deputy County Attorney and have the same capacity to act as the training coordinator/bureau chief;

It is Further Resolved:

That under the terms of this agreement, no fee shall be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General on



September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the county's responsibility as with all other prosecutions.

Dated this 15 day of January 2015.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



ATTEST

Paulette DeHart, Clerk of the Board