

Bond Case Briefs

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Phillips v. City of Whitefish

Supreme Court of Montana - July 14, 2014 - P.3d - 2014 MT 186

Residents of city and county brought action challenging the validity of referendum by city voters to rescind city council resolution authorizing city to enter into amended interlocal agreement with county concerning planning and zoning authority over extraterritorial area (ETA), a two-mile area surrounding city. City filed third-party complaint against county, alleging that county breached original and amended agreement. County counterclaimed against city, alleging that city breached amended agreement. Referendum proponents intervened. On cross-motions for summary judgment, the District Court granted summary judgment in favor of residents and county. Referendum proponents and city appealed.

The Supreme Court of Montana held that:

- As a matter of first impression, it would review for correctness trial court's conclusions of law regarding the validity of referendum;
- Action was not untimely under statute providing 14-day deadline to challenge a proposed action in a referendum;
- Filing of action four days after results of referendum were certified did not warrant dismissal based upon laches; and
- Resolution was not subject to referendum by voters to rescind it.