

# **Bond Case Briefs**

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## **UTILITIES - IDAHO**

### **City of Challis v. Consent of Governed Caucus**

**Supreme Court of Idaho, Boise, February 2015 Term - August 20, 2015 - P.3d - 2015 WL 4943521**

City petitioned for judicial confirmation to permit it to incur debt to finance water distribution system project without a public vote. Citizen caucus intervened and opposed confirmation. The Seventh Judicial District Court ruled that project was ordinary and necessary expense that did not require public vote. Caucus appealed.

The Supreme Court of Idaho held that:

- Court was not authorized to disregard legal analysis articulated in *Frazier* and *Fuhrman*, as to what constitutes a “necessary expense” under constitutional proviso clause;
- Metering and telemetry upgrade component of proposed water system project was not a “necessary” expense; and
- Caucus was prevailing party entitled to award of attorney fees.