

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **MUNICIPAL FINANCE - IDAHO**

### **Bradbury v. City of Lewiston**

**Supreme Court of Idaho - July 10, 2023 - P.3d - 2023 WL 4409927**

City resident brought action against city for declaratory judgment and equitable relief, alleging that city had been collecting excessive utility fees and improperly spending municipal funds.

City moved to strike, alleging that resident's pleadings included confidential research memoranda prepared by city attorney. The Second Judicial District Court granted motion. Resident moved for reconsideration. The District Court denied motion. Parties filed cross-motions for summary judgment. The District Court granted and denied motions in part and declined to award any attorney fees or costs to either side. Resident appealed.

The Supreme Court held that:

- Research memoranda prepared by city attorney and submitted to city manager were protected by attorney-client privilege;
- City's transfers of funds from sanitation fund to golf-course fund and library fund were interdepartmental fund transfers that did not violate Idaho Constitution;
- Payments made by city to private entities were for contracted services, not donations;
- Resident's claim that street-impact fees assessed and allocated to city's water, wastewater, and sanitation funds amounted to illegal tax was brought in his individual capacity;
- Resident was not entitled to refund of street-impact fees;
- Trial court did not abuse its discretion by denying resident's request for attorney fees; and
- City was not entitled to attorney fees on appeal.