

BOISE, THURSDAY, FEBRUARY 13, 2025, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51293

**BELA KOVACS, individually, and in his)
official capacity as Kootenai County)
Assessor,)
)
Petitioner-Appellant,)
)
v.)
)
KOOTENAI COUNTY, a political)
subdivision and governmental agency of)
the State of Idaho; BILL BROOKS,)
individually, and in his official capacity as)
a member of the Board of County)
Commissioners; CHRIS FILLIOS,)
individually, and in his official capacity as)
a member of the Board of County)
Commissioners; and LESLIE DUNCAN,)
individually, and in her official capacity)
as a member of the Board of County)
Commissioners,)
)
Respondents-Respondents on)
Appeal.)
)
_____)**

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Susie Jensen, District Judge.

Boyles Law, PLLC; D. Colton Boyles, Sandpoint, for appellant.

Lake City Law Group PLLC; Zachary Jones, Coeur d'Alene, for respondents on appeal.

Bela Kovacs appeals from the district court's order denying Kovacs' motion for reconsideration and denial of attorney fees under Idaho Code § 12-117(1) and (4). This matter arises from Kovacs' petition for judicial review regarding the Kootenai County Board of County Commissioner's ("Board") decision to reduce Kovacs' salary by half and not include the 6% cost of living adjustment.

Kovacs was unanimously appointed as the Kootenai County Assessor in May 2020 after the predecessor had passed away. At a board meeting to discuss the 2023 fiscal year, the Board raised some concerns regarding Kovacs' performance as Assessor. The Board voted to reduce Kovacs' salary by half, from \$90,000 per year to \$45,000 per year, and to deny giving Kovacs the 6% cost of living adjustment given to all other county officials. Kovacs later filed a Petition for Judicial Review to challenge the Board's decision and requested attorney fees pursuant to I.C. § 12-117(1) and (4).

The district court held that the Board's decision to reduce Kovacs' salary and to exclude him from the 6% cost of living adjustment was not supported by substantial evidence, "exceeds the bounds of reason, is arbitrary, and is an abuse of discretion." The district court set aside the Board's decision and remanded the matter to the Board to reinstate the Assessor's previous salary retroactive from September 2022 with a 6% cost of living increase for the Fiscal Year 2023. However, the district court denied an award of attorney fees under I.C. § 12-117(1), finding that although Kovacs was the prevailing party, the Board had not acted without a reasonable basis in fact or law. The district court also denied attorney fees under I.C. § 12-117(4), finding that Kovacs, in his official capacity as Assessor, was not a "political subdivision" for the purposes of the statute. Doe appeals, challenging the district court's findings and refusal to award attorney fees.