

SUMMARY STATEMENT

North Idaho Building Contractors v. City of Hayden, Docket No. 45181

This case was originally brought by the North Idaho Building Contractors Association, Termac Construction, Inc., and other class members (collectively, “NIBCA”), to declare a sewer connection/capitalization fee the City of Hayden enacted in 2007 (the “2007 Cap Fee”), to be an impermissible tax. The action was dismissed on the City’s motion for summary judgment; but, on appeal the Idaho Supreme Court vacated the judgment of the district court and remanded the case for further proceedings because the record did not contain sufficient evidence to establish that the 2007 Cap Fee complied with controlling Idaho statutes and case law. *See N. Idaho Bldg. Contractors Ass’n v. City of Hayden*, 158 Idaho 79, 81, 343 P.3d 1086, 1088 (2015) (“*NIBCA I*”).

On remand, the parties filed cross motions for summary judgment and the district court found that the 2007 Cap Fee was an impermissible tax and taking of property without just compensation in violation of federal takings law. In doing so, the district court refused to consider expert evidence propounded by the City which opined that the 2007 Cap Fee complied with the applicable Idaho legal standards and was reasonable. The City appealed the district court’s refusal to consider its evidence and NIBCA cross-appealed the award of damages. The Idaho Supreme Court vacated the judgment and remanded the case so that the district court can consider evidence on whether the 2007 Cap Fee follows Idaho law.