

SUMMARY STATEMENT

Bradbury v. City of Lewiston

Docket No. 49667

This appeal out of Nez Perce County stems from a lawsuit filed by a sitting city council member, petitioner John Bradbury, against the City of Lewiston (“the City”). Bradbury argued that the City has been collecting excessive utility fees and improperly spending municipal funds. Bradbury first filed a petition against the City seeking a declaratory judgment and equitable relief, raising nine claims before the district court of various violations of Idaho law and the Idaho Constitution. Bradbury attempted to prove his claims using memoranda written to the city manager by the city attorney, which the district court later sealed after deeming the memoranda to be privileged attorney-client communications. The district court ultimately agreed with Bradbury on only one claim. It concluded that the City’s use of sanitation and wastewater funds to repair city streets was an illegal tax and a violation of Article VIII, section 3 of the Idaho Constitution. The remaining eight causes of action were found either to be lawful or non-justiciable because of a lack of standing, and were dismissed with prejudice following cross-motions for summary judgment.

On appeal, Bradbury challenged the dismissal of the eight claims and raised additional errors for appellate review. The Idaho Supreme Court affirmed in part and reversed in part the decision of the district court. The Supreme Court concluded: (1) the district court did not abuse its discretion in refusing to unseal privileged attorney-client materials; (2) Bradbury failed to show that the City violated Idaho law or the state constitution through the use of interdepartmental fund transfers; (3) the payments made by the City to two private entities were for contracted services; (4) Bradbury lacked standing to challenge the City’s allocation of irrigation water to a municipally-owned golf course; (5) the district court correctly found that Bradbury brought suit only in his individual capacity; and (6) the district court did not abuse its discretion in denying Bradbury’s request for attorney fees.

The Supreme Court reversed the district court on only one claim: it determined that Bradbury was in compliance with the Idaho Tort Claim Act’s notice requirements and that his recovery on a constitutional claim based in equity could not be barred by a state statute. However, because Bradbury consistently maintained throughout the litigation that he was not seeking reimbursement for his own injury, remand for a consideration of Bradbury’s damages was unwarranted.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******