

SUMMARY STATEMENT

East Side Highway District v. Kootenai County, Docket No. 51332

This appeal concerned late charges and interest associated with delinquent property taxes and which government entities are entitled to those funds. In a suit brought by several local taxing districts within Kootenai County, Kootenai County argued that it may keep the late charges and interest assessed by taxing districts to account for its cost of collecting such funds. The local taxing districts argued that they were entitled to a proportionate share. The district court ruled in favor of the local taxing districts and ordered the County to distribute those funds.

The Idaho Supreme Court affirmed and held that the County must apportion the late charges and interest among taxing districts. Idaho Code section 63-1015 provides that the “amount paid” to redeem a property in delinquency is to be apportioned among the taxing districts. Idaho Code section 63-1007 includes late charges and interest as a part of the amount paid to redeem a property. Therefore, the taxing districts are entitled to a proportionate share of late charges and interest. The Court also awarded attorney fees to the taxing districts under Idaho Code section 12-117(4). That provision provides that the prevailing party in a civil proceeding “involving as adverse parties a governmental entity and another governmental entity” shall be awarded attorney fees.

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