

SUPREME COURT OF THE STATE OF IDAHO

Thomas Arnold and Rebecca Arnold v. City of Stanley

158 Idaho 218 (2015) · No. 41600 · Decided February 26, 2015

SUMMARY

The Idaho Supreme Court affirmed summary judgment for the City of Stanley in a challenge under Idaho’s open meeting law. The court held that a private plaintiff must be adversely affected by the open meeting law violation itself, not merely by substantive action taken at the allegedly improper meeting. Because the Arnolds did not attend or attempt to participate in the meeting that began early, they lacked standing, and the City was awarded attorney fees.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	J. Jones; Chief Justice Burdick; Justice Eismann; Justice W. Jones; Justice Horton
JURISDICTION	Idaho
DECIDED	February 26, 2015
DOCKET	41600
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Arnolds appealed from a grant of summary judgment for the City in their action seeking to invalidate action taken at a city council meeting for alleged violations of Idaho's open meeting law.
STANDARD OF REVIEW	The Supreme Court applied the same standard as the district court to review summary judgment. If no genuine dispute of material fact exists, the remaining legal questions are reviewed freely. Statutory interpretation is also reviewed freely.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Thomas Arnold, Rebecca Arnold v. City of Stanley

TOPICS

- municipal law
- statutory interpretation
- summary judgment
- appellate procedure
- attorney fees

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Idaho Code section 67-2347(6) permits a private enforcement action by a person who was not adversely affected by the alleged open-meeting-law violation.
2. Whether the City was entitled to attorney fees under Idaho Code section 12-117.

HOLDINGS

1. Only a person affected by a violation of Idaho's open meeting law may bring a private enforcement action under Idaho Code section 67-2347(6). Being affected by a substantive action taken at a meeting is not, by itself, the same as being affected by the open-meeting-law violation. Because the Arnolds did not attend or intend to attend the meeting and suffered no effect from its early start, they lacked standing.
2. The City was entitled to reasonable attorney fees under Idaho Code section 12-117 because the Arnolds continued to pursue an appeal without a reasonable basis in fact or law after receiving the district court's well-reasoned rejection of the same theory.

KEY QUOTATIONS

“It is the violation of the open meeting law that gives one affected by that violation standing to bring an enforcement action.” (at 6)

“The Arnolds are in exactly the same position as they would have been had the meeting started on time and strictly complied with every other element of the open meeting law.” (at 7)

“Although the Arnolds had the benefit of the district court’s articulate and well-reasoned analysis to that effect, they still chose to bring an appeal, further raising the expense to the City to defend against the same arguments.” (at 10)

FACTUAL BACKGROUND

The City noticed public hearings and a regular city council meeting concerning proposed Ordinance 189, but began the third hearing and the regular meeting earlier than the noticed times without amending the notices. The Arnolds had actual notice of the meetings and submitted written testimony that was read into the record, but they did not attend, attempt to attend, call the City's office, or otherwise participate, and conceded that they had no intention of attending. After the City adopted Ordinance 189, the Arnolds sought to have the action declared null and void under Idaho's open meeting law.

PROCEDURAL HISTORY

The Arnolds sued under Idaho Code section 67-2347(6), alleging that the City violated the open meeting law by beginning a city council meeting early without amended notice. The district court concluded that the Arnolds lacked standing because they were not affected by the alleged violation and granted the City's motion for summary judgment. The Idaho Supreme Court affirmed and awarded the City costs and attorney fees.

DISPOSITION

affirmed

CASES CITED

- Conner v. Hodges, 157 Idaho 19, 23, 333 P.3d 130, 134 (2014)
- J&M Cattle Co. v. Farmers National Bank, 156 Idaho 690, 692, 330 P.3d 1048, 1050 (2014)
- Petersen v. Franklin County, 130 Idaho 176, 180-82, 938 P.2d 1214, 1218-20 (1997)
- Student Loan Fund of Idaho, Inc. v. Payette County, 125 Idaho 824, 828, 875 P.2d 236, 240 (Ct. App. 1994)
- Greer v. Lewiston Golf Country Club, Inc., 81 Idaho 393, 396, 342 P.2d 719, 721 (1959)
- Saint Alphonsus Regional Medical Center v. Ada County, 146 Idaho 862, 863, 204 P.3d 502, 503 (2009)
- Canal/Norcrest/Columbus Action Committee v. City of Boise, 136 Idaho 666, 671, 39 P.3d 606, 611 (2001)
- Castrigno v. McQuade, 141 Idaho 93, 98, 106 P.3d 419, 424 (2005)
- Verska v. Saint Alphonsus Regional Medical Center, 151 Idaho 889, 893, 265 P.3d 502, 506 (2011)
- Hap Taylor & Sons, Inc. v. Summerwind Partners, LLC, 157 Idaho 600, 614, 338 P.3d 1204, 1218 (2014)

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