

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in special session on Tuesday, March 26th, 2013. Present were Commissioners Vicki Meadows, Chairman, Ron Funk and Delane Anderson. Also present was Power County Clerk Christine Steinlicht.

POWER COUNTY PROSECUTING ATTORNEY – POWER COUNTY CASE #CV-2011-248 (SUPREME COURT APPEAL): Commissioner Meadows announced that the date and time set on the Power County Commissioners Agenda to review the Stipulation to reverse the Decision on judicial review in Power County Case #CV-2011-248, which is on appeal to the Idaho Supreme Court. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, that pursuant to Rule 13.5 of the Idaho Appellate Rules, the parties request that the Court enter and Order to accomplish the stipulated results as follows:

- The District Court's Decision on Judicial Review be reversed to the extent it overturns the Board's decision to hire Balfour and invalidates the resulting contracts to provide legal services.
- The District Court's Decision on Judicial Review be reversed to the extent that it orders the Board to re-approve the fiscal year 2012 budget and re-allocate the funds used to pay Balfour.
- That each party pays their own costs and fees incurred while litigating this appeal.
- The Court issue a Remittitur that advises the District Court that it shall comply with the directive of the Order.

With the understanding that the reasons for ending this litigation are as follows:

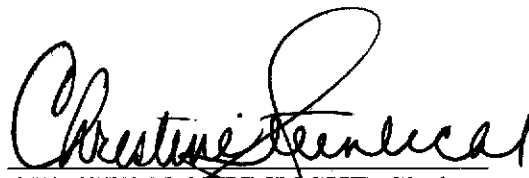
- It is in the best interest of Power County.
- It avoids additional litigation expenses.
- The issues in dispute between the Board of Power County Commissioners and the Prosecutor's Office have been worked out with Power County Prosecuting Attorney Ryan Petersen.

Carried. A copy of the entire proposed Stipulation is attached hereto and incorporated by reference.

POWER COUNTY EMPLOYEES – POWER COUNTY CENTENNIAL APPRECIATION/RECOGNITION: Following discussion, it was moved by Commissioner Anderson, seconded by Commissioner Funk, to give each full-time and each permanent part-time employee a Power County Centennial Coin. Carried.

Adjourned.


VICKI MEADOWS, Chairman


CHRISTINE STEINLICHT, Clerk

M. JAY MEYERS

Idaho State Bar No. 1680

THOMAS D. SMITH

Idaho State Bar No. 8206

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Attorneys for Respondents/Appellants

IN THE SUPREME COURT OF THE STATE OF IDAHO

POWER COUNTY PROSECUTING
ATTORNEY, RYAN C. PETERSEN,

Petitioner/Respondent,

vs.

POWER BOARD OF COUNTY
COMMISSIONERS, VICKI
MEADOWS, RON FUNK, and DELANE
ANDERSON,

Respondents/Appellants.

Supreme Court

Docket No. 40112-2012

Power County District Court

Case No. 2011-248/2011-279

**STIPULATION TO REVERSE THE
DECISION ON JUDICIAL REVIEW IN
PART**

COMES NOW the Respondents/Appellants, the elected Power County Board of Commissioners, Vicki Meadows, Run Funk, and Delane Anderson (collectively "Board"), by and through their counsel of record, Meyers Law Office, PLLC, and the elected Power County Prosecuting Attorney, Ryan C. Petersen ("Petersen"), pursuant to Rule 13.5 of the Idaho Appellate Rules, and hereby enter into the following stipulation to resolve the pending appeal.

STIPULATION TO REVERSE THE DECISION ON JUDICIAL REVIEW IN PART - 1

RECITALS AND FACTUAL BACKGROUND

1. This case involves two petitions filed by the Petitioner/Respondent, the former elected Power County Prosecuting Attorney, F. Randall Kline ("Kline"), seeking judicial review of actions taken by the Board. Both petitions were the result of a lengthy dispute regarding Kline's salary and the Board's decision to hire Douglas J. Balfour, Chartered ("Balfour") as outside counsel.

2. Kline raised three issues in the Petitions for Judicial Review: (1) whether the Board exceeded its authority when it hired outside counsel during fiscal year 2012, (2) whether the Board improperly set his salary in the fiscal year 2012 budget, and (3) whether the Board should be required to transfer all funding for legal services in the fiscal year 2012 budget to the Prosecuting Attorney's Office.

3. The District Court entered its Decision on Judicial Review that overturned the Board's decision to hire Balfour as outside counsel and invalidated the resulting contracts to provide legal services. The District Court also set aside the Board's approval of the fiscal year 2012 budget, and the District Court remanded the case to the Board to re-approve the fiscal year 2012 budget and re-allocate the funds used to pay Balfour.

4. The District Court refused to address Kline's request for a salary increase because Kline did not establish a sufficient record to review. The District Court also refused to order the Board to move all funding for legal services into the Prosecuting Attorney's Office budget because Kline did not provide any legal reasoning or argument.

STIPULATION TO REVERSE THE DECISION ON JUDICIAL REVIEW IN PART – 2

5. Peterson was subsequently sworn in as the Power County Prosecuting Attorney in January of 2013. The Court substituted Petersen as a party on March 14, 2013 in its Order Allowing Substitution of Party and Extension of Time to Respond to Request.

6. The Board and Peterson agree that it is in the best interests of Power County to cease all litigation between the Board of Commissioners and the Prosecuting Attorney's Office.

7. The parties agree that the District Court's Decision on Judicial Review should be reversed to the extent that it overturns the Board's decision to hire Balfour and invalidates the related contracts to provide legal services. The parties also agree that the District Court's Decision on Judicial Review should be reversed to the extent that it orders the Board to re-approve the fiscal year 2012 budget and re-allocate the funds used to pay Balfour.

10. The parties agree that no award of costs and fees is necessary in this appeal because all parties are elected officials of Power County.

11. Pursuant to Rule 13.5 of the Idaho Appellate Rules, the parties respectfully request that the Court enter an Order accomplishing the stipulated results set forth herein, and that the Court issue a Remittitur that advises the District Court that it shall forthwith comply with the directive of the Order.

NOW, THEREFORE, pursuant to Rule 13.5 of the Idaho Appellate Rules, the parties request that the Court enter an Order to accomplish the stipulated results as follows:

1. That the District Court's Decision on Judicial Review be reversed to the extent that it overturns the Board's decision to hire Balfour and invalidates the resulting contracts to provide legal services;

STIPULATION TO REVERSE THE DECISION ON JUDICIAL REVIEW IN PART - 3

2. That the District Court's Decision on Judicial Review be reversed to the extent that it orders the Board to re-approve the fiscal year 2012 budget and re-allocate the funds used to pay Balfour;

3. That each party pay their own costs and fees incurred while litigating this appeal;

4. That the Court issue a Remittitur that advises the District Court that it shall forthwith comply with the directive of the Order.

DATED this ___ day of March, 2013.

MEYERS LAW OFFICE, PLLC

By M. Jay Meyers

By Thomas D. Smith

DATED this ___ day of March, 2013.

RYAN C. PETERSEN
Power County Prosecuting Attorney

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the ___ day of March, 2013 I caused a true and correct copy of the forgoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with Idaho Appellate Rules, to the following person(s):

Louis Marshall	Hand Delivered	_____
Idaho Prosecuting Attorneys Association	U.S. Mail	_____
Bonner County Prosecutor's Office	Facsimile	_____
127 South First Avenue	Overnight Mail	_____
Sandpoint, Idaho 83864		

Bryan F. Taylor	Hand Delivered	_____
Dan T. Blocksom	U.S. Mail	_____
Canyon County Prosecuting Attorney's Office	Facsimile	_____
Canyon County Courthouse	Overnight Mail	_____
1115 Albany Street		
Caldwell, Idaho 83605		

Michael Kane	Hand Delivered	_____
Michael Kane & Associates, PLLC	U.S. Mail	_____
1087 West River Street, Suite 100	Facsimile	_____
Boise, Idaho 83702	Overnight Mail	_____

THOMAS D. SMITH