

Implications of Idaho Law on Consolidations

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Contrary to the rosy picture Council members Chase and Conn have painted, according to Idaho State law, we will lose the name “Sun Valley” upon passage of the consolidation ballot and we will immediately become the City of “Ketchum.”

Idaho State law also provides that we will lose all our specific Sun Valley ordinances and laws that give us, our visitors and the Sun Valley Company special protection, including our Comprehensive Plan. We will become subject to all of Ketchum’s existing ordinances and laws immediately upon passage of the consolidation ballot (there are a few technical exceptions related to lawsuits, certain vested rights and public improvements). The current Ketchum City Council and Mayor will then immediately govern Sun Valley until the election of a new Mayor and Council for the consolidated “Ketchum” can take place.

The election of a new Mayor and Council for the new City of “Ketchum” will then be determined by a vote of the combined voters of both former cities (~68.5% from K and ~31.5% from SV). You can calculate the possible representation the former “Sun Valley” might be able to attain under those circumstances. These newly elected officials will then be the only ones who will decide if the new City of “Ketchum” pursues a name change, and if ordinance changes for the benefit of the former “Sun Valley” will be accomplished...if at all.

This direct quote from the Chase and Conn informational blog site gives us an indication of their plans for Sun Valley:

“Ketchum voters would have a greater say in decisions about proposed development by Sun Valley Company.”

Great thanks for your continued input and comments.

Nils

Please note: The legal issues in the proposed consolidation are very serious matters that require careful attention. It was important to have these matters reviewed by legal counsel, which I did; however this is not a legal opinion.

Below are the references to the applicable Idaho State laws:

Name change:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 21
CONSOLIDATION OF CITIES

50-2101.CONSolidATION OF CITIES. Two (2) or more cities, each one of which is contiguous to the other, or to one of the other of said cities, all of which shall be incorporated under general law, may become consolidated into one (1) city, to be thereafter governed in the name and under the government of the greater or greatest in population, as shown by the last federal census, pursuant to proceedings had and taken in accordance with the provisions of sections 50-2101 through 50-2114.

Effect on Ordinances:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 21
CONSOLIDATION OF CITIES

50-2112.EFFECT OF ORDINANCES OF CONSOLIDATED CITIES. All ordinances of any city or cities consolidated under the provisions of sections 50-2101 through 50-2114, except those of the one having the greater or greatest population and those not in conflict therewith, shall be deemed repealed and of no further force and effect; provided, however, that such repeal shall not operate to discharge any person from any liability, civil or criminal, then existing, nor to affect any prosecution then pending for any violation of any such ordinances; and all cases then pending in any justices' court, police court or court of record, except of the one having the greater or greatest population, shall upon such consolidation being effected be deemed ipso facto to be transferred to justices' court, police court, or court of record, of the greater or greatest population having jurisdiction of proceedings or of other actions, civil or criminal, of the character so transferred; provided, further, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements or to proceedings for opening, extending, widening or straightening streets or other public places or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the newly consolidated corporation, with the same force and effect as if

continued and conducted by and under the authority of the corporation by which they were commenced. Except as hereinbefore provided, all ordinances of the corporation having the greater or greatest population shall, upon the completion of such consolidation, ipso facto have full force and effect in and throughout the newly consolidated corporation.

Immediate governance by larger city:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 21
CONSOLIDATION OF CITIES

50-2108.EFFECTIVE DATE. From and after the date of filing an abstract of results of election of officials with the secretary of state, such consolidation shall be deemed to be completed, and such cities shall be deemed to be consolidated into a new corporation under the name of the corporation of the greater or greatest population, and thereupon such new corporation shall be governed in the name of and under the laws and ordinances applicable to such larger or largest city. The officials elected at a special election shall be immediately entitled to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold said offices respectively only until the next general city election in such newly consolidated city, and until their successors are elected and qualified. At the first general city election following the effective date of such newly consolidated city, one-half (1/2) of the city council shall be elected for two (2) year terms, and one-half (1/2) shall be elected for four (4) year terms. The mayor, at such first general city election, shall be elected for a four (4) year term.

Election of new Mayor and Council:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 21
CONSOLIDATION OF CITIES

50-2107.ELECTION OF OFFICERS OF CONSOLIDATED CORPORATIONS. In the event that the majority of the votes cast by the electors of each and all such cities proposed to be consolidated shall favor consolidation, and all other acts and proceedings for consolidation of such cities into one (1) consolidated corporation shall have been severally, duly and regularly done and performed as hereinbefore provided, thereupon such city shall proceed to call a special election to be held in all the cities so proposed to be consolidated for the election of officers of the new corporation. Such election shall be held not less than

sixty (60) days nor more than ninety (90) days after the filing of such original abstract in the office of the secretary of state, provided, that should the time for holding general city elections be within one hundred twenty (120) days of the time as herein provided for holding said special election, officials of the newly consolidated city shall be elected at said general election.

<http://www.legislature.idaho.gov/idstat/Title50/T50CH21.htm>