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FOR IMMEDIATE RELEASE:

The Idaho Building Contractors Association (IBCA) is pleased to announce the recent settlement of two significant court cases advanced and supported by the Association; the *NIBCA and Tarmac Construction vs. the City of Hayden* and *Hill-Vu Mobile Home Park and Ed Quinn vs. the City of Pocatello*. Both cases will result in refunds being issued to the members of the public who paid fees extracted by the respective cities which were challenged as unlawful.

The lawsuits alleged the two Idaho municipalities were improperly assessing fees to users of various utilities. Under Idaho law counties and cities are allowed to impose fees to users and those seeking connection to utility systems but only under very strict and limited parameters. While the fees in the two actions were based on different concepts both fees were targeted as examples of governmental bodies overstepping their authority; something the IBCA diligently guards against. “Whether they be impact fees, equity buy in fees or attempts to raise revenue, government imposed fees are rife with opportunity for abuse by local governments. This is mostly because they do not require voter approval like issuing bonds or imposing taxes” stated Joe Atalla, President of the IBCA. “The IBCA as the voice of the industry, includes in its mission the duty to oversee municipal financing on behalf of the local builder members and our families and neighbors they work for.”

The IBCA and its local chapters work closely with government officials at every level from federal, state and local jurisdictions. They participate in setting policy at the state legislature and in every city and county across Idaho. These working relationships typically resemble partnerships working toward the mutual goal of benefitting the public at large by providing cost effective infrastructure and reasonable growth policies. Occasionally a jurisdiction will disregard the support and assistance offered by the local builders and other means are required to ensure compliance with the law. Litigation is never entered into lightly and never without exhausting every other option; unfortunately these lawsuits were required to bring attention to the issue of the then current city leaders. It is important to note that only a few of the local elected officials currently serving in these jurisdictions were part of the process that lead to the lawsuits. The local builder chapters are working with the current elected officials in Hayden and Pocatello who appear to appreciate the importance of good working relationships across the industry and understand the need for proper legal foundations for all fees imposed.

Both fee structures were challenged by local business owners with the assistance and guidance of the IBCA in order to reassert and remind all involved in the industry of the proper legal use of government

imposed fees. Each case was pursued as a class action to protect the large amount of citizens who paid the fee. The IBCA wishes to thank all who stood in support of these cases especially the named parties who specifically stepped forward to do the right thing in the face of injustice: Mike Ragusa, Ed Quinn, Logan Robison and Ricky Robinson. The IBCA also applauds the attorneys who picked up the gauntlet and lead the charge against government overreach: Jason S. Risch and Nathan M. Olsen.

*The IBCA is a proactive trade association representing the home building industry - committed to promoting and protecting the American dream of home ownership. As a voice of the industry, we provide education, information and networking opportunities. We are dedicated to professionalism and the highest ethical standards in our industry.*