



## CITY OF COEUR D'ALENE

LEGAL DEPARTMENT

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October 29, 2009

Mr. Gary Ingram  
2921 N. 6<sup>th</sup> St.  
Coeur d'Alene, ID 83815

Re: Complaint – Open Meeting Law Violation

Dear Mr. Ingram:

Thank you for your letter of October 29, 2009 to Susan Weathers, Coeur d'Alene City Clerk, complaining of a violation of the Idaho Open Meeting law. As outlined below, it is apparent that there is no Open Meeting Law violation.

Idaho Code 67-2342 requires that all meetings of a governing body of a public agency shall be open to the public.

I.C. 67-2341 defines a “meeting” as the convening of a governing body of a public agency to make a decision or to deliberate towards a decision. “Decision” is defined as any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure ***on which a vote of a governing body is required, at any meeting at which a quorum is present...*** “Deliberation” is defined as the receipt or exchange of information or opinion ***relating to a decision***, but shall not include informal or impromptu discussions of a general nature which ***do not specifically relate to a matter then pending before the public agency for decision.***

In this instance, there was no “decision” as that term is defined because there was no determination, action, vote or final disposition on a matter that required a vote of the City Council. Further, there was no meeting at which a quorum was present. Rather, it is my understanding that the letter published in the Coeur d'Alene Press was circulated by the Mayor and City Council between themselves to respond to a false, scurrilous, personal attack directed at them and the Board of the Habitat for Humanity. Simply put, because there was no “meeting” and no “decision” on a matter that required a vote by the Council there was no requirement for an open “meeting”.

Further, as noted above, “deliberation” means the receipt or exchange of information or opinion relating to a “decision”. The definition of deliberation specifically exempts discussions of a general nature which do not specifically relate to a matter then pending before the public agency for decision. Again, the subject matter of this communication is not something that required an official action and was certainly not related to something pending before the Mayor and Council for an official decision.

Finally, as you well know, the purpose of the Open Meeting Act is to ensure that the formation of public policy is not conducted in secret. Nothing here can be construed as an attempt to formulate public policy in secret. Rather, the joint letter appears to be a public statement from the Mayor and Council stating facts, refuting lies and requesting that people stop spreading false information. As such, there was no Open Meeting Law violation.

Please contact me if you need additional information or explanation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mike", written over a faint, illegible background.

Michael C. Gridley  
City Attorney

cc: Susan Weathers