



Tina Shang <tshang@co.teton.id.us>

Letter and Request of October 23, 2023 re: Northern Lights Subdivision

Tina Shang <tshang@co.teton.id.us>

Thu, Oct 26, 2023 at 3:14 PM

To: Ryan Poole <rpoole@smithknowles.com>

Cc: "jkrueger@co.teton.id.us" <jkrueger@co.teton.id.us>

Bcc: Weston Davis <wsdavis@nhptlaw.net>, Bailey Smith <baileysmith@co.teton.id.us>

Hi Ryan,

Following review of I.C. § 67-6510, we don't believe this section authorizes the county commissioners to participate in a mediation. Rather this section of code allows an applicant and an affected person to participate in a mediation if they have a dispute and then if that issue is resolved, present such resolution before the board in a public hearing. To construe this provision to allow mediation between the decision making board and an applicant would be analogous to allowing ex-parte communication between a party and a court and would be a violation of open meeting law.

As this request for mediation is not for the type of mediation contemplated by I.C. § 67-6510, it does not appear to have the effect of tolling the relevant time periods related to this application under the LLUPA.

Your request for taking analysis is received and the county will respond in due course.

Thanks,
Tina

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Tina Shang
Office of the Teton County Prosecuting Attorney

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