

T. Hethe Clark
(208) 388-3327
hclark@clarkwardle.com

Via electronic mail (dhasegawa@cityofboise.org)

September 28, 2021

The Board of the Harris Ranch Community Infrastructure District No. 1 (“HRCID”)
c/o David Hasegawa, District Manager
150 N. Capitol Blvd.
Boise, Idaho 83702

**Re: Response to September 27, 2021 Harris Ranch CID Taxpayers’ Association (“HRCIDTA”) Letter
Re: HRCID’s General Obligation Bond Election**

Dear Members of the Board:

This letter responds to HRCIDTA’s letter claiming that the initial bond election somehow failed. **We note, initially, that this is not an issue that is up for debate at the October 5, 2021 hearing, which is noticed for a discussion and potential approval of certain payment requests and a bond resolution.** Furthermore, the HRCIDTA’s latest attack goes to the heart of the HRCID itself, which is a conversation well beyond the authority of the HRCID Board to rule upon. We respond, in brief, simply to ensure that the various legal arguments¹ and factual misstatements of the HRCIDTA are met with a public response.

Background

Idaho Code Section 50-3101, *et seq.* (the “CID Act”) contains the procedures and standards by which the HRCID is to be judged. When it comes to the issuance of general obligation bonds, the process is identified in Section 50-3108, which states that if a CID intends to issue such bonds, an election is required with an approval threshold of “two-thirds (2/3) of the qualified electors at such election.” (I.C. § 50-3108(3)). A “qualified elector” is defined in Section 50-3102(13) as “a person who possesses all of the qualifications required of electors under the general laws of the state of Idaho...” and includes individuals who may reside within the boundaries of the district (“resident qualified electors”) and those who do not reside but do own property within the district (“owner qualified elector”).

¹ Mr. Doyle repeatedly asserts legal arguments but then attempts to portray himself as a layman acting without the advantage of legal representation, which is misleading. Mr. Doyle has previously held himself out, including during the July 2021 HRCID board meeting, as a trained attorney. It is our understanding that he retired from practice in Washington and was suspended in California near the time he moved to Harris Ranch in 2018.

A “person” is defined in the CID Act to include not only individuals but also corporations and limited liability partnerships. I.C. § 50-3102(12). This is consistent with other statutes that have long permitted corporate voting in certain circumstances, including in the context of irrigation districts. *See, e.g.*, I.C. § 43-119 (permitting voting by corporations, LLCs, and partnerships under certain circumstances).

Whether votes come from “owners” or “residents,” **the required vote is two-thirds, with no minimum number of voters required to participate.** Once a vote has occurred meeting the two-thirds threshold, a CID board is thereafter authorized to proceed with the sale of general obligation bonds, allowing the very purpose of the CID Act to move forward.

Response to HRCIDTA

In this bond election, there were three votes in favor, with two of those votes coming from owner qualified electors (Barber Valley Development, Inc. (BVD) and Harris Family Limited Partnership (HFLP)) and the third coming from a resident qualified elector, Mr. Ron Murray. Those who have been around Harris Ranch for very long know Mr. Murray, who lived for decades at Barber Drive, near the entry to what is now Harris Ranch North. His residence was only removed from that location within the past few years. He was a much-loved farmhand at the ranch before recently moving to a new location.

Rather than actually investigating the facts surrounding Mr. Murray, the HRCIDTA through Mr. Doyle has once again resorted to baseless allegations and character assassination. The portrayal is grossly inaccurate.

- First, Mr. Murray was old enough to vote at the time of this election.
- Second, Mr. Murray was a resident of the district, as noted above. Mr. Murray lived in and was a resident of Ada County for decades prior to the election.
- Third, Mr. Murray registered to vote prior to this election. Our understanding is that he was not previously registered. There is no conspiracy if Mr. Murray was not on prior registration lists. Our democracy allows those previously unregistered to register and vote if they are eligible.
- Fourth, Mr. Murray is not a felon on parole. There is absolutely no basis to even suggest this and the insinuation is, frankly, offensive.

Even more outrageous is the allegation that Mr. Murray was unduly influenced to vote “yes” in the election, with the HRCIDTA and Mr. Doyle making the remarkable allegation that those in the Harris family committed a crime under Idaho Code Section 18-2319. If anyone has met Mr. Murray, they would know that this man is not capable of being influenced even if the Harris family had tried, which they most assuredly did not. These outlandish accusations are irresponsible, libelous, and without any basis in fact. But Mr. Doyle goes even further, hypothesizing that other individuals who might have lived within the future HRCID “were dissuaded, or perhaps unduly dissuaded, from voting ‘No’ in the election.” In other words, Mr. Doyle claims the Harris family formed a cabal that intimidated residents from voting in the election.

To be clear, at the time of the election, there were no other residents of the relevant property. Even if there had been other residents, the Harris family would not have committed a crime as so recklessly alleged by Mr. Doyle and the HRCIDTA.

The simple fact is this: There were three votes in favor of the general obligation bond election. The “No” vote came from an individual who did not reside within the district and that vote was properly removed. Even if you eliminate the corporate votes – something we do not admit or agree with given other examples of corporate voting in Idaho – there was still a 1-0 vote in favor. The CID Act requires no more. Furthermore, these are matters that took place over a decade ago, with dozens of actions and bond issuances that are now final per the appeal period identified in Idaho Code Section 50-3119.

Conclusion

Once again, the HRCIDTA attempts to reopen long-final matters that have been the subject of dozens of public proceedings and Board votes over the years. The general bond obligation election took place more than ten years ago. It is not up for debate on October 5, 2021.

The only constitutional infirmity alleged by the HRCIDTA is the use of corporate electors. As noted above, even if the BVD and HFLP votes are eliminated, there was still a two-thirds vote. If the HRCIDTA has concerns about not counting the vote of the individual who did not live within the HRCID, that is a procedural matter for which the appeal period has long since run.

Finally, we caution the HRCIDTA to be far more circumspect before continuing to make baseless allegations regarding the developer, Mr. Murray, and the Harris family’s actions and character. **It is not acceptable to invent facts and claims that impugn the character and integrity of individuals and businesses in the community in order to further the HRCIDTA’s agenda.** While these are matters of public concern, the privilege to say or claim anything without regard to the actual facts has its limits.

Very truly yours,



T. Hethe Clark
HC/bdb

c: CID Board Members
CID Staff (Jim Pardy (CID Engineer), Rob Lockward (CID Counsel))
Client