

RESOLUTION NO. 07-027

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO AUTHORIZING THE LAW FIRM OF MOORE SMITH BUXTON AND TURCKE TO FILE A PETITION FOR LEAVE TO APPEAR AS AMICUS CURIAE IN THE CASE OF SCHAEFER V. CITY OF SUN VALLEY, CASE NO.: CV-06-882 (FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF IDAHO) ON BEHALF OF THE BLAINE KETCHUM HOUSING AUTHORITY, AUTHORIZING PAYMENT OF THE LEGAL FEES INCURRED FROM SUCH REPRESENTATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City of Ketchum recently enacted an affordable housing ordinance that is similar to the one challenged in the case of Schaefer v. City of Sun Valley, Case No.: CV-06-882 (Fifth Judicial District Court of the State of Idaho) (hereinafter referred to as “the above-entitled case”).

WHEREAS the City of Ketchum works in partnership with the Blaine Ketchum Housing Authority (“BKHA”) to provide affordable housing for the City of Ketchum.

WHEREAS the City of Ketchum has determined that BKHA’s participation in the above-entitled case as amicus curiae is in the best interest of the City.

WHEREAS BKHA does not have the funds available to pay for the legal fees that will be incurred by its participation in the case of Schaefer v. City of Sun Valley as amicus curiae.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchum, Idaho, as follows:

Section 1: The law firm of Moore Smith Buxton & Turcke (“MSBT”), is authorized to file petitions for leave to appear as amicus curiae on behalf of BKHA in the above-referenced matter for the purpose of filing a brief and participating in oral argument in the Motion for Summary Judgment in the above-entitled case in support of the general position of Defendant, City of Sun Valley. The City of Ketchum will pay for the legal fees incurred as a result of MSBT’s representation of BKHA in this matter.

Section 2: Ketchum supports BKHA seeking amicus curiae status in the above-entitled case for the following reasons:

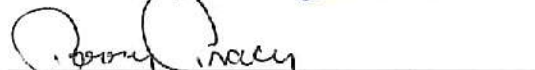
- A. Ketchum is an incorporated municipality in the immediate vicinity of Defendant City of Sun Valley.
- B. Ketchum is similarly situated as Sun Valley in respect to economic conditions, social conditions, industry and terrain. Ketchum recently enacted an affordable housing ordinance that is similar to the one challenged in this matter. Ketchum desires to support the position of Sun Valley in this case and to provide additional legal analysis on behalf of Sun Valley to assist in the Court’s review of this matter.
- C. Ketchum is concerned that a decision by this Court will set precedent as to the constitutionality of Ketchum’s affordable housing ordinance.

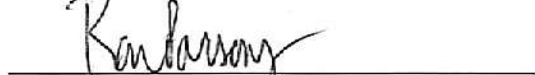
- D. Ketchum believes that BKHA, an organization that works with several government entities in Blaine County to provide affordable housing, is the best party to support the position set forth by the City of Sun Valley in this case.
- E. Upon leave to appear as amicus and order of the Court setting the time for filing an amicus curiae brief, BKHA will submit a brief in support of its position.


Section 3: This Resolution shall take effect and be in force from and after its passage and approval.

DATED this 20th day of February, 2007.


Baird Gourlay, Council President


Terry Tracy, Council Member


Ron Parsons, Council Member


Steven Shafran, Council Member

ATTEST:


Sandra E. Cade
City Clerk



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