

RE: Request for Legal Authority Supporting DEQ's Request for City Council Approval of Material Changes to Bellevue's Voter-Approved Water Revenue Bond Project

From: Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>
To: 'Suzanne Wrede' <swrede@innercore.net>
Cc: Cassandra Lemmons <Cassandra.Lemmons@deq.idaho.gov>
Subject: RE: Request for Legal Authority Supporting DEQ's Request for City Council Approval of Material Changes to Bellevue's Voter-Approved Water Revenue Bond Project
Date: Friday, March 20, 2026 2:53 PM
Size: 124 KB

Mrs. Wrede,

The questions you raise regarding the City Council's authority, the legal effect of any change to a voter-approved bond project, and whether voter approval is required are legal questions for the City of Bellevue and its legal counsel or bond counsel, not DEQ. DEQ's role is limited to review of facility plans and related project documentation for drinking water regulatory and program purposes. The City of Bellevue submitted their final facility plan required under IDAPA 58.01.08.502 to DEQ on March 2, 2026. As required under IDAPA 58.01.22.030.01.iii, DEQ is awaiting the City's selection of their final alternative presented in that facility plan and submission of an Environmental Information Document so the agency can move forward on Environmental Determination and review of the submitted facility plan. DEQ does not interpret or determine a municipality's authority under bond law, election materials, or other local legal requirements. For that reason, DEQ is not the appropriate entity to answer the legal questions presented in your email.

Sincerely,



Tyler Fortunati
Drinking Water Bureau Chief
Idaho Department of Environmental Quality
1410 N Hilton, Boise, ID 83706
P: (208) 373-0140
www.deq.idaho.gov

From: Suzanne Wrede <swrede@innercore.net>
Sent: Thursday, March 19, 2026 5:26 PM
To: Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>
Cc: Cassandra Lemmons <Cassandra.Lemmons@deq.idaho.gov>
Subject: Request for Legal Authority Supporting DEQ's Request for City Council Approval of Material Changes to Bellevue's Voter-Approved Water Revenue Bond Project

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Mr. Fortunati -

I am writing as a resident of Bellevue regarding **CITY OF BELLEVUE RESOLUTION 26-11**, which the City has drafted **solely because DEQ has requested it**. The City's memo states:

"IDEQ has requested that a majority of the council acknowledge and accept the changes to the Drinking Water Facility Plan prior to their final approval."

This request is deeply concerning because it appears to give the Bellevue City Council authority it does **not** possess under Idaho law: the authority to materially alter a **voter-approved revenue bond project**.

1. The Facility Plan *is* the Bond Project

The Water Revenue Bond was presented to voters based on the **Drinking Water Facility Plan – Technical Draft**. That document:

- defined the project
- defined the scope
- defined the engineering basis
- defined the regulatory requirements
- defined the cost
- defined the bond amount

Therefore:

Any material change to the Facility Plan is a material change to the voter-approved bond.

Only voters may authorize such a change.

The City Council cannot. DEQ cannot.

2. SS-1 and LE-1 Were the Core Promise of the Bond

Two components of the Drinking Water Facility Plan — **SS-1 (Spring System Reconstruction and Relocation)** and **LE-1 (Seamans Creek Land Purchase and Easements)** — were the **central, non-optional elements** of the voter-approved Water Revenue Bond. These were not peripheral improvements. They were the **driving premise** of the bond, the **engineering justification**, the **regulatory justification**, and the **financial justification** presented to Bellevue voters.

The Mayor's May 16, 2024 advocacy letter made this explicit: *"The main objective of the water project is to improve the spring collection system, move the collection line from private property to the county road with an access easement and reduce the significant amount of water loss..."*

This was the promise. This was the project. This is what voters approved.

SS-1: The Spring System Reconstruction and Relocation Was the Heart of the Project

The City told voters — repeatedly and emphatically — that:

- the spring system is Bellevue's **primary water source**,
- it sits on **private property**,
- the City lacks **secure legal access**,
- the system has **multiple significant deficiencies**,
- the system is **not sealed** against contamination,
- the system is **not secure** and does not prevent tampering,
- the system is **not compliant** with IDAPA,
- the system must be **relocated into the county road**,
- the City must obtain **legal easements**,
- the system must be **rebuilt**, not patched,
- and these improvements were required to protect Bellevue's **senior surface water right**.

These were not optional upgrades. They were the **core justification** for the bond amount and the reason voters approved it.

LE-1: The Easement and Land Acquisition Was Integral to SS-1

LE-1 was not a standalone project. It existed **only** to support SS-1.

LE-1 funded:

- acquisition of legal access,
- relocation of the spring line off private property,
- securing the City's ability to maintain its primary water source,
- and ensuring long-term protection of the senior water right.

Without SS-1, LE-1 has no purpose. Without SS-1, LE-1's cost is unjustified. Without SS-1, the bond amount is inflated.

The Revised Plan Eliminates the Core Project Voters Approved

The revised plan now:

- **eliminates relocation of the spring system off private property,**
- **eliminates the easement acquisition,**
- **eliminates reconstruction of the spring boxes,**
- **eliminates sealing against contamination,**
- **eliminates construction of a drainable spring box,**
- **eliminates construction of an approved sampling point,**
- **eliminates security improvements,**
- **eliminates correction of multiple significant deficiencies,**
- **reframes SS-1 as "rehabilitation" rather than reconstruction,**
- **abandons the engineering basis for the bond,**
- **abandons the regulatory basis for the bond,**
- **abandons the financial basis for the bond,**
- **and materially alters LE-1's purpose and justification.**

This is not a "scope adjustment." This is a **substantial downgrade** in what residents receive for the same bond amount. These are **material changes** under Idaho bond law.

3. A Material Downgrade Requires a Material Reduction in the Bond Amount

Even if SS-1 is not "removed," the City is:

- reducing the scope,
- reducing the value,
- reducing the regulatory compliance,
- reducing the engineering improvements,

- reducing the protections for the senior water right,
- and reducing the deliverables promised to voters.

Under Idaho law:

****A materially reduced project requires a materially reduced bond.**

A materially reduced bond requires voter approval.**

The City Council cannot approve a downgraded project **and** keep the original bond amount.

4. DEQ Does Not Have Authority to Empower the City Council to Approve Material Changes

DEQ has regulatory authority over drinking water compliance.

DEQ does **not** have authority to:

- modify a voter-approved bond project
- authorize a material change to a voter-approved project
- accept a City Council resolution in place of voter approval
- validate the use of restricted bond proceeds for a different project

Yet the City's memo indicates that DEQ is prepared to accept a City Council resolution as sufficient authorization for a material change.

This raises the central legal question:

Under what statutory authority is DEQ empowering the Bellevue City Council to circumvent the voter-approval requirement for material changes to a revenue bond project?

If no such authority exists — and none has been cited — then DEQ's request is enabling an unlawful process.

5. Request for Clarification

I respectfully request that DEQ identify:

- 1. The specific statute or rule that authorizes DEQ to request or accept a City Council resolution as legal authority for a material change to a voter-approved revenue bond project.**
- 2. The legal basis under which DEQ may approve a materially altered project when the original project was approved by voters for a defined purpose and cost.**
- 3. Whether DEQ has verified that the City Council possesses the legal authority to approve these changes without voter approval.**

Until DEQ provides a clear legal basis for its request, it appears that DEQ may be inadvertently enabling the City to circumvent Idaho's constitutional and statutory requirements for voter approval of municipal debt.

Respectfully,

Suzanne Wrede
Resident, City of Bellevue, Idaho

--

Suzanne Wrede