

IDAPA v AG?

From: [Suzanne Wrede <swrede@innercore.net>](mailto:swrede@innercore.net)
To: [Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>](mailto:Tyler.Fortunati@deq.idaho.gov)
Cc: [Cassandra Lemmons <Cassandra.Lemmons@deq.idaho.gov>](mailto:Cassandra.Lemmons@deq.idaho.gov)
Subject: IDAPA v AG?
Date: Tuesday, March 24, 2026 6:13 PM
Size: 125 KB

Mr. Fortunati -

I hope you appreciate that I don't like sending these emails any more than you enjoy reading or replying to them.

Of course, I have directed my concerns to the City and both the City and Merrick Engineering have stated that DEQ authorized this conduct. They have presented Ms. Faretra's email to support these claims and stated in the public record that DEQ told the City and Merrick that they did not need any approval and could just send a letter. The only reason I know about Ms. Faretra's email is because I demanded the legal basis for their claims and the City Council was given that email in response.

I have repeatedly made you aware that public officials in Bellevue are misrepresenting that they have authority delegated from your state agency. Ms. Faretra's email is in the public record as PROOF provided by Bellevue public officials that DEQ established the City of Bellevue as the legal authority for changes to our bond and your agency's name is on the resolution that the City Council considered last night.

The next step for you is to set the record straight - you keep citing IDAPA which expressly has tools to set the record straight with an official statement/clarification. It's time to adhere to the regulations and rules you keep sending to me.

The next step for me as a resident is the AG and seeking accountability through the Ethics in Government Act. Perhaps you are unaware that our leadership was fined for 2 Public Integrity in Election Act violations this past November. That is not how I want to spend my time and energy but if your office fails to act, I will.

I encourage your office to act rather than continue to turn a blind eye. The residents of Bellevue want to make improvements to our infrastructure but we need to ensure that it is done in a Safe, Timely, Affordable, Reliable and Sustainable way and that means accountability and integrity in the process. And it means ensuring the residents actually know what is going on and that we can rely on our state agencies to protect our rights and the integrity of the process.

There will be no more from me on this as the next steps are clear; nor is it necessary to send the sections and subsections again. Those sections are things we agree on.

Please formally set the record straight.

As always, thank you for your time and consideration,

Suzanne

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Suzanne Wrede
swrede@innercore.net

On Tue, Mar 24, 2026, at 4:20 PM, Tyler Fortunati wrote:

Mrs. Wrede,

This email serves as the response to both of your emails from yesterday & today. As stated previously, DEQ's role is limited to review of facility plans and related project documentation for drinking water regulatory and program purposes. 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. Questions on the bond and the City's actions should be directed to the City or their bond counsel.

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: Monday, March 23, 2026 4:35 PM

To: Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>

Cc: Cassandra Lemmons <Cassandra.Lemmons@deq.idaho.gov>

Subject: Did DEQ,, or did it not, request City Council approval of the Facility Plan?

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Mr. Fortunati -

Thank you for your reply, but your first response is to a question I did not ask. I asked specifically about what DEQ told Bellevue and as a result, what Bellevue residents and City Council have been told - that DEQ has requested City Council approval of the Facility Plan as

sufficient to keep all the bond money and proceed exactly as planned. The DEQ name is on the resolution and the DEQ request is used as justification and legal authority to put the resolution forth. This is a huge issue.

I am more than aware that legal authority is needed to proceed because the bond has changed. I appreciate that DEQ has required appropriate legal authority but if you did so with the statement or suggestion that City Council approval would meet the burden of legal authority for the types of material changes, then you have overstepped your authority and you have again mistreated the residents of Bellevue by being complicit in denying our legal rights to approve changes of this magnitude.

So here is the Y/N version of the first question again:

1. Did DEQ request City Council approval from the City of Bellevue as the accepted legal authority to continue the current bond funding process? Yes or No?

And if #1 is yes, then here is 2: What is the legal standing DEQ has to elevate the Bellevue City Council above the voters as the legal authority to approve material changes to our bond where Idaho bond law establishes the voter as paramount in this?

Did DEQ,, or did it not, request City Council approval of the Facility Plan?

Thank you,

Suzanne

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Suzanne Wrede

swrede@innercore.net

On Mon, Mar 23, 2026, at 3:59 PM, Tyler Fortunati wrote:

Mrs. Wrede,

Thank you for your follow-up email. This has more to do with loan requirements than a drinking water regulation.

1. Why did DEQ request documentation of the City's selected alternative?

Because DEQ cannot proceed with environmental review or later funding steps until a final cost effective and environmentally sound alternative has been selected. DEQ therefore requires credible documentation showing which alternative was selected by the applicant or entity with authority to

make that decision. For a city, that generally means documentation from the city's governing body, in this case the city council. For other applicants, it may be a board or other governing body.

2. Where does City Council action fit into DEQ's process?

Same logic applies. For a municipal applicant, a city council action is one way to document a city's selected alternative and the city's authorization to proceed for DEQ review and for loan administration purposes. The loan rules also contemplate, as applicable, a lawful resolution passed by the governing body authorizing an elected official or officer to execute loan documents and disbursement requests.

Sincerely,



Tyler Fortunati

Drinking Water Bureau Chief

Idaho Department of Environmental Quality

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From: Suzanne Wrede <swrede@innercore.net>

Sent: Friday, March 20, 2026 3:27 PM

To: Tyler Fortunati <Tyler.Fortunati@deq.idaho.gov>

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

CAUTION: This email originated outside the State of Idaho network. Verifv 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.

Good afternoon, Mr. Fortunati –

Thank you for your quick reply. I apologize if my earlier question was unclear, but your response raises an additional concern.

As far as I can determine, neither **IDAPA 58.01.08.502** nor **IDAPA 58.01.22.030.01.iii** requires any governance, approval, or legislative action by a city council. Both rules govern **DEQ's planning-grant and facility-plan review process**, not municipal authority, and neither assigns any role to a city council.

With that in mind, I believe my questions to DEQ are actually very narrow:

1. For what express reason has DEQ requested City Council approval of the Facility Plan changes?

The City's memo states that DEQ requested a City Council acknowledgment and acceptance of the changes. Yet the subsection you cited — 58.01.22.030.01.iii — requires only that the *final planning document* include “relevant engineering data supporting the final alternative.” It does not require, reference, or imply any City Council action.

2. If, as you state, DEQ does not interpret or determine municipal authority under bond law, then where does this City Council approval fit into DEQ's regulatory process?

If DEQ has no role in determining whether the City Council has legal authority to approve material changes to a voter-approved bond project, then it is unclear why DEQ is requesting or accepting a City Council resolution as part of the facility-plan review.

Because the rule you cited contains **no requirement for City Council approval**, I am trying to understand the regulatory basis for DEQ's request. If there is a specific statute, rule, or administrative requirement that authorizes DEQ to request or rely upon a City Council resolution in this context, I would appreciate your clarification.

Thank you,

Suzanne

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Suzanne Wrede
swrede@innercore.net

On Fri, Mar 20, 2026, at 2:53 PM, Tyler Fortunati wrote:

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

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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

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Suzanne Wrede
swrede@innercore.net