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BLAINE COUNTY PROSECUTING ATTORNEY

April 6th, 2026

Frederick Allington
101 E. Bullion St., Unit 2H
Hailey, ID 83333

RE: Idaho Open Meeting Law Complaint

Dear Mr. Allington,

You referred a possible violation of the Open Meeting Law to my office for review. I have reviewed the materials provided as well as the law in question and offer the following response.

Your referral concerns an email sent by Councilwoman Suzanne Wrede after a meeting of the Bellevue City Council. This email was sent to the Mayor and six of Wrede's fellow Council members, demanding additional information and expounding upon issues raised in the meeting from the night before. The email includes no disclaimer warning councilmembers to avoid responding or deliberating within the email chain, and instead appears to invite a response or responses from its recipients. Mayor Giordani replied to everyone in the email, warning the recipients against responding as doing so would result in a violation of the Open Meeting Law.

Relevant statutes I have reviewed include the following,

Idaho Code Section 74-201 states in part that "it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret."

Idaho Code Section 74-203(1) provides that “all meetings of a governing body of a public agency shall be open to the public and ... [n]o decision at a meeting of a governing body of a public agency shall be made by secret ballot.”

Idaho Code Section 74-202(1): “Decision” means “any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”

Idaho Code Section 74-202(2): “Deliberation” means “the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.”

Idaho Code Section 74-202(6) “Meeting” means “the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.”

Clearly, Wrede’s email, addressed and sent to the Mayor and Council, demands certain action and information from the Mayor and Council, expounds upon issues raised in the meeting from the night before, and urges a particular result on a matter that is pending before the Council. Since the email was sent to a quorum of the City Council, a “meeting” occurred, or was at least intended, and its contents were certainly “received” by the Council as deliberation regarding a matter that will eventually require a decision. Accordingly, it is my opinion that Wrede’s email was in violation of the Open Meeting Law.

While there is some support for the proposition that certain “one-way” communications are permissible under the Open Meeting Law,¹ this instance can be distinguished by (1) the lack of a disclaimer or warning in Wrede’s email advising recipients to not reply and (2) the electronic presence of a quorum of the governing body. Further, the content of the email was more than the distribution of information; it concerned the formation of public policy and therefore is public business. Under these circumstances, Wrede’s email can be viewed as intending to gather a meeting of the City Council that intended to deliberate towards a final decision.

For the foregoing reasons, I intend to notify Ms. Wrede of this violation but do not find that the assessment of a civil penalty is warranted. As for the City of Bellevue, the Mayor responded

¹ With regard to these types of communications, the Attorney General’s Open Meeting Manual explains that “[a] one-way e-mail or text communication from one city council member to another, when it does not result in the exchange of council members’ comments or responses on subjects requiring council action, does not constitute a meeting subject to the Open Meeting Law.” Attorney General Open Meeting Law Manual at p. 16.

directly to the email's recipients, admonishing them to avoid responding, as doing so would violate the Open Meeting Law. This action partially "cured" any actual or potential violation because it prevented any responses. To fully cure this violation, however, the City should make Ms. Wrede's email part of the official record in order to bring it out into the open. Once the email is made public, no further action is required on Bellevue's part. *See* I.C. Section 74-208(7).

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Fredback", with a stylized flourish at the end.

Matthew Fredback

Blaine County Prosecuting Attorney