

Dawn Hofheimer

From: James Hungelmann <jim.hungelmann@gmail.com>
Sent: Saturday, January 17, 2026 9:01 PM
To: Peter Prekeges; Randy Hall; Matthew McGraw; Tripp Hutchinson; Spencer Cordovano
Cc: Matthew A. Johnson; Participate
Subject: Re: Public Comment – Call for Immediate Termination of General Counsel

Follow Up Flag: Follow up
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RESUBMITTED For the record of the new Council: KCC Meeting January 22, 2026

El mar, 30 dic 2025 a las 0:33, James Hungelmann (<jim.hungelmann@gmail.com>) escribió:

Public Comment (Jan 5 2026 KCC meeting) –

Call for Immediate Termination of General Counsel

Dear Mayor and Council Members:

I respectfully call for the immediate termination of Mr. Matt Johnson and the firm of White, Peterson, P.A. as general counsel to the City of Ketchum, and for the immediate initiation of a transition to independent legal representation, on the grounds of grave ethical violations and breach of contractual and fiduciary duties.

The concern is structural and fiduciary. The issues raised with the firm’s concurrent representation of the City and the Ketchum Fire District in connection with proposed long-term disposition of municipal fire assets present grave ethical concerns that are incompatible with the fundamental obligations of municipal counsel. Those obligations include the duty to provide independent, zealous representation, free of conflicts, and to exercise undivided loyalty to the city and its taxpayers.

Mr. Johnson has continued to act as general counsel to the City of Ketchum while, through his colleagues at the same firm, simultaneously representing the Ketchum Fire District in a transaction involving the long-term alienation of municipal assets – a transaction that remains opposed by many members of the public on constitutional and statutory grounds as repeatedly stated on the record of this Council over many months.

This has most recently included the presentation and approval of a proposed ninety-nine-year lease that functions in substance as a conveyance of public property. This posture creates a direct conflict between the City’s fiduciary duty to protect essential public assets and the Fire District’s interest in acquiring long-term control under favorable terms.

This conflict is non-waivable under Rule 1.7 of the Idaho Rules of Professional Conduct. No reasonable lawyer could conclude that competent and diligent representation of both clients is possible under these circumstances. The representation also implicates legal and fiduciary constraints governing public entities that prohibit consent as a cure. The interests of the two public entities are structurally adverse, and the transaction binds future councils and taxpayers.

Despite these issues having been raised on the public record, Mr. Johnson has continued to advise both clients and to draft transaction documents, including reliance on a contractual “conflict disclosure and waiver” clause

in the lease purporting to authorize continued dual representation. That clause acknowledges the existence of the conflict but attempts to proceed by consent. In the context of public asset disposition, such consent is legally insufficient and cannot cure the ethical violation. Continued reliance on this clause after notice materially aggravates the misconduct.

I understand that the lease in question has been executed by the City. As referenced in that email to the city council and mayor objecting to the lease, by email of December 15:

[Lease] clause Section 12.14 expressly acknowledges that attorneys from the same firm represent both the City and the Fire District in connection with this transaction and concedes that such concurrent representation constitutes a conflict under Rule 1.7 of the Idaho Rules of Professional Conduct. That acknowledgment does not cure the conflict. It merely confirms actual notice of a structural conflict and memorializes a decision to proceed despite it. Disclosure alone is not a remedy where the conflict is non-waivable.

Of additional concern is that Mr. Johnson continues to serve as general counsel to the City while advising on matters directly implicating its own conflicted conduct. This places the firm in a position of self-review, compromises independent professional judgment, and creates both the appearance and reality of impropriety inconsistent with fundamental ethical obligations. Calls for independent legal review have been ignored.

These ongoing actions expose the City to unnecessary legal risk, impair the City's ability to rely in good faith on legal advice, and erode public confidence in municipal governance. From an ethics standpoint, continuation of the representation after notice constitutes a significant aggravating factor.

For these reasons, and to protect the City, the Council, and the public interest, I urge the Council to terminate the firm's engagement as general counsel, suspend further reliance on conflicted advice, and retain independent, unconflicted legal counsel going forward.

This step is a necessary safeguard to restore ethical clarity, protect public assets, and ensure that future actions including all matters involving the fire station assets are taken based on advice that is unquestionably independent and loyal to the City alone.

Respectfully,

Jim Hungelmann

Dawn Hofheimer

From: James Hungelmann <jim.hungelmann@gmail.com>
Sent: Saturday, January 17, 2026 7:47 PM
To: Peter Prekeges; Spencer Cordovano; Tripp Hutchinson; Randy Hall; Matthew McGraw; Participate
Subject: Fwd: Public Request re Cloud Seeding Program: Authorization, Scope, and Results — Wood River Basin

Follow Up Flag: Follow up
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Dear Public Officials:

This transmission with attachment is submitted for the public record and responsible official follow-up.

----- Forwarded message -----

De: **James Hungelmann** <jim.hungelmann@gmail.com>

Date: sáb, 17 ene 2026 a las 19:38

Subject: Public Request re Cloud Seeding Program: Authorization, Scope, and Results — Wood River Basin

To: <cloudseedingprogram@idwr.idaho.gov>, <IDWRinfo@idwr.idaho.gov>, <questions@idahopower.com>, <governor@gov.idaho.gov>, <AGLabrador@ag.idaho.gov>

January 17, 2026

Re: Cloud Seeding Program: Authorization, Scope, and Results — Wood River Basin

To: Director, Idaho Department of Water Resources
Chief Executive Officer, Idaho Power Company

Dear Director Weaver and Ms. Grow:

I am writing to request a formal, written update regarding cloud-seeding activities conducted in the Wood River Basin from the inception of the joint program between the Idaho Department of Water Resources and Idaho Power through the present, as described in publicly available agency materials.

This inquiry is made in good faith, on the public record, and in the interest of transparency, public health and safety, and sound resource management. For transparency, I am also copying the mayors and city council members of Blaine County municipalities as well as the Blaine County Commissioners and the state legislative representatives from this area.

As you know, cloud seeding in Idaho is authorized only under specific statutory conditions. Idaho Code § 42-4301 requires findings that existing water supplies are insufficient to support existing water rights, water quality, recreation, or fish and wildlife uses dependent on those supplies. Despite sustained public inquiry, no clear, basin-specific finding establishing such a chronic insufficiency for the Wood River Basin has been identified.

Public records further indicate that over the more than ten-year life of the program in the Wood River Basin, precipitation and water availability have remained below historical averages, with no demonstrable long-term improvement in water security. This current winter—widely experienced as among the worst in decades—appears inconsistent with the program’s stated objectives.

Many members of the public report observing atmospheric activity seemingly consistent with cloud-seeding operations while conditions on the ground reflect continued drought and declining water availability. This disconnect warrants explanation. Recent local and regional reporting on snowpack and drought has described this winter as unusually poor and hazardous, yet has made no mention of cloud-seeding activities. While media coverage is not determinative, the absence of any discussion of an active water-augmentation program during severe snow and water failure underscores a transparency gap that we respectfully request the responsible authorities address.

The program’s apparent underperformance has also heightened public concern regarding the materials used in cloud-seeding operations and their potential implications for human health, forest conditions, and wildfire risk. These concerns are raised not as conclusions, but as matters requiring verification, testing, and disclosure.

This request is necessitated by the fact that Ketchum officials have declined to pursue these questions despite long-standing and repeated public concern. On matters of health and safety that are of public record, directly observable, and capable of verification through ordinary evidence-based inquiry, refusal to engage at reasonable public request undermines confidence in governance.

Because this is a serious matter of public health and safety, economic livelihood, and quality of life in Blaine County, I respectfully request your prompt written response addressing the following:

- Identification of any formal findings, determinations, resolutions, or orders establishing the statutory need for cloud seeding in the Wood River Basin, including the dates on which they were made and the data relied upon.
- A clear description of what the cloud-seeding program consists of today, including operational methods, geographic scope, seasonal timing and duration, materials and chemical agents used, approximate quantities deployed, and monitoring and reporting protocols.
- A summary of precipitation, snowpack, and runoff outcomes attributed to the program, including comparison against historical natural baselines and any independent or peer-reviewed evaluations relied upon to justify continuation.
- A description of what environmental or human-health testing has been conducted, what monitoring exists for accumulation of materials in snow, soil, or water, and what conclusions, if any, have been reached regarding safety and risk including impacts on forest desiccation and wildfire risk.

- Clarification of what performance benchmarks, review requirements, or termination criteria apply if the program's stated objectives are not met.

If responsive documents, reports, or datasets already exist, please provide the relevant links or attachments. If any requested information is not available, please state that explicitly.

Thank you for your attention to this matter.

Sincerely,

James Hungelmann
Ketchum, Idaho

Cc:

General Counsel, Idaho Department of Water Resources
General Counsel, Idaho Power Company
Governor Brad Little
Attorney General Raúl Labrador