

## **2018 ISBA RESOLUTION NO. 15**

### **DISCUSSION OF SALE OF PUBLIC PROPERTY WITHIN EXECUTIVE SESSION**

**WHEREAS**, Section 74-206 (c), Idaho Code allows a governing body of a public agency to go into Executive Session to consider acquiring “an interest in real property which is not owned by a public agency”;

**WHEREAS**, Idaho Code does not allow executive session discussions regarding the sale of real property either to a public agency, commercial entity, or private individual; and

**WHEREAS**, upon receipt of an offer to a public agency for the purchase of real property, a governing body needs to discuss acceptable counteroffers and other applicable conditions regarding such sale;

**NOW THEREFORE BE IT RESOLVED**, that the Idaho School Boards Association work with the Idaho Legislature to amend Idaho Code to include language to allow deliberations on the sale of real property which is owned by a public agency within executive session.

### **STATEMENT OF PURPOSE**

A school district must be able to discuss the sale of real property and its acceptance of counteroffers within executive session. If an interested party makes an offer on real property, a public agency needs to be able to privately discuss acceptable counteroffers without public knowledge of their final acceptable price. If these deliberations take place in open meetings, the interested party will make the lowest offer as discussed by the board.

**Submitted by Moscow School District No. 281**

### **RECOMMENDATION OF THE ISBA EXECUTIVE BOARD: DO PASS**

John Menter of the ISBA Executive Board will address the Executive Board’s recommendation to the membership at the Business Session of the Annual Convention.

<b>PASSED</b>	<b>AYES</b>	<b>8340</b>
	<b>NAYES</b>	<b>0</b>
	<b>TOTAL</b>	<b>8340</b>