

2022 ISBA PROPOSED RESOLUTION NO.8

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”; and

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 within executive session on the sale of real property which is owned by a public agency for the sole purpose of discussing possible minimal acceptable bid amounts for the sale of real property.

STATEMENT OF PURPOSE

A school district or charter school must be able to discuss within executive session, prior to receiving bid offers, the possible amount acceptable as a reasonable offer. If an interested party makes an offer on real property, a public agency needs to have had the opportunity to privately discuss what a reasonable offer would be without public knowledge of their final acceptable price. If these deliberations take place in open meetings, the interested party will have a large advantage over the school district or charter school by knowing what the minimal acceptable price is and make the an offer matching that amount. This is detrimental to the interest of the school district patrons if they do not receive the most competitive bid possible. This also is a major impact on rural school systems where there is typically only one interested buyer.

Submitted by Moscow School District No. 281

Submitted by the Board of Directors of the Moscow Charter School

RECOMMENDATION OF THE ISBA EXECUTIVE BOARD: DO PASS

Brian Pyper of the ISBA Executive Board will address the Executive Board's recommendation to the membership at the Business Session of the Annual Convention.