

**BOARD MEETING POLICY – REGULAR, SPECIAL, & EXECUTIVE MEETINGS
OF THE BOARD**

At its annual meeting in January, the board will set its monthly meetings at regular intervals and direct the clerk to post notice of the regular meetings schedule at least once each year on the district bulletin board outside of the District Administrative Office, and a copy emailed to each school building to post in a public area of the school, and posted on the MHSD Webpage.

REGULAR MEETING:

NOTICE –

The clerk will post the agenda of the regular meetings schedule and any special or executive meetings notices and agendas IAW Title 74, Chapter 2, Section 74-204, Idaho Code, on the district bulletin board outside of the District Administrative Office, published on the MHSD Webpage (www.mtnhomesd.org), posted on the District Calendar, posted on MHSD Facebook page, and a copy emailed to staff.

AGENDA –

The clerk of the board will prepare and post a regular board meeting agenda notice no less than forty-eight (48) business hours in advance of each regular meeting in the same manner as the notice of the meeting. An agenda item that requires a vote of the board will be identified on the agenda as an “action item” to provide notice that action may be taken on that item. Identifying an item as an “action item” on the agenda does not require a vote to be taken on that item. The board may amend the agenda, provided a good faith effort is made, to include in the original agenda notice and all items known to be probable items of discussion. The agenda may be amended in the following manner:

1. If the agenda is amended after it has been posted, but there exists forty-eight (48) business hours or more prior to the start of the meeting, the agenda may be amended by posting a new agenda.
2. If an amendment to the agenda is proposed less than forty-eight (48) business hours prior to a regular meeting, but prior to the start of the meeting, the clerk will post the proposed amended agenda, but it will not become effective until a motion is made at the meeting and the board votes to amend the agenda.
3. The board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the posted agenda. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification will be reflected in the minutes of the meeting.
4. “Emergency” means a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage, or loss, when the notice

requirements of the Open Meeting Law would make such notice impracticable, or increase the likelihood or severity of such injury, damage, or loss, and the reason for the emergency is stated at the outset of the meeting.

5. “Forty-eight (48) hour notice” means when the period is stated in hours:
 - a. Begin counting immediately on the occurrence of the event that triggers the period;
 - b. Count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
 - c. If the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

SPECIAL MEETINGS:

Special meetings may be called by the chairman or by any two (2) members of the board. The board will not hold a special meeting without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists, as defined herein.

NOTICE –

Notice of special meeting notices will be given according to the meeting and agenda notice provisions of a regular meeting. The agenda may be amended in the same manner as open meeting agenda items.

AGENDA –

The clerk of the board will prepare and post a notice of a special board meeting and agenda no less than twenty-four (24) hours in advance of each special board meeting. An agenda item that requires a vote will be identified on the agenda as an “action item” to provide notice that action may be taken on that item. Identifying an item as an “action item” on the agenda does not require a vote to be taken on that item. The board will not hold a special meeting without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. The notice for a special meeting will include at a minimum the meeting date, time, place, and purpose for calling the meeting. The board may amend the agenda, provided a good faith effort is made, to include in the original agenda notice and all items known to be probable items of discussion. The agenda may be amended in the following manner:

1. If the agenda is amended after it has been posted, but there exists twenty-four (24) business hours or more prior to the start of the meeting, the agenda may be amended by posting a new agenda.
2. If an amendment to the agenda is proposed less than twenty-four (24) business hours prior to a special meeting, but prior to the start of the meeting, the clerk will post the proposed amended agenda, but it will not become effective until a motion is made at the meeting and the board votes to amend the agenda.
3. The board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the

posted agenda. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification will be reflected in the minutes of the meeting.

4. “Emergency” means a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage, or loss, when the notice requirements of the Open Meeting Law would make such notice impracticable, or increase the likelihood or severity of such injury, damage, or loss, and the reason for the emergency is stated at the outset of the meeting.
5. “Special meeting” means a convening of the board of trustees of the district pursuant to a special call for the conduct of business as specified in the call.
6. “Twenty-four (24) hour notice” means when the period is stated in hours:
 - a. Begin counting immediately on the occurrence of the event that triggers the period;
 - b. Count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
 - c. If the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday. For example, if a special meeting is announced on Friday at 5 p.m. then the special meeting may not be held until Monday at 5 p.m.

A quorum for the transaction of business of the board of trustees will consist of a majority of the members of the board. Unless otherwise provided by law, all questions will be determined by a majority of the votes cast. The chairman of the board may vote in all cases.

EXECUTIVE SESSION AND/OR MEETING:

An executive session at which members of the public are excluded may be held upon a two-thirds (2/3) individual vote of the board. If the board has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote. The motion to go into executive session must identify the specific subsection(s) of Idaho Code §74-206 that authorize the executive session. The individual vote will be recorded in the meeting minutes.

NOTICE –

Notice of an executive session will be given according to the meeting and agenda notice provisions of a regular ~~or special~~ meeting. The agenda may be amended in the same manner as open meeting agenda items.

AGENDA –

If an executive session only will be held by the board, a twenty-four (24) hour meeting and agenda notice will be given according to the special meeting notice provisions. Such notice will state the reason and specific subsection(s) of Idaho Code §74-206 that authorize the executive session.

Any other provision of law notwithstanding, including any other provisions to the contrary in Idaho Code §§33-402 and 74-204, the board shall post notice of all labor negotiation sessions at the earliest possible time practicable. This shall be accomplished by immediately posting notice of the negotiation session on the front page of its official website.

MATTERS ADDRESSED IN EXECUTIVE SESSION –

The board may hold an executive session for the following purposes:

1. To consider hiring a public officer, employee, staff member, or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need (this does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general).
2. To consider the evaluation, dismissal, or disciplining of; or to hear complaints or charges brought against a public officer, employee, staff member, individual agent, or public-school student.
3. To acquire an interest in real property that is not owned by the school district.
4. To consider records that are exempt from disclosure as provided by the Public Records Law, Chapter 1, Title 74, Idaho Code.
5. To communicate with legal counsel for the district to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.
6. To engage in communications with a representative of the district's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the district's risk manager or insurance provider at an executive session does not satisfy this requirement.
7. To consider labor contract matters authorized under Idaho Code §74-206A(1)(a) and (b). Such matters include the deliberation of labor contract offers or formulation of a counteroffer; or receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.
8. The consideration of probationary status for a renewable contract employee is consideration of the status of any employee within the meaning of Idaho Code §74-206 and may be held in executive session.
9. Notwithstanding the provisions of Idaho Code §§74-205 and 74-206, a decision to place a Category 3 contract employee on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting.

PROHIBITION AGAINST DISCUSSING UNIDENTIFIED SUBJECTS –

The board is prohibited from changing the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not authorized.

FINAL DECISIONS –

No final action or final decision may be made in an executive session except a decision to place a Category 3 contract employee on probationary status as provided in Idaho Code §33-514(2)(c).

MINUTES OF EXECUTIVE SESSION –

The board will record written minutes of all executive session meetings. The minutes must specify the specific subsection of Idaho Code §74-206 authorizing the executive session and will also provide sufficient detail to identify the purpose and topic of the executive session without compromising the purpose of going into executive session.

If a decision is made in executive session to place a Category 3 contract employee on probationary status or if consideration of the status of a renewable contract employee results in the decision to place the employee on probationary status, the individual will not be named in the minutes of the meeting.

Executive session minutes may be recorded in the body of the written minutes of the open session and are a public record.



LEGAL REFERENCE:

Idaho Code Sections

33-510 – Annual Meetings; Regular Meetings; Boards of Trustees

33-514 – (Issuance of Annual Contracts – Support Programs – Categories of Contracts
Optional Placement

33-515 – (Issuance of Renewable Contracts)

74-201 *et seq.* – Open Meeting Law

74-204 – Notice of Meetings; Agendas

I.R.C.P. Rule 6(a)

F.R.C.P. Rule 6(a)(2)

State of Idaho v. Rick Yzaguirre et al., 163 P.3d 1183 (Idaho 2007)

Moore, Smith, Buxton, & Turcke Law, Chtd. (266, 268 © 2018 MSBT Law, Chtd.09L-D2/12/98-M8/31/09-SB04/15/13-M12/12/17-M06/15/18, 270 © 2019 MSBT Law, Chtd.09L-07L-06L-05L-D2/12/98-M8/31/09-M4/15/13-M08/09/13-M12/03/15-M06/07/19)

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