

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 530

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO OPEN MEETINGS; AMENDING SECTION 74-206, IDAHO CODE, TO AUTHORIZE EXECUTIVE SESSIONS FOR CERTAIN CONSULTATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 74-206, Idaho Code, be, and the same is hereby amended to read as follows:

74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(a) 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 paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) To acquire an interest in real property not owned by a public agency or to consult with a legal adviser, real estate professional, or appraiser for the sole purpose of discussing minimal acceptable bid amounts for the sale of real property;

(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;

(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) To communicate with legal counsel for the public agency 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;

(g) By the commission of pardons and parole, as provided by law;

(h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;

(i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be

1 filed. The mere presence of a representative of the public agency's
2 risk manager or insurance provider at an executive session does not sat-
3 isfy this requirement; or

4 (j) To consider labor contract matters authorized under section
5 74-206A (1) (a) and (b), Idaho Code.

6 (2) The exceptions to the general policy in favor of open meetings
7 stated in this section shall be narrowly construed. It shall be a violation
8 of this chapter to change the subject within the executive session to one not
9 identified within the motion to enter the executive session or to any topic
10 for which an executive session is not provided.

11 (3) No executive session may be held for the purpose of taking any final
12 action or making any final decision.

13 (4) If the governing board of a public school district, charter
14 district, or public charter school has vacancies such that fewer than
15 two-thirds (2/3) of board members have been seated, then the board may enter
16 into executive session on a simple roll call majority vote.