

STATE BOARD OF LAND COMMISSIONERS

December 20, 2022

Regular Agenda

Subject

Updating Land Board Policies for Meetings

Question Presented

Shall the Land Board adopt the proposed changes to the *Guidelines for Regular and Special Meetings of the State Board of Land Commissioners*, superseding prior decisions pertaining to meeting administration?

Background

The Idaho State Board of Land Commissioners' (Land Board) policy for guiding the conduct of its meetings is an amalgam of tradition and historic Land Board actions that define meeting dates and locations, allow for a quorum of members to conduct business, and provide for the informal application of Roberts Rules of Order. These traditions and actions have been compiled into the Land Board Meetings Policies (Attachment 1).

Discussion

The current *Guidelines for Regular and Special Meetings of the State Board of Land Commissioners* fail to provide clear guidance on key issues relating to the conduct of Land Board meetings. To improve transparency and provide greater certainty for constituents with business before the Land Board, the Idaho Department of Lands (Department) undertook a thorough review of the Land Board's meeting policies and unofficial practices. The Department proposes policy changes for the Land Board to consider relating to the conduct of its meetings (Attachment 2).

The Department recommends that the Land Board amend its meeting guidelines to clarify what constitutes a quorum, majority vote, and two-thirds vote; specify that any Land Board member or the Secretary (Director of Department of Lands) may request items on a meeting agenda until the draft agenda is distributed; delegate to the Secretary to manage requests to appear before the Land Board; establish a two-thirds vote to suspend rules; prohibit voting by proxy; and eliminate redundant provisions for appealing decisions and the subscription service for meeting notices and agendas.

- **Quorum:** Action taken by the Land Board on September 21, 1977, allowed for action to be taken by the Land Board when a quorum was present at a meeting, but did not specify the number of members who must be present to constitute a quorum. The Department recommends updating Land Board policy to specify a quorum consists of at least three Land Board members (Guideline 1.d.).

- **Majority vote:** Since the Land Board has not adopted a specific version of Roberts Rules of Order, the current meeting policy does not delineate if a majority vote consists of more than half of those voting, or the votes of more than half of Land Board members present. The Department recommends updating Land Board policy to specify a majority vote consists of votes by more than half of those present (Guideline 1.c.).
- **Two-thirds vote:** Since the Land Board has not adopted a specific version of Roberts Rules of Order, the current meeting policy does not delineate if a two-thirds vote consists of at least two-thirds of those voting, or the votes of at least two-thirds of Land Board members present. The Department recommends updating Land Board policy to specify a two-thirds vote consists of votes by at least two-thirds of those present (Guideline 1.f.).
- **Meeting agenda:** The Department relies on tradition and two specific actions taken by the Land Board to guide how the agendas for regular and special meetings are set. On January 28, 1975, the Land Board agreed it would only consider items included on the agenda, and it voted on February 14, 1978, to allow any Land Board member to request the Secretary to include an item on the agenda. The Department recommends updating Land Board policy to allow any Land Board member or the Secretary to request item(s) be placed on regular and special meeting agendas until the draft agenda is distributed by the Secretary (Guideline 4.a.).
- **Appearances before the Land Board:** Periodically, individuals request to appear before the Land Board, but the Land Board has never codified the process for vetting these requests. To provide certainty of process and transparency for requesters, the Department recommends vesting the authority to grant or deny requests to appear before the Land Board with the Secretary (Guideline 5.a.).
- **Suspending rules:** The Department can find no evidence of Land Board action to address the margin of votes required to suspend the Land Board's rules. Various parliamentary systems address the suspension of rules either by requiring unanimous or two-thirds votes. The Department recommends updating Land Board policy to require a two-thirds vote to suspend rules (Guideline 6.b.).
- **Proxy votes:** By tradition, the Land Board has not allowed members absent from a regular or special meeting to vote by proxy. The Department recommends updating Land Board policy to prohibit proxy voting (Guideline 6.d.).
- **Appealing decisions:** Since provisions of Title 67, Chapter 52 and Title 58, Chapter 1, Idaho Code, along with IDAPA 20.01.01 address appealing decisions of the Department and Land Board, it is unnecessary to include this guidance in Land Board policy (Guideline 6.c.).

- **Board subcommittees:** While Land Board policy currently allows committees or subcommittees to include up to three members, by tradition, they generally include only two Land Board members. The Department recommends updating Land Board policy to set subcommittee membership at two Land Board members (Guideline 9.).
- **Meeting notices and agendas:** The Idaho Open Meeting Law provides explicit guidelines the Land Board follows when noticing public meetings and publishing meeting agendas. Over time, constituents requested the Department to provide monthly notifications of Land Board meetings via mail, fax, or email. Given the broad availability of access to the Department's website to obtain this meeting information, the Department recommends updating Land Board policy to remove the subscription notification service and require that notice of public meetings is posted to <https://townhall.idaho.gov/> (Guideline 10.a.).

Recommendation

Adopt the proposed changes to the *Guidelines for Regular and Special Meetings of the State Board of Land Commissioners*, superseding prior decisions pertaining to meeting administration.

Board Action

Attachments

1. Land Board Meetings Policies
2. Proposed changes to Meeting Guidelines



Idaho Department of Lands
Agency Guidance Document
Director's Office
Boise Staff Office
(208) 334-0200
comments@idl.idaho.gov

Land Board Meetings Policies

This guidance document is not a new law. This document is an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

Agency Contact

Policy and Communications Chief

Contents

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1. Guidelines for Regular and Special Meetings
2. Monthly Land Board Meeting Date
3. Land Board Meeting Locations
4. Quorum at Meetings

Index – Board Meetings

Attached Land Board Policy	Date	Remarks
1. Guidelines for Meetings	06/23/2020	Unofficial Guidelines for the Conduct of Meetings
2. Monthly Land Board Meeting Date	05/15/2008	Change regular Land Board meeting date to the third Tuesday of every month. Within this policy, it is recognized that the Board may call a regular meeting at any time as prescribed by law and may vary from the third Tuesday as deemed necessary.
3. Land Board Meeting Locations	01/15/2013	The Board will hold some meetings outside of Boise; dates and locations to be decided at a future time, as appropriate. (Rescinds May 8, 2007 Board action.)
4. Quorum at Meetings	09/21/1977	When the full attendance of the Land Board is not at the meeting, but that a quorum exists, the Board will proceed to dispose of the matters unless one of the absent members has written a request that they be held.

1. Guidelines for Meetings

Attachment

Guidelines for Regular and Special Meetings of the State Board of Land Commissioners

Contents:

- 1) Definitions
- 2) General Provisions
- 3) Meetings
- 4) Meeting Agenda
- 5) Appearances
- 6) Conduct of Meetings
- 7) Reconsideration of Prior Board Decisions
- 8) Policy Review
- 9) Board Committees and Subcommittees
- 10) Public Notice – Meeting Notices and Agenda

GUIDELINES FOR REGULAR AND SPECIAL MEETINGS OF THE STATE BOARD OF LAND COMMISSIONERS

GUIDELINE 1. DEFINITIONS

1.a. "Board" means the State Board of Land Commissioners. The Governor is the President of the Board.

1.b. "Secretary" means the Secretary to the Board and the Director of the Department of Lands.

1.c. "Department" means the Department of Lands.

GUIDELINE 2. GENERAL PROVISIONS

2.a. Procedure governed. These guidelines shall govern all practice and procedure before the Board and the Department during regular and special meetings of the Board. Contested case hearings held by the Board, or the Department, shall be conducted under the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

2.b. The principal offices of the Board and the Department will be located in or near the Statehouse Mall, presently 300 North 6th Street, Suite 103, Boise, Idaho 83702.

2.c. Written communications and documents concerning any matter covered by these guidelines should be addressed to the Secretary, State Board of Land Commissioners, Idaho Department of Lands, PO Box 83720, Boise, Idaho 83720-0050, or to the Director, Idaho Department of Lands, at the same address. All communications and documents are deemed to be officially received when delivered to the Board's principal office.

2.d. Identification. Communications should be specific to the subject(s) at issue and should be identified by the name and address of the communicant. When the subject matter pertains to a proceeding, the proceeding should be identified by appropriate name, number, or otherwise.

2.e. Liberal construction. These guidelines shall be liberally construed to secure just, speedy, and economical determination of all issues before the Board.

GUIDELINE 3. MEETINGS

3.a. The regular meeting of the Board shall be held on the third Tuesday of every month, commencing at 9:00 a.m., Mountain time, provided that a quorum of the Board is present.

3.b. Special meetings, as defined by Idaho Code § 74-202(6)(b), may be held at such times and places as the Board may designate on the call of the President or a majority of the Board. (Idaho Code § 58-103).

3.c. Executive sessions. The Secretary or any member of the Board may request an executive session in accordance with the Open Meeting Law, Idaho Code §§ 74-201 through 74-208.

GUIDELINE 4. MEETING AGENDA

4.a. Meeting agenda. Any member, or the Secretary, may place an item on the agenda for consideration of the Board until the agenda has been distributed by the Secretary. All matters for consideration by the Board in its regular meeting shall be communicated in writing to the Secretary no less than twenty (20) days preceding the date for the regular meeting. Only Board members and the Secretary may request a late addition (supplemental agenda item) to the agenda. Such supplemental agenda items may only be considered upon unanimous consent of the Board. The Secretary shall circulate the agenda to Board members no less than five (5) days preceding the date for the regular meeting.

4.b. Upon written notice to the President of the Board and the Secretary, any member who will not be present at a meeting may request to have an item removed from the agenda and that item shall not be considered. However, the item shall be considered at the next meeting of the Board unless, by unanimous consent, the Board agrees to further postponement.

GUIDELINE 5. APPEARANCES

5.a. Appearances before the Board. Any person or entity may petition to appear before the Board to request action, review, reconsideration, or special attention of the Board on any matter within the Board's constitutional and statutory responsibilities provided that on all matters within the authority of the Department, the person or entity should first exhaust all remedies within the Department. Any petition shall be given consideration by Board members and, if granted, shall be scheduled on the meeting agenda in accordance with Guideline 4.a. and shall not conflict with these rules concerning hearings, rehearing, or litigation on the same matter.

5.b. When an item before the Board draws a substantial number of visitors having identical or similar views, the presiding officer may ask the group to designate one or two speakers to represent the views of the entire group in the interest of time. If several speakers still wish to be heard, the presiding officer shall advise the audience how much time will be available for such speakers' presentation.

GUIDELINE 6. CONDUCT OF MEETINGS

6.a. Presiding officer. The Governor, as the President of the State Board of Land Commissioners, shall preside at all meetings of the Board. If the Governor is absent, the Secretary of State shall preside; if the Secretary of State is also absent, the Attorney General shall preside.

6.b. Rules of order. In general, meetings of the Board shall be conducted in an informal manner under Roberts Rules of Order; provided, that the Board may suspend the rules at any time by unanimous consent of the members present in order to conduct the business of the Board in a timely and expeditious manner.

6.c. Appeal of Department decision. Whenever the Secretary, acting as the Director of the Department of Lands, shall have rendered a decision in a matter formally appealable to the Board, such appeal shall not come before the Board until the Director shall have reconsidered the decision. Reconsideration may include holding a contested case hearing on the matter if the Director deems it necessary. A hearings officer appointed by the Director shall preside over the hearing, rule on all necessary procedural matters and prepare preliminary findings of fact, conclusions of law, and proposed order for the Director's consideration and final decision.

6.d. Contested case hearings. All contested case hearings held by the Department or the Board shall be conducted in accordance with the Administrative Procedures Act (Title 67, Chapter 52, Idaho Code), and the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

GUIDELINE 7. RECONSIDERATION OF PRIOR BOARD DECISIONS

Reconsideration of Board decision. Prior to reconsideration of any previous decision concerning the same person, entity, or issue, the Board will first determine new evidence sufficient to justify reconsideration. If a Board member requests reconsideration, that member must have been on the prevailing side in the prior decision.

GUIDELINE 8. POLICY REVIEW

Periodic review of Board policies. The Board may review its policy and practices from time to time upon the motion of any member or petition of the Secretary.

GUIDELINE 9. BOARD COMMITTEES AND SUBCOMMITTEES

Board committees or subcommittees. From time to time the President or a quorum of the Board may create committees to handle specific matters before the Board or the Department. Committees shall consist of two or three members of the Board, appointed by the President of the Board. Committees are empowered only to investigate issues, advise the Department, and recommend policy or action to the full Board. Committees, which involve three Board members, do constitute a quorum of the Board and are subject to the notice provisions of the Open Meeting Law. From time to time the presiding officer, or a quorum of the Board, may appoint outside, interested parties to a committee to obtain the perspectives of others. Such appointments shall be ex officio (non-voting) and shall terminate when the specific issue, for which appointment was made, has been considered by the full Board.

GUIDELINE 10. PUBLIC NOTICE – MEETING NOTICES AND AGENDAS

10.a. Subscription Service. The Department of Lands will maintain a subscription service so that individuals and organizations may make a standing request, in writing, to receive notices of Board meetings and agendas.

10.b. Meeting Notices and Agendas. The Director's office will maintain a subscription list for selected information pertaining to notices and agendas of the State Board of Land Commissioners' meetings. Interested parties may be placed on this list by sending a written request including name, address and telephone number to:

Director
Idaho Department of Lands
300 North 6th Street, Suite 103
PO Box 83720
Boise, Idaho 83720-0050

10.c. Public Records. Additional information pertaining to the above items, if available, will be provided according to procedures governed by the Idaho Public Records Law, upon request, (Idaho Code §§ 74-101 through 74-126) at prevailing Department costs.

2. Monthly Land Board Meeting Date

Attachment

May 15, 2008 approved memo

Summary: Change regular Land Board meeting date to the third Tuesday of every month. Within this policy, it is recognized that the Board may call a regular meeting at any time as prescribed by law and may vary from the third Tuesday as deemed necessary.

STATE BOARD OF LAND COMMISSIONERS
May 15, 2008
Regular Agenda

SUBJECT

Proposed Meeting Date Change for the Regular Meetings of the State Board of Land Commissioners

BACKGROUND

The State Board of Land Commissioners consists of the Governor, Secretary of State, Attorney General, Controller and Superintendent of Public Instruction. All but the Superintendent also serve on the State Board of Examiners.

Idaho Code 58-103 requires that the State Board of Land Commissioners conduct regular meetings at least quarterly. To accommodate requests from the Endowment Fund Investment Board and the Department of Lands, on July 10, 2007 the Land Board approved moving its regular meeting date to the third Thursday of each. Board of Examiners meetings move in tandem with the Land Board meetings. This meeting date change began with the August 2007 regular meeting.

DISCUSSION

At the April 17, 2008 Land Board meeting, Governor Otter noted that the recurring Thursday Land Board meeting dates conflict with Superintendent Luna's Board of Education meetings. He tasked the Department of Lands to work in conjunction with each Board member's staff to coordinate another meeting date.

After contacting each Land Board member's office, it was determined that the third Tuesday of each month is acceptable.

Off-Site Meetings June and October 2008: Due to off-site meeting arrangements and respective Board member calendars, the off-site meetings scheduled for June 19 and October 16, 2008 will remain as previously scheduled.

Western States Land Commissioners Summer Conference – Boise, July 13-17, 2008: Idaho is hosting the WSLCA summer conference in Boise on July 13-17, 2008. The conference is anticipated to be a premier event that will showcase Boise, the Idaho State Board of Land Commissioners and our well managed endowment lands. Due to the importance of this conference, the meeting date for July 2008 will remain on the third Thursday, July 17, 2008.

The change to the third Tuesday of each month will take effect beginning with the August 2008 meeting. A list of meeting dates, with exceptions highlighted in bold print, is shown below.

Meeting Dates for the remainder of 2008:

Thursday, June 19, 2008 – Pocatello
Thursday, July 17, 2008 – Boise
Tuesday, August 19, 2008 – Boise
Tuesday, September 16, 2008 – Boise

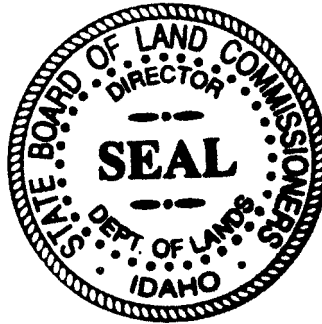
Thursday, October 16, 2008 – Coeur d'Alene
Tuesday, November 18, 2008 - Boise
Tuesday, December 16, 2008 - Boise

RECOMMENDATION

That beginning with the August 19, 2008 regular meeting of the State Board of Land Commissioners, the regular meetings of the Board will generally fall on the third Tuesday of each month to coincide with meetings of the State Board of Examiners. Within this policy it is recognized that the Board can call a regular meeting at any time as prescribed by law and may vary from the third Tuesday as deemed necessary.

BOARD ACTION

A motion was made by Secretary of State Yursa to move the Department's recommendation. Controller Jones seconded the motion. The motion carried on a vote of 5-0.



3. Land Board Meeting Locations

Attachment

January 15, 2013 approved memo

Summary: The Board will hold some meetings outside of Boise; dates and locations to be decided at a future time, as appropriate. (Rescinds May 8, 2007 Board action.)

Note: The web address for video and audio streaming provided in the attached memo has changed to <https://www.idahoptv.org/shows/idahoinsession/>.

State Board of Land Commissioners
January 15, 2013
Regular Agenda

SUBJECT

Land Board Meetings Outside of Boise

BACKGROUND

At the May 8, 2007 meeting of the State Board of Land Commissioners, the Board decided to hold two regular meetings outside of Boise each June and October (Attachment 1). The intent was to offer the public more personal interaction with the Board. Off-site meetings have been well received, but not always well attended. Nevertheless, these meetings have allowed the Board to interact with some sectors of the public that may not otherwise have such an opportunity. In addition, the Board has provided education to the public about the purpose of endowment lands.

Typically, the Director recommends meeting sites in January each year, so arrangements for travel can be made well in advance. Prior off-site Board meetings have been held in Lewiston, Pocatello, Coeur d'Alene, McCall, Moscow, and Twin Falls.

DISCUSSION

It is important to give Idahoans the opportunity for direct communication with their elected officials. However, meetings outside of Boise have cost the Department between \$3,000 and \$5,000 per occurrence. Costs include transportation, per diem, lodging, meeting rooms, and sound equipment rentals. Agency staff and presenters to the Board of Examiners are also affected, because the Examiners and Land Board meet concurrently. In 2010 the meetings proposed for Sandpoint were cancelled due to the anticipated expenses and ongoing budget concerns. In 2011 and 2012 the Board approved suspending off-site meetings due to budgetary limitations.

Board members have other occasions to meet with the public in the course of conducting state business, such as the Governor's successful implementation of "Capital for a Day." Additionally, in May 2012 the Department began holding regular Land Board meetings in the State Capitol Auditorium. Meetings in the Auditorium are accessible to the public via video and audio streaming on Idaho Public Television's website at <http://idahoptv.org/insession>. The Department will continue using the Capitol Auditorium for regular Board meetings, except for the few months each year when the Legislature is in session and the Auditorium is in use by legislators.

RECOMMENDATION

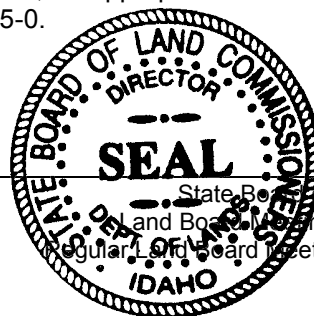
1. Forego setting two regular Land Board meetings outside of Boise in calendar year 2013.
2. Rescind the May 8, 2007 Board action directing the Secretary to recommend to the Board early each year meeting sites outside of Boise for the June and October regular meetings. The Board may at its discretion elect to hold future meetings in locations outside of Boise as deemed appropriate (Idaho Code § 58-103).

BOARD ACTION

A motion was made by Secretary of State Ysursa that the Board approve the Department recommendation with consensus of the members that the Board will hold some meetings outside of Boise; dates and locations to be decided at a future time, as appropriate. Attorney General Wasden seconded the motion. The motion carried on a vote of 5-0.

ATTACHMENTS

1. May 8, 2007 Approved Board Memo



4. Quorum at Meetings

Attachment

September 21, 1977 final minutes

Summary: When the full attendance of the Land Board is not at the meeting, but that a quorum exists, the Board will proceed to dispose of the matters unless one of the absent members has written a request that they be held.

September 21, 1977

that a notice be published of the proposed transfer as required by Section 58-322, and a public hearing be held, and that if there are no objections, the tract be conveyed to Caribou County for the \$9,425 consideration. If objections are made, the matter will be re-submitted to the Land Board for further consideration. The Department recommends conveyance by Quitclaim Deed only, which is the same type of conveyance to the State.

Mr. Williams moved that the Board approve the Department's recommendation. Mr. Kidwell seconded the motion, which passed unanimously.

PROPOSED LAND EXCHANGE - Department of Fish and Game

This involves a land exchange between the Department of Fish and Game and a private property owner of 2½ acres in Blaine County. The property the Department will be acquiring is immediately adjacent to their hatcheries. On the property they are relinquishing, they have reserved the rights to a spring and access to maintain it. It is the Department of Land's recommendation that the exchange be approved.

Mr. Williams moved approval of the Department's recommendation. Mr. Kidwell seconded the motion. The motion passed unanimously.

LAND TRANSFER - Department of Fish and Game

In 1962, The Department of Lands had acquired from the federal government under the Public Purpose and Recreation Act a patent to 14.6 acres of land. This tract is located downstream from the dam on Palisades Reservoir on the Snake River. The land had been acquired to develop a roadside park. In 1965 when the Parks Department was created, they assumed jurisdiction over the parks program. They have determined that their role would not be one of developing this property for the original intended purpose. Therefore, they have turned the property over to the Fish and Game Department, who has maintained it as a public access to the Snake River. The Department has contacted the Bureau of Land Management to see if jurisdiction could be transferred to the Department of Fish and Game. The BLM will only allow a transfer to Parks and Recreation for recreational purposes. Therefore, the Department of Lands recommends that administrative jurisdiction of Lot 8, Section 35, Township 1 North, Range 44 East, M.B. be transferred from the Department of Parks and Recreation to the Department of Fish and Game and that a letter transferring jurisdiction be sent by the Director, Department of Lands to the Fish and Game Department with a copy to the Department of Parks.

Mr. Williams moved that the Board approve the Department's recommendation. Mr. Kidwell seconded the motion, which passed unanimously.

REQUEST FOR QUIT CLAIM - Harry F. LeMoyno

This involves a tract of land adjacent to the Salmon River between the original meander line and the high water mark located in Lemhi County. The Department recommends that the Quit Claim Deed be issued.

Mr. Kidwell moved approval of the Department's recommendation. Mr. Williams seconded the motion. The motion passed unanimously.

LEASE APPLICATION - Twin Falls Canal Company

Twin Falls Canal Company has operated a powder house on land in Jerome County that was formerly under the jurisdiction of the Bureau of Land Management until 1966, at which time the State acquired it. They have had a temporary permit to continue the use of this land. The Department desires to change the status from a permit to a lease, which would give better control over the property and usage of it.

Mr. Kidwell moved approval of the Department's recommendation. Mr. Williams seconded the motion. The motion passed unanimously.

RIVERBED MINERAL LEASE #4151-R - ACREAGE INCREASE - John M. Mock

This involves a suction dredge on the Salmon River near Lucille. Mr. Mock had appeared previously before the Board over the renewal of this lease. He had asked for a reduction in the size of his lease at that time, but it was greater than he had really wanted. Therefore, he is asking that a part of that reduction be reinstated into his lease. The Department recommends that the 146.23 acres lying in Sections 2 and 3 be added to Mineral Lease No. 4151-R.

Mr. Williams moved approval of the Department's recommendation. Mr. Kidwell seconded the motion. The motion passed unanimously.

OFFICIAL TRANSACTIONS - June/July 1977

Mr. Kidwell stated he had questions on two assignments of land sale certificates #24378 and #24379 involving Connecticut General Life Insurance; and Mineral Lease #4336, John M. Dunn, Kermit Kiebert, Sr. and Kermit Kiebert, Jr., which has been cancelled. These are recorded in the July transactions. He then moved approval of all the official transactions with the exception of these three items. Mr. Williams seconded the motion, which passed unanimously.

OCTOBER 11 LAND BOARD MEETING

Mr. Williams clarified that the next regular meeting of the Land Board is scheduled for October 11, 1977.

POLICY

Mr. Kidwell stated it is his understanding that if there is not full attendance of the Land Board at meetings, but there is a quorum, they will proceed to dispose of matters unless one of the absent members has written a request that they be held. This was the consensus of the Board. Mr. Kidwell excused himself from the tour of Eagle Island and asked that Mark Thompson, Assistant Attorney General assigned to the Board of Corrections, attend the tour.

9-21-77

GUIDELINES FOR REGULAR AND SPECIAL MEETINGS OF THE STATE BOARD OF LAND COMMISSIONERS

GUIDELINE 1. DEFINITIONS

1.a. "Board" means the State Board of Land Commissioners. The Governor is the President of the Board.

1.b. "Department" means the Department of Lands.

1.c. "Majority vote" means votes cast by more than half of the Board members present.

1.d. "Quorum" means at least three Board members.

1.e. "Secretary" means the Secretary to the Board and the Director of the Department of Lands.

1.f. "Two-thirds vote" means votes cast by at least two-thirds of the Board members present.

GUIDELINE 2. GENERAL PROVISIONS

2.a. Procedure governed. These guidelines shall govern all practice and procedure before the Board and the Department during regular and special meetings of the Board. Contested case hearings held by the Board, or the Department, shall be conducted under the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

2.b. The principal offices of the Board and the Department will be located in or near the Statehouse Mall, presently 300 North 6th Street, Suite 103, Boise, Idaho 83702.

2.c. Written communications and documents concerning any matter covered by these guidelines should be addressed to the Secretary, State Board of Land Commissioners, Idaho Department of Lands, PO Box 83720, Boise, Idaho 83720-0050, or to the Director, Idaho Department of Lands, at the same address. All communications and documents are deemed to be officially received when delivered to the Board's principal office.

2.d. Identification. Communications should be specific to the subject(s) at issue and should be identified by the name and address of the communicant. When the subject matter pertains to a proceeding, the proceeding should be identified by appropriate name, number, or otherwise.

2.e. Liberal construction. These guidelines shall be liberally construed to secure just, speedy, and economical determination of all issues before the Board.

GUIDELINE 3. MEETINGS

3.a. The regular meeting of the Board ~~shall~~may be held on the third Tuesday of every month, unless another day is agreed to by a majority of the Board, commencing at 9:00 a.m., Mountain time, provided that a quorum of the Board is present.

3.b. Special meetings, as defined by Idaho Code § 74-202(6)(b), may be held at such times and places as the Board may designate on the call of the President or a majority of the Board. (Idaho Code § 58-103)

3.c. Executive sessions. The Secretary or any member of the Board may request an executive session, to be chaired by the presiding officer, in accordance with the Open Meeting Law, Idaho Code §§ 74-201 through 74-208. The presiding officer shall ensure the room is cleared of unauthorized personnel.

GUIDELINE 4. MEETING AGENDA

4.a. Meeting agenda. Any member, or the Secretary, may ~~request~~place an item be placed on the agenda for consideration of the Board until the draft agenda has been distributed by the Secretary. All matters for consideration by the Board in its regular meeting shall be communicated in writing to the Secretary no less than twenty (20) days preceding the date for the regular meeting. The Secretary shall distribute the draft agenda to Board members no less than ten (10) calendar days preceding the date for the regular meeting. Once the draft agenda has been distributed, changes to the agenda may be made by agreement, considering the collective feedback of the Board members and/or their staff designee. Only Board members and the Secretary may request a late addition (supplemental agenda item) to the agenda. Such supplemental agenda items may only be considered upon unanimous consent of the Board. ~~The Secretary shall circulate the agenda to Board members no less than five (5) days preceding the date for the regular meeting.~~

4.b. Upon written notice to the President of the Board and the Secretary, any member who will not be present at a meeting may request to have an item removed from the agenda and that item shall not be considered. However, the item shall be considered at the next meeting of the Board unless, by unanimous consent, the Board agrees to further postponement.

GUIDELINE 5. APPEARANCES

5.a. Appearances before the Board. Any person or entity may petition the Secretary to appear before the Board to request action, review, reconsideration, or special attention of the Board on any matter within the Board's constitutional and statutory responsibilities provided that on all matters within the authority of the Department, the person or entity should first exhaust all remedies within the Department. Any petition shall be given consideration by ~~Board members~~the Secretary and, if granted, shall be scheduled on the meeting agenda in accordance

with Guideline 4.a. and shall not conflict with these rules concerning hearings, rehearing, or litigation on the same matter.

5.b. When an item before the Board draws a substantial number of visitors having identical or similar views, the presiding officer may ask the group to designate one or two speakers to represent the views of the entire group in the interest of time. If several speakers still wish to be heard, the presiding officer shall advise ~~the audience~~ how much time will be available for such speakers' presentations.

GUIDELINE 6. CONDUCT OF MEETINGS

6.a. Presiding officer. The Governor, as the President of the State Board of Land Commissioners, shall preside at all meetings of the Board. If the Governor is absent, the Secretary of State shall preside; if the Secretary of State is also absent, the Attorney General shall preside.

6.b. Suspending rules. Rules of order. In general, meetings of the Board shall be conducted in an informal manner under Roberts Rules of Order; provided, that the Board may suspend the rules at any time by ~~unanimous consent~~ a two-thirds vote of the members present in order to conduct the business of the Board in a timely and expeditious manner.

~~6.c. Appeal of Department decision. Whenever the Secretary, acting as the Director of the Department of Lands, shall have rendered a decision in a matter formally appealable to the Board, such appeal shall not come before the Board until the Director shall have reconsidered the decision. Reconsideration may include holding a contested case hearing on the matter if the Director deems it necessary. A hearings officer appointed by the Director shall preside over the hearing, rule on all necessary procedural matters and prepare preliminary findings of fact, conclusions of law, and proposed order for the Director's consideration and final decision.~~

6.d. Contested case hearings. All contested case hearings held by the Department or the Board shall be conducted in accordance with the Administrative Procedures Act (Title 67, Chapter 52, Idaho Code), and the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

6.d. Proxy voting. Proxy voting is prohibited.

GUIDELINE 7. RECONSIDERATION OF PRIOR BOARD DECISIONS

Reconsideration of Board decision. Prior to reconsideration of any previous decision concerning the same person, entity, or issue, the Board will first determine new evidence sufficient to justify reconsideration. If a Board member requests reconsideration, that member must have been on the prevailing side in the prior decision.

GUIDELINE 8. POLICY REVIEW

Periodic review of Board policies. The Board may review its policy and practices from time to time upon the motion of any member or petition of the Secretary.

GUIDELINE 9. BOARD ~~COMMITTEES AND~~ SUBCOMMITTEES

Board ~~committees or~~ subcommittees. From time to time the President or ~~a quorum of~~ the Board by a majority vote may create subcommittees to handle specific matters before the Board or the Department. ~~Sub~~committees shall consist of two ~~or three~~ members of the Board, appointed by the President of the Board. ~~Sub~~committees are empowered only to investigate issues, advise the Department, and recommend policy or action to the full Board. ~~Committees, which involve three Board members, do constitute a quorum of the Board and are subject to the notice provisions of the Open Meeting Law.~~ From time to time the presiding officer, or ~~a quorum of~~ the Board by a majority vote, may appoint outside, interested parties to a subcommittee to obtain the perspectives of others. Such appointments shall be ex officio (non-voting) and shall terminate when the specific issue, for which appointment was made, has been considered by the full Board.

GUIDELINE 10. PUBLIC NOTICE – MEETING NOTICES AND AGENDAS

~~10.a. Subscription Service. The Department of Lands will maintain a subscription service so that individuals and organizations may make a standing request, in writing, to receive notices of Board meetings and agendas.~~

10.~~ba~~. Meeting Notices and Agendas. The Secretary will notice public meetings as required by Idaho Code §§ 74-201 through 74-208 and will post notice of public meetings to <https://townhall.idaho.gov/>. ~~The Director's office will maintain a subscription list for selected information pertaining to notices and agendas of the State Board of Land Commissioners' meetings. Interested parties may be placed on this list by sending a written request including name, address and telephone number to:~~

~~Director
Idaho Department of Lands
300 North 6th Street, Suite 103
PO Box 83720
Boise, Idaho 83720-0050~~

10.~~eb~~. Public Records. Additional information pertaining to the above items, if available, will be provided according to procedures governed by the Idaho Public Records Law, ~~upon request, (Idaho Code §§ 74-101 through 74-126) at prevailing Department costs.~~