



IDAHO OIL AND GAS CONSERVATION COMMISSION

Chris Beck, Chairman
Margaret Chipman, Vice Chairman
Sid Cellan, Commissioner
Jim Classen, Commissioner
Ken Smith, Commissioner

Tom Schultz, Secretary to the Commission

Final Minutes
Idaho Oil and Gas Conservation Commission Special Meeting
October 7, 2015

The special meeting of the Idaho Oil and Gas Conservation Commission was held on Wednesday, October 7, 2015 at the Idaho Department of Lands Office, Garnet Conference Room, 300 N. 6th St., Suite 103, Boise, Idaho. The meeting began at 2:00 p.m. Chairman Chris Beck presided. The following members were present:

Vice Chairman Margaret Chipman
Commissioner Jim Classen
Commissioner Ken Smith

For the record, Chairman Beck stated he was joining the meeting via conference phone. Chairman Beck recognized the presence of four Commission members, and the absence of Commissioner Cellan.

• **CONSENT**

1. **Approval of Minutes** – April 23, 2015 Regular Meeting (Boise)
2. **Approval of Minutes** – June 10, 2015 Special Meeting (Boise)
3. **Approval of Minutes** – July 15, 2015 Special Meeting (Boise)
4. **Approval of Minutes** – July 16, 2015 Oil and Gas Energy Tour (Payette County)
5. **Approval of Minutes** – August 4, 2015 Special Meeting (Boise)
6. **Approval of Minutes** – August 26, 2015 Special Meeting (Boise)

CONSENT AGENDA COMMISSION ACTION: A motion was made by Vice Chairman Chipman that the Commission approve the meeting minutes on the Consent Agenda. Commissioner Smith seconded the motion. The motion carried on a vote of 4-0.

- **REGULAR**

7. Cure an Open Meetings Law Violation

COMMISSION ACTION: For the record, this agenda item does not require a vote by the Commission.

Chairman Beck publicly recognized a violation of the Open Meetings Law had occurred and the Commission intends to cure the violation pursuant to Idaho Code § 74-208. Chairman Beck explained that on September 24, 2015 an email response containing comments on current integration issues was sent from Commissioner Classen to Oil and Gas Program Manager Paul Lowrey, other Department staff and all Commission members. One Commission member distributing an opinion on a matter pending before the Commission, and the other Commissioners receiving that opinion, constitutes deliberation as that term is defined in the Open Meetings Law. The Commission was advised by counsel that non-public deliberations such as Commissioner Classen's email are not permissible under the Open Meetings Law and should not occur in the future.

Because the Commission took no action as a result of this email there is no action to be voided. In order to assure the parties to the pending contested cases that no deliberations have occurred other than in proceedings open to the parties and to the public, the email will be included in the agency record for both integration contested cases and a copy of the email will be sent to all parties to the integration cases. Chairman Beck concluded that with these remedies, the Commission has implemented a cure for the Open Meetings Law violation.

There being no further business before the Commission, at 2:04 p.m. a motion to adjourn was made by Vice Chairman Chipman. Commissioner Smith seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned.

