



STATE BOARD OF LAND COMMISSIONERS

C. L. "Butch" Otter, Governor and President of the Board
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Superintendent of Public Instruction

Tom Schultz, Secretary to the Board

Be it remembered, that the following proceedings were had and done by the State Board of Land Commissioners of the State of Idaho, created by Section Seven (7) of Article Nine (IX) of the Constitution.

FINAL Minutes
State Board of Land Commissioners Special Meeting
December 5, 2017

The special meeting of the Idaho State Board of Land Commissioners was held on Tuesday, December 5, 2017, in the Capitol, Hearing Room WW55, Lower Level, West Wing, 700 W. Jefferson St., Boise, Idaho. The meeting began at 9:04 a.m. The Honorable Governor C.L. "Butch" Otter presided. The following members were present:

Honorable Secretary of State Lawrence Denney
Honorable Attorney General Lawrence Wasden
Honorable State Controller Brandon Woolf
Honorable Superintendent of Public Instruction Sherri Ybarra

For the record, Governor Otter recognized the presence of all Board members.

Prior to presentation of the regular agenda item, Attorney General Wasden remarked that Idaho Code § 74-204(4)(c) provides that an agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Attorney General Wasden expressed his desire to amend the agenda to allow the Board to resolve into Executive Session because relevant information was received by the Attorney General the day prior to the special meeting with additional follow-up information late in the evening that same day. Attorney General Wasden stated the information provides certain legal implications and it is appropriate for the Board as a body to consult its legal counsel on those matters.

A motion was made at 9:05 a.m. by Attorney General Wasden to amend the meeting agenda to provide for an Executive Session prior to undertaking the Board's discussion of the grazing rate methodology. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

At 9:07 a.m. a motion was made by Attorney General Wasden to resolve into Executive Session pursuant to Idaho Code § 74-206(1)(f) to communicate with legal counsel for the Land Board to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. Attorney General Wasden requested that a roll call vote be taken

and that the Secretary record the vote in the minutes of the meeting. Controller Woolf seconded the motion. *Roll Call Vote: Aye:* Denney, Wasden, Woolf, Ybarra, Otter; *Nay:* None; *Absent:* None

- **EXECUTIVE SESSION**

- A. Idaho Code 74-206(1)(f) – to communicate with legal counsel for the Land Board 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. [TOPIC: Grazing Rate Methodology]

At 10:18 a.m. the Board resolved out of Executive Session by unanimous consent. No action was taken by the Board during the Executive Session.

- **REGULAR**

1. **Grazing Rate Methodology** – Presented by Diane French, Division Administrator-Lands and Waterways, and Dr. Dennis Becker, Director-Policy Analysis Group, College of Natural Resources, University of Idaho

DISCUSSION: An audio recording for this agenda item is available by request to the Department of Lands, Attn: Land Board Recording Secretary, PO Box 83720, Boise, Idaho 83720-0050 or by email to public_records_request@idl.idaho.gov.

BOARD ACTION: A motion was made by Secretary of State Denney to defer a decision on this issue until the Board can appropriately consider the additional information received. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

For the record, the Board prescribed no time limit for its review.

There being no further business before the Board, at 10:30 a.m. a motion to adjourn was made by Attorney General Wasden. Controller Woolf seconded the motion. The motion carried on a vote of 5-0. Meeting adjourned.

