



Idaho State Board of Land Commissioners

Brad Little, Governor and President of the Board

Phil McGrane, Secretary of State

Raúl R. Labrador, Attorney General

Brandon D Woolf, State Controller

Debbie Critchfield, Superintendent of Public Instruction

Dustin T. Miller, 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

September 1, 2023

The special meeting of the Idaho State Board of Land Commissioners was held on Friday, September 1, 2023 at Idaho Department of Lands, Garnet Conference Rooms, 300 N. 6th Street, Suite 103, Boise, Idaho, and via webinar. The meeting began at 9:00 a.m. The Honorable Governor Brad Little presided. The following members were in attendance:

Honorable Governor Brad Little
Honorable Secretary of State Phil McGrane
Honorable Attorney General Raúl Labrador
Honorable State Controller Brandon Woolf
Honorable Superintendent of Public Instruction Debbie Critchfield

For the record, Governor Little, Attorney General Labrador, Controller Woolf, and Superintendent Critchfield attended at the physical location; Secretary of State McGrane attended via Zoom webinar.

Regular—Action Item(s)

1. Address Open Meeting Violation

Board Action: A motion was made by Governor Little pursuant to Idaho Code § 74-204(4)(b), that the Land Board amend the special meeting agenda by adopting the proposed amended agenda. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

A motion was made by Governor Little that the Land Board acknowledge the August 15, 2023 motion for Executive Session violated the Open Meeting Law by failing to specifically identify the subsection of Idaho Code authorizing the Executive Session. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

A motion was made by Governor Little that the Land Board cure the violation by declaring the August 15, 2023 Executive Session void. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

At 9:02 a.m., a motion was made by Attorney General Labrador to resolve into Executive Session pursuant to Idaho Code § 74-206(1)(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. Controller Woolf seconded the motion. *Roll Call Vote: Aye: McGrane, Labrador, Woolf, Critchfield, Little; Nay: None; Absent: None.*

Executive Session

A. State v. Tim Garayalde

Idaho Code § 74-206(1)(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.

At 9:08 a.m., a motion was made by Attorney General Labrador that the Land Board resolve out of Executive Session. Superintendent Critchfield seconded the motion. *Roll Call Vote: Aye: McGrane, Labrador, Woolf, Critchfield, Little; Nay: None; Absent: None.* No action was taken by the Land Board during the Executive Session.

For the record, Secretary of State McGrane commented that Land Board members always know what they are meeting about, and it was surprising how creative people were in the absence of knowledge; this was a good opportunity for the Land Board to help fill in those gaps.

There being no further business before the Land Board, at 9:09 a.m. a motion to adjourn was made by Controller Woolf. Superintendent Critchfield seconded the motion. The motion carried on a vote of 5-0.

