February 2, 2018

Sid D. Brown

Madison County Prosecutor

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It is my belief the Sugar-Salem School District’s Board of Trustees violated Idaho’s open meeting laws by hiring a superintendent and keeping its choice a secret. This action occurred during its meeting on Thursday, January 25, 2018.

According to draft board minutes obtained by me through a public records request, Sugar-Salem trustees entered into executive session “to consider hiring an employee”. The trustees then returned to an open meeting and according to the draft minutes “The board members deliberated about which candidate they should offer the position to.” No names were mentioned. The board then made a motion to “offer the superintendent position to candidate O.” It was approved by a vote of 5-0. The minutes go on to reflect “Kristin Galbraith (board chair) went and called candidate O on the phone and he accepted the offer.” The true name of the candidate was not named in the open meeting, according to the draft minutes.

What is clear is that pursuant to Idaho Code 74-202(1) a decision means: any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

The trustees’ use of a pseudonymous identifier in this decision for a candidate disclosed only in the secret of executive session would, if permitted, effectively render Idaho Code 74-201 a nullity: “…that the formation of public policy is public business and shall not be conducted in secret.” Here, a decision was rendered, but the decision itself is meaningless without the names of the person voted upon, known only to the attendees of the executive session. The public will forever be unable to identify which candidate was discussed for accuracy, transparency and accountability.

Please consider this a formal complaint regarding the Sugar-Salem School District’s Board of Trustees violation of Idaho’s open meeting laws.

Respectfully,

Jennifer Swindell

CEO, Managing Editor

Idaho Education News