

IDAHO OIL AND GAS CONSERVATION COMMISSION OPEN MEETING CHECKLIST

FOR MEETING DATE: December 16, 2021

Regular Meetings

	Notice of Meeting posted in prominent place in IDL’s Boise Headquarters office five (5) calendar days before meeting.
	Notice of Meeting posted in prominent place in IDL’s Coeur d’Alene Headquarters office five (5) calendar days before meeting.
	Notice of Meeting posted in prominent place at meeting location five (5) calendar days before meeting.
	Notice of Meeting emailed/faxed to list of media and interested citizens who have requested such notice five (5) calendar days before meeting.
	Notice of Meeting posted electronically on the OGCC public website https://ogcc.idaho.gov/ five (5) calendar days before meeting.
	Agenda posted in prominent place in IDL’s Boise Headquarters office forty-eight (48) hours before meeting.
	Agenda posted in prominent place in IDL’s Coeur d’Alene Headquarters office forty-eight (48) hours before meeting.
	Agenda posted in prominent place at meeting location forty-eight (48) hours before meeting.
	Agenda emailed/faxed to list of media and interested citizens who have requested such notice forty-eight (48) hours before meeting.
	Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ forty-eight (48) hours before meeting.
11/16/20 01/08/21 02/11/21 04/15/21 08/23/21	Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA <ul style="list-style-type: none"> • Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA • 2nd Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA • 3rd Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA • 4th Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA

*Meeting notice and agenda revised

Special Meetings

12/09/21* 12/14/21**	Notice of Meeting and Agenda posted in a prominent place in IDL’s Boise Headquarters office twenty-four (24) hours before meeting.
12/09/21* 12/14/21**	Notice of Meeting and Agenda posted in a prominent place in IDL’s Coeur d’Alene Headquarters office twenty-four (24) hours before meeting.
12/09/21* 12/14/21**	Notice of Meeting and Agenda posted at meeting location twenty-four (24) hours before meeting.
12/09/21* 12/14/21**	Notice of Meeting and Agenda emailed/faxed to list of media and interested citizens who have requested such notice twenty-four (24) hours before meeting.
12/09/21* 12/14/21**	Notice of Meeting and Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ twenty-four (24) hours before meeting.
	Emergency situation exists – no advance Notice of Meeting or Agenda needed. "Emergency" defined in Idaho Code § 74-204(2).

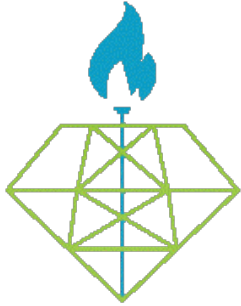
* Notice **Agenda

Executive Sessions (If only an Executive Session will be held)

	Notice of Meeting and Agenda posted in IDL’s Boise Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted in IDL’s Coeur d’Alene Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda emailed/faxed to list of media and interested citizens who have requested such notice twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ twenty-four (24) hours before meeting.
	Notice contains reason for the executive session and the applicable provision of Idaho Code § 74-206 that authorizes the executive session.

Kourtney Romie
RECORDING SECRETARY

12/14/21
DATE



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair
Ray Hinchcliff, Vice Chair
Jim Classen, Commissioner
Dustin Miller, Commissioner
Marc Shigeta, Commissioner

Mick Thomas, Secretary to the Commission

NOTICE OF PUBLIC MEETING DECEMBER 2021

IDAHO OIL AND GAS CONSERVATION COMMISSION TO HOLD A SPECIAL MEETING ON THURSDAY, DECEMBER 16, 2021

The Idaho Oil and Gas Conservation Commission will hold a Special Meeting on Thursday, December 16, 2021, at the **Idaho Department of Lands Office, Garnet Conference Room, 300 N. 6th St., Suite 103, Boise, Idaho**. The meeting is scheduled to begin at **1:00 pm (MT)**.

The Commission may resolve into Executive Session upon commencement of the meeting 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. [**Topic:** CAIA vs. Miller]

The Commission will tend to Regular business following the Executive Session.

The Oil and Gas Conservation Commission will conduct this meeting in person and via teleconference. At least one Commission member will attend the meeting at the physical location.

This meeting is open to the public. No public comment will be accepted at this meeting.

The Governor's [Stage 4 Stay Healthy Guidelines](#) dated 5/11/2021 allows for public meetings of any size with adherence to physical distancing and sanitation requirements. Total audience capacity at this venue due to social distancing measures is approximately 18 people. Individuals are encouraged to listen via teleconference. Physical distancing measures reduce the meeting room's normal attendance capacity.

The Idaho Oil and Gas Conservation Commission is established by Idaho Code § 47-314.

Idaho Department of Lands, 300 N 6th Street, Suite 103, Boise ID 83702

This notice is published pursuant to § 74-204 Idaho Code. For additional information regarding Idaho's Open Meeting law, please see Idaho Code §§ 74-201 through 74-208.

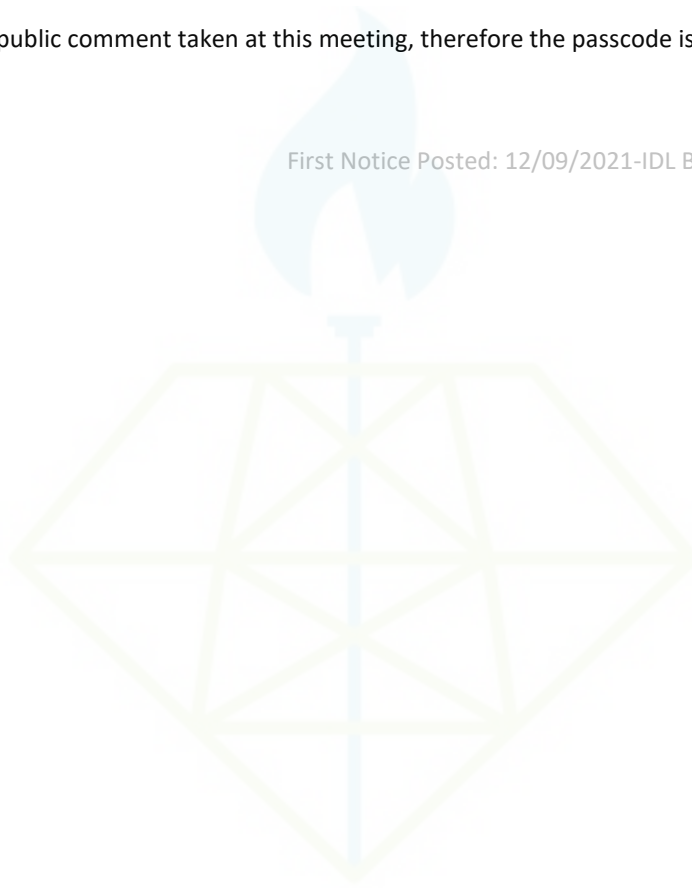
Contingent upon safety protocols, the public may attend the meeting in person or via teleconference. Members of the public may listen to the meeting via teleconference, using the following:

Dial toll-free: 1-877-820-7831

Enter passcode: 6719561, followed by (#) key

There will be no public comment taken at this meeting, therefore the passcode is for listening only.

First Notice Posted: 12/09/2021-IDL Boise; 12/09/2021-IDL CDA



IDAHO OIL & GAS CONSERVATION COMMISSION

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IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair
Ray Hinchcliff, Vice Chair
Jim Classen, Commissioner
Dustin Miller, Commissioner
Marc Shigeta, Commissioner

Mick Thomas, Secretary to the Commission

Final Agenda

Idaho Oil and Gas Conservation Commission Special Meeting
December 16, 2021 – 1:00 PM (MT)

Idaho Department of Lands Office, Garnet Conference Room, 300 N. 6th St., Suite 103, Boise, Idaho

The Oil and Gas Conservation Commission will conduct this meeting in person and via teleconference. At least one Commission member will attend the meeting at the physical location.

This meeting is open to the public. No public comment will be accepted at this meeting.

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- **ANNOUNCEMENTS**

No public comment will be accepted at this meeting.

- **EXECUTIVE SESSION**

- A. 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. [TOPIC: CAIA v. Miller]

Idaho Oil and Gas Conservation Commission
Final Agenda
Special Meeting (Boise) – December 16, 2021
Page 1 of 2

This agenda is published pursuant to § 74-204 Idaho Code. The agenda is subject to change by the Commission. To arrange auxiliary aides or services for persons with disabilities, please contact Dept. of Lands at (208) 334-0242. Accommodation requests for auxiliary aides or services must be made no less than five (5) working days in advance of the meeting. Agenda materials may be requested by submitting a Public Records Request at www.idl.idaho.gov.

- **REGULAR – ACTION ITEM(S)**

- 1. Commission Designee for CAIA v. Miller Litigation Decision Making**

- 2. 2022 Oil and Gas Conservation Commission Annual Meeting Schedule** – *Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas*



IDAHO OIL & GAS CONSERVATION COMMISSION



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT
CHAPTER 2
OPEN MEETINGS LAW

74-206. EXECUTIVE SESSIONS – WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To acquire an interest in real property not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (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;
- (g) By the commission of pardons and parole, as provided by law;
- (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;
- (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of

a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote.

History:

[74-206, added 2015, ch. 140, sec. 5, p. 371; am. 2015, ch. 271, sec. 1, p. 1125; am. 2018, ch. 169, sec. 25, p. 377; am. 2019, ch. 114, sec. 1, p. 439.]

How current is this law?

Search the Idaho Statutes and Constitution

IDAHO OIL & GAS
CONSERVATION COMMISSION

IDAHO OIL AND GAS CONSERVATION COMMISSION
December 16, 2021
Regular Agenda

SUBJECT

Commission Designee for *CAIA v. Miller* Litigation Decision Making

BACKGROUND / DISCUSSION

In September 2021, a Complaint was filed in *CAIA, et. al v. Miller et. al*, United States District Court for the District of Idaho, Case No. 1:21-cv-00367-REP. All Oil and Gas Conservation Commission members were individually named as Defendants in their official capacities as members of the Oil and Gas Conservation Commission (Commission).

The Commission can choose to authorize one person to review substantive documents for filing with the court, and to make strategic litigation decisions on behalf of all commissioners, as the Commission, regarding *CAIA v. Miller* in consultation with the Commission's attorneys of record, the Idaho Attorney General's Office.

COMMISSION ACTION

IDAHO OIL & GAS
CONSERVATION COMMISSION

IDAHO OIL AND GAS CONSERVATION COMMISSION
December 16, 2021
Regular Agenda

SUBJECT

2022 Annual Meeting Schedule

BACKGROUND

As per Idaho Code § 47-314(4):

“The commission shall meet at least annually and thereafter on dates set by the commission. A majority of the members shall constitute a quorum.”

The Idaho Department of Lands (Department) is the administrative arm of the Idaho Oil and Gas Conservation Commission (Commission). The Department is bringing a proposed meeting schedule for the 2022 calendar year for review.

DISCUSSION

The Department would like to continue to hold quarterly meetings for the Commission. Due to Commission member changes and staff changes at the Department, the Department would like to suggest that the official meeting day be the third Tuesday of the month. The months will remain the same as February, May, August, and November.

Meetings will be scheduled on the following dates and begin at 1:30pm (MT):

- Tuesday, February 15, 2022
- Tuesday, May 17, 2022
- Tuesday, August 16, 2022
- Tuesday, November 15, 2022

Dates, times, and locations are subject to change.

Special meetings would be scheduled as needed.

DEPARTMENT RECOMMENDATION

The Department recommends the Commission approve the regular meeting schedule for the 2022 calendar year.

COMMISSION ACTION