

## Closed Session: Real Estate Transaction

### **Background:**

Under Iowa Code § 21.5, a school board is allowed to enter closed session to review certain types of confidential data that are not public data. Iowa Code §§ 21.5, subdivision 1(j), states,

Closed Session under Iowa Code § 21.5(1)(j) to

“To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.”

### **School Board Policy:**

This is in accordance with our board policy 212, Closed Session.

### **Recommended Action:**

1. Announce the reason. The governmental body must publicly announce the reason for closing the meeting and record the reason in the minutes.

“To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.”

2. Take a vote. Closing requires an affirmative vote of two-thirds of the members, or all members present. For example, a five-member body needs either 4 votes to close (two-thirds of all the members) or 3 votes (if only three are present and three is a quorum.)
3. Keep records. The governmental body must keep detailed minutes and must tape-record the closed session. Detailed minutes must record who is present, all discussion, and any action taken. The minutes and tape are sealed and only can be opened under a court order.
4. Stay focused. A closed session is authorized only to the extent necessary for the reason cited. There must not be discussion of other matters.
5. Return to open session for final action. Final action only can be taken in open session. For any final decision, a motion and vote must be done in open session.