

The Board of Trustees of each school district shall have the following powers and duties:

- (1) To rent to or from others, school buildings or other property used, or to be used, for school purposes.
- (2) To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

No such contract shall be executed which entails the expenditure of fifteen thousand dollars (\$15,000.00) or more without notice first being given by publishing twice in the manner required by subsections g and h of section 33-402, Idaho Code, unless in cooperation with the division of purchasing or cooperative agency established pursuant to chapter 23, title 67, and/or sections 33-315 - 33-318 inclusive, Idaho Code. The Board of Trustees may let the contract to the lowest responsible bidder, or reject any bid, or reject all bids and publish notice for bids, as before. If, thereafter, no satisfactory bid is received, the Board may proceed under its own direction, subject to the approval of the State Board of Education.

- (3) To designate and purchase any real property necessary for school purposes or in the operation of the district, the provisions of subsection 2 of this section notwithstanding, or remove any building, or dispose of any real property. The Board of Trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the Board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the Board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district.
- (4) (a) To convey, except as provided by (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal.

Prior to such sale or conveyance, the Board shall have the property appraised, which appraisal shall be entered in the records of the Board of Trustees. The property may be sold at public auction or by sealed bids, as the Board of Trustees shall determine, to the highest bidder.

Such property may be sold for cash or for such terms and conditions as the Board of Trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full

payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the Board of Trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with the subsections g and h of section 33-402, Idaho Code, except that when the appraised value of the property is less than one thousand dollars (\$1,000), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids or at public auction.

The Board of Trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the Board may, within a period of one (1) year from the time of the appraisal sell the property without additional advertising or bidding. Otherwise, the Board of Trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the Board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The Board of Trustees may sell personal property, with an estimated value of less than one thousand dollars (\$1000), without appraisal, by sealed bids or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property. If the board, by a unanimous vote of those members present, finds that the property has an estimated value of less than five hundred dollars (\$500) and is of insufficient value to defray the costs of arranging a sale, the property may be disposed of in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board.

- (b) Real and personal property may be exchanged hereunder for other property if the consideration received by said school district shall be deemed adequate by the Board of Trustees, provided, however, that aside from the provisions of this paragraph hereof, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full Board of Trustees, by resolution duly adopted, authorize the transfer of conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the State of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, any library district, any junior college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the Board of Trustees it is for the interest of such school district that said transfer or conveyance be made.

- (5) To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.
- (6) To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, or authorize the removal of school buildings to such new location, or locations, as shall be determined by the Board of Trustees, and such removal shall be made at no cost or expense to the school district.
- (7) To authorize the use of any school building of the district as a community center, or for any public purposes, and to establish a policy of charges, if any, to be made for such use.
- (8) To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.
- (9) If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to safeguard life, health or property, the Board of Trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the Board may expend any sum required in the emergency without compliance with this section.



LEGAL REFERENCE:
Idaho Code Sections 33-601

ADOPTED: 9/19/77

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