

# **Bond Case Briefs**

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## **ANNEXATION - NORTH DAKOTA**

### **In re Lewis & Clark Public School Dist. #161 of Ward**

**Supreme Court of North Dakota - February 18, 2016 - N.W.2d - 2016 WL 682970 - 2016 ND 41**

Landowners sought judicial review of decision of Board of Public School Education denying petition to annex land from one school district to another. The District Court affirmed. Landowners appealed.

The Supreme Court of North Dakota held that:

- School district had standing to object to petition;
- Closed telephone proceeding between Board and its attorney following public hearing did not result in denial of fair hearing;
- Board properly considered amount of land to be annexed; and
- Catch-all provision of statute governing annexation of property from school district was not unconstitutionally vague.

School district had standing to object to landowners' petition for annexation of land from one school district to another. District, superintendent, and board members were members of public entitled to participate in annexation hearings to protect district's interests.

Telephone proceeding between Board of Public School Education and its attorney, during which Board and attorney discussed Board's decision regarding landowners' petition for annexation of land from one school district to another, and alleged failure to provide landowners with notice, did not result in denial of fair hearing. Board adopted prepared findings, conclusions, and order at a public hearing, and landowners cited no authority requiring that Board give parties notice or opportunity to comment on proposed orders after decision was made or before order was issued.

Board of Public School Education, in denying landowners' petition for annexation of land from one school district to another properly considered amount of land involved. Catch-all provision of statute governing annexation of property, which permitted consideration of "all other relevant factors," was sufficiently broad to encompass amount of land.

Catch-all provision of statute governing annexation of property permitting consideration of "all other relevant factors" was not unconstitutionally vague and did not amount to unconstitutional delegation of legislative authority to Board of Public School Education. Legislature's ability to retract delegation of authority provided adequate safeguard to deter arbitrary decision-making by the Board.