

Alabama Forestry Commission Meeting  
May 31, 2016

Legend

TT = Commission Tommy Thompson  
CJD = Chairman Jerry Dwyer  
SS = Commissioner Salem Saloom  
SM = Commissioner Steve May  
JR = Vice Chairman Jane Russell  
KK = Commissioner Katrenia Kier  
RT = Commissioner Robert Turner  
SR = Scott Rouse, General Counsel  
DJ = Dan Jackson, Asst. State Forester  
GP = Greg Pate, State Forester

Chairman Jerry Dwyer called the meeting to order at 10:04 a.m.

- GP Greg Pate introduced Sybil Green and explained that she will take minutes for the meeting, as Regina Miller is not able to attend due to illness of her husband.
- GP Greg Pate called roll and announced that a quorum is present. He further stated that the meeting was properly advertised.
- CJD Stated that a change to agenda will be made; PRT lease discussion will be moved to the top.
- SR Distributed a map of Hauss Nursery and said that the AFC seedling operation there has been defunct for at least a decade. A few years ago the land was offered for sale but recently Auburn has been using the area for research. A Canadian corporation, PRT, approached the Commission in April. They met with Scott and Greg Pate and they would like to start containerized nursery operations on about 60 acres. They want to lease long-term but no amount of payment was discussed. Because the land value is more than \$20K it will be necessary to have an appraisal to comply with the law.
- SM Asked how long the lease would be.
- SR Answered that he assumed 10 or 20 years.
- SM Asked if rates were discussed.
- SR Replied no. The first step is to get an appraisal.
- TT Asked if PRT will clear the land.
- SR He stated that the lease would interfere with AU's use of the property. He has discussed this with Dr. Barlow, and although she (Dr. Barlow) would be disappointed, she understood. Dr. Barlow requested that they be allowed to gather data, and that an October date should be fine.

- CJD Stated he remembers that land was for sale years ago, and an appraisal had been done then.
- SR Replied he has spoken with David Kelley and the prior appraisal is too old, plus it was for the entire property.
- JR Asked if the lease is made to PRT, would AU not be able to continue.
- SR Answered they need to use the same areas and some of the research would be disturbed.
- CJD Asked about cattle and wasn't there an issue with cross-fencing, who would be responsible.
- SR Answered there have never been any cattle because no one was willing to pay for the cross-fencing.
- CJD Asked if it were not true that the reason there had not been cattle was because AU didn't have the money for fencing.
- SR Answered that he did not know.
- CJD Asked SR if he would voice a proposal to get an updated appraisal.
- SS Made a motion the commission authorize a new appraisal for the Hauss Nursery property
- TT Seconded the motion
- SM Voiced concern that we don't want to scare AU off.
- TT Stated we need to know the value to separate the parcels, and we should try to coordinate the two entities to allow both to use the property.
- SR Stated he has been upfront with Dr. Barlow and she understands AFC's position.
- SS I move that we go forward with the appraisal.

**MOTION #2016-7: Commissioner Salem Saloom made a motion to authorize a new appraisal for the Hauss Nursery property. The motion was seconded by Commissioner Tommy Thompson. The motion was approved with a unanimous vote.**

**Item III - Minutes of April 16 meeting**

CJD Read an email he sent to GP on May 14, 2016. He stated there were concerns from other Commissioners that the minutes do not adequately reflect tone or concerns expressed in the meeting. He stated minutes should be clear and better reflect the meeting and the current draft from the April 16 meeting seems to reflect one agenda, and not the message that is in Regina Miller's notes.

He read an answer from Srouse about his concerns.

He stated as Chairman he made a decision to call this special meeting to make sure the minutes clearly reflect content of meetings. He asked for comments.

SM Stated other Commissioners may or may not hear it the way he does but these minutes are so different from the meeting. He said there were many comments that are not in the minutes, such as fiscal responsibility, example how money was spent on boots, how many were bought, and for whom. Details are missing that we have to have. He stated minority employment had been discussed at length, how many minorities are employed, their promotions, etc. and the utilization of the Outreach Council.

RT Asked who does the minutes, who puts it together?

GP Stated they are done by Regina Miller and she has used the same method for 16 years. She takes handwritten notes and drafts the minutes from the notes. The draft is sent to SRouse for legal review and then back to him.

RT Asked who critiques the minutes.

SS Answered we do, meaning the Commission.

SM Asked GP if he approves the minutes, and if he is ultimately responsible.

GP Answered that he would say that.

SM Asked GP if he thinks these minutes accurately reflect that meeting?

SS Asked for the Commission to discuss the possibility of recording the meetings.

SM Stated that for the last 16 years a great part of meetings were recorded, when Linda (Linda Casey) came here they were recorded but she stopped it. Why do you think she quit recording the meetings?

TT Stated that as Commissioners, if we need to make a change in the way we are doing it, then let's take a step to solve this. He stated that a quick fix would be to record the meetings and then move forward in a positive way if we think notes are not adequate.

RT Stated no. The tone in the last meeting was very adversarial. He stated things with personnel developed over time and we should look at things with the Personnel Director. What can we do? State Personnel sets these things up. We are handicapped.

SM Asked if the meetings should be recorded and transcribed

TT Answered not necessarily.

SM Stated we have staff that can transcribe.

SR Stated his role is to look at the legal definition. AFC statutes, open meetings laws, Roberts Rules all talk about minutes and that minutes are not intended to capture every word or tone. Minutes are a record of what a body does as a whole, action items, motions, seconds, what is passed, what is

discussed, what actions are taken. If the Commissioners want more, you can record or anyone can record. The Commission needs to decide. He stated the minutes as they are, are not legally deficient.

RT Asked who is doing the minutes. Asked if GP can put in the minutes what he wants.

SR Stated no. Actions taken is what is being put in the minutes.

CJD Asked if things are adversarial is it to be excluded from the minutes.

SR Stated no, the point is that none of that has to be in the minutes, you can include that, but to be fair, the last meeting was very difficult.

TT Stated there is no problem with disagreeing. It is not adversarial to disagree. Things should be discussed and then move forward. That can be reflected in the minutes with actions taken. That is why we are here.

SM Stated this has been discussed with Scott, Jerry, Greg and myself. There has been a lot of discussion about the minutes. Scott Rouse, Jerry Dwyer, Greg Pate and he discussed this a year ago and suggested the Commission do things to correct it. There has been no attempt to do it. He stated it was talked about but he got pushed down. Stated things have not been corrected, specific things they asked of the SF, such as boots. Some of that is lost in detail, how many are authorized to have boots, specific things got lost, such as was everybody a certified firefighter.

CJD Stated the minutes should reflect that GP was asked if everybody was a certified firefighter and how it was answered by GP.

GP Stated that everyone was on the ROSS list.

CJD Stated this is not about ROSS. Asked was everybody a certified firefighter.

TT Stated he heard discussion on boots. People on out-of-state deployment and they could go on fire lines where they are was discussed but he did not recall specifics. He stated if some Commissioners need clarification on things like that, we need to go to a recording.

CJD Stated he agreed.

TT Stated we can discuss it as a commission to add to the agenda and make a decision at any time.

CJD Stated the Commission needs an answer today, are boots authorized for certified firefighters and people on ROSS.

GP Stated that is my understanding.

JD Asked GP if he can provide the commission with a list.

GP Stated it can be printed out of IQS.

CJD Asked if there was any more discussion on boots.

- TT Asked if the boots were \$75
- GP Stated that the allotment is \$125 per year
- TT Asked if \$375 is correct for 3 years.
- GP Stated the correct amount if \$355.
- TT Asked if this saves the Commission money.
- GP Answered that is correct.
- CJD Stated that for further clarification, Regina Miller's handwritten notes say ROSS, not active, there is an asterisk, employee retired. Asked if that employee should have received boots? Stated this is not reflected in the minutes. Stated that the limit is 75 pairs of boots but the numbers were bumped up to 93. Asked if that should be a part of the minutes.
- TT Stated we have a draft of the minutes for clarification.
- CJD Stated that he did not disagree
- SM Stated these minutes are unacceptable.
- SR Answered if a Commissioner wanted to change the minutes they should make a motion to change them. Do that and be done with it. Make a motion, second it and vote. Be done with it.
- SM Stated these minutes cannot be changed to reflect accurately. Stated that he agrees with Scott, that these minutes do not reflect tone and that the meeting was 10 hours. He stated that he thinks it is necessary to reflect tone.
- SS Stated to capture inflections, tones, etc., you will have to do an audio recording.
- SM Stated as an example, his motion in the last meeting to terminate the State Forester, the motion was not seconded and the Chairman asked him to withdraw the motion. Stated he wants that in the minutes and it is not. Stated the minutes reflect what the person submitting wants it to say.
- CJD Stated he understands tone cannot be reflected but guidance must be reflected. Stated the Commission has to do this in open meetings and he does not believe it is adversarial; asking questions is all it was. Stated he finds it amazing your (?) comments or concerns about micro-managing are in the minutes, but concerns of others or is it truly micro-managing doing what we are asked to do, none of that is in the minutes. He asked if it is micro-managing, that is what we want to know.
- SS Stated it is when you are in deep weeds and asking details.
- CJD Stated he (GP) hasn't stopped doing anything.

- SS Stated it is being adversarial when you are asking him (GP) for details, but don't allow him to do his work, when you meet with him off the record and ask how many minutes each employee is using on his phone.
- CJD Stated he didn't ask that. He made the statement they were available if somebody else wants them.
- SS Stated in the last 2 years morale has increased, the SF's leadership is accepted by employees, he is respected by employees. Stated you (CJD) want details degrading his leadership.
- SM Stated the minutes show things from one perspective and not from the other.
- SS Told the Commission to correct it.
- SM Stated the minutes could not be corrected because some statements are being included in the minutes while other things are being left out. Noted that while SS was Chariman, he had once made a statement in a Commission meeting about going to the Governor and being assured GP could become a registered forester in time to take the position of State Forester. SS had specifically asked R Miller to include this statement in the meeting minutes and that was done.
- GP Asked Mr. May, what meeting that was.
- SM Answered it was before you (GP) were here.
- TT Asked the Commission if they are going to move ahead, make a motion to record or \_\_\_\_\_
- CJD Asked if he was making a motion.
- TT Answered that he would. Made a motion to make an audio recording of the meeting.
- RT Seconded
- CJD Asked if there was any other discussion.
- SM Asked if this would be transcribed or held.
- CJD Answered that will be up to the Commission.
- SR Stated that having someone on staff transcribe an audio recording would be very time consuming, or if you choose other methods it can be very costly.
- KK Asked if he (SR) was referring to a Court Reporter.
- SR Answered yes
- KK Stated there is technology available that will transcribe and this may be good enough for a draft, she knows she has a program on her iPad and it is not expensive, and can be used right away.
- SS Asked about the safekeeping of audio recording.

- SR Answered it would be preserved with the minutes.
- SM Asked if he meant with past minutes.
- SR Answered yes, they are kept where they cannot be corrupted.
- CJD Stated that TT had made a motion and it had been seconded, but then asked was this motion to have the minutes transcribed.
- SR Answered that the motion was to record and produce transcript of meeting.
- CJD Asked if that would be the minutes, put into draft, sent out.
- SR Answered not necessarily. Stated some boards use transcripts as minutes, or they may be used as a guide to what goes into minutes.
- SM Stated when he was on the Conservation Advisory Board for ~~2~~ 10 years, and they held 2 day meetings, all were transcribed with a Court Reporter, the transcript would come back to the board to review before the next meeting.
- SS Suggested caution about what you ask for, as the meetings are sometimes 8 hours or more.
- SM Stated that other state agencies have thought it necessary as meetings have become quite contentious at times, requiring an escort to cars by a Conservation Officer.
- SS Stated that he hopes this would not come to that.
- SM Stated that he does not see a downside to transcribing.
- SR Stated that Forever Wild found it can incur high costs.
- SM Stated that the Commission does not agree on what was said.
- SR Added the Forever Wild meetings are typically 3 hours or so and their cost is \$800 to \$1,000.
- KK Suggested to keep it simple, set a standard for correct minutes. Said it was not wrong the way they were done, but technology is available to record and be done in house. Said the Commission should not make a big deal of this, the minutes need to be correct, but do it and move on.
- RT Seconded
- TT Amended his motion: make audio recording of meeting and to allow the technology to transcribe the audio to be reviewed by Commissioners before the next meeting.
- SS Asked if he was inferring that these minutes be used by the secretary to improve her minutes, rather than using the entire audio.
- TT Stated yes.

JR Stated this would be checks and balances.

KK Asked to allow the SF and staff to choose the most cost effective way of doing this.

CJD All in favor – unanimous.

**MOTION #2016-8: Commissioner Tommy Thompson made a motion to make audio recordings of future Commission meetings and to utilize technologies to produce a written transcript of those meetings. Transcripts would be reviewed by Commissioners and be used to produce improved minutes. The motion was seconded by Commissioner Robert Turner. The motion was approved with a unanimous vote.**

SM Stated this does not clear up the issue of future minutes.

SR Asked if he means recording and informal transcription.

CJD Answered yes.

SR Stated that they needed to discuss the depth of detail the commission wants, for example the boots issue was recently discussed but no action taken. Asked what details the Commission wants.

SM Stated some want more detail and asked SR what he would recommend.

SR Answered there did not have to be details, just discussion topics, and actions taken. Asked if the Commission desires verbatim and informed the Commission it is not necessary for this to be in the minutes. Suggested the minutes include topics, motions, seconds – the minutes be kept in a simple format – but a transcript be attached with everything discussed.

CJD Asked SR if a Commissioner should clarify that he want something to be a part of the minutes. Correct?

SR Answered that a Commissioner could ask that something be a part of the minutes.

CJD Asked how they could make it easier.

KK Asked if this meeting was called to correct the previous minutes.

CJD Answered that was correct.

KK Stated: record the meeting and accurately transcribe until Commission feels that detail is no longer necessary. (motion)

CJD Asked if there was a second.

RT Seconded

CJD Asked if there was any further discussion. All in favor? By show of hand: JD, SM, RT, KK, JR

Opposed? By show of hand: TT, SS

Motion carried.

**MOTION #2016-9:** Commissioner Katrenia Kier made a motion to make audio recordings of future Commission meetings and to create transcripts of the recordings to be used as Commission minutes until Commissioners feel such detail is no longer needed. The motion was seconded by Commissioner Robert Turner. The motion was approved with a 5-2 vote. Commissioners Dwyer, May, Turner, Kier and Russell all voted in favor, with Commissioners Thompson and Saloom opposing the motion.

GP: Asked if he may ask a question.

CJD Answered yes.

GP Asked if the transcript would be the minutes until further notice.

JCD Answered yes.

Asked if there was any further discussion on boots. Said he seeks clarification on the employee that retired with the boots. States he was asked to please look into it.

GP Stated that boots are custom-fitted/ordered. There is a lengthy fitting regime, months ahead of time. There are a lot of questions specific to each person, the boots are made to a custom fit. Stated that a retired employee has very large calves and boots were ordered months ahead of time. This employee had not announced his retirement when they were ordered. The boots arrived before he retired.

CJD Asked recording secretary Sybil Green to make sure this was in the minutes.

CJD Read minutes of April 19 meeting regarding FEPP

Stated that at no point was it mentioned in these minutes about questions and concerns regarding the type of equipment we are processing – why and how that became a problem in the past. Also concerns about how some equipment is issued to the counties – micro-managing or not – there was a phone call to him from an employee and none of that was in the minutes. Stated Bruce Springer has announced a proposal on a better way to disseminate equipment, and if that is not in the minutes, it looks like a glowing report.

SM Asked if we are just creating junk piles. Asked where is the equipment, what is it for, at what cost.

CJD Stated you cannot tell any of this by the minutes, it looks like a glowing report. He stated he is not attacking the programs, just that there are concerns and it is important that this is part of the minutes. Asked if the Commission needs to make a motion the SF review and scrutinize screened equipment, boots, cots. Stated the Commission has been given a good answer on tents, cots there is no good answer. Asked if he is correct that Bruce Springer has put together a rotation process

GP Answered yes, trying to make it similar to VFD rotation.

CJD Stated that at one time FEPP had been a nightmare, straightening out thousands of items that were not accounted for. Said the Commission needs to be able to use equipment and make it cost effective and his primary concern is that the program not get out of hand. Stated the Commission got a glowing report on grants until the Commission did not get one.

Asked recording secretary Sybil Green to make sure the info on FEPP was in the minutes.

### Budget

CJD Asked about the scorecard. Asked GP if he had something to show man hours and costs associated.

GP Explained the entire time process would have to be changed to get associated costs.

CJD Stated this is not reflected in minutes, there are only 3 sentences about this. Asked GP what he remember that was covered at the last meeting.

GP After a private meeting with Amy Smith and Patrick Willoughby it was explained to the Chairman that accomplishments and time are two separate entities and combining the two would require a new system. Stated at the last meeting he presented a program Bruce put together and maybe CJD is referring to that.

CJD Asked if it is correct that Bruce generates payroll data.

GP Answered that is correct.

CJD Asked if that information was taken out of the grant database.

GP Answered that is correct.

TT Explained how previous scorecard items were to be corrected.

GP Stated that the scorecard has been expanded and is trying to capture a lot more detail and is a work in progress.

SR Reminded Commissioners this should not be discussed as they are currently correcting previous meeting minutes.

CJD Stated it is hard to discuss what was on scorecard when it is not in the minutes.

TT Explained that one of the areas is confusing acres with number of times and that process needs correcting.

CJD Asked if there are any other scorecard deficiencies. Stated benefits of seeing that level of detail are crucial and knowing what is going on down to the county level. This is not in the minutes - accomplishments occur at the county level make sure every county is provided service so that taxpayers are provided a level of service. Said the Commission has to make sure that all the counties have adequate staffing but still have an obligation to landowners and need details down to the country level. Statewide level is too broad. Work Unit Managers have 3 or 4 counties.

Stated he has encouraged GP to make sure counties aren't missing out on services. Stated this is a management tool for staff and if the Commission is not looking at it, it doesn't help anybody.

### Minority Outreach Efforts

CJD Referred to the minutes, page 4, item XIV and said the minutes do not reflect concerns of Commissioners over the program and where it is headed. Stated he is disappointed in how that has been allowed to disintegrate, stated that the meetings have dwindled down to 1 or 2 landowners. Said all this was outlined April 19 but is not in the minutes.

SM Stated that Outreach is dear to his heart. The failure of the Outreach Program I discussed in the previous meeting is not recorded in the minutes.

CJD Asked SM what he would like in the minutes.

SM Asked how do you correct these minutes. Stated he remembered he spoke to how Minority Outreach has disintegrated, minority hiring has decreased in the number of minorities, also in the hierarchy. Regional Forester, Asst. Regional Forester have all but disappeared. Asked about recruitment. Said that Greene County is 85% minority (black) and asked why we can't recruit one person to hire in that county.

CJD Stated that he commented in April about hiring at the Forestry Worker level. Asked if he is correct that the agency is struggling in hiring.

GP Answered yes, in certain counties.

CJD Stated the Forestry Worker is a classification the agency can consider to help and include locals to recruit. Said all of that is not in the minutes. Stated if the agency hired local, it could be a long-term employee, invested in the community, given an opportunity as a Forestry Worker and then moved up. Said that is not reflected in the minutes at all and it is like it was not even discussed.

GP Stated Commissioners have been at last round of regional meetings and Dan Jackson discussed employment with local recruits.

SM The State Forester had done that at our insistence of particular Commissioners.

TT Stated it was done to make corrections.

SS repeated to make corrections

SM Stated there have been remarks at meetings we have some racial disharmony in the organization – the Commission needs to discuss this and solve it.

GP Stated he did not know of that.

SM Stated maybe he needed to attend.

KK Stated the Commission is trying to move forward on the agenda, move ahead. Stated she has a lot to say about Outreach, but the Commission should now move into the SF's performance.

CJD Stated he understood what she was saying and the Economic Development Team should be now.

KK Asked if the Commission is now correcting minutes.

CJD Stated minutes need to reflect Economic Development Team concerns are not mentioned.

### NIMS/ICS

CJD Stated minutes do not reflect this, but in handwritten notes it does say grants related to finance must train under ICS. Said Steve May had comments on the downside of ICS, asked what is the lowest level of compliance with ICS in order to qualify. Asked SM if he wanted to elaborate.

SM Stated that he was the Fire Decision Director when we first started working with the NIMS/ICS program. Richard Cumbie was against the program and Tim Boyce was in favor of our being involved. I had a previous meeting with Bruce Boughman, EMA Director, and he was encouraging the AFC to participate in the program. The State Forester agreed to start working toward a NIMS/ICS program emphasizing an operation team, not a complete overhead team. Lou Hyman was instructed by me to do the project. This was changed over time into a full-fledged overhead team but this is not what the Governor wanted.

CJD Asked SM what issue he was bringing up.

SM Stated time and money spent away from their jobs, other people left at home to do their work while they are gone, and elitist attitude. People left behind to do more work. The agency needs to honor Southern Group compacts but just to send somebody out because they want to or to get their cards should not be done.

CJD Asked what is the lowest level of participation to be eligible for federal funds.

GP Answered he did have an answer for that concern.

SR Reminded the Commissioners to be careful to not muddle the two different sets of minutes.

GP Stated he would talk about that later in the meeting.

CJD Stated there are other comments not in the minutes, kind of a... but then stated he was not going to say that at this point.

Stated Budget Review should be reviewed and expenditures. Part of the budget was about Prescribed Burns and that was earned money going back to the counties and he said he is for that, but at some point it needs to be (illegible) that fire lanes and prescribed burning is training. Stated for instance the agency earned 1 million dollars or whatever – at no point does it say what it cost us to earn that. Tells GP his sheet on payroll, balance on costs and services and what is brought in and equipment, none of that is listed in here. States minutes need to address that. Said a couple of errors were found but he will address that on another day.

12:00 pm – five minute break

Reconvene at 12:10 pm

RT Stated Item #4 was discussed in the last meeting, budget/revenue and suggested the Commission move past that.

CJD Stated he had pointed out prescribed burns and such were not in the minutes. Said we are moving to SF's performance.

SM Stated all of these things have been discussed at previous meetings, the Commission has stayed very late before. Asked why the Commission needs to do this again as all the Commissioners had heard this.

CJD Answered the SF's performance has to be discussed in an open meeting.

KK Stated she knows in the minutes the Commission has to have a process in place to have the evaluation. Goals and objectives that are important. Says she has gone around and seen a lot of sides. She stated the Commission is continuing to handicap the SF by not agreeing what goals are important to the Commissioners. Determine what is important here on out and a process to evaluate him. He has a process for his employees to be evaluated and the Commission does not have that for him. Stated the Commission can oversee his performance, not nit-pick, if he has a detailed process. Stated she has researched this and she wants to establish a committee for performance guidance for the SF and performance criteria.

CJD Asked if she was making a motion to do that.

KK Stated what? How? What's next? Determine what is important. His goals and the Commission's determination of what is important. Made a motion to establish a committee of Commissioners to establish performance criteria for Executive Director.

TT Seconded. Stated this has been his position all along, the Commission owes it to Greg. Stated the Commission needs to establish its expectations. States GP has presented his goals and now the Commission needs to direct him.

SM Stated he did not agree. Said this is a good idea but for the next SF. Stated GP is wounded and has been wounded for a while and the Commission needs to move on. Says you guys had the chance but didn't. Now we have to fix it.

TT Stated he challenged that. Said GP has shared his goals and Commissioners have a piece of that. Suggested the Commission fix it. Stated there is a motion to fix it and move on.

SM Asked if that motion apply to Greg Pate.

KK Stated the motion applies to the Executive Director position.

SM Asked if she means the existing Executive Director. Stated he thought you said this for Greg Pate.

KK Stated her concern is there is no process and she feels more due diligence is needed to find out what is going on.

- SS Asked if it would it be helpful to have an unbiased outside facilitator within that committee.
- KK Stated she thinks it would be and she has some HR experience, but is not an HR professional. Stated she thinks it would be wise.
- SS Stated an outside person can look at the ramification and bring it back to this group.
- KK Answered yes.
- CJD Asked SGreen to read back the motion.
- SR Stated the bylaws specify a committee must be appointed by the Chair, and such committee could consist of Commissioners, staff, a combination. Suggested the Commission talk about how the committee would be set up.
- CJD Called for a vote.
- SS Stated he has a question for clarification: should the group be set now before a vote on this motion?
- SR Answered that could be part of the discussion and suggested the Commission talk about the makeup of the committee.
- CJD Asked SS if he thought an independent person should serve on the committee.
- SR Stated according to the bylaws it should be Commissioners or staff.
- SS suggested this person could serve as a consultant.
- SR Stated anybody can assist the committee, but not be a voting member.
- KK Stated they should have professional expertise, and the Commission should establish a date.
- SR Reminded the Commission every specified committee has to have a seven day announcement.
- KK Asked if the committee were established today, when could they bring it back to the Commission.
- SR Stated the committee must be 3 or more and done in an open meeting and if it is announced today, in a week from now.
- SS Asked if a sub-committee is subject to the open meetings act.
- SR Answered yes.
- CJD Suggested a committee of SS and Brandy Sponsler.
- SS Stated bottom line, it has to be an open meeting. And added he felt Greg Pate should be on that committee to make suggestions and have input.

SM Stated he thought they were talking about an Executive Director, not the present sitting SF.

KK Stated a generic Executive Director. Said the Commission is talking about a performance evaluation that has not been established for his position. Stated commonly this committee would put together a draft and give to him for his input.

CJD Stated there is a motion to establish a committee to establish performance evaluation for the SF position.

All in favor? TT, KK, SS

Opposed? SM, JR, JD

Abstain? RT

**MOTION #2016-10: Commissioner Katrenia Kier made a motion to establish a committee that would create a performance evaluation for the State Forester position. The motion was seconded by Commissioner Tommy Thompson. The motion failed. Commissioners Kier, Thompson and Saloom voted in favor; Commissioners Dwyer, May and Russell opposed; Commissioner Turner abstained.**

SM Made a motion to remove Greg Pate as SF.

JR Seconded.

TT Stated this was inappropriate. Stated the Commissioners owe it to Greg and to the Commission to establish a performance criteria and give him an opportunity to respond. Stated the job of the Commissioners is to review and work with him if there are deficiencies, which the Commissioners have not done. Stated if there are deficiencies and issues, the opportunity is now to correct them, not try to railroad or cover up; the Commissioners should outline the issues and correct the \_\_\_\_\_.

Stated the Commissioners owe it to Greg or to any SF, bring it up and give him an opportunity to respond. Then the Commissioners have open lines with all parties and he will know where he stands.

SS Stated the Commissioners have all seen Greg's summary report, dated 5/27. Stated the report is well done and is a testament of his integrity, leadership, and ability to lead this organization. The future of the agency looks bright. Asked what more do you want from this individual and stated I beg you to let the man do his job.

CJD Asked if there were any other comments.

KK Referred back to her thought earlier in the meeting concerning there is no correct process in place for evaluation of the Executive Director. Stated the Commissioners should not rate him until they understand what the rating process is. She asked the Commissioners if any of them understood this. Stated the Commissioner has stakeholders, regardless of how this is organized now. Stated the Commissioners will be failing if they don't have processes in place. Stated there are areas that have to be fixed but until the processes and procedures are in place the future of the agency is not bright, so the agency can then hold the people at the executive level responsible for deficiencies.

SS Made a motion to table SM's motion and move to Executive Session to discuss the complications and legal ramifications of what the motion before the Commission would do.

SR Agreed that the Commission should discuss the legal end of such an action.

SM Suggested the Commission do that.

SR Stated the Commission would be better served to meet in Executive Session, the Commissioners and General Counsel, and the appropriate way would be to withdraw the motion or table it.

SS Made a motion to table SM's motion until after executive session.

TT Seconded.

SM Asked if the Commission can vote on the motion after Executive Session.

SR Stated the motion has been tabled for discussion.

SM Asked if the motion will be heard again.

SR Answered yes.

CJD Motion to table SM's motion.

In favor? KK, RT, SS, TT

Opposed? JR, JD, SM

**MOTION #2016-11: Commissioner Steve May made a motion to remove Greg Pate as State Forester. The motion was seconded by Commissioner Jane Russell.**

**MOTION #2016-12: Commissioner Salem Saloom made a motion to table Commissioner May's motion pending a discussion of its legal ramifications in executive session. The motion was seconded by Commissioner Tommy Thompson. The motion was approved with a 4-3 vote. Commissioners Saloom, Thompson, Kier and Turner all voted in favor, with Commissioners Dwyer, May and Russell opposing the motion.**

SM Asked if other Executive Session items be discussed at the same time.

SR Answered yes, but a motion to go into Executive Session was needed.

SS Made a motion to go into session, after lunch.

SM Stated he wants to move forward.

SS Made a motion to go into Executive Session at 1:15 pm.

KK Seconded.

SR Stated discussions of possible litigation would comply with the law if the Commission went into Executive Session.

CJD Roll call vote:  
In favor? KK, JR, SS, RT, JD, TT  
Opposed? SM

CJD Adjourned. Return at 1:15 pm

Reconvene at 1:14 pm

CJD Stated the Commission formally go into Executive session with 3 matters to discuss. Return at 1:45 pm.

**MOTION #2016-13: Commissioner Salem Saloom made a motion to enter into executive session to discuss pending or threatened litigation. Commissioner Katrenia Kier seconded the motion. General Counsel Scott Rouse stated that the intended purpose of the executive session would comply with the Open Meetings Act. On a roll call vote, Commissioners Dwyer, Russell, Thompson, Saloom, Turner and Kier voted in favor of the motion to enter into executive session, and Commissioner May opposed. Chairman Dwyer stated that the meeting would reconvene in regular session at approximately 1:45 p.m.**

Open session returned at 2:15 pm

CJD Reconvened. Stated we are back in open session, no votes or actions were taken on anything discussed in Executive Session.

SM's motion for consideration has been seconded.

GP Asked if he may say a word.

CJD Answered yes.

GP Stated he has enjoyed working for the Commission and its employees. Stated he set 2 years' worth of accomplishments and he would stack that up against anybody. Stated he sent updated goals to Commissioners many times but had not received any feedback. Stated the agency has moved forward and is in a position to keep moving forward.

CJD Called for vote.

In favor? SM, JD, JR, RT  
Opposed? TT, SS  
Abstain? KK

**MOTION #2016-11 (previously tabled by Motion #2016-12): The motion was approved. Commissioners Dwyer, May, Russell and Turner all voted in favor; Commissioners Saloom and Thompson opposed; Commissioner Kier abstained.**

GP Asked when this would be effective.

CJD Stated immediately.

GP Stated he needs time to clean out his office.

SS Stated: shame on each of you.

SM Asked SGreen to make sure that is noted in the minutes.

TT Told the Commissioners they are acting prematurely without giving the man an opportunity to make improvements. Stated each person has an opinion and there are \_\_\_\_\_

CJD Stated the commission asks Dan Jackson to fill in.

SM Stated he would make a motion to suggest the Chairman and Vice Chairman look for someone to serve as Interim SF until someone is hired, someone who is not interested in the job and the Commission should give them the latitude to find and select someone. Stated Dan would have control until then but because of the state of the Commission he will have to have help in the near future.

**MOTION #2016-14: Commissioner Steve May made a motion to allow the Chairman and Vice Chairman to search for an Interim State Forester. The motion did not receive a second.**

CJD Asked SM to make a motion, and suggested next Friday.

KK Asked the Chairman if he was changing his mind about immediately.

SS Stated you have all voted to fire him, wages, benefits \_\_\_\_\_.

SM Stated we have discussed that with Personnel.

SS Asked what they said.

SM Stated we cannot offer him anything.

CJD Asked JR if she had not heard the same thing.

Asked GP if tomorrow gave him the time to do what he needed to do.

SS Stated that he did not know of any organization that would not give him time.

CJD Stated it has happened many times. Asked DJ what he thought.

DJ Asked the Chairman for clarification on what he was asking.

CJD Stated what kind of time does he need to fill out paperwork.

DJ Stated the end of the week seems adequate.

CJD Made a motion to make this effective June 4.

**MOTION #2016-15:** Chairman Dwyer made a motion to make Greg Pate's removal from the State Forester position effective June 4. The motion did not receive a second.

SM Made a motion to make it June 3.

CJD Asked if there was a second.

CJD Seconded

In favor? JR, KK, SM, RT, JD

Opposed? TT, SS

**MOTION #2016-16:** Commissioner Steve May made a motion to make Greg Pate's removal from the State Forester position effective June 3. The motion was seconded by Chairman Dwyer. The motion was approved. Commissioners Dwyer, Kier, May, Russell and Turner all voted in favor; Commissioners Saloom and Thompson opposed.

CJD Stated there is a motion from SM about DJ serving as interim.

SR Stated they must consider the statute governing SF and ASF. He suggested DJ serve in the capacity of SF in the interim. Stated making someone else interim may have to go to the governor for approval.

SM Made a motion DJ act in the capacity as SF.

RT Seconded.

In favor? KK, SM, JR, RT, CJD

Abstained? SS, TT

**MOTION #2016-17:** Commissioner Steve May made a motion to allow Dan Jackson to serve in the capacity of State Forester in the interim. The motion was seconded by Commissioner Robert Turner. The motion was approved. Commissioners Dwyer, May, Russell, Kier and Turner all voted in favor; Commissioners Saloom and Thompson abstained.

SM Asked SR if he was saying the Commission can't find an interim.

SR Stated the statute is written to apply to SF and ASF.

SM Stated maybe we can use the term Acting, as that has happened before.

SR Clarified the Assistant SF has already been approved to sign paperwork, etc. Said he will have to research if it can be done differently.

SM Asked SR to see if someone else can be designated Acting SF.

SR Answered that he will research, but it seems logical that would not be the way to go. Stated he will report to the Commission in July regarding this.

JD Stated KK has made a proposal for a performance team and the Commission needs that in place.

KK Stated the motion died, but it still remains that a process needs to be in place.

Made a motion that the Commission establish performance guidelines for the Executive Director.

SM Seconded

CJD Asked if there was any discussion.

SS Stated an outside person is needed on this committee.

KK Stated that has been discussed before.

CJD Called for a vote.

In favor? KK, JR, SM, JD

Abstained? RT, TT, SS

**MOTION #2016-18: Commissioner Katrenia Kier made a motion to have the Commission establish performance guidelines for its Executive Director (State Forester). The motion was seconded by Commissioner Steve May. The motion was approved. Commissioners Dwyer, May, Russell and Kier all voted in favor; Commissioners Turner, Saloom and Thompson abstained.**

CJD Asked KK if she would like to serve on this committee.

KK Answered yes.

CJD Asked the Commissioners if any others would like to serve. Asked TT if he would serve.

TT Answered he will serve. Stated the Commission did not treat GP fairly on this issue.

CJD Stated an outside person was discussed and asked if this would be a volunteer.

SS Stated it should be someone with the skill to do that, who knows what is expected from the SF.

KK Suggested the Commission allow the committee to discuss.

CJD Stated that committee consisted of himself, KK and TT.

Asked if there was any other business before the Commission.

TT Asked about the selection of the next SF.

CJD Stated the last committee consisted of 2 or 3 Commissioners.

SS Stated three

CJD Asked if there was anybody else.

SS Answered Scott Rouse and Linda Casey

SM Asked what Tonia (Stephens) did.

SR Answered she facilitated.

SM Stated he was in favor of the Chairman and the Vice Chairman working out the details and discussing at the next meeting. Stated for example, he is not in favor of having commissioners on the committee. It should be made up of prominent people, deans of colleges, AFA, ALFA, people like that.

CJD Stated last time each Commissioner named somebody to serve on the selection committee.

SM Stated that is one of the ways.

SR Stated there are infinite ways but it ultimately has to come back to the Commissioners, others are purely advisory.

CJD Made a motion each commissioner nominate someone. Asked how to get the nomination in a timely manner, and if it can be done outside of the meeting.

**MOTION #2016-19: Chairman Dwyer made a motion to have each Commissioner nominate someone to serve on a State Forester selection committee. The motion did not receive a second.**

SS Stated the process had previously been in writing. Stated the Commission should set the process and confirm with the Commissioners.

CJD Asked SS if he had a copy of that process.

SS Answered yes, the process is more than an interview.

SM Asked if that is all in the minutes.

SS Answered it should be.

SM Stated it has got to be properly advertised.

SR Stated previously a call for resumes went out.

SS Stated there are several ways to get that out.

CJD Referred to the November 21 meeting minutes here, it says you've got \_\_\_\_\_

SS Asked the Chairman if a segment of the Commissioners had planned this for a while.

CJD Stated he asked Regina Miller for 3 years of the previous minutes.

SS Stated to the Chairman it is very obvious how it all happened.

CJD Stated at this juncture, he and Jane Russell will review and go forward. Said if the Commission thinks it is necessary we will call a special meeting. Asked DJ if he had anything to say.

DJ Stated he did not know what to say and he will do his best.

SS Thanked GP for his service.

TT Thanked GP.

CJD Stated the next scheduled meeting is July 21. Said that is probably too long but is a mandatory meeting so that one stands. Made a motion to set the next meeting for July 21.

SM Seconded.

CJD Asked SS if he was abstaining

SS Stated it doesn't matter.

**MOTION #2016-20:** Chairman Dwyer made a motion to hold the next Commission meeting on July 21, 2016. The motion was seconded by Commissioner Steve May and was approved by consensus of the Commissioners.

SM Made a motion to adjourn.

RT Seconded.

**MOTION #2016-21:** Commissioner Steve May made a motion to adjourn the meeting. The motion was seconded by Commissioner Robert Turner and was approved by consensus of the Commissioners.

The meeting adjourned at 2:48 pm.