

MINUTES
ALABAMA FORESTRY COMMISSION
September 13, 2016

PRESIDING – Jerry Dwyer, Chairman

SECRETARY – Dan Jackson, Acting State Forester

COMMISSIONERS PRESENT – Jerry Dwyer, Jane Russell, Tommy Thompson, Salem Saloom, Robert Turner and Katrenia Kier. Commissioner Steve May was absent due to a previous commitment.

ALABAMA FORESTRY COMMISSION PERSONNEL PRESENT – Dan Jackson, Terry Ezzell, Hank McKinley, Jason Dockery, Michael Older, Arthur Hitt, Walter Cartwright, Scott Rouse, Becky Jackson, John Goff, Brandy Sponsler, Mike Kyser, and Lisa Warren.

GUESTS – Kimberly Dwyer, Sam Duvall, Nicholas Granger and Jeremy Lowery. Granger and Lowery were attending the meeting as citizens on his own time, not as employees.

Chairman Dwyer announced that Katrenia Kier was on her way to the meeting and would be a few minutes late. He stated that upon her arrival it will be documented that she is present.

MEETING CALLED TO ORDER – Chairman Dwyer called this special meeting of the Alabama Forestry Commission (AFC) to order at 10:01 a.m. on September 13, 2016 in the Alabama Forestry Commission's State Office located at 513 Madison Avenue, Montgomery, AL 36104.

Regina Miller called roll and announced that a quorum was present. Miller then announced that the meeting had been properly advertised.

Chairman Dwyer informed Commissioners that a portion of the audio from the previous meeting was not recorded. He noted that we will work to improve the issue.

Dwyer noted that the format for minutes has been changed back to the format with the high points of the minutes and the audio tape will serve as the backup.

MOTION #2016-34: MINUTES OF THE AUGUST 27, 2016 MEETING – Robert Turner made a motion to approve the minutes of the August 27, 2016 meeting with a correction of Jane Russell's name on page 5 to state Russell instead of Reynolds. Russell seconded the motion. The motion passed by unanimous vote.

BUDGET UPDATE: Accounting Manager Becky Jackson reported that the full appropriation the agency receives from the Legislature this past session was approximately \$25 million. As of August 31, 2016 AFC expenditures exceeded revenues by \$4,028,395.70. Tommy Thompson expressed concern that we keep falling further in arrears and are now basically through the fiscal year with another quarter to go. Salem Saloom said expenditures are over \$4 million more than income for today and asked Becky Jackson what her estimate would be at the end of the fiscal year. Becky Jackson said that her best guess is that expenditures will exceed revenues by around \$1.5 million, causing the agency to utilize \$1.5 million of cash reserves. Expenditures are tracking right on line and at the end of the year there is not much opportunity to reduce expenditures. The agency is getting to a critical point with probably less than 10% of the overall operating budget now in a reserve, which is scary for the Commission to get to that point. Thompson said as things come up where money is spent, we need to take a hard look at where we authorize changes, spending, and additional expenditures. He recommended that we look at where we have ideas, options and where we spend money. Becky Jackson stated that for FY 2017 we will be in the new accounting system. She said we have hard edits so that is one thing that I have just

finished is dividing our 2017 appropriation among the divisions, regions and counties. It will not allow us to overspend without (Becky Jackson) getting approval and being able to move funds around. The federal dollars for 2017 are a lot lower than this. As was discussed at the last meeting our, the AFC's General Fund appropriation has been going down and we were asking for more to cover these federal dollars because we will not have a big backlog of undrawn federal funds anymore. Thompson said that getting more detailed budget information and asking questions is the Commissioners' role. Saloom said it is unfair for employees to have a significant deficit and it is unfair for the potential new State Forester to be coming in with a significant deficit; that is the way it is but he agreed with Thompson that we need to be aware of that. Becky Jackson stated that the AFC's FY 2017 spending authority is about \$3 million less than it was in FY 2016. We can roll forward any authority we do not use but unless we collect it in revenues we are dipping into our cash. The \$22 million we will have for 2017 is something we will need to stick to and that will be in line with expected receipts. Dwyer asked if she said the cash balance was going to be \$1.5 million less? Becky Jackson said she thinks we will have dipped into our cash reserves hopefully less but possibly about \$1.5 million. So the agency started the fiscal year with a cash balance of \$6.5 million and after this fiscal year, if it goes like she expects, the AFC should have \$1.5 million dollars less but hopefully not a great deal less.

Becky Jackson said the other report is the internal report where we have been tracking expenditures based on the actual receipts for 2015, which is the \$22 million. Dan Jackson further explained that we are going into 2017 with considerably less staff, so personnel costs will be down, saying we are at about 241 employees now. Thompson said that looking at the numbers, the one area we have a variance in is our personnel costs; that is a positive because most of the others are in operating expenses such as repairs and maintenance, utilities, and communication, which is \$106,000 above what was anticipated. Professional services is \$107,000, supplies and operating expenses is another \$115,000 and the big one is transportation, equipment operations \$294,000. Those are big hitters, especially when we start going into previous funding going forward. Thompson warned that if we cannot balance our fiscal income and our expenses, this is a challenging road to go down. Dwyer said we are at the end of the year so everything is on hold as far as expenses being paid. Becky Jackson said she must turn in her encumbrance list this week and the field has been good about providing lists of items to be paid out of 2016 funds. She said she will encumber that money to reserve it for the expenses and that part will go up and it is included in the obligations. Becky Jackson said we have tried to pay everything as soon as it comes in so that amount can be reduced and we won't have a larger difference. This will change as we go through the 13th accounting period when we close out 2016 officially, but not significantly. Dwyer asked if the negative balances include encumbered funds at this point. Becky Jackson said yes on the internal budget and explained that it includes anything with a purchase order (PO) that is outstanding. Dwyer asked what some of the items are under the 1400 code. Becky Jackson replied that usually those are purchase orders involving equipment other than transportation equipment.

ACCOMPLISHMENT SCORECARD UPDATE: Dan Jackson informed Commissioners that this statewide scorecard is as of this morning. He reminded everyone that the field is constantly entering accomplishments that they have achieved so the numbers are constantly changing. The red numbers are the ones where we are behind and most of these are close and the field will continue entering data through the end of the month. Some we are vastly behind and we are not making excuses but we do not have enough foresters to accomplish everything. He reminded Commissioners that the second column is the Goal column that was set this time last year by himself, Regional Foresters, and Division Directors. The Count column is what we actually have at the moment. The right two columns are the metric as to what it actually is; acres, miles of fire breaks, attendance count. We do not set goals on fire breaks. The Sum column is what we have at the moment according to the count, whether it is acreage or number of activities or number of meetings. Saloom asked the status of our Stewardship Plans or Stand Management Plans and asked if we are ahead of our goal. Saloom asked what is the normal time from the request to the completion on Stewardship Plans? Both Walter Cartwright and Dan Jackson stated that it has improved from a year or two years ago when we were a year behind. Saloom asked if we were able to improve that and Cartwright stated we have improved but could not give an exact number. Salem

asked the reason for improvement. Cartwright said he thought that those employees who are writing the plans are doing a better job and are therefore more efficient. Mike Older said the number varies from county to county in his region. Out of eleven counties he only has five foresters. He explained that foresters from another county went into a county with no forester to write plans.

Commissioner Kier entered the meeting at 10:25 a.m.

Thompson made an observation that descriptions involving units be included and put in parentheses with the number of times, acres, miles, etc. because it makes the information easier to read so you are not guessing.

AFC PUBLIC RECORDS DISCLOSURE POLICY: Dwyer stated the policy is something that he asked Rouse to handle regarding policy for audio recordings of future Commission meetings. Rouse stated that he reviewed the current policy and was asked to incorporate policy regarding the audio for the Commission meetings. He stated he was asked to contact the Attorney General's Office and State Personnel to obtain guidance as to how other state agencies handle policy of this nature and said there are very few agencies that record any part of their meetings. He said he could find no written policy that specifically addresses audio recordings of meetings.

He informed Commissioners that the policy being presented would replace the AFC's existing policy. He stated that in previous state agency jobs, requests for public records were routed through legal counsel to ensure that nothing sensitive was released. The exception for the AFC has been requests for ordinary records such as fire reports and burn permits that go through Dispatch. Rouse added that Dispatch and John Goff know that if there is anything unusual about a record request, it will be routed through him. He stated that the revised policy incorporates mostly what we already do. When a request is received, he and others will review it, looking for sensitive, confidential information. If it is there and it can be redacted that is what we do. Most things will be routed through him with the exception of some things through Dispatch. A log will be maintained of requests which we have not done previously. All requests must be in writing and electronic requests will be acceptable, which we now often do. Sensitive and confidential information will be redacted. Rouse said that we often email documents and we do not charge for small amounts of documents. The policy clarifies costs, what we are recouping, and what the authority is. He stated that from his discussion with the Attorney General's Office, they did recommend that audio recordings of Commission meeting not be released until the minutes are approved at the following meeting because the purpose of the audio is to facilitate the minutes being developed. The AG's Office strongly recommended that we abide by that recommendation.

DISPATCH CENTER UPDATE – John Goff, Protection Division Director, stated that following the presentation to expand the number of dispatch centers at the April meeting there was support for the project but Commissioners decided funding was an issue.

Goff reminded Commissioners that this proposal would be to establish two additional dispatch centers to better serve the field. A federal grant has already been obtained to provide real-time tracking of Forestry Commission field personnel and equipment. The amount of the 3-year grant is \$60,000 with a 50/50 match. Under the grant, \$80,000 is designated for equipment (VOIP system and recorder), \$29,000 for dispatch center supplies (cables, router, etc.) and \$11,000 for contractual expenses (training and product testing).

Saloom asked the start-up cost for the proposed Gardendale dispatch center (located at the NE Regional Office) with Goff stating \$51,000. Brad Smith, Communications Tech Supervisor, explained that amount includes utilizing the equipment that we already have at our existing dispatch center and moving it there. Half of the amount would be reimbursed by the grant and the other half would be using state funds. Saloom said it would cost \$25,000 startup for one center. Thompson clarified that it would cost \$25,000 startup for each center, North and South, so another \$50,000 for all centers to be working as proposed

with an \$810,000 annual payroll operating cost. He clarified that \$802,000 is what we are currently spending so we will up the payroll costs by \$7,000 per year plus \$51,000 to have two centers set up and running to meet the description in the proposal. Thompson stated that he understood the advantages of having the outreach in the other locations but expressed his concern regarding costs with our budget declining and instead saw the need to use those dollars for manpower in the field.

Dan Jackson said he remembered the previous dispatch system and there was a major cost establishing the one dispatch center here. He admitted that it had not accommodated the field as we had hoped it would - not just the call volume but the value of local knowledge of dispatch to specific locations. Thompson clarified that no matter if we have one or two dispatch centers we have the capability to have better information as to where our employees are in the field without making any changes in our system.

Dwyer made a motion to move forward and take advantage of the \$51,000 grant and the \$7,000 annual cost to increase our capabilities saying it would be worthwhile for the agency. Kier seconded the motion. Thompson once again expressed his concern about the expense and timing but stated he knew it was worthwhile. He suggested phasing in the tracking that will be done under the grant, so phase this in through the Montgomery dispatch and see how it works from there before branching out with further costs. Russell asked if Thompson meant to just spend the amount of the grant and not add other expenses. Thompson said we already have the grant and have some things we are already planning to do as far as implementing the tracking which gives us the first step so I don't see us going to the next step of adding another dispatch center. Let's get everything working here first and see if that works to our expectations and then we can invest the costs to make the next move. Russell abstained from voting. Motion failed due to lack of a majority vote. Kier then said she believes we should do what we can now and keep moving forward; do whatever can be done. **MOTION #2016-35: Thompson made a motion that we go ahead and continue with the tracking and upgrading as had been described in the planning, that we get that up and working and see if that branches out. Robert Turner seconded the motion. Vote was unanimous in favor of the motion. Thompson stated that focus needs to be on what are the outreach and benefits so we can weigh those along with the costs.**

DRONE – Mike Kyser showed the drone that the agency has purchased and explained that the drone will be used to provide information regarding wildfires, to inspect SMZs, and to spot Southern Pine Beetle infestations. Other uses might include tower inspections and initial cost-share inspections. He stated we are the first forestry agency in Alabama as well as the Southeast to be approved and certified to fly a drone by the FAA. Governor Bentley established a subcommittee to review the use of agencies using drones and drone policies. Many of the policies for drones are FAA policies. Shortly after we received our authorization to fly, the FAA announced that a drone or UAS certification course completion is required to fly drones. Mike is now officially certified by the FAA to fly drones; therefore, the Governor approved us to fly drones because we had met all the requirements. Kyser explained that one person flies the drone and one person handles the camera on our drone (there is no infra-red capability). The drone supplements an airplane but does not replace one and airspace must be clear to fly the drone. Kyser clarified that the drone will not replace manpower. We will promote that we have drone capability to the public. We will take the drone to regional meetings to show employees the capabilities of the drone. A committee will also be established to develop policy and procedures for the drone and training as we expand. We can use it to educate landowners. All drone pilots need to have a license and liability insurance. The FAA requires that flight logs and maintenance records be maintained and permanently kept for the drone. If weather conditions are not right, it will not leave the ground. Jane Russell commended Mike on his certification and his efforts toward achieving the certification.

Dwyer asked the cost of training. Kyser replied that the training was offered to him at no cost but would have cost \$1,200 if we had to pay. He said everyone that flies the drone for the agency would be under his license so he will be responsible for everyone. When others are trained they will need to go through a safety course. You must have the required hours of flying.

Dan Jackson stated that we will need to determine rates for flying the drone when we do so for other entities. Thompson mentioned that there are consultant foresters in the state flying drones and it might be a function for us to help coordinate these efforts by saying this is a guidance for landowners. He added that we need to continue to develop the process on our side before we reach out to landowners and we could assist other state agencies as well. Kyser said he understands that we do not want to compete with consultants but at this point we are still in the testing phase. We need to help landowners understand what the FAA says; it is no different than teaching them when they are ready to sell their timber; the things to protect them.

The meeting was adjourned at 11:56 a.m. for a break and reconvened at 12:08 p.m.

STATE FORESTER SELECTION COMMITTEE UPDATE - Dwyer stated that the Volunteer Fire Department Representative on the Selection Committee is Russell Ledbetter, who had attended a previous Commission meeting. Thompson recommended a large landowner in the southwest portion of the state, Hayes Brown, who has been added to the committee. Thompson stated he is an attorney with Monroe, Trippe and Brown and is a very active landowner. He does a lot of work with the Alabama Forest Owners Association.

Dwyer informed everyone that upon the closing date for applicants to apply for the State Forester position, the applications were given to Chairperson Lucretia Points. Dwyer said there are nine applicants for the position. He said that Points is in the process of planning their first meeting but would like to talk briefly (individually) with each Commissioner to hear the direction in which they would like for the agency to proceed. It was clarified that this would not be a violation of the Open Meetings Act.

Points will coordinate the meetings of the State Forester Selection Committee and possibly hold meetings at the AFC's Gardendale office. It was pointed out that the timeline is three months to make a selection for a new State Forester.

APPOINTMENT OF NOMINATING COMMITTEE FOR THE SELECTION OF OFFICERS FOR 2017 – Chairman Dwyer appointed Steve May and Robert Turner to serve as the nominating committee for the selection of officers for 2017.

APPOINTMENT OF INTERIM STATE FORESTER – Dwyer stated that at the last meeting it was decided to hire an Interim State Forester. He said he has contacted four individuals to learn their interest in the position. He further stated he decided to consider current and retired employees with a cutoff of retirement being less than 6 years. Of the four individuals contacted, only three were interested in being considered for the position.

Saloom asked that Commissioners consider instead of hiring an interim to allow Dan Jackson to serve as the Interim State Forester due to budget constraints. He stated that Jackson's past pay raise had been frozen even though he was promoted to a higher position. Saloom asked Commissioners to consider that his pay be elevated to the State Forester's pay raise if that is a possibility. He stated that our budget will probably be at zero at the end of the fiscal year and that our cash reserves will be utilized for further expenditures. He shared that hiring an interim for only 3 months would disrupt the flow of work and said that Dan Jackson has done a good job in this position.

Thompson stated that it comes down to budget and costs and wondered what we would accomplish hiring an interim for 3 months. He stated that Jackson can serve in that position and has been doing so since Greg Pate left. He did not see bringing in someone else as an Interim State Forester and adding an expenditure that is unreasonable at this stage. Kier asked the cost for an Interim State Forester. Dwyer said he thought it should be the same salary that a new State Forester would be offered. Saloom asked it if would be around \$134,000 per year. Dwyer said it would be less and that the Commission would be able to negotiate the amount. Thompson asked why we would consider paying an interim's salary for 3

months (\$30,000 at \$10,000 per month) saying he was not sure the Commission would get the benefit and there would be inconsistency in operations.

Following lengthy discussion, Thompson made a motion to not seek an outside Interim State Forester and to continue with Dan Jackson functioning as Acting State Forester until a new State Forester is hired. Salem Saloom seconded the motion. Dwyer, Russell, Turner and Kier opposed the motion. The motion failed for lack of a majority vote.

Saloom said that Commissioners approached the State Personnel Board several years ago and personally lobbied for Jackson's salary to be commensurate with his employment and an increase was not approved. Saloom said he did not know why. Brandy Sponsler stated that when Dan was appointed Assistant State Forester, Commissioners proposed a salary of \$101,000. The reason he did not receive the salary Commissioners proposed is because it was too high of an increase percentage-wise and State Personnel Board said that was not acceptable. He was then assigned to a salary range and given an increase and has received step raises just as other employees have when raises were unfrozen and has been receiving annual increases up to 5% since. Dan last received an increase in March. The only option would be to give Jackson a special merit raise which must be approved by the Commission and by the State Personnel Board.

Dwyer stated he had sent the names of three individuals who were interested in serving as the Interim State Forester to Commissioners and asked if there were any questions or comments regarding the individuals. He asked Commissioners to keep in mind that they are discussing job performance and if there are issues dealing with character, Commissioners would possibly need to go into an executive session at that point.

Thompson asked for clarification on expectations of the Interim State Forester. Dwyer replied that we expect him to serve as State Forester, reviewing some of the current and ongoing practices, giving guidance as to the direction that Commissioners might want to take and helping direct the incoming State Forester. He stated that it is a two-man position but Dan Jackson is serving as both the State Forester and Assistant State Forester. Some of the pressure needs to be taken off him. Dwyer asked Dan Jackson for clarification that he has no objections to bringing someone in as Interim State Forester and he replied that he did not if it is the right person. Thompson stated he could not believe we are headed in this direction with it being a short-term gain.

Dwyer then asked Jackson if the State Forester's salary is included in the FY2017 budget. Jackson said he believed it was included. Thompson pointed out that we need to look at saving money even though it was budgeted; we have overspent so much in other areas and at some point we have to compromise. He said that, as a Commission, it is our responsibility to provide guidance when we can spend and where we can cut. This is simple; it is not like we are having to lay people off. Let's not spend that \$30,000 for the rest of the year in a salary or in the 2017 budget. Russell said she agreed with the statement that there is too much for Jackson to do and he is overloaded. She thought it will be good for the new State Forester to have some leadership and guidance and it will help Dan Jackson do his job. She stated she agreed with Kier that Dan Jackson needs another raise when it is time for him to receive one.

Kier made a recommendation to move forward to select an Interim State Forester and for each Commissioner to rank candidates. Saloom and Thompson abstained from the ranking process.

Dwyer read the names (in alphabetical order) of the three candidates who had expressed interest in the position: Gary Cole, Charles Hall, and Jim Jeter. Voting results follow:

COMMISSIONER	COLE	HALL	JETER
Russell	3	2	1
Kier	3	2	1
Turner	3	1	2

Dwyer	3	1	2
TOTAL	12	6	6

General Counsel Scott Rouse asked to clarify whether the candidates, especially the two retired employees, know this has to be a full-time position according to the statute. Dwyer stated that he had made it clear that it is not a part-time job and they would need to be working at the State Office. Following lengthy discussion, Rouse stated that Commissioners are actually appointing a State Forester, even with the understanding that it is temporary. In all other respects, it is the same as a permanent State Forester with all the formalities that go along with that position. Following more discussion, Dwyer said the salary range of \$120,000 that Commissioner Thompson had pointed out was a fair rate and it is below what the previous rate had been. Thompson said that he used that number as an example, but that is not his recommendation. Sponsler stated that a salary will have to be approved by State Personnel and there is no salary range; Commissioners will make a recommendation and State Personnel must approve the amount. Sponsler said that a retired state employee would have to come out of retirement to accept the position.

Lengthy discussion regarding a salary amount for the interim position followed. **MOTION NO. 2016-36: Jane Russell made a motion to pay Cole in the \$80,000 to \$115,000 range. Katrenia Kier seconded the motion. With no further discussion, Jerry Dwyer, Jane Russell, Katrenia Kier and Robert Turner voted in favor of the motion. Tommy Thompson and Salem Saloom opposed the motion. The motion passed by majority vote.**

Scott Rouse asked for clarification of the vote, asking if the Commission has authorized the Chairman to negotiate a salary within the range approved and then seek approval from the State Personnel Board. Chairman Dwyer stated that was correct. Saloom stated that the Commission needed to address other allowable costs associated with the position including health insurance, retirement benefits, and transportation from home to work in Montgomery. Turner asked if Rouse could address these benefits. Rouse stated that, as a state employee and as State Forester he would be entitled to whatever a state employee would receive except that he would not accrue leave. His reimbursed expenses would be actual expenses. It would be the decision of the Commission to decide if there are limitations and to decide where his base will be. The statute says he will work full-time and does not designate where that work is performed. Obviously, the State Office is in Montgomery but it would be the decision of the Commission where you want his base to be; either way, the work is full-time. Rouse then asked if Commissioners were going to allow him travel costs and a state vehicle to travel back and forth from his home to his base. These things are within your authority and you may impose restrictions or not. Following discussion regarding the Interim State Forester's work base, it was agreed that he should work out of the State Office in Montgomery. By law he does not accrue annual leave. Rouse stated Cole's retirement would be between him and the Retirement Systems of Alabama. The statute says that the State Forester's position is full-time. Rouse said as he understands the policy, if you work full-time with the state you are not entitled to retirement. Sponsler said he would cease his current retirement and no longer draw retirement. He would go back on payroll as an active state employee and that insurance is different. Sponsler said he can opt out of our insurance plan but must have health insurance elsewhere. Dwyer stated traveling to and from the State Office would be his personal responsibility. The Interim State Forester would be eligible to travel in a state vehicle for work purposes. Saloom stated that he should be in the State Office and not traveling all over the state. Dwyer stated that he would not restrict him from doing what needs to be done on a statewide basis because that does not help the Forestry Commission.

DATE AND LOCATION OF NEXT MEETING – Commissioners scheduled the next meeting at 10:00 a.m. on January 18, 2017 at the Commission's State Office in Montgomery and stated there will not be a meeting in October as originally planned. (Chairman Dwyer notified Regina Miller the day following the July 21, 2016 Commission meeting that the meeting would possibly need to be rescheduled due to conflicts. Therefore, the meeting was not posted on the Secretary of State's website.)

If needed, a called meeting of the selection committee might be called prior to the January meeting. When details can be worked out to hire Cole, he will begin work as soon as possible. Dwyer announced that items to be addressed at this meeting will include an update on the dispatch center, names for a potential Interim State Forester, and customary items.

ADJOURNMENT – MOTION NO. 2016-37: There being no further business, Robert Turner made a motion to adjourn with Jerry Dwyer seconding the motion. The motion passed by unanimous vote at 1:14 p.m.