

**MINUTES
ALABAMA FORESTRY COMMISSION
August 27, 2016**

PRESIDING – Jerry Dwyer, Chairman

SECRETARY – Dan Jackson, Acting State Forester

Chairman Dwyer announced that the meeting was being recorded and asked if he did not recognize who was speaking to indicate their name.

COMMISSIONERS PRESENT – Jerry Dwyer, Jane Russell, Tommy Thompson, Salem Saloom, Steve May, Robert Turner and Katrenia Kier.

ALABAMA FORESTRY COMMISSION PERSONNEL PRESENT – Dan Jackson, Michael Older, Jason Dockery and Sybil Green.

GUESTS – Joel Moon, Russell Ledbetter and Nicholas Grainger. Grainger asked that it be noted he was attending the meeting as a citizen on his own time; not as an employee.

MEETING CALLED TO ORDER – Chairman Jerry Dwyer called this special meeting of the Alabama Forestry Commission (AFC) to order at 11:00 a.m. on August 27, 2016 in the Alabama Forestry Commission's Northeast Regional Office located at 6650 Old Highway 31 North, Gardendale, AL 35071.

Sybil Green called roll and Dwyer announced that a quorum was present. Dwyer then announced that the meeting had been properly advertised.

Acting State Forester Dan Jackson recognized Northeast Regional Forester Jason Dockery who welcomed everyone and briefed attendees on the facilities.

MINUTES OF THE JULY 21, 2016 MEETING – **Tommy Thompson made a motion to approve the minutes of the July 21, 2016 meeting as presented. Steve May seconded the motion. The motion passed by unanimous vote.**

Thompson said he preferred the minutes in a shorter summary with Dwyer and Russell agreeing. Kier thought the minutes should be half-way between the summary and full dialogue with May preferring the dialogue version. **MOTION #2016-27: Tommy Thompson made a motion that the minutes be condensed, hit the high points; any motions and actions that the board decides should be reflected in the written motion and to continue recording the meetings. Jane Russell seconded the motion. The vote was unanimous in favor of the motion.**

PROPOSED POLICY ADOPTION BY COMMISSION: ESTABLISH POLICY AND PROCEDURES ON AUDIO RECORDINGS OF COMMISSION MEETINGS – Dwyer stated there was a request for the audio recording following the last Commission meeting which is fine because the public has a right to those recordings. However, Dwyer said the recording should be available to the public after the minutes have been approved but the recording would be available to Commissioners at any time. Thompson said he thought the recording should be available to anyone at the end of the meeting because it is an open meeting. Thompson added that we need to be clear and concise that we are not going back and editing or deleting anything from the recordings. He recommended that if anyone wants a copy we should charge a reasonable fee to produce a copy and if someone wants to listen to the meeting they can come to the state office do so. Saloom said the purpose of the audio is to help produce the minutes. Dan Jackson stated that when the public makes a request we require them to do so in writing by email or letter, per General Counsel Scott Rouse. Thompson said if Commissioners want to hear the recording to

verify what transpired in the meeting it should be open and available to them. He said they should be available to Commissioners but if anyone else is going to obtain them there should be additional costs to produce a copy and they should pay whether it is a Commission employee or the public. May said there are a number of other agencies that record their meetings and suggested that we check with State Personnel on their procedures and advised that Rouse contact them.

Kier clarified that the recording is not the official minutes; it is simply a recording and we should not confuse the two and suggested including the audio on the website. May suggested that Scott should look into the legalities of what other agencies are doing. Dwyer said an **Action Item would be that the attorney look at the policy as it is and mentioned that Rouse had seen some shortfalls in our procedures that need to be addressed and he will obtain further clarification from other agencies on how they handle audio taping.** Dwyer said the audio is not the official record of the meeting it is backup information.

STATE FORESTER SELECTION COMMITTEE MEMBERS – Dwyer stated that at the last meeting Commissioners had agreed that Alabama A&M, Alabama Forestry Association, ALFA, Auburn University School of Forestry and Wildlife Sciences, and a landowner identified by Ms. Kier will serve on the State Forester Selection Committee. The small landowner representative will be Lucreacia Points, a human resources professional and a private forest landowner in Blount County. Dwyer said that he had contacted these groups and all agreed to serve on the committee. He said he had received a letter from the Chairman of the Rural Community Fire Prevention (RCFP) Steering Committee requesting they have a seat on the Selection Committee and by adding them to the Committee there will be six members instead of five and that we need to have five or seven members.

Thompson asked why it was important to have an odd number on the committee. Dwyer said he had never heard of a committee that is an even number. Thompson said they are only producing a recommendation back to Commission and we are the ones making the ultimate decision. Dwyer said the reason would be to break a tie vote. May and Turner said they thought the committee should be an odd number. Saloom said that he thought that if the process was done correctly a candidate would surface and there would be a consensus of who that will be; we want the most qualified person. He said he saw no reason for not having an even or an odd number; we want the person that is the most qualified presented to the Commission for consideration. Saloom asked how many people Commissioners will be interviewing and Dwyer clarified probably three. He said he saw no reason why the Search Committee needs to have an even or an odd number. Kier said if there was an even number she thought the Committee would come up with a way to break the tie but did not have an opinion one way or another. Dwyer said he had never seen a structured committee that didn't have an odd number. Saloom asked if he was looking for recommendations for the Search Committee and not a decision. Dwyer said that is true. Dwyer asked if everyone was okay with adding the RCFP representative. He then asked if there was opposition to it being an even number versus an odd number. May said he would like to have an odd number. Kier asked for clarification as to the number on the Selection Committee. Dwyer stated five and they have all accepted the assignment. Thompson made a motion that there be an even number on the Selection Committee. Saloom seconded the motion and stated he had a point of clarification. He then asked if Dwyer planned to have a liaison from the Commission on the Selection Committee. Dwyer said no and that the Chair of the Selection Committee will report back to the Commission. Dwyer clarified that the Selection Committee and the Commission will operate independently. The Selection Committee will receive the applications and move forward. Dwyer said if they need clarification the State Personnel Department is available to assist them. He reported he had talked to the State Personnel Director who said they have handled this type of process in the past. Votes in favor of the motion were Thompson and Saloom; with those opposed were Turner, May, Russell, and Dwyer. Kier abstained from voting. The motion failed due to the lack of a majority vote.

Thompson made a motion to add a large landowner representative to the Selection Committee since an uneven number is wanted for the Committee and we have a small landowner along with the two universities and two associations saying it makes sense to add a large landowner to the committee.

MOTION #2016- 28: Steve May noted that a vote was first needed to approve the RCFP Steering Committee as a member of the Selection Committee and made a motion to add them as a member. Jerry Dwyer asked the representative from the RCFP to introduce himself and Russell Ledbetter introduced himself as Chairman of the RCFP. Ledbetter stated the RCFP Steering Committee would select a representative to serve on the Selection Committee; they had not chosen anyone because they did not know if they would be approved to be represented on the Selection Committee. Tommy Thompson stated he agreed with adding the Steering Committee noting they are an integral part of our organization and we need to work hand in hand so this is a good way to solidify our relationship with the volunteer fire departments as we go through the process of selecting the next State Forester. Robert Turner seconded the motion and the motion passed by unanimous vote. Ledbetter stated he would send the name of their representative to Chairman Dwyer and thanked Commissioners.

MOTION #2016-29: Tommy Thompson restated his motion to add a large landowner representative to the Selection Committee. Thompson said he did not have a name of a representative but would send it to Dwyer. Katrenia Kier seconded the motion to make the committee an uneven number. The motion passed by unanimous vote. Steve May asked what defines a large landowner. Tommy Thompson replied 1,000 acres or more and asked Saloom his opinion. Saloom stated that it needs to be a landowner who is personally involved in the management of their land and has used the agency's services. A point of clarification was made that Thompson will submit the name and that person will be acceptable to Commissioners with this motion and a meeting to approve that representative will not be necessary.

Dwyer stated that he has talked to Dr. Christian, Chris Isaacson, Paul Pinyan, and that he has not contacted Dr. Lowenstein saying the Dean of Auburn University's School of Forestry and Wildlife Sciences appointed him but said he will be talking to him. Dwyer went on to say he has talked to Lucreacia Points and then nominated her as Chairperson of the (Selection) Committee saying she has an extensive background in human resources throughout her career and has been involved in selection committees in the past. She currently works for Huntsville Utilities and has worked for McDonald Douglas and Georgia Pacific in the human resources field. **MOTION #2016-30: Robert Turner made a motion to accept Points as Chairperson of the Selection Committee. Steve May seconded the motion and the motion passed by unanimous vote. Jerry Dwyer stated that Points will be informed that she is the Chairperson.**

Dwyer reported that he has a bio of the Committee representatives that have been selected thus far. Dwyer said that the Dean at Alabama A&M University recommended that each Search Committee member be required to sign a Non-Disclosure Agreement whereby they agree not to disclose the business of the committee. Dwyer said that he and Scott Rouse both believe this is a good idea. He asked if everyone was in agreement and that it be included in packets for the Selection Committee. Thompson asked since the meetings are open meetings to the public why would this be necessary if they review all the applications in an open meeting.

Dwyer clarified that the Non-Disclosure Agreement would be in regard to phone calls where Committee members might learn something detrimental to a candidate or something of a personal nature such as when Commissioners are required to hold an executive session to discuss an issue. For instance, if something is learned that should not be made public. Dwyer stated it is included in the packet for Search Committee members.

Dwyer listed items in the Selection Committee Packets: State Forester Search Committee Non-Disclosure Agreement, Job Announcement for State Forester, Alabama Code – Section 9-3-5: State Forester, Alabama Open Meeting Law Act 2015-340, Selection Process for State Forester (2013), State Forester Interview Questionnaire and Score Sheet (2013), AFC Strategic Plan 2013-2016, Proposed 2017-2020 Strategic Plan, AFC Annual Report (2015) and State Forester Evaluation (Proposed). He clarified that Search Committee members do not have to follow the Selection Process for State Forester (2013), State Forester Interview Questionnaire and Score Sheet (2013). Dwyer said the Interview Questions and the process might assist the Committee as they move forward with the process. He also said that Points and others have experience and might have input in helping developing an evaluation form for the State Forester. Dwyer said he had encouraged Committee members to go to our website to learn more about the agency but that most know us. He added that he does not want to restrict members from including questions if they feel it is necessary to do so or if they have a scoring system they would prefer to use.

Dwyer stated that Regina Miller will be the liaison to the committee by posting Selection Committee meetings on the Secretary of State's website and said that she will not be in the meetings. He said he will inform Points of the requirement for posting meetings and provide Miller's contact information to her.

Saloom inquired if Commissioners are going to give a timeline for completion of the process or will we allow the Selection Committee to make that determination themselves. Dwyer said he plans to stress to the Chairperson they are looking at three months but the number of applications may warrant a longer timeframe. Saloom asked if the three-month timeline begins on September 2. Dwyer stated that if the chairperson is approved he plans to call her tonight and inform her she needs to start contacting and putting together the first meeting soon. Dwyer said the Commission's goal is three months from September 2 at this point.

Dwyer reported that the top candidates will be presented to Commissioners with no ranking in a called meeting. Commissioners will establish a date to conduct interviews.

To assess communication skills, Dwyer said candidates will be asked to make presentations by power point presentations or however they choose and include personal background, educational background, forestry and business experience, vision for moving the Forestry Commission into the future and some methodologies they would implement to do so.

Dwyer said the State Forester would not be eligible for earning leave, would be assigned a vehicle, as well as be eligible to obtain health insurance.

Dwyer mentioned there might be a possible issue if the person selected was not a registered forester in Alabama but stated that testing is quarterly so there is more flexibility because they cannot legally assume the job until they become registered. He stated that possibly the Board of Registration might move the date to allow someone to take the test.

Dwyer said that Commissioners should be mentoring to help the new State Forester move into the job. Saloom asked Dwyer to clarify what he had in mind by mentoring. Dwyer said that if someone was from a different state or not within the organization someone might be identified to assist them. Salem asked if Dwyer had anyone in mind to be the mentor. Dwyer said no; not at this point. Saloom urged that it not be one of the Commissioners.

May said someone had called him about the selection process who was concerned about it being a Commission-run search committee as it was when the previous State Forester was hired. May assured the individual that an outside group would be handling the process.

May said he thought some discussion needs to be made regarding an interim submitting an application as state forester. He stated he thought the interim should not be allowed to apply for the job saying it gives some separation and the appearance that we are being fair. May suggested that Commissioners hire an Interim State Forester who is not interested in applying for the job. Thompson told May he heard his point but stated that we already have an Assistant State Forester serving in that function and appointed by the Commission to fulfill that role. By using an independent review committee that is reviewing applicants there is no inside fix going on because that group is screening the applicants. He said as Commissioners we are not reviewing those applicants until after they have been screened. Thompson said he did not think we need to expend the cost of hiring an Interim State Forester for a three or four-month period.

MOTION #2016-31: Steve May made a motion to approve an interim to serve as State Forester until a new State Forester is selected. Katrenia Kier seconded the motion. Steve May, Katrenia Kier, Robert Turner, Jane Reynolds and Jerry Dwyer voted in favor of the motion. Tommy Thompson and Salem Saloom opposed the motion. The motion passed by majority vote.

At 12:14 p.m. Dwyer recessed the meeting for a 10-minute break.

Dwyer reconvened the meeting at 12:24 p.m.

Thompson mentioned that appointing an Interim State Forester is not an agenda item and therefore was not announced. May replied that it was part of the selection process.

Discussion followed with a decision made to contact General Counsel Scott Rouse to ask his guidance as to whether an Interim State Forester could be added to the agenda. Rouse was contacted by cell phone (Rouse had a conflict and was unable to attend the meeting) and his determination was that even though it was not on the agenda it could be added by the Chair and discussed during the meeting.

MOTION #2016-32: Steve May made a motion to appoint an Interim State Forester until a State Forester is appointed. Katrenia Kier seconded the motion. Robert Turner, Jane Russell, Steve May, Katrenia Kier and Jerry Dwyer voted in favor of the motion. Tommy Thompson and Salem Saloom opposed the motion. The motion passed by majority vote.

Discussion followed regarding naming an Interim State Forester other than Dan Jackson (current Acting State Forester) with Thompson voicing concern about the additional cost to the agency. Kier said this would relieve stress from Jackson. Saloom said that if an internal employee was named it would hurt employee morale. Kier agreed with Saloom that a current employee should not be named Interim State Forester. Saloom felt that neither a current nor prior employee should be named Interim.

DATE AND LOCATION OF NEXT MEETING – MOTION #2016-33: Jerry Dwyer made a motion to schedule the next meeting of the Commission at 10:00 a.m. on September 13, 2016 at the Commission's state office in Montgomery and stated there will not be a meeting in October as originally planned. (The Chairman notified Regina Miller early on the day following the July 21, 2016 Commission meeting that the meeting would possibly need to be rescheduled. Therefore, the meeting was not posted on the Secretary of State's website.) Katrenia Kier seconded the motion. Jerry Dwyer, Katrenia Kier, Jane Russell, Robert Turner and Steve May voted in favor of the motion. Thompson and Saloom opposed the motion. The motion passed by unanimous vote. Dwyer announced that items to be addressed at this meeting will be an update on the dispatch center, names for a potential Interim State Forester, and customary items.

ADJOURNMENT – There being no further business, Dwyer adjourned the meeting at 1:04 p.m.