

MINUTES OF PUBLIC MEETING

Arizona Game and Fish Commission
Appointment Recommendation Board
5000 W. Carefree Highway
Phoenix, AZ 85086

PRESENT: (Board Members)

Phillip D. Townsend, Chair
Susan E. Chilton
Donald R. Johnson
W.J. "Jim" Lane
W. Hays Gilstrap – via telephone

WEDNESDAY, OCTOBER 22, 2014

(Directors Staff)

Linda Pollock, Assistant Attorney General

Chairman Phil Townsend called the meeting to order at 9:00 a.m. This meeting followed an agenda dated October 10, 2014.

1. Welcome and Introductions of the Arizona Game and Fish Commission Appointment Recommendation Board.

The Board members introduced themselves: Don Johnson of Gold Canyon, Susan Chilton of Arivaca, Phil Townsend of Yuma, William "Jim" Lane of Scottsdale and Hays Gilstrap of Phoenix via telephone.

The staff introduced themselves: Linda Pollock, Assistant Attorney General; Deborah Carter, Secretary to the Board; Jenniet Mlambo, Administrative Assistant.

Eric Sparks - applicant, Sandy Bahr - Director of the Sierra Club's Grand Canyon Chapter, Bill Quimby, Jim Paxon, Tom Cadden and Irene Guzman were in the audience.

MOTION: Sue Chilton moved and Don Johnson seconded THAT THE BOARD GO INTO EXECUTIVE SESSION.

VOTE: Unanimous

The Board reconvened at 10:00 AM.

2. Nomination and Selection of Chairperson

Don Johnson suggested that the position of Chairperson should rotate on an annual basis coinciding with each member's last year of their five year term serving on the Board.

MOTION: Don Johnson moved and Phil Townsend seconded THAT THE BOARD NOMINATE HAYS GILSTRAP AS CHAIRMAN AND THAT EACH BOARD MEMBER IN THEIR FINAL YEAR WILL ROTATE IN AS CHAIRMAN.

QUESTIONS: Sue Chilton inquired of Linda Pollock, Assistant Attorney General, if the Board was able to set enduring policy for future Boards.

Linda Pollock suggested that it would be better to set the policy for the next twelve months and that the next Commission Appointment Recommendation Board can amend or appeal that policy.

Sue Chilton responded that each year the Board votes on procedures so they can vote on the policy as well.

AMENDED MOTION: Sue Chilton moves and Don Johnson and Jim Lane second to AMEND THE MOTION TO STATE THAT THIS POLICY TO BE VOTED ON EVERY YEAR TO CONTINUE.

VOTE: Unanimous

Chairman Townsend restated the original motion as amended, which would make Hays Gilstrap the Chairperson this year and would establish the policy that could be adopted and amended every year to make the Board Member in the last year of their appointment to be the Chairperson.

VOTE: Unanimous

Mr. Johnson notifies Chairman Gilstrap that some new public members have joined the meeting. Shannon Breslin, candidate for the vacant Commission position, and Steve Clark from the Arizona Elk Society introduce themselves.

Chairman Gilstrap expressed his thanks to Assistant Attorney General Linda Pollock for her clarification of the memorandum identifying the Board's immunities and defenses for state of Arizona Boards and Commissions.

3. Overview of the Role and Conduct of Boards and Commissions under Arizona Law

Presenter: Linda Pollock, Assistant Attorney General

Assistant Attorney General Linda Pollock welcomed the Board to the 2014 meeting for the selection of the next candidates for the Arizona Game and Fish Commission. She then reviewed with the Board the Arizona Open Meetings Law and the Public Records Law. Ms. Pollock reminded the Board that they are appointed by and under the direction of the Office of the Governor and subject to the Open Meeting Law. The public policy of the state of Arizona is that any meeting of the quorum of this Board at which they discuss, propose or take legal action, including their deliberations, is to occur in a public meeting. That means that it would be inappropriate for Board members to have discussions or deliberations about prospective

candidates outside of this meeting, including exchanging of emails, text messages or telephone calls. Ms. Pollock asked the Board to be careful about note-passing or whispering during the public meeting and to keep all communications in the open so that the public in attendance may hear their deliberations.

The Public Records Law states that all officers in public bodies, including this Board, must maintain records that are reasonably necessary to provide an accurate accounting of that Board's official duties. If the Board takes notes during this meeting or at the next meeting at which candidates are interviewed, those notes are a public record. The Department asks that at the conclusion of each of the meetings that they provide those notes to the Board's Secretary, Ms. Debbie Carter, so that she may maintain them in the Department's official files.

Assistant Attorney General Linda Pollock stated that the Arizona Conflict of Interest Laws are unlikely to apply in the Board's discussions or deliberations of the candidates, but the law says that if a Board member has a pecuniary or proprietary interest, in the sense that they will gain or lose something, usually of a financial nature, in a decision that they may make, the member must disclose that conflict of interest on the record and recuse themselves from the deliberations. It is not a conflict of interest if a Board member happens to know a candidate and that does not require disqualification. It has been this Board's practice to state on the record that a Board member knows a particular candidate and for the Board member to then state that his knowledge of that candidate will not affect his or her objective or impartial analysis of that candidate's qualifications. Ms. Pollock agreed that continuing this practice would certainly be appropriate for this meeting.

Linda Pollock also mentioned, as part of the Board's consideration of candidates, the general qualifications in Title 17 for an Arizona Game and Fish Commissioner. These qualifications can be found in two statutes. A.R.S. 17-201 requires all prospective candidates whose names will be forwarded to the Governor to have the following qualifications: a member of the Democratic Party, an Independent Party or Party Not Designated, and a member of certain counties only. Furthermore, the candidates must be, according to the law, well-informed on the subject of wildlife and requirements for its conservation.

There is further guidance in A.R.S. 17-231, which discusses the general powers and duties of the Arizona Game and Fish Commission. An Arizona Game and Fish Commissioner performs several important roles and responsibilities under Title 17, including carrying out the provisions and purposes of A.R.S. Title 17, and establishing broad policies and long range programs for the management, preservation and harvest of wildlife. The Commissioner establishes hunting, trapping and fishing rules, and the manner and methods of taking wildlife. The Commission enforces the laws for the protection of wildlife and exercises such powers and duties necessary to carry out fully the provisions of Title 17, and exercises those powers and duties relating to the adopting and carrying out of the policies of the Arizona Game and Fish Department. Ms. Pollock then asked if there were any questions.

Don Johnson mentioned that during Ms. Pollock's enumeration of the eligible party affiliations for the applicants that she did not mention the Green Party, which is the registered party for one the candidates. Mr. Johnson felt the Board should recognize that the Green Party is an eligible party and Ms. Pollock agreed that the candidate does qualify.

Sue Chilton then inquired in regards to the designation Party Not Declared, questioning whether that would leave the Board open to exceeding the legal limit of no more than three persons of the same party if the applicants don't declare a party.

Linda Pollock stated that yesterday she put that question directly to the Arizona Secretary of State's Office. The law requires that all candidates for Arizona Boards and Commissions have had a continuous recorded registration with the same political party or Independent for two years prior to that person's appointment to a Board or Commission; there are two candidates on the list that are Party Not Declared. The official response from the Secretary of State's Office is that Party Not Declared is the equivalent of a person who registered as an Independent voter. Ms. Pollock further asked the Governor's Office if all of the prospective candidates on the Board's list for evaluation have been continuously registered to vote with that same designation for at least two years. After the Governor's Office checked further, the answer came back as yes. Ms. Pollock reminded the Board that three candidates were disqualified when the review was conducted by the Governor's Office and that those persons' applications are not before the Board today.

Phil Townsend wanted it noted that one candidate, Steven West from Springerville, would not meet the two year standard until February. If the Board decided to move him forward for interview and he was selected, the Governor could not make that appointment official until February 20, 2015.

Jim Lane offered that he was not challenging the Secretary of State's decision but that Party Not Declared sounds more like 'I am of a party but I'm not declaring it' rather than an Independent. He wondered if some check of the registrations would show if there was an indicated party.

Assistant Attorney General Linda Pollock stated that she reviewed the Arizona voter registration form, which is the same for all 15 counties. The form makes it optional for the person registering to vote to declare a political party. They can put a check in a box marked Republican, Democrat or Other. Below the Other box is a line drawn where the person has the option of filling in the word Independent, or Green, or nothing. Those who did not fill in the line are called Party Not Declared by the various recorders offices. This certainly is the option of the voter. Mr. Lane concurred that this is the registration process.

Chairman Gilstrap asked if there were any additional questions for Ms. Pollock. Hearing none, he asked Ms. Chilton to review the past processes and procedures of the Board.

4. Discussion and Deliberation of Board Process and Procedures, Including the Process for Evaluating Applicants.

Susan Chilton recommended they consider following the procedure used in previous years. The Chairperson would read the qualified applicant list in alphabetical order. After the name is read, the members of the Board may say nothing at all or they may say “further consideration”. That name would then go on the list for a second reading. If a member of the Board wishes to make further comment, they are free to say more, though one member stating “further consideration” will suffice to advance the name. On the second reading, consisting of the names selected from the first reading, two members of the Board would need to say “further consideration”, or they may elaborate if they wish, in order for that name to be advanced to the list of recommended interviews for the next session.

MOTION: Susan Chilton moved and Jim Lane seconded THIS WILL BE THE PROCEDURE THE BOARD WILL USE: UPON THE FIRST READING OF THE APPLICANT LIST, ONE BOARD MEMBER MUST SAY “FURTHER CONSIDERATION” TO ADVANCE THAT APPLICANT. ON THE SECOND READ-THROUGH, TWO BOARD MEMBERS MUST SAY “FURTHER CONSIDERATION”. THOSE APPLICANTS THAT REMAIN AFTER THE SECOND READING WILL BE INVITED FOR INTERVIEW.

VOTE: Unanimous

5. Disclosures and Recusals

Don Johnson stated that he had no disclosures or recusals or conflicts; doesn’t know any of these sixteen applicants.

Susan Chilton had no disclosures or recusals; does not know a single one of the applicants.

Phil Townsend had no disclosures or recusals; knows none of the applicants.

Jim Lane stated that he had no disclosures or recusals; knows none of the applicants.

Hays Gilstrap had no disclosures or recusals and knows only persons by name.

6. Review and Selection of Applicants for Interview.

Presenter: Chairman Hays Gilstrap

After the first read-through of the applicant list, the results were as follows:

Behnke, James	
Breslin, Shannon	(Don Johnson)
Hernbrode, Robert	
James, Michael D.	

Longbrake, Christina W.	
Miller, Richard	(Jim Lane)
Schacht, Michael D.	
Shafer, Coronda	
Shamley, John "Doyel"	(Sue Chilton) (Don Johnson)
Shapiro, Steven A.	
Smith, Matt S.	
Sparks, Eric Slocum	(Phil Townsend) (Jim Lane) (Don Johnson) (Sue Chilton)
Tuell, Cynthia C.	(Hays Gilstrap)
Villamor, Chad T.	(Don Johnson) (Phil Townsend)
West, Steven V.	(Phil Townsend)
Zieler, James S.	(Sue Chilton) (Don Johnson) (Jim Lane) (Phil Townsend)

After the second read-through, the votes were as follows:

Breslin, Shannon	(Don Johnson) *no second
Miller, Richard	
Shamley, John "Doyel"	(Sue Chilton) (Don Johnson)
Sparks, Eric Slocum	(Phil Townsend) (Jim Lane) (Don Johnson) (Sue Chilton)
Tuell, Cynthia C.	
Villamor, Chad T.	(Don Johnson) (Phil Townsend)
West, Steven V.	(Phil Townsend) *no second
Zieler, James S.	(Sue Chilton) (Don Johnson) (Jim Lane) (Phil Townsend)

MOTION: Sue Chilton moved and Phil Townsend seconded THAT WE INVITE ALL OF THE INDIVIDUALS REMAINING AFTER OUR SECOND READING, JOHN DOYEL SHAMLEY, ERIC SPARKS, CHAD VILLAMOR AND JAMES ZIELER TO THE INTERVIEW SESSION ON NOVEMBER 10, 2014.

VOTE: Unanimous

Chairman Gilstrap led the discussion of interview times and it was decided that one hour scheduling will allow time for discussion after each interview. Each Board member will ask a question and then be allowed a follow-up question based on the response; it will proceed across the Board to each member. Each member will then be allowed to ask another question and a follow-up question as needed.

Sue Chilton reminded the Board that the procedure from previous years included instructions to the candidates that they may not sit in on the other interviews. It was agreed that after an applicant's interview was complete, they may remain in the Quail Room for future interviews.

MOTION: Phil Townsend moved and Jim Lane seconded TO SCHEDULE THE INTERVIEWS AT 45 MINUTES EACH AND 15 MINUTES FOR DELIBERATIONS, ALLOWING ONE HOUR FOR EACH INTERVIEW.

Don Johnson suggested that committee business be discussed prior to the interviews so perhaps we should schedule the first interview at 10:00 AM.

Sue Chilton agreed they would need some basic time to discuss committee business but perhaps not an entire hour. She suggested they start interviewing at 9:30 AM and do two interviews before lunch and two after lunch.

AMENDED MOTION: Phil Townsend moved and Jim Lane seconded TO START THE MEETING AT 9:00 AM AND SCHEDULE THE FIRST INTERVIEW AT 9:30 AM.

VOTE: Unanimous

CALL TO THE PUBLIC:

Phil Townsend stated that he had received a blue slip from Sandy Bahr. Chairman Gilstrap asked Ms. Bahr to come to the podium.

Sandy Bahr, Chapter Director for the Sierra Club, spoke of her concerns regarding the Commission Appointment Recommendation Board in general, the processes by which they select candidates for interview, and their use of Executive Session. Ms. Bahr would like more transparency in the processes with a clearer idea of the criteria the Board bases their decisions on, as well as consideration for the Public in attendance.

Chairman Gilstrap thanked her and agreed that the Board should be more considerate of the Public regarding Executive Sessions and that the Board would look into the processes so that they can be as transparent as possible.

Sue Chilton stated for the record that women candidates have moved forward in the past and that gender is not an issue in their selections.

7. Future Meeting Schedule and Locations.

The next meeting will be held at the Arizona Game and Fish Department on Monday, November 10, 2014 at 9:00 a.m. at the Arizona Game and Fish Department, 5000 West Carefree Highway, Phoenix, AZ 85086.

Chairman Gilstrap recommends that the Board set their 2015 meeting dates earlier in the year since they are aware of the opening and closing dates for applications.

8. Review and Approval of Minutes from February 28, 2014.

MOTION: Phil Townsend moved and Sue Chilton seconded TO APPROVE THE MINUTES FROM FEBRUARY 28, 2014.

VOTE: Unanimous

9. Future Agenda Items.

None.

MOTION: Phil Townsend moved and Sue Chilton seconded THAT THE BOARD VOTE TO ADJOURN THE MEETING

VOTE: Unanimous

The meeting adjourned at 10:58 AM

W. Hays Gilstrap, Chair

Phillip D. Townsend

Susan E. Chilton

Don Johnson

Jim Lane

****These minutes were telephonically approved on February 27, 2015****