

## 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

W. Hays Gilstrap

Donald R. Johnson

Leonard G. Stinson

**(THURSDAY, NOVEMBER 3, 2011)**

(Directors Staff)

Linda Pollock, Assistant Attorney General

Phil Townsend called the meeting to order at **9:02 a.m.** This meeting followed an agenda dated October 26, 2011.

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

The Board members introduced themselves: Sue Chilton of Arivaca, Arizona, Hays Gilstrap of Phoenix, Donald R. Johnson of Gold Canyon, Arizona and Pinal County, Gary Stinson of Phoenix, and Phil Townsend of Yuma.

The staff present introduced themselves: Jazmyn Taitingfong, Secretary to the Board; Linda Pollock, Assistant Attorney General; Public Information Officer Rory Aikens of the Arizona Game and Fish Department; Garry Hovatter, Deputy Director of the Arizona Game and Fish Department.

Richard Baucom of Laveen, Arizona was in the audience. He submitted an application he hopes the Board will consider would like to make a contribution to the Commission.

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### **2. Nomination and Selection of Chairperson**

**MOTION:** Gilstrap moved and Johnson seconded THAT THE BOARD NOMINATE PHILLIP TOWNSEND AS CHAIR

**VOTE:** Unanimous

Gary Hovattor, Deputy Director of the Arizona Game and Fish Department introduced himself to the Board. He informed Don Johnson that he had his signed appointment letter and told the Board if they needed anything Jazmyn, the administrative support to the Board was available.

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### **3. Review, Approval, and Signing of Minutes From January 2, 2011.**

**MOTION:** Stinson moved and Chilton seconded THAT THE BOARD ACCEPT THE MINUTES

**VOTE:** Unanimous

Don Johnson asked a question about the minutes not containing verbatim responses from the applicants during their interviews. Linda Pollock explained from last year it was decided that because there will be audio recordings are available to the public and it would not need to be recorded in the minutes. Jazmyn Taitingfong stated these audio files could be accessed online on the Board's website.

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### **4. Overview of the Role and Conduct of Boards and Commissions under Arizona Law**

**Presenter:** Linda Pollock

Linda Pollock congratulated the Board on its selection of the last year's applicant, Robert Mansell.

Linda explained that as a Board appointed by the Governor, they are subject to the Open Meeting Law ARS 38-431; all meetings must be open to the public. A meeting is defined as any gathering of at least three members where they are discussing, proposing or taking legal action (this includes all discussions, deliberations or consultations that may lead to a legal action.) All discussions of candidates and their qualifications must be in the room during the meeting, not in the hallway/lunch hour/etc. After today's meeting board members should not communicate directly with any candidates. They may however, take phone calls or other types of communication from lobbyists for the candidates. When corresponding with anyone Board members should not forward or hit the *Reply All* button on emails to the other Board members; this could potentially represent a violation of the open meeting law. A cautionary reminder was given advising the Board not to engage in note passing, lengthy whispering, etc. during the public meeting. The open meeting law is extended to the devices of phones, fax, and email if at least three people are involved. Two people can have a conversation, but once a third person is added this amounts to a quorum and it can be considered a violation. The example was given that if two Board members having an email conversation involves a third member this could constitute a violation.

Executive session can be called only for legal advice. The candidates cannot be discussed during executive session.

Candidates' applications are considered public records. They are available to the public in a redacted form with personal identifying information removed, such as phone numbers and home

addresses. Notes taken by Board members during deliberation are also considered public records. At the end of the meeting the Board Members should give any notes to the secretary. Gary Stinson asked to go over agenda item number seven because it pertains to the Open Meeting Law. He inquired about the possibility of the Board communicating through a public blog that anyone could access and read, because the Board has so few meetings a year (three). He stated it would be open for anyone to read but there may be a problem given the fact that there would be no notice. Linda Pollock answered that the prohibition with the Open Meeting Law talks about discussions that involve legal action; discussing procedural items, like changing an agenda item or scheduling a meeting would not be a violation of the Open Meeting Law. Gary Stinson asked if, for example, he wanted to send out a letter about the makeup of the current Commission's strengths and weakness and what type of candidate would balance it, if it would be crossing a line. Linda said a discussion like that should all happen during public session. A blog could constitute a quorum, and any quorum of the Board requires public notice. She would strongly discourage it because not everyone has access to a computer.

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### **5. Discussion and Deliberation of Board Process and Procedures, Including the Process for Evaluating Applicants.**

**MOTION:** Chilton moved and Gilstrap seconded THAT THE BOARD FOLLOW LAST YEAR'S PROCEDURES.

**VOTE:** Unanimous

The procedures would be as follows: The Chairman will read the list of applicants in alphabetical order. On the first reading, if one of the Board members wishes to have that candidate move forward for further consideration, a Board member will state "further consideration." When this is done the first time, the list will be shortened. On the second read through, it would take two members to state 'further consideration' to move the candidate through the process. If only one Board member says "further consideration," that person would not move forward. If this shortens the list to a manageable number of candidates to interview during the scheduled day, they would retain those candidates for an interview. If there is a need to go through the list a third time, it would take three board members to move that person through to the interview stage. The number of interviewees is up to the Board and should be a manageable number to interview in one day.

Gary Stinson commented this would be a very difficult set of choices and the list is full of very qualified people. If someone on the list does not move forward, it does not take away from that person at all.

Don Johnson said he had a concern over the fact that some of the applications are so thin. He said he would like to communicate to the applicants they should submit more with their application than just their name, rank and serial number. Gary Stinson said this subject came up last year and the consensus from the Board was if you are not interested enough to figure that out, then that is enough room for elimination. Sue Chilton said it might be worth considering asking the office collecting the applications to put a note on the end of the applications that it

would be worthwhile for the candidates to insert their rationale for applying, their perspective and more explanatory detail about themselves. Phil Townsend said there is something online that says things like letters of recommendation would be considered.

Linda Pollock asked the Chair, Phil Townsend to ask the Board if everyone received the application of Don Drew and had an opportunity to review it. Townsend explained that the Board was given the application of Mr. Don Drew this morning that had fallen through the cracks. He asked the Board if everyone received the application and had ample time to review it. All Board members responded “Yes.” The record will reflect that Don Drew’s application to the Governor was timely.

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## **6. Review and Selection of Applicants for Interview.**

**Presenter:** Phil Townsend

After the first read through of the applicant list the following candidates were given one or more votes of ‘further consideration’ by the Board Member(s) in parenthesis

James R. Ammons	(Don Johnson) (Gary Stinson)
Jeffery W. Anderson	(Don Johnson)
Kurt R. Davis	(Sue Chilton)
Paul E. English	(Don Johnson)
Michael B. Frost	(Don Johnson)
Jonathan D. Hanna	(Gary Stinson)
Russell A. Haughey	(Gary Stinson)
Charles R. Joy Jr.	(Don Johnson)
Wayne W. Lackner	(Sue Chilton)
Keith D. Manning	(Sue Chilton)
Brian D. Pinney	(Gary Stinson)
William E. Poole Jr.	(Gary Stinson)
John D. Rhodes	(Phil Townsend)
Joanne M. Roberts	(Gary Stinson)
George Z. Taylor	(Sue Chilton)
Michael A. Taylor	(Gary Stinson)
Bob W. Thomas	(Don Johnson)
Daniel J. Worth	(Gary Stinson)
Patrick Yamnik	(Gary Stinson)

After the second read through, the following candidates were given one or more votes of ‘further consideration’ by the Board Member(s) in parenthesis

James R. Ammons	(Gary Stinson) (Don Johnson)
Kurt R. Davis	(Sue Chilton) (Phil Townsend)
Jonathan D. Hanna	(Gary Stinson)

Russell A. Haughey (Gary Stinson)  
Wayne W. Lackner (Don Johnson) (Sue Chilton)  
Keith D. Manning (Sue Chilton) (Hays Gilstrap)  
Brian D. Pinney (Gary Stinson) (Don Johnson)  
John D. Rhodes (Phil Townsend)  
George Z. Taylor (Sue Chilton) (Hays Gilstrap)  
Michael A. Taylor (Gary Stinson)  
Bob W. Thomas (Sue Chilton) (Hays Gilstrap) (Gary Stinson)  
Daniel J. Worth (Gary Stinson)  
Patrick Yamnik (Gary Stinson)

When the second round concluded, the following seven candidates moved forward:

James R. Ammons  
Kurt R. Davis  
Wayne W. Lackner  
Keith D. Manning  
Brian D. Pinney  
George Z. Taylor  
Bob W. Thomas

**MOTION:** Chilton moved and Stinson seconded THAT SEVEN CANDIDATES WAS A MANAGEABLE NUMBER OF INTERVIEWS AND TO INVITE THEM TO INTERVIEW NOVEMBER 15<sup>TH</sup>.

**VOTE:** Unanimous

Don Johnson asked if there would still be an hour block to interview. Phil Townsend said that would be discussed on the next agenda item.

Gary Hovatter noted that someone who turned in an application thought it was being considered for the Commission Appointment Recommendation Board, not for the vacant Commissioner position. This person did not want to be a Commissioner.

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## **7. Discussion of a Public Blog for the Commission Appointment Recommendation Board**

Phil Townsend stated this agenda item had already been discussed and did not need further discussion.

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## **8. Future Meeting Schedule and Locations.**

The next meeting will be held at the Arizona Game and Fish Department Headquarters on November 15.

**MOTION:** Chilton moved and Gilstrap seconded THAT THE BOARD OUTLINE WHAT THEY EXPECTED FOR THE INTERVIEW SESSION. IT WILL CONSIST OF A SHORT PRESENTATION OF 3 TO 5 MINUTES IN WHICH THE CANDIDATES WILL BE ABLE TO ELABORATE ON THEIR RESUME AND EACH BOARD MEMBER CAN ASK QUESTIONS. IT SHOULD TAKE 40 MINUTES. CANDIDATES SHOULD EXPECT A 45 MINUTE INTERVIEW PER PERSON. THIS WILL ALLOW FOR COMPLETION OF INTERVIEWS AND TIME FOR THE BOARD TO HAVE THEIR RECOMMENDATIONS IN TO THE GOVERNOR THE SAME AFTERNOON.

**VOTE:** Unanimous

Gary Stinson communicated that Brian D. Pinney would need to be interviewed by telephone. These arrangements were made last year and would be repeated.

Linda Pollock asked if the Board would invoke the rule that prospective candidates wait outside the interview room before their interview. The Board will implement this rule.

Sue Chilton inquired as to how the applicants would be informed of their selection for interview: Jazmyn Taitingfong, the Board Secretary, will contact and inform the applicants of their interviews by phone and letter. A letter will also be sent to those candidates not chosen.

Gary Hovatter stated they would release a public announcement regarding those who had made the semi-final list and would be interviewed. . He also said that a list of the applicants was released yesterday for the public (so they did not need to travel in order to see the list). Gary explained that the board is of the Governor's office, not of the Arizona Game and Fish Department; there had been concerns of Game and Fish influencing the Board about the candidates. Gary Hovatter directed that the administrative support to the Board would be the only person within the department knowledgeable of the applicants' names. No one else, not even the Director, would know who was on the list.

Linda Pollock clarified with the Board that since Mr. Pinney would be able to interview by telephone, the same courtesy should be extended to all the applicants. Phil Townsend affirmed this option for all candidates.

Hays Gilstrap thanked the administrative support for their work.

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### **9. Future Agenda Items.**

None

**MOTION:** Townsend moved and Gilstrap seconded THAT THE BOARD VOTE TO ADJOURN THE MEETING

**VOTE: Unanimous**

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The meeting adjourned at 9:51 p.m.

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**\*\*These minutes were approved telephonically on December 16, 2011\*\***