

## MINUTES OF PUBLIC MEETING

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

**PRESENT:** (Board Members)

FRIDAY, NOVEMBER 12, 2010

Phillip D. Townsend, Chairman  
W. Hays Gilstrap  
Susan E. Chilton  
Leonard G. Stinson

(Directors Staff)

Jim Odenkirk, Assistant Attorney General  
Linda Pollack, Assistant Attorney General

Assistant Attorney General Jim Odenkirk called the meeting to order at **08:11 a.m.** This meeting followed an agenda dated November 3, 2010.

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

The Board started the meeting by introducing themselves; Phillip D. Townsend of Yuma, W. Hays Gilstrap of Phoenix, Susan E. Chilton of Arivaca, and Leonard (Gary) Stinson of Phoenix.

#### **Guidelines for Support to the Board:**

**Presenter:** Assistant Attorney General, Jim Odenkirk

The Board members were advised that by statute the Attorney General's office is responsible for representing the Boards and Commissions for the State of Arizona. The Assistant Attorney General's are here to assist the Board in providing the Board with legal advice and guidance throughout their deliberations. Jim Odenkirk, Assistant Attorney General supplied the Board members with a document from the Governor's office which states the guidelines of how the different entities would assist the Board. The procedures are as follows;

- Annually, the Board's first meeting will include a review of the pertinent statutes and policies (e.g. open meeting and public records laws, etc.)
- AZ Game and Fish will provide the following series for the Board to carry out its duties: office space for public meetings, maintain records, meeting notifications and clerical support and media inquires.
- The point of contact for additional issues will be Linda Stiles, The Director of the Governor's Office of Boards and Commissions. Government

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## **2. Overview of the Roll and Conduct of Boards and Commission under Arizona Law**

**Presenter:** Assistant Attorney General, Jim Odenkirk

It was suggested to the Board that they might want to select a Chair to assist in the flow of the meetings. Parliamentary process, should be kept simple, there are no requirements that the Board has to have any formalized parliamentary procedures. Advised the Board that the Game and Fish Commission form a very simplified process where decisions and actions are proposed by motions with a second and then a majority vote of a quorum approves that action. Jim recommended to the Board that they agree upon some kind of process with respect to their legal actions.

The Board was created to make a recommendation to the Governor of candidates for the AZ Game and Fish Commission. Jim reviewed with the Board the procedures they would have to go through to get the final product.

1. The Board members will be responsible for reviewing an extensive list of applications and will need to decide whether they want to interview all applicants or a selected few.
2. They will decide on how they are going to select those that are interviewed and the number of applicants they will select to interview.
3. The Board members will also need to decide whether or not they are going to allow the public to participate. The Board is not required to allow any public comment during the meetings. All that is required by law is that the public be in attendance to watch the board's deliberations.

### **Use of Executive Session Related to Personnel Matters:**

Open Meeting Law does not allow this particular Board to go into executive session. The reason is with the exception of personnel matters. This relates to employees that are the Boards employees or appointees since they are in the process of making recommendations to the Governor's office and this would be the Governor's appointee that exception doesn't apply to this Board. It will require that all the Boards activities and actions occur in a public meeting. It was discussed that this may create some difficulty in the development of their interview questions. The Board will have to decide what type of questions they are going to ask the applicants. Jim Odenkirk, Assistant Attorney General advised the Board members that they would not want to do this in a public format where it can be telegraphed to the applicants.

The question was asked by a Board member if the Board could request that the applicants who are selected to interview not enter the interview room until it is their time to interview. AG Jim Odenkirk advised the Board that YES this would be appropriate and perfectly okay for the Board to request that applicants do not enter the interview room until it is their turn to interview. It was suggested to the Board by the Assistant Attorney General that this might be something they would want to resolve through legislative fix so that part of the process can become more confidential and protect the process.

### Regarding Applicants:

In the statute for the Recommendation Board there are no selection criteria's. There is nothing that states that the applicant must meet these criteria's. The Board is guided by Title A.R.S. §17-201, there is guidance with regards to commissioners; 1.) NOT MORE THAN THREE MEMBERS SHALL BE MEMEBERS OF THE SAME POLITICAL PARTY. 2.) NO TWO MEMBERS MAY BE RESIDENCE OF THE SAME COUNTY. MEMBERS SHOULD BE WELL INFORMED ON THE SUBJECT OF WILDLIFE AND REQUIREMENTS FOR ITS CONSERVATION.

### Terms of Process for Notifying Candidates:

Board will have to make a decision as to which candidates they want to interview. The interview date is set for Monday, November 15, 2010; this means as soon as the decision is made it will be the responsibility of the Secretary to the Board with the assistance from the Department to contact the individuals personally when this meeting is over and give them as much notice as possible as to their interview time. The Board will need to decide on the length of time they want the interviews to last. Also, Is the Board willing to conduct the interviews telephonically, for those who have to travel a long distance or not able to appear in person?

### Board's Recommendations to the Governor:

The statute states that the Board must submit two to five candidates to the Governor for her review and consideration. This decision does not have to be made during the meeting. The statute states that the Board should make the recommendation by November 25, 2010. Statute requires that there be seven days notice for the Boards public meetings. Meaning if the Board wants to schedule another day to reconvene to make their decision; the meeting will need to be posted at least seven days prior to the meeting date.

### Public Meeting Law:

**Presenter:** Assistant Attorney General, Linda Pollack

The Board is a public body that is subject to the Open Meeting Law. Statute that created this Board requires a public notice of all meetings. A meeting is a gathering of a quorum of this board, either in person, technological devices where you engage in discussion, deliberation, and or take legal actions, on any matter whether rules of procedure, interviews themselves, or your final selection of the candidates to be forwarded to the Governor. The only official meeting of a quorum that the Board may engage in during this process is here in the AZGF Quail room. If the Board does not make the final cut of the candidates that are going to be forwarded to the Governor on Monday, The Board will have to reconvene at AZGFD under a properly noticed meeting in order to make that final decision.

### Executive Session:

The Board may request for executive session. In fact, the Board can request that the AG's give the Open Meeting Law for public records presentation in executive session right now. AG's informed the Board members that they may request to go into executive session for legal advice at anytime, if they so desire by a majority vote.

### Caution Reminders:

Anytime that there is a gathering of three or more board members where the business at hand is discussed, it is considered a meeting subject to the Open Meeting Law. The Board was cautioned by the AG's that whether in an office or hallway in the building, where the Board is discussing the business at hand, it is proscribed as the public is not present and cannot hear the discussion. Splintering the quorum is proscribed also. Board members' calling each other by phone is discouraged and the Board was advised not to exchange e-mails.

### Third Party Open Meeting Law Violations:

Regarding the candidates themselves; you might receive communication from the candidates over the weekend. DO NOT discuss their application with them. The statute states that the board shall "HOST A PUBLIC FORUM" to interview candidates. Board members must not accept anything from a candidate after an interview. There should be no exchange of information between candidates and Board members unless it's done through the public session process. Assistant Attorney General, Jim Odenkirk advised the Board that any contact they had with candidates prior to the meeting is not an issue. It becomes an issue now that the interview process has started, the Board should not have contact with those individuals selected to interview.

### Lobbing for Candidates:

The Board may receive communication from interested organizations lobbying for particular candidate. One-on-one lobbying with organizations and Board members is perfectly okay. A violation of this would be if an organization sent an e-mail to a Board member and the Board member hits the "REPLY ALL" button, now you have a potential violation of Open Meeting Law. The best course of action is NOT to talk to candidates after today's meeting or to express thoughts or views on any candidate to anyone after today. Penalties of violation of the Open Meeting Law were briefly discussed with the Board.

### Public Meeting Law:

The Board is subject to the Public Meeting Law of Arizona. All records generated and received during the course of this Board's business are properties of the State of Arizona and are open for public inspection. The minutes and recordings of your meetings, all of your correspondence whether among yourselves or with the Governor's office and AZ Game and Fish Department are public record. ONLY REDACTED APPLICATIONS ARE PUBLIC RECORD. THE NON-REDACTED APPLICATIONS IN THE BOARD MEMBERS BINDERS ARE NOT A PUBLIC RECORD. All written communication which includes e-mails from Board members blackberry's or I-phones is public record. Notes made during public meetings are also public records.

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### **3. Discussion and Deliberation of Board Process and Procedures, Including the Process for Evaluating Applications**

It was suggested that the Board may want to select a Chair to assist the Board in the flow of meetings.

**MOTION:** Stinson moved and Chilton second THAT THE BOARD NOMINATE PHILLIP D. TOWNSEND AS CHAIR.

**VOTE:** Unanimous

It was suggested and discussed earlier that the Board may want to follow the same parliamentary procedures that the Arizona Game and Fish Commission follow.

**MOTION:** Stinson moved and Chilton second THAT THE BOARD ADOPT THE SAME PARLIAMENTARY PROCEDURE THAT THE ARIZONA GAME AND FISH COMMISSION FOLLOW.

**VOTE:** Unanimous

Procedures for Selecting Candidates for Interviews:

The Board discussed the process of going through each candidate on the list by name and asks if any member/s of the Board would like to see that candidate considered for further discussion or interview. The candidates who are given any consideration from a Board member/s would move forward.

Public Participation:

Does the Board want to have a call to the public? Assistant Attorney General, Jim Odenkirk advised that the members of the Board would have to direct it to each agenda item. If there are members of the public that want to speak to that agenda item, then at that time the Board may allow it. Guidelines are set by the Chair, in regards to how much time an individual can speak. Normally this is guided by how many individuals want to speak. It was suggested that the Board use the blue slips. The board has requested to set ground rules for future meetings involving public participation; comments from the public be kept professional and appropriate to the decorum of the meeting.

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**4. Review and Selection of Applicants for Interview**

The Recommendation Board will go through a list of applicants. As the Chair to the Board states the name of the applicant, if there is a Board member who would like to see that individual proceed further in the process the Board member will state so. The Board Chair will continue through the list of applicants until they have gone through all 73 applicants.

Chairman Townsend went through the list of applicants, one-by-one, if there was a vote from a Board member, and then that individual proceeded forward in the process. The following individuals received votes.

Bitter Smith, Susan – Stinson said yes, Chilton said yes  
Bunch, Earnest B. – Stinson said yes  
Drew, Don W. – Chilton said yes  
Ethelbah, Lawrence J. – Stinson said yes

Jackson, Noble – Stinson said yes  
Jakle, Martin D. – Stinson said yes  
Joy, Jr. Charles R. – Chilton said yes  
Mansell, Robert E. – Chilton said yes, Stinson said yes  
Minter, Mark E. – Stinson said yes  
Mosbacher, Mark E. – Stinson said yes  
Nanty, Hubert – Stinson said yes  
Payne, Frank L. – Stinson said yes  
Phelps, Richard M. – Chilton said yes  
Pierpoint, Roy D. – Stinson said yes  
Pinney, Brain D. – Stinson said yes  
Poole, Jr., William E. – Stinson said yes, Chilton said yes  
Potts, Clifford E. – Chilton said yes  
Scott, William E. – Stinson said yes  
Smith, James T. – Stinson said yes

The Board selected 19 applicants out of 73 to discuss. It was then decided by the Board to go back over the 19 applicants and narrow it down to a lower number of applicants to be interviewed.

**MOTION:** Chilton moved and Stinson second THAT IT TAKE A MINIMUM OF TWO VOTES FROM THE BOARD TO MOVE THE APPLICANT FORWARD IN THE APPLICATION PROCESS.

**VOTE:** Unanimous

The Board went through the 19 applicants and out of an original list of 73 applicants the following five applicants were selected and invited to interview with the Board.

Bitter Smith, Susan – Stinson said yes, Chilton said yes  
Joy, Jr., Charles R. – Chilton said yes, Stinson said yes  
Mansell, Robert E. – Chilton said yes, Stinson said yes  
Pinney, Brian D. – Stinson said yes, Gilstrap said yes  
Poole, Jr., William E. – Stinson said yes, Chilton said yes

**MOTION:** Chilton moved and Gilstrap second THAT THE BOARD INVITE THE FIVE APPLICANTS TO INTERVIEW WITH THE BOARD.

**VOTE:** Unanimous

Guidelines to Scheduling Interviews:

The Board members agreed that they will conduct the interviews individually. Each interview will be schedule on the hour; interviews will last 45 minutes with a 15 minute deliberation and recess time between each interview.

**MOTION:** Stinson moved Gilstrap second THE BOARD WILL STRONGLY URGE EVERYONE ON THE LIST TO BE PRESENT PHYSICALLY FOR INTERVIEWS. IF THERE ARE CIRCUMSTANCES WHERE AN APPLICANT IS UNABLE TO MEET THE REQUIREMENT, THEN THE BOARD WILL ALLOW THEM TO BE INTERVIEWED TELEPHONICALLY.

**VOTE:** Unanimous

Formatting Interviews:

The Board has agreed that when the applicants are notified by the Boards Administrative Staff that the applicants be made aware that they will need to prepare a three to five minute introductory statement that relates to the following questions. *What do they bring that will be an advantage to the State of Arizona and its wildlife and habitat? What makes them qualified to perform the job of Commissioner and why are they willing to do the job?* Once the applicants have finished with their dialogue about themselves the Board will then lead the applicants into direct questions.

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**5. Future Meeting Schedule and Location**

The next public meeting will be held on Monday, November 15, 2010 at 8:00 a.m. at the AZ Game and Fish Department headquarters. The meeting will be held in the Quail Room.

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**6. Future Agenda Items**

The Recommendation Board will be interviewing the five candidates who were selected to be interviewed for the Governor's 2011 Arizona Game and Fish Commission.

Executive Session:

The Board member voted to meet in executive session in accordance with A.R.S. §38-431.03 (A) (3) and (4) for the purpose of discussion and consultation with legal counsel.

**MOTION:** Gilstrap moved and Chilton second THAT THE BOARD VOTE TO GO INTO EXECUTIVE SESSION

**VOTE:** Unanimous

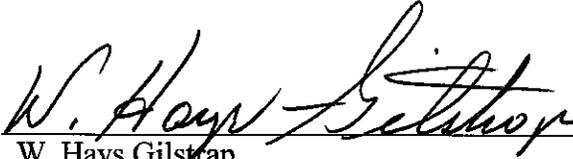
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The meeting adjourned at 10:28 a.m.

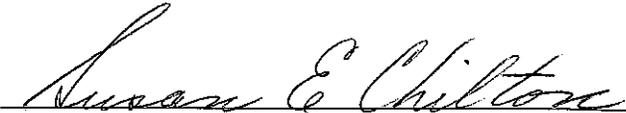
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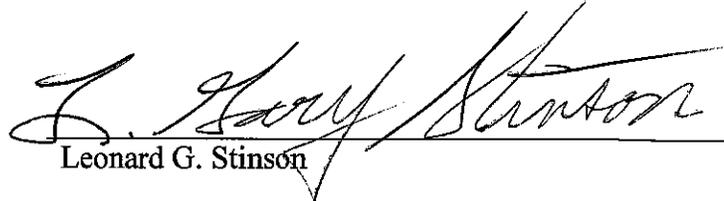
Phillip D. Townsend, Chair



W. Hays Gilstrap



Susan E. Chilton



Leonard G. Stinson