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Tia Nelson, *Executive Secretary*

AGENDA

March 17, 2015

1:00 PM

Attorney General's Office

Room 114 East

State Capitol

Madison, Wisconsin

- 1) Call to Order
- 2) Approve Minutes – March 3, 2015 (Attachments)
- 3) Approve Loans (Attachments)
- 4) Elect Board Chair
- 5) Discuss Executive Secretary Performance Evaluation Process
- 6) Discuss Process for Reviewing and Addressing Allegations against the Executive Secretary
- 7) Staff Analysis of BCPL Land Bank Authority and Impacts of AB71 (Attachments)
- 8) Vote on Additional Board Chair Duties
 - * Approve all BCPL expenditures over \$5,000
 - * Approve all in-state and out-of-state travel
 - * Approve Executive Secretary work hours using actual start/stop times
 - * Approve any new staff hires at BCPL
- 9) Vote to Prohibit Board Staff from Lobbying the State Legislature, Governor or Federal Government on Legislative Proposals unless Approved by the Board
- 10) Vote on whether to Allow Board Staff to Engage in Work Relating to Global Warming or Climate Change while on BCPL Time
- 11) Discuss Examination of Workload for Madison Office Staff
- 12) Future Agenda Items
- 13) Executive Secretary's Report
- 14) Adjourn

**BOARD MEETING
MARCH 17, 2015**

**AGENDA ITEM 2
APPROVE MINUTES**

Attached for approval are the minutes from the March 3, 2015, board meeting.

Board Meeting Minutes
March 3, 2015

ITEM 1. CALL TO ORDER

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 2:00 p.m. He noted that he and Commissioner Schimel were attending in person as were some of the Board’s staff and members of the public; Commissioner Adamczyk was participating via telephone.

Board Chair La Follette asked for a minute of personal privilege. He said that he has served on the Board for over 30 years with Attorney Generals and State Treasurers from both political parties. Until recently, the Board has always functioned smoothly and efficiently – dealing with relevant Board business and generating millions of dollars for Wisconsin’s schools and recently consolidating the land holdings with the tool of Land Bank Authority. He stated that he has been disheartened by the recent turn of events. He strongly urged the other Commissioners to return to the uncontentious and productive manner in which the Board had always functioned. He promised to do his best to facilitate this.

Present were:

Doug La Follette, Board Chair	Secretary of State
Matt Adamczyk, Commissioner	State Treasurer (via telephone)
Brad Schimel, Commissioner	Attorney General
Andrew Cook, Deputy Attorney General	Department of Justice
Tia Nelson, Executive Secretary	Board of Commissioners of Public Lands
Tom German, Deputy Secretary	Board of Commissioners of Public Lands
Richard Sneider, Loan Analyst	Board of Commissioners of Public Lands
Vicki Halverson, Office Manager	Board of Commissioners of Public Lands
Michael Blumenfeld	WI Educational Media & Technology Assn.
Patrick Marley	Milwaukee Journal Sentinel
Jessica Sherstha	Private citizen
William O’Connor	Private citizen

ITEM 2. SELECT AN AGENDA

Board Chair La Follette explained that the Board had a unique situation, which resulted in the preparation of two alternative agendas.

- The first (Agenda A) included routine board decision items (approve minutes, approve loans, and land transactions), a report from the staff, and a new item called future agenda items. He explained that “Future Agenda Items” had been added to allow Board members the opportunity to request that a topic be placed on a future agenda and direct staff to research the topic.
- The second (Agenda B) included those items listed in Agenda A plus two additional items added at the request of Commissioner Adamczyk. One of the requested agenda items included many attachments.

Board Chair La Follette said it was his understanding from the last meeting (February 17) that the Board had agreed that if a Board member wished to discuss an issue or request staff to conduct research, they would do so under the “Future Agenda Items” topic. The Board then would decide whether or not to include the items on a future agenda. If the Board approved the items, the staff would be provided any materials by noon on the Monday a week before the meeting. He said there appeared to have been a misunderstanding because several items and many attachments were submitted for today’s meeting after the Monday deadline that was discussed at the February 17. He said that was the reason for Agenda B.

Board Chair La Follette said that, in the spirit of working together, he was willing to support taking up Agenda B. He said he was doing so with the understanding that the Board would follow the procedure discussed at the last meeting.

MOTION: Board Chair La Follette moved that if a Board member wished to discuss an issue or request staff to conduct research, they may make their request under the “Future Agenda Items” topic. The Board would decide if such items should be placed on a future meeting agenda. If items are approved, they would be given to staff by noon the Monday one week before the next meeting. Commissioner Schimel seconded the motion for purposes of discussion.

DISCUSSION: Commissioner Adamczyk said he had some comments. Board Chair La Follette said he was concerned with the smooth and efficient functioning of the Board and handling the important business that comes before them. He felt this motion would allow Commissioners to make agenda item requests, allow the Board the ability to manage proceedings and give staff time to prepare and distribute the agenda. He said that he made the motion so it would be a routine matter of business.

Commissioner Schimel said he agreed with the spirit of the motion and asked if a different day for submission of the materials could be considered. He said that if materials had to be provided the Monday immediately after a board meeting, that may not be enough time for materials to be prepared and submitted.

Executive Secretary Nelson explained that staff had requested the Monday noon deadline due to the volume of materials that had been submitted for past meetings. She said the deadline suggested would allow ample time for staff to prepare the documents and send the board packet by Wednesday. If the deadline for materials was moved to noon on Tuesday, the board packet would be delivered on Thursday.

Commissioner Adamczyk said he had comments. Board Chair La Follette said he would revise the motion and then give Commissioner Adamczyk the floor.

REVISED MOTION: Board Chair La Follette moved that if a Board member wished to discuss an issue or request staff to conduct research, they would make their request under the “Future Agenda Items” topic at a board meeting. The Board would then decide if such items should be placed on a future meeting agenda. If items are approved, they (materials) would be given to staff by noon on the Tuesday (a week) before the meeting.

DISCUSSION: Commissioner Adamczyk said the Board did not approve (at its February 17 meeting) submitting items by the Monday a week before the next meeting as was stated by Board Chair La Follette. He thought this would have been a policy in place and agreed to at one of the first board meetings. He said that while the topic was initially discussed at the February 3 board meeting, neither he nor Commissioner Schimel spoke or accepted (the deadline). He added that there was no official position and if there had been, he would have objected (to the Monday noon deadline). He said he would like the board to select a date so the Commissioners know the date going forward.

Board Chair La Follette said if the Board finds after a period of time that having the deadline causes an undue burden, they could revise it. Commissioner Adamczyk said he understood the motion addressed the deadline for the submission of materials (by noon on the Tuesday one week before the next meeting). He asked if the motion also included when the Commissioners could add items to the next board meeting agenda. As an example, Commissioner Adamczyk asked whether he would be limited to submitting agenda items for the March 17 meeting at today’s meeting.

Board Chair La Follette replied that was the concept. He explained that the Board has a number of routine agenda items. He said that staff will add agenda items that require the Board’s attention as they occur because that is their job. Commissioner Schimel said “Future Agenda Items” should remain as a regular item on the Board’s agenda because the Board would not want to discuss items that were not properly posted. He said it also serves as a reminder for the Commissioners to suggest agenda items they want to discuss at a future meeting. Commissioner Schimel believes the deadline for submitting agenda items should be noon the Tuesday one week prior to the board meeting, not two weeks in advance. He added that the motion for the deadline for materials and agenda items be noon on the Tuesday between board meetings.

Commissioner Adamczyk asked if what he understood Commissioner Schimel said was that all agenda items, whether they be materials or additional items to be discussed, be submitted one week and two hours before the next meeting (i.e., by noon of the Tuesday before the next meeting). Commissioner Schimel replied, "Yes." Commissioner Adamczyk said this (proposed) deadline made sense.

Board Chair La Follette said there were two parts to his motion. The first was the Tuesday noon deadline for submission of materials; the second was the Board's decision on agenda items and directing staff to conduct research. He said the second part was a very important to the motion because no one Commissioner runs the Board; the Board as a whole makes decisions. He said this was critical in order for the Board to have smooth proceedings. If a Commissioner wants to include a topic on the next Board agenda that is not routine, he feels the Board should make the decision as a whole.

Commissioner Adamczyk said he did not agree with that because they would be voting on a topic two weeks before it was discussed. He understood what Board Chair La Follette was saying and agreed that no one Commissioner runs the Board. Commissioner Adamczyk said that the Commissioners should be provided information from staff if they request it. Board Chair La Follette disagreed and said that no one Commissioner should direct staff to conduct research for an agenda item within ten minutes of the deadline. Commissioner Adamczyk said that was not what he was proposing and was in agreement with the one week deadline. He said he was not in agreement with the Commissioners as a whole having to approve staff research for a request that might be made by one Commissioner, if that was what Board Chair La Follette was suggesting. He said the only way for the Commissioners to obtain information was from the BCPL staff. He added that he does not have staff nor did he think the others Commissioners had staff that worked on BCPL matters. He said that one of the functions of the Board's staff was to provide information to them so they can make educated decisions for managing the Trust Funds.

Commissioner Schimel called the question. Board Chair La Follette explained that under Robert's Rules of Order the Board would need to vote.

VOTE: Board Chair La Follette voted aye; Commissioners Adamczyk and Schimel voted no. The motion failed 1-2. *(This vote was on the **REVISED MOTION** made by Board Chair La Follette on the previous page of these minutes.)*

REVISED MOTION: Commissioner Schimel moved that the Board adopt a policy that requires proposed agenda items and materials be submitted to staff by noon of the Tuesday before the next regularly scheduled Board meeting and any one Commissioner can place an item on the agenda. Commissioner Adamczyk seconded the motion.

DISCUSSION: Commissioner Schimel made it clear that the Board did not have to discuss an item during the "Future Agenda Items" topic of the meeting in order to consider the matter at the next board meeting. Board Chair La Follette asked if the proposed policy would allow a Commissioner to present agenda items and materials to staff on a Monday for inclusion in the next board meeting packet – even if the research and preparation requires an extensive amount of time. Commissioner Schimel said that staff cannot be expected to perform miracles. If it is not possible for staff to prepare the materials within in the necessary timeframe for inclusion in the board packet and allow for proper notice of the meeting, then they cannot get it done.

VOTE: The motion passed 3-0.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands adopts a policy that requires proposed agenda items and materials to be submitted to staff by noon of the Tuesday before the next regularly scheduled Board meeting and any one Commissioner can place an item on the agenda.

MOTION (Select an Agenda): Board Chair La Follette moved that the Board take up Agenda B; Commissioner Adamczyk seconded the motion.

VOTE: The motion passed 3-0.

ITEM 3. APPROVE MINUTES – FEBRUARY 17, 2015

MOTION: Commissioner Schimel moved to approve the minutes; Commissioner Adamczyk seconded the motion. The motion passed 3-0.

ITEM 4. APPROVE LOANS

Executive Secretary said that the loans had received legal review.

<u>Municipality</u>	<u>Municipal Type</u>	<u>Loan Type</u>	<u>Loan Amount</u>
1. Ashippun Dodge County Application #: 02015098 Purpose: Finance road and bridge projects	Town Rate: 3.75% Term: 20 years	General Obligation	\$500,000.00
2. Freedom Sauk County Application #: 02015101 Purpose: Purchase fire truck	Town Rate: 3.25% Term: 10 years	General Obligation	\$176,000.00
3. Lincoln Monroe County Application #: 02015099 Purpose: Purchase fire truck	Town Rate: 3.25% Term: 10 years	General Obligation	\$250,000.00
4. Primrose Dane County Application #: 02015097 Purpose: Purchase tractor	Town Rate: 3.00% Term: 5 years	General Obligation	\$63,000.00
5. Seneca Wood County Application #: 02015100 Purpose: Finance bridge and road repair	Town Rate: 3.00% Term: 5 years	General Obligation	\$100,000.00
	TOTAL		\$1,089,000.00

MOTION AND VOTE: Commissioner Schimel moved to approve the loans; Commissioner Adamczyk seconded the motion. The motion passed 3-0.

ITEM 5. STAFF ANALYSIS OF BCPL LAND BANK AUTHORITY AND IMPACTS OF LRB-0169/1

Board Chair La Follette explained that the Board directed staff at their last meeting to prepare an analysis of the impacts that proposed legislation would have on the Board’s Land Bank Authority. He said Rich Sneider prepared the analysis and asked Mr. Sneider if he could give a summary and answer any questions from the Board.

Commissioner Adamczyk preferred that the Board move through the topic, unless there was a specific motion and vote that was required. He said he had read the analysis and did not necessarily agree with some of the information provided. He added that the Board could discuss the bill but did not think that “staff needed to talk for 20 minutes.” Board Chair La Follette asked Commissioner Adamczyk if he did not want to hear any discussion. Commissioner Adamczyk replied that the Commissioners had the materials and could discuss it but turning the discussion over to staff “sometimes it takes up a lot of time.”

Board Chair La Follette asked Commissioner Schimel for his input. Commissioner Schimel said that he had read the materials. Board Chair La Follette thought it better to ask if the Commissioners had any questions for the staff.

Commissioner Adamczyk said that the Board had been provided with the analysis to review. He said it was his preference that staff not communicate with legislative members or the media in regards to being pro or con on the bill. He said he did not want to take a position on it at this time nor did he want staff communicating with legislative members or the media until the Board “agreed we’re opposed to it.” Board Chair La Follette said it was his understanding that no bill had been introduced. He asked staff to monitor the proposal (LRB-0169/1) and keep the Board apprised of any activity. He added that the Board should consider a motion on this legislation because it has a major impact on the Board.

ITEM 6. PROPOSED LAND BANK SALE TO FOREST COUNTY (\$1301-JOHNSON ROAD)

Board Chair La Follette said that this agenda item related to the sale of 40 acres of Trust Lands to Forest County.

MOTION: Commissioner Adamczyk moved to approve the sale; Commissioner Schimel seconded the motion.

DISCUSSION: Commissioner Adamczyk said he was in favor of selling the land since that was the Board’s constitutional mission. He added that staff cannot purchase land without the Board’s approval and reiterated his approval for the sale.

VOTE: The motion passed 3-0.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the Johnson Road Property to Forest County at the price of Twenty-nine Thousand Dollars (\$29,000) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

ITEM 7. PROPOSED LAND EXCHANGE (E1501 – RUSTIC LANE)

Board Chair La Follette explained that this agenda item had been discussed at length and was tabled at the February 17 board meeting. He asked for a motion to take it from the table.

MOTION: Commissioner Schimel moved to take the proposed land exchange from the table; Commissioner Adamczyk seconded the motion. *(This motion includes approving the proposed land exchange.)*

DISCUSSION: Board Chair La Follette said the transaction was somewhat complicated and there was a question as to whether it was a sale and purchase or an exchange. He said that the process for the exchange began under the previous Board. He said the proposed exchange would not cost the Board money and would increase the Board’s productive timberland acreage; he hoped that the Board would approve it.

Commissioner Schimel said that he had an opportunity to speak with the two legislators who had contacted the Commissioners regarding the land exchange. He said those legislators assured him that they would be pursuing legislation that would modify the Board’s ability to purchase additional land. They have asked that the Board not complete the exchange.

VOTE: Board Chair La Follette voted aye; Commissioners Adamczyk and Schimel voted no. The motion failed 1-2.

REVISED MOTION: Commissioner Schimel moved that the Board proceed and attempt to complete the sale of the School Trust Lands (120 acres in Oneida County) in the transaction; Commissioner Adamczyk seconded the motion.

DISCUSSION: Board Chair La Follette asked Commissioner Schimel if the motion directed staff not to proceed with purchasing the 40 acres in Forest County. He replied yes. Board Chair La Follette said the exchange would be withdrawn and a new transaction would be developed to sell the 120-acre property (in Oneida County).

Commissioner Schimel said that it was his understanding from the February 3 board meeting the party involved in the exchange did not own the (40 acre) parcel but would have to purchase it for the exchange. Executive Secretary Nelson said that the party who intended to purchase the Board's 120-acre parcel was also purchasing the 40 acres on behalf of the Board. The two parties involved in the 40-acre transaction had an agreed upon value. She said the owner of the 40-acre parcel in Forest County had deferred \$10,000 in timber income and halted a timber sale on the property at the request of BCPL staff. The purchaser (of this 40-acre parcel) preferred to conduct the transaction as a trade. She said that she understood if the Board chose not to proceed but there was a loss to the owner of the 40-acre parcel. She said that it was unclear to her whether the party interested in purchasing the 120-acre parcel would proceed with the agreement as proposed by the Board (i.e., purchasing the parcel rather than conducting the exchange).

Board Chair La Follette said the motion on the table was for staff to proceed with the sale of 120-acre parcel. Deputy Secretary German said the property would have to be sold via sealed bid. Board Chair La Follette asked Commissioner Schimel if he was in agreement with that procedure. Commissioner Schimel said he had great reluctance for the Board to back out of a deal that was all but closed, but it wasn't a closed deal. He said that the Board had been asked by legislators, who do participate in making policy decisions for the Board, that they (the Board) not proceed with the exchange. He expressed his dislike and regret that the Board was put in this position.

VOTE: Commissioners Adamczyk and Schimel voted aye; Board Chair La Follette voted no. The motion passed 2-1.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands directs the staff to proceed with potential sale of the 120 acres of School Trust Lands in Oneida County.

ITEM 8. EXECUTIVE SECRETARY'S REPORT

Commissioner Adamczyk asked how long the report would take because he had matters he wanted to discuss under items 9 and 10. Executive Secretary said her only report to the Board was her meeting with Oneida County regarding a potential sale of School Trust Lands to them. She had invited Commissioner Adamczyk to attend but he was unavailable. She said the Oneida County Forest Administrator thought that the county might potentially be interested in a trade rather than a purchase. She would keep the Board posted.

ITEM 9. DISCUSSION AND POSSIBLE VOTE REGARDING BOARD CHAIR

Board Chair La Follette gave Commissioner Adamczyk the floor since he had requested the agenda item. Commissioner Adamczyk said that while he did not necessarily want a change at this time, he was concerned with the amount of time that staff has been allowed to speak at the meetings and staff interruptions. He said that meetings are the only opportunity where the Commissioners can discuss matters and he feels the meetings should be conducted in a manner that focuses on the Board. He understands that if the Board had questions, staff would answer them but hoped that answers would be succinct and brief. He cited instances where staff interrupted a roll call and he did not feel that was appropriate. He asked Board Chair La Follette if he would agree to ensure that future meetings focused on the Commissioners speaking and understood that staff would answer questions when asked by the Board. He said he had no motion.

Board Chair La Follette said that he valued staff's time and experience and presumed they would always be as brief and succinct as they possibly can. Commissioner Adamczyk said he did not disagree with that. He said that staff work for the Commissioners and they must rely on staff for work. He reiterated his previous comments about limiting the time staff are allowed to speak at meetings.

ITEM 10. DISCUSSION AND POSSIBLE VOTE REGARDING EXECUTIVE SECRETARY

Board Chair La Follette said that the agenda item had been requested by Commissioner Adamczyk. He said that 13 documents were included as part of the agenda item. He gave Commissioner Adamczyk the floor.

Commissioner Adamczyk said that the Executive Secretary is an at-will employee who serves at the discretion of three elected members. He said that the duty of "our political appointee" was to oversee the day-to-day operations of the Board's business. His said concerns with Executive Secretary Nelson were threefold.

Board Chair La Follette asked Commissioner Adamczyk if he intended to make a motion or if the discussion was for informational purposes. Commissioner Adamczyk replied that he would make a motion. Board Chair La Follette asked Commissioner Schimel if he was comfortable with discussing all the topics at once. Commissioner Schimel replied that he was comfortable allowing Commissioner Adamczyk to manage the topic.

Commissioner Adamczyk said his first concern revolved around her involvement in issues that did not involve the Board's business. He gave examples of Ms. Nelson serving on Governor Doyle's Global Warming Task Force (hereafter referred to as "Task Force"), testimony she gave before Congress in Washington, DC, and also before legislators at the State Capitol. He also referred to 19 days where she was listed as having attended all-day Task Force meetings. He said that global warming had nothing to do with the Board, he didn't care to discuss the merits of it, and saw her involvement in these meeting as "wasted money on our part."

Commissioner Adamczyk said his second concern involved land issues. He said the "BCPL under Tia Nelson has been fixated on land issues up north." He believed that half of the Board's budget had been used to "deal with timber sales up north as well as land sales up north." He gave an example of timber sale revenues from the prior year totaling \$467,000 and expenses (for the District Office) totaling \$750,000. He said the Board should never lose money.

Commissioner Adamczyk said his third concern was with an Executive Secretary who was not focused on the Board's views. He gave an example of Ms. Nelson lobbying against proposed legislation introduced by Representatives Sanfelippo and David Craig (LRB-0169/1). The Board had not discussed or come to a decision on whether or not to support the proposal yet Ms. Nelson was "trashing the bill" and lobbying against it (*see Attachment 3 of Agenda Item 10 from March 3, 2015, board packet*). He said he had talked to Rep. Sanfelippo and was asked if what was relayed to him was the Board's view. Commissioner Adamczyk said he told the representative that it was not. He stated that he supported the proposal.

Commissioner Adamczyk said that Ms. Nelson had indicated, at the Board's last meeting, that she would be talking with staff in Governor Walker's administration about proposed budget cuts. He stated that he fully supported the budget cuts and did not understand why Ms. Nelson would lobby against them without the Board's approval.

Finally, he gave an example of Ms. Nelson lobbying against a joint resolution (AJR48) introduced in a prior legislative session that would have eliminated the State Treasurer. He said this is the bill he specifically ran on during his election. He stated that the Board never took a position on the bill. He said that the legislation has been reintroduced this session as SJR4 and AJR5. He assumed Ms. Nelson would lobby against it since she had done so before.

Commissioner Adamczyk said, "I simply don't support Tia as our Executive Secretary." He stated that he did not care to have as his "political appointee to this board" a person he considers to have committed "time theft, somebody that loses money on behalf of our beneficiaries and, furthermore, is lobbying on legislation or issues without any Board input." He said he would like to hire an Executive Secretary that treats all Commissioners

equally and fairly. He said he and the other Commissioners were on this Board for next three years and ten months. He wanted to make it “abundantly clear” that he did not support Ms. Nelson.

Commissioner Adamczyk wanted to call a vote to remove Ms. Nelson as the Executive Secretary and appoint someone who would better serve the Commissioners and beneficiaries. He stated it was “not anything personal, somebody might say that” but he felt that Ms. Nelson would “be well equipped” to work or lobby for environmental causes because it seemed to him to be a passion of hers. He made reference to Ms. Nelson’s 17 years with The Nature Conservancy and 10 years at BCPL. He does not feel her background is what the Board needs. Commissioner Adamczyk again referred to Ms. Nelson’s engagement in global warming issues while on state time and the “very partisan, partisan bill” that resulted from the Task Force. He would expect that the Board would have an Executive Secretary who would never “engage on bills that are that partisan” no matter the individual’s “political leanings.”

Board Chair La Follette asked Commissioner Adamczyk if he had a motion.

MOTION: Commissioner Adamczyk moved to remove, effectively immediately, Tia Nelson as the Board of Commissioners of Public Lands’ Executive Secretary and install in an interim capacity the Deputy Secretary to fulfill the duties of the Executive Secretary until a new person can be named by the full Board. Commissioner Schimel seconded the motion but made clear it was *only* for purposes of discussion.

DISCUSSION: Board Chair La Follette asked Commissioner Schimel if he had comments. Commissioner Schimel said that the Board had discussed the circumstances of the ongoing employment of the Executive Secretary at a prior meeting. He stated that the Board had discussed and agreed to conduct an evaluation process in June. He did not understand why this topic was presented to the Board again. He said nothing had changed between the prior board meeting and the current meeting.

Commissioner Schimel addressed Commissioner Adamczyk’s referral to the Executive Secretary as “your political appointee” and said he was not comfortable politicizing the work of the Board. He stated that while one might find the Executive Secretary’s past involvement in the Task Force and the time it took away from work time for the Board objectionable, he “does not like to convict people without having a hearing.” He said he has no idea whether the previous Commissioners were aware of Ms. Nelson’s participation in the Task Force. He stated that she may well have used additional time beyond her regular work schedule to make up for the time spent at the Task Force meetings. He said he did not think it was necessarily objectionable when a Governor asks the Executive Secretary of the BCPL to participate on a Global Warming Task Force given that she had considerable knowledge on the subject. He stated that he was not prepared to make a determination at this time. He reiterated that the Board had discussed an evaluation process and that he wanted to follow through with that decision.

Commissioner Adamczyk repeated his objection to Ms. Nelson participating in activities that were not “BCPL business.” He stated that the Board is “specifically required as fiduciaries for our beneficiaries to only make sure we are focusing on our business.”

Board Chair La Follette said he understood Commissioner Adamczyk’s “points” because he had made them before.

Commissioner Adamczyk referred to an email where he requested information from Ms. Nelson and she replied “please make your request in a board meeting.” He felt that he should be provided information when he requests it so that he can make “judgments.”

Board Chair La Follette said a fair amount of time had been spent on the topic, namely, to remove Tia Nelson as Executive Secretary. He said that he has been a member on the Board for many years and was aware of Ms. Nelson’s involvement on the Task Force. He said he was aware of the forest management certification that the “Treasurer attacked” at an earlier meeting. He felt the items brought before the Board on this topic were “spurious.” He called for a vote.

VOTE: Commissioner Adamczyk voted aye; Board Chair La Follette and Commissioner Schimel voted no. The motion failed 1-2.

ITEM 11. FUTURE AGENDA ITEMS

Board Chair La Follette explained that this agenda item was “sort of moot” since any Commissioner can now request that items be added to the next meeting agenda by noon of the Tuesday the week before a regularly scheduled board meeting. Commissioner Schimel disagreed with the “moot” statement because Commissioners do have an opportunity under this agenda item to plan what they would like to discuss at the next meeting – without violating the open meetings law. Board Chair La Follette retracted his “moot” statement and agreed with Commissioner Schimel’s comments, although he did express his concern about agenda items that could be added without being discussed under this agenda topic.

Commissioner Schimel said that the Board spent a fair amount of time to resolve procedural issues but not much time on items 9 and 10. He did not believe that the Board had agreed on how to proceed with evaluation process for the Executive Secretary. He said this topic should be an agenda item for the next board meeting and also limit other items so the Board has ample time to discuss it. Commissioner Adamczyk asked if Commissioner Schimel was referring to the evaluation of the Executive Secretary and “looking into it at some point.”

Commissioner Schimel said the agenda item he wanted to discuss, as a major topic at the next meeting, was how the Board would conduct an evaluation process, when the evaluation would happen, which Commissioner would be the lead on certain items, what would be relevant, and how to seek input from interested parties as part of the overall process.

Board Chair La Follette asked if Commissioner Schimel was expecting the Commissioners to present ideas on the process and if he was also expecting staff to report on any information they obtained. He said that Executive Secretary Nelson reported at the last meeting that she had contacted the Department of Administration and have received some materials that the Board may find useful in developing the evaluation process. Commissioner Schimel replied that the board would work on the specifics at the next meeting. Board Chair La Follette asked Commissioner Schimel specifically if his request was not to “rehash” the termination of the Executive Secretary. Commissioner Schimel replied that the Board should conduct an evaluation process and it was not his intention to do this by a Board vote. He added that he has been a member of the Board for two months and was not prepared to make a determination on whether or not the business of Board was being conducted appropriately by the Executive Secretary.

Board Chair La Follette said that the Board received a letter from the Oneida County Economic Development Corporation with a request that the letter be entered into the record. He requested that the letter be entered into the record. Commissioner Schimel said the public had no warning of the letter that Board Chair La Follette had referred to nor other materials the Board had received via email. He said that the documents should be discussed and entered into the record at the next board meeting.

Board Chair La Follette reiterated that it was his hope that the 13 accusations presented at this board meeting would not be “rehashed” at the next meeting. Commissioner Adamczyk said he did not need to discuss the topic further. He said did not support Tia Nelson as the Board’s Executive Secretary but the other Commissioners voted in favor of retaining her. He understands that Commissioner Schimel would like to develop a procedure for evaluating the Executive Secretary. Commissioner Adamczyk said he had made his evaluation but understood Commissioner Schimel’s desire for more time. He clarified that the statement he made about a “political appointee” (under agenda item 10) was only made as a reference to the Commissioners being politicians. He did not want the Board to be political. He said the Board had never been charged with appointing an Executive Secretary until today and had been left with a “carryover” from the prior Board. He believed the Board had never voted to retain the current Executive Secretary since her appointment in 2004.

ITEM 12. ADJOURN

MOTION AND VOTE: Board Chair La Follette moved to adjourn the meeting; Commissioner Schimel seconded the motion. The motion passed 3-0.

A handwritten signature in black ink, appearing to read "Tia Nelson", written in a cursive style.

Tia Nelson, Executive Secretary

These minutes have been prepared from a tape recording of the meeting. The summaries have not been transcribed verbatim. Anyone wishing to listen to the recording may do so at the Board of Commissioners of Public Lands, 101 E. Wilson Street, 2nd Floor, Madison, Wisconsin.

**BOARD MEETING
MARCH 17, 2015**

**AGENDA ITEM 3
APPROVE LOANS**

Municipality	Municipal Type	Loan Type	Loan Amount
1. Albion Dane County Application #: 02015095 Purpose: Refinance BCPL loan #2014076	Town Rate: 3.00% Term: 3 years	General Obligation	\$350,000.00
2. Bangor La Crosse and Monroe Counties Application #: 02015105 Purpose: Finance HVAC upgrade	School Rate: 3.25% Term: 10 years	General Obligation	\$150,000.00
3. Hazelhurst Oneida County Application #: 02015104 Purpose: Construct town hall and fire department barn	Town Rate: 3.25% Term: 10 years	General Obligation	\$800,000.00
4. Springdale Dane County Application #: 02015103 Purpose: Purchase snowplow truck and equipment	Town Rate: 3.00% Term: 3 years	General Obligation	\$123,000.00
5. Warren St Croix County Application #: 02015102 Purpose: Refinance BCPL loan #2015064	Town Rate: 3.00% Term: 4 years	General Obligation	\$180,000.00
TOTAL			\$1,603,000.00

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Board of Commissioners of Public Lands
101 E. Wilson Street, 2nd Floor
Post Office Box 8943
Madison, Wisconsin 53708-8943
Lands (608) 266-1370
Loans (608) 266-0034

DATE: March 11, 2015

TO: Douglas la Follette, Secretary of State
Matt Adamczyk, State Treasurer
Brad D. Schimel, Attorney General

FROM: Richard Sneider, BCPL Loan Analyst

SUBJECT: Staff Analysis of BPCL Land Bank Authority and Impacts of AB71
Attachment to Agenda Item 7 – March 17, 2015, Board Meeting

Executive Summary – Since unanimous approval by the State Legislature in 2006, Land Bank Authority (Land Bank) has been a critical tool for increasing the value of School Trust Land assets. Land Bank has also improved investment returns, lowered portfolio risk by enhancing diversification, and increased management efficiencies. As a result of successful implementation of this authority, timber revenues have exceeded all direct costs of the BCPL land management office in Lake Tomahawk by more than \$120,000 during each of the past four years, while generating substantial unrealized appreciation in land asset values.

AB71, which is currently under consideration in the State Legislature, would eliminate the Board’s statutory authority to invest in land. It is indisputable that allowing BCPL to maximize the value of managed assets and improve Trust Land revenue potential through the continuation of Land Bank is in the best interest of Trust Fund beneficiaries.

The Board has a fiduciary duty to work in the best interests of Trust Fund beneficiaries and AB71 would do harm by removing a tool that enhances returns available to these same beneficiaries.¹

History of BCPL Land Ownership – The BCPL has managed State of Wisconsin School Trust Lands since statehood in 1848. Originally granted to Wisconsin from the Federal Government, these lands eventually totaled over 4 million acres with the vast majority sold during the 1800s. The scattered parcels that remained in the BCPL portfolio were mostly received with the Swamp Land Grant of 1850 and had little monetary value and/or severe management impediments. Many of these parcels were lands that no one wanted or had no legal access.

Wisconsin Constitution – Article X, Section 7 of the State Constitution created the BCPL to sell the lands granted to the State by the Federal Government and invest the proceeds within a trust to benefit public schools. Section 8 requires that lands be appraised before sale, and allows the Board to withhold land from sale “when they shall deem it expedient.” Section 8 also provides that funds shall be invested “in such manner as the legislature shall provide.” In 2006, the legislature provided that BCPL could invest in land under certain limited conditions.

Trust Land Holdings and Land Bank – BCPL currently manages less than 78,000 acres concentrated within a nine county consolidation zone in North Central Wisconsin. One condition of Land Bank was that Trust Funds could not own more than the 77,845 acres of land BCPL managed at the time of passage. Since 2006, BCPL has actively used this authority to improve the quality and value of land assets owned by the Trust Funds through the sale of 13,715 acres and the purchase of 12,904 acres.

¹ AB71 also makes policy changes to the Knowles Nelson Stewardship Fund. These changes have no impact on BCPL.

Since Land Bank was granted, BCPL has accomplished the following:

- Increased timberlands by a net total of 24.6%
- Increased acres with permanent legal access by 27.8%

This realignment has significantly increased the value and revenue potential of School Trust Lands (see below). While these achievements are notable, it should be pointed out that significant challenges remain. In fact, only 41% of the School Trust Lands managed by the BCPL (31,700 acres) have been determined to have no significant remaining management challenges.

Land Bank provides the only efficient means to address these management impediments and continue the process of improving the value and revenue potential of BCPL-managed School Trust Lands. Without Land Bank these problems become hardened into the Trust Land portfolio without the tools to address them, thereby diminishing the ability of BCPL to attain full realizable value in future sales.

Land Bank purchases since 2006 have provided BCPL-managed Trust Funds with:

1. **Better Returns** – The BCPL has invested \$16,000,000 (sixteen million dollars) in land since Land Bank was granted in 2006. Timber revenues from harvests on these newly purchased lands exceed by more than threefold the interest income that would have been generated by the same investment in the State Investment Fund (SIF). SIF is the appropriate benchmark because the Trust Funds held large cash balances during this period, primarily due to the Great Recession and the consequent effects on municipal loan demand and the financial markets. Any additions to the cash balance of the Trust Funds during this time (e.g., had we not purchased timberland) would have been invested in the SIF.

BCPL land purchases since 2006 have certainly been a better investment for Trust Fund beneficiaries than available alternative investments. Of course, when including the unrealized appreciation of these land and timber assets, this investment comparison becomes even more lopsided (see below).

2. **Increased Land Management Efficiency** - One Land Bank strategy involves creating larger blocks of timberland. Loggers have certain fixed costs associated with timber contracts, and will bid more per acre on larger tracts. As BCPL has created larger blocks of productive timberland, our timber bids have improved for both pulpwood and saw timber. And, as the amount of timberland within the BCPL portfolio has increased, efficiency measures including the operating expense ratio and net management costs per acre have improved as well.
3. **Improvements in Adjacent Land Values** - Another Land Bank strategy includes the acquisition of legally accessible lands that are adjacent to landlocked parcels already held by the Trust Funds, thereby creating legal access to the interior parcels and unlocking the inherent value. While it is difficult to put an exact number on the appreciation of land assets, recent independent appraisals completed for BCPL show discounts of 30% for lands without legal public access. That percentage seems low, as the only parties that would place any value on a landlocked parcel may be the adjacent landowners. Neighbors are not often eager to buy, as they already benefit from using the adjacent trust land without the associated costs.

Since 2006, Land Bank has allowed BCPL to provide access to over 3,000 acres of previously landlocked parcels, increasing Trust Land values by more than \$1 million. A simple extrapolation would suggest that using Land Bank to obtain access rights for some (or all) of the remaining 31,000 managed acres without permanent legal access would provide the Trust Fund beneficiaries with significant increases in value.

4. **Asset Value Appreciation** - Institutional timberland investments nationwide, according to the National Council of Real Estate Investment Fiduciaries (NCREIF), have experienced an average annual return of 12.3% since 1987. While some of this return is from cash timber sales, a significant portion comes from the appreciation in land values. Experts in Northern Wisconsin indicate that local timberland values increased 5-10% annually from 1990 to 2005, remained stable during the recession, and have begun to increase at an annual rate of 1-2%.

5. **Diversification of Investment Portfolio** – Land provides significant diversification to Trust Fund investment portfolios that are otherwise restricted to a few types of fixed-income investments. One important element of this diversification is that when market interest rates increase, land values will tend to rise and the value of all other Trust Fund assets will decline. Diversification is critical for long-term fund performance, which is an important reason that real estate, including timberland, is included in the strategic asset allocation of most institutional funds. In addition, timberland is the only real estate asset available for BCPL investment and provides the only inflation hedge within our investment portfolio.

Strategic asset allocation is an important function of Trust Fund management. At some point in time, it may make sense for the Board to reconsider the current allocation to land assets. But any strategic reallocation process will require an assessment of the expected future investment risks and returns in land and timber markets relative to other investment options available to the BCPL. This process must also include an analysis of the impact of reallocation on the diversification of investments within Trust Fund portfolios.

Recommendation – Staff recommends that the Board support continued use of Land Bank Authority in order to increase the value of Trust Land assets and improve Trust Land timber revenue potential, and oppose legislative efforts to rescind such authority.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0169/1
RNK&JK:wlj:jf

2015 ASSEMBLY BILL 71

March 5, 2015 - Introduced by Representatives SANFELIPPO, CRAIG, AUGUST, BRANDTJEN, R. BROOKS, CZAJA, EDMING, HUTTON, JACQUE, KAPENGA, KLEEFISCH, KREMER, KULP, T. LARSON, NEYLON, QUINN, SKOWRONSKI, THIESFELDT and WEATHERSTON, cosponsored by Senators TIFFANY and NASS. Referred to Committee on Mining and Rural Development.

1 **AN ACT to repeal** 23.0917 (5t), 24.11 (1) (c), 24.605, 24.61 (2) (a) 10. and 24.61
2 (2) (cm) 1. to 4.; **to renumber and amend** 24.61 (2) (cm) (intro.); **to amend**
3 23.0917 (8) (d), 24.62 (3), 70.114 (1) (b) 2. and 70.114 (1) (c); and **to create** 70.114
4 (5) of the statutes; **relating to:** aid payments on, and city, village, town, and
5 county approval of, certain lands purchased by the Department of Natural
6 Resources and restrictions on the purchase of land by the Board of
7 Commissioners of Public Lands.

Analysis by the Legislative Reference Bureau

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the University of Wisconsin Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

Current law also authorizes BCPL to invest moneys in the purchase of land in this state, but establishes certain conditions on the purchase of this land for investment purposes. Current law provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual

ASSEMBLY BILL 71

payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to property taxes levied on the land in the year prior to the year in which BCPL purchased the land. This bill eliminates BCPL's authority to purchase land.

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program (stewardship program), which is administered by the Department of Natural Resources (DNR). The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants or state aid to certain local governmental units and nonprofit conservation organizations to acquire lands for these purposes. Current law provides that each city, village, or town (municipality) and each county may adopt a nonbinding resolution supporting or opposing the proposed acquisition of land funded under the stewardship program. This bill prohibits DNR from acquiring any land under the stewardship program without the prior approval of the governing body of each city, village, town, and county in which any of the land is located.

Currently, DNR annually pays a municipality where land purchased by DNR is located an amount equal to the lesser of the purchase price or the assessed value of the land in the year before the year in which DNR purchased the land. The bill provides that DNR will not make these payments for land it purchases after June 30, 2015.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.0917 (5t) of the statutes is repealed.

2 **SECTION 2.** 23.0917 (8) (d) of the statutes is amended to read:

3 23.0917 (8) (d) The department may not acquire land using moneys from the
4 appropriation under s. 20.866 (2) (ta) without the prior approval of a majority of the
5 members-elect, as defined in s. 59.001 (2m), of the county board of supervisors of the
6 county in which the land is located if at least 66% of the land in the county is owned
7 or under the jurisdiction of the state, the federal government, or a local governmental
8 unit, as defined in s. 66.0131 (1) (a) governing body of each city, village, town, and
9 county in which any of the land is located. Before determining whether to approve
10 the acquisition, the each city, village, town, or county in which any of the land is

ASSEMBLY BILL 71

1 located shall post notices that inform the residents of the community surrounding
2 the land of the possible acquisitions.

3 **SECTION 3.** 24.11 (1) (c) of the statutes is repealed.

4 **SECTION 4.** 24.605 of the statutes is repealed.

5 **SECTION 5.** 24.61 (2) (a) 10. of the statutes is repealed.

6 **SECTION 6.** 24.61 (2) (cm) (intro.) of the statutes is renumbered 24.61 (2) (cm)
7 and amended to read:

8 24.61 (2) (cm) *Investments in land in this state prohibited.* (intro.) The board
9 may not invest moneys in the purchase of any land under par. (a) 10. unless all of the
10 following occur:

11 **SECTION 7.** 24.61 (2) (cm) 1. to 4. of the statutes are repealed.

12 **SECTION 8.** 24.62 (3) of the statutes is amended to read:

13 24.62 (3) If any land purchased under s. 24.61 (2) (a) 10., 2013 stats., was at
14 the time of purchase subject to assessment or levy of a real property tax, the board
15 shall make annual payments in lieu of property taxes from the proceeds from the sale
16 of timber or from appropriate trust fund incomes to the appropriate local
17 governmental unit in an amount equal to property taxes levied on the land in the
18 year prior to the year in which the board purchased the land.

19 **SECTION 9.** 70.114 (1) (b) 2. of the statutes is amended to read:

20 70.114 (1) (b) 2. For land purchased on or after July 1, 2011, and before July
21 1, 2015, “estimated value,” for the year during which land is purchased, means the
22 lesser of the purchase price or the determination of the land’s equalized valuation
23 under s. 70.57 in the year before the year during which the land is purchased,
24 increased or decreased to reflect the annual percentage change in the equalized
25 valuation of all property, excluding improvements, in the taxation district, as

ASSEMBLY BILL 71

1 determined by comparing the most recent determination of equalized valuation
2 under s. 70.57 for that property, except that if the land was exempt from taxation in
3 the year prior to the year during which the Department purchased the land, or
4 enrolled in the forest cropland program under subch. I of ch. 77 or the managed forest
5 land program under subch. VI of ch. 77 at the time of purchase, “estimated value,”
6 for the year during which the land is purchased means the lesser of the purchase
7 price or an amount that would result in a payment under sub. (4) that is equal to \$10
8 per acre. “Estimated value,” for later years, means the value that was used for
9 calculating the aid payment under this section for the prior year increased or
10 decreased to reflect the annual percentage change in the equalized valuation of all
11 property, excluding improvements, in the taxation district, as determined by
12 comparing the most recent determination of equalized valuation under s. 70.57 for
13 that property to the next preceding determination of equalized valuation under s.
14 70.57 for that property.

15 **SECTION 10.** 70.114 (1) (c) of the statutes is amended to read:

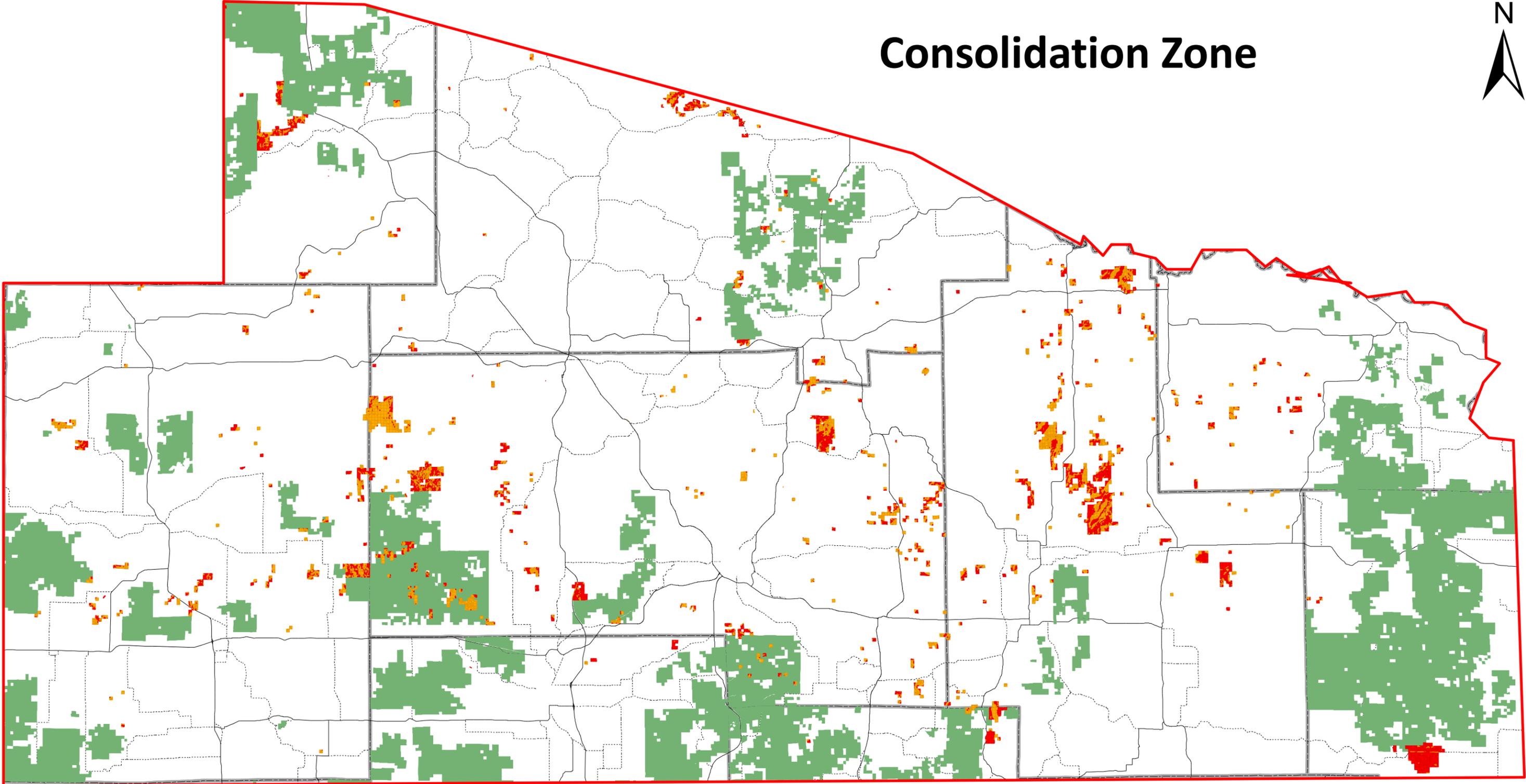
16 70.114 (1) (c) “Land” means state forests, as defined in s. 28.02 (1), that are
17 acquired after December 31, 1991, and before July 1, 2015, state parks that are
18 acquired after December 31, 1991, and before July 1, 2015, under s. 27.01 and other
19 areas that are acquired after December 31, 1991, and before July 1, 2015, under s.
20 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or 29.749 (1).

21 **SECTION 11.** 70.114 (5) of the statutes is created to read:

22 70.114 (5) SUNSET. This section does not apply to lands purchased after June
23 30, 2015.

24 **SECTION 12. Fiscal changes.**

Consolidation Zone

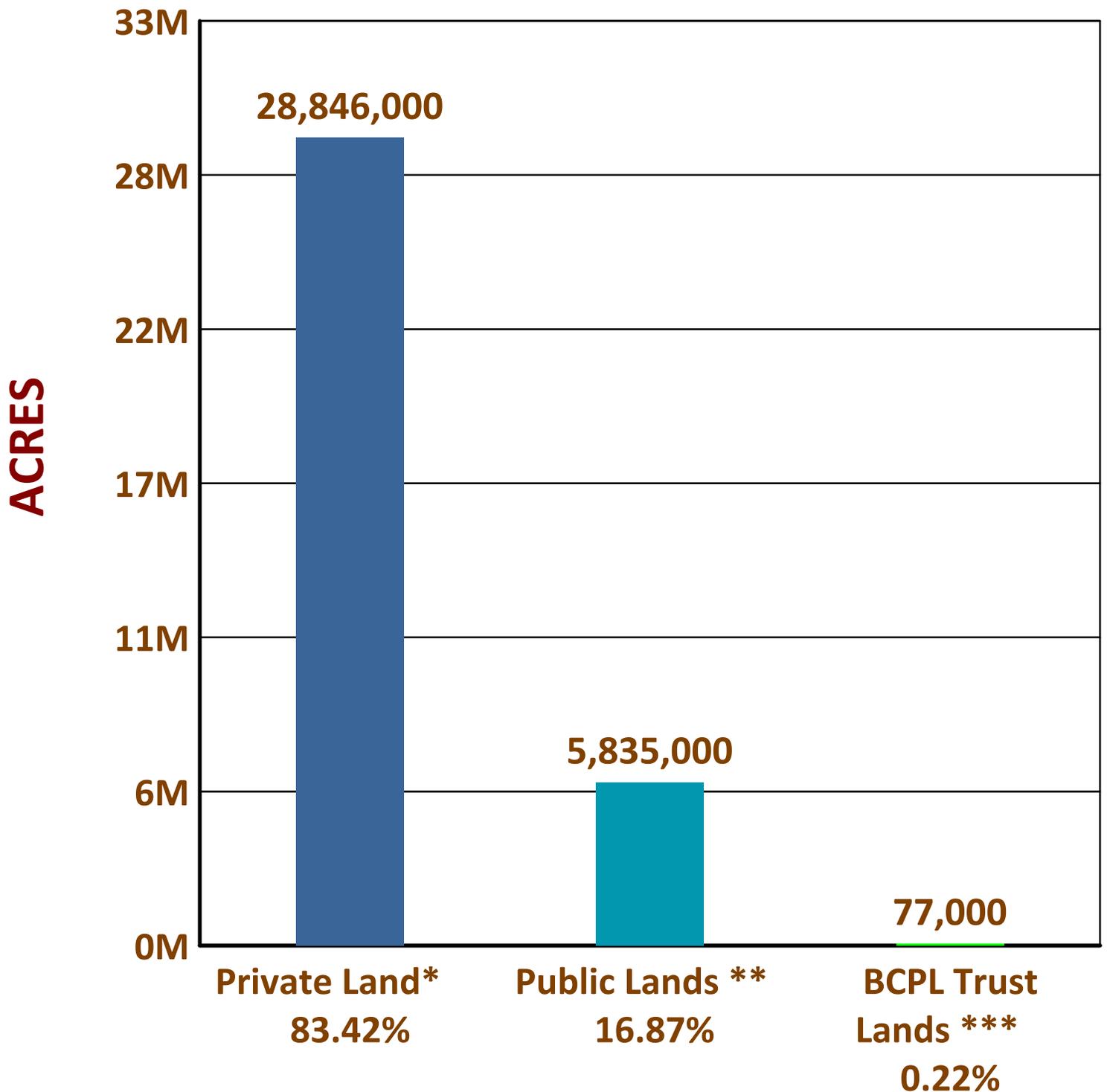


Legend

-  Consolidation Zone
-  County Forest
-  BCPL Timberland Productive
-  Counties
-  BCPL Non-Productive

LAND OWNERSHIP IN WISCONSIN

(34,759,000 Acres of Land in Wisconsin)



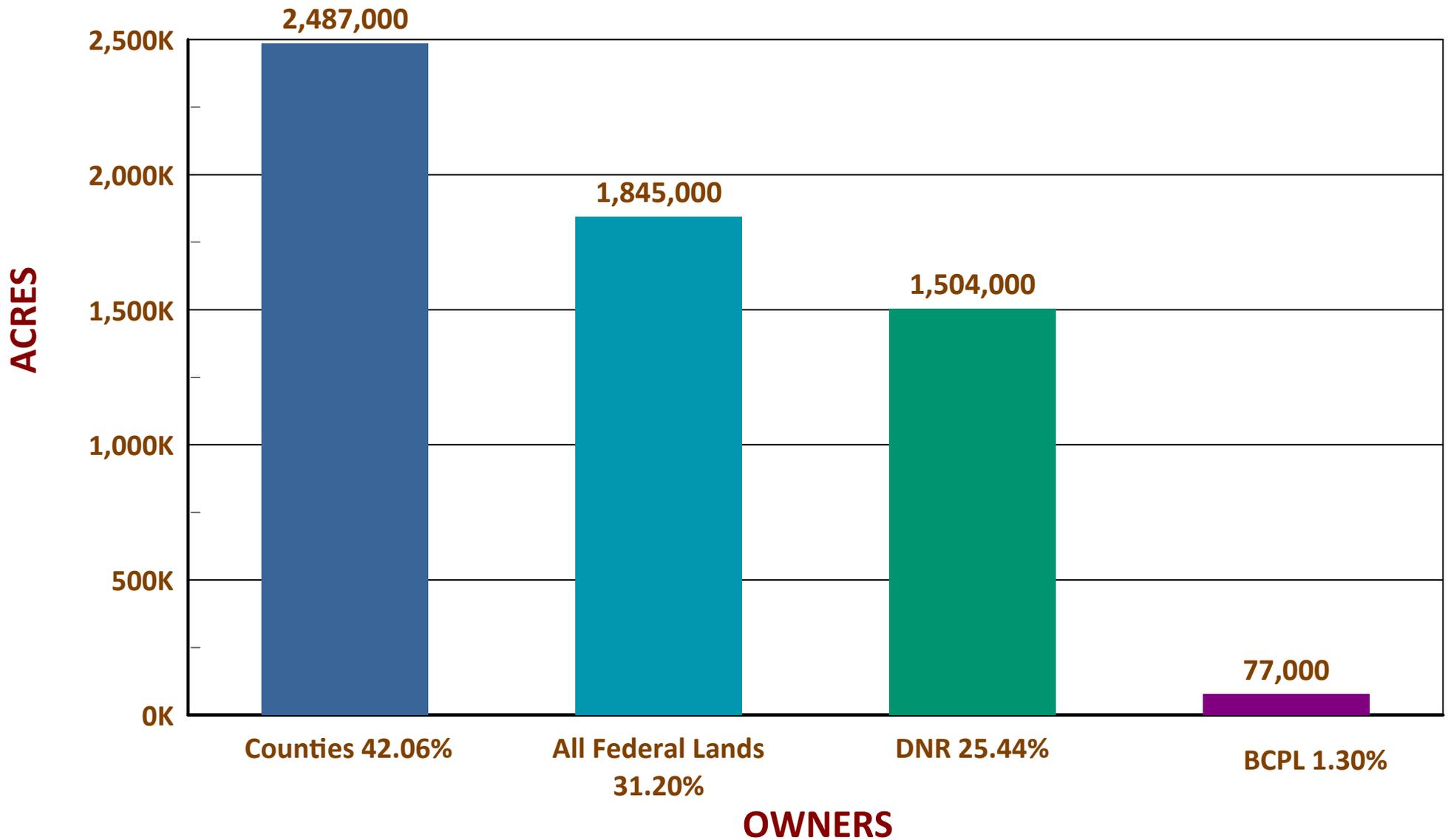
* All Private Land not under BCPL, DNR, County or Federal ownership.

** Public Lands include DNR, County and Federal ownership.

*** BCPL Lands are constitutionally created School Trust lands owned by the Board, held in trust for the benefit of public education. BCPL trust lands represent 1.3% of all public lands.

NOTES: All acres are rounded to the thousands of acres. Percentages do not add up to 100% due to rounding.

PUBLIC LAND OWNERS IN WISCONSIN *



* BCPL Lands are constitutionally created School Trust Lands owned by the Board, held in trust for the benefit of public education.

NOTE: All acres are rounded to the thousands of acres.