

Board Meeting Minutes
March 17, 2015

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.

ITEM 1. CALL TO ORDER

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 1:02 p.m. He noted that he and Commissioner Schimel were attending in person and Commissioner Adamczyk was participating via telephone. He said that several staff members were present in person, also.

Board Chair La Follette said he was dismayed with the direction of the Board this year. He felt the board had strayed from their mission and been distracted by “petty matters.” He said he had served as Board Chair for many years with both Republican and Democratic majorities, had managed the meetings in a fair and non-partisan fashion, and had the support of past board members. He felt he may not be able to restore order and return the Board to its “important mission.” He asked unanimous consent to discuss item 4 (Elect Board Chair). There were no objections.

ITEM 4. ELECT BOARD CHAIR

MOTION: Board Chair La Follette moved to elect Commissioner Schimel as Board Chair; Commissioner Adamczyk seconded the motion.

DISCUSSION: Commissioner Adamczyk said he saw the Board moving in a different direction and was “not a fan of having unelected bureaucrats running our organization.” He wants the Commissioners to have more direct oversight, which may include additional duties that would be discussed later in the meeting (see *agenda item 8*). He said he would support Commissioner Schimel as Board Chair.

Commissioner Schimel accepted the nomination. He said he believed there was reason to discuss the issues (allegations against the Executive Secretary) that had been brought up at the board meetings over the past couple of months. He added the Board should examine some of the goals that Commissioner Adamczyk would like to pursue. He said the past board should have had an evaluation process for the Executive Secretary so she knew what was expected of her.

Board Chair La Follette replied that in the past he and other board members had discussed Executive Secretary Nelson’s performance, the activities of agency staff, and also goals for the agency. He said there had never been any criticism of her and that she was “evaluated on a continual basis.” He said that the board did not have a formal evaluation method in the past but he had agreed to one in the future. He felt it was unfair to portray that the agency had no oversight in the past from the Board.

VOTE: The motion passed 3-0.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Public Lands has elected Attorney General Brad D. Schimel to serve as Board Chair.

Commissioner La Follette wished Board Chair Schimel success.

Board Chair Schimel thanked him. He said he did not intend to imply that there had been no oversight but that a more formal process was appropriate.

ITEM 2. APPROVE MINUTES – MARCH 3, 2015

Board Chair Schimel asked for a motion to approve the minutes.

MOTION AND VOTE: Commissioner Adamczyk moved to approve the minutes; Commissioner La Follette seconded the motion. The motion passed 3-0.

ITEM 3. APPROVE LOANS

Board Chair Schimel asked if the staff had additional information about the loans. Executive Secretary Nelson replied that the loans had received legal review.

<u>Municipality</u>	<u>Municipal Type</u>	<u>Loan Type</u>	<u>Loan Amount</u>
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

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

ITEM 5. DISCUSS EXECUTIVE SECRETARY PERFORMANCE EVALUATION PROCESS

Board Chair Schimel said the Board should not ignore the issues discussed in past meetings nor leave them unresolved. He proposed that the Board identify the issues and address each of them at upcoming meetings. He said it was his intention to forward any questions he had to Executive Secretary Nelson in advance of the meeting where an issue would be discussed so she could gather supporting documentation and be prepared to answer those questions.

Board Chair Schimel added that the Board had discussed and agreed at a prior meeting (*January 20, 2015*) to conduct an evaluation of Executive Secretary Nelson in June. He said he expected that she would provide a self-evaluation where she would identify her accomplishments, her goals and provide a self-critique. He said the Board would have to determine whether or not there was reason to convene an executive session to discuss the evaluation process.

Commissioner Adamczyk said he would like staff to prepare a detailed analysis of the Normal School Fund expenditures. He said it appeared to him that the Fund was losing money.

Commissioner Schimel said the Board could select a meeting date where that topic could be discussed. He deferred to staff to provide a timeframe on when the information might be ready to present to the Board.

Executive Secretary Nelson replied that Commissioner Adamczyk and the other Commissioners had been provided an analysis of the direct costs for land management and timber revenue, which showed a profit four of the last five years. She asked Deputy Secretary German if he had a sense of how long it might take to produce a comprehensive report.

Deputy Secretary German said it would depend on how many years in the past the report would span.

Commissioner Adamczyk said ten years and was only interested in an analysis of the Normal School Fund.

Deputy Secretary German said he would like to give staff a month to compile and verify the information.

Board Chair Schimel asked if including the topic on the April 21 agenda was acceptable.

Deputy Secretary German said it was and Commissioner Adamczyk was in agreement with that date.

ITEM 6. DISCUSS PROCESS FOR REVIEWING AND ADDRESSING ALLEGATIONS AGAINST THE EXECUTIVE SECRETARY

Board Chair Schimel said he was not sure which allegation the Board should discuss at the next meeting. He said they might want to consider addressing the Assembly bill (AB71). He added the Board should provide advice and information to the Legislature as it relates to the proposed legislation. He said there was information that could be provided more clearly to the public and it appeared as though the Board owned 18% of the land in the state of Wisconsin when, in fact, they only own 1.2%. If the legislature was trying to address the issue of the state owning too much land, affecting what the Board does might not have any impact on their goal. He said this might be an issue the Board may not want to delay. He asked if the Board was prepared to discuss the topic at this meeting or a meeting in April.

Board Chair Schimel proposed that at the Board's April 7 meeting they discuss the various allegations regarding Executive Secretary Nelson's past participation on a Global Warming Task Force.

Commissioner La Follette asked if a motion would be made to that effect or if it would simply be an agreement by the Commissioners.

Commissioner Adamczyk said a motion would not have to be made because they were only discussing the items that would appear on the next agenda. He said it (her participation on the Task Force) was a “waste of time.”

Commissioner La Follette said he was opposed to the discussion. He thought it bordered on the “edge of an irresponsible witch hunt,” which he did not want to be a part of.

Commissioner Adamczyk said the Executive Secretary served at the Board’s pleasure and reflected upon the Board. He added that if that person’s views were not consistent with the Board’s, it was a concern to him.

Board Chair Schimel said it was an unresolved issue due to differences of opinion on whether or not the time spent by Executive Secretary Nelson was personal or BCPL time. He said he did not know what guidance was given by past Commissioners and what was or was not approved. He felt the allegation needed to be resolved so that the Board could provide guidance to the Executive Secretary in the future and avoid a similar situation.

Board Chair Schimel said the topic (allegations surrounding the Executive Secretary’s past participation in the Global Warming Task Force) was to be included on the April 7 agenda. He said he planned to submit his questions to Executive Secretary Nelson so she could be prepared to respond.

ITEM 7. STAFF ANALYSIS OF BCPL LAND BANK AUTHORITY AND IMPACTS OF AB71

Board Chair Schimel said he started to discuss this item earlier (*see Item 6*) and asked Commissioner Adamczyk for a status update on AB71. He added that the Board should discuss what action they wanted to take.

Commissioner Adamczyk said he understood the bill to be introduced and may be at the committee level but did not believe it had been heard (by the Assembly). He said, from talking to the bill’s authors that they wanted to return the BCPL to its constitutional intent, which was to sell land. While the Board could decide to hold land for many years, he did not think the Board needed to “be buying a bunch of land.” He said he supported the bill. If the Board voted to either support or oppose the bill, then staff could “feel free to engage.” He said the analysis provided by the staff was their opinion and he did not agree with all the opinions.

Commissioner La Follette replied that he and past Board members experienced frustration because they were unable to manage the Trust Lands in a manner that was productive due to the scattered nature of the parcels. They chose to pursue a solution and Executive Secretary Nelson worked in a non-partisan manner to achieve unanimous consent from the legislature. The passage of that legislation gave the agency the ability to develop a program that allowed the agency to consolidate the Trust Lands. He said it has made the land more valuable and productive.

Commissioner La Follette said that the Board’s land holdings have *not* increased. He said that while he was opposed to AB71 at this time, he was also willing to be open-minded. He suggested that the board consult with an expert, such as Steigerwaldt Land Consultants. The company manages about 400,000 acres of land in Wisconsin and is well respected.

Commissioner La Follette asked Board Chair Schimel if he (Commissioner La Follette) needed to make a motion. Board Chair Schimel said a motion should be made if the Board would be discussing providing direction to staff.

MOTION: Commissioner La Follette moved that the Board invite Steigerwaldt Land Services to make a presentation on the Board’s land management practices, the effect of Land Bank Authority on that activity, and Land Bank’s value asset to the Trust Lands. Board Chair Schimel seconded the motion.

DISCUSSION: Board Chair Schimel asked what kind of timeframe might be needed for the presentation. Executive Secretary Nelson said it would depend on how much information the Board wanted to receive. She said the company had substantial experience and respect in the industry, was a large industrial timber land manager, and advises trust fund managers on investment strategies relating to timberland investments. She thought an hour-long presentation would be sufficient.

Commissioner La Follette asked how long she thought it would take Steigerwaldt to prepare the analysis and report. Executive Secretary Nelson replied that she did not know.

Commissioner Adamczyk asked whether the Board would have to pay for the service. Executive Secretary Nelson replied that she did not think so.

Commissioner Adamczyk asked if they (Steigerwaldt) could manage the Board's land. Executive Secretary Nelson asked if he was asking her if the Board would pay Steigerwaldt to manage the Board's land. Commissioner Adamczyk said he didn't mean pay. He said the Board would maintain ownership but was asking if the management of the lands could be privatized. He was not making a motion to that effect but was asking if Steigerwaldt or other companies provided that type of service. Executive Secretary Nelson said he should ask that question when Steigerwaldt made their presentation to the Board.

Board Chair Schimel asked if Steigerwaldt would need to do the presentation in person or just provide the Board with an existing report. Executive Secretary Nelson replied they did not have an "off-the-shelf" report. She said that Steigerwaldt was preparing a report on a large conservation easement that was funded in part by the Knowles-Nelson Stewardship Fund. They were using that report to explain the transaction to members of the legislature. While she thought the report might be illuminative to the Board, she did not think it would answer the Board's questions.

Commissioner La Follette suggested that Executive Secretary Nelson provide an outline to Steigerwaldt explaining what information the Board would like to see in the presentation and allow them 30 minutes to make the presentation. Board Chair Schimel agreed with the suggestion but said he would be participating by telephone for the April 7 meeting. Commissioner La Follette said he would be calling in also. Board Chair Schimel suggested the presentation be scheduled for the April 21 board meeting. Executive Secretary Nelson said that would allow Steigerwaldt more time to prepare.

Commissioner Adamczyk said he would like to "see no expenses on our part and only money coming in for our timber revenue." He suggested the possibility of working with the counties or Steigerwaldt to manage some of the lands. Commissioner La Follette had no objection to Steigerwaldt presenting those options. He said he wanted them to provide their opinion of AB71 and how the Board's Land Bank Authority relates to the management of the Trust Lands.

Executive Secretary Nelson said it may be valuable for Steigerwaldt to start at the "10,000 foot level" and provide timberland investment data from the past and present and also into the future. Commissioner La Follette said he would prefer not to surprise them and asked Executive Secretary Nelson to apprise them of the Board's concerns relating to Land Bank Authority and how it related to AB71.

Executive Secretary Nelson said she would send the Commissioners an email detailing what the Board had discussed and the information they were expecting Steigerwaldt to include in their presentation.

Commissioner La Follette called the question.

Board Chair Schimel asked about potential compensation costs to Steigerwaldt.

Commissioner La Follette withdrew his call for the question so discussion could continue.

Executive Secretary Nelson said if Steigerwaldt asked for fees above travel expenses, the issue would be brought before the Board for further discussion.

VOTE: The motion passed 3-0.

MOTION and VOTE: Board Chair Schimel moved that the Board grant authority to pay for travel expenses Steigerwaldt may incur; Commissioner Adamczyk seconded the motion. The motion passed 3-0.

ITEM 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

Commissioner Adamczyk said he was “not a big fan of an unelected bureaucrat running things.” He said there was a vacant IT position within the agency and he had met with Executive Secretary Nelson to discuss the vacancy after he was elected State Treasurer. He said he told her he did not think that the agency needed an IT person yet she filled it anyway. He said staff could oversee the recruitment process but the Commissioners should have oversight of staffing, especially since the Governor’s budget proposed trimming staff at BCPL and other agencies.

Commissioner Adamczyk expressed concern about the Executive Secretary’s work hours and how they have been reported. He said the position was a 40-hour-a-week position and wanted her work hours reported and approved.

Commissioner Adamczyk said he would prefer knowing there was oversight of future agency expenses over \$5,000 by the Board Chair.

Commissioner La Follette said this agenda items was an example of micromanagement and was opposed to the Board Chair’s involvement in the activities.

Board Chair Schimel suggested that the agenda item be added to the April 7 board meeting. He said he would talk with Executive Secretary Nelson to learn more about the agency’s expenses in order to determine a reasonable line of demarcation. He would report back to the other Commissioners at the April 7 meeting.

ITEM 9. VOTE TO PROHIBIT BOARD STAFF FROM LOBBYING THE STATE LEGISLATURE, GOVERNOR OR FEDERAL GOVERNMENT ON LEGISLATIVE PROPOSALS UNLESS APPROVED BY THE BOARD

Board Chair Schimel said a motion was needed for board discussion.

MOTION: Commissioner Adamczyk moved to prohibit Board staff from lobbying the state legislature, Governor’s office, or the federal government on proposals unless approved by the Board. Board Chair Schimel seconded the motion.

DISCUSSION: Commissioner La Follette felt this was unnecessary micromanagement and there had never been a problem in the past. He said there is a distinction between lobbying and providing information. He said Executive Secretary Nelson had provided information and facts and he did not think that was lobbying.

Commissioner Adamczyk disagreed.

Board Chair Schimel said providing the Governor or legislature with information about the Board's past or current activities was advocating. He agreed that the Board should discuss advocacy for or against legislation before staff begin to lobby on a matter.

Executive Secretary replied that she completely agreed. She said examples put forth in the past were a misrepresentation of what she had done and in both instances it is on record that she was only providing information.

Executive Secretary Nelson updated the Commissioners about the status of the Shared Agency Services Pilot Program in the Governor's budget. She explained that the program would have eliminated the agency's accountant and IT positions but the agency's budget would not have been reduced. She said her understanding from the Governor's Office was that the program had been delayed by one year.

Executive Secretary Nelson said the Board's budget, as submitted, followed the Governor's request for agencies to submit a cost to continue budget. There were no increases to spending, staffing or programmatic areas. Given the motion that was made, she asked if she had the Board's permission to meet with members of the Joint Finance Committee and "walk through" the agency's budget with them.

Commissioner Adamczyk said that each of the Commissioners could contact members of the legislature or the Governor's office but he did not want staff "weighing in" unless the Board had agreed with what was proposed in the agency's budget.

Commissioner La Follette said that being asked to appear before Joint Finance to explain the agency's budget was informational, not lobbying. He would expect that Executive Secretary Nelson would inform the Board if she had been asked to appear before Joint Finance. He said the three Commissioners could request to appear before Joint Finance if any of them wished to do that.

Executive Secretary Nelson said that small agencies do not appear before the Joint Finance Committee; the director of a small agency simply meets with each member to explain their budget. She asked if she had the Board's permission to meet individually with the Joint Finance members and explained that the Executive Secretary of BCPL had never appeared before the Joint Finance Committee in the past.

Commissioner Adamczyk expressed concern about not being part of a meeting and not knowing what would be said by the Executive Secretary. He asked if Executive Secretary Nelson could provide the Board a synopsis of the conversation she would have with the Joint Finance members so the Board could discuss it at the April 7 board meeting.

Executive Secretary Nelson said she was asking whether the agency's budget, as submitted, had the Commissioners support. Board Chair Schimel and Commissioner Adamczyk said they had not seen it. Executive Secretary Nelson said she would forward them a copy.

Board Chair Schimel said the motion that was before the Board was to prohibit staff from lobbying the legislature, Governor or federal government on legislative proposals unless approved by the Commissioners.

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

ITEM 10. VOTE ON WHETHER TO ALLOW BOARD STAFF TO ENGAGE IN WORK RELATING TO GLOBAL WARMING OR CLIMATE CHANGE WHILE ON BCPL TIME

Board Chair Schimel said this topic would fit well with the discussion planned for the April 7 meeting. (*See the Item 6 discussion on pages 3-4.*) Commissioner Adamczyk agreed and said he did not feel this type of work was related to BCPL.

ITEM 11. DISCUSS EXAMINATION OF WORKLOAD FOR MADISON OFFICE STAFF

Board Chair Schimel gave Commissioner Adamczyk the floor.

Commissioner Adamczyk questioned the need for the agency's Land Records Archivist and expressed concern that positions were being funded from the Common School or Normal School Funds with no benefits to those programs. He said he would like to know each person's duties and responsibilities in order to determine if all the agency positions are needed.

Board Chair La Follette suggested that Executive Secretary Nelson provide a report detailing each of the agency's staff positions and responsibilities relating to the position. He recommended that this be an agenda topic for one of the meetings in May.

ITEM 12. FUTURE AGENDA ITEMS

No discussion since future agenda items were decided in earlier discussions.

ITEM 13. EXECUTIVE SECRETARY'S REPORT

Executive Secretary Nelson reported that the Common School Fund check presentation would take place at the WEMTA (Wisconsin Educational Media and Technology Association) Conference on Monday, March 23. She said it was an exciting year because the Board would be distributing record earnings (\$35.5 million) to Wisconsin's K-12 public school libraries.

She also reported that she would be making a presentation at the Wisconsin County Forest Association's meeting on Friday, March 20. She said she would inform county officials of any School Trust Lands that may be for sale in their respective counties and how the State Trust Fund Loan Program could be used to purchase those lands.

Finally, she reported that staff would be making their final State Trust Fund Loans presentations at the Wisconsin Towns Association's district meetings. She said that Rich (Sneider) and Tom (German) had appeared at the majority of those meetings over the last two months, with some of the meetings being held on Saturdays. She expressed her gratitude to staff for the enormous amount of time and work they invested, and they could now say they had spoken to every Town District meeting in Wisconsin.

Board Chair Schimel thanked them, also.

ITEM 14. ADJOURN

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



Tia Nelson, Executive Secretary