

Name of Organization: Nevada Board of Agriculture
Date and Time of Meeting: January 5, 2011
Place of Meeting: Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
Phone: (775) 353-3601

Minutes

January 5, 2011

A. Introduction of Board members and guests.

Board Members Present:

Paul Anderson
Dean Baker
Charles Frey
Grady Jones
Ramona Morrison
Paul Noe
Alan Perazzo
Jim Snyder
Boyd Spratling
Dave Stix, Jr.
Hank Vogler

Board Members Absent:

Staff Members Present:

Tony Lesperance
Sandie Foley
Katie Armstrong, DAG
Jay Ludlow
Mark Jensen
JoAnn Mothershead
Blaine Northrop
Dr. Phil LaRussa
Tina Mudd
Steve Marty
Linda Lesi
Chris Ritland
Jon Carpenter
Tina Mudd

Guests:

Jim Johnson, Ret. Board Member
Doug Busselman, NV. Farm Bureau
Gerald Lent, Wildlife Commissioner
Don Alt, N. L. S. A.
Terry Russell, KOLO News
Jack Armstrong, retired
Robert Combs, RC Farms
Nancy Lesperance, Paradise Valley
Dennis Bone, Livestock
Marty Owens, USDA Statistics
Manuel Azevedo, Livestock
Lisa Burnet, Dairy Commission
Geoff Dornan, Nevada Appeal
Audrey Spratling

Staff Member Present con'd

Dr. Annette Rink
Joan Holland
Nicolas Youtsos
Dr. Dan Crowell
Ron Cerri

Guests con'd

Susan Lynn, GB Water Network
Steve Robinson
Matt McKinney, NJLS
Lawrence Waugh, NPM
Ira Hansen, Assemblyman
Floyd Rathbun
Dr. L. Kinsell, Fallon
Wade Barnett, Channel 8 News
Mel Belding
Susan Seidl, NLA
Jim Dunlap, Mason Valley
John Espil
Meghan Brown
Charlie Howell, NV. Bd. of Wildlife
Commission – Clark Co.
Jonathan Umbridge, Channel 8
News, Las Vegas
J. J. Goicoechea, DVM
Ben Colvin, Goldfield, NV
Peter Krueger, NPM

1. Board Business

A. Status of present administrative actions.

Director Lesperance: Some things have occurred that have made it difficult for me to complete some of these administrative actions that I initiated earlier in the year. I would like to kind of quickly go over the reasons why that is the case. As you realize there was a Climate Study that was done in this Department and it certainly raised some issues. Part of that study was that I agreed with Personnel to put into effect for the Department, a plan to resolve some of these issues. Keep in mind that I was the Director that requested this study to begin with so I felt obligated to certainly work with Personnel and put a plan in place. I was scheduled to meet with the Director of Personnel, Terri Thienhaus and Ron Grogan. He was one of the ones that did the follow-up studies and interviews and stuff. I was scheduled to meet with them Monday morning, December 20th at 8:30 am. Keep in mind that the previous Friday, the Governor made the decision that he did not wish me to continue as Director. I did not know about that until Mrs. Foley brought that to my attention about 4:30 pm that Friday afternoon.

The scheduled meeting for that Monday morning might have been somewhat questionable. They were supposed to meet with me in my office and they chose not

to. Mr. Grogan was in Las Vegas and Terri Thienhaus apparently was at her house here in Reno and scheduled a conference call. So we all met over the telephone. I also indicated that I wanted Linda Lesi, who is our Personnel Officer to be involved in this because first of all she is the Personnel Officer and anything we do with personnel would have to go through her. Additionally, she had done a similar type study of the Department for her Masters thesis several years before, so she has a pretty good knowledge on how these things work. She had raised some questions about methodology and I also had some questions about that. We had a conference call and I indicated that since Friday, the previous Friday, December 20, my status was completely up in the air. I had no idea whether I would be continuing as Director of the Department or not. Basically, it sounded like the Governor certainly didn't wish to have me. We had not talked with any of the Board, so I had no idea what the positions were or anything else. I indicated to the people from Personnel that I didn't think I could really make a commitment to any plan at this point in time and obviously if there would be a new Director that would be up to that Director, certainly not me.

Linda Lesi expressed her concerns about the methodology that was used in the Climate Study and I expressed some of my concerns. Immediately thereafter, Mr. Grogan questioned me if I was questioning the techniques that the Department of Personnel had used. I simply responded by saying, "no, I am not questioning your techniques, but I think your survey certainly caused some concerns and problems". After that the conversation became somewhat more intense and both Mr. Grogan and Terri Thienhaus demanded to know if I was going to cooperate with them. I think I probably went through that conversation three or four times indicating that I couldn't make any commitment because I had no idea whether I was going to continue as Director or not. The conversation became what I would call a little bit heated to put it mildly. I was told at that point in time by Terri Thienhaus that I could not take any administrative action without the prior approval of the Department of Personnel. She indicated that if I were to do otherwise, it would be considered retaliation on my part, because of the survey results and would place me in jeopardy of a personal lawsuit.

Mr. Grogan after that demanded to know what my plan was as far as Personnel was concerned. This conversation continued and finally I terminated it by simply saying, that if the Board chose to keep me and the Governor changed his mind and was satisfied, that I would cooperate fully with the Department of Personnel and that was kind of the end of that conversation.

Since then, I have been informed by Counsel, that the opinion expressed by the Department of Personnel is that I was uncooperative and vindictive and as such any personnel action initiated by me would jeopardize both myself, my wife, and my family to personal lawsuits. I believe myself, my wife and my family has been subjected to enough at this point in time. I do not wish to jeopardize us any further, so therefore, I cannot take any further personnel action until this matter is resolved.

We do have one person that was furloughed as you recall. I placed a new person in charge of Plant Industry. The person that was furloughed has been on administrative leave with pay since the 6th of December. I believe if I am retained by the Board and the Governor does agree to that, the only way I could ever take any personnel action from this point on would be with the strong support of the Board. I believe that is going to be absolutely necessary, because I think anything less than that would place myself and my family in considerable financial jeopardy. That is kind of a summary of where I'm at.

B. Response to Governor-Elect Sandoval's request for Director Lesperance to step down. Discussion and possible action regarding the removal of the Director of the Department of Agriculture.

Chairman Perazzo: I want to at this point go through a little bit of history so everybody understands what exactly took place and when it took place. First of all, I would like to say on a phone conversation with Governor Gibbons, and I wrote this down because I felt like it was a good quote, Governor Gibbons said, "Director Lesperance had done a great job for the State of Nevada and I'm proud of the work he has done". And I would just like to say, ditto to that. I think he is in a hard situation here in the last several years actually. So that being said, I think those were very appropriate words to quote from Governor Gibbons.

I think in Tony's behalf, even knowing the inevitable is going to take place, I think Tony has pushed forward and with the help of Sandie got this meeting together. I think he realizes that's the best for Agriculture. Shortly after our last meeting as a Board, I got a phone call from Dale Erquiaga, Governor Sandoval's Sr. Advisor and this is what he said: 'the new administration does not want Tony Lesperance to continue as the Director of the Department of Agriculture'. That it is why it's on the agenda today, and I could go into more details. I know a lot of rumors have been flying around as far as Tony's position on the water policy, or Tony's position on Agriculture, or whatever it is or even the Climate Study. According to Dale Erquiaga that is not what he told me. What he told me, he said because of the last two audits, the Governor-Elect has lost confidence in the Director and he went on to say that we want this Legislative Session to be about agriculture and about the Department, not about the Director. At that point, I took several phone calls. Ramona and I were asked by Sandoval's office to contact Tony, which we did about a half-hour after he found from Sandie and we told him the Governor's wishes. I would like to say this to make it clear, my conversation with Dale, I told him on numerous occasions that it was my desire as the Chairman to wait until after the Legislative Session before this action was taken. He made it clear to me that he would like an Acting Director in by January 15th. I asked him at that time if he had somebody in mind and he said no. And I asked if I could get some recommendations from the Board and he said yes. And that is why we have on the agenda, Item #3; hopefully we can discuss some recommendations as an acting position.

At this time, I would like the Board, if you've got any questions for me, I'd like to explain or talk. I know Ann Wilkinson was going to be this morning. On my way in he [Dale Erquiaga] called and said she was not able to get out of Carson whether it's the weather or whatever. She wasn't able to get out of Carson. She's not here, but I think I can understand whatI can at least answer...what I took it as.

Hank Vogler: I have a problem with your time line. I was told by a past president of the Cattlemen's Association, that our meeting of the Cattlemen's Association and Woolgrower's Association Convention in Elko, I don't even believe at that time the election had been certified and they were contacted by Mr. Erquiaga and Mr. Erquiaga at that time, long before the Climate Study, long before the audit, was already asking for Dr. Lesperance's demise. Later, again, before the audit or the Climate Study was made public, an employee of this Department was recruiting people within the Department to take up that person's [employee] side of the argument and all would be well in this brand new department called Commerce and Industry or Business and Industry and that was the best way to remove Dr. Lesperance and that was the best way to progress. Again, before this Climate Study. There just seems to be, this is my biggest problem, and this will be my biggest argument all day long is the chain of events do not match the rhetoric at all.

Chairman Perazzo: Just so we're clear....Dale Erquiaga has never or the Governor's office has never mentioned to me the Climate Study as a reason. They've never.....

Hank Vogler: What is the other audit?

Chairman Perazzo: You know what, I don't know. I'm quoting what Dale told me. I don't what you're concerned about as far as the time line, because when people are saying we're going to do this, we're going to do that....

Hank Vogler: Who coined the phrase? Until the person that was trying to recruit other people within the Department of Agriculture to quietly go along with her agenda. She coined the phrase, the first time I ever heard of such a department that has even been developed yet was going to be put into place called Commerce and Industry. And she was promoting that side of life before we even heard the audit. Now, we're being told that the straw that broke the camel's back, the first final shot over the bow, was after these two audits. One of them was of the Plant Division or whatever it was, which what does an audit do but try and find things wrong. That's how auditors stay in business. If everything is alright....it's no different than OSHA. When OSHA used to come to my ranch to check it out, I would take two or three plates off the plug-ins so he find something wrong so he could write a nice report and go home. What does an auditor do, but the same thing. And yes, we've had the worse economy we've had in probably since the '30s. Dr. Lesperance walked into that worse economy since the '30s. It wasn't a matter of how do we spend an increase, it's where do we find the money to just keep this thing afloat? And so he switched a few things around. He didn't steal anything. He didn't do any pole

dancing. He just did what he had to do to keep, ironically, the employees in this building going. The same bunch of folks that decided they didn't like him anymore because he had to make tough decisions. I don't get that.

Chairman Perazzo: I understand what you're saying Hank, but I also understand that if this new administration wants to make a change, I want this Board to do whatever is best for agriculture. That's what we're on this Board for. I talked to Tony about this. I'm put in this situation Tony. I love Tony. I think he's done well, but I feel like I'm in a position where I think what's best for agriculture is that we move on. I'm telling you this because I haven't had an opportunity to talk to everyone individually, but that's where I stand. That's just my personal.....

Hank Vogler: I'll tell you where I stand. This iswe're a Chihuahua barking at a Great Dane. We're this little tiny Department. I'll bet you if you polled the people in Agriculture, 99.9% of them voted for Mr. Sandoval. And we're the first ones under the bus. The new phrase calling us Commerce and Industry; where did that come from? I didn't come up with that. Somebody in this Department. That's where they were headed. But, oh no, we're not going to disturb anything. And then if we just throw Tony away and this was back at the 11th of November or the 12th, is when the Cattlemen's....that was a long time ago. And now it's the Climate Study. We keep moving this thing around and then everything will be alright? We're up against to go to the Legislature where 60% of them are freshmen? And it's alright if we go in there, bumbling like a bunch of buffoons. We're little tiny Department. Evidently, we're a political capital that somebody can waste. I don't understand these things. Dr. Lesperance at this point doesn't matter. I'm talking about agriculture. I'm talking about all the things that are going on out there that says Agriculture is going to be torn asunder, we're no longer going to be a policy Board. I was on the same phone conversation with Mr. Gibbons that you were and remember what he said about this is nothing more than one disgruntled person in Las Vegas that is mad about our strong water policy?

Chairman Perazzo: What did I say to the Governor when that comment was made? I said back to him I think it's more than just water. What I'm hearing, I guess I'm naïve enough to take him at face value, what I'm hearing, they want the Director changed because they've lost confidence in the Director because of the last two audits. Hank, I don't know what we can

Boyd Spratling: How many Board members were on this call to Governor Gibbons?

Chairman Perazzo: Five.

Hank Vogler: Tony is now.... all we need to do to him is, it's pretty obvious, someone wants his head mounted and measured for Boone and Crockett as a trophy of exactly why we're here. That's all. We're supposed to be running this Department of Agriculture. We're supposed to have confidence in the Director, whether it's him or somebody else. It's still a darn tough job in this climate we've got

right now. So, if we're going to be torn asunder, if we're going to be an advisory Board, if we're going to be put in this Business and Commerce, if all these other things are going to happen, all we've ever asked and we already had a departure plan in place, for Dr. Lesperance would appear before the Legislature and as soon as the Legislature duties were over, we would start vetting for a new Director and move on with gold watch time. So, what is the point? If somebody can tell me what the absolute emergency at this point in time is....right before the Legislature, 60% of them are brand new, 99% of them are urban. They have no understanding that we are a \$3 billion industry in this state. All of these things are going to come to pass and oh, heck, we can get the janitor to run down and appear before the Legislature. Why, it's a snap! Anybody can do Agriculture in a second. That's insulting. Yes, we're just a little Chihuahua, but the law says we fire the Director or obviously, Dr. Lesperance would be in Paradise Valley with his feet up by the fire and much happier than all of us are today. But we haven't got that luxury. We're supposed to do the heavy lifting so somebody can have his head mounted and measured for Boone and Crockett.

Chairman Perazzo: Hank, I appreciate you.... I just don't agree with you. I feel like the Governor has asked us to make a change in the Director. I guess it would be.....

Hank Vogler: We already said we're going to make a change in the Director. We have an exit plan, we had everything...we voted 8 to 3 at the last meeting that that was fine with everybody. Actually, it was 8 to 2, or 7. Everybody voted, except Boyd, he left early because of the weather. Two people voted to get rid of Tony at the time, the rest of us said we have an exit plan in place, let's move on.

Chairman Perazzo: Hank, I was one that voted to keep Tony there until after the Legislative Session, but the rules change when the Governor calls and says this is what I would like. And I feel like he has his right to do that no different than Governor Gibbons had his right to do it with the Director before. So, that's....

Dave Stix, Jr.: It's been brought up twice now about the vote at the last meeting and I want to make it clear. The agenda item on the agenda was to do an evaluation of Tony's job performance. That was the only thing that was written into the agenda item. After the discussion of, after the evaluation was completed, there was some discussion what we do now. It was Ms. Foley that recommended the motion to endorse Mr. Lesperance, the vote was 8 to 2. It was 2 people opposed; Mr. Snyder and I. So the motion was to endorse Dr. Lesperance. That's all the motion was. I didn't think I heard any of us say that we were voting to get rid of Dr. Lesperance. I just wanted to make that clear. I think the vote was null and void anyway because there was no action item on the agenda.

Chairman Perazzo: There was an action item. Basically what it was, was the evaluation satisfactory or not.

Grady Jones: I think the concern Alan, I think everybody can appreciate where you are coming from as Jim just seconded there as far as beginning our relationship with the new administration in an adversarial fashion. But the concern you're hearing and the reason some of those issues with the type of the audits that are in question, that they actually are, the validity of them. Some of the issues that Jim just talked about that were raised because those are what is being cited as the reasons for asking for his removal. And the questions are is that really the motive? And I think everybody here has a hard time accepting that. The rumors are only fueling that along with certain appointments that have already been made in the transition team by the Governor and some other issues. So that's our concern because some of us, it's not just the economic impact as Charlie pointed out which is huge for the state and agriculture as a whole. It is also the ramifications of that kind of breakdown of the Department.

For instance, my own industry without regulation in pest control, we will see things unfortunately like you just saw in Utah with the deaths of two small children. You will see misapplications of pesticides, believe me, it happens now. You can see it in Plant Industry in the amount of regulation that has to happen in disciplinary fines that happen now with a limited staff. Without any regulation at all, should we be broken up, rolled into Commerce and Industry or Business and Industry, whatever you want to call it. Pest control would probably fall underneath or somewhere else, but we wouldn't be regulated. That would be the same issue for Paul and his industry. There would be other ramifications certainly in other departments. So there are some real concerns about what the true motives here are. And I think the fact that the Governor's office isn't here doesn't help today, because we have some real questions there that have to be answered. First of all the rumors as Hank pointed out were founded before those audits. So that, I think diminishes the validity of the claim to begin with. Secondly, the issues in the audit were being addressed and there were concerns on both sides. And the best way to get to the bottom of those concerns was to continue forward working with Personnel. That way because we know those issues were in place, there were problems within the Department with former Directors. So that obviously raises a claim, is there validity on one side or other or both? And the best way to resolve that was to proceed with Personnel and the current Director so that you can get to the bottom of those issues at least through the session.

Then of course you have the other issue with the financial dispersal of funds. To use that as a reason to remove the Director seems suspect at least to me with all the changes that had to be made in the budget. We were including minimal things; most of them were already corrected or were on the way to being corrected. So, it just doesn't add up.

Boyd Spratling: I would like to focus back on the current agenda item that's before us. I think we have to, we on the Board of Agriculture through NRS, we have some powers or some responsibilities or authorities that other Boards don't have. We are directly involved with either hiring and firing the Director. And I think we need to take

those very seriously. I think you've all seen the throughout that Governor Sandoval has been, you know, reaffirming or reappointing other Directors and we have to realize that this is the newly elected Governor's Cabinet. I think it's absolutely foolish to believe that we can set that aside and think that we're some sort of rogue sovereign nation. We're not. I mean, you know, let's say if we're not going to focus on individuals and we're going to focus on the importance of agriculture, we have to say let's do what's best for the industry. I would say to buck the Governor and his administration and stick a finger in his eye is not going to do well for the industry. And when these kinds of petty inside baseball arguments and discussions spill over into the media and the general population of this state who's agriculture as an industry will think what a bunch of rubes – how stupid - if we are going to fight the Governor.

When we go to Legislature, everybody is talking about the fact that its so important to have a representative from that Department, a Director, that goes to Legislature and has a positive impact for the budget of this Department and for the actual view that the general public has about agriculture as an industry. Well, if we send somebody down there that has a so-called scathing Climate Report floating around, that's the kind of stuff that politicians grab onto and they wave around. And they are very serious about those... and basically we're standing here demeaning an entire Department, another Department, the Department of Personnel, saying that no we're so smart and those guys are ill informed and have poor methodology. I think that's another mistake we're making. But the politicians at the Legislature are going to have that in one hand and they are going to know that the Governor has not supported our Director and if we as a Board jump up and say, we don't care what the Governor says even though this is part of his administration and we go counter to it, I think the word rogue is going to enter into the discussion at one point. We're going to have a rogue Director, we're going to have a rogue Board and I don't think that is going to bode well for the Department and the future of agriculture in this state. So we need to be very serious and take responsibility in how we deal with the Director of the hiring and the firing. We need to take that very seriously and we can't dismiss or poo-poo something that important as the report that came from the Department of Personnel.

Hank Vogler: I make a motion that we table this until we can get some clarity. Charlie Frey seconded the motion.

Paul Anderson: Even though I was born and raised here in Nevada and lived my whole life here, I didn't appreciate what agriculture represented until I became involved with this Board. As it's been explained today, people in Nevada like myself, do not understand how important agriculture is. It literally touches each and every Nevadan every single day, whether we're at supermarket, the gas station, whatever we're buying or doing in the State, agriculture touches people.

We're looking at some potential budget cuts coming whether, again, this last Legislative Session could be catastrophic for this Department. We're already right at

the point in some areas where it's almost like they're going to shut it down to meet the requirements. What I'm fearful of is that you're now coming into a time; we're so split as a Board. We're so split between our industries that we all represent that we're going to spend more time arguing and debating over a Director than truly agriculture. As a Board member, we all took an oath to protect agriculture in the state and going back to what you were talking about in the very beginning, the Chairman said that we need to talk about making this about agriculture and not about the Director. And that's where I believe that we need to focus.

I realize that we've gone quite a ways down this road already today and talking about where we're going to go; if we're going to vote on this; if we're going to table it or what we're going to do. Governor Sandoval's office obviously has made it very clear where he stands in this. Likewise, I believe they made it clear to us that they don't plan on disbanding the Department and rolling into divisions of others. As we all know, that would be catastrophic for the people and for the Department of Agriculture and agriculture in general.

With that being said, the only way that I think that we can forward, we've looked at the climate studies; it shows that the Department itself is divided. We've seen here that obviously we as a Board are divided and again I believe I speak pretty accurately here that all of our industries are even divided about where we go forward with this decision on the Director. With that being said, that the only way, if we go to a vote, the only thing that is going to happen is again, it's going to end up in a division; a division between one side and another. And no matter what the outcome of that vote is I believe that we're still going to remain divided.

Tony, when I did my evaluation of you, I stated that you have incredible passion for agriculture in the state, more so than anyone I've ever met. Likewise, I believe that you have a passion for this Department. An incredible amount of passion that honestly I would not have taken the job that you're in now, nor do I desire to for that position. The only thing that I think the truly could help this Department and agriculture in general and to move forward without this division is if you choose to resign. And that's what I'm asking.

Director Lesperance: I am deeply troubled by this.... Yes, I am very passionate for agriculture. I sent all of you a little note the other day. I went to work on a ranch here when I was 13 years old in 1948. I've been here ever since. I do not wish to see this go any further. I would suggest to you however, there are a couple of things you need to be aware of: (1) there is a biennial report that has to be given to the Legislature that has been given to the Legislature every year since 1915. I do not know who else can write that report. I am about 20% of the way done with it right now. If everybody would leave me alone I might get it done by the first of February. That report has to be submitted to the Legislature and the Governor usually 3 or 4 days after the Legislature starts. I do not wish to see this Department or this Board or anything else hurt anymore than it already is. I will give you my resignation effective the 1st of February.

Dave Stix, Jr.: You know I'm sitting here listening to Paul and it dawned on me that the two Pauls and Grady seem to take up a lot of time with these meetings on agriculture. I just wanted to express to you that it's obvious now there's 3 Board members, I, one of them, that want to make a change and move on. So, I wanted to express to the 3 of you that are not representing agriculture industry that we're not going down the right path the way we are now.

I've listened today to the discussions, to Charlie [Frey] and Hank [Vogler] and you know politics is an ugly business and it is what it is. But there is a language being spoken here from the new administration to this Board and like it or not, it's a language and it happens all the time. I believe a similar language is being spoken about 4 years ago when Governor Gibbons took office related around almost the same subject. We have another part of this that Hank brought up and that's the Legislature. And without a doubt you have to talk to those folks and you have to know what they're thinking. We will not survive if we continue down the path that we're going. We will not. Our best hope is to keep the Board intact, to continue to be making policy decisions, changing the rules and representing our industry. But one way or another, politically the job will get done that we're talking about here right now. I think the best thing we can do for the industry – it is a little naïve to hear that we keep coming back to one individual. An individual who openly in public meeting, Dr. Lesperance, told us that he didn't want the position, he didn't know what he was doing, and today I believe he still doesn't know what he's doing. Let him enjoy his golden years and retire. And with that in mind, I will not support tabling this. And I will vote to let go of Mr. Lesperance and we move on. That's all.

Chairman Perazzo: I have plenty of faults, but one of them is I like to have people express themselves and I don't want to be accused of shutting anybody up or whatever. And with that being said, I think we kind of got off on tangents a little bit sometimes, but I think it was good and healthy. I think a wise man once said, even if you're right and you're contentious, you're wrong. And I don't think we've been contentious here. I think we've had some healthy discussion and I appreciate that. With that being said, there is a motion on the floor to table it by Hank and seconded by Charlie. This is an action item.

Comments:

Jim Johnson (former Board member): I had the privilege of sitting on this Board for 3 terms spanning 4 different Directors. I agree that the issue whether Tony goes or stays – if the Governor wants him gone. I would personally like to know why to say that it is an audit issue is ludicrous, because we've audits through these last 4 Directors and they has always been something wrong, it always been a problem, the problem has been fixed until the next audit. So, I discount that as the reason. I would personally like to know why this is being done. Governor Sandoval is the governor, he's not the emperor. And I think that we would like to have an explanation as to why he doesn't have any confidence in Tony.

That's it. I'll also say that there are 2 or 3 staff members in this Department that have undermined the last 3 Directors vigorously. I don't know how we as a Department can go forward with any Interim Director or any other Director without the support of the staff. So, I think that we need to have those issues dealt with and that's something for you folks to consider when you do appoint an Interim Director.

Chairman Perazzo: I would just like to say that I feel like I've asked Governor Sandoval's office that exact question. He's given me the same answer over and over again. I guess I either accept his answer or I don't, but we're not getting a different answer. If we think we're going to find something else out, I think we're dreaming. I really do, because they're sticking with their guns that that's the answer. So, to table it and say that we're going to find out the answers somewhere in the next 10 days, he'll appoint an acting one January 15th with or without our input. I think it's ludicrous too.

John Espil: I've been in the sheep and cow business in Nevada all my life. My grandfather was in Winnemucca with hundreds of herds of sheep. We've never been very political as a family and we've been through some rough times with the bureaucracies, agencies, and government officials and what have you. I just want to say this is first time that I felt that we had a decent relationship, somebody here who I could call on a first name basis was Tony. I've known Tony for nearly 50 years and he has always been a strong supporter. We've done some projects together. I think politics are obviously dirty everywhere. This is a dirty, dirty political step. Agriculture being small in Nevada, it is very small; we only have like 10% private land, 90% public. We have to have somebody in Tony's position that understands public lands issues and water, grazing, wild horses, Bighorn conflicts, the whole scheme. With that, I'll just close and say that it's good to see Jack Armstrong here. I remember Jack came out years ago to help me. We had a tour and I got people there from BLM, NDOW, and other agencies. If you have people, take damn good care of who've got or you'll be sorry.

Other public comments were made by:

- Susan Lynn, Great Basin Water Network
- Don Alt, Nevada Livestock Association
- Bob Combs, RC Farms, North Las Vegas
- Gerald Lent, NV. Wildlife Commission

Chairman Perazzo: I want to make it clear to the Board because when Don [Alt] brought something up there as far as polling the Nevada Livestock, whether to retain Tony or to not, I think we have to be careful what question we're asking because my view is this: the Board can either follow the Governor and do what he asked or the Board can not do what the Governor asked. It's not whether we're retaining Tony or not, because I guarantee you on the 15th of January, they're going to appoint an Acting Director. Does the Board want to have a voice or a say in who that Director

will be or do they not? That is where.....we can....I want to make sure that is clear with everyone.

Charlie Frey: That's not clear with me. Could you go over that again?

Chairman Perazzo: How can I do that? They can appoint an Acting Director.

Hank Vogler: Only if it's vacant.

Katie Armstrong: Per the statute, the Director is appointed by the Board with the approval of the Governor. So, as we saw before, the Board approved Tony and then the Governor...appointed him. At this point, it isn't very clear what would happen, but there would definitely be an impasse. I don't know what necessarily would happen, you would be at an impasse with the Director not being approved by the Governor. I don't know if you want....I don't knowwe've never had this happen before. So, the best that I can say you'd be at an impasse. They said they would appoint a Deputy Director?

Chairman Perazzo: That's what they told me. They would appoint an Acting Director until we give them a recommendation for a Director. Is the statute not clear that we hire the Director with the approval from the Governor?

Katie Armstrong: No, that is correct.

Chairman Perazzo: And, that is where we are at. I hope everybody understands this.

Charlie Frey: Explain this.

Chairman Perazzo: The Director does not have approval from the Governor. So, the Director is no more. Okay? They are going to hire an Acting Director January 15th. I mean I'm trying to be straight forward with you guys.

Hank Vogler: I don't think that is correct Alan.

Katie Armstrong: If I can weigh in legally, the Board does have to appoint. The only way I can see it right now is if the Board and the Governor disagree, you're at an impasse. I don't know how the Department could exist to be honest.

Boyd Spratling: We can't hear, we didn't hear what Katie said. Could you repeat that? It was kind of breaking up.

Katie Armstrong: Per the statute, the Director has to be appointed by the Board with the approval of the Governor. Currently, the Governor has not approved the current Director. So, if this Board decides against what this Governor is saying, legally I just look at the Board and the Department as being at an impasse. I'd have to look into it

further on what the process....what would happen....because this is very rare. But, you're at an impasse; everybody disagreeing. I don't know how it would stand. And that is maybe something that needs to be discussed with the Governor's office. Maybe, you want to discuss this further.

Charlie Frey: Explain to me why we're even having this discussion then? Because if it's in the hands of the Governor, why do we even need to be involved?

Dave Stix, Jr.: I can explain that Mr. Chairman. We're getting an opportunity here to have a say in what our new Director looks like and who that person is going to be. The Governor's office has given us an opportunity to continue the way, hopefully, we can run.

Charlie Frey: Here's a question: so, it's my understanding Tony is out on January 15th. Is that correct?

Chairman Perazzo: I don't what the time line...

Dave Stix, Jr.: No matter what, this is going to happen, whether we take action or not.

Charlie Frey: So we've been neutered. Am I correct? So, why are we having this discussion?

Chairman Perazzo: I would guess we're having this discussion so that we can all do this together and have this. I hope the news cameras and stuff don't just play a lot of these little good sound bites..... We're having some healthy discussion here and talking about where we're moving forward here.

Charlie Frey: Excuse me....didn't the Governor then make the decision that this is true? Am I missing something here?

Chairman Perazzo: You know what, that's always been as far as the Board can choose the Director and if the Governor doesn't approve it.....

Hank Vogler: Mr. Chairman that's why I want to go back to the drawing board. I just asked for some clarity. I just said let's table till we can have a frank discussion with the Governor's office. We don't know what the heck to do. If he could have fired me, he could have fired me. I guess, because he did. So, now he says he's going to replace (people talking over each other, unable to transcribe). We need clarity. That's why I say we table this question until we can have.... (people talking over each other – unable to transcribe).

Chairman Perazzo: The Acting Director will be in place by January 15th.

Charlie Frey: If he [Governor] has the authority to do that to do that and the Board doesn't have the authority to do that, then why are we having the meeting? That's what Hank is saying.

Hank Vogler: We just want some clarity. Get us some clarity.

Charlie Frey: So if that's the case, why are we even here?

Chairman Perazzo: Because the Governor's office has asked us and given us the opportunity to submit a name for an Acting Director. I took that as a very positive thing. I thought you know what we have an eleven person Board here, hopefully we can talk about a few things and approach somebody or recommend to the Governor that he appoints somebody that we would like. Do we think that they're going to be perfect? I think they are going to be as good as they can be.

Charlie Frey: Are we here today for a vote of confidence or dismissal of Tony Lesperance?

Chairman Perazzo: This is way it's written, let's get right back to the question here. B. Response to the Governor-Elect Sandoval's request for Director Lesperance to step down. Discussion and possible action regarding the removal of the Director of the Department of Agriculture.

Charlie Frey: It's the eleventh hour

Chairman Perazzo: I realize you understand that. And, that's exactly what I said to the Governor's office. I would rather do it after the thing.....that's not our choice. I don't feel like that's on the table. So, we can say that and it can sound good.

Paul Noe: It seems to me like a lot of this has already been taken care of by Tony's offer to tender his resignation as of February 1st. My suggestion is to offer that as an option to the Governor. Why does it have to be the 15th? Why not let Tony present the report to the legislature. He's the only one, personally that I see, unless someone else.....

Chairman Perazzo: To answer that question, if the Governor's office was here, they would say, we do not want Tony in front of legislature. I know I'm the guy on the hot seat here, but I'm just telling you what they would say.

Charlie Frey: One quick suggestion. The Attorney General's office apparently is unsure of whether or not we have the authority to appoint a Director, we can recommend a Director.

Chairman Perazzo: We can appoint a Director.

Charlie Frey: But he has to be approved?

Chairman Perazzo: Absolutely.

Charlie Frey: My question to the Attorney General's office would be, does the Governor have the authority to remove a Director if he doesn't resign? In other words, that's already in place. Is there some way we can find that out?

Chairman Perazzo: Let me ask you this Charlie. What benefit would that be to agriculture and this Board and the Department to do that? What benefit would that be? Because I can tell you right now and I know Hank and several others have said, "I want some clarification, I want some answers". No, you don't. I've already given you the answer. You're just not accepting the answer that the Governor's office is giving you. And so, I don't think it's ever going to be any different, because I can sit here and tell you exactly what they told me. If you don't accept it, I'm sorry. I guess my question is what answer are you going to be satisfied with? What is the Governor's office going to say that would clarify their answer?

Charlie Frey: I would like them to clarify their answer. I think we're at the eleventh hour and it's going to be really hard putting somebody else new in. We're basically at the eleventh hour. And if the Governor has the authority to remove the Director, which I am guessing he does, he doesn't?

Katie Armstrong: If I can clarify that. The way the statute is written, the Board and the Governor have to be in agreement. And right now, it appears you're not in agreement. So, what happens then? You're in limbo.

Charlie Frey: We're at an impasse. And that would be bad for Nevada Agriculture I think. That's what my personal opinion would be. We want to move on. Tony has offered his resignation. Is there anyone in here that could contact the Governor and find out if we can go ahead and accept Tony's resignation effective February 1st and did you say, did you not say that wouldn't be acceptable?

Chairman Perazzo: I did not say that, because that question has not been asked Charlie. What has been stated is that as of January 15th, there will be an Acting Director in place. I guess I was assuming the Director would out at the same time.

Charlie Frey: My concern is what authority does the Board have other than just rubber-stamping whatever the Governor wants? And I'm not trying to be mean on that. I'm just saying is that where we are?

Chairman Perazzo: Do we want to be on board with the new administration and do we want to move forward or do you want.....?

Charlie Frey: We certainly don't want to be at an impasse. And I guess, the question is, what I'm getting in this, is the Governor has the authority to come in and

replace the Director without our approval or with our approval? If we don't accept what he does, then are we mute?

Chairman Perazzo: We're at an impasse.

Charlie Frey: We're at an impasse. Is that what I'm getting? Okay. Is there anyone that could contact Governor's office and see if can keep Tony in there at least until February 1st and then it will resolved?

Chairman Perazzo called for a break. So the Board's all aware, I would caution on our break not to poll the Board or try to influence anybody. We are out of session. We're not going to over here in groups of more than 5. We've done plenty in opening meeting now and we will continue to do plenty if concerns arise. I just don't want any accusations made or even the appearance of that we're trying to do something that's not above board here.

Paul Anderson: Are you then going to attempt to contact the Governor's office?

Chairman Perazzo: I guess I could. You mean right now?

Charlie Frey: That would be really good.

Boyd Spratling: Mr. Chairman, I'm calling for the question.

Chairman Perazzo: Boyd, we're going to vote on this as soon as we get back from a break.

Chairman Perazzo called the meeting back to order at 11:23.

Ramona Morrison: I have a couple of things that I'd like our Deputy Attorney General to address if you could please Katie. I very much appreciate your guidance on some of these issues. First of all, you were indicating to Alan and I earlier because it's not only...if the issue of an Interim Director, Acting Director comes up before this Board as we move forward, can you please explain the time line that you were explaining to us and the second question is, could you please provide the statutory authority with regards to appointing an Acting Director? Is there statutory authority for the Governor or is that our duty to do it?

Katie Armstrong: First of all, your first question: if the Board does get to a point where they're going to have to look at putting in an Acting Director in place and the Board is going to be discussing people, and that is on the agenda, if you get to that point, all the Board can really be doing today is throwing names out. You can't discuss the people, because per the open meeting law, you can't discuss anybody's character, competence, this, that and the other until they've had the required notifications. And that is under Chapter 241 of the NRS. There are certain notifications that have to go out, then you can discuss them at an open meeting.

Those notifications can be waived, or they can be served, I think its 5 working days before the meeting or 21 days sent to their last known address. So, it can be done probably in a shorter time frame, but I don't know if it can be done by the January 15th date that we keep hearing and thrown out. And that is just the restraints of the open meeting law that need to be complied with.

Hank Volger: So, we couldn't do it anyhow is what you're saying.

Katie Armstrong: You can throw names out. You can talk, per the statute, what the qualifications are for, just the required statutory qualifications, but today and I know that's a little hard to understand, just names can be thrown out, because once you start discussing these people that haven't received notification of them being discussed at an open meeting law.....

Chairman Perazzo: Even though they're the ones that who submitted the resume?

Katie Armstrong: I believe so.

Chairman Perazzo: So, they are submitting a resume assuming that we're not going to talk about them.

Katie Armstrong: And in the past, there are other Boards that do these kind of hirings and it is all done in open, they have to be agendized, their names put on the agenda, they have to receive the proper notification and then you can speak about them.

Chairman Perazzo: Well, and to be truthful about it, I mean I didn't some of these names until this morning.

Katie Armstrong: A subcommittee can be formed. So, say today names are thrown out and this Board decides to form a subcommittee so the whole Board doesn't have to meet each time. The subcommittee can be tasked with looking at these names and they still have to comply with the open meeting law, but it would be less people. They could be tasked with reviewing the applicants, going over the qualifications, and maybe making a recommendation. This is just an example: 3 people for the Board to decide upon and then we go through the same process. So the Board can do that too, instead of the whole Board having to meet each time. This is for Acting Director, but also for the permanent Director.

Ramona Morrison: My second question is could you provide the statutory authority for who appoints an Acting Director?

Katie Armstrong: An Acting Director is not really provided for in the statutes, but under 551.115 that is where it talks about the Director must be appointed by the Board with the approval of the Governor. This is a cabinet level position within the Executive Department and generally the statutes I've ever seen, Boards do not have

control of appointing these Directors. These are all appointed by the Governor, but this one does. My understanding is when this was created this way, this Board wanted some input and it's a very rare situation. It doesn't normally happen. Normally, it's just pure the Governor getting to appoint these positions.

Boyd Spratling: Mr. Chairman, I call for the question.

Chairman Perazzo: There is a call for the question. I think the best way to do this, I think we've had plenty discussion. I've just written down all the Board members names. We'll just go through, starting right here, we'll just go around...the motion is: to table this until.... Hank refresh my memory.

Hank Vogler: Have further directions from the Governor's office and from the Attorney General's office, some direction. To get clarity from the Governor and we get clarity from everybody else, then maybe this as a Board, maybe, then we can make that rational decision in an open meeting situation and say yay or nay, Tony goes or stays. At this point we have conflicting things coming in all directions. We haven't seen the Governor's budget proposals, we haven't seen anything...

Chairman Perazzo: If you're waiting for government proposals and stuff like that, it isn't going to happen. So, the motion on the table is...

Hank Vogler: To table this action item until we can get some clarity from all parties involved including the Attorney General's office.

Chairman Perazzo: Okay, that's the motion....that we get some clarification from Attorney General's office

Charlie Frey: I second that.

Roll call of vote:

Paul Anderson	Yes	
Paul Noe	Yes	
Boyd Spratling	No	
Charlie Frey	Yes	
Grady Jones	Yes	
Dave Stix, Jr.	No	
Hank Vogler	Yes	
Jim Snyder	No	
Dean Baker	Yes	
Ramona Morrison	Yes	
Alan Perazzo	No	7 yes votes – 4 no

Boyd Spratling: I move to adjourn. Dave Stix, Jr. seconded the motion.

Chairman Perazzo: Before we do, I think we'd better go over the next agendized [agendum] item and that is to discuss names whether we can't discuss somebody's character and I guess I apologize because I was under the impression that we were talking about an acting director and we would go to the Governor and give our recommendation. With that being said.....

Hank Vogler: Is it an action item?

Chairman Perazzo: It's an action item, yes.

Hank Vogler: So, we can we adjourn – Attorney General?

Dave Stix, Jr.: I didn't hear any discussion from Katie earlier that we can't appoint an acting director. That wasn't the discussion at all. We just can't talk about their character, conduct....

Chairman Perazzo: All we can do is offer a recommendation here.

Dave Stix, Jr.: This Board could appoint an acting director. It's a moot issue now. Correct?

Grady Jones: I wouldn't agree with that.

Dave Stix, Jr.: You guys voted to table it, so Tony's going to stay here.....

Grady Jones: It's not that I'm in favor of an acting director. It means we want more information. So, what's the point, why wouldn't we discuss a few names so that we're prepared in the eventuality that we do ask Director Lesperance to step down?

Dave Stix, Jr.: So, you're saying there is a chance we could have a vacancy?

Grady Jones: Absolutely, we want more information on not only the motives, some clarification. And, I think the fact that they're not here represented speaks volumes as I said before, but I ...

Dave Stix, Jr.: Grady, I'm disagreeing with you, because to me the motives and everything are so crystal clear. I can't believe that we're gong to continue this thing. This is going to take place no matter what and one of the things that Katie said a little while ago is ringing in my head right now...loud...and that is we are one of the few Boards that has the ability to do this. Okay? If not *the* one. And you know what, legislatures can change laws.

Grady Jones: Which is going to happen Dave. We knew that in Las Vegas, so we may hear a few things that maybe some other people here don't hear. And I have a feeling that our meeting in March might be our last as this type of Board if we don't ask these questions and get some serious answers. And I fear that is going to

happen if we keep things status quo. And that is based on information that we've received as well. So, we have serious questions. I think that something of this nature, of this gravity, we should get some clear answers and as Paul said, have a little more unity. I don't necessarily disagree with you insofar of what you're asking. What I disagree with is the way it's been done. I think to wipe that off as politics is a big mistake, because there is right and wrong and maybe that's sounds a bit naïve in this thing, but it's still right and wrong. And whatever it's done, the way it's been done, questions should be asked. And when they are not answered to our satisfaction, I think that it's not poking an eye in the new Governor or creating a confrontational relationship to simply say, in response to the Governor Sandoval's request for Director Lesperance to step down, we want to understand why. And we weren't clearly satisfied based on the two audits that you're basing this serious action on. I don't understand why there is confusion on that. Personally, I'm just as confused as you are Dave.

Dave Stix, Jr.: I'm not confused

Grady Jones: You're confused on our position and I think some of us are confused on yours.

Paul Anderson: I think one of the things Mr. Stix is that, I think that we are moving forward with this, because it was tabled I don't believe that we've indicated that we're not doing anything. I don't think that we're indicating to the Governor or anyone else that we just plan on sitting on our hands. I really think that we need to finish this up and at least throw out some names. Because of the open meeting laws, we can't talk, we can't talk about the possible people that we can be looking at here. I think that we just need to take advantage of this opportunity that we are all here and at least throw out some names.

Boyd Spratling: I would like to ask the Deputy Attorney General if under the agenda item that we just finished up, to consider the Governor's request, can we consider a motion in regards to the offer of resignation on February under that agenda item?

Katie Armstrong: Can you clarify Boyd?

Boyd Spratling: Say I move to accept Tony's offer of resignation on February 1st, and he graciously offered to complete that biennial report, could we under the last agenda item, make that motion?

Katie Armstrong: Boyd, you already have a motion that was passed because it was seconded that you would table it, so that would have to be in essence rescinded to proceed forward with the motion...

Boyd Spratling: This will be a new motion and I don't think I have to rescind anything. I guess we voted to table the Governor's request. I am asking for a motion to accept the resignation be in order or out of order?

Katie Armstrong: I don't believe that works under the agenda item and how we perceive it thus far.

Boyd Spratling: Okay, then I will reiterate my earlier motion to adjourn. Dave Stix, Jr. seconded the motion.

Chairman Perazzo: I would say before we adjourn, I would like to at least go on record of having these names that were submitted resumes so that we can....what we have to do...how many days.... when can this meeting be reconvened?

Katie Armstrong: It depends, are you going to be discussing people?

Chairman: Yes, absolutely, that's what we were asked to do.

Katie Armstrong: Per the law, the notification can be personally delivered to the person within 5 working days. So, if you do personal delivery, it's 5 working days. Also, under the law they can waive the notice requirement, but we need that in writing. So, probably the shortest you're looking at with the open meeting law requirements, it would be about 5 working days.

Chairman Perazzo: I propose that before we adjourn, let's get this on here correctly which I thought it was, but evidently if you don't have people's names, you can't

Chairman Perazzo: Let's move on to Item C. This is what it says: discuss the possible....

Boyd Spratling: There is a motion and second on the floor.

Chairman Perazzo: So anybody can say adjourn and get a second and not go over the whole agenda? I guess I'm trying to figure out what.....

Dave Stix, Jr.: Maybe the motion will fail.

Chairman Perazzo: Maybe the motion will fail, but ,,,, Boyd, I appreciate the motion being an action item on the agenda.

Everyone at this point is talking over each other. Cannot understand what is being said by either the Chairman or Board members.

Chairman Perazzo: Okay, let's get this and move on because we can get through these relatively fast, I think, since we can't talk about anybody other than putting names out.

Hank Vogler: Chairman Perazzo, I have to agree with Boyd. There's a motion and a second on the floor.

Chairman Perazzo: Okay, we going to move on Item C which is discussion and possible action regarding a recommendation to the Governor for the position of Acting Director of the Department of Agriculture.

Everybody should have in their hands now 3 letters of recommendation: (1) from David T. Harvey, (2) one from Ed Foster, (3) one from Rachel Dahl. Are there any other names that we can not talk about?

Dean Baker: I have talked with one person that has a lot of state experience in both personnel and (coughing couldn't transcribe) and that sort of thing. In my opinion, I asked him and he said he would do it, but last night when I talked to him at the last...he was going to send his thing [resume] in and when we talked about the unknown things that we say we need to know before this, he said with those unknown things, I am not going to send it to you today. I am not going to say that I won't accept it, but under those conditions with that lack knowledge, I will not send it to you today. But, I would like to name Dennis Perea.

Hank Vogler: Mr. Chairman didn't you mention that Mike Turnipseed.

Chairman Perazzo: He never... it was up in the air and he never sent in his resume. Names have come up and what I've done, is told Board members, you know what, visit with them and if they would like that, I don't want to talk about people that aren't going to take the position.

Chairman Perazzo: Okay, just so everyone is aware, I just got a message that Dale Erquiaga said to call him right now. And so if you don't mind why don't we get him on this conversation. The questions that I asked him waswell, I'll just reiterate it when he calls.

Chairman Perazzo: (There has been established a teleconference with Dale Erquiaga in the Governor's Office). Dale, the question that came up: Tony has offered his resignation as of February 1st so he can finish up some biennial reports. I know that you had mentioned to me as far as the 15th to have an Acting person in as of the 15th of January. Is the first of February good enough for that? Or, what is your druthers there?

Dale Erquiaga: It's perfectly fine with the Governor's office if it's fine with the Board. It's your decision, but that is perfectly acceptable to us.

Chairman Perazzo: Okay.

Dale Erquiaga: We'll work with you to name an Acting Director who can take effect after that time on February 1st for permanent Director.

Chairman Perazzo: Our other question is, is we have names of resumes that we can't, evidently we didn't put the agenda together in such a way that we can talk

about these individuals, because they weren't notified 5 days ahead of time so we're going to have to have another meeting to discuss the 3 individuals that submitted resumes. So as far as that goes, the February 1st deadline will work out better in that situation.

Dale Erquiaga: Sounds like it would. That sounds perfectly fine.

Hank Vogler: If the first of February, the 15th of January and all these other deadlines, what would be wrong with staying with the same person until for continuity 'til July and then start vetting and have much more time without this crash of timeframe?

Chairman Perazzo: Okay, Dale could you hear Hank?

Dale Erquiaga: I heard the question. I think we've made it perfectly clear that we want go into the legislative session with a conversation about your industry, and not about how the Department has been run.

Chairman Perazzo: That is exactly what I reiterated.

Hank Vogler: Nobody has a heartburn with that. How do you get someone up to speed that quick? Are we such an insignificant group that....

Chairman Perazzo: Hank....

Chairman Perazzo and Hank Vogler talking over each other – unable to transcribe.

Hank Vogler: What's the difference between July 1 and February 15th and January 15th and all these other dates being thrown out?

Boyd Spratling: Mr. Chairman, a point of order.

Chairman Perazzo: Yes

Boyd Spratling: We couldn't hear what the response was from Mr. Erquiaga in Las Vegas. Would you mind paraphrasing? We can't hear that speaker phone coming through.

Chairman Perazzo: Okay. The question from Hank was if February 1st is okay with the Governor's office, then what's wrong with July 31st when the session is over. Dale Erquiaga's comment was like I reiterated earlier, they do not want to go through the session with Tony as the Director and they will have an Acting Director in at that time to go through the legislative session. Did I phrase that alright Dale?

Dale Erquiaga: That's fine.

Hank Vogler: Mr. Erquiaga, for starters, we're supposed to be the experts in our each individual, whether we're shepherders, cowboys, row crop growers, petroleum, pests, or whatever it is. And, we had another vote today to table a motion and we really haven't moved that far off of our last motion that we did that last time. We don't want to go the legislature about Tony. We want to go to the legislature about our issues and we feel, as a Board, and we asked the respect of the Governor's office to respect our Board that we still feel in the majority that Tony can do the best job for us at the legislature promoting our industry. That's what...

Chairman Perazzo: Hank, you've got to stop that because the Board as a whole has not said that.

Hank Vogler: That's why we have 11 people on the Board and we have to have a majority. We don't have to...we just have to have a simple majority. We just voted 7 to 4. And last time, we voted 8 to 3. And each time, maybe there's been several votes on several Boards that are never in the unanimous. If we have to have unanimous votes every time, we're never going to get anywhere. But, we do have a majority of people that want to move on. About agriculture!

Grady Jones: I think that summed up pretty well, that we had concerns about why this had to be done in the time frame that it did and concerns about how we're going to be...how is there going to be discussions on agriculture at the session if we don't have someone who can absolutely represent agriculture there to do that. So, that is our big concern. While we understand and appreciate that there has been, because of the Climate Study, there's been some issues raised about the Director. We don't want that to be waved around at the session either. We have questions about getting someone up to speed in this amount of time that can. I agree with Hank that this was the majority of our Board's feeling.

Chairman Perazzo: Your question to Dale Erquiaga is how can we can somebody up to speed in this short of time?

Dale Erquiaga: My response is that you should submit names for the Acting Director that you find acceptable. I don't think it's (could not understand) to continue to have this conversation. We've made it very clear, the current Director is too problematic to continue. Submit some names for Acting Director and we'll go through them and move forward with your process.

Chairman Perazzo: Does that answer the question, in my mind it does? In my mind it does.

Boyd Spratling: I think we may have some confusion as to the hierarchy here. I don't think the Governor's office comes and stands before the Board in our corridor of decision making.

I may be out of order, but I am going to move to accept Tony's resignation on February 1st.

Dave Stix, Jr.: Second

Paul Anderson: I think what we did, Katie and I were talking about it briefly, under Item B, we voted to table that. The only way it can be changed is if we rescind.

Paul Noe: I move that we rescind our motion to table. Jim Snyder seconded.

Katie Armstrong: Can I point something out too? I don't believe the Board has to approve his resignation. If the Board is tasked with appointing a Director.

Boyd Spratling: I'm not going approving it, I'm just going to accept it.

Paul Anderson: I got my clarification. The reason why I was tabling it was because we hadn't heard what an acceptable date for them. And that was answered .

Paul Noe: And that is my answer too. As long as they are acceptable to Tony staying on until the first of February, completing his report, I would be willing to change my vote on that tabling issue.

Hank Vogler: What is the process for rescinding a tabling motion? Does it have to be the person that brings it up?

Katie Armstrong: If you want to rescind it, I believe....it was you?

Hank Vogler: Once we've voted on it, we cannot revote on it until the person who brought it up and seconded does it?

Katie Armstrong: You ask for it to be rescinded.

Hank Vogler: So, Paul Noe cannot ask for it to be rescinded?

Katie Armstrong: That is correct.

Hank Vogler: Only me and

Katie Armstrong: I believe you are correct.

Boyd Spratling: A point of order: there is a motion on the floor, so you, as the Chairman, will either have to rule it out of order, if it is, or have to proceed forward

to be discussed and voted on. At that point, we could move to rescind the previous motion to table.

Chairman Perazzo: I guess I'm asking you (Katie) if it's out of order for me to approve the motion that's on the table?

Katie Armstrong: And what's the motion that's on the table? I'm very confused...

Chairman Perazzo: To rescind the table.

Boyd Spratling: My motion was, I moved to accept Tony's resignation on February 1st.

Chairman Perazzo: And that was moved and seconded.

Charlie Frey: But, the Board doesn't have to approve it. So, it's a moot point.

Boyd Spratling: A point of order: there is a motion and a second on the floor and if it doesn't fit within the agenda items on the list, the Chairman has to rule either out of order or proceed to be voted on. And my motion was to accept the Director's resignation February 1st.

Chairman Perazzo: I'm questioning....why was that out of order when it says: response to the Governor-Elect Sandoval's request for the Director to step down, discussion and possible regarding the removal of the Director of the Department of Agriculture? The motion is to accept his resignation. How is that not fit under that action item?

Katie Armstrong: How does it not fit under it? Because it's been tabled. It's closed. We're done.

Chairman Perazzo: I guess the motion is out of order. I guess my question is

Boyd Spratling: If that motion is ruled out of order, then I would need to rescind the tabling of the issue.

Paul Anderson: That's actually where we are right now.

People talking over each other – unable to transcribe what is being said.

Hank Vogler: I will rescind my motion at any time, if the Governor will write us a letter as a Board, stating that this Board will survive. That it will be intact as it is right now. And quell all the rumors that we're going to be torn asunder and that we're going eliminated. If that can be done, if he can sign his name to a piece of paper, Brian Sandoval, Governor, whatever, that this Board will survive. That's about agriculture, that's not about Tony.

Chairman Perazzo: So, you're are changing your motion?

Hank Vogler: No, I said I will rescind my motion if you could get that from the Governor. I'll wait right here. I'll sleep in that corner.

Boyd Spratling: Point of order. Mr. Chairman, point of order. I don't think it's been voted on, the motion was to table this order by the entire Board and therefore he cannot rescind it himself. We would have to move to rescind the table...the motion to pass to table.

Katie Armstrong: Can I clarify a few things: Item B has already been voted on and is closed. Unless, Hank votes to rescind it and the wholethis is parliamentary procedure. Now, we're on....

Boyd Spratling: Point of order. I don't think that he....I have the ability to move rescind a previous motion. Are you saying that's that our of order?

Katie Armstrong: I'm not going to make that call because I am not a parliamentarian. That's not really a legal issue. If you want to pull Robert's Rule of Order, if somebody has a book, you can look it up.

Boyd Spratling: I can move to rescind a motion that was passed. If there is no second, it dies.

Chairman Perazzo: So now it's been moved and seconded, whether....you know, I guess as the Chairman, I'm going to take liberty to just say that it has been moved and seconded to resume [rescind] that tabling and we'll go around and vote on it.

To resume [rescind] the tabling motion:

Paul Anderson	Yes	to rescind	
Paul Noe	Yes	to rescind	
Boyd Spratling	Yes		
Charlie Frey	No		
Grady Jones	No		
Dave Stix, Jr.	Yes		
Hank Vogler	No		
Jim Snyder	Yes		
Dean Baker	No		
Ramona Morrison	No		
Alan Perazzo	Yes		6 yes votes – 5 no

Chairman Perazzo: The table is rescinded.

Boyd Spratling: I move to accept Tony's resignation on February 1st.

Dave Stix, Jr.: I second the motion.

Chairman Perazzo: It has been moved and seconded by Boyd and Dave to accept the Director's resignation as of February 1st.

Paul Anderson	Yes	
Paul Noe	Yes	
Charlie Frey	Yes	
Boyd Spratling	Yes	
Grady Jones	Yes	
Dave Stix, Jr.	Yes	
Hank Vogler	No	
Jim Snyder	Yes	
Dean Baker	Yes	
Ramona Morrison	Yes	
Alan Perazzo	Yes	10 yes votes – 1 no

C. Discussion and possible action regarding a recommendation to the Governor for the position of Acting Director of the Department of Agriculture.

Chairman Perazzo: I've distributed 3 resumes. We can't discuss these in depth, but we can name them (1) Rachel Dahl, (2) Ed Foster, and (3) David T. Harvey. We have those letters of recommendation in front of you. I guess what we need to do is, if you would please, read those over. I put it on here as an action item, because I was hoping to get names to submit to the Governor, but obviously if we can't discuss these individuals in detail, we're going to have to schedule another meeting.

Paul Anderson: Now, that we have February 1st and it's been accepted by the Governor's office and it looks like we're moving in that direction. Do we at this point set a deadline of pending other applications coming in? I feel that we had so much haste in trying to put this together and put together some names, that I believe that we could be leaving some out. What I would propose is if we're going to put together a committee to receive other applications for the position. I don't feel it would be wise for us to go any faster than we are now. As it is, we're already putting ourselves in a bad position with a February 1st deadline. So, I'm proposing that if we put a deadline on that we'll accept applications until some date.

Perazzo Chairman: Okay, and I still think the sooner as far as getting an Acting one in place so he or she can get up to speed on what's going on.

Paul Anderson: We need to give it one more week to receive some other names in. I like the idea of having a committee of however many or if we all want to have a voice in the Interim type position. I mean instead of a committee, I guess we'd all have to get together again and pick someone. I think that maybe we don't have a good and complete list of applicants or people that could best do that job.

Chairman Perazzo: With that being said how many of you have talked to industry that you represent to see if anyone is willing to step up to the plate and be the Acting Director? Cause, I know I've done that so I am just questioning.....

Chairman Perazzo: What we have right now on the agenda is having the opportunity to give a recommendation to the Governor. I like the game plan, let's talk about that. Let's get a game plan moving forward, so that we can get names. If we have 4 individuals on a list and we can't agree on any of those four, then... hopefully we can.

Boyd Spratling: I think it's appropriate to give a little bit of time for people to realize that we now know for sure whether or not the Director is there or is not. The fact that it was clarified here previously will open up some people that would be maybe reluctant to put their name in the hat not knowing exactly what the situation was. I think the clarity now on February 1st, I think you'll have more people willing to step forward and put their name in the hat.

Dean Baker: I agree with what he said.

Chairman Perazzo: Let's do a time line and do it backwards if we can. We want recommendations to the Governor on what date?

Director Lesperance: You have to have a Director whether it's acting or permanent or whatever. He has to be here everyday. There is never a day in my life in this building that I'm not required to sign innumerable documents, work on budgets, or whatever else. It's a daily operation. If I'm gone January 31st, you have to have an Acting Director here that knows what the hell is going on the first of February. It's just that simple. And an Acting Director had better be pretty knowledgeable about the budget, because we no longer have the personnel to handle the budget. I'm doing most of the budgeting myself right now. So, whoever comes in as Acting Director is going to have to take that job over. And that person has got to have a very good knowledge of budgets.

Ramona Morrison made a motion that we create a subcommittee to seek names and to receive names within this next week and post it for immediately once we have those names so that we can have a full Board meeting.

Chairman Perazzo: My question would be, why do we have to have a subcommittee when we can have every Board member.....

Grady Jones: When they submit those names, that they also submit permission for us to discuss it entirely, does it limit us time wise?

Paul Anderson: So, when we approach them, we'll receive their application and we then let them know that by submitting an application they are under the understanding that we will be discussing them at the meeting.

Chairman Perazzo: January 18th is a Tuesday. Is that a good day for everyone?

Paul Anderson: Okay, at what point do we stop taking applicants?

Chairman Perazzo: Anybody in your industry that would like to have the position of Acting Director, we will accept their resume up to January 10, 2011 at 5:00 pm.

Paul Anderson: I motion that we set January 18th for the next Board meeting with the time constraints of January 10th that up till 5:00 pm that we will accept applicants for the Interim Director position to be posted by January 12th.

Ramona Morrison: I second the motion.

Motion passed.

D. Discussion and possible action regarding the recruitment / selection process to appoint a new Director.

No action taken

2. Department employee comments and suggestions to the Board of Agriculture.

None.

3. Public Comments

4. Adjournment

Adjournment at 12:44 pm

