



April 27, 2017

MINUTES of the Regular meeting, held at Laramie County Library Windflower Room, 2200 Pioneer Avenue, Cheyenne, Wyoming

The meeting was called to order by Chairman Theron Anderson at 10:05 am. Present were Anderson, Kenneth Tremain, John Watson and Executive Director Keith Kennedy. Member Casey Madsen arrived at 10:40 am. Also present for the entire meeting were Pam Bell and Ted Craig (*ex officio*), Wyoming Department of Agriculture (WDA). Jessica Jones, WDA, was present for the contract and RFP discussions as listed below.

Anderson declared a quorum present, Watson moved, with Tremain's second, to approve the agenda with changing the contract discussion to 10:45 am, and moving or continuing other items later on the agenda. Motion carried. Tremain moved, with Watson's second, to approve the minutes of the March 8, 2017 regular meeting. Motion carried.

Kennedy then presented the financial report; the financials from October 2016 through March 2017 were reviewed. Watson moved, with Tremain's second, to approve the financials. Craig reviewed current and future encumbrances, income received during April 2017 for evaluation of position relative to the beginning of the biennium. After further discussion, motion carried. Kennedy stated that he is scheduled to review the updated report format with Julie Cook following the Commission meeting, and will report back to the Commission.

Jones arrived at 10:30 am, and review of the grant contracts to Wyoming Wheat Growers Association were reviewed for accuracy. As these grants were approved at the previous meeting, no further action was taken. At 11:00 am, Watson moved, with Tremain's second, to resolve into executive session to evaluate responses to the RFP for executive director services. Motion carried. At 11:17am, Watson moved, with Madsen's second, to resolve out of executive session. Motion carried. Watson moved, with Tremain's second, to approve the contract with Agrimind LLC for executive director services for FY 2018 in the amount of \$1,400 per month for services, and travel expense not to exceed \$8,000 for FY2018. Kennedy discussed issues with reimbursements for printing expenses incurred by Agrimind LLC on behalf of the Commission. Kennedy was directed to have as much printing as possible done by WDA, via email to WDA staff. Motion carried. Tremain moved, with Madsen's second, to direct Jones to issue an award letter to Agrimind regarding their response to the RFP. Motion carried. Kennedy then discussed what appeared to be a new provision in the RFP regarding confidentiality of information, item 15.1, asking the Commission's direction. Watson moved, with Tremain's second, that only the following Commission information is to remain confidential without further written direction from the Commission: remittance and refund information, and minutes prior to approval by a subsequent meeting of the Commission, except as necessary for interaction with WDA staff. Motion carried.

The final item for consideration under contracts was Whiteside and Associates for transportation consulting for FY2018. Madsen moved, with Tremain's second, to approve the FY2018 contract with Whiteside and Associates for transportation consultation, in an amount not to exceed \$1,000 for the fiscal year. Kennedy reviewed the discussion that took place regarding Whiteside and Associates at the state wheat executive's meeting last week, following which Watson moved, with Madsen's second, to table the previous motion. Motion carried. Anderson recessed the meeting at 12:20 pm for lunch.

Anderson called the meeting back from recess at 1:24 pm. Resuming agenda items remaining from the financial section, Madsen moved, with Tremain's second, to approve travel for the executive director for the US Wheat Associate's summer meeting in Annapolis, Maryland in July in an amount not to exceed \$1,750. Motion carried.

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The membership lists from WWGA in regard to the member retention contract were presented to the group. After discussion regarding members who had not paid renewal dues yet, Watson moved, with Tremain's second, to approve payment to WWGA under the member retention contract in the amount of \$3,400, with the provision that if any additional renewals are received by WWGA by May 1, 2017, the Commission authorizes an additional \$50 to this amount for each additional renewing member, in an amount not to exceed \$3,750. Motion carried. Kennedy is detailed to relay this information to the WWGA executive secretary to ascertain the final amount of this contract obligation.

Kennedy and Bell then presented two refund requests to the Commission for their review. Following discussion and review of the Commission's enabling statutes and current rule, Watson moved, with Tremain's second, to reject the refund request from Jessen Agribusiness, Inc. in the amount of \$2,245.07, due to the request being more than ninety (90) days after the date of sale, as per W.S. §11-38-108(e). Motion carried.

Watson then moved, with Tremain's second, to reject a portion of the refund request from Jessen Agribusiness, Inc. which includes transactions named by 'Ticket Out' column as L0280, L0281, L0282, and L0283, due to that portion of the request being filed less than thirty (30) days before the date of sale (W.S. §11-38-108(e)), with the total amount of this portion of the request being \$69.12, and such portion being valid if timely filed and meeting the other requirements of a valid refund. Motion carried.

Watson moved, with Madsen's second, that the Commission is currently unable to honor the refund request of Jessen Agribusiness, Inc. with respect to the transactions named by 'Ticket Out' column as L0264, L0265, L0266, L0267, L0268, L0269, L0271, L0276, L0277, L0278, and L0279, due to lack of supporting documentation (W.S. §11-38-108(f), and Wheat Marketing Commission Rules, Chapter 1, Section 3 (c), and Section 4 (e)), and pending consultation with the Wyoming Attorney General's office. Kennedy is also directed to consult with the Wyoming Attorney General's office and Dale Heggem, WDA warehouse inspector, as soon as practical. Motion carried.

Anderson opened the floor to nominations for chairman and vice-chairman of the Commission for FY2018. Madsen moved, with Tremain's second, to nominate Theron Anderson as chairman, and John Watson as vice-chairman, that nominations cease, and that a unanimous ballot be cast for these nominees. Motion carried. Madsen then moved, with Watson's second, that Kenneth Tremain and John Watson serve as the Commission's representatives on the US Wheat Associate's Board of Directors for FY2018. Motion carried.

Madsen moved, with Watson's second, to move the regularly scheduled monthly conference call from the second Monday of each month, to the fourth Monday of each Month, normally beginning at 7 am, and to provide continuous notice of same. Motion carried.

After discussion, Anderson announced that the next regularly scheduled meeting would take place August 14, 2017, 8 pm at the Albin Community Center, Albin, Wyoming, following the Wheat Planting Decision meeting. If matters so dictate, to meet at the call of the chair. If other matters merit Commission action prior to August 14, 2017, there are three noticed conference calls on May 22, June 26 and July 24, 2017.

Hearing no further business, Anderson declared the meeting adjourned at 3:47 pm.



Signed, Theron Anderson, Chairman