

MEMORANDUM

(Open Session Report)

State of Alaska
Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: August 8, 2016

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
August 17, 2016 BAC
meeting

FROM: Bob McFarlane
Assistant Attorney General
Commercial & Fair Business Section
Anchorage

PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

Disposal of Matanuska Maid Property: On 8/8/2016 spoke with Ralph Hulbert regarding the status of the cleanup work on the Mat Maid property. He advised me that he has done the excavation work to remove the oil stained soil and that the lab results have come back. The soil now needs to be removed to Anchorage, and this will be done in the next couple of days. He will then submit the report to DEC and he will ask DEC to issue a closure letter. Hopefully this final process will be completed quickly but there is no guarantee that will happen. I am still optimistic that this sale can be completed as early as late September.

Disposal of Mt. McKinley Meat & Sausage: On July 22, 2016, the loan officer provided Mr. Brooks with a list of questions concerning his proposal to the RFP. As of the date of this memo we have not received a response to those questions and I am unable to provide the board with any additional information concerning his proposal. It's my understanding that Mr. Brooks will attend the BAC meeting on August 17. Board members will be able to ask him follow up questions at that time and then determine whether his plan is feasible and in the best interest of the state.

PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION

Open Meetings Act – A.S. 44.62.310(b)¹
Attorney Client Privilege - Alaska Evidence Code §503(b)²

¹ A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. AS §44.62.310(b).

Board of Agriculture and Conservation Statutes³
ARLF Regulations⁴

Discussion of bidder qualifications for MMM&S lease and legal advice relating to award of that lease.

² Section 503(b) of the Alaska Evidence Code states in relevant part: “A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client...”

³ AS §03.09.040 authorizes the board to classify some loan and marketing information confidential.

⁴ ARLF Regulations at 11 AAC 39.061 makes most loan information confidential and 11 AAC 39.031(f) authorizes the board to meet in executive session to consider loan applications.