

MEMORANDUM

(Open Session Report)

State of Alaska
Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: November 25, 2015

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
December 4, 2015 BAC
meeting

FROM: Bob McFarlane
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PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

Selection of New Director: The process for selecting a new division director is set out in AS 03.09.020(b). The board must submit the names of two or more candidates to the commissioner of DNR, and the commissioner may either select a candidate from that list or reject all candidates. If all candidates are rejected the process is repeated until a suitable candidate is named. Interviews and a discussion of the relative merits of the job applicants should be held in executive session with voting in open session.

Alaska Farmer's Co-op: The co-op has approved the changes to the sale documents. I expect all necessary transfer documents to be signed and payment to be received by the time the board meets on December 4, 2015. The co-op has a variety of contractual obligations under the sale documents and I suggest the board review compliance with those obligations on an annual basis.

Legislative Session: The second legislative session begins on January 19, 2016. The bill to legalize industrial hemp production (SB 8) will be back up for discussion and there are sure to be other bills of interest to the agricultural community. I will give the board periodic status updates on these bills as they wind through the legislative process.

PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION

Open Meetings Act – A.S. 44.62.310(b)¹

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).

Attorney Client Privilege - Alaska Evidence Code §503(b)²
Board of Agriculture and Conservation Statutes³
ARLF Regulations⁴

The board will discuss the relative merits of each of the applicants for the job of division director.

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.