

MEMORANDUM

(Open Session Report)

State of Alaska

Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: July 1, 2016

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
July 14, 2016 BAC meeting

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

Disposal of Matanuska Maid Property: There were no objections to the Matanuska Maid property sale notice and the director has signed the sale agreement effective June 28, 2016. Remediation work still needs to be completed before the sale can actually close, but the remediation contract with Mr. Ralph Hulbert at Alaska Chem Engineering has been signed, and Mr. Hulbert is now in charge of that project. I was unable to reach Mr. Hulbert to obtain a status report prior to the time this memo became due but I should be able to provide the board with an update at the meeting.

Disposal of Mt. McKinley Meat & Sausage: The deadline for submitting bids for the MMM&S property is July 11, 2016.

- If no responsive bids are received the board can consider other disposal options at this meeting or it can defer discussion to a later date.
- If one or more responsive bids are received the board should discuss the relative merits of the bids in executive session before voting on the award in open session.

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).

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...”

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.

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.