# MEMORANDUM
### (Open Session Report)

# State of Alaska
### Department of Law

TO: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: June 1, 2015

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for June 10, 2015 BAC meeting

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### PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

**Point MacKenzie Railroad Eminent Domain Lawsuit.** The eminent domain lawsuit against the Pt. Mac agricultural covenants was filed in the Palmer Superior Court on May 21, 2015. The case number is 3PA-15-1623CI. The lawsuit seeks to remove the agricultural covenants against approximately 458 acres of agricultural land. The State of Alaska is the only named defendant. The State has not filed an answer to the complaint yet so there is not much else to report beyond what was discussed at the last meeting. I will provide the board with updates when additional information is available.

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### 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]
Board of Agriculture and Conservation Statutes[3]
ARLF Regulations[4]

There are no confidential matters for discussion at this meeting.

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[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…"
[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.