

MEMORANDUM

(Open Session Report)

State of Alaska
Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: March 12, 2012

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
March 21, 2012 BAC
meeting

FROM: Bob McFarlane
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Anchorage

PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. Hans Geier Chapter 13 Bankruptcy Case.

Mr. Geier's motion to modify his chapter 13 plan was granted. He will continue to make payments until September, 2012 at which time his plan payments will end and he will receive a discharge. Mr. Geier's bankruptcy plan payments will be insufficient to pay off the loan balances. This means ARLF will need to repossess and sell the remaining collateral unless Mr. Geier is willing to sell the equipment and turn over the proceeds. The loan officer plans to inspect the collateral when weather conditions permit and we will update the board once that inspection has been done.

2. Legislation.

Representatives Stoltze, Neuman, Costello, Thompson, Fairclough, Munoz, Lynn, Kerttula and Pruitt have introduced House Concurrent Resolution No. 24 (HCR 24) to establish a state food resource development working group. The resolution asks the governor to establish a state food resource development working group to help set policies which will increase the sale of locally grown agricultural products. The House Finance Committee held a hearing on this resolution on February 29, 2012 and it was well received. Another hearing is scheduled for March 13, 2012 at 8:30 a.m. (I sent each of you notice and a link for that hearing by email on March 9, 2012).

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 Statutes³
ARLF Regulations⁴

1. Loan status information to be discussed at meeting. See separate confidential report regarding loan status and delinquencies. Discussion of loan status is confidential pursuant to 11 AAC 39.061.

¹ A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. A.S. §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 11 AAC 39.061 makes most loan information confidential and 11 AAC 39.031(f) authorizes the board to meeting in executive session to consider loan applications.