

MEMORANDUM

(Open Session Report)

State of Alaska

Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: September 26, 2013

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
October 10, 2013 BAC
meeting

FROM: Bob McFarlane
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Commercial & Fair Business Section
Anchorage

PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. Lanser v. Riddle – Right to Farm lawsuit. The trial resumed on September 12, 2013 and finished the following day. As of the date of this memo there has been no ruling. I will update the board by email as soon as there is a ruling.

2. Mat Maid Property Status: The DEC began drilling two inch test wells on the Mat Maid property on Monday, September 23, 2013. The purpose of the drilling is to monitor the ground water as part of the overall environmental assessment. The EPA has also started their field work as well. The DEC hopes to have a final report of the results sometime in December and we will send a copy of that report to the board members when it becomes available.

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 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.

1. **Loan status information to be discussed at meeting:** There is no separate executive session report for this meeting.

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.