

January 12, 2022

Senator von Imhof, Chair  
Legislative Budget and Audit Committee  
State Capitol #504  
Juneau, AK 99801-1182

Re: LB&A Public Records Request – Records to be Delivered

Chair von Imhof,

The Alaska Permanent Fund Corporation (APFC) has received the Legislative Budget & Audit (LB&A) Committee's December 27, 2021 request for various records related to Angela Rodell's employment with the Alaska Permanent Fund Corporation ("APFC").

Although not binding in relation to a legislative inquiry for records, we are utilizing the timelines set out in the Alaska Public Records Act and its regulations as a framework for responding to your records request based on the advice of the Department of Law. Accordingly, the initial due date for the non-electronic records requested by the LB&A Committee is today, January 12, 2022. Your request for email communications falls under AS 40.25.115 (Electronic services and products) and we are still working on the production and review of these electronic records.

Specifically, the LB&A Committee has requested the following:

Records to be Delivered

*Pursuant to the Alaska Public Records Act, the Committee requests that APFC produce the following information and documents:*

- 1. Any and all communications from 2019-present between Trustees and the executive branch of the State of Alaska relating to the performance of Ms. Rodell.*
- 2. Any and all communications from 2019-present between Trustees and the executive branch of the State of Alaska relating to the decision to terminate Ms. Rodell.*
- 3. Any and all communications from 2019-present between employees of the APFC and the executive branch of the State of Alaska relating to the performance of Ms. Rodell.*
- 4. Any and all communications from 2019-present between employees of the APFC and the executive branch of the State of Alaska relating to the decision to terminate Ms. Rodell.*
- 5. Copies of any employee surveys from 2019-present that the APFC conducted or received from any source.*

6. *Copies of Ms. Rodell's employment contract.*
7. *Copies of all policies and procedures regarding the Board's evaluation of the position of Executive Director of APFC.*
8. *Copies of all policies and procedures regarding employee termination, discipline, and counseling that apply to the position of Executive Director of APFC.*
9. *Copies of all reports, memorandum, or other documentation considered by the Board at the meeting at which the Board terminated Ms. Rodell.*
10. *Copies of any benchmark reports used by the Board in its evaluation of Ms. Rodell in 2021.*
11. *Any and all communications from 2019-present from any fund managers, investment bankers, or other third parties to the Board that either raised concerns with or praised Ms. Rodell's performance or role as Executive Director.*

At this time, APFC has compiled and is able to provide the following categories of records that you have requested, with the bullet points noting the responsive records that we have located for each of these categories that will be provided via a password protected Dropbox:

5. *Copies of any employee surveys from 2019-present that the APFC conducted or received from any source.*
  - eNPS – Employee Net Promotor Score 2019-2021 quarterly reports
  - Best Places to Work 2017-2021
  - Communications Survey 2021
  - Work Remote Survey
6. *Copies of Ms. Rodell's employment contract*
  - Ms. Rodell's Signed Offer Letter for the Executive Director Position
7. *Copies of all policies and procedures regarding the Board's evaluation of the position of Executive Director of APFC.*
  - APFC Governance Manual
8. *Copies of all policies and procedures regarding employee termination, discipline, and counseling that apply to the position of Executive Director of APFC.*
  - APFC Personnel Management Plan, PMP
9. *Copies of all reports, memorandum, or other documentation considered by the Board at the meeting at which the Board terminated Ms. Rodell.*
  - Board of Trustees Meeting Packet for December 8-9, 2021
  - [Link to Board of Trustees Meeting Archive](#)
  - Performance Evaluation materials from Angela Rodell's personnel file with redactions made under AS 40.25.120(a)(4) and *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584, 590 (Alaska 1990), to remove the information that is confidential under state law. Specifically, the Alaska Supreme Court has held that to protect an individual's right to privacy under the Alaska Constitution, "a balance must be struck between the

public interest in disclosure on the one hand, and the privacy and reputational interests of the affected individuals.” Consistent with this standard and with the legal assistance of the Department of Law, we have redacted information from Ms. Rodell’s personnel file that deals with “personal, intimate, or the private life,” of Ms. Rodell. *Id.* At 591.

10. Copies of any benchmark reports used by the Board in its evaluation of Ms. Rodell in 2021.

- [Link to Permanent Fund Monthly Performance Reports](#)
- [Link to Meeting Packets – Quarterly Callan Presentations](#)

Because the records we have provided to you include the redaction of some of the information you have requested, I am obligated to advise you that you have appeal rights for any records that you requested and were not provided. You may seek immediate judicial review of the denials by seeking an injunction from the superior court under AS 40.25.125. You may administratively appeal the full and partial denials by complying with the procedures in 2 AAC 96.340. An election not to pursue injunctive remedies in superior court will have no adverse effect on your rights before the agency to seek administrative redress. An administrative appeal from a denial of a request for public records requires no appeal bond. A copy of 2 AAC 96.335-2 AAC 96.350 is enclosed.

As previously noted, APFC is working to fulfill the LB&A Committee’s additional requests for electronic records. The 10-day deadline for the production of non-electronic records does not apply to your request for electronic files/materials (AS 40.25.115), but we are doing our best to compile and review these records for production.

For clarity, here are the categories of electronic records that we are still working to compile and review pursuant to your letter dated December 27, 2021:

1. *Any and all communications from 2019-present between Trustees and the executive branch of the State of Alaska relating to the performance of Ms. Rodell.*
2. *Any and all communications from 2019-present between Trustees and the executive branch of the State of Alaska relating to the decision to terminate Ms. Rodell.*
3. *Any and all communications from 2019-present between employees of the APFC and the executive branch of the State of Alaska relating to the performance of Ms. Rodell.*
4. *Any and all communications from 2019-present between employees of the APFC and the executive branch of the State of Alaska relating to the decision to terminate Ms. Rodell.*
11. *Any and all communications from 2019-present from any fund managers, investment bankers, or other third parties to the Board that either raised concerns with or praised Ms. Rodell’s performance or role as Executive Director.*

I will follow up with the additional records once they are compiled and reviewed.

Sincerely,

*PSwanson*

Paulyn Swanson  
Director of Communications