



Alaska State Legislature Legislative Council Minutes

AUGUST 17, 2007

1. ROLL CALL

The Legislative Council meeting was called to order at 2:05 p.m. by Senator John Cowdery, Chairman, Legislative Council, in the Anchorage LIO, 2nd Floor Conference Room and via teleconference.

The roll was taken. In attendance were Council members: Senators Cowdery, Davis, Elton, Green, Hoffman, Stevens, Wilken (via teleconference); Representatives Coghill (via teleconference), Dahlstrom, Samuels (via teleconference), Stoltze, Wilson (via teleconference), Guttenberg (via teleconference). Absent member was Harris. Staff present: Varni, Makinster, Bullock, Clothier, Edwardson, Finley, Hard, Ibesate, Popely, Price, Schofield.

2. APPROVAL OF MINUTES – JUNE 26, 2007

Representative Dahlstrom moved that Legislative Council approve the minutes of the June 26, 2007 Legislative Council meeting as presented.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-1.

3. LATE PER DIEM REQUEST

Senator Cowdery asked that Legislative Council approve a late per diem request for Representative Hawker.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-0.

4. BARROW LEASE APPROVAL

Pam Varni, Executive Director of the Legislative Affairs Agency, explained to the Council that the Agency's lease term in Barrow was ending on July 31, 2007. The Agency had two options: 1) Issue a new RFP or 2) See if the current landlord would be willing to pursue the requirement of AS 36.30.083 which states that a real property lease may be extended if a minimum cost savings of at least 10 percent below the market rental value of the real property is achieved. The current landlord agreed to pursue 10 percent below market rental value and has agreed to the proposal of \$4.50 per sq. ft. versus the \$4.78 we were previously paying.

Representative Dahlstrom moved that Legislative Council approve the five year sublease extension with Arctic Slope Telephone Association under AS 36.30.083 in Barrow for existing lease space in the amount of \$29,376.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

This motion passed 11-0.

5. KENAI LEASE APPROVAL

Pam Varni, Executive Director of the Legislative Affairs Agency, briefed the Council on the Kenai State Facility Lease Agreement renewal for this fiscal year. This lease exceeds the \$25,000 yearly threshold requiring Legislative Council approval. This lease is for the office space currently occupied by the Legislative Information Office, Senator Tom Wagoner, Representative Mike Chenault, and Representative Kurt Olson. Representative Ralph Samuels also has a staff person there. This is a state-owned building with the Lessor being the Department of Transportation and Public Facilities.

Representative Dahlstrom moved that Legislative Council approve the FY08 lease renewal for the existing lease space in Kenai for \$39,004.56.

Discussion followed.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-0.

6. ANCHORAGE OFFICE SPACE SECURITY APPROVAL

Pam Varni, Executive Director of the Legislative Affairs Agency, informed the Council that there is a month-to-month contractual arrangement with American Guard Services, Inc. to provide armed security services for our Anchorage office space. This expenditure is split between the House, Senate and the Agency. Because the amount exceeds \$25,000 in one fiscal year for this contract, Legislative Council approval is required for our FY08 expenditures.

Discussion followed.

Representative Dahlstrom moved that Legislative Council approve the expenditure for security services for our Anchorage office space for FY08.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson and Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-0.

7. PRINT SHOP PAPER APPROVAL

Pam Varni, Executive Director of the Legislative Affairs Agency, notified the Council that the Legislative Affairs Agency would like the approval of the Council to solicit, expend and award \$90,500 for paper from FY08 funds. The paper will be used for Print Shop operations and to supply the copiers in the Capitol and Terry Miller Legislative Office Buildings. Approval of the following motion will allow the Agency to procure paper during the year at the best price.

Representative Dahlstrom moved that Legislative Council approve the solicitation, expenditure and award of Print Shop paper in the amount of \$90,500 from Legislative Affairs Agency FY08 funds.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-0.

8. CAPITOL & TERRY MILLER LOB REWIRING APPROVAL

Curt Clothier, Data Processing Manager of the Legislative Affairs Agency, informed the Council that in July 2006, Legislative Council approved funding of \$335,000 for rewiring the Capitol and Terry Miller Building with CAT6 network wiring. This wiring is needed to allow the Legislature to use the Voice Over IP telephone system that the State is migrating to. It also allows us to replace old 'non-standard' networking cabling. Due to special sessions in 2006, only the Ground and 1st floors of the Capitol in November 2006 were able to be rewired at a cost of \$152,242. Due to the rise in copper prices over the past two years, the cost of this project exceeded the original cost estimates. On June 7, 2007, an ITB 448 was issued to solicit bids to complete rewiring the 2nd, 4th, and 5th floors of the Capitol, as well as the Terry Miller Legislative Office Building. The apparent low bidder was Anchor Electric with a total price of \$349,400. In order to proceed with the rewiring of these facilities, an additional \$166,642 is needed.

Discussion followed.

Representative Dahlstrom moved that Legislative Council approve funds in the amount not to exceed \$170,000 to complete the rewiring of the Capitol and Terry Miller Legislative Office Building.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Hoffman, Harris, Samuels

The motion passed 11-0.

Senator Hoffman joined the meeting at this time.

9. FOSLER LAW GROUP AMENDMENT APPROVAL

Ted Popely, Legal Counsel for Legislative Council, explained to the Council that there still is no ruling on the 2006 lawsuit that was filed by the Bachner Company in relation to an unsuccessful bid they placed for the Fairbanks LIO space. The contract with Fosler Law Group to represent the Legislative Council expired on August 1, 2007. Ted Popely recommended that Legislative Council extend this contract for another year.

Discussion followed.

Representative Dahlstrom moved that Legislative Council approve the contract amendment for Fosler Law Group, Inc. to extend the dates of performance for one more year ending August 1, 2008.

YEAS: Cowdery, Davis, Elton, Green, Hoffman, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Harris, Samuels

The motion passed 12-0.

10. SILVER BOW CONSTRUCTION REROOFING AMENDMENT APPROVAL

Rob Edwardson, Building Manager of the Legislative Affairs Agency, requested that the Legislative Council approve an additional \$19,171 for ITB 443, Re-roofing Portions of the Terry Miller Building. During a pre-construction visit with Silver Bow Construction, water ponding on the corner of the Terry Miller Building was discovered. This ponding will prevent Firestone, the roofing system supplier, from warranting the roof. Silver Bow has recommended that a parapet wall with tapered insulation on the ponding portion of the roof be added. The cost for the change order is \$19,171. The parapet wall and tapered insulation will channel rainwater to the existing roof drain instead of allowing it to pond on the low corner of the roof. Silver Bow requested approval as soon as possible in order to minimize material delivery lead-time. The parapet wall was the lowest total cost alternative for ensuring a warranted roof. Another alternative was the installation of an additional drain in the ponding portion of the roof which would likely be more expensive, put more penetrations through the roof, and possibly reduce floor space in the areas where the drain would run. The additional drain alternative would not allow the ponding to completely drain.

Representative Dahlstrom moved that Legislative Council approve the contract amendment with Silver Bow Construction in the amount of \$19,171 to do additional work on the Re-roofing portion of the Terry Miller LOB.

YEAS: Cowdery, Davis, Elton, Green, Hoffman, Stevens, Wilken, Coghill, Dahlstrom, Stoltze, Wilson, Guttenberg

NAYS: None

ABSENT: Harris, Samuels

The motion passed 12-0.

11. BLACKBERRY PROPOSAL/APPROVAL

Pam Varni, Executive Director of the Legislative Affairs Agency, informed the Council that in 2001 new PDA's for all 60 Legislators were approved. These units are outdated, large and need to be replaced.

Curt Clothier, Data Processing Manager of the Legislative Affairs Agency, recommended that Legislators go with the 8800 model Blackberry because of its full keyboard for ease of use. If this update is approved, Data Processing would call individual Legislators to see if they want a Blackberry purchased for their use. Data Processing at the direction of the Legislative Council Chair performed a survey of Legislators regarding their use of email, contacts, calendar information and use of a Blackberry or smart phone. Out of the responses received 88% responded that having their Outlook calendar on a Blackberry would be useful to them and 82% responded that having their email delivered to a Blackberry device would be useful to them.

Discussion followed.

Representative Dahlstrom moved that Legislative Council approve the purchase of Blackberry devices for each Legislator. Jan Price will check with each Legislator as to their preference on models 8800 or 8100 and service agreements. The Agency will enter into an agreement to purchase the devices from Cellular One including the monthly data package which will enable them to get their email, calendar and contacts including text messaging. This motion does not include the voice package which is the next motion.

Discussion followed.

YEAS: Cowdery, Davis, Elton, Green, Hoffman, Stevens, Dahlstrom and Wilson

NAYS: Wilken, Coghill, Stoltze, Guttenberg

ABSENT: Harris, Samuels

The motion passed 8-4.

Representative Samuels joined the meeting at this time.

12. OTHER BUSINESS

Representative Dahlstrom moved that Legislative Council go into Executive Session per Uniform Rule 22. Open and Executive Sessions (b)(3) discussion of a matter that may, by law, be required to be confidential. She asked that Ted Popely and Pam Varni remain in the room.

Legislative Council went into Executive Session.

Legislative Council came out of Executive Session.

Representative Dahlstrom moved that Legislative Council approve an amicus brief on the clean water initiative case being handled by the Department of Law. The Council Chair has the ability to hire an outside attorney not to exceed \$25,000. There will be a focus on the constitutionality.

YEAS: Cowdery, Davis, Elton, Green, Stevens, Coghill, Dahlstrom, Samuels, Stoltze, Wilson

NAYS: None

ABSENT: Hoffman, Wilken, Harris, Guttenberg.

Discussion followed.

The motion passed 10-0.

13. BLACKBERRY PROPOSAL/APPROVAL - *continued*

Representative Dahlstrom moved that Legislative Council approve the Agency entering into an agreement to purchase the monthly voice service package from Cellular One for Legislators.

\$49.80 statewide anytime or
\$103.75 nationwide anytime

YEAS: Cowdery, Davis, Elton, Green, Stevens, Coghill, Dahlstrom, Samuels, Wilson

NAYS: Stoltze

ABSENT: Hoffman, Wilken, Harris, Guttenberg

The motion passed 9-1.

The meeting was adjourned at 4:01 p.m.