



# Alaska State Legislature Legislative Council Minutes

---

**OCTOBER 16, 2008**

The Legislative Council meeting was called to order at 2:05 p.m. by Senator Kim Elton, Chair, in the Anchorage LIO 2<sup>nd</sup> Floor Conference room and via teleconference.

## **1. ROLL CALL**

The roll was taken. In attendance were Council members: Senators Elton, Davis, Green (via teleconference), and Stevens (via teleconference); Representatives Dahlstrom, Coghill (via teleconference), Stoltze (via teleconference), Wilson (via teleconference), and Guttenberg (via teleconference). Absent members were Senators Cowdery, Hoffman, Wilken; Representatives Harris and Samuels.

Staff present: Varni, Clothier, Finley, Gullufsen, Ibesate, Johnston, and Strong (all via teleconference).

## **2. ITB 475 – LIGHTING AND WALL FINISHES HOUSE & SENATE CHAMBERS**

Executive Director Pam Varni stated that ITB 475 was opened just a few minutes ago and the low bidder was McGraw Custom Construction, Inc., from Sitka at \$465,000. The other contractors who submitted bids were Alaska Commercial Contractors, Inc., from Juneau at \$470,673; North Pacific Erectors from Douglas at \$476,687; and Silverbow Construction from Juneau at \$574,900. Ms. Varni noted that there are existing legislative capital funds to pay for this project.

Ms Varni explained that this is a two-phase project; the first phase, which includes the lighting, has a finish date of December 31, 2008. The wall finishes are the second phase and have a finish date after the conclusion of the First Session of the 26<sup>th</sup> Legislature.

Discussion followed.

Senator Elton noted that Representative Dahlstrom joined the meeting at this time.

Senator Elton asked Ms. Varni to take the roll for Item ITB 475 Lighting and Wall Finishes House & Senate Chambers.

The motion as stated in the Legislative Council packet requests that Legislative Council approve the award and expenditure of ITB 475 Lighting and Wall Finishes House & Senate Chambers to McGraw Custom Construction, Inc., in the amount of \$465,000 from legislative capital funds.

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

NAYS: Stoltze

The motion passed 8-1.

### **3. AUTHORIZE BRANCHFLOWER CONFIDENTIAL REPORT RELEASED TO PERSONNEL BOARD INDEPENDENT COUNSEL**

Senator Elton stated that Mr. Timothy Petumenos, Independent Counsel for the Alaska Personnel Board, has requested a copy of the confidential portion of the report prepared by Mr. Branchflower.

Senator Elton explained that, based on the advice of Legislative Legal staff, the confidential portion of the report may only be released by a vote of the Council. He also noted that Mr. Petumenos is bound by the same confidentiality requirements as the Legislative Council members.

Discussion followed.

Representative Dahlstrom moved that Legislative Council release to the Alaska Personnel Board independent counsel, for use under AS 39.52, the confidential portion of the report Legislative Council received from Mr. Branchflower on October 10, 2008. This release is conditioned upon the Personnel Board's agreement to keep confidential those portions of the Branchflower Report that are made confidential by law.

Discussion followed.

Senator Elton asked that Pam Finley make an addition to the motion while Council members addressed the next item on the agenda.

Discussion followed.

Senator Elton indicated the Council could move on to the next item on the agenda, Kodiak Lease Space, and would return to the current agenda item.

### **4. APPROVE KODIAK LEASE SPACE**

Ms. Varni stated that the Legislative Affairs Agency issued RFP 455 on November 16, 2007; the Council awarded new Kodiak space to North Star Properties on January 31, 2008. The contract offer was subsequently withdrawn because the landlord would not sign the lease agreement, did not comply with the remodel schedule, wanted to extend the move-in date, and asked for an increase above the agreed upon rental price.

The current Kodiak space is too small for existing legislators and LIO staff. Ms. Varni notified Council that the Agency negotiated with the current landlord, Cherrier, King and Cherrier, to acquire an additional 1,510 square feet for total office space of 2,710 square feet. The landlord offered the entire space at a rate of \$2.05 sq. ft. for a term of five years and one five year renewal option. This price requires that the Agency be responsible for any leasehold improvements. Ms. Varni recommended that the Council accept this offer as it is in the Agency's best interest.

Discussion followed.

Representative Dahlstrom moved that Legislative Council approve a five year lease for our Kodiak space with Cherrier, King and Cherrier for a yearly total of \$66,666.

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

NAYS: None

The motion passed 9-0.

The Council returned to the previous item on the agenda.

### **3. AUTHORIZE BRANCHFLOWER CONFIDENTIAL REPORT RELEASED TO PERSONNEL BOARD INDEPENDENT COUNSEL**

Pam Finley testified that the language in the current motion would allow waivers by the people who had a right to keep that information confidential. She further stated that the Council could use language requiring the Personnel Board to keep the document confidential but the Independent Counsel might not be able to accept the document under that condition; if there was a hearing, that restriction might make it impossible to use that material.

Senator Elton asked that Representative Dahlstrom read the motion again so that Council members may express their individual views on the wording and/or intent of the motion.

Representative Dahlstrom restated the motion that Legislative Council release to the Alaska Personnel Board independent counsel, for use under AS 39.52, the confidential portion of the report Legislative Council received from Mr. Branchflower on October 10, 2008. This release is conditioned upon the Personnel Board's agreement to keep confidential those portions of the Branchflower Report that are made confidential by law.

Discussion followed.

Senator Elton directed Representative Dahlstrom to read the motion with an additional sentence in an attempt to ensure that there was not an unanticipated release of confidential information.

Representative Dahlstrom moved that Legislative Council release to the Alaska Personnel Board independent counsel, for use under AS 39.52, the confidential portion of the report Legislative Council received from Mr. Branchflower on October 10, 2008. This release is conditioned upon the Personnel Board's agreement to keep confidential those portions of the Branchflower Report that are made confidential by law. Any further release or disclosure must be brought before the Legislative Council.

Discussion followed.

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

NAYS: None

The motion passed 8-0.

## **5. OTHER BUSINESS**

There was no other business.

Legislative Council adjourned at 2:35 p.m.