



Alaska State Legislature Legislative Council Minutes

JANUARY 27, 2009

The Legislative Council meeting was called to order at 4:05 p.m. by Executive Director Pam Varni in the Senate Finance Committee Room and via teleconference.

1. ROLL CALL

The roll was taken. In attendance were Council members: Representatives Harris, Chenault, Coghill, Gatto, Stoltze, Wilson, and Guttenberg; Senators Davis, Ellis, Elton, Hoffman, Olson, Stedman, and Stevens. Staff present: Varni, Bitney, Cook, Ibesate, Lesh, Schofield, Strong, and Warena (via teleconference).

Others Present: Representative Ralph Samuels; Jim Fosler; Christopher Schutte, Anchorage Downtown Partnership (via teleconference); Ron Pollack, Anchorage Community Development Authority/ACDA (via teleconference); and Rick Onstott, ACDA (via teleconference).

2. ELECTION OF CHAIR

Speaker Chenault moved that Legislative Council elect the fine Representative from the City of Valdez and surrounding areas, Mr. John Harris, who's proved an astute colleague of ours in the House and moved that the nominations be closed.

Representative Harris was elected Chair of Legislative Council with unanimous consent.

Representative Wilson joined the meeting.

3. ELECTION OF VICE-CHAIR

Senator Stevens nominated Senator Bettye Davis for Vice-Chair of Legislative Council, asked for unanimous consent and that the nominations are closed.

Senator Davis was elected as Vice-Chair of Legislative Council with unanimous consent.

Senator Stevens amended his nomination to note that the Council is very proud to have Senator Davis as Vice-Chair.

4. APPROVAL OF NOVEMBER 14, 2008 MINUTES

Senator Davis moved that Legislative Council approve the minutes of the November 14, 2008 Legislative Council meeting as presented.

The motion passed with no objections.



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5. ANCHORAGE OFFICE SPACE SUBCOMMITTEE RECOMMENDATIONS

Chairman Harris noted that former Representative Ralph Samuels was present via teleconference and asked that he, as chair of the Anchorage Office Space Subcommittee from 2008, provide the Council with an overview of the issue.

Representative Samuels testified that the subcommittee was tasked with considering options for Anchorage office space before exercising a one year extension of the lease for the building that the Legislature is currently occupying. He noted that in addition to recommending that the Council renew the first option for a one year extension, the subcommittee recommends a change to the current parking system that allows for more public use.

Representative Samuels stated that the subcommittee recommendation is for the lower covered lot to be available full time to anyone who currently works full time in the building, to include each Legislator, the LIO, as well as Ethics, all of who would have an assigned parking space every day of the year. The street level lot would be available for parking on a first-come, first served basis 24/7, as well as provide paid parking for the public evenings and weekends.

He explained that the dollars the current landlord pays for snow removal and other basic maintenance would be used to pay the ACDA for those services as well as collection of the revenue from the paid lot. In addition, the Anchorage Downtown Partnership would assist with vagrancy and other issues associated with parking downtown. This proposal benefits the public by providing additional downtown parking.

Discussion followed.

Senator Davis moved that Legislative Council exercise the first one year renewal option for office space with 716 W 4th Avenue LLC in the amount of \$637,137 plus appropriate CPI adjustments.

Representative Gatto asked if the lease renewal was associated with the parking proposal. Specifically, does the state benefit in some way or is this simply a give-away to the building owner and restaurant owner?

Representative Samuels responded that the proposal is revenue-neutral to the building owner and has the possibility to be revenue-positive to the Legislature after the paid parking profits are split with the City.

Chairman Harris asked if there was any objection to the motion.

Hearing none, the motion passed.



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Senator Davis moved that Legislative Council direct the Chair to enter into negotiations, under Clause 39 of the lease, to seek to obtain the written consent of 716 W. 4th Avenue LLC, to assign limited use of 52 parking spaces of the lease dated April 6, 2004, to the Municipality of Anchorage for off hours parking to the public. The Chair has the ability to sign, suspend or terminate any agreements regarding the limited use of parking at 716 W. 4th Avenue.

Representative Gatto objected to the motion for the purposes of discussion to ask if the building owner was also the restaurant owner.

Discussion followed.

Representative Gatto removed his objection.

The motion passed with no objections.

6. SANCTIONING AND RATIFYING OF CHARITABLE EVENTS

Senator Davis moved that Legislative Council ratify the previous Council Chair's sanctioning of the Red Cross Annual Luau and sanction the Fahrenkamp Classic Events, Thanksgiving in March and Neighbors Feeding Neighbors charitable events per AS 24.60.080(a)(2)(B).

Speaker Chenault objected to the motion for purposes of discussion.

Speaker Chenault wanted to know more about the "Neighbors Feeding Neighbors" organization.

Discussion followed.

Speaker Chenault removed his objection.

The motion passed with no objections.

7. APPROVAL OF FLAG AND MAP PINS

Senator Davis moved that Legislative Council approve the solicitation, award and expenditure not to exceed \$50,000 for the purchase of flag and map pins.

The motion passed with no objections.



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8. APPROVAL OF LEGISLATIVE COMMEMORATIVE COINS

Senator Davis moved that Legislative Council approve the solicitation, award and expenditure not to exceed \$25,000 for the purchase of legislative commemorative coins.

Chairman Harris objected in order to take testimony from Senator Huggins.

Senator Huggins testified that he wanted to do something to recognize the 50th Anniversary of Alaska Statehood and, coins being very popular, thought it would be nice to have something similar to commemorate the 50th anniversary of our statehood. These coins may have a generic Legislature face on one side and a 50th anniversary of statehood on the other as well as being engravable if desired. Each Legislator would receive a certain number with the option of purchasing additional coins.

Discussion followed.

Chairman Harris asked, noting time is of the essence, that by the next Council meeting there be a draft design for the coin, an estimated quote for production and a timeframe for completion.

Chairman Harris amended the motion to state that by the next Council meeting it will be brought before the Council the ability to solicit and award the expenditure of no set amount at this time for the production of 50th Anniversary of Statehood commemorative coins.

The motion passed with no objections.

Chairman Harris appointed Senator Huggins, Senator Elton, Speaker Chenault, and Representative Guttenberg and directed them to work with the Executive Director on gathering the necessary information on the commemorative coin and to return with recommendations to the full Council at the next meeting.

9. FY 08 LEGISLATURE AUDIT

Executive Director Pam Varni stated that the FY 08 Legislature's Audit, completed by independent auditor Elgee Rehfeld Mertz, LLC, was issued to Members of Legislative Council and noted that there were no audit exceptions. This is a combined audit for the entire Legislature and is paid for by the five separate Agencies of the Legislature. The Agency will be exercising a one year renewal with Elgee Rehfeld Mertz, LLC for the FY 09 audit.

No action was required on this item.



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10. WEST CONTRACT APPROVAL

Senator Davis moved that Legislative Council approve a three year contract with West, a Thomson Reuter Business, in the amount of \$147,702.56 for on line research and library subscriptions.

Pam Varni explained at the direction of the Chair that this contract is for the purchase of library print subscriptions and online research. This contract provides a cost-savings to us for online access and library subscriptions. We receive 20 online passwords for research purposes. It is an increase from our previous contract with West. Ms. Varni noted that Tam Cook is the project director and is available to answer any questions.

The motion passed with no objections.

11. FOSLER LAW GROUP CONTRACT AMENDMENT

Senator Davis moved that Legislative Council approve an amendment to the Fosler Law Group, Inc. contract in the amount of \$25,000.

Pam Varni stated for new Council members that Jim Fosler now provides to the Legislature the legal services Ted Popely formerly did. He reports to the Legislative Council Chair. Mr. Fosler was available to answer questions.

The motion passed with no objections.

12. BIRCH, HORTON, BITTNER & CHEROT CONTRACT AMENDMENT

Senator Davis moved that Legislative Council approve an amendment to the Birch, Horton, Bittner & Cherot contract amending the dates of performance and the Project Director.

Speaker Chenault asked for an explanation of what services are provided by Birch, Horton, Bittner & Cherot.

Pam Varni explained that Legislative Council has had a contract for many years with Birch, Horton, Bittner & Cherot; Bill Horn in the Washington, D.C. office monitors what's happening in Washington, D.C., and the contract amount varies depending on time and expense; the project director is the Council Chair.

The motion passed with no objections.



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13. ANCHORAGE SECURITY GUARD EXPENDITURE APPROVAL

Senator Davis moved that Legislative Council approve the expenditure for security services for our Anchorage office space for FY 09.

Representative Coghill noted that this issue is specifically an Anchorage Legislator/staff issue but requested additional information relative to the large expense versus the benefits of providing security.

Pam Varni noted that there have been number of security issues over the years associated with being right downtown. The Council has had this contract for a number of years but she noted that the Agency could look at hiring our own employee if that was the will of the Council. Ms. Varni also stated that when there are meetings centering on a contentious issue and/or are held in the evening, the security guard does come up and stands by in case of any problems. This issue is brought before Council because the contract exceeds \$25,000 for the year as well as to ensure clarity and approval for the expenditure.

Discussion followed.

The motion passed with no objection.

14. 2009 MANUAL OF LEGISLATIVE DRAFTING APPROVAL

Senator Davis moved that Legislative Council adopt the 2009 Manual of Legislative Drafting for the Twenty-sixth Legislature.

Pam Finley, Revisor of Statues, testified that she and our Legal Editor, Patty Rose, put together this Manual for each Legislature; essentially they take the previous manual and update it. She explained that all the changes made from one Legislature to the next are noted in the cover memo.

Representative Guttenberg commended the amazing job done on this Manual. He noted that there seems to be about five additional pages from the last one and wondered if that is normal. Pam Finley explained that it varies from year to year depending on what examples are used. She tries to collect important cases relevant to the Drafting Manual.

The motion passed with no objection.

The meeting was adjourned at 5:02 PM.