



Alaska State Legislature Legislative Council Minutes

SEPTEMBER 29, 2011

[9:34:31 AM](#)

The Legislative Council meeting was called to order at 9:35 a.m. by Senator Linda Menard, Chair, in the Anchorage LIO 2nd floor conference room and via teleconference.

1. ROLL CALL

Chair Menard called the roll. In attendance were Council members: Senators Menard, Davis, Egan, Stevens and alternate member J. Thomas; Representatives Herron, Chenault, Austerman, Johnson, Stoltze, P. Wilson, Holmes, and alternate member W. Thomas. Absent members: Senators Hoffman, Olson, and Stedman.

Staff present: Varni, Burnham, Clothier, Gardner, Johnston (via teleconference), Lesh (via teleconference), Strong (via teleconference), Tilton, Wright (via teleconference).

2. APPROVAL OF AGENDA

Representative Herron moved that Legislative Council approve the agenda as presented.

Chair Menard stated that she had been asked by Mr. Doug Gardner, Legal Services Director, that he be allowed time to speak in Executive Session regarding a personnel matter. She asked for a motion to approve that request.

Representative Herron moved that Legislative Council amend the agenda to show that we would have our attorney (Doug Gardner) make a presentation during Executive Session.

The amended motion passed with no objection.

3. APPROVAL OF AUGUST 23, 2011 MINUTES

Representative Herron moved that Legislative Council approve the minutes of the August 23, 2011 Council meeting as presented.

The motion passed with no objection.

4. TECHNOLOGY ITEMS

- **iPads for Legislators**

Curtis Clothier, Information Services Manager for Legislative Affairs, stated that this item proposes that Legislative Council purchase one Apple iPad for each legislative office. He said the proposal was put together based on the positive feedback we've had from our own

Legislators and staff, as well as Legislators and staff from other Legislatures across the country. He said the iPad has a lot of great functionality, especially for people in positions such as Legislators and staff in that they travel frequently and need to stay connected with their offices. It's a great tool for staying connected and consuming media whether it be news, packets of information relating to legislation or any other sorts of media. He said the feedback from offices in Alaska's Legislature that have been using the iPad for the last several months has all been good. He said he is making the proposal that every office have an opportunity to have an iPad.

Representative Holmes asked if it is possible to sync iPads with existing office computers.

Mr. Clothier confirmed that, in the end, one way or another, users would be able to sync their iPad with their office computer.

Chair Menard noted that Representative Craig Johnson joined the meeting at this time.

[9:41:42 AM](#)

Representative Holmes asked if the monthly fee would be paid through the Legislature.

Mr. Clothier responded that his understanding, if the motion passes, is that the data plan will be handled in the same way as mobile phones are currently, as it is the same data plan and same company.

Discussion followed.

Chair Menard stated that House and Senate Finance Committee members have already received iPads as part of the pilot program and they will not be getting another new iPad; these are for remaining Legislators for a total of 60 purchased at legislative expense.

Representative Austerman asked about integration for those that have purchased their own personal iPad and how that will work. He went on to say that he thinks we will find this a useful tool and we have office accounts to purchase iPads for staff. He wanted to know how that would work in terms of integration as well.

Mr. Clothier responded that there are lots of issues involved with State equipment, State network, personal equipment, personal apps, synchronizing with office computers versus home ones. He said he would propose that Legislative Council has already granted Legislators permission to attach their personally-owned computers to the State network, so maybe it could be an extension of that. It would require Legislative Council approval to do that, but a Legislator's personal-owned tablet/computer/iPad would shim in to what we already have. He said in terms of staff using their personal equipment, we are installing Capitol-wide Wi-Fi system this interim so next year there will be Wi-Fi access everywhere in the Capitol. He reiterated that there is an application that will allow you, using Wi-Fi, to authenticate into the State network; thus someone with a personal iPad and with Legislative Council permission could authenticate and access the Intranet. He said we wouldn't want non-State employees to do this by any stretch of the imagination, but for legislative employees, it would take Legislative Council approval to let them use their personal devices to do that.

Representative Austerman asked if this was a step toward going wireless on the Floor. He asked if Mr. Clothier was more in tune to using laptops on the Floor or would it be possible to use these iPads and come to the Floor with everything there, having had a chance to read it at home.

Mr. Clothier responded that the decision not to allow electronic devices on the Chamber floors has been with the leadership and Rules chairs. He said there are wires for each desk in both Chambers so if the decision was ever made to go wired in the Chambers, the technology is there to accomplish that. With the Wi-Fi, that can be done as well. He said part of the plan to put Wi-Fi in the Capitol includes the Chambers regardless of the desire to have it there; the signal will be strong enough. He said that it is doable from a technology standpoint and the decision to allow electronic devices rests with leadership.

Discussion followed.

Speaker Chenault joined the meeting at this time.

[10:00:56 AM](#)

Discussion followed.

Chair Menard asked for a motion.

Representative Herron moved that Legislative Council approve funding the purchase of up to 60 iPad2 3G + Wi-Fi 64GB and accessories not to exceed \$73,000 and approve the 5GB monthly data plan expense for each iPad.

Representative Austerman said he is a strong supporter of going wireless so we can start eliminating all the piles of paperwork and the amount of paper that we buy. It also eliminates a lot of the work of copy machines, the whole ballgame of what it takes to run a Legislature. He said he thinks it's been proven in a number of different states that there is a fairly substantial savings in going wireless so he supports that. He said he supports, he supposes, \$73,000 at this point in time unless he hears more argument or discussion that says anything else. He said he would like those who have had a chance to use their iPad package to contribute to the discussion in terms of how the iPad, as well as the accessories, have worked for them.

Discussion followed.

Chair Menard asked if there were any objections to the motion.

Representative Peggy Wilson asked if the motion could be read again.

Chair Menard stated the original motion was for 60 iPads but it was brought to our attention that some Legislators already had State-owned iPads. She said she wanted to leave in the motion the 60 iPads because that was what we did allow for State use.

Representative Herron said that essentially the motion is that the Council is ratifying the 22 iPads already acquired and purchasing 38 more; in the motion, Council is authorizing all 60 iPad purchases.

Discussion followed.

Representative Herron moved that Legislative Council approve funding the purchase of up to 60 iPad2 3G +Wi-Fi 64GB and accessories not to exceed \$73,000 and approve the 5GB monthly data plan expense for each iPad.

Discussion followed.

The motion passed with no objections.

- **Update on Purchase of Six Copiers - Print Shop**

Chair Menard noted that the Council previously considered this item in June and there was some concern about the cost of the copiers so it was tabled for further consideration. She said that's why it is on the agenda now.

Pam Varni, Executive Director of Legislative Affairs Agency, said that since the last meeting and what is before members today and what she is recommending is *Option 1: to purchase one Xerox 4127 model*. She said the reason she is asking for the purchase of this one machine is it gives the Print Shop the ability, which during the interim does a lot of print jobs for the Executive Branch and for the Legislative Branch, to have a color splitter and a server attach to this Xerox 4127 and do jobs where there are a mix of color and black and white pages. She said that there is money in the budget to make this purchase. She said Legislative Council could look at doing *Option 2: replacing all six copiers*, but that we'd look at coming back in the next few years to see how we do this next year with the existing five Xerox copiers in the Capitol knowing that if they do break down, they will be down for a day or two for repair and the jobs will have to switch to one of the other copiers. She said she's asking for Legislative Council approval not to exceed \$72,000 for this one copier in the Print Shop. She said the one that is being replaced has 11 million copies on it. She noted that John Wright, Print Shop Manager, is available via teleconference to answer questions.

Speaker Chenault asked if the Agency back-charges the Administration for copies that the Legislature makes for the Administration.

Ms. Varni confirmed that did occur. She said that there was \$75,000 in revenue that is pulled in from those jobs.

Discussion followed.

Chair Menard asked for a motion.

Representative Herron moved that Legislative Council approve the purchase of one Xerox 4127 model for the Print Shop in an amount not to exceed \$72,000 from existing Print Shop equipment funds.

The motion passed with no objections.

- **Social Media**

Mr. Clothier stated that one of the main issues for IT groups is how to deal with social media issues, like blogging and Facebook to name a few. Every organization that is worried about how they present themselves on the web is adopting social media guidelines. Googling social media guidelines returns hundreds and hundreds of examples of organizations like government and corporations that have such guidelines. Essentially, these are best practices in dealing with this medium. We propose that we post these guidelines on our Intranet site. It is a tool that Legislators and staff who use social media can look at these and make sure one thinks before one posts. Nothing in these guidelines is binding. These are merely best practices and guidelines – a tool to use to educate one's staff. These guidelines can be amended in the future. The IT subcommittee has looked at it and blessed it. He said he is looking for the support of Legislative Council for these guidelines.

Chair Menard asked if there was one social media guideline that a majority of states have endorsed.

Mr. Clothier responded that at the recent NCSL conference in San Antonio there was a session on social media. During that session, there was a poll asking how members were handling social media. He said that Alaska is leading the charge for Legislatures having these guidelines and he has had other states contact him about our proposed guidelines. He said the guidelines he put together were created through looking at a number of other sites such as Intel, IBM, Cisco, and Microsoft, which are obviously not governmental organizations so they had to be changed to meet the specific needs of the Legislature.

Representative Stoltze stated that he opposed participation in Facebook and he asked the Senate Press Secretary, Ms. Kuckertz, during her presentation on Facebook at a previous Legislative Council meeting, about the use of social media guidelines including the concern that one could use paid State employees to collect information on a Facebook page and push the button and transfer that information to campaign staff. He said he found that really troubling. He said we're spending a lot of time talking about the social niceties without it just being basic common sense of not doing anything stupid on Facebook. He said he's almost insulted by having that conversation and that the bigger item is that there ought to be a policy about it that is on the record that it is an appropriate activity to transfer this information to potentially a campaign manager; he thinks that is a bigger discussion point and ethical issue that it was determined during the discussion that doing so was an appropriate activity and he finds that really objectionable. He said that is far more serious than whether or not you post a stupid picture of yourself or say something goofy that you regret.

Chair Menard stated that it goes back to being an ethical person that's going to be in that office.

Representative Stoltze said he had to very respectfully disagree with that characterization. It was put on the record that campaign activity was a sanctioned activity. He said we can go back and listen to the tape of the meeting that it was an appropriate activity according to the Council decision.

Chair Menard replied that we can always revisit that issue at another meeting if it rises to that level of concern for you.

Representative Stoltze said he just wanted it on the record that he thinks we're spending a lot of time on something that he thinks ought to be common sense for everybody. He wants his concerns on the record and is comfortable with the vote he made back in February.

Chair Menard asked for a motion.

Representative Herron moved that Legislative Council approve the Social Media Guidelines, and recommend that all Legislators and Legislative employees adhere to these guidelines when using social media on behalf of the Alaska State Legislature.

Chair Menard repeated the motion and asked if there was any discussion.

Representative Herron said he will support approving these guidelines but obviously the Council needs to start talking about when is it appropriate that there has to be yet another watchdog.

Speaker Chenault said that he shares some of the same concerns that Representative Stoltze has. He said that he recently saw a comment made by a Legislator in a press release which he considered to be perfectly fine and was later told that there was an ethics issue of this Legislator just making the comment of "I hope that they get the job." He said that on Facebook and other social media, we need to be very careful with the ethics laws that we have enacted and put into place that will unintentionally put someone at risk of being drug before ethics on something as simple as "I hope they get the job."

Chair Menard said that once session starts, it is her intention to go over this in a Legislative Council meeting so that any concerns can be addressed.

Mr. Clothier said that the new Wi-Fi network that is going to be in the Capitol is obviously going to be public and it is his intent to put some sort of management on it. In other words, he said, we don't want people downloading movies using the public Wi-Fi and taking the bandwidth away from Legislators and staff. He said there are other issues such as, will Facebook be allowed on the Capitol's public Wi-Fi network. He said that is up to the Council. Unless I.S. is given direction, Facebook, Twitter, and other social media sites will be wide open. He asked that members should give the IT subcommittee feedback on that so that the public Wi-Fi does exactly what the Council wants it to do.

The motion passed with no objections.

Representative Austerman said he would first like to thank Mr. Clothier for the Alaska Legislature app that we have and thinks it would be very beneficial for the Committee if Mr. Clothier could do a little more research and come up with some kind of a white paper reference to Dropbox and have more of a discussion. He said Senator Stevens and he had an opportunity to go to a two-day seminar entitled *In The Cloud* on similar programs. He said he thinks it is a necessary conversation if the intent is to eventually go paperless and asked to have this as an agenda item at the next meeting.

Mr. Clothier said that with the public Wi-Fi, Dropbox will be there for anybody in the Capitol who might want it, so please keep that in the mix as well.

5. LATE TRAVEL & PER DIEM APPROVAL

- **Representative Craig Johnson**
- **Representative Peggy Wilson**

Representative Herron moved that Legislative Council approve the late travel and per diem expenses for Representatives Craig Johnson and Peggy Wilson.

The motion passed with no objections.

6. LEGISLATIVE FINANCE BUILDING CHANGE ORDER APPROVAL

Chair Menard stated that this is the fourth change order on this project and it is in the amount of \$22,852. She said as Change Orders one (1) and three (3) have already been approved, she is bringing this Change Order (#4) before the Council as the total amount of the Change Order exceeds Legislative Council Chair's \$25,000 limit. She said she understands that Pam Varni has a breakout of the project costs because some Committee members have asked for that and that is the project cost to date. She said Don Johnston, Building Manager, is on line to answer questions regarding the project.

Chair Menard asked for a short at ease while Pam Varni passed out to members a Legislative Finance Building Report.

Ms. Varni stated that Don Johnston, Building Manager, is on line and he can go into more detail. She thanked the Council for their previous approvals. Change Orders that do not exceed \$25,000 or 10% of the original contract amount, whichever is higher, can be approved by the Council Chair. She said sometimes there might be a change order for \$300 and Legislative Council does not meet that often. This Change Order does exceed that limit; this is with our structural contract, Carver Construction, and Don can provide some more detail if you have specific questions regarding this Change Order.

Representative Austerman stated that in reference to the sheet Ms. Varni just handed out going to the total cost of the remodel, some \$428,000; he asked if that amount was the total cost, not just Change Orders.

Ms. Varni responded that the total cost includes the contracts we have signed for electrical, mechanical, and structural as well as the Change Orders, including the current Change Order before Council of \$22,852; it is everything that we know that we have either contracted or have bids for. She said what the Agency does not have exact bids for yet are door hardware, windows, woodworking, and some of those items that we don't yet know the exact costs.

Representative Austerman said that the report stated that the original estimate for construction had a range from \$350,000 to \$700,000; he asked if there was a closer estimate than this range, produced in 2009, or are we getting closer to knowing what we're actually going to spend, or are we just going to continue with this open checkbook.

Chair Menard commented that she thinks the concern from a lot of the Committee is this going to be three quarters of a million dollars to get this done. She said that is why she asked for a little bit more detail and a final cost because it is a small building, we're trying to retro it, and she's sure when it's all done and said it is, but at the end of the day too, the cost is a big concern.

Ms. Varni said that maybe Don can give his best estimate for the windows, the woodworking, etc., but we won't know for sure until we go out to bid for those items and the costs comes back. She said we still have that finish work that is not in this total. She said we could be in the high \$500s, but she doesn't know until the actual bids come in.

Don Johnston, Building Manager, Legislative Affairs Agency, said that he doesn't expect the final construction cost to near the \$700,000. We already know the high cost for the mechanical, the electrical, and the structural. He said we weren't able to identify some of these issues structurally and that contract is just about up. He said, as far as windows and doors, he would imagine that we're probably looking at \$550,000-600,000 maximum by the time all that stuff is said and done. We recently went out to bid for windows, we already know the costs of the siding, included in the \$428,000 total; these are costs that are known right now. We are shortly going out to bid for woodwork, doors, and trim; sprayfoam insulation; the door hardware; flooring installation; suspended ceilings, etc. He said he does not have exact costs on those or even estimates at this time but he offered to get those together and present them to the Council.

Chair Menard said she would like to get that information to all Committee members when the bid is finalized.

Representative Austerman asked if the \$550-600,000 included the finish work in the building.

Mr. Johnston responded that was correct – that is turnkey, move in, operation.

Discussion followed.

Representative Herron said before the prepared motion or the main motion, he would like to make a motion that we create a budget for this project and that the budget limit is \$550,000 at this time.

Representative Austerman seconded the motion.

Chair Menard asked for discussion.

Speaker Chenault asked if the motion included the \$22,000 that the Agency is asking for here or on top of the \$22,000.

Representative Herron responded that it would include the \$22,000.

Senate President Stevens asked if we passed this limit of \$550,000 and Don Johnston has estimated that it be \$550,000-600,000, at some point, we just stop and don't do anything further – is that what Representative Herron is proposing?

Representative Herron said that it would come back for review and consideration.

Senator Egan said he'd like to hear from Don Johnston on this proposed limit of \$550,000.

Mr. Johnston stated that he thought that at this time the limit is reasonable.

Representative Austerman said that he believes the motion is appropriate so we can get some kind of handle on what this building is doing. If it does cost more, they can come back and if they can justify it, they justify it and Legislative Council can pick it up. He said this just gives us some idea and some feeling of comfort that we're at least trying to be as conservative as we can and make sure that we're doing things right instead of just having an open book accounting of the re-construction of this building.

Chair Menard said she has a concern, being a fairly new Legislative Council Chair, does this motion prohibit her from approving any Change Orders that would be under the \$25,000 because this tells her that we're curtailing it at \$550,000 and then, if there's \$2,000 or \$13,000 Change Order, you would not want me to sign off on that, which she currently has the authority to do. She asked for clarification that this motion means she can sign off on any Change Orders until she reaches the \$550,000 limit.

Representative Austerman confirmed that would be his intent.

Chair Menard asked if it was the maker of the motion's intent.

Representative Herron confirmed that it was.

Representative Stoltze said he appreciates the motion, he's been a critic of this project and it's sort of spiraled the way he thought it was going to and there's no comfort in "I told you so" in this. He said it's just painful and that we'll probably be coming back again but he appreciates Representative Herron at least putting some type of a cap on this. He said he didn't have an objection but he wanted to put this on the record.

Senate President Stevens asked what is the estimated date of occupation for this building.

Mr. Johnston responded that he believes it will be sometime during the summer of 2012. He said there have been a few delays regarding the City and Borough of Juneau parking issues and the historical registry stalling the project to make sure we're not changing anything that's going to affect the building historically and any structural issues, which is kind of pushing the project ahead about eight months. He said we're striving to get in there this summer and try to get everyone in there before the fall.

Chair Menard said, while she doesn't want to muddy the waters further on this issue, she believes that the projected total cost does not include furnishings, desks, etc.

Ms. Varni responded that she received an email from David Teal asking if we would be purchasing some of their furniture. She said with this cap she is going to tell him no, that we are not because she'd like to make sure that we stay within that \$550,000. She said Mr. Teal probably will be asking for some money from House and Senate Finance to do some of those furnishings.

The motion passed with no objections.

Chair Menard called for the main motion.

Representative Herron moved that Legislative Council approve Change Order #4 to Carver Construction, LLC, in the amount of \$22,852.

Representative Stoltze objected to ensure his opposition to this project is consistent.

Chair Menard called the roll.

YEAS: Davis, Egan, Stevens, Menard, J. Thomas, Austerman, Chenault, Herron, Holmes, B. Thomas

NAYS: Johnson, Stoltze, and P. Wilson

The motion passed 10-3.

7. ANCHORAGE OFFICE SPACE UPDATE AND LEGAL SERVICES ITEM

Chair Menard asked for a motion to go into Executive Session.

Representative Herron moved that Legislative Council go into Executive Session under Uniform Rule 22(B)(1), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit. Any Legislators not on Council are welcome to stay. I ask that the following staff remain in the room to answer questions: Pam Varni, Doug Gardner, Cathy Tilton and Chuck Burnham.

The Council went into Executive Session.

[10:58:39 AM](#)

The Council came out of Executive Session.

[11:50:20 AM](#)

Legal Services Item

Chair Menard stated that Legal Services Director Doug Gardner has requested that Legislative Council grant him authorization to provide legal representation for a member of legislative personnel. She then asked for a motion.

Representative Herron moved that Legislative Council approve the Division of Legal Services' representation of David Teal in proceedings in *UNITED ACADEMIES - AAUP/AFT LOCAL 4996 v. STATE OF ALASKA*, for legislative acts and for matters arising out of and within the scope of his duties as legislative fiscal analyst, including asserting and defending legislative immunity as allowed by law.

Senate President Stevens asked to be recused from voting on this issue since he did retire from the University under Tier I and also retired under an optional retirement program that when he dies his wife received additional retirement from his retirement fund.

Speaker Chenault objected. He said he thinks the Senator has good intentions but it is an important enough issue that he ought to have to vote on it same as the rest of us that are in the retirement system.

Chair Menard called the roll.

YEAS: Menard, Davis, Egan, Stevens, J. Thomas, Chenault, Herron, Holmes, Stoltze, P. Wilson, B. Thomas

NAYS: Austerman

The motion passed 11-1.

Chair Menard stated that in considering most cases requiring legal representation time is of the essence she respectfully requested that the Chair be approved to authorize legal services to provide representation if needed.

Chair Menard asked for a motion.

Representative Herron moved that Legislative Council formally adopt the past practice of the Legislative Council that authorizes the Chair to direct the Division of Legal Services to provide representation to legislators, staff to legislators, and employees of the Alaska Legislature for legislative acts and for matters arising out of and within the scope of their legislative duties. The representation shall be subject to approval by the Council at the next convenient meeting.

Chair Menard repeated the motion.

The motion passed with no objections.

Anchorage Office Space Update

Chair Menard asked for a motion.

Representative Herron moved that that Legislative Council give authority to the Executive Director to negotiate on behalf of Legislative Council and purchase 909 W. 9th Avenue (commonly known as the Chevron Building and associated parking) for Anchorage Legislative Office Space in an amount not to exceed \$6,750,000 which includes our closing costs and additional engineering work contracted by the owner. Per AS 24.20.140(a) direct the Executive Director to transfer existing legislative capital funds for necessary capital projects to purchase the above property.

Representative Stoltze objected for purposes of discussion.

Representative Herron said that this is an important step no matter what the outcome. He said that the full membership of Legislative Council should have an opportunity to vote on a very large purchase that will, proposed, far exceed \$6,750,000. He said he would suggest that the motion be voted on when we have a full membership of this body.

Chair Menard said that she is not entertaining that and asked if there was more discussion.

Representative Austerman said that in the discussion we've had in reference to this building we've come to the conclusion that we're going to spend roughly \$6.7 million to buy the building and then in further discussion he said he is still a little bit concerned about not knowing exactly what it is going to cost for the remodel. He said a couple of years ago we had an estimate apparently of over \$16 million to remodel the building and if you put inflation on that of a couple years, that number probably still stands based upon some of the other work that has already been done on the building. Putting \$6.7 million on top of that, it's a fairly large, substantial amount of money we're committing the State of Alaska to. He said he has indicated also that he supports the Legislature having a building in Anchorage rather than paying lease holds. He thinks that it is appropriate to own a building. He is nervous enough about this cost to remodel and the total cost of what we're going to be spending; today, we're being asked to spend \$6.7 million on buying a building yet we have not sat down and had a concrete number placed before us as to what the actual cost to remodel will be. With those two things in mind, he said he will probably not support the motion.

Discussion followed.

Senate President Stevens said we have gone through several iterations looking at various buildings and considering various options and we certainly know the current building is inadequate. He said that it is far better to own than to lease, that the State will do much better in the long run. He said he is concerned that the longer we take that we are going to put ourselves in

a bind and we'll be stuck having to renew this lease again and again. He thinks there are some serious questions and confusion about remodel costs. He thinks this is the best option we have and the best option we have had in the past four or five years he has been involved in this. Senate President Stevens moved to table this motion until the next meeting.

Chair Menard said she concurred with Senate President Stevens.

The meeting was adjourned at 12:08 p.m.

[12:08:49 PM](#)