

**KNIK ARM BRIDGE AND TOLL AUTHORITY**  
**REGULAR BOARD of DIRECTORS**  
MEETING MINUTES #6-09

Annual Board of Directors' Meeting, November 12, 2009, at the State Office (Atwood) Building, Conference Room 1860, Anchorage, Alaska.

The meeting was duly noticed on November 6, 2009 in the Public Notices sections of the "Frontiersman" and the "Anchorage Daily News," and listed on the KABATA Web site and on the State Online Public Notice system.

The meeting progressed in accordance with the previously established and published agenda.

Chairman Michael Foster called the meeting to order at 1:31 pm.

1. Roll Call

A quorum was established with four voting directors in attendance:  
Michael Foster, Dave Haugen, Gordon Keith, Michele Prebula for Jerry Burnett (via telephone)

Also present were: KABATA Staff Members; Executive Director Andrew Niemiec, CFO Kevin Hemenway; DED Dale Paulson, and 106 Liaison Edrie Vinson; also Project Counsel William Greene and Jim Cantor. Attending via telephone was Jody Simpson, staff member to Senator Charlie Huggins.

Recorder: Amanda True, KABATA Administrative Assistant.

There were 2 members of the public in attendance.

2. Approval of Agenda

Agenda approved unanimously as presented

3. Approval of Minutes from Meeting #5-09

There was a

**Action #122-6-09**

**MOTION** by Haugen to approve Minutes as submitted, seconded by Keith.

Minutes approved unanimously as presented

4. Chairman's Report

Foster shared that KABATA has been giving presentations to various Community Councils around the Municipality of Anchorage and will be working on getting presentations set up with the Matanuska-Susitna Community Councils. KABATA is staying focused on moving the Environmental Process forward to completion.

5. Executive Director's Report

Niemiec reported an employment offer was made and has been accepted by Corene Alvarado as KABATA's Administrative Manager. KABATA is also recruiting a Chief Engineer to replace Verne Geidl, who retired..

He stated at the last meeting that Representative Neuman had asked for an update on P3. This procurement has been on hold for over a year. KABATA is in touch with both short-listed P3 developers, neither of which is being compensated. Both parties are still very interested in the project. KABATA is concentrating on completing NEPA to obtain more certainty in the project before reengaging with the P3 proposers and issuing a formal RFP.

Niemiec brought attention to an article on the "Port of Miami Tunnel" that was handed out. Hemenway will talk more on it later in the meeting. He continued with the Treasurer's Report provided in the Board packets and asked Hemenway to give a report on the Audit Committee Meeting.

Hemenway briefly stated the Audit Committee went over the final Audited Financial Statements and indicated that copies are available. The only item up before the Board is reaffirmation of Audit Committee Membership which will be addressed later in the Board Meeting.

Niemiec continued with packet information and touched on next year's proposed Board Meeting schedule and travel reimbursement information. Regarding NEPA, he stated that KABATA's efforts are focused on the Cook Inlet Beluga and the requirements to finalize the Biological Assessment. We currently are performing an engineering analysis looking at both the structure in the water and construction methods and the impact that actual construction may have on permitting activities.

He went on to talk about the proposal for producing an informational video, the AMATS Long Range Transportation Plan, and the remaining AMATS meeting schedule.

Hemenway, at Foster's request, spoke briefly on the P3 Port of Miami Tunnel Project.

Foster stated for the record he had heard a misinformed comment recently that Macquarie was financially bankrupt. He asked Hemenway for more information on Macquarie.

Hemenway responded that Macquarie still has over \$50 billion dollars of Assets under management and that last he had checked, Macquarie's stock was trading around Australian \$35 per share.

Foster mentioned to use caution when reading reported media in regards to P3 and Financial institutions.

Mary Ann Pease, at Foster's request, gave an update on KABATA outreach efforts.

Keith Spoke on Anchorage 2020 and Anchorage growth and in-fill.

6. Legislative Reports  
None

7. Old Business:  
None

8. New Business:

- a. **Resolution #5-09** was introduced by Niemiec to provide the executive director with discretion for hiring at pay range numbers (salary level) equal to or below those previously approved by the Board.

**MOTION** was made by Haugen, seconded by Prebula to approve.

Keith asked for clarity of what the Board previously approved. Was it a cap or a set amount?

Foster said his understanding was it was set as a cap by the board, but that the Department of Administration is currently interpreting the previously approved pay ranges as a set amount. This resolution is to allow Niemiec to hire a qualified applicant at a lower amount than listed on the Organizational chart at his discretion, and if it exceeds the amount set by the Board it would require Board approval. This will clarify for Personnel that the Executive Director has authority to hire at salaries up to and including the approved pay range.

**AMENDMENT** made by Keith for a line to be added for purposes of clarification that says "if any salaries are above the set limit that it requires Board action. Second by Haugen to approve; motion to amend was Approved unanimously.

A vote was taken on the original Resolution #5-09 as amended; Resolution was Approved unanimously.

- b. **Resolution #6-09** was introduced by Niemiec instructing the Executive Director to promote Amanda True. Currently Amanda is an Administrative Clerk at a range 10, and we are proposing to fill it at a rate not to exceed a range 12 and change her title to Office Assistant. This resolution allows us to reclassify her position.

**MOTION** was made by Keith, seconded by Haugen to approve; Resolution was Approved unanimously.

- c. Niemiec continued with the proposed meeting schedule for the 2010 calendar year. The only change from the previous schedule is to add additional meeting locations.

**MOTION** made by Haugen, seconded by Keith to approve; it was Approved unanimously.

9. Other Matters to Properly Come Before the Board  
Election of Audit Committee Members

Foster stated that Bylaws require that Audit Committee Members must be appointed or reaffirmed by the Board annually. Currently Deputy Commissioner Jerry Burnett is Chair,

Michael Foster is Co-Chair and Dave Haugen is a voting member. Foster Proposed to re-appoint current Audit Committee Members.

**Action #123-6-09**

**MOTION** made by Keith, seconded by Haugen to re-appoint current Audit Committee Members; it was Approved unanimously.

Foster continued with securing procurement for an auditor for 2010.

Hemenway went into more detail by stating a procurement would start in the first quarter of 2010 and that he would present candidates to the Committee at the February 11, 2010 Audit Committee Meeting.

10. Board Members' Remarks

Keith thanked Amanda for her service to the Authority and he is happy to be able to help her career along. Keith stated, "Amanda has always been very helpful to me and this is a well deserved promotion."

11. Public Comments:

None


12. Announcements

True will get the 2010 schedule out to the Board with designated meeting locations.

13. Meeting Adjourned at 2:17pm

Minutes Approved: Unanimous Board Approval at February 11, 2010 Board Meeting.

Attested to by:



Andrew J. Niemiec, Executive Director

Date: 2-11-10