

To: Assemblyman Chris Birch, P.E.
From: Board of Ethics, Municipality of Anchorage

Dear Mr. Birch:

This letter is in response to 'Request for an Advisory Opinion', dated 9 March 2008.

This response is based specifically upon the information provided by you in your request and extends only to those facts. It does not constitute a legal opinion or waiver, but our best advice and recommendation concerning your request. It contains two parts.

Part I.

Your request asked for guidance as a continuation of 'avoiding any conflict of interest related to my employment (now as Vice President for NANA Development Corporation -- "NDC") and public service with the Municipality as an elected Assembly Member.'

As no specific instance was cited, the Board of Ethics recommends you refer to and follow the general guidelines in the Ethics Code. These include: prohibiting substantial financial and private advantage not available to the public (AMC 1.15.020.A.4); requiring the placement of the public interest above any private interest when taking official action as an elected official (1.15.035.E); and requiring all appropriate financial disclosures and prohibitions regarding acquisition of economic interest (1.15.035.K and L).

Part II.

Your request also asked for guidance regarding service as 'one of two designated Assembly Members on the Anchorage Metropolitan Area Transport Solutions (AMATS) Committee [sic]' in light of your employment.

The Board of Ethics consulted the AMATS INTER-GOVERNMENTAL OPERATING AGREEMENT FOR TRANSPORTATION AND AIR QUALITY PLANNING (AUGUST 2002). In the view of a majority of the Board of Ethics, the AMATS Policy Committee, as a state-municipal partnership under Federal Transportation Planning Statutes, does not fall under the direction of the Municipal Ethics Code.

The Board of Ethics thanks you for your 'Request for an Advisory Opinion' and for your service to the community.

Best regards,

G. W. Kimura, Ph.D. (Cantab.)
Chair, Board of Ethics