

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of November 14, 2006

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Sullivan at 5:02 p.m. in the Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Allan Tesche, Janice Shamberg, Paul Bauer, Anna Fairclough, Dan Sullivan, Debbie Ossiander, Chris Birch, Dan Coffey, Ken Stout, Dick Traini and Pamela Jennings.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE

A Color Guard Opening Flag Presentation and the Pledge of Allegiance were led by Webelos 1, Cub Scout Pack 126, Den 5. Participating Cub Scouts included Cole Faulkner, Duncan Rooney, Duncan Frank, Colson Young, Ben Scarbrough, Reed Harrington, Neil Rhodes and Jason Amor. Also attending were Den Leader Win Faulkner and Assistant Den Leader Dale Rooney.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – October 10, 2006.

Ms. Ossiander moved, to approve the Regular Meeting Minutes
Ms. Fairclough seconded, of October 10, 2006,
and this was approved without objection.

4.B. Regular Meeting – October 17, 2006.

Ms. Ossiander moved, to approve the Regular Meeting Minutes
Ms. Fairclough seconded, of October 17, 2006,
and this was approved without objection.

4.C. Regular Meeting – October 24, 2006.

Ms. Ossiander moved, to approve the Regular Meeting Minutes
Ms. Fairclough seconded, of October 24, 2006,

Ms. Ossiander moved, to amend the 10-24-06 Meeting Minutes on Page 3,
Ms. Fairclough seconded, Line 61, *by changing* to read: Spring Creek Lodge,
and this was approved without objection. which had been a [weigh] "way" station.;

and the main motion, as amended, was approved without objection.

5. MAYOR'S REPORT

Reporting for the Mayor, Deputy Municipal Manager Michael Abbott extended an invitation to the ribbon-cutting ceremony marking the opening of the C Street Extension on Friday at 3:00 p.m. at the O'Malley and C Street intersection. Mr. Abbott introduced Robert Burns, a senior at South High School, interning with the Mayor's and Municipal Manager's Offices, who had joined the Begich staff at the Assembly Meeting.

Municipal Manager Denis LeBlanc distributed an Anti-Gang and Youth (*Violence*) Summit notification and reported a community meeting on that subject would be held the following day at the Anchorage Marriot.

Office of Economic and Community Development Director Mary Jane Michael reported that new Municipal Librarian Karen Keller had begun work on November 13, 2006. Ms. Michael distributed a memo on a Hilltop Ski Area year-end financial report. She also distributed a schedule for downtown planning projects.

6. ASSEMBLY CHAIR'S REPORT

Assembly Chair Sullivan stated that he and Mr. Traini had planned to attend the Alaska Municipal League Conference in Juneau, but airplanes were having difficulty getting into the airport, due to heavy winter snow storms there. They would continue monitoring the weather.

7. **COMMITTEE REPORTS** There were none.

8. **ADDENDUM TO AGENDA** There was none.

Chair Sullivan called the Question on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda,
Mr. Traini seconded,

Chair Sullivan called for Assemblymembers to request items be pulled and moved to the Regular Agenda for discussion.

9. **CONSENT AGENDA**

9.A. **RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 9.A.1. Resolution No. AR 2006-293, a resolution of the Anchorage Municipal Assembly remembering the life and contributions of **Helen D. Mason** to her beloved Fairview Neighborhood and the City of Anchorage; Mayor Begich; Assemblymembers Tesche, Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan and Traini.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See item 10.A.1*)

9.B. **RESOLUTIONS FOR ACTION - OTHER**

- 9.B.1. Resolution No. AR 2006-294, a resolution adopting an alternative allocation method for the **FY07 Shared Fisheries Business Tax Program** and certifying that this allocation method fairly represents the relative distribution of significant effects of fisheries business activity in the Cook Inlet Fisheries Management Area; Office of Management & Budget.
a. Assembly Memorandum No. AM 808-2006.
- 9.B.2. Resolution No. AR 2006-295, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$8,740 from the Bureau of Justice, Office of Justice Programs, U.S. Department of Justice and \$150 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department 2006 Operating Budget to the Federal Categorical Grants Fund (241) Anchorage Police Department for the **Bullet Proof Vest Partnership Program**; Anchorage Police Department.
a. Assembly Memorandum No. AM 809-2006.
- 9.B.3. Resolution No. AR 2006-296, a resolution of the Municipality of Anchorage appropriating \$46,455 from Alaska Housing Finance Corporation (AHFC) as a supplemental grant to the State Categorical Grants Fund (231), the Department of Neighborhoods to fund the **Weatherization Assistance Program**; Department of Neighborhoods.
a. Assembly Memorandum No. AM 810-2006.
- 9.B.4. Resolution No. AR 2006-297, a resolution appropriating \$32,000 from the Alaska Department of Environmental Conservation to the State Grant Fund (231), Project Management & Engineering Department, to identify sediment sources in **Little Campbell Creek**; Project Management & Engineering.
a. Assembly Memorandum No. AM 811-2006.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.B.4*)

9.C. **BID AWARDS** There were none.

9.D. **NEW BUSINESS**

- 9.D.1. Assembly Memorandum No. AM 824-2006, **Military and Veterans Affairs Commission** appointment (Donna Boltz); Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 825-2006, **Transportation Commission** appointments (Holly Suozzo, Brian Whittle); Mayor's Office.
- 9.D.3. Assembly Memorandum No. AM 826-2006, **Youth Advisory Commission** appointments (Cierra Murphy, Megan Rodgers), Mayor's Office.
- 9.D.4. Assembly Memorandum No. AM 805-2006, **Dimond Bowl #4674** – Recreational Site Liquor License (Taku/Campbell Community Council); Clerk's Office.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.4*)

- 9.D.5. Assembly Memorandum No. AM 806-2006, **2007/2008 Liquor License Renewals**: George's Homestead Lounge #321, The Blue Fox #140, Las Margaritas #3363, Reilly's #216 – Beverage Dispensary; George's Homestead Liquor #322 – Package Store (Bayshore/Klatt, Downtown, University Area, Taku/Campbell, North Star Community Councils); Clerk's Office.
- 9.D.6. Assembly Memorandum No. AM 807-2006, **The Anchor #3607** – Transfer of Ownership for a Beverage Dispensary (Downtown Community Council); Clerk's Office.
- 9.D.7. Assembly Memorandum No. AM 815-2006, Amendment No. 2 to the Purchase Order 256137 with Utility Resources, Inc. (URI) to provide professional **consulting services** to the Municipality of Anchorage; Anchorage Water and Wastewater Utility (\$75,000).
- 9.D.8. Assembly Memorandum No. AM 816-2006, proprietary purchase of **computer software update license** and support renewal from Oracle Corporation for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (AWWU) (\$43,472.71); Purchasing.
- 9.D.9. Assembly Memorandum No. AM 817-2006, Amendment No. 1 to the contract with Gannett Fleming Inc. to provide professional **consulting services** to the Municipality of Anchorage; Anchorage Water and Wastewater Utility (AWWU) (\$30,000).

- 1 9.D.10. Assembly Memorandum No. AM 818-2006, proprietary purchase with EBSCO Subscription Services
2 for providing **library periodical subscriptions** to the Municipality of Anchorage, Office of Economic &
3 Community Development, Library (\$52,000); Purchasing.
4 9.D.11. Assembly Memorandum No. AM 819-2006, Amendment No. 3 to the professional services contract
5 with DOWL Engineers for design and reconstruction services, **Northwood Drive Upgrade**, Project
6 No. 01-12 (\$447,630); Project Management & Engineering.
7 9.D.12. Assembly Memorandum No. AM 820-2006, Amendment No. 1 to the professional services contract
8 with Kinney Engineering, **16th Terrace Improvements**, Project No. 04-13 (\$228,032); Project
9 Management & Engineering.

10
11 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.12*)

- 12
13 9.D.13. Assembly Memorandum No. AM 821-2006, proprietary contract award to AERO-METRIC, Inc. for
14 providing **digital mapping services** to the Municipality of Anchorage, Project Management &
15 Engineering Department (\$92,032); Purchasing.

16
17 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.D.13*)

- 18
19 9.D.14. Assembly Memorandum No. AM 822-2006, Amendment No. 4 to professional engineering services
20 contract with DOWL Engineers for the **Arctic Boulevard Surface Rehabilitation, Fireweed Lane to**
21 **Tudor Road**, Project No. 02-10 (\$20,000); Project Management & Engineering.

22
23 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.14*)

- 24
25 9.D.15. Assembly Memorandum No. AM 823-2006, Amendment No. 6 to professional engineering services
26 contract with DOWL Engineers for the **W. Northern Lights Boulevard Upgrade, Nathaniel Court to**
27 **Wisconsin Street**, Project No. 01-10 (\$9,490); Project Management & Engineering.

28
29 **9.E. INFORMATION AND REPORTS**

- 30 9.E.1. Information Memorandum No. AIM 116-2006, **Anchorage Water & Wastewater Utility Monthly**
31 **Report** for October 2006.

32
33 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 34 9.F.1. Ordinance No. AO 2006-154, an ordinance submitting to the qualified voters of the Municipality at the
35 Regular Municipal Election on April 3, 2007, a ballot proposition amending the Anchorage Municipal
36 Charter, Section 4.01 – Power, Composition and Apportionment – to synchronize **municipal**
37 **apportionment** with adoption of the final state redistricting plan under the State Constitution, and
38 conform the Charter to current state law; Assemblymembers Tesche and Stout. (*Public Hearing 12-*
39 *12-06*)

40
41 Mr. Stout requested this item be pulled for review on the Regular Agenda. (*See item 10.F.1*)

- 42
43 9.F.2. Resolution No. AR 2006-298, a resolution of the Municipality of Anchorage accepting, when tendered,
44 the sum of \$992,575 from the Alaska Department of Health and Social Services as a grant to the State
45 Categorical Grants Fund (231), Department of Health and Human Services to fund **Community**
46 **Health Nursing Services**; Health and Human Services. (*Public Hearing 12-12-06*)
47 a. Assembly Memorandum No. AM 812-2006.
48 9.F.3. Resolution No. AR 2006-299, a resolution of the Municipality of Anchorage accepting a Federal Transit
49 Administration Section 5309 Bus and Bus-Related Earmark Allocations Grant and appropriating
50 \$1,457,667 to the Public Transportation Capital Fund (485) for the construction of a **Paratransit**
51 **Facility**; Public Transportation Department. (*Public Hearing 12-12-06*)
52 a. Assembly Memorandum No. AM 813-2006.
53 9.F.4. Resolution No. AR 2006-300, a resolution of the Municipality of Anchorage appropriating \$811,250
54 from the Federal Highway Administration (FHWA) to the Federal Grants Fund (241) for the Traffic
55 Department, Transportation Planning Division, **Anchorage Metropolitan Area Transportation**
56 **Solutions** (AMATS); Traffic Department. (*Public Hearing 12-12-06*)
57 a. Assembly Memorandum No. AM 814-2006.

58
59 Chair Sullivan put the Question on the remainder of Consent Agenda.

60
61 and this motion, as amended, was passed.

62
63 AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
64 NAYES: None.

65
66 The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items.

67
68 **END OF CONSENT AGENDA**

69
70
71 **10. REGULAR AGENDA**

72 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 73 10.A.1. Resolution No. AR 2006-293, a resolution of the Anchorage Municipal Assembly remembering the life
74 and contributions of **Helen D. Mason** to her beloved Fairview Neighborhood and the City of
75 Anchorage; Mayor Begich; Assemblymembers Tesche, Bauer, Birch, Coffey, Fairclough, Jennings,
76 Ossiander, Shamberg, Stout, Sullivan and Traini.

77
78 Mr. Tesche moved, to approve AR 2006-293,

1 Mr. Stout seconded,
2 and this was passed without objection.
3

4 Mr. Tesche read and Mr. Stout presented the resolution, honoring the memory of Helen D. Mason, for her life and
5 many contributions to the Anchorage community. Ouida Morrison accepted the resolution on behalf of Ms. Mason's
6 family and friends and stated that Ms. Mason had been very committed to her Fairview Community. Ms. Mason had
7 been a key role model for youths and adults and taught them to be involved, give back to the community and make a
8 difference in the world. Ms. Morrison stated that a city-wide celebration at the Fairview Community Center would be
9 planned when Ms. Mason's family visited Anchorage.

10
11 **10.B. RESOLUTIONS FOR ACTION - OTHER**

12 10.B.4. Resolution No. AR 2006-297, a resolution appropriating \$32,000 from the Alaska Department of
13 Environmental Conservation to the State Grant Fund (231), Project Management & Engineering
14 Department, to identify sediment sources in **Little Campbell Creek**; Project Management &
15 Engineering.
16 a. Assembly Memorandum No. AM 811-2006.

17
18 Ms. Ossiander moved, to approve AR 2006-297,
19 Mr. Coffey seconded,
20

21 Ms. Ossiander stated that flooding in Peters Creek was threatening homes of constituents in her district. She stated
22 that there were many serious safety problems with some creeks in the Anchorage community. Deputy Municipal
23 Manager Michael Abbott responded that the Administration would continue to work with Ms. Ossiander to identify
24 funding sources for these areas of concern.

25
26 and this was passed without objection.
27

28 **10.C. BID AWARDS** There were none.
29

30 **10.D. NEW BUSINESS**

31 10.D.4. Assembly Memorandum No. AM 805-2006, **Dimond Bowl** #4674 – Recreational Site Liquor License
32 (Taku/Campbell Community Council); Clerk's Office.
33

34 Ms. Ossiander moved, to approve AM 805-2006,
35 Ms. Fairclough seconded,
36

37 Mr. Coffey disclosed a possible conflict of interest. His former law firm now [~~represented~~] "represents" the applicant,
38 following his becoming solely of counsel last January. He had "not" handled the matter, but had no financial interest in
39 the outcome. He was using caution and requesting Assembly consideration with this matter. Chair Sullivan ruled that
40 Mr. Coffey did not have a conflict of interest with this matter and ordered him to participate. There were no objections.
41

42 and this motion was passed without objection.
43

44 10.D.12. Assembly Memorandum No. AM 820-2006, Amendment No. 1 to the professional services contract
45 with Kinney Engineering, **16th Terrace Improvements**, Project No. 04-13 (\$228,032); Project
46 Management & Engineering.
47

48 Mr. Coffey moved, to approve AM 820-2006,
49 Ms. Ossiander seconded,
50

51 To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that the news media had covered the story of an
52 ill woman in this area. Mr. Coffey stated that he hoped the Municipality would do things to ameliorate her
53 circumstance. Mr. Abbott responded that the city had delayed the right-of-way acquisition to allow Ms. Hearst and her
54 family a chance to figure out how to handle the situation. This project had always been a willing-seller and willing-
55 buyer acquisition. Mr. Coffey supported the city's efforts.
56

57 Chair Sullivan stated this had been a touching story in the newspaper and the city wanted to impact people's lives as
58 minimally as possible when doing road improvements. He appreciated the Administration's caution with proceeding on
59 this project and working with the family involved.
60

61 and this was passed without objection.
62

63 10.D.13. Assembly Memorandum No. AM 821-2006, proprietary contract award to AERO-METRIC, Inc. for
64 providing **digital mapping services** to the Municipality of Anchorage, Project Management &
65 Engineering Department (\$92,032); Purchasing.
66

67 Ms. Ossiander moved, to approve AM 821-2006,
68 Mr. Coffey seconded,
69

70 Ms. Ossiander stated that the current floodplain maps identified areas in the city which were affected by heavy rainfall.
71 She stated that flooding was also caused by glaciation, which occurred under winter conditions, but the Peters Creek
72 area was not identified as a floodplain and was not included on the maps. Municipal Engineer Howard Holtan
73 responded that the Floodplain Mapping Program did not include glaciation-oriented flooding areas because areas of
74 glaciation changed so rapidly over time. Ms. Ossiander stated that there were areas in Peters Creek that had a 50-
75 year flooding history and the current flooding had water at people's front doors and was washing across roads.
76

Ms. Fairclough requested that Municipal Manager Denis LeBlanc provide the name of a contact person, to allow them to appropriately make a request to the State of Alaska for available funds, so the issue in the Chugiak area could be addressed.

and this motion was passed without objection.

10.D.14. Assembly Memorandum No. AM 822-2006, Amendment No. 4 to professional engineering services contract with DOWL Engineers for the **Arctic Boulevard Surface Rehabilitation, Fireweed Lane to Tudor Road**, Project No. 02-10 (\$20,000); Project Management & Engineering.

Mr. Coffey moved, to approve AM 822-2006,
Ms. Ossiander seconded,

To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that the 36th Avenue rehabilitation project was nearly completed and Arctic Boulevard, south of 36th, was to be five lanes. Municipal Engineer Howard Holtan responded that the \$20,000 appropriation was for additional modifications and improvements for 40th Avenue. Mr. Coffey stated that the small appropriation increments were currently for design stages and he understood the benefits of serial contracts which provided continuity. He urged approval.

and this was passed without objection.

10.E. INFORMATION AND REPORTS None were pulled for review.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.1. Ordinance No. AO 2006-154, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election on April 3, 2007, a ballot proposition amending the Anchorage Municipal Charter, Section 4.01 – Power, Composition and Apportionment – to synchronize **municipal apportionment** with adoption of the final state redistricting plan under the State Constitution, and conform the Charter to current state law; Assemblymembers Tesche and Stout. (*Public Hearing 12-12-06*)

Mr. Stout moved, to introduce AO 2006-154 with Public Hearing set
Mr. Tesche seconded, for December 12, 2006,
Mr. Coffey was the concurring third.

Mr. Stout stated there had been questions why this was being completed at this time.

Mr. Tesche explained that, required by law and by Charter, the Assembly must reapportion itself at a minimum of every ten years, upon receipt of federal census information. For this matter, Assembly district boundaries were based on State of Alaska district boundaries. Assembly action was required, with deadlines, regardless of the status of State of Alaska precinct boundaries. To ease the boundaries problem and to eliminate the split precincts, it was proposed to allow voters to decide to change the Charter requirements. He stated that Lines 32-34, on Page 2, Section 2, needed to be deleted, and viewed this as a housekeeping matter.

Chair Sullivan requested that Assemblymembers turn in additional written amendments or technical changes. Mr. Tesche requested that the Municipal Clerk describe the need for the change and how this would resolve the issue and describe what had happened in the past with split precincts.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING

11.A. Assembly Memorandum No. AM 795-2006, **Zoning Board of Examiners and Appeals** appointment (Mike Marsh); Mayor's Office. (*Postponed from 10-24-06*)

Chair Sullivan read the memorandum title and stated there was a motion to approve on the floor, from October 24th.

Ms. Fairclough had moved, to approve AM 795-2006,
Ms. Ossiander had seconded,
and the motion was passed unanimously.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
NAYES: None.

11.B. Resolution No. AR 2006-290, a resolution of the Anchorage Municipal Assembly in recognition of the continuing contribution made by Fur Rendezvous in the promotion of tourism and Anchorage's visitor industry, and supporting annual funding from the Anchorage Convention and Visitors Bureau room tax revenue to Greater Anchorage, Inc. for the **Fur Rendezvous Festival**; Assemblymembers Fairclough, Tesche, Traini, Stout, and Bauer.
1. Resolution No. AR 2006-290(S), a resolution of the Anchorage Municipal Assembly in recognition of the continuing contribution made by Fur Rendezvous in the promotion of tourism and Anchorage's visitor industry, and supporting annual funding from the Anchorage Convention and Visitors Bureau room tax revenue to Greater Anchorage, Inc. for the Fur Rendezvous Festival; Assemblymembers Fairclough, Tesche, Traini, Stout and Bauer.
(*AR 2006-290 was Amended 10-31-06; Action was Postponed from 10-31-06*)

Chair Sullivan read the resolution title, reviewed the resolution history and called the Question.

Mr. Traini requested this matter be postponed and a worksession scheduled to allow officials from the Anchorage Convention and Visitors Bureau (ACVB) and Fur Rendezvous to get together. Mr. Tesche concurred.

Ms. Fairclough moved, to approve AR 2006-290(S),
Mr. Coffey seconded,

Ms. Fairclough moved, to postpone AR 2006-290(S) to [November 21,]
Ms. Ossiander seconded, "December 12," 2006,

Mr. Traini stated that that may not be enough time to organize a worksession.

Mr. Tesche would support postponement if there was a confirmation that ACVB and Fur Rondy representatives could attend the meeting.

Chair Sullivan stated that both representatives indicated they would be meeting and he urged the Assembly to allow them that opportunity. If there was no progress, then a worksession could be scheduled. John Wood, representing Fur Rendezvous, requested that the matter be postponed to December 12th. Ms. Fairclough accepted this as a friendly amendment. Mr. Coffey concurred.

and the motion, as amended, was approved.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

NAYES: None.

11.C. Resolution No. AR 2006-264, a resolution of the Anchorage Assembly approving the **Heritage Land Bank 2007 Work Program** and 2008-2012 Five-Year Management Plan; Heritage Land Bank.

1. Assembly Memorandum No. AM 721-2006.

(Public Hearing was Closed 10-24-06; Action was Postponed from 10-24-06)

Chair Sullivan read the resolution title and called the Question.

Ms. Ossiander moved, to approve AR 2006-264,
Mr. Coffey seconded,

Ms. Ossiander stated that she had just received the list of amendments from the Heritage Land Bank (HLB). She proposed to bring the HLB Work Plan in accord with the Eagle River Comprehensive Plan, which called for an area to be reserved for a cemetery. She preferred not to use parkland if there were HLB properties available. HLB Executive Director Robin Ward responded that the Administration supported the amendments and it was their intent to find a suitable location and not use parkland. Acquiring a private parcel would also be considered. Most of the proposed amendments were recommendations made by the Turnagain Community Council.

Ms. Jennings stated that the amendments included in the AIM (Clerk's Note: These were not numbered nor attached to the resolution, but handed out by HLB staff that evening) were simply housekeeping matters and involved parcels listed in the 1986 agreement. The city was still in the process of getting these parcels conveyed from the state. The HLB would continue to work with West Anchorage community councils when considering the matter.

Ms. Ossiander moved, to amend AR 2006-264, Chapter 3, Page 30, by adding
Ms. Fairclough seconded, (from the unnumbered AIM) "Eagle River Cemetery – the
and this was approved without objection. Heritage Land Bank will work collaboratively with the Eagle
River Parks Department and with the community to locate a
suitable parcel for a local cemetery that will serve municipal
areas north of Anchorage."

To Chair Sullivan, Ms. Jennings responded that the amendments had been sent to Ms. Ward, who had not had the opportunity to incorporate them into the document, but had indicated the amendments would be incorporated as administrative corrections.

Mr. Coffey moved, [to amend the unnumbered AIM on Page 1, by deleting
and this motion was later withdrawn. (amend AR 2006-264) on Page 24, HLB parcel #4-033:
Clitheroe Center – delete last paragraph that begins, HLB
and Parks and replace with "Heritage Land Bank will include
West Anchorage community councils in discussion regarding
potential future uses of HLB Parcel #4-033, so that the
community can be an early part of the decision-making
process regarding the future use of this public parcel."]

Mr. Coffey stated that the closing of the Clitheroe Center would deprive Anchorage of a substantial detoxification center, which would have impacts beyond West Anchorage neighborhoods. Too many questions remained and he withdrew his motion and proposed to postpone.

Mr. Coffey moved, to postpone AR 2006-264 to November 21, 2006,
Ms. Ossiander seconded,
and this was later withdrawn.

To Ms. Fairclough, Ms. Ward responded that all of the items listed in the AIM were already in the HLB Work Plan. The Turnagain Community Council would be included in the discussions. She requested to postpone to December 12th.

Mr. Coffey stated that his major concern was relative to the relocation of the Clitheroe Center, which involved more of a community-wide concern than to just West Anchorage. He withdrew his motion to postpone to November 21st, with the concurrence of Ms. Ossiander.

Mr. Coffey moved, *to postpone* AR 2006-264 to December 12, 2006,
Ms. Ossiander seconded,
and this was approved without objection.

12. APPEARANCE REQUESTS

12.A. **Patrick McCabe**, regarding parks and recreation concession fee.

PATRICK McCABE, president of a nonprofit sports organization, opposed the increased permit fee imposed by the Parks and Recreation Department, which he viewed as a 17.5% sales tax, which he defined as a charge to a retailer on a percentage of gross retail sales. Currently a park concession permit fee was \$50, plus payment of 15% of gross sales, with no differentiation between nonprofit and commercial permit groups. Nonprofit sports groups were also required to pay for substantial field maintenance, upkeep, repairs and improvements to the city parks they used. His nonprofit group, with limited avenues to raise money, had donated over \$150,000 over the past ten years for repairs and improvements to Della Vega Park alone. He had received no response when he addressed this matter to the Parks and Recreation Department. The matter needed to be addressed by the courts, the Assembly or the voters. He urged Assembly consideration of amending AMC Section 25.10.011, which authorized the Parks and Recreation Director to set the park concession permits fees. Fees based on gross sales should be prohibited and all such fees should be waived for nonprofit groups. To Ms. Ossiander, he responded that when he had cancelled a game in a timely fashion, their league still had to pay the fee. To Mr. Traini, Municipal Attorney Jim Reeves responded that he would review the matter and issue a written legal opinion. To Ms. Ossiander, Parks and Recreation Director Jeff Dillon responded that he would issue a written response concerning the implementation of the percentage-of-gross policy.

13. **CONTINUED PUBLIC HEARINGS** There were none.

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2006-283, a resolution of the Municipality of Anchorage appropriating \$972,806 as a grant from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management and appropriating \$20,770 as a contribution from the 2006 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231), Anchorage Police Department, for the purchase of **terrorism response and prevention equipment**; Anchorage Police Department.
1. Assembly Memorandum No. AM 789-2006.

Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Fairclough moved, *to approve* AR 2006-283,
Mr. Coffey seconded,
and this was passed without objection, 9-0.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Coffey, Stout, Traini and Jennings.

NAYES: None.

(Clerk's Note: Mr. Birch and Ms. Ossiander were temporarily out of Chambers at the time of the vote.)

14.B. Resolution No. AR 2006-284, a resolution of the Municipality of Anchorage appropriating \$836,900 from the Alaska Department of Health and Social Services as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services for the provision of **Public Health Preparedness and Response for Bioterrorism**; Health and Human Services.
1. Assembly Memorandum No. AM 790-2006.

Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Ossiander moved, *to approve* AR 2006-284,
Mr. Coffey seconded,
and this was passed without objection, 11-0.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

NAYES: None.

14.C. Resolution No. AR 2006-291, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant/eating place use per AMC 21.40.180 D.8, for **City Diner**, located within Minnesota Commons Subdivision, Block 1A; generally located at the southwest corner of Minnesota Drive and Benson Boulevard (Spenard Community Council) (Case 2006-140); Planning Department.
1. Assembly Memorandum No. AM 800-2006.

Chair Sullivan read the resolution title and opened Public Hearing.

CATHERINE CALL and CHEF AL LEVINSON, representing City Diner, testified in support of the conditional use permit. Ms. Fairclough stated that an adjacent property owner was protesting additional liquor sales in the area and she had also received one call in support of what a good establishment they were offering. Chef Al responded that they fully intended to run a safe establishment. To Chair Sullivan, Chef Al responded that they had served alcoholic beverages at their previous restaurant and were well aware of the rules and regulations. Ms. Jennings welcomed them to the neighborhood and stated that she was looking forward to the collaboration between Chef Al and Yens. Mr. Traini stated that they would do a good job.

With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.

Ms. Jennings moved, to approve AR 2006-291,
Mr. Traini seconded,

Mr. Coffey stated that he fully supported the license for City Diner. He stated that the protest was referencing the public inebriant problem in the area, which had nothing to do with this type of fine dining restaurant. He stated for the record that there were 85 pages of paper associated with this liquor license, which was unduly burdensome. He urged consideration of finding a better way to process these types of licenses.

Ms. Jennings concurred with Mr. Coffey's remark about the protest. She thanked the establishment for choosing to remove their pole sign and she urged their consideration of improving the landscaping, which would add to the corner.

and this was passed without objection, 11-0.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
NAYES: None.

14.D. Ordinance No. AO 2006-151, an ordinance amending Anchorage Municipal Code Chapter 21.90 to add a new section 21.90.055 for **undergrounding fees** and costs in dedicated municipal parks; Assemblymembers Shamberg and Coffey.

Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Shamberg moved, to approve AO 2006-151,
Mr. Coffey seconded,

Ms. Shamberg stated that this ordinance was in response to what was happening with undergrounding on parklands. Ms. Ossiander had questioned if the utility companies paid for the use of the easement. Chugach Electric had elected to complete their utility undergrounding in parks and it did not seem necessary for them to buy the easement to bury their lines, because their lines were already there.

Ms. Ossiander stated that the recently passed undergrounding ordinance required utility companies to pay for the use of easements. It seemed that they were getting a free ride, for what would not cost very much. The utility companies had paid between \$300 and \$500 in fees for undergrounding lines in the parks. This ordinance would delete these fees.

Ms. Shamberg stated that utility companies would be spending a fixed amount each year (*on undergrounding*) and if the money was put into buying easements, there would be less spending on undergrounding in the parks.

Mr. Coffey stated that utility companies were still paying administrative fees. There were existing easements for overhead lines and companies were not required to buy additional easements. In the case that prompted this ordinance, the utility company was going to complete undergrounding lines in three parks. The company was accepting the burden of cost to relocate lines and it seemed fair to eliminate the cost for the easement. This would motivate the company to continue choosing undergrounding in parks and public spaces, instead of less expensive areas. He urged support of the ordinance.

Ms. Ossiander stated that while she supported undergrounding lines in city parks, it should not be for free.

Ms. Fairclough stated that there had not been a summary of economic effects with this ordinance. Deputy Municipal Manager Michael Abbott responded that the Administration was in support of the ordinance. Mr. Abbott responded this would not have an economic impact to the 2007 budget, which was based on collecting the administrative fees.

Mr. Coffey stated the economic benefit included changing an overhead for an underground easement, without imposing a substantial charge on the ratepayers for the acquisition of the easement and there would be no economic consequence of any significance that needed to be reported in the private sector. The public sector would gain much, but it would not be in a monetary effect one way or the other.

To Ms. Ossiander, Mr. Abbott responded that the two costs associated with (*use of*) easements on public lands included the administrative processing fee and costs of the interest in the land, which was calculated, based on the value of the land and the type of easement. If the ordinance failed to pass, the Administration felt the utilities would take their undergrounding efforts elsewhere. Revenues collected from paying for the use of easements was designated to go into the Park Fund. Ms. Ossiander stated that there was no economic impact because the city would not be getting the business. The city was urging utility companies to complete undergrounding lines in the parks. Mr. Abbott and Mr. Coffey concurred.

and the motion was passed, 10-1.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Birch, Coffey, Stout, Traini and Jennings.
NAYES: Ossiander.

14.E. Ordinance No. AO 2006-150, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.55.020 to reduce minimum lot sizes required for separate sale of abutting **nonconforming lots of record**; Assemblymembers Tesche and Coffey.
1. Assembly Memorandum No. AM 781-2006.

Chair Sullivan read the ordinance title and opened Public Hearing.

1 TERRY REAGAN testified that she and her husband had purchased two properties in South Addition in 1994, which
2 had been platted as two properties and had two tax identifications. But, they found they could not refinance and that
3 potential buyers could not get financing, because it was considered one lot. This ordinance would allow them to sell
4 the lots as two separate properties and they urged support.

5
6 With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.

7
8 Mr. Tesche moved, to approve AO 2006-150,
9 Mr. Coffey seconded,

10
11 Mr. Tesche stated that this ordinance defined separate sales of properties that do not meet the minimum lot size of
12 6000 square feet, even though the lots were lawful, nonconformities of record, with each maintaining homes. He
13 urged consideration of lessening the requirements to 5500 square feet, which would also apply to a handful of older
14 lots in the city. He stated this would have a positive impact on the city's tax base and he recommended approval.

15
16 Mr. Coffey concurred with Mr. Tesche. Subdividing these types of lots had been permitted in the past. Amending the
17 lot size was using common sense and was an appropriate public policy choice. He urged approval.

18
19 To Ms. Fairclough, Deputy Municipal Manager Michael Abbott responded that the Administration had concurred that
20 this did not need to be heard by the Planning and Zoning Commission.

21
22 Chair Sullivan stated the 5500 figure was arbitrary and suited the purposes of the folks who testified, but may not apply
23 to other nonconforming lots in the city. Mr. Abbott concurred and stated that the platting office had determined that this
24 change may apply to about ten other properties. Chair Sullivan stated that the Assembly would deal with other
25 nonconforming lots, if or when they were addressed.

26
27 Chair Sullivan put the Question.

28
29 and this motion was passed, 11-0.

30
31 AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
32 NAYES: None.

- 33
34 14.F. Ordinance No. AO 2006-153, an ordinance of the Anchorage Municipal Assembly amending
35 Anchorage Municipal Code Section 9.28.030 to **adopt language inadvertently deleted in AO 2006-**
36 **89(S)**, retroactive to June 6, 2006; Assemblymembers Bauer and Traini.
37 1. Assembly Memorandum No. AM 804-2006.

38
39 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
40 and called the Question.

41
42 Mr. Traini moved, to approve AO 2006-153,
43 Mr. Bauer seconded,
44 and this was passed, 11-0.

45
46 AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
47 NAYES: None.

- 48
49 14.G. Ordinance No. AO 2006-140, an ordinance repealing and reenacting Anchorage Municipal Code
50 Chapter 1.15, **Code of Ethics**; amending AMC Chapter 1.25, Public Meetings, to incorporate
51 reference to applicable state law; amending AMC Section 2.30.070, Rules of Procedure, to be
52 consistent with AMC Chapter 1.15; and amending AMC Chapter 2.35, Regulations of Lobbying, to
53 prohibit certain persons from registration or action as a municipal lobbyist; Assemblymember Stout.
54 1. Assembly Memorandum No. AM 771-2006.
55 2. Ordinance No. AO 2006-140(S), an ordinance repealing and reenacting Anchorage Municipal
56 Code Chapter 1.15, Code of Ethics; amending AMC Chapter 1.25, Public Meetings, to incorporate
57 reference to applicable state law; amending AMC Section 2.30.070, Rules of Procedure, to be
58 consistent with AMC Chapter 1.15; and amending AMC Chapter 2.35, Regulations of Lobbying, to
59 prohibit certain persons from registration or action as a municipal lobbyist; Assemblymember Stout.

60
61 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing.
62 He explained there were several amendments on the table, ready for discussion.

63
64 Mr. Stout moved, to approve AO 2006-140,
65 Mr. Coffey seconded,

66
67 Mr. Stout requested to take up the floor amendments, some of which were merely housekeeping. The first
68 amendments identified and clarified the Office of the Mayor as being strictly the Mayor and not the Mayor's staff.

69
70 Mr. Stout moved, to amend AO 2006-140 by approving **Floor Amendment 1**,
71 Mr. Tesche seconded, on Page 1, on Page 3, Line 40 and Page 4, Line 1, 1.15.015,
72 and this was approved without objection. Scope, *by changing* to read:

73
74 C. The mayor holds a public position within the scope
75 of this chapter and section 1.15.020. The mayor is an
76 elected official under this chapter unless specifically
77 excluded from a provision of 1.15.035. Then a provision
78 "governing municipal employees" is "also" applicable to

the mayor under 1.15.025, the subsection specifically references the ~~[OFFICE OF]~~ mayor for clarity.

And, on Page 22, Line 15, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

A. Elected officials. This section applies to any person holding an elective office subject to municipal election under the charter or the code except that subsections 1.15.035B, 1.15.035Cm 1.15.035D, and 1.15.035E are specific to elected public bodies and do not apply to the ~~[OFFICE OF]~~ mayor.

And, on Page 26, Lines 9, 13 and 21, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

I. *Restrictions on other public employment.* These restrictions apply to elected officials of the assembly, school board, and service areas. Applicability to the ~~[OFFICE OF]~~ mayor is specified.

a. Except where authorized by ordinance, an elected official of the municipality shall not hold other municipal employment or elected state office. This provision also applies to the ~~[OFFICE OF]~~ mayor.

c. Engagement as an independent contractor through a competitive solicitation by the municipality is not municipal employment for purposes of this section. For the ~~[OFFICE OF]~~ mayor, the provisions in 1.15.025 specific to the mayor apply.;

Mr. Stout stated that Floor Amendment 1A offered additional clarity.

Mr. Stout moved,
Mr. Coffey seconded,
and approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 1A**, on Page 6, Line 29, 1.15.025B.3, Additional Provisions for Municipal Employees, *by changing* to read:

B. *Substantial Financial or Private Interest.*

3. The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed ~~[TO THE ELECTED BODY]~~ prior to action ~~;~~ **AND** to the Ethics Board for determination and management of the potential for conflict of interest under the factors of 1.15.025B.1.;

Mr. Stout stated that Floor Amendment 1B was a housekeeping item and offered provisions for municipal employees.

Mr. Coffey stated that this clarified that the Mayor would have to divest himself of any financial interest or corporate office with anything, regardless of its relation to the Municipality, so as to not impinge on the Mayor's duties.

Mr. Stout moved,
Mr. Coffey seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 1B**, on Page 8, Lines 5-6, 1.15.025C.4, Additional Provisions for Municipal Employees, *by adding* to read:

C. *Contemporaneous Service and Employment.*

b. Absent factors that clearly present a potential for adversely affecting the mayor's availability, productivity, or independence of judgment in performing municipal duties, a financial interest "or corporate office," held by the mayor in a business or economic enterprise "managed by others" is not other employment under this chapter and the presumption does not apply.;

Mr. Stout stated that Amendment 2 offered additional clarity and was a housekeeping matter. The section, 'Acquisition of Economic Interests in Municipal Contracts and Businesses,' related to municipal employees and boards.

Mr. Coffey stated this had been proposed by the Municipal Clerk, as a way to provide notice to the public without incurring the substantial expense of publishing the entire disclosure in the newspaper. Directions would be included to find details electronically.

To Ms. Jennings, Ms. Osslander responded that this amendment had not been heard by the Ethics Board, but was the result of a worksession, when she had questioned if this could be done electronically. Ms. Tucker and the Municipal Clerk had concurred. Acting Municipal Clerk Linda Heim responded that the new process format would involve publishing a notice in the paper, explaining that a statement was available to the public on the Municipal website.

1 Mr. Stout moved,
2 Mr. Coffey seconded,
3 and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 2A**,
[~~Relative to Streamlined Publication of Notice of Intent to~~
~~Respond to Public Solicitation & Periodic Filing~~]; on Page 9,
beginning (with) Line 14, 1.15.025, Additional Provisions for
Municipal Employees, *by changing* to read:

E. *Acquisition of an Economic Interest in Municipal
Contracts and Business.*

1. A municipal employee shall timely file notice of
intent to respond to a public solicitation in such form as
the municipal clerk may prescribe for “electronic”
[~~NEWSPAPER~~] publication and posting under 1.15.040.
To be timely for publication, the notice shall be filed in
advance to allow a minimum period of seven (7)
calendar days to elapse between “electronic” publication
by the clerk and the final date for submitting a response
to the solicitation. The municipal employee shall file a
copy of the [COMPLETED] notice with the purchasing
officer or other municipal official responsible for the
procurement by no later than the deadline for submitting
a response to the solicitation. “Notice under this section
must be filed for each solicitation unless the board has
specifically approved the filing of a periodic notice by the
municipal employee. In its sole discretion, the board
may approve the filing of a periodic notice, on no less
than an annual basis, upon application by the employee
demonstrating that the nature of the work and
relationship between the municipal employee and the
administrative unit soliciting the work render electronic
publication of the periodic notice adequate.”

Mr. Stout stated that Amendment 2B was a continuation of public notification and electronically publication and he
urged support.

Mr. Stout moved,
Ms. Ossiander seconded,
and this was amended,

to amend AO 2006-140, by approving **Floor Amendment 2B**,
on Page 19, beginning (with) Line 36, 1.15.030, Additional
Provisions for Members of the Public Appointed to a Public
Body, *by changing* to read:

I. *Acquisition of an Economic Interest in Municipal
Contracts and Business.*

1. The appointed member shall timely file notice of
intent to respond to a public solicitation in such form as
the municipal clerk may prescribe for “electronic”
[~~NEWSPAPER~~] publication “and posting” by the
municipal clerk under 1.15.040. To be timely, the notice
shall be filed in advance to allow a minimum period of
seven (7) calendar days to elapse between “electronic”
[~~NEWSPAPER~~] publication by the clerk and the final
date for submitting a response to the solicitation. [The
municipal employee] “Member(s) of the public
appointed to a public body” shall file a copy of the
notice with the purchasing officer or other municipal
official responsible for the procurement by no later than
the deadline for submitting a response to the
solicitation. Notice under this section must be filed for
each solicitation unless the board has specifically
approved the filing of a periodic notice by the [municipal
employee] “member(s) of the public appointed to a
public body.” In its sole discretion, the board may
approve the filing of a periodic notice, on no less than
an annual basis, upon application by the [employee]
“[member(s) of the public appointed to a public
body]” demonstrating that the nature of the work and
relationship between the municipal employee
“member(s) of the public appointed to a public
body” and the administrative unit soliciting the work
render electronic publication of the periodic notice
adequate.”

Mr. Coffey moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend Floor Amendment 2B, *by substituting* [Municipal
employees] or [employee] for “member(s) of the public
appointed to a public body;”

Chair Sullivan put the Question on the main motion to approve 2B, as amended.

1 and the motion, as amended, was approved without objection.

2
3 Mr. Stout moved,
4 Mr. Coffey seconded,
5 and this was amended,

to amend AO 2006-140 by approving **Floor Amendment 2B1**, on Page 28, beginning on Line 9, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

6
7
8 M. *Acquisition of an Economic Interest in Municipal*
9 *Contracts and Business.*

10
11 1. The elected official shall timely file notice of intent to
12 respond to a public solicitation in such form as the
13 municipal clerk may prescribe for “electronic”
14 [NEWSPAPER] publication and posting by the
15 municipal clerk under 1.15.040. To be timely for
16 publication, the notice shall be filed in advance to allow
17 a minimum period of seven (7) calendar days to elapse
18 between “electronic” [NEWSPAPER] publication by the
19 clerk and the final date for submitting a response to the
20 solicitation. The elected official shall file a copy of the
21 [COMPLETED] notice with the purchasing officer or
22 other municipal official responsible for the procurement
23 by no later than the deadline for submitting a response
24 to the solicitation. “Notice under this section must be
25 filed for each solicitation unless the board has
26 specifically approved the filing of a periodic notice by
27 the [municipal employee] “elected official(s).” In its
28 sole discretion, the board may approve the filing of a
29 periodic notice, on no less than an annual basis, upon
30 application by the [employee] “elected official(s)”
31 demonstrating that the nature of the work and
32 relationship between the [municipal employee]
33 “elected official(s)” and the administrative unit
34 soliciting the work render electronic publication of the
35 periodic notice adequate.”

36
37 Mr. Stout moved,
38 Mr. Coffey seconded,
39 and this was approved without objection.

to amend Amendment 2B1, *by substituting* to read:
[municipal employee] for “elected official(s).”

40
41 Chair Sullivan put the Question on the main motion to approve 2B1, as amended.

42
43 and the main motion, as amended, was approved without objection.

44
45 Mr. Stout stated Amendment 2C was a continuation of using the electronic process.

46
47 Mr. Stout moved,
48 Ms. Ossiander seconded,
49 and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 2C**, on Page 32, (*beginning at*) Line 40, 1.15.040, Forms Available from Municipal Clerk; Content; Filing, *by changing* to read:

50
51
52 2. Notice of Intent to Respond to Public Solicitation.

53
54 a. The municipal clerk shall publish a copy of the
55 notice of intent to respond to a public solicitation
56 required under 1.15.025, 1.15.030, and 1.15.035
57 “electronically” [IN A NEWSPAPER OF GENERAL
58 CIRCULATION WITHIN THE MUNICIPALITY AT
59 LEAST ONCE, BUT] no less than seven (7) days in
60 advance of the deadline for submitting a response to
61 the solicitation. “The electronic location of such notices
62 shall be published weekly in a newspaper of general
63 circulation within the municipality.” If the time between
64 filing the notice “for electronic publication by the clerk”
65 and the last day to submit a response is insufficient to
66 meet “the 7-day publication” [THIS] requirement, the
67 notice shall be deemed untimely.

68
69 b. In addition, the municipal clerk shall
70 [ELECTRONICALLY PUBLISH AND] post a copy of the
71 statement in at least one (1) public place”, and the
72 location of such posting shall be included in the weekly
73 newspaper publication by the municipal clerk.”

74
75 Mr. Stout moved,
76 Ms. Ossiander seconded,
77 and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 3** on Page 18, Line 37, 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body, *by changing* to read:

F. *Public Interest.* An appointed member of a public body shall place the public interest above any financial or “private” [PERSONAL] interest when taking official action. If an appointed member’s private relationships or interests prevent the member from placing the public interest above a financial or “private” [PERSONAL] interest, the appointed member shall disclose this fact on the record.;

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 3A** on Page 25, Line 1, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

F. *Public interest.* An elected official shall place the public interest above any financial or “private” [PERSONAL] interest when taking official action. If an elected official’s private relationships or interests prevent an elected official from placing the public interest above a financial or “private” [PERSONAL] interest, the elected official shall disclose this fact on the record.;

Ms. Jennings stated that she did not necessarily object to the language, but it seemed that a financial interest was the same as an economic interest. Mr. Coffey responded, referring to Page 52 of the ordinance, that it appeared that all three listed definitions had been combined.

Mr. Coffey moved,
Ms. Jennings seconded,
and this was approved without objection.

to amend AO 2006-140, by approving **Floor Amendment 3B** on Page 52, Lines 11-13 and 19-20, 1.15.110, Definitions, *by changing* to read:

~~[Q. PERSONAL INTEREST MEANS ANY FINANCIAL INTEREST OR PERSONAL INVOLVEMENT IN A MATTER COMING BEFORE AN APPOINTED PUBLIC BODY OF THE MUNICIPALITY THAT WOULD INTERFERE WITH THE EXERCISE OF IMPARTIALITY BY THE APPOINTED PUBLIC MEMBER.]~~

~~R[S]. Private interest means an [“economic”] interest affecting, belonging, or accruing to an individual or private entity as distinct from the public [“interest at large”] [GENERALLY] “generally”;~~

Mr. Stout stated that Amendment 4A eliminated language within the scope of Municipal personnel rules governing executive positions and classified, non-executive positions.

Mr. Coffey stated that this covered all municipal employees including full time, part time, temporary or permanent, but excluded elected officials and appointed people. He urged support.

Ms. Jennings stated this helped resolve the concern with members of appointed bodies serving as community council members because they were considered Municipal employees. This defined that they were not municipal employees.

Ms. Fairclough stated that so far the Assembly had applied specific regulations or Code to the Mayor, elected officials and municipal employees.

To Ms. Ossiander, Ms. Jennings responded that the Ethics Code did not allow municipal employees to become officers of community councils. There were community council members that served on boards, which she did not view as a concern. Ms. Jennings stated that this amendment defined a municipal employee and excluded elected officials and members of the public serving as members of an appointed public body.

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4A**, on Page 5, line 17, 1.15.025 A.1, Municipal Employee means: *by deleting* to read:

A. *Employees of the Municipality including Anchorage School District employees.*

1. All persons employed by the Municipality or a corporate authority owned by the Municipality of Anchorage, [WITHIN THE SCOPE OF MUNICIPAL PERSONNEL RULES GOVERNING EXECUTIVE POSITIONS AND CLASSIFIED NON-EXECUTIVE POSITIONS,] whether full time or part time, temporary or permanent, but excluding elected officials covered under section 1.15.035 and excluding members of the public serving as members of an appointed public body of the municipality covered under section 1.15.030; and;

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4B**,
on Page 42, Line 36, 1.15.070, Notification of Potential
Violation and Investigations, *by changing* to read:

H. *Resolution by the Board.*

1. If the respondent is a municipal employee or a
member of the public appointed to a municipal public
body, the proposed resolution and settlement shall
require the approval of the municipal attorney with
review and comment by the "Director of Employee
Relations and the" designated ethics officer for
respondent's administrative department.;

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4C**,
on Page 46, Line 23, AMC 1.15.090, Ethics Education
Program, *by changing* to read:

B. To facilitate understanding and support compliance
with the provisions of this chapter by employees, the
mayor shall designate one or more ethics officers.
Members appointed to the board, the municipal clerk or
designee, and all ethics officers shall be given appropriate
training and education in the provisions of this chapter.
Upon successful completion of training, a training
certificate shall be issued and a copy kept on file with
"Employee Relations" ~~[THE BOARD]~~.;

Mr. Stout stated that Amendment 4D added clarity to requirements for municipal employees. Mr. Coffey responded
that this was a housekeeping matter.

Mr. Stout moved,
Mr. Coffey seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4D**,
on Page 48, Line 17, 1.15.100A, Sanctions, Referrals and
Corrective Action, *by changing* to read:

1. Imposition of municipal employee discipline and
restitution subject to:

a. Applicable requirements "and provisions" of the
municipal personnel rules;

Mr. Stout stated that Amendment 4E removed old language of the scope of governing personnel.

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4E**,
on Page 51, Lines 27-29, 1.15.110, Definitions, *by deleting*
to read:

L. *Municipal employee:*

1. Any person employed by the Municipality or a
corporate authority owned by the Municipality of
Anchorage, ~~[WITHIN THE SCOPE OF GOVERNING
PERSONNEL RULES FOR CLASSIFIED NON-
EXECUTIVE POSITIONS AND EXECUTIVE
POSITIONS.]~~ whether full time or part time, temporary
or permanent, but excluding ~~[OTHER]~~ elected officials
and excluding members of the public serving as
members of an appointed public body of the
municipality; and;

Mr. Stout stated that Amendment 4F would allow 60 days for departments and divisions to complete any revisions to
the ordinance.

To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that 60 days would allow enough time to make
the necessary changes to all departments and divisions.

Mr. Stout moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 4F**,
on Page 54, Section 5, Line 30, *by adding* to read:

Within "60" days of passage and approval of this
ordinance, the Employee Relations Department of the
Municipality and the Human Resources Department of the
Anchorage School District shall complete any revisions of
policies and procedures necessary for consistency with
this ordinance.;

Ms. Jennings stated that Amendment 5A, changing 'business' to 'transaction' involved responding to a public
solicitation, which broadened the scope and was basically a housekeeping matter.

To Ms. Ossiander, Ms. Jennings responded that the definition of 'business' meant an organization, whereas a 'transaction' had a broader definition.

To Ms. Fairclough, Municipal Attorney Jim Reeves responded that the amendment may be useful to eliminate an ambiguity from the earlier version by including a disclosure of the nature of the transaction or economic opportunity with this instance. Ms. Fairclough stated that 'business' appeared again on Lines 8 and 9. Ms. Jennings responded that she did not see that use of the word the same. Ms. Fairclough stated that if the first word was changed to 'transaction,' then the second referred to the content and the two words should be consistent in the document.

Mr. Coffey stated that the nature of the transaction was included in the proposal the city was soliciting. The transaction occurring between the employee and the city was described when the solicitation occurred. It could be argued that the use of 'transaction' would involve less information.

Ms. Jennings moved,
Mr. Coffey seconded,
and this was later withdrawn.

~~[to amend AO 2006-140 by approving **Floor Amendment 5**, on Page 10, Lines 4-7, 1.15.025, (Additional Provisions for Municipal Employees): E. Acquisition of an economic interest in municipal contract and business, by changing to read:-~~

~~4. The notice of intent to respond to a public solicitation shall disclose the following information:
a. Nature of the "transaction" [BUSINESS];~~

Ms. Jennings stated that item H (*Amendment 6*) eliminated informational reporting that seemed impractical.

Mr. Coffey stated that as it was currently written, the Municipal Clerk provided a listing of potential conflicts on the matter, which required the Municipal Clerk to gather information and file a report about a disclosure. The original language would allow someone to make a judgment call. He did not see the benefit, but certainly saw the costs. He supported the Jennings Amendment.

Mr. Stout stated that the original intent was not to become so burdensome. As the information was compiled throughout the year, it could be checked, to determine conflicts.

Ms. Jennings withdrew Amendment 5, with the concurrence of the second.

Ms. Jennings moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 6**, (3 reference pages) on Page 19, Lines 21-25, 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body, *by deleting*, to read:

H. *Disclosure of present economic interest.* Within thirty days of appointment, a member of the public appointed to serve on a public body of the municipality shall file with the municipal clerk, a written statement in the form prescribed by the municipal clerk disclosing any economic interest which shall cause the official to have a personal or financial interest in the decisions of the public body on which the member serves, different than those of the public generally. The appointed member shall file supplemental written statements with the municipal clerk as new interests are acquired, and make disclosures on the record of the public body of potential conflicts as required when matters come before the public body. ~~[ON OR BEFORE FEBRUARY 15 OF EACH YEAR, THE CHAIR SHALL FILE A STATEMENT WITH THE MUNICIPAL CLERK FOR REVIEW BY THE BOARD LISTING THE MATTERS IN WHICH AN APPOINTED MEMBER DISCLOSED A POTENTIAL CONFLICT TO THE BOARD IN THE PRECEDING CALENDAR YEAR, AND WHETHER THE POTENTIAL CONFLICT WAS DETERMINED TO BE SUBSTANTIAL.];~~

Ms. Jennings moved,
Mr. Stout seconded,

to amend AO 2006-140 by approving **Floor Amendment 6A**, on Page 24, Line 43, 1.15.035, Additional Coverage for Elected Officials, *by adding* a new subsection, E.5, to read:

E. *Requiring a member to vote.*

"5. On or before February 15 of each year, the municipal clerk shall submit an informational summary to the board and the assembly, prepared as the meeting minutes of the preceding calendar year are adopted, identifying the matters in which an assembly member disclosed a potential conflict and whether the potential conflict was determined to be substantial.;"

Ms. Jennings stated that this allowed for a listing of Assembly's conflicts of interest to be made available once a year.

Ms. Ossiander stated this conflicted with what was accomplished with the last amendment. The current process was more public and was effective. She opposed the annual reporting.

Ms. Fairclough stated that if there was going to be a count of Assemblymember's disclosed conflicts of interest, then every transaction needed to be counted, to give the public the right perception. The Municipal Clerk may have the burden of identifying as many as one thousand transactions per meeting, to be able to identify a conflict of interest. Otherwise there would be an appearance to the general public that one conflict of interest per meeting would appear that an Assemblymember was 'conflicted-out' for the entire meeting. She supported the current method of declaration of conflicts and opposed the amendment.

Mr. Traini opposed the amendment. This was an undue burden to the Municipal Clerk's Office. During a past Assembly Meeting, Assemblymembers were asked to disclose if they had a checking account, which was ridiculous.

Chair Sullivan put the Question on the Jennings Amendment 6A.

and this motion failed, 1-10.

AYES: Jennings.

NAYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout and Traini.

Mr. Coffey stated that deleting the following Amendment 6B would be consistent with Assembly action taken on 6A.

Ms. Jennings moved,
Ms. Ossiander seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 6B**, on Page 33, Lines 18-23, 1.15.040, Forms Available from Municipal Clerk, *by deleting* to read:

A. *Forms.*

~~[3. THE ANNUAL DISCLOSURE STATEMENT OF THE CHAIR OF THE APPOINTED PUBLIC BODY IS FILED WITH THE MUNICIPAL CLERK, BY FEBRUARY 15 FOR REVIEW BY THE BOARD UNDER 1.15.030. THIS STATEMENT OF THE CHAIR LISTS THE MATTERS IN WHICH AN APPOINTED MEMBER DISCLOSED A POTENTIAL CONFLICT TO THE BOARD IN THE PRECEDING CALENDAR YEAR, AND WHETHER THE POTENTIAL CONFLICT WAS DETERMINED TO BE SUBSTANTIAL.];~~

Ms. Jennings stated that Amendment 7 offered clarity for an Assemblymember or School Board Member pursuing municipal office or job.

Ms. Jennings moved,
Mr. Coffey seconded,
and this was amended,

to amend AO 2006-140 by approving **Floor Amendment 7**, on Page 32, Lines 12, 13 and 17, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

Q. *Restrictions on employment after leaving municipal service.*

2. A person serving as an assembly member or school board member "for one year after leaving service" shall hold no compensated municipal office or employment which was created, or the salary or benefits of which were ~~[SPECIALLY]~~ "specifically" increased during the person's last year in office by the governing body on which the member served.

3. The mayor "for one year" after leaving office shall hold no compensated municipal office or employment which was created, or the salary or benefits of which were ~~[SPECIALLY]~~ "specifically" increased during the mayor's last year in office.;

Ms. Ossiander stated that while she had been serving on the Anchorage School Board, if she had added a new kindergarten aide position, it would have meant that she could never apply for one of those positions herself, for the rest of her life. The Jennings Amendment 7 offered improvement.

and the motion to approve Floor Amendment 7, as amended, was approved without objection.

Ms. Jennings moved,
Ms. Ossiander seconded,

to amend AO 2006-140 by approving **Floor Amendment 8**, on Page 34, 1.15.040, Forms Available from Municipal Clerk; Content; Filing, *by deleting* Lines 25-32, to read:

C. *Distribution.*

~~[3.] [AN ELECTED MEMBER OF A SERVICE AREA SHALL PROVIDE A COPY TO THE CHAIR OF THE ASSEMBLY.];~~

~~[4.] [A MEMBER OF THE ASSEMBLY SHALL PROVIDE A COPY TO THE CHAIR OF THE ASSEMBLY.];~~

~~[5.] [A MEMBER OF THE SCHOOL BOARD SHALL PROVIDE A COPY TO THE CHAIR OF THE SCHOOL BOARD.];~~

Ms. Jennings stated that these forms were available from Municipal Clerk and the amendment made the forms available to an Assembly Chair, members of elected bodies, including the Anchorage School Board.

Ms. Ossiander urged support.

and the motion was approved without objection.

Ms. Jennings moved,
Mr. Coffey seconded,
and this was later amended,

to amend AO 2006-140 by approving **Floor Amendment 9**, on Page 50, Line 22, 1.15.110, Definitions, *by changing to read:*

D. *Campaign period* means the period beginning [45] “30” days before an election in which the candidate appears on the ballot in a municipal election or the day on which the individual files as a candidate for municipal office, whichever is later, and ending at the close of election day, or on the day that the candidate withdraws from eh election, if earlier. *And;*

“And on Page 40, Line 33,” by changing to read:

“4. A campaign period under this subsection begins [45] “30” days before an election in which the candidate appears on the ballot in a municipal election or the day on which the individual files as a candidate for municipal office, whichever is later, and ends at the close of election day, or on the day that the candidate withdraws from the election, if earlier.”

To Mr. Coffey, Ms. Jennings responded this change would require any violation or complaint concerning a candidate, not to be made until within 30 days before an election. Mr. Coffey stated the filing period started in early February, with the election in April. This put the Board of Ethics in the position of hearing the complaints that were filed early and not having time to hear the later ones. If the election period truly started with the filing, then that should be the time to start the clock on these matters. Ms. Jennings responded that candidates were open to complaints right up to the end. Board of Ethics members had indicated that the complaints used in a political way occurred in the last 30 days. She stated this would make candidates more susceptible to complaints heard openly and was a more open way of conducting business.

Ms. Ossiander concurred with Ms. Jennings. A 30-day time period before an election would allow less time for a response, but the goal was to allow the public access to the Board of Ethics. She supported the amendment.

Ms. Fairclough understood the worksession discussion had centered on a candidate’s ability to be held harmless from political accusations at the end of a campaign and not having enough time to be protected and exonerated by due process by the Ethics Board, right before the election. The Ethics Board would not have time to gather the facts and respond to matters that came in at the last minute. If a complaint was filed, a candidate may want to push the process quickly, to be exonerated. 45 days was too long. Some would say the 30-day period would offer some protection, while offering others a place to hide. Most candidates wanted to clear things up as soon as possible and a shorter time period seemed to allow the public an expedited process.

Mr. Coffey stated that if the Board of Ethics was the only place that these matters could be heard, with the public’s attention, then he might agree. But, this was an accusatory and adjudicatory process which may or may not be resolved in a period of time before an election. The process was meant to maintain high ethical standards without interference of the time limitations of the political campaign and was meant to stop the abuse that candidates had observed or experienced over time. A candidate had the choice to proceed and seek [restitution] “resolution” in a timely fashion. He stated that it was important to discourage the political abuse of the process. Having experienced this at the Alaska Public Office Commission in the last election, he supported keeping the 45-day time period. To his question, Acting Municipal Clerk Linda Heim responded that the filing period started in early January, about 49 days before an election.

Ms. Jennings stated that Mr. Coffey made a good point. The Ethics Board could be requested to hear a complaint or violation immediately. The public was paying attention in the last 30 days, which was the time period when most of the politician accusations occurred, which they wanted to stop.

To Ms. Fairclough, former Ethics Board Chair Rick Benjamin responded that he would support the 30-day time period, which would also have to be changed on Page 40, Line 33. Ms. Jennings accepted this as a friendly amendment with the concurrence of Mr. Coffey.

Chair Sullivan called the Question on the motion to approve Amendment 9, as amended.

and this motion, as amended, failed, 5-6.

AYES: Tesche, Bauer, Fairclough, Ossiander and Jennings.

NAYES: Shamberg, Sullivan, Birch, Coffey, Stout and Traini.

Mr. Stout moved,
Mr. Coffey seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 10**, on Page 17, Line 35, 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body, *by changing* to read:

2. Public bodies exercising monetary or management discretion.

a. When action on a matter involves monetary discretion in the award or recommendation of funding, voting members of program advisory and community development boards shall include a ~~[HISTORY]~~ "summary" of personal contacts concerning the project in the disclosure of financial interest and personal involvement to the appointed public body.;

Mr. Stout moved,
Mr. Coffey seconded,
and this was approved without objection.

to amend AO 2006-140 by approving **Floor Amendment 10A**, on Page 28, Lines 25-28, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

M. Acquisition of an economic interest in municipal contracts and business.

2. The elected official shall disclose whether the elected official or member of the elected official's immediate family as defined in 1.15.110 "is in a position to" take[S] any official action with respect to preparation of the solicitation, ~~[aware]~~ "award," or municipal administration of the contract.;

Mr. Stout moved,
Mr. Coffey seconded,

to amend AO 2006-140 by approving **Floor Amendment 10B**, on Page 28, Lines 30-31, 1.15.035, Additional Coverage for Elected Officials, *by changing* to read:

M. Acquisition of an economic interest in municipal contracts and business,

3. The elected official shall not in fact or appearance attempt to "improperly" influence the award.;

Mr. Coffey stated that influencing an award was acting out-of-bounds, regardless of the circumstance. Chair Sullivan responded that it was common and natural to express feelings or have an opinion when discussing a contractor's award in a worksession and it was not necessarily improper to discuss business options. He stated one could advocate without being improper, being careful not to improperly advocate.

Ms. Jennings concurred with Mr. Coffey and stated that the amendment was not necessary.

Ms. Fairclough stated there were appropriate circumstances when members should voice an opinion, like in the instance when an Assemblymember advocated for contracts for Service Areas in their districts, when there was disclosure of new information that altered contract considerations. Ms. Shamberg had recently publicly dealt with such an instance appropriately. She urged reconsideration of supporting the amendment.

Ms. Ossiander concurred with Ms. Fairclough. When she was on the Anchorage School Board, policy had been heavily debated, concerning giving local preference for contracts, which could have been interpreted as an attempt to influence so contracts could be awarded to local businesses. The use of 'improperly' made sense.

Chair Sullivan put the Question on the motion to approve Amendment 10B.

and the motion was passed, 9-1.

AYES: Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout and Jennings.

NAYES: Traini.

(Clerk's Note: Mr. Tesche was temporarily out of Chambers at the time of the vote.)

Mr. Stout moved,
Mr. Coffey seconded,
and this was later withdrawn.

to amend AO 2006-140 by approving **Amendment 11**, on Page 13, Line 15, Subsection H; Gifts, *by changing* to read:

c. A "monetary" gift or award ~~[OF MONETARY VALUE]~~ presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic, philanthropic or non-profit charitable organization and not

given as financial inducement for official action. A municipal employee shall disclose a gift or award with a monetary value in excess of \$150.00 as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of receipt of the gift or award by the employee.;

Ms. Jennings stated that Assemblymembers should not accept any monetary gifts. Chair Sullivan responded that often foundation awards offered cash awards and any Assemblymember would qualify for such things.

Mr. Coffey stated there were some gifts of great value that were not monetary. To his question, both Mr. Stout and Ms. Jennings each responded that 'monetary gifts' implied to 'money only,' opposed to value.

Chair Sullivan stated that a gift certificate to a restaurant was an award of monetary value, but it was not cash. The language, 'monetary value' should remain. He recommended to move on to the next amendment and take up Amendment 11 at a later time.

Mr. Stout moved,
Mr. Coffey seconded,
and this was later withdrawn.

to amend AO 2006-140 by approving **Amendment 11A**, on Page 14, Line 17, Section H, Gifts, by *adding a new* Subsection [h] i, to read:

[h] "i. A non-monetary gift or award such as a plaque or other commemorative article signifying civic appreciation from a group of citizens or community organization. A municipal employee shall disclose a commemorative gift in excess of \$ _____."

Mr. Stout stated that he would support the amount remaining \$150.00.

Ms. Shamberg stated that she had received an award a couple of years ago, and questioned if she should have asked the value of the plaque that she received. She thought that was a little tacky.

Chair Sullivan stated something like that could be estimated. He concurred that it could become very subjective.

Ms. Ossiander, Mr. Coffey, Ms. Fairclough stated that the amendment needed to be changed to read subsection "i." Chair Sullivan stated that was a clerical correction.

Mr. Coffey concurred with Ms. Shamberg that receiving a plaque or a gold pan was a non-monetary gift. Chair Sullivan responded that it would have significant value if there was a ruby on the gold pan.

Mr. Traini stated that recently a church group had given plaques to all Assemblymembers and he would have hated to ask the church how much they had paid for those plaques. He opposed the amendment.

Ms. Fairclough stated that she had heard a conversation that day about plaques. The non-profit organization, to which she was the Executive Director, was preparing to recognize a board member of the year and plaque costs were \$148.95, plus shipping, which would be over the minimum \$150.00. She did not oppose that figure, but supported full disclosure.

Ms. Ossiander stated that an Assemblymember may receive a gift from a group of citizens, who might decide to give a painting or sculpture, to commemorate their work. There needed to be some disclosure of the gift or award.

Mr. Bauer stated that the language included descriptions of awards and plaques and stated that a watch was also a common award, which may have value and would need to be disclosed.

Mr. Coffey stated that both amendments, having to do with gifts or awards (*subsections i. and c.*) could be combined together to create something that the body could agree upon.

Mr. Stout concurred. The amendments could use a little more work and he moved to postpone, seconded by Mr. Coffey. Ms. Jennings supported postponement and urged that Ms. Tucker review monetary gifts and awards of monetary value. Chair Sullivan urged consideration of withdrawing all parts of the amendment. Mr. Stout and Mr. Coffey concurred.

(Clerk's Note: The motions to approve all parts of Amendment 11 were withdrawn.)

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend AO 2006-140 by approving **Amendment 12** on Page 16, Section I.4, Line 12, *To Allow School District Employees to Serve as Community Council Officers*, by *changing* to read:

4. A municipal employee shall not serve as an elected official of the municipality or other local, state, or federal government, ~~[AND SHALL NOT SERVE AS AN OFFICER OF A COMMUNITY COUNCIL]~~. A municipal employee who is elected to municipal or other local, state or federal government office shall resign immediately from municipal employment. The mayor during incumbency shall not file or campaign for elected public office except to the office of mayor of the municipality.;

Ms. Ossiander stated that community councils were advisory to the Assembly, and it was difficult to find willing and able participants who had the time and effort to serve. Municipal employee should be encouraged to take part in all kinds of civic affairs, including serving as an officer on a community council.

Ms. Jennings concurred.

Mr. Traini concurred.

Mr. Bauer concurred and stated that municipal employees would already be under the Code of Ethics.

Chair Sullivan stated a Planning Department Director may become involved with a community council and may participate and influence matters which coincide with his feelings as a municipal official.

Mr. Stout requested to see a copy of the amendment in writing before taking action.

Ms. Jennings stated that a director of the Planning Department still needed to act under the Code of Ethics. The definition of 'municipal employee' needed to be defined, which described members of boards and commissions as municipal employees. Those people should be allowed to be elected community council members.

Mr. Coffey stated that the capacity of a community council member may be different. As an Assemblymember, he would prefer to hear from the public rather than a municipal employee acting as a council officer.

Ms. Ossiander stated that every community council had some interested party affected and involved with each issue. In her 20 years of regularly attending council meetings, she had never seen an instance where a person with an official opinion could sway opinions more than a person who had lived in the neighborhood for 15 years. There were employees who did not have high-level positions with the city who should be involved with matters in their areas. Community councils were advisory only.

Mr. Traini stated that it was important to encourage all persons to participate in community councils. It was difficult to get people to volunteer and city employees needed to be involved.

Ms. Jennings stated that if the amendment was not approved, the definition of 'municipal employee' needed to be reviewed. Members of boards and commissions should be permitted to serve as officers on community councils. To her question, Mr. Abbott responded that until recently, the head of the Federation of Community Councils had been a municipal employee. Without a better understanding of who would be impacted, he was hesitant to support a stronger prohibition.

Mr. Coffey stated that this matter was not included in AMC Section 1.15.030, which addressed appointed officials.

Chair Sullivan stated that Page 55 defined 'municipal employee' as any person employed by the Municipality or corporate authority owned by the Municipality, excluding members of the public serving as members of an appointed public body of the Municipality.

Chair Sullivan put the Question on the motion to approve the Ossiander Amendment 12.

Municipal Manager Denis LeBlanc urged a YES-vote.

and the motion passed, 9-2.

AYES: Tesche, Shamberg, Bauer, Fairclough, Ossiander, Birch, Stout, Traini and Jennings.

NAYES: Sullivan and Coffey.

Ms. Ossiander withdrew her Amendment 13, based on the discussion at the worksession, which indicated support for the prohibition on the matter, relative to elected officials appearing on behalf of any private interest before the Anchorage School Board or the Assembly.

Mr. Stout moved,
Mr. Coffey seconded,
and this was later amended,

to amend AO 2006-140 to approve **Amendment 14**, on Page 22, Line 26 and on Page 23, Line 22, 1.15.035, *Relative to the Substantial Financial Interest Test and Voting after Disclosure*, Additional Coverage for Elected Officials, by *changing* to read:

B. *Charter Acknowledgement.* Assembly members, school board members, and elected area board members provide their time and energy in public service to the municipality, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These elected officials are expected and permitted to earn outside income and hold individual financial "**or private**" interests. Matters coming before the elected body may include matters in which the elected official has a financial or private interest. Elected officials may not participate in any official action in which the elected official or a member of the elected official's household has a substantial financial "**or private**" interest. ~~[UNLESS AFTER DISCLOSURE OF THE INTEREST, A~~

~~MAJORITY OF THE ELECTED BODY APPROVES PARTICIPATION. THIS RULE IS ACKNOWLEDGED IN SECTION 17.03 OF THE CHARTER AND HAS BEEN CODIFIED IN STATE LAW GOVERNING CONFLICT OF INTEREST IN MUNICIPAL GOVERNMENT. UNDER THE PROVISIONS OF THIS CHAPTER, IF THE ELECTED BODY DETERMINES THAT A PUBLIC INTEREST BENEFIT OUTWEIGHS THE CONFLICT OF INTEREST PRESENTED BY THE DISCLOSURE A SUBSTANTIAL FINANCIAL OR PRIVATE INTEREST, THE ELECTED BODY MAY REQUIRE THE MEMBER TO PARTICIPATE.]~~

C. *Disclosure to the elected body.* Prior to comment, deliberation or decision on a matter coming before the elected body, an elected official shall disclose any financial or private interest of the member in the matter, including a financial “or private” interest held by a member of the elected official’s household.

1. Full and complete disclosure of a financial or private interest is required.
2. The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the elected body to determine if the interest is [A] substantial [~~AND IF SO, WHETHER A MEMBER’S PARTICIPATION IN THE MATTER SHOULD BE REQUIRED IN THE PUBLIC INTEREST~~].
3. If the presiding officer exercises parliamentary authority by making an initial ruling on a disclosure of financial or private interest, or a member’s request to be excused from participation, the decision of the presiding officer may be overridden by the majority vote of the elected body.
4. The member of the elected body making the disclosure shall not rule or vote on whether the financial or private interest is substantial [~~OR WHETHER PARTICIPATION SHOULD BE REQUIRED AFTER DISCLOSURE~~].
5. An elected official shall not be sanctioned for acting in compliance with the determination of the elected body if the financial or private interest is fully and fairly disclosed.
6. The jurisdiction of the board to determine a violation under this chapter by an elected official for participation in a matter after disclosure of a financial or private interest is expressly limited to the sufficiency of the disclosure.

And, on Page 24, *by deleting* Subsection E:

~~[E. REQUIRING A MEMBER TO VOTE. AN ELECTED OFFICIAL SHALL NOT PARTICIPATE IN ANY OFFICIAL ACTION IN WHICH THE ELECTED OFFICIAL OR A MEMBER OF THE ELECTED OFFICIAL’S HOUSEHOLD HAS A SUBSTANTIAL FINANCIAL OR PRIVATE INTEREST UNLESS AFTER DISCLOSURE OF THE INTEREST, PARTICIPATION IS REQUIRED IN THE PUBLIC INTEREST BY MAJORITY VOTE OF THE ELECTED BODY.~~

~~1. WHEN THE CONFLICT OF INTEREST PRESENTED BY THE ELECTED OFFICIAL’S SUBSTANTIAL INTEREST IS WAIVED IN THE PUBLIC INTEREST BY MAJORITY VOTE OF THE BODY, THE PUBLIC INTEREST BENEFIT SUPPORTING THE WAIVER SHALL BE STATED IN THE RECORD.~~

~~2. EXAMPLES OF A PUBLIC INTEREST BENEFIT THAT MAY OUTWEIGH A CONFLICT OF INTEREST~~

~~IN FAVOR OF REQUIRING A MEMBER TO
PARTICIPATE INCLUDE:~~

~~a. SPECIALIZED KNOWLEDGE OF THE
ELECTED OFFICIAL IS IMPORTANT TO THE
DELIBERATION, AND DISCLOSURE OF THE
ELECTED OFFICIAL'S FINANCIAL OR PRIVATE
INTEREST, IN THE CONTEXT OF THE MATTER
BEFORE THE ELECTED BODY, IS SUFFICIENT
TO MAINTAIN THE INTEGRITY OF THE
DECISION-MAKING PROCESS.~~

~~b. THE PUBLIC'S BUSINESS CANNOT BE
UNDERTAKEN UNLESS THE ELECTED BODY
REQUIRES THE MEMBER TO PARTICIPATE.~~

~~c. OTHER PUBLIC INTEREST BENEFITS
DEEMED APPROPRIATE BY MEMBERS OF THE
ELECTED BODY UNDER THE SPECIFICS OF
THE DISCLOSURE AND THE OFFICIAL ACTION
BEFORE THE ELECTED BODY.~~

~~3. ABSENT A DETERMINATION BY THE
ELECTED BODY THAT A PUBLIC INTEREST
BENEFIT OUTWEIGHS THE CONFLICT OF
INTEREST PRESENTED BY THE SUBSTANTIAL
FINANCIAL OR PRIVATE INTEREST, THE
ELECTED BODY SHALL NOT WAIVE THE
CONFLICT OF INTEREST TO REQUIRE
PARTICIPATION.~~

~~4. THE ELECTED BODY SHALL BE THE FINAL
AUTHORITY ON WHETHER THE SUBSTANTIAL
FINANCIAL OR PRIVATE INTEREST IS
OUTWEIGHED BY THE PUBLIC INTEREST
BENEFIT. THE BOARD DOES NOT HAVE
JURISDICTION TO REWEIGH THE ELECTED
BODY'S DETERMINATION.];~~

And, on Page 53, Line 5, Rules of Procedure for Assembly,
by changing to read:

A. No member of the assembly may vote or
participate in any official action of the assembly on
any question in violation of Section "1.15.035"
[4.15.030.A.4.] The only question before the
assembly in making such determination shall be:
Does the assembly member (name of member) have
a substantial financial "or private" interest in (the
named matter/question) before the assembly? If the
vote on the question is in the negative, then the
assembly member may fully participate in all further
proceedings on the decision or matter. If the vote on
the question is in the affirmative, then the assembly
member shall not vote and shall not participate in any
further proceedings or decisions on the matter. It
shall be the duty of the assembly member disclosing
the financial "or private" interest to identify sufficient
facts and circumstances to permit the assembly to
exercise its judgment in an informed manner.;

Ms. Jennings supported the amendment, which clarified that once a person declared a financial interest in a matter and the body determined that that substantial financial interest was a conflict of interest, the body could not require that person to vote on the issue.

Mr. Coffey stated this was a key policy issue that needed further discussion. If members were ordered to abstain because of conflicts, the ability to have a majority to bear on a matter may be lost. Section 17.03 of the Charter was accurate, concerning disregarding a conflict if the public interest required that member to vote. If the body determined a person had a substantial financial interest, that person would be ordered to abstain. But, with this amendment, after determination of a substantial financial interest, the person still could be asked to participate. Elected officials had responsibilities to vote on matters that came before them and to put the public interest first. The process included disclosure and then determining if that disclosure outweighed public interest. If the elected body determined that a public interest outweighed a member's conflict of private or financial interest, the member may be required to participate. Circumstances such as this would be the exception and would occur very rarely. The consideration was either to accept the conflict of interest or require action in the betterment of the public interest. It was a difficult decision.

Mr. Tesche concurred that this was difficult decision. The public would have a hard time understanding if the body found a member had a substantial financial interest but then required that member to vote. That would violate the public's trust. When State Law and the Municipal Charter were adopted people had been naïve to hope that elected officials in the State Legislature would carefully weigh the matter and judicially rule in those rare circumstances when a member was forced to vote. Those circumstances had not occurred in Alaska's history. If a member had a substantial financial interest, that member was not to be included in the vote. The only other option would be a slippery slope, requiring a member to vote in the public interest, which would be difficult to define and would only be inviting trouble. The most simple, clear standard should be used. He recommended approval of Amendment 14.

Ms. Fairclough stated that this matter had been discussed at a Board of Ethics worksession, which had determined that this offered more clarity to the public. Amendment 14 would require a Charter Amendment, to reduce the numbers, as defined in super majority. The issue before the Assembly involved a conflict, as defined by a substantial financial interest, which could be more clearly defined by including percentages of financial interest. In the past, the Assembly had included, "Is there perception of a public conflict of interest?" The Assembly had recently determined a member did not have a conflict of substantial financial interest with a Wal-Mart rezone matter, but had also determined there was a perception of a conflict of interest. The action taken on this matter should not be able to jeopardize the ruling of past Assembly rulings and actions. Municipal Attorney Jim Reeves stated the Municipal Charter only imposed a super majority requirement in the specific situation of overriding a veto. The matters currently under consideration before the Assembly concerned Municipal Code, which the body had the prerogative to change. Ms. Fairclough recommended defining substantial financial interest by determining the percentage of financial interest.

Mr. Stout stated this had been a difficult matter to determine. If the Assembly determined that a member had a conflict of interest and then forced them to vote, someone might file an ethics violation. To his question, former Ethic Board Chair Jim Benjamin responded that he and the Ethics Board supported Amendment 14. It eliminated the gray area, addressing higher public interest creating conflicts that would not allow a member to participate.

Mr. Tesche stated that the Assembly could vote Amendment 14, either up or down. If it was approved, then it was simple to determine a conflict, based on a substantial financial interest and the member did not vote. If the Amendment failed, the Code redrafted by Ms. Tucker, which was a general, vague standard to determine forcing a member to vote, would stand. A second choice would be to not take action on this amendment that evening, but have the Assembly Counsel prepare a Code amendment, which would be similar to the section in Title 21 which required a super majority on rezoning matters. The Assembly would be able to compare the two methods.

Mr. Coffey, referencing Page 24, Section E, concerning requiring a member to vote, was very clear and specific. Rarely was a super majority required. It would be a bad outcome when a member would be forced to vote after declaring a conflict of interest. To his question, Ms. Jennings responded that there would not be any concern about the vote on the recent Wal-Mart rezone matter. The Assembly had acted, using their best judgment, under the laws they were serving under at the time. She supported the simplicity of the definition of a conflict of interest in Amendment 14, but she would support postponing until the Assembly Counsel offered a definition of super majority.

Ms. Ossiander supported Amendment 14. Once a member declared and a body ruled that a member had a conflict of interest, public interest could not be so overwhelming to compel that member to vote. It would be difficult to explain to the public. She stated that the Assembly could address those unusual and unique circumstances when a member may be forced to vote at a later date. That matter should not preclude the Assembly from taking action on this matter that evening. She urged support.

Ms. Fairclough concurred with Ms. Ossiander and urged a YES-vote. The super majority could be addressed in an ordinance at a later time.

Chair Sullivan stated that he supported Amendment 14. Declaring a conflict and having that substantiated by the body precluding them from voting, took precedence over any convenience factor that may arise. A conflict was a conflict and it would not be permitted to be waived, for convenience. He recommended a change to the amendment to make it consistent with the rest of the document.

Mr. Coffey moved,	to amend Amendment 14 on Page 3, under 2.30.070 Voting,
Mr. Stout seconded,	by adding to read: a financial "or private" interest and;
and this was approved without objection.	by adding this change throughout the entire Amendment;

Mr. Tesche concurred.

Chair Sullivan put the Question to Amendment 14, as amended.

Mr. Coffey supported the Amendment.

and the motion to approve Amendment 14, as amended, was passed, 11-0.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
NAYES: None.

To Chair Sullivan, Mr. Stout responded that Amendment 15 was still a work in process. There had been much discussion relative to political activity. It would be brought back to the Assembly on November 21, along with Amendment 11, concerning 'gifts.'

Ms. Fairclough requested that the document be revised, incorporating what had been approved. Mr. Stout concurred.

Mr. Stout moved,	to postpone AO 2006-140, as amended, to
Ms. Fairclough seconded,	November 21, 2006,

Mr. Tesche stated that because final consideration on the document was to be postponed, he would not be putting forward his Amendment 15, concerning removal of the prohibition against the Mayor from seeking higher office while he was mayor. This presented a serious policy matter for Assembly consideration.

Mr. Traini requested that a written, completed Amendment 15, be distributed prior to the November 21st Assembly Meeting. Mr. Stout and Mr. Tesche concurred. Mr. Stout responded that the Tesche Amendment would be addressed in Amendment 15.

and the motion to postpone was approved unanimously.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

NAYES: None.

15. SPECIAL ORDERS There were none.

16. UNFINISHED AGENDA There was none.

17. AUDIENCE PARTICIPATION There was none.

18. ASSEMBLY COMMENTS

Ms. Fairclough publicly acknowledged Assembly Counsel Julia Tucker, who had been instrumental in developing the Ethics Code ordinance before the Assembly. Ms. Fairclough and Mr. Coffey had hired Ms. Tucker one year ago and Ms. Fairclough thanked her for her contributions to the process and congratulated her on one year of service.

Chair Sullivan thanked Delores Waldron, present at the Assembly Meeting that evening to honor the memory of Helen D. Mason, for managing the basketball leagues at the Fairview Recreation Center. It was an outstanding program that was needed in the community. As government officials were reviewing the gang task force information, it was important to keep the recreational fees affordable, to encourage kids to participate. Giving kids something positive to do would keep them off the streets and out of trouble.

Ms. Jennings requested a visiting group introduce themselves. Russell Garing, a senior at Service High School, spoke for the group of students from Mr. McMahon's Seminar Class. They were completing a Citizen Action Project (CAP), which required students to attend an Assembly Meeting, along with other assignments. To Mr. Stout, Mr. Garing responded that all students had learned something that evening. Chair Sullivan thanked the students for attending the Assembly Meeting.

19. EXECUTIVE SESSIONS There were none.

20. ADJOURNMENT

Chair Sullivan called for a motion to adjourn the meeting.

Mr. Coffey moved, to adjourn the Regular Assembly Meeting,
Ms. Jennings seconded,
and this was passed unanimously.

AYES: Tesche, Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

NAYES: None.

The Regular Assembly Meeting was adjourned at 9:15 p.m.

DAN SULLIVAN, Assembly Chair

ATTEST:

LINDA HEIM, Acting Municipal Clerk

Date Minutes Amended (Pages 4 and 17) and Approved: January 9, 2006.

MC/BG

(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)