

To: Assemblyman Patrick Flynn
From: Board of Ethics, Municipality of Anchorage

Dear Mr. Flynn:

This letter is in response to 'Request for an Advisory Opinion', dated 23 June 2008. This letter is based specifically upon information provided by you in your request and subsequent visit to the Ethics Board on 27 June 2008. It does not constitute a legal opinion or waiver; rather, it is our best advice and recommendation concerning your request. It contains two parts:

Part I.

You requested guidance regarding service as 'one of the two Assembly seats on the AMATS Policy committee' in light of your employment as the Assistant Vice President for Markets, Sales & Service at the Alaska Railroad Corporation.

The Board of Ethics consulted the AMATS INTER-GOVERNMENTAL OPERATING AGREEMENT FOR TRANSPORTATION AND AIR QUALITY PLANNING (AUGUST 2002). In the view of the view of a majority of the Board of Ethics, the AMATS Policy Committee, as a State-Municipal partnership under Federal Transportation Planning Statutes, does not fall under the jurisdiction of the Board of Ethics (re. AMC1.15.030 on public bodies created by ordinance).

Part II.

You also requested guidance regarding your professional employment, in which capacity 'I would likely either participate on or advise the ARRC team negotiating the service structure and fees in an agreement for commuter rail service operated by the RTA [Regional Transit Authority]' and your position as an elected Assembly member, in which commuter rail 'contracts' and 'the structure of the RTA' could require Assembly ratification.

As no specific present situation was cited, the Board of Ethics recommends you act in a manner consistent with those provisions governing your service as an elected official, including: the prohibition of substantial financial and private advantage not available to the public (1.15.020.A.4); the requirement for placing the public interest over any private interest when taking official action (1.15.035.E – recently amended); and the requirement for all appropriate financial disclosures and prohibitions regarding acquisition of economic interest or interference with the public trust (1.15.035 E, K, and L).

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

Best regards,

G. W. Kimura, Ph.D. (Cantab.), Chair