



Municipal Board of Ethics

2017 - 4

632 West 6th Ave. Ste. 250 Anchorage, Alaska 99501

Meeting Date: 11/2/2017

Mailing Address: P.O. Box 196650 Anchorage, AK 99519-6650

Phone: 343-4311

Municipal Clerk: Barbara A. Jones

CONFIDENTIAL Request for an Advisory Opinion CONFIDENTIAL

~~Anchorage Municipal Code: Chapter 1.15 CODE OF ETHICS, AMC 1.15.150 Advisory Opinions.~~

- A. Current, former, or potential **public servant** may request an advisory opinion regarding the applicability and interpretation of this chapter related to actions, rights, or conflict personal to the inquirer.
- B. The municipal clerk, the municipal ombudsman, and the municipal attorney may request an advisory opinion from the board of ethics regarding the applicability and interpretation of this chapter.
- C. In any later proceeding involving the inquirer, the inquirer is entitled to rely on the advice of the board, and may not be sanctioned for acting in compliance with the board's advice so long as the facts remain substantially unchanged from those represented to the board in the inquiry.
- A. ~~A request for advice is confidential~~ unless confidentiality is waived by the person requesting an advisory opinion.

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|---|--|--|
| <input checked="" type="radio"/> Current | <input type="radio"/> Employee | <input type="radio"/> Municipal Clerk |
| <input type="radio"/> Former | <input type="radio"/> Board Member | <input type="radio"/> Municipal Attorney |
| <input type="radio"/> Potential | <input checked="" type="radio"/> Elected Official | <input type="radio"/> Municipal Ombudsman |

AMC 1.15.030D. Public Servants - all persons within the scope of this code, including employees, board members, and elected officials.

In accordance with AMC 1.15, I am requesting applicability and interpretation of the following section of the Municipal Code of Ethics: unknown.

Please describe your request:

See attached letter, including initial comments from Deitra Ennis.



**Confidentiality Waived
by the Requestor on 02/08/2018 .**

I understand that advisory opinions are required to be posted on the Municipal Website. The Board shall make:

- | | |
|--|---|
| <input type="radio"/> Waive Confidentiality | <input checked="" type="radio"/> I Request Confidentiality |
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sufficient deletions to prevent disclosure of the persons who have requested anonymity. AMC 1.15.150F. I **affirm to the best of my knowledge that my statement is true, correct, and complete.**

Signature of Requestor: *Michael Edgington*

Date: 4th October 2017

Printed Name: Michael Edgington

Phone Number: (907) 231-6819

Email Address: mike.edgington@gmail.com

Mailing Address: PO Box 1110, Girdwood, AK 99587

Re: Advisory Opinion Request

I am requesting an advisory opinion whether an elected member of a Service Area Board may be appointed to an Advisory Board. More specifically can an elected member of the Girdwood Board of Supervisors be appointed to the Heritage Land Bank Advisory Commission.

1) Background

- a. In February 2017 I was appointed to seat D of the Girdwood Board of Supervisors (GBOS) to fill a vacancy created by the resignation of the previous Supervisor. I subsequently won election to the same seat in April 2017.
- b. I have specific responsibilities for Land Use issues on GBOS.
- c. I applied for consideration to be appointed to the Heritage Land Bank (HLB) Advisory Commission since two seats will become vacant in October 2017 due to term limits.
- d. The HLB Director contacted the Ethics Board for guidance to see if it was permissible for an elected member of GBOS to be appointed to the HLB Advisory Commission (HLBAC). I have attached Deitra Ennis' initial comments.

2) Additional information

- a. Under AMC 27.20.050 the duties of GBOS members as a service board are to "consult and advise" on matters relating to specific enumerated taxable services within the Girdwood Valley Service Area (GVSA).
- b. In addition, under AMC 2.40.035B, GBOS is recognized as an ex-officio community council. A standing sub-committee of GBOS, the Land Use Committee (LUC), acts as the public hearing body for land use issues within Girdwood Valley, including areas outside of GVSA. LUC follows a one-member-one-vote decision process.
- c. Under both GBOS & LUC operating procedures (<http://www.muni.org/gbos>), if there is not agreement between both bodies on any land use matter, the actions of both bodies are sent forward along with a commentary explaining why the actions differ.
- d. There has been no restriction on any sitting member of the HLB Advisory Commission voting on issues before the LUC, including those that have already passed through HLBAC.
- e. The recently revised Code of Ethics under 1.15.030B explicitly exclude elected members of a Limited Road Service Areas (LRSA) from the definition of an elected official within the ethics code.

I would suggest that an elected member of a service area board has only advisory powers which is categorically different from elected members of the Assembly or School Board who have legislative powers and of appointed members to quasi-judicial boards who also have decision making powers.

Thank you,



Michael Edgington

Initial comments from Deitra Ennis

Question: a member of GBOS has applied to be a member of the Heritable Land Banks commission - conflict of interest?

There is a "structural" conflict of interest on two grounds:

First, the person is an "elected official" for purposes of the Ethics Code – he is in fact elected to GBOS. MOA elected officials do not serve on MOA Boards and Commissions. The idea under the Charter is to incorporate/involve the public who are not elected officials on MOA boards and commissions. The Boards and Commission are advisory to the elected officials and/or adjudicate matters which may come back before the elected official. In this instance, there are likely to be many Girdwood HLB matters that could come back before GBOS for action or recommendation.

Second, as a voting member of HLB voting on Girdwood matters, the question is whether that member should be able to double-dip (vote on both boards/commissions on the same issue) and how this will look to the public. And query – would the member have any "inside knowledge" from serving on either board – I don't see this if both boards have open meetings.

Finally, the point raised by Barbara Jones is well taken – would this person by virtue of being a GBOS member be counted as a Girdwood seat.

Conclusion: raises more issues than advisable. The individual could request an advisory opinion from the Ethics Board if he is intent on pursuing this.

Dee 343-4349

Municipal Ethics Officer