

**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY INFORMATION MEMORANDUM**

No. AIM 29-2014(A)

Meeting Date: February 11, 2014

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**From:** CHAIR OF THE ASSEMBLY

**Subject:** Board of Ethics Advisory Opinion 2013-2 regarding AO 2013-157(S)

The attached document is provided for Assembly review and consideration.

Prepared by: Lisa Schleusner, Records Coordinator  
Approved by: Barbara A. Jones, Municipal Clerk  
Respectfully submitted: Ernie Hall, Assembly Chair



Municipality of Anchorage  
**Board of Ethics**  
c/o Municipal Clerk's Office  
632 W. 6<sup>th</sup> Ave. Ste. 250 Anchorage, AK 99501

February 11, 2014

Anchorage Assembly,  
Adam Trombley, Chair, Assembly Ethics and Election Committee

**Re: Request for Advisory Opinion 2013-2, Comment on Proposed Ethics Code Rewrite in AO 2013-157(S)**

Dear Anchorage Assembly, Assemblymember Trombley, and Assembly Ethics and Election Committee Members:

Adam Trombley, Chair, Assembly Ethics and Election Committee requested an advisory opinion from the Board of Ethics, *Request for Advisory Opinion 2013-2* dated December 18, 2013. At the Regular Assembly Meeting of January 14, 2014, the Assembly referred AO 2013-157(S) to the Board of Ethics and the Assembly Ethics and Election Committee. The Board of Ethics has been asked to review and provide summary comment on the proposed legislation prior to the Regular Assembly Meeting of February 11, 2014.

**Board of Ethics Consideration of AO NO. 2013–157(S)**

The unusual case in which every member of the Assembly faces an identical conflict of interest raises special challenges for the Code of Ethics. If the prohibitions on conflicts of interest are too lax, then we face a loss of trustworthiness of the governmental decision-making process. If too strict, then the Assembly might be unable to act on important public issues. The Board of Ethics finds:

- The Code of Ethics should be consistent with the Alaska statute allowing governing bodies, such as the Assembly, to be exempt from the conflict of interest restrictions placed on other bodies. Any amendment to the Code of Ethics should be limited to those actions where most or all Assembly members face a similar conflict.
- The current proposal, as written, goes too far in exempting the Assembly from conflict of interest provisions. (*Proposed Amendment: AMC 1.15.035B.1. - Page 2, Line 30*)

- The Code of Ethics should be amended to allow the Assembly to act in cases in which all (or a majority) of its members face a similar conflict of interest.
- The process of assessing such conflicts, where most or all Assembly members face a similar conflict, should include some consideration of the public importance of the issue at hand and not be a factor appropriate for consideration. (*Proposed Amendment: AMC 1.15.035D.6. - Page 3, Lines 41-42.*)
- The Assembly's effort to mitigate or manage those conflicts may require the Assembly to seek out an advisory opinion from the Board of Ethics.

Municipality of Anchorage Board of Ethics:



Keith Silver, Chair

David Nesbett, Vice-Chair

Ted Carlson

Terrence Kelly

Steve Strom