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Municipal Clerk's Office  
**Amended and Approved**  
Date: 3/21/2017

**ANCHORAGE, ALASKA**  
**AO No. 2017-42, As Amended**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING AND  
REENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 1.15, CODE OF ETHICS.**

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code Chapter 1.15, Code of Ethics, is hereby repealed and reenacted. As required by AMC 1.05.050B, the current text of AMC Chapter 1.15 is attached.

**CHAPTER 1.15**  
**CODE OF ETHICS**

<b>1.15.010</b>	<b>Title.</b>
<b>1.15.020</b>	<b>Purpose.</b>
<b>1.15.030</b>	<b>Scope.</b>
<b>1.15.040</b>	<b>Use of Municipal Resources.</b>
<b>1.15.050</b>	<b>Gifts.</b>
<b>1.15.060</b>	<b>Conflicts of Interest.</b>
<b>1.15.070</b>	<b>Elected Officials – Consultation, Representation, and Appearance on Behalf of Private Interests on a Matter of Municipal Government.</b>
<b>1.15.080</b>	<b>Charitable Nonprofit Board Member Services</b>
<b>1.15.090</b>	<b>Contemporaneous Employment or Service</b>
<b>1.15.100</b>	<b>Interest in Municipal Contract or Business with Municipality</b>
<b>1.15.110</b>	<b>Political Activity</b>
<b>1.15.120</b>	<b>Confidentiality and Use of Nonpublic Information</b>
<b>1.15.130</b>	<b>Restrictions on Employment after Leaving Service</b>
<b>1.15.140</b>	<b>Board of Ethics</b>
<b>1.15.150</b>	<b>Advisory Opinions</b>
<b>1.15.160</b>	<b>Ethics Complaint for Potential Violation</b>
<b>1.15.170</b>	<b>Annual Report</b>
<b>1.15.180</b>	<b>Definitions</b>

**1.15.010 Title.**

This chapter may be cited and referred to as the Code of Ethics.

**1.15.020 Purpose.**

- A. Public Trust. Holding public office or employment is a public trust. The proper functioning of democratic government requires ethical behavior by public officials and employees. Ethical behavior involves the commitment to take individual responsibility in creating a government that earns the trust and respect of its citizens. All who serve the municipality have a solemn responsibility to avoid improper conduct.

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2 B. Intent. The assembly intends this code to be interpreted to promote fair,  
3 honest, and impartial dealings with members of the public, to ensure proper  
4 use of municipal resources, and to avoid or manage conflicts of interest  
5 and potential conflicts of interest.  
6  
7 C. Appearance of Impropriety. Where provisions of this chapter differ from the  
8 common law principle that an appearance of impropriety alone is sufficient  
9 to establish a conflict of interest or an ethical violation, the provisions of this  
10 chapter supersede the common law.  
11  
12 D. No Private Cause of Action. Nothing in this chapter shall be interpreted to  
13 create a private cause of action against an official, executive, or employee  
14 of the municipality or the municipality, authority, or school district.  
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#### 16 **1.15.030 Scope.**

17 This code applies to:

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20 A. Employees – all employees of the municipality of anchorage, including  
21 employees of a corporate authority owned by the municipality and  
22 employees of the anchorage school district;  
23  
24 B. Board Members – members of the public appointed to serve on a  
25 municipal authority, board, or commission and board members of limited  
26 road service areas (LSRA) whether elected or appointed;  
27  
28 C. Elected Officials – assembly members, mayor, school board members,  
29 and board members of general service areas; and  
30  
31 D. Public Servants – all persons within the scope of this code, including  
32 employees, board members, and elected officials.  
33

#### 34 **1.15.040 Use of Municipal Resources.**

- 35  
36 A. Municipal resources include, but are not limited to funds, facilities, tools,  
37 equipment, vehicles, property, consumable resources, and employees and  
38 employee time. Municipal resources shall be used for municipal public  
39 purposes, which shall be defined to include:  
40  
41 1. The performance of municipal duties, including educational and  
42 outreach programs;  
43  
44 2. Occasional and limited use of municipal resources for community  
45 service or charitable fundraising purposes if duly authorized by the  
46 chair of the assembly, the mayor, or the mayor's designee;  
47  
48 3. Use of municipal resources as further addressed in the mayoral  
49 directives (policies and procedures), as well as an annual umbrella  
50 charitable fundraising program designated by the mayor for  
51 participation by public servants.  
52

- 1 B. De minimus personal use of municipal resources is permitted and is  
2 defined as use that is infrequent or occasional and that results in little or no  
3 actual cost to the municipality. No personal use, however, may be for  
4 political activities, lobbying, or outside business interests.  
5
- 6 C. Except to the extent the general public has the same access to or as  
7 otherwise authorized, a municipal employee shall not use facilities,  
8 equipment, data, or supplies of the municipality to support an employee's  
9 personal endeavors, including contemporaneous service or employment.

10  
11 **1.15.050 Gifts.**  
12

- 13 A. Definition: A "gift" is an item of value, including but not limited to money,  
14 cash equivalents, services, discounts, meals, and entertainment. Gifts  
15 that are not connected with the recipient's status as a public servant are  
16 outside the scope of this chapter.  
17
- 18 B. General Rule: To avoid undue influence or the appearance of undue  
19 influence, a public servant may not accept a gift from an individual or an  
20 entity with interests that may be substantially affected by the performance  
21 of the person's official municipal duties under circumstances where the  
22 timing and nature of the gift would cause a reasonable person to question  
23 the person's judgment in exercising official municipal duties.  
24
- 25 C. Examples: Unless other factors of influence are present or inconsistent  
26 with the general rule, a public servant may accept the following gifts:  
27
- 28 1. An item given for a special occasion by municipal coworkers.
  - 29
  - 30 2. A perishable item given for consumption or display, by member(s)  
31 of the public or a classroom expressing general appreciation or  
32 holiday cheer, shared with an office, work group, or classroom.  
33
  - 34 3. A discount, prize, or award available to public sector employees  
35 generally, or to a large business category of public employees.  
36
  - 37 4. A monetary award or commemorative item presented in  
38 recognition of meritorious, civic, or voluntary service presented by  
39 a recognized civic, philanthropic, or non-profit charitable  
40 organization.  
41
  - 42 5. An item, homemade or handmade, crafted by the giver.  
43
  - 44 6. An occasional gift or meal worth \$50.00 or less.  
45
  - 46 7. Tickets, including entry and meal, to events held by a non-profit  
47 organization.  
48
  - 49 8. Tickets, including entry and meal, to civic events hosted by  
50 government agencies, civic organizations, or community service  
51 clubs consistent with the mission of the public servant's work  
52 group.  
53

1                   9.     ~~[Admission or registration fees, travel expenses, and meals that~~  
 2                   ~~are furnished to a public servant by the sponsor of an event,~~  
 3                   ~~appearance, or ceremony which is related to:~~

4  
 5                   a.     Official local government business;

6  
 7                   b.     Education; or

8  
 9                   c.     Information gathering.

10  
 11                  40.]   **Items such as employee travel discounts, vendor-provided**  
 12                   **accommodations, training, and payment of employee**  
 13                   **registration fees that are approved by the appropriate**  
 14                   **supervisor for legitimate governmental purposes.**~~[Travel~~  
 15                   ~~discounts, accommodations, registration, and business travel.~~  
 16                   ~~Unless specifically referenced in this section, items such as~~  
 17                   ~~employee travel discounts, vendor-provided accommodations and~~  
 18                   ~~training, and payment of employee registration fees shall not be~~  
 19                   ~~governed by the code of ethics, but shall be governed by~~  
 20                   ~~administrative financial policies, procedures, or guidelines.]~~

21  
 22                  D.     Supplemental Rules for Anchorage School District (ASD) Employees: In  
 23                   addition to the items set forth in subsection C, ASD employees may  
 24                   accept the following items:

25  
 26                   1.     Supplies, equipment, monetary and in-kind gifts made through the  
 27                   PTA, parent forum, booster club, other similar community groups,  
 28                   or the principal.

29  
 30                   2.     Contributions from ASD business partners.

31  
 32                   3.     Tickets for events or trips for which an ASD employee serves as a  
 33                   mentor or chaperone.

34  
 35                   4     Discounts for educational supplies.

36  
 37                  E.     Supplemental Rules for Elected Officials:

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 39                   1.     A campaign contribution to an elected official or candidate for  
 40                   municipal office which is reported by a public servant in  
 41                   accordance with state law is not considered a gift.

42  
 43                   2.     **An elected official may receive sponsor provided registration**  
 44                   **fees, travel expenses, accommodations, and meals for an**  
 45                   **event related to official government business, education, or**  
 46                   **information gathering. If the value of these received items**  
 47                   **exceeds \$500 in total, an elected official must file a disclosure**  
 48                   **to the municipal clerk in the form prescribed by the board of**  
 49                   **ethics and posted on the municipal website at least 3 days**  
 50                   **prior to the event.**

51  
 52                  F.     Reservation for Exceptions: The board or a municipal ethics officer may  
 53                   review and approve a gift which is consistent with the public policy

1 concerns underlying limitations on gifts to public servants (influence,  
2 appearance of influence, conflict of interest, public trust). Gifts may be  
3 redirected for disposition to a charitable organization or return to the  
4 donor.

5  
6 G. Traveling While Campaigning or Fundraising: If a current municipal  
7 employee or elected official is a candidate for elected municipal, state, or  
8 federal office, any engagement in campaigning or fundraising for elected  
9 office while on paid travel status for the municipality shall be disclosed by  
10 trip report. The travel expense payable under municipal travel  
11 regulations, including airfare, shall be adjusted and the candidate shall be  
12 responsible for the greater of:

- 13
- 14 1. The pro rata share of travel expense attributable to the time spent  
15 campaigning or fundraising for elected public office; or
- 16
- 17 2. The adjustment made for personal travel by a non-candidate while  
18 on authorized municipal travel, if any.
- 19

#### 20 **1.15.060 Conflicts of Interest.**

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22 A. Minor or Substantial Conflict of Interest: The assembly recognizes that in  
23 a representative democracy, the representatives are drawn from society  
24 and, therefore, cannot and should not be without personal and financial  
25 interests in the decisions and policies of government. Standards of  
26 ethical conduct need to distinguish between those minor and  
27 inconsequential conflicts that are unavoidable in a free society, and those  
28 conflicts of interest that are substantial and material.

29  
30 B. Public Interest: A public servant shall place the public interest above any  
31 financial or private interest when taking official action. If a public  
32 servant's private relationships or interests prevent the servant from  
33 placing the public interest above a financial or private interest, or will  
34 diminish the public trust, the public servant shall disclose this fact on the  
35 record and shall be excused from participation.

36  
37 C. Definition of Official Action: For purposes of this code, official action means  
38 participation in a process, including deliberation, in which a decision or  
39 recommendation is reached. Official action does not include:

- 40
- 41 1. Clerical or ministerial action on a matter. For purposes of this  
42 chapter, ministerial describes an act or duty that conforms to an  
43 instruction of prescribed procedure with limited or no use of  
44 judgment by the person performing the act or duty.
- 45
- 46 2. Action on a matter that does not substantially evaluate or impact  
47 the merits of the recommendation or decision.
- 48

49 D. General Rule – Conflict of Interest and Official Action: A public servant  
50 shall not participate in an official action in which the public servant or a  
51 member of the public servant's immediate family has a substantial financial  
52 or private interest. Prior to participation in official action, the public servant

1 shall disclose financial or private interests for determination of whether they  
2 are substantial.  
3

4 E. Substantial Financial or Private Interest: Whether the financial or private  
5 interest disclosed is substantial shall be determined on a case-by-case  
6 basis, with evaluation and balancing of these factors:  
7

- 8 1. Whether the financial or private interest is a substantial part of the  
9 matter under consideration.
- 10 2. Whether the financial or private interest directly and substantially  
11 varies with the outcome of the official action.  
12
- 13 3. Whether the financial or private interest is immediate and known  
14 or conjectural and dependent on factors beyond the official action.  
15
- 16 4. Whether the financial or private interest is significant monetarily.  
17
- 18 5. Whether the financial or private interest is of a type which is  
19 generally possessed by the public or a large class of persons to  
20 which the member belongs.  
21
- 22 6. Other factors deemed appropriate by the presiding official under  
23 the specifics of the disclosure and the nature of the action.  
24

25  
26 F. Procedure for Disclosure:  
27

- 28 1. Employee: A municipal employee shall disclose to the designated  
29 ethics officer the nature of the interest and how the employee's  
30 duties could influence the official action. The ethics officer shall  
31 determine if the interest is substantial, or refer the matter to the  
32 board of ethics.  
33
- 34 2. Board Members and Elected Officials:  
35
  - 36 a. Prior to comment, deliberation, or decision on a matter  
37 coming before the body, the member or official shall  
38 disclose the nature of the interest in sufficient detail to  
39 permit the other members of the body to determine if the  
40 interest is substantial.  
41
  - 42 b. If the presiding officer exercises parliamentary authority by  
43 making an initial ruling on a disclosure of financial or  
44 private interest, the decision of the presiding officer may be  
45 overridden by the majority vote of the body.  
46
  - 47 c. The member of the body making the disclosure shall not  
48 rule or vote on whether the financial or private interest is  
49 substantial.  
50
  - 51 d. A member or official shall not be sanctioned for acting in  
52 compliance with the determination of the body if the  
53 financial or private interest is fully and fairly disclosed.

1  
2 e. The jurisdiction of the board to determine a violation under  
3 this chapter by an elected official for participation in a  
4 matter after disclosure of a financial or private interest is  
5 expressly limited to the sufficiency of the disclosure.  
6

7 3. Mayor: The potential for conflict of interest presented by a  
8 financial or private interest held by the mayor shall be disclosed  
9 prior to action to either the municipal ethics officer, or to the board  
10 of ethics for determination and management of the potential for  
11 conflict of interest. Advice rendered by the ethics officer is subject  
12 to review by the board.  
13

14 4. Rule of Necessity: The board may apply the rule of necessity  
15 when the assembly is legally required to act and it lacks enough  
16 members to take valid official action solely due to assembly  
17 members being disqualified by shared or substantially similar  
18 conflict of interest from participating in the matter.  
19

20 5. Certification of Election: An assembly member's candidacy in a  
21 municipal election does not preclude the assembly member's  
22 participation in certification of the municipal election.  
23

24 **1.15.070 Elected Officials – Consultation, Representation, and Appearance**  
25 **on Behalf of Private Interests on a Matter of Municipal Government.**  
26

27 A. Dual Representation: Dual representation by an elected official can  
28 cause a conflict of interest between the discharge of official duties and  
29 the representation of the other interest.  
30

31 1. Paid Representative or Consultant: An elected official shall not  
32 serve as a paid consultant on a private interest or as a paid  
33 representative of any person or entity before a municipal  
34 department, administrative agency, utility, or elected or appointed  
35 public body of the municipality.  
36

37 2. Private Interest: By reason of their position, elected officials may  
38 appear to have the ability to exercise undue influence. An elected  
39 official shall not:  
40

41 a. Appear on behalf of any private interest before the school  
42 board or the assembly;  
43

44 b. Appear on behalf of any person or entity in an adjudicatory  
45 matter before an appointed public body of the municipality.  
46

47 c. Exceptions to a and b:  
48

49 i. The elected official, or a member of the elected  
50 official's household, is a party or has an ownership  
51 interest or a private interest in an adjudicatory  
52 matter before the public body; or  
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ii. The elected official is appearing at the specific request of the elected or appointed public body. An elected body shall not request the appearance of a member of the elected body under this subsection unless the elected official's participation in the matter pending before the elected body has been properly excused under the procedures of the elected body.

B. Constituent Services: Nothing in this section is intended to prevent an elected official from making verbal or written inquiries on behalf of constituents or the general public or from requesting explanations or additional information, provided that the elected official is not charging a fee for this service.

**1.15.080 Charitable Non-Profit Board Member Service.**

Elected officials and members of their immediate family may serve without compensation as voting or non-voting members of a charitable nonprofit organization receiving funding from the municipal or school district budget.

- A. The elected official shall disclose the board member service before participating in official action by the municipality on the budget or other matter involving the board or commission of a public body or charitable nonprofit organization.
- B. If the elected body finds a substantial conflict in requiring a member to participate in action before the elected body, the elected body may in its sole discretion excuse participation or divide the question to avoid a conflict on the whole.
- C. The mayor's disclosure shall be to the board of ethics.

**1.15.090 Contemporaneous Employment or Service.**

- A. Employee: A municipal employee shall not render services to, or accept employment with, persons or organizations other than the municipality, if the contemporaneous service or employment is incompatible or in conflict with the proper discharge of the employee's municipal duties.
- B. Elected officials:
  - 1. Except where authorized by ordinance, an elected official shall not hold other municipal employment or elected state office.
  - 2. An elected official of the municipality other than the mayor may serve as a non-elected employee of the state.
  - 3. The mayor holds a full time position of employment with municipal authority presumed incompatible and in conflict with serving as an employee to another person or entity.



- 1 a. If due to specific circumstances or unfairness, the mayor  
2 seeks relief from this presumption, the mayor shall present  
3 the circumstances and proposal for management of the  
4 potential conflict of interest to the board of ethics for an  
5 advisory opinion.  
6  
7 b. Absent factors that clearly present a potential for adversely  
8 affecting the mayor's availability, productivity, or  
9 independence of judgment in performing municipal duties,  
10 a financial interest or corporate office, held by the mayor in  
11 a business or economic enterprise managed by others is  
12 not other employment under this chapter and the  
13 presumption does not apply.  
14  
15 c. The mayor's request and the board's advisory opinion to  
16 the mayor are public records.  
17  
18 C. Independent Contractor: An independent contractor engaged through  
19 competitive bidding does not hold municipal employment for purposes of  
20 this section.  
21

#### 22 **1.15.100 Interest in Municipal Contract or Business with Municipality.**

- 23  
24 A. Disclosure upon employment, appointment, or election: Within 30 days of  
25 commencement of service, a public servant shall submit a written  
26 disclosure of whether or not the public servant or member of the public  
27 servant's immediate family or household has an economic interest in a  
28 municipal contract or in an entity engaging in business with the municipality.  
29 The disclosure shall be made to the municipal clerk in the form prescribed  
30 by the board of ethics.  
31  
32 B. Acquisition of interest in municipal contracts and business by public  
33 servant, immediate family, or household:  
34  
35 1. Notice: Prior to the application, bid, or response for the grant,  
36 contract, lease, or other municipal business, including but not  
37 limited to bids on foreclosed properties, a public servant shall:  
38  
39 a. Submit a notice of intent to respond to public solicitation in  
40 the form prescribed by the board of ethics to the municipal  
41 clerk for review by the board or municipal ethics officer;  
42  
43 b. File the notice with the municipal Clerk for electronic  
44 publication no less than seven days in advance of the  
45 deadline for submitting a response to the solicitation; and  
46  
47 c. Provide a copy of the notice to the municipal purchasing  
48 officer with the public servant's response.  
49  
50 2. Criteria: A public servant, or member of the public servant's  
51 immediate family or household, may not acquire, receive, apply for,  
52 be a party to, or have a personal or financial interest in a municipal  
53 grant, contract, or lease, unless:

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- a. The public servant does not take official action that could directly affect the request for services, nor the award, execution, or administration of the grant, contract, or lease.
  - b. If this requirement is not met, the public servant may request additional review by the board of ethics.

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### 1.15.110 Political Activity.

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#### A. Definitions – for purposes of this chapter, the following terms are defined:

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1. Political Activity – an act for the purpose of influencing the outcome of an election. Election includes ballot, bond, or candidate elections.
  2. Partisan Activity – an act for the purpose of supporting a party, cause, or action.
  3. Advocacy – an act in support of a political or partisan position.
  4. Education – presenting information from a position of neutrality.

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#### B. Compliance with APOC: Compliance with the Alaska Public Offices Commission (APOC) requirements under state statute is outside of the scope of this chapter. Elected officials have an independent duty to comply with APOC.

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#### C. Use of Municipal Resources for Political or Partisan Activity Prohibited: A public servant shall not use or authorize the use of municipal resources for political or partisan activity **with the following exceptions and s[-** **S]subject to independent APOC requirements: [r]**

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36

##### 1. T[t]he mayor, school superintendent, **member of the** assembly, and **member of the** school board, or their executive designee, may:

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- a[4].** Appear before the assembly, the school board, appointed bodies of the municipality, community councils, civic organizations, and media representatives in support or in opposition to any ballot measure coming before the voters in a municipal election; and
  - b[2].** Incur associated but limited expenses, such as employee time, use of municipal vehicle, and clerical costs.

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##### 2. **Elected officials may voice their opinions as part of their usual and customary duties with similar limited use of municipal resources.**

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#### D. Limitations on Political and Partisan Activity:

1. Elected officials and board members may use their titles when engaging in political or partisan activity, but shall not state or imply that they are acting on behalf of the assembly or the municipality.
2. Employees may use their titles when engaging in political or partisan activity when authorized to do so by their responsible official or if they state that they are not speaking on behalf of their work group or the municipality.
3. Employees may not appear in their uniforms or substantially similar dress when engaging in political or partisan activity.
- E. Political Activity in the Workplace: Employees and board members shall not engage in political activity while at the workplace or in the performance of work duties, including wearing campaign buttons. An exception to this is bumper stickers on personal vehicles in municipal parking facilities, except to the extent that such activity is prohibited by the municipal election code addressing political persuasion near polling locations.
- F. Partisan Activity in the Workplace: Employees and board members shall not engage in partisan activity addressing municipal matters while at the workplace or in the performance of work duties. Fundraising in the workplace shall be addressed by the assembly and administration through policy.
- G. Candidates: No public servant shall expend municipal resources for the support, opposition, or endorsement of candidates for any elected government entity.
- H. Education: Nothing in this chapter prohibits the use of municipal resources for the purpose of education regarding municipal matters subject to assembly and administration policies.

#### **1.15.120 Confidentiality and Use of Nonpublic Information.**

No public servant shall use, disclose, or release confidential or nonpublic information gained through the person's municipal position unless authorized by law or order of the court.

#### **1.15.130 Restrictions on Employment after Leaving Service.**

- A. General One-Year Rule: An employee who leaves municipal service may not, for one year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by the employee, if the municipal employee participated personally and substantially in the matter through the exercise of official action. In this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, draft legislative measures, or the adoption of administrative regulations if consideration by the employee was only in the context of general application.

- 1 B. Waiver: The assembly or school board may waive application of this  
2 restriction upon determination that a proposed action by a former  
3 employee is not adverse to the public interest. The waiver shall be by  
4 formal action and a copy shall be provided to the board of ethics.  
5
- 6 C. Municipality Option to Contract. The restriction on employment after  
7 leaving municipal service does not prohibit the municipality from  
8 contracting with a former employee to provide service on a matter on  
9 behalf of the municipality.  
10
- 11 D. Charter Prohibition. An assembly or school board member may not, for  
12 one year after leaving service, hold a compensated municipal office  
13 which was created, or the salary or benefits of which specially  
14 increased, during the elected official's last year in office by the body of  
15 which the elected official was a member. Charter Reference 17.04(b).  
16

#### 17 **1.15.140 Board of Ethics.**

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- 19 A. Members: The board of ethics shall consist of five members appointed by  
20 the mayor and subject to confirmation by the assembly. One member  
21 shall be a member of the alaska bar association.  
22
- 23 B. Additional Qualifications: In addition to qualifications set forth in section  
24 4.05.035, board members may not:  
25
- 26 1. Hold elected or other appointed public office with any municipal,  
27 state, or federal governmental unit; or
  - 28 2. Hold political party office; or
  - 29 3. Publicly endorse, contribute to, or engage in any political or  
30 campaign activity on behalf of any candidate for elected municipal  
31 office or on behalf of a current public servant for any elected  
32 office; or
  - 33 4. Hold current employment with the municipality, the anchorage  
34 school district, or an enterprise or authority owned by the  
35 municipality.  
36
- 37 C. Training: Members of the board of ethics shall complete training provided  
38 through the board's legal counsel and assembly counsel.  
39
- 40 D. Removal: A member of the board of ethics may be jointly removed by the  
41 mayor and the assembly for good cause. A member of the board may not  
42 be removed during any lawful investigation or public hearing where the  
43 mayor, any member of the mayor's appointed staff, the assembly, or any  
44 member or employee of the assembly is the subject of the investigation or  
45 public hearing.  
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- 47 E. Support: Support services from the office of the municipal clerk shall  
48 include staffing, preparation of minutes, agenda, and reports,  
49 maintenance of website, maintenance of files, and maintenance of other  
50 forms and informational materials.  
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2 F. Legal Counsel: The municipal attorney's office shall be counsel to the  
3 board of ethics. In addition, the administrative hearing officer, when  
4 available, may serve as attorney for the board. The municipal attorney  
5 shall retain or appoint substitute legal counsel if the municipal attorney's  
6 office and the administrative hearing officer have a conflict that is not  
7 waived by the board.  
8
- 9 G. Ethics Education Program: The board shall develop an ethics education  
10 program, including a guide to the code of ethics.  
11

12 **1.15.150 Advisory Opinions.**  
13

- 14 A. Current, former, or potential public servant may request an advisory  
15 opinion regarding the applicability and interpretation of this chapter  
16 related to actions, rights, or conflict personal to the inquirer.  
17
- 18 B. The municipal clerk, the municipal ombudsman, and the municipal  
19 attorney may request an advisory opinion from the board of ethics  
20 regarding the applicability and interpretation of this chapter.  
21
- 22 C. In any later proceeding involving the inquirer, the inquirer is entitled to rely  
23 on the advice of the board, and may not be sanctioned for acting in  
24 compliance with the board's advice so long as the facts remain  
25 substantially unchanged from those represented to the board in the  
26 inquiry.  
27
- 28 D. A request for advice is confidential unless confidentiality is waived by  
29 the person requesting an advisory opinion.  
30
- 31 E. The board may exercise discretion in responding to a request for an  
32 advisory opinion based on considerations listed in subsection 1.15.160A.  
33 The board shall provide the requestor with a concise written statement if  
34 the board declines to issue an advisory opinion.  
35
- 36 F. To promote preventive instruction and advice, the board shall publish on  
37 the municipal website through the municipal clerk, advisory opinions in a  
38 generic form to allow maximum clarity on context, issue, analysis, and  
39 decision. The board shall make sufficient deletions to prevent disclosure  
40 of the persons who have requested anonymity.  
41

42 **1.15.160 Ethics Complaint for Potential Violation.**  
43

- 44 A. Any adult resident of the municipality may file a complaint alleging that a  
45 public servant's conduct violates the code of ethics.  
46
- 47 1. The complainant shall identify the section of the code of ethics  
48 alleged to have been violated and substantiate the complaint by  
49 providing a written explanation of the reason for believing that a  
50 violation has occurred with any documentary and testimonial  
51 evidence supporting the allegation. If the complainant fails to  
52 provide the information specified, the board may exercise its  
53 discretion to decline to accept the complaint.

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- a. The fact that a complaint has been filed and the content of the complaint are confidential. Material breach of confidentiality by the complainant is a violation of this code.
  - b. If the board finds that confidentiality has been breached, the board may dismiss the complaint.
2. The board may decline or cease its review of a complaint when it reasonably believes that:
- a. There is presently available an adequate remedy for the grievance stated in the complaint;
  - b. The complaint relates to a matter that is outside the jurisdiction of the board or would be better handled in another forum;
  - c. The complaint relates to an act of which the complainant has had knowledge for an unreasonable length of time;
  - d. The complaint is trivial or based on fanciful allegations;
  - e. The resources of the board are insufficient for adequate review;
  - f. The complainant lacks sufficient supporting information; or
  - g. The allegations, if true, fail to constitute a violation of the code of ethics.
- B. If the board accepts the complaint for further review, the board shall provide the respondent with the opportunity to appear and provide information. The board will make findings and issue a report.
- C. Based on its findings, the board may make recommendations for corrective action.
- D. If a complaint is received or is pending during a campaign period, the board shall suspend its review unless requested by the respondent or requested by a board member. The campaign period is defined as 45 days before a municipal election or the day on which an individual files as a candidate, whichever is later.
- E. Until the board completes a report for distribution as a public record, the board's review of a potential violation is confidential unless confidentiality is waived by the respondent. The board shall protect the confidentiality of complainants or witnesses coming before the board except insofar as may be necessary to enable the board to carry out its duties.

#### **1.15.170 Annual Report.**

The board of ethics shall prepare and present~~submit~~ an annual report

1 to the assembly rules committee for review and submission to the assembly.

2  
3 **1.15.180 Definitions.**  
4

5 The following words, terms, and phrases, and their verb forms and  
6 tenses, when used in this chapter, shall have the meanings ascribed to them in  
7 this section, except where the context clearly indicates a different meaning:  
8

9 A. *Appear on behalf of* means accompany, represent, testify, or accompany  
10 those representing or testifying before the public body.  
11

12 B. *Appointed public body* of the municipality means any municipal  
13 commission, board, committee, authority, or public corporation created by  
14 ordinance with members of the public appointed subject to confirmation  
15 by the assembly or the school board, whether sitting in public session or  
16 executive session including advisory, appellate, management, quasi-  
17 judicial, and regulatory municipal entities.  
18

19 C. *Board* means the board of ethics.  
20

21 D. *Campaign period* means the period beginning 45 days before an election  
22 in which the candidate appears on the ballot in a municipal election or the  
23 day on which the individual files as a candidate for municipal office,  
24 whichever is later, and ending at the close of election day, or on the day  
25 that the candidate withdraws from the election, if earlier.  
26

27 E. *Confidential information* means information which by law or municipal  
28 code is not subject to public disclosure.  
29

30 F. *Contract* means a business contract, purchase order, lease, grant, loan,  
31 or similar instrument of municipal government.  
32

33 G. *Economic interest* means a benefit, financial interest, special privilege, or  
34 contractual relationship.  
35

36 H. *Financial interest* includes the receipt of a pecuniary benefit and the  
37 expectation of receiving a pecuniary benefit.  
38

39 1. A financial interest of a person includes a financial interest of  
40 any member of the person's household.  
41

42 2. A person has a financial interest in an organization if the  
43 person:  
44

45 a. Has an ownership interest in the organization; or  
46

47 b. Is a director, officer, or employee of the organization.  
48

49 I. *Immediate family* means:  
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51 1. The spouse, child (including a stepchild and an adoptive child),  
52 parent, sibling, grandparent, aunt, or uncle of the person;  
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2. A parent or sibling of the person's spouse; and

3. Any member of the person's household.

J. *Municipal government* means government of the municipality of anchorage.

K. *Municipality* means the municipality of anchorage, its legislative and administrative components, including enterprise activities and authorities, the anchorage school district, and the school board.

L. *Organization* means any corporation, partnership, firm or association, whether organized for profit or not-for-profit.

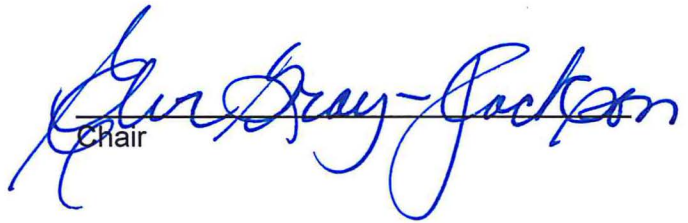
M. *Paid consultant* means a person who makes verbal or written inquiries on behalf of another person or entity, advises another person or entity, reports the status of matters to another person or entity, or otherwise confers with another person or entity, for a fee.

N. *Personal advantage of another* means the use of supervisory or other work place status to leverage personal privileges outside the scope of another person's official duties and responsibilities to the municipality.

O. *Private interest* means an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large.

**Section 2.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 21<sup>st</sup> day of March, 2017.

  
Chair

ATTEST:



Municipal Clerk





**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM**

No. AM 196-2017

Meeting Date: March 7, 2017

1 **From: Assembly Member Flynn**

2  
3 **Subject: AO 2017- 42 – AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**  
4 **ASSEMBLY REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE**  
5 **CHAPTER 1.15, CODE OF ETHICS.**

6  
7 This ordinance repeals and replaces the current Code of Ethics (“current Code”),  
8 which proved to be cumbersome and difficult to access due to its division of rules by  
9 work group (elected officials, employees, and board members). The new Code  
10 combines the groups under “public servants” when applicable, thereby eliminating  
11 duplication and confusion caused by three groups of rules. Much of the current Code  
12 remains in the new Code. Significant changes include (in order of appearance in new  
13 Code):

- 14
- 15 • Inclusion of Limited Road Service Area board members as Board Members,  
16 whether elected or appointed;
- 17 • Expansion of *Use of Municipal Resources* to include education and outreach,  
18 occasional and limited use for community service or charitable fundraising if  
19 authorized by the Assembly or Mayor, and use as further set forth in the  
20 Mayoral directives, including the annual umbrella fundraising effort;
- 21 • Tickets and food at civic or nonprofit hosted events as acceptable under gift  
22 rules;
- 23 • Removal of dollar amounts for types of gifts (which caused great confusion),  
24 except for small gift exception previously requested by the Assembly;
- 25 • Definition of “official action” subject to conflict of interest rules;
- 26 • Allowance of the Mayor to consult with the Municipal Ethics Officer, as well as  
27 the Board of Ethics, for conflict of interest questions, but remaining subject to  
28 Board of Ethics jurisdiction;
- 29 • Inclusion of the Rule of Necessity to provide a procedure should the Assembly  
30 members share a common substantial financial or personal interest;
- 31 • Adding family members to the provision that Elected Officials may serve  
32 without compensation on charitable nonprofit organizations receiving funding  
33 from the Municipality.
- 34 • Providing definitions for political activity, partisan activity, advocacy, and  
35 education.
- 36 • Extensive rewrite of the *Political Activity* section, while continuing to limit the  
37 use of Municipal funds for advocacy with the exception of work time and  
38 associated, but limited expenses by the Mayor, School Board, and Elected  
39 Officials.
- 40

41 Respectfully submitted:

42  
43 Assembly Member Flynn, District 1 (Downtown Anchorage)

## **Chapter 1.15 - CODE OF ETHICS\***

**Charter reference**— Conflict of interest, § 17.03.

**Cross reference**— Removal from office of assembly members for violation of conflict of interest chapter, § 1.15.050; legislative branch, tit. 2; assembly voting procedure, § 2.30.070; administration, tit. 3; personnel review board, § 3.30.015; employee relations board, § 3.70.050; boards and commissions, tit. 4; conflict of interest of boards and commissions, § 4.05.110; equal rights commission, ch. 5.10; chief fiscal officer, ch. 6.50; controller, ch. 6.60; treasurer, ch. 6.70; assessor, § 12.05.045; purchasing officer, § 7.10.030; transactions with municipal officials and employees, ch. 7.30; administrative enforcement, tit. 14; schools, tit. 29.

**State Law reference**— Conflict of interest ordinance requirements, AS 29.20.010.

### **1.15.010 Title of chapter.**

(GAAB 4.15.020; AO No. 85-56)

### **1.15.020 Purpose of chapter.**

(AO No. 85-56)

### **1.15.025 Applicability of chapter to Anchorage Telephone Utility.**

(AO No. 91-173(S))

### **1.15.030 Definitions; construction of chapter.**

(AO No. 85-56; AO No. 86-204; AO No. 87-17(S))

### **1.15.040 Board of ethics established; appointment and qualifications of members.**

(GAAB 4.15.030; AO No. 85-56; AO No. 90-118(S-3))

### **1.15.050 Removal of members of board of ethics.**

(AO No. 85-56)

### **1.15.060 Powers and duties of board of ethics.**

(GAAB 4.15.040; AO No. 85-56; AO No. 90-118(S-3); AO No. 94-132(S), § 3, 8-25-94)

### **1.15.070 Municipal clerk to provide staff for board of ethics. (Repealed)**

(AO No. 85-56; AO No. 90-118(S-3))

**1.15.075 Meetings of board of ethics.**

(AO No. 90-118(S-3))

**1.15.080 Cooperation with board of ethics investigations. (Repealed)**

(AO No. 85-56; AO No. 90-118(S-3))

**1.15.085 Records of board of ethics.**

(AO No. 90-118(S-3))

**1.15.090 Persons who may file complaints.**

(AO No. 85-56)

**1.15.095 Compensation of members of board of ethics.**

(AO No. 90-118(S-3))

**1.15.100 Action on complaints and conduct of investigations.**

(AO No. 85-56; AO No. 90-118(S-3); AO No. 2003-6, § 1, 1-28-03)

**1.15.110 Processing of complaints; actions by board of ethics. (Repealed)**

(AO No. 85-56; AO No. 90-118(S-3))

**1.15.120 Assembly action on recommendation by board of ethics. (Repealed)**

(AO No. 85-56; AO No. 90-118(S-3))

**1.15.130 Conduct of hearings. (Repealed)**

(GAAB 4.15.050; AO No. 85-56; AO No. 90-118(S-3))

**1.15.140 Confidentiality of proceedings. (Repealed)**

(AO No. 85-56; AO No. 90-118(S-3))

**1.15.150 Sanctions for violation.**

(GAAB 4.15.060; AO No. 85-56; AO No. 90-118(S-3); AO No. 2003-6, § 2, 1-28-03)

**1.15.160 Violations by municipal officials. (Repealed)**

(GAAB 4.15.070; AO No. 85-56; AO No. 90-118(S-3))

**1.15.170 Requirements for elected officials, certain municipal employees, members of regulatory, appellate and quasijudicial boards and commissions.**

(AO No. 85-56; AO No. 85-179(S); AO No. 85-181; AO No. 86-1(S); AO No. 90-118(S-3); AO No. 2000-23, § 1, 1-25-00; AO No. 2001-128, § 1, 7-24-01)

**1.15.180 Prohibited acts.**

(GAAB 4.15.080; AO No. 77-362; AO No. 77-378; AO No. 85-56; AO No. 85-181; AO No. 87-17(S); AO No. 90-118(S-3); AO No. 91-80(S-2))

**1.15.183 Contract inducements.**

(AO No. 90-118(S-3))

**1.15.185 Solicitation of political contributions.**

(AO No. 90-118(S-3))

**1.15.186 Endorsement of candidates.**

(AO No. 92-167(S); AO No. 93-8(S))

**1.15.187 Post-employment restrictions.**

(AO No. 90-118(S-3), 5-13-91)

**1.15.190 Disclosure by elected officials and assembly-appointed employees.**

(GAAB 4.15.090; AO No. 85-56)

**1.15.200 Disclosure by appointed officials.**

(GAAB 4.15.100; AO No. 85-56)

**1.15.205 Statement of intent to do business with municipality.**

(CAC 2.80.040; AO No. 79-203)

**1.15.210 Disclosure by officials and employees engaging in business with municipality.**

(GAAB 4.15.090; AO No. 85-56)

**1.15.220 Judicial penalties.**

(GAAB 4.15.110; AO No. 85-56; AO No. 90-118(S-3); AO No. 93-167, § 2, 4-13-94)

**1.15.230 Request for written opinion. (Repealed)**

(GAAB 4.15.120; AO No. 85-56; AO No. 90-118(S-3))

**1.15.240 Invalid actions.**

(GAAB 4.15.130; AO No. 85-56; AO No. 90-118(S-3))

**1.15.243 Other remedies.**

(AO No. 90-118(S-3))

**1.15.245 Relationship of chapter to other laws.**

(AO No. 90-118(S-3))

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**1.05.105 - Applicability of Code to Anchorage Telephone Utility. (Repealed)**

(AO No. 91-173(S); AO No. 2015-23(S) , § 1, 3-24-15)

**1.15.005 - Title of chapter.**

This chapter may be cited and referred to as the Code of Ethics.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.010 - Purpose and intent.**

- A. Holding public office or employment is a public trust. The proper functioning of democratic government requires ethical behavior by elected and appointed public officials and employees. Ethical behavior involves the commitment to take individual responsibility in creating a government that has the trust and respect of its citizens. All who serve the municipality have a solemn responsibility to avoid improper conduct. It is the resolve of the assembly that employees of the municipality and corporate authorities owned by the municipality, employees of the Anchorage School District, appointed members of a municipal board, commission or authority, and elected officials adhere to the highest levels of ethical conduct to preserve the integrity of the governmental process and avoid conflicts of interest.

- B. The purpose of this code of ethics is to set clear and reasonable standards for these public officials and employees, to give public officials and employees guidance in identifying and resolving potential conflicts, to establish a process for receiving and investigating notifications of potential violation of ethical conduct, and to promote understanding of the standards appropriate to public employees and those holding public office.
- C. The assembly further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government. Officials, executives, and employees of the municipality and anchorage school district retain their rights to interests of a personal or financial nature. Standards of ethical conduct for officials, executives, and employees of the municipality and Anchorage School District need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society governed by a representative democracy, and those conflicts of interest that are substantial and material.
- D. The assembly intends this code to be interpreted to promote fair, honest, and impartial dealings with members of the public, to ensure proper use of municipal resources, and to avoid conflicts of interest. Unethical conduct is prohibited, but there is no substantial conflict if, as to a specific matter, the personal or financial interest of the official, executive, or employee in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the official, executive, or employee of the municipality or Anchorage School District belongs. Nor is there substantial conflict if the action or influence would have only insignificant or conjectural effect on the matter.
- E. Where provisions of this chapter differ from the common law principle that an appearance of impropriety alone is sufficient to establish a conflict of interest or an ethical violation, the provisions of this chapter supersede the common law.
- F. The mayor, assembly, school board, and the ethics board shall be guided by this section when implementing the provisions, and making determinations under the code of ethics.
- G. It is the intent of the assembly that nothing in this chapter be interpreted to create a private cause of action against an official, executive, or employee of the municipality, a corporate authority owned by the municipality, or the Anchorage School District.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.015 - Scope.**

- A. Persons included within the scope of this chapter are:

1. Employees of the municipality, a corporate authority owned by the Municipality of Anchorage, and all employees of the Anchorage School District; and
  2. Members of the public appointed to serve on a public body of the municipality, including without limitation a municipal commission, board, committee, or authority, whose appointment is subject to confirmation by the assembly or by the school board; and
  3. Elected officials of the municipality.
- B. All persons within the scope of this chapter are prohibited from the use of public position for personal gain and section 1.15.020 sets out nine specific prohibitions for all persons holding a public position under this chapter. In sections 1.15.025, 1.15.030, and 1.15.035, this chapter sets out additional coverage applicable to each covered group.
- C. The mayor holds a public position within the scope of this chapter and section 1.15.020. The mayor is an elected official under this chapter unless specifically excluded from a provision of 1.15.035. When a provision governing municipal employees is also applicable to the mayor under 1.15.025, the subsection specifically references the mayor for clarity.
- D. All persons who have filed for elected municipal office are subject to Section 1.15.020 Prohibited conduct.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.020 - Prohibited conduct.**

- A. These actions are in conflict with the public interest and therefore no person included within the scope of this chapter shall:
1. Solicit, offer or receive money or other thing of value in return for a vote, a municipal management decision, or the exercise of the person's official duties, except the compensation, expenses, benefits, or other remuneration paid by the municipality.
  2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person by the municipality.
  3. Offer or accept any money or other thing of value for or in consideration of the use of the person's public position to obtain a contract for any person or business with the municipality.

4. Use for the person's own benefit, or for the benefit of another, confidential information acquired by reason of the person's public position and which is not available to the public.
5. Disclose or release confidential information gained through the person's public position unless authorized by law or order of the court.
6. Use the person's municipal position to take personal advantage of another.
7. Divert or permit the diversion of municipal personnel time, municipal services, vehicles, equipment, materials or other property for a purpose unrelated to municipal business. Occasional use of municipal resources, employee participation in community service events, and employee charitable fundraising are not prohibited by this subsection and are outside the jurisdiction of the ethics board if duly authorized by the assembly or in writing by the mayor or the mayor's designee. If a current municipal employee or elected official is a candidate for elected municipal, state, or federal office, any engagement in campaigning or fundraising for elected office while on paid travel status for the municipality shall be disclosed by trip report. The travel expense payable under municipal travel regulation, including airfare, shall be adjusted and the candidate shall be responsible for the greater of
  - a. The pro rata share of travel expense attributable to the time spent campaigning or fundraising for elected public office; or
  - b. The adjustment made for personal travel by a non-candidate while on authorized municipal travel, if any.
8. Accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties on a matter affecting the donor.
9. Accept gifts from persons on a basis so frequent as to raise an appearance of the use of the person's public position for private gain.
10. State or suggest to another person that official action or vote on any municipal matter is conditioned on the retention or non-retention of services, including without limitation, professional services, construction, and the procurement of supplies, from another person or entity. Statements made during official proceedings, including committee meetings and work sessions, of the Assembly, the Anchorage School



Board, an elected service board, or an appointed public body of the municipality are outside the scope of this prohibition.

- B. Nothing in this section 1.15.020 is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter.

(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2007-74(S), § 1, 6-12-07; AO No. 2010-44(S-1), § 1, 7-27-10; AO No. 2014-13, § 1, 1-1-15)

### **1.15.025 - Additional provisions for municipal employees.**

- A. Employees of the municipality including Anchorage School District employees. Municipal employee means:
  - 1. All persons employed by the municipality or a corporate authority owned by the Municipality of Anchorage, 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
  - 2. All persons employed by the Anchorage School District, whether full time or part time, temporary or permanent, excluding elected members of the Anchorage School Board. Policy adopted by the Anchorage School Board governing conflict of interest for Anchorage School District employees shall not be less restrictive than the requirements of this chapter and shall not relieve employees of the Anchorage School District from the obligations of this chapter; and
  - 3. The mayor, if specifically stated.
- B. Substantial financial or private interest. A municipal employee shall not participate in an official action in which the employee or a member of the employee's immediate family has a substantial financial or private interest. A municipal employee shall disclose in narrative form to the designated ethics officer, the employee's financial or private interest in official action and the financial or private interest of any member of the employee's immediate family as defined in 1.15.110, if the employee's duties could influence the official action.
  - 1. Whether the municipal employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the designated ethics officer with evaluation of these factors:

- a. Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;
  - b. Whether the financial or private interest varies directly and substantially with the outcome of the official action;
  - c. Whether the financial or private interest is significant monetarily;
  - d. Whether the public disclosure requirements applicable to municipal employees under this chapter have been fully met;
  - e. Whether public disclosure of the municipal employee's financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.
2. The determination of the designated ethics officer shall be filed with the municipal clerk as a public record and a copy provided to the board for review.
  3. The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed prior to action to the ethics board for determination and management of the potential for conflict of interest under the factors of 1.15.025B.1.
  4. A complaint to the board of ethics for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under 1.15.070.
- C. Contemporaneous service and employment. A municipal employee shall not render services to, or accept employment with, persons or organizations other than the municipality, if the contemporaneous service or employment is incompatible or in conflict with the proper discharge of the employee's municipal duties, including duties with the Anchorage School District. Contemporaneous service or employment shall not adversely affect the employee's availability, productivity, or independence of judgment in performing municipal duties.
1. A municipal employee shall not use facilities, equipment, data, or supplies of the municipality to support an employee's personal endeavors, including contemporaneous service or employment, except to the extent the general public has the same access to use.
  2. A municipal employee shall not engage in activities related to contemporaneous service or employment during scheduled work hours. Minor and inconsequential personal telephone and computer privileges,

when allowed under applicable personnel policy and practice, shall not be abused or diverted to support contemporaneous service or other employment.

3. Full time temporary and regular municipal employees engaging or intending to engage in contemporaneous service or employment outside scheduled work-hours shall notify the administrative supervisor in writing. Personnel rules and policies applicable to the various classifications and types of municipal employees shall provide for disclosure, administrative review, and management of potential conflicts of interest in contemporaneous employment. Notification of contemporaneous service or employment by employees of the Anchorage School District shall be as determined by the Anchorage School Board, the prohibition against less restrictive requirements in subsection 1.15.025 A.2. notwithstanding.
  4. The mayor holds a full time position of employment with municipal authority presumed incompatible and in conflict with serving as an employee to another person or entity.
    - a. If due to specific circumstances or unfairness, the mayor seeks relief from this presumption, the mayor shall present the circumstances and proposal for management of the potential conflict of interest to the Ethics Board for an advisory opinion.
    - 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.
    - c. The mayor's request and the board's advisory opinion to the mayor are public records.
- D. Disclosure of present economic interest in a municipal contract. Within 30 days of hire, a municipal employee having an economic interest in a municipal contract shall submit a written disclosure to the municipal clerk, signed by the department director or designee and the designated ethics officer. A copy shall be retained by the department in a file of disclosures open to the public. The disclosure of present economic interest shall include any economic interest in a contract with the municipality, or in an organization or enterprise engaging in business with the municipality, held by the employee or a member of the employee's household. The disclosure shall be in the form prescribed by the municipal clerk and include:
1. Identification of the municipal contract; the date the municipal employee or household member acquired the interest; the amount of the economic

interest held in the contract by the municipal employee or a member of the employee's household. The disclosure shall include a description of any opportunity for official action the employee would have regarding the municipal contract and the preventive measures that shall be taken to manage any potential for conflict of interest.

2. The name of each organization or enterprise engaging in business with the municipality, both for profit and not-for-profit, in which the municipal employee or a member the employee's household has an economic interest or is a director, officer or employee and the title of the position held. The certification shall include a description of any responsibility the municipal employee could exercise regarding the entity engaging in business with the municipality and the preventive measures that shall be taken to manage any potential for conflict of interest.
  3. Confirmation by the department director or designee and the designated ethics officer that the potential for conflict of interest has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the disclosure.
  4. If the mayor's current financial disclosure statement as filed under state law with the Alaska Public Offices Commission (APOC) and filed with the municipal clerk by elected officials under section 1.15.035 of this chapter includes all disclosure required by this subsection under 1.15.025, a separate filing under 1.15.025 is not required. The board will review the mayor's disclosure of present economic interest in a municipal contract and confirm in writing that either no potential for conflict exists or that the preventive measures described by the board are required to manage the potential for conflict.
- E. Acquisition of an economic interest in municipal contracts and business. No municipal employee or member of the employee's household shall acquire directly or indirectly an economic interest in a municipal contract or engage in business with the municipality unless the municipal contract is competitively solicited and all other requirements of this chapter are satisfied. This prohibition applies in all respects to any entity in which the employee or household member has an economic interest.
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 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 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 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.

2. The notice of intent to respond to a public solicitation is in addition to any personnel provisions addressing administrative notification to the director of employee relations by employees intending to do business with the municipality.
3. If the municipal employee's notice is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other municipal official responsible for the procurement by no later than the deadline for responding to the solicitation, the disclosure shall be deemed invalid and the offer proposed by the municipal employee in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the municipal employee.
4. The notice of intent to respond to a public solicitation shall disclose the following information:
  - a. Nature of the business;
  - b. Relationship between the employee and the business interest, including percentage of ownership;
  - c. Municipal entity issuing the solicitation;
  - d. Solicitation number and submission deadline;
  - e. Municipal entity for which the employee works;
  - f. Whether the municipal employee or immediate family member as defined in 1.15.110 serves in a position that could influence official action with respect to development of the solicitation, award or administration of the contract, and what, if any, preventive measures shall be taken to manage the potential for conflict.
5. Award of a municipal contract shall not be made to a person or entity governed by 1.15.025 unless:

- a. Neither the municipal employee nor a member of the employee's immediate family works for the administrative department awarding or administering the contract; and
  - b. Neither the municipal employee nor a member of the employee's immediate family as defined in 1.15.110 takes any official action with respect to preparation of the solicitation, award or municipal administration of the contract; and
  - c. The municipal employee does not in fact or appearance attempt to influence the award by actions of the employee or through the actions of others; and
  - d. The municipal employee has provided to the purchasing officer or other municipal official responsible for the procurement and the municipal clerk proper and timely notice of intent to respond to a public solicitation; and
  - e. The employee's administrative supervisor and the designated ethics officer confirm in writing that they have each reviewed the municipal employee's notice and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures as confirmed in writing; and
  - f. The purchasing officer or other municipal official responsible for the procurement confirms in writing in the form prescribed by the municipal clerk that the integrity of the public solicitation process is not adversely affected.
  - g. Upon award, the notice of intent with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.
6. The mayor holds a full time position with municipal responsibilities presumed incompatible and in conflict with acquiring an economic interest in municipal business or a municipal contract. The presumption may be overcome by advisory opinion of the board. If due to specific circumstances or unfairness, the mayor seeks relief from this presumption, the mayor shall present the circumstances and proposal for management of the potential conflict of interest to the ethics board for an advisory opinion. The mayor's request and the board's advisory opinion to the mayor under this subsection are public records.
- F. Prior employment. A municipal employee shall not take or participate in official action on matters affecting a former employer for a period of one year from the date of termination of the prior employment. In the special circumstance

presented by mayoral action within the first year of assuming office on matters affecting a mayor's former employer, the conflict shall be disclosed to the board and assembly; assembly approval shall be required on the official action.

G. Restrictions on employment after leaving municipal service. A municipal employee who leaves municipal service may not, for one year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by the municipal employee, if the municipal employee participated personally and substantially in the matter through the exercise of official action. In this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, draft legislative measures, or the adoption of administrative regulations if consideration by the municipal employee was only in the context of general application.

1. This restriction on employment after leaving municipal service does not prohibit the municipality from contracting with a former municipal employee to provide service on a matter on behalf of the municipality.
2. The restriction on employment after leaving municipal service applies to the mayor as an elected official under 1.15.035.
3. The assembly or school board may waive application of this restriction upon determination that a proposed action by a former municipal employee is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the ethics board.

H. Gifts.

1. Definition: A "gift" is an item of value provided to a municipal employee, including but not limited to money, cash equivalents, services, discounts, meals, and entertainment.
2. General rule: A municipal employee may not accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties.
3. Safe harbors: Unless other factors of influence are present, an employee may accept the following items:
  - a. An item given to a municipal employee for a special occasion given voluntarily by municipal coworkers.

- b. A perishable item given for immediate consumption or display, from members of the public or classroom expressing general appreciation or holiday cheer, shared with an office, work group, or classroom.
  - c. A discount, prize or award available to public sector employees generally, or to a large business category of public employees to which the municipal employee belongs.
  - d. A monetary award or item presented to a municipal employee in recognition of meritorious, civic, or voluntary service presented by a recognized civic, philanthropic or non-profit charitable organization.
  - e. An item, home made or hand made, made by the giver.
  - f. An occasional small gift worth \$50.00 or less, including business meals.
4. Supplemental rules for Anchorage School District (ASD) Employees. In addition to the items set forth in subsection 3., ASD employees may accept the following items:
- a. Supplies, equipment, monetary and in-kind gifts made through the PTA, parent forum, booster club, other similar community groups, or the principal.
  - b. Contributions from ASD business partners.
  - c. Tickets for events or trips for which an ASD employee serves as a mentor or chaperone.
  - d. Discounts for educational supplies.
5. Reservation for exceptions. The ethics board or a municipal ethics officer may grant an exception for a gift that does not otherwise fall within this section, but is consistent with the public policy concerns underlying limitations on gifts to public employees (influence, appearance of influence, conflict of interest). The employee shall fully disclose the gift and shall not use the gift prior to review by the board or ethics officer.
6. Travel discounts, accommodations, registration, and business travel. Unless specifically referenced in this section, items such as employee travel discounts, vendor provided accommodations and training, and payment of employee registration fees shall not be governed by the Ethics



Code but shall be governed by administrative financial policies, procedures or guidelines.

- I. Political activity. The following limitations shall apply to political activity:
  1. Departments, boards, commissions, agencies, authorities, public corporations, or other administrative divisions of municipal government shall not:
    - a. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.
    - b. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the municipal assembly, the school board, or other elected body of the municipality.
    - c. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.
    - d. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
    - e. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections; except that subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the mayor and the school superintendent may each designate in advance in writing one or more executive employees in addition to themselves, to appear before the assembly, the school board, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

2. Entities receiving municipal funding shall be subject to any covenants and restrictions on political activity set out in the contractual documents supporting the municipal funding, and applicable state and federal law.
3. The limitation against dissemination of partisan materials on bond measures does not apply to municipal employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.
4. A municipal employee shall not:
  - a. Use position over another municipal employee to solicit a campaign contribution, endorsement, or other support for a political candidate.
  - b. While on duty, engage in political campaigning for elected public office, political endorsement, or election campaign fundraising for any person or office.
  - c. When engaging in political activity outside scheduled work hours, act in a manner to suggest that the employee is acting in the employee's official capacity, or has official municipal endorsement, or is otherwise representing the municipality.
  - d. Use official position to discourage or inhibit any person from exercising voter franchise.
  - e. Use or depict municipal property and facilities in a manner unavailable to the public. This restriction applies to use or depiction of a uniform in political endorsement if the uniform identifies the person as a municipal employee, regardless of ownership of the uniform.
5. Subject to section 28.30.050, a municipal employee shall not serve as a member of the Anchorage assembly or school board or in elective office of the state, federal, or another local government. A municipal employee who is elected to one of these offices shall resign immediately from municipal employment.

(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2007-93(S), § 1, 7-17-07; AO No. 2007-110, § 1, 8-28-07; AO No. 2014-1, § 1, 1-28-14)

**Editor's note**— Section 2 of AO No. 2014-1 states, "This ordinance [subsection H.] shall become effective after its passage and approval by the Assembly except for Anchorage School District employees. With respect to ASD employees, the ordinance shall become effective on July 1, 2014, to allow for implementation and training prior to the next school year."

**1.15.030 - Additional provisions for members of the public appointed to a public body.**

- A. Members of an appointed public body. This section applies to members of the public serving as members of an appointed public body of the municipality as defined in 1.15.110, but excluding elected officials covered under 1.15.035 and municipal employees covered under 1.15.025.
- B. Charter acknowledgement. Members of the public serving as members of an appointed public body of the municipality 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 appointed members are expected and permitted to earn a living and hold individual financial interests. Matters coming before the appointed public body may include matters in which the appointed member of the public or a family member has a financial or private interest. Whether a financial or private interest is substantial is determined on a case-by-case basis.
- C. Supplemental disclosure and conflict of interest provisions. An appointed public body shall follow the requirements of state law, ordinance, regulation, and procedure governing specific actions of the appointed public body. Provisions included in this section may be supplemented by disclosure and conflict of interest provisions adopted by ordinance as specifically applicable to the appointed public body of the municipality.
  - 1. The appointment of public bodies with regulatory, quasi-judicial, or adjudicatory responsibilities recognizes the public interest in having fair and public evaluation of matters coming before the appointed public body. Members of the public serving as members of an appointed body with such responsibilities shall:
    - a. Make decisions solely on applicable law and the evidence in the record;
    - b. Be impartial in fact and action in the performance of official duties, making decisions without personal gain or financial interest;
    - c. Disclose any previous involvement in the case or with the parties;
    - d. Disclose matters that would prevent the member from hearing the case under supplemental conflict of interest provisions applicable to the appointed public body;
    - e. Disclose circumstances that could potentially interfere with impartiality, so that the member's participation may be fairly evaluated by the public body.

2. Public bodies exercising monetary or management discretion. The appointment of public bodies exercising monetary discretion, advisory direction on programs, or community development responsibility recognizes the public interest in having boards and commissions familiar with the community and its past and future development.
  - 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 summary of personal contacts concerning the project in the disclosure of financial interest and personal involvement to the appointed public body.
  - b. If an appointed public body exercises monetary discretion, a member of the appointed public body may not apply for, or receive substantial personal or financial interest in, a contract or project awarded or administered by the appointed public body during the member's service to the body, or for two years after leaving service.
- D. Disclosure to the appointed public body. Prior to comment, deliberation or decision on a matter coming before the appointed public body, a member shall disclose any financial or private interest in the matter, including the financial interest or personal involvement of an immediate family member. The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the appointed body to determine if the financial interest is substantial or the personal involvement is prejudicial. If the other members of the appointed body by majority vote determine that a financial interest is substantial or the personal involvement is prejudicial, the member may not participate in the matter coming before the appointed public body.
- E. Substantial financial interest. Whether the financial or private interest disclosed is substantial shall be determined by the appointed public body on a case-by-case basis, with evaluation of these factors:
  1. Whether the financial or private interest is a substantial part of the matter under consideration;
  2. Whether the financial or private interest directly and substantially varies with the outcome of the official action;
  3. Whether the financial or private interest is immediate and known or conjectural and dependent on factors beyond the official action.
  4. Whether the financial or private interest is significant monetarily;

5. Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the member belongs.
  6. Other factors deemed appropriate by the chair under the specifics of the disclosure and the nature of the action before the appointed body.
- F. Public interest. An appointed member of a public body shall place the public interest above any financial or private 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 interest, the appointed member shall disclose this fact on the record.
- G. Restrictions on employment. It is a conflict of interest for an appointed member of a public body to represent, advise, or assist a person for compensation regarding a matter that was under consideration by the appointed body if the member participated personally in the matter through the exercise of official duty. In this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include consideration or comment on ordinances, resolutions, charter amendments, other legislative measures or the adoption of administrative regulations if consideration by the appointed public body was only in the context of general application.
- H. Disclosure of present economic interest. Within 30 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.
- I. Acquisition of an economic interest in municipal contracts and business. A member of the public appointed to serve on a public body of the municipality or a member of such person's household shall not acquire directly or indirectly an economic interest in a municipal contract or engage in business with the municipality unless the municipal contract is competitively solicited and all other requirements of this subsection are satisfied. This prohibition applies in all respects to any entity in which the appointed member of the public or a household member has an economic interest.
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 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 calendar days to elapse between electronic publication by the clerk and the final date 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 appointed member. The appointed member 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 appointed member. 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 appointed member demonstrating that the nature of the work and relationship between the appointed member and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

2. The notice shall identify the nature of the business; the relationship between the appointed member of the public or a household member and the entity responding to the solicitation, including the percentage of ownership in the entity by the appointed member of the public or a household member; the municipal entity or department issuing the solicitation; solicitation number and submission deadline. The appointed member of the public shall disclose whether the appointed member or a member of the immediate family as defined in 1.15.110 takes any official action with respect to preparation of the solicitation, award, or municipal administration of the contract.
3. The appointed member shall not in fact or appearance attempt to influence the award.
4. The appointed member and members of the immediate family shall take no official action with respect to development of the solicitation, award, or municipal administration of the contract.
5. The designated ethics officer available to the purchasing officer, or to the municipal official responsible for the procurement if not the purchasing officer, confirms in writing that the appointed member's notice of intent to respond to a public solicitation has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the written disclosure.
6. The person or public body having responsibility for award under the solicitation confirms in writing that the integrity of the public solicitation process is not adversely affected by the award.

7. If the appointed member's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other municipal official responsible for the procurement, the disclosure shall be deemed invalid and the offer proposed by the appointed member in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the member of the appointed public body.
  8. Upon award, the notice of intent with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.
- J. Restrictions on engaging services to influence legislative or administrative action or financial contribution. An appointed public body may not engage a lobbyist or other person or entity for compensation to influence financial support, legislative action, or administrative action from another appointed public body or an elected body of the municipality.
- K. Gifts. Gifts to a member of an appointed body unrelated to the member's public service and gifts without monetary value are not covered by this chapter. Unless subject to supplemental restrictions governing the appointed public body, these unsolicited gifts are allowed and subject to disclosure as follows:
1. A gift or award of monetary value presented in recognition of meritorious, civic, or voluntary service to the municipality, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. A member of an appointed body 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 ten working days of receipt of the gift or award.
  2. A perishable gift for immediate consumption or display, from member(s) of the public expressing general appreciation or holiday cheer when shared among members of the appointed body, or donated to charity. The chair of the appointed body shall disclose a gift under this category with a 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 ten working days of receipt.
  3. Other gifts made in recognition of public service on an appointed body shall be reported and re-directed through the chair of the appointed body to the ethics officer for disposition or return, consistent with this chapter. Report of receipt and disposition will be filed with the ethics board and the municipal clerk as a public record.

- L. Political activity. A member of an appointed public body shall not:
1. Use official position on an appointed public body to solicit a contribution, endorsement, or other campaign support for any political candidate.
  2. Use official position on an appointed public body to discourage or inhibit any person from exercising voter franchise.
  3. Permit or engage in political activity in violation of 1.15.025I.
  4. Act in a manner to suggest that the member is acting in the member's official capacity or otherwise representing the appointed public body or the municipality, when engaging in political activity during personal time.

(AO No. 2006-140(S-1), § 1, 1-1-07)

### **1.15.035 - Additional provisions for elected officials**

- 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, 1.15.035C, 1.15.035D, and 1.15.035E are specific to elected public bodies and do not apply to the mayor.
- 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 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 interest.
- 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 substantial.



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.
  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.
- D. Determining if a financial or private interest is substantial. Determination of whether a financial or private interest is substantial shall be made by the elected body on a case-by-case basis. The elected body shall be the final authority on whether the financial or private interest as disclosed is substantial under this chapter. The board does not have jurisdiction to reweigh the factors considered by an elected body for a differing interpretation by the board of substantial interest. Factors appropriate for consideration include one or more of the following:
1. Whether the financial or private interest held by the elected official or household member is a substantial part of the matter under consideration;
  2. Whether the financial or private interest varies directly and substantially with the outcome of the official action;
  3. Whether the financial or private interest is immediate and known or conjectural and dependent on factors beyond the official action;
  4. Whether the financial or private interest is significant monetarily;
  5. Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the elected official or household member belongs.
- E. Public interest. An elected official shall place the public interest above any financial or private 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 interest, or will diminish the public trust, the elected official shall disclose this fact on the record and participation may be excused by the elected body.

- F. Consultation, representation, and appearance on behalf of private interests on a matter of municipal government. These provisions apply to elected officials, including the mayor:
1. An elected official shall not serve as a paid consultant on a private interest before a municipal department, administrative agency, utility, elected or appointed public body of the municipality.
  2. An elected official shall not serve as a paid representative of any person or entity before a municipal department, administrative agency, or utility.
  3. An elected official shall not appear on behalf of any private interest before the school board or the assembly, or on behalf of any person or entity in an adjudicatory matter before an appointed public body of the municipality unless:
    - a. The elected official, or a member of the elected official's household, is a party or has an ownership interest in an adjudicatory matter before the public body; or
    - b. The elected official is an elected member of a service area board representing the service area board or the interests of the service area before the assembly, school board or an appointed public body; or
    - c. The elected official is appearing at the specific request of the elected or appointed public body. An elected body shall not request the appearance of a member of the elected body under this subsection unless the elected official's participation in the matter pending before the elected body has been properly excused under the procedures of the elected body.
- G. Constituent services. Nothing in this section is intended to prevent an elected official from making verbal or written inquiries on behalf of constituents, residents within the elected official's area of service, employees or contractual service providers of the municipality or elected body, or the general public to elements of municipal government or from requesting explanations or additional information on behalf of an elected body or individuals, provided that the elected official is not charging a fee for this service.
- H. Restrictions on other public employment. These restrictions apply to elected officials of the assembly, school board, and service areas. Applicability to the 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 mayor.
- b. Subject to state law and regulation, an elected official of the municipality other than the mayor may serve as a non-elected employee of the state.
- c. Engagement as an independent contractor through a competitive solicitation by the municipality is not municipal employment for purposes of this section. For the mayor, the provisions in 1.15.025 specific to the mayor apply.

**Cross reference**— Membership of board of supervisors, § 27.20.010.

- I. Ex officio and charitable nonprofit board member service. Unless the assembly has determined by ordinance that service by an elected official shall be as a non-voting member, an elected official, including the mayor, may serve without compensation as a voting member of a public body or charitable nonprofit organization receiving funding from the municipal or school district budget.
  1. The elected official shall disclose the board member service before participating in official action by the municipality on the budget or other matter involving the board or commission of a public body or charitable nonprofit organization.
  2. If the elected body finds a substantial conflict in requiring a member to participate in action before the elected body, the elected body may in its sole discretion excuse participation or divide the question to avoid a conflict on the whole.
- J. Service to utility and regulatory boards. As long as the municipality owns one or more utilities regulated by the Regulatory Commission of Alaska, an elected official shall not serve as an officer, director, or paid advisor to the Alaska Regulatory Commission, or to any regulated utility providing the same type of utility service owned by the municipality.
- K. Financial disclosure during term of elected office. Elected officials shall file disclosures timely as required by state law. The municipal clerk shall keep a copy of the elected official's current financial disclosure statement as filed under state law with the Alaska Public Offices Commission (APOC). An elected official shall supplement the APOC disclosure within 30 days of assuming office, and as required under 1.15.035 during elected office, to fully disclose any economic interest in a contract with the municipality, or in an organization or enterprise engaging in business with the municipality, held by the elected official or a member of the elected official's household. Supplemental disclosure shall be on the form prescribed by the municipal clerk and include:

1. Identification of the municipal contract; the date the elected official acquired the interest; the amount of the economic interest held in the contract by the elected official, or a member of the elected official's immediate family. The disclosure shall include a description of the duties and activities to be performed by the elected official or household member under the contract; any opportunity for official action the elected official may have regarding the municipal contract; and the preventive measures that shall be taken to manage any potential for conflict.
  2. The name of each organization, or enterprise engaging in business with the municipality, both for profit and not-for-profit, in which the elected official or household member has an economic interest or is a director, officer or employee and the title of the position held. The disclosure shall identify the compensation, duties and activities of the elected official or household member for each organization and the preventive measures that shall be taken to manage any potential for conflict with the municipal duties of the elected official.
  3. Holding an ownership interest in policies of insurance, annuity contracts, property or funds on deposit in regulated financial institutions, or securities maintained by a brokerage firm is not having a financial interest that requires disclosure when the entity engages in business with the municipality.
  4. If the elected official's APOC disclosure includes all disclosure required by this chapter, a supplemental disclosure is not required.
- L. Acquisition of an economic interest in municipal contracts and business. An elected official or household member shall not acquire directly or indirectly an economic interest in a municipal contract or engage in business with the municipality unless the municipal contract is competitively solicited and all other requirements of this subsection are satisfied. This prohibition applies in all respects to any entity in which the elected official or household member has an economic interest.
1. The elected official shall timely file notice of intent to respond to a public solicitation in such form as the municipal clerk may prescribe for electronic publication and posting by the municipal clerk under 1.15.040. To be timely for publication, the notice shall be filed in advance to allow a minimum period of seven calendar days to elapse between electronic publication by the clerk and the final date for submitting a response to the solicitation. The elected official 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 elected official. 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 elected official demonstrating that the nature of the work and relationship between the elected official and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

2. The notice shall identify the nature of the business; the relationship between the elected official or household member and the entity responding to the solicitation, including the percentage of ownership in the entity by the elected official or household member; the municipal entity or department issuing the solicitation; solicitation number and submission deadline. 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 any official action with respect to preparation of the solicitation, award, or municipal administration of the contract.
3. The elected official shall not in fact or appearance attempt to improperly influence the award.
4. The elected official and members of the elected official's immediate family shall take no official action with respect to development of the solicitation, award, or municipal administration of the contract.
5. The purchasing officer or other municipal official responsible for the solicitation and the designated ethics officer confirms in writing that the elected official's notice of intent to respond to a public solicitation has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the written disclosure.
6. The person or public body having responsibility for award under the solicitation determines that the integrity of the public solicitation process is not adversely affected by the award.
7. If the elected official's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other municipal official responsible for the solicitation by no later than the deadline for responding to the solicitation, the disclosure shall be deemed invalid and the offer proposed by the elected official in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the elected official.

8. Acquisition of an economic interest by the mayor is governed by 1.15.025E.6.
- M. Political activity. An elected official shall not:
1. Use position over a municipal employee or appointed member of an appointed municipal body to solicit a campaign contribution, endorsement, or other campaign support for the elected official or any political candidate.
  2. Use official position to discourage or inhibit a municipal employee or appointed member of an appointed municipal body from exercising voter franchise.
  3. Use or depict municipal property and facilities in a manner unavailable to the public.
  4. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
  5. Knowingly permit political activity in violation of other provisions on political activity in 1.15.025 and 1.15.030.
- N. Restrictions on engaging services to influence legislative or administrative action or financial contribution. An elected body may not engage a lobbyist or other entity for compensation to influence financial support, legislative action, or administrative action from another elected body of the municipality.
- O. Gifts. An elected official may not solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.
1. An item is a "gift" under this subsection if it is:
    - a. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
    - b. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
  2. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

3. These unsolicited gifts are allowed, provided that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within 30 days of receipt of the gift:
  - a. Payment for a business meal offered as a courtesy in the context of municipal duties, provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
  - b. A discount or prize available to public sector officials generally, or to a large business category of public officials to which the elected official belongs. No disclosure is required.
  - c. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of \$150.00.
  - d. An elected official shall disclose all gifts presented by a foreign or domestic dignitary of another government.
  - e. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
  - f. A gift of nominal value given to a member of the school board by a student, parent of a student, group of parents, or community organization. The school board member shall disclose a gift under this category with a value in excess of \$50.00.
  - g. 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. An elected official shall disclose a commemorative gift in excess of \$300.00.
  - h. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily on matters related to the duties of the elected official are allowed. Gifts in this category in excess of \$250.00 shall be disclosed for electronic publication by the municipal clerk prior to acceptance.

4. A campaign contribution to an elected official or candidate for elective municipal office is allowed if the contribution otherwise complies with this chapter, and the laws and regulations applicable to municipal lobbying, elections and campaign disclosure.
  5. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.
- P. Restrictions on employment after leaving municipal service.
1. An elected official who leaves municipal service may not, for one year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the elected body during the elected official's period of service. "Matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, other legislative measures or the adoption of administrative regulations if consideration by the elected body was only in the context of general application.
    - a. This restriction does not prohibit the municipality from contracting with a former elected official to provide service on a matter on behalf of the municipality.
    - b. The assembly or school board may waive application of this restriction upon determination that a proposed action by a former elected official is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the ethics board.
  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 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 specifically increased during the mayor's last year in office.

(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2008-78(S), § 1, 8-12-08)

**1.15.040 - Forms available from municipal clerk; content; filing.**



- A. Forms. The municipal clerk shall provide the disclosure, notice, and informational forms as described in this chapter. Disclosures and filings shall be in the form prescribed by the municipal clerk and supplemental information may be attached. Completed forms filed with the municipal clerk are public documents and shall be made available to the board for review. Forms and publication requirements under this chapter include:
1. Notification and disclosure of present economic interest in municipal business or contract. This form is required to be filed by a municipal employee under 1.15.025 and a member of the public appointed to serve on a public body under 1.15.030. The same form may be used to supplement an elected official's financial disclosure under 1.15.035.
  2. Notice of intent to respond to public solicitation.
    - a. The municipal clerk shall publish a copy of the notice of intent to respond to a public solicitation required under 1.15.025, 1.15.030, and 1.15.035 electronically no less than seven days in advance of the deadline for submitting a response to the solicitation. The electronic location of such notices shall be published weekly in a newspaper of general circulation within the municipality. If the time between filing the notice for electronic publication by the clerk and the last day to submit a response is insufficient to meet the seven-day publication requirement, the notice shall be deemed untimely.
    - b. In addition, the municipal clerk shall post a copy of the statement in at least one public place, and the location of such posting shall be included in the weekly newspaper publication by the municipal clerk.
    - c. The municipal clerk shall collect the publication fee at the time the notice is filed.
    - d. Upon award, a copy of the notice of intent to respond to a public solicitation with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.
  3. Notification and disclosure of receipt of gift. These forms are filed with the municipal clerk under 1.15.025, 1.15.030, and 1.15.035.
  4. Notification and disclosure of receipt of gift from another government. This notice is filed with the municipal clerk under 1.15.025 and 1.15.035.
  5. Notification and disclosure of receipt of gift for travel/hospitality primarily for matters of legislative concern. This notice is filed with the municipal clerk under 1.15.035.

6. Outline of ethics board resolution process. This form is available from the municipal clerk upon request under 1.15.070.
  7. Verification of receipt of ethics code materials (upon hire, appointment, or election). This form is available from the municipal clerk under 1.15.070.
  8. Ethics education program training completion certificate. This form is available from the municipal clerk under 1.15.090.
  9. Notification of potential violation. Complaints are filed with the board on this form under 1.15.070.
- B. When to file. Within 30 days after coming within the scope of this chapter, and by February 15 of each year thereafter, the notification forms for economic interest in municipal business shall be filed by persons having these interests as described in this chapter. Notification of receipt of gift forms shall be filed within 30 days of receipt of the gift. Notification of intent to respond to a municipal solicitation shall be filed for publication as described in subsection 1.15.040A.2.
- C. Distribution. In all cases the completed original disclosure form shall be filed with the municipal clerk and becomes a public record. The municipal clerk shall distribute a copy to the board. In addition to filing the original:
1. A municipal employee shall provide a copy to the administrative supervisor.
  2. An appointed member of a public body shall provide a copy to the mayor's designee.
- D. Publication. Unless otherwise specified, electronic publication by the municipal clerk constitutes publication when required by this chapter.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.050 - Board of ethics; establishment, membership, removal and administrative support.**

- A. Establishment. The board of ethics is established, consisting of five members, appointed by the mayor. The chair of the assembly ethics committee shall participate in the selection process and members of the board of ethics are subject to confirmation by the assembly. Members of the board of ethics shall in good faith exercise the power and authority vested in the board under this chapter. Except where a specific provision of this chapter applies, the board of ethics is subject to the provisions of chapter 4.05.

- B. Membership.
1. At least one member of the board shall be member of the Alaska Bar Association.
  2. In addition to the qualifications set forth in section 4.05.035, members of the board shall not:
    - a. Hold other elected or appointed public office with any local, state or federal governmental unit; or
    - b. Hold political party office; or
    - c. Publicly endorse, contribute to, or engage in any political or campaign activity on behalf of any candidate for elected municipal office; or
    - d. Hold current employment with the municipality, the Anchorage School District, or an enterprise or authority owned by the municipality.
  3. Members of the board of ethics are included within the scope of this chapter as members of the public appointed to serve on a commission, board, committee, or authority of the municipality.
- C. Training. Members of the board of ethics shall complete training provided through the board's legal counsel and counsel to the municipal clerk.
- D. Removal. A member of the board may be removed by the mayor or by the assembly.
1. Removal by mayor. The mayor may remove any member of the board at any time:
    - a. But only for good cause shown; and
    - b. Shall set forth the reasons for such removal in writing; and
    - c. Shall provide copies to the board member and the assembly;
    - d. Except the mayor may not remove any board member during any lawful investigation or public hearing where the mayor or any member of the mayor's appointed staff is the subject of the investigation or public hearing.

2. Removal by assembly. The assembly may remove a member of the board, by majority vote of the assembly:
    - a. For good cause; and
    - b. Shall set forth the reasons for such removal in writing; and
    - c. Shall provide copies to the board member;
    - d. Except the assembly may not take action under this subsection when the assembly, or any member or employee of the assembly, is the subject of an ongoing or imminent investigation or public hearing.
- E. Support. Support services of the municipal clerk shall include:
1. Provide administrative and secretarial staff to the board;
  2. Take and preserve minutes of all meetings, including those deemed confidential; and
  3. Produce all reports and written documents as requested by the chairman of the board;
  4. Prepare an annual report on the costs of such activities, which shall be included in the annual budget as a separate item.
  5. Maintain an indexing system to protect the confidentiality of notifications of potential violation and other confidential matters included in this chapter.
  6. Assist the board in posting advisory opinions under this chapter.
  7. Publish disclosures required to be published under this chapter and collect associated fees.
  8. Maintain disclosure files.
  9. Prescribe the disclosure and verification forms as required by this chapter.
  10. Maintain the checklists, process, and informational materials developed by the board and the clerk's office under this chapter, including a checklist of municipal clerk duties under this chapter.
- F. Legal counsel. The municipal attorney shall be counsel to the board. In the event of a conflict, the municipal attorney shall retain outside counsel to advise the board with regard to a particular matter. Assembly counsel shall advise the

municipal clerk and work with the municipal attorney in developing training under this chapter.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.060 - Duties and powers of the board of ethics.**

- A. Authority of board regarding notifications of potential violation. The board may:
1. Receive notifications of potential violation of any matter within the board's jurisdiction, including a notification of potential violation initiated by a member of the board. A board member initiating a notification of potential violation shall abstain from all board action and deliberation on the notification of potential violation.
  2. Determine whether to investigate any notification of potential violation.
  3. Conduct investigative hearings in executive session pursuant to section 1.15.070 on notifications of a potential violation alleging violations of matters within the jurisdiction of the board.
  4. Determine violation of this chapter by a preponderance of the evidence presented to the board.
  5. Propose resolution and settlements after review of a notice of potential violation or a finding of violation by the board, if the respondent admits the violation.
  6. Report the results of its investigations to the mayor, the assembly, the superintendent of schools, or the school board.
  7. Upon application of a respondent, or at the board's discretion, compel by subpoena the appearance and sworn testimony, at a specified time and place, of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.
  8. Administer oaths and receive testimony from witnesses appearing before the board.
  9. Request municipal agencies to cooperate with the board in the exercise of the board's jurisdiction.
  10. Request the municipal attorney to seek assistance of the superior court to enforce the board's subpoena.

11. Recommend that the mayor, assembly, superintendent of schools, or school board take remedial action, including the imposition of sanctions recommended by the board. Imposition of sanctions recommended by the board is subject to applicable law outside the scope of this chapter.
  12. Establish rules and procedures for the conduct of board activities consistent with the requirements of due process of law.
- B. Advice. The board shall perform the following duties to foster and support ethical conduct by employees, appointed members of any municipal authority, and elected officials:
1. At the request of the mayor, assembly, or school board, participate in public work sessions regarding ethics in government and the administration of this chapter.
  2. When an individual's actions may be governed by this chapter, consult with and advise the individual on matters involving ethical conduct, to include applicability and interpretation of municipal ethics laws.
  3. Submit an annual report to the assembly of board work and recommendations for actions deemed important to support ethical conduct, improve the ethics laws and allow proper enforcement.
  4. Prepare materials and programs designed to advise, assist, educate and coach municipal employees, appointed members of a municipal authority, and elected officials on ways to support compliance with provisions of this chapter and assist the public in understanding the policy and purpose of this chapter.
  5. Advise any individual whose acts may be subject to provisions of a notification of potential violation to the board regarding compliance on matters within the board's jurisdiction.
  6. Issue written advisory opinions as prescribed in 1.15.080.
  7. Prepare minutes of public board proceedings, showing the vote of each member upon every question, keep confidential records of board investigations, and maintain a record of other official actions.
  8. Review disclosure statements, determinations, confirmations and reports submitted to the board under this chapter to determine if the potential for conflict is being managed in compliance with this chapter.

(AO No. 2006-140(S-1), § 1, 1-1-07)

### **1.15.070 - Notification of potential violation and investigations.**

- A. Who can file. Any person may file a notification of potential violation with the board alleging violation of a matter within the jurisdiction of the board by an employee, appointed member of a municipal authority, or an elected official. If a member of the board files a notification of potential violation, the member shall not participate further in any proceedings before the board regarding the matter, except the member may testify before the board if subpoenaed.
- B. Content of notification of potential violation. All notifications of potential violation submitted to the board under this chapter shall be in writing and signed by the person submitting the notification. A notification of potential violation shall state the address and telephone number of the person filing the notification, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the notification of potential violation signed by the person are true. The person filing the notification of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the notification of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the notification believes are in support of the notification of potential violation.
- C. Notification of potential violation received during a campaign period. The board shall return to the person filing the notification, any notification of potential violation concerning the conduct of a candidate for elected municipal office received during a campaign period, unless the candidate permits the board to assume jurisdiction under the provisions of this subsection.
  - 1. Upon receipt of a notification of potential violation concerning the conduct of a candidate for elected municipal office during a campaign period, the board shall immediately notify the subject of the notification of potential violation, of the receipt of the notification of potential violation, of the suspension of the board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction.
  - 2. If within 14 days after notice from the board, the candidate does not instruct the board that the candidate chooses to have the board proceed with the notification of potential violation, or the candidate notifies the board that the candidate is not waiving the suspension of jurisdiction, then the board shall return the notification of potential violation to the person who filed it, with notice of the suspension of jurisdiction under this subsection and of the right of the person to file the notification of potential violation after the end of the campaign period. A notification of potential violation returned under this subsection shall remain confidential.

3. If a notification of potential violation is pending before the board at the beginning of a campaign period, the board shall maintain confidentiality and suspend all further action on the notification of violation during the campaign period. The period in which a matter is under consideration by the board is automatically extended for the length of time a matter is suspended during a campaign period.
  4. A campaign period under this subsection begins 45 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.
  5. Suspension during a campaign period does not apply to a notification of potential violation initiated by a member of the board.
- D. Confidentiality during investigation and deliberative process. Each notification of potential violation shall be assigned an identification number to maintain confidentiality. The board shall keep all notifications of potential violation confidential during investigation and the board's deliberative process. Until the board's written report is completed for distribution under 1.15.0701.2, notifications of potential violation may be disclosed only to the staff member of the municipal clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next regularly scheduled meeting or earlier, as determined by the board chair, review the notification of potential violation in executive session and determine if further action on the notification of potential violation is warranted.
1. If the board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the board lacks jurisdiction to address the notification of potential violation, the board shall return the notification of potential violation to the complaining party without further action. Notifications of potential violation returned without further action shall remain confidential.
  2. If the board determines the allegation in a notification of potential violation, if proven, may constitute a violation of a matter within the board's jurisdiction, the board shall:
    - a. Give the respondent a copy of the notification of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and/or bring legal counsel; and



- b. Notify both the person submitting the notification of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation.
- E. Conduct of investigation and standard of proof. The board's investigation shall be conducted in executive session, unless the respondent requests to hold the board's investigation on the notification of potential violation in public.
  1. The respondent and the person who filed the notification of potential violation may identify other individuals and documents that each would like the board to interview and review.
  2. If an individual with information bearing on the notification of potential violation is unwilling to come forward with information, the respondent and the person who filed the notification of potential violation may each request the board to subpoena the person and any documentary evidence.
  3. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.
  4. The board may question the respondent, the person who filed the notification of potential violation, and other persons appearing before the board.
  5. The board may solicit questions and testimony from the person filing the notification of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.
  6. The standard of proof to be applied by the board in determining a violation under this chapter is proof by a preponderance of the evidence.
  7. Technical rules of evidence do not apply, but the findings of the board shall be based upon reliable and relevant information presented to the board.
  8. The board's finding of a violation of this chapter must be supported by substantial evidence.

9. The board's findings shall not be binding in a subsequent sanctions proceeding.
  10. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the municipal clerk of the proposed resolution and settlement under subsection H or the board's written report under subsection I of 1.15.070.
- F. Deliberations of the board. Deliberations of the board shall be conducted in executive session.
1. The deliberations of the board shall not be recorded.
  2. The board shall reconvene in open session when deliberations are complete.
- G. Decisions on the record. Using the identification number of the notice of potential violation to protect confidentiality, the board shall vote in open session on these questions:
1. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
  2. Whether the board recommends further administrative or remedial actions; and
  3. What specific sanctions, corrective actions or referrals, if any, the board recommends.
  4. If the board does not find a violation under this chapter, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document.
- H. Resolution by the board. The board has authority to formulate a proposed resolution and settlement of the violation if during investigation or after deliberation by the board, the respondent admits to violation of this chapter. The proposed resolution and settlement becomes a public record for electronic publication by the municipal clerk upon final approval. The proposed resolution and settlement will include the admitted violation of this chapter; the remedial

actions agreed to by the respondent with the board's concurrence; preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other recommendations 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 director of employee relations and the designated ethics officer for respondent's administrative department.
  2. If the respondent is a member of the school board, the proposed resolution and settlement shall require the approval of the school board.
  3. If the respondent is a member of the assembly or the mayor, the proposed resolution and settlement shall require the approval of the assembly.
- I. Written report. At the conclusion of an investigation finding a violation of this chapter that is not resolved by the board under 1.15.070H, the board shall:
1. Prepare a written report that includes:
    - a. A summary of the investigation;
    - b. A list of any documents submitted to the board;
    - c. A description of any proceedings before the board including, but not limited to, a synopsis or outline of any testimony heard by the board;
    - d. A statement of findings regarding violation of this chapter;
    - e. The board's recommendations for further administrative or legal action;
    - f. What sanctions or corrective actions, if any, the board recommends.
  2. Furnish one copy of the full written report to:
    - a. The person under investigation; and
    - b. The appropriate supervisory authority (mayor, the assembly, the school superintendent or the school board); and
    - c. The municipal clerk for electronic publication.

3. Furnish the person submitting the notice of potential violation with notice that a copy of the board's report has been provided to the municipal clerk for electronic publication.
- J. Timely completion. The board shall complete action on notifications of potential violation and investigations within 90 days of the filing of the notification of potential violation. By a majority vote, the board may extend the completion date for up to an additional 60 days.
- K. Disclosure of notification of potential violation prohibited. A notification of potential violation filed under this chapter is confidential until the board completes the written report for distribution as a public record under 1.15.070I.2.
1. No person shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a notification of potential violation filed with the board, unless:
    - a. The respondent elects to proceed in public; or
    - b. The written report of the board is electronically published by the municipal clerk.
  2. Breach of confidentiality under this subsection is a violation of this chapter.
  3. A person filing a notice of potential violation shall keep confidential the fact that the person has filed the notice with the board, as well as the contents of the notice of potential violation. If the board finds probable cause to believe that the person filing the notice of potential violation has violated confidentiality under this chapter, the board shall immediately dismiss the notice of violation. Dismissal under this subsection does not affect the right of the board or another person to initiate a proceeding on the same factual allegations by filing a notice of potential violation.
  4. Public disclosure resulting from electronic publication by the municipal clerk under this chapter or the imposition of a sanction or corrective action under this chapter is not a violation of this subsection.

(AO No. 2006-140(S-1), § 1, 1-1-07)

**1.15.080 - Advisory opinions.**

- A. A current or former employee, current or former appointed member of any municipal authority, current or former elected official, or current candidate for municipal office or employment may request written advice regarding the applicability and interpretation of this chapter in a particular situation involving the inquirer.

1. 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.
  2. A request for advice under 1.15.080A is confidential, unless confidentiality is waived by the person requesting an advisory opinion.
- B. The board may also accept a request for an advisory opinion on a matter referred to the board by the municipal clerk, the municipal ombudsman, or the municipal attorney.
- C. To promote preventive instruction and advice, the board shall publish on the municipal website through the municipal clerk, advisory opinions in a generic form to allow maximum clarity on context, issue, analysis, and decision. The board shall make sufficient deletions to prevent disclosure of the persons whose identities are confidential under 1.15.080A. Postings shall be made within 14 work days of issuance by the board.

(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2015-21 , § 1, 3-3-15)

**1.15.090 - Ethics education program.**

- A. Each employee, appointed member of a municipal authority, and elected official included within the scope of this chapter is responsible for understanding and complying with the provisions of this chapter.
- B. To facilitate understanding and support compliance with the provisions of this chapter by employees, the mayor and school board 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.
- C. Ethics officers shall disseminate information about the code of ethics, inform municipal employees of the board's procedures, and consult with employees and supervisors regarding compliance with this chapter. Responsibilities under this chapter shall be reviewed with each new hire during employee orientation and each employee shall confirm in writing receipt and review of ethics materials. Ethics officers shall assist supervisors in reviewing and completing required approvals related to employee disclosure forms, periodically providing updates, training, and additional materials to employees on ethics issues.

- D. To facilitate understanding and support compliance with the provisions of this chapter by members of the public appointed to a public body of the municipality, one or more of the ethics officers designated by the mayor shall serve as ethics officer for the appointed public members included within the scope of this chapter. Responsibilities under this chapter for members of the public appointed to a public body of the municipality shall be reviewed with all appointees as part of the appointment process and each appointee shall confirm in writing receipt and review of ethics materials. Ethics officers shall inform appointees of the ethic board's procedures, and consult with appointees regarding compliance with this chapter. Ethics officers shall assist members of a municipal public body in reviewing and completing required approvals related to appointee disclosure forms, provide boards, commissions, and authorities of the municipality with notice of periodic updates, training opportunities, and additional materials on ethics issues.
- E. To facilitate understanding and support compliance with the provisions of this chapter by elected officials, the municipal clerk shall provide each elected official with a copy of this chapter, the disclosure forms, and the process outline upon taking office. Elected officials shall confirm in writing receipt and review of ethics materials. The municipal clerk shall provide elected officials with notice of periodic updates, training opportunities, and additional materials on ethics issues.
- F. The board shall develop an ethics education program, including a guide to the ethics code, to meet the differing training needs of employees, supervisors, elected and appointed officials, and designated ethics officers in the following areas:
1. Recognizing possible violations relative to their duties and responsibilities.
  2. Avoiding potential violations.
  3. Obtaining answers on ethics issues.
  4. Complying with the reporting requirements of this chapter.
  5. The process to be followed by an individual responding to an inquiry from the board on a notice of potential violation.
  6. Managing the potential for conflict of interest under a disclosure; preventive actions.
  7. Supporting the public interest in ethical conduct by municipal employees, members of the public serving on appointed municipal entities, and elected officials.

8. At the option of the board based on its observations and experience in the implementation of this chapter, the board may provide interim advisory reports to the assembly. In reviewing the board's implementation and interpretation of this chapter, including general matters of ethical concern to the board, the board may wish to share its review and comment on published ethical decisions from other jurisdictions, matters of general guidance, and areas of special concern that are not the subject of investigation or otherwise confidential.

(AO No. 2006-140(S-1), § 1, 1-1-07)

#### **1.15.100 - Sanctions, referrals and corrective action.**

- A. Based on its findings, the board shall make recommendations for implementation by the governing entity. Sanctions, referrals and corrective actions that may be recommended by the board for imposition by the governing entity based on findings of the board under this chapter include, but are not limited to, the following:
  1. Imposition of municipal employee discipline and restitution subject to:
    - a. Applicable requirements and provisions of the municipal personnel rules;
    - b. The grievance provisions of an applicable collective bargaining agreement;
    - c. Provisions of an employment contract.
  2. The municipality or the school board may, with the advice of counsel:
    - a. Rescind a contract adopted in violation of this chapter.
    - b. Rescind a permit, ruling or any other official action taken as a result of a violation of this chapter.
    - c. Require restitution.
  3. The assembly, by majority vote and without an additional hearing, may accept the findings of the board and issue a letter of admonishment to an assembly member, with or without electronic publication by the municipal clerk. Within the time prescribed by the assembly, the assembly member named in the board's findings shall be afforded an opportunity to address the assembly in public session, limited to the issue of sanctions, referrals and corrective action recommended by the board.

4. The school board, by majority vote and without an additional hearing by the assembly or the school board, may accept the findings of the board and issue a letter of admonishment to a member of the school board with or without electronic publication by the municipal clerk. Within the time prescribed by the school board, the school board member named in the findings of the board of ethics shall be afforded an opportunity to address the school board in public session, limited to the issue of sanctions, referrals and corrective action recommended by the board of ethics.
  5. Public and private letters of admonishment may describe corrective action the issuing body deems appropriate.
  6. Corrective action may include actions of a non-disciplinary nature. Where the board has recommended corrective action to the respondent and the respondent has agreed, the board's recommendation and the respondent's agreement shall be included in the board's report.
  7. Removal from office initiated by the assembly or the ethics board for an assembly member is subject to the separate de novo process and additional requirements set out in AMC 2.70.030. Removal from office initiated by the school board or the ethics board for a member of the school board is subject to the separate de novo process and additional requirements set out in AMC 29.10.060.
  8. The hearing procedures and enforcement provisions of Title 14 shall be applicable to a person charged under this section. A court or administrative hearing officer that finds a person guilty of knowingly violating any provision of this chapter or of furnishing false, misleading or incomplete information to the board with the intent to mislead, may impose a civil fine pursuant to AMC 14.60.030 for each violation, in addition to any equitable remedies.
  9. Nothing in this chapter shall preclude the municipality or the school board from maintaining an action for an accounting of any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.
- B. Nothing in this chapter is intended to address or restrict penalties which may be imposed for violation of criminal law or other laws outside the scope of the board's jurisdiction. If the board finds evidence of criminal activity, the board shall transmit a statement limited to that activity to the municipal attorney for review and referral to appropriate law enforcement. If the board finds evidence of matters within the jurisdiction of the Alaska Public Offices Commission, the board shall transmit a statement for appropriate action by the Alaska Public Offices Commission.



(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2007-50, § 1, 4-10-07)

### **1.15.110 - Definitions.**

The following words, terms and phrases, and their verb forms and tenses, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Appear on behalf of means accompany, represent, testify or accompany those representing or testifying before the public body.
- B. Appointed public body of the municipality means any municipal commission, board, committee, authority, or public corporation created by ordinance with members of the public appointed subject to confirmation by the assembly or the school board, whether sitting in public session or executive session including advisory, appellate, management, quasi-judicial, and regulatory municipal entities.
- C. Board means the board of ethics.
- D. Campaign period means the period beginning 45 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 the election, if earlier.
- E. Confidential information means information which by law or municipal code is not subject to public disclosure.
- F. Contract means a business contract, purchase order, lease, grant, loan, or similar instrument of municipal government.
- G. Economic interest means a benefit, financial interest, special privilege or contractual relationship.
- H. Elected official means a person holding an elective office subject to municipal election under the Charter or the Code.
- I. Financial interest includes the receipt of a pecuniary benefit and the expectation of receiving a pecuniary benefit.
  - 1. A financial interest of a person includes a financial interest of any member of the person's household.
  - 2. A person has a financial interest in an organization if the person:

- a. Has an ownership interest in the organization; or
  - b. Is a director, officer or employee of the organization.
- 3. Whether a financial interest is substantial is determined on a case-by-case basis.
- J. Immediate family means:
  - 1. The spouse, child (including a stepchild and an adoptive child), parent, sibling, grandparent, aunt, or uncle of the person; and
  - 2. A parent or sibling of the person's spouse; and
  - 3. Any member of the person's household.
- K. Lobbyist has the meaning given in AMC 2.35.020.
- L. Municipal employee means:
  - 1. Any person employed by the municipality or a corporate authority owned by the Municipality of Anchorage, whether full time or part time, temporary or permanent, but excluding elected officials and excluding members of the public serving as members of an appointed public body of the municipality; and
  - 2. Any person employed by the Anchorage School District, as a certificated employee or a classified employee, whether full time or part time, temporary or permanent, excluding elected members of the Anchorage School Board.
- M. Municipal government means government of the Municipality of Anchorage.
- N. Municipality means the Municipality of Anchorage, its legislative and administrative components, including enterprise activities and authorities, the Anchorage School District, and the school board.
- O. Organization means any corporation, partnership, firm or association, whether organized for profit or not-for-profit.
- P. Paid consultant means a person who makes verbal or written inquiries on behalf of another person or entity, advises another person or entity, reports the status of matters to another person or entity, or otherwise confers with another person or entity, for a fee.

- Q. Personal advantage of another means the use of supervisory or other work place status to leverage personal privileges outside the scope of another person's official duties and responsibilities to the municipality.
- R. Private interest means an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large.

(AO No. 2006-140(S-1), § 1, 1-1-07)