



MUNICIPALITY OF ANCHORAGE
Board of Ethics

June 16, 2021

Subject: *Request for Advisory Opinion 2021-03 (Confidential)*

Relevant Ethics Topics: Acceptance of Gifts of Travel; Potential Conflicts of Interest

The municipal attorney requested a confidential advisory opinion on behalf of an elected public servant. This is a generic form of the Board's response to that request. Certain facts have been redacted or altered to honor the confidentiality of the request.

An airline proposed that an elected public servant participate in an event involving the charitable exchange of goods organized by the airline. Under the proposal, the airline would provide the public servant a free seat on the airline's flight to another city. The public servant would bring Alaskan products (purchased by the airline) to be auctioned for charity in the other city. In return, the public servant would bring back goods from the other city to be auctioned for charity in Anchorage. The public servant asked whether this arrangement presents any problems under the Ethics Code.

The Board concluded that it did not. As a general rule, AMC 1.15.050(B) prohibits a municipal public servant from accepting a gift "from an individual or 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." The purpose of the general rule is to avoid undue influence or the appearance of undue influence. Because the proposed event would showcase and provide potential media coverage of the airline, the airline would stand to benefit from the gift of travel to the public servant. But the facts presented to the Board showed that the airline does not have any impending or anticipated bids for contracts or other business with the Municipality. Thus, the Board found that neither the timing nor the nature of the airline's gift of travel would cause a reasonable person to question the public servant's judgment in exercising official municipal duties.

The Board also noted that in addition to the general rule in AMC 1.15.050(B), a more specific rule regarding gifts to elected officials is set forth in AMC 1.15.050(E)(2). The specific rule allows an elected official to receive travel expenses "for an event related to official government business, education, or information gathering." If the gift exceeds \$500.00, however, the elected official must file a disclosure with the municipal clerk prior to the event. In this case, there is a question as to whether the specific rule in 1.15.050(E)(2) may apply because promoting travel and tourism to Anchorage is arguably within the scope of the public servant's official duties.

Although that was a question whether the more specific rule applies in this case, the Board concluded that under either the general rule or the more specific rule in 1.15.050(B) and

1.15.050(E)(2), respectively, the public servant would not violate the Ethics Code by accepting the gift of travel from the airline and participating in the charitable exchange of goods described. The public official should also file a disclosure with the Municipal Clerk prior to the event to avoid any appearance of undue influence.

Approved by the Municipality of Anchorage Board of Ethics

Terrence Kelly, Chair

Jack McKenna

Aesha Pallesen

Abram Goodstein