



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

July 8, 2015

**Re: Response to Request for Advisory Opinion 2015-2**

Ms. Amy Demboski,

This opinion responds to your Request for Advisory Opinion dated May 21, 2015. You are a sitting Assembly member who is married to a municipal firefighter, a captain at the Anchorage Fire Department (AFD), a member of IAFF (union), and whose duties include participation in the swift water rescue team. He is a member of your household. Numerous matters involving AFD come before the Assembly, including budget items and IAFF contracts that have some effect on your husband's salary, benefits and working conditions. Given the time involved in repetitive disclosures of matters that involve AFD, but have little potential impact on your husband, or matters not likely to involve a substantial financial or personal interest, you have asked if the Ethics Board could provide a blanket waiver of certain conflicts of interest.

The jurisdiction of the Board extends to the adequacy of disclosures by Assembly members.<sup>1</sup> The responsibility for the determination of conflict is retained by the Assembly, and public disclosure is required. The Board cannot approve a blanket waiver of conflict of interest.<sup>2</sup>

The Board, however, can issue guidance as to the types of matters that do not require disclosure based on the factors set forth in the Ethics Code:

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;

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<sup>1</sup> AMC 1.15.035C.6.

<sup>2</sup> The Board first attempted to design a form in a checklist format for you to provide to the Chair prior to the Assembly meeting. In response, the Clerk's office outlined its concern with logistics given the short time framework prior to meetings to upload a form, distribute to Assembly members, and publish to the public.

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.

AMC 1.15.035D. After a review of these factors, the Board concludes that the following matters would not require disclosure:

1. Purchases by AFD in which your husband is not involved in the solicitation or administration of the contract, and in which your husband's immediate fire station is not the direct recipient.
2. Assembly Informational Memorandums (AIMS) and similar reports involving AFD given to the Assembly through the public meeting agenda process, which are not prepared by your husband (contribution of data would not be considered preparation).
3. Land Use Matters related to AFD – not involving your husband's immediate fire station or any personal interest of his or yours (examples include land purchases for fire stations and code changes affecting public facilities such as fire stations).
4. Labor Matters – Administrative agreements or administrative letters ("letters of agreement) addressing matters in which members of your husband's working group are not the grievants or parties behind the agreement.

Municipality of Anchorage Board of Ethics:



David Nesbett, Chair

Terrence Kelly, Vice-Chair

Keith Silver

Kathleen King