



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

Date: August 9, 2018

To: Mark Tanguay, Community Director
Silver Ridge Apartment Homes
silverridge@weidner.com

From: Municipal Board of Ethics

Re: Response to Request for Advisory Opinion 2018-2 – *Confidentiality Waived*¹

Dear Mr. Tanguay:

Silver Ridge Apartment Homes (“Silver Ridge”) seeks the Board’s opinion with respect to offering any employee residing at the apartments with free covered parking for take-home Municipal vehicles. Silver Ridge customarily charges \$50/month for the covered parking. Free parking provided at Silver Ridge does not offer protection from the weather nor a plug-in. Silver Ridge reasons that the care and maintenance of government property is in everybody’s best interest.

GIFT TO EMPLOYEE

Silver Ridge as a private entity is not subject to the Municipal Ethics Code. The employee receiving covered parking without cost, however, is subject to the Ethics Code.

“A gift is an item of value including but not limited to money, cash equivalents, services, discounts, meals, and entertainment.” AMC 1.15.050A. The use of covered parking without charge is a gift to a Municipal employee. The general rule for gifts is set forth in AMC 1.15.050B:

To avoid undue influence or the appearance of undue influence, a public servant 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.

The general rule requires a case-by-case analysis of factors that might suggest influence. For instance, it is unlikely that free covered parking would influence or substantially affect the

¹ See AMC 1.15.150.D. (“A request for advice is confidential unless confidentiality is waived by the person requesting an advisory opinion.”)

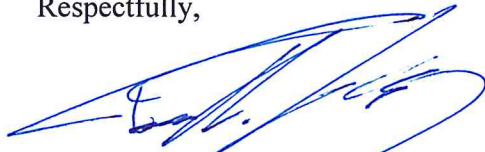
performance of an employee from the Clerk's office. On the other hand, the question of undue influence might arise if a building inspector moved in during a period of substantial remodeling.

To address this concern, the Board requests that Silver Ridge inform any Municipal employee considering its offer to contact the Municipal Ethics Officer or Ethics Board for review. Of note, the gift section of the Ethics Code lists examples of generally acceptable gifts including "a discount, prize, or award available to public sector employees generally, or to a large business category of public employees".² If there is no indication of undue influence, covered parking without charge offered to all employees with take-home Municipal vehicles would appear to fit within this example.

CONCLUSION

Free covered parking for employees is a gift to the employee and subject to the Ethics Code. The Board requests that Silver Ridge inform the employee to check with the Ethics Officer or the Board of Ethics for review.

Respectfully,



Terrence Kelly, Chair
Ted Carlson, Vice-Chair
Jack McKenna
David Nesbett
Marsha Olson