



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

May 13, 2015

**Julie Rychetnik**  
P.O. Box 221734  
Anchorage, Alaska 99522

Re: **Advisory Opinion 2014-5**

**Dear Ms. Rychetnik:**


The following advisory opinion is based upon your *Request for Advisory Opinion* (2014-5) in which you asked the Board of Ethics to consider the permissibility of using Anchorage firefighters, uniforms, and perhaps, equipment in a calendar - the proceeds of which would be dedicated to charitable organizations. The Ethics Code prohibits "diversion of municipal personnel time, municipal services, vehicles, equipment, materials, or other property for a purpose unrelated to municipal business."

However, "[o]ccasional 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." AMC 1.15.020 A.7.

On this later point, the Mayor's office has promulgated a policy statement outlining criteria for determining if a particular use of municipal resources is permissible. However, this policy statement can lead to confusion in that it gives the appearance that activities that satisfy those criteria are automatically exempt from the Code's prohibition. This is not the case. All use of municipal resources unrelated to municipal business is prohibited by the Code unless and until the Assembly or Mayor (or his or her designee) authorize it in writing. The Mayor's policy directive does not replace the Code, but is offered merely to give guidance on the kinds of activities that one might expect the Mayor to approve.

At the time of your *Request for Advisory Opinion* (2014-5), neither the Mayor nor the Assembly had approved the use of Anchorage Firefighter resources in the proposed calendar. It then, at that time, was prohibited. Our understanding is that you have since secured approval from the Mayor's Office rendering this particular issue moot. The purpose of our opinion is therefore to clarify for you and other members of the Municipality that even if they appear to satisfy the criteria articulated in the Mayor's policy directive, all such uses of municipal resources are prohibited unless and until written approval is secured from the Assembly or the Mayor (or designee).

Sincerely,  
Municipality of Anchorage Board of Ethics

  
David Nesbett, Chair  
Terrance Kelly, Vice Chair  
William D. Falsey  
Kathleen King  
Keith Silver