

Submitted by: ASSEMBLY MEMBER Stout  
Prepared by: Assembly Counsel  
For reading: December 12, 2006

**ANCHORAGE, ALASKA  
AO NO. 2006-140(S-1)**

1 **AN ORDINANCE REPEALING AND REENACTING ANCHORAGE MUNICIPAL**  
2 **CODE CHAPTER 1.15, CODE OF ETHICS; AMENDING AMC CHAPTER 1.25,**  
3 **PUBLIC MEETINGS, TO INCORPORATE REFERENCE TO APPLICABLE STATE**  
4 **LAW; AMENDING AMC SECTION 2.30.070, RULES OF PROCEDURE, TO BE**  
5 **CONSISTENT WITH AMC CHAPTER 1.15; AND AMENDING AMC CHAPTER 2.35,**  
6 **REGULATIONS OF LOBBYING, TO PROHIBIT CERTAIN PERSONS FROM**  
7 **REGISTRATION OR ACTION AS A MUNICIPAL LOBBYIST.**  
8  
9

---

10 THE ANCHORAGE ASSEMBLY ORDAINS:

11  
12 **Section 1.** Anchorage Municipal Code Chapter 1.15, Code of Ethics, is hereby  
13 repealed and reenacted. As required by AMC 1.05.050B, the current text of  
14 AMC Chapter 1.15 is attached.

15  
16 **CHAPTER 1.15**  
17 **CODE OF ETHICS**  
18

- 19 **1.15.005 Title of chapter.**  
20 **1.15.010 Purpose and intent.**  
21 **1.15.015 Scope.**  
22 **1.15.020 Prohibited conduct.**  
23 **1.15.025 Additional provisions for municipal employees.**  
24 **1.15.030 Additional provisions for members of the public appointed to a**  
25 **public body.**  
26 **1.15.035 Additional provisions for elected officials.**  
27 **1.15.040 Forms available from municipal clerk; filing; distribution;**  
28 **publication.**  
29 **1.15.050 Board of Ethics; establishment, membership, removal and**  
30 **administrative support.**  
31 **1.15.060 Duties and powers of the Board of Ethics.**  
32 **1.15.070 Notification of potential violation and investigations.**  
33 **1.15.080 Advisory opinions.**  
34 **1.15.090 Ethics education program.**  
35 **1.15.100 Sanctions, referrals and corrective action.**  
36 **1.15.110 Definitions.**  
37  
38

1           **1.15.005 Title of chapter.**  
2

3           This chapter may be cited and referred to as the Code of Ethics.  
4

5           **1.15.010 Purpose and intent.**  
6

7           A.     Holding public office or employment is a public trust. The proper  
8           functioning of democratic government requires ethical behavior by elected and  
9           appointed public officials and employees. Ethical behavior involves the  
10          commitment to take individual responsibility in creating a government that has  
11          the trust and respect of its citizens. All who serve the Municipality have a solemn  
12          responsibility to avoid improper conduct. It is the resolve of the Assembly that  
13          employees of the municipality and corporate authorities owned by the  
14          municipality, employees of the Anchorage School District, appointed members of  
15          a municipal board, commission or authority, and elected officials adhere to the  
16          highest levels of ethical conduct to preserve the integrity of the governmental  
17          process and avoid conflicts of interest.  
18

19          B.     The purpose of this Code of Ethics is to set clear and reasonable  
20          standards for these public officials and employees, to give public officials and  
21          employees guidance in identifying and resolving potential conflicts, to establish a  
22          process for receiving and investigating notifications of potential violation of ethical  
23          conduct, and to promote understanding of the standards appropriate to public  
24          employees and those holding public office.  
25

26          C.     The Assembly further recognizes that in a representative democracy, the  
27          representatives are drawn from society and, therefore, cannot and should not be  
28          without personal and financial interests in the decisions and policies of  
29          government. Officials, executives, and employees of the Municipality and  
30          Anchorage School District retain their rights to interests of a personal or financial  
31          nature. Standards of ethical conduct for officials, executives, and employees of  
32          the Municipality and Anchorage School District need to distinguish between  
33          those minor and inconsequential conflicts that are unavoidable in a free society  
34          governed by a representative democracy, and those conflicts of interest that are  
35          substantial and material.  
36

37          D.     The Assembly intends this code to be interpreted to promote fair, honest,  
38          and impartial dealings with members of the public, to ensure proper use of  
39          municipal resources, and to avoid conflicts of interest. Unethical conduct is  
40          prohibited, but there is no substantial conflict if, as to a specific matter, the  
41          personal or financial interest of the official, executive, or employee in the matter  
42          is insignificant, or of a type that is possessed generally by the public or a large

1 class of persons to which the official, executive, or employee of the Municipality  
2 or Anchorage School District belongs. Nor is there substantial conflict if the  
3 action or influence would have only insignificant or conjectural effect on the  
4 matter.

5  
6 E. Where provisions of this chapter differ from the common law principle that  
7 an appearance of impropriety alone is sufficient to establish a conflict of interest  
8 or an ethical violation, the provisions of this chapter supersede the common law.  
9

10 F. The Mayor, Assembly, School Board, and the Ethics Board shall be  
11 guided by this section when implementing the provisions, and making  
12 determinations under the Code of Ethics.  
13

14 G. It is the intent of the Assembly that nothing in this chapter be interpreted to  
15 create a private cause of action against an official, executive, or employee of the  
16 Municipality, a corporate authority owned by the Municipality, or the Anchorage  
17 School District.  
18

19 **1.15.015 Scope.**  
20

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

22  
23 1. Employees of the Municipality, a corporate authority owned by the  
24 Municipality of Anchorage, and all employees of the Anchorage School  
25 District; and  
26

27 2. Members of the public appointed to serve on a public body of the  
28 Municipality, including without limitation a municipal commission, board,  
29 committee, or authority, whose appointment is subject to confirmation by  
30 the assembly or by the school board; and  
31

32 3. Elected officials of the Municipality.  
33

34 B. All persons within the scope of this chapter are prohibited from the use of  
35 public position for personal gain and section 1.15.020 sets out nine specific  
36 prohibitions for all persons holding a public position under this chapter. In  
37 sections 1.15.025, 1.15.030, and 1.15.035, this chapter sets out additional  
38 coverage applicable to each covered group.  
39

40 C. The mayor holds a public position within the scope of this chapter and  
41 section 1.15.020. The mayor is an elected official under this chapter unless  
42 specifically excluded from a provision of 1.15.035. When a provision governing

1 municipal employees is also applicable to the mayor under 1.15.025, the  
2 subsection specifically references the mayor for clarity.

3  
4 D. All persons who have filed for elected municipal office are subject to  
5 Section 1.15.020 Prohibited conduct.

6  
7 **1.15.020 Prohibited conduct.**  
8

9 A. These actions are in conflict with the public interest and therefore no  
10 person included within the scope of this chapter shall:

11 1. Solicit, offer or receive money or other thing of value in return for a  
12 vote, a municipal management decision, or the exercise of the person's  
13 official duties, except the compensation, expenses, benefits, or other  
14 remuneration paid by the municipality.

15  
16 2. Offer or accept any money or other thing of value for or in  
17 consideration of obtaining employment, appointment, or promotion of any  
18 person by the municipality.

19  
20 3. Offer or accept any money or other thing of value for or in  
21 consideration of the use of the person's public position to obtain a contract  
22 for any person or business with the municipality.

23  
24 4. Use for the person's own benefit, or for the benefit of another,  
25 confidential information acquired by reason of the person's public position  
26 and which is not available to the public.

27  
28 5. Disclose or release confidential information gained through the  
29 person's public position unless authorized by law or order of the court.

30  
31 6. Use the person's municipal position to take personal advantage of  
32 another.

33  
34 7. Divert or permit the diversion of municipal personnel time,  
35 municipal services, vehicles, equipment, materials or other property for a  
36 purpose unrelated to municipal business.

37  
38 8. Accept a gift from an individual or an entity with interests that may  
39 be substantially affected by the performance of the person's official  
40 municipal duties under circumstances where the timing and nature of the  
41 gift would cause a reasonable person to question the person's judgment in  
42 exercising official municipal duties on a matter affecting the donor.

1  
2 9. Accept gifts from persons on a basis so frequent as to raise an  
3 appearance of the use of the person’s public position for private gain.  
4

5 B. Nothing in this section 1.15.020 is intended to limit the scope of additional  
6 restrictions, prohibitions and disclosure requirements applicable to municipal  
7 employees, appointees and elected officials under this chapter.  
8

9 **1.15.025 Additional provisions for municipal employees.**  
10

11 A. *Employees of the Municipality including Anchorage School District*  
12 *employees.* Municipal employee means:  
13

14 1. All persons employed by the Municipality or a corporate authority  
15 owned by the Municipality of Anchorage, whether full time or part time,  
16 temporary or permanent, but excluding elected officials covered under  
17 section 1.15.035 and excluding members of the public serving as  
18 members of an appointed public body of the municipality covered under  
19 section 1.15.030; and  
20

21 2. All persons employed by the Anchorage School District, whether  
22 full time or part time, temporary or permanent, excluding elected members  
23 of the Anchorage School Board. Policy adopted by the Anchorage School  
24 Board governing conflict of interest for Anchorage School District  
25 employees shall not be less restrictive than the requirements of this  
26 chapter and shall not relieve employees of the Anchorage School District  
27 from the obligations of this chapter; and  
28

29 3. The mayor, if specifically stated.  
30

31 B. *Substantial financial or private interest.* A municipal employee shall not  
32 participate in an official action in which the employee or a member of the  
33 employee’s immediate family has a substantial financial or private interest. A  
34 municipal employee shall disclose in narrative form to the designated ethics  
35 officer, the employee’s financial or private interest in official action and the  
36 financial or private interest of any member of the employee’s immediate family as  
37 defined in 1.15.110, if the employee’s duties could influence the official action.  
38

39 1. Whether the municipal employee is prohibited from participation in  
40 official action due to substantial financial or private interest shall be  
41 determined by the designated ethics officer with evaluation of these  
42 factors:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- 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,

1 including contemporaneous service or employment, except to the extent  
2 the general public has the same access to use.  
3

4 2. A municipal employee shall not engage in activities related to  
5 contemporaneous service or employment during scheduled work hours.  
6 Minor and inconsequential personal telephone and computer privileges,  
7 when allowed under applicable personnel policy and practice, shall not be  
8 abused or diverted to support contemporaneous service or other  
9 employment.  
10

11 3. Full time temporary and regular municipal employees engaging or  
12 intending to engage in contemporaneous service or employment outside  
13 scheduled work-hours shall notify the administrative supervisor in writing.  
14 Personnel rules and policies applicable to the various classifications and  
15 types of municipal employees shall provide for disclosure, administrative  
16 review, and management of potential conflicts of interest in  
17 contemporaneous employment. Notification of contemporaneous service  
18 or employment by employees of the Anchorage School District shall be as  
19 determined by the Anchorage School Board, the prohibition against less  
20 restrictive requirements in subsection 1.15.025 A.2. notwithstanding.  
21

22 4. The mayor holds a full time position of employment with municipal  
23 authority presumed incompatible and in conflict with serving as an  
24 employee to another person or entity.  
25

26 a. If due to specific circumstances or unfairness, the mayor  
27 seeks relief from this presumption, the mayor shall present  
28 the circumstances and proposal for management of the  
29 potential conflict of interest to the Ethics Board for an  
30 advisory opinion.  
31

32 b. Absent factors that clearly present a potential for adversely  
33 affecting the mayor's availability, productivity, or  
34 independence of judgment in performing municipal duties, a  
35 financial interest or corporate office, held by the mayor in a  
36 business or economic enterprise managed by others is not  
37 other employment under this chapter and the presumption  
38 does not apply.  
39

40 c. The mayor's request and the board's advisory opinion to the  
41 mayor are public records.  
42

1 D. *Disclosure of present economic interest in a municipal contract.* Within  
2 thirty (30) days of hire, a municipal employee having an economic interest in a  
3 municipal contract shall submit a written disclosure to the municipal clerk, signed  
4 by the department director or designee and the designated ethics officer. A copy  
5 shall be retained by the department in a file of disclosures open to the public. The  
6 disclosure of present economic interest shall include any economic interest in a  
7 contract with the municipality, or in an organization or enterprise engaging in  
8 business with the municipality, held by the employee or a member of the  
9 employee's household. The disclosure shall be in the form prescribed by the  
10 municipal clerk and include:

11  
12 1. Identification of the municipal contract; the date the municipal  
13 employee or household member acquired the interest; the amount of the  
14 economic interest held in the contract by the municipal employee or a  
15 member of the employee's household. The disclosure shall include a  
16 description of any opportunity for official action the employee would have  
17 regarding the municipal contract and the preventive measures that shall  
18 be taken to manage any potential for conflict of interest.

19  
20 2. The name of each organization or enterprise engaging in business  
21 with the municipality, both for profit and not-for-profit, in which the  
22 municipal employee or a member the employee's household has an  
23 economic interest or is a director, officer or employee and the title of the  
24 position held. The certification shall include a description of any  
25 responsibility the municipal employee could exercise regarding the entity  
26 engaging in business with the municipality and the preventive measures  
27 that shall be taken to manage any potential for conflict of interest.

28  
29 3. Confirmation by the department director or designee and the  
30 designated ethics officer that the potential for conflict of interest has been  
31 reviewed and that either no potential for conflict exists or the potential for  
32 conflict has been managed by taking the preventive measures described  
33 in the disclosure.

34  
35 4. If the mayor's current financial disclosure statement as filed under  
36 state law with the Alaska Public Offices Commission (APOC) and filed  
37 with the municipal clerk by elected officials under section 1.15.035 of this  
38 chapter includes all disclosure required by this subsection under 1.15.025,  
39 a separate filing under 1.15.025 is not required. The board will review the  
40 mayor's disclosure of present economic interest in a municipal contract  
41 and confirm in writing that either no potential for conflict exists or that the

1 preventive measures described by the board are required to manage the  
2 potential for conflict.  
3

4 E. *Acquisition of an economic interest in municipal contracts and business.*  
5 No municipal employee or member of the employee's household shall acquire  
6 directly or indirectly an economic interest in a municipal contract or engage in  
7 business with the municipality unless the municipal contract is competitively  
8 solicited and all other requirements of this chapter are satisfied. This prohibition  
9 applies in all respects to any entity in which the employee or household member  
10 has an economic interest.  
11

12 1. A municipal employee shall timely file notice of intent to respond to  
13 a public solicitation in such form as the municipal clerk may prescribe for  
14 electronic publication and posting under 1.15.040. To be timely for  
15 publication, the notice shall be filed in advance to allow a minimum period  
16 of seven (7) calendar days to elapse between electronic publication by the  
17 clerk and the final date for submitting a response to the solicitation. The  
18 municipal employee shall file a copy of the notice with the purchasing  
19 officer or other municipal official responsible for the procurement by no  
20 later than the deadline for submitting a response to the solicitation. Notice  
21 under this section must be filed for each solicitation unless the board has  
22 specifically approved the filing of a periodic notice by the municipal  
23 employee. In its sole discretion, the board may approve the filing of a  
24 periodic notice, on no less than an annual basis, upon application by the  
25 employee demonstrating that the nature of the work and relationship  
26 between the municipal employee and the administrative unit soliciting the  
27 work render electronic publication of the periodic notice adequate.  
28

29 2. The notice of intent to respond to a public solicitation is in addition  
30 to any personnel provisions addressing administrative notification to the  
31 director of employee relations by employees intending to do business with  
32 the municipality.  
33

34 3. If the municipal employee's notice is incomplete, or not timely filed  
35 for publication, or not timely filed with the purchasing officer or other  
36 municipal official responsible for the procurement by no later than the  
37 deadline for responding to the solicitation, the disclosure shall be deemed  
38 invalid and the offer proposed by the municipal employee in response to  
39 the solicitation shall be ineligible for award. The responsibility for complete  
40 and timely filing rests solely with the municipal employee.  
41

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- 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 (1) 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 (1) 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,

1 charter amendments, draft legislative measures, or the adoption of administrative  
2 regulations if consideration by the municipal employee was only in the context of  
3 general application.  
4

5 1. This restriction on employment after leaving municipal service does  
6 not prohibit the municipality from contracting with a former municipal  
7 employee to provide service on a matter on behalf of the municipality.  
8

9 2. The restriction on employment after leaving municipal service  
10 applies to the mayor as an elected official under 1.15.035.  
11

12 3. The assembly or school board may waive application of this  
13 restriction upon determination that a proposed action by a former  
14 municipal employee is not adverse to the public interest. The waiver shall  
15 be by formal action and a copy shall be provided to the Ethics Board.  
16

17 H. *Gifts.* A municipal employee may not solicit or accept a gift that benefits  
18 the employee's personal or economic interest if it can be reasonably inferred that  
19 the gift is intended to influence the employee's independence of judgment in the  
20 exercise of official duties. Gift receipt and disclosure apply to the mayor as an  
21 elected official under 1.15.035.  
22

23 1. An item is a "*gift*" under this subsection if it is:  
24

25 a. Money, an item of value, service, loan, travel or hospitality  
26 accommodation, meal, or entertainment; and  
27

28 b. Provided to a municipal employee for less than full value.  
29

30 2. Unless rebutted by other factors, an occasional gift worth \$50 or  
31 less is presumed not to be given under circumstances in which it could be  
32 reasonably inferred that the gift is intended to influence a municipal  
33 employee's independence of judgment in the exercise of official duties.  
34 When unsolicited, these occasional gifts are allowed, provided that the  
35 disclosure requirements for each are met:  
36

37 a. Payment for a business meal offered as a courtesy in the  
38 context of the municipal duties of the municipal employee,  
39 provided that such meals shall not be accepted on a basis  
40 so frequent from any one source or a combination of sources  
41 as to raise an appearance of the use of the person's public  
42 position for private gain. A municipal employee shall disclose

- 1 meals valued in excess of \$50.00, beverage included, as  
2 provided in the Gift Disclosure form available from the  
3 designated ethics officer and filed with the municipal clerk  
4 within 10 working days of the meal.  
5
- 6 b. A discount or prize available to public sector employees  
7 generally, or to a large business category of public  
8 employees to which the municipal employee belongs. No  
9 disclosure is required.  
10
- 11 c. A monetary gift or award presented in recognition of  
12 meritorious, civic, or voluntary service, so long as presented  
13 by a recognized civic, philanthropic or non-profit charitable  
14 organization and not given as financial inducement for  
15 official action. A municipal employee shall disclose a gift or  
16 award with a monetary value in excess of \$150.00 as  
17 provided in the Gift Disclosure form available from the  
18 designated ethics officer and filed with the municipal clerk  
19 within 10 working days of receipt of the gift or award by the  
20 employee.  
21
- 22 d. A ceremonial gift presented by a foreign or domestic  
23 dignitary of another government becomes the property of the  
24 municipality. A municipal employee shall disclose all gifts  
25 presented by a foreign or domestic dignitary as provided in  
26 the Gift Disclosure form available from the designated ethics  
27 officer and filed with the municipal clerk within 10 working  
28 days of presentation of the ceremonial gift to the employee.  
29
- 30 e. A gift for a special occasion, such as a wedding, birthday, or  
31 retirement, given voluntarily by a municipal employee's co-  
32 workers. No disclosure is required.  
33
- 34 f. A perishable gift for immediate consumption or display, from  
35 member(s) of the public expressing general appreciation or  
36 holiday cheer, shared with an office or work group, or  
37 donated to charity. The administrative supervisor or  
38 designee for the office or work group shall disclose a gift  
39 under this category with a value in excess of \$150.00 as  
40 provided in the Gift Disclosure form available from the  
41 designated ethics officer and filed with the municipal clerk  
42 within 10 working days of receipt.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

- g. A gift of nominal value given to an employee of the Anchorage School District by a student, parent of a student, group of parents, or community organization. The school district employee shall disclose a gift in this category with a value in excess of \$50.00 as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of receipt.
- h. 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. A municipal employee shall disclose a commemorative gift in excess of \$300.00.
- i. Gifts that are not connected with the recipient’s status as a municipal employee are outside the scope of this chapter and no disclosure is required.

3. A campaign contribution to a municipal employee as 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.

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.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42
- 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:

- 1 a. Use position over another municipal employee to solicit a
- 2 campaign contribution, endorsement, or other support for a
- 3 political candidate.
- 4
- 5 b. While on duty, engage in political campaigning for elected
- 6 public office, political endorsement, or election campaign
- 7 fundraising for any person or office.
- 8
- 9 c. When engaging in political activity outside scheduled work
- 10 hours, act in a manner to suggest that the employee is
- 11 acting in the employee’s official capacity, or has official
- 12 municipal endorsement, or is otherwise representing the
- 13 municipality.
- 14
- 15 d. Use official position to discourage or inhibit any person from
- 16 exercising voter franchise.
- 17
- 18 e. Use or depict municipal property and facilities in a manner
- 19 unavailable to the public. This restriction applies to use or
- 20 depiction of a uniform in political endorsement if the uniform
- 21 identifies the person as a municipal employee, regardless of
- 22 ownership of the uniform.
- 23

24 5. A municipal employee shall not serve as an elected official of the  
25 municipality or other local, state, or federal government. A municipal  
26 employee who is elected to municipal or other local, state or federal  
27 government office shall resign immediately from municipal employment.

28  
29 **1.15.030 Additional provisions for members of the public appointed to a**  
30 **public body.**  
31

32 A. *Members of an appointed public body.* This section applies to members of  
33 the public serving as members of an *appointed public body of the municipality* as  
34 defined in 1.15.110, but excluding elected officials covered under 1.15.035 and  
35 municipal employees covered under 1.15.025.

36  
37 B. *Charter Acknowledgement.* Members of the public serving as members of  
38 an appointed public body of the municipality provide their time and energy in  
39 public service to the municipality, exercise significant personal commitment, often  
40 at substantial financial sacrifice in terms of time taken from other professional  
41 endeavors. These appointed members are expected and permitted to earn a  
42 living and hold individual financial interests. Matters coming before the appointed

1 public body may include matters in which the appointed member of the public or  
2 a family member has a financial or private interest. Whether a financial or private  
3 interest is substantial is determined on a case-by-case basis.  
4

5 C. *Supplemental disclosure and conflict of interest provisions.* An appointed  
6 public body shall follow the requirements of state law, ordinance, regulation, and  
7 procedure governing specific actions of the appointed public body. Provisions  
8 included in this section may be supplemented by disclosure and conflict of  
9 interest provisions adopted by ordinance as specifically applicable to the  
10 appointed public body of the municipality.  
11

12 1. The appointment of public bodies with regulatory, quasi-judicial, or  
13 adjudicatory responsibilities recognizes the public interest in having fair  
14 and public evaluation of matters coming before the appointed public body.  
15 Members of the public serving as members of an appointed body with  
16 such responsibilities shall:  
17

- 18 a. Make decisions solely on applicable law and the evidence in  
19 the record;
- 20 b. Be impartial in fact and action in the performance of official  
21 duties, making decisions without personal gain or financial  
22 interest;
- 23 c. Disclose any previous involvement in the case or with the  
24 parties;
- 25 d. Disclose matters that would prevent the member from  
26 hearing the case under supplemental conflict of interest  
27 provisions applicable to the appointed public body;
- 28 e. Disclose circumstances that could potentially interfere with  
29 impartiality, so that the member's participation may be fairly  
30 evaluated by the public body.  
31

32 2. *Public bodies exercising monetary or management discretion.* The  
33 appointment of public bodies exercising monetary discretion, advisory  
34 direction on programs, or community development responsibility  
35 recognizes the public interest in having boards and commissions familiar  
36 with the community and its past and future development.  
37  
38  
39  
40  
41

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

- 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;

1 5. Whether the financial or private interest is of a type which is  
2 generally possessed by the public or a large class of persons to which the  
3 member belongs.  
4

5 6. Other factors deemed appropriate by the chair under the specifics  
6 of the disclosure and the nature of the action before the appointed body.  
7

8 F. *Public interest.* An appointed member of a public body shall place the  
9 public interest above any financial or private interest when taking official action. If  
10 an appointed member’s private relationships or interests prevent the member  
11 from placing the public interest above a financial or private interest, the appointed  
12 member shall disclose this fact on the record.  
13

14 G. *Restrictions on employment.* It is a conflict of interest for an appointed  
15 member of a public body to represent, advise, or assist a person for  
16 compensation regarding a matter that was under consideration by the appointed  
17 body if the member participated personally in the matter through the exercise of  
18 official duty. In this subsection, “matter” includes a case, proceeding, application,  
19 contract, or determination but does not include consideration or comment on  
20 ordinances, resolutions, charter amendments, other legislative measures or the  
21 adoption of administrative regulations if consideration by the appointed public  
22 body was only in the context of general application.  
23

24 H. *Disclosure of present economic interest.* Within thirty days of  
25 appointment, a member of the public appointed to serve on a public body of the  
26 municipality shall file with the municipal clerk, a written statement in the form  
27 prescribed by the municipal clerk disclosing any economic interest which shall  
28 cause the official to have a personal or financial interest in the decisions of the  
29 public body on which the member serves, different than those of the public  
30 generally. The appointed member shall file supplemental written statements with  
31 the municipal clerk as new interests are acquired, and make disclosures on the  
32 record of the public body of potential conflicts as required when matters come  
33 before the public body.  
34

35 I. *Acquisition of an economic interest in municipal contracts and business.*  
36 A member of the public appointed to serve on a public body of the municipality or  
37 a member of such person’s household shall not acquire directly or indirectly an  
38 economic interest in a municipal contract or engage in business with the  
39 municipality unless the municipal contract is competitively solicited and all other  
40 requirements of this subsection are satisfied. This prohibition applies in all  
41 respects to any entity in which the appointed member of the public or a  
42 household member has an economic interest.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

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 (7) 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

1 of intent to respond to a public solicitation has been reviewed and that  
2 either no potential for conflict exists or the potential for conflict has been  
3 managed by taking the preventive measures described in the written  
4 disclosure.

5  
6 6. The person or public body having responsibility for award under the  
7 solicitation confirms in writing that the integrity of the public solicitation  
8 process is not adversely affected by the award.  
9

10 7. If the appointed member's notice of intent to respond to a public  
11 solicitation is incomplete, or not timely filed for publication, or not timely  
12 filed with the purchasing officer or other municipal official responsible for  
13 the procurement, the disclosure shall be deemed invalid and the offer  
14 proposed by the appointed member in response to the solicitation shall be  
15 ineligible for award. The responsibility for complete and timely filing rests  
16 solely with the member of the appointed public body.  
17

18 8. Upon award, the notice of intent with supplemental confirmations  
19 shall be filed with the municipal clerk for retention in a file open to the  
20 public.  
21

22 J. *Restrictions on engaging services to influence legislative or administrative*  
23 *action or financial contribution.* An appointed public body may not engage a  
24 lobbyist or other person or entity for compensation to influence financial support,  
25 legislative action, or administrative action from another appointed public body or  
26 an elected body of the municipality.  
27

28 K. *Gifts.* Gifts to a member of an appointed body unrelated to the member's  
29 public service and gifts without monetary value are not covered by this chapter.  
30 Unless subject to supplemental restrictions governing the appointed public body,  
31 these unsolicited gifts are allowed and subject to disclosure as follows:  
32

33 1. A gift or award of monetary value presented in recognition of  
34 meritorious, civic, or voluntary service to the municipality, so long as  
35 presented by a recognized civic or non-profit charitable organization  
36 presenting such a gift or award as part of an established tradition, and not  
37 given as financial inducement for official action. A member of an appointed  
38 body shall disclose a gift or award with a monetary value in excess of  
39 \$150.00 as provided in the Gift Disclosure form available from the  
40 designated ethics officer and filed with the municipal clerk within 10  
41 working days of receipt of the gift or award.  
42

1 2. A perishable gift for immediate consumption or display, from  
2 member(s) of the public expressing general appreciation or holiday cheer  
3 when shared among members of the appointed body, or donated to  
4 charity. The chair of the appointed body shall disclose a gift under this  
5 category with a value in excess of \$150.00 as provided in the Gift  
6 Disclosure form available from the designated ethics officer and filed with  
7 the municipal clerk within 10 working days of receipt.  
8

9 3. Other gifts made in recognition of public service on an appointed  
10 body shall be reported and re-directed through the chair of the appointed  
11 body to the ethics officer for disposition or return, consistent with this  
12 chapter. Report of receipt and disposition will be filed with the Ethics  
13 Board and the municipal clerk as a public record.  
14

15 L. *Political Activity.* A member of an appointed public body shall not:  
16

17 1. Use official position on an appointed public body to solicit a  
18 contribution, endorsement, or other campaign support for any political  
19 candidate.  
20

21 2. Use official position on an appointed public body to discourage or  
22 inhibit any person from exercising voter franchise.  
23

24 3. Permit or engage in political activity in violation of 1.15.025I.  
25

26 4. Act in a manner to suggest that the member is acting in the  
27 member's official capacity or otherwise representing the appointed public  
28 body or the municipality, when engaging in political activity during  
29 personal time.  
30

31 **1.15.035 Additional provisions for elected officials**  
32

33 A. *Elected officials.* This section applies to any person holding an elective  
34 office subject to municipal election under the charter or the code, except that  
35 subsections 1.15.035B, 1.15.035C, 1.15.035D, and 1.15.035E are specific to  
36 elected public bodies and do not apply to the mayor.  
37

38 B. *Charter Acknowledgement.* Assembly members, school board members,  
39 and elected area board members provide their time and energy in public service  
40 to the municipality, exercise significant personal commitment, often at substantial  
41 financial sacrifice in terms of time taken from other professional endeavors.  
42 These elected officials are expected and permitted to earn outside income and

1 hold individual financial interests. Matters coming before the elected body may  
2 include matters in which the elected official has a financial or private interest.  
3 Elected officials may not participate in any official action in which the elected  
4 official or a member of the elected official's household has a substantial financial  
5 interest.

6  
7 C. *Disclosure to the elected body.* Prior to comment, deliberation or decision  
8 on a matter coming before the elected body, an elected official shall disclose any  
9 financial or private interest of the member in the matter, including a financial or  
10 private interest held by a member of the elected official's household.

11  
12 1. Full and complete disclosure of a financial or private interest is  
13 required.

14  
15 2. The nature of the financial or private interest shall be disclosed in  
16 sufficient detail to permit the other members of the elected body to  
17 determine if the interest is substantial.

18  
19 3. If the presiding officer exercises parliamentary authority by making  
20 an initial ruling on a disclosure of financial or private interest, or a  
21 member's request to be excused from participation, the decision of the  
22 presiding officer may be overridden by the majority vote of the elected  
23 body.

24  
25 4. The member of the elected body making the disclosure shall not  
26 rule or vote on whether the financial or private interest is substantial.

27  
28 5. An elected official shall not be sanctioned for acting in compliance  
29 with the determination of the elected body if the financial or private interest  
30 is fully and fairly disclosed.

31  
32 6. The jurisdiction of the board to determine a violation under this  
33 chapter by an elected official for participation in a matter after disclosure of  
34 a financial or private interest is expressly limited to the sufficiency of the  
35 disclosure.

36  
37 D. *Determining if a financial or private interest is substantial.* Determination  
38 of whether a financial or private interest is substantial shall be made by the  
39 elected body on a case-by-case basis. The elected body shall be the final  
40 authority on whether the financial or private interest as disclosed is substantial  
41 under this chapter. The board does not have jurisdiction to reweigh the factors  
42 considered by an elected body for a differing interpretation by the board of

1 substantial interest. Factors appropriate for consideration include one or more of  
2 the following:

- 3
- 4 1. Whether the financial or private interest held by the elected official  
5 or household member is a substantial part of the matter under  
6 consideration;
  - 7
  - 8 2. Whether the financial or private interest varies directly and  
9 substantially with the outcome of the official action;
  - 10
  - 11 3. Whether the financial or private interest is immediate and known or  
12 conjectural and dependent on factors beyond the official action;
  - 13
  - 14 4. Whether the financial or private interest is significant monetarily;
  - 15
  - 16 5. Whether the financial or private interest is of a type which is  
17 generally possessed by the public or a large class of persons to which the  
18 elected official or household member belongs.-
  - 19

20 E. *Public interest.* An elected official shall place the public interest above any  
21 financial or private interest when taking official action. If an elected official's  
22 private relationships or interests prevent an elected official from placing the  
23 public interest above a financial or private interest, the elected official shall  
24 disclose this fact on the record.

25

26 F. *Consultation, representation, and appearance on behalf of private*  
27 *interests on a matter of municipal government.* These provisions apply to elected  
28 officials, including the mayor:

- 29
- 30 1. An elected official shall not serve as a paid consultant on a private  
31 interest before a municipal department, administrative agency, utility,  
32 elected or appointed public body of the municipality.
  - 33
  - 34 2. An elected official shall not serve as a paid representative of any  
35 person or entity before a municipal department, administrative agency, or  
36 utility.
  - 37
  - 38 3. An elected official shall not appear on behalf of any private interest  
39 before the school board or the assembly, or on behalf of any person or  
40 entity in an adjudicatory matter before an appointed public body of the  
41 municipality unless:
  - 42

- 1 a. The elected official, or a member of the elected official's
- 2 household, is a party or has an ownership interest in an
- 3 adjudicatory matter before the public body; or
- 4
- 5 b. The elected official is an elected member of a service area
- 6 board representing the service area board or the interests of
- 7 the service area before the assembly, school board or an
- 8 appointed public body; or
- 9
- 10 c. The elected official is appearing at the specific request of the
- 11 elected or appointed public body. An elected body shall not
- 12 request the appearance of a member of the elected body
- 13 under this subsection unless the elected official's
- 14 participation in the matter pending before the elected body
- 15 has been properly excused under the procedures of the
- 16 elected body.
- 17

18 G. *Constituent services.* Nothing in this section is intended to prevent an  
19 elected official from making verbal or written inquiries on behalf of constituents,  
20 residents within the elected official's area of service, employees or contractual  
21 service providers of the municipality or elected body, or the general public to  
22 elements of municipal government or from requesting explanations or additional  
23 information on behalf of an elected body or individuals, provided that the elected  
24 official is not charging a fee for this service.

25  
26 H. *Restrictions on other public employment.* These restrictions apply to  
27 elected officials of the assembly, school board, and service areas. Applicability  
28 to the mayor is specified.

- 29
- 30 a. Except where authorized by ordinance, an elected official of the
- 31 municipality shall not hold other municipal employment or elected
- 32 state office. This provision also applies to the mayor.
- 33
- 34 b. Subject to state law and regulation, an elected official of the
- 35 municipality other than the mayor may serve as a non-elected
- 36 employee of the state.
- 37
- 38 c. Engagement as an independent contractor through a competitive
- 39 solicitation by the municipality is not municipal employment for
- 40 purposes of this section. For the mayor, the provisions in 1.15.025
- 41 specific to the mayor apply.
- 42

1 I. *Ex officio and charitable nonprofit board member service.* Unless the  
2 assembly has determined by ordinance that service by an elected official shall be  
3 as a non-voting member, an elected official, including the mayor, may serve  
4 without compensation as a voting member of a public body or charitable nonprofit  
5 organization receiving funding from the municipal or school district budget.  
6

7 1. The elected official shall disclose the board member service before  
8 participating in official action by the municipality on the budget or other  
9 matter involving the board or commission of a public body or charitable  
10 nonprofit organization.  
11

12 2. If the elected body finds a substantial conflict in requiring a member  
13 to participate in action before the elected body, the elected body may in its  
14 sole discretion excuse participation or divide the question to avoid a  
15 conflict on the whole.  
16

17 J. *Service to utility and regulatory boards.* As long as the municipality owns  
18 one or more utilities regulated by the Regulatory Commission of Alaska, an  
19 elected official shall not serve as an officer, director, or paid advisor to the Alaska  
20 Regulatory Commission, or to any regulated utility providing the same type of  
21 utility service owned by the municipality.  
22

23 K. *Financial disclosure during term of elected office.* Elected officials shall  
24 file disclosures timely as required by state law. The municipal clerk shall keep a  
25 copy of the elected official's current financial disclosure statement as filed under  
26 state law with the Alaska Public Offices Commission (APOC). An elected official  
27 shall supplement the APOC disclosure within thirty (30) days of assuming office,  
28 and as required under 1.15.035 during elected office, to fully disclose any  
29 economic interest in a contract with the municipality, or in an organization or  
30 enterprise engaging in business with the municipality, held by the elected official  
31 or a member of the elected official's household. Supplemental disclosure shall be  
32 on the form prescribed by the municipal clerk and include:  
33

34 1. Identification of the municipal contract; the date the elected official  
35 acquired the interest; the amount of the economic interest held in the  
36 contract by the elected official, or a member of the elected official's  
37 immediate family. The disclosure shall include a description of the duties  
38 and activities to be performed by the elected official or household member  
39 under the contract; any opportunity for official action the elected official  
40 may have regarding the municipal contract; and the preventive measures  
41 that shall be taken to manage any potential for conflict.  
42

1           2.     The name of each organization, or enterprise engaging in business  
2     with the municipality, both for profit and not-for-profit, in which the elected  
3     official or household member has an economic interest or is a director,  
4     officer or employee and the title of the position held. The disclosure shall  
5     identify the compensation, duties and activities of the elected official or  
6     household member for each organization and the preventive measures  
7     that shall be taken to manage any potential for conflict with the municipal  
8     duties of the elected official.  
9

10           3.     Holding an ownership interest in policies of insurance, annuity  
11     contracts, property or funds on deposit in regulated financial institutions, or  
12     securities maintained by a brokerage firm is not having a financial interest  
13     that requires disclosure when the entity engages in business with the  
14     municipality.  
15

16           4.     If the elected official's APOC disclosure includes all disclosure  
17     required by this chapter, a supplemental disclosure is not required.  
18

19     L.     *Acquisition of an economic interest in municipal contracts and business.*  
20     An elected official or household member shall not acquire directly or indirectly an  
21     economic interest in a municipal contract or engage in business with the  
22     municipality unless the municipal contract is competitively solicited and all other  
23     requirements of this subsection are satisfied. This prohibition applies in all  
24     respects to any entity in which the elected official or household member has an  
25     economic interest.  
26

27           1.     The elected official shall timely file notice of intent to respond to a  
28     public solicitation in such form as the municipal clerk may prescribe for  
29     electronic publication and posting by the municipal clerk under 1.15.040.  
30     To be timely for publication, the notice shall be filed in advance to allow a  
31     minimum period of seven (7) calendar days to elapse between electronic  
32     publication by the clerk and the final date for submitting a response to the  
33     solicitation. The elected official shall file a copy of the notice with the  
34     purchasing officer or other municipal official responsible for the  
35     procurement by no later than the deadline for submitting a response to the  
36     solicitation. Notice under this section must be filed for each solicitation  
37     unless the board has specifically approved the filing of a periodic notice by  
38     the elected official. In its sole discretion, the board may approve the filing  
39     of a periodic notice, on no less than an annual basis, upon application by  
40     the elected official demonstrating that the nature of the work and  
41     relationship between the elected official and the administrative unit

1 soliciting the work render electronic publication of the periodic notice  
2 adequate.

3  
4 2. The notice shall identify the nature of the business; the relationship  
5 between the elected official or household member and the entity  
6 responding to the solicitation, including the percentage of ownership in the  
7 entity by the elected official or household member; the municipal entity or  
8 department issuing the solicitation; solicitation number and submission  
9 deadline. The elected official shall disclose whether the elected official or  
10 member of the elected official's immediate family as defined in 1.15.110 is  
11 in a position to take any official action with respect to preparation of the  
12 solicitation, award, or municipal administration of the contract.

13  
14 3. The elected official shall not in fact or appearance attempt to  
15 improperly influence the award.

16  
17 4. The elected official and members of the elected official's immediate  
18 family shall take no official action with respect to development of the  
19 solicitation, award, or municipal administration of the contract.

20  
21 5. The purchasing officer or other municipal official responsible for the  
22 solicitation and the designated ethics officer confirms in writing that the  
23 elected official's notice of intent to respond to a public solicitation has  
24 been reviewed and that either no potential for conflict exists or the  
25 potential for conflict has been managed by taking the preventive measures  
26 described in the written disclosure.

27  
28 6. The person or public body having responsibility for award under the  
29 solicitation determines that the integrity of the public solicitation process is  
30 not adversely affected by the award.

31  
32 7. If the elected official's notice of intent to respond to a public  
33 solicitation is incomplete, or not timely filed for publication, or not timely  
34 filed with the purchasing officer or other municipal official responsible for  
35 the solicitation by no later than the deadline for responding to the  
36 solicitation, the disclosure shall be deemed invalid and the offer proposed  
37 by the elected official in response to the solicitation shall be ineligible for  
38 award. The responsibility for complete and timely filing rests solely with  
39 the elected official.

40  
41 8. Acquisition of an economic interest by the mayor is governed by  
42 1.15.025E.6.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

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

1 elected official's independence of judgment in the exercise of official  
2 duties.

3  
4 3. These unsolicited gifts are allowed, provided that if disclosure is  
5 required, the Gift Disclosure Form is timely filed with the municipal clerk  
6 within 30 days of receipt of the gift:

7  
8 a. Payment for a business meal offered as a courtesy in the  
9 context of municipal duties, provided that such meals shall  
10 not be accepted on a basis so frequent from any one source  
11 or a combination of sources as to raise an appearance of the  
12 use of the person's public position for private gain. No  
13 disclosure is required.

14  
15 b. A discount or prize available to public sector officials  
16 generally, or to a large business category of public officials  
17 to which the elected official belongs. No disclosure is  
18 required.

19  
20 c. A monetary gift or award presented in recognition of  
21 meritorious, civic, or voluntary service, so long as presented  
22 by a recognized civic or non-profit charitable organization  
23 presenting such a gift or award as part of an established  
24 tradition, and not given as financial inducement for official  
25 action. An elected official shall disclose a recognition gift or  
26 award in excess of \$150.00.

27  
28 d. An elected official shall disclose all gifts presented by a  
29 foreign or domestic dignitary of another government.

30  
31 e. A perishable gift for immediate consumption or display, from  
32 member(s) of the public expressing general gratitude or  
33 holiday cheer. No disclosure is required.

34  
35 f. A gift of nominal value given to a member of the School  
36 Board by a student, parent of a student, group of parents, or  
37 community organization. The school board member shall  
38 disclose a gift under this category with a value in excess of  
39 \$50.00.

40  
41 g. A non-monetary gift or award such as a plaque or other  
42 commemorative article signifying civic appreciation from a

1 group of citizens or community organization. An elected  
2 official shall disclose a commemorative gift in excess of  
3 \$300.00.  
4

5 h. In-state travel and hospitality discounts or accommodations  
6 offered or provided to an elected official shall be applied to  
7 any municipal expense for the travel. No disclosure is  
8 required. Out of state gifts of travel and hospitality related to  
9 providing or obtaining information primarily on matters  
10 related to the duties of the elected official are allowed. Gifts  
11 in this category in excess of \$250 shall be disclosed for  
12 electronic publication by the municipal clerk prior to  
13 acceptance.  
14

15 4. A campaign contribution to an elected official or candidate for  
16 elective municipal office is allowed if the contribution otherwise complies  
17 with this chapter, and the laws and regulations applicable to municipal  
18 lobbying, elections and campaign disclosure.  
19

20 5. Gifts that are not connected with the recipient's status as an elected  
21 official are outside the scope of this chapter and no disclosure is required.  
22

23 P. *Restrictions on employment after leaving municipal service.*  
24

25 1. An elected official who leaves municipal service may not, for one  
26 (1) year after leaving municipal service, represent, advise, or assist a  
27 person for compensation regarding a matter that was under consideration  
28 by the elected body during the elected official's period of service. "Matter"  
29 includes a case, proceeding, application, contract, or determination but  
30 does not include consideration of ordinances, resolutions, charter  
31 amendments, other legislative measures or the adoption of administrative  
32 regulations if consideration by the elected body was only in the context of  
33 general application.  
34

35 a. This restriction does not prohibit the municipality from  
36 contracting with a former elected official to provide service  
37 on a matter on behalf of the municipality.  
38

39 b. The assembly or school board may waive application of this  
40 restriction upon determination that a proposed action by a  
41 former elected official is not adverse to the public interest.  
42 The waiver shall be by formal action and a copy shall be

1 provided to the Ethics Board.  
2

3 2. A person serving as an assembly member or school board member  
4 for one (1) year after leaving service shall hold no compensated municipal  
5 office or employment which was created, or the salary or benefits of which  
6 were specifically increased during the person's last year in office by the  
7 governing body on which the member served.  
8

9 3. The mayor for one (1) year after leaving office shall hold no  
10 compensated municipal office or employment which was created, or the  
11 salary or benefits of which were specifically increased during the mayor's  
12 last year in office.  
13

14 **1.15.040 Forms available from municipal clerk; content; filing.**  
15

16 A. *Forms.* The municipal clerk shall provide the disclosure, notice, and  
17 informational forms as described in this chapter. Disclosures and filings shall be  
18 in the form prescribed by the municipal clerk and supplemental information may  
19 be attached. Completed forms filed with the municipal clerk are public documents  
20 and shall be made available to the board for review. Forms and publication  
21 requirements under this chapter include:  
22

23 1. Notification and Disclosure of Present Economic Interest in  
24 Municipal Business or Contract. This form is required to be filed by a  
25 municipal employee under 1.15.025 and a member of the public appointed  
26 to serve on a public body under 1.15.030. The same form may be used to  
27 supplement an elected official's financial disclosure under 1.15.035.  
28

29 2. Notice of Intent to Respond to Public Solicitation.  
30

31 a. The municipal clerk shall publish a copy of the notice of  
32 intent to respond to a public solicitation required under  
33 1.15.025, 1.15.030, and 1.15.035 electronically no less than  
34 seven (7) days in advance of the deadline for submitting a  
35 response to the solicitation. The electronic location of such  
36 notices shall be published weekly in a newspaper of general  
37 circulation within the municipality. If the time between filing  
38 the notice for electronic publication by the clerk and the last  
39 day to submit a response is insufficient to meet the 7-day  
40 publication requirement, the notice shall be deemed  
41 untimely.  
42

- 1                   b.     In addition, the municipal clerk shall post a copy of the  
2                   statement in at least one (1) public place, and the location of  
3                   such posting shall be included in the weekly newspaper  
4                   publication by the municipal clerk.  
5
- 6                   c.     The municipal clerk shall collect the publication fee at the  
7                   time the notice is filed.  
8
- 9                   d.     Upon award, a copy of the notice of intent to respond to a  
10                  public solicitation with supplemental confirmations shall be  
11                  filed with the municipal clerk for retention in a file open to the  
12                  public.  
13
- 14
- 15                  3.     Notification and Disclosure of Receipt of Gift. These forms are filed  
16                  with the municipal clerk under 1.15.025, 1.15.030, and 1.15.035.  
17
- 18                  4.     Notification and Disclosure of Receipt of Gift from Another  
19                  Government. This notice is filed with the municipal clerk under 1.15.025  
20                  and 1.15.035.  
21
- 22                  5.     Notification and Disclosure of Receipt of Gift for Travel/Hospitality  
23                  Primarily for Matters of Legislative Concern. This notice is filed with the  
24                  municipal clerk under 1.15.035.  
25
- 26                  6.     Outline of Ethics Board Resolution Process. This form is available  
27                  from the municipal clerk upon request under 1.15.070.  
28
- 29                  7.     Verification of Receipt of Ethics Code Materials (upon hire,  
30                  appointment, or election). This form is available from the municipal clerk  
31                  under 1.15.070.  
32
- 33                  8.     Ethics Education Program Training Completion Certificate. This  
34                  form is available from the municipal clerk under 1.15.090.  
35
- 36                  9.     Notification of Potential Violation. Complaints are filed with the  
37                  board on this form under 1.15.070.  
38
- 39                  B.     *When to file.* Within thirty days after coming within the scope of this  
40                  chapter, and by February 15 of each year thereafter, the notification forms for  
41                  economic interest in municipal business shall be filed by persons having these  
42                  interests as described in this chapter. Notification of receipt of gift forms shall be

1 filed within 30 days of receipt of the gift. Notification of intent to respond to a  
2 municipal solicitation shall be filed for publication as described in subsection  
3 1.15.040A.2.  
4

5 C. *Distribution.* In all cases the completed original disclosure form shall be  
6 filed with the municipal clerk and becomes a public record. The municipal clerk  
7 shall distribute a copy to the board. In addition to filing the original:  
8

9 1. A municipal employee shall provide a copy to the administrative  
10 supervisor.  
11

12 2. An appointed member of a public body shall provide a copy to the  
13 Mayor's designee.  
14

15 D. *Publication.* Unless otherwise specified, electronic publication by the  
16 municipal clerk constitutes publication when required by this chapter.  
17

18 **1.15.050 Board of Ethics; establishment, membership, removal and**  
19 **administrative support.**  
20

21 A. *Establishment.* The Board of Ethics is established, consisting of five (5)  
22 members, appointed by the mayor. The chair of the assembly Ethics Committee  
23 shall participate in the selection process and members of the Board of Ethics are  
24 subject to confirmation by the assembly. Members of the Board of Ethics shall in  
25 good faith exercise the power and authority vested in the board under this  
26 chapter. Except where a specific provision of this chapter applies, the Board of  
27 Ethics is subject to the provisions of chapter 4.05.  
28

29 B. *Membership.*  
30

31 1. At least one (1) member of the board shall be member of the  
32 Alaska Bar Association.  
33

34 2. In addition to the qualifications set forth in section 4.05.035,  
35 members of the board shall not:  
36

37 a. Hold other elected or appointed public office with any local,  
38 state or federal governmental unit; or  
39

40 b. Hold political party office; or  
41

42 c. Publicly endorse, contribute to, or engage in any political or

1 campaign activity on behalf of any candidate for elected  
2 municipal office; or  
3

4 d. Hold current employment with the municipality, the  
5 Anchorage School District, or an enterprise or authority  
6 owned by the municipality.  
7

8 3. Members of the Board of Ethics are included within the scope of  
9 this chapter as members of the public appointed to serve on a  
10 commission, board, committee, or authority of the Municipality.  
11

12 C. *Training.* Members of the Board of Ethics shall complete training provided  
13 through the board's legal counsel and counsel to the municipal clerk.  
14

15 D. *Removal.* A member of the board may be removed by the mayor or by the  
16 assembly.  
17

18 1. *Removal by mayor.* The mayor may remove any member of the  
19 board at any time:  
20

21 a. But only for good cause shown; and  
22

23 b. Shall set forth the reasons for such removal in writing; and  
24

25 c. Shall provide copies to the board member and the assembly;  
26

27 d. Except the mayor may not remove any board member during  
28 any lawful investigation or public hearing where the mayor or  
29 any member of the mayor's appointed staff is the subject of  
30 the investigation or public hearing.  
31

32 2. *Removal by assembly.* The assembly may remove a member of the  
33 board, by majority vote of the assembly:  
34

35 a. For good cause; and  
36

37 b. Shall set forth the reasons for such removal in writing; and  
38

39 c. Shall provide copies to the board member;  
40

41 d. Except the assembly may not take action under this  
42 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.

**1.15.060 Duties and powers of the Board of Ethics.**

1 A. *Authority of Board regarding notifications of potential violation.* The Board  
2 may  
3

4 1. Receive notifications of potential violation of any matter within the  
5 board's jurisdiction, including a notification of potential violation initiated by  
6 a member of the board. A board member initiating a notification of  
7 potential violation shall abstain from all board action and deliberation on  
8 the notification of potential violation.  
9

10 2. Determine whether to investigate any notification of potential  
11 violation.  
12

13 3. Conduct investigative hearings in executive session pursuant to  
14 section 1.15.070 on notifications of a potential violation alleging violations  
15 of matters within the jurisdiction of the board.  
16

17 4. Determine violation of this chapter by a preponderance of the  
18 evidence presented to the board.  
19

20 5. Propose resolution and settlements after review of a notice of  
21 potential violation or a finding of violation by the board, if the respondent  
22 admits the violation.  
23

24 6. Report the results of its investigations to the mayor, the assembly,  
25 the superintendent of schools, or the school board.  
26

27 7. Upon application of a respondent, or at the board's discretion,  
28 compel by subpoena the appearance and sworn testimony, at a specified  
29 time and place, of a person the board reasonably believes may be able to  
30 provide information relating to a matter under investigation by the board or  
31 the production of documents, records or other items the board reasonably  
32 believes may relate to the matter under consideration.  
33

34 8. Administer oaths and receive testimony from witnesses appearing  
35 before the board.  
36

37 9. Request municipal agencies to cooperate with the board in the  
38 exercise of the board's jurisdiction.  
39

40 10. Request the municipal attorney to seek assistance of the superior  
41 court to enforce the board's subpoena.  
42

1 11. Recommend that the mayor, assembly, superintendent of schools,  
2 or school board take remedial action, including the imposition of sanctions  
3 recommended by the board. Imposition of sanctions recommended by the  
4 board is subject to applicable law outside the scope of this chapter.  
5

6 12. Establish rules and procedures for the conduct of board activities  
7 consistent with the requirements of due process of law.  
8

9 B. *Advice.* The Board shall perform the following duties to foster and support  
10 ethical conduct by employees, appointed members of any municipal authority,  
11 and elected officials:  
12

13 1. At the request of the mayor, assembly, or school board, participate  
14 in public work sessions regarding ethics in government and the  
15 administration of this chapter.  
16

17 2. When an individual's actions may be governed by this chapter,  
18 consult with and advise the individual on matters involving ethical conduct,  
19 to include applicability and interpretation of municipal ethics laws.  
20

21 3. Submit an annual report to the assembly of board work and  
22 recommendations for actions deemed important to support ethical  
23 conduct, improve the ethics laws and allow proper enforcement.  
24

25 4. Prepare materials and programs designed to advise, assist,  
26 educate and coach municipal employees, appointed members of a  
27 municipal authority, and elected officials on ways to support compliance  
28 with provisions of this chapter and assist the public in understanding the  
29 policy and purpose of this chapter.  
30

31 5. Advise any individual whose acts may be subject to provisions of a  
32 notification of potential violation to the board regarding compliance on  
33 matters within the board's jurisdiction.  
34

35 6. Issue written advisory opinions as prescribed in 1.15.080.  
36

37 7. Prepare minutes of public board proceedings, showing the vote of  
38 each member upon every question, keep confidential records of board  
39 investigations, and maintain a record of other official actions.  
40

41 8. Review disclosure statements, determinations, confirmations and  
42 reports submitted to the board under this chapter to determine if the

1 potential for conflict is being managed in compliance with this chapter.  
2

3 **1.15.070 Notification of potential violation and investigations.**  
4

5 A. *Who can file.* Any person may file a notification of potential violation with  
6 the board alleging violation of a matter within the jurisdiction of the board by an  
7 employee, appointed member of a municipal authority, or an elected official. If a  
8 member of the board files a notification of potential violation, the member shall  
9 not participate further in any proceedings before the board regarding the matter,  
10 except the member may testify before the board if subpoenaed.  
11

12 B. *Content of notification of potential violation.* All notifications of potential  
13 violation submitted to the board under this chapter shall be in writing and signed  
14 by the person submitting the notification. A notification of potential violation shall  
15 state the address and telephone number of the person filing the notification,  
16 identify the respondent, affirm to the best of the person's knowledge and belief  
17 the facts alleged in the notification of potential violation signed by the person are  
18 true. The person filing the notification of potential violation shall identify the  
19 section of this chapter the person believes was violated, state why the person  
20 signing the notification of potential violation believes the facts alleged constitute a  
21 violation of that section, and identify any documentary or testimonial evidence the  
22 person filing the notification believes are in support of the notification of potential  
23 violation.  
24

25 C. *Notification of potential violation received during a campaign period.* The  
26 board shall return to the person filing the notification, any notification of potential  
27 violation concerning the conduct of a candidate for elected municipal office  
28 received during a campaign period, unless the candidate permits the board to  
29 assume jurisdiction under the provisions of this subsection.  
30

31 1. Upon receipt of a notification of potential violation concerning the  
32 conduct of a candidate for elected municipal office during a campaign  
33 period, the board shall immediately notify the subject of the notification of  
34 potential violation of the receipt of the notification of potential violation, of  
35 the suspension of the board's jurisdiction during the campaign period, and  
36 of the candidate's right to waive the suspension of jurisdiction.  
37

38 2. If within 14 days after notice from the board, the candidate does not  
39 instruct the board that the candidate chooses to have the board proceed  
40 with the notification of potential violation, or the candidate notifies the  
41 board that the candidate is not waiving the suspension of jurisdiction, then  
42 the board shall return the notification of potential violation to the person

1 who filed it, with notice of the suspension of jurisdiction under this  
2 subsection and of the right of the person to file the notification of potential  
3 violation after the end of the campaign period. A notification of potential  
4 violation returned under this subsection shall remain confidential.  
5

6 3. If a notification of potential violation is pending before the board at  
7 the beginning of a campaign period, the board shall maintain  
8 confidentiality and suspend all further action on the notification of violation  
9 during the campaign period. The period in which a matter is under  
10 consideration by the board is automatically extended for the length of time  
11 a matter is suspended during a campaign period.  
12

13 4. A campaign period under this subsection begins 45 days before an  
14 election in which the candidate appears on the ballot in a municipal  
15 election or the day on which the individual files as a candidate for  
16 municipal office, whichever is later, and ends at the close of election day,  
17 or on the day that the candidate withdraws from the election, if earlier.  
18

19 5. Suspension during a campaign period does not apply to a  
20 notification of potential violation initiated by a member of the board.  
21

22 D. *Confidentiality during investigation and deliberative process.* Each  
23 notification of potential violation shall be assigned an identification number to  
24 maintain confidentiality. The board shall keep all notifications of potential violation  
25 confidential during investigation and the board's deliberative process. Until the  
26 board's written report is completed for distribution under 1.15.070I.2, notifications  
27 of potential violation may be disclosed only to the staff member of the municipal  
28 clerk's office providing administrative support to the board, members of the  
29 board, and legal counsel. Upon receipt of a notification of potential violation, the  
30 board shall, at its next regularly scheduled meeting or earlier, as determined by  
31 the board chair, review the notification of potential violation in executive session  
32 and determine if further action on the notification of potential violation is  
33 warranted.  
34

35 1. If the board determines the facts alleged in the notification of  
36 potential violation, even if proven, do not constitute a violation, or that the  
37 board lacks jurisdiction to address the notification of potential violation, the  
38 board shall return the notification of potential violation to the complaining  
39 party without further action. Notifications of potential violation returned  
40 without further action shall remain confidential.  
41

42 2. If the board determines the allegation in a notification of potential

1 violation, if proven, may constitute a violation of a matter within the board's  
2 jurisdiction, the board shall:

- 3  
4 a. Give the respondent a copy of the notification of potential  
5 violation, along with a copy of the outline of the board's  
6 process under this chapter, including notice that the  
7 respondent may choose to hold the proceeding in public  
8 and/or bring legal counsel; and  
9  
10 b. Notify both the person submitting the notification of potential  
11 violation and respondent of the date(s) on which each may  
12 be requested to meet with the board, present documentary  
13 or testimonial evidence, and assist the board in resolving the  
14 potential violation.  
15

16 E. *Conduct of investigation and standard of proof.* The board's investigation  
17 shall be conducted in executive session, unless the respondent requests to hold  
18 the board's investigation on the notification of potential violation in public.  
19

20 1. The respondent and the person who filed the notification of  
21 potential violation may identify other individuals and documents that each  
22 would like the board to interview and review.  
23

24 2. If an individual with information bearing on the notification of  
25 potential violation is unwilling to come forward with information, the  
26 respondent and the person who filed the notification of potential violation  
27 may each request the board to subpoena the person and any  
28 documentary evidence.  
29

30 3. Persons appearing before the board may be represented by  
31 counsel or other person serving in a representative capacity.  
32

33 4. The board may question the respondent, the person who filed the  
34 notification of potential violation, and other persons appearing before the  
35 board.  
36

37 5. The board may solicit questions and testimony from the person  
38 filing the notification of potential violation, the respondent and other  
39 persons appearing for the purpose of providing information to the board.  
40 The board may solicit questions from counsel present to represent  
41 persons appearing before the board, but all questions during the board's  
42 investigation shall be posed through and by a member of the board.

1 Consistent with due process, the board may limit or prohibit questions  
2 suggested to the board by or on behalf of persons appearing before the  
3 board.  
4

5 6. The standard of proof to be applied by the board in determining a  
6 violation under this chapter is proof by a preponderance of the evidence.  
7

8 7. Technical rules of evidence do not apply, but the findings of the  
9 board shall be based upon reliable and relevant information presented to  
10 the board.  
11

12 8. The board's finding of a violation of this chapter must be supported  
13 by substantial evidence.  
14

15 9. The board's findings shall not be binding in a subsequent sanctions  
16 proceeding.  
17

18 10. When the board's investigation is conducted in executive session,  
19 the public shall be excluded and the session shall be electronically  
20 recorded. The recording shall be available for access as a public record  
21 after publication by the municipal clerk of the proposed resolution and  
22 settlement under subsection H or the board's written report under  
23 subsection I of 1.15.070.  
24

25 F. *Deliberations of the board.* Deliberations of the board shall be conducted  
26 in executive session.  
27

28 1. The deliberations of the board shall not be recorded.  
29

30 2. The board shall reconvene in open session when deliberations are  
31 complete.  
32

33 G. *Decisions on the record.* Using the identification number of the notice of  
34 potential violation to protect confidentiality, the board shall vote in open session  
35 on these questions:  
36

37 1. Whether the board finds by a preponderance of the evidence one  
38 or more violations within the jurisdiction of the board; and  
39

40 2. Whether the board recommends further administrative or remedial  
41 actions; and  
42

1 3. What specific sanctions, corrective actions or referrals, if any, the  
2 board recommends.  
3

4 4. If the board does not find a violation under this chapter, the board  
5 shall prepare a confidential statement of closure listing the complainant  
6 and respondent, the assigned identification number, the allegations, the  
7 hearing date, and the finding that no allegation was substantiated by the  
8 board in whole or in part, and the date of board closure. At the sole  
9 discretion of the respondent, the board may release the statement of  
10 closure as a public document.  
11

12 H. *Resolution by the Board.* The board has authority to formulate a proposed  
13 resolution and settlement of the violation if during investigation or after  
14 deliberation by the board, the respondent admits to violation of this chapter. The  
15 proposed resolution and settlement becomes a public record for electronic  
16 publication by the municipal clerk upon final approval. The proposed resolution  
17 and settlement will include the admitted violation of this chapter; the remedial  
18 actions agreed to by the respondent with the board's concurrence; preventive  
19 actions to be undertaken to avoid similar violation by respondent or others in the  
20 future; and other recommendations by the board.  
21

22 1. If the respondent is a municipal employee or a member of the  
23 public appointed to a municipal public body, the proposed resolution and  
24 settlement shall require the approval of the municipal attorney with review  
25 and comment by Director of Employee Relations and the designated  
26 ethics officer for respondent's administrative department.  
27

28 2. If the respondent is a member of the school board, the proposed  
29 resolution and settlement shall require the approval of the school board.  
30

31 3. If the respondent is a member of the assembly or the mayor, the  
32 proposed resolution and settlement shall require the approval of the  
33 assembly.  
34

35 I. *Written Report.* At the conclusion of an investigation finding a violation of  
36 this chapter that is not resolved by the board under 1.15.070H, the board shall:  
37

38 1. Prepare a written report that includes:  
39

40 a. A summary of the investigation;  
41

42 b. A list of any documents submitted to the board;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- 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 (1) 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 ninety (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 sixty (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

1 the municipal clerk.

2  
3 2. Breach of confidentiality under this subsection is a violation of this  
4 chapter.

5  
6 3. A person filing a notice of potential violation shall keep confidential  
7 the fact that the person has filed the notice with the board, as well as the  
8 contents of the notice of potential violation. If the board finds probable  
9 cause to believe that the person filing the notice of potential violation has  
10 violated confidentiality under this chapter, the board shall immediately  
11 dismiss the notice of violation. Dismissal under this subsection does not  
12 affect the right of the board or another person to initiate a proceeding on  
13 the same factual allegations by filing a notice of potential violation.

14  
15 4. Public disclosure resulting from electronic publication by the  
16 municipal clerk under this chapter or the imposition of a sanction or  
17 corrective action under this chapter is not a violation of this subsection.  
18

19 **1.15.080 Advisory opinions.**

20  
21 A. A current or former employee, current or former appointed member of any  
22 municipal authority, current or former elected official, or current candidate for  
23 municipal office or employment may request written advice regarding the  
24 applicability and interpretation of this chapter in a particular situation involving the  
25 inquirer.  
26

27 1. In any later proceeding involving the inquirer, the inquirer is entitled  
28 to rely on the advice of the board, and may not be sanctioned for acting in  
29 compliance with the board's advice, so long as the facts remain  
30 substantially unchanged from those represented to the board in the  
31 inquiry.  
32

33 2. A request for advice under 1.15.080A is confidential, unless  
34 confidentiality is waived by the person requesting an advisory opinion.  
35

36 B. The board may also accept a request for an advisory opinion on a matter  
37 referred to the board by the municipal clerk or the municipal attorney.  
38

39 C. To promote preventive instruction and advice, the board shall publish on  
40 the municipal website through the municipal clerk, advisory opinions in a generic  
41 form to allow maximum clarity on context, issue, analysis, and decision. The  
42 board shall make sufficient deletions to prevent disclosure of the persons whose  
43 identities are confidential under 1.15.080A. Postings shall be made within 14

1 work days of issuance by the board

2  
3 **1.15.090 Ethics education program.**  
4

5 A. Each employee, appointed member of a municipal authority, and elected  
6 official included within the scope of this chapter is responsible for understanding  
7 and complying with the provisions of this chapter.  
8

9 B. To facilitate understanding and support compliance with the provisions of  
10 this chapter by employees, the mayor and school board shall designate one or  
11 more ethics officers. Members appointed to the board, the municipal clerk or  
12 designee, and all ethics officers shall be given appropriate training and education  
13 in the provisions of this chapter. Upon successful completion of training, a  
14 training certificate shall be issued and a copy kept on file with Employee  
15 Relations.  
16

17 C. Ethics officers shall disseminate information about the Code of Ethics,  
18 inform municipal employees of the board's procedures, and consult with  
19 employees and supervisors regarding compliance with this chapter.  
20 Responsibilities under this chapter shall be reviewed with each new hire during  
21 employee orientation and each employee shall confirm in writing receipt and  
22 review of ethics materials. Ethics officers shall assist supervisors in reviewing  
23 and completing required approvals related to employee disclosure forms,  
24 periodically providing updates, training, and additional materials to employees on  
25 ethics issues.  
26

27 D. To facilitate understanding and support compliance with the provisions of  
28 this chapter by members of the public appointed to a public body of the  
29 municipality, one or more of the ethics officers designated by the mayor shall  
30 serve as ethics officer for the appointed public members included within the  
31 scope of this chapter. Responsibilities under this chapter for members of the  
32 public appointed to a public body of the municipality shall be reviewed with all  
33 appointees as part of the appointment process and each appointee shall confirm  
34 in writing receipt and review of ethics materials. Ethics officers shall inform  
35 appointees of the Ethic Board's procedures, and consult with appointees  
36 regarding compliance with this chapter. Ethics officers shall assist members of a  
37 municipal public body in reviewing and completing required approvals related to  
38 appointee disclosure forms, provide boards, commissions, and authorities of the  
39 municipality with notice of periodic updates, training opportunities, and additional  
40 materials on ethics issues.  
41

42 E. To facilitate understanding and support compliance with the provisions of

1 this chapter by elected officials, the municipal clerk shall provide each elected  
2 official with a copy of this chapter, the disclosure forms, and the process outline  
3 upon taking office. Elected officials shall confirm in writing receipt and review of  
4 ethics materials. The municipal clerk shall provide elected officials with notice of  
5 periodic updates, training opportunities, and additional materials on ethics issues.  
6

7 F. The board shall develop an ethics education program, including a guide to  
8 the ethics code, to meet the differing training needs of employees, supervisors,  
9 elected and appointed officials, and designated ethics officers in the following  
10 areas:

- 11 1. Recognizing possible violations relative to their duties and  
12 responsibilities.
- 13 2. Avoiding potential violations.
- 14 3. Obtaining answers on ethics issues.
- 15 4. Complying with the reporting requirements of this chapter.
- 16 5. The process to be followed by an individual responding to an  
17 inquiry from the board on a notice of potential violation.
- 18 6. Managing the potential for conflict of interest under a disclosure;  
19 preventive actions.
- 20 7. Supporting the public interest in ethical conduct by municipal  
21 employees, members of the public serving on appointed municipal  
22 entities, and elected officials.
- 23 8. At the option of the board based on its observations and experience  
24 in the implementation of this chapter, the board may provide interim  
25 advisory reports to the assembly. In reviewing the board's implementation  
26 and interpretation of this chapter, including general matters of ethical  
27 concern to the board, the board may wish to share its review and  
28 comment on published ethical decisions from other jurisdictions, matters  
29 of general guidance, and areas of special concern that are not the subject  
30 of investigation or otherwise confidential.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**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

1 in the findings of the board of ethics shall be afforded an opportunity to  
2 address the school board in public session, limited to the issue of  
3 sanctions, referrals and corrective action recommended by the board of  
4 ethics.

5  
6 5. Public and private letters of admonishment may describe corrective  
7 action the issuing body deems appropriate.

8  
9 6. Corrective action may include actions of a non-disciplinary nature.  
10 Where the board has recommended corrective action to the respondent  
11 and the respondent has agreed, the board's recommendation and the  
12 respondent's agreement shall be included in the board's report.

13  
14 7. Removal from office initiated by the assembly or the ethics board  
15 for an assembly member is subject to the separate *de novo* process and  
16 additional requirements set out in AMC 2.70.030. Removal from office  
17 initiated by the school board or the ethics board for a member of the  
18 school board is subject to the separate *de novo* process and additional  
19 requirements set out in AMC 29.10.060.

20  
21 8. A court or administrative hearing officer that finds a person guilty of  
22 knowingly violating any provision of this chapter or of furnishing false,  
23 misleading or incomplete information to the board with the intent to  
24 mislead, may impose a civil fine pursuant to AMC 14.60.030 for each  
25 violation, in addition to any equitable remedies.

26  
27 9. Nothing in this chapter shall preclude the municipality or the school  
28 board from maintaining an action for an accounting of any pecuniary  
29 benefit received by any person in violation of this chapter or other law, or  
30 to recover damages for violation of this chapter.

31  
32 B. Nothing in this chapter is intended to address or restrict penalties which  
33 may be imposed for violation of criminal law or other laws outside the scope of  
34 the board's jurisdiction. If the board finds evidence of criminal activity, the board  
35 shall transmit a statement limited to that activity to the municipal attorney for  
36 review and referral to appropriate law enforcement. If the board finds evidence of  
37 matters within the jurisdiction of the Alaska Public Offices Commission, the board  
38 shall transmit a statement for appropriate action by the Alaska Public Offices  
39 Commission.

40  
41 **1.15.110 Definitions.**  
42

1 The following words, terms and phrases, and their verb forms and tenses, when  
2 used in this chapter, shall have the meanings ascribed to them in this section,  
3 except where the context clearly indicates a different meaning:  
4

5 A. *Appear on behalf of* means accompany, represent, testify or accompany  
6 those representing or testifying before the public body.  
7

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

15 C. *Board* means the Board of Ethics.  
16

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

23 E. *Confidential information* means information which by law or municipal  
24 code is not subject to public disclosure.  
25

26 F. *Contract* means a business contract, purchase order, lease, grant, loan, or  
27 similar instrument of municipal government.  
28

29 G. *Economic interest* means a benefit, financial interest, special privilege or  
30 contractual relationship.  
31

32 H. *Elected official* means a person holding an elective office subject to  
33 municipal election under the charter or the code.  
34

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- 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

1           behalf of another person or entity, advises another person or entity, reports the  
2           status of matters to another person or entity, or otherwise confers with another  
3           person or entity, for a fee.  
4

5           Q.     *Personal advantage of another* means the use of supervisory or other  
6           work place status to leverage personal privileges outside the scope of another  
7           person's official duties and responsibilities to the Municipality.  
8

9           R.     *Private interest* means an interest affecting, belonging, or accruing to an  
10          individual or private entity as distinct from the public interest at large.  
11

12  
13 **Section 2.** Anchorage Municipal Code Chapter 1.25, Public Meetings, is amended to  
14 read as follows:  
15

16           **1.25.015 Notice of meetings.**  
17

18           F.     The board of ethics shall accept and consider complaints of violations of  
19           this chapter and may recommend that corrective action be taken by the public  
20           body [SANCTIONS AS STATED IN SECTION 1.15.150]. Upon a  
21           recommendation of the board of ethics finding such a violation, the assembly, the  
22           school board or the mayor may pursue the [THEIR] full range of corrective action  
23           afforded in state law under AS 44.62.310, Open Meetings of Governmental  
24           Bodies [DISCIPLINARY ACTION PROVIDED FOR UNDER THIS CODE].  
25

26           G.     Action taken or deliberated in a meeting which violates this chapter is  
27           voidable. A body may correct such violation and take the same action  
28           subsequently by repeating the entire deliberative and decision-making process in  
29           public according to the provisions of this chapter. The board of ethics in making a  
30           recommendation that the action be rendered void, and the assembly, school  
31           board, and mayor in considering implementation of the board of ethics  
32           recommendation, shall consider at least the factors that would be considered by  
33           a court in making a determination under AS 44.62.310(f).  
34

35           (AO No. 94-132, § 2, 8-25-94)  
36

37 **Section 3.** Anchorage Municipal Code Chapter 2.30, Rules of Procedure for  
38 Assembly, is amended to read as follows:  
39



1 does not apply to a volunteer lobbyist as defined in regulations of the  
2 Alaska Public Office Commission [, AND DOES NOT PROHIBIT A  
3 LOBBYIST FROM MAKING PERSONAL CONTRIBUTIONS TO A  
4 CANDIDATE AS AUTHORIZED BY AS 15.13 OR PERSONALLY  
5 ADVOCATING ON BEHALF OF A CANDIDATE].  
6

7 9. Offer, solicit, initiate, facilitate, or provide to or on behalf of a person  
8 covered by the Code of Ethics, Chapter 1.15, a gift under the Code of  
9 Ethics, other than food or beverage for immediate consumption.  
10

11 10. Make or offer [A GIFT OR] a campaign contribution [WHOSE  
12 ACCEPTANCE BY THE PERSON TO WHOM IT IS OFFERED WOULD  
13 VIOLATE THE CODE OF ETHICS, CHAPTER 1.15].  
14

\*\*\*\*

15 C. [WITH THE EXCEPTION OF THE ANCHORAGE SCHOOL DISTRICT,]  
16 No municipal official, employee, agency, agent, department, enterprise activity,  
17 utility, board, commission or other municipal body, may employ or otherwise  
18 engage or expend or appropriate public funds for employing or otherwise  
19 engaging or supporting a lobbyist to lobby any other municipal official, employee,  
20 agency, agent, department, enterprise activity, utility, board, commission or other  
21 municipal body.  
22

23 D. Employees, excluding employees providing service to a bargaining  
24 representative, and the elected or appointed public officials of any municipal,  
25 borough, or state government including Alaska, and members of their household  
26 are prohibited from registration or action as a lobbyist under this chapter during  
27 the term of public service, except for official action within the scope of the public  
28 employment.  
29

30 E. Employees and the elected or appointed public officials of the federal  
31 government and members of their household are prohibited from registration or  
32 action as a lobbyist under this chapter during the term of public service, except  
33 for official action within the scope of public employment.  
34

35 (AO No. 2000-68(S-1), § 1, 8-15-00)  
36

37 **Section 5.** Upon passage and approval, this ordinance shall supersede any  
38 inconsistent policies and procedures of the Municipality, including policies and  
39 procedures of the Anchorage School District. Within 60 days of passage and approval  
40 of this ordinance, the Employee Relations Department of the Municipality and the  
41 Human Resources Department of the Anchorage School District shall complete any  
42 revisions of policies and procedures necessary for consistency with this ordinance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**Section 6.** Upon passage and approval of this ordinance, the Code Revisor shall amend all cross references to AMC Chapter 1.15 within other provisions of the Anchorage Municipal Code, as appropriate.

**Section 7.** This ordinance shall take effect January 1, 2007, upon passage and approval by the assembly. The provisions of Chapter 1.15 enacted in Section 1 shall not apply to investigations or proceedings completed by the Ethics Board under the former Chapter 1.15 prior to January 1, 2007.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk