



**Municipality of Anchorage
Geotechnical Advisory Commission**

A G E N D A

Tuesday, October 24, 2023

Noon – 1:30 p.m.

**Regular Meeting
(Hybrid format)**

In-Person Physical Location

Planning Conference Room 170
Planning and Development Center
4700 Elmore Road
Anchorage, Alaska

or

via Microsoft Teams

[Click here to join the meeting](#)

[Download Teams | Join on the web](#)

Meeting ID: 245 269 259 949, Passcode: C5MPbs

Or Join by Conference Call:

Dial-in Number: 907-519-0237

Conference ID: 893 755 220#

- I. CALL TO ORDER
 - A. Establishment of Quorum
 - B. Disclosures
- II. MINUTES
 - A. September 26, 2023
- III. OLD BUSINESS
 - A. Scope of Potential Project for Seismic Hazard Analysis and Mapping
 - B. GAC 2023-02, Geopier Foundation Design for the Anchorage FedEx Sorting Facility, Third-party Review
- IV. NEW BUSINESS
 - A. [Tsunami Inundation Maps of Anchorage and Upper Cook Inlet](#)
— Elena Suleimani, Barrett Salisbury, and Dimitry Nicolsky
 - B. Soil Boring Map on Municipal Website for Geotechnical Reports — Vice Chair Halcomb
- V. PERSONS TO BE HEARD (3-minute limit)
- VI. COMMITTEE REPORTS
 - A. Communications Committee
 - B. Hazard Mitigation Committee
 - C. Seismic Hazard Committee
- VII. OTHER BUSINESS
 - A. Board of Ethics Response Regarding Conflict of Interest with Port of Alaska
- VIII. STAFF REPORTS
- IX. ADJOURNMENT

Next Regular Meeting – November 28, 2023



**Municipality of Anchorage
Geotechnical Advisory Commission**

Meeting Summary

**Tuesday, September 26, 2023
12:04 – 12:52 p.m.**

**Regular Meeting
(Hybrid format)**

Planning Conference Room 170, 4700 Elmore Road

CALL TO ORDER

The meeting was called to order at 12:04 p.m.

Establishment of Quorum

Quorum established. Members, staff, and visitors:

Members	Staff	Guests
<ul style="list-style-type: none"> • Chair John Thornley • Vice Chair Steven Halcomb • Dave Hemstreet • Keri Nutter • Kyle Brennan • Dennis Berry • Amy Steiner • Cody Kreitel 	<ul style="list-style-type: none"> • Daniel Mckenna-Foster, Senior Planner 	<ul style="list-style-type: none"> • Wayne Bolen, MOA Development Services • Tim Huntting, MOA Project Management & Engineering • Daniel King, MOA Development Services • Ross Noffsinger, MOA Development Services

Disclosures

No disclosures.

Minutes

- **Minutes from February 28, 2023:** Commissioner Hemstreet moved to approve, Commissioner Nutter seconded. All voted to approve
- **Minutes from March 28, 2023:** Commissioner Steiner moved to approve, Commissioner Kreitel seconded. All voted to approve.
- **Minutes from August 22, 2023:** Commissioner Nutter moved to approve, Commissioner Brennan seconded. Discussion of showing Commissioner Steiner as in attendance [subsequently corrected by staff]. Approved with 2 edits

Old Business

Scope of Potential Project for Seismic Hazard Analysis and Mapping: Tim Huntting discussed developing a scope and how to figure out a fair bidding process. The plan will be to get a scope done before the next GAC meeting in October.

The group discussed updates to MAS [?], and hopes to get a draft out on October 16th with tracked changes. This should be published in January 2024, but there have been some staff changes so some of the work is being contracted out. The update will consider all sections and standard drawings may be touched up. Any comments welcome.

New Business

Amanda Loach contacted **Commissioner Nutter** about the earthquake early warning system, and she directed her to Chair Thornley. Chair Thornley called, but they have not connected yet. The Alaska Earthquake Center is involved in the early warning system as well, and the GAC could contact them and see if they would like to do a presentation as Anchorage is the most populated city in the state. It will be interesting to see how they do it with so few strong motion stations.

Commissioner Steiner: Congress directed USGS to compile a landslide/geohazards database, so there is a multi-agency effort to compile the data that exists. That is the responsibility of USGS, and it will be interesting to see how that gets implemented. **Chair Thornley** pondered whether USGS is working with DGGs to do a landslide map. **Commissioner Steiner** talked about a peer exchange and data sharing. Apparently, there are not many people working on landslides across the U.S.

Discussion: While a slides map would be helpful, our existing geotechnical maps (seismic) are not as precise as they might be. Intended to be a known landslide map. They may be incorporating avalanches as well.

Chair Thornley talked about the goals and scope of the commission and asked whether there are others the commission would like to invite or be involved. He asked if anyone on the commission is active at all with SEA. [?]

Commissioner Berry: Explained that he is a SEA member, and EARL Alaska is trying to get started again.

Chair Thornley: Mentioned that there was previously a liaison with the state hazard safety commission. Dennis Berry had attended one but has not attended anymore. **Commissioner Halcomb** expressed interest in attending but did not know where to start. Perhaps the Communications Committee can connect with those people.

Chair Thornley: Asked about interest in a resolution to expand the BSSA (building safety service area), or submitting a resolution every year. **Commissioner Hemstreet**—maybe resubmit the same thing every year? Or find a champion on the Assembly? **Commissioner Steiner** mentioned that Assembly Members Constant and Volland might be good resources.

Commissioner Nutter noted that she might need some additional help on the Communications Committee.

Commissioner Brennan: asked about the next version of the IBC (International Building Code). **Wayne Bolen, MOA,** explained that it depends on whether or not the administration wants us to adopt the most current version or not. **Daniel King, MOA,** explained that in 2024 we will be switching to 7.22. Differences in soil classing, standards for soils may change, and other potentially significant changes.

Committee Reports

Communications Committee

Commissioner Nutter: The Committee met the Tuesday after our regular meeting and hopes to have more attendees at the next one. Working on a card for John Aho's family. **Members: Kyle Brennan, Keri Nutter**

Hazard Mitigation Committee

Nothing to report.

Seismic Hazard Committee

We talked a lot about the hazard maps; USGS has done a lot of work recently evaluating the model input; hazard maps are getting better. There are ongoing discussions about putting a seismic station at the Port.

Other Business

Vice Chair Halcomb provided an update on the FedEx facility; they are still doing a 3rd party review with PanGeo out of the Seattle/Redmond area. **Dennis Berry** explained they recently got authorization to proceed (FedEx paid). They are hoping to have it before the Commission next month.

Wayne Bolen: I submitted my comments but haven't heard back from them. **Dennis Berry:** We presented the scope to them with comments, and the updated scope got approved.

Staff Reports

Staff talked about updates to the Girdwood comprehensive plan.

Adjournment

Commissioner Halcomb moved to adjourn, and **Commissioner Hemstreet** seconded. The meeting adjourned at 12:52 pm.

October 18, 2023
File No. 23-3324

MCG Explore Design
421 West Fiest Avenue, Ste 300
Anchorage, AK 99501
Attn: Matt Van Goethem

**Subject: Geotechnical Peer Review
Proposed Ground Improvements – Armorpack Pier System
FedEx Sorting Facility, Anchorage, Alaska**

Dear Mr. Goethem,

As requested, we have completed a geotechnical peer review of the proposed ground improvements for the proposed FedEx Sorting Facility in Anchorage, Alaska. We understand that compressible peat was encountered in test borings completed at the site and GeoPier NW is proposing to use its proprietary Geopier Armorpack piers to increase the stiffness of the site soils to mitigate the risk of excessive footing settlement. We further understand that the reviewer is concerned about the lateral stability of Armorpack piers when the building footings are subject to lateral loads.

Our review includes the following documents:

- Revised Geotechnical Report prepared by CRW Engineering Group, dated June 2023; and
- Geopier Northwest design submittal dated April 21, 2023.

SUBSURFACE CONDITIONS

Based on our review of the referenced geotechnical report, the soils within the footprint of the proposed building generally consist of very soft peat that appears to range from about 2 feet thick, to as much as 10 to 11 feet thick. Medium dense to dense silty sand and sandy silt that range from zero to 20-plus feet thick was encountered below the peat. The sand was in turned underlain by stiff to very stiff lean clay. The groundwater level was generally within 5 feet of the ground surface. We understand that the risk of seismic induced liquefaction at the site is minimal and has not been included in the project design.

GROUND IMPROVEMENT DESIGN APPROACH

We understand that the current design is to utilize the proprietary Geopier-Armorpack system to increase the soil stiffness in order to reduce the footing settlement. The Geopier-Armorpack system consists of compacted crushed rock placed in an HDPE casing to provide lateral support within the peat. The individual Geopier-Armorpack ground improvement element with the sleeve and crushed rock will be referred to herein as an “Armorpack pier” for clarity. We understand that the piers are spaced about 6 to 7 feet apart.

Based on our review of the Armorpack pier specification sheets, the HDPE casing generally consists of the following:

- Length ranging from about 9½ to 14½ feet with the piers embedded into the native silty sand/sandy silt;
- Thickness of about 1.5 inches;
- Outside diameter of about 22.5 inches in the upper approximately 3½ feet followed by a taper of about 2.2 percent to the bottom of the sleeve.

Based on our review of the Geopier Northwest submittal dated April 21, 2023, the following summarizes our understanding of the finished dimensions between the Armorpack piers, building footing, and slab:

- Armorpack piers would be embedded in a minimum 6 inches of structural fill (compacted granular soils);
- The top of the Armorpack piers would be a minimum 6 inches from the bottom of the footings;
- The top of the Armorpack piers would be a minimum 4 feet from the bottom of the slab;
- Total structural fill of about 4½ feet over the existing peat soils.

Our interpretation of the proposed dimensions is depicted in Plate 1.

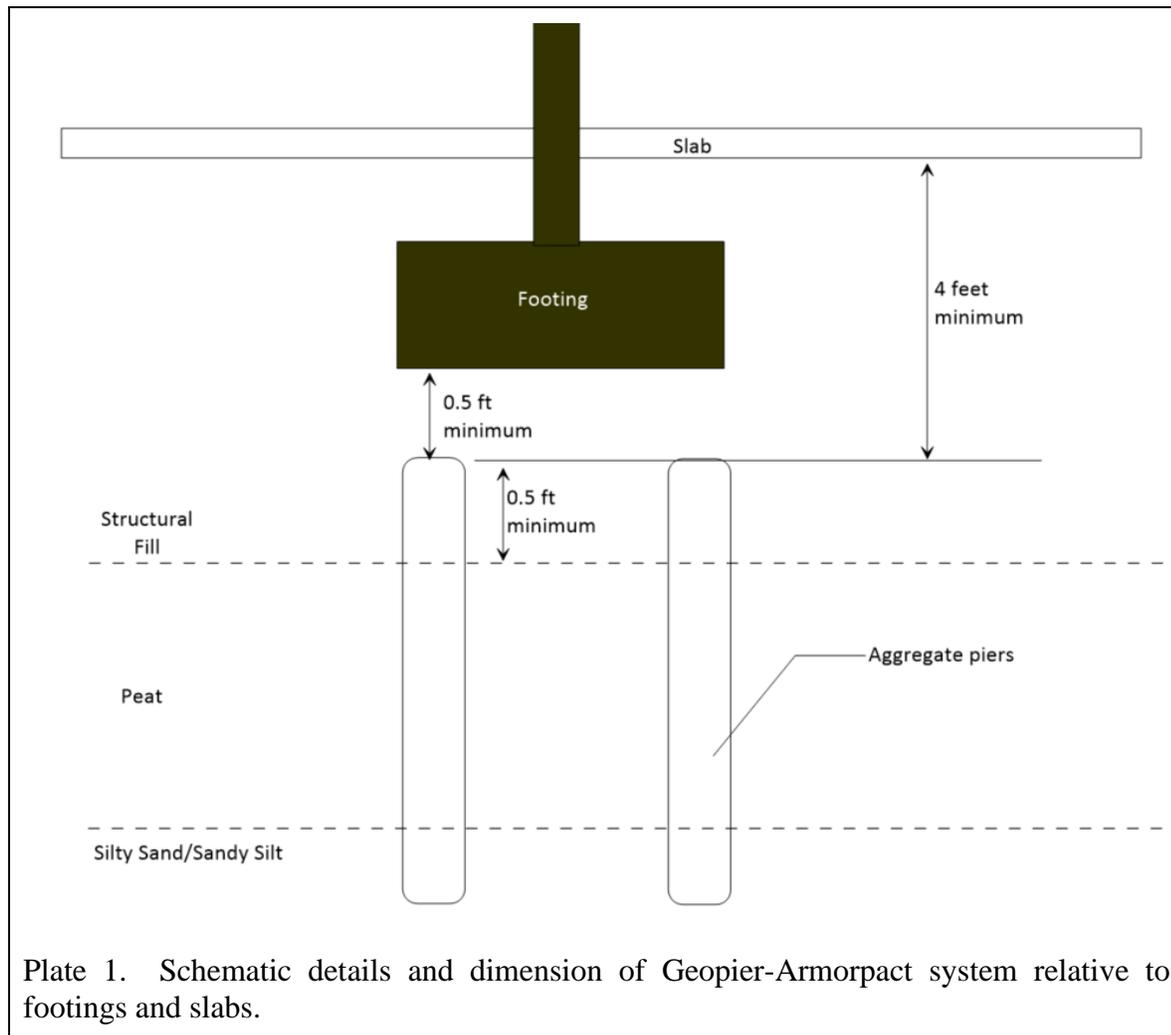


Plate 1. Schematic details and dimension of Geopier-Armorpack system relative to footings and slabs.

LATERAL ANALYSIS OF ARMORPACT PIER

We understand that the City’s reviewer has concerns about the lateral stability of the Armorpack piers when it is subjected to lateral loads. We understand from the structural engineer that the lateral resistance of the building foundation is provided entirely by the passive resistance of the structural fill; friction on the bottom of the footings was ignored in design calculations. We believe this is a conservative but appropriate assumption, based on the limited separation between the bottom of the footings and the fill/peat interface.

The geotechnical report recommends that an allowable passive resistance of 225 pcf be used in design, which includes a factor of safety of 2. The strain needed to fully mobilize the ultimate passive resistance is typically estimated at 2% of the soil height that is against the foundation elements, as documented in several design manuals including the NAVFAC (Navy Facility Naval Facilities Engineering Systems Command) *Design Manual 7.02 Foundations and Earth Structures* (1986). The 2% strain is considered an upper bound value; other design guidelines, such as the CalTrans *Trenching and Shoring Manual* (2011), recommend 1% for dense sand. For our current evaluation, we are using 2% to be conservative.

Since a factor of 2.0 was used in design, using lineal interpolation, the strain needed to mobilize the allowable passive pressure is estimated at 1% (one half of ultimate failure) of the soil height that is against the foundation elements.

Based on the fill depth of about 3½ feet from the bottom of the slab to the bottom of the footing (see Plate 1 on the prior page), the lateral footing movements needed to mobilize the allowable pressure is estimated at 0.42 inches. This is a simplistic but conservative estimate since several factors are not taken into account, including resistance provided by the slab. We regard this as the upper bound estimate.

Since the footings are only 6 inches above the top of the Armorpack piers and one foot above the peat, the top of the Armorpack piers is likely to move laterally as well, potentially as much as the footing (i.e., 0.42 inches).

LPILE ANALYSIS

We performed a lateral loading analysis of the Armorpack piers using the computer program LPILE v2022, developed by Ensoft, Inc. The intent of the analysis is to gain a better understanding of the Armorpack pier performance when the top of the pier deflects 0.42 inches.

Our analysis was performed based on the material properties and design axial loads provided by Geopier. We modeled the Armorpack pier as a pipe with custom input parameters and two distinct diameter sections to model the HDPE sleeve taper. We used the longest HDPE sleeve of about 14½ feet for our analysis. To be conservative, the crushed rock inside the HDPE sleeve was ignored in our analysis. Table 1 summarizes our input parameters to model the pier structure.

Table 1: HDPE Input Parameters for LPILE Analysis

Pile Model	Depth from Top of Pier (ft)	Outside Diameter (in)	Wall Thickness (in)	Elastic Modulus ¹ (ksi)	Yield Stress of HDPE ² (ksi)
Open Pipe	0 – 3.5	22.5	1.5	140	3
Open Pipe	3.5 – 14.5	19.5	1.5	140	3

1. Provided by Geopier Northwest.
2. Yield stress of HDPE approximated based on review of *Engineering properties of Polyethylene* (AWWA Manual, 2005).

Table 2 summarizes our input parameters used for the soils along the modeled pile. The parameters for structural fill were based on an assumption the structural fill will consist of compacted granular soils installed above the groundwater table. The values for the native soils are generally consistent with the values shown in Table 6-1 from the geotechnical report, with the exception of the effective unit weight of the peat layer.

It is our experience that the effective unit weight of peat is typically very low due to the composition of mostly organic and fibrous material with very high moisture content (weight of the retained water divided by the total soil weight). Based on our review of the boring logs, moisture contents within the peat mostly ranged between 300 and 1,000 percent. To be conservative, we utilized an effective unit weight of 10 pcf for the peat.

We also considered two cases in our analysis to understand the potential impacts of the strength of the peat. In Case 1, we assume a cohesion of 200 psf for the peat as indicated in the report; we then reduce the shear strength of the peat to near zero (i.e., 10 psf) in our Case 2 analysis.

A P-multiplier of 0.3 was utilized for all soil layers to model the group effect of the piles based on an anticipated center-to-center pier spacing of about 6 feet, or about 3 times the pier diameter, over multiple rows. This is consistent with the recommended P-multipliers shown in *AASHTO LRFD Bridge Design Specifications* (2020) Table 10.7.2.4-1.

Table 2: Soil Parameters Used for LPILE Analysis

Soil Layer	Depth from Top of Pile	Model Soil Type	Effective Unit Weight (pcf)	Undrained Cohesion (psf)	Friction Angle (deg)	Axial Strain ϵ_{50}	Modulus of Subgrade Reaction (pci)	P-Multiplier
Structural Fill	0 – 0.5	Sand (Reese)	125	--	36	--	35	0.3
Peat (Case 1)	0.5 – 10.5	Soft Clay (Matlock)	10 ¹	200	--	0.02	--	0.3
Peat (Case 2)	0.5 – 10.5	Soft Clay (Matlock)	10 ¹	10 ²	--	0.02	--	0.3
Silty Sand/Sandy Silt	10.5 - 15	Sand (Reese)	62.6	--	32	--	75	0.3

The piers were modeled as free-head elements (free bending and zero moment at the top of the piers) due to the lack of structural connection between the piers and the footings. A lateral deflection of 0.42 inches was included at the top in our analysis and a design axial load of 80 kips on the piers.

LPILE RESULTS

For Case 1, where we utilized the recommended undrained cohesion of 200 psf for the peat, we calculated a maximum bending moment of about 44 kip-in and a maximum shear force of about 2 kips at the top of the piers.

For Case 2, where we utilized a negligible undrained cohesion of 10 psf for the peat, we calculated a maximum bending moment of about 19 kip-in and a maximum shear force of about 1.25 kips at the top of the piers. That is, the stress in the piers is less in lower strength soils when the piers are subjected to the same amount of lateral movement at the top of the piers.

Both cases indicated a relatively fixed base for the portion of the pier embedded in the native sand underlying the peat.

Plots of the computed lateral deflection, bending moments, shear force, and mobilized soil resistance can be seen in Figure 1, attached at the end of this report.

CONCLUSIONS

In summary, based on our analysis, the Armorpack pier should perform adequately when subject to the design lateral loads.

The conclusions and results outlined in this report are based on our understanding of the proposed project, which is in turn based on the project information provided to us. If the above project description is substantially different from your proposed improvements, or if the project scope changes, PanGEO should be consulted to review the conclusions contained in this letter and make modifications, if needed.

We trust that the information presented herein meets your need at this time. Please call if you have any questions.

Sincerely,

PanGEO, Inc.



Bryce C. Townsend, P.E.
Senior Geotechnical Engineer
(btownsend@pangeoinc.com)

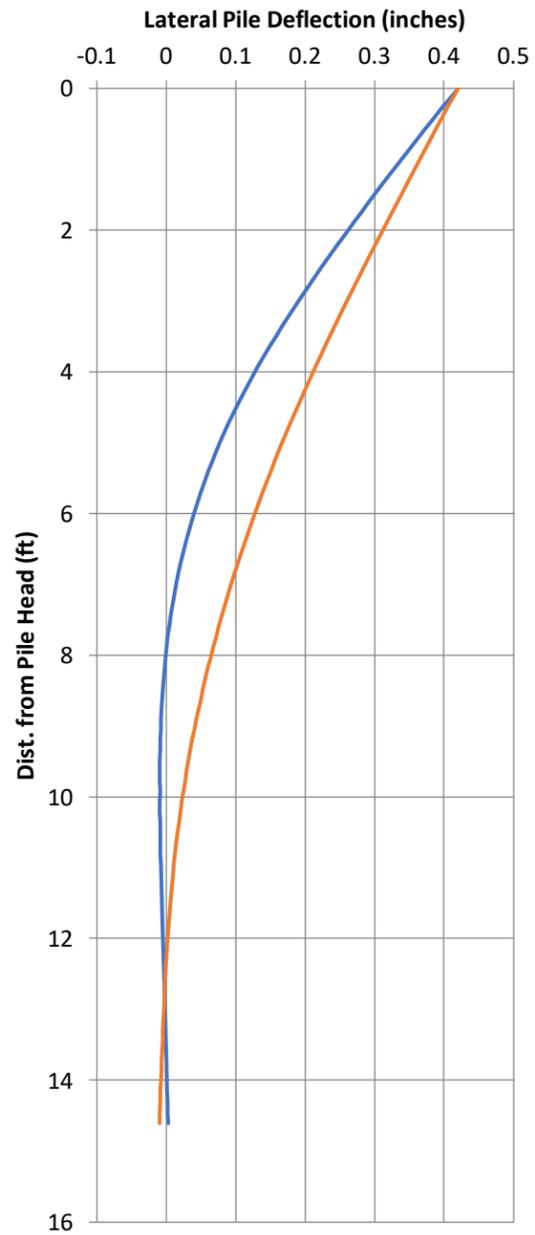


Siew L. Tan, P.E.
Principal Geotechnical Engineer
(stan@pangeoinc.com)

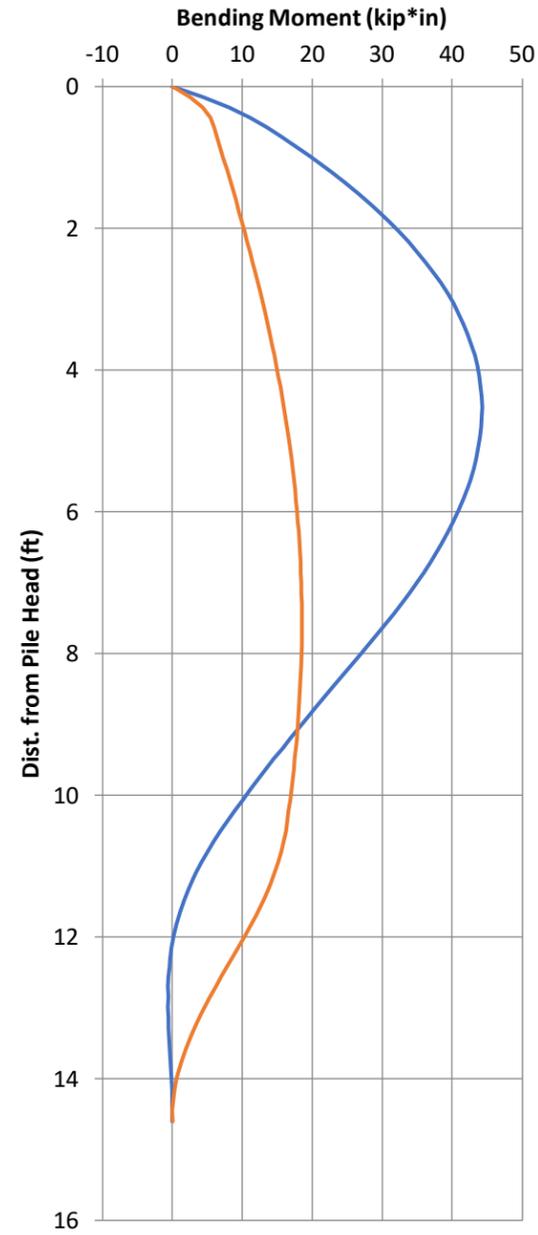
Attachment:

Figure 1 – LPILE Analysis Plots

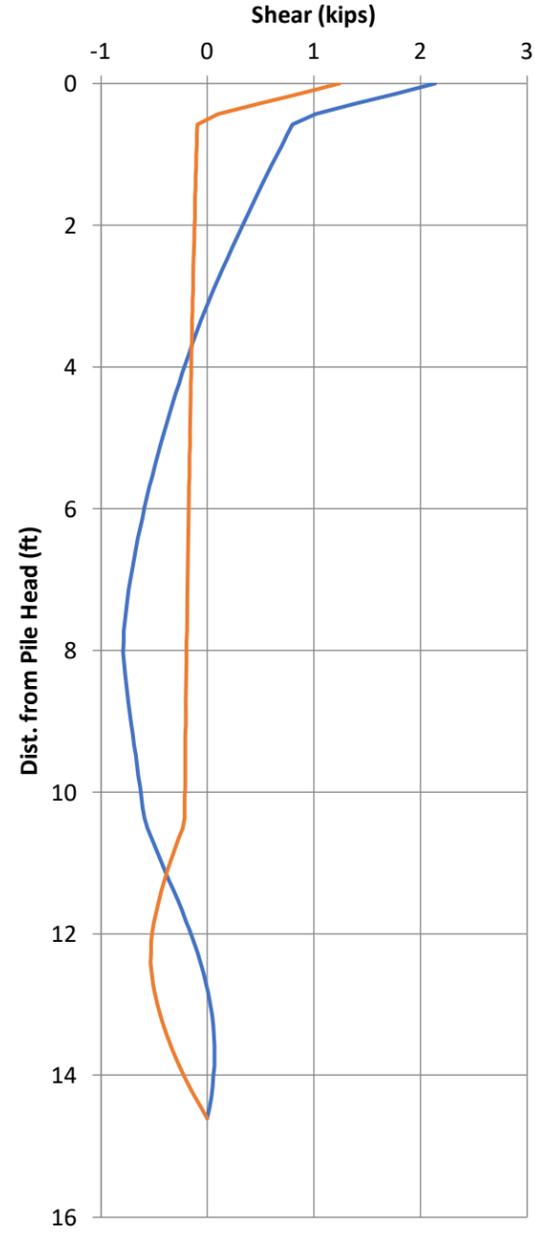
Lateral Deflection



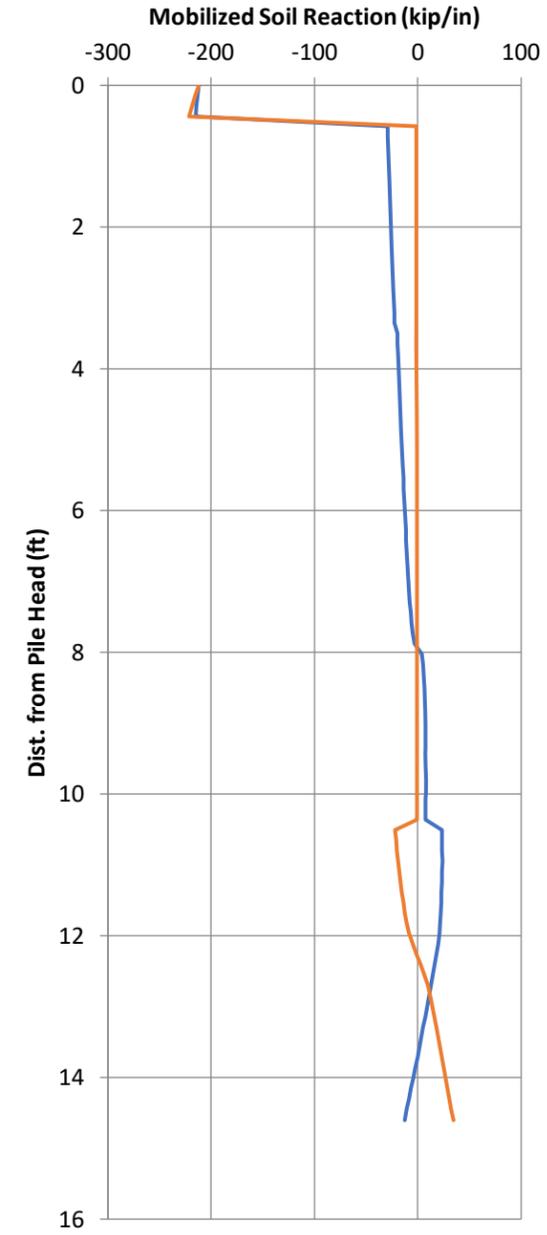
Bending Moment



Shear Force



Mobilized Soil Reaction



Soil Layers



Legend:

- Peat cohesion = 200 psf
- Peat cohesion = 10 psf

October 20, 2023

TO: Matt Van Goethem and Jason Gamache
MCG Explore Design

SUBJECT: Design Comment Response No. 2 - Geopier Soil Reinforcement
FedEx Sorting Facility – Foundation and Slab Support
Anchorage, Alaska

Introduction

This letter represents our design submittal comment response for Geopier® soil reinforcement to support the foundations and slab-on-grade for the FedEx Sorting Facility and vehicle wash, as well as the loading dock and generator slabs in Anchorage, Alaska. Geopier Northwest is responding to comments provided by the Municipality of Anchorage in an email dated August 29, 2023. We are responding to the comments that pertain to our services only.

Review Comments – August 29, 2023

Comment 1. Has this system been successfully used in similar peat soil conditions in high seismic areas? Has it performed in actual seismic events?

Geopier's Armorpack system has been used in similar peat soil conditions in high seismic areas. Most recently, the system is used to support a new light-rail embankment in Redmond, Washington for Sound Transit. The soil conditions along the alignment generally consists of artificial fill and peat/organic soil deposits overlying alluvium deposits. The peat and organic soils generally ranged from 2½ to 11½ feet thick. The design earthquake event consists of 7.1 magnitude with peak ground acceleration of 0.542g. The following projects are supported using the Armorpack system in high seismic areas:

- New Seasons – Seattle, Washington
- Snoqualmie Pass Utility District – Snoqualmie Pass, Washington
- Cannon Bean Conference Center – Cannon Beach, Oregon

To our knowledge, we do not know of any Armorpack projects that have been subjected to actual seismic events as the West Coast has not experienced a significant seismic event in over 20 years. It is our opinion that the Armorpack system will perform well under seismic conditions because the shell consists of a heavy-duty HDPE composite that will have a ductile response and provides confinement of the aggregate, which prevents bulging or deformation of the pier and no loss of strength or support under seismic conditions. Furthermore, the Armorpack system is an end-bearing element and will bear in non-liquefiable soil below the peat.

We hope we have adequately addressed your comments. If you have any questions or require further information, please call.

Sincerely,
Geopier Northwest Inc.



Daniel P. Ciani, PE

Cc: Gianni Martinez, PE, Geopier Foundation Company



MUNICIPALITY OF ANCHORAGE
Board of Ethics

Date: October 13, 2023

To: John Thornley, Chair, Municipality of Anchorage Geotechnical Advisory Commission

From: Municipal Board of Ethics

Re: Response to Request for Advisory Opinion 2023-01

Dear Mr. Thornley:

This advisory opinion responds to the above Request for Advisory Opinion (the “Request”). You have asked the Board of Ethics (the “Board”) to consider whether your ongoing participation as Chair of the Municipality of Anchorage Geotechnical Advisory Commission (the “GAC”) creates a conflict of interest pursuant to Municipal Code¹ in light of the GAC’s role in recommending seismic standards applicable to work at the Port of Alaska, while you continue to also serve as the geotechnical engineer of record for WSP USA, which, in turn, is one-half of the joint venture which serves as the designer of record for the Port of Alaska Modernization Program.

This advisory opinion constitutes the findings and conclusions of the Board, based on the information you provided in your written request and in person during the August 10, 2023, meeting of the Board. If material facts were not disclosed or were misrepresented, the opinion is without force or effect.

SUMMARY OF THE OPINION

The Board finds that your ongoing service as the Chair of the GAC and participation in official action which concerns seismic standards for the Port of Alaska Modernization Project does not present an unmanageable conflict with your work for WSP USA at the Port of Alaska, provided you:

- (1) Disclose your private interest in WSP USA to the GAC for consideration and recommendation pursuant to AMC 1.15.060E prior to participating in any official action (defined to include “any participation in a process, including deliberation, in which a decision of recommendation is reached”²) which would have any impact (positive or negative) on the financial³ or personal⁴ interests of WSP USA; and

¹ See AMC 1.15.060.

² AMC 1.15.060C.

³ Defined as “the receipt or expectation of receipt of a pecuniary benefit.” AMC 1.15.060B.1.

⁴ Defined as “the receipt or expectation of the receipt of a benefit, including but not limited to a special privilege, contractual relationship, or promotion of a business or political interest.” AMC 1.15.060B.2.

- (2) Do not take any official action with respect to any matter in which WSP USA has a substantial financial or personal interest.⁵

FACTS OF THE REQUEST

Pursuant to AMC 21.02.080, the Municipality of Anchorage Geotechnical Advisory Commission's mission is to "serve as a technical advisory board in the municipality." The Commission is called upon to "act in an advisory capacity to the assembly, the mayor, boards, commissions, and heads of municipal departments and agencies" with respect to "geotechnical engineering issues," "natural hazards risk mitigation," and "proposed development located in high or moderate snow avalanche hazard zones, in areas designated with high or very high susceptibility to seismically induced ground failure, and in areas susceptible to other natural hazards."⁶ With respect to the Port of Alaska Modernization Program (the "PAMP"), the GAC has been called upon to recommend seismic standards to the Assembly, which in turn determines whether to direct the PAMP's designer of record to utilize those standards.⁷ Per Municipal Code, the GAC's recommendations are "purely advisory," but the Board understands that the Anchorage Assembly tends to adhere closely to GAC's advice.⁸

You explained to the Board that you are an Assistant Vice President of WSP USA.⁹ WSP USA is, in turn, one half of the joint venture group which serves as the designer of record for the PAMP.¹⁰ This work is being completed pursuant to a lump sum contract.¹¹ With respect to the PAMP project, you serve, specifically, as WSP USA's geotechnical engineer-of-record.¹² In this role, the engineering work for the project is done under your direction, and final plans are stamped by you.¹³

The joint venture's concept for the cargo docks portion of the PAMP has already been reviewed by the GAC.¹⁴ The GAC also participated in defining proactive standards for the PAMP prior to the bid process for the project.¹⁵ However, ongoing changes to standards and requirements applicable to the PAMP have recently and will continue to come before the GAC for review and recommendation.

One recent question which came before the GAC concerned a request from the Port of Alaska for a GAC recommendation regarding an update to seismic standards applicable to the PAMP.¹⁶ You represented to the Board that this request would have no impact on WSP USA's costs or profits.¹⁷

⁵ See AMC 1.15.060D.2 ("A public servant shall not participate in an official action in which the public servant has a substantial private interest.").

⁶ AMC 21.02.080.

⁷ Notes from Board discussion with John Thornley, August 10, 2023.

⁸ Notes from Board discussion with John Thornley, August 10, 2023.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See Request for Advisory Opinion 2023-01.

¹⁷ Notes from Board discussion with John Thornley, August 10, 2023.

The Board further understands that you disclosed your role with WSP USA prior to the question coming before the GAC, and that the GAC followed the procedures set by AMC 1.15.060E to assess the possibility of a substantial conflict and to provide you with direction with respect to participation.¹⁸

DISCUSSION

The Board's consideration of this issue addressed both the GAC's recent review of the requested change in seismic standards applicable to the PAMP, and the broader question of your continued participation in official action which concerns seismic standards for the PAMP.

With respect to the GAC's review of the recently requested change in seismic standards, the facts before the Board are as outlined above:

- The request was presented to the GAC by the Port of Alaska;
- Neither the immediate nor the downstream impact of the change would have any effect on WSP USA's financial or personal interests;
- You disclosed the potential for a conflict to the GAC prior to participation in any official action concerning the request; and
- You stepped down from your role as Chair to allow the GAC to consider and rule on the potential conflict of interest pursuant to the process set out in AMC 1.15.060E.¹⁹

Based upon these facts, the Board concludes that your subsequent participation in consideration of this change to seismic standards did not violate the Municipal Code of Ethics.

With respect to the broader question of your ongoing service as the Chair of the GAC and participation in official action which concerns seismic standards for the PAMP, the Board concludes that there remains a significant but manageable possibility for conflicts of interest to arise, that must be addressed in accordance with the Municipal Code of Ethics.

Pursuant to the Municipal Code of Ethics,²⁰ “[a] public servant shall not participate in an official action in which the public servant has a substantial private interest.” Official action is defined to mean “participation in a process, including deliberation, in which a decision or recommendation is reached.”²¹ “Public servants are understood to possess their own interests as well as those of . . . organizations in which the public servant . . . serves as a director, officer, or employee.”²² Private interests include both a “financial interest” (“the receipt or expectation of the receipt of a pecuniary benefit”) and a “personal interest” (“the receipt or expectation of the receipt of a benefit, including but not limited to a special privilege, contractual relationship, or promotion of a business or political interest”).²³

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ AMC 1.15.060D.2.

²¹ AMC 1.15.060C. Note that pursuant to Ethics Code, “official action” does not include clerical or ministerial action on a matter, or “[a]ction on a matter that does not substantially evaluate or impact the merits of the recommendation or decision.”

²² AMC 1.15.060B.

²³ AMC 1.15.060B.

In situations in which a public servant possesses “a potential conflict of interest,” the public servant has the duty to disclose the interest for “appropriate evaluation,”²⁴ by the body on which they serve, in accordance with the process set forth in AMC 1.15.060E.

Per the above-outlined provisions of Code, the Board advises you to be aware that the Code explicitly considers the private interests of WSP USA to be coextensive with your own; that is, if WSP USA has a potential financial or private interest in an official action, the code deems you to share that interest. Further, the Board advises you to review the recently revised provisions of AMC 1.15.060, specifically the procedural requirements of AMC 1.15.060E. This section of Code was updated by the Assembly to include newly detailed direction regarding the disclosure and consideration of conflicts of interest.

Finally, the Board advises you to be cautious and thoughtful in your consideration of when the GAC’s review of a seismic standard could give rise to potential beneficial or adverse impacts for WSP USA. For example, if a seismic standard before the GAC would have the effect of either increasing or decreasing WSP USA’s operational costs (and, thus, under a lump sump contract, either increasing or decreasing WSP USA’s profit from the PAMP), the Code would consider this to be an impact on WSP USA’s financial interests which must be explicitly disclosed and considered by the GAC pursuant to AMC 1.15.060E prior to your participation in any relevant official action.

CONCLUSION

The Board advises that your ongoing service as the Chair of the GAC and participation in official action which concerns seismic standards for the Port of Alaska Modernization Project does not present an unmanageable conflict with your work for WSP USA at the Port of Alaska, provided you comply with the disclosure and recusal requirements set forth in AMC 1.15.060.

Respectfully submitted,

Municipality of Anchorage Board of Ethics



Rebecca Windt Pearson, Chair
Kelly Moghadam, Vice Chair
Terrence Kelly
Patrick Teagarden

²⁴ AMC 1.15.060E.