



The Municipal Code of Ethics AMC 1.15: For Elected Officials

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Ethics Questions?

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Most Common Ethical Issues

- * Use of Municipal Resources
- * Political or Partisan Activity
- * Gifts
- * Conflicts of Interest

Purpose: Honor the Public Trust

AMC 1.15.020

Public office or employment is a public trust

Unconscious Bias

Avoid Appearance issues:
Does what I am doing look good on the front page of the newspaper?



Scope of the Code of Ethics

AMC 1.15.030: Ethics code applies to:

- A. All employees of the MOA, including corporate authorities and the Anchorage school district;
- B. Board Members, whether elected or appointed;
- C. Elected Officials, including school board members;
- D. Public servants, All persons within the scope of this Code, including employees, board members, and elected officials.

Code of Ethics is not

- A. A substitute for APOC (Alaska Public Offices Commission) compliance
- B. Meant to cover all HR rules, employment policies, or department specific rules
- C. Policy driven (it is procedure driven)

Use of Municipal Resources

AMC 1.15.040 – Use of Municipal Resources

- A. Used for public purposes, which includes the performance of municipal duties, including educational and outreach.

- B. De minimus personal use is permitted (infrequent or occasional use with little or no cost to the municipality). No personal use for political activities, lobbying, or outside business interests.

- C. Except to the extent the public has the same access, can't use to support an employee's personal endeavors, including contemporaneous service or employment.

Political or Partisan Activity (more details in flyer)

AMC 1.15.110

C. A public servant shall not use municipal resources for political or partisan activity with two exceptions (and subject to APOC)

1. Mayor, assembly, school board, and superintendent, or executive designee, may appear before assembly, community councils, civic organizations, media representatives regarding ballot measure coming before voters in municipal election; and may incur limited expenses, such as employee time, vehicle, clerical costs.

2. Elected officials may voice their opinions as part of their usual and customary duties, with similar limited use of municipal resources

Political or Partisan Activity

AMC 1.15.110

- D. Employees may use titles when authorized to do so, or when stating they are not speaking on behalf of their work group or the municipality
- E-F. Employees and board members shall not engage in political or partisan activity while at the workplace or in the performance of work duties, including wearing campaign buttons.
- G. Cannot use municipal resources to support, oppose or endorse candidates for any elected entity

Gifts

AMC 1.15.050 – Gifts

- A. A "gift" is an item of value, including money, cash equivalents, services, discounts, meals, and entertainment.
- B. Public servants can't accept gifts from those with interests that may be "substantially affected" by performance of official municipal duties, look at timing and nature of gift.
- E. Elected Officials: (1) Campaign contribution properly reported through APOC, not a gift; (2) travel expenses over \$500 reported to clerk 3 days before event
- G. Traveling while campaigning or fundraising: disclosed on trip report, pro rata adjustment

Gifts

AMC 1.15.050 – Gifts

C. Unless other factors of influence, acceptable gifts include

1. Items given for special occasions by coworkers
2. Perishable items for consumption or display
3. Discounts, prizes, awards available to public employees generally
4. Monetary award for civic service
5. Homemade items
6. Occasional gift or meal worth \$50 or less
7. Tickets, including entry and meal, for non-profit events
8. Tickets, including entry and meal, for civic events
9. Travel discounts, accommodations, training, registration fees approved by supervisors for legitimate government purposes

Appearing before Boards or Commissions

AMC 1.15.070 (Updated April 2024)

- A. Can't serve as paid representative for private interest
- B. Can't represent private interest in adjudicatory matter (exceptions: you are a party, or board requested you)
- C. Legislative Roles: Can appear to discuss legislation
 - a. sponsored legislation the body reviews
 - b. updating them on assembly committee
 - c. Collaborative efforts on proposed legislation

Charitable Non-Profit Board Member Service

AMC 1.15.080

- A. Can serve, without compensation, on board of charitable non-profit organization, even if organization receives municipal funds
- B. Have to disclose it (See conflict section)

Conflicts of Interest (1.15.060)

B. Private interest. A private interest is an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public at large. Includes immediate family, their household, and organizations in which the public servant has an ownership interest or, even if no compensation or profit accrues to them, serves as a director, officer, or employee. Can be financial or personal

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C. Official Action. (Includes deliberation, even if not voting. Does not include clerical or ministerial action with limited or no use of judgment, or action that does not substantially evaluate or impact the merits of the decision.

Permissible vs. Prohibited

D.1. Permissible conflict of interest: A public servant may participate in an official action in which the public servant has a minor or inconsequential private interest.

D.2. Prohibited conflict of interest: A public servant shall not participate in an official action in which the public servant has a substantial private interest. The determination of whether a private interest is substantial is determined based on the balancing of two factors:

- a. Size - financial amount or personal importance
- b. Connection – link between official action and private interest



Duty to Disclose Potential Conflicts

E.1. Employees must disclose to department director.

- * Director determines if permissible or prohibited
- * Employee or director may request advisory opinion
- * Must not participate when a prohibited conflict is present

E.2. Elected officials and board members.

- * Disclose to the rest of the body
- * Body determines if prohibited

E.3. Mayor

- * Disclose to assembly when acting as member of assembly
- * Other matters, disclose to board of ethics prior to official action

What to Disclose

- i. A detailed description of the interest.
- ii. Whether the interest is financial or personal. If the interest is financial, the disclosure shall include the size of the interest.
- iii. Who holds the interest? The description shall allow the body to determine if the interest applies to the person making the disclosure, an immediate family member, household member, an organization, or if the interest is possessed by the public or a large class of persons.
- iv. When did the interest arise? Past, present, or future?
- v. How does the matter coming before the body impact the interest, including:
 - (A) Whether the interest is a substantial part of the matter under consideration,
 - (B) Whether the impact on the interest directly varies with the outcome of the official action,
 - (C) Whether the impact on the interest is immediate or conjectural and dependent on factors beyond the official action.

What to Disclose (after detailed description)


- i. “I believe my interest is minor or inconsequential and does not prevent me from participating in this matter” *or*
- ii. “I believe I should be excused from this matter based on my potential conflict”
- iii. Person’s opinion is factor to consider, but the body decides

Procedure:

- i. Chair may exercise parliamentary authority and make initial ruling
- ii. Decision may be appealed to body for majority vote
- iii. Rule of necessity (when required to take action and members disqualified by shared interest)
- iv. Majority’s decision on whether there was a prohibited conflict is binding. Board of Ethics can only review whether the disclosure was adequate.

Disclosure Forms (1.15.100)

- A. Disclosure upon employment, appointment, or election: Within 30 days of service, a public servant shall submit a written disclosure to clerk's office of economic interest in a municipal contract or business with the municipality.
- B. Acquisition: Must file notice of intent to respond to public solicitation with Municipal Clerk before bidding or applying for grant, contract, lease, etc. (includes public foreclosures)

 **DISCLOSURE OF ECONOMIC INTEREST IN A MUNICIPAL CONTRACT OR BUSINESS BY A PUBLIC SERVANT**
Public servant includes all municipal employees, board members, and elected officials. AMC 1.15.030D.

For new employment, appointment, or election, this form must be filed with the Municipal Clerk within 30 days of commencement of service. AMC 1.15.100A. For newly acquired economic interest, this form must be filed with the Municipal Clerk upon acquisition. AMC 1.15.100B.

1. Name: _____ Date: _____
Email: _____

2. **I am making this disclosure as a(n) ...**

Employee upon employment, _____ (Date of Hire) or upon acquisition of interest in municipal business of the Municipality of Anchorage, _____ (Department) _____ (Position) of a corporate authority owned by the MOA, _____ (Authority) or of the Anchorage School District _____ (School) _____ (Position)

Board Member upon appointment, _____ (Date of Appointment) or upon acquisition of interest in municipal business of a municipal authority, _____ (Authority) of a municipal board or commission, _____ (Board or Commission) or of a LRSA _____ (Limited Road Service Area)

Elected Official upon election, _____ (Date of Election) or upon acquisition of interest in municipal business Mayor, Assembly Member, School Board Member, or Board Member of a GSA _____ (General Service Area)

3. **Please check one of the following:**

and/or ...

Identify the Entity engaging in business with the Municipality: *(Attach separate sheets as necessary.)*

Entity Name: _____ Date Acquired: _____
Name of the person with the economic interest: _____
Title of position held: _____ self or family-household member
Describe the responsibilities of the position held:

Could the performance of your official duties in any way affect the entity's business with the Municipality? No
(If yes, the public servant may request additional review by the Board of Ethics. AMC 1.15.100B.2.)

If yes, describe the potential for conflict:

If yes, describe the preventive measures that shall be taken to manage any potential for conflict:

This page of this form must be signed by both the public servant's supervisor and an ethics officer before filing is complete. I have reviewed this disclosure and either no potential for conflict exists or it has been managed by taking the preventive steps described.

Supervisor's Signature _____ Date _____
Ethics Officer's Signature _____ Date _____

For Municipal Clerk's Office Use

Date Received: _____
Date Reviewed by Board of Ethics: _____

Board of Ethics

- * <https://www.muni.org/Departments/Assembly/Ethics/Pages/default.aspx>
- * Board policy on confidentiality
- * Forms for disclosing interest in muni contract and intent to respond to public solicitation
- * Forms for requesting advisory opinions and ethics complaints for potential violation
- * Link to Board decisions for past cases

Board of Ethics

The screenshot shows a web browser displaying the Municipality of Anchorage website. The URL is muni.org/Departments/Assembly/Ethics/Pages/AdvisoryOpinions.aspx. The page features a navigation menu with categories like Residents, Business, Government, Public Safety, Transportation, Job Opportunities, ePay, and Departments. The breadcrumb trail is: Muni.org > Departments > Assembly > Ethics > Advisory & Ethics Complaint Opinions. The main heading is "Advisory & Ethics Complaint Opinions" with a search bar below it. A table titled "Advisory & Ethics Complaint Opinions issued by the Board of Ethics" contains the following data:

Case #	Request Type	Allegation	Board Response	Notes
2023-07	Advisory Opinion	Request	Report	
2023-05	Advisory Opinion	Request Conflicts of Interest – AMC 1.15.060	Report	The Requestor waived confidentiality December 6, 2023.
Not Assigned Case No.	Letter	Letter Request Review of Request to Remove Rosalina Mavaega from the Anchorage Equal Rights Commission for Breach of the Public Trust	Letter	
2023-02	Advisory Opinion	Request Conflicts of Interest – AMC 1.15.060	Report	
2023-01	Advisory Opinion	Request	Report	



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