



MUNICIPALITY OF ANCHORAGE
Board of Ethics

Date: July 17, 2025

To: An Elected Official¹

From: Municipal Board of Ethics

Re: Response to Request for Advisory Opinion 2025-03

Dear Elected Official:

You stated in your request that you are a member of the Anchorage Assembly and are also taking on new employment with a state legislator's office during the 2025 interim legislative period (summer of 2025 – January 2026). You asked the Board of Ethics for an advisory opinion on whether your employment creates potential conflicts of interest with your role as an assembly member, and if so, how to navigate those conflicts. The board concludes your employment with a state legislator's office is allowed under the code of ethics and it does not create any potential conflicts that cannot be managed through the normal disclosure process. Your plan to disclose your employment in situations where there is a potential for a conflict of interest is appropriate and sufficient to avoid any concerns with the code of ethics.

FACTS OF THE REQUEST

In your request for an advisory opinion, you stated that you will be taking on new employment with a state legislator's office during the 2025 interim period (summer 2025 through early January 2026). You told the board that your job with the state legislator would involve things such as writing a newsletter, doing background research for legislation, addressing concerns from constituents, and working on legislative priorities, such as changes to housing policy. You asked for advice on potential conflicts your work would create with your assembly role, and how to navigate those conflicts.

You said that you have already begun to step down from the Assembly Legislative Committee and from serving on the Alaska Municipal League's Legislative Committee before starting the job with the state legislator. You anticipated that the Anchorage Assembly may take positions on pending legislation. You requested advice on how to navigate those situations if they came up. As an example, you said that the Anchorage

¹ Requests for advisory opinions are confidential. This is a generic form of the Board's response pursuant to AMC 1.15.150.D and F.

Assembly passed a resolution (AR 2025-61, as amended (February, 25, 2025)) in support of House Bill 13, “an act relating to optional municipal property tax exemptions.”² You asked for advice on situations like that bill, where you might work on the issue in both your assembly role and your role a staff member for a state legislator.

DISCUSSION

Public servants are authorized to request an advisory opinion regarding the applicability and interpretation of the ethics code related to actions, rights, or conflict personal to them as the inquirer.³ Because this situation deals with a situation personal to you as the inquirer, the board has jurisdiction to issue this advisory opinion to you.

AMC 1.15.090 governs contemporaneous employment or service by employees and elected officials. Under paragraph B, elected officials, other than the mayor, may serve as non-elected employees of the state. Therefore, the code of ethics specifically authorizes you to have this type of outside employment, and it will only raise ethical concerns if the arrangement creates a conflict of interest or violates other provisions of the ethics code.

As a preliminary matter, advisory opinions issued by this board only address the applicability and interpretation of AMC 1.15, the municipal code of ethics. There may be other state laws, regulations, or legislative policies that govern your actions as a state employee for an elected state legislator. Your actions in that role are generally beyond the scope of this opinion. That is, this advisory opinion only looks at the other side of the issue – your actions as an assembly member. However, there are four restrictions in the code of ethics that would govern your actions as a staff member for the legislator, and are worth mentioning here. First, while serving in your role for the state legislator, you may not state or imply that you are acting on behalf of the assembly or municipality.⁴ Second, you may not use any municipal resources in that role.⁵ Third, you may not use, disclose, or release any confidential or nonpublic information gained through your role as an assembly member, unless authorized by law or court order.⁶ Finally, you may not appear

² AR 2025-61, as amended (February 25, 2025).

³ AMC 1.15.150A Current, former, or potential public servant may request an advisory opinion regarding the applicability and interpretation of this chapter related to actions, rights, or conflict personal to the inquirer.

⁴ AMC 1.15.110D.1.

⁵ AMC 1.15.040 (Note that this includes even de minimus use that results in little or no actual cost to the municipality, because such de minimus use may not be for political activities or outside business interests.

⁶ AMC 1.15.120.

on behalf of the state legislator before the assembly, school board, or in any adjudicatory matters that come before an appointed public body of the municipality.⁷

The board does not believe your situation raises concerns about creating prohibited conflicts of interest. “A conflict of interest is a conflict between the private interest of a public servant and the official responsibilities of the public servant in the context of an official action.”⁸ A “private interest” is either a financial or personal interest. A financial interest is “the receipt or expectation of the receipt of a pecuniary benefit.”⁹ A personal interest is 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.”¹⁰ A public servant may participate in actions in which the public servant has a “minor or inconsequential” private interest, but may not participate if the public servant has a “substantial” private interest.¹¹

The evaluation of whether a substantial private interest exists in any particular official action is highly fact specific, dependent on the context of the official action, the link between the official action and any private interest, and the significance of the private interest in financial amount or personal importance. Therefore, the board is unable to provide general advice on whether your employment for a state legislator conflicts with your assembly duties in all cases. If a situation is a close call, the code of ethics imposes a duty on you to disclose a “potential” conflict to the rest of the body for appropriate evaluation.¹² The chair or body then determines whether the conflict of interest is permissible or prohibited based on whether the private interest is substantial or minor.¹³ Therefore, it is never wrong to err on the side of disclosure and disclose potential conflicts.

However, you also asked for specific advice on situations where the assembly takes a position on state legislation. You gave House Bill 13 as an example. Last year, the Anchorage Assembly expressed its strong support for tools to create affordable housing and urged the Alaska State Legislature to pass House Bill 13.¹⁴ You asked for specific

⁷ AMC 1.15.070.

⁸ AMC 1.15.060D.

⁹ AMC 1.15.060B.1

¹⁰ AMC 1.15.060B.2

¹¹ AMC 1.15.060D

¹² AMC 1.15.060E.

¹³ AMC 1.15.060D-E.

¹⁴ AR 2025-61, as amended (February 25, 2025).

advice from the board on situations like House Bill 13. Presumably, there might be situations where you would support proposed legislation in your role as an assembly member and then work to advance that same legislation as a staff member for a legislator. Alternatively, you might work on proposed legislation for the state, and then later participate as an assembly member on a resolution to support the legislation.

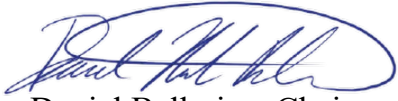
None of those situations create even the potential for a conflict of interest because your only private interest in the assembly action would be to support legislation you agree with as a matter of policy – a general interest that is no different from any other assembly member or elected official. The Alaska Supreme Court has previously held that a substantial financial interest only exists where a government official has a “narrow and specific interest” in the “immediate subject” of an official action.¹⁵ Using House Bill 13 as an example, if you or a family member owned rental properties that would qualify for significant property tax exemptions under the proposed legislation, that would create a potential conflict that must be disclosed. Similarly, if you or the state legislator you are working for would obtain some sort of narrow and specific personal benefit from passing the legislation, that could also create a personal private interest that must be disclosed. But you do not have a potential conflict of interest in passing assembly resolutions supporting certain proposed legislation simply because you also worked on advancing the legislation in other roles, separate from your assembly duties. Many assembly members might come into office with specific policy goals or legislation they would like to advance through the assembly. Working to advance those goals in other roles does not create a potential conflict of interest because the only private interest the elected official has is advancing legislation the elected official agrees with. Requiring disclosures in these types of situations would unnecessarily bog down meetings with lengthy disclosures in many cases. Therefore, although you have stated that your intention was to step down from the assembly legislative committee out of an abundance of caution, the board does not believe doing so is required by the code.

CONCLUSION

The Board concludes your status as an assembly member does not prohibit you from working for a state legislator. There may be specific instances where you might need to disclose that employment to the rest of the assembly for evaluation on whether it creates a conflict. However, unless you have some individualized personal or financial interest in an official action, the risk of this situation causing a prohibited conflict of interest seems low. The board thanks you for your dedication to ethical principles in seeking this advisory opinion and striving to uphold the code of ethics.

¹⁵ *Griswold v. City of Homer*, 34 P.3d 1280, 1287 (Alaska 2001).

Respectfully submitted,



Daniel Bellerive, Chair

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