



Municipal Code of Ethics

Anchorage Municipal Code 1.15

More information about the Code of Ethics and the Board of Ethics including forms, procedures, and published opinions are available on the Municipal Website at <http://www.muni.org/departments/assembly/ethics/pages/default.aspx>.

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**Provided by the
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CODE OF ETHICS

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1.15.010 Title.

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

1.15.020 Purpose.

- A. Public Trust. Holding public office or employment is a public trust. The proper functioning of democratic government requires ethical behavior by public officials and employees. Ethical behavior involves the commitment to take individual responsibility in creating a government that earns the trust and respect of its citizens. All who serve the municipality have a solemn responsibility to avoid improper conduct.
- B. Intent. The assembly intends this code to be interpreted to promote fair, honest, and impartial dealings with members of the public, to ensure proper use of municipal resources, and to avoid or manage conflicts of interest and potential conflicts of interest.
- C. Appearance of Impropriety. Where provisions of this chapter differ from the common law principle that an appearance of impropriety alone is sufficient to establish a conflict of interest or an ethical violation, the provisions of this chapter supersede the common law.
- D. No Private Cause of Action. Nothing in this chapter shall be interpreted to create a private cause of action against an official, executive, or employee of the municipality or the municipality, authority, or school district.

1.15.030 Scope.

This code applies to:

- A. Employees – all employees of the municipality of anchorage, including employees of a corporate authority owned by the municipality and employees of the anchorage school district;
- B. Board Members – members of the public appointed to serve on a municipal authority, board, or commission and board members of limited road service areas (LSRA) whether elected or appointed;
- C. Elected Officials – assembly members, mayor, school board members, and board members of general service areas; and
- D. Public Servants – all persons within the scope of this code, including employees, board members, and elected officials.

1.15.040 Use of Municipal Resources.

- A. Municipal resources include, but are not limited to funds, facilities, tools, equipment, vehicles, property, consumable resources, and employees

and employee time. Municipal resources shall be used for municipal public purposes, which shall be defined to include:

1. The performance of municipal duties, including educational and outreach programs;
 2. Occasional and limited use of municipal resources for community service or charitable fundraising purposes if duly authorized by the chair of the assembly, the mayor, or the mayor's designee;
 3. Use of municipal resources as further addressed in the mayoral directives (policies and procedures), as well as an annual umbrella charitable fundraising program designated by the mayor for participation by public servants.
- A. De minimus personal use of municipal resources is permitted and is defined as use that is infrequent or occasional and that results in little or no actual cost to the municipality. No personal use, however, may be for political activities, lobbying, or outside business interests.
- B. Except to the extent the general public has the same access to or as otherwise authorized, a municipal employee shall not use facilities, equipment, data, or supplies of the municipality to support an employee's personal endeavors, including contemporaneous service or employment.

1.15.050 Gifts.

- A. Definition: A "gift" is an item of value, including but not limited to money, cash equivalents, services, discounts, meals, and entertainment. Gifts that are not connected with the recipient's status as a public servant are outside the scope of this chapter.
- B. General Rule: To avoid undue influence or the appearance of undue influence, a public servant may not accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties.
- C. Examples: Unless other factors of influence are present or inconsistent with the general rule, a public servant may accept the following gifts:
1. An item given for a special occasion by municipal coworkers.
 2. A perishable item given for consumption or display, by member(s) of the public or a classroom expressing general appreciation or holiday cheer, shared with an office, work group, or classroom.
 3. A discount, prize, or award available to public sector employees

generally, or to a large business category of public employees.

4. A monetary award or commemorative item presented in recognition of meritorious, civic, or voluntary service presented by a recognized civic, philanthropic, or non-profit charitable organization.
5. An item, homemade or handmade, crafted by the giver.
6. An occasional gift or meal worth \$50.00 or less.
7. Tickets, including entry and meal, to events held by a non-profit organization.
8. Tickets, including entry and meal, to civic events hosted by government agencies, civic organizations, or community service clubs consistent with the mission of the public servant's work group.
9. Items such as employee travel discounts, vendor-provided accommodations, training, and payment of employee registration fees that are approved by the appropriate supervisor for legitimate governmental purposes.

D. Supplemental Rules for Anchorage School District (ASD) Employees: In addition to the items set forth in subsection C, ASD employees may accept the following items:

1. Supplies, equipment, monetary and in-kind gifts made through the PTA, parent forum, booster club, other similar community groups, or the principal.
2. Contributions from ASD business partners.
3. Tickets for events or trips for which an ASD employee serves as a mentor or chaperone.
4. Discounts for educational supplies.

E. Supplemental Rules for Elected Officials:

1. A campaign contribution to an elected official or candidate for municipal office which is reported by a public servant in accordance with state law is not considered a gift.
2. An elected official may receive sponsor provided registration fees, travel expenses, accommodations, and meals for an event related to official government business, education, or information gathering. If the value of these received items exceeds \$500 in total, an elected official must file a disclosure to the municipal clerk in the form prescribed by the board of ethics and posted on the municipal

website at least 3 days prior to the event.

- F. Reservation for Exceptions: The board or a municipal ethics officer may review and approve a gift which is consistent with the public policy concerns underlying limitations on gifts to public servants (influence, appearance of influence, conflict of interest, public trust). Gifts may be redirected for disposition to a charitable organization or return to the donor.

- G. Traveling While Campaigning or Fundraising: If a current municipal employee or elected official is a candidate for elected municipal, state, or federal office, any engagement in campaigning or fundraising for elected office while on paid travel status for the municipality shall be disclosed by trip report. The travel expense payable under municipal travel regulations, including airfare, shall be adjusted and the candidate shall be responsible for the greater of:
 - 1. The pro rata share of travel expense attributable to the time spent campaigning or fundraising for elected public office; or
 - 2. The adjustment made for personal travel by a non-candidate while on authorized municipal travel, if any.

1.15.060 Conflicts of Interest.

- A. Minor or Substantial Conflict of Interest: The assembly recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government. Standards of ethical conduct need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interest that are substantial and material.

- B. Public Interest: A public servant shall place the public interest above any financial or private interest when taking official action. If a public servant's private relationships or interests prevent the servant from placing the public interest above a financial or private interest, or will diminish the public trust, the public servant shall disclose this fact on the record and shall be excused from participation.

- C. Definition of Official Action: For purposes of this code, official action means participation in a process, including deliberation, in which a decision or recommendation is reached. Official action does not include:
 - 1. Clerical or ministerial action on a matter. For purposes of this chapter, ministerial describes an act or duty that conforms to an instruction of prescribed procedure with limited or no use of judgment by the person performing the act or duty.

2. Action on a matter that does not substantially evaluate or impact the merits of the recommendation or decision.
- D. General Rule – Conflict of Interest and Official Action: A public servant shall not participate in an official action in which the public servant or a member of the public servant's immediate family has a substantial financial or private interest. Prior to participation in official action, the public servant shall disclose financial or private interests for determination of whether they are substantial.
- E. Substantial Financial or Private Interest: Whether the financial or private interest disclosed is substantial shall be determined on a case-by-case basis, with evaluation and balancing 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.
 5. Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the member belongs.
 6. Other factors deemed appropriate by the presiding official under the specifics of the disclosure and the nature of the action.
- F. Procedure for Disclosure:
1. Employee: A municipal employee shall disclose to the designated ethics officer the nature of the interest and how the employee's duties could influence the official action. The ethics officer shall determine if the interest is substantial, or refer the matter to the board of ethics.
 2. Board Members and Elected Officials:
 - a. Prior to comment, deliberation, or decision on a matter coming before the body, the member or official shall disclose the nature of the interest in sufficient detail to permit the other members of the body to determine if the interest is substantial.
 - b. If the presiding officer exercises parliamentary authority by

making an initial ruling on a disclosure of financial or private interest, the decision of the presiding officer may be overridden by the majority vote of the body.

- c. The member of the body making the disclosure shall not rule or vote on whether the financial or private interest is substantial.
 - d. A member or official shall not be sanctioned for acting in compliance with the determination of the body if the financial or private interest is fully and fairly disclosed.
 - e. The jurisdiction of the board to determine a violation under this chapter by an elected official for participation in a matter after disclosure of a financial or private interest is expressly limited to the sufficiency of the disclosure.
3. Mayor: The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed prior to action to either the municipal ethics officer, or to the board of ethics for determination and management of the potential for conflict of interest. Advice rendered by the ethics officer is subject to review by the board.
 4. Rule of Necessity: The board may apply the rule of necessity when the assembly is legally required to act and it lacks enough members to take valid official action solely due to assembly members being disqualified by shared or substantially similar conflict of interest from participating in the matter.
 5. Certification of Election: An assembly member's candidacy in a municipal election does not preclude the assembly member's participation in certification of the municipal election.

1.15.070 Elected Officials – Consultation, Representation, and Appearance on Behalf of Private Interests on a Matter of Municipal Government.

- A. Dual Representation: Dual representation by an elected official can cause a conflict of interest between the discharge of official duties and the representation of the other interest.
 1. Paid Representative or Consultant: An elected official shall not serve as a paid consultant on a private interest or as a paid representative of any person or entity before a municipal department, administrative agency, utility, or elected or appointed public body of the municipality.
 2. Private Interest: By reason of their position, elected officials may appear to have the ability to exercise undue influence. An elected

official shall not:

- a. Appear on behalf of any private interest before the school board or the assembly;
 - b. Appear on behalf of any person or entity in an adjudicatory matter before an appointed public body of the municipality.
 - c. Exceptions to a and b:
 - i. The elected official, or a member of the elected official's household, is a party or has an ownership interest or a private interest in an adjudicatory matter before the public body; or
 - ii. The elected official is appearing at the specific request of the elected or appointed public body. An elected body shall not request the appearance of a member of the elected body under this subsection unless the elected official's participation in the matter pending before the elected body has been properly excused under the procedures of the elected body.
- B. Constituent Services: Nothing in this section is intended to prevent an elected official from making verbal or written inquiries on behalf of constituents or the general public or from requesting explanations or additional information, provided that the elected official is not charging a fee for this service.

1.15.080 Charitable Non-Profit Board Member Service.

Elected officials and members of their immediate family may serve without compensation as voting or non-voting members of a charitable nonprofit organization receiving funding from the municipal or school district budget.

- A. The elected official shall disclose the board member service before participating in official action by the municipality on the budget or other matter involving the board or commission of a public body or charitable nonprofit organization.
- B. If the elected body finds a substantial conflict in requiring a member to participate in action before the elected body, the elected body may in its sole discretion excuse participation or divide the question to avoid a conflict on the whole.
- C. The mayor's disclosure shall be to the board of ethics.

1.15.090 Contemporaneous Employment or Service.

- A. Employee: 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.
- B. Elected officials:
1. Except where authorized by ordinance, an elected official shall not hold other municipal employment or elected state office.
 2. An elected official of the municipality other than the mayor may serve as a non-elected employee of the state.
 3. The mayor holds a full time position of employment with municipal authority presumed incompatible and in conflict with serving as an employee to another person or entity.
 - a. 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 board of ethics for an advisory opinion.
 - b. Absent factors that clearly present a potential for adversely affecting the mayor's availability, productivity, or independence of judgment in performing municipal duties, a financial interest or corporate office, held by the mayor in a business or economic enterprise managed by others is not other employment under this chapter and the presumption does not apply.
 - c. The mayor's request and the board's advisory opinion to the mayor are public records.
- C. Independent Contractor: An independent contractor engaged through competitive bidding does not hold municipal employment for purposes of this section.

1.15.100 Interest in Municipal Contract or Business with Municipality.

- A. Disclosure upon employment, appointment, or election: Within 30 days of commencement of service, a public servant shall submit a written disclosure of whether or not the public servant or member of the public servant's immediate family or household has an economic interest in a municipal contract or in an entity engaging in business with the municipality. The disclosure shall be made to the municipal clerk in the form prescribed by the board of ethics.

B. Acquisition of interest in municipal contracts and business by public servant, immediate family, or household:

1. Notice: Prior to the application, bid, or response for the grant, contract, lease, or other municipal business, including but not limited to bids on foreclosed properties, a public servant shall:
 - a. Submit a notice of intent to respond to public solicitation in the form prescribed by the board of ethics to the municipal clerk for review by the board or municipal ethics officer;
 - b. File the notice with the municipal Clerk for electronic publication no less than seven days in advance of the deadline for submitting a response to the solicitation; and
 - c. Provide a copy of the notice to the municipal purchasing officer with the public servant's response.
2. Criteria: A public servant, or member of the public servant's immediate family or household, may not acquire, receive, apply for, be a party to, or have a personal or financial interest in a municipal grant, contract, or lease, unless:
 - a. The public servant does not take official action that could directly affect the request for services, nor the award, execution, or administration of the grant, contract, or lease.
 - b. If this requirement is not met, the public servant may request additional review by the board of ethics.

1.15.110 Political Activity.

- A. Definitions – for purposes of this chapter, the following terms are defined:
1. Political Activity – an act for the purpose of influencing the outcome of an election. Election includes ballot, bond, or candidate elections.
 2. Partisan Activity – an act for the purpose of supporting a party, cause, or action.
 3. Advocacy – an act in support of a political or partisan position.
 4. Education – presenting information from a position of neutrality.
- B. Compliance with APOC: Compliance with the Alaska Public Offices Commission (APOC) requirements under state statute is outside of the scope of this chapter. Elected officials have an independent duty to comply with APOC.

- C. Use of Municipal Resources for Political or Partisan Activity Prohibited: A public servant shall not use or authorize the use of municipal resources for political or partisan activity with the following exceptions and subject to independent APOC requirements:
1. The mayor, school superintendent, member of the assembly, and member of the school board, or their executive designee, may:
 - a. Appear before the assembly, the school board, appointed bodies of the municipality, community councils, civic organizations, and media representatives in support or in opposition to any ballot measure coming before the voters in a municipal election; and
 - b. Incur associated but limited expenses, such as employee time, use of municipal vehicle, and clerical costs.
 2. Elected officials may voice their opinions as part of their usual and customary duties with similar limited use of municipal resources.
- D. Limitations on Political and Partisan Activity:
1. Elected officials and board members may use their titles when engaging in political or partisan activity, but shall not state or imply that they are acting on behalf of the assembly or the municipality.
 2. Employees may use their titles when engaging in political or partisan activity when authorized to do so by their responsible official or if they state that they are not speaking on behalf of their work group or the municipality.
 3. Employees may not appear in their uniforms or substantially similar dress when engaging in political or partisan activity.
- E. Political Activity in the Workplace: Employees and board members shall not engage in political activity while at the workplace or in the performance of work duties, including wearing campaign buttons. An exception to this is bumper stickers on personal vehicles in municipal parking facilities, except to the extent that such activity is prohibited by the municipal election code addressing political persuasion near polling locations.
- F. Partisan Activity in the Workplace: Employees and board members shall not engage in partisan activity addressing municipal matters while at the workplace or in the performance of work duties. Fundraising in the workplace shall be addressed by the assembly and administration through policy.
- G. Candidates: No public servant shall expend municipal resources for the support, opposition, or endorsement of candidates for any elected government entity.

- H. Education: Nothing in this chapter prohibits the use of municipal resources for the purpose of education regarding municipal matters subject to assembly and administration policies.

1.15.120 Confidentiality and Use of Nonpublic Information.

No public servant shall use, disclose, or release confidential or nonpublic information gained through the person's municipal position unless authorized by law or order of the court.

1.15.130 Restrictions on Employment after Leaving Service.

- A. General One-Year Rule: An employee who leaves municipal service may not, for one 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 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, charter amendments, draft legislative measures, or the adoption of administrative regulations if consideration by the employee was only in the context of general application.
- B. Waiver: The assembly or school board may waive application of this restriction upon determination that a proposed action by a former employee is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the board of ethics.
- C. Municipality Option to Contract: The restriction on employment after leaving municipal service does not prohibit the municipality from contracting with a former employee to provide service on a matter on behalf of the municipality.
- D. Charter Prohibition: An assembly or school board member may not, for one year after leaving service, hold a compensated municipal office which was created, or the salary or benefits of which specially increased, during the elected official's last year in office by the body of which the elected official was a member. Charter Reference 17.04(b).

1.15.140 Board of Ethics.

- A. Members: The board of ethics shall consist of five members appointed by the mayor and subject to confirmation by the assembly. One member shall be a member of the alaska bar association.
- B. Additional Qualifications: In addition to qualifications set forth in section 4.05.035, board members may not:

1. Hold elected or other appointed public office with any municipal, state, or federal governmental unit; or
 2. Hold political party office; or
 3. Publicly endorse, contribute to, or engage in any political or campaign activity on behalf of any candidate for elected municipal office or on behalf of a current public servant for any elected office; or
 4. Hold current employment with the municipality, the anchorage school district, or an enterprise or authority owned by the municipality.
- C. Training: Members of the board of ethics shall complete training provided through the board's legal counsel and assembly counsel.
- D. Removal: A member of the board of ethics may be jointly removed by the mayor and the assembly for good cause. A member of the board may not be removed during any lawful investigation or public hearing where the mayor, any member of the mayor's appointed staff, the assembly, or any member or employee of the assembly is the subject of the investigation or public hearing.
- E. Support: Support services from the office of the municipal clerk shall include staffing, preparation of minutes, agenda, and reports, maintenance of website, maintenance of files, and maintenance of other forms and informational materials.
- F. Legal Counsel: The municipal attorney's office shall be counsel to the board of ethics. In addition, the administrative hearing officer, when available, may serve as attorney for the board. The municipal attorney shall retain or appoint substitute legal counsel if the municipal attorney's office and the administrative hearing officer have a conflict that is not waived by the board.
- G. Ethics Education Program: The board shall develop an ethics education program, including a guide to the code of ethics.

1.15.150 Advisory Opinions.

- A. 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.
- B. The municipal clerk, the municipal ombudsman, and the municipal attorney may request an advisory opinion from the board of ethics regarding the applicability and interpretation of this chapter.

- C. In any later proceeding involving the inquirer, the inquirer is entitled to rely on the advice of the board, and may not be sanctioned for acting in compliance with the board's advice so long as the facts remain substantially unchanged from those represented to the board in the inquiry.
- D. A request for advice is confidential unless confidentiality is waived by the person requesting an advisory opinion.
- E. The board may exercise discretion in responding to a request for an advisory opinion based on considerations listed in subsection 1.15.160A. The board shall provide the requestor with a concise written statement if the board declines to issue an advisory opinion.
- F. To promote preventive instruction and advice, the board shall publish on the municipal website through the municipal clerk, advisory opinions in a generic form to allow maximum clarity on context, issue, analysis, and decision. The board shall make sufficient deletions to prevent disclosure of the persons who have requested anonymity.

1.15.160 Ethics Complaint for Potential Violation.

- A. Any adult resident of the municipality may file a complaint alleging that a public servant's conduct violates the code of ethics.
 - 1. The complainant shall identify the section of the code of ethics alleged to have been violated and substantiate the complaint by providing a written explanation of the reason for believing that a violation has occurred with any documentary and testimonial evidence supporting the allegation. If the complainant fails to provide the information specified, the board may exercise its discretion to decline to accept the complaint.
 - a. The fact that a complaint has been filed and the content of the complaint are confidential. Material breach of confidentiality by the complainant is a violation of this code.
 - b. If the board finds that confidentiality has been breached, the board may dismiss the complaint.
 - 2. The board may decline or cease its review of a complaint when it reasonably believes that:
 - a. There is presently available an adequate remedy for the grievance stated in the complaint;
 - b. The complaint relates to a matter that is outside the jurisdiction of the board or would be better handled in another forum;

- c. The complaint relates to an act of which the complainant has had knowledge for an unreasonable length of time;
 - d. The complaint is trivial or based on fanciful allegations;
 - e. The resources of the board are insufficient for adequate review;
 - f. The complainant lacks sufficient supporting information; or
 - g. The allegations, if true, fail to constitute a violation of the code of ethics.
- B. If the board accepts the complaint for further review, the board shall provide the respondent with the opportunity to appear and provide information. The board will make findings and issue a report.
- C. Based on its findings, the board may make recommendations for corrective action.
- D. If a complaint is received or is pending during a campaign period, the board shall suspend its review unless requested by the respondent or requested by a board member. The campaign period is defined as 45 days before a municipal election or the day on which an individual files as a candidate, whichever is later.
- E. Until the board completes a report for distribution as a public record, the board's review of a potential violation is confidential unless confidentiality is waived by the respondent. The board shall protect the confidentiality of complainants or witnesses coming before the board except insofar as may be necessary to enable the board to carry out its duties.

1.15.170 Annual Report.

The board of ethics shall prepare and present an annual report to the assembly rules committee for review and submission to the assembly.

1.15.180 Definitions.

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

- A. *Appear on behalf of* means accompany, represent, testify, or accompany those representing or testifying before the public body.
- B. *Appointed public body* of the municipality means any municipal

commission, board, committee, authority, or public corporation created by ordinance with members of the public appointed subject to confirmation by the assembly or the school board, whether sitting in public session or executive session including advisory, appellate, management, quasi-judicial, and regulatory municipal entities.

- C. *Board* means the board of ethics.
- D. *Campaign period* means the period beginning 45 days before an election in which the candidate appears on the ballot in a municipal election or the day on which the individual files as a candidate for municipal office, whichever is later, and ending at the close of election day, or on the day that the candidate withdraws from the election, if earlier.
- E. *Confidential information* means information which by law or municipal code is not subject to public disclosure.
- F. *Contract* means a business contract, purchase order, lease, grant, loan, or similar instrument of municipal government.
- G. *Economic interest* means a benefit, financial interest, special privilege, or contractual relationship.
- H. *Financial interest* includes the receipt of a pecuniary benefit and the expectation of receiving a pecuniary benefit.
 - 1. A financial interest of a person includes a financial interest of any member of the person's household.
 - 2. A person has a financial interest in an organization if the person:
 - a. Has an ownership interest in the organization; or
 - b. Is a director, officer, or employee of the organization.
- I. *Immediate family* means:
 - 1. The spouse, child (including a stepchild and an adoptive child), parent, sibling, grandparent, aunt, or uncle of the person;
 - 2. A parent or sibling of the person's spouse; and
 - 3. Any member of the person's household.
- J. *Municipal government* means government of the municipality of anchorage.
- K. *Municipality* means the municipality of anchorage, its legislative and administrative components, including enterprise activities and

authorities, the anchorage school district, and the school board.

- L. *Organization* means any corporation, partnership, firm or association, whether organized for profit or not-for-profit.
- M. *Paid consultant* means a person who makes verbal or written inquiries on behalf of another person or entity, advises another person or entity, reports the status of matters to another person or entity, or otherwise confers with another person or entity, for a fee.
- N. *Personal advantage of another* means the use of supervisory or other work place status to leverage personal privileges outside the scope of another person's official duties and responsibilities to the municipality.
- O. *Private interest* means an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large.