

Submitted by: Assemblymember Allan
Tesche
Prepared by: Department of Assembly
For reading: January 7, 2003

ANCHORAGE, ALASKA
AO NO. 2003-6

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 CHAPTER 1.15 OF THE ANCHORAGE MUNICIPAL CODE (CONFLICT OF
3 INTEREST) RELATING TO CONFIDENTIALITY OF COMPLAINTS AND
4 AMENDING AMC 1.15.150 RELATING TO SANCTIONS FOR VIOLATIONS OF AMC
5 1.15.

6 _____
7
8 THE ANCHORAGE ASSEMBLY ORDAINS:

9
10 **Section 1.** Anchorage Municipal Code subsections 1.15.100(A) and (B) are repealed
11 and reenacted to read:

12
13 **1.15.100** **Action on complaints and conduct of investigations.**

- 14
15 A. ~~All complaints under this chapter shall be made in writing and contain a~~
16 ~~notarized statement signed by the complainant affirming that to the best of~~
17 ~~that person's knowledge, information, and belief formed after reasonable~~
18 ~~inquiry, the facts stated in the complaint are true. The complainant shall~~
19 ~~identify the Code section that was allegedly violated or how the complainant~~
20 ~~believes the Code was violated, a description of the evidence, and the name of~~
21 ~~the complainant and contact information. [ALL COMPLAINTS UNDER~~
22 ~~THIS CHAPTER SHALL BE IN WRITING AND SIGNED BY THE~~
23 ~~COMPLAINING PERSON. UPON REQUEST, THE NAME OF THE~~
24 ~~COMPLAINANT MAY BE KEPT CONFIDENTIAL AND SHALL NOT BE~~
25 ~~REVEALED UNLESS FOR GOOD CAUSE SHOWN.]~~
26
27 B. Complaints with the board of ethics shall be confidential and may not be
28 disclosed to any person except to the municipal clerk and members of the
29 board. Upon receipt of a complaint, the board shall promptly convene at its
30 next regularly scheduled meeting, or sooner, as determined by the board
31 chair, to review the complaint in order to determine if further action on the
32 complaint is warranted. If the board determines the facts alleged in the
33 complaint, even if proven, would not constitute a violation of this chapter, the

2 board shall without further action return the complaint to the complaining
3 party. Complaints rejected by the board under this subsection shall remain
4 confidential. If the board determines the facts alleged, if proven, would
5 constitute a violation of this chapter, however, it shall give the respondent
6 notice with a copy of the complaint and an opportunity to present written
7 information or oral testimony, including the names of any witnesses the
8 person wishes to have interviewed by the board. [UPON RECEIPT OF THE
9 COMPLAINT, THE BOARD OF ETHICS SHALL GIVE THE PERSON
10 UNDER INVESTIGATION NOTICE OF THE SUBSTANCE OF THE
11 COMPLAINT AND AN OPPORTUNITY TO PRESENT WRITTEN
12 INFORMATION OR ORAL TESTIMONY INCLUDING THE NAMES OF
13 ANY WITNESSES THE PERSON WISHES TO HAVE INTERVIEWED BY
14 THE BOARD.]

- 15 C. At the conclusion of an investigation, the board shall prepare a written report
16 including:
- 17 1. A summary of the investigation;
 - 18 2. A complete record of any proceedings, including but not limited to any testimony
19 heard by the board; and
 - 20 3. Recommendations for such administrative or legal action it deems appropriate.
- 21
- 22
- 23 D. Upon completion of the report, the board shall furnish a copy to the complainant,
24 the person under investigation, and the mayor, assembly, school superintendent or
25 school board depending on the entity having jurisdiction. The report shall remain
26 confidential unless determined otherwise by the assembly or school board by
27 majority vote.
- 28
- 29
- 30
- 31 E. Action on complaints and investigations shall be completed within 120 days of
32 the filing of the complaint. By a majority vote the board may extend the
33 completion date for an additional 60 days.
- 34

35 (AO No. 85-56; AO No. 90-118(S-3))

36

37

38 Section 2. Anchorage Municipal Code 1.15.150 is amended by enactment of a new
39 subsection D to read:

40

41 1.15.150 Sanctions for violation.

42

- 43 A. Any official found by the board of ethics to have violated any of the provisions of

1 this chapter or to have furnished false or misleading information shall be subject
2 to appropriate sanctions. The chairman of the assembly or the president of the
3 school board may appoint a special committee of the respective body to review
4 the report of the board and recommend appropriate sanctions.
5

6 **B.** Any employee found by the board of ethics to have violated any of the provisions
7 of this chapter, or to have furnished false or misleading information to the board,
8 shall be subject to employment sanctions, including discharge, as determined by
9 the mayor, assembly, school superintendent or school board as applicable.

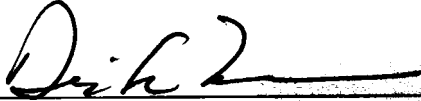
10
11 **C.** Any municipal contractor who fails to provide documents or information
12 requested by the board of ethics shall be subject to cancellation of contract rights
13 as determined by the appropriate entity.
14

15
16 **D.** No person may knowingly disclose to another person or otherwise make
17 public the content of a complaint filed with the board of ethics under this
18 chapter until the board has first reviewed that complaint, determined that
19 the facts alleged under that complaint, if proven, would constitute a violation
20 of this chapter, and served a copy of the complaint on the respondent. After
21 notice and hearing, the board may refer a person found in violation of this
22 subsection to the municipal attorney for prosecution under 1.15.220 of this
23 code.
24

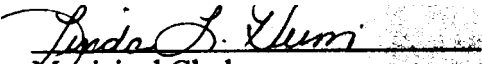
25 (GAAB 4.15.060; AO No. 85-56; AO No. 90-118(S-3))
26

Section 3. This ordinance shall take effect upon passage and approval but shall not affect any complaint filed with the Board of Ethics before its effective date.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of
January, 2003.


Chair

ATTEST:


Municipal Clerk
Acting

AM 40-2003

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-6

Title: Amending Chapter 1.15 of AMC Conflict of Interest Relating to Confidentiality
of Complaints and Sanctions for Violations

Sponsor: Assemblymember Tesche

Preparing Agency: Department of Assembly

Others Impacted: Elected and Appointed Officials/Municipal Employees

CHANGES IN EXPENDITURES AND REVENUES:						(In Thousands of Dollars)				
	FY03	FY04	<u>FY05</u>	FY06	FY07					
Operating Expenditures										
1000 Personal Services										
2000 Non-Labor										
3900 Contributions										
4000 Debt Service										
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$	\$				
Add: 6000 Charges from Others										
Less: 7000 Charges to Others										
FUNCTION COST:	\$	\$	\$	\$	\$	\$				
REVENUES:										
CAPITAL:										
POSITIONS: FT/PT and Temp										

PUBLIC SECTOR ECONOMIC EFFECTS:

In general, there are no public sector economic effects anticipated upon implementation of AO 2003-6. In the event that a person is in violation of AMC 1.15.150 D., there would be some costs incurred by the Municipal Attorney's Office through prosecution procedures.

PRIVATE SECTOR ECONOMIC EFFECTS:

If a person is in violation of AMC 1.15.150 D., there would be some costs involved if it became necessary to hire private counsel.

Prepared by: Elvi Gray-Jackson Telephone: 343-4751



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 40-2003

Meeting Date: January 7, 2003

From: Assemblymember Tesche

Subject: Ordinance Amending Chapter 1.15 of the Anchorage Municipal Code (Conflict of Interest) Relating to Confidentiality of Complaints and Amending 1.15.150 Relating to Sanctions for Violations of AMC 1.15.

AMC subsections 1.15.100(A) and (B) are repealed and reenacted to provide that complaints filed under the chapter must be made in writing and contain a notarized statement that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry, the facts stated in the complaint are true. Subsection B provides that complaints are confidential and may not be disclosed to any persons except the municipal clerk and members of the board, and outlines a process whereby the board convenes in deliberative session to review the complaint and determine if further action is warranted. If not, the board returns the complaint to the complaining party, and the complaint remains confidential. If the board determines that the facts constitute a violation of the chapter, it provides the respondent with notice of a copy of the complaint and an opportunity to present written information or oral testimony, including the names of any witnesses the person wishes to have interviewed by the board. I am also requesting a copy of this ordinance be forwarded to the Ethics Board for comment prior to the public hearing.

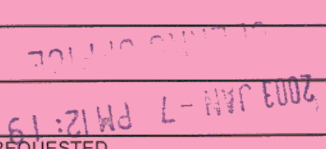
Respectfully submitted,

Assemblymember Allan Tesche

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

Ap 2003-6

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	Ordinance Amending Chapter 1.15 of the Anchorage Municipal Code (Conflict of Interest) Relating to Confidentiality of Complaints and Amending AMC 1.15.150 Relating to Sanctions for Violations of AMC 1.15	1/7/03
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME	DIRECTOR'S NAME
	Assembly	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
	Assemblymember Tesche	4420
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manager	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	Special Instructions/Comments	
	<i>Addendum</i>	
	<i>Introduction</i>	
		
6	ASSEMBLY HEARING DATE REQUESTED	7
	1/07/03	PUBLIC HEARING DATE REQUESTED
		<i>M.O.A</i>