

Submitted by: Chair of Assembly at the  
Request of the Mayor

Prepared by: Department of Law

For reading: May 17, 2005

*Repealed indefinitely 1/10/06*

ANCHORAGE, ALASKA

AO NO. 2005- 69

1 AN ORDINANCE REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE  
2 CHAPTER 1.15, CODE OF ETHICS.

3  
4 THE ANCHORAGE ASSEMBLY ORDAINS:

5  
6 **Section 1.** Anchorage Municipal Code chapter 1.15 is repealed and reenacted to read as  
7 follows:

8 **CHAPTER 1.15**  
9 **CODE OF ETHICS**

- 10 **1.15.010 Title of chapter.**  
11 **1.15.020 Purpose and intent.**  
12 **1.15.030 Prohibited conduct.**  
13 **1.15.040 Disclosure of potential conflicts and financial interests.**  
14 **1.15.050 Board of Ethics; establishment, membership, removal and**  
15 **administrative support.**  
16 **1.15.060 Duties and powers of Board of Ethics.**  
17 **1.15.070 Complaints, action on complaints and conduct of investigations.**  
18 **1.15.080 Advisory opinions.**  
19 **1.15.090 Ethics education program.**  
20 **1.15.100 Sanctions.**  
21 **1.15.110 Definitions.**

22  
23 **1.15.010 Title of chapter.**  
24

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

26  
27 **1.15.020 Purpose and intent.**  
28

29 The proper functioning of democratic government requires ethical behavior by public  
30 officials. Ethics involves the commitment to take individual responsibility in creating a  
31 government that has the trust and respect of its citizens. It is the resolve of the Assembly  
32 that municipal officials, executives, and employees, adhere to the highest levels of ethical  
33 conduct. The purpose of this Code of Ethics is to set reasonable standards for public  
34 officials and employees, to give officials and employees guidance in identifying and  
35 resolving ethical problems, to establish a process for receiving and investigating  
36 complaints of unethical conduct, and to promote the understanding of the standards  
37 appropriate to public employees. The Assembly intends this code to be interpreted to  
38 promote fair, honest, and impartial dealings with members of the public, to ensure proper  
39 use of municipal resources, and to avoid conflicts of interest. It is the intent of the  
40 Assembly that nothing in this chapter be interpreted to create a private cause of action  
41 against an official, executive or employee of the municipality.

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2       **1.15.030**       **Prohibited conduct.**  
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4       A.     *Conflicts of interest.* Municipal officials, executives and employees may not act  
5 with regard to a matter when they have conflicts of interest with regard to that  
6 matter. A conflict of interest exists when, as a product of performing their duties,  
7 municipal officials or employees obtain or may appear to obtain a private benefit  
8 for themselves, their relatives, their friends, or their associates that goes beyond  
9 their authorized compensation or is not otherwise available to other members of  
10 the public.

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12       B.     *Employment.*

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14           1.     *Contemporaneous employment (“moonlighting”).* Municipal officials,  
15 executives and employees shall not accept employment with persons or  
16 organizations other than the municipality if the employment activity  
17 conflicts with their independence of judgment in performing those duties.  
18 Municipal officials, executives and employees shall not use municipal  
19 facilities, equipment or supplies to support contemporaneous employment,  
20 except where the general public also has equal access to those facilities.

21  
22           2.     *Prior employment.* Municipal officials, executives and employees shall  
23 not take any direct official action on matters affecting their former  
24 employer for a period of one (1) year from the date of termination of their  
25 prior employment.

26  
27           3.     *Subsequent employment jurisdiction.* For a period of one (1) year after the  
28 end of either the term of office or municipal employment, former officials,  
29 executives or employees shall not accept compensation for representing,  
30 advising or assisting a person on business regarding a matter under  
31 consideration by the municipality and with regard to which the official or  
32 employee participated personally and substantially unless:

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34               a.     The assembly or school board grants a waiver;

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36               b.     The participation of an official in a matter consisted only in voting  
37 on an appropriation; or

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39               c.     If the former official, executive or employee is currently  
40 representing the municipality.

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42       C.     *Misuse of office.*

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44           1.     *Solicitation of unauthorized benefits prohibited.* Municipal officials,  
45 executives and employees shall not seek or accept any benefit or  
46 compensation not part of their authorized compensation in exchange for  
47 performing their duties. Municipal officials, executives or employees  
48 shall not use their position to intimidate or coerce or influence the

1 performance of any municipal official, employee or agency for person  
2 gain, or the gain of family members, friends, or business associates.

3  
4 2. *Exceptions.* Except as listed in subparagraph 3 below, municipal officials,  
5 executives and employees shall not retain unsolicited gifts. A municipal  
6 official, executive or employee who receives an unsolicited gift, shall  
7 report the gift to the appropriate ethics officer and their supervisor.  
8 Unsolicited gifts shall be given to charity, where appropriate, or claimed  
9 as municipal property.

10  
11 3. *Acceptable gifts.* Notwithstanding the prohibitions stated in  
12 subparagraph 2 above, a municipal official, executive and employee may  
13 accept a gift given in connection with an official's, executive's or  
14 employee's position in the following situations:

15  
16 a. Payment for a business meal offered as a courtesy in the context of  
17 the municipal duties of the official, executive, or employee. Such  
18 meals shall not exceed four (4) in one (1) year period from any one  
19 source.

20  
21 b. A discount or prize generally available to the public or to a large  
22 business category to which the official or employee belongs.

23  
24 c. A gift or award presented in recognition of meritorious, civic, or  
25 voluntary service, so long as presented by an established  
26 organization presenting such a gift or award as part of a tradition,  
27 and not as a one-time recognition.

28  
29 d. A ceremonial gift presented by a foreign or domestic dignitary  
30 which becomes the property of the municipality.

31  
32 e. A gift for a special occasion, such as a wedding, birthday, or  
33 retirement, given voluntarily, with a value of less than \$50.00, or a  
34 contribution of food and refreshments to be shared within an office  
35 or work group among several employees or officials.

36  
37 f. A gift from member(s) of the public expressing gratitude, with a  
38 value of less than \$50.00, if the gift is shared with an office or  
39 work group, displayed in the work place, or donated to charity.

40  
41 g. A gift for a special occasion with a value less than \$50.00, given to  
42 Anchorage School District officials, executives or employees by a  
43 student, parents, or other constituents.

44  
45 D. *Improper use of Municipal Property.*

46  
47 1. *Municipal property in general.* Municipal officials and employees shall  
48 not use or permit the use of municipally owned property, vehicles,

1 equipment or materials for a purpose unrelated to municipal business.

- 2
- 3 2. *Confidential Information.* Municipal officials, executives and employees  
4 shall not use confidential information obtained during the course of  
5 municipal duties to further their personal, financial, or professional  
6 interests, or to secure special privileges or exemptions for themselves,  
7 their relatives, their friends, or their associates.
- 8
- 9 3. Municipal officials, executives and employees shall not disclose  
10 confidential information unless authorized or required to do so by law.

11

12 E. *Political Activity.*

- 13
- 14 1. Municipal officials, executives and municipal employees shall not engage  
15 in political election campaigns while on duty or, if campaigning off duty,  
16 suggest they are acting as a representative of the municipality.
- 17
- 18 2. Except as provided by subparagraph 3 below, municipal officials,  
19 executives or employees shall not campaign in favor of or in opposition to  
20 any measure pending before the voters or the assembly. Gathering  
21 information and preparing reports based thereon, at the direction of the  
22 mayor, shall not be considered a violation of this section.
- 23
- 24 3. Elected municipal officials may appear before the assembly, municipal  
25 boards, civic organizations, and media representatives to argue in support  
26 of or in opposition to measures pending before the voters or the assembly.
- 27
- 28 4. At the direction of the mayor, executives identified in  
29 section 3.30.172F.11., .172F.12., .172G., and .172H. may appear before  
30 the assembly, municipal boards, civic organizations, and media  
31 representatives to argue in support of or in opposition to measures pending  
32 before the voters or the assembly subject to restrictions on campaigning  
33 for or against ballot propositions in Title 15 of the Alaska Statutes.

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35 **1.15.040 Disclosure of potential conflicts and financial interests.**

36

37 A. *Disclosure required of officials, executives and employees.* Within thirty (30)  
38 days after becoming subject to the jurisdiction of this chapter, and by April 15 of  
39 each year thereafter, every municipal official, executive and employee affected by  
40 this section shall file with the municipal clerk, a written statement under oath  
41 containing the following information:

- 42
- 43 1. The name of each person, firm, association or enterprise engaging in  
44 business with the municipality from or on behalf of which the municipal  
45 official, executive or employee has received or expects to receive, in the  
46 next twelve (12) months, money or other things of value in an amount in  
47 excess of \$1,000.00, including campaign contributions.
- 48

- 1                   2.     The name of each organization or enterprise engaging in business with the  
2                   municipality in which the official, executive or employee has a financial  
3                   interest in excess of \$1,500.00. However, policies of insurance, annuity  
4                   contracts, and property or funds on deposit in regulated financial  
5                   institutions, or securities held in the name of a brokerage firm shall not be  
6                   considered to be a financial interest in that entity within the meaning of  
7                   this subsection.  
8
- 9                   3.     The name of each organization, or enterprise engaging in business with the  
10                  municipality, both profit and nonprofit, in which the municipal official,  
11                  executive or employee or a member of the immediate family of an official,  
12                  executive or employee, is a director, officer or employee and the title of  
13                  the position held.  
14
- 15                  4.     Upon taking office, or upon subsequently acquiring the interest, an  
16                  appointed municipal official shall file with the municipal clerk, a written  
17                  statement disclosing any financial interest causing the official to have a  
18                  financial interest in the decisions of the municipality, of the board, or  
19                  commission where the official is an appointed member different than that  
20                  of the public generally. Such statement shall be filed annually on or  
21                  before April 15, disclosing interests for the preceding calendar year.  
22
- 23            B.     *Statements of intent to do business with the Municipality.* A municipal official,  
24                  executive or employee of the municipality intending to do business with the  
25                  municipality shall file a statement of intent to do business with the municipal clerk  
26                  in such form as the municipal clerk may prescribe when they or a member of their  
27                  immediate family proposes to engage in a business transaction with the  
28                  municipality. The statement shall describe the nature of the proposed transaction  
29                  and the extent of the interest, direct or indirect, the municipal official, executive or  
30                  employee has in the transaction.  
31
- 32                  1.     The municipal clerk shall publish a copy of the statement required by this  
33                  section in a newspaper of general circulation within the municipality at  
34                  least once within seven (7) days after the statement is sworn and  
35                  subscribed to;  
36
- 37                  2.     In addition, the municipal clerk shall post a copy of the statement in at  
38                  least one (1) public place.  
39
- 40                  3.     The cost of publication shall be paid by the municipal official, executive  
41                  or employee seeking to enter into a business transaction with the  
42                  municipality, as follows:  
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- 44                          a.     The clerk shall not require a member of a municipal board,  
45                          commission or committee, serving in that capacity without  
46                          compensation, to pay the cost of publication; or  
47
- 48                          b.     The municipal clerk shall require a municipal official, executive or

1 employee obligated to pay the cost of publication to submit a  
2 deposit to cover such costs.  
3

4 2. The assembly, or other agency or official with authority to act for the  
5 municipality in a transaction with a municipal official, executive or  
6 employee, shall not act with regard to the matter until:  
7

8 a. At least ten (10) days after the filing of the statement of intent to  
9 do business by the interested official or employee; and  
10

11 b. Until at least seven (7) days elapse since publication and posting  
12 of the statement of intent to do business with the municipality.  
13

14 3. This section shall not apply to the resolution of legal claims against the  
15 municipality.  
16

17 **1.15.050 Board of Ethics; establishment, membership, removal and**  
18 **administrative support.**  
19

20 A. *Establishment.* There is hereby created and established the Board of Ethics. The  
21 board shall consist of five (5) members, appointed by the mayor and confirmed by  
22 the assembly. Except where a specific provision of this chapter applies, the Board  
23 of Ethics is subject to the provisions of chapter 4.05.  
24

25 B. *Membership.*  
26

27 1. At least one (1) member of the board shall be member of the Alaska Bar  
28 Association.  
29

30 2. In addition to the qualifications set forth in section 4.05.035, members of  
31 the board shall not:  
32

33 a. Hold other elected or appointed public or political party office;  
34

35 b. Endorse or engage in any political or campaign activity on behalf  
36 of any candidate for public office; or  
37

38 c. Be an employee of the municipality, or an enterprise or authority  
39 owned by the municipality.  
40

41 C. *Removal.* A member of the board may be removed by the mayor or by the  
42 assembly.  
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44 1. *Removal by mayor.* The mayor may remove any member of the board at  
45 any time:  
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47 a. But only for good cause shown; and  
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- b. Shall set forth the reasons for such removal in writing; and
- c. Shall provide copies to the board member and the assembly;
- d. Except the mayor may not remove any board member during any lawful investigation or public hearing where the mayor or any member of the mayor's appointed staff is the subject of the investigation or public hearing.

2. *Removal by assembly.* The assembly may remove a member of the board:

- a. For good cause; and
- b. Upon a majority vote of its total membership; and
- c. Shall set forth the reasons for such removal in writing; and
- d. Shall provide copies to the board member;
- e. Except the assembly may not take action under this subsection where the assembly, or any member or employee of the assembly, is the subject of an ongoing or imminent investigation or public hearing.

D. *Support.* The office of the municipal clerk shall:

- 1. Serve as administrative and secretarial staff to the board;
- 2. Take and preserve minutes of all meetings, including those deemed confidential; and
- 3. Produce all reports and written documents;
- 4. The municipal clerk shall prepare an annual report on the costs of such activities, which shall be included in the annual budget as a separate item.

E. *Counsel.* The municipal attorney shall be counsel to the board. In the event of a conflict, the municipal attorney shall hire outside counsel to advise the board with regard to a particular matter.

**1.15.060**      **Duties and powers of Board of Ethics.** The board shall:

A. *Hearings.* The Board may exercise the following powers in regard to complaints of unethical conduct:

- 1. ***Receive complaints*** of violations of any provisions of this chapter and chapter 1.25 pertaining to public meetings.

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2. **Determine** whether to investigate any complaint.
3. **Conduct investigations** into complaints alleging violations of this chapter pursuant to section 1.15.070 and report the results of its investigations to the mayor, the assembly, the superintendent of schools, or the school board.
4. **Compel by subpoena** the appearance and sworn testimony, at a specified time and place, of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board.
5. **Compel by subpoena** the production of documents, papers or objects the board reasonably believes may relate to the matter under consideration.
6. Administer oaths and receive testimony from witnesses at a meeting of the board.
7. Request municipal agencies to cooperate with the board in the exercise of the board's jurisdiction.
8. Request the municipal attorney to seek assistance of the superior court to enforce the board's subpoenae.
9. Recommend the mayor, assembly or school board take action to impose remedies and sanctions.
10. Establish rules and procedures for the conduct of board activities consistent with the requirements of due process of law.

B. *Advice.* The Board shall perform the following duties to foster ethical conduct by municipal officials, executives and employees:

1. Hold hearings regarding ethics in government and the administration of this chapter.
2. Consult with municipal officials, executives and employees, and candidates for municipal offices, on matters involving ethical conduct, to include applicability and interpretation of municipal ethics laws.
3. Submit an annual report to the assembly of board work and recommendations for legislation deemed necessary to improve the ethics laws and their enforcement.
4. Prepare materials and programs designed to assist officials and employees to comply with provisions of this chapter and to effectuate the policy and purpose of this chapter.
5. Advise any individual whose acts may be the subject of a complaint to the



1 board regarding compliance with this chapter.  
2

- 3 6. Prepare minutes of board proceedings, showing the vote of each member  
4 upon every question, and keep records of board investigations and other  
5 official actions.

6 **1.15.070** **Complaints, action on complaints and conduct of investigations.**  
7

8 A. *Who can file.* Any person may file a complaint with the board alleging a  
9 municipal official, executive or employee violated a provision of this chapter. If a  
10 member of the board files a complaint, the member shall not participate further in  
11 any proceedings before the board regarding the matter, except the member may  
12 testify before the board if subpoenaed.  
13

14 B. *Content of complaints.* All complaints submitted to the board under this chapter  
15 shall be in writing and signed by the complainant. A complaint shall state the  
16 complainant's address and telephone number, identify the respondent, affirm to  
17 the best of the complainant's knowledge and belief the facts alleged in the  
18 complaint are true. The complainant shall identify the section of this chapter the  
19 complainant believes was violated, state why the complainant believes the facts  
20 alleged constitute a violation of that section, and identify any documentary or  
21 testimonial evidence the complainant believes supports the allegations in the  
22 complaint.  
23

24 C. *Confidentiality.* The board shall keep all complaints confidential. Complaints  
25 shall not be disclosed to any person except the municipal clerk, members of the  
26 board, and the board's counsel, if any. Upon receipt of a complaint, the board  
27 shall, at its next regularly scheduled meeting or earlier, as determined by the board  
28 chair, review the complaint and determine if further action on the complaint is  
29 warranted.  
30

31 1. If the board determines the facts alleged in the complaint, even if proven,  
32 do not constitute a violation of this chapter, the board shall return the  
33 complaint to the complaining party without further action. Complaints  
34 returned without further action shall remain confidential.  
35

36 2. If the board determines the allegation in a complaint, if proven, may  
37 constitute a violation of this chapter, the board shall:  
38

39 a. Give the respondent a copy of the complaint; and

40  
41 b. Notify both the complainant and respondent of a date on which  
42 they may appear to present documentary or testimonial evidence to  
43 the board regarding the allegations.

44 c. The board may question any witness who appears.  
45

46 d. Persons appearing before the board may be represented by counsel.  
47

1 e. The board shall not permit cross examination of witnesses by  
2 complainants or respondents.  
3

4 D. At the conclusion of an investigation, the board shall prepare a confidential  
5 written report that includes:  
6

- 7 1. A summary of the investigation;  
8  
9 2. A list of any documents submitted to the board;  
10  
11 3. A description of any proceedings before the board including, but not  
12 limited to, any testimony heard by the board. The board is not required to  
13 record or make a stenographic record of any proceedings before it;  
14  
15 4. A statement of whether the board found substantial evidence of one or  
16 more violations of this chapter;  
17  
18 5. The board's recommendations for further administrative or legal action.  
19

20 E. The board shall furnish one (1) copy of the confidential report:  
21

- 22 1. To the complainant; and  
23  
24 2. To the person under investigation; and  
25  
26 3. To the mayor, the assembly, the school superintendent or school board.  
27

28 F. The board shall complete action on complaints and investigations within one  
29 hundred twenty (120) days of the filing of the complaint. By a majority vote, the  
30 board may extend the completion date for an additional sixty (60) days.  
31

32 G. No person shall knowingly disclose to another person, or otherwise make public,  
33 the contents of a complaint filed with the board under this chapter until:  
34

- 35 1. The board first reviews the complaint;  
36  
37 2. The board determines the facts alleged under the complaint, if proven,  
38 constitute a violation of the chapter; and  
39  
40 3. The board serves a copy of the complaint on the respondent.  
41

42 **1.15.080** **Advisory opinions.**  
43

44 A municipal official, candidate for municipal office, municipal executive or municipal  
45 employee may request written advice regarding the applicability and interpretation of this  
46 chapter in a particular situation. In any later proceeding involving the inquirer, the board  
47 shall be bound by the advice given to the inquirer, so long as the facts remain substantially  
48 unchanged from those represented to the board in the inquiry.

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2       **1.15.090**       **Ethics education program.**  
3

- 4       A.     It is the policy of the municipality that every officer and employee of the  
5             municipality is responsible for understanding and complying with the provisions  
6             of this chapter. The municipality shall inform municipal officials, executives and  
7             employees of their ethical responsibilities pursuant to this chapter at the start of  
8             their employment with the municipality, and shall periodically provide updates,  
9             training, and additional materials on ethics issues.  
10  
11       B.     The board shall develop an ethics education program, including an employee  
12             ethics guide, to meet the differing training needs of employees, supervisors,  
13             elected and appointed officials, and designated ethics officers in the following  
14             areas:  
15  
16             1.     Recognizing possible violations relative to their duties and  
17                    responsibilities.  
18  
19             2.     Avoiding potential violations.  
20  
21             3.     Obtaining answers on ethics issues.  
22  
23             4.     Complying with the reporting requirements of this chapter.  
24  
25       C.     To facilitate compliance with the provisions of this chapter, the mayor shall  
26             designate one or more ethics officers. Ethics officers shall be given appropriate  
27             training and education in the provisions of this chapter. Ethics officers shall  
28             disseminate information about the Code of Ethics, inform municipal employees of  
29             the board's procedures, and consult with municipal officials, executives and  
30             employees regarding compliance with this chapter.  
31

32       **1.15.100**       **Sanctions.**  
33

- 34       A.     The following sanctions may be imposed for violations of this chapter:  
35  
36             1.     Upon recommendation by the board, the mayor, the assembly, the school  
37                    superintendent or the school board, may discipline an elected official,  
38                    executive or employee pursuant to:  
39  
40                    a.     The requirements of this chapter, subject to the requirements of the  
41                            municipal personnel rules; or  
42  
43                    b.     The grievance provisions of an applicable collective bargaining  
44                            agreement.  
45

2. Upon recommendation by the board, the municipality or the school board may, with the advice of counsel:
  - a. Rescind a contract adopted in violation of the ethics code; or
  - b. Rescind a permit, ruling or any other official action taken as a result of a violation of the ethics code.
3. The assembly or school board may, by majority vote, make public a confidential board report.
4. Any person convicted by a court or administrative hearings officer shall be punished by a civil fine pursuant to section 14.60.030 for any one offense set forth below:
  - a. Knowingly violating any of the provisions of this chapter; or
  - b. Furnishing false, misleading or incomplete information to the Board of Ethics with the intent to mislead;
5. Nothing in this chapter shall preclude the municipality or the school board from maintaining an action to for an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

**1.15.110**     **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. *Board* means Board of Ethics.
- B. *Confidential information* means information exempt from disclosure under section 3.90.040.
- C. *Contemporaneous employment* occurs when a municipal official or employee:
  1. Engages in business; or
  2. Accepts employment with; or
  3. Renders services for,any person or organization other than the municipality.
- D. *Contract* means a business contract, purchase order, lease, grant, loan, or similar instrument of municipal government.
- E. *Employee* means any person employed by the municipality or school district,

1 whether full-time or part-time, temporary or permanent.

2  
3 F. *Employment* means:

- 4  
5 1. To be hired for wages or salary; or  
6  
7 2. To engage in business transactions; or  
8  
9 3. Any compensation for services, including advising, representation or  
10 advocacy.

11  
12 G. *Engaging in business with the municipality* means supplying, or proposing to  
13 supply, goods, services or other things of value, or furnishing goods, services or  
14 other things to the municipality for valuable consideration.

15  
16 H. *Financial interest* means an expectation of receiving a pecuniary benefit as  
17 follows:

- 18  
19 1. A financial interest of a person includes a financial interest of any member  
20 of the person's immediate family.  
21  
22 2. A person has a financial interest in an organization if the person:  
23  
24 a. Has an ownership interest in the organization; or  
25  
26 b. Is a director, officer or employee of the organization.  
27  
28 3. A person has a financial interest in a decision, if a person's financial  
29 interest varies with the outcome of the decision.  
30

31 I. *Gratuity* means a thing having value, given voluntarily or beyond lawful  
32 obligation, in return for or in anticipation of, any service or consideration in  
33 connection with the performance of duties of an official, including but not limited  
34 to promotional items, gifts, tips and favors.

35  
36 J. *Immediate family* means:

- 37  
38 1. The spouse of the person; or  
39  
40 2. A person cohabiting with the person in a relationship substantially the  
41 same as a marriage; or  
42  
43 3. A child, including a stepchild and an adoptive child, of the person; or  
44  
45 4. A parent, sibling, grandparent, aunt, or uncle of the person; or  
46  
47 5. A parent or sibling of the person's spouse.  
48

1 K. *Matter* means a case, proceeding, application, contract or determination.

2  
3 L. *Municipal employee* means a person, other than an executive, employed by the  
4 municipality in a classified non-executive position pursuant to section 3.30.172.

5  
6 M. *Municipal executive* means a person employed by the municipality as an executive  
7 pursuant to section 3.30.172.

8  
9 N. *Municipal official* means a person holding elective office under the charter or the  
10 code, or a member of a municipal board or commission whose appointment is  
11 subject to confirmation by the assembly or by the school board.

12  
13 O. *Municipality* means the Municipality of Anchorage, its legislative and  
14 administrative branch including enterprise activities and authorities, or the  
15 Anchorage School District, its administration or school board.

16  
17 P. *Organization* means any corporation, partnership, firm or association, whether  
18 organized for profit or nonprofit.

19  
20 **Section 2.** This ordinance shall become effective immediately upon its passage and approval  
21 by the Assembly.

22  
23 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
24 \_\_\_\_\_, 200`

25  
26  
27 ATTEST:

\_\_\_\_\_  
Chair of the Assembly

28  
29  
30 \_\_\_\_\_  
31 Municipal Clerk

**Content Information**

**Content ID :** 002854

**Type:** Ordinance - AO

AN ORDINANCE REPEALING AND REENACTING

**Title:** ANCHORAGE MUNICIPAL CODE CHAPTER 1.15, CODE OF ETHICS.

**Author:** fehlenrl

**Initiating Dept:** Legal

AN ORDINANCE REPEALING AND REENACTING

**Description:** ANCHORAGE MUNICIPAL CODE CHAPTER 1.15, CODE OF ETHICS.

**Keywords:** code of ethics

**Date Prepared:** 5/5/05 5:25 PM

**Director Name:** Boness

**Assembly Meeting Date MM/DD/YY:** 5/17/05

**Public Hearing Date MM/DD/YY:** 6/28/05

M.O.A.  
 2005 MAY - 9 PM 12:05  
 CLERKS OFFICE

**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Legal_SubWorkflow	5/5/05 5:27 PM	Approve	fehlenrl	Public	002854
AllOrdinanceWorkflow	5/5/05 5:27 PM	Checkin	fehlenrl	Public	002854
OMB_SubWorkflow	5/6/05 4:56 PM	Approve	mitsonjl	Public	002854
MuniManager_SubWorkflow	5/9/05 8:20 AM	Approve	leblancdc	Public	002854
MuniMgrCoord_SubWorkflow	5/9/05 8:23 AM	Approve	abbottmk	Public	002854

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 325-2005

Meeting Date: June 28, 2005

1 **From:** MAYOR

2  
3 **Subject:** AN ORDINANCE REPEALING AND REENACTING ANCHORAGE MUNICIPAL  
4 CODE CHAPTER 1.15, CODE OF ETHICS.  
5  
6

7 The municipal Board of Ethics has adopted a resolution to repeal existing chapter 1.15, and adopt a  
8 new, extensively rewritten, code of ethics. Adoption of the revised code of ethics will not have a private  
9 or public economic impact, nor will it result in any additional cost to the Municipality.  
10

11 The adoption of a code of ethics was initially authorized by the Charter section 17.03, prohibiting  
12 conflicts of interest for elected municipal officers, and directing the assembly to adopt procedures to  
13 deal with conflicts of interest affecting municipal employees. The Code of Ethics adopted pursuant to  
14 the charter, AMC chapter 1.15, has been amended in a piecemeal fashion in the subsequent years. In  
15 2000, the assembly decided a general review of the chapter was required to accomplish the purposes of  
16 the charter and to encourage elected officials, executives and employees to adhere to the highest ethical  
17 standard in the conduct of the public's business.  
18

19 The Board of Ethics was tasked with reviewing and revising the code of ethics; the result is summarized  
20 generally by section below. In particular, revised section 1.15.020 is regarded as an especially  
21 significant and important addition by the board, stating the purpose and intent of the new chapter is to  
22 encourage the highest levels of ethical conduct and to give elected officials, municipal executives, and  
23 municipal employees guidance on how to identify and resolve ethical problems. It establishes the  
24 aspiration to move beyond the simple avoidance of conflicts and encourage the highest levels of ethical  
25 conduct.  
26

27 **Section 1.15.025**, dealing with Anchorage Telephone Utility is deleted, since the utility is now privately  
28 owned.  
29

30 **Section 1.15.030** describes prohibited conduct.  
31

32 Subsection A: Prohibits officials, executives and employees from acting where there is a conflict of  
33 interest.  
34

35 Subsection B: Addresses conflicts arising out prior and subsequent employment relationships, as well  
36 as moonlighting, by current employees.  
37

38 Subsection C: Bars officials, executives and employees from seeking or accepting compensation or  
39 benefits for doing their jobs beyond the compensation or benefits received from the



1 municipality, and also bars officials, executives or employees from coercing or  
2 influencing the performance of other officials, executives or employees to benefits  
3 themselves, or their associates. The section also describes the types of gifts of a de  
4 minimis nature that may be retained.

5  
6 Subsection D: Prohibits the misuse municipal property and confidential information.

7  
8 Subsection E: Prohibits officials, executives and employees from engaging in political activity while  
9 on duty, while permitting the mayor and certain senior executives charged with  
10 formulating municipal policies to appear before the assembly, municipal boards, civic  
11 organizations and media representative to explain and support municipal policy  
12 initiatives.

13  
14 **Section 1.15.040:**

15  
16 Subsection A: Requires municipal officials, executives and employees to disclose relationships with  
17 businesses that intend to do business with the city.

18  
19 Subsection B: Requires officials, executives and employees to file for publication statements of their  
20 intent to do business when they propose to do business with the municipality.

21  
22 **Section 1.15.050:**

23  
24 The Board of Ethics is established, the procedures for selecting and removing board members is laid  
25 out, the municipal clerk is directed to provide the board with administrative support and the municipal  
26 attorney is made counsel to the board.

27  
28 **Section 1.15.060:**

29  
30 Subsection A: Sets out the board's powers to receive, investigate and determine complaints alleging  
31 violations of the ethics code.

32  
33 Subsection B: Directs the board to hold hearings regarding ethics in government and the administration  
34 of the chapter, to consult with officials, executives, and employees, and to report to the  
35 assembly regarding compliance with ethical standards.

36  
37 **Section 1.15.070:**

38  
39 Sets out the requirements for filing complaints and directs complaints and reports of board  
40 determinations be held confidential.

41  
42 **Section 1.15.080:**

43  
44 Authorizes the board to issue advisory opinions regarding the applicability of the ethics code to  
45 officials, candidates for office, executives and employees.

46  
47 **Section 1.15.090:**

48

1 Establishes a municipal policy that every official, executive and employee is responsible for  
2 understanding and complying with municipal code of ethics, and directs the board to develop an ethics  
3 education program to implement the policy. Subsection C directs the mayor to appoint one or more  
4 “ethics officers” to disseminate information about the ethics code and consult with officials, executives  
5 and employees about its application to their work.

6  
7 **Section 1.15.100:**

8  
9 Upon the recommendation of the board, the assembly, the mayor, the school superintendent, or the  
10 school board may sanction ethics code violators, with the advice of the municipal attorney, to include  
11 rescission of contracts, permits, rulings, or other official actions. The assembly and the school board are  
12 given the authority to publish a confidential board report. Violations of the ethics code are punishable  
13 by fines imposed by a court or by a municipal hearing officer. The section also states it is not intended  
14 to preclude other judicial remedies, such as an action for an accounting or damages.

15  
16 **Section 1.15.0110:** Definitions.

17  
18  
19  
20  
21 Prepared by: Department of Law on behalf of Board of Ethics  
22 Approved by: Frederick H. Boness, Municipal Attorney  
23 Concur: Denis C. LeBlanc, Municipal Manager  
24 Respectfully submitted: Mark Begich, Mayor  
25  
26  
27

**Content Information****Content ID :** 002881**Type:** AM\_OtherServices - Other Services Memorandum

AM supporting AO 2005-69 - AN ORDINANCE REPEALING AND

**Title:** REENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 1.15,  
CODE OF ETHICS.**Author:** fehlenrl**Initiating Dept:** Legal

AM supporting AO 2005-69: AN ORDINANCE REPEALING AND

**Description:** REENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 1.15,  
CODE OF ETHICS.**Keywords:** Code of Ethics; Chapter 1.15**Date Prepared:** 5/11/05 3:04 PM**Director Name:** Boness**Document Number:** AO 2005-69**Assembly Meeting  
Date MM/DD/YY:** 6/28/05**Public Hearing Date  
MM/DD/YY:** 6/28/05M.O.A.  
2005 MAY 23 PM 2:15  
CLERKS OFFICE**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
OtherServicesAMWorkflow	5/11/05 3:06 PM	Checkin	fehlenrl	Public	002881
Legal_SubWorkflow	5/11/05 3:09 PM	Approve	fehlenrl	Public	002881
MuniManager_SubWorkflow	5/20/05 9:47 AM	Approve	leblancdc	Public	002881
MuniMgrCoord_SubWorkflow	5/23/05 8:13 AM	Approve	abbottmk	Public	002881

## Memorandum

To : Distribution  
From: Allan Tesche  
Date: June 22, 2005  
Re : Analysis of proposed Code of Ethics (AO 2005-69)

AO 2005-69 repeals and reenacts AMC 1.15 (Code of Ethics). Because the new ordinance largely preserves existing ethics laws (with some important exceptions which are discussed below), unchanged provisions of current law are not addressed in this memorandum. Because AO 2005-69 very substantially re-organizes the Ethics Code, a single document showing existing law and proposed changes is difficult to prepare. Significant changes proposed in AO 2005-69 include:

### New sections:

The **Purpose and Intent** of the new chapter is stated clearly in AMC 1.15.020. While existing code has a corresponding, but much shorter "Purpose" stated in AMC 1.15.020, the new section declares several aspirational goals for ethical conduct in positive rather than prohibitory language. Interestingly, the new chapter eliminates the existing "liberal rule of construction" found in AMC 1.15.030B. Moreover, new language is added making it clear the proposed ordinance does not create a private cause of action against municipal officials or the municipality itself.

Section 1.15.030 lists several categories of prohibited conduct, the most significant of which is **conflicts of interest**, prohibited under AMC 1.15.030A. The new definition prohibits municipal officials and employees from acting "with regard to a matter" when "as a product of performing their duties" they obtain or may appear to obtain a private benefit for themselves or other persons beyond their authorized compensation or that available to the public.

Existing laws which forbid certain municipal executives from expressing their **views on ballot measures** before the Assembly, community councils, and the media are modernized and extend those rights of public expression under the proposed subsection 1.15.030E.4.

Requirements for **annual disclosure statements** are expanded under the new definition of "municipal official" found in AMC 1.15.110M and would extend to members of all municipal boards and commissions whose members are appointed by the mayor and confirmed by the Assembly.

A clear subsection 1.15.30C.3 re-states rules governing receipt of **gifts or unauthorized benefits**. Unless listed among "acceptable gifts" in subsection 1.15.030C.3, unsolicited gifts must be reported to municipal officials and then given to charity or become municipal property. Existing code simply requires their disclosure. The more specific list of acceptable gifts is notable in its limitation on "business meals" (no more than 4/year, "thank you gifts" or gifts for special occasions (\$50)).

A new section 1.15.090 requires the Board to develop an **ethics education program**, including an employee ethics guide, ethics training, and designation of “ethics officers” within municipal agencies.

**Sections repealed:**

Specific examples of **financial interests** that do not rise to the level of a “financial interest,” as that term is used throughout AMC 1.15, are eliminated and not carried over into the new Code. Those examples are presently found at AMC 1.15.030A.1–3.

The Board’s power under existing law to **initiate ethics complaints** is eliminated in the new ordinance. Compare AMC 1.15.060A and subsection 1.15.060A.1 in AO 2005-69.

The existing prohibition against “**use of office for personal gain**” found in AMC 1.15.170D is repealed and is not carried over into AO 2005-69. More general sections in the new ordinance, including 1.15.030A, Conflicts of Interest, 1.15.030B.1, Moonlighting, and 1.15.030C.1, Solicitation of Unauthorized Benefits, may address the conduct currently listed and prohibited under AMC 1.15.170D.

The existing prohibition against “**representing private interests**” found in AMC 1.15.170E is repealed and not carried over into AO 2005-69. As stated previously, however, more general sections in the new ordinance, including 1.15.030A, Conflicts of Interest, 1.15.030B.1, Moonlighting, and 1.15.030C.1, Solicitation of Unauthorized Benefits, may address the conduct currently prohibited under existing AMC 1.15.170E.

Any right of **cross examination** available to the parties in formal hearings under current law is eliminated under subsection 1.15.070C.2.e.

The existing limitation on **service on municipally funded boards and commissions**, found at AMC 1.14.170F, is repealed and is not reenacted under AO 2005-69. Simultaneous service on the Assembly or School Board and another municipally funded board or commission might violate AMC 1.15.030A, however, if that service confers a private benefit on the member, meeting the definition of a “conflict of interest” under the new section.

Current language in AMC 1.15.180C, which requires advance disclosure by Assembly members of **financial interests in matters before the Assembly** and prohibits an Assembly member from voting on a question if he has a “substantial financial interest,” is not carried over or reenacted as part of AO 2005-69. Familiar to all assembly members, this language is used by the Assembly to determine when a member should not vote on a question before the body because that member has a personal financial stake in the outcome of the vote. The more general and new prohibition against conflicts of interest in AMC 1.15.030A may still cover this situation: Under AMC 1.15.030A, a municipal official may not act with regard to a matter where he may

obtain or appear to obtain a private benefit.

**Issues AO 2005-69 does not address:**

**Dual offices:** The question of whether elected or appointed officials may hold offices in non- municipal organizations such as local utility cooperatives, state office, or non-profit organizations with conflicting fiduciary duties.

Like existing code, AO 2005-69 does not address **travel and travel accommodations** occasionally offered to municipal officials by organizations or companies having matters coming before the Assembly or administration. While traveling officials can almost always articulate some public benefit associated with the travel, others argue undisclosed or unapproved Outside travel offered selectively to elected or appointed officials could endanger their impartiality and may provides them with uneven access to information used in their official actions.

The proposed ordinance does not set out a clear rule governing **procedures for curing violations** of the code, except through formal hearings of the Board. It is commonly assumed by some people that actual conflicts by municipal officials, including elected officials, can be “waived” or “excused” by appropriate authorities, and once approved, the official can either participate in the matter or recuse from further action.