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Prepared by: Assembly Counsel
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**ANCHORAGE, ALASKA
AO NO. 2006-140**

1 AN ORDINANCE REPEALING AND REENACTING ANCHORAGE MUNICIPAL
2 CODE CHAPTER 1.15, CODE OF ETHICS; AMENDING AMC CHAPTER 1.25,
3 PUBLIC MEETINGS, TO INCORPORATE REFERENCE TO APPLICABLE STATE
4 LAW; AMENDING AMC SECTION 2.30.070, RULES OF PROCEDURE, TO BE
5 CONSISTENT WITH AMC CHAPTER 1.15; AND AMENDING AMC CHAPTER 2.35,
6 REGULATIONS OF LOBBYING, TO PROHIBIT CERTAIN PERSONS FROM
7 REGISTRATION OR ACTION AS A MUNICIPAL LOBBYIST.
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10 THE ANCHORAGE ASSEMBLY ORDAINS:

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12 **Section 1.** Anchorage Municipal Code Chapter 1.15, Code of Ethics, is hereby
13 repealed and reenacted. As required by AMC 1.05.050B, the current text of
14 AMC Chapter 1.15 is attached.

15
16 **CHAPTER 1.15**
17 **CODE OF ETHICS**

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38
39 1.15.005 Title of chapter.

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

1.15.010 Purpose and intent.

A. Holding public office or employment is a public trust. The proper functioning of democratic government requires ethical behavior by elected and appointed public officials and employees. Ethical behavior involves the commitment to take individual responsibility in creating a government that has the trust and respect of its citizens. All who serve the Municipality have a solemn responsibility to avoid improper conduct. It is the resolve of the Assembly that employees of the municipality and corporate authorities owned by the municipality, employees of the Anchorage School District, appointed members of a municipal board, commission or authority, and elected officials adhere to the highest levels of ethical conduct to preserve the integrity of the governmental process and avoid conflicts of interest.

B. The purpose of this Code of Ethics is to set clear and reasonable standards for these public officials and employees, to give public officials and employees guidance in identifying and resolving potential conflicts, to establish a process for receiving and investigating notifications of potential violation of ethical conduct, and to promote understanding of the standards appropriate to public employees and those holding public office.

C. The Assembly further 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. Officials, executives, and employees of the Municipality and Anchorage School District retain their rights to interests of a personal or financial nature. Standards of ethical conduct for officials, executives, and employees of the Municipality and Anchorage School District need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society governed by a representative democracy, and those conflicts of interest that are substantial and material.

D. 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 conflicts of interest. Unethical conduct is prohibited, but there is no substantial conflict if, as to a specific matter, the personal or financial interest of the official, executive, or employee in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the official, executive, or employee of the Municipality

or Anchorage School District belongs. Nor is there substantial conflict if the action or influence would have only insignificant or conjectural effect on the matter.

E. 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.

F. The Mayor, Assembly, School Board, and the Ethics Board shall be guided by this section when implementing the provisions, and making determinations under the Code of Ethics.

G. It is the intent of the Assembly that nothing in this chapter be interpreted to create a private cause of action against an official, executive, or employee of the Municipality, a corporate authority owned by the Municipality, or the Anchorage School District.

1.15.015 Scope.

A. Persons included within the scope of this chapter are:

1. Employees of the Municipality, a corporate authority owned by the Municipality of Anchorage, and all employees of the Anchorage School District; and
2. Members of the public appointed to serve on a public body of the Municipality, including without limitation a municipal commission, board, committee, or authority, whose appointment is subject to confirmation by the assembly or by the school board; and
3. Elected officials of the Municipality.

B. All persons within the scope of this chapter are prohibited from the use of public position for personal gain and section 1.15.020 sets out ten specific prohibitions for all persons holding a public position under this chapter. In sections 1.15.025, 1.15.030, and 1.15.035, this chapter sets out additional coverage applicable to each covered group.

C. The mayor holds a public position within the scope of this chapter and section 1.15.020. The mayor is an elected official under this chapter unless specifically excluded from a provision of 1.15.035. When a provision is applicable

1 to the mayor under 1.15.025, the subsection specifically references the office of
2 mayor for clarity.

3
4 **1.15.020 Prohibited conduct.**
5

6 A. These actions are in conflict with the public interest and therefore no
7 person included within the scope of this chapter shall:

8 1. Solicit, offer or receive money or other thing of value in return for a
9 vote, a municipal management decision, or the exercise of the person's
10 official duties, except the compensation, expenses, benefits, or other
11 remuneration paid by the municipality.

12
13 2. Offer or accept any money or other thing of value for or in
14 consideration of obtaining employment, appointment, or promotion of any
15 person by the municipality.

16
17 3. Offer or accept any money or other thing of value for or in
18 consideration of the use of the person's public position to obtain a contract
19 for any person or business with the municipality.

20
21 4. Use for the person's own benefit, or for the benefit of another,
22 confidential information acquired by reason of the person's public position
23 and which is not available to the public.

24
25 5. Disclose or release confidential information gained through the
26 person's public position unless authorized by law or order of the court.

27
28 6. Use the person's municipal position to take personal advantage of
29 another.

30
31 7. Divert or permit the diversion of municipal personnel time,
32 municipal services, vehicles, equipment, materials or other property for a
33 purpose unrelated to municipal business.

34
35 8. Accept any money, loan, gift, campaign contribution, favor, service,
36 business or professional opportunity from a municipal lobbyist as *lobbyist*
37 is defined in AMC 2.35.020, other than food or beverage for immediate
38 consumption.

39
40 9. Accept a gift from an individual or an entity with interests that may
41 be substantially affected by the performance of the person's official
42 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 on a matter affecting the donor.

10. Accept gifts from persons on a basis so frequent as to raise an appearance of the use of the person's public position for private gain.

B. Nothing in this section 1.15.020 is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter.

1.15.025 Additional provisions for municipal employees.

A. *Employees of the Municipality including Anchorage School District employees.* Municipal employee means:

1. All persons employed by the Municipality or a corporate authority owned by the Municipality of Anchorage, within the scope of municipal personnel rules governing executive positions and classified non-executive positions, whether full time or part time, temporary or permanent, but excluding elected officials covered under section 1.15.035 and excluding members of the public serving as members of an appointed public body of the municipality covered under section 1.15.030; and

2. All persons employed by the Anchorage School District, whether full time or part time, temporary or permanent, excluding elected members of the Anchorage School Board. Policy adopted by the Anchorage School Board governing conflict of interest for Anchorage School District employees shall not be less restrictive than the requirements of this chapter and shall not relieve employees of the Anchorage School District from the obligations of this chapter; and

3. The mayor, if specifically stated.

B. *Substantial financial or private interest.* A municipal employee shall not participate in an official action in which the employee or a member of the employee's immediate family has a substantial financial or private interest. A municipal employee shall disclose in narrative form to the designated ethics officer, the employee's financial or private interest in official action and the financial or private interest of any member of the employee's immediate family as defined in 1.15.110, if the employee's duties could influence the official action.

1. Whether the municipal employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the designated ethics officer with evaluation of these factors:

- a. Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;
- b. Whether the financial or private interest varies directly and substantially with the outcome of the official action;
- c. Whether the financial or private interest is significant monetarily;
- d. Whether the public disclosure requirements applicable to municipal employees under this chapter have been fully met;
- e. Whether public disclosure of the municipal employee's financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.

2. The determination of the designated ethics officer shall be filed with the municipal clerk as a public record and a copy provided to the board for review.

3. The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed to the elected body prior to action, and to the Ethics Board for determination and management of the potential for conflict of interest under the factors of 1.15.025B.1.

4. A complaint to the Board of Ethics for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under 1.15.070.

C. *Contemporaneous service and employment.* 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, including duties with the Anchorage School District. Contemporaneous

service or employment shall not adversely affect the employee's availability, productivity, or independence of judgment in performing municipal duties.

1. 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, except to the extent the general public has the same access to use.

2. A municipal employee shall not engage in activities related to contemporaneous service or employment during scheduled work hours. Minor and inconsequential personal telephone and computer privileges, when allowed under applicable personnel policy and practice, shall not be abused or diverted to support contemporaneous service or other employment.

3. Full time temporary and permanent municipal employees engaging or intending to engage in contemporaneous service or employment outside scheduled work-hours shall notify the administrative supervisor in writing.

a. Personnel rules and policies applicable to the various classifications and types of municipal employees, including employees of the Anchorage School District, shall provide for disclosure, administrative review, and management of potential conflicts of interest in contemporaneous employment.

b. For Anchorage School District employees, other employment limited to the winter holiday, spring and summer break periods when school is out of regular session, shall not be deemed contemporaneous service requiring disclosure to the administrative supervisor under this chapter.

4. 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 Ethics Board 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 held by the mayor in a business or economic enterprise 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.

D. *Disclosure of present economic interest in a municipal contract.* Within thirty (30) days of hire, a municipal employee having an economic interest in a municipal contract shall submit a written disclosure to the municipal clerk, signed by the department director or designee and the designated ethics officer. A copy shall be retained by the department in a file of disclosures open to the public. The disclosure of present economic interest shall include any economic interest in a contract with the municipality, or in an organization or enterprise engaging in business with the municipality, held by the employee or a member of the employee's household. The disclosure shall be in the form prescribed by the municipal clerk and include:

1. Identification of the municipal contract; the date the municipal employee or household member acquired the interest; the amount of the economic interest held in the contract by the municipal employee or a member of the employee's household. The disclosure shall include a description of any opportunity for official action the employee would have regarding the municipal contract and the preventive measures that shall be taken to manage any potential for conflict of interest.
2. The name of each organization or enterprise engaging in business with the municipality, both for profit and not-for-profit, in which the municipal employee or a member the employee's household has an economic interest or is a director, officer or employee and the title of the position held. The certification shall include a description of any responsibility the municipal employee could exercise regarding the entity engaging in business with the municipality and the preventive measures that shall be taken to manage any potential for conflict of interest.
3. Confirmation by the department director or designee and the designated ethics officer that the potential for conflict of interest has been reviewed and that either no potential for conflict exists or the potential for

1 conflict has been managed by taking the preventive measures described
2 in the disclosure.

3
4 4. If the mayor's current financial disclosure statement as filed under
5 state law with the Alaska Public Offices Commission (APOC) and filed
6 with the municipal clerk by elected officials under section 1.15.035 of this
7 chapter includes all disclosure required by this subsection under 1.15.025,
8 a separate filing under 1.15.025 is not required. The board will review the
9 mayor's disclosure of present economic interest in a municipal contract
10 and confirm in writing that either no potential for conflict exists or that the
11 preventive measures described by the board are required to manage the
12 potential for conflict.

13
14 E. *Acquisition of an economic interest in municipal contracts and business.*
15 No municipal employee or member of the employee's household shall acquire
16 directly or indirectly an economic interest in a municipal contract or engage in
17 business with the municipality unless the municipal contract is competitively
18 solicited and all other requirements of this chapter are satisfied. This prohibition
19 applies in all respects to any entity in which the employee or household member
20 has an economic interest.

21
22 1. A municipal employee shall timely file notice of intent to respond to
23 a public solicitation in such form as the municipal clerk may prescribe for
24 newspaper publication and posting under 1.15.040. To be timely for
25 publication, the notice shall be filed in advance to allow a minimum period
26 of seven (7) calendar days to elapse between publication by the clerk and
27 the final date for submitting a response to the solicitation. The municipal
28 employee shall file a copy of the completed notice with the purchasing
29 officer or other municipal official responsible for the procurement by no
30 later than the deadline for submitting a response to the solicitation.

31
32 2. The notice of intent to respond to a public solicitation is in addition
33 to any personnel provisions addressing administrative notification to the
34 director of employee relations by employees intending to do business with
35 the municipality.

36
37 3. If the municipal employee's notice is incomplete, or not timely filed
38 for publication, or not timely filed with the purchasing officer or other
39 municipal official responsible for the procurement by no later than the
40 deadline for responding to the solicitation, the disclosure shall be deemed
41 invalid and the offer proposed by the municipal employee in response to

the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the municipal employee.

4. The notice of intent to respond to a public solicitation shall disclose the following information:

- a. Nature of the business;
- b. Relationship between the employee and the business interest, including percentage of ownership;
- c. Municipal entity issuing the solicitation;
- d. Solicitation number and submission deadline;
- e. Municipal entity for which the employee works;
- f. Whether the municipal employee or immediate family member as defined in 1.15.110 serves in a position that could influence official action with respect to development of the solicitation, award or administration of the contract, and what, if any, preventive measures shall be taken to manage the potential for conflict.

5. Award of a municipal contract shall not be made to a person or entity governed by 1.15.025 unless:

- a. Neither the municipal employee nor a member of the employee's immediate family works for the administrative department awarding or administering the contract; and
- b. Neither the municipal employee nor a member of the employee's immediate family as defined in 1.15.110 takes any official action with respect to preparation of the solicitation, award or municipal administration of the contract; and
- c. The municipal employee does not in fact or appearance attempt to influence the award by actions of the employee or through the actions of others; and

- d. The municipal employee has provided to the purchasing officer or other municipal official responsible for the procurement and the municipal clerk proper and timely notice of intent to respond to a public solicitation; and
- e. The employee's administrative supervisor and the designated ethics officer confirm in writing that they have each reviewed the municipal employee's notice and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures as confirmed in writing; and
- f. The purchasing officer or other municipal official responsible for the procurement confirms in writing in the form prescribed by the municipal clerk that the integrity of the public solicitation process is not adversely affected.
- g. Upon award, the notice of intent with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.

6. The mayor holds a full time position with municipal responsibilities presumed incompatible and in conflict with acquiring an economic interest in municipal business or a municipal contract. The presumption may be overcome by advisory opinion of the board. 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 Ethics Board for an advisory opinion. The mayor's request and the board's advisory opinion to the mayor under this subsection are public records.

F. *Prior employment.* A municipal employee shall not take or participate in official action on matters affecting a former employer for a period of one (1) year from the date of termination of the prior employment. In the special circumstance presented by mayoral action within the first year of assuming office on matters affecting a mayor's former employer, the conflict shall be disclosed to the board and assembly; assembly approval shall be required on the official action.

G. *Restrictions on employment after leaving municipal service.* A municipal employee who leaves municipal service may not, for one (1) 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

1 by the municipal employee, if the municipal employee participated personally and
2 substantially in the matter through the exercise of official action. In this
3 subsection, "matter" includes a case, proceeding, application, contract, or
4 determination but does not include consideration of ordinances, resolutions,
5 charter amendments, draft legislative measures, or the adoption of administrative
6 regulations if consideration by the municipal employee was only in the context of
7 general application.
8

9 1. This restriction on employment after leaving municipal service does
10 not prohibit the municipality from contracting with a former municipal
11 employee to provide service on a matter on behalf of the municipality.
12

13 2. The restriction on employment after leaving municipal service
14 applies to the mayor as an elected official under 1.15.035.
15

16 3. The assembly or school board may waive application of this
17 restriction upon determination that a proposed action by a former
18 municipal employee is not adverse to the public interest. The waiver shall
19 be by formal action and a copy shall be provided to the Ethics Board.
20

21 H. *Gifts.* A municipal employee may not solicit or accept a gift that benefits
22 the employee's personal or economic interest if it can be reasonably inferred that
23 the gift is intended to influence the employee's independence of judgment in the
24 exercise of official duties. Gift receipt and disclosure apply to the mayor as an
25 elected official under 1.15.035.
26

27 1. An item is a "gift" under this subsection if it is:
28

29 a. Money, an item of value, service, loan, travel or hospitality
30 accommodation, meal, or entertainment; and
31

32 b. Provided to a municipal employee for less than full value.
33

34 2. Unless rebutted by other factors, an occasional gift worth \$50 or
35 less is presumed not to be given under circumstances in which it could be
36 reasonably inferred that the gift is intended to influence a municipal
37 employee's independence of judgment in the exercise of official duties.
38 When unsolicited, these occasional gifts are allowed, provided that the
39 disclosure requirements for each are met:
40

41 a. Payment for a business meal offered as a courtesy in the
42 context of the municipal duties of the municipal employee,

provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. A municipal employee shall disclose meals valued in excess of \$50.00, beverage included, as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of the meal.

- b. A discount or prize available to public sector employees generally, or to a large business category of public employees to which the municipal employee belongs. No disclosure is required.
- c. A gift or award of monetary value presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic, philanthropic or non-profit charitable organization and not given as financial inducement for official action. A municipal employee shall disclose a gift or award with a monetary value in excess of \$150.00 as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of receipt of the gift or award by the employee.
- d. A ceremonial gift presented by a foreign or domestic dignitary of another government becomes the property of the municipality. A municipal employee shall disclose all gifts presented by a foreign or domestic dignitary as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of presentation of the ceremonial gift to the employee.
- e. A gift for a special occasion, such as a wedding, birthday, or retirement, given voluntarily by a municipal employee's co-workers. No disclosure is required.
- f. A perishable gift for immediate consumption or display, from member(s) of the public expressing general appreciation or holiday cheer, shared with an office or work group, or donated to charity. The administrative supervisor or designee for the office or work group shall disclose a gift

1 under this category with a value in excess of \$150.00 as
2 provided in the Gift Disclosure form available from the
3 designated ethics officer and filed with the municipal clerk
4 within 10 working days of receipt.
5

6 g. A gift of nominal value given to an employee of the
7 Anchorage School District by a student, parent of a student,
8 group of parents, or community organization. The school
9 district employee shall disclose a gift in this category with a
10 value in excess of \$50.00 as provided in the Gift Disclosure
11 form available from the designated ethics officer and filed
12 with the municipal clerk within 10 working days of receipt.
13

14 h. Gifts that are not connected with the recipient's status as a
15 municipal employee are outside the scope of this chapter
16 and no disclosure is required.
17

18 3. A campaign contribution to a candidate for elective municipal, state,
19 or national office is allowed if the contribution complies with laws and
20 regulations governing elections and campaign disclosure.
21

22 I. *Political Activity.* The following limitations shall apply to political activity by
23 municipal employees and the expenditure of municipal funds, including municipal
24 funds received under a grant, donation, contract or other funding mechanism by
25 any entity, including a non-profit organization.
26

27 1. Municipal employees, the mayor, the departments, boards,
28 commissions, agencies, authorities, public corporations, or other
29 administrative divisions of municipal government, and private entities
30 receiving municipal funding shall not:
31

32 a. Expend municipal funds for the support, opposition or
33 endorsement of candidates for any elected government
34 office;
35

36 b. Expend municipal funds for paid advertisement which
37 advocates or promotes a particular position, or solicits
38 members of the public to advocate or promote a particular
39 position, on legislation or other action pending before the
40 municipal assembly, the school board, or other elected body
41 of government.
42

- c. Endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.
 - d. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
 - e. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections; except that subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the mayor and the school superintendent may each designate in advance in writing one or more executive employees in addition to themselves, to appear before the assembly, the school board, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.
2. The limitation against dissemination of partisan materials on bond measures does not apply to municipal employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.
3. A municipal employee shall not:
- a. Use position over another municipal employee to solicit a campaign contribution, endorsement, or other support for a political candidate.
 - b. While on duty, engage in political campaigning for elected public office or election campaign fundraising.

- c. When engaging in political activity outside scheduled work hours, act in a manner to suggest that the employee is acting in the employee's official capacity, or has official municipal endorsement, or is otherwise representing the municipality.
- d. Use official position to discourage or inhibit any person from exercising voter franchise.

4. A municipal employee shall not serve as an elected official of the municipality or other local, state, or federal government, and shall not serve as an officer of a Community Council. A municipal employee who is elected to municipal or other local, state or federal government office shall resign immediately from municipal employment. The mayor during incumbency shall not file or campaign for elected public office except to the office of mayor of the municipality.

1.15.030 Additional provisions for members of the public appointed to a public body.

A. *Members of an appointed public body.* This section applies to members of the public serving as members of an *appointed public body of the municipality* as defined in 1.15.110, but excluding elected officials covered under 1.15.035 and municipal employees covered under 1.15.025.

B. *Charter Acknowledgement.* Members of the public serving as members of an appointed public body of the municipality provide their time and energy in public service to the municipality, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These appointed members are expected and permitted to earn a living and hold individual financial interests. Matters coming before the appointed public body may include matters in which the appointed member of the public or a family member has a financial or private interest. Whether a financial or private interest is substantial is determined on a case-by-case basis.

C. *Supplemental disclosure and conflict of interest provisions.* An appointed public body shall follow the requirements of state law, ordinance, regulation, and procedure governing specific actions of the appointed public body. Provisions included in this section may be supplemented by disclosure and conflict of interest provisions adopted by ordinance as specifically applicable to the appointed public body of the municipality.

1
2 1. The appointment of public bodies with regulatory, quasi-judicial, or
3 adjudicatory responsibilities recognizes the public interest in having fair
4 and public evaluation of matters coming before the appointed public body.
5 Members of the public serving as members of an appointed body with
6 such responsibilities shall:
7

- 8 a. Make decisions solely on applicable law and the evidence in
9 the record;
10
11 b. Be impartial in fact and action in the performance of official
12 duties, making decisions without personal gain or financial
13 interest;
14
15 c. Disclose any previous involvement in the case or with the
16 parties;
17
18 d. Disclose matters that would prevent the member from
19 hearing the case under supplemental conflict of interest
20 provisions applicable to the appointed public body;
21
22 e. Disclose circumstances that could potentially interfere with
23 impartiality, so that the member's participation may be fairly
24 evaluated by the public body.
25

26 2. *Public bodies exercising monetary or management discretion.* The
27 appointment of public bodies exercising monetary discretion, advisory
28 direction on programs, or community development responsibility
29 recognizes the public interest in having boards and commissions familiar
30 with the community and its past and future development.
31

- 32 a. When action on a matter involves monetary discretion in the
33 award or recommendation of funding, voting members of
34 program advisory and community development boards shall
35 include a history of personal contacts concerning the project
36 in the disclosure of financial interest and personal
37 involvement to the appointed public body.
38
39 b. If an appointed public body exercises monetary discretion, a
40 member of the appointed public body may not apply for, or
41 receive substantial personal or financial interest in, a
42 contract or project awarded or administered by the appointed

public body during the member's service to the body, or for two years after leaving service.

D. *Disclosure to the appointed public body.* Prior to comment, deliberation or decision on a matter coming before the appointed public body, a member shall disclose any financial or private interest in the matter, including the financial interest or personal involvement of an immediate family member. The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the appointed body to determine if the financial interest is substantial or the personal involvement is prejudicial. If the other members of the appointed body by majority vote determine that a financial interest is substantial or the personal involvement is prejudicial, the member may not participate in the matter coming before the appointed public body.

E. *Substantial financial interest.* Whether the financial or private interest disclosed is substantial shall be determined by the appointed public body on a case-by-case basis, with evaluation 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 chair under the specifics of the disclosure and the nature of the action before the appointed body.

F. *Public interest.* An appointed member of a public body shall place the public interest above any financial or personal interest when taking official action. If an appointed member's private relationships or interests prevent the member from placing the public interest above a financial or personal interest, the appointed member shall disclose this fact on the record.

1
2 G. *Restrictions on employment.* It is a conflict of interest for an appointed
3 member of a public body to represent, advise, or assist a person for
4 compensation regarding a matter that was under consideration by the appointed
5 body if the member participated personally in the matter through the exercise of
6 official duty. In this subsection, "matter" includes a case, proceeding, application,
7 contract, or determination but does not include consideration or comment on
8 ordinances, resolutions, charter amendments, other legislative measures or the
9 adoption of administrative regulations if consideration by the appointed public
10 body was only in the context of general application.

11
12 H. *Disclosure of present economic interest.* Within thirty days of
13 appointment, a member of the public appointed to serve on a public body of the
14 municipality shall file with the municipal clerk, a written statement in the form
15 prescribed by the municipal clerk disclosing any economic interest which shall
16 cause the official to have a personal or financial interest in the decisions of the
17 public body on which the member serves, different than those of the public
18 generally. The appointed member shall file supplemental written statements with
19 the municipal clerk as new interests are acquired, and make disclosures on the
20 record of the public body of potential conflicts as required when matters come
21 before the public body. On or before February 15 of each year, the chair shall file
22 a statement with the municipal clerk for review by the board listing the matters in
23 which an appointed member disclosed a potential conflict to the board in the
24 preceding calendar year, and whether the potential conflict was determined to be
25 substantial.

26
27 I. *Acquisition of an economic interest in municipal contracts and business.*
28 A member of the public appointed to serve on a public body of the municipality or
29 a member of such person's household shall not acquire directly or indirectly an
30 economic interest in a municipal contract or engage in business with the
31 municipality unless the municipal contract is competitively solicited and all other
32 requirements of this subsection are satisfied. This prohibition applies in all
33 respects to any entity in which the appointed member of the public or a
34 household member has an economic interest.

35
36 1. The appointed member shall timely file notice of intent to respond
37 to a public solicitation in such form as the municipal clerk may prescribe
38 for newspaper publication by the municipal clerk under 1.15.040. To be
39 timely, the notice shall be filed in advance to allow a minimum period of
40 seven (7) calendar days to elapse between newspaper publication by the
41 clerk and the final date for submitting a response to the solicitation.
42

2. The notice shall identify the nature of the business; the relationship between the appointed member of the public or a household member and the entity responding to the solicitation, including the percentage of ownership in the entity by the appointed member of the public or a household member; the municipal entity or department issuing the solicitation; solicitation number and submission deadline. The appointed member of the public shall disclose whether the appointed member or a member of the immediate family as defined in 1.15.110 takes any official action with respect to preparation of the solicitation, award, or municipal administration of the contract.

3. The appointed member shall not in fact or appearance attempt to influence the award.

4. The appointed member and members of the immediate family shall take no official action with respect to development of the solicitation, award, or municipal administration of the contract.

5. The designated ethics officer available to the purchasing officer, or to the municipal official responsible for the procurement if not the purchasing officer, confirms in writing that the appointed member's notice of intent to respond to a public solicitation has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the written disclosure.

6. The person or public body having responsibility for award under the solicitation confirms in writing that the integrity of the public solicitation process is not adversely affected by the award.

7. If the appointed member's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other municipal official responsible for the procurement, the disclosure shall be deemed invalid and the offer proposed by the appointed member in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the member of the appointed public body.

8. Upon award, the notice of intent with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.

1 J. *Restrictions on engaging services to influence legislative or administrative*
2 *action or financial contribution.* An appointed public body may not engage a
3 lobbyist or other person or entity for compensation to influence financial support,
4 legislative action, or administrative action from another appointed public body or
5 an elected body of the municipality.
6

7 K. *Gifts.* Gifts to a member of an appointed body unrelated to the member's
8 public service and gifts without monetary value are not covered by this chapter.
9 Unless subject to supplemental restrictions governing the appointed public body,
10 these unsolicited gifts are allowed and subject to disclosure as follows:
11

12 1. A gift or award of monetary value presented in recognition of
13 meritorious, civic, or voluntary service to the municipality, so long as
14 presented by a recognized civic or non-profit charitable organization
15 presenting such a gift or award as part of an established tradition, and not
16 given as financial inducement for official action. A member of an appointed
17 body shall disclose a gift or award with a monetary value in excess of
18 \$150.00 as provided in the Gift Disclosure form available from the
19 designated ethics officer and filed with the municipal clerk within 10
20 working days of receipt of the gift or award.
21

22 2. A perishable gift for immediate consumption or display, from
23 member(s) of the public expressing general appreciation or holiday cheer
24 when shared among members of the appointed body, or donated to
25 charity. The chair of the appointed body shall disclose a gift under this
26 category with a value in excess of \$150.00 as provided in the Gift
27 Disclosure form available from the designated ethics officer and filed with
28 the municipal clerk within 10 working days of receipt.
29

30 3. Other gifts made in recognition of public service on an appointed
31 body shall be reported and re-directed through the chair of the appointed
32 body to the ethics officer for disposition or return, consistent with this
33 chapter. Report of receipt and disposition will be filed with the Ethics
34 Board and the municipal clerk as a public record.
35

36 L. *Political Activity.* A member of an appointed public body shall not:
37

38 1. Use official position on an appointed public body to solicit a
39 contribution, endorsement, or other campaign support for any political
40 candidate.
41

42 2. Use official position on an appointed public body to discourage or

inhibit any person from exercising voter franchise.

3. Permit or engage in political activity in violation of 1.15.025I.1.

4. Act in a manner to suggest that the member is acting in the member's official capacity or otherwise representing the appointed public body or the municipality, when engaging in political activity during personal time.

1.15.035 Additional coverage for elected officials

A. *Elected officials.* This section applies to any person holding an elective office subject to municipal election under the charter or the code, except that subsections 1.15.035B, 1.15.035C, 1.15.035D, and 1.15.035E are specific to elected public bodies and do not apply to the office of mayor.

B. *Charter Acknowledgement.* Assembly members, school board members, and elected area board members provide their time and energy in public service to the municipality, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These elected officials are expected and permitted to earn outside income and hold individual financial interests. Matters coming before the elected body may include matters in which the elected official has a financial or private interest. Elected officials may not participate in any official action in which the elected official or a member of the elected official's household has a substantial financial interest unless after disclosure of the interest, a majority of the elected body approves participation. This rule is acknowledged in Section 17.03 of the charter and has been codified in state law governing conflict of interest in municipal government. Under the provisions of this chapter, if the elected body determines that a public interest benefit outweighs the conflict of interest presented by the disclosure a substantial financial or private interest, the elected body may require the member to participate.

C. *Disclosure to the elected body.* Prior to comment, deliberation or decision on a matter coming before the elected body, an elected official shall disclose any financial or private interest of the member in the matter, including a financial interest held by a member of the elected official's household.

1. Full and complete disclosure of a financial or private interest is required.

2. The nature of the financial or private interest shall be disclosed in

sufficient detail to permit the other members of the elected body to determine if the interest is a substantial and if so, whether a member's participation in the matter should be required in the public interest.

3. If the presiding officer exercises parliamentary authority by making an initial ruling on a disclosure of financial or private interest, or a member's request to be excused from participation, the decision of the presiding officer may be overridden by the majority vote of the elected body.

4. The member of the elected body making the disclosure shall not rule or vote on whether the financial or private interest is substantial or whether participation should be required after disclosure.

5. An elected official shall not be sanctioned for acting in compliance with the determination of the elected body if the financial or private interest is fully and fairly disclosed.

6. 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.

D. *Determining if a financial or private interest is substantial.* Determination of whether a financial or private interest is substantial shall be made by the elected body on a case-by-case basis. The elected body shall be the final authority on whether the financial or private interest as disclosed is substantial under this chapter. The board does not have jurisdiction to reweigh the factors considered by an elected body for a differing interpretation by the board of substantial interest. Factors appropriate for consideration include one or more of the following:

1. Whether the financial or private interest held by the elected official or household member is a substantial part of the matter under consideration;

2. Whether the financial or private interest varies directly and substantially 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 elected official or household member belongs.

E. *Requiring a member to vote.* An elected official shall not participate in any official action in which the elected official or a member of the elected official's household has a substantial financial or private interest unless after disclosure of the interest, participation is required in the public interest by majority vote of the elected body.

1. When the conflict of interest presented by the elected official's substantial interest is waived in the public interest by majority vote of the body, the public interest benefit supporting the waiver shall be stated in the record.

2. Examples of a public interest benefit that may outweigh a conflict of interest in favor of requiring a member to participate include:

a. Specialized knowledge of the elected official is important to the deliberation, and disclosure of the elected official's financial or private interest, in the context of the matter before the elected body, is sufficient to maintain the integrity of the decision making process.

b. The public's business cannot be undertaken unless the elected body requires the member to participate.

c. Other public interest benefits deemed appropriate by members of the elected body under the specifics of the disclosure and the official action before the elected body.

3. Absent a determination by the elected body that a public interest benefit outweighs the conflict of interest presented by the substantial financial or private interest, the elected body shall not waive the conflict of interest to require participation.

4. The elected body shall be the final authority on whether the substantial financial or private interest is outweighed by the public interest benefit. The board does not have jurisdiction to reweigh the elected body's determination.

1 F. *Public interest.* An elected official shall place the public interest above any
2 financial or personal interest when taking official action. If an elected official's
3 private relationships or interests prevent an elected official from placing the
4 public interest above a financial or personal interest, the elected official shall
5 disclose this fact on the record.
6

7 G. *Consultation, representation, and appearance on behalf of private*
8 *interests on a matter of municipal government.* These provisions apply to elected
9 officials, including the mayor:
10

11 1. An elected official shall not serve as a paid consultant on a private
12 interest before a municipal department, administrative agency, utility,
13 elected or appointed public body of the municipality.
14

15 2. An elected official shall not serve as a paid representative of any
16 person or entity before a municipal department, administrative agency, or
17 utility.
18

19 3. An elected official shall not appear on behalf of any private interest
20 before the school board or the assembly, or on behalf of any person or
21 entity in an adjudicatory matter before an appointed public body of the
22 municipality unless:
23

- 24 a. The elected official, or a member of the elected official's
25 household, is a party or has an ownership interest in an
26 adjudicatory matter before the public body; or
27
28 b. The elected official is an elected member of a service area
29 board representing the service area board or the interests of
30 the service area before the assembly, school board or an
31 appointed public body; or
32
33 c. The elected official is appearing at the specific request of the
34 elected or appointed public body. An elected body shall not
35 request the appearance of a member of the elected body
36 under this subsection unless the elected official's
37 participation in the matter pending before the elected body
38 has been properly excused under the procedures of the
39 elected body.
40

41 H. *Constituent services.* Nothing in this section is intended to prevent an
42 elected official from making verbal or written inquiries on behalf of constituents,

1 residents within the elected official's area of service, employees or contractual
2 service providers of the municipality or elected body, or the general public to
3 elements of municipal government or from requesting explanations or additional
4 information on behalf of an elected body or individuals, provided that the elected
5 official is not charging a fee for this service.
6

7 I. *Restrictions on other public employment.* These restrictions apply to
8 elected officials of the assembly, school board, and service areas. Applicability
9 to the office of mayor is specified.

- 10
11 a. Except where authorized by ordinance, an elected official of the
12 municipality shall not hold other municipal employment or elected
13 state office. This provision also applies to the office of mayor.
14
15 b. Subject to state law and regulation, an elected official of the
16 municipality other than the mayor may serve as a non-elected
17 employee of the state.
18
19 c. Engagement as an independent contractor through a competitive
20 solicitation by the municipality is not municipal employment for
21 purposes of this section. For the office of mayor, the provisions in
22 1.15.025 specific to the mayor apply.
23

24 J. *Ex officio and charitable nonprofit board member service.* Unless the
25 assembly has determined by ordinance that service by an elected official shall be
26 as a non-voting member, an elected official, including the mayor, may serve
27 without compensation as a voting member of a public body or charitable nonprofit
28 organization receiving funding from the municipal or school district budget.
29

30 1. The elected official shall disclose the board member service before
31 participating in official action by the municipality on the budget or other
32 matter involving the board or commission of a public body or charitable
33 nonprofit organization.
34

35 2. If the elected body finds a substantial conflict in requiring a member
36 to participate in action before the elected body, the elected body may in its
37 sole discretion excuse participation or divide the question to avoid a
38 conflict on the whole.
39

40 K. *Service to utility and regulatory boards.* As long as the municipality owns
41 one or more utilities regulated by the Regulatory Commission of Alaska, an
42 elected official shall not serve as an officer, director, or paid advisor to the Alaska

Regulatory Commission, or to any regulated utility providing the same type of utility service owned by the municipality.

L. *Financial disclosure during term of elected office.* Elected officials shall file disclosures timely as required by state law. The municipal clerk shall keep a copy of the elected official's current financial disclosure statement as filed under state law with the Alaska Public Offices Commission (APOC). An elected official shall supplement the APOC disclosure within thirty (30) days of assuming office, and as required under 1.15.035 during elected office, to fully disclose any economic interest in a contract with the municipality, or in an organization or enterprise engaging in business with the municipality, held by the elected official or a member of the elected official's household. Supplemental disclosure shall be on the form prescribed by the municipal clerk and include:

1. Identification of the municipal contract; the date the elected official acquired the interest; the amount of the economic interest held in the contract by the elected official, a member of the elected official's immediate family. The disclosure shall include a description of the duties and activities to be performed by the elected official or household member under the contract and the preventive measures that shall be taken to manage any potential for conflict any opportunity for official action the elected official may have regarding the municipal contract.

2. The name of each organization, or enterprise engaging in business with the municipality, both for profit and not-for-profit, in which the elected official or household member has an economic interest or is a director, officer or employee and the title of the position held. The disclosure shall identify the compensation, duties and activities of the elected official or household member for each organization and the preventive measures that shall be taken to manage any potential for conflict with the municipal duties of the elected official.

3. Holding an ownership interest in policies of insurance, annuity contracts, property or funds on deposit in regulated financial institutions, or securities maintained by a brokerage firm is not having a financial interest that requires disclosure when the entity engages in business with the municipality.

4. If the elected official's APOC disclosure includes all disclosure required by this chapter, a supplemental disclosure is not required.

1 M. *Acquisition of an economic interest in municipal contracts and business.*
2 An elected official or household member shall not acquire directly or indirectly an
3 economic interest in a municipal contract or engage in business with the
4 municipality unless the municipal contract is competitively solicited and all other
5 requirements of this subsection are satisfied. This prohibition applies in all
6 respects to any entity in which the elected official or household member has an
7 economic interest.
8

9 1. The elected official shall timely file notice of intent to respond to a
10 public solicitation in such form as the municipal clerk may prescribe for
11 newspaper publication and posting by the municipal clerk under 1.15.040.
12 To be timely for publication, the notice shall be filed in advance to allow a
13 minimum period of seven (7) calendar days to elapse between newspaper
14 publication by the clerk and the final date for submitting a response to the
15 solicitation. The elected official shall file a copy of the completed notice
16 with the purchasing officer or other municipal official responsible for the
17 procurement by no later than the deadline for submitting a response to the
18 solicitation.
19

20 2. The notice shall identify the nature of the business; the relationship
21 between the elected official or household member and the entity
22 responding to the solicitation, including the percentage of ownership in the
23 entity by the elected official or household member; the municipal entity or
24 department issuing the solicitation; solicitation number and submission
25 deadline. The elected official shall disclose whether the elected official or
26 member of the elected official's immediate family as defined in 1.15.110
27 takes any official action with respect to preparation of the solicitation,
28 award, or municipal administration of the contract.
29

30 3. The elected official shall not in fact or appearance attempt to
31 influence the award.
32

33 4. The elected official and members of the elected official's immediate
34 family shall take no official action with respect to development of the
35 solicitation, award, or municipal administration of the contract.
36

37 5. The purchasing officer or other municipal official responsible for the
38 solicitation and the designated ethics officer confirms in writing that the
39 elected official's notice of intent to respond to a public solicitation has
40 been reviewed and that either no potential for conflict exists or the
41 potential for conflict has been managed by taking the preventive measures
42 described in the written disclosure.

6. The person or public body having responsibility for award under the solicitation determines that the integrity of the public solicitation process is not adversely affected by the award.

7. If the elected official's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other municipal official responsible for the solicitation by no later than the deadline for responding to the solicitation, the disclosure shall be deemed invalid and the offer proposed by the elected official in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the elected official.

8. Acquisition of an economic interest by the mayor is governed by 1.15.025E.6.

N. *Political Activity.* An elected official shall not:

1. Use position over a municipal employee or appointed member of an appointed municipal body to solicit a campaign contribution, endorsement, or other campaign support for the elected official or any political candidate.

2. Use official position to discourage or inhibit a municipal employee or appointed member of an appointed municipal body from exercising voter franchise.

3. Use or depict municipal property and facilities in a manner unavailable to the public.

4. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.

5. Knowingly permit political activity in violation of other provisions on political activity in 1.15.025 and 1.15.030.

O. *Restrictions on engaging services to influence legislative or administrative action or financial contribution.* An elected body may not engage a lobbyist or other entity for compensation to influence financial support, legislative action, or administrative action from another elected body of the municipality.

P. *Gifts.* An elected official may not solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.

1. An item is a "*gift*" under this subsection if it is:

- a. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
- b. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.

2. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

3. These unsolicited gifts are allowed, provided that if disclosure is required, the Gift Disclosure Form is timely filed with the municipal clerk within 30 days of receipt of the gift:

- a. Payment for a business meal offered as a courtesy in the context of municipal duties, provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
- b. A discount or prize available to public sector officials generally, or to a large business category of public officials to which the elected official belongs. No disclosure is required.
- c. A gift or award of monetary value presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of \$150.00.

- d. An elected official shall disclose all gifts presented by a foreign or domestic dignitary of another government.
- e. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
- f. A gift of nominal value given to a member of the School Board by a student, parent of a student, group of parents, or community organization. The school board member shall disclose a gift under this category with a value in excess of \$50.00.
- g. Travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. Gifts of travel and hospitality related to providing or obtaining information primarily on matters related to the duties of the elected official are allowed. Gifts in this category in excess of \$250 shall be disclosed for electronic publication by the municipal clerk prior to acceptance.

4. A campaign contribution to a candidate for elective municipal, state, or national office is allowed if the contribution complies with laws and regulations governing elections and campaign disclosure.

5. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

Q. *Restrictions on employment after leaving municipal service.*

1. An elected official who leaves municipal service may not, for one (1) year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the elected body during the elected official's period of service. "Matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, other legislative measures or the adoption of administrative regulations if consideration by the elected body was only in the context of general application.

1 a. This restriction does not prohibit the municipality from
2 contracting with a former elected official to provide service
3 on a matter on behalf of the municipality.
4

5 b. The assembly or school board may waive application of this
6 restriction upon determination that a proposed action by a
7 former elected official is not adverse to the public interest.
8 The waiver shall be by formal action and a copy shall be
9 provided to the Ethics Board.
10

11 2. A person serving as an assembly member or school board member
12 shall hold no compensated municipal office or employment which was
13 created, or the salary or benefits of which were specially increased during
14 the person's last year in office by the governing body on which the
15 member served.
16

17 3. The mayor after leaving office shall hold no compensated municipal
18 office or employment which was created, or the salary or benefits of which
19 were specially increased during the mayor's last year in office.
20

21 **1.15.040 Forms available from municipal clerk; content; filing.**
22

23 A. *Forms.* The municipal clerk shall provide the disclosure, notice, and
24 informational forms as described in this chapter. Disclosures and filings shall be
25 in the form prescribed by the municipal clerk and supplemental information may
26 be attached. Completed forms filed with the municipal clerk are public documents
27 and shall be made available to the board for review. Forms and publication
28 requirements under this chapter include:
29

30 1. Notification and Disclosure of Present Economic Interest in
31 Municipal Business or Contract. This form is required to be filed by a
32 municipal employee under 1.15.025 and a member of the public appointed
33 to serve on a public body under 1.15.030. The same form may be used to
34 supplement an elected official's financial disclosure under 1.15.035.
35

36 2. Notice of Intent to Respond to Public Solicitation.
37

38 a. The municipal clerk shall publish a copy of the notice of
39 intent to respond to a public solicitation required under
40 1.15.025, 1.15.030, and 1.15.035 in a newspaper of general
41 circulation within the municipality at least once, but no less
42 than seven (7) days in advance of the deadline for

submitting a response to the solicitation. If the time between filing the notice and the last day to submit a response is insufficient to meet this requirement, the notice shall be deemed untimely.

b. In addition, the municipal clerk shall electronically publish and post a copy of the statement in at least one (1) public place.

c. The municipal clerk shall collect the publication fee at the time the notice is filed.

d. Upon award, a copy of the notice of intent to respond to a public solicitation with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.

3. The annual disclosure statement of the chair of the appointed public body is filed with the municipal clerk, by February 15 for review by the board under 1.15.030. This statement of the chair lists the matters in which an appointed member disclosed a potential conflict to the board in the preceding calendar year, and whether the potential conflict was determined to be substantial.

4. Notification and Disclosure of Receipt of Gift. These forms are filed with the municipal clerk under 1.15.025, 1.15.030, and 1.15.035.

5. Notification and Disclosure of Receipt of Gift from Another Government. This form is filed with the municipal clerk under 1.15.025 and 1.15.035.

6. Notification and Disclosure of Receipt of Gift for Travel/Hospitality Primarily for Matters of Legislative Concern. This form is filed with the municipal clerk under 1.15.035.

7. Outline of Ethics Board Resolution Process. This form is available from the municipal clerk upon request under 1.15.070.

8. Verification of Receipt of Ethics Code Materials (upon hire, appointment, or election). This form is available from the municipal clerk under 1.15.070.

9. Ethics Education Program Training Completion Certificate. This form is available from the municipal clerk under 1.15.090.

10. Notification of Potential Violation. Complaints are filed with the board on this form under 1.15.070.

B. *When to file.* Within thirty days after coming within the scope of this chapter, and by February 15 of each year thereafter, the notification forms for economic interest in municipal business shall be filed by persons having these interests as described in this chapter. Notification of receipt of gift forms shall be filed within 10 days of receipt of the gift. Notification of intent to respond to a municipal solicitation shall be filed for publication as described in subsection 1.15.040A.2.

C. *Distribution.* In all cases the completed original disclosure form shall be filed with the municipal clerk and becomes a public record. The municipal clerk shall distribute a copy to the board. In addition to filing the original:

1. A municipal employee shall provide a copy to the administrative supervisor.
2. An appointed member of a public body shall provide a copy to the Mayor's designee.
3. An elected member of a service area shall provide a copy to the chair of the assembly.
4. A member of the assembly shall provide a copy to the chair of the assembly.
5. A member of the school board shall provide a copy to the chair of the school board.

D. *Publication.* For notices under subsection 1.15.040A.2, publication by newspaper is required. Unless otherwise specified, electronic publication by the municipal clerk constitutes publication when required by this chapter.

1.15.050 Board of Ethics; establishment, membership, removal and administrative support.

A. *Establishment.* The Board of Ethics is established, consisting of five (5) members, appointed by the mayor. The chair of the assembly Ethics Committee

1 shall participate in the selection process and members of the Board of Ethics are
2 subject to confirmation by the assembly. Members of the Board of Ethics shall in
3 good faith exercise the power and authority vested in the board under this
4 chapter. Except where a specific provision of this chapter applies, the Board of
5 Ethics is subject to the provisions of chapter 4.05.

6
7 **B. *Membership.***

8
9 1. At least one (1) member of the board shall be member of the
10 Alaska Bar Association.

11
12 2. In addition to the qualifications set forth in section 4.05.035,
13 members of the board shall not:

14
15 a. Hold other elected or appointed public office with any local,
16 state or federal governmental unit; or

17
18 b. Hold political party office; or

19
20 c. Publicly endorse, contribute to, or engage in any political or
21 campaign activity on behalf of any candidate for elected
22 municipal office; or

23
24 d. Hold current employment with the municipality, the
25 Anchorage School District, or an enterprise or authority
26 owned by the municipality.

27
28 3. Members of the Board of Ethics are included within the scope of
29 this chapter as members of the public appointed to serve on a
30 commission, board, committee, or authority of the Municipality.

31
32 **C. *Training.*** Members of the Board of Ethics shall complete training provided
33 through the board's legal counsel and counsel to the municipal clerk.

34
35 **D. *Removal.*** A member of the board may be removed by the mayor or by the
36 assembly.

37
38 1. ***Removal by mayor.*** The mayor may remove any member of the
39 board at any time:

40
41 a. But only for good cause shown; and
42

- 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, by majority vote of the assembly:

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

E. *Support.* Support services of the municipal clerk shall include:

1. Provide 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 as requested by the chairman of the board;
4. Prepare an annual report on the costs of such activities, which shall be included in the annual budget as a separate item.
5. Maintain an indexing system to protect the confidentiality of notifications of potential violation and other confidential matters included in this chapter.
6. Assist the board in posting advisory opinions under this chapter.

7. Publish disclosures required to be published under this chapter and collect associated fees.

8. Maintain disclosure files.

9. Prescribe the disclosure and verification forms as required by this chapter.

10. Maintain the checklists, process, and informational materials developed by the board and the clerk's office under this chapter, including a checklist of municipal clerk duties under this chapter.

F. *Legal Counsel.* The municipal attorney shall be counsel to the board. In the event of a conflict, the municipal attorney shall retain outside counsel to advise the board with regard to a particular matter. Assembly counsel shall advise the municipal clerk and work with the municipal attorney in developing training under this chapter.

1.15.060 Duties and powers of the Board of Ethics.

A. *Authority of Board regarding notifications of potential violation.* The Board may

1. Receive notifications of potential violation of any matter within the board's jurisdiction, including a notification of potential violation initiated by a member of the board. A board member initiating a notification of potential violation shall abstain from all board action and deliberation on the notification of potential violation.

2. Determine whether to investigate any notification of potential violation.

3. Conduct investigative hearings in executive session pursuant to section 1.15.070 on notifications of a potential violation alleging violations of matters within the jurisdiction of the board.

4. Determine violation of this chapter by a preponderance of the evidence presented to the board.

5. Propose resolution and settlements after review of a notice of potential violation or a finding of violation by the board, if the respondent admits the violation.

6. Report the results of its investigations to the mayor, the assembly, the superintendent of schools, or the school board.

7. Upon application of a respondent, or at the board's discretion, 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 or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.

8. Administer oaths and receive testimony from witnesses appearing before the board.

9. Request municipal agencies to cooperate with the board in the exercise of the board's jurisdiction.

10. Request the municipal attorney to seek assistance of the superior court to enforce the board's subpoena.

11. Recommend that the mayor, assembly, superintendent of schools, or school board take remedial action, including the imposition of sanctions recommended by the board. Imposition of sanctions recommended by the board is subject to applicable law outside the scope of this chapter.

12. 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 and support ethical conduct by employees, appointed members of any municipal authority, and elected officials:

1. At the request of the mayor, assembly, or school board, participate in public work sessions regarding ethics in government and the administration of this chapter.

2. When an individual's actions may be governed by this chapter, consult with and advise the individual 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 actions deemed important to support ethical

conduct, improve the ethics laws and allow proper enforcement.

4. Prepare materials and programs designed to advise, assist, educate and coach municipal employees, appointed members of a municipal authority, and elected officials on ways to support compliance with provisions of this chapter and assist the public in understanding the policy and purpose of this chapter.

5. Advise any individual whose acts may be subject to provisions of a notification of potential violation to the board regarding compliance on matters within the board's jurisdiction.

6. Issue written advisory opinions as prescribed in 1.15.080.

7. Prepare minutes of public board proceedings, showing the vote of each member upon every question, keep confidential records of board investigations, and maintain a record of other official actions.

8. Review disclosure statements, determinations, confirmations and reports submitted to the board under this chapter to determine if the potential for conflict is being managed in compliance with this chapter.

1.15.070 Notification of potential violation and investigations.

A. *Who can file.* Any person may file a notification of potential violation with the board alleging violation of a matter within the jurisdiction of the board by an employee, appointed member of a municipal authority, or an elected official. If a member of the board files a notification of potential violation, the member shall not participate further in any proceedings before the board regarding the matter, except the member may testify before the board if subpoenaed.

B. *Content of notification of potential violation.* All notifications of potential violation submitted to the board under this chapter shall be in writing and signed by the person submitting the notification. A notification of potential violation shall state the address and telephone number of the person filing the notification, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the notification of potential violation signed by the person are true. The person filing the notification of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the notification of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the notification believes are in support of the notification of potential

violation.

C. *Notification of potential violation received during a campaign period.* The board shall return to the person filing the notification, any notification of potential violation concerning the conduct of a candidate for elected municipal office received during a campaign period, unless the candidate permits the board to assume jurisdiction under the provisions of this subsection.

1. Upon receipt of a notification of potential violation concerning the conduct of a candidate for elected municipal office during a campaign period, the board shall immediately notify the subject of the notification of potential violation of the receipt of the notification of potential violation, of the suspension of the board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction.

2. If within 14 days after notice from the board, the candidate does not instruct the board that the candidate chooses to have the board proceed with the notification of potential violation, or the candidate notifies the board that the candidate is not waiving the suspension of jurisdiction, then the board shall return the notification of potential violation to the person who filed it, with notice of the suspension of jurisdiction under this subsection and of the right of the person to file the notification of potential violation after the end of the campaign period. A notification of potential violation returned under this subsection shall remain confidential.

3. If a notification of potential violation is pending before the board at the beginning of a campaign period, the board shall maintain confidentiality and suspend all further action on the notification of violation during the campaign period. The period in which a matter is under consideration by the board is automatically extended for the length of time a matter is suspended during a campaign period.

4. A campaign period under this subsection begins 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 ends at the close of election day, or on the day that the candidate withdraws from the election, if earlier.

5. Suspension during a campaign period does not apply to a notification of potential violation initiated by a member of the board.

1
2 D. *Confidentiality during investigation and deliberative process.* Each
3 notification of potential violation shall be assigned an identification number to
4 maintain confidentiality. The board shall keep all notifications of potential violation
5 confidential during investigation and the board's deliberative process. Until the
6 board's written report is completed for distribution under 1.15.0701.2, notifications
7 of potential violation may be disclosed only to the staff member of the municipal
8 clerk's office providing administrative support to the board, members of the
9 board, and legal counsel. Upon receipt of a notification of potential violation, the
10 board shall, at its next regularly scheduled meeting or earlier, as determined by
11 the board chair, review the notification of potential violation in executive session
12 and determine if further action on the notification of potential violation is
13 warranted.

14
15 1. If the board determines the facts alleged in the notification of
16 potential violation, even if proven, do not constitute a violation, or that the
17 board lacks jurisdiction to address the notification of potential violation, the
18 board shall return the notification of potential violation to the complaining
19 party without further action. Notifications of potential violation returned
20 without further action shall remain confidential.

21
22 2. If the board determines the allegation in a notification of potential
23 violation, if proven, may constitute a violation of a matter within the board's
24 jurisdiction, the board shall:

25
26 a. Give the respondent a copy of the notification of potential
27 violation, along with a copy of the outline of the board's
28 process under this chapter, including notice that the
29 respondent may choose to hold the proceeding in public
30 and/or bring legal counsel; and

31
32 b. Notify both the person submitting the notification of potential
33 violation and respondent of the date(s) on which each may
34 be requested to meet with the board, present documentary
35 or testimonial evidence, and assist the board in resolving the
36 potential violation.

37
38 E. *Conduct of investigation and standard of proof.* The board's investigation
39 shall be conducted in executive session, unless the respondent requests to hold
40 the board's investigation on the notification of potential violation in public.

41
42 1. The respondent may identify other individuals and documents that

the respondent would like the board to interview and review.

2. If an individual with information bearing on the notification of potential violation is unwilling to come forward with information, the respondent may request the board to subpoena the person and any documentary evidence.

3. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.

4. The board may question the respondent and other persons appearing before the board.

5. The board may solicit questions and testimony from the person filing the notification of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.

6. The standard of proof to be applied by the board in determining a violation under this chapter is proof by a preponderance of the evidence.

7. Technical rules of evidence do not apply, but the findings of the board shall be based upon reliable and relevant information presented to the board.

8. The board's finding of a violation of this chapter must be supported by substantial evidence.

9. The board's findings shall not be binding in a subsequent sanctions proceeding.

F. *Deliberations of the board.* Deliberations of the board shall be conducted in executive session. The board shall reconvene in open session when deliberations are complete.

G. *Decisions on the record.* Using the identification number of the notice of potential violation to protect confidentiality, the board shall vote in open session

on these questions:

1. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
2. Whether the board recommends further administrative or remedial actions; and
3. What specific sanctions, corrective actions or referrals, if any, the board recommends.
4. If the board does not find a violation under this chapter, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document.

H. *Resolution by the Board.* The board has authority to formulate a proposed resolution and settlement of the violation if during investigation or after deliberation by the board, the respondent admits to violation of this chapter. The proposed resolution and settlement becomes a public record for electronic publication by the municipal clerk upon final approval. The proposed resolution and settlement will include the admitted violation of this chapter; the remedial actions agreed to by the respondent with the board's concurrence; preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other recommendations by the board.

1. If the respondent is a municipal employee or a member of the public appointed to a municipal public body, the proposed resolution and settlement shall require the approval of the municipal attorney with review and comment by the designated ethics officer for respondent's administrative department.
2. If the respondent is a member of the school board, the proposed resolution and settlement shall require the approval of the school board.
3. If the respondent is a member of the assembly or the mayor, the proposed resolution and settlement shall require the approval of the assembly.

I. *Written Report.* At the conclusion of an investigation finding a violation of this chapter that is not resolved by the board under 1.15.070H, the board shall:

1. Prepare a written report that includes:

- a. A summary of the investigation;
- b. A list of any documents submitted to the board;
- c. A description of any proceedings before the board including, but not limited to, a synopsis or outline of any testimony heard by the board. The board is not required to record or make a stenographic record of any proceedings before it;
- d. A statement of findings regarding violation of this chapter;
- e. The board's recommendations for further administrative or legal action;
- f. What sanctions or corrective actions, if any, the board recommends.

2. Furnish one (1) copy of the full written report to:

- a. The person under investigation; and
- b. The appropriate supervisory authority (mayor, the assembly, the school superintendent or the school board); and
- c. The municipal clerk for electronic publication.

3. Furnish the person submitting the notice of potential violation with notice that a copy of the board's report has been provided to the municipal clerk for electronic publication.

J. *Timely completion.* The board shall complete action on notifications of potential violation and investigations within ninety (90) days of the filing of the notification of potential violation. By a majority vote, the board may extend the completion date for up to an additional sixty (60) days.

K. *Disclosure of notification of potential violation prohibited.* A notification of potential violation filed under this chapter is confidential until the board completes

the written report for distribution as a public record under 1.15.070I.2.

1. No person shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a notification of potential violation filed with the board, unless

a. The respondent elects to proceed in public; or

b. The written report of the board is electronically published by the municipal clerk.

2. Breach of confidentiality under this subsection is a violation of this chapter.

3. A person filing a notice of potential violation shall keep confidential the fact that the person has filed the notice with the board, as well as the contents of the notice of potential violation. If the board finds probable cause to believe that the person filing the notice of potential violation has violated confidentiality under this chapter, the board shall immediately dismiss the notice of violation. Dismissal under this subsection does not affect the right of the board or another person to initiate a proceeding on the same factual allegations by filing a notice of potential violation.

4. Public disclosure resulting from electronic publication by the municipal clerk under this chapter or the imposition of a sanction or corrective action under this chapter is not a violation of this subsection.

1.15.080 Advisory opinions.

A. A current or former employee, current or former appointed member of any municipal authority, current or former elected official, or current candidate for municipal office or employment may request written advice regarding the applicability and interpretation of this chapter in a particular situation involving the inquirer.

1. 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.

2. A request for advice under 1.15.080A is confidential, unless confidentiality is waived by the person requesting an advisory opinion.

B. The board may also accept a request for an advisory opinion on a matter referred to the board by the municipal clerk or the municipal attorney.

C. 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 whose identities are confidential under 1.15.080A. Postings shall be made within 14 work days of issuance by the board

1.15.090 Ethics education program.

A. Each employee, appointed member of a municipal authority, and elected official included within the scope of this chapter is responsible for understanding and complying with the provisions of this chapter.

B. To facilitate understanding and support compliance with the provisions of this chapter by employees, the mayor shall designate one or more ethics officers. Members appointed to the board, the municipal clerk or designee, and all ethics officers shall be given appropriate training and education in the provisions of this chapter. Upon successful completion of training, a training certificate shall be issued and a copy kept on file with the board.

C. Ethics officers shall disseminate information about the Code of Ethics, inform municipal employees of the board's procedures, and consult with employees and supervisors regarding compliance with this chapter. Responsibilities under this chapter shall be reviewed with each new hire during employee orientation and each employee shall confirm in writing receipt and review of ethics materials. Ethics officers shall assist supervisors in reviewing and completing required approvals related to employee disclosure forms, periodically providing updates, training, and additional materials to employees on ethics issues.

D. To facilitate understanding and support compliance with the provisions of this chapter by members of the public appointed to a public body of the municipality, one or more of the ethics officers designated by the mayor shall serve as ethics officer for the appointed public members included within the scope of this chapter. Responsibilities under this chapter for members of the public appointed to a public body of the municipality shall be reviewed with all appointees as part of the appointment process and each appointee shall confirm in writing receipt and review of ethics materials. Ethics officers shall inform

1 appointees of the Ethic Board's procedures, and consult with appointees
2 regarding compliance with this chapter. Ethics officers shall assist members of a
3 municipal public body in reviewing and completing required approvals related to
4 appointee disclosure forms, provide boards, commissions, and authorities of the
5 municipality with notice of periodic updates, training opportunities, and additional
6 materials on ethics issues.

7
8 E. To facilitate understanding and support compliance with the provisions of
9 this chapter by elected officials, the municipal clerk shall provide each elected
10 official with a copy of this chapter, the disclosure forms, and the process outline
11 upon taking office. Elected officials shall confirm in writing receipt and review of
12 ethics materials. The municipal clerk shall provide elected officials with notice of
13 periodic updates, training opportunities, and additional materials on ethics issues.

14
15 F. The board shall develop an ethics education program, including a guide to
16 the ethics code, to meet the differing training needs of employees, supervisors,
17 elected and appointed officials, and designated ethics officers in the following
18 areas:

- 19
20 1. Recognizing possible violations relative to their duties and
21 responsibilities.
- 22
23 2. Avoiding potential violations.
- 24
25 3. Obtaining answers on ethics issues.
- 26
27 4. Complying with the reporting requirements of this chapter.
- 28
29 5. The process to be followed by an individual responding to an
30 inquiry from the board on a notice of potential violation.
- 31
32 6. Managing the potential for conflict of interest under a disclosure;
33 preventive actions.
- 34
35 7. Supporting the public interest in ethical conduct by municipal
36 employees, members of the public serving on appointed municipal
37 entities, and elected officials.
- 38
39 8. At the option of the board based on its observations and experience
40 in the implementation of this chapter, the board may provide interim
41 advisory reports to the assembly. In reviewing the board's implementation
42 and interpretation of this chapter, including general matters of ethical

concern to the board, the board may wish to share its review and comment on published ethical decisions from other jurisdictions, matters of general guidance, and areas of special concern that are not the subject of investigation or otherwise confidential.

1.15.100 Sanctions, referrals and corrective action.

A. Based on its findings, the board shall make recommendations for implementation by the governing entity. Sanctions, referrals and corrective actions that may be recommended by the board for imposition by the governing entity based on findings of the board under this chapter include, but are not limited to, the following:

1. Imposition of municipal employee discipline and restitution subject to:
 - a. Applicable requirements of the municipal personnel rules;
 - b. The grievance provisions of an applicable collective bargaining agreement;
 - c. Provisions of an employment contract.
2. The municipality or the school board may, with the advice of counsel:
 - a. Rescind a contract adopted in violation of this chapter.
 - b. Rescind a permit, ruling or any other official action taken as a result of a violation of this chapter.
 - c. Require restitution.
3. The assembly, by majority vote and without an additional hearing, may accept the findings of the board and issue a letter of admonishment to an assembly member, with or without electronic publication by the municipal clerk. Within the time prescribed by the assembly, the assembly member named in the board's findings shall be afforded an opportunity to address the assembly in public session, limited to the issue of sanctions, referrals and corrective action recommended by the board.

1 4. The school board, by majority vote and without an additional
2 hearing by the assembly or the school board, may accept the findings of
3 the board and issue a letter of admonishment to a member of the school
4 board with or without electronic publication by the municipal clerk. Within
5 the time prescribed by the school board, the school board member named
6 in the findings of the board of ethics shall be afforded an opportunity to
7 address the school board in public session, limited to the issue of
8 sanctions, referrals and corrective action recommended by the board of
9 ethics.

10
11 5. Public and private letters of admonishment may describe corrective
12 action the issuing body deems appropriate.

13
14 6. Corrective action may include actions of a non-disciplinary nature.
15 Where the board has recommended corrective action to the respondent
16 and the respondent has agreed, the board's recommendation and the
17 respondent's agreement shall be included in the board's report.

18
19 7. Removal from office initiated by the assembly or the ethics board
20 for an assembly member is subject to the separate *de novo* process and
21 additional requirements set out in AMC 2.70.030. Removal from office
22 initiated by the school board or the ethics board for a member of the
23 school board is subject to the separate *de novo* process and additional
24 requirements set out in AMC 29.10.060.

25
26 8. A court or administrative hearing officer that finds a person guilty of
27 knowingly violating any provision of this chapter or of furnishing false,
28 misleading or incomplete information to the board with the intent to
29 mislead, may impose a civil fine pursuant to AMC 14.60.030 for each
30 violation, in addition to any equitable remedies.

31
32 9. Nothing in this chapter shall preclude the municipality or the school
33 board from maintaining an action for an accounting of any pecuniary
34 benefit received by any person in violation of this chapter or other law, or
35 to recover damages for violation of this chapter.

36
37 B. Nothing in this chapter is intended to address or restrict penalties which
38 may be imposed for violation of criminal law or other laws outside the scope of
39 the board's jurisdiction. If the board finds evidence of criminal activity, the board
40 shall transmit a statement limited to that activity to the municipal attorney for
41 review and referral to appropriate law enforcement. If the board finds evidence of
42 matters within the jurisdiction of the Alaska Public Offices Commission, the board

1 shall transmit a statement for appropriate action by the Alaska Public Offices
2 Commission.

3
4 **1.15.110 Definitions.**

5
6 The following words, terms and phrases, and their verb forms and tenses, when
7 used in this chapter, shall have the meanings ascribed to them in this section,
8 except where the context clearly indicates a different meaning:
9

10 A. *Appear on behalf of* means accompany, represent, testify or accompany
11 those representing or testifying before the public body.

12
13 B. *Appointed public body of the municipality* means any municipal
14 commission, board, committee, authority, or public corporation created by
15 ordinance with members of the public appointed subject to confirmation by the
16 assembly or the school board, whether sitting in public session or executive
17 session including advisory, appellate, management, quasi-judicial, and regulatory
18 municipal entities.

19
20 C. *Board* means the Board of Ethics.

21
22 D. *Campaign period* means the period beginning 45 days before an election
23 in which the candidate appears on the ballot in a municipal election or the day on
24 which the individual files as a candidate for municipal office, whichever is later,
25 and ending at the close of election day, or on the day that the candidate
26 withdraws from the election, if earlier.

27
28 E. *Confidential information* means information which by law or municipal
29 code is not subject to public disclosure.

30
31 F. *Contract* means a business contract, purchase order, lease, grant, loan, or
32 similar instrument of municipal government.

33
34 G. *Economic interest* means a benefit, financial interest, special privilege or
35 contractual relationship.

36
37 H. *Elected official* means a person holding an elective office subject to
38 municipal election under the charter or the code.

39
40 I. *Financial interest* includes the receipt of a pecuniary benefit and the
41 expectation of receiving a pecuniary benefit.
42

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.
3. Whether a financial interest is substantial is determined on a case-by-case basis.

J. *Immediate family* means:

1. The spouse, child (including a stepchild and an adoptive child), parent, sibling, grandparent, aunt, or uncle of the person; and
2. A parent or sibling of the person's spouse; and
3. Any member of the person's household.

K. *Lobbyist* has the meaning given in AMC 2.35.020.

L. *Municipal employee* means:

1. Any person employed by the Municipality or a corporate authority owned by the Municipality of Anchorage, within the scope of governing personnel rules for classified non-executive positions and executive positions, whether full time or part time, temporary or permanent, but excluding ~~other~~ elected officials and excluding members of the public serving as members of an appointed public body of the municipality; and
2. Any person employed by the Anchorage School District, as a certificated employee or a classified employee, whether full time or part time, temporary or permanent, excluding elected members of the Anchorage School Board.

M. *Municipal government* means government of the Municipality of Anchorage.

N. *Municipality* means the Municipality of Anchorage, its legislative and administrative components, including enterprise activities and authorities, the

Anchorage School District, and the school board.

O. *Organization* means any corporation, partnership, firm or association, whether organized for profit or not-for-profit.

P. *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.

Q. *Personal interest* means any financial interest or personal involvement in a matter coming before an appointed public body of the municipality that would interfere with the exercise of impartiality by the appointed public member.

R. *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.

S. *Private interest* means an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public generally.

Section 2. Anchorage Municipal Code Chapter 1.25, Public Meetings, is amended to read as follows:

1.25.015 Notice of meetings.

F. The board of ethics shall accept and consider complaints of violations of this chapter and may recommend that corrective action be taken by the public body [SANCTIONS AS STATED IN SECTION 1.15.150]. Upon a recommendation of the board of ethics finding such a violation, the assembly, the school board or the mayor may pursue the [THEIR] full range of corrective action afforded in state law under AS 44.62.310, Open Meetings of Governmental Bodies [DISCIPLINARY ACTION PROVIDED FOR UNDER THIS CODE].

G. Action taken or deliberated in a meeting which violates this chapter is voidable. A body may correct such violation and take the same action subsequently by repeating the entire deliberative and decision-making process in public according to the provisions of this chapter. The board of ethics in making a recommendation that the action be rendered void, and the assembly, school board, and mayor in considering implementation of the board of ethics recommendation, shall consider at least the factors that would be considered by

a court in making a determination under AS 44.62.310(f).

(AO No. 94-132, § 2, 8-25-94)

Section 3. Anchorage Municipal Code Chapter 2.30, Rules of Procedure for Assembly, is amended to read as follows:

2.30.070 Voting.

A. No member of the assembly may vote or participate in any official action of the assembly on any question in violation of Section 1.15.035 [1.15.030.A.4.] The first [only] question before the assembly in making such determination shall be: Does the assembly member (name of member) have a substantial financial interest in (the named matter/question) before the assembly? If the vote on this [THE] question is in the negative, then the assembly member may fully participate in all further proceedings on the decision or matter. If the vote on the question is in the affirmative, then the assembly member shall not vote and shall not participate in any further proceedings or decisions on the matter unless the assembly decides by majority vote that the member's participation is required in the public interest. Waiver of a substantial financial interest is not allowed absent a public interest benefit supporting the waiver. The public interest benefit supporting the waiver shall be stated in the record of the assembly's action to waive the member's substantial financial interest and require participation. It shall be the duty of the assembly member disclosing the financial interest to identify sufficient facts and circumstances to permit the assembly to exercise its judgment in an informed manner.

(AO No. 13-75; AO No. 78-49; AO No. 79-137; AO No. 80-56; AO No. 85-56; AO No. 87-17(S); AO No. 94-191, § 1, 10-25-94; AO No. 2001-58, § 1, 3-20-01; AO No. 2002-61, § 1, 3-19-02; AO No. 2005-79, § 1, 6-28-05)

Section 4. Anchorage Municipal Code Chapter 2.35, Regulations of Lobbying, is amended to read as follows:

2.35.030 Exemptions.

A. This chapter does not apply to

2. An elected or appointed federal, state, borough or municipal public officer or to an employee of a [THE] state, borough, [OR A] municipality, or the federal government, when acting in an official capacity [OR] within the scope of public employment.

(AO No. 2000-68(S-1), § 1, 8-15-00)

2.35.120 Prohibitions.

C. [WITH THE EXCEPTION OF THE ANCHORAGE SCHOOL DISTRICT,]
No municipal official, employee, agency, agent, department, enterprise activity, utility, board, commission or other municipal body, may employ or otherwise engage or expend or appropriate public funds for employing or otherwise engaging or supporting a lobbyist to lobby any other municipal official, employee, agency, agent, department, enterprise activity, utility, board, commission or other municipal body.

D. Employees and the elected or appointed public officials of any municipal, borough, or state government including Alaska, and members of their household are prohibited from registration or action as a lobbyist under this chapter during the term of public service, except for official action within the scope of the public employment.

E. Employees and the elected or appointed public officials of the federal government and members of their household are prohibited from registration or action as a lobbyist under this chapter during the term of public service, except for official action within the scope of public employment.

(AO No. 2000-68(S-1), § 1, 8-15-00)

Section 5. Upon passage and approval, this ordinance shall supersede any inconsistent policies and procedures of the Municipality, including policies and procedures of the Anchorage School District. Within _____ days of passage and approval of this ordinance, the Employee Relations Department of the Municipality and the Human Resources Department of the Anchorage School District shall complete any revisions of policies and procedures necessary for consistency with this ordinance.

Section 6. Upon passage and approval of this ordinance, the Code Revisor shall amend all cross references to AMC Chapter 1.15 within other provisions of the Anchorage Municipal Code, as appropriate.

Section 7. This ordinance shall take effect upon passage and approval by the assembly. The provisions of Chapter 1.15 enacted in Section 1 shall not apply to investigations or proceedings completed by the Ethics Board under the former Chapter 1.15 prior to passage and approval of AO 2006-140.

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PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2006.

Chair

ATTEST:

Municipal Clerk

Chapter 1.15

CONFLICT OF INTEREST*

| | |
|----------|---|
| 1.15.010 | Title of chapter. |
| 1.15.020 | Purpose of chapter. |
| 1.15.025 | Applicability of chapter to Anchorage Telephone Utility. |
| 1.15.030 | Definitions; construction of chapter. |
| 1.15.040 | Board of ethics established; appointment and qualifications of members. |
| 1.15.050 | Removal of members of board of ethics. |
| 1.15.060 | Powers and duties of board of ethics. |
| 1.15.070 | Municipal clerk to provide staff for board of ethics. (Repealed) |
| 1.15.075 | Meetings of board of ethics. |
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| 1.15.245 | Relationship of chapter to other laws. |

***Charter reference**—Conflict of interest, § 17.03.

Cross references—Removal from office of assembly members for violation of conflict of interest chapter, § 1.15.050; legislative branch, tit. 2; assembly voting procedure, § 2.30.070; administration, tit. 3; personnel review board, § 3.30.015; employee relations board, § 3.70.050; boards and commissions, tit. 4; conflict of interest of boards and commissions, § 4.05.110; equal rights commission, ch. 5.10; chief fiscal officer, ch. 6.50; controller, ch. 6.60; treasurer, ch. 6.70; assessor, § 12.05.045; purchasing officer, § 7.10.030; transactions with municipal officials and employees, ch. 7.30; administrative enforcement, tit. 14; schools, tit. 29; Anchorage Telephone Utility, tit. 30.

State law reference—Conflict of interest ordinance requirements, AS 29.20.010.

1.15.010 Title of chapter.

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

(GAAB 4.15.020; AO No. 85-56)

1.15.020 Purpose of chapter.

A. The purpose of this chapter is to set reasonable standards of conduct for elected and appointed public officials, and for municipal employees, so that the public may be assured that its trust in such persons is well placed and that the officials and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.

B. This chapter is also intended to establish procedures which will ensure that complaints or inquiries regarding the conduct of elected and appointed public officials are adjudicated in the shortest practicable time which protects the rights of the public at large and the rights of the elected or appointed official.

(AO No. 85-56)

1.15.025 Applicability of chapter to Anchorage Telephone Utility.

A. Pursuant to AS 29.20.010 and Charter section 16.03(h), this chapter shall apply to the Anchorage Telephone Utility and its board of directors.

B. All members of the Anchorage Telephone Utility board of directors shall annually file with the municipal clerk a conflict of interest statement on the same form as is required of elected officials by the state public offices commission, under AS 39.50.

(AO No. 91-173(S))

1.15.030 Definitions; construction of chapter.

A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Confidential information means information exempt from disclosure under section 3.90.040.

Engaging in business means submitting a written or oral proposal to supply goods, services or other things of value, or furnishing goods, services or other things of value, for consideration.

Financial interest means an expectation of receiving a pecuniary benefit. A financial interest of a person includes any financial interest of a member of that person's immediate family. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee. A person has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A financial interest does not include the following:

- (1) A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person;
- (2) A personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official or employee belongs; or
- (3) An action or influence which would have an insignificant or conjectural effect on the matter in question.

Gratuity means a thing having value given voluntarily or beyond lawful obligation in return for, or in anticipation of, any service or consideration in connection with the official's performance of duties.

Immediate family of a person means anyone related to that person by blood, marriage or adoption or who lives in that person's household.

Municipal employee means any person employed by the municipality, whether full-time or part-time, temporarily or permanently.

Municipal official means a person who holds elective office under the Charter or ordinances of the municipality, or who is a member of a municipal board or commission whose appointment is subject to confirmation by the assembly or the school board.

Municipality means the Municipality of Anchorage, its legislative or administrative branch, or the Anchorage School District, its administration or school board.

Organization means any corporation, partnership, firm or association, whether organized for profit or nonprofit.

Political activity means any act for the purpose of influencing the nomination or election of any person to public office, or for the purpose of influencing the outcome of any ballot proposition or question. Informing the public about a ballot proposition or question without attempting to influence the outcome of the ballot proposition or question is not political activity.

B. This chapter shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for municipal officials and employees.

(AO No. 85-56; AO No. 86-204; AO No. 87-17(S))

Cross reference—Definitions and rules of construction generally, § 1.05.020.

1.15.040 Board of ethics established; appointment and qualifications of members.

A. There is hereby created and established the board of ethics. The board shall consist of five members appointed by the mayor and confirmed by the assembly. In addition to the qualifications set forth in section 4.05.035 members of the board shall not:

1. Hold other elected or appointed public or political party office;
2. Endorse or engage in any political or campaign activity on behalf of any candidate for public office; and
3. Be an employee of the municipality or school district or any subdivision thereof.

B. A member of the board shall be appointed for a term of three years and hold office until a successor has been appointed and has qualified, but in no case shall this extend beyond three months after expiration of the member's term. Vacancies on the board shall be filled in the same

manner that original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant.

(GAAB 4.15.030; AO No. 85-56; AO No. 90-118(S-3))

Charter reference—Appointment of boards and commissions, § 5.07(b).

Cross references—Boards and commissions, tit. 4; board of ethics, § 4.40.050.

1.15.050 Removal of members of board of ethics.

A. *Removal by mayor.* The mayor may remove any member of the board of ethics at any time, but only for good cause shown, and shall set forth the reasons for such removal in writing and shall provide copies to the member and the assembly, except that 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.

B. *Removal by assembly.* The assembly may remove a member of the board of ethics for good cause and upon an affirmative vote of two-thirds of its total membership, and shall set forth the reasons for such removal in writing and shall provide copies to the member, except that the assembly may not take action under this subsection where the assembly or any member or employee thereof is the subject of an ongoing or imminent investigation or public hearing.

(AO No. 85-56)

Cross reference—Conflict of interest, ch. 1.15.

1.15.060 Powers and duties of board of ethics.

In addition to other powers and duties specifically mentioned in this chapter, the board of ethics shall have the power and duty to:

- A. Initiate and receive complaints of violations of any of the provisions of this chapter;
- B. Conduct investigations, inquiries and hearings concerning any matter covered by this chapter;

- C. Subpoena persons or documents and, by a majority vote, issue subpoenas to the fullest extent authorized by law;
- D. Determine whether to investigate and whether to act upon any particular complaint;
- E. Request the assistance of other appropriate agencies in conducting investigations;
- F. Consult with municipal agencies, officials and employees on matters involving ethical conduct;
- G. Recommend such legislative action as it may deem appropriate to effectuate the policy of this chapter;
- H. Carry out such educational programs as it deems necessary to effectuate the policy and purpose of this chapter;
- I. Promulgate rules and regulations for the conduct of board of ethics activities, including procedural rules consistent with the requirements of due process of law, for approval of the assembly;
- J. Prescribe forms for the disclosure and registration of information as provided in this chapter;
- K. Hire such staff as the assembly may provide for in the annual appropriation ordinance or by special appropriation;
- L. Render advisory opinions with respect to the provisions of this chapter;
- M. Offer recommendations with respect to remedies for violations of this chapter;
- N. Advise any individual whose acts are the subject of a complaint to the board and consult with such individual early in the process; and
- O. Accept and consider complaints of violations of chapter 1.25, pertaining to public meetings, and offer recommendations with respect to remedies for violation of that chapter.

(GAAB 4.15.040; AO No. 85-56; AO No. 90-118(S-3); AO No. 94-132(S), § 3, 8-25-94)

1.15.070 Municipal clerk to provide staff for board of ethics. (Repealed)

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

1.15.075 Meetings of board of ethics.

Any member may administer oaths and receive testimony from witnesses at a meeting of the board of ethics. Three members of the board shall constitute a quorum. A majority vote of the total membership shall be necessary to take any action. In accordance with section 4.05.110, no member may vote on a question in violation of this chapter, but the member shall be counted present for the purpose of a quorum.
(AO No. 90-118(S-3))

1.15.080 Cooperation with board of ethics investigations. (Repealed)
(AO No. 85-56; AO No. 90-118(S-3))

1.15.085 Records of board of ethics.

A. The board of ethics shall keep minutes of its proceedings, showing the vote of each member upon every question, and shall also keep records of its investigations and other official actions.

B. The office of the municipal clerk shall serve as administrative and secretarial staff to the board, shall take and preserve minutes of all meetings, including those deemed confidential, and shall produce all reports and written documents. The municipal clerk shall render an annual report on the costs of such activities, which shall be included in the annual budget as a separate item.
(AO No. 90-118(S-3))

1.15.090 Persons who may file complaints.

Any person may file a complaint against any elected or appointed official or municipal employee.
(AO No. 85-56)

1.15.095 Compensation of members of board of ethics.

Board of ethics members shall receive compensation in accordance with section 4.05.050.B and may be reimbursed for expenses reasonably incurred in the performance of board duties.
(AO No. 90-118(S-3))

1.15.100 Action on complaints and conduct of investigations.

A. All complaints under this chapter shall be made in writing signed by the complainant affirming that to the best of that person's knowledge, information, and belief formed after reasonable inquiry, the facts stated in the complaint are true. The complainant shall identify the Code section that was allegedly violated or how the complainant believes the Code was violated, a description of the evidence, and the name of the complainant and contact information.

B. Complaints with the board of ethics shall be confidential and may not be disclosed to any person except to the municipal clerk and members of the board. Upon receipt of a complaint, the board shall convene at its next regularly scheduled meeting, or sooner, as determined by the board chair, to review the complaint in order to determine if further action on the complaint is warranted. If the board determines the facts alleged in the complaint, even if proven, would not constitute a violation of this chapter, the board shall without further action return the complaint to the complaining party. Complaints rejected by the board under this subsection shall remain confidential. If the board determines the facts alleged, if proven, would constitute a violation of this chapter, however, it shall give the respondent notice with 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.

C. At the conclusion of an investigation, the board shall prepare a written report including:

1. A summary of the investigation;
2. A complete record of any proceedings, including but not limited to any testimony heard by the board; and
3. Recommendations for such administrative or legal action it deems appropriate.

D. Upon completion of the report, the board shall furnish a copy to the complainant, the person under investigation, and the mayor, assembly, school superintendent or school board depending on the entity having jurisdiction. The

report shall remain confidential unless determined otherwise by the assembly or school board by majority vote.

E. Action on complaints and investigations shall be completed within 120 days of the filing of the complaint. By a majority vote the board may extend the completion date for an additional 60 days.

(AO No. 85-56; AO No. 90-118(S-3); Ord. No. 2003-6, § 1, 1-28-03)

1.15.110 Processing of complaints; actions by board of ethics. (Repealed)
(AO No. 85-56; AO No. 90-118(S-3))

1.15.120 Assembly action on recommendation by board of ethics. (Repealed)
(AO No. 85-56; AO No. 90-118(S-3))

1.15.130 Conduct of hearings. (Repealed)
(GAAB 4.15.050; AO No. 85-56; AO No. 90-118(S-3))

1.15.140 Confidentiality of proceedings. (Repealed)
(AO No. 85-56; AO No. 90-118(S-3))

1.15.150 Sanctions for violation.

A. Any official found by the board of ethics to have violated any of the provisions of this chapter or to have furnished false or misleading information shall be subject to appropriate sanctions. The chairman of the assembly or the president of the school board may appoint a special committee of the respective body to review the report of the board and recommend appropriate sanctions.

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

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

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

(GAAB 4.15.060; AO No. 85-56; AO No. 90-118(S-3); Ord. No. 2003-6, § 2, 1-28-03)

1.15.160 Violations by municipal officials. (Repealed)

(GAAB 4.15.070; AO No. 85-56; AO No. 90-118(S-3))

1.15.170 Requirements for elected officials, certain municipal employees, members of regulatory, appellate and quasijudicial boards and commissions.

A. *Disclosure of financial interest.* In addition to the requirement in Charter section 17.03 for public disclosure of substantial financial interests of assembly members, school board members, and members of regulatory, appellate and quasijudicial boards and commissions, the mayor shall be subject to the same disclosure.

B. *Restrictions on contracts with municipality.* No member of the assembly or school board or the mayor nor any entity in which he may have a substantial financial interest may contract with the municipality to provide supplies, services, professional services or construction except when:

1. The nature of that financial interest is fully disclosed pursuant to section 1.15.205 before such contract is awarded;
2. The municipal official neither participates in the decision to award the contract nor attempts to influence such decision; and

3. Performance of the contract is compatible with the ability of the municipal official to discharge his official duties and to exercise his independent judgment.

The official or body charged with responsibility for award of a particular contract under title 7 shall have the authority to determine compliance with this subsection, subject to review as provided in this chapter under the filing of a complaint with the board of ethics.

C. *Contracts existing at time of election; grants.* Newly elected members of these bodies, or entities in which they may have a substantial financial interest, who have contracts covered by subsection B of this section may fulfill the terms and conditions of such contracts without penalty. For the purposes of subsections B and C of this section, a contract includes a purchase order, or services as a paid employee, but does not include a transaction characterized as a "grant" under the meaning specified in section 7.10.010.

D. *Use of office for personal gain.* No person shall seek or hold office for the purpose of obtaining anything of value for himself, his family or a business that he owns or in which he holds an interest.

E. *Representing private interests.* No elected official shall represent, or accompany those representing, private business or personal interests before the assembly, school board or other municipal board, commission or agency. Notwithstanding this prohibition, an elected member of a service area board established pursuant to AMC Chapter 27.20 may represent the interests of a community council established pursuant to AMC Chapter 2.40 before the assembly, mayor, school board and other municipal boards, commissions and agencies.

F. *Service on boards or commissions.* The mayor and assembly members may serve on boards or commissions or on the board of nonprofit organizations only as ex officio members if the board, commission or nonprofit organization receives funding from the municipal or school budget. The school board members may serve on boards or commissions or on the board of nonprofit organi-

zations only as ex officio members if the board, commission or nonprofit organization receives funding from the school district budget.

Nothing in this section shall prevent a member of the assembly or school board from making verbal or written inquiries on behalf of constituents or the general public to elements of municipal government or from requesting explanations or additional information on behalf of such constituents. No elected official may solicit a benefit or anything of value or accept any benefit or anything of value from any person for having performed this service other than permitted in section 1.15.180.F.

G. Municipal employee disclosure. Any municipal employee who serves as municipal manager, executive manager, a department director, a utility general manager, or a division manager shall disclose in writing any financial interest in any project or property that may come before any board or commission of the Municipality of Anchorage for any action. Such disclosure shall be filed with the municipal clerk upon employment or upon subsequently acquiring the financial interest.

(AO No. 85-56; AO No. 85-179(S); AO No. 85-181; AO No. 86-1(S); AO No. 90-118(S-3); AO No. 2000-23, § 1, 1-25-00; AO No. 2001-128, § 1, 7-24-01)

Charter reference—Disclosure of substantial financial interest, § 17.03.

Cross references—Assembly, ch. 2.20; executive organization, ch. 3.20; school board, tit. 29.

1.15.180 Prohibited acts.

No municipal official or employee may engage intentionally in conduct that conflicts with the officer's or employee's official duties, including but not limited to conduct violating the following standards:

A. In accordance with section 1.15.170:

1. Before a municipal official or employee, or an organization in which the municipal official or employee has a financial interest, engages in business with the municipality, including but not limited to submitting a written or oral bid or proposal,

the official or employee shall disclose the intent to engage in business pursuant to section 1.15.205 and section 1.15.190. For purposes of this subsection only, a municipal official does not include an appointed member of a municipal board or commission.

2. Upon taking office, or upon subsequently acquiring the interest, a municipal official or employee shall dis-

close any financial interest of the official or employee in an organization engaging in business with the municipality.

3. Before acquiring the financial interest, a municipal official or employee shall disclose the intent to acquire a financial interest in any service or property which the official or employee knows the municipality intends to purchase.
- B. No municipal official or employee may take any action in the capacity of a municipal official or employee to influence the municipality's selection of any bid or proposal, or the municipality's conduct of business, in which the official or employee has a financial interest.
 - C. A municipal official or employee who is a voting member of a municipal board, commission or legislative body shall disclose any financial interest in any decision before the board, commission or legislative body before debating or voting upon the decision, and may not participate in the debate or vote upon the decision if the board, commission or legislative body determines that a financial interest is substantial as defined by the definition of "financial interest" in section 1.15.030.A. No municipal official or employee may testify before a municipal board, commission or legislative body without first disclosing any financial interest which the official or employee has in the subject of the testimony. This subsection shall not preclude the filing of a complaint with the board of ethics based on a differing interpretation of substantial financial interest as determined by a board, commission or legislative body.
 - D. No municipal official or employee may disclose confidential information held by the municipality unless authorized or required by law to do so, or use that information to advance the official's or employee's financial interest or the financial interest of others.
 - E. A municipal official or employee may not engage in business or accept employment with, or render services for, a person other than the municipality where that activity will conflict with the official's or employee's duties to the municipality or impair the official's or employee's independence of judgment in performing those duties.
 - F. No municipal official or employee may accept a gratuity from any person engaging in business with the municipality or having a financial interest in a decision pending with the municipality. A municipal employee who receives a gratuity shall report the receipt to the employee's supervisor, who shall report the receipt to the municipal attorney. This subsection does not prohibit accepting:
 1. A meal offered as a courtesy.
 2. Discounts or prizes that are generally available to the public or to a large business category to which the official or employee belongs.
 3. Gifts presented by the employing agency in recognition of meritorious service to the municipality or other civic or public awards of whatever nature.
 4. A candidate for public office accepting campaign contributions.
 - G. No municipal official or municipal employee shall:
 1. Permit the use of municipally owned property, vehicles, equipment or materials for a nonmunicipal purpose; or
 2. Permit the expenditure of municipal funds for paid advertisements advocating or promoting a particular position, or for soliciting members of the public to advocate or promote a particular position, on legislation or other action pending before the municipal assembly;

except as specifically provided by ordinance, personnel rules, labor contracts, or terms and conditions of employment. This section is not intended to preclude communications with the public as provided for in subsection J.3 of this section.

- H. No municipal employee may engage in political activity during duty hours.
- I. Appointed officials and employees may not take an active part in a political campaign or other matter to be brought before the voters when on duty. Nothing in this subsection shall be construed as preventing appointed officials, municipal officials or employees from exercising their voting franchise, contributing to a campaign or candidate of their choice or expressing their political views when not on duty or otherwise conspicuously representing the municipality.
- J. The following limitations shall apply to political activity by the municipal government:
1. The municipality may not actively campaign on any ballot issue, including referendums, initiatives, bond issues or other special elections. The preparation and distribution of neutral informational pamphlets or brochures does not constitute a violation of this chapter, nor shall this subsection apply to an elected official who is subject to a vote of recall, or members of the assembly or mayor during a regular election for office.
 2. The municipality, or municipal employees, other than elected officials, while on duty or when acting in an official capacity, may not prepare or publish, broadcast or otherwise distribute any material of a partisan nature on matters, including bond issues, which shall come before the voters in a regular or special election.
 3. The municipality may prepare and disseminate general, objective information about the issues to be voted on. Such material shall be devoid of partisan statements or slant and, where

appropriate, may contain pro and con statements of equal weight and value.

(GAAB 4.15.080; AO No. 77-362; AO No. 77-378; AO No. 85-56; AO No. 85-181; AO No. 87-17(S); AO No. 90-118(S-3); AO No. 91-80(S-2))

Cross references—Assembly, ch. 2.20; community councils, ch. 2.40; ombudsman, ch. 2.60; assembly policy and budget office, ch. 2.80; executive organization, ch. 3.20; personnel rules, ch. 3.30; boards and commissions, tit. 4; chief fiscal officer, ch. 6.50; controller, ch. 6.60; treasurer, § 6.70; assessor, ch. 6.80; purchasing officer, ch. 6.90; traffic administration, ch. 9.06; boards and commissions; administrative officers, ch. 21.10; election commission, ch. 28.120; school board, ch. 29.10; Anchorage Telephone Utility, tit. 30.

State law reference—Requirements for conflict of interest, AS 29.20.010.

1.15.183 Contract inducements.

No payment, gratuity or offer of employment shall be made in connection with any contract, by or on behalf of the subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every municipal or school district contract and solicitation therefor.

(AO No. 90-118(S-3))

1.15.185 Solicitation of political contributions.

No official or employee shall compel, coerce or intimidate any person to make or refrain from making any political contribution. Nothing in this section shall be construed to prevent any official or employee from voluntarily making a political contribution or from receiving a voluntary political contribution.

(AO No. 90-118(S-3))

Cross reference—Elections, tit. 28.

1.15.186 Endorsement of candidates.

A. A municipal department, division, board or commission, agency, public corporation, authority or other nonprofit organization receiving municipal funds pursuant to a grant, donation, contract or other means of payment shall not:

1. Expend any of such municipal funds for the support, opposition or endorsement of candidates for any state or municipal office; or

2. Endorse or oppose candidates for state or municipal office even if such endorsement does not require expenditure of funds.

For purposes of this chapter, an endorsement is to be considered as any explicit statement of aid, recommendation or approval of a candidate for any state or municipal office that encourages or urges the public to vote for or against any candidate for state or municipal office.

B. Violation of this prohibition shall result in forfeiture of all unexpended municipal funds for the current year and ineligibility for municipal funds for the immediately following fiscal year.

C. Allegations of noncompliance with these prohibitions shall be submitted to the municipal ethics board for primary review, investigation and the development of findings and recommendations.

D. Findings and recommendations of the board of ethics shall be:

1. Submitted to the complainant and to the reviewed organization within 15 days of their completion and at least 15 days prior to their submittal to the assembly; and
2. Submitted to the assembly for review and approval within 30 days of their completion.

(AO No. 92-167(S); AO No. 93-8(S))

1.15.187 Post-employment restrictions.

A. No former official or employee shall, for a period of one year after the termination of the term of office or employment, represent, advise or assist a person for compensation regarding a matter that was under consideration by the municipality or school district and in which the official or employee participated personally and substantially through the exercise of official action.

B. The assembly or school board may, by majority vote, authorize a waiver from the requirements of subsection A of this section.

C. For purposes of this section, voting on an appropriation shall not in and of itself constitute substantial participation in a matter.

D. This section does not prohibit the municipality or school district from contracting with a former official or employee to act on a matter on behalf of the municipality or school district.

E. In this section, the term "matter" includes a case, proceeding, application, contract or determination.

(AO No. 90-118(S-3), 5-13-91)

Charter reference—Employment of members of commission on salaries and emoluments, § 5.08(b).

1.15.190 Disclosure by elected officials and assembly-appointed employees.

Every elected municipal official, and all municipal employees appointed by the assembly, shall file with the board of ethics, within 30 days after falling within the jurisdiction of this chapter or adoption of this chapter and by April 15 of each year thereafter, a written statement under oath containing information as follows:

- A. The name of each person, firm, association or enterprise engaging in business with the municipality from or on behalf of which the official or employee has received money or other thing of value in an amount in excess of \$500.00 during the preceding calendar year, including campaign contributions.
- B. The name of each corporation, firm, association or enterprise engaging in business with the municipality in which the official or employee has a financial interest in excess of \$1,500.00; provided that policies of insurance and amounts on deposit in accounts in banks, savings and loan associations or credit unions shall not be considered to be a financial interest within the meaning of this subsection.
- C. The name of each corporation, firm, association or enterprise engaging in business with the municipality, both profit and non-profit, in which the official or employee or a member of the official's or employee's immediate family is a director, officer or employee, and the title of the position held.

(GAAB 4.15.090; AO No. 85-56)

1.15.200 Disclosure by appointed officials.

Upon taking office, or upon subsequently acquiring the interest, an appointed municipal offi-

cial shall file with the board of ethics a written statement disclosing any financial interest which will cause the official to have a financial interest in the decisions of the board or commission of which the official is a member different than that of the public generally. Such statement shall be filed annually on or before April 15 disclosing interests for the preceding calendar year. (GAAB 4.15.100; AO No. 85-56)

1.15.205 Statement of intent to do business with municipality.

A. Filing of affidavit. Should any officer or employee of the municipality desire or intend to have business dealings with the municipality whereby he may derive income and benefits other than those provided as remuneration for his official duties, or duties of his employment, he shall file with the municipal clerk, and in such form as the municipal clerk may prescribe, a statement under oath which shall include the nature of the proposed transaction and the extent of the interest, direct or indirect, which the officer or employee has in the transaction.

B. Publication of affidavit. The municipal clerk shall publish a copy of the statement of the intent to do business with the municipality in a newspaper of general circulation within the municipality at least once within seven days after the statement has been sworn and subscribed to; in addition, the municipal clerk shall post a copy of the statement in at least one public place. The cost of the newspaper publications shall be borne by the officers or employees who intend to enter into business transactions with the municipality, provided that any member of a municipal board, commission or committee who serves in that capacity without compensation will have the cost of the publication paid by the municipality. The municipal clerk may require of any officer or employee who is obligated to pay the cost of publication a deposit to cover such costs.

C. Waiting period prior to action by assembly. The assembly, or other agency or official with authority to act for the municipality in the transaction, shall take no action with regard thereto until at least ten days have elapsed since the filing of the statement by the interested official or

employee and until at least seven days have elapsed since the publishing and posting of the statement as required in this section.

D. Tort or worker's compensation claims. This section does not apply to claims arising in tort or under applicable worker's compensation statutes. (CAC 2.80.040; AO No. 79-203)

Editor's note—This section was formerly in the 1977 Code as section 7.30.010.

Cross references—Legislative branch, tit. 2; purchasing and contracts and professional services, tit. 7.

1.15.210 Disclosure by officials and employees engaging in business with municipality.

A. Where a municipal official or employee conducts business with the municipality not disclosed under section 1.15.200, the official or employee shall file an affidavit with the municipal clerk stating:

1. The name and office of the municipal official or employee;
2. The name of any organization in which the official or employee has a financial interest, whose activities are the subject of the disclosure, and a description of that financial interest; and
3. A description of the transaction that is the subject of the disclosure.

B. The municipal clerk shall post in at least one public place, and publish in a newspaper of general circulation in the municipality, an affidavit filed under subsection A of this section within seven days of its filing. The person filing the statement shall bear the cost of the publication, unless that person serves on a municipal board or commission without compensation. The cost of publication shall be paid to the municipal clerk at the time of filing.

C. No municipal official, employee, board, commission or legislative body may act upon a transaction that is the subject of a disclosure under this section within ten days of the filing of the disclosure under subsection A of this section or

within seven days of the publishing and posting of the disclosure under subsection B of this section. (GAAB 4.15.090; AO No. 85-56)

State law references—Report of financial and business interests, AS 39.50.020; contents of financial statements, AS 39.50.030.

1.15.220 Judicial penalties.

Any person found by a court or administrative hearings officer to be guilty of knowingly violating any of the provisions of this chapter or of furnishing false, misleading or incomplete information to the board of ethics with the intent to mislead, upon conviction thereof, shall be punished by a civil fine pursuant to section 14.60.030 for any one offense.

(GAAB 4.15.110; AO No. 85-56; AO No. 90-118(S-3); AO No. 93-167, § 2, 4-13-94)

1.15.230 Request for written opinion. (Repealed)

(GAAB 4.15.120; AO No. 85-56; AO No. 90-118(S-3))

1.15.240 Invalid actions.

A. Any contract negotiated, entered into or performed in violation of any of the provisions of this chapter shall be voidable as to the municipality and the school district but only by action of the assembly or school board.

B. Any permit, license, ruling, determination or other official action of an agency applied for or in any other manner sought, obtained or undertaken where the beneficiary knew or should have known of a violation of any of the provisions of this chapter may be invalidated by the assembly or school board upon the recommendation of the board of ethics.

(GAAB 4.15.130; AO No. 85-56; AO No. 90-118(S-3))

1.15.243 Other remedies.

Nothing in this chapter shall preclude the municipality or the school district from maintaining an action to achieve an accounting for any pecu-

niary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

(AO No. 90-118(S-3))

1.15.245 Relationship of chapter to other laws.

The procedures and penalties provided in this chapter are supplemental and do not limit the power of an agency either to otherwise discipline officials or employees or to take appropriate administrative action to adopt more restrictive rules. Nothing in this chapter is intended to repeal or to be construed as repealing in any way the provisions of any other law or ordinance.

(AO No. 90-118(S-3))



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 771-2006

Meeting Date: October 10, 2006

From: Assemblymember Stout
Subject: **AO 2006-140 — Code of Ethics Re-Write**

Introduction of AO 2006-140 is the culmination of a lengthy public process to rewrite AMC Chapter 1.15, the Municipal Ethics Code. Work with the Ethics Board on drafting AO 2006-140 began in January of 2006, and followed several years of dedicated work by the Ethics Board under the leadership of Reverend Richard Benjamin.

As Chair of the Assembly Ethics Committee, I have directed the work of Julia Tucker, Assembly Counsel, and we have benefited greatly from the dedication of members of the Ethics Board, the School Board and the School Superintendent; past and present members of the Assembly Ethics Committee and Assembly leadership; and countless hours of municipal and assembly staff time to bring this ethics reform to the Municipality. For their assistance and expertise, particular acknowledgement is made to Fred Boness, Jim Reeves, Rhonda Westover and Mark Ertischek from the Department of Law; Dr. James Liszka, Rev. Rick Benjamin, Paul Davis, and Greg Kimura on behalf of the Ethics Board; Superintendent Carol Comeau and School Board Member Jeff Freidman for the School District, Dave Otto Director of Employee Relations, Bart Mauldin Purchasing Director, and the entire Anchorage Assembly, all who have been engaged in work on this important piece of legislation.

Respectfully submitted,

Assemblymember Ken Stout, Section 5

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

AO 2006-140

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | |
|----------|---|--|
| 1 | SUBJECT OF AGENDA DOCUMENT CODE OF ETHICS REWRITE | DATE PREPARED 10/10/06 |
| | | |
| | | Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM |
| 2 | DEPARTMENT NAME Assembly | DIRECTOR'S NAME Daniel A. Sullivan, Chairman |
| 3 | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker - Assembly Counsel | HIS/HER PHONE NUMBER 343-4419 |
| 4 | COORDINATED WITH AND REVIEWED BY | INITIALS |
| | Mayor | |
| | Municipal Clerk | |
| | Municipal Attorney | |
| | Employee Relations | |
| | Municipal Manager | |
| | Anchorage Parks & Recreation | |
| | Fire | |
| | Health & Human Services | |
| | Merrill Field Airport | |
| | Municipal Light & Power | |
| | Office of Management and Budget | |
| | Police | |
| | Port of Anchorage | |
| | Office of Economic & Community Development | |
| | Solid Waste Services | |
| | Public Transportation | |
| | Anchorage Water & Wastewater Utility | |
| | Executive Manager | |
| | Planning Department | |
| | Chief Fiscal Officer | |
| | Heritage Land Bank | |
| | Information Technology Department | |
| | Project Management & Engineering | |
| | Purchasing | |
| | Other | |
| | | |
| | | |
| 5 | Special Instructions/Comments | |
| | Addendum - Consent Agenda-Introduction | |
| | | |
| | | |
| | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED 10/10/06 | PUBLIC HEARING DATE REQUESTED 11/14/06 |

M.D.A.
 2006 OCT 10 PM 2:12
 CLERK'S OFFICE

INDEX TO FLOOR AMENDMENTS

- App.* - No. 1: Relative to the Mayor *1A, 1B - approved*
- App.* - No. 2: Relative to streamlined publication of Notice of Intent to Respond to Public Solicitation and periodic filing - *2A - amended & approved, 2B amended & app., 2C - app.*
- App.* - No. 3: Clarifications to Private Interest/Delete Personal Interest)
- Appr.* - No. 4: Per consultation with Employee Relations; concurred in by Assembly Counsel *4A - 4F*
- No. 5-9: Assemblymember Pamela Jennings' proposed amendments *5 - withdrawn 6-8 app! 6A - approved 6A - failed 9 - Failed*
- App.* - No. 10: Corrections recommended by Assembly Counsel
- P.P.* No. 11: Gifts - Employees and Elected Officials - *withdrawn & Postponed*
- App.* - No. 12: Vice Chair Ossiander amendment - To allow School District Employees to serve as Community Council officers
- withdrawn* No. 13: Vice-Chair Ossiander amendment - Relative to Appearance on behalf of private interests on a matter of municipal government.
- App.* - No. 14: Relative to the Substantial Financial Interest Test and Voting after Disclosure.
- Not presented* No. 15: Relative to Political Activity. Amendment has not been completed or distributed, as input on specific revision(s) not yet concluded.

Submitted by: Assembly Member _____
Prepared by: Assembly Counsel
For reading: November 14, 2006

FLOOR AMENDMENTS TO AO 2006-140

Amendment 1. [*Relative to the Mayor*]

AO NO. 2006-140 is amended as follows: [5 reference pages]

Page 3, line 40 – page 4, line 1, AMC 1.15.015, Scope:

C. The mayor holds a public position within the scope of this chapter and section 1.15.020. The mayor is an elected official under this chapter unless specifically excluded from a provision of 1.15.035. When a provision governing municipal employees is also applicable to the mayor under 1.15.025, the subsection specifically references the [OFFICE OF] mayor for clarity.

Page 22, line 15, AMC 1.15.035, Additional Coverage for Elected Officials:

A. *Elected officials.* This section applies to any person holding an elective office subject to municipal election under the charter or the code, except that subsections 1.15.035B, 1.15.035C, 1.15.035D, and 1.15.035E are specific to elected public bodies and do not apply to the [OFFICE OF] mayor.

Page 26, lines 9, 13, and 21, AMC 1.15.035, Additional coverage for elected officials

I. *Restrictions on other public employment.* These restrictions apply to elected officials of the assembly, school board, and service areas. Applicability to the [OFFICE OF] mayor is specified.

a. Except where authorized by ordinance, an elected official of the municipality shall not hold other municipal employment or elected state office. This provision also applies to the [OFFICE OF] mayor.

c. Engagement as an independent contractor through a competitive solicitation by the municipality is not municipal employment for purposes of this section. For the [OFFICE OF] mayor, the provisions in 1.15.025 specific to the mayor apply.

#1A

Approved

Page 6, line 29, AMC 1.15.025B.3, Additional Provisions for Municipal Employees, *Substantial Financial or Private Interest*.

The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed [TO THE ELECTED BODY] prior to action [, AND] to the Ethics Board for determination and management of the potential for conflict of interest under the factors of 1.15.025B.1.

Page 8, lines 5-6, AMC 1.15.025C.4, Additional Provisions for Municipal Employees, *Contemporaneous Service and Employment*:

#1B

Approved

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.

#2
Approved

Submitted by: Assembly Member _____
Prepared by: Assembly Counsel
For reading: November 14, 2006

FLOOR AMENDMENTS TO AO 2006-140

Amendment 2. [*Relative to Streamlined Publication of Notice of Intent to Respond to Public Solicitation & Periodic Filing*]

AO NO. 2006-140 is amended as follows: [4 reference pages]

Page 9, beginning line 14, AMC 1.15.025, Additional Provisions for Municipal Employees:

E. *Acquisition of an Economic Interest in Municipal Contracts and Business:*

1. A municipal employee shall timely file notice of intent to respond to a public solicitation in such form as the municipal clerk may prescribe for electronic [NEWSPAPER] publication and posting under 1.15.040. To be timely for publication, the notice shall be filed in advance to allow a minimum period of seven (7) calendar days to elapse between electronic publication by the clerk and the final date for submitting a response to the solicitation. The municipal employee shall file a copy of the [COMPLETED] notice with the purchasing officer or other municipal official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the board has specifically approved the filing of a periodic notice by the municipal employee. In its sole discretion, the board may approve the filing of a periodic notice, on no less than an annual basis, upon application by the employee demonstrating that the nature of the work and relationship between the municipal employee and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

Page 19, beginning line 36, AMC 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body:

#2A
Amended & Approved

I. *Acquisition of an Economic Interest in Municipal Contracts and Business.*

1. The appointed member shall timely file notice of intent to respond to a public solicitation in such form as the municipal clerk may prescribe for electronic [NEWSPAPER] publication and posting by the municipal clerk under 1.15.040. To be timely, the notice shall be filed in advance to allow a minimum period of seven (7) calendar days to elapse between electronic [NEWSPAPER] publication by the clerk and the final date for submitting a response to the solicitation. The municipal employee shall file a copy of the notice with the purchasing officer or other municipal official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the board has specifically approved the filing of a periodic notice by the municipal employee. In its sole discretion, the board may approve the filing of a periodic notice, on no less than an annual

members of public body

basis, upon application by the employee demonstrating that the nature of the work and relationship between the ~~municipal employee~~ and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

Page 28, beginning line 9, AMC 1.15.035, Additional Coverage for Elected Officials:

M. *Acquisition of an Economic Interest in Municipal Contracts and Business*

#2B
Amended &
Approved

1. The elected official shall timely file notice of intent to respond to a public solicitation in such form as the municipal clerk may prescribe for electronic [NEWSPAPER] publication and posting by the municipal clerk under 1.15.040. To be timely for publication, the notice shall be filed in advance to allow a minimum period of seven (7) calendar days to elapse between electronic [NEWSPAPER] publication by the clerk and the final date for submitting a response to the solicitation. The elected official shall file a copy of the [COMPLETED] notice with the purchasing officer or other municipal official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the board has specifically approved the filing of a periodic notice by the ~~municipal employee~~. In its sole discretion, the board may approve the filing of a periodic notice, on no less than an annual basis, upon application by the employee demonstrating that the nature of the work and relationship between the municipal employee and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

elected official

Page 32, beginning line 40 through Page 33, lines 1-8, AMC 1.15.040, Forms Available from Municipal Clerk; Content; Filing.

2. Notice of Intent to Respond to Public Solicitation.

#2C
Approved

a. The municipal clerk shall publish a copy of the notice of intent to respond to a public solicitation required under 1.15.025, 1.15.030, and 1.15.035 electronically [IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MUNICIPALITY AT LEAST ONCE, BUT] no less than seven (7) days in advance of the deadline for submitting a response to the solicitation. The electronic location of such notices shall be published weekly in a newspaper of general circulation within the municipality. If the time between filing the notice for electronic publication by the clerk and the last day to submit a response is insufficient to meet the 7-day publication [THIS] requirement, the notice shall be deemed untimely.

b. In addition, the municipal clerk shall [ELECTRONICALLY PUBLISH AND] post a copy of the statement in at least one (1) public place, and the location of such posting shall be included in the weekly newspaper publication by the municipal clerk.

#3A
Approved

Submitted by: Assembly Member _____
Prepared by: Assembly Counsel
For reading: November 14, 2006

Stacy Ossianina

FLOOR AMENDMENTS TO AO 2006-140

Amendment 3. [Clarifications to Private Interest/ Delete Personal Interest]

AO NO. 2006-140 is amended as follows: [3 reference pages]

Page 18, line 37: AMC 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body:

- F. *Public interest.* An appointed member of a public body shall place the public interest above any financial or private [PERSONAL] interest when taking official action. If an appointed member's private relationships or interests prevent the member from placing the public interest above a financial or private [PERSONAL] interest, the appointed member shall disclose this fact on the record.

Page 25, line 1, AMC 1.15.035, Additional Coverage for Elected Officials:

- F. *Public interest.* An elected official shall place the public interest above any financial or private [PERSONAL] interest when taking official action. If an elected official's private relationships or interests prevent an elected official from placing the public interest above a financial or private [PERSONAL] interest, the elected official shall disclose this fact on the record.

Page 52, lines 11-13 and 19-20, AMC 1.15.110, Definitions:

#3B

Amended

[Q. *PERSONAL INTEREST* MEANS ANY FINANCIAL INTEREST OR PERSONAL INVOLVEMENT IN A MATTER COMING BEFORE AN APPOINTED PUBLIC BODY OF THE MUNICIPALITY THAT WOULD INTERFERE WITH THE EXERCISE OF IMPARTIALITY BY THE APPOINTED PUBLIC MEMBER.]

R[S]. *Private interest* means an economic ~~interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large~~ [GENERALLY]. *not moved*

Delete Q

FLOOR AMENDMENTS TO AO 2006-140

Amendment 4. [Per consultation with Employee Relations, concurred in by Assembly Counsel]

AO NO. 2006-140 is amended as follows: [6 reference pages]

Page 5, line 17, AMC 1.15.025 A.1

#4A
Stent/Oswander Approved

1. All persons employed by the Municipality or a corporate authority owned by the Municipality of Anchorage, [WITHIN THE SCOPE OF MUNICIPAL PERSONNEL RULES GOVERNING EXECUTIVE POSITIONS AND CLASSIFIED NON-EXECUTIVE POSITIONS,] whether full time or part time, temporary or permanent, but excluding elected officials covered under section 1.15.035 and excluding members of the public serving as members of an appointed public body of the municipality covered under section 1.15.030; and

Page 43, line 33, AMC 1.15.070, Notification of Potential Violation and Investigations, *Resolution by the Board*:

H.1. If the respondent is a municipal employee or a member of the public appointed to a municipal public body, the proposed resolution and settlement shall require the approval of the municipal attorney with review and comment by the Director of Employee Relations and the designated ethics officer for respondent's administrative department.

#4B
approved

Page 46, line 23, AMC 1.15.090, Ethics Education Program:

B. To facilitate understanding and support compliance with the provisions of this chapter by employees, the mayor shall designate one or more ethics officers. Members appointed to the board, the municipal clerk or designee, and all ethics officers shall be given appropriate training and education in the provisions of this chapter. Upon successful completion of training, a training certificate shall be issued and a copy kept on file with Employee Relations [THE BOARD].

#4C
approved

Page 48, line 17, AMC 1.15.100A (Sanctions, Referrals and Corrective Action):

1. Imposition of municipal employee discipline and restitution subject to:
a. Applicable requirements and provisions of the municipal personnel rules;

#4D
approved

November 14, 2006

Page 51, lines 27-29, AMC 1.15.110 (Definitions):

#4 E
Approved

L. *Municipal employee* means:

1. Any person employed by the Municipality or a corporate authority owned by the Municipality of Anchorage, [WITHIN THE SCOPE OF GOVERNING PERSONNEL RULES FOR CLASSIFIED NON-EXECUTIVE POSITIONS AND EXECUTIVE POSITIONS,] whether full time or part time, temporary or permanent, but excluding [OTHER] elected officials and excluding members of the public serving as members of an appointed public body of the municipality; and

Page 54, Section 5, line 30:

#4 F
Approved

Within 60 days of passage and approval of this ordinance, the Employee Relations Department of the Municipality and the Human Resources Department of the Anchorage School District shall complete any revisions of policies and procedures necessary for consistency with this ordinance.

5A
withdrawn

Submitted by: Assembly Member JENNINGS
Prepared by: Assembly Counsel
For reading: November 14, 2006

FLOOR AMENDMENTS TO AO 2006-140

AO 2006-140 is amended as follows:

Amendment 5. Page 10, lines 4-7, AMC 1.15.025 (Additional Provisions for Municipal Employees):

E. *Acquisition of an economic interest in municipal contract and business.*

4. The notice of intent to respond to a public solicitation shall disclose the following information:

a. Nature of the transaction [BUSINESS];

Amendment 6. (3 reference pages)

Gen'l Des.

6
Approved

Page 19, lines 21-25, AMC 1.15.030 (Additional Provisions for Members of the Public Appointed to a Public Body), deleting the informational reporting by appointed boards due to impracticality and monetary restraints:

H. *Disclosure of present economic interest.* Within thirty days of appointment, a member of the public appointed to serve on a public body of the municipality shall file with the municipal clerk, a written statement in the form prescribed by the municipal clerk disclosing any economic interest which shall cause the official to have a personal or financial interest in the decisions of the public body on which the member serves, different than those of the public generally. The appointed member shall file supplemental written statements with the municipal clerk as new interests are acquired, and make disclosures on the record of the public body of potential conflicts as required when matters come before the public body. [ON OR BEFORE FEBRUARY 15 OF EACH YEAR, THE CHAIR SHALL FILE A STATEMENT WITH THE MUNICIPAL CLERK FOR REVIEW BY THE BOARD LISTING THE MATTERS IN WHICH AN APPOINTED MEMBER DISCLOSED A POTENTIAL CONFLICT TO THE BOARD IN THE PRECEDING CALENDAR YEAR, AND WHETHER THE POTENTIAL CONFLICT WAS DETERMINED TO BE SUBSTANTIAL.]

Page 24, line 43, AMC 1.15.035 (Additional Coverage for Elected Officials), adding a new subsection E.5 for informational reporting for assembly members (more practical and not costly):

6A
Failed

E. *Requiring a member to vote.*

November 14, 2006

5. On or before February 15 of each year, the municipal clerk shall submit an informational summary to the board and the assembly, prepared as the meeting minutes of the preceding calendar year are adopted, identifying the matters in which an assembly member disclosed a potential conflict and whether the potential conflict was determined to be substantial.

Page 33, delete lines 18-23, AMC 1.15.040 (Forms Available from Municipal Clerk; Content; Filing):

A. *Forms.*

[3. THE ANNUAL DISCLOSURE STATEMENT OF THE CHAIR OF THE APPOINTED PUBLIC BODY IS FILED WITH THE MUNICIPAL CLERK, BY FEBRUARY 15 FOR REVIEW BY THE BOARD UNDER 1.15.030. THIS STATEMENT OF THE CHAIR LISTS THE MATTERS IN WHICH AN APPOINTED MEMBER DISCLOSED A POTENTIAL CONFLICT TO THE BOARD IN THE PRECEDING CALENDAR YEAR, AND WHETHER THE POTENTIAL CONFLICT WAS DETERMINED TO BE SUBSTANTIAL.]

Amendment 7. (same reference page, 2 subsections)

Page 32, lines 12, 13, and 17, AMC 1.15.035 (Additional Coverage for Elected Officials):

Q. *Restrictions on employment after leaving municipal service.*

2. A person serving as an assembly member or school board member for one year after leaving service shall hold no compensated municipal office or employment which was created, or the salary or benefits of which were specifically [SPECIALLY] increased during the person's last year in office by the governing body on which the member served.

3. The mayor for one year after leaving office shall hold no compensated municipal office or employment which was created, or the salary or benefits of which were specifically increased during the mayor's last year in office.

Amendment 8. ^{Specifically} Page 34, delete lines 25-32, AMC 1.15.040 (Forms Available from Municipal Clerk; Content; Filing):

C. *Distribution.*

[3.] [AN ELECTED MEMBER OF A SERVICE AREA SHALL PROVIDE A COPY TO THE CHAIR OF THE ASSEMBLY.]

#6 B
Approved

#7
Approved

#8
Approved

November 14, 2006

[4.] [A MEMBER OF THE ASSEMBLY SHALL PROVIDE A COPY TO THE CHAIR OF THE ASSEMBLY.]

[5.] [A MEMBER OF THE SCHOOL BOARD SHALL PROVIDE A COPY TO THE CHAIR OF THE SCHOOL BOARD.]

Amendment 9. Page 50, line 22, AMC 1.15.110 (Definitions):

#9
Jailed

D. *Campaign period* means the period beginning 30 [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.

Submitted by: Assembly Member
Prepared by: Assembly Counsel
For reading: November 14, 2006

FLOOR AMENDMENTS TO AO 2006-140

Amendment 10. [Corrections recommended by Assembly Counsel]

#10
Approved.

AO 2006-140 is amended as follows: [2 reference pages]

Page 17, line 35, AMC 1.15.030, Additional Provisions for Members of the Public Appointed to a Public Body:

2. *Public bodies exercising monetary or management discretion.*

- a. When action on a matter involves monetary discretion in the award or recommendation of funding, voting members of program advisory and community development boards shall include a summary [HISTORY] of personal contacts concerning the project in the disclosure of financial interest and personal involvement to the appointed public body.

Page 28, lines 27 and 31, AMC 1.15.035, Additional Coverage for Elected Officials, *Acquisition of an economic interest in municipal contracts and business* :

#10 A
Approved

M.2. The elected official shall disclose whether the elected official or member of the elected official's immediate family as defined in 1.15.110 is in a position to take[S] any official action with respect to preparation of the solicitation, award, or municipal administration of the contract.

Approved

M.3. The elected official shall not in fact or appearance attempt to improperly influence the award.

Approved

Traine - NO
Jereke - —

Submitted by: Assembly Member
Prepared by: Assembly Counsel
For reading: November 14, 2006

Withdrawn
q
pp

FLOOR AMENDMENTS TO AO 2006-140

Amendment 11. [Gifts—Employee and Elected Officials]

11
q Action

AO NO. 2006-140 is amended as follows: [5 reference pages]

Page 13, Subsection H *Gifts*, line 15:

- c. A monetary gift or award [OF MONETARY VALUE] presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic, philanthropic or non-profit charitable organization and not given as financial inducement for official action. A municipal employee shall disclose a gift or award with a monetary value in excess of \$150.00 as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of receipt of the gift or award by the employee.

Page 14, Subsection H *Gifts*, line 14: [new subsection]

- (i) h. A non-monetary gift or award such as a plaque or other commemorative article signifying civic appreciation from a group of citizens or community organization. A municipal employee shall disclose a commemorative gift in excess of \$150.

#11A
pp

Page 30, Subsection *Gifts P*, line 35

- c. A monetary gift or award [OF MONETARY VALUE] presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift, or award in excess of \$150.00.

Page 31, Subsection P *Gifts*, line 22: [new subsection]

- h. A non-monetary gift or award such as a plaque or other commemorative article signifying civic appreciation from a group of

pp

citizens or community organization. An elected official shall disclose a commemorative gift in excess of \$_____.

Page 31, Section P *Gifts*, line 14:

- g. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily on matters related to the duties of the elected official are allowed. Gifts in this category in excess of \$250 shall be disclosed for electronic publication by the municipal clerk prior to acceptance.

Submitted by: ASSEMBLY VICE CHAIR
OSSIANDER
Prepared by: Assembly Counsel
For reading: November 14, 2006

#12
Sull / Coffey NB
App. 9-2

FLOOR AMENDMENTS TO AO 2006-140

Amendment 12. *[To Allow Municipal Employees to Serve as Community Council Officers]*

AO NO. 2006-140 is amended as follows:

Page 16, Section I.4., line 12:

4. A municipal employee shall not serve as an elected official of the municipality or other local, state, or federal government [AND SHALL NOT SERVE AS AN OFFICER OF A COMMUNITY COUNCIL.] A municipal employee who is elected to municipal or other local, state or federal government office shall resign immediately from municipal employment. The mayor during incumbency shall not file or campaign for elected public office except to the office of mayor of the municipality.

Submitted by: ASSEMBLY VICE CHAIR
OSSIANDER
Prepared by: Assembly Counsel
For reading: November 14, 2006

#13
withdrawn

FLOOR AMENDMENTS TO AO 2006-140

Amendment 13. [*Relative to Appearance on behalf of private interests on a matter of municipal government*]

AO NO. 2006-140 is amended as follows:

Page 25, line 21, and following line 40, AMC 1.15.035 G.3:

3. An elected official shall not appear on behalf of any private interest before the school board or the assembly, or on behalf of any person or entity in an adjudicatory matter of municipal government before an appointed public body of the municipality unless:
 - a. The elected official, or a member of the elected official's household, is a party or has an ownership interest in an adjudicatory matter before the public body; or
 - b. The elected official is an elected member of a service area board representing the service area board or the interests of the service area before the assembly, school board or an appointed public body; or
 - c. 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; or
 - d. There is no advisory, adjudicatory, or other relationship of authority between the appointed body and the elected body to which the elected official belongs.
 - e. Except for school board members, appearance on behalf of a student before the school board is not prohibited.

Submitted by: Assembly Member _____
Prepared by: Assembly Counsel
For reading: November 14, 2006

#14

Approved

FLOOR AMENDMENTS TO AO NO. 2006-140

Amendment 14. [Relative to the Substantial Financial Interest Test and Voting after Disclosure]

AO NO. 2006-140 is amended as follows: [3 reference pages]

Page 22, beginning line 26 through page 23, line 22, AMC 1.15.035, Additional Coverage for Elected Officials:

B. *Charter Acknowledgement.* Assembly members, school board members, and elected area board members provide their time and energy in public service to the municipality, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These elected officials are expected and permitted to earn outside income and hold individual financial interests. Matters coming before the elected body may include matters in which the elected official has a financial or private interest. Elected officials may not participate in any official action in which the elected official or a member of the elected official's household has a substantial financial interest. [UNLESS AFTER DISCLOSURE OF THE INTEREST, A MAJORITY OF THE ELECTED BODY APPROVES PARTICIPATION. THIS RULE IS ACKNOWLEDGED IN SECTION 17.03 OF THE CHARTER AND HAS BEEN CODIFIED IN STATE LAW GOVERNING CONFLICT OF INTEREST IN MUNICIPAL GOVERNMENT. UNDER THE PROVISIONS OF THIS CHAPTER, IF THE ELECTED BODY DETERMINES THAT A PUBLIC INTEREST BENEFIT OUTWEIGHS THE CONFLICT OF INTEREST PRESENTED BY THE DISCLOSURE A SUBSTANTIAL FINANCIAL OR PRIVATE INTEREST, THE ELECTED BODY MAY REQUIRE THE MEMBER TO PARTICIPATE.]

C. *Disclosure to the elected body.* Prior to comment, deliberation or decision on a matter coming before the elected body, an elected official shall disclose any financial or private interest of the member in the matter, including a financial or private interest held by a member of the elected official's household.

1. Full and complete disclosure of a financial or private interest is required.
2. The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the elected body to determine if the interest is [A] substantial [AND IF SO, WHETHER A MEMBER'S PARTICIPATION IN THE MATTER SHOULD BE REQUIRED IN THE PUBLIC INTEREST].

3. If the presiding officer exercises parliamentary authority by making an initial ruling on a disclosure of financial or private interest, or a member's request to be excused from participation, the decision of the presiding officer may be overridden by the majority vote of the elected body.
4. The member of the elected body making the disclosure shall not rule or vote on whether the financial or private interest is substantial [OR WHETHER PARTICIPATION SHOULD BE REQUIRED AFTER DISCLOSURE].
5. An elected official shall not be sanctioned for acting in compliance with the determination of the elected body if the financial or private interest is fully and fairly disclosed.
6. 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.

Page 24, line 7 [delete Subsection E]:

E. [REQUIRING A MEMBER TO VOTE. AN ELECTED OFFICIAL SHALL NOT PARTICIPATE IN ANY OFFICIAL ACTION IN WHICH THE ELECTED OFFICIAL OR A MEMBER OF THE ELECTED OFFICIAL'S HOUSEHOLD HAS A SUBSTANTIAL FINANCIAL OR PRIVATE INTEREST UNLESS AFTER DISCLOSURE OF THE INTEREST, PARTICIPATION IS REQUIRED IN THE PUBLIC INTEREST BY MAJORITY VOTE OF THE ELECTED BODY.

1. WHEN THE CONFLICT OF INTEREST PRESENTED BY THE ELECTED OFFICIAL'S SUBSTANTIAL INTEREST IS WAIVED IN THE PUBLIC INTEREST BY MAJORITY VOTE OF THE BODY, THE PUBLIC INTEREST BENEFIT SUPPORTING THE WAIVER SHALL BE STATED IN THE RECORD.
2. EXAMPLES OF A PUBLIC INTEREST BENEFIT THAT MAY OUTWEIGH A CONFLICT OF INTEREST IN FAVOR OF REQUIRING A MEMBER TO PARTICIPATE INCLUDE:
 - a. SPECIALIZED KNOWLEDGE OF THE ELECTED OFFICIAL IS IMPORTANT TO THE DELIBERATION, AND DISCLOSURE OF THE ELECTED OFFICIAL'S FINANCIAL OR PRIVATE INTEREST, IN THE CONTEXT OF THE MATTER BEFORE THE ELECTED BODY, IS SUFFICIENT

TO MAINTAIN THE INTEGRITY OF THE DECISION
MAKING PROCESS.

- b. THE PUBLIC'S BUSINESS CANNOT BE UNDERTAKEN
UNLESS THE ELECTED BODY REQUIRES THE MEMBER
TO PARTICIPATE.
- c. OTHER PUBLIC INTEREST BENEFITS DEEMED
APPROPRIATE BY MEMBERS OF THE ELECTED BODY
UNDER THE SPECIFICS OF THE DISCLOSURE AND THE
OFFICIAL ACTION BEFORE THE ELECTED BODY.

3. ABSENT A DETERMINATION BY THE ELECTED BODY THAT A
PUBLIC INTEREST BENEFIT OUTWEIGHS THE CONFLICT OF
INTEREST PRESENTED BY THE SUBSTANTIAL FINANCIAL OR
PRIVATE INTEREST, THE ELECTED BODY SHALL NOT WAIVE THE
CONFLICT OF INTEREST TO REQUIRE PARTICIPATION.

4. THE ELECTED BODY SHALL BE THE FINAL AUTHORITY ON
WHETHER THE SUBSTANTIAL FINANCIAL OR PRIVATE INTEREST IS
OUTWEIGHED BY THE PUBLIC INTEREST BENEFIT. THE BOARD
DOES NOT HAVE JURISDICTION TO REWEIGH THE ELECTED
BODY'S DETERMINATION.]

Page 53, line 5, AMC Chapter 2.30, Rules of Procedure for Assembly, is amended to
read as follows:

2.30.070 Voting. [To correct reference to Ethics Code; no other changes to
present voting.]

A. No member of the assembly may vote or participate in any official action
of the assembly on any question in violation of Section 1.15.035 [1.15.030.A.4.]
The only question before the assembly in making such determination shall be:
Does the assembly member (name of member) have a substantial financial
interest in (the named matter/question) before the assembly? If the vote on the
question is in the negative, then the assembly member may fully participate in all
further proceedings on the decision or matter. If the vote on the question is in the
affirmative, then the assembly member shall not vote and shall not participate in
any further proceedings or decisions on the matter. It shall be the duty of the
assembly member disclosing the financial interest to identify sufficient facts and
circumstances to permit the assembly to exercise its judgment in an informed
manner.

(AO No. 13-75; AO No. 78-49; AO No. 79-137; AO No. 80-56; AO No. 85-56; AO
No. 87-17(S); AO No. 94-191, § 1, 10-25-94; AO No. 2001-58, § 1, 3-20-01; AO
No. 2002-61, § 1, 3-19-02; AO No. 2005-79, § 1, 6-28-05)