

See AO 2006-140(S-1)

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For reading: November 21, 2006

**ANCHORAGE, ALASKA
AO NO. 2006-140(S)**

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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9
10 THE ANCHORAGE ASSEMBLY ORDAINS:
11

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13 repealed and reenacted.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**
18

- 19 1.15.005 Title of chapter.
20 1.15.010 Purpose and intent.
21 1.15.015 Scope.
22 1.15.020 Prohibited conduct.
23 1.15.025 Additional provisions for municipal employees.
24 1.15.030 Additional provisions for members of the public appointed to a
25 public body.
26 1.15.035 Additional provisions for elected officials.
27 1.15.040 Forms available from municipal clerk; filing; distribution;
28 publication.
29 1.15.050 Board of Ethics; establishment, membership, removal and
30 administrative support.
31 1.15.060 Duties and powers of the Board of Ethics.
32 1.15.070 Notification of potential violation and investigations.
33 1.15.080 Advisory opinions.
34 1.15.090 Ethics education program.
35 1.15.100 Sanctions, referrals and corrective action.
36 1.15.110 Definitions.
37
38

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

1 class of persons to which the official, executive, or employee of the Municipality
2 or Anchorage School District belongs. Nor is there substantial conflict if the
3 action or influence would have only insignificant or conjectural effect on the
4 matter.

5
6 E. Where provisions of this chapter differ from the common law principle that
7 an appearance of impropriety alone is sufficient to establish a conflict of interest
8 or an ethical violation, the provisions of this chapter supersede the common law.

9
10 F. The Mayor, Assembly, School Board, and the Ethics Board shall be
11 guided by this section when implementing the provisions, and making
12 determinations under the Code of Ethics.

13
14 G. It is the intent of the Assembly that nothing in this chapter be interpreted to
15 create a private cause of action against an official, executive, or employee of the
16 Municipality, a corporate authority owned by the Municipality, or the Anchorage
17 School District.

18
19 **1.15.015 Scope.**

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

22
23 1. Employees of the Municipality, a corporate authority owned by the
24 Municipality of Anchorage, and all employees of the Anchorage School
25 District; and

26
27 2. Members of the public appointed to serve on a public body of the
28 Municipality, including without limitation a municipal commission, board,
29 committee, or authority, whose appointment is subject to confirmation by
30 the assembly or by the school board; and

31
32 3. Elected officials of the Municipality.

33
34 B. All persons within the scope of this chapter are prohibited from the use of
35 public position for personal gain and section 1.15.020 sets out ten specific
36 prohibitions for all persons holding a public position under this chapter. In
37 sections 1.15.025, 1.15.030, and 1.15.035, this chapter sets out additional
38 coverage applicable to each covered group.

39
40 C. The mayor holds a public position within the scope of this chapter and
41 section 1.15.020. The mayor is an elected official under this chapter unless
42 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 mayor for clarity.

1.15.020 Prohibited conduct.

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

1. Solicit, offer or receive money or other thing of value in return for a vote, a municipal management decision, or the exercise of the person's official duties, except the compensation, expenses, benefits, or other remuneration paid by the municipality.
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person by the municipality.
3. Offer or accept any money or other thing of value for or in consideration of the use of the person's public position to obtain a contract for any person or business with the municipality.
4. Use for the person's own benefit, or for the benefit of another, confidential information acquired by reason of the person's public position and which is not available to the public.
5. Disclose or release confidential information gained through the person's public position unless authorized by law or order of the court.
6. Use the person's municipal position to take personal advantage of another.
7. Divert or permit the diversion of municipal personnel time, municipal services, vehicles, equipment, materials or other property for a purpose unrelated to municipal business.
8. Accept any money, loan, gift, campaign contribution, favor, service, business or professional opportunity from a municipal lobbyist as *lobbyist* is defined in AMC 2.35.020, other than food or beverage for immediate consumption.
9. Accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the

1 gift would cause a reasonable person to question the person's judgment in
2 exercising official municipal duties on a matter affecting the donor.

3
4 10. Accept gifts from persons on a basis so frequent as to raise an
5 appearance of the use of the person's public position for private gain.

6
7 B. Nothing in this section 1.15.020 is intended to limit the scope of additional
8 restrictions, prohibitions and disclosure requirements applicable to municipal
9 employees, appointees and elected officials under this chapter.

10
11 **1.15.025 Additional provisions for municipal employees.**

12
13 A. *Employees of the Municipality including Anchorage School District*
14 *employees.* Municipal employee means:

15
16 1. All persons employed by the Municipality or a corporate authority
17 owned by the Municipality of Anchorage, whether full time or part time,
18 temporary or permanent, but excluding elected officials covered under
19 section 1.15.035 and excluding members of the public serving as
20 members of an appointed public body of the municipality covered under
21 section 1.15.030; and

22
23 2. All persons employed by the Anchorage School District, whether
24 full time or part time, temporary or permanent, excluding elected members
25 of the Anchorage School Board. Policy adopted by the Anchorage School
26 Board governing conflict of interest for Anchorage School District
27 employees shall not be less restrictive than the requirements of this
28 chapter and shall not relieve employees of the Anchorage School District
29 from the obligations of this chapter; and

30
31 3. The mayor, if specifically stated.

32
33 B. *Substantial financial or private interest.* A municipal employee shall not
34 participate in an official action in which the employee or a member of the
35 employee's immediate family has a substantial financial or private interest. A
36 municipal employee shall disclose in narrative form to the designated ethics
37 officer, the employee's financial or private interest in official action and the
38 financial or private interest of any member of the employee's immediate family as
39 defined in 1.15.110, if the employee's duties could influence the official action.

40
41 1. Whether the municipal employee is prohibited from participation in
42 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 prior to action 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 1. A municipal employee shall not use facilities, equipment, data, or
2 supplies of the municipality to support an employee's personal endeavors,
3 including contemporaneous service or employment, except to the extent
4 the general public has the same access to use.

5
6 2. A municipal employee shall not engage in activities related to
7 contemporaneous service or employment during scheduled work hours.
8 Minor and inconsequential personal telephone and computer privileges,
9 when allowed under applicable personnel policy and practice, shall not be
10 abused or diverted to support contemporaneous service or other
11 employment.

12
13 3. Full time temporary and permanent municipal employees engaging
14 or intending to engage in contemporaneous service or employment
15 outside scheduled work-hours shall notify the administrative supervisor in
16 writing.

17
18 a. Personnel rules and policies applicable to the various
19 classifications and types of municipal employees, including
20 employees of the Anchorage School District, shall provide
21 for disclosure, administrative review, and management of
22 potential conflicts of interest in contemporaneous
23 employment.

24
25 b. For Anchorage School District employees, other employment
26 limited to the winter holiday, spring and summer break
27 periods when school is out of regular session, shall not be
28 deemed contemporaneous service requiring disclosure to
29 the administrative supervisor under this chapter.

30
31 4. The mayor holds a full time position of employment with municipal
32 authority presumed incompatible and in conflict with serving as an
33 employee to another person or entity.

34
35 a. If due to specific circumstances or unfairness, the mayor
36 seeks relief from this presumption, the mayor shall present
37 the circumstances and proposal for management of the
38 potential conflict of interest to the Ethics Board for an
39 advisory opinion.

40
41 b. Absent factors that clearly present a potential for adversely
42 affecting the mayor's availability, productivity, or

independence of judgment in performing municipal duties, a financial interest or corporate office, held by the mayor in a business or economic enterprise managed by others is not other employment under this chapter and the presumption does not apply.

- c. The mayor's request and the board's advisory opinion to the mayor are public records.

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

1
2 4. If the mayor's current financial disclosure statement as filed under
3 state law with the Alaska Public Offices Commission (APOC) and filed
4 with the municipal clerk by elected officials under section 1.15.035 of this
5 chapter includes all disclosure required by this subsection under 1.15.025,
6 a separate filing under 1.15.025 is not required. The board will review the
7 mayor's disclosure of present economic interest in a municipal contract
8 and confirm in writing that either no potential for conflict exists or that the
9 preventive measures described by the board are required to manage the
10 potential for conflict.
11

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

20 1. A municipal employee shall timely file notice of intent to respond to
21 a public solicitation in such form as the municipal clerk may prescribe for
22 electronic publication and posting under 1.15.040. To be timely for
23 publication, the notice shall be filed in advance to allow a minimum period
24 of seven (7) calendar days to elapse between electronic publication by the
25 clerk and the final date for submitting a response to the solicitation. The
26 municipal employee shall file a copy of the notice with the purchasing
27 officer or other municipal official responsible for the procurement by no
28 later than the deadline for submitting a response to the solicitation. Notice
29 under this section must be filed for each solicitation unless the board has
30 specifically approved the filing of a periodic notice by the municipal
31 employee. In its sole discretion, the board may approve the filing of a
32 periodic notice, on no less than an annual basis, upon application by the
33 employee demonstrating that the nature of the work and relationship
34 between the municipal employee and the administrative unit soliciting the
35 work render electronic publication of the periodic notice adequate.
36

37 2. The notice of intent to respond to a public solicitation is in addition
38 to any personnel provisions addressing administrative notification to the
39 director of employee relations by employees intending to do business with
40 the municipality.
41

1 3. If the municipal employee's notice is incomplete, or not timely filed
2 for publication, or not timely filed with the purchasing officer or other
3 municipal official responsible for the procurement by no later than the
4 deadline for responding to the solicitation, the disclosure shall be deemed
5 invalid and the offer proposed by the municipal employee in response to
6 the solicitation shall be ineligible for award. The responsibility for complete
7 and timely filing rests solely with the municipal employee.
8

9 4. The notice of intent to respond to a public solicitation shall disclose
10 the following information:
11

- 12 a. Nature of the business;
- 13
- 14 b. Relationship between the employee and the business
15 interest, including percentage of ownership;
- 16
- 17 c. Municipal entity issuing the solicitation;
- 18
- 19 d. Solicitation number and submission deadline;
- 20
- 21 e. Municipal entity for which the employee works;
- 22
- 23 f. Whether the municipal employee or immediate family
24 member as defined in 1.15.110 serves in a position that
25 could influence official action with respect to development of
26 the solicitation, award or administration of the contract, and
27 what, if any, preventive measures shall be taken to manage
28 the potential for conflict.
29

30 5. Award of a municipal contract shall not be made to a person or
31 entity governed by 1.15.025 unless:
32

- 33 a. Neither the municipal employee nor a member of the
34 employee's immediate family works for the administrative
35 department awarding or administering the contract; and
36
- 37 b. Neither the municipal employee nor a member of the
38 employee's immediate family as defined in 1.15.110 takes
39 any official action with respect to preparation of the
40 solicitation, award or municipal administration of the
41 contract; and
42

- 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.

1 G. *Restrictions on employment after leaving municipal service.* A municipal
2 employee who leaves municipal service may not, for one (1) year after leaving
3 municipal service, represent, advise, or assist a person for compensation
4 regarding a matter that was under consideration by the administrative unit served
5 by the municipal employee, if the municipal employee participated personally and
6 substantially in the matter through the exercise of official action. In this
7 subsection, "matter" includes a case, proceeding, application, contract, or
8 determination but does not include consideration of ordinances, resolutions,
9 charter amendments, draft legislative measures, or the adoption of administrative
10 regulations if consideration by the municipal employee was only in the context of
11 general application.
12

13 1. This restriction on employment after leaving municipal service does
14 not prohibit the municipality from contracting with a former municipal
15 employee to provide service on a matter on behalf of the municipality.
16

17 2. The restriction on employment after leaving municipal service
18 applies to the mayor as an elected official under 1.15.035.
19

20 3. The assembly or school board may waive application of this
21 restriction upon determination that a proposed action by a former
22 municipal employee is not adverse to the public interest. The waiver shall
23 be by formal action and a copy shall be provided to the Ethics Board.
24

25 H. *Gifts.* A municipal employee may not solicit or accept a gift that benefits
26 the employee's personal or economic interest if it can be reasonably inferred that
27 the gift is intended to influence the employee's independence of judgment in the
28 exercise of official duties. Gift receipt and disclosure apply to the mayor as an
29 elected official under 1.15.035.
30

31 1. An item is a "gift" under this subsection if it is:
32

33 a. Money, an item of value, service, loan, travel or hospitality
34 accommodation, meal, or entertainment; and
35

36 b. Provided to a municipal employee for less than full value.
37

38 2. Unless rebutted by other factors, an occasional gift worth \$50 or
39 less is presumed not to be given under circumstances in which it could be
40 reasonably inferred that the gift is intended to influence a municipal
41 employee's independence of judgment in the exercise of official duties.

When unsolicited, these occasional gifts are allowed, provided that the disclosure requirements for each are met:

- a. Payment for a business meal offered as a courtesy in the 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 under this category with a 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.

g. A gift of nominal value given to an employee of the Anchorage School District by a student, parent of a student, group of parents, or community organization. The school district employee shall disclose a gift in this category with a value in excess of \$50.00 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.

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

3. 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.

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

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

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

b. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits

members of the public to advocate or promote a particular position, on legislation or other action pending before the municipal assembly, the school board, or other elected body of government.

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

- a. Make decisions solely on applicable law and the evidence in the record;
- b. Be impartial in fact and action in the performance of official duties, making decisions without personal gain or financial interest;
- c. Disclose any previous involvement in the case or with the parties;
- d. Disclose matters that would prevent the member from hearing the case under supplemental conflict of interest provisions applicable to the appointed public body;
- e. Disclose circumstances that could potentially interfere with impartiality, so that the member's participation may be fairly evaluated by the public body.

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

- 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 of personal contacts concerning the project in the disclosure of financial interest and personal involvement to the appointed public body.

- b. If an appointed public body exercises monetary discretion, a member of the appointed public body may not apply for, or receive substantial personal or financial interest in, a 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 private 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 interest, the appointed member shall disclose this fact on the record.

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

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.

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

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 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 publication by the clerk and the final date 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

1 the appointed member. The appointed member shall file a copy of the
2 notice with the purchasing officer or other municipal official responsible for
3 the procurement by no later than the deadline for submitting a response to
4 the solicitation. Notice under this section must be filed for each solicitation
5 unless the board has specifically approved the filing of a periodic notice by
6 the appointed member. In its sole discretion, the board may approve the
7 filing of a periodic notice, on no less than an annual basis, upon
8 application by the appointed member demonstrating that the nature of the
9 work and relationship between the appointed member and the
10 administrative unit soliciting the work render electronic publication of the
11 periodic notice adequate.

12
13 2. The notice shall identify the nature of the business; the relationship
14 between the appointed member of the public or a household member and
15 the entity responding to the solicitation, including the percentage of
16 ownership in the entity by the appointed member of the public or a
17 household member; the municipal entity or department issuing the
18 solicitation; solicitation number and submission deadline. The appointed
19 member of the public shall disclose whether the appointed member or a
20 member of the immediate family as defined in 1.15.110 takes any official
21 action with respect to preparation of the solicitation, award, or municipal
22 administration of the contract.

23
24 3. The appointed member shall not in fact or appearance attempt to
25 influence the award.

26
27 4. The appointed member and members of the immediate family shall
28 take no official action with respect to development of the solicitation,
29 award, or municipal administration of the contract.

30
31 5. The designated ethics officer available to the purchasing officer, or
32 to the municipal official responsible for the procurement if not the
33 purchasing officer, confirms in writing that the appointed member's notice
34 of intent to respond to a public solicitation has been reviewed and that
35 either no potential for conflict exists or the potential for conflict has been
36 managed by taking the preventive measures described in the written
37 disclosure.

38
39 6. The person or public body having responsibility for award under the
40 solicitation confirms in writing that the integrity of the public solicitation
41 process is not adversely affected by the award.
42

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.

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

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

1. A gift or award of monetary value presented in recognition of meritorious, civic, or voluntary service to the municipality, 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. A member of an appointed body 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.

2. A perishable gift for immediate consumption or display, from member(s) of the public expressing general appreciation or holiday cheer when shared among members of the appointed body, or donated to charity. The chair of the appointed body shall disclose a gift under this category with a 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.

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

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

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

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 provisions 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 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.

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 substantial.

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.

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. *Public interest.* An elected official shall place the public interest above any financial or private 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 interest, the elected official shall disclose this fact on the record.

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

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

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

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 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.

G. *Constituent services.* Nothing in this section is intended to prevent an elected official from making verbal or written inquiries on behalf of constituents, residents within the elected official's area of service, employees or contractual service providers of the municipality or elected body, or the general public to elements of municipal government or from requesting explanations or additional information on behalf of an elected body or individuals, provided that the elected official is not charging a fee for this service.

H. *Restrictions on other public employment.* These restrictions apply to elected officials of the assembly, school board, and service areas. Applicability to the 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 mayor.
- b. Subject to state law and regulation, an elected official of the municipality other than the mayor may serve as a non-elected employee of the state.
- c. Engagement as an independent contractor through a competitive solicitation by the municipality is not municipal employment for purposes of this section. For the mayor, the provisions in 1.15.025 specific to the mayor apply.

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

1 1. The elected official shall disclose the board member service before
2 participating in official action by the municipality on the budget or other
3 matter involving the board or commission of a public body or charitable
4 nonprofit organization.

5
6 2. If the elected body finds a substantial conflict in requiring a member
7 to participate in action before the elected body, the elected body may in its
8 sole discretion excuse participation or divide the question to avoid a
9 conflict on the whole.

10
11 J. *Service to utility and regulatory boards.* As long as the municipality owns
12 one or more utilities regulated by the Regulatory Commission of Alaska, an
13 elected official shall not serve as an officer, director, or paid advisor to the Alaska
14 Regulatory Commission, or to any regulated utility providing the same type of
15 utility service owned by the municipality.

16
17 K. *Financial disclosure during term of elected office.* Elected officials shall
18 file disclosures timely as required by state law. The municipal clerk shall keep a
19 copy of the elected official's current financial disclosure statement as filed under
20 state law with the Alaska Public Offices Commission (APOC). An elected official
21 shall supplement the APOC disclosure within thirty (30) days of assuming office,
22 and as required under 1.15.035 during elected office, to fully disclose any
23 economic interest in a contract with the municipality, or in an organization or
24 enterprise engaging in business with the municipality, held by the elected official
25 or a member of the elected official's household. Supplemental disclosure shall be
26 on the form prescribed by the municipal clerk and include:

27
28 1. Identification of the municipal contract; the date the elected official
29 acquired the interest; the amount of the economic interest held in the
30 contract by the elected official, a member of the elected official's
31 immediate family. The disclosure shall include a description of the duties
32 and activities to be performed by the elected official or household member
33 under the contract and the preventive measures that shall be taken to
34 manage any potential for conflict any opportunity for official action the
35 elected official may have regarding the municipal contract.

36
37 2. The name of each organization, or enterprise engaging in business
38 with the municipality, both for profit and not-for-profit, in which the elected
39 official or household member has an economic interest or is a director,
40 officer or employee and the title of the position held. The disclosure shall
41 identify the compensation, duties and activities of the elected official or
42 household member for each organization and the preventive measures

1 that shall be taken to manage any potential for conflict with the municipal
2 duties of the elected official.

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

9
10 4. If the elected official's APOC disclosure includes all disclosure
11 required by this chapter, a supplemental disclosure is not required.

12
13 L. *Acquisition of an economic interest in municipal contracts and business.*
14 An elected official or household member shall not acquire directly or indirectly an
15 economic interest in a municipal contract or engage in business with the
16 municipality unless the municipal contract is competitively solicited and all other
17 requirements of this subsection are satisfied. This prohibition applies in all
18 respects to any entity in which the elected official or household member has an
19 economic interest.

20
21 1. The elected official shall timely file notice of intent to respond to a
22 public solicitation in such form as the municipal clerk may prescribe for
23 electronic publication and posting by the municipal clerk under 1.15.040.
24 To be timely for publication, the notice shall be filed in advance to allow a
25 minimum period of seven (7) calendar days to elapse between electronic
26 publication by the clerk and the final date for submitting a response to the
27 solicitation. The elected official shall file a copy of the notice with the
28 purchasing officer or other municipal official responsible for the
29 procurement by no later than the deadline for submitting a response to the
30 solicitation. Notice under this section must be filed for each solicitation
31 unless the board has specifically approved the filing of a periodic notice by
32 the elected official. In its sole discretion, the board may approve the filing
33 of a periodic notice, on no less than an annual basis, upon application by
34 the elected official demonstrating that the nature of the work and
35 relationship between the elected official and the administrative unit
36 soliciting the work render electronic publication of the periodic notice
37 adequate.

38
39 2. The notice shall identify the nature of the business; the relationship
40 between the elected official or household member and the entity
41 responding to the solicitation, including the percentage of ownership in the
42 entity by the elected official or household member; the municipal entity or

department issuing the solicitation; solicitation number and submission deadline. 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 any official action with respect to preparation of the solicitation, award, or municipal administration of the contract.

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

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

5. The purchasing officer or other municipal official responsible for the solicitation and the designated ethics officer confirms in writing that the elected official'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 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.

M. *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.

N. *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.

O. *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.

P. *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.

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

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

2. A person serving as an assembly member or school board member for one (1) year after leaving service shall hold no compensated municipal office or employment which was created, or the salary or benefits of which were specifically increased during the person's last year in office by the governing body on which the member served.

3. The mayor for one (1) 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.

1.15.040 Forms available from municipal clerk; content; filing.

1 A. *Forms.* The municipal clerk shall provide the disclosure, notice, and
2 informational forms as described in this chapter. Disclosures and filings shall be
3 in the form prescribed by the municipal clerk and supplemental information may
4 be attached. Completed forms filed with the municipal clerk are public documents
5 and shall be made available to the board for review. Forms and publication
6 requirements under this chapter include:

7
8 1. Notification and Disclosure of Present Economic Interest in
9 Municipal Business or Contract. This form is required to be filed by a
10 municipal employee under 1.15.025 and a member of the public appointed
11 to serve on a public body under 1.15.030. The same form may be used to
12 supplement an elected official's financial disclosure under 1.15.035.

13
14 2. Notice of Intent to Respond to Public Solicitation.

15
16 a. The municipal clerk shall publish a copy of the notice of
17 intent to respond to a public solicitation required under
18 1.15.025, 1.15.030, and 1.15.035 electronically no less than
19 seven (7) days in advance of the deadline for submitting a
20 response to the solicitation. The electronic location of such
21 notices shall be published weekly in a newspaper of general
22 circulation within the municipality. If the time between filing
23 the notice for electronic publication by the clerk and the last
24 day to submit a response is insufficient to meet the 7-day
25 publication requirement, the notice shall be deemed
26 untimely.

27
28 b. In addition, the municipal clerk shall post a copy of the
29 statement in at least one (1) public place, and the location of
30 such posting shall be included in the weekly newspaper
31 publication by the municipal clerk.

32
33 c. The municipal clerk shall collect the publication fee at the
34 time the notice is filed.

35
36 d. Upon award, a copy of the notice of intent to respond to a
37 public solicitation with supplemental confirmations shall be
38 filed with the municipal clerk for retention in a file open to the
39 public.
40
41

3. 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.

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

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

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

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

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

9. 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.

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

B. *Membership.*

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

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

- a. Hold other elected or appointed public office with any local, state or federal governmental unit; or
- b. Hold political party office; or
- c. Publicly endorse, contribute to, or engage in any political or campaign activity on behalf of any candidate for elected municipal office; or
- d. Hold current employment with the municipality, the Anchorage School District, or an enterprise or authority owned by the municipality.

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

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

1 D. *Removal.* A member of the board may be removed by the mayor or by the
2 assembly.

3
4 1. *Removal by mayor.* The mayor may remove any member of the
5 board at any time:

6
7 a. But only for good cause shown; and

8
9 b. Shall set forth the reasons for such removal in writing; and

10
11 c. Shall provide copies to the board member and the assembly;

12
13 d. Except the mayor may not remove any board member during
14 any lawful investigation or public hearing where the mayor or
15 any member of the mayor's appointed staff is the subject of
16 the investigation or public hearing.

17
18 2. *Removal by assembly.* The assembly may remove a member of the
19 board, by majority vote of the assembly:

20
21 a. For good cause; and

22
23 b. Shall set forth the reasons for such removal in writing; and

24
25 c. Shall provide copies to the board member;

26
27 d. Except the assembly may not take action under this
28 subsection when the assembly, or any member or employee
29 of the assembly, is the subject of an ongoing or imminent
30 investigation or public hearing.

31
32 E. *Support.* Support services of the municipal clerk shall include:

33
34 1. Provide administrative and secretarial staff to the board;

35
36 2. Take and preserve minutes of all meetings, including those deemed
37 confidential; and

38
39 3. Produce all reports and written documents as requested by the
40 chairman of the board;

41
42 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

1 state the address and telephone number of the person filing the notification,
2 identify the respondent, affirm to the best of the person's knowledge and belief
3 the facts alleged in the notification of potential violation signed by the person are
4 true. The person filing the notification of potential violation* shall identify the
5 section of this chapter the person believes was violated, state why the person
6 signing the notification of potential violation believes the facts alleged constitute a
7 violation of that section, and identify any documentary or testimonial evidence the
8 person filing the notification believes are in support of the notification of potential
9 violation.

10
11 C. *Notification of potential violation received during a campaign period.* The
12 board shall return to the person filing the notification, any notification of potential
13 violation concerning the conduct of a candidate for elected municipal office
14 received during a campaign period, unless the candidate permits the board to
15 assume jurisdiction under the provisions of this subsection.

16
17 1. Upon receipt of a notification of potential violation concerning the
18 conduct of a candidate for elected municipal office during a campaign
19 period, the board shall immediately notify the subject of the notification of
20 potential violation of the receipt of the notification of potential violation, of
21 the suspension of the board's jurisdiction during the campaign period, and
22 of the candidate's right to waive the suspension of jurisdiction.

23
24 2. If within 14 days after notice from the board, the candidate does not
25 instruct the board that the candidate chooses to have the board proceed
26 with the notification of potential violation, or the candidate notifies the
27 board that the candidate is not waiving the suspension of jurisdiction, then
28 the board shall return the notification of potential violation to the person
29 who filed it, with notice of the suspension of jurisdiction under this
30 subsection and of the right of the person to file the notification of potential
31 violation after the end of the campaign period. A notification of potential
32 violation returned under this subsection shall remain confidential.

33
34 3. If a notification of potential violation is pending before the board at
35 the beginning of a campaign period, the board shall maintain
36 confidentiality and suspend all further action on the notification of violation
37 during the campaign period. The period in which a matter is under
38 consideration by the board is automatically extended for the length of time
39 a matter is suspended during a campaign period.

40
41 4. A campaign period under this subsection begins 45 days before an
42 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.

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

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

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

- a. Give the respondent a copy of the notification of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and/or bring legal counsel; and
- b. Notify both the person submitting the notification of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation.

1
2 E. *Conduct of investigation and standard of proof.* The board's investigation
3 shall be conducted in executive session, unless the respondent requests to hold
4 the board's investigation on the notification of potential violation in public.

5
6 1. The respondent may identify other individuals and documents that
7 the respondent would like the board to interview and review.

8
9 2. If an individual with information bearing on the notification of
10 potential violation is unwilling to come forward with information, the
11 respondent may request the board to subpoena the person and any
12 documentary evidence.

13
14 3. Persons appearing before the board may be represented by
15 counsel or other person serving in a representative capacity.

16
17 4. The board may question the respondent and other persons
18 appearing before the board.

19
20 5. The board may solicit questions and testimony from the person
21 filing the notification of potential violation, the respondent and other
22 persons appearing for the purpose of providing information to the board.
23 The board may solicit questions from counsel present to represent
24 persons appearing before the board, but all questions during the board's
25 investigation shall be posed through and by a member of the board.
26 Consistent with due process, the board may limit or prohibit questions
27 suggested to the board by or on behalf of persons appearing before the
28 board.

29
30 6. The standard of proof to be applied by the board in determining a
31 violation under this chapter is proof by a preponderance of the evidence.

32
33 7. Technical rules of evidence do not apply, but the findings of the
34 board shall be based upon reliable and relevant information presented to
35 the board.

36
37 8. The board's finding of a violation of this chapter must be supported
38 by substantial evidence.

39
40 9. The board's findings shall not be binding in a subsequent sanctions
41 proceeding.
42

1 F. *Deliberations of the board.* Deliberations of the board shall be conducted
2 in executive session. The board shall reconvene in open session when
3 deliberations are complete.
4

5 G. *Decisions on the record.* Using the identification number of the notice of
6 potential violation to protect confidentiality, the board shall vote in open session
7 on these questions:
8

9 1. Whether the board finds by a preponderance of the evidence one
10 or more violations within the jurisdiction of the board; and
11

12 2. Whether the board recommends further administrative or remedial
13 actions; and
14

15 3. What specific sanctions, corrective actions or referrals, if any, the
16 board recommends.
17

18 4. If the board does not find a violation under this chapter, the board
19 shall prepare a confidential statement of closure listing the complainant
20 and respondent, the assigned identification number, the allegations, the
21 hearing date, and the finding that no allegation was substantiated by the
22 board in whole or in part, and the date of board closure. At the sole
23 discretion of the respondent, the board may release the statement of
24 closure as a public document.
25

26 H. *Resolution by the Board.* The board has authority to formulate a proposed
27 resolution and settlement of the violation if during investigation or after
28 deliberation by the board, the respondent admits to violation of this chapter. The
29 proposed resolution and settlement becomes a public record for electronic
30 publication by the municipal clerk upon final approval. The proposed resolution
31 and settlement will include the admitted violation of this chapter; the remedial
32 actions agreed to by the respondent with the board's concurrence; preventive
33 actions to be undertaken to avoid similar violation by respondent or others in the
34 future; and other recommendations by the board.
35

36 1. If the respondent is a municipal employee or a member of the
37 public appointed to a municipal public body, the proposed resolution and
38 settlement shall require the approval of the municipal attorney with review
39 and comment by Director of Employee Relations and the designated
40 ethics officer for respondent's administrative department.
41

42 2. If the respondent is a member of the school board, the proposed

1 resolution and settlement shall require the approval of the school board.

2
3 3. If the respondent is a member of the assembly or the mayor, the
4 proposed resolution and settlement shall require the approval of the
5 assembly.
6

7 I. *Written Report.* At the conclusion of an investigation finding a violation of
8 this chapter that is not resolved by the board under 1.15.070H, the board shall:
9

10 1. Prepare a written report that includes:

- 11
12 a. A summary of the investigation;
13
14 b. A list of any documents submitted to the board;
15
16 c. A description of any proceedings before the board including,
17 but not limited to, a synopsis or outline of any testimony
18 heard by the board. The board is not required to record or
19 make a stenographic record of any proceedings before it;
20
21 d. A statement of findings regarding violation of this chapter;
22
23 e. The board's recommendations for further administrative or
24 legal action;
25
26 f. What sanctions or corrective actions, if any, the board
27 recommends.
28

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

- 30
31 a. The person under investigation; and
32
33 b. The appropriate supervisory authority (mayor, the assembly,
34 the school superintendent or the school board); and
35
36 c. The municipal clerk for electronic publication.
37

38 3. Furnish the person submitting the notice of potential violation with
39 notice that a copy of the board's report has been provided to the municipal
40 clerk for electronic publication.
41

42 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

1 compliance with the board's advice, so long as the facts remain
2 substantially unchanged from those represented to the board in the
3 inquiry.
4 ..

5 2. A request for advice under 1.15.080A is confidential, unless
6 confidentiality is waived by the person requesting an advisory opinion.
7

8 B. The board may also accept a request for an advisory opinion on a matter
9 referred to the board by the municipal clerk or the municipal attorney.
10

11 C. To promote preventive instruction and advice, the board shall publish on
12 the municipal website through the municipal clerk, advisory opinions in a generic
13 form to allow maximum clarity on context, issue, analysis, and decision. The
14 board shall make sufficient deletions to prevent disclosure of the persons whose
15 identities are confidential under 1.15.080A. Postings shall be made within 14
16 work days of issuance by the board
17

18 **1.15.090 Ethics education program.**
19

20 A. Each employee, appointed member of a municipal authority, and elected
21 official included within the scope of this chapter is responsible for understanding
22 and complying with the provisions of this chapter.
23

24 B. To facilitate understanding and support compliance with the provisions of
25 this chapter by employees, the mayor shall designate one or more ethics officers.
26 Members appointed to the board, the municipal clerk or designee, and all ethics
27 officers shall be given appropriate training and education in the provisions of this
28 chapter. Upon successful completion of training, a training certificate shall be
29 issued and a copy kept on file with Employee Relations.
30

31 C. Ethics officers shall disseminate information about the Code of Ethics,
32 inform municipal employees of the board's procedures, and consult with
33 employees and supervisors regarding compliance with this chapter. Responsibilities
34 under this chapter shall be reviewed with each new hire during
35 employee orientation and each employee shall confirm in writing receipt and
36 review of ethics materials. Ethics officers shall assist supervisors in reviewing
37 and completing required approvals related to employee disclosure forms,
38 periodically providing updates, training, and additional materials to employees on
39 ethics issues.
40

41 D. To facilitate understanding and support compliance with the provisions of
42 this chapter by members of the public appointed to a public body of the

1 municipality, one or more of the ethics officers designated by the mayor shall
2 serve as ethics officer for the appointed public members included within the
3 scope of this chapter. Responsibilities under this chapter for members of the
4 public appointed to a public body of the municipality shall be reviewed with all
5 appointees as part of the appointment process and each appointee shall confirm
6 in writing receipt and review of ethics materials. Ethics officers shall inform
7 appointees of the Ethic Board's procedures, and consult with appointees
8 regarding compliance with this chapter. Ethics officers shall assist members of a
9 municipal public body in reviewing and completing required approvals related to
10 appointee disclosure forms, provide boards, commissions, and authorities of the
11 municipality with notice of periodic updates, training opportunities, and additional
12 materials on ethics issues.

13
14 E. To facilitate understanding and support compliance with the provisions of
15 this chapter by elected officials, the municipal clerk shall provide each elected
16 official with a copy of this chapter, the disclosure forms, and the process outline
17 upon taking office. Elected officials shall confirm in writing receipt and review of
18 ethics materials. The municipal clerk shall provide elected officials with notice of
19 periodic updates, training opportunities, and additional materials on ethics issues.
20

21 F. The board shall develop an ethics education program, including a guide to
22 the ethics code, to meet the differing training needs of employees, supervisors,
23 elected and appointed officials, and designated ethics officers in the following
24 areas:
25

- 26 1. Recognizing possible violations relative to their duties and
27 responsibilities.
- 28 2. Avoiding potential violations.
- 29 3. Obtaining answers on ethics issues.
- 30 4. Complying with the reporting requirements of this chapter.
- 31 5. The process to be followed by an individual responding to an
32 inquiry from the board on a notice of potential violation.
- 33 6. Managing the potential for conflict of interest under a disclosure;
34 preventive actions.
- 35 7. Supporting the public interest in ethical conduct by municipal
36 employees, members of the public serving on appointed municipal
37
38
39
40
41
42

1 entities, and elected officials.

2
3 8. At the option of the board based on its observations and experience
4 in the implementation of this chapter, the board may provide interim
5 advisory reports to the assembly. In reviewing the board's implementation
6 and interpretation of this chapter, including general matters of ethical
7 concern to the board, the board may wish to share its review and
8 comment on published ethical decisions from other jurisdictions, matters
9 of general guidance, and areas of special concern that are not the subject
10 of investigation or otherwise confidential.

11
12 **1.15.100 Sanctions, referrals and corrective action.**

13
14 A. Based on its findings, the board shall make recommendations for
15 implementation by the governing entity. Sanctions, referrals and corrective
16 actions that may be recommended by the board for imposition by the governing
17 entity based on findings of the board under this chapter include, but are not
18 limited to, the following:

19
20 1. Imposition of municipal employee discipline and restitution subject
21 to:

- 22
23 a. Applicable requirements and provisions of the municipal
24 personnel rules;
25
26 b. The grievance provisions of an applicable collective
27 bargaining agreement;
28
29 c. Provisions of an employment contract.

30
31 2. The municipality or the school board may, with the advice of
32 counsel:

- 33
34 a. Rescind a contract adopted in violation of this chapter.
35
36 b. Rescind a permit, ruling or any other official action taken as
37 a result of a violation of this chapter.
38
39 c. Require restitution.

40
41 3. The assembly, by majority vote and without an additional hearing,
42 may accept the findings of the board and issue a letter of admonishment

1 to an assembly member, with or without electronic publication by the
2 municipal clerk. Within the time prescribed by the assembly, the assembly
3 member named in the board's findings shall be afforded an opportunity to
4 address the assembly in public session, limited to the issue of sanctions,
5 referrals and corrective action recommended by the board.
6

7 4. The school board, by majority vote and without an additional
8 hearing by the assembly or the school board, may accept the findings of
9 the board and issue a letter of admonishment to a member of the school
10 board with or without electronic publication by the municipal clerk. Within
11 the time prescribed by the school board, the school board member named
12 in the findings of the board of ethics shall be afforded an opportunity to
13 address the school board in public session, limited to the issue of
14 sanctions, referrals and corrective action recommended by the board of
15 ethics.
16

17 5. Public and private letters of admonishment may describe corrective
18 action the issuing body deems appropriate.
19

20 6. Corrective action may include actions of a non-disciplinary nature.
21 Where the board has recommended corrective action to the respondent
22 and the respondent has agreed, the board's recommendation and the
23 respondent's agreement shall be included in the board's report.
24

25 7. Removal from office initiated by the assembly or the ethics board
26 for an assembly member is subject to the separate *de novo* process and
27 additional requirements set out in AMC 2.70.030. Removal from office
28 initiated by the school board or the ethics board for a member of the
29 school board is subject to the separate *de novo* process and additional
30 requirements set out in AMC 29.10.060.
31

32 8. A court or administrative hearing officer that finds a person guilty of
33 knowingly violating any provision of this chapter or of furnishing false,
34 misleading or incomplete information to the board with the intent to
35 mislead, may impose a civil fine pursuant to AMC 14.60.030 for each
36 violation, in addition to any equitable remedies.
37

38 9. Nothing in this chapter shall preclude the municipality or the school
39 board from maintaining an action for an accounting of any pecuniary
40 benefit received by any person in violation of this chapter or other law, or
41 to recover damages for violation of this chapter.
42

1 B. Nothing in this chapter is intended to address or restrict penalties which
2 may be imposed for violation of criminal law or other laws outside the scope of
3 the board's jurisdiction. If the board finds evidence of criminal activity, the board
4 shall transmit a statement limited to that activity to the municipal attorney for
5 review and referral to appropriate law enforcement. If the board finds evidence of
6 matters within the jurisdiction of the Alaska Public Offices Commission, the board
7 shall transmit a statement for appropriate action by the Alaska Public Offices
8 Commission.

9
10 **1.15.110 Definitions.**

11
12 The following words, terms and phrases, and their verb forms and tenses, when
13 used in this chapter, shall have the meanings ascribed to them in this section,
14 except where the context clearly indicates a different meaning:

15
16 A. *Appear on behalf of* means accompany, represent, testify or accompany
17 those representing or testifying before the public body.

18
19 B. *Appointed public body of the municipality* means any municipal
20 commission, board, committee, authority, or public corporation created by
21 ordinance with members of the public appointed subject to confirmation by the
22 assembly or the school board, whether sitting in public session or executive
23 session including advisory, appellate, management, quasi-judicial, and regulatory
24 municipal entities.

25
26 C. *Board* means the Board of Ethics.

27
28 D. *Campaign period* means the period beginning 45 days before an election
29 in which the candidate appears on the ballot in a municipal election or the day on
30 which the individual files as a candidate for municipal office, whichever is later,
31 and ending at the close of election day, or on the day that the candidate
32 withdraws from the election, if earlier.

33
34 E. *Confidential information* means information which by law or municipal
35 code is not subject to public disclosure.

36
37 F. *Contract* means a business contract, purchase order, lease, grant, loan, or
38 similar instrument of municipal government.

39
40 G. *Economic interest* means a benefit, financial interest, special privilege or
41 contractual relationship.
42

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

3
4 I. *Financial interest* includes the receipt of a pecuniary benefit and the
5 expectation of receiving a pecuniary benefit.

6
7 1. A financial interest of a person includes a financial interest of any
8 member of the person's household.

9
10 2. A person has a financial interest in an organization if the person:

11 a. Has an ownership interest in the organization; or

12 b. Is a director, officer or employee of the organization.

13
14 3. Whether a financial interest is substantial is determined on a case-
15 by-case basis.

16
17
18 J. *Immediate family* means:

19 1. The spouse, child (including a stepchild and an adoptive child),
20 parent, sibling, grandparent, aunt, or uncle of the person; and

21 2. A parent or sibling of the person's spouse; and

22 3. Any member of the person's household.

23
24 K. *Lobbyist* has the meaning given in AMC 2.35.020.

25
26 L. *Municipal employee* means:

27 1. Any person employed by the Municipality or a corporate authority
28 owned by the Municipality of Anchorage, whether full time or part time,
29 temporary or permanent, but excluding elected officials and excluding
30 members of the public serving as members of an appointed public body of
31 the municipality; and

32 2. Any person employed by the Anchorage School District, as a
33 certificated employee or a classified employee, whether full time or part
34 time, temporary or permanent, excluding elected members of the
35 Anchorage School Board.
36
37
38
39
40
41
42

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

3
4 N. *Municipality* means the Municipality of Anchorage, its legislative and
5 administrative components, including enterprise activities and authorities, the
6 Anchorage School District, and the school board.

7
8 O. *Organization* means any corporation, partnership, firm or association,
9 whether organized for profit or not-for-profit.

10
11 P. *Paid consultant* means a person who makes verbal or written inquiries on
12 behalf of another person or entity, advises another person or entity, reports the
13 status of matters to another person or entity, or otherwise confers with another
14 person or entity, for a fee.

15
16 Q. *Personal advantage of another* means the use of supervisory or other
17 work place status to leverage personal privileges outside the scope of another
18 person's official duties and responsibilities to the Municipality.

19
20 R. *Private interest* means an interest affecting, belonging, or accruing to an
21 individual or private entity as distinct from the public interest at large.

22
23
24 **Section 2.** Anchorage Municipal Code Chapter 1.25, Public Meetings, is amended to
25 read as follows:

26
27 **1.25.015 Notice of meetings.**

28
29 F. The board of ethics shall accept and consider complaints of violations of
30 this chapter and may recommend that corrective action be taken by the public
31 body [SANCTIONS AS STATED IN SECTION 1.15.150]. Upon a
32 recommendation of the board of ethics finding such a violation, the assembly, the
33 school board or the mayor may pursue the [THEIR] full range of corrective action
34 afforded in state law under AS 44.62.310, Open Meetings of Governmental
35 Bodies [DISCIPLINARY ACTION PROVIDED FOR UNDER THIS CODE].

36
37 G. Action taken or deliberated in a meeting which violates this chapter is
38 voidable. A body may correct such violation and take the same action
39 subsequently by repeating the entire deliberative and decision-making process in
40 public according to the provisions of this chapter. The board of ethics in making a
41 recommendation that the action be rendered void, and the assembly, school
42 board, and mayor in considering implementation of the board of ethics

1 recommendation, shall consider at least the factors that would be considered by
2 a court in making a determination under AS 44.62.310(f).

3
4 (AO No. 94-132, § 2, 8-25-94)

5
6 **Section 3.** Anchorage Municipal Code Chapter 2.30, Rules of Procedure for
7 Assembly, is amended to read as follows:

8
9 **2.30.070 Voting.**

10
11 A. No member of the assembly may vote or participate in any official action
12 of the assembly on any question in violation of Section 1.15.035 [1.15.030.A.4.]
13 The only question before the assembly in making such determination shall be:
14 Does the assembly member (name of member) have a substantial financial or
15 private interest in (the named matter/question) before the assembly? If the vote
16 on the question is in the negative, then the assembly member may fully
17 participate in all further proceedings on the decision or matter. If the vote on the
18 question is in the affirmative, then the assembly member shall not vote and shall
19 not participate in any further proceedings or decisions on the matter. It shall be
20 the duty of the assembly member disclosing the financial or private interest to
21 identify sufficient facts and circumstances to permit the assembly to exercise its
22 judgment in an informed manner.

23 *** *** ***

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

27
28 **Section 4.** Anchorage Municipal Code Chapter 2.35, Regulations of Lobbying, is
29 amended to read as follows:

30
31 **2.35.030 Exemptions.**

32
33 A. This chapter does not apply to

34 *** *** ***

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

39 *** *** ***

40
41 (AO No. 2000-68(S-1), § 1, 8-15-00)

42

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 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.

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(S).

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

Chair

ATTEST:

Municipal Clerk

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

AO 2006-140(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT SN VERSION - CODE OF ETHICS	DATE PREPARED 11/17/06	
		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	
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker, Assembly Counsel	HIS/HER PHONE NUMBER 343-4419	
3			
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	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 - OLD BUSINESS, 11.A.2.		
6	ASSEMBLY HEARING DATE REQUESTED 11/21/06	7	PUBLIC HEARING DATE REQUESTED 11/21/06

M.O.A.
 2006 NOV 17 AM 11:46
 CLERK'S OFFICE