

Reopened indefinitely
4/15/08

Submitted by: ASSEMBLY MEMBER SULLIVAN
Prepared by: Assembly Counsel
For reading: March 18, 2008

ANCHORAGE, ALASKA
AO NO. 2008-43

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE OF ETHICS, SECTION 1.15.020, PROHIBITED CONDUCT AND SECTION 1.15.035, ADDITIONAL PROVISIONS FOR ELECTED OFFICIALS, TO PROHIBIT ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES CURRENTLY ENGAGED IN CERTAIN MUNICIPAL AND SCHOOL DISTRICT BUSINESS REQUIRING RATIFICATION OR APPROVAL BY THE ELECTED BODY.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 1.15.020, Prohibited conduct, is hereby amended by adding a new subsection 1.15.020.A.11 to read as follows (*language indicating no amendment is included for context only*):

1.15.015 Scope.

*** *** ***

D. All persons who have filed for elected municipal office are subject to Section 1.15.020 Prohibited conduct.

(AO No. 2006-140(S-1), § 1, 1-1-07)

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:

*** *** ***

8. Accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties on a matter affecting the donor.

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11. Accept a campaign contribution in violation of restrictions under 1.15.035.O.4.

(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2007-74(S), § 1, 6-12-07)

Section 2. Anchorage Municipal Code section 1.15.035, Additional provisions for elected officials, is hereby amended by adding new subsections to read as follows (*language indicating no amendment is included for context only*):

1.15.035 Additional provisions for elected officials.

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

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4. A campaign contribution to an elected official or candidate for elective municipal office is allowed if the contribution otherwise complies with this chapter, including the restrictions of this subsection, and the laws and regulations applicable to municipal lobbying, elections and campaign disclosure.

a. Acceptance of campaign contributions by members and candidates for Assembly, from or on behalf of entities engaged in current municipal business requiring Assembly ratification under 3.70.130, is not allowed. The phrase "from or on behalf of entities" in subsection 1.15.035.O.4.a shall include the business agents, executive committee members, and corporate officers of the entities engaged in current municipal business requiring Assembly ratification under 3.70.130, and the immediate family members of each as defined under 1.15.110J, and to any political action committee with membership representative of an entity engaged in current business with the municipality.

b. Acceptance of campaign contributions by members and candidates for Assembly, from or on behalf of private individuals and entities engaged in current municipal business requiring Assembly approval under Title 25, Public Lands, is not allowed. The phrase "from or on behalf of individuals or entities" in subsection 1.15.035.O.4.b shall include individuals and the business owner(s), partners, and corporate officers of entities engaged in current municipal business requiring Assembly approval under Title 25, Public Lands, and the immediate family members of each as defined under 1.15.110J.

c. Acceptance of campaign contributions by members and candidates for School Board, from or on behalf of private individuals and entities engaged in current school district business requiring School Board approval under policies adopted under Charter Section 6.03, is not allowed. The phrase "from or on behalf of private individuals and entities" in subsection 1.15.035.O.4.c shall include individuals and the business owner(s), partners, business agents, executive committee members and corporate officers of entities engaged in current school district business requiring School Board approval under policies adopted under Charter Section 6.03, and the immediate family members of each as defined under 1.15.110J.

d. "Current municipal business" shall include all official action of the municipality, enterprise activities and authorities of the municipality, under solicitation, in current negotiation, or other active status that is subject to Assembly ratification under 3.70.130 or Assembly approval under Title 25, Public Lands. Compliance shall be determined as of the date of the campaign contribution.

e. "Current school district business" shall include all official action of the Anchorage School District under solicitation, in current negotiation, or other active status that is subject to School Board approval under policies adopted by the School Board under Charter Section 6.03. Compliance shall be determined as of the date of the campaign contribution.

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.

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(AO No. 2006-140(S-1), § 1, 1-1-07)

Section 3. Upon passage and approval, this ordinance shall become effective _____, 2008.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2008.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 183-2008

Meeting Date: March 18, 2008

From: ASSEMBLY MEMBER DAN SULLIVAN
Subject: AO 2008-43 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE OF ETHICS, SECTION 1.15.020, PROHIBITED CONDUCT AND SECTION 1.15.035, ADDITIONAL PROVISIONS FOR ELECTED OFFICIALS, TO PROHIBIT ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES CURRENTLY ENGAGED IN CERTAIN MUNICIPAL AND SCHOOL DISTRICT BUSINESS REQUIRING RATIFICATION OR APPROVAL BY THE ELECTED BODY.

In passing the Ethics Code effective January 2007, the Anchorage Assembly looked at the role of professional lobbyists. Restrictions are included under 2.35, Regulations of Lobbying, to prohibit elected officials from accepting campaign contributions from registered municipal lobbyists. AO 2008-43 is in furtherance of the same public interest to avoid, in both appearance and opportunity, the potential for conflict of interest when elected officials and candidates for elected office are permitted to accept campaign contributions from entities and individuals engaged in on-going business that requires ratification and approval by the Assembly or the School Board.

The three major areas of municipal business that require Assembly approval are public procurements under Title 7, labor agreements under Title 3, and land transactions under Title 25. Of these, public procurements have an in-place system of competitive public solicitation. During review and discussion of the Ethics Code effective January 2007, the interface between public procurements under Title 7 and the Ethics Code was examined and additional provisions were added to address areas of potential conflict. AO 2008-43 extends this examination to two additional areas of municipal business, and to business of the school district requiring school board approval.

Land transactions under Title 25 include land transactions by enterprise activities and authorities; active status includes on-going leases and labor agreements subject to Assembly approval, as well as municipal business in negotiation or under solicitation that will require Assembly approval under 3.70.130 or under Title 25. School district business covered by AO 2008-43 includes current school district business that by policy adopted under Charter Section 6.03, requires School Board approval.

As with the prohibition from accepting campaign contributions from registered municipal lobbyists, the potential for conflict, in both appearance and opportunity, will be avoided by prohibiting members and candidates for Assembly and School Board from accepting campaign contributions from entities and individuals actively engaged in current business with the elected body.

Respectfully submitted:

Dan Sullivan
Assembly Member, Section 3

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

AO 2008-43

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | | | |
|----------|--|-----------------|--|--|
| 1 | SUBJECT OF AGENDA DOCUMENT | | DATE PREPARED | |
| | CODE OF ETHICS 1.15.020, PROHIBITED CONDUCT | | 3/18/08 | |
| | & 1.15.035, ADDITIONAL PROVISIONS FOR ELECTED | | | |
| | OFFICIALS, TO PROHIBIT ACCEPTANCE OF CAMPAIGN | | Indicate Documents Attached | |
| | CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES | | ... <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM | |
| 2 | DEPARTMENT NAME | | DIRECTOR'S NAME | |
| | Assembly | | Dan Coffey, Assembly Chair | |
| 3 | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY | | HIS/HER PHONE NUMBER | |
| | Julia Tucker, Assembly Counsel | | 343-4319 | |
| 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 | | | |
| | LAID ON THE TABLE ITEM - CONSENT AGENDA-INTRODUCTION | | | |
| | | | | |
| | | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED | | PUBLIC HEARING DATE REQUESTED | |
| | 3/18/08 | | 4/15/08 | |