

## DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST – QUICK CARD

**STATEMENT:** [Assembly Member gets in the queue at a meeting to state] I would like to make a disclosure regarding a potential conflict of interest. *(It shall be the duty of the Assembly member to disclose any private interest in a public meeting and state the nature of the interest, including whether it is financial or personal, in sufficient detail to permit the chair or the other members of the body to determine if the private interest is substantial.)*

**CHAIR:** The Question before the Chair or the Assembly will be “Does Assembly Member [name of member] have a substantial private interest, including a financial or personal interest, in the matter to be described [describe matter,] before the Assembly?”

### *Duty and Procedure for Member Disclosure.*

1. Please provide a **detailed description** of the interest.
2. Is the interest **financial OR personal**? If the interest is financial, **what is the size** of the interest?
3. **Who holds the interest?** *(The description shall allow the body to determine if the interest applies to the person making the disclosure, an immediate family member, household member, an organization, or if the interest is possessed by the public or a large class of persons.)*
4. **When did the interest arise?** *(The description shall allow the body to determine whether the interest was in the past, is ongoing, or might arise in the future.)*
5. How does the matter before the body **impact the interest**? Specifically:
  - a) Is the interest a substantial part of the matter under consideration?
  - b) Does the impact on the interest directly vary with the outcome of the official action?
  - c) Is the impact on the interest immediate or conjectural and dependent on factors beyond the official action?
6. Do you believe your interest prevents you from placing the **public interest on the official action above your private interest**? Do you believe you **should be excused** from participation in the official action on this matter? *(The disclosing person’s belief that they should or should not be excused is a factor the body should consider but is not determinative and the decision rests with the body.)*

### *Procedure for the Chair.*

1. Do the other members have any questions for the member disclosing?
2. Evaluate the interest. Substantial conflicts of interest are prohibited. Interests that are large in size and direct in connection are substantial interests (prohibited conflicts of interest). Interests that are insignificant in size and remote/indirect in connection are not substantial interests (permissible conflicts of interest). The more significant the size of the interest, the less direct the connection needs to be to make the interest substantial.
3. The Chair rules on the disclosure:
  - **If the vote on the question is in the negative**, then the Assembly member may fully participate in all further proceedings on the decision or matter.
  - **If the vote on the question is in the affirmative**, then the Assembly member shall not vote and shall not participate in any further proceedings or decisions on the matter.

*For more detailed information, see previous page and reproduction of AMC 1.15.060.*

## DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

- I. **STATEMENT:** [Assembly Member gets in the queue at a meeting to state] I would like to make a disclosure regarding a potential conflict of interest.
- It shall be the duty of the Assembly member to disclose any private interest in a public meeting and state the nature of the interest, including whether it is financial or personal, in sufficient detail to permit the chair or the other members of the body to determine if the private interest is substantial.
- II. **CHAIR:** The Question before the Chair and the body is: Does Assembly Member [*name of member*] have a substantial private interest including a financial or personal interest that the member will describe, in a certain matter before the Assembly?
- III. **DISCLOSURE:** The Assembly Member makes the disclosure using the following rubric in AMC 1.15.060E – Duty and Procedure for Disclosure (full code reprinted below):
- **PRIOR TO** comment, deliberation, public hearing, or decision on any matter coming before the body, the member or official shall disclose in a public meeting the nature of the interest in sufficient detail to permit the other members of the body to determine if the private interest is substantial. The disclosure of the interest to the body shall include the following information:
    - **A detailed description of the interest.**
    - **Whether the interest is financial or personal. If the interest is financial, the disclosure shall include the size of the interest.**
    - **Who holds the interest? The description shall allow the body to determine if the interest applies to the person making the disclosure, an immediate family member, household member, an organization, or if the interest is possessed by the public or a large class of persons.**
    - **When did the interest arise? The description shall allow the body to determine whether the interest was in the past, is ongoing, or might arise in the future.**
    - **How does the matter coming before the body impact the interest, including:**
      - **whether the interest is a substantial part of the matter under consideration,**
      - **whether the impact on the interest directly varies with the outcome of the official action,**
      - **whether the impact on the interest is immediate or conjectural and dependent on factors beyond the official action.**
  - After disclosing the interest to the body, the disclosing person shall either
    - affirm to the body that they do not believe their interest prevents them from placing the public interest on the official action before the body above their private interest; or
    - inform the body of their belief that they should be excused from participation in the official action.

- The disclosing person's belief that they should or should not be excused is a factor the body should consider but is not determinative and the decision rests with the body.
- The member of the body making the disclosure shall not participate in the deliberations except to answer questions from the body on the interest, nor vote on whether the private interest is substantial.
- **The Chair, after disclosure, the Chair may do the following:**
  - Ask other members of the body if they have any questions of the member making the disclosure. The member of the body making the disclosure shall not participate in the deliberations except to answer questions from the body on the interest.... AMC 1.15.060E2:
  - *Understand Prohibited conflict of interest.* A public servant shall not participate in an official action in which the public servant has a substantial private interest. The determination of whether a private interest is substantial is determined based on the balancing of two factors:
    - a. Size: the significance of the private interest in financial amount or personal importance.
    - b. Connection: the link between the official action and the private interest.
  - *Evaluate the conflict.:* Interests that are large in size and direct in connection are substantial interests (prohibited conflicts of interest). Interests that are insignificant in size and remote/indirect in connection are not substantial interests (permissible conflicts of interest). The more significant the size of the interest, the less direct the connection needs to be to make the interest substantial. AMC 1.15.060D2-3:
  - If the conflict is with only a part of the action, the body may divide the question to avoid a conflict on a part of the official action but allow participation on the whole.
  - Exercise parliamentary authority by making an initial ruling on a disclosure of a private interest.
  - The decision of the presiding officer may be appealed to the body by a motion to challenge the ruling of the chair, followed by a second, requiring a majority vote of the body.
    - **If the vote on the question is in the negative**, then the Assembly member may fully participate in all further proceedings on the decision or matter.
    - **If the vote on the question is in the affirmative**, then the Assembly member shall not vote and shall not participate in any further proceedings or decisions on the matter.
- **Under circumstances not directly addressed under this section, the body is authorized to use its best efforts to apply a conflict analysis consistent with these rules. AMC 1.15.060E.2.f.** (For example, if the mayor is participating in a meeting as an Assembly member, the rules for disclosure, evaluation, and determination of the conflict apply per AMC 1.15.060E.3.)

**See AMC 1.15.060 Conflicts of Interest.**

- A. Interest. An “interest” is a commitment, obligation, duty, goal, or expected benefit.
- B. Private Interest. A private interest is an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public at large. Public servants are understood to possess their own interests as well as those of their immediate family, their household, and organizations in which the public servant has an ownership interest or, even if no compensation or profit accrues to them, serves as a director, officer, or employee. Private interests may include:
1. *Financial Interest* – the receipt or expectation of the receipt of a pecuniary benefit.
  2. *Personal Interest* –the receipt or expectation of the receipt of a benefit, including but not limited to a special privilege, contractual relationship, or promotion of a business or political interest.
- C. Official action: For purposes of this code, official action means participation in a process, including deliberation, in which a decision or recommendation is reached. Official action does not include:
1. Clerical or ministerial action on a matter. For purposes of this chapter, clerical or ministerial describes an act or duty that conforms to an instruction of prescribed procedure with limited or no use of judgment by the person performing the act or duty.
  2. Action on a matter that does not substantially evaluate or impact the merits of the recommendation or decision.
- D. Conflict of Interest. A conflict of interest is a conflict between the private interest of a public servant and the official responsibilities of the public servant in the context of an official action.
1. *Permissible conflict of interest*: A public servant may participate in an official action in which the public servant has a minor or inconsequential private interest. The assembly recognizes that in a representative democracy, public servants are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government. Standards of ethical conduct need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interest that are substantial and material.
  2. *Prohibited conflict of interest*. A public servant shall not participate in an official action in which the public servant has a substantial private interest. The determination of whether a private interest is substantial is determined based on the balancing of two factors:
    - a. Size: the significance of the private interest in financial amount or personal importance.
    - b. Connection: the link between the official action and the private interest.
  3. *Evaluation of the conflict*.: Interests that are large in size and direct in connection are substantial interests (prohibited conflicts of interest). Interests that are insignificant in size and remote/indirect in connection are not substantial interests (permissible conflicts of interest). The more significant the size of the interest, the less direct the connection needs to be to make the interest substantial.

E. Duty and Procedure for Disclosure. When a public servant has a potential conflict of interest, the public servant has a duty to disclose the interest for appropriate evaluation.

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2. *Board and Commission Members and Elected Officials:* Members and officials shall disclose potential conflicts of interest to the body:

a. **PRIOR TO** comment, deliberation, public hearing, or decision on any matter coming before the board, commission, or body (collectively referred to as “body”), the member or official shall disclose in a public meeting the nature of the interest in sufficient detail to permit the other members of the body to determine if the private interest is substantial. The disclosure of the interest to the body shall include the following information:

i. **A detailed description of the interest.**

ii. **Whether the interest is financial or personal. If the interest is financial, the disclosure shall include the size of the interest.**

iii. **Who holds the interest? The description shall allow the body to determine if the interest applies to the person making the disclosure, an immediate family member, household member, an organization, or if the interest is possessed by the public or a large class of persons.**

iv. **When did the interest arise? The description shall allow the body to determine whether the interest was in the past, is ongoing, or might arise in the future.**

v. **How does the matter coming before the body impact the interest, including:**

(A) **whether the interest is a substantial part of the matter under consideration,**

(B) **whether the impact on the interest directly varies with the outcome of the official action,**

(C) **whether the impact on the interest is immediate or conjectural and dependent on factors beyond the official action.**

b. After disclosing the interest to the body, the disclosing person shall either (i) affirm to the body that they do not believe their interest prevents them from placing the public interest on the official action before the body above their private interest; or (ii) inform the body of their belief that they should be excused from participation in the official action. The disclosing person’s belief that they should or should not be excused is a factor the body should consider but is not determinative and the decision rests with the body.

c. The member of the body making the disclosure shall not participate in the deliberations except to answer questions from the body on the interest, nor vote on whether the private interest is substantial.

d. If the presiding officer exercises parliamentary authority by making an initial ruling on a disclosure of a private interest, the decision of the presiding officer

may be appealed to the body for a majority vote. If the conflict is with only a part of the action, the body may divide the question to avoid a conflict on a part of the official action but allow participation on the whole.

- e. Following disclosure and a ruling by the chair or body, the jurisdiction of the Board of Ethics is limited to the sufficiency of the disclosure.
  - f. Under circumstances not directly addressed under this section, the body is authorized to use its best efforts to apply a conflict analysis consistent with these rules.
3. *Mayor:*
- a. When the mayor participates as a member of the assembly, the rules and conflict analysis set forth in this section shall apply.
  - b. In all other matters, an interest held by the mayor shall be disclosed to the Board of Ethics prior to official action for determination and instruction on management of the interest.
4. *Rule of necessity:* The Board or body may apply the rule of necessity when the body is legally required to act and it lacks enough members to take valid official action solely due to members being disqualified by a shared or substantially similar conflict of interest
5. *Finality of Ruling:* Participation in an official action in accordance with the terms of this chapter shall be considered ethical action in fulfillment of the duties of the public servant. A public servant may not be sanctioned for acting in compliance with the final determination of the appropriate decision maker.
6. *Certification of Election:* Notwithstanding paragraph E.2.c., an assembly member's candidacy in a municipal election does not preclude the assembly member's participation in certification of the municipal election or other matters relating to conducting a regular or special election, except for a recall election involving that member.

*Accessed via AO 2023-037, As Amended, 04/24/2023*

Motion	What to say	Can you interrupt the speaker?	Is a second needed?	Is it debatable?	Is it amendable?	Vote needed
Introduce business	"I move that..."	No	Yes	Yes	Yes	Majority
Amend	"I move that we amend..."	No	Yes	Yes	Yes	Majority
Suspend consideration	"I move that we table..."	No	Yes	No	No	Majority
Adjourn	"I move that we adjourn."	No	Yes	No	No	Majority
Make a complaint	"Point of privilege."	Yes	No	No	No	Chair decides
Postpone consideration	"I move we postpone the matter until..."	No	Yes	Yes	Yes	Majority
End debate	"I move the previous question."	No	Yes	No	No	2/3
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Make objection	"Point of order."	Yes	No	No	No	Chair decides
Request information	"Point of information."	Yes	No	No	No	None
Vote on a ruling by the Chair	"I appeal the Chair's decision."	Yes	Yes	Yes	No	Majority
Retake previously tabled matter	"I move we take from the table..."	Yes	Yes	No	No	Majority
Object to considering a matter	"I object to consideration of this question."	Yes	No	No	No	2/3
Reconsider a matter previously disposed of	"I move we reconsider our action relative to."	Yes	Yes	Depends on whether original motion was debatable	No	Majority
Ask for a vote by count to verify voice vote	"I call for a division of the house."	Must be done before new motion	No	No	No	None, bar objection by someone else
Consider something out of scheduled order	"I move we suspend the rules and consider."	No	Yes	No	No	2/3

The member needs to disclose and provide circumstances each time the issue comes up. For example, Meg Zaletel as Executive Director at the Anchorage Coalition to End Homelessness, sometimes received funding from the MOA, sometimes made recommendations to the MOA on how funding is spent, and sometimes the Coalition, through her staff, weighed in on a topic. Each time she would explain the circumstances and, if the Chair had ruled one way previously, she would let him know that. It's important to disclose circumstances each time because maybe the conflict is substantial in one situation but may not be in another situation.

Here is how it would go down:

Member A: I declare this potential financial or personal conflict and describe the relationships in detail.

Chair: Can ask clarifying questions if needed but then rules that there is a conflict and the member is excused from the room while the matter is being discussed and voted on; OR, the Chair rules that the financial or personal conflict is not substantial, and the member may participate and vote.

Member C: I appeal from the decision of the Chair.

Member D: Second

Chair: It is moved and seconded to appeal the decision of the chair that [repeat the decision]. The question is, Shall the decision of the chair be sustained? The debate rules on this motion are a little different. First, the chair has the opportunity to explain the decision of the chair that is being appealed. Then members may speak, but each member is limited to one chance to speak on this motion, not two. Then, at the end of discussion, the chair is again allowed to explain. Then the motion will be put to a vote.

The reason for the chair's decision is that . . .

Is there any discussion? [Pause]

We will now vote on the motion to appeal from the decision of the chair. This motion needs a majority vote.

All those in favor of sustaining the chair's decision, please say "Aye". [Pause] All those opposed to sustaining this decision, say "No". [Tie vote sustains the decision of the chair.]

The affirmative has it. The motion to sustain the decision of the chair passes. You have agreed with the decision of the chair and that decision will now go into effect.

Or

The negative has it. The motion to sustain the decision of the chair fails. You have not agreed with the decision of the chair and that decision has been overturned. We will now continue with . . .



**Article 4: OFFICERS.**

- A. Chair:** A Chair shall be elected to a one (1) year term by the Members every April or at any time membership changes by election or appointment. At the wish of the GBOS, this office may be held by two (2) elected Co-Chairs who will share in the duties enumerated in this Article. The duties of the Chair or Co-Chair are:
1. Preside over all GBOS meetings; and
  2. Call Special Meetings; and
  3. Notify Members and Secretary of the time, place, and date of all meetings; and
  4. Give input and vote; and
  5. Solicit from Members agenda items and develop monthly agenda; and
  6. Appoint Acting Chair or Co-Chair in his/her absence or conflict of interest; and
  7. Be proactive in working with MOA agencies and other Members; and
  8. Execute all documents requiring GBOS signature.

**Article 5: AREAS OF RESPONSIBILITY.**

- A.** The GBOS' defined Areas of Responsibility are as follows:
- a. Roads Maintenance
  - b. Utilities
  - c. Land Use
  - d. Parks and Recreation
  - e. Public Safety
  - f. Cemetery
  - g. Fire Department

Each of the five (5) individual Members shall "oversee" the Areas of Responsibility as delegated in Executive Session annually.

- B.** Selection of Areas of Responsibility will be based on seniority on the GBOS and will be chosen or assigned at the same time as election of the Chair or Co-Chair. In the case where seniority of members is equal and a decision cannot be reached, the Chair or Co-Chair may appoint.
- C.** Members are expected to attend Committee meetings, respond to community requests and report into the record at the Regular Meetings on their area of responsibility. The Supervisor overseeing the Fire Department, or their designee, is required to attend GFRI Board of Directors meetings.
- D.** Members are expected to advise on the MOA budgets related to their areas of responsibility. Members shall maintain reference information related to their areas of responsibility in an organized fashion and, where appropriate, shall pass this information on to their successor.