

Submitted by: ASSEMBLY MEMBERS GRAY-JACKSON,
DRUMMOND AND GUTIERREZ

Prepared by: Assembly Counsel

Initial reading of AO 2010-54: July 27, 2010

Meeting Date: September 14, 2010

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 9-14-10 ANCHORAGE, ALASKA

IMMEDIATE RECONSIDERATION

AO NO. 2010-54(S)

FAILED 9-14-10 ; VETOED 9-21-10 ; NO ACTION TAKEN 9-28-10

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE CODE SECTION 1.15.035 TO PROVIDE ADDITIONAL**
3 **RESTRICTIONS ON THE EMPLOYMENT OF ELECTED OFFICIALS FOR ONE YEAR**
4 **AFTER LEAVING MUNICIPAL SERVICE.**

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7
8 **Section 1.** Anchorage Municipal Code section 1.15.035 is hereby amended to read
9 as follows (*language indicating no amendment is included for context only*):

10
11 **1.15.035 Additional provisions for elected officials**

12 ***

13 P. *Restrictions on employment after leaving municipal service.*

- 14
15 1. An elected official who leaves municipal service may not, for one
16 year after leaving municipal service, represent, advise, or assist a
17 person for compensation regarding a matter that was under
18 consideration by the elected body during the elected official's period
19 of service. "Matter" includes a case, proceeding, application,
20 contract, or determination, and [BUT DOES NOT] includes
21 consideration of ordinances, resolutions, charter amendments,
22 other legislative measures and [OR] the adoption of administrative
23 regulations when [IF] consideration by the elected body was only in
24 the context of general application.

- 25
26 a. This restriction [DOES NOT] prohibits the municipality from
27 contracting with a former elected official to provide service
28 on a matter on behalf of the municipality for one year after
29 leaving municipal service unless the contract is competitively
30 bid and the purchasing officer determines in writing for
31 publication by the municipal clerk that the integrity of the
32 public solicitation process has not been adversely affected.

- 33
34
35 [b.] [THE ASSEMBLY OR SCHOOL BOARD MAY WAIVE
36 APPLICATION OF THIS RESTRICTION UPON
37 DETERMINATION THAT A PROPOSED ACTION BY A
38 FORMER ELECTED OFFICIAL IS NOT ADVERSE TO THE
39 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 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] with the municipality, except as an elected official. A person serving as a school board member for one year after leaving service shall hold no compensated employment with the Anchorage School District, except as an elected official [GOVERNING BODY ON WHICH THE MEMBER SERVED].
3. The mayor for one year after leaving mayoral office shall hold no compensated municipal [OFFICE OR] employment, except as an elected official [WHICH WAS CREATED, OR THE SALARY OR BENEFITS OF WHICH WERE SPECIFICALLY INCREASED DURING THE MAYOR'S LAST YEAR IN OFFICE].


(AO No. 2006-140(S-1), § 1, 1-1-07; AO No. 2008-78(S), § 1, 8-12-08)

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

PASSED AND APPROVED by the Anchorage Assembly this 14th day of September, 2010.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 498-2010

Meeting Date: September 14, 2010

1 **From:** ASSEMBLY MEMBER Gray-Jackson

2 **Subject:** AO 2010-54(S) — AN ORDINANCE OF THE ANCHORAGE
3 **MUNICIPAL ASSEMBLY AMENDING ANCHORAGE CODE SECTION 1.15.035 TO**
4 **PROVIDE ADDITIONAL RESTRICTIONS ON THE EMPLOYMENT OF ELECTED**
5 **OFFICIALS FOR ONE YEAR AFTER LEAVING MUNICIPAL SERVICE.**
6

7 AO 2010-54(S) further amends AMC 1.15.035P to clarify that the proposed prohibition
8 against municipal elected officials holding compensated municipal employment within
9 the first year of leaving office does not prohibit an elected official from being elected to
10 and serving in another elected position.
11

12
13
14 **Respectfully submitted:**

15
16
17 Elvi Gray-Jackson
18 Assembly Member, Section 4
19

no action taken 9/21/10



MUNICIPALITY OF ANCHORAGE

OFFICE OF THE MAYOR

MEMORANDUM

M.O.A.
2010 SEP 21 PM 3:33
CLENDS OFFICE

DATE: September 21, 2010

TO: Anchorage Assembly
Dick Traini, Assembly Chair

FROM: Mayor Daniel A. Sullivan

Handwritten signature of Daniel A. Sullivan in cursive.

SUBJECT: VETO OF AO 2010-54(S)

Pursuant to the authority vested in me by Charter section 5.02(c), I hereby veto Anchorage Ordinance No. 2010-54(S), an ordinance amending Anchorage Municipal Code section 1.15.035 to provide additional restrictions on the employment of elected officials.

This code change has consequences that serve no public purpose. Many positions in the municipality and school district have no policy-making function or influence on municipal contracting. For example, there is no apparent conflict of interest, or corrupting effect, or wholesale distrust in government that is resolved or prevented by prohibiting former assembly members or school board members from working for the school district as a Noon Duty or Kindergarten Aide at an elementary school for a year after they leave office.

This code change prohibits former Assembly and School Board members from working on matters that involve even the most routine and generic subjects, some of which could be decades old. For instance, a non-profit could not pay an Assembly member to assist it or advise it on interpreting a section of Code, even if the Assembly considered the Code section more than nine years ago. This appears to be prohibited even if the non-profit is not even appearing before the Assembly. There is no apparent justification in prohibiting this kind of work. There is no finding in the record that this new level of government control addresses some former or present ill.

To the extent possible, Code revisions should be clear and concise. This ordinance does not begin to meet the test. For instance, this ordinance creates a prohibition in AMC 1.15.035P.3 that says the Mayor shall hold no compensated municipal office for one year after leaving office, except as an elected official. However, AMC 1.15.035H, regarding independent contracting, states "For the mayor, the provisions in 1.15.025 specific to the mayor apply." And, AMC 1.15.-025G, *Restrictions on employment after leaving municipal service*, states at subsection 2., "The restrictions on employment after leaving municipal service applies to the mayor as an elected official under 1.15.035." It appears circular to have a code section refer to another code section, which then refers the reader back to the original code section. This is, simply put, not good policy.

We are all served by clear and concise ethics codes. However, the public we serve and the staff we employ, including elected officials, should be able to readily follow the guide and not be burdened with laws that are confusing and overbearing.