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Submitted by: ASSEMBLY MEMBER Drummond
Reviewed by: Assembly Counsel
For reading: April 13, 2010

**ANCHORAGE, ALASKA
AR NO. 2010-126**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REQUESTING AN
ADVISORY OPINION FROM THE ETHICS BOARD WITH REGARD TO ACTIONS BY
THE ASSEMBLY UNDER AR 2010-33 APPROPRIATING ONE HUNDRED NINETY
THREE THOUSAND DOLLARS (\$193,000.00) FOR DISBURSEMENT TO THE
GEORGE M. SULLIVAN IRREVOCABLE LIFE INSURANCE TRUST.**

WHEREAS, the Anchorage Assembly was presented with AM 76-2010 and accompanying AR 2010-33 to appropriate One Hundred Ninety Three Thousand Dollars (\$193,000.00) from the Areawide General Fund (Fund 101) for disbursement to the George M. Sullivan Irrevocable Life Insurance Trust; and

WHEREAS, the payout of \$193,000.00 in public funds for life insurance without a life insurance policy in place has raised many concerns in the mind of the public and one or more Assembly Members; and

WHEREAS, it is the intent of the Assembly to follow the law and the Code of Ethics in its decision-making; and

WHEREAS, after Assembly approval of AR 2010-33 on February 16, 2010, the Department of Law supplemented the representations set out in AM 76-2010 and the recital sections of AR 2010-33 with the final report dated March 22, 2010 from the Department of Law; and

WHEREAS, the Ethics Board issued Advisory Opinion 2010-1 dated March 23, 2010 in response to a request submitted by Mayor Dan Sullivan; and

WHEREAS, the Department of Law Report dated March 22, 2010 and Advisory Opinion 2010-1 are included under AIM 40-2010; and

WHEREAS, in follow-up to submissions to the Ethics Board by the Municipal Clerk on behalf of the Assembly, the Chair of the Ethics Board has responded with clarification that if the Assembly is requesting an advisory opinion with regard to its actions, and whether a Resolution is consistent with the Ethics Code, the Assembly should make the request formally to the Board for an Advisory Opinion; and

WHEREAS, actions referenced in the Department of Law Report dated March 22, 2010 predate amendments to Charter §5.08 approved by the voters effective June 1, 1995, governing the authority of the Commission on Salaries and Emoluments, and also predate the Code of Ethics passed and approved by the Assembly effective January 1, 2007; and

1 WHEREAS, advisory opinions of the Ethics Board promote preventive instruction
2 and advice, and can assist the Assembly in determining if additional code provisions are
3 necessary for future application; and
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5 WHEREAS, an advisory opinion of the Ethics Board in review of Assembly
6 actions under AR 2010-33 will assist the Assembly in learning from this experience and
7 serve as a guide for Assembly action in the future;
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9 NOW, THEREFORE, the Anchorage Assembly resolves:

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11 **Section 1:** The Ethics Board is requested to review AM 76-2010, AR 2010-33,
12 and the actions and inactions reviewed in the Department of Law Report dated
13 March 22, 2010 for an advisory opinion on whether Assembly Resolution 2010-
14 33 and Assembly Memorandum 76-2010, and the actions referenced or
15 requested as presented therein, are consistent with the Ethics Code, passed and
16 approved by the Assembly effective January 1, 2007.
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18 **Section 2:** The Ethics Board is requested to determine in the advisory opinion
19 whether the Assembly's actions with respect to approving an appropriation of
20 \$193,000.00 for disbursement to the George M. Sullivan Irrevocable Life
21 Insurance Trust on February 16, 2010, are consistent with the Ethics Code
22 passed and approved by the Assembly effective January 1, 2007.
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24 **Section 3:** If there are gaps in the Ethics Code bearing on the presentation of
25 AM 76-2010 or AR 2010-33 or the Assembly's actions in this matter, the Ethics
26 Board is requested to identify any additional Ethics Code provisions that the
27 Assembly would need to adopt to clarify and strengthen existing provisions.
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29
30 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
31 _____, 2010.
32

33 _____
34 Chair

35 ATTEST:

36 _____
37 Municipal Clerk
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