

How the Anchorage Ethics Code Interacts with the Alaska Open Meetings Act and SB 15

Embedded within the Ethics Code of the Municipality of Anchorage is reference to AS 44.62.310, the Open Meetings Act.

When residents of Anchorage make complaints to the Board of Ethics in Anchorage, the board assesses those complaints and may make recommendations that action be taken. Corrective action is limited to that which is afforded in state law under the Open Meetings Act.

Alternatively, Anchorage residents could file suit in superior court against the governmental body that they allege violated the Open Meetings Act, bypassing the municipality's Board of Ethics.

SB 15 would give Alaskans a third route to submit a complaint—specifically a civil complaint—through the Alaska Public Offices Commission that names elected or public officials individually. If found in violation of the Open Meetings Act, the Commission can assess a penalty of up to \$1,000.

The Anchorage Board of Ethics has been contacted regarding the procedure when there are duplicate complaints—submitted to the state and the municipality—regarding the same violation.

See below for exact language from the Anchorage Code of Ordinances.

Municipality of Anchorage, Code of Ordinances

TITLE 1 – General Provisions

Chapter 1.25 – Public Meetings

1.25.010 - Public meetings generally.

All meetings of the assembly, the school board and other boards and commissions shall be public as provided in Charter section 17.05.

F. The board of ethics shall accept and consider complaints of violations of this chapter and may recommend that corrective action be taken by the public body. Upon a recommendation of the board of ethics finding such a violation, the assembly, the school board or the mayor may pursue the full range of corrective action afforded in state law under AS 44.62.310, Open Meetings of Governmental Bodies.

G. Action taken or deliberated in a meeting which violates this chapter is voidable. A body may correct such violation and take the same action subsequently by repeating the entire deliberative and decision-making process in public according to the provisions of this chapter. The board of ethics in making a recommendation that the action be rendered void, and the assembly, school board, and mayor in considering implementation of the board of ethics recommendation, shall consider at least the factors that would be considered by a court in making a determination under AS 44.62.310(f).