

Paper: Anchorage Daily News (AK)  
Title: New ethics rules raise questions - ASSEMBLY: Revised code hazy on certain situations, members say.  
Author: ANNE AURAND  
Anchorage Daily News  
Staff  
Date: May 30, 2005  
Section: Alaska  
Page: B1

Was it ethical under the city's rules for Chris Birch to serve on the Chugach Electric Association board after being elected to the Anchorage Assembly? Was it ethical for Assemblyman Dan Coffey, an attorney, to meet with top city officials on behalf of a club owner who had a beef with a city inspector? Those real-life questions are not clearly answered in a proposed rewrite of the city's code of ethics.

The city's five-member Board of Ethics has been revising the code to try to make it easier to use, and they introduced it to the Assembly at its last meeting. It still needs some work, some Assembly members say.

Whether the proposed ethics law is more or less restrictive than the current one depends on the situation.

In Birch's and Coffey's cases, the proposed rules appear to be looser -- neither action would be barred. Both cases raised questions under the current code.

But when it comes to accepting gifts, cash or lunches, the new version is tougher.

Assembly members are expected to amend the proposed code of ethics before it's approved, which is expected in July.

"I suspect you'll see a stricter code than even the ethics board had envisioned," Assemblyman Dick Traini said.

The proposal more clearly explains the purpose of the ethics law: to set standards for public officials and employees, and to establish a process for receiving and investigating complaints so citizens can trust their government. The

revision also includes a new educational program to advise those affected by the ethics law.

Birch was elected to the Assembly in April after serving nine years on the Chugach Electric board. The existing ethics code prohibits Assembly members from sitting in a voting capacity on such boards if the organization -- Chugach Electric in this case -- receives funding from the city.

The new version knocked out the section about service on boards and commissions. Birch's situation may fall under "disclosure of potential conflicts and financial interests" in the proposed law, said ethics board chairman Rick Benjamin. It says such involvements are allowed but must be disclosed.

Assemblyman Allan Tesche said the proposal may need to more clearly address dual board services.

Someone filed an ethics complaint against Birch because of his Chugach position. The board agreed to consider the case.

Birch said Chugach gets money from the city only through payments for service, not grants or gifts. Benjamin said the case would probably be dropped.

Birch said he would rather it proceed because he wants to prove he didn't do anything wrong. He has since resigned from the Chugach board, saying the Assembly demands too much time.

However, a legal opinion to the Chugach board also determined that Birch's election to the Assembly made him ineligible to continue on the Chugach board because he's linked with city-owned Municipal Light and Power, a potential competitor. Birch said he thinks that legal opinion could be challenged.

In the Coffey case, city officials were threatening to revoke permits a club owner needed to throw a dance party, after allowing similar parties before. The dispute came up one day before the party. Coffey said the invitations had been sent and money invested.

Coffey called on the city manager and city attorney to urge the city to grant the permit. In his view, that was a proper way to straighten out the mess, which he said was caused by a muddled permitting system.

The existing ethics code says that an assemblyman can't represent private interests "before the assembly, school board or other municipal board, commission or agency."

Coffey said he'd like the new code to define "agency." He said he thinks "agency" does not apply to the attorney and the city manager. But the new proposal dropped the section about Assembly members representing private interests.

"I think it makes it possible for him to do what he did," Benjamin said.

Coffey would have to disclose whom he worked for, which he is already required to do as an assemblyman, and that should satisfy the public interest, Benjamin says. He also said this example might benefit from more discussion and clarification.

The ethics board discussed Coffey's situation. The board decided not to go after Coffey, Benjamin said, because Coffey cured his conflict: He said he did not take money from his client for the meeting with officials, and he also told the client he could no longer be his attorney.

"Ethics boils down to a lot of common sense," Benjamin said. Coffey's situation should fall in that common-sense category, he said.

Assemblyman Dan Sullivan said he'd generally prefer to have clear prescriptive guidelines, to remove any question about what's appropriate.

He likes the more specific, stricter language about gifts. It defines acceptable gifts to elected or appointed officials and public employees, how much they can be worth and how many times a year someone can buy an official lunch.

For instance, it would be a misuse of office to accept a gift from a member of the public worth more than \$50. And even then, the gift must be shared with the office or work group, displayed in the workplace or donated to charity.

And it would be against the rules to accept more than four meals from any one source in a year.

This could limit the number of times lobbyists take Assembly members out to lunch, Traini said.

Even though state and city laws guide open-meetings laws, Traini said the Assembly might interject something in the ethics code to say that an open-meetings violation is also an ethical violation.

It's important that government officials are trusted, he said, and a good ethics law can foster that trust. Assembly members are accessible to Anchorage residents, Traini said, and they make rules that affect people's daily lives.

The Assembly's first work session on the new ethics code is scheduled for June 24.

Daily News reporter Anne Aurand can be reached at [aurand@adn.com](mailto:aurand@adn.com) or 257-4591.