

**NORTH SLOPE BOROUGH ORDINANCE  
SERIAL NO. 88-4-3**

AN ORDINANCE AMENDING NORTH SLOPE BOROUGH MUNICIPAL CODE CHAPTER 2.22, CODE OF ETHICS, SECTION 2.22.045, ADDITIONAL PROVISIONS FOR ELECTED OFFICIALS

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North Slope Borough Code Chapter 2.22, Code of Ethics, is hereby amended as follows:.

CHAPTER 2.22  
CODE OF ETHICS

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**2.22.005 - TITLE OF CHAPTER.**

This chapter may be cited and referred to as the Code of Ethics.

**2.22.010 - PURPOSE AND INTENT.**

- (A) Holding public office or employment is a public trust. The proper functioning of democratic government requires ethical behavior by elected and appointed public officials and employees. Ethical behavior involves the commitment to take individual responsibility in creating a government

that has the trust and respect of its citizens. All who serve the North Slope Borough have a solemn responsibility to avoid improper conduct. It is the resolve of the assembly that employees of the North Slope Borough and corporate authorities owned by the North Slope Borough, appointed members of a Borough Board, commission or authority, and elected officials adhere to the highest levels of ethical conduct to preserve the integrity of the governmental process and avoid conflicts of interest.

- (B) The purpose of this code of ethics is to set clear and reasonable standards of conduct for these public officials and employees, to give public officials and employees guidance in identifying and resolving potential conflicts, to establish a process for receiving and investigating notifications of potential violation of ethical conduct, and to promote understanding of the standards appropriate to public employees and those holding public office.
- (C) It is not the intent of this chapter to set unreasonable barriers that will serve to deter qualified persons from entering or remaining in public service, but rather it is recognized that the North Slope Borough is a sparsely populated, isolated community with a limited population from which to draw its leaders and employees. These factors are to be considered in the construction and application of these provisions. The assembly further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government. Officials, executives, and employees of the North Slope Borough retain their rights to interests of a personal or financial nature. Standards of ethical conduct for officials, executives, and employees of the North Slope Borough need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society governed by a representative democracy, and those conflicts of interest that are substantial and material.
- (D) The assembly intends this code to be interpreted to promote fair, honest, and impartial dealings with members of the public, to ensure proper use of Borough resources, and to avoid conflicts of interest. Unethical conduct is prohibited, but there is no substantial conflict if, as to a specific matter, the personal or financial interest of the official, executive, or employee in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the official, executive, or employee of the North Slope Borough belongs. Nor is there substantial conflict if the action or influence would have only insignificant or conjectural effect on the matter. This chapter is also intended to establish a process to ensure that complaints or inquiries regarding the conduct of elected and appointed officials are resolved in the shortest practicable time in order to protect the rights of the public at large and the rights of the officials.
- (E) Where provisions of this chapter differ from the common law principle that an appearance of impropriety alone is sufficient to establish a conflict of interest or an ethical violation, the provisions of this chapter supersede the common law.
- (F) The mayor, assembly, and the Board of Ethics shall be guided by this section when implementing the provisions, and making determinations under the code of ethics.
- (G) It is the intent of the assembly that nothing in this chapter be interpreted to create a private cause of action against an official, executive, or employee of the North Slope Borough, or a corporate authority owned by the North Slope Borough.

#### **2.22.015 – FINDINGS.**

The Assembly finds that:

- (A) Traditional communities of the Borough are isolated, rural, small in population and dependent on the Borough for their cash economy and the jobs that drive that economy;
- (B) The majority of the public in the Borough hold unmarketable shares in village or regional corporation;
- (C) Since a native shareholder in a village or regional corporation established under ANCSA generally cannot market or otherwise insulate himself from his shares, he cannot establish a blind trust to avoid a conflict of interest which involves his shares;

- (D) Most public officials of the Borough, either directly or through their family members, hold shares in a village and a regional corporation doing business on the North Slope and active in the cash economies of traditional communities of the Borough;
- (E) To require public officials to abstain from voting on a public issue that might or will benefit a regional or village corporation would often times undermine the Assembly's and Borough Boards' and commissions' ability to function because a majority and sometimes all members would be prohibited from voting;
- (F) To require the Mayor to abstain from deciding a public issue that might or will benefit a regional or village corporation would often times undermine the offices' ability to function because historically the Mayor has owned regional and village corporation shares and those qualified to act as Mayor work at the pleasure of the Mayor and will likely own shares in a regional and village corporation.
- (G) That public officials announce that they are a Board member, officer or manager of an organization prior to voting on a sole source contract, permit or other action with potential economic benefit to such organization and ask to be excused from voting on the matter. The applicable chair and body will answer the request to be excused from voting in compliance with NSBMC Section 2.22.080.

**2.22.020 - SCOPE.**

- (A) Persons included within the scope of this chapter are:
  - (1) Employees of the North Slope Borough, a corporate authority owned by the North Slope Borough; and
  - (2) Members of the public appointed to serve on a public body of the North Slope Borough, including without limitation a Borough commission, Board, committee, or authority, whose appointment is subject to confirmation by the assembly; and
  - (3) Elected officials of the North Slope Borough.
- (B) All persons within the scope of this chapter are prohibited from the use of public position for personal gain and section 2.22.030 sets out 11 specific prohibitions for all persons holding a public position under this chapter. In sections 2.22.035, 2.22.040, and 2.22.045, this chapter sets out additional coverage applicable to each covered group.
- (C) The mayor holds a public position within the scope of this chapter and section 2.22.030. The mayor is an elected official under this chapter unless specifically excluded from a provision of 2.22.045. When a provision governing municipal employees is also applicable to the mayor under 2.22.035, the subsection specifically references the mayor for clarity.
- (D) All persons who have filed for elected Borough office are subject to Section 2.22.030 Prohibited conduct.

**2.22.030 - PROHIBITED CONDUCT.**

- (A) These actions are in conflict with the public interest and therefore no person included within the scope of this chapter shall:
  - (1) Solicit, offer or receive money or other thing of value in return for a vote, a Borough management decision, or the exercise of the person's official duties, except the compensation, expenses, benefits, or other remuneration paid by the North Slope Borough.
  - (2) Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person by the North Slope Borough.
  - (3) Offer or accept any money or other thing of value for or in consideration of the use of the person's public position to obtain a contract for any person or business with the North Slope Borough.

- (4) Use information peculiarly within the public official's knowledge or purview concerning the property, government or affairs of the Borough to advance the personal interest of the public official or immediate family members;
  - (5) Disclose or release confidential information gained through the person's public position unless authorized by law or order of the court.
  - (6) Use the person's Borough position to take personal advantage of another.
  - (7) Divert or permit the diversion of Borough personnel time, Borough services, vehicles, equipment, materials or other property for a purpose unrelated to Borough business. Occasional use of Borough resources, employee participation in community service events, and employee charitable fundraising are not prohibited by this subsection and are outside the jurisdiction of the ethics Board if duly authorized by the assembly or in writing by the mayor or the mayor's designee. If a current Borough employee or elected official is a candidate for elected Borough, state, or federal office, any engagement in campaigning or fundraising for elected office while on paid travel status for the North Slope Borough shall be disclosed by trip report. The travel expense payable under Borough travel regulation, including airfare, shall be adjusted and the candidate shall be responsible for the greater of
    - a. The pro rata share of travel expense attributable to the time spent campaigning or fundraising for elected public office; or
    - b. The adjustment made for personal travel by a non-candidate while on authorized Borough travel, if any.
  - (8) Accept any form of gift, loan or gratuity in exchange for the performance of the public official's duties other than the compensation and benefits provided by the Borough, except as otherwise provided in this code.
  - (9) Accept gifts from persons on a basis so frequent as to raise an appearance of the use of the person's public position for private gain.
  - (10) State or suggest to another person that official action or vote on any Borough matter is conditioned on the retention or non-retention of services, including without limitation, professional services, construction, and the procurement of supplies, from another person or entity. Statements made during official proceedings, including committee meetings and work sessions, of the Assembly, an elected service Board, or an appointed public body of the North Slope Borough are outside the scope of this prohibition.
  - (11) Aid another public official of the Borough in a violation of this chapter.
- (B) Nothing in this section 2.22.030 is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to Borough employees, appointees and elected officials under this chapter.

**2.22.035 - ADDITIONAL PROVISIONS FOR BOROUGH EMPLOYEES.**

- (A) *Employees of the North Slope Borough.* Borough employee means:
- (1) All persons employed by the North Slope Borough or a corporate authority owned by the North Slope Borough, whether full time or part time, temporary or permanent, but excluding elected officials covered under section 2.22.045 and excluding members of the public serving as members of an appointed public body of the North Slope Borough covered under section 2.22.040; and
  - (2) The mayor, if specifically stated.
- (B) *Substantial financial or private interest.* A Borough employee shall not participate in an official action in which the employee or a member of the employee's immediate family has a substantial financial or private interest. A Borough employee shall disclose in narrative form to the designated ethics officer, the employee's financial or private interest in official action and the financial or private interest of any

member of the employee's immediate family as defined in 2.22.140, if the employee's duties could influence the official action.

- (1) Whether the Borough employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the designated ethics officer with evaluation of these factors:
    - (a) Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;
    - (b) Whether the financial or private interest varies directly and substantially with the outcome of the official action;
    - (c) Whether the financial or private interest is significant monetarily;
    - (d) Whether the public disclosure requirements applicable to Borough employees under this chapter have been fully met;
    - (e) Whether public disclosure of the Borough employee's financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.
  - (2) The determination of the designated ethics officer shall be filed with the Borough clerk as a public record and a copy provided to the Board for review.
  - (3) The potential for conflict of interest presented by a financial or private interest held by the mayor shall be disclosed prior to action to the Board of Ethics for determination and management of the potential for conflict of interest under the factors of 2.22.035(B)(1).
  - (4) A complaint to the Board of Ethics for conflict of interest based on substantial financial or private interest in official action by a Borough employee shall be filed as a notice of potential violation under 2.22.090.
- (C) *Contemporaneous service and employment.* A Borough employee shall not render services to, or accept employment with, persons or organizations other than the North Slope Borough, if the contemporaneous service or employment is incompatible or in conflict with the proper discharge of the employee's Borough duties. Contemporaneous service or employment shall not adversely affect the employee's availability, productivity, or independence of judgment in performing Borough duties.
- (1) A Borough employee shall not use facilities, equipment, data, or supplies of the North Slope Borough to support an employee's personal endeavors, including contemporaneous service or employment, except to the extent the general public has the same access to use.
  - (2) A Borough employee shall not engage in activities related to contemporaneous service or employment during scheduled work hours. Minor and inconsequential personal telephone and computer privileges, when allowed under applicable personnel policy and practice, shall not be abused or diverted to support contemporaneous service or other employment.
  - (3) Full time temporary and regular Borough employees engaging or intending to engage in contemporaneous service or employment outside scheduled work-hours shall notify the administrative supervisor in writing. Personnel rules and policies applicable to the various classifications and types of Borough employees shall provide for disclosure, administrative review, and management of potential conflicts of interest in contemporaneous employment. 2.22.035
  - (4) The mayor holds a full-time position of employment with Borough authority presumed incompatible and in conflict with serving as an employee to another person or entity.
    - (a) If due to specific circumstances or unfairness, the mayor seeks relief from this presumption, the mayor shall present the circumstances and proposal for management of the potential conflict of interest to the Ethics Board for an advisory opinion.

- (b) Absent factors that clearly present a potential for adversely affecting the mayor's availability, productivity, or independence of judgment in performing Borough duties, a financial interest or corporate office, held by the mayor in a business or economic enterprise managed by others is not other employment under this chapter and the presumption does not apply.
  - (c) The mayor's request and the Board's advisory opinion to the mayor are public records.
- (D) *Disclosure of present economic interest in a Borough contract.* Within 30 days of hire, a Borough employee having an economic interest in a Borough contract shall submit a written disclosure to the Borough clerk, signed by the department director or designee and the designated ethics officer. A copy shall be retained by the department in a file of disclosures open to the public. The disclosure of present economic interest shall include any economic interest in a contract with the North Slope Borough, or in an organization or enterprise engaging in business with the North Slope Borough, held by the employee or a member of the employee's household. The disclosure shall be in the form prescribed by the Borough clerk and include:
  - (1) Identification of the Borough contract; the date the Borough employee or Immediate Family Member, as defined in 02.22.140, acquired the interest; the amount of the economic interest held in the contract by the Borough employee or a member of the employee's household. The disclosure shall include a description of any opportunity for official action the employee would have regarding the Borough contract and the preventive measures that shall be taken to manage any potential for conflict of interest.
  - (2) The name of each organization or enterprise engaging in business with the North Slope Borough, both for profit and not-for-profit, in which the Borough employee or a member the employee's household has an economic interest or is a director, officer or employee and the title of the position held. The certification shall include a description of any responsibility the Borough employee could exercise regarding the entity engaging in business with the North Slope Borough and the preventive measures that shall be taken to manage any potential for conflict of interest.
  - (3) Confirmation by the department director or designee and the designated ethics officer that the potential for conflict of interest has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the disclosure.
  - (4) If the mayor's current financial disclosure statement as filed under state law with the Alaska Public Offices Commission (APOC) and filed with the Borough clerk by elected officials under section 2.22.045 of this chapter includes all disclosure required by this subsection under 2.22.035, a separate filing under 2.22.035 is not required. The Board will review the mayor's disclosure of present economic interest in a Borough contract and confirm in writing that either no potential for conflict exists or that the preventive measures described by the Board are required to manage the potential for conflict.
- (E) *Acquisition of an economic interest in Borough contracts and business.* No Borough employee or member of the employee's household shall acquire directly or indirectly an economic interest in a Borough contract or engage in business with the North Slope Borough unless the Borough contract is competitively solicited and all other requirements of this chapter are satisfied. This prohibition applies in all respects to any entity in which the employee or household member has an economic interest.
  - (1) A Borough employee shall timely file notice of intent to respond to a public solicitation in such form as the Borough clerk may prescribe for electronic publication and posting under 2.22.060. To be timely for publication, the notice shall be filed in advance to allow a minimum period of seven calendar days to elapse between electronic publication by the clerk and the final date for submitting a response to the solicitation. The Borough employee shall file a copy of the notice with the purchasing officer or other Borough official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be

filed for each solicitation unless the Board has specifically approved the filing of a periodic notice by the Borough employee. In its sole discretion, the Board may approve the filing of a periodic notice, on no less than an annual basis, upon application by the employee demonstrating that the nature of the work and relationship between the Borough employee and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.

- (2) The notice of intent to respond to a public solicitation is in addition to any personnel provisions addressing administrative notification to the director of Human Resources by employees intending to do business with the North Slope Borough.
- (3) If the Borough employee's notice is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other Borough official responsible for the procurement by no later than the deadline for responding to the solicitation, the disclosure shall be deemed invalid and the offer proposed by the Borough employee in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the Borough employee.
- (4) The notice of intent to respond to a public solicitation shall disclose the following information:
  - (a) Nature of the business;
  - (b) Relationship between the employee and the business interest, including percentage of ownership;
  - (c) North Slope Borough entity issuing the solicitation;
  - (d) Solicitation number and submission deadline;
  - (e) North Slope Borough entity for which the employee works;
  - (f) Whether the Borough employee or immediate family member as defined in 2.22.140 serves in a position that could influence official action with respect to development of the solicitation, award or administration of the contract, and what, if any, preventive measures shall be taken to manage the potential for conflict.
- (5) Award of a Borough contract shall not be made to a person or entity governed by 2.22.035 unless:
  - (a) Neither the Borough employee nor a member of the employee's immediate family works for the administrative department awarding or administering the contract; and
  - (b) Neither the Borough employee nor a member of the employee's immediate family as defined in 2.22.140 takes any official action with respect to preparation of the solicitation, award or Borough administration of the contract; and
  - (c) The Borough employee does not in fact or appearance attempt to influence the award by actions of the employee or through the actions of others; and
  - (d) The Borough employee has provided to the purchasing officer or other Borough official responsible for the procurement and the Borough clerk proper and timely notice of intent to respond to a public solicitation; and
  - (e) The employee's administrative supervisor and the designated ethics officer confirm in writing that they have each reviewed the Borough employee's notice and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures as confirmed in writing; and
  - (f) The purchasing officer or other Borough official responsible for the procurement confirms in writing in the form prescribed by the Borough clerk that the integrity of the public solicitation process is not adversely affected.
  - (g) Upon award, the notice of intent with supplemental confirmations shall be filed with the Borough clerk for retention in a file open to the public.

- (6) The mayor holds a full time position with Borough responsibilities presumed incompatible and in conflict with acquiring an economic interest in Borough business or a Borough contract. The presumption may be overcome by advisory opinion of the Board. If due to specific circumstances or unfairness, the mayor seeks relief from this presumption, the mayor shall present the circumstances and proposal for management of the potential conflict of interest to the ethics Board for an advisory opinion. The mayor's request and the Board's advisory opinion to the mayor under this subsection are public records.
- (F) *Prior employment.* A Borough employee shall not take or participate in official action on matters affecting a former employer for a period of one year from the date of termination of the prior employment. In the special circumstance presented by mayoral action within the first year of assuming office on matters affecting a mayor's former employer, the conflict shall be disclosed to the Board and assembly; assembly approval shall be required on the official action.
- (G) *Restrictions on employment after leaving Borough service.* A Borough employee who leaves Borough service may not, for one year after leaving Borough service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by the Borough employee, if the Borough employee participated personally and substantially in the matter through the exercise of official action. In this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, draft legislative measures, or the adoption of administrative regulations if consideration by the Borough employee was only in the context of general application.
- (1) This restriction on employment after leaving Borough service does not prohibit the North Slope Borough from contracting with a former Borough employee to provide service on a matter on behalf of the North Slope Borough.
  - (2) The restriction on employment after leaving Borough service applies to the mayor as an elected official under 2.22.045.
  - (3) The assembly may waive application of this restriction upon determination that a proposed action by a former Borough employee is not averse to the public interest. The waiver shall be by formal action and a copy shall be provided to the Board of Ethics.
- (H) *Gifts.*
- (1) Definition: A "gift" is an item of value provided to a Borough employee, including but not limited to money, cash equivalents, services, discounts, meals, and entertainment.
  - (2) General rule: A Borough employee may not accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official Borough duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official Borough duties.
  - (3) Safe harbors: Unless other factors of influence are present, an employee may accept the following items:
    - (a) An item given to a Borough employee for a special occasion given voluntarily by Borough coworkers.
    - (b) A perishable item given for immediate consumption or display, from members of the public expressing general appreciation or holiday cheer, shared with an office, work group.
    - (c) A discount, prize or award available to public sector employees generally, or to a large business category of public employees to which the Borough employee belongs.
    - (d) A monetary award or item presented to a Borough employee in recognition of meritorious, civic, or voluntary public service presented by a recognized civic, philanthropic or non-profit
    - (e) An item, homemade or handmade, made by the giver.

- (f) Food, wildlife products and materials that are generally given or shared locally as a part of traditional cultural activities;
  - (g) Ordinary hospitality in a private home;
  - (h) An occasional small gift worth \$50.00 or less, including business meals.
  - (i) A commercially reasonable loan made in the ordinary course of business by an institution authorized to engage in the making of such loans, or a North Slope Borough loan available to the public official on the same terms as to the general public;
  - (j) A political campaign contribution; provided, that the contribution is reported and used in the manner required by the applicable federal, state or local law;
  - (k) Discounts that are generally available to the public or to a large class of persons to which the public official belongs;
- (4) Reservation for exceptions. The Board of Ethics or a Borough ethics officer may grant an exception for a gift that does not otherwise fall within this section, but is consistent with the public policy concerns underlying limitations on gifts to public employees (influence, appearance of influence, conflict of interest). The employee shall fully disclose the gift and shall not use the gift prior to review by the Board or ethics officer.
- (5) Travel discounts, accommodations, registration, and business travel. Unless specifically referenced in this section, items such as employee travel discounts, vendor provided accommodations and training, and payment of employee registration fees shall not be governed by the Ethics Code but shall be governed by administrative financial policies, procedures or guidelines.
- (l) *Political Activity.* The following limitations shall apply to political activity:
- (1) Departments, boards, commissions, agencies, authorities, public corporations, or other administrative divisions of Borough government shall not:
    - (a) Expend Borough funds for the support, opposition or endorsement of candidates for any elected government office.
    - (b) Expend Borough funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the Borough assembly, or other elected body of the North Slope Borough.
    - (c) Permit an administrative division of Borough government to endorse or oppose candidates for elected federal, state, Borough or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to Borough employees while on duty and to the use of Borough property or facilities in a manner not made available to members of the public.
    - (d) Authorize that money held by the North Slope Borough be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
    - (e) Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections; except that subject to restrictions in AS 15.13.145 on the use and expenditure of Borough funds to influence the outcome of a ballot proposition or question, the mayor may each designate in advance in writing one or more executive employees in addition to themselves, to appear before the assembly, appointed public bodies of the North Slope Borough, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a Borough election. The designated executive employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

- (2) Entities receiving Borough funding shall be subject to any covenants and restrictions on political activity set out in the contractual documents supporting the Borough funding, and applicable state and federal law.
- (3) The limitation against dissemination of partisan materials on bond measures does not apply to Borough employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.
- (4) A Borough employee shall not:
  - (a) Use position over another Borough employee to solicit a campaign contribution, endorsement, or other support for a political candidate.
  - (b) While on duty, engage in political campaigning for elected public office, political endorsement, or election campaign fundraising for any person or office.
  - (c) When engaging in political activity outside scheduled work hours, act in a manner to suggest that the employee is acting in the employee's official capacity, or has official Borough endorsement, or is otherwise representing the North Slope Borough.
  - (d) Use official position to discourage or inhibit any person from exercising voter franchise.
  - (e) Use or depict municipal property and facilities in a manner unavailable to the public. This restriction applies to use or depiction of a uniform in political endorsement if the uniform identifies the person as a Borough employee, regardless of ownership of the uniform.
- (5) A Borough employee shall not serve as a member of the North Slope Borough assembly or in elective office of the state or federal government. A Borough employee who is elected to one of these offices shall resign immediately from Borough employment.

**2.22.040 - ADDITIONAL PROVISIONS FOR MEMBERS OF THE PUBLIC APPOINTED TO A PUBLIC BODY.**

- (A) *Members of an appointed public body.* This section applies to members of the public serving as members of an appointed public body of the North Slope Borough as defined in 2.22.140, but excluding elected officials covered under 2.22.045 and Borough employees covered under 2.22.035.
- (B) *Public Service Acknowledgment.* Members of the public serving as members of an appointed public body of the North Slope Borough provide their time and energy in public service to the North Slope Borough, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These appointed members are expected and permitted to earn a living and hold individual financial interests. Matters coming before the appointed public body may include matters in which the appointed member of the public or a family member has a financial or private interest. Whether a financial or private interest is substantial is determined on a case-by-case basis.
- (C) *Supplemental disclosure and conflict of interest provisions.* An appointed public body shall follow the requirements of state law, ordinance, regulation, and procedure governing specific actions of the appointed public body. Provisions included in this section may be supplemented by disclosure and conflict of interest provisions adopted by ordinance as specifically applicable to the appointed public body of the North Slope Borough.
  - (1) The appointment of public bodies with regulatory, quasi-judicial, or adjudicatory responsibilities recognizes the public interest in having fair and public evaluation of matters coming before the appointed public body. Members of the public serving as members of an appointed body with such responsibilities shall:
    - (a) Make decisions solely on applicable law and the evidence in the record;
    - (b) Be impartial in fact and action in the performance of official duties, making decisions without personal gain or financial interest;
    - (c) Disclose any previous involvement in the case or with the parties;

- (d) Disclose matters that would prevent the member from hearing the case under supplemental conflict of interest provisions applicable to the appointed public body;
  - (e) Disclose circumstances that could potentially interfere with impartiality, so that the member's participation may be fairly evaluated by the public body.
- (2) Public bodies exercising monetary or management discretion. The appointment of public bodies exercising monetary discretion, advisory direction on programs, or community development responsibility recognizes the public interest in having Boards and commissions familiar with the community and its past and future development.
- (a) When action on a matter involves monetary discretion in the award or recommendation of funding, voting members of program advisory and community development Boards shall include a summary of personal contacts concerning the project in the disclosure of financial interest and personal involvement to the appointed public body.
  - (b) If an appointed public body exercises monetary discretion, a member of the appointed public body may not apply for, or receive substantial personal or financial interest in, a contract or project awarded or administered by the appointed public body during the member's service to the body, or for two years after leaving service.
- (D) *Disclosure to the appointed public body.* Prior to comment, deliberation or decision on a matter coming before the appointed public body, a member shall disclose any financial or private interest in the matter, including the financial interest or personal involvement of an immediate family member. The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the appointed body to determine if the financial interest is substantial or the personal involvement is prejudicial. If the other members of the appointed body by majority vote determine that a financial interest is substantial or the personal involvement is prejudicial, the member may not participate in the matter coming before the appointed public body.
- (E) *Substantial financial interest.* Whether the financial or private interest disclosed is substantial shall be determined by the appointed public body on a case-by-case basis, with evaluation of these factors:
- (1) Whether the financial or private interest is a substantial part of the matter under consideration;
  - (2) Whether the financial or private interest directly and substantially varies with the outcome of the official action;
  - (3) Whether the financial or private interest is immediate and known or conjectural and dependent on factors beyond the official action.
  - (4) Whether the financial or private interest is significant monetarily;
  - (5) Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the member belongs.
  - (6) Other factors deemed appropriate by the chair under the specifics of the disclosure and the nature of the action before the appointed body.
- (F) *Public interest.* An appointed member of a public body shall place the public interest above any financial or private interest when taking official action. If an appointed member's private relationships or interests prevent the member from placing the public interest above a financial or private interest, the appointed member shall disclose this fact on the record.
- (G) *Restrictions on employment.* It is a conflict of interest for an appointed member of a public body to represent, advise, or assist a person for compensation regarding a matter that was under consideration by the appointed body if the member participated personally in the matter through the exercise of official duty. In this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include consideration or comment on ordinances, resolutions, charter amendments, other legislative measures or the adoption of administrative regulations if consideration by the appointed public body was only in the context of general application.

- (H) *Disclosure of present economic interest.* Within 30 days of appointment, a member of the public appointed to serve on a public body of the North Slope Borough shall file with the Borough clerk, a written statement in the form prescribed by the Borough clerk disclosing any economic interest which shall cause the official to have a personal or financial interest in the decisions of the public body on which the member serves, different than those of the public generally. The appointed member shall file supplemental written statements with the Borough clerk as new interests are acquired, and make disclosures on the record of the public body of potential conflicts as required when matters come before the public body.
- (I) *Acquisition of an economic interest in Borough contracts and business.* A member of the public appointed to serve on a public body of the North Slope Borough or a member of such person's household shall not acquire directly or indirectly an economic interest in a Borough contract or engage in business with the North Slope Borough unless the Borough contract is competitively solicited and all other requirements of this subsection are satisfied. This prohibition applies in all respects to any entity in which the appointed member of the public or an immediate family member has an economic interest.
- (1) The appointed member shall timely file notice of intent to respond to a public solicitation in such form as the Borough clerk may prescribe for electronic publication and posting by the Borough clerk under 2.22.060. To be timely, the notice shall be filed in advance to allow a minimum period of seven calendar days to elapse between electronic publication by the clerk and the final date for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the Board has specifically approved the filing of a periodic notice by the appointed member. The appointed member shall file a copy of the notice with the purchasing officer or other Borough official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the Board has specifically approved the filing of a periodic notice by the appointed member. In its sole discretion, the Board may approve the filing of a periodic notice, on no less than an annual basis, upon application by the appointed member demonstrating that the nature of the work and relationship between the appointed member and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.
  - (2) The notice shall identify the nature of the business; the relationship between the appointed member of the public or an immediate family member and the entity responding to the solicitation, including the percentage of ownership in the entity by the appointed member of the public or an immediate family; the Borough entity or department issuing the solicitation; solicitation number and submission deadline. The appointed member of the public shall disclose whether the appointed member or a member of the immediate family as defined in 2.22.140 takes any official action with respect to preparation of the solicitation, award, or Borough administration of the contract.
  - (3) The appointed member shall not in fact or appearance attempt to influence the award.
  - (4) The appointed member and members of the immediate family shall take no official action with respect to development of the solicitation, award, or Borough administration of the contract.
  - (5) The designated ethics officer available to the purchasing officer, or to the Borough official responsible for the procurement if not the purchasing officer, confirms in writing that the appointed member's notice of intent to respond to a public solicitation has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the written disclosure.
  - (6) The person or public body having responsibility for award under the solicitation confirms in writing that the integrity of the public solicitation process is not adversely affected by the award.
  - (7) If the appointed member's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other Borough official responsible for the procurement, the disclosure shall be deemed invalid and the offer proposed by the appointed member in response to the solicitation shall be ineligible for award. The

responsibility for complete and timely filing rests solely with the member of the appointed public body.

- (8) Upon award, the notice of intent with supplemental confirmations shall be filed with the Borough clerk for retention in a file open to the public.
- (J) *Restrictions on engaging services to influence legislative or administrative action or financial contribution.* An appointed public body may not engage a lobbyist or other person or entity for compensation to influence financial support, legislative action, or administrative action from another appointed public body or an elected body of the North Slope Borough.
- (K) *Gifts.* Gifts to a member of an appointed body unrelated to the member's public service and gifts without monetary value are not covered by this chapter. Unless subject to supplemental restrictions governing the appointed public body, these unsolicited gifts are allowed and subject to disclosure as follows:
  - (1) A gift or award of monetary value presented in recognition of meritorious, civic, or voluntary service to the North Slope Borough, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. A member of an appointed body shall disclose a gift or award with a monetary value in excess of \$150.00 as provided in the gift disclosure form available from the designated ethics officer and filed with the Borough clerk within ten working days of receipt of the gift or award.
  - (2) A perishable gift for immediate consumption or display, from member(s) of the public expressing general appreciation or holiday cheer when shared among members of the appointed body, or donated to charity. The chair of the appointed body shall disclose a gift under this category with a value in excess of \$150.00 as provided in the gift disclosure form available from the designated ethics officer and filed with the Borough clerk within ten working days of receipt.
  - (3) Other gifts made in recognition of public service on an appointed body shall be reported and re-directed through the chair of the appointed body to the ethics officer for disposition or return, consistent with this chapter. Report of receipt and disposition will be filed with the ethics Board and the Borough clerk as a public record.
- (L) *Political Activity.* A member of an appointed public body shall not:
  - (1) Use official position on an appointed public body to solicit a contribution, endorsement, or other campaign support for any political candidate.
  - (2) Use official position on an appointed public body to discourage or inhibit any person from exercising voter franchise.
  - (3) Permit or engage in political activity in violation of 2.22.035(I).
  - (4) Act in a manner to suggest that the member is acting in the member's official capacity or otherwise representing the appointed public body or the North Slope Borough, when engaging in political activity during personal time.

#### **2.22.045 - ADDITIONAL PROVISIONS FOR ELECTED OFFICIALS.**

- (A) *Elected Officials.* This section applies to any person holding an elective office subject to Borough election under the charter or the code, except that subsections 2.22.045(B), 2.22.045(C), 2.22.045(D), and 2.22.045(E) are specific to elected public bodies and do not apply to the mayor.
- (B) *Public Service Acknowledgment.* Assembly members, and elected area Board members provide their time and energy in public service to the North Slope Borough, exercise significant personal commitment, often at substantial financial sacrifice in terms of time taken from other professional endeavors. These elected officials are expected and permitted to earn outside income and hold individual financial interests. Matters coming before the elected body may include matters in which the elected official has a financial or private interest. Elected officials may not participate in any

official action in which the elected official or a member of the elected official's household has a substantial financial interest.

- (C) *Disclosure to the elected body.* Prior to comment, deliberation or decision on a matter coming before the elected body, an elected official shall disclose any financial or private interest of the member in the matter, including a financial or private interest held by a member of the elected official's household.
- (1) Full and complete disclosure of a financial or private interest is required.
  - (2) The nature of the financial or private interest shall be disclosed in sufficient detail to permit the other members of the elected body to determine if the interest is substantial.
  - (3) If the presiding officer exercises parliamentary authority by making an initial ruling on a disclosure of financial or private interest, or a member's request to be excused from participation, the decision of the presiding officer may be overridden by the majority vote of the elected body.
  - (4) The member of the elected body making the disclosure shall not rule or vote on whether the financial or private interest is substantial.
  - (5) An elected official shall not be sanctioned for acting in compliance with the determination of the elected body if the financial or private interest is fully and fairly disclosed.
  - (6) The jurisdiction of the Board to determine a violation under this chapter by an elected official for participation in a matter after disclosure of a financial or private interest is expressly limited to the sufficiency of the disclosure.
- (D) *Determining if a financial or private interest is substantial.* Determination of whether a financial or private interest is substantial shall be made by the elected body on a case-by-case basis. The elected body shall be the final authority on whether the financial or private interest as disclosed is substantial under this chapter. The Board does not have jurisdiction to reweigh the factors considered by an elected body for a differing interpretation by the Board of substantial interest. Factors appropriate for consideration include one or more of the following:
- (1) Whether the financial or private interest held by the elected official or an immediate family is a substantial part of the matter under consideration;
  - (2) Whether the financial or private interest varies directly and substantially with the outcome of the official action;
  - (3) Whether the financial or private interest is immediate and known or conjectural and dependent on factors beyond the official action;
  - (4) Whether the financial or private interest is significant monetarily;
  - (5) Whether the financial or private interest is of a type which is generally possessed by the public or a large class of persons to which the elected official or immediate family belongs.
- (E) *Public interest.* An elected official shall place the public interest above any financial or private interest when taking official action. If an elected official's private relationships or interests prevent an elected official from placing the public interest above a financial or private interest, or will diminish the public trust, the elected official shall disclose this fact on the record and participation may be excused by the elected body.
- (F) *Consultation, representation, and appearance on behalf of private interests on a matter of Borough government.* These provisions apply to elected officials, including the mayor:
- (1) An elected official shall not serve as a paid consultant on a private interest before a Borough department, administrative agency, utility, elected or appointed public body of the North Slope Borough.
  - (2) An elected official shall not serve as a paid representative of any person or entity before a Borough department, administrative agency, or utility.

- (3) An elected official shall not appear on behalf of any private interest before the assembly, or on behalf of any person or entity in an adjudicatory matter before an appointed public body of the North Slope Borough unless:
  - (a) The elected official, or a member of the elected official's household, is a party or has an ownership interest in an adjudicatory matter before the public body; or
  - (b) The elected official is an elected member of a service area Board representing the service area Board or the interests of the service area before the assembly, or an appointed public body; or
  - (c) The elected official is appearing at the specific request of the elected or appointed public body. An elected body shall not request the appearance of a member of the elected body under this subsection unless the elected official's participation in the matter pending before the elected body has been properly excused under the procedures of the elected body.
- (G) *Constituent services.* Nothing in this section is intended to prevent an elected official from making verbal or written inquiries on behalf of constituents, residents within the elected official's area of service, employees or contractual service providers of the North Slope Borough or elected body, or the general public to elements of Borough government or from requesting explanations or additional information on behalf of an elected body or individuals, provided that the elected official is not charging a fee for this service.
- (H) *Restrictions on other public employment.* These restrictions apply to elected officials of the assembly, and service areas. Applicability to the mayor is specified.
  - (1) Except where authorized by ordinance, an elected official of the North Slope Borough shall not hold other Borough employment or elected state office. This provision also applies to the mayor and mayoral appointees.
  - (2) Subject to state law and regulation, an elected official of the North Slope Borough other than the mayor may serve as a non-elected employee of the state.
  - (3) Engagement as an independent contractor through a competitive solicitation by the North Slope Borough is not Borough employment for purposes of this section. For the mayor, the provisions in 2.22.035 specific to the mayor apply.
- (I) *Ex officio and charitable nonprofit Board member service.* Unless the assembly has determined by ordinance that service by an elected official shall be as a non-voting member, an elected official, excluding the mayor, may serve with compensation as a voting member of a public body or charitable nonprofit organization receiving funding from the Borough.
  - (1) The elected official shall disclose the Board member service before participating in official action by the North Slope Borough on the budget or other matter involving the Board or commission of a public body or charitable nonprofit organization.
  - (2) If the elected body finds a substantial conflict in requiring a member to participate in action before the elected body, the elected body may in its sole discretion excuse participation or divide the question to avoid a conflict on the whole.
  - (3) The mayor, as a full time employee of the Borough, may serve as an *ex officio* member [not an officer] of any charitable nonprofit affiliated with the North Slope Borough. However, the mayor as a full time employee, shall only receive or accept compensation of the NSB while serving. It is acknowledged by the Assembly that the mayor, vested with the Borough's executive and administrative power, should, at the mayor's discretion, be authorized to participate and represent the Borough by advocating, promoting and protecting the best interest of the Borough through service with charitable nonprofit's affiliated with and/or supported by the North Slope Borough.
- (J) *Service to utility and regulatory Boards.* As long as the North Slope Borough owns one or more utilities regulated by the Regulatory Commission of Alaska, an elected official shall not serve as an

officer, director, or paid advisor to the Regulatory Commission of Alaska, or to any regulated utility providing the same type of utility service owned by the North Slope Borough.

- (K) *Financial disclosure during term of elected office.* Elected officials shall file disclosures timely as required by state law. The Borough clerk shall keep a copy of the elected official's current financial disclosure statement as filed under state law with the Alaska Public Offices Commission (APOC). An elected official shall supplement the APOC disclosure within 30 days of assuming office, and as required under 2.22.045 during elected office, to fully disclose any economic interest in a contract with the North Slope Borough, or in an organization or enterprise engaging in business with the North Slope Borough, held by the elected official or a member of the elected official's household. Supplemental disclosure shall be on the form prescribed by the Borough clerk and include:
- (1) Identification of the Borough contract; the date the elected official acquired the interest; the amount of the economic interest held in the contract by the elected official, or a member of the elected official's immediate family. The disclosure shall include a description of the duties and activities to be performed by the elected official or immediate family under the contract; any opportunity for official action the elected official may have regarding the Borough contract; and the preventive measures that shall be taken to manage any potential for conflict.
  - (2) The name of each organization, or enterprise engaging in business with the North Slope Borough, both for profit and not-for-profit, in which the elected official or immediate family has an economic interest or is a director, officer or employee and the title of the position held. The disclosure shall identify the compensation, duties and activities of the elected official or immediate family for each organization and the preventive measures that shall be taken to manage any potential for conflict with the Borough duties of the elected official.
  - (3) Holding an ownership interest in policies of insurance, annuity contracts, property or funds on deposit in regulated financial institutions, or securities maintained by a brokerage firm is not having a financial interest that requires disclosure when the entity engages in business with the North Slope Borough.
  - (4) If the elected official's APOC disclosure includes all disclosure required by this chapter, a supplemental disclosure is not required.
- (L) *Acquisition of an economic interest in Borough contracts and business.* An elected official or immediate family member shall not acquire directly or indirectly an economic interest in a Borough contract or engage in business with the North Slope Borough unless the Borough contract is competitively solicited and all other requirements of this subsection are satisfied. This prohibition applies in all respects to any entity in which the elected official or immediate family member has an economic interest.
- (1) The elected official shall timely file notice of intent to respond to a public solicitation in such form as the Borough clerk may prescribe for electronic publication and posting by the Borough clerk under 2.22.060. To be timely for publication, the notice shall be filed in advance to allow a minimum period of seven calendar days to elapse between electronic publication by the clerk and the final date for submitting a response to the solicitation. The elected official shall file a copy of the notice with the purchasing officer or other Borough official responsible for the procurement by no later than the deadline for submitting a response to the solicitation. Notice under this section must be filed for each solicitation unless the Board has specifically approved the filing of a periodic notice by the elected official. In its sole discretion, the Board may approve the filing of a periodic notice, on no less than an annual basis, upon application by the elected official demonstrating that the nature of the work and relationship between the elected official and the administrative unit soliciting the work render electronic publication of the periodic notice adequate.
  - (2) The notice shall identify the nature of the business; the relationship between the elected official or immediate family member and the entity responding to the solicitation, including the percentage of ownership in the entity by the elected official or immediate family member; the Borough entity or department issuing the solicitation; solicitation number and submission

deadline. The elected official shall disclose whether the elected official or member of the elected official's immediate family as defined in 2.22.140 is in a position to take any official action with respect to preparation of the solicitation, award, or Borough administration of the contract.

- (3) The elected official shall not in fact or appearance attempt to improperly influence the award.
  - (4) The elected official and members of the elected official's immediate family shall take no official action with respect to development of the solicitation, award, or Borough administration of the contract.
  - (5) The purchasing officer or other Borough official responsible for the solicitation and the designated ethics officer confirms in writing that the elected official's notice of intent to respond to a public solicitation has been reviewed and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures described in the written disclosure.
  - (6) The person or public body having responsibility for award under the solicitation determines that the integrity of the public solicitation process is not adversely affected by the award.
  - (7) If the elected official's notice of intent to respond to a public solicitation is incomplete, or not timely filed for publication, or not timely filed with the purchasing officer or other Borough official responsible for the solicitation by no later than the deadline for responding to the solicitation, the disclosure shall be deemed invalid and the offer proposed by the elected official in response to the solicitation shall be ineligible for award. The responsibility for complete and timely filing rests solely with the elected official.
  - (8) Acquisition of an economic interest by the mayor is governed by 2.22.035(E)(6).
- (M) *Political Activity.* An elected official shall not:
- (1) Use position over a Borough employee or appointed member of an appointed Borough body to solicit a campaign contribution, endorsement, or other campaign support for the elected official or any political candidate.
  - (2) Use official position to discourage or inhibit a Borough employee or appointed member of an appointed Borough body from exercising voter franchise.
  - (3) Use or depict Borough property and facilities in a manner unavailable to the public.
  - (4) Authorize that money held by the North Slope Borough be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
  - (5) Knowingly permit political activity in violation of other provisions on political activity in 2.22.035 and 2.22.040.
- (N) *Restrictions on engaging services to influence legislative or administrative action or financial contribution.* An elected body may not engage a lobbyist or other entity for compensation to influence financial support, legislative action, or administrative action from another elected body of the North Slope Borough.
- (O) *Gifts.* An elected official may not solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.
- (1) An item is a "gift" under this subsection if it is:
    - (a) Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
    - (b) Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
  - (2) Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

- (3) These unsolicited gifts are allowed, provided that if disclosure is required, the gift disclosure form is timely filed with the Borough clerk within 30 days of receipt of the gift:
    - (a) Payment for a business meal offered as a courtesy in the context of Borough duties, provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
    - (b) A discount or prize available to public sector officials generally, or to a large business category of public officials to which the elected official belongs. No disclosure is required.
    - (c) A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of \$150.00.
    - (d) An elected official shall disclose all gifts presented by a foreign or domestic dignitary of another government.
    - (e) A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
    - (f) A non-monetary gift or award such as a plaque or other commemorative article signifying civic appreciation from a group of citizens or community organization. An elected official shall disclose a commemorative gift in excess of \$300.00.
    - (g) In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any Borough expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily on matters related to the duties of the elected official are allowed. Gifts in this category in excess of \$250.00 shall be disclosed for electronic publication by the Borough clerk prior to acceptance.
  - (4) A campaign contribution to an elected official or candidate for elective Borough office is allowed if the contribution otherwise complies with this chapter, and the laws and regulations applicable to Borough lobbying, elections and campaign disclosure.
  - (5) Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.
- (P) *Restrictions on employment after leaving Borough service.*
- (1) An elected official who leaves Borough service may not, for one (1) year after leaving Borough service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the elected body during the elected official's period of service. "Matter" includes a case, proceeding, application, contract, or determination but does not include consideration of ordinances, resolutions, charter amendments, other legislative measures or the adoption of administrative regulations if consideration by the elected body was only in the context of general application.
    - (a) This restriction does not prohibit the North Slope Borough from contracting with a former elected official to provide service on a matter on behalf of the North Slope Borough.
    - (b) The assembly may waive application of this restriction upon determination that a proposed action by a former elected official is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the Board of Ethics.
  - (2) The mayor or a person serving as an assembly member for one (1) year after leaving service shall hold no compensated Borough 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 the governing body on which the member served.

### **2.22.050 – CONFLICT OF INTEREST; VOTING.**

- (A) The Mayor shall declare to the Assembly a substantial financial interest he has in an official action;
- (B) A member of the Assembly or a Borough board or commission shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
- (C) The presiding officer shall rule on a request by a member of the body to be excused from a vote; and
- (D) The decision of the presiding officer on a request by a member of a body to be excused from a vote may be overridden by the majority vote of the body membership.

### **2.22.060 - FORMS AVAILABLE FROM BOROUGH CLERK; CONTENT; FILING.**

- (A) *Forms.* The Borough clerk shall provide the disclosure, notice, and informational forms as described in this chapter. Disclosures and filings shall be in the form prescribed by the Borough clerk and supplemental information may be attached. Completed forms filed with the Borough clerk are public documents and shall be made available to the Board for review. Forms and publication requirements under this chapter include:
  - (1) *Notification and Disclosure of Present Economic Interest in Borough Business or Contract.* This form is required to be filed by a Borough employee under 2.22.035 and a member of the public appointed to serve on a public body under 2.22.040. The same form may be used to supplement an elected official's financial disclosure under 2.22.045.
  - (2) *Notice of Intent to Respond to Public Solicitation.*
    - (a) The Borough clerk shall publish a copy of the notice of intent to respond to a public solicitation required under 2.22.035, 2.22.040, and 2.22.045 electronically no less than seven (7) days in advance of the deadline for submitting a response to the solicitation. The electronic location of such notices shall be published weekly in a newspaper of general circulation within the North Slope Borough. If the time between filing the notice for electronic publication by the clerk and the last day to submit a response is insufficient to meet the (7) seven-day publication requirement, the notice shall be deemed untimely.
    - (b) In addition, the Borough clerk shall post a copy of the statement in at least one public place, and the location of such posting shall be included in the weekly newspaper publication by the Borough clerk.
    - (c) The Borough clerk shall collect the publication fee at the time the notice is filed.
    - (d) Upon award, a copy of the notice of intent to respond to a public solicitation with supplemental confirmations shall be filed with the Borough clerk for retention in a file open to the public.
  - (3) *Notification and Disclosure of Receipt of Gift.* These forms are filed with the Borough clerk under 2.22.035, 2.22.040, and 2.22.045.
  - (4) *Notification and Disclosure of Receipt of Gift from Another Government.* This notice is filed with the Borough clerk under 2.22.035 and 2.22.045.
  - (5) *Notification and Disclosure of Receipt of Gift for Travel/Hospitality Primarily for Matters of Legislative Concern.* This notice is filed with the Borough clerk under 2.22.045.
  - (6) *Outline of Ethics Board Resolution Process.* This form is available from the Borough clerk upon request under 2.22.090.
  - (7) *Ethics Education Program Training Completion Certificate.* This form is available from the Borough clerk under 2.22.110
  - (8) *Notification of Potential Violation.* Complaints are filed with the Board on this form under 2.22.090.

- (B) *When to file.* Within 30 days after coming within the scope of this chapter, and by February 15 of each year thereafter, the notification forms for economic interest in Borough business shall be filed by persons having these interests as described in this chapter. Notification of receipt of gift forms shall be filed within 30 days of receipt of the gift. Notification of intent to respond to a Borough solicitation shall be filed for publication as described in subsection 2.22.060(A)(2).
- (C) *Distribution.* In all cases the completed original disclosure form shall be filed with the Borough clerk and becomes a public record. The Borough clerk shall distribute a copy to the Board. In addition to filing the original:
  - (1) A Borough employee shall provide a copy to the administrative supervisor.
  - (2) An appointed member of a public body shall provide a copy to the mayor's designee.
- (D) *Publication.* Unless otherwise specified, electronic publication by the Borough clerk constitutes publication when required by this chapter.

**2.22.070 - BOARD OF ETHICS; ESTABLISHMENT, MEMBERSHIP, REMOVAL AND ADMINISTRATIVE SUPPORT.**

- (A) *Establishment.* The Board of Ethics is established, consisting of five members, appointed by the mayor. The chair of the assembly ethics committee shall participate in the selection process and members of the Board of Ethics are subject to confirmation by the assembly. Members of the Board of Ethics shall in good faith exercise the power and authority vested in the Board under this chapter. Except where a specific provision of this chapter applies, the Board of Ethics is subject to the provisions of chapter 2.26.
- (B) *Membership.*
  - (1) In addition to any other qualifications required by this Code, a board or commission member shall:
    - (a) If legally eligible, be a qualified voter of the Borough;
    - (b) Maintain domicile in the Borough while in office;
    - (c) If serving on an adjudicatory or regulatory board, be at least 18 years of age; and
    - (d) If under 18 years of age and serving on an advisory board or commission, meet the state requirements relating to employment of minors during the member's service on the board or commission.
  - (2) In addition to the qualifications set forth in 2.22.070(B)(1), members of the Board shall not:
    - (a) Publicly endorse, contribute to, or engage in any political or campaign activity on behalf of any candidate for elected Borough office; or
    - (b) Hold current employment with the North Slope Borough, or an enterprise or authority owned by the North Slope Borough.
  - (3) Members of the Board of Ethics are included within the scope of this chapter as members of the public appointed to serve on a commission, board, committee, or authority of the North Slope Borough.
- (C) *Training.* Members of the Board of Ethics shall complete training provided through the Board's legal counsel and counsel to the Borough clerk.
- (D) *Removal.* A member of the Board may be removed by the mayor or by the assembly.
  - (1) *Removal by mayor.* The mayor may remove any member of the Board at any time:
    - (a) But only for good cause shown; and
    - (b) Shall set forth the reasons for such removal in writing; and

- (c) Shall provide copies to the Board member and the assembly;
  - (d) Except the mayor may not remove any Board member during any lawful investigation or public hearing where the mayor or any member of the mayor's appointed staff is the subject of the investigation or public hearing.
  - (e) (e) except the Mayor may not remove any board members during any lawful investigation or public hearing where a borough employee is the subject of the investigation or public hearing without assembly approval
- (2) *Removal by assembly.* The assembly may remove a member of the Board, by majority vote of the assembly:
- (a) For good cause; and
  - (b) Shall set forth the reasons for such removal in writing; and
  - (c) Shall provide copies to the Board member;
  - (d) Except the assembly may not take action under this subsection when the assembly, or any member or employee of the assembly, is the subject of an ongoing or imminent investigation or public hearing.
- (E) *Support.* Support services of the Borough clerk shall include:
- (1) Provide administrative and secretarial staff to the Board;
  - (2) Take and preserve minutes of all meetings, including those deemed confidential; and
  - (3) Produce all reports and written documents as requested by the chairman of the Board;
  - (4) Prepare an annual report on the costs of such activities, which shall be included in the annual budget as a separate item.
  - (5) Maintain an indexing system to protect the confidentiality of notifications of potential violation and other confidential matters included in this chapter.
  - (6) Assist the Board in posting advisory opinions under this chapter.
  - (7) Publish disclosures required to be published under this chapter and collect associated fees.
  - (8) Maintain disclosure files.
  - (9) Prescribe the disclosure and verification forms as required by this chapter.
  - (10) Maintain the checklists, process, and informational materials developed by the Board and the clerk's office under this chapter, including a checklist of Borough clerk duties under this chapter.
- (F) *Legal Counsel.* The Borough attorney shall be counsel to the Board. In the event of a conflict, the Borough attorney shall retain outside counsel to advise the Board with regard to a particular matter. Borough clerk and Borough attorney shall work with Board of Ethics in developing training under this chapter.

**2.22.080 - DUTIES AND POWERS OF THE BOARD OF ETHICS.**

- (A) *Authority of Board regarding notifications of potential violation.* The Board may:
- (1) Receive notifications of potential violation of any matter within the Board's jurisdiction, including a notification of potential violation initiated by a member of the Board. A Board member initiating a notification of potential violation shall abstain from all Board action and deliberation on the notification of potential violation.
  - (2) Determine whether to investigate any notification of potential violation.

- (3) Conduct investigative hearings in executive session pursuant to section 2.22.090 on notifications of a potential violation alleging violations of matters within the jurisdiction of the Board.
  - (4) Determine violation of this chapter by a preponderance of the evidence presented to the Board.
  - (5) Propose resolution and settlements after review of a notice of potential violation or a finding of violation by the Board, if the respondent admits the violation.
  - (6) Report the results of its investigations to the mayor, the assembly.
  - (7) Upon application of a respondent, or at the Board's discretion, compel by subpoena the appearance and sworn testimony, at a specified time and place, of a person the Board reasonably believes may be able to provide information relating to a matter under investigation by the Board or the production of documents, records or other items the Board reasonably believes may relate to the matter under consideration.
  - (8) Administer oaths and receive testimony from witnesses appearing before the Board.
  - (9) Request Borough agencies to cooperate with the Board in the exercise of the Board's jurisdiction.
  - (10) Request the Borough attorney to seek assistance of the superior court to enforce the Board's subpoena.
  - (11) Recommend that the mayor or assembly take remedial action, including the imposition of sanctions recommended by the Board. Imposition of sanctions recommended by the Board is subject to applicable law outside the scope of this chapter.
  - (12) Establish rules and procedures for the conduct of Board activities consistent with the requirements of due process of law.
- (B) *Advice.* The Board shall perform the following duties to foster and support ethical conduct by employees, appointed members of any Borough authority, and elected officials:
- (1) At the request of the mayor or assembly, participate in public work sessions regarding ethics in government and the administration of this chapter.
  - (2) When an individual's actions may be governed by this chapter, consult with and advise the individual on matters involving ethical conduct, to include applicability and interpretation of Borough ethics laws.
  - (3) Submit an annual report to the assembly of Board work and recommendations for actions deemed important to support ethical conduct, improve the ethics laws and allow proper enforcement.
  - (4) Prepare materials and programs designed to advise, assist, educate and coach Borough employees, appointed members of a Borough authority, and elected officials on ways to support compliance with provisions of this chapter and assist the public in understanding the policy and purpose of this chapter.
  - (5) Advise any individual whose acts may be subject to provisions of a notification of potential violation to the Board regarding compliance on matters within the Board's jurisdiction.
  - (6) Issue written advisory opinions as prescribed in 2.22.100.
  - (7) Prepare minutes of public Board proceedings, showing the vote of each member upon every question, keep confidential records of Board investigations, and maintain a record of other official actions.
  - (8) Review disclosure statements, determinations, confirmations and reports submitted to the Board under this chapter to determine if the potential for conflict is being managed in compliance with this chapter.

**2.22.090 - NOTIFICATION OF POTENTIAL VIOLATION AND INVESTIGATIONS.**

- (A) *Who can file.* Any person may file a notification of potential violation with the Board alleging violation of a matter within the jurisdiction of the Board by an employee, appointed member of a Borough authority, or an elected official. If a member of the Board files a notification of potential violation, the member shall not participate further in any proceedings before the Board regarding the matter, except the member may testify before the Board if subpoenaed.
- (B) *Content of notification of potential violation.* All notifications of potential violation submitted to the Board under this chapter shall be in writing and signed by the person submitting the notification. A notification of potential violation shall state the address and telephone number of the person filing the notification, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the notification of potential violation signed by the person are true. The person filing the notification of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the notification of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the notification believes are in support of the notification of potential violation.
- (C) *Notification of potential violation received during a campaign period.* The Board shall return to the person filing the notification, any notification of potential violation concerning the conduct of a candidate for elected Borough office received during a campaign period, unless the candidate permits the Board to assume jurisdiction under the provisions of this subsection.
- (1) Upon receipt of a notification of potential violation concerning the conduct of a candidate for elected Borough office during a campaign period, the Board shall immediately notify the subject of the notification of potential violation of the receipt of the notification of potential violation, of the suspension of the Board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction.
  - (2) If within 14 days after notice from the Board, the candidate does not instruct the Board that the candidate chooses to have the Board proceed with the notification of potential violation, or the candidate notifies the Board that the candidate is not waiving the suspension of jurisdiction, then the Board shall return the notification of potential violation to the person who filed it, with notice of the suspension of jurisdiction under this subsection and of the right of the person to file the notification of potential violation after the end of the campaign period. A notification of potential violation returned under this subsection shall remain confidential.
  - (3) If a notification of potential violation is pending before the Board at the beginning of a campaign period, the Board shall maintain confidentiality and suspend all further action on the notification of violation during the campaign period. The period in which a matter is under consideration by the Board is automatically extended for the length of time a matter is suspended during a campaign period.
  - (4) A campaign period under this subsection begins 45 days before an election in which the candidate appears on the ballot in a Borough election or the day on which the individual files as a candidate for Borough office, whichever is later, and ends at the close of election day, or on the day that the candidate withdraws from the election, if earlier.
  - (5) Suspension during a campaign period does not apply to a notification of potential violation initiated by a member of the Board.
- (D) *Confidentiality during investigation and deliberative process.* Each notification of potential violation shall be assigned an identification number to maintain confidentiality. The Board shall keep all notifications of potential violation confidential during investigation and the Board's deliberative process. Until the Board's written report is completed for distribution under 2.22.090(K)(2), notifications of potential violation may be disclosed only to the staff member of the Borough clerk's office providing administrative support to the Board, members of the Board, and legal counsel. Upon receipt of a notification of potential violation, the Board shall, at its next regularly scheduled meeting or earlier, as determined by the Board chair, review the notification of potential violation in executive session and determine if further action on the notification of potential violation is warranted.

- (1) If the Board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the Board lacks jurisdiction to address the notification of potential violation, the Board shall return the notification of potential violation to the complaining party without further action. Notifications of potential violation returned without further action shall remain confidential.
    - (a) After investigation, the Board may dismiss a complaint for lack of probable cause to believe that a violation occurred. The complainant and the subject public official shall be notified in writing of the dismissal.
  - (2) If the Board determines the allegation in a notification of potential violation, if proven, may constitute a violation of a matter within the Board's jurisdiction, the Board shall:
    - (a) Give the respondent a copy of the notification of potential violation, along with a copy of the outline of the Board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and/or bring legal counsel; and
    - (b) Notify both the person submitting the notification of potential violation and respondent of the date(s) on which each may be requested to meet with the Board, present documentary or testimonial evidence, and assist the Board in resolving the potential violation.
- (E) *Response to accusation.*
- (1) A subject of the accusation shall file an answer with the Board within five days after notice of the accusation or at a later time specified in writing by the Board. Failure to timely respond to the accusation may result in the allegations being deemed admitted. A public official may request an extension of time to answer of up to 60 days, and such a request shall be granted.
  - (2) If the subject of the accusation admits the violation of this chapter, the Board shall determine the appropriate penalties pursuant to 2.22.130.
  - (3) If the subject of the accusation denies that a violation of this chapter has occurred, the Board shall schedule and conduct a hearing pursuant to the administrative procedures established by the North Slope Borough code of ordinances.
- (F) *Conduct of investigation and standard of proof.* The Board's investigation shall be conducted in executive session, unless the respondent requests to hold the Board's investigation on the notification of potential violation in public.
- (1) The respondent and the person who filed the notification of potential violation may identify other individuals and documents that each would like the Board to interview and review.
  - (2) If an individual with information bearing on the notification of potential violation is unwilling to come forward with information, the respondent and the person who filed the notification of potential violation may each request the Board to subpoena the person and any documentary evidence.
  - (3) Persons appearing before the Board may be represented by counsel or other person serving in a representative capacity.
  - (4) The Board may question the respondent, the person who filed the notification of potential violation, and other persons appearing before the Board.
  - (5) The Board may solicit questions and testimony from the person filing the notification of potential violation, the respondent and other persons appearing for the purpose of providing information to the Board. The Board may solicit questions from counsel present to represent persons appearing before the Board, but all questions during the Board's investigation shall be posed through and by a member of the Board. Consistent with due process, the Board may limit or prohibit questions suggested to the Board by or on behalf of persons appearing before the Board.

- (6) Lack of cooperation by the complainant in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but does not automatically, justify termination of an investigation or proceeding.
- (7) The standard of proof to be applied by the Board in determining a violation under this chapter is proof by a preponderance of the evidence.
- (8) Technical rules of evidence do not apply, but the findings of the Board shall be based upon reliable and relevant information presented to the Board.
- (9) Unless the subject of the complaint in writing waives confidentially, complaints and investigation prior to formal hearings are confidential, except to the extent disclosure is necessary for the Board to obtain sufficient facts upon which to make a ruling.
- (10) The Board's finding of a violation of this chapter must be supported by substantial evidence.
- (11) The Board's findings shall not be binding in a subsequent sanctions proceeding.
- (12) When the Board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the Borough clerk of the proposed resolution and settlement under subsection J or the Board's written report under subsection K of 2.22.090.

(G) *Hearings.*

- (1) Hearings by the Board shall be conducted pursuant to the procedures established by the North Slope Borough code of ordinances. The Board shall have the power to administer oaths, subpoena witnesses and compel production of books and papers pertinent to a hearing authorized by these rules. Subpoenas shall be issued by the Borough Clerk and served by a peace officer or process server. The formal rules of evidence need not apply to hearings under this chapter, but the hearings shall be recorded and the Board shall render a final decision in writing with supporting findings and conclusions.
- (2) Should any hearings under this chapter be scheduled prior to the adoption of code procedures for hearings, the procedures applied shall be the procedures normally used in hearings for review of an employment grievance.

(H) *Deliberations of the Board.* Deliberations of the Board shall be conducted in executive session.

- (1) The deliberations of the Board shall not be recorded.
- (2) The Board shall reconvene in open session when deliberations are complete.

(I) *Decisions on the record.* Using the identification number of the notice of potential violation to protect confidentiality, the Board shall vote in open session on these questions:

- (1) Whether the Board finds by a preponderance of the evidence one or more violations within the jurisdiction of the Board; and
- (2) Whether the Board recommends further administrative or remedial actions; and
- (3) What specific sanctions, corrective actions or referrals, if any, the Board recommends.
- (4) If the Board does not find a violation under this chapter, the Board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the Board in whole or in part, and the date of Board closure. At the sole discretion of the respondent, the Board may release the statement of closure as a public document.

(J) *Resolution by the Board.* The Board has authority to formulate a proposed resolution and settlement of the violation if during investigation or after deliberation by the Board, the respondent admits to violation of this chapter. The proposed resolution and settlement becomes a public record for electronic publication by the Borough clerk upon final approval. The proposed resolution and settlement will include the admitted violation of this chapter; the remedial actions agreed to by the

respondent with the Board's concurrence; preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other recommendations by the Board.

- (1) If the respondent is a Borough employee or a member of the public appointed to a Borough public body, the proposed resolution and settlement shall require the approval of the Borough attorney with review and comment by director of Human Resources and the designated ethics officer for respondent's administrative department.
  - (2) If the respondent is a member of the assembly or the mayor, the proposed resolution and settlement shall require the approval of the assembly.
- (K) *Written Report.* At the conclusion of an investigation finding a violation of this chapter that is not resolved by the Board under 2.22.090(J), the Board shall:
- (1) Prepare a written report that includes:
    - (a) A summary of the investigation;
    - (b) A list of any documents submitted to the Board;
    - (c) A description of any proceedings before the Board including, but not limited to, a synopsis or outline of any testimony heard by the Board;
    - (d) A statement of findings regarding violation of this chapter;
    - (e) The Board's recommendations for further administrative or legal action;
    - (f) What sanctions or corrective actions, if any, the Board recommends.
  - (2) Furnish one copy of the full written report to:
    - (a) The person under investigation; and
    - (b) The appropriate supervisory authority (mayor, the assembly,); and
    - (c) The Borough clerk for electronic publication.
  - (3) Furnish the person submitting the notice of potential violation with notice that a copy of the Board's report has been provided to the Borough clerk for electronic publication.
- (L) *Timely completion.* The Board shall complete action on notifications of potential violation and investigations within 90 days of the filing of the notification of potential violation. By a majority vote, the Board may extend the completion date for up to an additional 60 days.
- (M) *Disclosure of notification of potential violation prohibited.* A notification of potential violation filed under this chapter is confidential until the Board completes the written report for distribution as a public record under 2.22.090(K)(2).
- (1) No person shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a notification of potential violation filed with the Board, unless:
    - (a) The respondent elects to proceed in public; or
    - (b) The written report of the Board is electronically published by the Borough clerk.
  - (2) Breach of confidentiality under this subsection is a violation of this chapter.
  - (3) A person filing a notice of potential violation shall keep confidential the fact that the person has filed the notice with the Board, as well as the contents of the notice of potential violation. If the Board finds probable cause to believe that the person filing the notice of potential violation has violated confidentiality under this chapter, the Board shall immediately dismiss the notice of violation. Dismissal under this subsection does not affect the right of the Board or another person to initiate a proceeding on the same factual allegations by filing a notice of potential violation.

- (4) Public disclosure resulting from electronic publication by the Borough clerk under this chapter or the imposition of a sanction or corrective action under this chapter is not a violation of this subsection.

(N) *False Complaints; Penalties.* The Borough may:

- (1) Seek legal or equitable recourse in a court of law against any person who knowingly, maliciously or recklessly files a false complaint, or gives false information or false testimony in a proceeding or investigation connected with an alleged violation of this chapter; or
- (2) Take disciplinary action, up to and including discharge, against an employee in addition to the remedies set forth in division (A) of this section, if that employee knowingly, maliciously or recklessly files a false complaint or gives false information or false testimony in a proceeding or investigation connected with an alleged violation of this chapter.

(O) *Reasonable Costs and Attorney's Fee.*

If a public official successfully defends a complaint or an accusation, he is entitled to reasonable costs and attorney's fees from the Borough.

#### **2.22.100 – REQUEST FOR ADVISORY OPINIONS.**

- (A) A current or former employee, current or former appointed member of any Borough authority, current or former elected official, or current candidate for Borough office or employment may request written advice regarding the applicability and interpretation of this chapter in a particular situation involving the inquirer.
  - (1) In any later proceeding involving the inquirer, the inquirer is entitled to rely on the advice of the Board, and may not be sanctioned for acting in compliance with the Board's advice, so long as the facts remain substantially unchanged from those represented to the Board in the inquiry.
  - (2) A request for advice under 2.22.100(A) is confidential, unless confidentiality is waived by the person requesting an advisory opinion.
- (B) The Board may also accept a request for an advisory opinion on a matter referred to the Board by the Borough clerk, the Borough ombudsman, or the Borough attorney.
- (C) To promote preventive instruction and advice, the Board shall publish on the Borough website through the Borough clerk, advisory opinions in a generic form to allow maximum clarity on context, issue, analysis, and decision. The Board shall make sufficient deletions to prevent disclosure of the persons whose identities are confidential under 2.22.100(A)(2). Postings shall be made within 14 work days of issuance by the Board.

#### **2.22.110 - ETHICS EDUCATION PROGRAM.**

- (A) Each employee, appointed member of a Borough authority, and elected official included within the scope of this chapter is responsible for understanding and complying with the provisions of this chapter.
- (B) To facilitate understanding and support compliance with the provisions of this chapter by employees, the mayor shall designate one or more ethics officers. Members appointed to the Board, the Borough clerk or designee, and all ethics officers shall be given appropriate training and education in the provisions of this chapter. Upon successful completion of training, a training certificate shall be issued and a copy kept on file with Human Resources.
- (C) Ethics officers shall disseminate information about the code of ethics, inform Borough employees of the Board's procedures, and consult with employees and supervisors regarding compliance with this chapter. Responsibilities under this chapter shall be reviewed with each new hire during employee orientation and each employee shall confirm in writing receipt and review of ethics materials. Ethics officers shall assist supervisors in reviewing and completing required approvals related to employee

disclosure forms, periodically providing updates, training, and additional materials to employees on ethics issues.

- (D) To facilitate understanding and support compliance with the provisions of this chapter by members of the public appointed to a public body of the North Slope Borough, one or more of the ethics officers designated by the mayor shall serve as ethics officer for the appointed public members included within the scope of this chapter. Responsibilities under this chapter for members of the public appointed to a public body of the North Slope Borough shall be reviewed with all appointees as part of the appointment process and each appointee shall confirm in writing receipt and review of ethics materials. Ethics officers shall inform appointees of the ethic Board's procedures, and consult with appointees regarding compliance with this chapter. Ethics officers shall assist members of a Borough public body in reviewing and completing required approvals related to appointee disclosure forms, provide Boards, commissions, and authorities of the North Slope Borough with notice of periodic updates, training opportunities, and additional materials on ethics issues.
- (E) To facilitate understanding and support compliance with the provisions of this chapter by elected officials, the Borough clerk shall provide each elected official with a copy of this chapter, the disclosure forms, and the process outline upon taking office. Elected officials shall confirm in writing receipt and review of ethics materials. The Borough clerk shall provide elected officials with notice of periodic updates, training opportunities, and additional materials on ethics issues.
- (F) The Board shall develop an ethics education program, including a guide to the ethics code, to meet the differing training needs of employees, supervisors, elected and appointed officials, and designated ethics officers in the following areas:
  - (1) Recognizing possible violations relative to their duties and responsibilities.
  - (2) Complying with the reporting requirements of this chapter.
  - (3) Avoiding potential violations.
  - (4) Obtaining answers on ethics issues.
  - (5) The process to be followed by an individual responding to an inquiry from the Board on a notice of potential violation.
  - (6) Managing the potential for conflict of interest under a disclosure; preventive actions.
  - (7) Supporting the public interest in ethical conduct by Borough employees, members of the public serving on appointed Borough entities, and elected officials.
  - (8) At the option of the Board based on its observations and experience in the implementation of this chapter, the Board may provide interim advisory reports to the assembly. In reviewing the Board's implementation and interpretation of this chapter, including general matters of ethical concern to the Board, the Board may wish to share its review and comment on published ethical decisions from other jurisdictions, matters of general guidance, and areas of special concern that are not the subject of investigation or otherwise confidential.

#### **2.22.120 - SANCTIONS, REFERRALS AND CORRECTIVE ACTION.**

- (A) Based on its findings, the Board shall make recommendations for implementation by the governing entity. Sanctions, referrals and corrective actions that may be recommended by the Board for imposition by the governing entity based on findings of the Board under this chapter include, but are not limited to, the following:
  - (1) Imposition of Borough employee discipline and restitution subject to:
    - (a) Applicable requirements and provisions of the Borough personnel rules;
    - (b) Provisions of an employment contract.
  - (2) The North Slope Borough may, with the advice of counsel:

- (a) Any contract entered into in violation of this chapter is voidable. The Mayor or the Assembly may void any such Borough contract at any time within one year of the discovery of the violation.
  - (b) Rescind a permit, ruling or any other official action taken as a result of a violation of this chapter.
  - (c) Require restitution.
- (3) The assembly, by majority vote and without an additional hearing, may accept the findings of the Board and issue a letter of admonishment to an assembly member, with or without electronic publication by the Borough clerk. Within the time prescribed by the assembly, the assembly member named in the Board's findings shall be afforded an opportunity to address the assembly in public session, limited to the issue of sanctions, referrals and corrective action recommended by the Board.
  - (4) Public and private letters of admonishment may describe corrective action the issuing body deems appropriate.
  - (5) Corrective action may include actions of a non-disciplinary nature. Where the Board has recommended corrective action to the respondent and the respondent has agreed, the Board's recommendation and the respondent's agreement shall be included in the Board's report.
  - (6) Removal from office initiated by the assembly or the Board of Ethics for an assembly member is subject to the separate de novo process.
  - (7) Any conclusion by the Board regarding a member of the Borough Assembly shall be advisory only. If the Board concludes that an Assembly member has willfully violated this chapter, they shall request the Borough Clerk to include the matter on the agenda for the next regular or special meeting and recommend to the Assembly that it take action pursuant to Charter §§ 3.080 and 16.010. It shall not be considered a violation of this chapter or the Charter for an Assembly member to cast a vote after disclosing a potential conflict and receiving a ruling that the member should vote in compliance with AS 29.10.200(8) and AS 29.20.010.

**2.22.130 - PENALTIES FOR VIOLATIONS.**

- (A) The hearing procedures and enforcement provisions of this chapter shall be applicable to a person charged under this section. A court or administrative hearing officer that finds a person guilty of knowingly violating any provision of this chapter or of furnishing false, misleading or incomplete information to the Board with the intent to mislead, may impose a civil fine pursuant to NSB 11.40.020 for each violation, in addition to any equitable remedies.
- (B) Nothing in this chapter shall preclude the North Slope Borough from maintaining an action for an accounting of any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.
- (C) Nothing in this chapter is intended to address or restrict penalties which may be imposed for violation of criminal law or other laws outside the scope of the Board's jurisdiction. If the Board finds evidence of criminal activity, the Board shall transmit a statement limited to that activity to the Borough attorney for review and referral to appropriate law enforcement. If the Board finds evidence of matters within the jurisdiction of the Alaska Public Offices Commission, the Board shall transmit a statement for appropriate action by the Alaska Public Offices Commission.

**2.22.140 - DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

The following words, terms and phrases, and their verb forms and tenses, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (A) **APPEAR ON BEHALF OF.** To accompany, represent, testify or accompany those representing or testifying before the public body.
- (B) **APPOINTED PUBLIC BODY OF THE BOROUGH.** Any North Slope Borough commission, Board, committee, authority, or public corporation created by ordinance with members of the public appointed subject to confirmation by the assembly, whether sitting in public session or executive session including advisory, appellate, management, quasi-judicial, and regulatory Borough entities.
- (C) **BOARD.** The Board of Ethics.
- (D) **BOROUGH.** The North Slope Borough, its legislative and administrative components, including enterprise activities and authorities.
- (E) **BOROUGH EMPLOYEE.** Any person employed by the North Slope Borough including Mayoral Appointees or a corporate authority owned by the North Slope Borough, whether full time or part time, temporary or permanent, but excluding elected officials and excluding members of the public serving as members of an appointed public body of the North Slope Borough.
- (F) **BOROUGH GOVERNMENT.** The government of the North Slope Borough.
- (G) **CAMPAIGN ACTIVITY.** Any act for the purpose of influencing the nomination or election of any person to public office.
- (H) **CAMPAIGN PERIOD.** The period beginning 45 days before an election in which the candidate appears on the ballot in a Borough election or the day on which the individual files as a candidate for Borough office, whichever is later, and ending at the close of election day, or on the day that the candidate withdraws from the election, if earlier.
- (I) **CONFIDENTIAL INFORMATION.** Information which by law or Borough code is not subject to public disclosure.
- (J) **CONTRACT.** A business contract, purchase order, lease, grant, loan, or similar instrument of Borough government.
- (K) **CONTRIBUTION.** As defined in 2AAC 50.313 or any successor regulation to 2 AAC 50.313, and except as limited in this chapter, includes any payment, gift, subscription, loan, advance, transfer, deposit of money, services or anything of value made or given by a person or group for the purpose of influencing an election for state or municipal office.
- (L) **ECONOMIC INTEREST.** A benefit, financial interest, special privilege or contractual relationship.
- (M) **ELECTED OFFICIAL.** A person holding an elective office subject to Borough election under the Charter or the Code.
- (N) **ENGAGING IN BUSINESS.** Submitting a written or oral proposal to supply goods, services or other things of value or furnishing goods, services or other things of value, for consideration.
- (O) **FINANCIAL INTEREST.** Includes the receipt of a pecuniary benefit and the expectation of receiving a pecuniary benefit.
  - (1) A financial interest of a person includes a financial interest of any member of the person's household.
  - (2) A person has a financial interest in an organization if the person:
    - a. Has an ownership interest in the organization; or
    - b. Is a director, officer or employee of the organization.
  - (3) Whether a financial interest is substantial is determined on a case-by-case basis.
- (P) **GOOD CAUSE.** a substantial reason put forth in good faith that is not unreasonable, arbitrary or irrational and that is sufficient to create an excuse for an act under the law

- (Q) **GRATUITY.** A thing having value given voluntarily or beyond lawful obligation, in return for, or in anticipation of, any service or consideration in connection with the recipient's performance of duties.
- (R) **IMMEDIATE FAMILY.**
- (1) The spouse, child (including a stepchild and an adoptive child), parent, sibling, grandparent, aunt, or uncle of the person; and
  - (2) A parent or sibling of the person's spouse.
- (S) **LOBBYIST.**
- (1) A person who is employed and receives payments, or who contracts for economic consideration including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action; or
  - (2) A person who represents himself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession.
- (T) **NEPOTISM.** Appointment of a person who cohabits with, is the spouse of, or is related by blood or marriage within and including the second degree of kindred to the direct supervising employee or department director. "Second degree of kindred" means a person who is, by blood or marriage, a father, mother, son, daughter, brother or sister in a full, half or step relationship.
- (U) **NOTICE.** *Written notice given through personal delivery, certified mail or other means reasonably calculated to notify a person of an action or event. A public official shall receive notice in person within boundaries of the Borough.*
- (V) **ORGANIZATION.** *Any entity, corporation, partnership, firm or association, whether organized for profit or nonprofit. Entity, corporation, partnership, firm and association include any subsidiary or joint venture of such organizations.*
- (W) **PAID CONSULTANT.** A person who makes verbal or written inquiries on behalf of another person or entity, advises another person or entity, reports the status of matters to another person or entity, or otherwise confers with another person or entity, for a fee.
- (X) **PERSONAL ADVANTAGE OF ANOTHER.** The use of supervisory or other work place status to leverage personal privileges outside the scope of another person's official duties and responsibilities to the North Slope Borough.
- (Y) **PERSONAL INTEREST.** *The interest of a person or his or her immediate family from which a person receives a benefit.*
- (Z) **PRIVATE INTEREST.** An interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large.
- (AA) **PUBLIC OFFICIAL.** *The person occupying a Borough public office as the mayor, an Assembly member, a commission member or a Borough Board.*
- (AB) **SUBSTANTIAL FINANCIAL INTEREST.** *A financial interest which is of a magnitude that it would be the primary reason for a person's act to benefit himself or his family members. A substantial financial interest does not include a financial interest of a type which is generally possessed by the public, by a large class of persons to which the public official belongs or which is obtained through a competitive process.*