

ANCHORAGE, ALASKA
AO No. 2025-20, As Amended

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 1.15.090, 3.30.169 AND 28.30.050 TO VACATE A MUNICIPAL ELECTED OFFICE UPON ASSUMING STATE OR FEDERAL OFFICE AND ALLOW OTHER MUNICIPAL EMPLOYEES TO SERVE IN PUBLIC OFFICE AT THE STATE LEVEL.

WHEREAS, Anchorage Municipal Code (AMC) section 3.30.169 forbids municipal employees from serving in an elected position at the state or federal level; and

WHEREAS, AMC section 1.15.090B.2. nonetheless allows “an elected official of the municipality other than the mayor” to be employed in a non-elected position in the state government; and

WHEREAS, the Alaska legislature meets in two regular sessions over two years, each of which begin in January and both must, by law, adjourn within 90 days of convening; and

WHEREAS, AMC section 3.30.159 provides mechanisms for municipal employees ordered to active duty in the United States military or the Alaska National Guard to take leave without pay for periods of up to 5 years; and

WHEREAS, Anchorage Municipal Charter § 17.04(a) provides: “Except where authorized by ordinance, an elected official of the municipality may hold no other compensated municipal office or employment or elected position under the state or municipality while in office,” and the Ethics Code at Anchorage Municipal Code § 1.15.090B.1. states the same restriction; and

WHEREAS, the Anchorage Municipal Code provides penalties for an elected official simultaneously holding an elected office in the state or federal government, but does not provide a clear mechanism for their removal from beyond a recall election; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 3.30.169 is hereby amended to read as follows:

3.30.169 Resignation upon election to political office.

An employee who is elected a mayor, as a member of the assembly or of the school board, a state governor, or to a [STATE OR] national elected political office shall immediately resign from municipal employment. In this section, the term “elected” means the status of a candidate upon certification of a local election or at the time the candidate is sworn into the office of the governor[A

STATE] or national office following an election.

(AO No. 79-195; AO No. 86-207(S-1))

Section 2. Anchorage Municipal Code section 1.15.090 is hereby amended to read as follows:

1.15.090 Contemporaneous employment or service.

A. *Employee:* A municipal employee shall not render services to, or accept employment with, persons or organizations other than the municipality, if the contemporaneous service or employment is incompatible or in conflict with the proper discharge of the employee's municipal duties.

B. *Elected officials:*

1. Except where authorized by ordinance, an elected official shall not hold other municipal employment or elected state or national office.

a. An elected official who holds an elected position in the state or federal government shall immediately resign from their municipal office. In the event such person fails to resign, their municipal office shall become vacant by operation of law at the time they are sworn into a state or national office.

2. An elected official of the municipality other than the mayor may serve as a non-elected employee of the state or as an employee of the Anchorage School District. However, an employee of the Anchorage School District may not serve as a member of the Anchorage School Board.

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(AO No. 2017-42, § 1, 3-21-17)

Section 3. Anchorage Municipal Code section 28.30.050 is hereby amended to read as follows:

28.30.050 Prohibitions.

A. A person may not serve simultaneously as mayor and as a member of the assembly, as mayor and a member of the school board, or as a member of the assembly and member of the school board. In any one election, a person may only file a declaration of candidacy for one office identified in this section. A person must withdraw a declaration of candidacy for an office in this section before filing for another office.

B. A person serving as mayor or as a member of the school board shall

not hold any other compensated municipal office or municipal employment, or elected position in the state or federal government, while in office.

C. A person serving as a member of the assembly shall not hold any other compensated municipal office or municipal employment, or elected position in the state or federal government, while in office, except:

1. As provided by state law under AS 29.20.630, employment by the Anchorage School District is not municipal employment prohibited by this subsection.

D. A person serving as mayor, as a member of the assembly or of the school board who assumes an elected position in the state or federal government shall immediately resign from their municipal office. In the event such person fails to resign, their municipal office shall become vacant by operation of law at the time they are sworn into a state or national office.

E. A person serving as mayor, or as a member of the assembly, or on the school board, shall not serve as a member of a service area board. A service area board member's term shall end immediately upon assuming one of these offices.

E[E]. A candidate for office in an election may not act as an election official in that election.

G[F]. Violation of this section may result in a fine under Title 14 and may constitute grounds for recall.

(GAAB Ord. No. 75-82; AO No. 80-101; AO No. 85-75; AO No. 2007-110, § 2, 8-28-07; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2018-4(S), § 3, 2-13-18)

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of February, 2025.

Chair

ATTEST:

Municipal Clerk