

**ANCHORAGE, ALASKA  
AR No. 2021-44**

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY TO ADDRESS ASSEMBLY**  
2 **MEMBER ALLARD’S ACTIONS AND CONDUCT THAT BREACH THE PUBLIC**  
3 **TRUST.**  
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5  
6 **WHEREAS**, the Charter and Anchorage Municipal Code govern the conduct of the  
7 Anchorage Assembly meetings and qualifications of its members; and  
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9 **WHEREAS**, the parliamentary law and procedures applicable to the Anchorage  
10 Assembly for the conduct of its meetings are set forth in Chapter 2.30 of the  
11 Anchorage Municipal Code, “Rules of Procedure for Assembly,” and it expressly  
12 provides that for any procedural matters not covered by that chapter, “Roberts Rules  
13 of Order, Newly Revised, shall govern.” AMC subsection 2.30.080I; and  
14

15 **WHEREAS**, the conduct of Assembly Members as public officials is subject to the  
16 Ethic Code AMC Chapter 1.15, the Open Meetings Act, AS 44.62.310 *et seq.*,  
17 Municipal Public Meetings Code AMC Chapter 1.25, Alaska Public Offices  
18 Commission and its regulations, and AMC section 2.70.030 enumerating the  
19 grounds and procedures for removal of an Assembly Member from office for “breach  
20 of the public trust”; and,  
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22 **WHEREAS**, AMC subsection 1.15.020A. in the Ethics Code currently provides:

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24 Holding public office or employment is a public trust. The proper  
25 functioning of democratic government requires ethical behavior by  
26 public officials and employees. Ethical behavior involves the  
27 commitment to take individual responsibility in creating a government  
28 that earns the trust and respect of its citizens. All who serve the  
29 municipality have a solemn responsibility to avoid improper conduct.;

30  
31 and  
32

33 **WHEREAS**, Alaska courts equate a duty imposed by ordinances of a home rule  
34 municipality, such as the Ethics Code with duties imposed by state statute, thus  
35 compliance with the Ethics Code is a “statutory-imposed duty” on Assembly  
36 Members and other public officials within its coverage; and  
37

38 **WHEREAS**, alleged violations of the Ethics Code fall under the jurisdiction of the  
39 Ethics Board, AMC 1.15; and  
40

41 **WHEREAS**, the Ethics Code provides a mechanism an individual to bring a  
42 complaint or request an advisory opinion and that the complaint or request for  
43 advisory opinion and the resulting findings are confidential unless specifically  
44 waived, AMC 1.15.150-160; and

1 **WHEREAS**, there is no mechanism for a group, such as the Assembly, to file an  
2 ethics complaint or request an advisory opinion under the Ethics Code; and

3  
4 **WHEREAS**, elected officials' use of social media is a relatively new phenomena and  
5 courts have held that elected officials may not block members of the public or delete  
6 comments from the social media accounts and pages used in their capacity as an  
7 elected official to engage with the public, finding such conduct to violate the First  
8 Amendment to the United States Constitution; and

9  
10 **WHEREAS**, in 2019, the Court of Appeals for the Second Circuit held:

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12 [T]he First Amendment does not permit a public official who utilizes a  
13 social media account for all manner of official purposes to exclude  
14 persons from an otherwise open online dialogue because they  
15 expressed views with which the official disagrees." "[W]e remind the  
16 litigants and the public that if the First Amendment means anything, it  
17 means that the best response to disfavored speech on matters of  
18 public concern is more speech, not less.

19  
20 *See Knight First Amendment Institute, et. al. v. Donald J. Trump, et al.*, 928 F.3d  
21 226 (2d Cir. 2019); and

22  
23 **WHEREAS**, in 2019, the Fourth Circuit Court of Appeals held that where a  
24 Facebook page had all "the hallmarks of a public forum," blocking access was  
25 "black-letter viewpoint discrimination." *See Davidson v. Randall et al.*, 912 F.3d 666  
26 (4th Cir. 2019), a persuasive legal authority; and

27  
28 **WHEREAS**, Jamie Allard in her capacity as a Member of the Anchorage Assembly  
29 used her official social media platform(s) to defend language that is unequivocally  
30 associated with Nazis, making egregious and patently offensive statements that  
31 seriously erode the trust and respect of Municipal residents and are improper for a  
32 public official, and which resulted in her removal from the State Commission on  
33 Human Rights, *See Statement from Governor Dunleavy spokesperson Jeff Turner*,  
34 dated January 26, 2021; and

35  
36 **WHEREAS**, on multiple occasions, Assembly Member Allard has blocked members  
37 of the public from the social media accounts she uses to engage with the public;  
38 and

39  
40 **WHEREAS**, Assembly Member Allard breached the public trust by seriously eroding  
41 the trust and respect of Municipal residents towards the Assembly when, in her  
42 official capacity, she falsely stated that (1) Emergency Orders are not the law, or  
43 publicized her own violation thereof, and (2) Facebook banned her official account;  
44 and

45  
46 **WHEREAS**, Assembly Member Allard's conduct (1) appears to violate the Ethics  
47 Code, specifically the responsibility to the public trust, AMC subsection 1.15.020A.,  
48 and (2) legal standards about the use of official social media; and

49  
50 **WHEREAS**, regardless of apologies Member Allard may have made to a constituent

1 and the public for some of the actions outlined herein, her conduct and actions in  
2 her official capacity as an Assembly Member merit an official response;

3  
4 **NOW, THEREFORE, BE IT RESOLVED**, the Anchorage Assembly hereby:

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6 Recognizes there is currently no path in the Anchorage Municipal Charter  
7 or Anchorage Municipal Code for the Assembly to publicly file an ethics  
8 complaint with the Ethics Board, request an advisory opinion from the  
9 Ethics Board, or address the breaches of statutory-imposed duties, such  
10 as a breach of the public trust.

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12  
13 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
14 \_\_\_\_\_, 2021.

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17 \_\_\_\_\_  
18 Chair

19 ATTEST:

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22  
23 \_\_\_\_\_  
24 Municipal Clerk