



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM XXX-2021

Meeting Date: August 10, 2021

1 **From: Assembly Vice-Chair Christopher Constant**
2
3 **Subject: A MATTER-SPECIFIC WAIVER OF ANCHORAGE MUNICIPAL CODE**
4 **SECTION 1.15.130A., RESTRICTIONS ON EMPLOYMENT AFTER**
5 **LEAVING MUNICIPAL SERVICE, TO WILLIAM D. FALSEY.**
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8 William D. Falsey began working at the Municipality of Anchorage on July 6, 2015 as the
9 Municipal Attorney. Mr. Falsey was appointed Municipal Manager on October 15, 2017. Mr.
10 Falsey left municipal service on December 1, 2020.
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12 During his time as the Municipal Attorney, Mr. Falsey opined, including by letters written in
13 March and April 2016, that a public prescriptive easement exists over the "Stewart
14 Homestead Road." A private non-profit, Friends of the Stewart Public Trail, Inc. is currently
15 seeking judicial confirmation that the public prescriptive easement exists in the case:
16 *Friends Of The Stewart Public Trail Inc. vs. Pugh Jr, Franklin D et al* (3AN-19-05746CI).
17 The Friends of the Stewart Public Trail, Inc. wishes to retain Mr. Falsey's services in
18 connection with the ongoing litigation.
19

20 Anchorage Municipal Code subsection 1.15.130A provides that "An employee who leaves
21 municipal service may not, for one year after leaving municipal service, represent, advise,
22 or assist a person for compensation regarding a matter that was under consideration by the
23 administrative unit served by the employee, if the municipal employee participated
24 personally and substantially in the matter through the exercise of official action." The Code
25 further defines "matter" to include "a case, proceeding, application, contract, or
26 determination"
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28 The Municipality is not, and never has been, a party to the ongoing litigation, but the letters
29 Mr. Falsey issued as Municipal Attorney are referred to in the pleadings.
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31 Anchorage Municipal Code subsection 1.15.130B permits the Assembly to waive
32 application of 1.15.130A "upon determination that a proposed action by a former employee
33 is not adverse to the public interest." In this case, by acceptance of this memorandum the
34 Assembly finds that it would not be adverse to the public interest for Mr. Falsey to represent,
35 advise or assist the Friends of the Stewart Public Trail, Inc., prior to December 1, 2021. To
36 the extent the restriction set out in AMC subsection 1.15.130A. would limit Mr. Falsey's
37 ability to represent, advise or assist the Friends of the Stewart Public Trail, Inc. prior to
38 December 1, 2021, the Assembly hereby waives the restriction.
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40 Prepared by: Department of Law and Assembly Counsel
41 Respectfully submitted: Christopher Constant, Assembly Vice-Chair
42 District 1 (Downtown)