



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2020-18  
**REGULAR MEETING – JULY 27, 2020**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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*It is the mission of the City of Fairbanks to provide quality essential services to all City residents to ensure Fairbanks is a vibrant place to live, work, thrive, and visit.*

REGULAR MEETING  
6:30 p.m.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CEREMONIAL MATTERS (Proclamations, Introductions, Recognitions, Awards)
5. CITIZENS' COMMENTS, oral communications to the City Council on any item not up for public hearing. Testimony is limited to three minutes, and the comment period will end no later than 7:30 p.m. Any person wishing to speak needs to complete the register located in the hallway. Respectful standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, please silence all cell phones and electronic devices.

NOTE: Due to concerns over the COVID-19 pandemic, some special procedures are being implemented for City Council Meetings. Mayor Matherly and Council Members may participate telephonically during this time. Citizens may have written comments read into the record if submitted to the City Clerk in advance (the three-minute time limit applies). To help achieve social distancing, the seating in Council Chambers is spread out and limited. No more than 30 individuals will be allowed in the Chambers at the same time. Citizens arriving after the maximum number has been reached will be directed to wait in another area until it is their turn to speak to the Council. Meeting attendees are encouraged to wear a mask or face covering, and masks will be provided to those who do not have one. Those who provide testimony to the Council are asked to wipe down the microphone and table surface following their testimony. We thank you for your understanding and cooperation during this time.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (\*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

8. SPECIAL ORDERS

9. MAYOR'S COMMENTS AND REPORT

- a) Special Reports
- b) Update from Police Chief Reeder

10. COUNCIL MEMBERS' COMMENTS

11. UNFINISHED BUSINESS

- a) Ordinance No. 6133, as Amended – An Ordinance Amending FGC Chapter 46, Article IV, by Enacting Division 6 Fees for Excessive Police Responses. Introduced by Council Members Gibson, Therrien, and Pruhs. POSTPONED from the Regular Meeting of July 13, 2020. Public hearing was held on June 29, 2020.
- b) Ordinance No. 6137 – An Ordinance Amending Fairbanks General Code Chapter 74, Taxation, by Adding a New Article VII, Gasoline Excise Tax. Introduced by Council Members Cleworth, Therrien, Kun, and Rogers. SECOND READING AND PUBLIC HEARING.
- c) Ordinance No. 6138 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the Fairbanks Firefighters Union, IAFF Local 1324, and Amending the 2020 City Operating Budget. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

12. NEW BUSINESS

- \*a) Resolution No. 4926 – A Resolution Approving a Memorandum of Agreement with the Fairbanks North Star Borough Regarding Maintenance of Gordon Wear Park. Introduced by Mayor Matherly.

- \*b) Resolution No. 4927 – A Resolution Approving an Agreement for Recovery of Administrative Costs for Implementation and Recovery of Emergency Medical Services and Transportation of Medicaid Patients Program. Introduced by Mayor Matherly.
- \*c) Resolution No. 4928 – A Resolution Extending for a Fourth Time the Mayor's Declaration of a Disaster Emergency, Extending the Temporary Provisions of Ordinance No. 6126 Regarding Telephonic Participation of Council Members and Conduct of Council Meetings, and Extending the Mayor's Authority Regarding the Use of City Equipment and Personnel Outside City Limits. Introduced by Mayor Matherly.

13. DISCUSSION ITEMS (Information and Reports)

- a) Committee Reports

14. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

- a) Appointment of Fire Chief
- \*b) Memorandum Regarding Yukon Quest Property Lease
- \*c) Permanent Fund Review Board Meeting Minutes of January 27, 2020
- \*d) Fairbanks Diversity Council Meeting Minutes of February 11, 2020

15. COUNCIL MEMBERS' COMMENTS

16. CITY CLERK'S REPORT

17. CITY ATTORNEY'S REPORT

- \*a) Memorandum Regarding City Attorney's Appointment to the AMLJIA Board of Trustees

18. EXECUTIVE SESSION

- a) PSEA Fairbanks Police Command Unit (FPCU) Labor Negotiation Strategy

19. ADJOURNMENT

**ORDINANCE NO. 6133, AS AMENDED**

**AN ORDINANCE AMENDING FGC CHAPTER 46, ARTICLE IV, BY ENACTING  
DIVISION 6 FEES FOR EXCESSIVE POLICE RESPONSES**

**WHEREAS**, Alaska Statute 29.35.125 provides that municipalities may impose a fee on the owners of residential property for excessive police responses to the property; and

**WHEREAS**, excessive police responses constitute a misuse of the limited law enforcement resources available to the City; and

**WHEREAS**, enacting the excessive police response provisions of this ordinance will give the City additional means to deal with properties that consume excessive City resources; and

**WHEREAS**, the proposed ordinance provides notice provisions, whereby a responsible property owner will be able to take corrective action to avoid the imposition of any fees or other action.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That FGC Chapter 46, Article IV, is amended by adding a new Division 6. Fees for Excessive Police Responses, as follows [proposed amendments – new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**ARTICLE IV. OFFENSES INVOLVING NUISANCES**

**DIVISION 6. FEES FOR EXCESSIVE POLICE RESPONSES.**

**Sec. 46-230. Definitions.**

The following words, terms, and phrases, when used in this division, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Dwelling unit means a structure or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single housekeeping unit.**

*Excessive police response* means each police response in excess of **the limit set in Sec. 46-231** ~~ten to a property in a calendar year.~~

*Mobile home* means any vehicle or structure designed and constructed in such a manner as will permit occupancy as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power.

*Owner* means the record owner of the property as shown in the real property tax records of the Fairbanks North Star Borough.

*Permit* means to allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

*Person* means any natural person, agent, association, firm, partnership, or corporation capable of owning, occupying, or using property in the city.

*Police Chief or Chief* means the Chief of the Fairbanks Police Department or designee assigned to carry out the duties of the Police Chief under this article.

*Police response* means that one or more police officers goes to a property in response to a call for assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer, and any response determined by a sergeant or higher ranking police officer to be related to activities on the property and reasonably preventable; however, the term "police response" does not include a response to:

1. Receipt of false information, unless the false information was provided by an occupant or owner of the property;
2. A false alarm, unless the false alarm was caused, permitted, or allowed by an occupant or owner of the property;
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
4. A report of a sexual assault or abuse as defined in AS 11.41.410 – 455, unless the an occupant or owner of the property is a suspect in the crime or allowed the offense to occur and the victim does not reside in the dwelling unit residence;
5. An ~~medical~~ emergency for a serious medical or psychological condition, serious bodily injury, or death.

*Property* means any residential property, defined as an individual parcel, tract, or lot shown on the most recent plat of record, containing one or more dwelling units or a mobile home including land and that which is affixed, incidental, or appurtenant to land.

**Sec. 46-231. Excessive police responses prohibited.**

**(a) Any police response in excess of the following is an excessive police response subject to the fees set in Sec. 46-232(a):**

- (1) Single family dwelling unit: 10**
- (2) Duplex, triplex, or fourplex: 15**
- (3) Property with 5 to 25 dwelling units: 25**
- (4) Property with more than 25 dwelling units: 40**

**(b)** The owner of any property within the city is responsible for the excessive police responses to that property and is liable for the penalties imposed by this division.

**(c)** Each excessive police response will constitute, except where otherwise provided, a separate violation for which a separate fee may be assessed.

**Sec. 46-232. Fee for excessive police responses.**

(a) Subject to subsection (b), the owner of property shall pay the city a fee of \$500.00 per excessive police response.

(b) A person is exempt from liability for the fee established by subsection (a) if:

- (1) The owner is a federal, ~~state~~, or local government agency;
- (2) The property responded to is used exclusively for nonprofit, religious, charitable, cemetery, hospital, or educational purposes;
- (3) The city has not provided notice to the owner as provided for in Sec. 46-233; or
- (4) Any person has taken appropriate corrective action ~~and has given written notice to the Police Chief of the action as required by~~ under Sec. 46-234.

(c) If a property has more than one owner, all owners shall be jointly liable for any fee imposed under this section.

(d) If the **property** ~~unit~~ requiring excessive police responses is a mobile home located in a mobile home park, the fee will be imposed on the owner of the mobile home and not on the owner or operator of the mobile home park, unless the mobile home park owner's or operator's conduct required the excessive police response.

(e) If the Police Chief determines appropriate corrective action was taken with respect to a specific property, the count of police responses to the property will be reset to zero, effective the date of the determination. After resetting, all provisions in this **division** ~~chapter~~ referring to a calendar year shall mean remainder of the calendar year beginning from the date previous corrective action was taken.

**Sec. 46-233. Notice to liable persons for excessive police responses.**

(a) When it has been determined by the city that a violation of Sec. 46-231 has occurred, the city shall notify the owner in writing of the violation, and ~~T~~the notice of violation will contain the following information:

- (1) The name of the owner, street address, or a legal description sufficient for identification of the property;
- (2) A statement that the number of police responses to the property exceeds the number allowed in Sec. 46-231 ~~ten within the calendar year~~, along with a listing of the police responses to the property that have occurred within the calendar year, that there has been a violation under this ~~d~~Division, and that the failure to take appropriate corrective action may result in the imposition of a fee;
- (3) A statement that the owner is liable for a fee for each excessive police response to the property during the calendar year unless, within 30 days of the date notice is accomplished, the owner takes appropriate corrective action as outlined in Sec. 46-234 and ~~provides the Police Chief with written notice~~;
- (4) The amount of the fee per excessive police response; and,
- (5) The name and telephone number of a city representative to contact concerning the notice.

(b) Service of notice of violation must be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the owner of the property at the address listed in the real property tax records of the borough, or by electronic means if such method gives the owner actual notice of the violation. If the mailed notice is returned without the owner's signature, actual notice shall be conclusively presumed on the date the mailed notice is returned to the city.

(c) The failure of any person to receive notice of violation will not invalidate or otherwise affect the proceedings under this division.

**Sec. 46-234. Corrective action.**

(a) An owner of property will have 30 days from the date notice is accomplished, as required under Sec. 46-233, to consult with the Police Chief and propose take appropriate corrective action and ~~provide written notice to the Police Chief that such action has been taken~~. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. The Police Chief is authorized to determine whether corrective action is appropriate under the circumstances and to set time limits for the property owner to implement appropriate corrective action. ~~The Police Chief's determination must be in writing and issued within five days of receipt of~~

~~the person's written notice of the action taken. Should the Police Chief determine the action taken is not appropriate corrective action, the Police Chief must explain the reasons, and the owner shall have ten days from the date of the determination to take appropriate corrective action and submit written notice of the action taken. The ten-day extension will be provided only once in a calendar year for each property receiving excessive police responses.~~

(b) Any owner who takes appropriate corrective action may not be assessed fees for additional police responses to the property that occur during the time ~~30-day periods~~ described in subsection (a). ~~There is a conclusive presumption that appropriate corrective action was taken if there are no additional police responses to the property from the end of the 30-day period described in subsection (a) until the earlier of:~~

~~(1) The end of the calendar year; or~~

~~(2) Ninety days.~~

#### **Sec. 46-235. Lien on property.**

(a) A fee imposed under Sec. 46-232 is a lien on the property to which there have been an excessive number of police responses.

(b) The lien becomes effective upon the recording of a notice of the lien.

(c) When a notice of the lien has been recorded under subsection (b), the lien has priority over all other liens except:

(1) Liens for property taxes, special assessments, and sales and use taxes;

(2) Liens perfected before the recording of the lien under this section; and

(3) Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

#### **Sec. 46-236. Appeal rights.**

Any owner determined liable for fees for excessive police responses under this division may, within 30 days of service of notice of violation, apply for a hearing on the determination. The application must be in writing and filed with the Mayor's office. The hearing will be held before the Mayor or designee within fifteen business days of receiving a timely application. The hearing will be limited to the issue of whether the person is liable for each fee imposed under this division, as found by the Police Chief. Within 30 days of the written decision of the Mayor or designee, a person aggrieved by the decision may appeal to the superior court of the Fourth Judicial District in Fairbanks in accordance with the Alaska Rules of Appellate Procedure.



**Section 2.** That the effective date of this Ordinance will be the \_\_\_\_ day of August 2020.

\_\_\_\_\_  
Jim Matherly, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**ORDINANCE NO. 6133, AS AMENDED  
(SECOND PROPOSED SUBSTITUTE)**

**AN ORDINANCE AMENDING FGC CHAPTER 46, ARTICLE IV, BY ENACTING  
DIVISION 6 FEES FOR EXCESSIVE POLICE RESPONSES**

**WHEREAS**, Alaska Statute 29.35.125 provides that municipalities may impose a fee on the owners of residential property for excessive police responses to the property; and

**WHEREAS**, excessive police responses constitute a misuse of the limited law enforcement resources available to the City; and

**WHEREAS**, enacting the excessive police response provisions of this ordinance will give the City additional means to deal with properties that consume excessive City resources; and

**WHEREAS**, the proposed ordinance provides notice provisions, whereby a responsible property owner will be able to take corrective action to avoid the imposition of any fees or other action.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That FGC Chapter 46, Article IV, is amended by adding a new Division 6. Fees for Excessive Police Responses, as follows [proposed amendments – new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**ARTICLE IV. OFFENSES INVOLVING NUISANCES**

**DIVISION 6. FEES FOR EXCESSIVE POLICE RESPONSES.**

**Sec. 46-230. Definitions.**

The following words, terms, and phrases, when used in this division, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Commercial property means an individual parcel, tract, or lot shown on the most recent plan of record that is not a residential property.**

**Commercial unit means an area within a commercial property that is readily identifiable by visual inspection as an area used by a single business or commercial enterprise.**

**Dwelling unit means a structure or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single housekeeping unit.**

*Excessive police response* means each police response in excess of **the limit set in Sec. 46-231** ~~ten to a property in a calendar year.~~

*Mobile home* means any vehicle or structure designed and constructed in such a manner as will permit occupancy as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power.

*Owner* means the record owner of the property as shown in the real property tax records of the Fairbanks North Star Borough.

*Permit* means to allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

*Person* means any natural person, agent, association, firm, partnership, or corporation capable of owning, occupying, or using property in the city.

*Police Chief or Chief* means the Chief of the Fairbanks Police Department or designee assigned to carry out the duties of the Police Chief under this article.

*Police response* means that one or more police officers goes to a property in response to a call for assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer, and any response determined by a sergeant or higher ranking police officer to be related to activities on the property and reasonably preventable; however, the term "police response" does not include a response to:

1. Receipt of false information, unless the false information was provided by an occupant or owner of the property;
2. A false alarm, unless the false alarm was caused, permitted, or allowed by an occupant or owner of the property;
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
4. A report of a sexual assault or abuse as defined in AS 11.41.410 – 455, unless ~~the~~**an occupant or owner of the property** is a suspect in the crime or allowed the offense to occur and the victim does not reside in the **dwelling unit residence**;

5. An ~~medical~~ emergency for a serious medical or psychological condition, serious bodily injury, or death.
6. A call from the tenant or owner of commercial property used as a retail store for police assistance with theft or attempted theft from the retailer.
7. A call from the tenant or owner of commercial property used as a licensed premise under authorization of the Alcohol and Marijuana Control Office for police assistance with:
  - A. An underage person seeking admittance or service;
  - B. An impaired person seeking admittance or service;
  - C. An impaired person preparing to operate a motor vehicle.

Property means any real estate, residential or commercial.

~~Property means any residential property, defined as an individual parcel, tract, or lot shown on the most recent plat of record, containing one or more dwelling units or a mobile home including land and that which is affixed, incidental, or appurtenant to land.~~

Residential property means an individual parcel, tract, or lot shown on the most recent plan of record containing one or more dwelling units, or a mobile home.

#### Sec. 46-231. Excessive police responses prohibited.

(a) Any police response in excess of the following is an excessive police response subject to the fees set in Sec. 46-232(a):

- ~~(1) Single family dDwelling unit: 10 5 in a calendar year; or~~
- ~~(2) Commercial unitDuplex, triplex, or fourplex: 15 in a calendar year.~~
- ~~(3) Property with 5 to 25 dwelling units: 25~~
- ~~(4) Property with more than 25 dwelling units: 40~~

(~~b~~a) The owner of any property within the city is responsible for the excessive police responses to that property and is liable for the penalties imposed by this division.

(~~c~~b) Each excessive police response will constitute, except where otherwise provided, a separate violation for which a separate fee may be assessed.

#### Sec. 46-232. Fee for excessive police responses.

(a) Subject to subsection (b), the owner of property and the tenant of a unit thereon shall jointly pay the city a fee of \$500.00 per excessive police response to the dwelling unit or commercial unit.

(b) A person is exempt from liability for the fee established by subsection (a) if:

- (1) The owner is a federal, ~~state~~, or local government agency;
- (2) The property responded to is used exclusively for nonprofit, religious, charitable, cemetery, hospital, or educational purposes;
- (3) The city has not provided notice to the owner **or tenant** as provided for in Sec. 46-233; or
- (4) Any person has taken appropriate corrective action ~~and has given written notice to the Police Chief of the action as required by~~ **under** Sec. 46-234.

(c) If a property has more than one owner **or more than one tenant**, all owners **and all tenants** shall be jointly liable for any fee imposed under this section.

(d) If the **property unit** requiring excessive police responses is a mobile home located in a mobile home park, the fee will be imposed on the owner of the mobile home and not on the owner or operator of the mobile home park, unless the mobile home park owner's or operator's conduct required the excessive police response.

(e) If the Police Chief determines appropriate corrective action was taken with respect to a specific property, the count of police responses to the property will be reset to zero, effective the date of the determination. After resetting, all provisions in this **division chapter** referring to a calendar year shall mean remainder of the calendar year beginning from the date previous corrective action was taken.

### **Sec. 46-233. Notice to liable persons for excessive police responses.**

(a) When it has been determined by the city that a violation of Sec. 46-231 has occurred, the city shall notify the owner **and tenant** in writing **of the violation**, ~~and~~ **the** notice of violation will contain the following information:

- (1) The name of the owner **and tenant**, street address, or a legal description sufficient for identification of the property;
- (2) A statement that the number of police responses to the property exceeds **the number allowed in Sec. 46-231** ~~ten within the calendar year~~, along with a listing of the police responses to the property that have occurred within the calendar year, that there has been a violation under this ~~d~~**Division**, and that the failure to take appropriate corrective action may result in the imposition of a fee;
- (3) A statement that the owner **and tenant are** is liable for a fee for each excessive police response to the property during the calendar year unless, within 30 days

of the date notice is accomplished, the owner **or tenant** takes appropriate corrective action **as outlined in Sec. 46-234** and provides the Police Chief with written notice;

- (4) The amount of the fee per excessive police response; and,
- (5) The name and telephone number of a city representative to contact concerning the notice.

(b) Service of notice of violation must be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the owner of the property **and tenant** at the address listed in the real property tax records of the borough, or by electronic means if such method gives the owner **and tenant** actual notice of the violation. If the mailed notice is returned without the owner's **or tenant's** signature, actual notice shall be conclusively presumed on the date the mailed notice is returned to the city.

(c) The failure of any person to receive notice of violation will not invalidate or otherwise affect the proceedings under this division.

#### **Sec. 46-234. Corrective action.**

(a) An owner of property will have 30 days from the date notice is accomplished, as required under Sec. 46-233, to **consult with the Police Chief and propose** take appropriate corrective action ~~and provide written notice to the Police Chief that such action has been taken~~. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. The Police Chief is authorized to determine whether corrective action is appropriate under the circumstances **and to set time limits for the property owner to implement appropriate corrective action**. ~~The Police Chief's determination must be in writing and issued within five days of receipt of the person's written notice of the action taken. Should the Police Chief determine the action taken is not appropriate corrective action, the Police Chief must explain the reasons, and the owner shall have ten days from the date of the determination to take appropriate corrective action and submit written notice of the action taken. The ten-day extension will be provided only once in a calendar year for each property receiving excessive police responses.~~

(b) Any owner **or tenant** who takes appropriate corrective action may not be assessed fees for additional police responses to the property that occur during the **time 30-day periods** described in subsection (a). ~~There is a conclusive presumption that appropriate corrective action was taken if there are no additional police responses to the property from the end of the 30-day period described in subsection (a) until the earlier of:~~

- ~~(1) The end of the calendar year; or~~
- ~~(2) Ninety days.~~

**Sec. 46-235. Collection; Lien on property.**

(a) A fee imposed under Sec. 46-232 is a lien on the property to which there have been an excessive number of police responses.

(b) The lien becomes effective upon the recording of a notice of the lien.

(c) When a notice of the lien has been recorded under subsection (b), the lien has priority over all other liens except:

- (1) Liens for property taxes, special assessments, and sales and use taxes;
- (2) Liens perfected before the recording of the lien under this section; and
- (3) Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

**(d) Excessive police response fees may be collected in any lawful manner, including bringing an action in court for a personal judgment against any person liable for the fee under this division.**

**Sec. 46-236. Appeal rights.**

Any owner determined liable for fees for excessive police responses under this division may, within 30 days of service of notice of violation, apply for a hearing on the determination. The application must be in writing and filed with the Mayor's office. The hearing will be held before the Mayor or designee within fifteen business days of receiving a timely application. The hearing will be limited to the issue of whether the person is liable for each fee imposed under this division, as found by the Police Chief. Within 30 days of the written decision of the Mayor or designee, a person aggrieved by the decision may appeal to the superior court of the Fourth Judicial District in Fairbanks in accordance with the Alaska Rules of Appellate Procedure.

**Section 2.** That the effective date of this Ordinance will be the **1st** day of **September** 2020.

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Jim Matherly, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney



## **ORDINANCE NO. 6137**

### **AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER 74, TAXATION, BY ADDING A NEW ARTICLE VII, GASOLINE EXCISE TAX**

**WHEREAS**, the Charter for the City of Fairbanks contains a tax cap which allows the City to raise the cap amount each year to account for inflation, new construction, and voter approved additional services; and

**WHEREAS**, the original tax cap was changed years ago which created a "cap within the cap" making it very difficult to collect any increases that are otherwise allowed each year; and

**WHEREAS**, the implementation of an excise tax only on gasoline sold within the city limits will allow the City to collect increases allowed under the tax cap; and

**WHEREAS**, if the revenues generated by the gasoline excise tax exceed the amount allowed by the Tax Cap formula, then the mill rate will be reduced as required by the Charter.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**Section 1.** Fairbanks General Code Chapter 74, Taxation, is hereby amended by adding a new Article VII, Gasoline Excise Tax, as follows:

#### **ARTICLE VII. GASOLINE EXCISE TAX**

##### **Sec. 74-300. Definitions.**

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any words, terms, and phrases not defined in this section will have the meaning given in AS 43.40.100 or regulations adopted by the state to implement its motor fuel tax pursuant to AS 43.40:

*Certificate of registration* means the certificate issued by the chief financial officer under section 74-302.

*Certificate of use* means the certificate provided to the State of Alaska Department of Revenue, Tax Division, that is obtained by the dealer from a

gasoline purchaser at the time of the first sale or transfer of the gasoline to that purchaser stating the gasoline that has been or will be purchased or received is not intended for use as taxable gasoline.

*Chief Financial Officer* means the chief financial officer of the City of Fairbanks or designee.

*City* means the City of Fairbanks.

*Common storage tank* means a storage tank serving taxable and exempt uses, or multiple taxable uses to which various tax rates apply.

*Direct-buying retailer* means a person who is engaged in the sale of gasoline at retail in the city and who brings, or causes to be brought, gasoline into the city.

*Distributor* means a person who:

- (1) Brings gasoline, or has gasoline brought, or causes it to be brought, into the city and who sells or distributes gasoline to others for resale in the city; or
- (2) Ships or transports gasoline to a retailer in the city for sale by the retailer; and
- (3) Includes qualified dealers.

*Department* means the Finance Department of the city.

*Export* means the transport of gasoline as cargo out of the city by or for the seller or purchaser and intended for use or resale outside city limits.

*Gasoline* means a liquid substance refined, compounded, or produced primarily for the purpose of use in an engine. This does not include aviation fuel or diesel fuel.

*Official use* means use by a federal, state, or local government agency but does not include: (1) consumption by a contractor who purchases gasoline either for its own account or as the agent of a governmental agency for use in the performance of a contract with that agency; (2) use in a private vehicle; or (3) sales of gasoline.

*Person* includes an individual, company, partnership, limited liability partnership, joint venture, joint agreement, limited liability company, association (mutual or otherwise), corporation, estate, trust, business trust, receiver, trustee, syndicate, a direct buying retailer, distributor, or any combination acting as a unit.

*Qualified dealer* means a person who refines, imports, manufactures, produces, compounds, or wholesales gasoline.

*Retailer* means a person in the city who is engaged in the business of selling gasoline at retail.

*Tax* means the gasoline excise tax as levied under this article.

*Wholesale price* means the established price for which a distributor sells gasoline to a retailer.

**Sec. 74-301. Imposition of excise tax on gasoline.**

(a) The city hereby levies an excise tax on the distribution of gasoline brought into the city in the amount of five cents per gallon.

(b) It is the intent and purpose of this article to provide for the collection of the excise tax from the person who brings, or causes to be brought, gasoline into the city. The excise tax is levied when:

- (1) A person brings, or causes to be brought, gasoline into the city from outside the city for sale; or
- (2) A person ships or transports gasoline to a retailer in the city for sale by a retailer.

**Sec. 74-301.1. Exemptions; no deferral for mixed purchases.**

(a) The following transactions are exempt from the tax levied by Sec. 74-300.

- (1) gasoline that is sold or transferred between distributors;
- (2) gasoline that is sold or transferred to a person obtaining gasoline with a valid certificate of use;
- (3) gasoline that is exported outside City limits;
- (4) gasoline that is purchased for use by federal, state, or local government agencies, unless the gasoline is purchased for the purpose of resale; and
- (5) loss of volume of gasoline that occurs during handling, transportation, and storage, including loss of volume due to temperature changes of gasoline.

(b) The election to defer payment of gasoline tax provided by the state to certain persons pursuant to 15 AAC 40.320 for sales or transfers for mixed uses is not provided by the city. A sale or transfer of gasoline for mixed use purposes to a common storage tank will be fully taxed, and after resale or

use for an exempt purpose the purchaser may apply for a credit with appropriate documentation in accordance with sections 74-303.3.

**Sec. 74-301.2. Due date; delinquency.**

The obligation for the payment of the tax is upon the distributor. All taxes imposed by this article shall become a liability to the distributor at the time of sale and are delinquent if not paid when due.

**Sec. 74-302. Registration and certification.**

(a) All persons subject to this article must possess a current certificate of registration for the purpose of remitting the tax under this article, prior to commencing business or opening additional places of business.

(b) All persons requiring a certificate of registration under (a) of this section must first possess a valid state motor fuel distribution license issued in accordance with AS 43.40.100(3) and 15 AAC 40.600.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the chief financial officer, the chief financial officer will issue without charge a certificate of registration. The certificate of registration shall bear the name of the distributor, and the address of the registered place of business. The certificate must be prominently displayed at the place of business named on the certificate.

(d) The certificate of registration is neither assignable nor transferable. The distributor shall immediately surrender the certificate to the chief financial officer if the distributor ceases to do business at the location named on the certificate, or if the distributor otherwise sells, assigns, transfers, conveys, or abandons the distributor's business to any person or any other entity. When there is change of address for the distributor's place of business, a new certificate of registration is required bearing the same registration number but showing the new location address.

(e) A distributor must submit a new updated application as prescribed by the chief financial officer upon any change in form of ownership, business name, or contact information. The chief financial officer, after receipt of the updated application shall then determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the distributor must first surrender the prior certificate of registration to the chief financial officer before taking possession of the new certificate.

(f) The chief financial officer may revoke a certificate of registration if a person fails to comply with any of the provisions of this article. A distributor

may not engage in any activities covered by this article while the certificate of registration is revoked.

(g) Any distributor who violates any requirement of this section is subject to the penalties provided under this article. The city is entitled to injunctive relief to prevent the distributor from engaging in activities covered under this article until the distributor complies with the requirements of this section.

**Sec. 74-303. Tax return; transmittal; and payment of taxes due.**

(a) On or before the 15th day of each calendar month, the distributor shall file with the chief financial officer a tax return and remit payment for the preceding month upon forms furnished by the city for each place of business. The tax return shall state the wholesale value of the gasoline sold by the distributor during the preceding calendar month, and other information which the chief financial officer requires. If a distributor ceases to sell gasoline, the distributor shall immediately file with the chief financial officer a return for the period ending with the cessation.

(b) Every distributor holding a certificate of registration in the city shall sign and transmit the return together with applicable taxes to the city on or before the proper date.

(c) A return shall be filed by every distributor possessing a current certificate of registration, even if the distributor has not engaged in taxable transactions during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the 15th day of the month following tax collection. Postmarks will not be considered.

**Sec. 74-303.1. Estimated tax.**

If the city is unable to ascertain the tax due to be remitted by a distributor by reason of the failure of the distributor to keep accurate books, allow inspection, failure to file a return or falsification of records, the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due shall be mailed to the distributor. Unless the distributor files an accurate monthly report covering the time period subject to the city's estimate or files an appeal within 30 days of the mailing of the city's estimate, the city's estimate shall become final for the purpose of determining the distributor's tax liability.

**Sec. 75-303.2. Administrative appeals.**

(a) A distributor may appeal to the city mayor any estimated tax, penalties, costs fees, or other decision under this article made by the chief financial officer. Any appeal must be filed within 30 days after the notice of any decision is mailed to the distributor. The failure to appeal a decision of the chief financial officer renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the city mayor or designee shall conduct a hearing. At the hearing, the parties shall have the right to present testimony and cross-examine witnesses. The mayor or designee shall then issue a written or recorded decision that includes findings of fact.

(c) An administrative appeal decision by the city mayor is a final decision that shall be enforced under this article unless stayed by court order or by agreement of the city and appellant. The city mayor's final decision may be appealed to superior court in the fourth judicial district as provided by state law.

**Sec. 74-303.3. Presumption; credit.**

(a) Every wholesale sale of gasoline which is made within the city, unless explicitly exempted by this article or a subsequent ordinance, shall be presumed to be subject to the tax imposed under this article in any action to enforce the provisions of this article.

(b) A credit shall be allowed for taxes erroneously paid under protest. Such credit shall be made by the chief financial officer after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the chief financial officer shall examine the documentation and shall submit the decision in writing within 15 days.

**Sec. 74-303.4. Tax returns; confidential information.**

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are declared to be confidential, and such returns and data obtained from such returns shall be kept from inspection of all persons except the chief financial officer, and the city attorney; nevertheless, upon the advice of the city attorney, the chief financial officer may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge to another any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by distributor or other person receiving such information is permitted to view such returns under the terms of this article.

(c) It shall be the duty of the chief financial officer to safely keep the returns referred to in this article and all data taken from such returns secure from public inspection and secure from all private inspection except as provided in the article; and the chief financial officer may, after six years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this article against any person shall not be deemed a violation of this article; and the city in the prosecution of any such action may allege, prove and produce any return theretofore filed by and in behalf of the defendant, including any data obtained from such return, other provisions of this article to the contrary notwithstanding.

(e) Nothing contained in this article shall be construed to prohibit the delivery to a person or his duly authorized representative a copy of any return or report filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and their items.

**Sec. 74-304. Recordkeeping duty; investigation.**

(a) A distributor under this article shall keep a complete and accurate record of all gasoline manufactured, purchased, or acquired. The records, except in the case of a manufacturer, must include:

- (1) A written statement containing the name and address of the seller and the purchaser;
- (2) The date of delivery;
- (3) The quantity of gasoline;
- (4) The trade name and brand; and
- (5) The price paid for each brand of gasoline purchased. The distributor shall keep such other records as the director prescribes. All statements and records required by this section shall be preserved for six years and shall be offered for inspection upon demand by the city.

(b) A distributor may not issue or accept a written statement that falsely indicates the name of the customer, the type of merchandise, the price, the discounts, or the terms of sale.

(c) Where an invoice is given or accepted by a distributor:

- (1) A statement that makes the invoice a false record of the transaction may not be inserted in the invoice; and
- (2) A statement that should be included in the invoice may not be omitted from the invoice if the invoice does not reflect the transaction involved without the statement.

(d) In addition to all other record keeping requirements under this article, a distributor shall maintain all written and electronic records relating to any gasoline purchased, manufactured, or acquired or sold which is covered under this article, for a period of six years after such transaction, including but not limited to:

1. All local, state, and federal tax reports and forms;
2. All accounting records;
3. All purchase and sales invoices; and
4. All documentary evidence supporting any exemption provided under this article.

(e) Upon reasonable notice, a distributor shall make all records and materials specified in subsections (a) and (d) of this section available for the chief financial officer's or authorized representative's inspection during customary business hours.

(f) The chief financial officer may conduct random audits of distributor's monthly tax returns by examining any of the records and materials specified in subsections (a) and (d) of this section and other data deemed necessary.

(g) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax due, the chief financial officer or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The mayor shall have the power to administer oaths to such persons. The mayor shall issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda.

(h) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned.



In such case the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued shall be served in the same manner as a subpoena issued out of a court of record.

(i) The superior court, upon the application of the city, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records or memoranda in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, shall include any person or entity with knowledge or information relevant to sales made under this article.

(j) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state, and to that end compel the attendance of witnesses and the production of relevant books, papers, records or memoranda.

#### **Sec. 74-305. Unlawful possession or sale.**

A person who offers to sell or dispose of gasoline to others for the purpose of resale without being registered to do so is considered to have possession of gasoline as a distributor and is personally liable for the tax, plus a penalty of 25 percent.

#### **Sec. 74-305.1. Recovery of taxes.**

(a) Taxes due but not paid may be recovered by the city by an action at law against the distributor. Gasoline excise tax returns shall be prima facie proof of taxes not transmitted.

(b) In addition to any other remedies and administrative procedures provided under this article, the city may file a civil action against any distributor for recovery of any tax, unremitted tax, penalties, interest, costs, and fees, that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a distributor, or any other person who is an agent of the distributor, is personally liable for all taxes, penalties, and interest due from such distributor under this article.

#### **Sec. 74-305.2. Tax lien.**

(a) Any tax, unremitted tax, penalties, interest, costs and fees that this article requires a distributor to pay or remit shall constitute a lien in favor of

the city upon all assets, earnings, revenue and property of the distributor. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or any other legal means. This lien is not valid as against a mortgagee, pledge, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the excise tax lien for amounts actually advanced before the recording of the excise tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the excise tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

### **Sec. 74-305.3. Foreclosure.**

(a) Delinquent gasoline excise tax liens on real property may be enforced by foreclosure.

(b) Tax liens shall be foreclosed in the manner provided for in sections 58-49 through 58-61.

### **Section 74-305.4. Interest rate; administrative costs.**

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law, will accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to any other penalties imposed under this article, a distributor shall pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a distributor's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on unremitted taxes; and fourth, to the principal of any unremitted taxes.

**Section 74-306. Penalties for violations.**

(a) *Failure to file or remit.* A distributor having taxable transactions under this article in the city and who thereafter fails to file a gasoline tax return or remit the collected tax as required by this article shall incur a civil penalty of \$100.00 if the return or the tax is received later than the last day of the month in which it is due and shall incur a civil penalty of \$1,000.00 if the return or the tax is received later than the last day of the next month following the month in which it was due.

(b) *Non-retention of records.* A distributor who does not provide required records upon request as listed in section 74-304 shall incur a civil penalty of \$1,000.00.

(c) *False statements.* Any person who makes any false statement to the chief financial officer or mayor which is material in determining whether a transaction is taxable under this article is guilty of a misdemeanor and shall be punished as provided in section 1-15.

(d) *Certificate of registration.* Any person and any officer of a corporate distributor failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article, or attempting to assign or transfer such certificate shall be guilty of a misdemeanor and shall be punished as provided in section 1-15.

(e) *Penalty.* Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be punishable as provided in section 1-15. A separate offense shall be deemed committed upon each day of a continuing violation.

**Sec. 74-307. Collection policy.**

It shall be the policy of the city that delinquent taxes shall be promptly collected without offset, compromise, or time extensions for payment.

**Sec. 74-308. Rules and regulations.**

(a) The mayor is empowered to enact rules and regulations to implement the tax levied under this article.

(b) The chief financial officer shall take all lawful and necessary actions to administer this article including, but not limited to, adopting and revising procedures, fees, and written guidelines for the determination of the taxability of transactions.

(c) The chief financial officer may also take other lawful actions to administer this article including, but not limited to, issuing written determinations, upon request, of the taxability of transactions and contracting services for collection of delinquent accounts.

(d) With the approval of the chief financial officer, the finance department staff shall prepare, implement, and revise forms for the administration of this article.

**Section 2.** That the effective date of this Ordinance shall be the 1st day of January 2021.

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**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6137

Abbreviated Title: GASOLINE EXCISE TAX

Department(s): ALL DEPARTMENTS

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No X

2) additional support or maintenance costs? Yes \_\_\_\_\_ No X

If yes, what is the estimate? \_\_\_\_\_

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	TOTAL
GENERAL FUND EXPENDITURES	\$500,000
<b>TOTAL</b>	<b>\$500,000</b>

FUNDING SOURCE:	TOTAL
GENERAL FUND REVENUE - GASOLINE EXCISE TAX	\$500,000
<b>TOTAL</b>	<b>\$500,000</b>

The ordinance would levy an excise tax on the distribution of gasoline brought into the City in the amount of five cents per gallon beginning January 1, 2021. The obligation for the payment of the tax is upon the distributor.

Reviewed by Finance Department: Initial mb Date 6/24/2020

**ORDINANCE NO. 6137, AS AMENDED  
(PROPOSED SUBSTITUTE)**

**AN ORDINANCE ESTABLISHING A SHORT-TERM FISCAL POLICY AND  
AMENDING FAIRBANKS GENERAL CODE CHAPTER 74, TAXATION, BY ADDING  
A NEW ARTICLE VII, GASOLINE EXCISE TAX**

**WHEREAS**, the Charter for the City of Fairbanks contains a tax cap which allows the City to raise the cap amount each year to account for inflation, new construction, and voter approved additional services; and

**WHEREAS**, the original tax cap was changed years ago which created a "cap within the cap" making it very difficult to collect any increases that are otherwise allowed each year; and

**WHEREAS**, the implementation of an excise tax only on gasoline sold within the city limits will allow the City to collect increases allowed under the tax cap; and

**WHEREAS**, if the revenues generated by the gasoline excise tax exceed the amount allowed by the Tax Cap formula, then the mill rate will be reduced as required by the Charter; and:-

**WHEREAS, collections of this excise tax will partially fund increased labor costs incurred in 2020, but will not provide excess revenues, and**

**WHEREAS, receipt of the supplemental EMT funds will be the only new revenue source for the City in 2021 and should be utilized for replacing losses of revenue sharing and other revenues, and**

**WHEREAS, the 2021 budget should focus on maintaining current savings and capital needs and should not add any new personnel above the 2020 budgeted positions.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code Chapter 74, Taxation, is hereby amended by adding a new Article VII, Gasoline Excise Tax, as follows:

## ARTICLE VII. GASOLINE EXCISE TAX

### Sec. 74-300. Definitions.

The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any words, terms, and phrases not defined in this section will have the meaning given in AS 43.40.100 or regulations adopted by the state to implement its motor fuel tax pursuant to AS 43.40:

*Certificate of registration* means the certificate issued by the chief financial officer under section 74-302.

*Certificate of use* means the certificate provided to the State of Alaska Department of Revenue, Tax Division, that is obtained by the dealer from a gasoline purchaser at the time of the first sale or transfer of the gasoline to that purchaser stating the gasoline that has been or will be purchased or received is not intended for use as taxable gasoline.

*Chief Financial Officer* means the chief financial officer of the City of Fairbanks or designee.

*City* means the City of Fairbanks.

*Common storage tank* means a storage tank serving taxable and exempt uses, or multiple taxable uses to which various tax rates apply.

*Direct-buying retailer* means a person who is engaged in the sale of gasoline at retail in the city and who brings, or causes to be brought, gasoline into the city.

*Distributor* means a person who:

- (1) Brings gasoline, or has gasoline brought, or causes it to be brought, into the city and who sells or distributes gasoline to others for resale in the city; or
- (2) Ships or transports gasoline to a retailer in the city for sale by the retailer; and
- (3) Includes qualified dealers.

*Department* means the Finance Department of the city.

*Export* means the transport of gasoline as cargo out of the city by or for the seller or purchaser and intended for use or resale outside city limits.

*Gasoline* means a liquid substance refined, compounded, or produced primarily for the purpose of use in an engine. This does not include aviation fuel or diesel fuel.

*Official use* means use by a federal, state, or local government agency but does not include: (1) consumption by a contractor who purchases gasoline either for its own account or as the agent of a governmental agency for use in the performance of a contract with that agency; (2) use in a private vehicle; or (3) sales of gasoline.

*Person* includes an individual, company, partnership, limited liability partnership, joint venture, joint agreement, limited liability company, association (mutual or otherwise), corporation, estate, trust, business trust, receiver, trustee, syndicate, a direct buying retailer, distributor, or any combination acting as a unit.

*Qualified dealer* means a person who refines, imports, manufactures, produces, compounds, or wholesales gasoline.

*Retailer* means a person in the city who is engaged in the business of selling gasoline at retail.

*Tax* means the gasoline excise tax as levied under this article.

*Wholesale price* means the established price for which a distributor sells gasoline to a retailer.

### **Sec. 74-301. Imposition of excise tax on gasoline.**

(a) The city hereby levies an excise tax on the distribution of gasoline brought into the city in the amount of five cents per gallon.

(b) It is the intent and purpose of this article to provide for the collection of the excise tax from the person who brings, or causes to be brought, gasoline into the city. The excise tax is levied when:

- (1) A person brings, or causes to be brought, gasoline into the city from outside the city for sale; or
- (2) A person ships or transports gasoline to a retailer in the city for sale by a retailer.

#### **Sec. 74-301.1. Exemptions; no deferral for mixed purchases.**

(a) The following transactions are exempt from the tax levied by Sec. 74-300.



- (1) gasoline that is sold or transferred between distributors;
- (2) gasoline that is sold or transferred to a person obtaining gasoline with a valid certificate of use;
- (3) gasoline that is exported outside City limits;
- (4) gasoline that is purchased for use by federal, state, or local government agencies, unless the gasoline is purchased for the purpose of resale; and
- (5) loss of volume of gasoline that occurs during handling, transportation, and storage, including loss of volume due to temperature changes of gasoline.

(b) The election to defer payment of gasoline tax provided by the state to certain persons pursuant to 15 AAC 40.320 for sales or transfers for mixed uses is not provided by the city. A sale or transfer of gasoline for mixed use purposes to a common storage tank will be fully taxed, and after resale or use for an exempt purpose the purchaser may apply for a credit with appropriate documentation in accordance with sections 74-303.3.

**Sec. 74-301.2. Due date; delinquency.**

The obligation for the payment of the tax is upon the distributor. All taxes imposed by this article shall become a liability to the distributor at the time of sale and are delinquent if not paid when due.

**Sec. 74-302. Registration and certification.**

(a) All persons subject to this article must possess a current certificate of registration for the purpose of remitting the tax under this article, prior to commencing business or opening additional places of business.

(b) All persons requiring a certificate of registration under (a) of this section must first possess a valid state motor fuel distribution license issued in accordance with AS 43.40.100(3) and 15 AAC 40.600.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the chief financial officer, the chief financial officer will issue without charge a certificate of registration. The certificate of registration shall bear the name of the distributor, and the address of the registered place of business. The certificate must be prominently displayed at the place of business named on the certificate.

(d) The certificate of registration is neither assignable nor transferable. The distributor shall immediately surrender the certificate to the chief financial officer if the distributor ceases to do business at the location named on the certificate, or if the distributor otherwise sells, assigns, transfers, conveys, or abandons the distributor's business to any person or any other entity.

When there is change of address for the distributor's place of business, a new certificate of registration is required bearing the same registration number but showing the new location address.

(e) A distributor must submit a new updated application as prescribed by the chief financial officer upon any change in form of ownership, business name, or contact information. The chief financial officer, after receipt of the updated application shall then determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the distributor must first surrender the prior certificate of registration to the chief financial officer before taking possession of the new certificate.

(f) The chief financial officer may revoke a certificate of registration if a person fails to comply with any of the provisions of this article. A distributor may not engage in any activities covered by this article while the certificate of registration is revoked.

(g) Any distributor who violates any requirement of this section is subject to the penalties provided under this article. The city is entitled to injunctive relief to prevent the distributor from engaging in activities covered under this article until the distributor complies with the requirements of this section.

**Sec. 74-303. Tax return; transmittal; and payment of taxes due.**

(a) On or before the 15th day of each calendar month, the distributor shall file with the chief financial officer a tax return and remit payment for the preceding month upon forms furnished by the city for each place of business. The tax return shall state the wholesale value of the gasoline sold by the distributor during the preceding calendar month, and other information which the chief financial officer requires. If a distributor ceases to sell gasoline, the distributor shall immediately file with the chief financial officer a return for the period ending with the cessation.

(b) Every distributor holding a certificate of registration in the city shall sign and transmit the return together with applicable taxes to the city on or before the proper date.

(c) A return shall be filed by every distributor possessing a current certificate of registration, even if the distributor has not engaged in taxable transactions during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the 15th day of the month following tax collection. Postmarks will not be considered.

**Sec. 74-303.1. Estimated tax.**

If the city is unable to ascertain the tax due to be remitted by a distributor by reason of the failure of the distributor to keep accurate books, allow inspection, failure to file a return or falsification of records, the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due shall be mailed to the distributor. Unless the distributor files an accurate monthly report covering the time period subject to the city's estimate or files an appeal within 30 days of the mailing of the city's estimate, the city's estimate shall become final for the purpose of determining the distributor's tax liability.

**Sec. 75-303.2. Administrative appeals.**

(a) A distributor may appeal to the city mayor any estimated tax, penalties, costs fees, or other decision under this article made by the chief financial officer. Any appeal must be filed within 30 days after the notice of any decision is mailed to the distributor. The failure to appeal a decision of the chief financial officer renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the city mayor or designee shall conduct a hearing. At the hearing, the parties shall have the right to present testimony and cross-examine witnesses. The mayor or designee shall then issue a written or recorded decision that includes findings of fact.

(c) An administrative appeal decision by the city mayor is a final decision that shall be enforced under this article unless stayed by court order or by agreement of the city and appellant. The city mayor's final decision may be appealed to superior court in the fourth judicial district as provided by state law.

**Sec. 74-303.3. Presumption; credit.**

(a) Every wholesale sale of gasoline which is made within the city, unless explicitly exempted by this article or a subsequent ordinance, shall be presumed to be subject to the tax imposed under this article in any action to enforce the provisions of this article.

(b) A credit shall be allowed for taxes erroneously paid under protest. Such credit shall be made by the chief financial officer after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the chief financial officer shall examine the documentation and shall submit the decision in writing within 15 days.

**Sec. 74-303.4. Tax returns; confidential information.**

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are declared to be confidential, and such returns and data obtained from such returns shall be kept from inspection of all persons except the chief financial officer, and the city attorney; nevertheless, upon the advice of the city attorney, the chief financial officer may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge to another any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by distributor or other person receiving such information is permitted to view such returns under the terms of this article.

(c) It shall be the duty of the chief financial officer to safely keep the returns referred to in this article and all data taken from such returns secure from public inspection and secure from all private inspection except as provided in the article; and the chief financial officer may, after six years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this article against any person shall not be deemed a violation of this article; and the city in the prosecution of any such action may allege, prove and produce any return theretofore filed by and in behalf of the defendant, including any data obtained from such return, other provisions of this article to the contrary notwithstanding.

(e) Nothing contained in this article shall be construed to prohibit the delivery to a person or his duly authorized representative a copy of any return or report filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and their items.

**Sec. 74-304. Recordkeeping duty; investigation.**

(a) A distributor under this article shall keep a complete and accurate record of all gasoline manufactured, purchased, or acquired. The records, except in the case of a manufacturer, must include:

- (1) A written statement containing the name and address of the seller and the purchaser;
- (2) The date of delivery;
- (3) The quantity of gasoline;

- (4) The trade name and brand; and
- (5) The price paid for each brand of gasoline purchased. The distributor shall keep such other records as the director prescribes. All statements and records required by this section shall be preserved for six years and shall be offered for inspection upon demand by the city.

(b) A distributor may not issue or accept a written statement that falsely indicates the name of the customer, the type of merchandise, the price, the discounts, or the terms of sale.

(c) Where an invoice is given or accepted by a distributor:

- (1) A statement that makes the invoice a false record of the transaction may not be inserted in the invoice; and
- (2) A statement that should be included in the invoice may not be omitted from the invoice if the invoice does not reflect the transaction involved without the statement.

(d) In addition to all other record keeping requirements under this article, a distributor shall maintain all written and electronic records relating to any gasoline purchased, manufactured, or acquired or sold which is covered under this article, for a period of six years after such transaction, including but not limited to:

1. All local, state, and federal tax reports and forms;
2. All accounting records;
3. All purchase and sales invoices; and
4. All documentary evidence supporting any exemption provided under this article.

(e) Upon reasonable notice, a distributor shall make all records and materials specified in subsections (a) and (d) of this section available for the chief financial officer's or authorized representative's inspection during customary business hours.

(f) The chief financial officer may conduct random audits of distributor's monthly tax returns by examining any of the records and materials specified in subsections (a) and (d) of this section and other data deemed necessary.

(g) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax due, the chief financial officer or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The mayor shall

have the power to administer oaths to such persons. The mayor shall issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda.

(h) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued shall be served in the same manner as a subpoena issued out of a court of record.

(i) The superior court, upon the application of the city, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records or memoranda in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, shall include any person or entity with knowledge or information relevant to sales made under this article.

(j) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state, and to that end compel the attendance of witnesses and the production of relevant books, papers, records or memoranda.

**Sec. 74-305. Unlawful possession or sale.**

A person who offers to sell or dispose of gasoline to others for the purpose of resale without being registered to do so is considered to have possession of gasoline as a distributor and is personally liable for the tax, plus a penalty of 25 percent.

**Sec. 74-305.1. Recovery of taxes.**

(a) Taxes due but not paid may be recovered by the city by an action at law against the distributor. Gasoline excise tax returns shall be prima facie proof of taxes not transmitted.

(b) In addition to any other remedies and administrative procedures provided under this article, the city may file a civil action against any

distributor for recovery of any tax, unremitted tax, penalties, interest, costs, and fees, that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a distributor, or any other person who is an agent of the distributor, is personally liable for all taxes, penalties, and interest due from such distributor under this article.

**Sec. 74-305.2. Tax lien.**

(a) Any tax, unremitted tax, penalties, interest, costs and fees that this article requires a distributor to pay or remit shall constitute a lien in favor of the city upon all assets, earnings, revenue and property of the distributor. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or any other legal means. This lien is not valid as against a mortgagee, pledge, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the excise tax lien for amounts actually advanced before the recording of the excise tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the excise tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

**Sec. 74-305.3. Foreclosure.**

(a) Delinquent gasoline excise tax liens on real property may be enforced by foreclosure.

(b) Tax liens shall be foreclosed in the manner provided for in sections 58-49 through 58-61.

**Section 74-305.4. Interest rate; administrative costs.**

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law, will accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to any other penalties imposed under this article, a distributor shall pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of

any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a distributor's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on unremitted taxes; and fourth, to the principal of any unremitted taxes.

**Section 74-306. Penalties for violations.**

(a) *Failure to file or remit.* A distributor having taxable transactions under this article in the city and who thereafter fails to file a gasoline tax return or remit the collected tax as required by this article shall incur a civil penalty of \$100.00 if the return or the tax is received later than the last day of the month in which it is due and shall incur a civil penalty of \$1,000.00 if the return or the tax is received later than the last day of the next month following the month in which it was due.

(b) *Non-retention of records.* A distributor who does not provide required records upon request as listed in section 74-304 shall incur a civil penalty of \$1,000.00.

(c) *False statements.* Any person who makes any false statement to the chief financial officer or mayor which is material in determining whether a transaction is taxable under this article is guilty of a misdemeanor and shall be punished as provided in section 1-15.

(d) *Certificate of registration.* Any person and any officer of a corporate distributor failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article, or attempting to assign or transfer such certificate shall be guilty of a misdemeanor and shall be punished as provided in section 1-15.

(e) *Penalty.* Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be punishable as provided in section 1-15. A separate offense shall be deemed committed upon each day of a continuing violation.

**Sec. 74-307. Collection policy.**

It shall be the policy of the city that delinquent taxes shall be promptly collected without offset, compromise, or time extensions for payment.



**Sec. 74-308. Rules and regulations.**

(a) The mayor is empowered to enact rules and regulations to implement the tax levied under this article.

(b) The chief financial officer shall take all lawful and necessary actions to administer this article including, but not limited to, adopting and revising procedures, fees, and written guidelines for the determination of the taxability of transactions.

(c) The chief financial officer may also take other lawful actions to administer this article including, but not limited to, issuing written determinations, upon request, of the taxability of transactions and contracting services for collection of delinquent accounts.

(d) With the approval of the chief financial officer, the finance department staff shall prepare, implement, and revise forms for the administration of this article.

**Section 2. The City’s 2021 budget will not add any personnel above 2020 budgeted positions. Personnel-related grants will only be accepted if used to reduce the cost of existing personnel. Project funded positions in Engineering and temporary hires in Public Works are exempt from this policy.**

**Section 32. That the effective date of this Ordinance shall be the **27th day**4<sup>st</sup> day of **July 2020**; however, the effective date for the collection of the gasoline excise tax shall be the 1st day of **September 2020**January 2021.**

\_\_\_\_\_  
**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6137

Abbreviated Title: GASOLINE EXCISE TAX

Department(s): ALL DEPARTMENTS

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No X

2) additional support or maintenance costs? Yes \_\_\_\_\_ No X

If yes, what is the estimate? \_\_\_\_\_

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

<b>PROJECTS:</b>	<b>TOTAL</b>
GENERAL FUND EXPENDITURES	\$500,000
<b>TOTAL</b>	<b>\$500,000</b>

<b>FUNDING SOURCE:</b>	<b>TOTAL</b>
GENERAL FUND REVENUE - GASOLINE EXCISE TAX	\$500,000
<b>TOTAL</b>	<b>\$500,000</b>

The ordinance would levy an excise tax on the distribution of gasoline brought into the City in the amount of five cents per gallon beginning January 1, 2021. The obligation for the payment of the tax is upon the distributor.

Reviewed by Finance Department: Initial mb Date 6/24/2020

**ORDINANCE NO. 6138**

**AN ORDINANCE RATIFYING A LABOR AGREEMENT  
BETWEEN THE CITY OF FAIRBANKS AND THE FAIRBANKS  
FIREFIGHTERS UNION, IAFF LOCAL 1324, AND AMENDING  
THE 2020 CITY OPERATING BUDGET**

**WHEREAS**, the collective bargaining agreement between the City of Fairbanks and the Fairbanks Firefighters Union, IAFF Local 1324 (FFU), effective October 1, 2018, through September 30, 2021, includes provisions for wages and benefits for remaining years 2019, 2020, and 2021; and

**WHEREAS**, the FFU and the City Administration have reached a tentative agreement regarding 2020 wages and benefits.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** That the wage and benefit terms for 2020 of the October 1, 2018, through September 30, 2021, collective bargaining agreement between the City and the FFU, shown in Attachment A (the “Agreement”), are hereby ratified.

**SECTION 2.** That the terms of the Agreement are subject to ratification by the FFU membership.

**SECTION 3.** That the 2020 City budget is hereby amended to provide funding for the terms of the Agreement.

**SECTION 4.** That the effective date of this ordinance is the 27th day of July 2020.

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**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6138

Abbreviated Title: FAIRBANKS FIREFIGHTERS UNION CBA - WAGE OPENER

Department(s): FIRE DEPARTMENT

Does the adoption of this ordinance or resolution authorize:

- 1) additional costs beyond the current adopted budget? Yes X No \_\_\_\_\_
- 2) additional support or maintenance costs? Yes \_\_\_\_\_ No X  
 If yes, what is the estimate? \_\_\_\_\_
- 3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X  
 If yes, how many positions? \_\_\_\_\_  
 If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

<b>EXPENDITURES:</b>	<b>2020</b>	<b>2021</b>
FIRE STAFF WAGES & BENEFITS	\$92,000	\$87,000
<b>TOTAL</b>	<b>\$92,000</b>	<b>\$87,000</b>

<b>REVENUES:</b>	<b>2020</b>	<b>2021</b>
CITY GENERAL FUND	\$92,000	\$87,000
<b>TOTAL</b>	<b>\$92,000</b>	<b>\$87,000</b>

In 2020, this agreement provides a total package increase of 1.63% by increasing wages and benefits with health care increasing from \$1,583.12 to \$1,670.92 (total cost of \$47,412). In 2021, the total estimated package increase of 1.5% includes an estimated increase in health care from \$1,670.92 to \$1,758.72 (total cost of \$47,412).

Prepared by Finance Department: Initial mb Date 7/2/2020

**2020 IAFF 1324 Wage Opener  
Appendix C  
City Counter  
26 June 2020**

**Cost of Living: Effective 1/1/20**

1) Package rate increases will be in a range from 1.5% CPI to 3% CPI as measured by the Anchorage CPI-U. A three-year average (use the previous three years, not counting current year) will be utilized and if that three-year average falls below the 1.5% CPI, then the City will pay a 1.5% wage Increase. If the three-year average is above 3% Anchorage CPI then the City will pay a 3% wage Increase. If the 3-year Anchorage CPI-U is between 1.5% and 3%, then the City will pay the actual 3-year CPI average. The parties agree to use this formula to determine increases to the wages for the remaining years on this contract effective January 1, 2020 through October 31, 2021.

Example 1. 3-year Anchorage CPI average = .8%, city pays 1.5%

Example 2. 3-year Anchorage CPI average = 2.1%, city pays 2.1%

Example 3. 3-year Anchorage CPI average = 3.4%, city pays 3%

2020 3-year average Anchorage CPI-U = 1.633% Health Care costs will be paid from this 1.633% that will keep the City contribution for 2020 at 80%. The remaining money will be paid toward wages

2021 3-year average Anchorage CPI-U = To Be Determined

**Suppression  
Members (56 hour)  
2020 wage chart**

	EMT I/II	EMT III	Paramedic
Recruit Firefighter (0-6 Months)	\$18.10	\$18.93	\$20.03
Firefighter I (6-12 Months)	\$19.89	\$20.72	\$21.82
Firefighter II ( 1-3 Years)	\$23.43	\$24.26	\$25.36
Firefighter III (3-5 Years)	\$25.62	\$26.45	\$27.55
Firefighter IV ( 5+ Years)	\$27.81	\$28.64	\$29.74
Driver/Engineer	\$29.45	\$30.28	\$31.38
Captain	\$31.92	\$32.47	\$33.85
Battalion Chief	\$34.73	\$35.56	\$36.66

	<b>Administrative Members (40 hour) 2020 wage chart</b>		
RDFM	\$29.79		
Deputy Fire Marshal I	\$33.93		
Deputy Fire Marshal II	\$39.02		
Deputy Fire Marshal III	\$43.91		
Admin Assistant	\$27.91		
Admin Assistant (5+ Yrs.)	\$28.47		
Clerk	\$25.19		
Clerk (5+ Years)	\$25.93		

- 2) Section 16.2 A(paramedic), B and C (EMTIII), G(Data) prepays will stop and section 16.2 will be edited.
- 3) Effective dates and retro pay:
  - a) Wages will be effective 1/1/20 and 1/1/21.
  - b) 2020: Wages and health care retro check will be paid the second pay period following ratification of the wage opener by the City Council
  - c) 2021:
    - i) Health care adjustment will take place 12/1/20.

**RESOLUTION NO. 4926**

**A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT  
WITH THE FAIRBANKS NORTH STAR BOROUGH REGARDING  
MAINTENANCE OF GORDON WEAR PARK**

**WHEREAS**, the Borough exercises area-wide powers for parks and recreation, including maintenance and improvement of parks within the City of Fairbanks; and

**WHEREAS**, the City owns and maintains the Shoreway Drive parking lot, adjacent to a landscaped area named Gordon Wear Park, formerly known as Shoreway Drive Park; and

**WHEREAS**, the Fairbanks Rotary Club, through investment of private capital, labor, and resources constructed substantial improvements to the park area; and

**WHEREAS**, the City and the Borough entered into a prior Memorandum of Agreement (MOA) regarding the maintenance and management of Shoreway Drive Park in May of 2000, which expired on May 31, 2020; and

**WHEREAS**, the City and the Borough wish to continue the original MOA under substantially the same terms; and

**WHEREAS**, the Borough, through its Department of Parks and Recreation, is staffed, equipped, and authorized to manage and maintain park properties; and

**WHEREAS**, area residents and visitors to the community benefit in the use and from the enjoyment of a properly maintained park at this location.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks, that the Mayor is authorized to execute a Memorandum of Agreement with the Fairbanks North Star Borough regarding maintenance and management of Gordon Wear Park substantially similar to Attachment A hereto.

**PASSED and APPROVED this 27th day of July 2020.**

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**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney



**MEMORANDUM OF AGREEMENT  
Transfer of Maintenance and Management**

GORDON WEAR PARK

This Memorandum of Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_ 2020, between the City of Fairbanks, a municipal corporation of the State of Alaska, 800 Cushman Street, Fairbanks, Alaska 99701 (the "City"), and the Fairbanks North Star Borough, 907 Terminal Street, Fairbanks, Alaska 99701.

**WHEREAS**, the Borough exercises area-wide powers for parks and recreation, including maintenance and improvement of parks within the City; and

**WHEREAS**, the City owns and maintains the Shoreway Drive parking lot, adjacent to a landscaped area named Gordon Wear Park; and

**WHEREAS**, the Rotary Club, through investment of private capital, labor, and resources has constructed substantial improvements to the park area; and

**WHEREAS**, the City and the Borough entered into a prior Memorandum of Agreement (MOA) regarding the maintenance and management of Gordon Wear Park formerly known as Shoreway Drive Park back in May of 2000, which expired on May 31, 2020; and

**WHEREAS**, the City and the Borough wish to continue the original MOA under substantially the same terms; and

**WHEREAS**, the Borough, through its Department of Parks and Recreation, is staffed, equipped, and authorized to manage and maintain park properties; and

**WHEREAS**, area residents and visitors to the community benefit in the use and from the enjoyment of a properly maintained park at this location.

**NOW, THEREFORE, BE IT MUTUALLY AGREED BY THE CITY OF FAIRBANKS AND THE FAIRBANKS NORTH STAR BOROUGH as follows:**

**Section 1. Park Property:**

Gordon Wear Park formerly known as Shoreway Drive Park, an irregular tract of land described as follows:

A tract of land located within Section Ten (10), Township One (1) South, Range One (1) West, Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

A tract of land created by accretion, comprising that area shown on the attached map designated "Exhibit A", with bounded limits at follows:

Bounded on the North by Tract H-%-B and the Church Tract as depicted on the replat of the portion of Blocks 5 and 6, and Tracts F-1, F-2, H-4, H-5, and Church Property, North Addition to the Fairbanks Townsite, filed on July 17, 1985 as Instrument No. 85-131, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska:

Bounded on the East by the North Bank of the Chena River;

Bounded on the South by the north bank of the Chena River;

Bounded on the West by the easterly right-of-way limit of North Cushman Street.

**EXCEPTING** the asphalt parking lot and island/meridian located therein, over which the City reserves control as set forth by the terms below.

**Section 2. Transfer:**

The City hereby transfers management and maintenance of the park property to the Borough as set forth by the terms of this Agreement.

**Section 3. Maintenance:**

The Borough will maintain the Park Area, including care of flowers, lawns, trees, shrubbery, seating areas, and sidewalks, bearing all cost for such maintenance. The City will be responsible for repairing any damage to curbs that result from use or maintenance of the parking lot.

**Section 4. Utilities:**

The Borough provides electrical and water utilities at its expense for use as needed for maintenance of the Park Area.

**Section 5. Parking:**

The City reserves control of the parking lot, including responsibility for maintenance expenses of snow removal, sweeping, lighting, storm water drainage, and usual lot expenses.

**Section 6. Law Enforcement:**

The Borough may require law enforcement assistance at the Park Area. The City will provide prompt response to calls for assistance, within the limitations of higher police priorities and staffing levels. Borough representatives will coordinate with the Police Department at the beginning of each maintenance season.

**Section 7. Occupancy:**

The Park Area is made available at no charge to the Borough in the manner of a licensed use for the term of this Agreement. Nothing in this Agreement will be construed to convey a real property interest to the Borough such that the City will be permanently secured in its ownership of the Property.

**Section 8. Term:**

This MOA will be for a period of \_\_\_\_\_ years from the initial date herein, unless otherwise agreed to by the parties in a written amendment.

**Section 9. Exculpation and Indemnity:**

Neither party to this Agreement will be liable to the other for loss, injury, or damage to its employees, contractors, agents, or members of the public from any cause arising from their respective use as provided herein.

**Section 10. Termination:**

Either party may terminate this Agreement without cause upon 90-days written notice to the other party.

**Section 11. Entire Agreement:**

There are no other agreements, written or oral, which affect this MOA.

**IN WITNESS WHEREOF**, the Parties execute this Memorandum of Agreement:

**CITY OF FAIRBANKS**

**ATTEST**

\_\_\_\_\_  
Jim Matherly  
Mayor

\_\_\_\_\_  
D. Danyielle Snider, MMC  
City Clerk

State of Alaska                    )  
  )  
Fourth Judicial District        )

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Jim Matherly, known to me to be the Mayor of the City of Fairbanks, and D. Danyielle Snider, known to me to be the City Clerk of the City of Fairbanks, and that they acknowledged before me that they executed this agreement on behalf of the City of Fairbanks under the authority granted by the Fairbanks City Council.

**IN WITNESS WHEREOF**, I have set my hand and affixed my official seal the day and year written above.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

**FAIRBANKS NORTH STAR BOROUGH**

**ATTEST**

\_\_\_\_\_  
Bryce Ward  
Mayor

\_\_\_\_\_  
April Trickey, CMC  
Borough Clerk

State of Alaska                    )  
  )  
Fourth Judicial District        )

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Bryce Ward, known to me to be the Mayor of the Fairbanks North Star Borough, and April Trickey, known to me to be the Borough Clerk of the Fairbanks North Star Borough, and that they acknowledged before me that they executed this agreement on behalf of the Fairbanks North Star Borough under the authority granted by the Fairbanks North Star Borough Assembly.

**IN WITNESS WHEREOF**, I have set my hand and affixed my official seal the day and year written above.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

**RESOLUTION NO. 4927**

**A RESOLUTION APPROVING AN AGREEMENT FOR RECOVERY OF ADMINISTRATIVE COSTS FOR IMPLEMENTATION AND RECOVERY OF EMERGENCY MEDICAL SERVICES AND TRANSPORTATION OF MEDICAID PATIENTS PROGRAM**

**WHEREAS**, the State of Alaska Department of Health and Social Services has developed and is administering the Supplemental Emergency Medical Transportation (SEMT) Program to recover costs for eligible emergency medical transportation services for Medicaid patients; and

**WHEREAS**, the City of Fairbanks provides emergency medical transportation services and plans to participate in the SEMT program; and

**WHEREAS**, the Alaska Fire Chiefs Association incurred a one-time fee to implement the SEMT program that will be paid by the Municipality of Anchorage; and

**WHEREAS**, the Municipality of Anchorage is seeking participants to sign an agreement to reimburse the fee in 2021; and

**WHEREAS**, the City of Fairbanks anticipates a fee in the amount of \$130,000.00 and will recover 50% of this fee in 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the Mayor or his designee is authorized to execute any and all documents required for approving the agreement between the City of Fairbanks and the Municipality of Anchorage.

**PASSED and APPROVED this 27th Day of July 2020.**

\_\_\_\_\_  
**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4927

Abbreviated Title: AGREEMENT WITH MUNICIPALITY OF ANCHORAGE

Department(s): FIRE DEPARTMENT

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No X

2) additional support or maintenance costs? Yes \_\_\_\_\_ No X

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

EXPENDITURES:	2020	2021	2022	Total
SEMT IMPLEMENTATION COSTS	\$0	\$130,000	-\$65,000	\$65,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$130,000</b>	<b>-\$65,000</b>	<b>\$65,000</b>

FUNDING SOURCE:	2020	2021	2022	Total
GENERAL FUND [SEMT FUNDS]		\$130,000	-\$65,000	\$65,000
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$130,000</b>	<b>-\$65,000</b>	<b>\$65,000</b>

SEMT implementaiton costs will be deducted from the initial payment; however, the City can include this cost in the following year for 50% of reimbursement.

Reviewed by Finance Department:

Initial mb

Date 7/22/2020

**AGREEMENT FOR RECOVERY OF ADMINISTRATIVE COSTS  
FOR IMPLEMENTATION AND RECOVERY OF EMERGENCY MEDICAL SERVICES AND  
TRANSPORTATION OF MEDICAID PATIENTS PROGRAM**

This agreement is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the Municipality of Anchorage (“MOA), a political subdivision of the State of Alaska and \_\_\_\_\_ (“SEMT Transporter”).

**WHEREAS**, the State of Alaska Department of Health and Social Services (the “State”) has developed and is administering the Supplemental Emergency Medical Transportation program (“SEMT”) pursuant to Alaska Statutes 47.07.085;

**WHEREAS**, an eligible emergency medical transportation service provider may be entitled to supplemental Medicaid reimbursement; and,

**WHEREAS**, MOA has been designated by the State to recover the administrative and implementation costs required to be paid by eligible providers under the State Code; and,

**WHEREAS**, MOA will incur a one-time fee to the Alaska Fire Chiefs Association and an annual administrative fee to the State of Alaska in connection with administering the SEMT program;

**WHEREAS**, emergency medical transportation service providers are only eligible to participate in the SEMT program if they enter into an agreement to reimburse MOA for administrative costs;

**NOW THEREFORE**, the Parties enter into this Agreement for the purpose of setting forth the manner and terms for payment of the administrative fees by the eligible SEMT providers to MOA, under the following terms and conditions.

**I. PARTIES**

MOA is a designated agency for the collection of costs and fees related to the SEMT program. SEMT Transporter is an eligible provider of SEMT services as described in Alaska Statutes.

**II. TERM**

This Agreement shall be effective and commence as of \_\_\_\_\_ and shall end on \_\_\_\_\_.

**III. SCOPE OF SERVICES AND RESPONSIBILITIES**

MOA will provide the following services:



- Advance payment of SEMT administration costs to the State on behalf of SEMT Transporter.
- Assistance to the State of Alaska SEMT program on behalf of the SEMT Transporter including:
  - Cost Report development
  - Information resource to the State and Federal governments
  - Program development to expand the scope of eligible costs

SEMT Transporter will provide the following services:

- Accurate count of transports eligible under the SEMT program reported to the MOA.
- Accurate recordkeeping and retention of records for a period of not less than five (5) years
- Provide all records upon request to State DHSS for audit purposes

#### **IV. PAYMENT TERMS**

SEMT Transporter agrees to pay MOA the Transporter's share of:

1. The State administrative costs, which is calculated by dividing the State Administrative cost by SEMT Transporter's total number of Medicaid patient transports.
2. The one-time fee paid to MOA's contractor for program implementation, which is a total of \$303,750. The fee is calculated by dividing the MOA contractor cost by SEMT Transporter's total number of Medicaid patient transports. This fee will be due to the MOA with the first SEMT payment allocated to the SEMT Transporter.
3. The MOA's administrative costs, which is 2% of the State administrative cost charged to each SEMT Transporter.

MOA will notify, via email, the amount due under this Agreement by the SEMT Transporter once the amount is determined. All amounts due under this Agreement will be paid to MOA no later than 30 days after the first notification is sent to the SEMT Transporter.

Non-payment by the SEMT Transporter constitutes a breach of this Agreement and, if not cured, will result in a termination of this Agreement. A breach of this Agreement may be cured by the successful completion of the payment transaction to MOA by SEMT Transporter within 30 days' notice by MOA.

#### **V. DISPUTE RESOLUTION**

In the event of a dispute between the Parties in the terms of this Agreement as to any issue arising under this Agreement, the Parties agree to meet and negotiate in good faith to resolve such dispute. This shall not limit the Parties' right to pursue any available remedies at law or in equity.

#### **VI. INDEMNIFICATION**

It is agreed that the SEMT Transporter shall defend, hold harmless and indemnify MOA, its officers, employees, and agents from any and all claims liability, loss or expense (including reasonable attorney fees) for injuries or damage to any person and/or any property which arise out of the terms and conditions of this Agreement and the negligent or intentional acts or omissions of the SEMT Transporter and its officers, employees or agents. MOA understands that SEMT Transporter is a department of the (Name of authority), and that (Name of Authority) has no appropriation currently available to it to indemnify MOA under this provision and that enactment of an appropriation in the future to fund a payment under this provision remains solely in the discretion of the (Name of Authority) failure to make such an appropriation creates no further liability or obligation of CBJ.

**VII. AMENDMENT AND WAIVER**

Except as provided herein, no alteration, amendment, variation, or waiver of the terms of this Agreement shall be valid unless made in writing and signed by both Parties. Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent, or any other right hereunder.

**VIII. TERMINATION**

Either of the Parties may terminate this Agreement upon thirty (30) days written notice to the other party. Notice shall be deemed served on the date of mailing. SEMT Transporter’s responsibility for administrative costs incurred by the State shall survive the termination of the Agreement.

**IX. CONTROLLING LAW**

The validity of this Agreement and its terms or provisions, as well as the rights and duties of the Parties hereunder, the interpretation and performance of this Agreement shall be governed by the laws of the State of Alaska.

**MUNICIPALITY OF ANCHORAGE**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**[Agency Name in ALL UPPERCASE]**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**RESOLUTION NO. 4928**

**A RESOLUTION EXTENDING FOR A FOURTH TIME THE MAYOR'S  
DECLARATION OF A DISASTER EMERGENCY, EXTENDING THE  
TEMPORARY PROVISIONS OF ORDINANCE NO. 6126 REGARDING  
TELEPHONIC PARTICIPATION OF COUNCIL MEMBERS AND CONDUCT  
OF COUNCIL MEETINGS, AND EXTENDING THE MAYOR'S AUTHORITY  
REGARDING THE USE OF CITY EQUIPMENT AND PERSONNEL  
OUTSIDE CITY LIMITS**

**WHEREAS**, on March 19, 2020, the Council enacted Ordinance No. 6126 that temporarily authorized telephonic participation by council members at City Council meetings and authorized the Mayor to modify the provisions of the Fairbanks General Code regarding the conduct of public meetings, with an end date of May 31, 2020, unless extended by action of the City Council; and

**WHEREAS**, on March 24, 2020, Mayor Matherly issued a Declaration of a Disaster Emergency Within the City of Fairbanks for the COVID-19 Pandemic and Requesting State and Federal Assistance; and

**WHEREAS**, on March 30, 2020, the City Council approved Resolution No. 4907, extending the Mayor's declaration of a disaster emergency with the provision that the declaration would remain in effect through April 30, 2020, unless extended or terminated by resolution of the City Council; and

**WHEREAS**, also on March 30, 2020, the City Council adopted Ordinance No. 6128 that allowed the Mayor to authorize the use of city equipment and personnel outside the city limits during the COVID-19 emergency; and

**WHEREAS**, on April 27, 2020, the City Council approved Resolution No. 4909, again extending the Mayor's declaration of a disaster emergency with an ending date of May 30, 2020, unless extended or terminated by resolution of the City Council; and

**WHEREAS**, on May 18, 2020, the City Council approved Resolution No. 4913, which extended the effective date of the Mayor's declaration of a disaster emergency through August 31, 2020; extended the effective date of the temporary provisions of Ordinance No. 6126, authorizing the telephonic participation of council members at City Council meetings and authorizing the Mayor to modify provisions of the Fairbanks General Code regarding public meetings through August 31, 2020; and extended the effective date of the temporary provisions of Ordinance No. 6128, allowing the Mayor to authorize the use of city equipment and personnel outside the city limits to help ensure the health, safety, and welfare of the community during the current public health emergency through August 31, 2020; and

**WHEREAS**, Governor Dunleavy’s state-wide declaration of emergency remains in place, and another extension of the Mayor’s declaration is warranted; and

**WHEREAS**, an extension of the provisions of Ordinance No. 6126 and Ordinance No. 6128 are warranted as COVID-19 cases continue to rise at record rates in Alaska.

**NOW, THEREFORE**, be it resolved by the Fairbanks City Council that the Mayor’s Declaration of a Disaster Emergency Within the City of Fairbanks for the COVID-19 Pandemic and Requesting State and Federal Assistance is hereby extended through December 31, 2020, unless extended or terminated by further resolution of the City Council; and

**FURTHERMORE**, the temporary provisions of Ordinance No. 6126 authorizing the telephonic participation of council members at City Council meetings and authorizing the Mayor to modify provisions of the Fairbanks General Code regarding public meetings, are hereby extended through December 31, 2020, unless extended or terminated by further resolution of the City Council; and

**FURTHERMORE**, the temporary provisions of Ordinance No. 6128, allowing the Mayor to authorize the use of City equipment and personnel outside the city limits to help ensure the health, safety, and welfare of the community during the current public health emergency, are hereby extended through December 31, 2020, unless extended or terminated by further resolution of the City Council.

**PASSED and APPROVED** this 27th day of July 2020.

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**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk


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Paul J. Ewers, City Attorney



# CITY OF FAIRBANKS

## MEMORANDUM

To: City Council Members  
From: Mayor Matherly   
Subject: Request for Confirmation – Fairbanks Fire Chief  
Date: July 1, 2020

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Following the review of an open call for applications; I have made the decision to promote Assistant Fire Chief Tod Chambers to Fire Chief.

Because of his lengthy career and dedication to the Fire Service field, high standards and professionalism during this transition, and with a strong recommendation from former Fire Chief Jim Styers, I hereby request your confirmation of the appointment of Tod Chambers as the Chief of the Fairbanks Fire Department.

Thank you.

Attachment: Tod Chambers Application Packet

City of Fairbanks  
Internal Job Application  
**Updated Resume Required**

*The City of Fairbanks is an equal opportunity employer and affords equal opportunity to all applicants for all positions, without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status or any other status protected under local, state or federal laws.*

Position(s) Applying for:	Job Number(s)
Fire Chief	2000-1

**Applicant Information:**

Last Name: Chambers	First Name: Tod	MI: AA
Address: _____		
Telephone Number: Home/ Mobile: _____	Work: _____	Ext: _____

Current position at City of Fairbanks: <u>Assistant Fire Chief</u>
Department: <u>Fire</u>
Original Date of Hire: <u>07/08/2019</u> / <u>Current</u>

Please complete the following questions. Use additional pages if necessary.

1) Have you read the Job Description(s) and can you perform the essential functions of this job?

Yes. I am currently performing those functions as the Acting Fire Chief.

2) Describe your current qualifications for the position you are applying for, to include education, skill, abilities, work habits, and work experience.

29 years experience, A.A.S. Municipal Fire Protection, previous FFD experience, Acting Chief

3) Explain why you are applying for this position.

Desire to work with the city and the employees to make FFD realize its potential.

By signing below you signify that all information contained above is accurate, that you have read and understand the job description, and are able and willing to perform the functions and duties of that position.

	June 10, 2020
Employee Signature	Date

<b>For HR use only:</b> Date Rec'd _____ Rec'd by _____ Logged in job folder _____ MUNIS _____
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## Tod A Chambers

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**Objective** Successfully obtain the position of Fire Chief

**Experience**

**Assistant Fire Chief**

Fairbanks Fire Department, Fairbanks, Alaska

*July 2019 – Current*

Supervise career personnel and resources for fire, rescue, and emergency medical response and daily operations.

Develop, review, revise, and implement emergency management policies and procedures for the City of Fairbanks

Supervise fire training programs and facilities, develop and coordinate partnerships with local response agencies and the State of Alaska Bureau of Fire Accreditation, Standards, and Training

Develop annual budgets as part of the administrative staff, research and purchase tools, equipment, and programs for response, maintenance, and training

Review, revise, develop, and implement department policies, procedures, and guidelines

Oversee personnel recruitment, applicant testing, interviews, and promotional testing

Perform personnel evaluations, investigation of complaints, and disciplinary action for department personnel

**Assistant Fire Chief**

Capital City Fire Rescue, Juneau, Alaska

*September 2015 – July 2015*

Supervise career and volunteer personnel and resources for fire, rescue, and emergency medical response and daily operations

Supervise fire training programs and facilities, develop and coordinate partnerships with local response agencies and the State of Alaska Bureau of Fire Accreditation, Standards, and Training

Develop annual budgets as part of the administrative staff, research and purchase tools, equipment, and programs for response, maintenance, and training

Review, revise, develop, and implement department policies, procedures, and guidelines

Assist in personnel recruitment, applicant testing, interviews, and promotional testing

Perform personnel evaluations, investigation of complaints, and disciplinary action for career and volunteer personnel

**Captain**

University Fire Department, Fairbanks, Alaska

*October 2007 – September 2015*

Supervise personnel and resources for fire, rescue, and emergency medical response

Serve as battalion chief as needed to cover absences/leave

Training, mentoring, applicant testing, apparatus and equipment maintenance, purchasing, report writing, labor representative



**Firefighter/EMT**

Fairbanks Fire Department, Fairbanks, Alaska

May 2004 – October 2007

Respond to fire, rescue and emergency medical incidents

Training, apparatus and equipment maintenance, station duties

Maintain EMS supplies including purchasing and inventory

**Lieutenant/Training Officer**

North Pole Fire Department, North Pole, Alaska

August 2000 – May 2004

Training program management, course delivery

Maintain training records and certifications

Respond to fire, rescue, and emergency medical incidents, serve as acting shift officer and chief officer as needed

**Engineer/EMT**

North Pole Fire Department, North Pole, Alaska

June 1995 – August 2000

Respond to fire, rescue and emergency medical incidents

Supervision of public education program for fire and life safety

Training and mentoring of volunteer members

**Education**

**Associate of Applied Science / Municipal Fire Control**

University of Alaska Fairbanks Community and Technical College, Fairbanks, Alaska

May 2012

Currently pursuing bachelor degree in Homeland Security and Emergency Management

**Interests**

Family, outdoor activities, music, cooking, travel

**References**

References are available on request.

**Certificates**

State of Alaska/IFSAC Firefighter I

State of Alaska/IFSAC Firefighter II

State of Alaska/IFSAC Fire Officer I

State of Alaska/IFSAC Fire Service Instructor I

DHS/FEMA/EMI ICS 100

DHS/FEMA/EMI ICS 200

DHS/FEMA/EMI ICS 300

DHS/FEMA/EMI ICS 400

DHS/FEMA/EMI ICS 700

DHS/FEMA/EMI ICS 800

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Tod A Chambers

American Heart Association BLS Provider  
State of Alaska EMT III

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Tod A Chambers

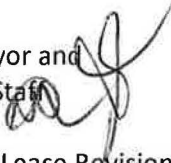


# CITY OF FAIRBANKS

## MEMORANDUM

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To: City Council Members

From: Jim Matherly, City Mayor and  
Mike Meeks, Chief of Staff 

Subject: Yukon Quest Property Lease Revisions

Date: July 22, 2020

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**Background:** The Yukon Quest (YQ) entered a lease agreement with the City of Fairbanks for the rent in 2014, for \$500/month. YQ failed to meet their financial obligations and a new agreement was reached on May 2019, which had the YQ paying \$750/month until rent that was in arrears was satisfied. The YQ failed to keep up with their new financial obligation.

**Revised Proposal:** The rent will return to \$500/month. The city will provide a \$400/month credit to assist with utilities, leaving a \$100/month rent payment. \$100 in additional rent will be paid by YQ to begin the process of paying back rent. **The Yukon Quest will pay \$200/month for their lease until the outstanding debt is paid and then the payment will drop down to \$100/month.**

Additionally, the City of Fairbanks will do an energy audit on the facility and will have the two electric meters checked to make sure they are measuring the correct usage. The city will change out the incandescent light bulbs to LEDs and will start working on a project that will change out the single pane windows to more energy efficient windows. Additional work will be done after the energy audit is performed.

During our meeting there was several issues that you wanted us to address. They were:

- a) City Business License: Yes, you have a valid business license, but your renewal application was not received by the City and processed until June 11, 2020, this means you are not eligible for the City CARES funding grant
- b) Electric usage: The city is paying for one of the meters in your building. It should be the meter that feeds the pump, but we are not 100% sure, thus the city is hiring an electrician to inspect both meters to ensure they are feeding the correct parts of the facilities.
- c) Property Tax: The Golden Heart Plaza properties, Lots 1, 2, 3, and 4, Block 4, Fairbanks Townsite, all show as exempt from taxation according to the Borough's records. There are occasions where a private party will be accessed property tax on a long-term leasehold

interest, even if the underlying property is tax exempt. So, you should not be paying property tax.

This memo will appear as a consent agenda item under Communications to Council at the July 27, 2020 Council meeting. If you have any questions or concerns with the proposed revisions, this memo should be pulled from the consent agenda for discussion.

City of Fairbanks  
Permanent Fund Review Board  
Quarterly Meeting Minutes  
January 27, 2020

The Permanent Fund Review Board (PFRB) convened at 1:35 P.M. in the City Council Chambers to conduct a quarterly meeting with the following board members in attendance.

Board Members Present: Council Member Valerie Therrien  
Patty Mongold  
Bernard Gatewood  
Dave Owen

Also Present: Margarita Bell, Chief Financial Officer  
Brandy Niclai, Chief Investment Officer - APCM  
Blake Phillips, Director of Institutional Solutions – APCM

Dave Owen moved, and Valerie Therrien seconded to approve the minutes from the October 30, 2019 meeting. The PFRB unanimously agreed.

Margarita Bell reviewed the account's performance through December 31, 2019:

- \$134,568,000 - Balance including accrued income
- \$ 3,360,531 - Dividend and interest earnings
- \$ 16,466,428 - Realized gain
- \$ 915,990 - Unrealized gain
- \$ (104,530) - Management and custodial fees
- \$ 20,419,957 - Earnings, net of expenses

Brandy Niclai reported that the balance of the fund was \$135,884,060 on January 24, 2020.

The 2020 draw is expected to be made in December 2020. The budgeted appropriation of \$5,582,188 to the general and capital funds are shown below, respectively:

- \$4,961,945 and \$620,243

Portfolio Summary							
4th Quarter		Year to Date		Last 12 Months		Inception to Date	
Account	Benchmark	Account	Benchmark	Account	Benchmark	Account	Benchmark
4.48%	4.89%	17.47%	19.02%	17.47%	19.02%	5.63%	5.42%
	0.13% <sup>1</sup>		0.50% <sup>2</sup>		0.50% <sup>3</sup>		
4.48%	5.02%	17.47%	19.52%	17.47%	19.52%	5.63%	5.42%

1 - 12.5 bps - per quarter rounded  
2 - 50 bps hurdle -annual (YTD = 12.5 basis pts X # quarters)  
3 - 50 bps hurdle codified in March 2009. Inception performance begins January 31, 1998.

Brandy Niclai presented a market review for the fourth quarter. She stated that the portfolio had an 8.95% increase in the fourth quarter due to Federal cut of interest rates for the third time, an easier path for BREXIT, and trade tensions eased between United States and China. The 2020 outlook is “unexciting” due to global central banks easing, modest fiscal policy support, low inflation expectations, diminished trade tensions, and consumers health with higher savings. Earnings, interest rates, and steady valuations lead to single digit returns resulted in a neutral equity to bond mixture.

Brandy Niclai reviewed the compliance report with PFRB members. There were no compliance issues to report.

The next quarterly meeting will be April 29, 2020 in the City Council Chambers.

The meeting adjourned at 4:40 p.m.



FAIRBANKS DIVERSITY COUNCIL  
 REGULAR MEETING MINUTES  
 FEBRUARY 11, 2020, 5:30 – 7:00 P.M.  
 FAIRBANKS CITY COUNCIL CHAMBERS  
 800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Fairbanks Diversity Council (FDC)** convened at 5:30 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following members in attendance:

**Members Present:** Kennita Williams, Seat A   Kelvin Lee, Seat I (telephonic)  
 Robert Dorton, Seat B (left at 6:45 p.m.)         Doug Toelle, Seat J (arrived at 5:38 p.m.)  
 Shelissa Thomas, Seat E   Sara Harriger, Seat K  
 Rita Davis, Seat F   Angela Foster-Snow, HR Director  
 Jeff Walters, Seat H   June Rogers, Councilmember

**Members Absent:** Montean Jackson, Seat C   Vacant, Seat G  
 Juanita Webb, Seat D

**Also Present:** Mike Meeks, Chief of Staff   D. Danyielle Snider, City Clerk

**CALL TO ORDER & READING OF THE FDC MISSION STATEMENT**

**Chair Matherly** called the meeting to order and asked City Clerk Snider to read the FDC Mission Statement.

**PLEDGE OF ALLEGIANCE**

**Chair Matherly** asked everyone to join him in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Ms. Thomas**, seconded by **Ms. Davis**, moved to APPROVE the Agenda.

**Chair Matherly** called for objection and, hearing none, declared the Agenda APPROVED.

**MAYOR’S COMMENTS & REPORT**

**Chair Matherly** stated that many folks have been ill recently, and he hopes everyone is getting better. He shared that he is ready to appoint someone to fill the FDC vacancy, Mr. Andrew Aquino. He spoke briefly about Mr. Aquino’s background and stated he is excited to bring him aboard.

**CALENDAR OF EVENTS**

**Chair Matherly** reminded everyone that there will be a remembrance in April for the victims of unsolved homicides.

## APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of December 10, 2019

**Ms. Thomas**, seconded by **Ms. Davis**, moved to APPROVE the Regular Meeting Minutes of December 10, 2019.

## HUMAN RESOURCES REPORT

**Ms. Foster-Snow** shared that there are quite a few vacant positions at the City. She stated there are six lateral police officers in background currently. She stated the City is doing its annual recruitment for firefighters; she explained that they create a pool and pull from it throughout the year when there are vacancies. **Ms. Foster-Snow** stated that recruitment closes April 1, and folks can apply with no experience – just a high school diploma. She stated the Controller position in the Finance Department is open through the end of the month. She shared that the City interviewed four applicants earlier that day for the Plumbing/Mechanical Inspector in the Building Department, and there were a couple strong candidates. **Ms. Foster-Snow** announced that the Mayor has authorized high school interns from West Valley to join departments at the City for the semester; she stated it is fun to have young people around. Finally, she shared that the City Attorney's Office has hired a new Deputy Attorney.

**Chair Matherly** and **Ms. Rogers** spoke briefly about the City's budget and the decline in State Community Assistance (formerly known as Revenue Sharing).

## NEW BUSINESS

- a) Diversity Action Plan (DAP) Overview
- b) March 10 FDC Work Session Agenda
- i) Talking Circle Format
  - ii) Brainstorming Session with Ms. Thomas as Facilitator
  - iii) Public Involvement
  - iv) Potluck

*Items (a) and (b) were discussed together.*

**Ms. Harriger** stated that her recollection of the last discussion is that the work session would be a time to brainstorm ideas, and there would be a follow-up session to draft the action plan.

**Mr. Walters** asked whether feedback was solicited from the public, and, if so, whether there has been any feedback. Clerk Snider stated that she placed a solicitation for feedback on the City website and social media accounts and in the newspaper for three or four consecutive weeks. She stated that no feedback has been received yet. **Ms. Foster-Snow** suggested reaching out to other local diversity groups to see what types of issues they are dealing with or would like the FDC to look at. **Ms. Harriger** suggested reaching out to the City Council to ask for input. Other members



mentioned various community groups that may have feedback to provide. **Chair Matherly** requested that FDC members forward contact information for local groups and organizations to the Clerk so that she could reach out for feedback on behalf of the body. He stated that if members already have a summary of input from other groups, they could provide the Clerk with that instead. **Ms. Foster-Snow** suggested reaching out to not only the City Council but also the Borough Assembly. **Ms. Harriger** requested that the solicitation to the local governing bodies be on FDC letterhead instead of just an email.

Members discussed whether there would be public involvement at the work session. It was decided that, while the work session would be open to the public, the FDC would not take public comment. **Chair Matherly** stated that it may take more than one or two meetings to complete the DAP project.

**Mr. Dorton** spoke to recovery, reentry, and recidivism. He stated that the theme in the state legislature relating to reentry and recidivism this year seems to be “therapeutic”; he stated that the year prior the theme was “lock ‘em up”, and the year before that was “set ‘em free”. He stated he would like the topic to be a part of the discussion. **Ms. Harriger** stated that related organizations should be solicited for input prior to the work session.

**Mr. Toelle** asked about the wording that was posted. Clerk Snider stated that the post to the City website reads, “The Diversity Council Wants to Hear from You! The Fairbanks Diversity Council (FDC) will meet in February to review the City’s Diversity Action Plan, and they would like some feedback from the community! What issues do you, as a member of the community, think are important for the FDC to consider? Please submit your responses to City Clerk Danyielle Snider at [dsnider@fairbanks.us](mailto:dsnider@fairbanks.us) with the subject line “FDC feedback”. The FDC will review feedback at its January 14, 2020 meeting, but the input period will extend through Wednesday, February 5.” She stated that the post will be updated with new dates. **Ms. Rogers** expressed disappointment that folks have not responded to the invitation for input.

**Ms. Harriger** suggested creating a community survey. **Ms. Rogers** suggested that Mayor Matherly speak with the media to help get the word out. **Ms. Thomas** stated the reason for a lack of responses could be because it is the beginning of the year. **Ms. Harriger** asked whether there would be any issue if an organization wanted to help create a survey on behalf of the FDC free of charge. **Chair Matherly** and Clerk Snider replied that they did not see a problem with that. **Chair Matherly** stated he could work on doing a media interview. **Mr. Walters** stated it would be nice to get a major PR article out to the community before the March meeting. **Chair Matherly** stated he would like FDC members to come and speak to the City Council at the February 24 meeting; he stated members could speak under “Special Reports” on the agenda. **Mr. Toelle** suggested submitting a *Community Perspective* article to the News Miner; he also suggested that Mayor Matherly, in his regular communications with citizens, forward issues that may be appropriate to the FDC. **Mr. Walters** spoke in support of getting a TV news story out and, if possible, a front-page news article. He added that it would be helpful to reach out specifically to the local Native organizations; **Chair Matherly** agreed to reach out.

**Mr. Walters** asked what the process would be following the March 10 meeting; he asked whether the City Council would have to approve of changes made to the DAP. **Ms. Harriger** suggested

that the work session be held in a roundtable format, that some general time guidelines be set, and that there be a heavy brainstorming session following the potluck and general familiarization with the DAP. **Ms. Harriger** stated at the end of the session, the group could assign tasks to members or committees and decide when to reconvene to draft the DAP. She stated she understands from the group that no public input would be taken at the work session. She stated she would like to have themes to focus the brainstorming session on. **Mr. Toelle** asked whether the existing DAP would be used as an outline or whether they will be starting from scratch. He requested that Clerk Snider share the language that was posted online with FDC members so they could each share it; Clerk Snider agreed to email it out to members. Members agreed to hold the potluck and work session from 5:30 – 8:30 p.m.

Clerk Snider stated the ordinance that created the FDC states that the DAP will be reviewed every five years. She reported that it has been nearly three years since the DAP was approved by the City Council. She suggested that the FDC use the DAP as an outline for the work session and allow the Chairs and City staff to incorporate the feedback received into that outline prior to the work session. **Ms. Harriger** suggested that each member go through the DAP and identify which goals they believe are achievable for the FDC, similar to setting “SMART goals”. She stated that some of the items in the DAP may fall outside the powers of the body. **Mr. Walters** stated that members should also identify what they believe may be missing from the DAP. He stated he would like to hear City Council input before the FDC begins the DAP project.

Members discussed how best to organize the work session agenda. **Mr. Walters** suggested that each member score each of the DAP tasks according to priority. **Ms. Thomas** reminded everyone that the DAP is a five-year plan that is not meant to be achieved in a short period of time. Clerk Snider stated that she could email priority-ranking instructions for DAP tasks out to members. **Ms. Rogers** raised the FDC’s relationship with the Borough as an issue of importance to be discussed.

In summary, **Ms. Harriger** stated that perhaps three significant topics of discussion for the brainstorming session could be: 1) the FDC’s role/relationship with the Borough, 2) how to turn DAP tasks into “SMART goals”, and 3) revising goals to incorporate community/Council input. No members objected to moving forward in that direction.

### **FDC MEMBERS’ COMMENTS**

**Ms. Williams** stated it was a good meeting, and she looks forward to March.

**Ms. Thomas** stated she looks forward to March and to celebrating her 50th birthday soon.

**Ms. Davis** had no comments.

**Ms. Foster-Snow** had no comments.

**Mr. Toelle** stated he will be out of town between now and March 10, but he will attend the work session.

**Ms. Rogers** had no comments.

**Mr. Walters** stated that the current Borough Chief of Staff, Jim Williams, was very involved in the initial development of the DAP. He stated that he will reach out to Mr. Williams to ensure the Borough Mayor's Office is aware of what is happening. He stated he will try to attend the February 24 City Council meeting. He asked for follow-up on the diversity training that some of the FDC members attended a few months ago.

**Chair Matherly** stated that he attended a portion of that training. He stated it was good training, but he does not believe it is the right training for City staff.

**Ms. Harriger** stated she was excited about the appointment of Andrew Aquino to the FDC, and she looks forward to March.


**Mr. Lee** had no comments.

### **MEETING DATES**

The next meeting of the FDC will be a Work Session and potluck on March 10, 2020 at 5:30 p.m.

### **ADJOURNMENT**

**Chair Matherly** declared the meeting ADJOURNED at 7:07 p.m.



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Jim Matherly, Mayor/Chair



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D. Danyielle Snider, CMC, City Clerk

Transcribed by: DS

## **MEMORANDUM**

**TO:** Mayor Matherly and Councilmembers  
**FROM:** Paul Ewers, City Attorney  
**SUBJECT:** AMLJIA Board of Trustees – Reappointment to Board  
**DATE:** July 16, 2020

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I am a member (and currently the chair) of the Board of Trustees of the Alaska Municipal League Joint Insurance Association. My term expires this fall, and I would like to serve another two years. I am seeking the Council’s consent before accepting another term.

In January of 2014, I was appointed to the Board of Trustees to serve out Patrick Cole’s remaining term. Patrick had been the Chair of the Board before his untimely death in November of 2013. I was reappointed in the fall of 2014 for a full two-year term and again in 2016 and 2018.

The AMLJIA is a not-for-profit corporation formed in July of 1988 by the Alaska Municipal League to provide insurance and risk management services to AML member municipalities and school districts. The City of Fairbanks is a member and participant. The Board of Trustees directs the professional staff and sets policy for the organization. The Board meets four times a year. Board members are not compensated but are reimbursed for approved travel expenses.

Serving on the Board of Trustees involves a commitment of time. Before COVID-19, it included out-of-town travel four times per year (usually to Anchorage and normally for one day). The time commitment does not interfere with my duties as City Attorney; I use personal leave for any days that I am out of the office for Board meetings. Serving on the Board has proven valuable in carrying out my risk management duties for the City. In addition, I feel it is important for the City of Fairbanks to have a representative on the Board.

This memo will be listed on the consent agenda under “City Attorney’s Report.” If you have any questions, please feel free to pull it from the consent agenda.