



FAIRBANKS CITY COUNCIL
AGENDA NO. 2022-02
SPECIAL MEETING – JANUARY 27, 2022
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

SPECIAL MEETING
7:00 A.M.

1. ROLL CALL
2. CITIZENS' COMMENTS
3. UNFINISHED BUSINESS
 - a) Disclosure of Potential Conflict of Interest by Council Member Rogers on Resolution No. 5001 – A Resolution Approving the 2021 Allocation for the Employee Capital Incentive Program (ECIP).
4. ADJOURNMENT



MEMORANDUM

TO: Mayor Matherly and City Council Members

FROM: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk

SUBJECT: Resolution No. 5001, as Amended, Possible Conflict of Interest

DATE: January 24, 2022

At the Regular City Council meeting of January 17, 2022, the Council approved Resolution No. 5001, as Amended, A Resolution Approving the 2021 Allocation for the Employee Capital Incentive Program (ECIP).

The resolution, in its original form, allocated 5% of 2021 City salary savings to be paid to union employees based on the percentage of salary savings by union. A motion to amend the resolution by increasing the allocation from 5% to 10 % was passed by a 4-3 vote (Ayes: Rogers, Marney, Therrien, Matherly; Nays: Clark, Gibson, Cleworth). Resolution No. 5001, as Amended, was approved by a 5-1 vote (Ayes: Marney, Clark, Gibson, Rogers, Therrien; Nays: Cleworth).

A few days after the approval of Resolution No. 5001, as Amended, a question was raised as to whether Council Member Rogers had a possible conflict of interest because her spouse is a City employee who will receive money, albeit a small amount, from the ECIP program.

Because Council Member Rogers overlooked this possible conflict, the best course of action for the Council is to take the following remedial action at the special meeting.

Council Member Rogers would first raise the possible conflict. The Mayor would then rule on whether there is a conflict that would prohibit her from voting. The Mayor's ruling is subject to review by the Council. The Council may, by motion and majority vote (with Council Member Rogers abstaining), override the Mayor's ruling. If it is ruled that no conflict exists, the matter is settled and Resolution No. 5001, as Amended, stands as approved.

If it is determined that a conflict exists, the Council may entertain a motion to reaffirm the vote to approve Resolution No. 5001, as Amended, with Council Member Rogers abstaining. If a motion to reaffirm receives four votes in favor, Resolution No. 5001, as Amended, stands as approved. If the motion to reaffirm does not receive four votes in favor, the Council will reconsider the resolution in its original form with Council Member Rogers abstaining.

City Charter Sec. 2.11. - Council: Voting, disqualification of member.

No member of the council shall vote on any proposed action of the council in the subject matter of which he has a direct or indirect pecuniary interest.

FGC Sec. 2-122. - Voting.

(a) The mayor shall declare all votes; but if any member doubts a vote, the mayor, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate and shall declare the result.

(b) In all meetings of the city council, a roll call vote shall be taken in random order by yeas and nays on the passage of all ordinances, resolutions and authorizations for the payment of money, and on the passage of any motion when called for by any member of the city council; and such yea and nay votes of each member shall be permanently entered on the record of the proceedings of the city council by the city clerk. Other votes may be by voice or by a call for objection. If any council member objects when a call for objection is presented, a roll call vote must be taken.

(c) Every member who shall be present when a question is put, where not disqualified by personal interest, shall vote, unless the city council for special reason excuses the member. Applications to be so excused may be made before the vote and shall be decided without debate.

(d) Anything to the contrary in this division notwithstanding, in all cases where an extraordinary majority is not required, and when no motion is before the city council, the mayor may, in lieu of calling for or awaiting a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, the mayor shall announce: "It is so ordered," which will have the same effect as if a motion to that effect had been made and voted upon favorably. If a single objection is reasonably expressed when the question is put, the mayor shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

RESOLUTION NO. 5001, AS AMENDED

**A RESOLUTION APPROVING THE 2021 ALLOCATION FOR THE
EMPLOYEE CAPITAL INCENTIVE PROGRAM (ECIP)**

WHEREAS, the City Council approved an Employee Capital Incentive Program (ECIP) with Ordinance 6184, as Amended; and

WHEREAS, the ECIP requires the City Council to annually determine the percentage of salary savings to be allocated through the program; and

WHEREAS, the ECIP provides additional wages to permanent, full-time, Union employees with at least six months of employment; and

WHEREAS, the 2021 salary savings is \$1,538,439; and

WHEREAS, the proposed ~~10%~~5% allocation for the 2021 ECIP is ~~\$153,844~~\$76,922 to be paid based on the percentage of salary savings by Union.

NOW, THEREFORE, BE IT RESOLVED by the City Council that it authorizes the Mayor to execute all eligible payments necessary to implement this program.

PASSED and **APPROVED** this 17th day of January 2022.

Jim Matherly, Mayor

AYES: Marney, Clark, Gibson, Rogers, Therrien
NAYS: Cleworth
ABSENT: None
APPROVED: January 17, 2022

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 5001

Abbreviated Title: EMPLOYEE CAPITAL INCENTIVE PROGRAM (ECIP) 2021 ALLOCATION

Department(s): ALL

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: | Total |
|--------------------------|------------------|
| SALARY AND WAGES ACCRUAL | \$153,844 |
| | |
| | |
| | |
| | |
| TOTAL | \$153,844 |

| FUNDING SOURCE: | Total |
|------------------------|------------------|
| GENERAL FUND BALANCE | \$153,844 |
| | |
| TOTAL | \$153,844 |

The Employee Capital Incentive Program (ECIP) will provide eligible staff additional wages based on Union salary savings. The City had the following salary savings: IBEW \$129,424, AFLCIO \$127,586, PSEA Police \$939,008, PSEA FECC \$198,509, and FFU \$143,912. Mayor proposed 5% of the 2021 salary savings in the amount of \$76,922. Council approved 10% of the 2021 salary savings in the amount of \$153,844.

Reviewed by Finance Department: Initial mb Date 1/18/2022