

Mayor
Alice Ruby

City Manager
Jack Savo Jr.



Dillingham City Council
Triston Chaney
Jean Barrett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM

Date: March 4th, 2026
To: Jack Savo Jr., City Manager
From: Abigail Flynn, City Clerk
Subject: Abstaining from Voting and Requests for Verbatim Comments in Minutes

During the February 10th and February 20th Special Council Meetings some questions came up that I was asked to answer in a memo. They both relate to information recorded in the minutes for those dates.

Regarding Abstention

During the **roll call vote on the motion to appoint the City Manager**, a Councilmember stated, "I'm abstaining," without declaring a conflict of interest or requesting to be excused prior to the vote.

Governing Law

Alaska Statute 29.20.160 provides:

"Each member present shall vote on every question, unless required to abstain from voting on a question by law."

Dillingham Municipal Code 2.09.160(B) provides:

"Every member who is present when a question is put shall vote unless disqualified pursuant to this code or unless excused by the presiding officer and council for special reason."

Under DMC 2.09.160(B), the only exceptions to the mandatory vote requirement are:

- Disqualification pursuant to conflict provisions (DMC 2.03.010–020), or
- Being formally excused by the presiding officer and council for special reason prior to the vote.

In this instance:

- No conflict of interest was declared under DMC 2.03.010–020.
- No request to be excused for special reason was made prior to the vote.
- The abstention did not invoke either exception permitted under state law or municipal code.

Applicability of Robert's Rules of Order

Robert's Rules of Order generally permits members to abstain from voting. However, Dillingham Municipal Code **DMC 2.09.090(A) (Parliamentary Authority)** adopts Robert's Rules **only where they are not inconsistent with municipal code or state law.**

Because both **AS 29.20.160** and **DMC 2.09.160(B)** contain mandatory "shall vote" language, local law controls in this matter. Where municipal code and state statute require a vote, Robert's Rules does not override that requirement.

Effect

Under AS 29.20.160 and DMC 2.09.160(B), a member present when the question is put is required to vote unless disqualified or formally excused. An abstention without meeting one of those exceptions is not authorized.)

In the future, if this happens again, the chair should prompt the council member to either declare a conflict of interest or, if there is no conflict, remind them that they are required to vote by both State Statute and DMC and ask for their vote again.

Regarding Verbatim Statements:

Verbatim statements were not included in the minutes because the council would have needed to direct that action by motion and majority vote and they did not. Resolution No. 2005-14 dictates the minute format.

See also Robert's Rules of Order Newly Revised (12th ed.), Chapter 48

Under Robert's Rules:

A single member **cannot unilaterally require** that their remarks be entered verbatim.

If a member wants something entered into the minutes, they must:

- **Make a motion** directing that the statement be entered verbatim.
- The motion requires a **second**.
- The motion requires a **majority vote**.

Without a vote of the body, the chair and clerk are not obligated to include verbatim remarks.

Please see the attached Resolution passed in 2005.

CITY OF DILLINGHAM
Dillingham, Alaska

RESOLUTION NO. 2005-14
Establish Minute Format

A RESOLUTION OF THE COUNCIL OF THE CITY OF DILLINGHAM, ALASKA, APPROVING THE USE OF "ACTION MINUTES" AS THE DOCUMENT OF RECORD FOR DILLINGHAM CITY COUNCIL MEETINGS.

WHEREAS, a recommendation was made to the Dillingham City Council regarding the various forms in which meeting minutes are recorded and reported by other boards, municipalities, and boroughs, and

WHEREAS, there are three commonly recognized formats of minutes; verbatim, action, and synopsis, and

WHEREAS, *Verbatim minutes*, in which every word spoken is recorded. Verbatim minutes are expensive, time consuming, and not recommended by the International Institute of Municipal Clerks or the Alaska Association of Municipal Clerks, and

WHEREAS, *Action minutes* reflect only the motion, the maker of the motion, and the subsequent vote made by the council, and

WHEREAS, *Synopsis minutes* are made from comments made during a meeting and can be the most difficult to create, as they are subject to the recorder's interpretation of the intent of the speaker. These minutes can lead to constant challenge by council members because what people remember saying and what they did say can be interpreted differently. It is difficult to extract accurate intent out of a 15-minute discussion, and

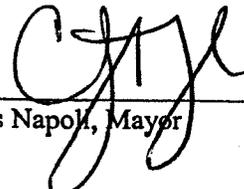
WHEREAS, the International Institute of Municipal Clerks and the Alaska Association of Municipal Clerks recommends Action Minutes together with a listing of the issues discussed, without attributing comments to anyone. This method reduces the time it takes to do minutes and, at the same time, avoids debates on intent and accuracy, and

WHEREAS, the City Clerk spends an inordinate amount of time producing minutes for the Dillingham City Council meetings that often require assumptions of intent or interpretation of words used, and this text becomes a permanent part of the City records, now

THEREFORE, BE IT RESOLVED that the Dillingham City Council approves use of Action Minutes with the inclusion of a brief listing of issues discussed, and without attributing comments for recording Council minutes.

APPROVED AND ADOPTED this 7 day of April, 2005.

SEAL:


Chris Napol, Mayor

ATTEST:


Sari A. Vance
City Clerk