

AGENDA REQUEST

*Added to Agenda
Session 12-11-12
D.12.*

FOR: COUNCIL MEETING OF DECEMBER 18, 2012

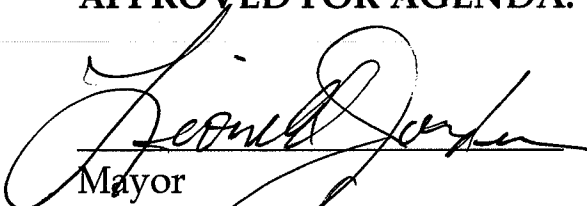
FROM:

MAYOR LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §31.17 Mayor's Compensation Of The Fayetteville Code To Allow A Mayor To Waive In Writing The Salary Adjustment Required By (B)


APPROVED FOR AGENDA:



Mayor

12/7/12

Date



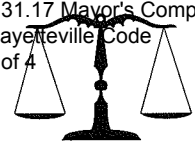
City Attorney
(as to form)

Dec 7, 2012

Date

12-11-12 P03:22 RCVD

Kim G.



Departmental Correspondence

**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council
Sondra Smith, City Clerk
Paul Becker, Financial Director

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: **December 7, 2012**

RE: Mayor's request to waive salary adjustment for 2013

Pursuant to the Mayor's request, I have drafted an amendment to §31.17 **Mayor's Compensation** which would give any mayor the right to waive salary adjustment for the upcoming year. Mayor Jordan would need to present such written waiver of salary adjustment to the City Clerk to be filed in her office no later than January 3rd of the affected year. An earlier filing would be helpful to Accounting.

A Mayor leaving office cannot use this waiver power to affect the salary adjustment for the new mayor. A new mayor would have to act by January 3rd to waive the salary adjustment.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §31.17 MAYOR'S COMPENSATION OF THE FAYETTEVILLE CODE TO ALLOW A MAYOR TO WAIVE IN WRITING THE SALARY ADJUSTMENT REQUIRED BY (B)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts a second sentence in §31.17 (B) to allow the Mayor to waive the yearly adjustment for that year so that (B) shall be as follows:

“(B) The salary shall be adjusted one time per year, as provided above, at the payroll period coincidental with or following January 1st. The mayor may waive for himself or herself this salary adjustment by filing such written waiver with the City Clerk no later than January 3rd of the affected year.”

PASSED and APPROVED this 18th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Current Law

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 31: CITY OFFICIALS

**ARTICLE I
GENERAL PROVISIONS**

31.01 Form Of Government

The form of government provided for this city is hereby known as the "Aldermanic form of government."

(Ord. No. 3651, §1, 11-10-92)

31.02 Removal From Office; Filling Vacancies

(A) *Elected officers.*

Elected officials of the City of Fayetteville may be removed from the office pursuant to A.C.A. §14-42-109 upon a finding by a Circuit Court that such official is guilty of nonfeasance in office.

(B) If any such official is removed for nonfeasance, the vacancy shall be filled in the manner provided by state law. When any official is removed under the provisions of subsection (A) of this section, the vacancy shall be filled in the manner provided by law.

(Code 1965, §§2-14, 2-15; Ord. No. 761, 9-4-33; Code 1991, §31.01)

State law reference(s)--Removal of elective or appointed officers, A.C.A. §14-42-109.

31.03-31.14 Reserved

**ARTICLE II
ELECTED OFFICIALS***

31.15 City Council; Mayor

(A) There shall be eight aldermen on the City Council, who shall be elected as set forth in §32.01.

(B) The Mayor shall perform such duties as are prescribed by law for mayors of cities of the first class having an aldermanic form of government.

State law reference(s)-- Officials in mayor-council cities of 50,000 or more, A.C.A. §14-43-303; Mayor generally, A.C.A. §14-43-401.

31.16 Aldermen, Compensation

Compensation for each alderman shall be in the amount of \$700.00 per month without regular city benefits.

(Ord. No. 3660, §§1, 2, 12-1-92; Ord. No. 4109, §1, 8-4-98)

State law reference(s)--Compensation of officials generally, A.C.A. §14-43-409.

31.17 Mayor's Compensation

Compensation for the mayor shall be as follows:

(A) The base salary shall be set at a level that is 5% greater than the average of the salaries of each chief and the department directors reporting to the Mayor.

(B) The salary shall be adjusted one time per year, as provided above, at the payroll period coincident with or first following January 1st.

(C) Termination and replacement of an employee in the positions designated above is not cause for a pay increase or decrease at the time of such action.

(D) A newly elected mayor shall make an irrevocable election in writing during his or her first two months in office whether or not to be paid an annual automobile allowance of \$5,000.00 in equal monthly installments during the mayor's term of office. If a mayor does not make such election in writing, the automobile allowance shall not be paid during the mayor's term of office.

(Ord. No. 3659, §§1, 2, 12-1-92; Ord. No. 3764, §1, 3-1-94; Code 1991, §31.17; Ord. No. 5214, 1-20-09)

State law reference(s)--Compensation of officials generally, A.C.A. §14-43-409.

31.18 District Judge Compensation

(A) The District Judge of Fayetteville's compensation shall fall within the current pay range determined by the most recent public sector survey conducted by the city, or independent survey contractor and any applicable state law.

(B) Annually at the first payroll period coincident with or first following January 1st, a pay adjustment will be made equal to the average percentage pay increase granted to regular full time non-civil service city employees during the previous