1	ORDINANCE NO.		
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3	AN ORDINANCE TO ESTABLISH PARAMETERS FOR THE		
4	RETIREMENT BENEFITS FOR THE MAYOR OF THE CITY OF LITTLE		
5	ROCK, ARKANSAS; TO PROVIDE FOR SPOUSAL BENEFITS FOR THE		
6	WIDOW OF A LITTLE ROCK MAYOR; TO DECLARE AN		
7	EMERGENCY; AND FOR OTHER PURPOSES.		
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9	WHEREAS, with the authority granted by Act 729 of the 2007 General Assembly, the Board of		
10	Directors passed Little Rock, Ark., Ordinance No. 19,761 (June 12, 2007) which called for a referendum		
11	to decide whether to grant additional authority to the Office of the Mayor; and,		
12	WHEREAS, the Act requires that a Mayor granted such additional authority "shall be compensated		
13	with a salary and benefit package comparable to the highest-ranking Municipal Official; and,		
14	WHEREAS, at an election held August 14, 2007, the electors of the City of Little Rock, Arkansas		
15	("the City"), voted to grant the Mayor such additional authority and to make the position a full-time position		
16	with the City; and,		
17	WHEREAS, one comparable benefit required to be made available to the Mayor, as is done for the		
18	City Manager, is a Retirement Program; and,		
19	WHEREAS, pursuant to Ark. Code Ann. § 24-12-123 (West. Supp. 2018), in a municipality of the		
20	first-class whose Mayor has served at least ten (10) years, the Mayor is entitled to an Annual Retirement		
21	Benefit during the remainder of the Mayor's life which is payable at a rate one-half the salary payable to		
22	the Mayor at the time of retirement; and,		
23	WHEREAS, the salary of the Mayor on the date of this ordinance is One Hundred Sixty Thousand		
24	Dollars (\$160,000.00) per year, and the provisions of this ordinance should also apply to all future City		
25	Mayors entitled to compensation pursuant to Ark. Code Ann. § 24-12-123 (West Supp. 2018), as may be		
26	amended; and,		
27	WHEREAS, the City's Defined Benefit Plan allows for certain Cost-of-Living Increases, and is		
28	permitted to provide for Spousal Survivor Benefits, this ordinance permits the mayor to receive such		
29	benefits; and,		
30	WHEREAS, it is also the desire of the Board of Directors of the City to provide the same comparable		
31	retirement benefits to all future Mayors.		
32	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY		
33	OF LITTLE ROCK, ARKANSAS:		

Section 1. The Annual Retirement Benefit for any Mayor of the City of Little Rock shall be determined
 in accordance with the 2014 Defined Benefit Plan ("2014 DB Plan") for City employees, and is declared
 by the Board of Directors to be a comparable retirement benefit as that provided to the highest-paid City
 Official.

Section 2. Because the City has provided the current Mayor with a different Retirement Plan to-date,
the documents for the 2014 DB Plan shall be amended to make the Mayor immediately eligible for this plan
in accordance with the following provisions:

- 8 (a) Any Mayor who serves ten (10) years or more in the office shall be entitled, upon reaching the 9 age of sixty (60), to retire with an Annual Retirement Benefit during the remainder of that 10 person's natural life payable at the rate of one-half of the salary payable to the Mayor at the 11 time of retirement;
- (b) Any Mayor who serves twenty (20) years or more as Mayor of the City shall be entitled to
 retire with an Annual Retirement Benefit during the remainder of that person's natural life
 payable at the rate of one-half of the salary payable to the mayor at the time of retirement.
- (c) Any Mayor who has served as an Elected Official or employee of the City prior to, or after, the
 person's service as Mayor shall count such service as an Elected Official or employee towards
 the Mayor's Retirement Benefit as follows:
- (i) One (1)-year of Mayor's retirement for each two (2) years of service as an Elected
 Official or employee of the City up to a maximum of an additional two (2) years of
 credit towards a Mayor's Retirement Benefit; or,
- (ii) one (1)-year of a Mayor's Retirement Benefit for each two (2) years served as an
 Elected Official or an employee of the City for a maximum of three (3) years credit
 towards a Mayor's Retirement Benefit if the person has not less than twenty (20) years
 of Mayor's credit and has reached the age of at least fifty-two (52); or,
- (iii) one (1)-year of a mayor's Retirement Benefit for each two (2) years served as an
 Elected Official or an employee of the City for a maximum of four (4) years credit
 towards a Mayor's Retirement Benefit if the person has not less than twenty (20) years
 of Mayor's credit and has reached the age of at least fifty-four (54);
- (iv) provided, that no period of elected or employment experience with the City referred to
 in this subsection (b) (i), (ii), or (iii), shall apply towards a Mayor's Retirement Benefit
 if such serve is also covered by another retirement plan.

32 Section 3. On January 1st of each year, if a retired mayor has been retired for at least twelve (12) 33 months, a retired Mayor shall be entitled to a Cost-of-Living Increase added to the Annual Retirement 34 Benefit if, and only if: 1 (a) The retired Mayor participates in the 2014 DB Plan; and,

- (b) The retired Mayor agrees to any Cost-of-Living Increase that may occur pursuant to the
 provisions of the 2014 DB Plan that apply to all other members of the Plan; and,
- 4 (c) The retired Mayor formally executes a legal waiver of any entitlement to any particular
 5 percentage of annual cost-of-living increase that otherwise would be available pursuant to Ark.
 6 Code Ann. § 24-12-123, as may be amended.

Section 4. On the death of any Mayor retired pursuant to the provisions of this ordinance who has elected to pay any cost of a Spousal Benefit, or any Mayor who dies in office after becoming eligible to retire under Section 2 of this ordinance, or of any acts of the General Assembly, a Spousal Benefit in the form provided for in Ark. Code Ann. § 24-12-123 (b), or any other option provided through the 2014 DB Plan, provided the cost of the Spousal Benefit may be paid by direct reimbursement to the Plan or through actuarial equivalence factors provided in the Plan.

Section 5. Any Mayor not a part of the 2014 DB Plan on the effective date of this ordinance shall pay into the 2014 DB Plan any accredited benefits received from contributions of the City to another retirement plan.

16 Section 6. *Repealer*. All laws, ordinances, resolutions, or parts of the same that are inconsistent with 17 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

18 Section 7. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase, or 19 word of this ordinance is declared or adjudge to be invalid or unconstitutional, such declaration or 20 adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and 21 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of this 22 ordinance.

23 Section 8. Emergency Clause. Because of statutory requirements to assure that a full-time Mayor 24 serving pursuant to the Management Form of Government Plan set forth in Little Rock, Ark., Ordinance 25 No. 19,761 (June 12, 2007), and approved by the electors of the City at a referendum, receives a salary 26 and benefits comparable to the highest paid City Official, and the additional statutory requirements to 27 assure an Annual Retirement Benefit during life at the rate of one-half of the salary payable to the Mayor 28 at the time of retirement; and, because it is important to assure that such retirement benefits are equally 29 applied to all eligible persons who have served as Mayor under the current configuration of the 30 government; and, because it is important to provide a definite formula for any Cost-of-Living Increases, or 31 for Spousal Benefits of a deceased Mayor; and, because the ability to assure such statutory compliance and 32 not be involved in future litigation is essential to assure the proper functioning of government and that 33 parties on the governing body are not involved in individual challenges to benefits packages or retirement 34 benefits; and, for all of these reasons, such resolution is essential to the public health, safety, and welfare;

1	an emergency is, therefore, declared to exist so this ordinance can take effect, and be in full force and effect,		
2	from and after the date of its passage.		
3	ADOPTED: December 11, 2018		
4	ATTEST:	APPROVED:	
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6			
7	Susan Langley, City Clerk	Mark Stodola, Mayor	
8	APPROVED AS TO LEGAL FORM:		
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10 11	Thomas M. Carpenter, City Attorney		
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