

AGENDA REQUEST FORM

FOR: Council Meeting of October 19, 2021

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FROM: Council Member Mark Kinion

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ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 31.16 CITY COUNCIL MEMBER COMPENSATION OF THE CITY CODE TO ALLOW COUNCIL MEMBERS TO PARTICIPATE IN PARTICIPANT-PAID DENTAL AND VISION INSURANCE PLANS AND TO RECEIVE CITY-PAID LIFE INSURANCE OF \$15,000.00 AND THE AD&D MUNICIPAL LEAGUE INSURANCE

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APPROVED FOR AGENDA:

  
City Council Member

Mark Kinion

09/22/2021  
Date



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City Attorney Kit Williams  
Approved as to form

September 20, 2021  
Date

## Williams, Kit

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**From:** Kinion, Mark  
**Sent:** Wednesday, September 22, 2021 1:41 PM  
**To:** Williams, Kit  
**Subject:** Re: compensation ordinance

Yes, I authorize this document be placed in Legistar.  
Mark Kinion

On Sep 22, 2021, at 10:51 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Mark,

Please authorize me to place the ordinance that you requested and approved into Legistar.  
Kit

## Williams, Kit

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**From:** Kinion, Mark  
**Sent:** Friday, September 17, 2021 8:45 PM  
**To:** Williams, Kit  
**Cc:** Cole, Missy; Pennington, Blake  
**Subject:** Re: Benefits provided for Council

Thanks Kit! Looks perfect.  
Mark Kinion

On Sep 17, 2021, at 5:01 PM, Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)> wrote:

Mark,

I have redrafted the proposed amendment to §31.16(A) to also include city-paid life insurance and drafted some Whereas clauses to explain what you intend for the ordinance. Please review this draft ordinance and let me know if it is okay or whether changes are additions are needed.

Have a nice weekend,  
Kit

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**From:** Kinion, Mark  
**Sent:** Friday, September 17, 2021 4:44 PM  
**To:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>  
**Cc:** Cole, Missy <[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)>; Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**Subject:** Re: Benefits provided for Council

Thanks Kit  
-Mark

On Sep 17, 2021, at 4:13 PM, Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)> wrote:

Mark,

I will slightly amend my initial proposed amendment of the *City Code* to include city paid life insurance in the amount of \$15,000.00.

Kit

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**From:** Kinion, Mark  
**Sent:** Friday, September 17, 2021 3:55 PM  
**To:** Cole, Missy <[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)>  
**Cc:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>; Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**Subject:** Re: Benefits provided for Council

\$15,000 is what I suggest.

**To:** Cole, Missy <[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)>; Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>; Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>

**Subject:** Re: Benefits provided for Council

Kit,

I would like to present an ordinance change to include Dental, Vision and Group Life benefits the same as those offered to City Employee.

When you have the time if you could prepare the ordinance change verbiage I would most appreciate it. Fir 2022 enrollment time is of the essence.

Thanks,

Mark Kinion

On Sep 17, 2021, at 8:56 AM, Cole, Missy <[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)> wrote:

Hi Mark,

Susan Collier mentioned that you inquired about benefits for Council members so I wanted to attach the slide (below) that I presented at City Council when we were getting approval on the benefits package for Open Enrollment. Dental and Vision would allow us to add City Council members to our plan using the same rates afforded to the employees of COF. The additional life insurance that One America would consider as a carve out would be a flat rate amount, as we do not offer life insurance to staff that are less than FT status.

Council Member benefits are dictated by Fayetteville City Code 31.16 and would require action from Council to add the potential offerings that are listed below. Please see the City Attorney's memo regarding Council Member benefits and change to City Code.

<image001.png>

Sincerely,

**Missy Cole, PHR, SHRM-CP**

Director of Human Resources  
City of Fayetteville, Arkansas

[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)

T 479.575.8298 Fax 479.718.7698

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image002.png>

Susan Collier mentioned that you inquired about benefits for Council members so I wanted to attach the slide (below) that I presented at City Council when we were getting approval on the benefits package for Open Enrollment. Dental and Vision would allow us to add City Council members to our plan using the same rates afforded to the employees of COF. The additional life insurance that One America would consider as a carve out would be a flat rate amount, as we do not offer life insurance to staff that are less than FT status.

Council Member benefits are dictated by Fayetteville City Code 31.16 and would require action from Council to add the potential offerings that are listed below. Please see the City Attorney's memo regarding Council Member benefits and change to City Code.

<image001.png>

Sincerely,

**Missy Cole, PHR, SHRM-CP**

Director of Human Resources

City of Fayetteville, Arkansas

[mcole@fayetteville-ar.gov](mailto:mcole@fayetteville-ar.gov)

T 479.575.8298 Fax 479.718.7698

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image002.png>

***The City of Fayetteville is hiring! Check out our careers page:***

<image003.png>

<City Attorney memo 09172021.pdf>

<Ord to amend §31.16 City Council Member Compensation and Benefits.docx>



## DEPARTMENTAL CORRESPONDENCE



OFFICE OF THE  
CITY ATTORNEY

TO: **Mayor Jordan**  
**City Council**

**Kit Williams**  
*City Attorney*

**Blake Pennington**  
*Assistant City Attorney*

CC: **Susan Norton**, Chief of Staff  
**Paul Becker**, Finance Director  
**Missy Cole**, HR Director

**Jodi Batker**  
*Paralegal*

FROM: **Kit Williams**, City Attorney

DATE: **August 17, 2021**

RE: **Council Member Mark Kinion's Request to Consider Additional "Benefits" for City Council Members**

Human Resources Director Missy Cole asked me to consider whether any additional offered "benefits" offered to the City Council would need any change to your current compensation and benefits section in the *Fayetteville Code*.

**"§31.16 Aldermen, Compensation**

(A) Compensation for each Alderman shall be in the amount of \$1,042.00 per month without regular city benefits, except that Aldermen may elect to participate in the city health insurance plan as a separate defined class.

(B) The amount in subsection (A) shall be automatically changed annually in January in a percentage amount equal to the percentage change, if any, in the compensation of the Mayor. This automatic change may be waived by the City Council upon adoption of an appropriate resolution."

Both this *Code* section and §31.15 should be updated to refer to City Council Members rather than Aldermen. Additionally, I was not aware that Council Members had been receiving "Supplemental Products" shown on HR's "City Council Benefits" slide (printed and attached hereto). I believe that all of these "Supplemental Products" are self-financed by the participants (employees) and do not receive any City of Fayetteville subsidies. If I am correct, then these are not truly "fringe benefits" or compensation, but merely opportunities for Council Members to purchase

supplemental, individual policies. Dental and Vision insurance are fully funded by participants, but receive the benefit of group rates.

The Municipal League Accidental Death and Dismemberment benefit for elected officials is funded by the city which should, therefore, be included in your compensation code section. To clarify this whole situation and to maintain the status quo for the two paid benefits (health insurance and the Municipal Leagues AD&D) while offering all employee-paid benefits as an option for the City Council Members, I would suggest that §31.16 be rewritten as follows:

**“31.16 City Council Member Compensation And Benefits**

(A) Monthly compensation to be paid bi-weekly to each City Council Member shall be \$1,299.26 without normal regular city-subsidized employee benefits, except that Council Members shall receive the Municipal League’s AD&D coverage and may elect to participate in the city’s Group Dental and Group Vision plan and the city-subsidized health insurance on the same terms as full-time employees and may elect to participate in any other city offered insurance for which they are eligible by paying the full amount of the costs of such Supplemental Product.”

Subsection (B) remains unchanged.

§31.15 **City Council; Mayor** needs to have its subsection (A) amended as follows:  
“(A) There shall be eight (8) City Council Members on the City Council, who shall be elected as set forth in §32.01 **Election Procedure.**”

If the City Council desires, I will also prepare amendment of §32.01 **Election Procedures** to change “Alderman” to “City Council Member” throughout.

These proposed amendments can all be included within your agenda for the September 7<sup>th</sup> City Council Meeting if the Council desires.