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by *Rm* D. C.

City of Conway, Arkansas
Ordinance No. O-11-79

359561

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT:
APPROPRIATING FUNDS FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES:**

WHEREAS, the policy and procedure of the City of Conway in July 2001 was to offer non-uniform employees at the beginning of their employment the opportunity to be in the Nonuniform pension plan; and

WHEREAS, participating employees contribute 6% of gross wages through payroll deduction and the City contributes a matching 6%; and after 10 years of eligible service participating employees are vested; and

WHEREAS, David Anthony has alleged that upon his employment with the City of Conway in July 2001, he had been wrongfully denied an opportunity to participate in the City of Conway's Non-uniform Pension Plan despite his request to be a contributing member of said Plan;

WHEREAS, upon review of Mr. Anthony's allegations and based upon the advice and recommendation of the General Counsel of the Arkansas Municipal League and the Conway City Attorney, the City and Mr. Anthony have reached an agreement to avoid the uncertainty and expense of litigation whereby each party will pay their respective share of contributions and accrued appreciation to the Non-Uniform Pension Board Fund that would have been paid and accrued during the time of Mr. Anthony's employment had each party made their respective contributions and as if Mr. Anthony had been a participating member; and

WHEREAS, each party's share to be paid into the Non-Uniform Pension Plan has been calculated to be \$26,193.15 and

WHEREAS, the funding for this action and the City's share of contributions has not previously been appropriated by Council action;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. The City Council of the Conway authorizes the Mayor to enter into the settlement Agreement and shall appropriate \$26,193.15 from the General Fund Balance Appropriation Account (001.119.4900) to the General Fund Payments to Retirees (001.108.5145).

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. Pursuant to the terms of the settlement Agreement, Mr. Anthony intends to retire by October 14, 2011, which is within thirty (30) days and therefore in order to properly fund the non-uniform pension plan with the necessary contributions from each party, this ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

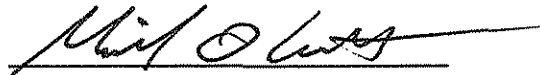
Passed this 27th day of September, 2011.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer