

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda
Special City Council Meeting
December 27, 2005**

A Special meeting of the Fayetteville City Council will be held on December 27, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

A. New Business:

- 1. DOL Supervised Settlement:** A resolution to approve the Department of Labor Supervised Settlement for all employee groups (except firefighters) and to approve a budget adjustment of \$150,000.00 to pay for settlement checks.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 258-05.

Meeting adjourned at 6:25 p.m.

Subject:	Roll				
Motion To:					
Motion By:					
Seconded:					
	Cook	absent			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody	✓			

Subject:	DOL Supervised Settlement				
Motion To:		Approve			
Motion By:		Rhoads			
Seconded:		Jordan			
A.I. New Business <u>passed</u> 258-05	Cook	absent			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

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City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

12/27/2005 Special City
Council Meeting
City Council Meeting Date

Michele Bechhold
Submitted By

Human Resources
Division

Finance & Internal Services
Department

Action Required:

Approve the Department of Labor Supervised Settlement and authorize Staff to execute budget adjustments as may be necessary to process the settlement checks within the 2005 calendar year.

Not to exceed \$150,000.00 Cost of this request	\$ - Category / Project Budget	Program Category / Project Name
Various Account Number	\$ - Funds Used to Date	Program / Project Category Name
Project Number	\$ - Remaining Balance	Various Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Maurice Farnham
Department Director
12/27/05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

K. [Signature] (Need Budget Adjustment)
City Attorney
12-22-05
Date

Received in City Clerk's Office

[Signature]
Finance and Internal Service Director
12-22-05
Date

Received in Mayor's Office

[Signature]
Mayor
12/22/05
Date

Comments:

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Budget Year 2005	Department: General Government Division: Miscellaneous Program: Miscellaneous	Date Requested 12/22/2005	Adjustment Number
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Project or Item Requested: \$141,215 is being requested in the Settlements Account.	Project or Item Deleted: None. \$141,215 is being requested from the use of fund balance.
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Justification of this Increase: This amount is for the Department of Labor settlement for the Police portion.	Justification of this Decrease: Sufficient funds remain to comply with City policies.
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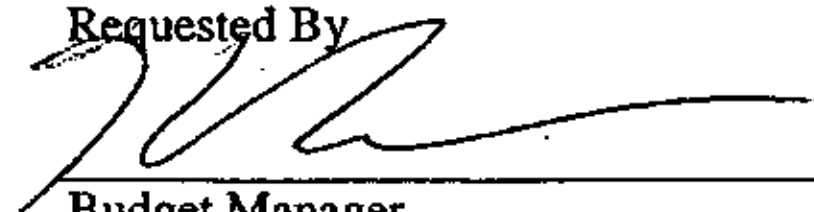
Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Settlements	1010	6600	5311	09	141,215	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of fund balance	1010	0001	4999	99	141,215	

Approval Signatures

Requested By 	Date 12-22-05
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type:	A	B	C	<u>D</u>	E
Date of Approval					
	Initial	Date			
Posted to General Ledger	Initial	Date			
Posted to Project Accounting	Initial	Date			
Entered in Category Log	Initial	Date			



Special City Council Meeting of Dec. 27, 2005

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and the City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Michele Bechhold, Human Resources Director *MB*

DATE: December 21, 2005

SUBJECT: Department of Labor Supervised Settlement

Recommendation

Staff recommends approval of the Department of Labor Supervised Settlement. Staff is also seeking approval to execute any budget adjustments that are necessary to fund the required settlement checks within this calendar year.

Discussion

Disbursement of the required settlement checks will complete the Department of Labor (DOL) supervised settlement process that the City began at the end of March 2005. The settlement and the methodology used to calculate the checks has received approval from local DOL representatives and from the DOL Solicitor's Office in Dallas, Texas.

The City's timekeeping and pay practices are in full compliance with all applicable FLSA regulations. At the end of January, Staff will provide a report to Council outlining the issues and resolutions that have resulted from the supervised settlement process.

Budget Impact

The chart below summarizes the estimated cost of the settlement checks by fund. Staff will provide the actual cost by fund to Council on 12-27-05 after the checks have been calculated through the payroll system.

FUND	FUNDING SOURCE	ESTIMATED COST OF CHECKS
1010	General Fund	\$141,215.00
2100	Street	\$1,050.00
2250	Parks Development	\$10.00
2930	Drug Grant	\$2,500.00
5400	Water Sewer	\$4,500.00
5500	Solid Waste	\$350.00
9700	Shop	\$375.00

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE THE DEPARTMENT OF
LABOR SUPERVISED SETTLEMENT FOR ALL EMPLOYEE
GROUPS (EXCEPT FIREFIGHTERS) AND TO APPROVE A
BUDGET ADJUSTMENT OF \$150,000.00 TO PAY FOR THE
SETTLEMENT CHECKS**

WHEREAS, the City of Fayetteville asked the Department of Labor to review all of the City's pay practices and conduct a Supervised Settlement for any pay practices that might not have complied with the Fair Labor Standards Act; and

WHEREAS, numerous firefighters sought judicial relief rather than this voluntary Supervised Settlement by the Department of Labor and have already resolved their case amiably by settlement with the City which was accepted by the Federal District Court; and

WHEREAS, the Department of Labor privately interviewed employees from every City division (except the firefighters) and carefully reviewed every aspect of the City's payroll system; and

WHEREAS, the vast majority of payroll procedures were in complete compliance with all federal statutory requirements, but a few minor discrepancies were discovered and have now been brought into compliance; and

WHEREAS, the employees who suffered payroll discrepancies should be compensated for the two years' worth of those discrepancies which is reflected in the report and Supervised Settlement of the Department of Labor.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Department of Labor Supervised Settlement and authorizes Mayor Coody to execute any document necessary to accept, enforce or satisfy this Supervised Settlement.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$150,000.00 to pay for this Supervised Settlement.

PASSED and APPROVED this 3rd day of January, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



CITY COUNCIL INFORMATIONAL MEMO

TO: Mayor Dan Coody and the City Council

THRU: Stephen Davis, Finance & Internal Services Director *SD*

FROM: Michele Bechhold, Human Resources Director *MB*

DATE: January 4, 2006

SUBJECT: Department of Labor Supervised Settlement – Actual Cost by Fund

The chart below duplicates the chart provided to Council for the December 27, 2005 Special City Council Meeting and has been updated to reflect the actual cost of the settlement checks.

FUND	FUNDING SOURCE	ESTIMATED COST OF CHECKS	ACTUAL COST OF CHECKS
1010	General Fund	\$141,215.00	\$130,879.72
2100	Street	\$1,050.00	\$1,023.09
2250	Parks Development	\$10.00	\$9.24
2930	Drug Grant	\$2,500.00	\$2,348.61
5400	Water Sewer	\$4,500.00	\$4,444.82
5500	Solid Waste	\$350.00	\$308.86
9700	Shop	\$375.00	\$353.41

Staff requested Council approval up to \$150,000 to fund this settlement. Actual cost for the settlement is \$139,367.75.

Staff is available to answer any questions you may have.

"Northwest Arkansas' Most Widely Read Newspaper"

AFFIDAVIT OF PUBLICATION

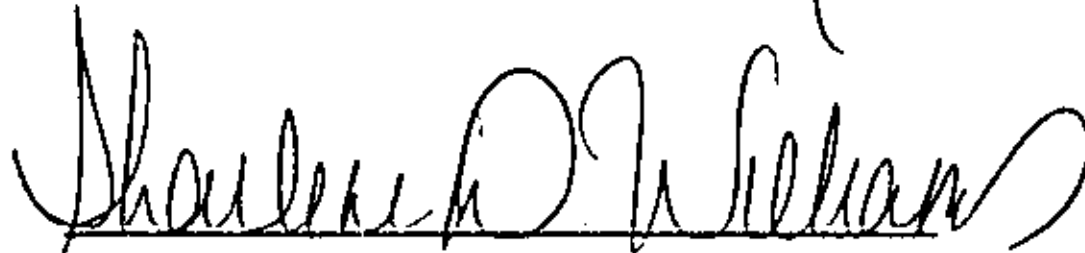
I, **Erin Emis**, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Special Agenda was inserted in the regular editions on
December 26, 2005.

PO# _____

** Publication Charge: \$ 61.32

Subscribed and sworn to before me this
27 day of December, 2005.



Notary Public

Sharlene D. Williams

Notary Public

State of Arkansas

My Commission Expires: _____ My Commission Expires
October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

**FINAL AGENDA
SPECIAL CITY COUNCIL MEETING
DECEMBER 27, 2005**

A Special meeting of the Fayetteville City Council will be held on December 27, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

A. New Business:

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **December 28, 2005**

RE: **Passed Resolutions from Special City Council meeting
of December 27, 2005**

1. **Approval of Dept. of Labor Supervised Settlement:** Resolution approving Department of Labor Supervised Settlement for all Employee Groups (except Firefighters) and approving a budget adjustment of \$150,000.00 to pay for the settlement checks.