



**City of Benton Personnel, Health & Safety Committee Meeting
Monday, November 8, 2021
City Council Chambers
5:00 p.m.**

Chair – Bill Donnor
Steve Brown
Robin Freeman
Jeff Hamm
Jeff Morrow
Staff Liaison – Jennifer Perry

- I. Establish a Quorum / Call to Order
- II. Recognition of Attendees
- III. Ordinance adopting an amendment to Benton Utilities pension plan
- IV. Resolution supporting “Back the Blue” creating an income tax credit for law enforcement officer in the state of Arkansas

ORDINANCE NO. OF 2021

**AN ORDINANCE ADOPTING AN AMENDMENT TO BENTON UTILITIES EMPLOYEE
PENSION PLAN AND TRUST; DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES**

WHEREAS, The Benton City Council has previously adopted and amended the Benton Utilities Employee Pension Plan ("Utilities Plan") and by ordinance and/or prior resolution being deemed to have sole and exclusive authority to consider and adopt all proposed plan amendments; and

WHEREAS, subsequent to Benton City Council ordaining the establishment of a Public Utility Commission "to manage and operate" the Utilities Department, there has been a mutual effort to sever the administrative and personnel ties between the two entities; and

WHEREAS, it is recognized that the Public Utility Commission, as the employer, has not, heretofore, had authority and/or oversight for the administration and operation of the Utilities Plan its employees' Pension Plan, until the Benton City Council via Resolution 67 of 2019 amended the plan documents to allow for the establishment of an "Administrative Committee" made up of utility department personnel and a Utility Commission Representative to manage the Utilities Plan; and

WHEREAS, the Utilities Plan's recently appointed Administrative Committee has determined after several meetings with the Plan's Actuary and Investment Counselors that the Utilities Plan's interest would best be served if any and all Utilities plan amendments were considered and adopted by the Public Utility Commission; and

WHEREAS, the Commission creating Ordinance 46 of 2004, Section 3 states that "the Commission is hereby granted full power to manage, operate, control, supervise, improve, extend, maintain and contract concerning the system" of which the employee pension plan is a part.

Now therefore be it ordained by the City Council of the City of Benton, Arkansas:

Section 1. That Section 9 of the plan's recently established Utilities Plan documents be amended because it is inconsistent with the powers granted to the Utilities Commission and the Administrative

Committee, and

Section 2. The City of Benton herein adopts an amendment to the Benton Utilities Employee Pension Plan that revises Article 9, Section 9.01 "Right of Employer to Amend Plan" to read as follows: "The City of Benton Public Utilities Commission as the employer shall have the right to amend the Plan pursuant to recommendations of the Plan's Administrative Committee"; and

Section 3. At any time in the future that the Benton Public Utility Commission shall cease to exist, the management and oversight of the Utilities Pension Plan shall become the responsibility of the City of Benton.

Section 4. All ordinances and resolutions containing provisions that conflict with this ordinance shall be deemed null and void.

Section 5. It is hereby ascertained and declared that the authority to manage the Benton Utilities Employee Pension Plan should immediately be granted to the Public Utility Commission. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage.

PASSED AND APPROVED this the _____ day of _____, 2021.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. OF 2021

**A RESOLUTION SUPPORTING THE CREATION OF AN INCOME TAX
CREDIT FOR LAW ENFORCEMENT OFFICERS IN THE STATE OF
ARKANSAS.**

Whereas, the Governor's Task Force to Advance the State of Law Enforcement in Arkansas recommended legislation that eases the state income tax burden on active full-time law enforcement officers and recommended ensuring that entry level salaries for law enforcement officers be equivalent to or above the average annual wage in Arkansas;

Whereas, the average annual wage for law enforcement officers in Arkansas ranks 49th in the nation and averages \$40,750 annually, below the average statewide wage in Arkansas of \$42,690; and the average entry level wage for law enforcement officers in Arkansas is \$28,610, barely above the yearly earnings of a minimum wage worker.

Whereas, law enforcement officers in the State of Arkansas risk their lives every day, working long hours for subpar wages, while Arkansas has one of the highest violent crime rates in the nation and ranks as the 4th most dangerous state in the nation;

Whereas, the Governor's Task Force to Advance the State of Law Enforcement in Arkansas identified low salaries and agency funding to be the biggest barriers to law enforcement retention, recruitment, and hiring;

Whereas, a state income tax credit for full-time law enforcement officers promoting retention, recruitment, hiring, a boost in morale, and greater economic security for law enforcement officers and their families, would help promote and enhance public safety;

Now Therefore, be it resolved by the CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

Section 1: Pursuant to the authority granted in Ark. Code § 14-58-202 and 14-58-203, the City Council does hereby support full-time law enforcement officers in Arkansas and to "Back the Blue";

Now Therefore, the CITY OF BENTON, acting by and through the CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS, hereby resolves to support and advocate for the passage by the General Assembly

and signing by the Governor of Arkansas, of legislation creating: a state income tax credit for full-time law enforcement officers; that the full-time law enforcement income tax credit legislation include signed verification requirements before a full-time law enforcement officer may qualify for the state income tax credit; and respectfully encourage the full-time law enforcement state income tax credit legislation to be a legislative priority of the General Assembly and the Governor of the State of Arkansas.

PASSED AND APPROVED this the _____ day of November, 2021.

Tom Farmer, Mayor

Cindy Stracener, City Clerk