



OFFICE OF THE MAYOR

June 17, 2020

Governor Asa Hutchinson
Arkansas State Capitol
500 Woodlane St.
Little Rock, AR 72201

Dear Governor Hutchinson:

I know the past three months have been extraordinarily difficult for you as the leader of this state. And I know you realize the same is true for city leaders as well. The pressure to keep everyone healthy and to maintain the social distancing protocols while we work to keep our economies flowing is indeed a tricky balance. I have appreciated all the work your office and Dr. Nate Smith have done to keep us updated with your daily COVID briefings. My staff and I have not missed a one. We sit down together to watch you and Dr. Smith and others of your team and then make the game plan for the day, the week, the hour. We have frequent briefings with our area health providers and they are doing everything they can to quell fears. I thank you also for your calm and steady leadership. I appreciate your ideas about keeping the economy moving.

We are lucky in Fayetteville because we passed a \$226 million dollar infrastructure bond in 2019, so we are able to keep many projects pumping dollars into the local economy. So far, we are able to keep city workers employed as well. Unfortunately for our smaller businesses, that is not the case, as you know. I understand the need to open our businesses and to do so with the strictest safety precautions possible.

This is why when we first began to walk with you down the path of reopening, I optimistically thought we might be able to do so along with your guidance for the entire state. But as our pandemic grew stronger in Northwest Arkansas, your guidance for reopening became discordant with my views, the City Council's views, and the views and needs of the people of Fayetteville.

Today when I watched your briefing, when a reporter asked you about Fayetteville you mentioned that you had hoped we would have reached out to your office to coordinate our response. When the COVID-19 pandemic hit, my Chief of Staff, Susan Norton, established a rapport with your Chief of Staff who then sent her to the Office of General Counsel. They were most responsive about several questions we had interpreting various orders and circumstances we were working through here. In fact, on April 17, Andres Rhodes responded to our request regarding virtual meetings so that we knew our interpretation of state statute would enable

City Council to be virtually present and conduct business as usual. We appreciate having that connection for clarification from your office. With respect to questions about face coverings, in case you were not aware, Chief of Staff Norton first reached out on May 1 to ask the following question:

“Is it within the Mayor’s authority to require employers/employees of retailers to wear face coverings and maintain social distancing? We are getting complaints from residents about certain locations in town.”

She received a response directing her to read the Department of Health guidelines, which of course we had already read, posted on our web site, and interpreted for our community. That was not the question. The question was about my authority to require those guidelines rather than simply suggest them as best practices.

I continue to do that daily, just as you do, but that was not enough for my community. The pressure continued to mount with complaints to my office and to City Council members. On June 8 and June 10, Chief of Staff Norton reached out again and asked if I had the authority to require face coverings at local businesses. She received no response to those requests.

I hope you can see that there were attempts to work with your office.

When the numbers in Washington and Benton Counties continued to rise to the highest levels yet AND you then declared the entire state was moving to Phase II, that was the straw that broke the camel’s back for Fayetteville. In a 2-day period, City Council had coalesced around a face masking ordinance, walked it on to our regular Council meeting last night, and passed it unanimously through all three readings with an emergency clause to have it become effective today.

I am working with City staff to determine the logistics of the ordinance. This includes how enforcement will be managed. As you can imagine, there are many details to be ironed out. I was relieved to find that the requirement that we purchase and provide face coverings to area businesses was not as difficult as I had expected. We were able to do a bulk purchase today with delivery by Friday. We then plan to deploy our public information campaign and ask our Fayetteville Police Community Policing Division to host events at some of our big box stores and shopping center areas to distribute the masks. We provided signage for each business already and those are going up around town. Just like any other City ordinance, I expect each business to follow the rules.

The purpose for my letter today is to ask that you hear and understand the frustrations of a city that both wants to keep the economy opening back up and keep our residents healthy as positive COVID-19 cases increase. Please let me know how I can continue to work with you given all of the current conditions we are both dealing with on a daily basis. I respect your office and the guidance you have given us, and I very much would like to find a way to collaborate on this problem and conquer this virus for our entire state. As I believe I have

heard you say, this virus knows no state or county or city boundaries. We are all in this together.

Thank you for your thoughts. Please feel free to call me any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lioneld Jordan", with a stylized flourish at the end.

Lioneld Jordan
Mayor
(479) 575-8330