

Legistar ID No.: 2021-0434

AGENDA REQUEST FORM

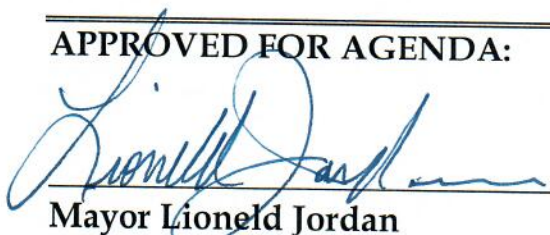
FOR: Council Meeting of July 6, 2021

FROM: Mayor Lioneld Jordan

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO REVIEW THE CONTINUATION OR REPURPOSEMENT OF THE CITY BOARD OF HEALTH NOW THAT THE GOVERNOR'S DECREE OF A PANDEMIC EMERGENCY HAS LAPSED

APPROVED FOR AGENDA:



Mayor Lioneld Jordan

6/17/21
Date



City Attorney Kit Williams

June 17, 2021
Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff

FROM: **Kit Williams**, City Attorney

DATE: **June 17, 2021**

RE: **Required Review of Need for City Board of Health**

Resolution 2020-526 reestablished the Fayetteville City Board of Health in June of 2020 in response to the Governor's Decree of the Covid-19 Pandemic Emergency. Its third section called for a review of the need to continue the existence of the City Board of Health after the Governor had ended his Decree of Pandemic Emergency.

Therefore, Mayor Jordan asked me to prepare this Resolution to get the issue of whether "the City Board of Health should be dissolved, reconstituted, or repurposed," (Section 3 of Resolution 2020-526) to the City Council for discussion.

No matter what recommendation the City Council might make about the future of the Board of Health, we all owe a tremendous debt of gratitude for all of the time and effort these physicians devoted to try save the lives of our citizens and residents by providing valuable and needed medical advise about mask wearing, social distancing, and vaccinations. I am sure that enough of our citizens listened to the City Board of Health's informed and professional advice and warnings that the Board's work has saved many lives in Fayetteville.

Fayetteville City Health Officer Dr. Marti Sharkey devoted innumerable hours advising the Board of Health, our citizens and city on a totally volunteer basis. The City Council should recognize her very valuable contribution to Fayetteville's health and well being in this important time of need.



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 173-20

File Number: 2020-0526

ESTABLISH THE FAYETTEVILLE CITY BOARD OF HEALTH AND THE POSITION OF CITY HEALTH OFFICER:

A RESOLUTION TO ESTABLISH THE FAYETTEVILLE CITY BOARD OF HEALTH AND THE POSITION OF CITY HEALTH OFFICER, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$50,000.00

WHEREAS, Ark. Code Ann. § 14-262-102 authorizes the City to establish a board of health and to “invest the board with such powers and impose upon it such duties as shall be necessary to secure the city and its inhabitants from the evils of contagious, malignant, and infectious diseases”; and

WHEREAS, Ark. Code Ann. § 14-262-103 authorizes the City to create the position of City Health Officer with the powers and duties set forth in that statute; and

WHEREAS, pursuant to Ark. Code Ann. § 14-262-116(b)(12) and § 14-262-115(a)(4), a city board of health is empowered “to adopt such rules and regulations, not inconsistent with the public health laws of this state nor with the orders and rules of the State Board of Health”; and

WHEREAS, the significant rise in COVID-19 cases justifies the reinstatement of the City Board of Health and the re-establishment of the position of City Health Officer to assist the City with its response to the pandemic.

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 creates the City Board of Health which shall consist of five members appointed by the Mayor, at least two of whom shall be physicians of good professional standing. The initial members shall serve for the following terms: one

shall serve for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years, from January 1 of the year appointed; thereafter, full-term appointments shall be for five (5) years. In addition to the Mayor and up to one city employee, the Mayor may appoint up to two ex-officio members who shall serve during the Mayor's term of office.

The City Board of Health shall have those powers and duties conferred by Ark. Code Ann. § 14-262-102 including such powers as are necessary to secure the city and its inhabitants from the evils of contagious, malignant, and infectious diseases. The City Board of Health shall develop a job description for the City Health Officer and submit nominations for that office to the Mayor when a vacancy occurs. The City Board of Health shall submit nominations for the ex-officio members to the Mayor at the beginning of the Mayor's term of office and shall include residents with expertise and credentials relevant to pressing public health issues affecting the jurisdiction of the City Board of Health. The City Board of Health shall promulgate rules and regulations necessary for the conduct of its meetings, including the election of officers, and for carrying out its statutory powers and duties, not inconsistent with the public health laws of this state nor with the orders and rules of the State Board of Health.

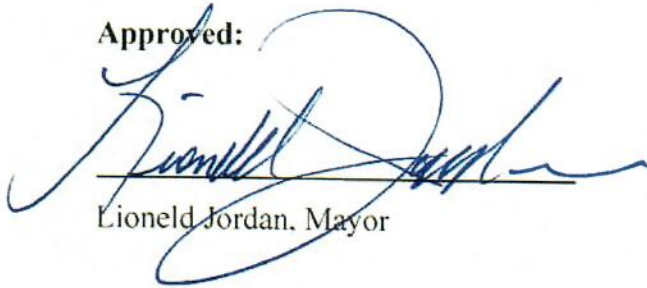
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby establishes the office of City Health Officer, who shall be a competent physician of reputable professional standing who is legally qualified to practice medicine in Arkansas. The City Health Officer shall be appointed by the Mayor and approved by the City Council. The City Health Officer shall have those powers and duties conferred by state law or city ordinance or resolution, but shall not be required to treat patients, prescribe medicine, or do anything else not statutorily required pursuant to Ark. Code Ann. § 14-262-103.

Section 3: The City Council of the City of Fayetteville, Arkansas hereby determines that this Resolution should be reviewed within four weeks of the end of any relevant state of emergency to determine whether the City Board of Health should be dissolved, reconstituted, or repurposed. When such a state of emergency ends, the City Board of Health should provide a summary list, with annotations, of pressing public health issues.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$50,000.00 for staffing, supplies, and other needs of the City Health Officer and the City Board of Health in the course of their work.

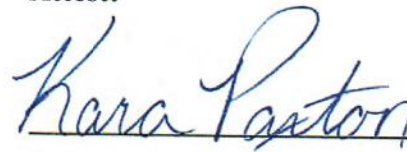
PASSED and APPROVED on 6/24/2020

Approved:



Lioneld Jordan, Mayor

Attest:



Kara Paxton, City Clerk Treasurer

