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Fayetteville, AR 72701  
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**Resolution: 173-20**

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**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.

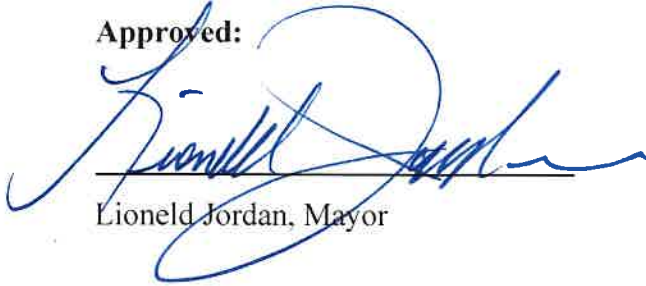
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby establishes the office of City Health Officer, who shall be a competent physician of reputable professional standing who is legally qualified to practice medicine in Arkansas. The City Health Officer shall be appointed by the 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

