



DEPARTMENTAL CORRESPONDENCE



OFFICE OF THE
CITY ATTORNEY

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff
Bard Hardin, Fire Chief

FROM: **Kit Williams**, City Attorney

DATE: **July 21, 2020**

RE: **Appointment of Dr. Marti Sharkey needs to be approved by the Fayetteville City Council**

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

At the last City Board of Health meeting less than a week ago, a motion was made and passed to recommend that Mayor Jordan appoint Dr. Marti Sharkey as Fayetteville City Health Officer. Mayor Jordan spoke with Dr. Sharkey the next day, and she agreed to accept his appointment as City Health Officer.

Pursuant to A.C.A. §14-262-103 **City health officer**, after the Mayor has appointed his selection as City Health Officer, the appointment must be considered and “approved by a majority of the votes of the city or town council.” Therefore, if the City Council believes that Dr. Marti Sharkey should be approved as the new City Health Officer, the Resolution attached to this memo should be passed.

I have also attached the state statute, **City health officer**, for your review of the City Health Officer’s primary duties.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE MAYOR LIONELD JORDAN'S APPOINTMENT OF DR. MARTI SHARKEY AS FAYETTEVILLE CITY HEALTH OFFICER

WHEREAS, the City Board of Health recommended to Mayor Jordan that he appoint Dr. Marti Sharkey as the Fayetteville City Health Officer; and

WHEREAS, Mayor Jordan spoke with Dr. Marti Sharkey who agreed to accept the Mayor's appointment of her as the Fayetteville City Health Officer; and

WHEREAS, the "appointment shall be approved by a majority who the votes of the city or town council," to become effective pursuant to A.C.A. §14-262-103(c)(1)(B).

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 pursuant to A.C.A. §14-262-103(c)(1)(B) Mayor Jordan's appointment of Dr. Marti Sharkey as Fayetteville City Health Officer.

PASSED and APPROVED this 21st day of July, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

14-262-103. City health officer.

(a) The office of city health officer may be created by the governing body of a city of the first class, city of the second class, or an incorporated town.

(b) The office of city health officer shall be filled by a competent physician who is legally qualified to practice medicine within this state, a graduate of a reputable medical college, and of reputable professional standing.

(c)(1)(A) It is the duty of the mayor of each incorporated city and town within this state to elect a qualified person to the office of city health officer if the governing body of the city or town creates the office.

(B) The appointment shall be approved by a majority of the votes of the city or town council.

(2) After appointment, the city health officer shall:

(A) Take and subscribe to the constitutional oath of office;

(B) File a copy of the appointment with the State Board of Health; and

(C) Not be deemed to be legally qualified until the copies have been so filed.

(d)(1) Each city health officer shall perform such duties as may be required by the ordinances of his or her city or town.

(2) The officer shall discharge and perform such duties as may be prescribed for him or her under the directions, rules, regulations, and requirements of the board.

(3) The officer shall be required to aid and assist the board in all matters of quarantine, vital and mortuary statistics, inspection, disease prevention and suppression, and sanitation within his or her jurisdiction.

(4) The officer shall at all times report to the board, in such manner and form as shall be prescribed by the board, the presence of all contagious, infectious, and dangerous epidemic diseases within his or her jurisdiction and shall make such other and further reports in the manner and form and at the times as the board shall direct, touching all matters as may be proper for the board to direct.

(5) The officer shall aid the board at all times in the enforcement of proper rules, regulations, and requirements in the enforcement of all sanitary laws, quarantine regulations, and vital statistics collections and shall perform any other duties the board shall direct.

(e) The compensation of city health officers shall be fixed by the mayor and council of the respective towns and cities within this state.

History. Acts 1913, No. 96, §§ 15-20; C. §§ 6434-6439; A.S.A. 1947, §§ 82-205 — & M. Dig., §§ 5155-5160; Pope's Dig., 82-210; Acts 2003, No. 282, § 2.