

ORDINANCE NO. 2024- 01

**AN ORDINANCE OF THE CITY OF FAIRFIELD BAY,
ARKANSAS, APPROVING APPOINTMENT OF
MEDICAL ASSISTANT CHIEF OF THE FIRE DEPARTMENT;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, The State of Arkansas prohibits any City from undertaking certain official government activities with public servants, which includes public appointees, public employees, and public officials, “that are not available to others except as may be otherwise provided by law” in accordance with Ark. Code Ann. § 21-8-304(a); and

WHEREAS, there is a vacancy for the Medical Assistant Chief at the Fire Department, an appointed position with a stipend, a lack of qualified candidates other than Jozie Laubenthal (“Applicant”), whom the Fire Department reports has the requisite training and qualifications, and an urgent need to staff the Fire Department adequately; and

WHEREAS, Applicant is the daughter of the current Fire Chief, and would not be qualified to receive the appointment and stipend for the Fire Department absent City Council authorization by Ordinance, as provided in Ark. Code Ann. § 21-8-304(a); and

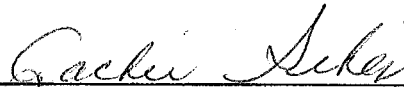
WHEREAS, the Mayor, the City, the Recorder-Treasurer, and the Chief of the Fire Department now ask the City Council to review and approve the appointment of Jozie Laubenthal as Medical Assistant Chief at the Fire Department for the City of Fairfield Bay, in accordance with the previously-approved Budget, as amended from time to time, and further as authorized by Ark. Code Ann. § 21-8-304(a);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

1. This Ordinance is NOT TO BE CODIFIED as it will not be part of the Municipal Code.
2. The City Council has had ample opportunity to review the issues, and has inquired about the necessity of having a Medical Assistant Chief at the Fire Department.
3. The City hereby RATIFIES, CONFIRMS, AND APPROVES the appointment of Jozie Laubenthal as Medical Assistant Chief, with a stipend, at the Fire Department, as authorized by Ark. Code Ann. § 21-8-304(a), *nunc pro tunc* to January 1, 2024. Ms. Laubenthal shall report to the Assistant Chief Robert Reed.

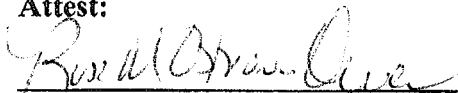
4. The Medical Assistant Chief stipend shall not be increased without approval of the City Council by Ordinance.
5. The City further stipulates and directs that the authority set forth herein shall expire on December 31, 2024, at midnight; the authority set forth herein requires a separate Ordinance for extension, if the next Budget Ordinance continues to authorize the position, and the stipend (monthly amount).
6. **AT WILL APPOINTMENT:** This is an appointment "at will" for a stipend amount, consistent with previous appointments, and at the same stipend amount as the previous appointee. Nothing herein shall provide Ms. Laubenthal any substantive rights: she is appointed as, and shall remain, an at-will appointee of the City of Fairfield Bay. The City may terminate the appointment of Ms. Laubenthal at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause. Likewise, Ms. Laubenthal may resign from the appointment at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause.
7. **EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, and safety, that will result from the lack of a Medical Assistant Chief at the Fire Department, AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, IT SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON AND AFTER ITS PASSAGE, *nunc pro tunc* to January 1, 2024.
8. **SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Dated this 8th Day of January, 2024.



Jackie Sikes, Mayor
City of Fairfield Bay, Arkansas

Attest:



Rose O. Owen, Recorder-Treasurer

Prepared: AJ Kelly,
City Attorney
Rev: 1/5/24