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## LEGAL SERVICES DEPARTMENT

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**TO:** Kurt Eggebrecht, Health Officer

**FROM:** Christopher R. Behrens, Assistant City Attorney 

**DATE:** August 27, 2013

**RE:** Resolution #22-R-13/Lobner Regarding Expanding Membership of the Board of Health

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At your request, the following is an outline of Board of Health membership requirements. The Board of Health is governed by Sec. 2-77 of the Municipal Code and it provides that the Board consist of seven members: the Mayor and six members who are appointed by the Mayor and confirmed by the Common Council. One of the six members must be a member of the Common Council. With regard to the remaining five seats, a good faith effort shall be made to appoint a registered nurse as well as a physician. The balance of members shall have a demonstrated interest or competence in the field of the public health or community health.

Wisconsin Statutes §251.03 provides that a local board of health consist of not more than nine members (compare to seven members under the Code). Similar to the Code, the statute also specifies that "a good faith effort shall be made to appoint a registered nurse and a physician."

The city ordinance, following the state statute, does not mandate that the board have a registered nurse and physician as part of its membership but only that a "good faith effort" be made to appoint individuals with those qualifications. Neither the statutes nor the ordinance specify any other health related positions on the Board. However, the requirement that an individual "have a demonstrated interest or competence in the field of public health or community health" encompasses many health related occupations any of which could be appointed to an open seat on the Board, including a pharmacist.

The resolution asks the Board and ultimately Council to make two decisions. The first is whether to expand the Board from seven members to eight members (as mentioned statutes allow for a maximum of nine). The second decision is whether the Board wishes to add the requirement that a good faith effort be made to appoint a pharmacist or if the present language indicating that an appointed Board member shall have demonstrated interest in or competence in the field of public health or community health is adequately broad to encompass medically related occupations, including pharmacists.

CRB:jls