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Clerk 03/16/2022

AN ORDINANCE relating to the membership of the King County board of health; amending Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX (Section 3 of this ordinance), Ordinance XXXXX, Section 4, and K.C.C. 2.35.XXX (Section 4 of this ordinance), Ordinance XXXXX, Section 5, and K.C.C. 2.35.XXX (Section 5 of this ordinance) and Ordinance XXXXX, Section 6, and K.C.C. 2.35.XXX (Section 6 of this ordinance), adding new sections to K.C.C. chapter 2.35 and repealing Ordinance XXXXX, Section 2, and K.C.C. 2.35.XXX (Section 2 of this ordinance).

STATEMENT OF FACTS:

1. Created in 2004 in accordance with state law, the King County board of health sets countywide public health policy, enacts and enforces local public health regulations and carries out the duties of local boards of health as specified in RCW 70.05.060 including preventing and controlling the spread of infectious disease, abating nuisances and establishing fee schedules for licenses and permits.

2. In May 2021, Engrossed Second Substitute House Bill 1152 was signed into law as Chapter 205, Laws of Washington 2021, modifying the structure of local boards of health. Chapter 205, Laws of Washington 2021 requires that the membership of the King County board of health

("KCBOH") be modified so that the number of KCBOH members who are elected officials representing the county and its cities and towns ("elected officials") equals the number of members who are not elected officials, with one of those nonelected members selected by the American Indian Health Commission of Washington State and the remaining nonelected members selected by the KCBOH from three specific categories of interests. The selected candidates would be appointed by the King County council. Those changes to state law go into effect on July 1, 2022.

3. The King County council is committed to supporting equity and social justice principals and as such welcomes the encouragement in Chapter 205, Laws of Washington 2021 to recruit nonelected members representing consumers of public health to be from historically marginalized and underrepresented communities. The council supports using racial equity and social justice principles when recruiting nonelected members from all categories outlined in state law.

4. Additionally, Chapter 205, Laws of Washington 2021 requires the Washington state Board of Health ("the state Board") to promulgate rules for how nonelected members of local boards of health are to be recruited, selected and appointed. The new rules are expected to be effective by July 25, 2022.

5. It is anticipated that the KCBOH will begin recruiting and selecting new, nonelected members in accordance with Chapter 205, Laws of Washington 2021 and the state Board rules and declare the names of its selection through the adoption of a resolution to the King County council by the last quarter of 2022 to provide enough time for the King County council to appoint the nonelected members to begin their terms on January 1, 2023.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, are hereby amended to

read as follows:

A. For members of the board until January 1, 2023:

1. The King County board of health shall consist of the following members:

((~~1.~~)) a. ((~~T~~))three members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board. Each county councilmember vote shall be weighted as two votes;

((~~2.~~)) b. ((~~T~~))three elected officials of the city of Seattle to be appointed by the city;

((~~3.~~)) c. ((~~T~~))two elected officials from cities and towns of King County other than Seattle to be appointed in a manner agreed to by and among the cities and towns representing a majority of the populations of those cities and towns; and

(~~4.~~)) d. ((~~T~~))two health professionals who shall be appointed by a majority vote of the other members of the board of health. One of the health professionals should have knowledge of environmental health, including knowledge of septic systems and groundwater quality. A third nonvoting member, who shall also be a health professional, may be appointed by a majority vote of the other members of the board. The terms of health professional members shall be established by the rules of the board((~~.~~)); and

((~~B.1.~~)) 2.a. Alternate members for each regular member may be appointed according to the relevant procedures under subsection ((~~A.1, 2. or 3.~~)) A.1..a., b., or c. of this section. During the meeting, an alternate member shall indicate when the alternate member is serving in a regular member's absence. When serving in a regular member's absence, an alternate member shall act as a regular member.

((~~2.~~)) b. ((~~I~~))if the board appoints a third nonvoting health professional member as provided under subsection ((~~A.4.~~)) A.1.d. of this section, that member shall serve as an alternate voting member in the absence of either of the two voting health professional members.

B. For members of the board on January 1, 2023, and thereafter:

1. The King County board of health shall consist of the following members:

a. three members of the metropolitan King County council and one alternate to be appointed by the chair of the council. The chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board;

b. three elected officials of the city of Seattle and one alternate to be appointed by the city;

c. two elected officials from cities and towns of King County other than Seattle and two alternates to be appointed in a manner agreed to by and among the cities and towns representing a majority of the populations of those cities and towns; and

d.(1) In accordance with state law, the remaining members of the board of health shall equal the number of elected official members appointed under subsection B.1.a., b. and c. of this section, shall not be elected officials and, except for any member selected by the American Indian Health Commission of Washington State, must be recruited, selected and appointed in accordance with RCW 70.05.035(1)(a) and the rules required under RCW 43.20.300.

(2) One of the nonelected member candidates selected under RCW 70.05.035(1)(a)(i) should have knowledge of environmental health, including knowledge of septic systems and groundwater quality.

(3) The council shall appoint by motion the nonelected members from those selected by the board of health and any member selected by the American Indian Health Commission of Washington State in accordance with RCW 70.05.035.

(4) In accordance with RCW 70.05.035(1)(l), members described in subsection B.1.d.(1) of this section shall be voting members except as it pertains to any decision related to the setting or modification of permit, licensing and application fees; and

2. The board shall elect the chair from the members described in subsection B.1.a of this section.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

Sections 3 through 6 of this ordinance apply to members of the board on January 1, 2023, and thereafter.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

A. Alternate members for regular, elected official member may be appointed according to the relevant procedures under K.C.C. 2.35.021.B.1.a., b. or c. During the meeting, an alternate elected official member shall indicate when the alternate elected official member is serving in a regular elected official member's absence. When serving in a regular member's absence, an alternate elected official member shall act as a regular elected official member.

B. Alternate nonelected members shall be appointed by the council in equal numbers as alternate members appointed under subsection A. of this section. One of the alternate nonelected members shall be selected by the American Indian Health Commission for Washington State. During the meeting, an alternate nonelected member shall indicate when the alternate nonelected member is serving in a regular nonelected member's absence. When serving in a regular nonelected member's absence, an alternate nonelected member shall act as a regular nonelected member.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

A. For each nonelected board member candidate selected by the King County board of health, the board shall provide the council with the name, biography, application materials and confirmation that the board member candidate meets the qualifications and requirements of RCW 70.05.035(1)(a) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate which of the three categories set forth in RCW 70.005.035(1)(a) each nonelected board member candidate was selected to represent. In accordance with section 5.B. of this ordinance, the board shall also indicate the initial

term for each nonelected member candidate.

B. The board shall coordinate with the American Indian Health Commission of Washington State to receive the commission's selected tribal representative candidates and information about the commission's selected candidates.

C. For each of the alternate nonelected board candidates selected by the board, the board shall provide the council with the name, biography, application materials and confirmation that the alternate board member candidate meets the qualifications and requirements of RCW 70.05.035(1) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate the term for each alternate nonelected member candidate.

D. The board shall transmit to the council the information required by subsections A., B. and C. of this section, together with one or more resolutions of its nonelected board member candidate and alternate candidate selections, the commission's tribal representative member and alternate selections to establish the expanded board membership required by RCW 70.05.035. The initial resolutions must be electronically filed with the clerk of the council by no later than October 28, 2022. Subsequent resolutions to fill positions of members described in K.C.C. 2.35.021.B.1.d. and their requisite alternates should be filed with the clerk no later than three months before the starting date of the term for the respective member or alternate candidate.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

A. All members described in K.C.C. 2.35.021.B.1.d. shall be eligible to serve for up to three full terms. Except as otherwise provided in subsection B. of this section, for members described in K.C.C. 2.35.021.B.1.d., a full term shall be three years.

B. For all members described in K.C.C. 2.35.021.B.1.d., their initial terms to the expanded board shall be as follows: two members shall each serve a one-year term, three members shall each serve a two-year term and three members shall each serve a three-year term. The board shall determine the initial term lengths

primarily by member preference. Each of the initial terms shall be considered full terms when considering eligibility for service in future terms.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

All members described in K.C.C. 2.35.021.B.1.d. and the nonelected member alternates who are not being compensated for their participation on the King County board of health through their employer shall be compensated at a rate of two hundred twenty-five dollars per full board meeting they attend and shall not exceed two hundred twenty-five dollars per month before December 31, 2023. Beginning January 1, 2024, the compensation amount per meeting and the maximum compensation amount per month shall be automatically adjusted annually, and every year thereafter, at the rate equivalent to the twelve-month change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the Seattle -Tacoma-Bellevue Statistical Metropolitan Area, which is also known as "the CPI-U." However, if the twelve-month change in the CPI-U is negative, there shall not be an adjustment.

SECTION 7. Sections 8 through 12 take effect January 1, 2023.

SECTION 8. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, are hereby amended to read as follows:

A. ((~~For members of the board until January 1, 2023:~~

~~1. The King County board of health shall consist of the following members:~~

~~a. three members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board. Each county councilmember vote shall be weighted as two votes;~~

~~b. three elected officials of the city of Seattle to be appointed by the city;~~

~~c. two elected officials from cities and towns of King County other than Seattle to be appointed in a manner agreed to by and among the cities and towns representing a majority of the populations of those cities and towns; and~~

~~d. two health professionals who shall be appointed by a majority vote of the other members of the board of health. One of the health professionals should have knowledge of environmental health, including knowledge of septic systems and groundwater quality. A third nonvoting member, who shall also be a health professional, may be appointed by a majority vote of the other members of the board. The terms of health professional members shall be established by the rules of the board; and~~

~~2.a. Alternate members for each regular member may be appointed according to the relevant procedures under subsection A.1..a., b., or c. of this section. During the meeting, an alternate member shall indicate when the alternate member is serving in a regular member's absence. When serving in a regular member's absence, an alternate member shall act as a regular member.~~

~~b. if the board appoints a third nonvoting health professional member as provided under subsection A.1.d. of this section, that member shall serve as an alternate voting member in the absence of either of the two voting health professional members.~~

~~B. For members of the board on January 1, 2023, and thereafter:~~

~~1.~~)) The King County board of health shall consist of the following members:

((~~a.~~)) 1. ((~~t~~))Three members of the metropolitan King County council and one alternate to be appointed by the chair of the council. The chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board;

((~~b.~~)) 2. ((~~t~~))Three elected officials of the city of Seattle and one alternate to be appointed by the city;

((~~c.~~)) 3. ((~~t~~))Two elected officials from cities and towns of King County other than Seattle and two alternates to be appointed in a manner agreed to by and among the cities and towns representing a majority of

the populations of those cities and towns; and

((~~d.(1)~~)) 4.a. In accordance with state law, the remaining members of the board of health shall equal the number of elected official members appointed under subsection ((~~B.1.a., b. and c.~~)) A.1., 2., and 3. of this section, shall not be elected officials and, except for any member selected by the American Indian Health Commission of Washington State, must be recruited, selected and appointed in accordance with RCW 70.05.035(1)(a) and the rules required under RCW 43.20.300.

(((~~2~~))) b. One of the nonelected member candidates selected under RCW 70.05.035(1)(a)(i) should have knowledge of environmental health, including knowledge of septic systems and groundwater quality.

(((~~3~~))) c. The council shall appoint by motion the nonelected members from those selected by the board of health and any member selected by the American Indian Health Commission of Washington State in accordance with RCW 70.05.035.

(((~~4~~))) d. In accordance with RCW 70.05.035(1)(l), members described in subsection ((~~B.1.d.(1)~~)) A.4.a. of this section shall be voting members except as it pertains to any decision related to the setting or modification of permit, licensing and application fees((~~; and~~)).

((~~2.~~)) B. The board shall elect the chair from the members described in subsection ((~~B.1.~~)) A.1 of this section.

SECTION 8. Ordinance XXXXX, Section 2, and K.C.C. 2.35.XXX (Section 2 of this ordinance) is hereby repealed.

SECTION 9. Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX (Section 3 of this ordinance) is hereby amended to read as follows:

A. Alternate members for regular, elected official member may be appointed according to the relevant procedures under K.C.C. 2.35.021.((~~B.1.a., b. or c~~)) A.1., 2. or 3. During the meeting, an alternate elected official member shall indicate when the alternate elected official member is serving in a regular elected official member's absence. When serving in a regular member's absence, an alternate elected official member shall act

as a regular elected official member.

B. Alternate nonelected members shall be appointed by the council in equal numbers as alternate members appointed under subsection A. of this section. One of the alternate nonelected members shall be selected by the American Indian Health Commission for Washington State. During the meeting, an alternate nonelected member shall indicate when the alternate nonelected member is serving in a regular nonelected member's absence. When serving in a regular nonelected member's absence, an alternate nonelected member shall act as a regular nonelected member.

SECTION 10. Ordinance XXXXX, Section 4, and K.C.C. 2.35.XXX (Section 4 of this ordinance) is hereby amended to read as follows:

A. For each nonelected board member candidate selected by the King County board of health, the board shall provide the name, biography, application materials and confirmation that the board member candidate meets the qualifications and requirements of RCW 70.05.035(1)(a) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate which of the three categories set forth in RCW 70.005.035(1)(a) each nonelected board member candidate was selected to represent. In accordance with section 5.B. of this ordinance, the board shall also indicate the initial term for each nonelected member candidate.

B. The board shall coordinate with the American Indian Health Commission of Washington State to receive the commission's selected tribal representative candidates and information about the commission's selected candidates.

C. For each of the alternate nonelected board candidates selected by the board, the board shall provide the name, biography, application materials and confirmation that the alternate board member candidate meets the qualifications and requirements of RCW 70.05.035(1) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate the term for each alternate nonelected member candidate.

D. The board shall transmit the information required by subsections A., B. and C. of this section, together with one or more resolutions of its nonelected board member candidate selections, the commission's tribal representative candidate selection and the nonelected alternate candidate selections to establish the expanded board membership required by RCW 70.05.035. The initial resolutions must be electronically filed with the clerk of the council by no later than October 28, 2022. Subsequent resolutions to fill positions of members described in K.C.C. 2.35.021.((~~B.1.d.~~)) A.4. and their requisite alternates should be filed with the clerk no later than three months before the starting date of the term for the respective member or alternate candidate.

SECTION 11. Ordinance XXXXX, Section 5, and K.C.C. 2.35.XXX (Section 5 of this ordinance) is hereby amended to read as follows:

A. All members described in K.C.C. 2.35.021.((~~B.1.d.~~)) A.4. shall be eligible to serve for up to three full terms. Except as otherwise provided in subsection B. of this section, for members described in K.C.C. 2.35.021.((~~B.1.d.~~)) A.4., a full term shall be three years.

B. For all members described in K.C.C. 2.35.021.((~~B.1.d.~~)) A.4., their initial terms to the expanded board shall be as follows: two members shall each serve a one-year term, three members shall each serve a two -year term and three members shall each serve a three-year term. The board shall determine the initial term lengths primarily by member preference. Each of the initial terms shall be considered full terms when considering eligibility for service in future terms.

SECTION 12. Ordinance XXXXX, Section 6, and K.C.C. 2.35.XXX (Section 6 of this ordinance) is hereby amended to read as follows:

All members described in K.C.C. 2.35.021.((~~B.1.d.~~)) A.4. and the nonelected member alternates who are not being compensated for their participation on the King County board of health through their employer shall be compensated at a rate of two hundred twenty-five dollars per full board meeting they attend and shall not exceed two hundred twenty-five dollars per month before December 31, 2023. Beginning January 1, 2024,

the compensation amount per meeting and the maximum compensation amount per month shall be automatically adjusted annually, and every year thereafter, at the rate equivalent to the twelve-month change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the Seattle-Tacoma-Bellevue Statistical Metropolitan Area, which is also known as "the CPI-U." However, if the twelve-month change in the CPI-U is negative, there shall not be an adjustment.

SECTION 13. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.