

## Legislation Text

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Clerk 08/26/2004

AN ORDINANCE relating to the continuation of the board of health; adding new sections to K.C.C. chapter 2.35 and repealing Ordinance 13872, Section 2, Ordinance 13872, Section 3, Ordinance 13872, Section 4, and Ordinance 13257, Section 19, and declaring an emergency.

### STATEMENT OF FACTS:

1. RCW 70.05.035, which was effective on January 1, 1996, requires that the county legislative authority establish a local board of health with jurisdiction coextensive with the boundaries of the county. It also provides that the legislative authority may prescribe the membership of and the selection process for the board.
2. To comply with the law and ensure the maximum extent of coordination of public health programs between the county and the cities in the county, the council adopted Ordinance 12098 in December 1995. Ordinance 12098 amended Ordinance 11178, which had been adopted in 1993 and had designated the county legislative authority as the local board of health. Ordinance 12098 created a twenty-two-member, federated King County board of health with countywide jurisdiction and also readopted and ratified existing rules and regulations of the former board of health of the city of Seattle, pending amendment or repeal by the newly created King County board of health.
3. In recognition that further discussions and analysis of the appropriate structure for public health governance would be necessary, the council placed an expiration clause in Ordinance

12098 so that the ordinance would expire on December 31, 1996. Ordinance 12526 extended the expiration date to June 30, 1998. Ordinance 13218 extended the expiration date to June 30, 2000. Ordinance 13218, adopted in June 1998, also reduced the size of the board from twenty-two to thirteen voting members, and repealed Ordinance 11178, Sections 1, 2 and 3. Ordinance 12098, Section 1, Section 2.1 through 5, Section 5 and Section 6 and Ordinance 12526 in its entirety. Ordinance 13872 extended the expiration date to June 30, 2004.

4. The council now finds that sufficient progress has been made in the process of amendment or repeal of rules and regulations of the former board of health of the city of Seattle. The council is also satisfied that the board of health is fulfilling its statutory duties and responsibilities under state and local law.

5. Due to administrative error, Ordinance 13218, as amended by Ordinance 13872, expired on June 30, 2004. It is the intent of the council that the King County board of health continue as previously constituted, including that the current membership of the board of health consist of the members of the board of health as of June 29, 2004, as if the administrative error had not occurred. An emergency exists because until this ordinance takes effect, the board of health cannot take action, including the establishment of fee schedules as provided in RCW 70.05.060 that support county government and its existing public institutions.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

**Created.** There is hereby created the King County board of health, as authorized by RCW 70.05.035.

SECTION 2. The membership of the board of health shall as of the effective date of this ordinance consist of the members of the board of health as of June 29, 2004. The members of the board of health shall thenceforth be appointed as set forth in section 3 of this ordinance.

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

**Membership.**

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

1. Six members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members who represent districts in which a significant proportion of the population resides in unincorporated areas;
2. Three elected officials of the city of Seattle to be appointed by the city;
3. Two elected officials from cities of King County other than Seattle to be appointed by the executive from nominations submitted by those cities, individually or jointly; and
4. Two health professionals who shall be appointed by 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 the other members of the board. These members shall be from diverse backgrounds such as, for example, community health clinics, traditional medical practice and alternative medicine or naturopathy. The terms of health professional members shall be established by the rules of the board.

B.1. Each official or authority appointing elected officials to the board under subsection A.1, 2 and 3 of this section also may appoint one alternate elected official for each of its regular members in accordance with the procedures established by such authority. Such appointments shall be announced at the beginning of each meeting by a person authorized by the appointing official or authority and shall be duly noted in the minutes.

2. If the board appoints a third nonvoting health professional member as provided under subsection A.4 of this section, that member shall serve as an alternate for the two voting health professional members.

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

**Administration.** In accordance with chapters 70.05 and 70.08 RCW, the local board of health shall designate the administrative officer of the board.

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

**Meetings.** The time of regular meetings of the King County board of health shall be established by the rules of the board.

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

**Budgetary authority.** Nothing in this chapter shall be construed to reduce or limit the budgetary authority or responsibility of the metropolitan King County council. Any program initiatives undertaken pursuant to this measure which require funding support utilizing county budget resources shall be subject to the budgetary process established by the county council. The city of Seattle will, in accordance with an interlocal agreement between the county and the city, exercise policy and expenditure control over its financial contribution to the health department over and above the city of Seattle motor vehicle excise tax dollars contributed according to state law.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:

**Travel expenses.** Members of the board of health who are not full-time elected officials may be reimbursed for mileage and parking expenses between the member's workplace or residence and the location of the board of health meeting. Members may also be reimbursed for travel expenses, including lodging, meals and incidentals per diem and transportation, at the rates established for county employees in K.C.C. 3.24, when traveling on official board of health business.

SECTION 8. Ordinance 13872, Section 2, Ordinance 13872, Section 3, Ordinance 13872, Section 4

and Ordinance 13257, Section 19 are each hereby repealed.

SECTION 9. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace,

health or safety or for the support of county government and its existing public institutions.

none