Proposed No. BOH11-01

A RULE AND REGULATION relating to the organization
of the Board of Health; amending R&R 09-04, Section 2,
and BOH 2.04.035, R&R 09-04, Section 4, and BOH
2.04.055, R&R 09-04, Section 5, and BOH 2.04.065, R&R
2, Section 1, as amended, and BOH 2.04.140, R&R 09-04,
Section 8, and BOH 2.04.165, R&R 09-04, Section 9, and
BOH 2.04.175, R&R 09-04, Section 10, and BOH
2.04.185, R&R 09-04, Section 11, and BOH 2.04.195 and
R&R 09-04, Section 12, and BOH 2.04.205 and adding a
new section to BOH chapter 2.04.

BE IT ORDAINED BY THE BOH OF KING COUNTY:

SECTION 1. R&R 09-04, Section 2, and BOH 2.04.035 are each hereby
amended to read as follows:

A. Consistent with RCW 70.05.040, the board shall annually elect a chair to
serve for a period of one year. The chair shall perform the usual functions of a presiding
officer.

B. The chair shall:

1. Establish the agenda for regular and special meetings;
2. Call the board to order at the hour appointed for meeting and, if a quorum is present, shall cause the minutes of the previous meeting to be approved;

3. Proceed with the order of business; and

4. Adjourn the board when business is deemed finished. If a quorum is not present, the chair shall proceed with any business that does not require a quorum.

C. The chair shall preserve order and decorum and in the interest of efficiency may impose time and subject matter limits for the testimony and comment given by the public and members of the board.

D. The chair shall promote efficient operation of the board, including alteration of the order of the agenda if necessary, and expedite orderly debate and the passage of routine motions. The chair may speak to points of order, inquiry or information in preference to other members and shall decide all questions of order, subject to appeal to the board by two members of the board.

E. The chair may create standing and ad hoc committees of board members and may appoint board members and other persons to any committee to facilitate the performance of the board's functions.

F. The chair shall sign rules and regulations, guidelines and recommendations and resolutions adopted by the board.

G. The chair shall determine the process for selecting the candidates for the health professional members of the board.

**SECTION 2.** R&R 09-04, Section 4, and BOH 2.04.055 are each hereby amended to read as follows:
A. The time of the regular meeting of the board shall be at 1:30 p.m. on the third Thursday of each month or, if the third Thursday falls on or near a legal holiday, an alternative date may be determined by the chair.

B. Any regular meeting of the board may be cancelled by the chair of the board.

C. All regular meetings of the board shall be held in the King County council chambers on the tenth floor of the King County Courthouse in Seattle, Washington.

D. The chair or boardmembers representing seven votes may call a special meeting of the board consistent with the provisions of RCW 42.30.080.

E. The board may hold executive sessions from which the public may be excluded for purposes set forth in, and in compliance with, RCW 42.30.110.

F. Whenever, due to an emergency, as defined in K.C.C. 12.52.010, it is imprudent, inexpedient or impossible to conduct the affairs of the board at the regular or usual place, the board may meet at any place within or without the territorial limits of the county on the call of the chair or any two members of the board. After an emergency relocation, the affairs of the board shall be lawfully conducted at the emergency location for the duration of the emergency. The notices required in Rule 6.B. shall be suspended during the period of the emergency.

G. All regular and special meetings of the board shall be open to the public, and conducted in accordance with chapter 42.30 RCW. The board may order the removal of individuals who are interrupting the meeting and may adjourn and reconvene in another location as provided in RCW 42.30.050.

H. The proceedings of all board meetings shall be recorded electronically, unless the meeting is an emergency meeting as provided in Rule 4.F.
SECTION 3. R&R 09-04, Section 5, and BOH 2.04.065 are each hereby amended to read as follows:

A. Subject to the discretion of the chair, the board shall dispose of business in the following order:

1. Call to order;
2. Roll call;
3. Approval of minutes;
4. General public comment;
5. ((Report of the chair)) Report of the director of the department of public health;
6. ((Rulemaking)) Rules and Regulations:
   a. public hearing; and
   b. discussion and vote;
7. Guidelines and Recommendations:
   a. public hearing; and
   b. discussion and vote;
8. ((Discussion and vote on other action items;)
9. ((Briefings;)
10. ((Report of the chair;)
11. Board member reports;
12. Other business; and

B.1. Except in cases of emergency, the agenda and materials related to action items shall be sent to boardmembers at least seven days in advance of the meeting at which the items will be considered.

2. The agenda for regular meetings of the board shall be posted to the internet at least seven days in advance of the meeting.

SECTION 4. R&R 2, Section 1, as amended, and BOH 2.04.140 are each hereby amended to read as follows:

A. ((The board shall conduct rulemaking in compliance with chapter 42.30 RCW and this chapter.))

B.)) 1. Before the adoption, amendment or repeal of any rule ((or)) and regulation, the board shall conduct a public hearing on the subject of the proposed rule ((or)) and regulation at a regular or special meeting of the board.

2. The board shall provide at least fourteen days' notice of its intended action and of the public hearing by:

a. publication in the official newspaper of King County; and

b. mailing notice to all persons or agencies who have made timely written request to the clerk of the board for advance notice of rulemaking proceedings. If the subject of the proposed rule and regulation relates to a specific community or communities within the county, notice shall also be published in a local community newspaper.

3. The notice shall include:
a. reference to the authority under which the rule and regulation is proposed;

b. a description of the terms or substance of the proposed rule and regulation or of the subjects and issues involved; and

c. a statement of the time and place of the public hearing and the manner in which interested persons may present their views.

C.1. If the board finds that the immediate adoption, amendment or repeal of a rule and regulation is necessary for the preservation of the public health, safety or general welfare, and that the observance of requirements of this chapter for notice and hearing would be contrary to the public interest, the board may dispense with these requirements and adopt, amend or repeal the rule and regulation as an emergency rule and regulation at a regular or special meeting of the board.

D.1. With the exception of emergency rules, the effective date of a rule and regulation shall be thirty days from the date of its adoption by the board unless a later date is specified in the rule and regulation.

2. Emergency rules are effective immediately upon adoption by the board and shall not remain in effect for longer than ninety days.

E. Boardmembers, public health officials or interested persons may initiate rulemaking by submitting proposals or recommendations for establishing, amending or repealing a rule and regulation to the local public health officer who shall be responsible for preparing them for board consideration.

F. Any rule and regulation adopted by the board shall be drafted in a form established by the clerk of the board.
NEW SECTION. SECTION 5. There is hereby added to BOH chapter 2.04 a new section to read as follows:

A. The board may adopt guidelines and recommendations to express its current thinking on health-related topics pertinent to King County, and to provide policy guidance for other entities. The guidelines and recommendations are advisory only and do not have the force and effect of law.

B. 1. Before the adoption, amendment or repeal of any guideline and recommendation, the board shall conduct a public hearing on the subject of the proposed guidelines and recommendations at a regular or special meeting of the board.

2. The board shall provide at least fourteen days' notice of its intended action and of the public hearing by:

a. publication in the official newspaper of King County; and

b. mailing notice to all persons or agencies who have made timely written request to the clerk of the board for advance notice of guideline and recommendation proceedings. If the subject of the proposed guideline and recommendation relates to a specific community or communities within the county, notice shall also be published in a local community newspaper.

3. The notice shall include:

a. a description of the terms or substance of the proposed guideline and recommendation or of the subjects and issues involved; and

b. a statement of the time and place of the public hearing and the manner in which interested persons may present their views.
C. Boardmembers, public health officials or interested persons may initiate the process of adopting a guideline and recommendation by submitting proposals or recommendations for establishing, amending or repealing a guideline and recommendation to the local public health officer who shall be responsible for preparing them for board consideration.

D. Any guideline and recommendation adopted by the board shall be drafted in a form established by the clerk of the board.

SECTION 6. R&R 09-04, Section 8, and BOH 2.04.165 are each hereby amended to read as follows:

A.1. Board members representing seven votes shall constitute a quorum for board meetings. A quorum is presumed to exist unless a member calls the quorum into question.

2. Nothing in this subsection shall be construed to waive or negate the requirements prescribed under subsections B., C., D., E. and F. of this section.

B. ((Boardmembers shall notify the chair and the clerk in advance if unable to attend any regular meeting of the board.)) 1. An affirmative vote of members representing seven votes is required to adopt, amend or repeal a rule((s)) and regulation((s)). However, any repeal or amendment of an existing rule ((or)) and regulation that was effective before January 1, 1996, ((which)) that applies outside of the limits of the city of Seattle shall be adopted only by an affirmative vote of members representing seven votes as well as an affirmative vote collectively of a majority of the represented votes of King County councilmembers and the suburban city members.
2. Any amendment or repeal of an existing rule or regulation adopted by the board of health of the city of Seattle and effective before January 1, 1996, shall be adopted only by an affirmative vote of the members representing seven votes as well as an affirmative vote of a majority of the members appointed by the city of Seattle.

C. An affirmative vote of members representing seven votes is required to adopt, amend or repeal a guideline and recommendation.

D. A majority of affirmative votes by board members representing seven votes is required for all actions on resolutions and motions.

E. A roll call vote shall be taken on final passage of any rule and regulation, guideline and recommendation and resolutions.

F. There will be no voting by proxy on any question before the board.

SECTION 7. R&R 09-04, Section 9, and BOH 2.04.175 are each hereby amended to read as follows:

A. At each meeting, the chair shall call for general comments and invite persons wishing to testify to the board to come forward. Persons testifying before the board shall give their name. The chair may establish time and subject matter limits for individuals who wish to speak.

B. In addition to the general comments as provided in Rule 9.A., before the adoption, amendment or repeal of any rule and regulation or guideline and recommendation, the board shall conduct a public hearing on the subject of the proposed rule and regulation or guideline and recommendation at a regular or special meeting of the board. Persons testifying before the board shall give their name. Public testimony shall be germane to the proposed rule and regulation or guideline and recommendation.
recommendation. The chair shall liberally construe this rule as it relates to public
testimony. When necessary due to the number of persons wishing to testify, the chair
may establish time limits for speaking.

C. A person who is not a member of the board shall not address the board in
session without the permission of the chair ((or a specific request of a boardmember)).

D.1. The board meetings and all of its public activities shall be accessible to
persons with disabilities. Upon request by people with disabilities, board information
made available to the public shall be made available in alternate formats.

2. Upon request, the board shall make reasonable accommodations to enable
members of the public with disabilities to participate in all public board business.

3. Any individual wishing to request auxiliary aids or services, including sign
language or communication materials in alternate formats, should direct the request to the
clerk of the board. The request should be made at the earliest possible opportunity.

SECTION 8. R&R 09-04, Section 10, and BOH 2.04.185 are each hereby
amended to read as follows:

A.1. The director of the King County department of public health or the director's
designee shall act as administrative officer for the board and shall be responsible for
administering the operations of the board.

B. The King County prosecuting attorney, or the prosecuting attorney's designee,
shall serve as legal counsel to the board. If necessary, the chair shall request that the
prosecuting attorney or the prosecuting attorney's designee attend all regular board
meetings and such other meetings as requested by the chair. The chair may, at any time
during a meeting at which the prosecuting attorney or the prosecuting attorney's designee
is present, request an oral or written opinion to decide any question of law pertinent to the
business of the board.

C. The clerk of the board shall:

1. Prepare and distribute agendas, proposed rules and regulations, guidelines
and recommendations, resolutions and meeting packets;

2. Attend board meetings, take roll call and votes at meetings and prepare
written minutes of each meeting;

3. Assist in the drafting of rules and regulations, guidelines and
recommendations, and resolutions in conformance with drafting protocols;

4. Maintain the board’s records and provide access to those records on the
internet; (((and)))

5. Codify all adopted rules and regulations in the King County board of health
code, including legislative history and indexing, and post the board of health code to the
internet; and

6. Compile all guidelines and recommendations and post the guidelines and
recommendations to the internet.

SECTION 9. R&R 09-04, Section 11, and BOH 2.04.195 are each hereby
amended to read as follows:

A. A copy of any rule(()) and regulation, guideline and recommendation or
resolution adopted by the board shall be made available from the clerk of the board as
provided in RCW 42.56.080.
B. A person may obtain an electronic recording of any meeting of the board by paying a fee for the reproduction of the proceedings. The clerk shall set the amount of the fee, which must reflect only the actual cost of reproduction.

SECTION 10. R&R 09-04, Section 12, and BOH 2.04.205 are each hereby amended to read as follows:

As often as the board deems necessary, the board through the clerk of the board shall provide for the codification of all rules and regulations that have the force of law and are of a permanent and general nature and for the compilation of all
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guidelines and recommendations. The code and compilation shall be posted to the internet with an index and appropriate notices, citations and annotations.

R&R BOH11-01 was introduced on and passed by the Board of Health on 2/17/2011, by the following vote:

Yes: 11 - Ms. Frisinger, Mr. Hutchinson, Mr. Conlin, Ms. Lambert, Mr. Licata, Ms. Clark, Ms. Manning, Dr. Danielson and Mr. McDermott
No: 0
Excused: 2 - Ms. Patterson and Dr. Nicola

BOARD OF HEALTH
KING COUNTY, WASHINGTON

Joe McDermott, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments: None