



Signature Report

April 17, 2009

R&R

Proposed No. BOH09-04.2

1 A RULE and REGULATION relating to the organization
2 of the Board of Health; amending R&R 1, Amendment
3 Section 2, and BOH 2.04.020 and R&R 2, Section 1, and
4 BOH 2.04.140, adding new sections to BOH chapter 2.04
5 and repealing R&R 1, Amendment Section 1, and BOH
6 2.04.010, R&R 1, Amendment Section 3, and BOH
7 2.04.030, R&R 1, Section 10, and BOH 2.04.120, R&R 1,
8 Section 11, and BOH 2.04.130, R&R 2, Section 2, and
9 BOH 2.04.150; R&R 2, Section 3, and BOH 2.04.160,
10 R&R 2, Section 4, and BOH 2.04.0170 and R&R 2, Section
11 5, and BOH 2.04.180.

12

13 BE IT ORDAINED BY THE BOH OF KING COUNTY:

14 SECTION 1. R&R 1, Amendment Section 2, and BOH 2.04.020 are each hereby
15 amended to read as follows:

16 ~~((Board of health. Pursuant to RCW Chapter 70.05.030, as amended, the~~
17 ~~legislative authority of King County shall constitute the King County Board of Health.~~

18 ~~The rules and regulations of the board shall be adopted by ordinance.))~~ **Rule 1.**

19 **Membership.**

20 A. Consistent with K.C.C. 2.35.021, the board of health shall have a total of
21 eleven members, of whom ten shall be voting members and one shall be a nonvoting
22 member. Three of the voting members shall have votes weighted as two votes.

23 B. Consistent with K.C.C. 2.35.021A. 1. through 3., the Board of Health shall
24 consist of the following members:

25 1. Three shall be members of the metropolitan King County council who are
26 appointed by the chair of the council. Each county councilmember vote shall be
27 weighted as two votes;

28 2. Three shall be elected officials of the city of Seattle who shall be appointed
29 by the city; and

30 3. Two shall be elected officials from cities and towns of King County other than
31 the city of Seattle to be appointed in a manner agreed to by and among the cities and towns
32 representing a majority of the populations of those cities and towns.

33 C.1. Consistent with K.C.C. 2.35.021A.4., there shall be two members of the board
34 who are health professionals who shall be appointed by an affirmative vote of members
35 representing seven votes. One of the health professionals should have knowledge of
36 environmental health, including knowledge of septic systems and groundwater quality. A
37 third nonvoting member, who shall be a health professional, shall be appointed by a
38 majority vote of the other members of the board.

39 2. Consistent with K.C.C. 2.35.021, the terms of health professional members
40 shall be established by the rules of the board. Beginning on January 1, 2011, the term of

41 a health professional member is established as three years and the health professional
42 member may serve a maximum of three terms.

43 3. The term of a health professional shall commence on January 1, though the
44 board may appoint a health professional as a member of the board commencing at any
45 time during the year. For appointments to a new term on the expiration of an existing
46 term, if a health professional is appointed to the board after January 1, the term shall be
47 considered to have commenced on January 1. For appointments made to an existing term
48 to fill a midterm vacancy, the health professional shall be appointed to serve the
49 remainder of the existing term. If a health professional serves two years or more to fill a
50 midterm vacancy, the health professional shall be considered as having served a full term
51 for the purposes of the term limits established in subsection C.2. of this section.

52 D.1. Consistent with K.C.C. 2.35.021.B.1., alternate members for each regular
53 member may be appointed according to the relevant procedures under subsection B.1, 2,
54 or 3. of this section. During the meeting, an alternate member shall indicate to the clerk
55 when the alternate member is serving in a regular member's absence and the clerk shall
56 note the alternate member's attendance in the proceedings and include the alternate
57 member in any roll call. When serving in a regular member's absence, an alternate
58 member shall act as a regular member.

59 2. Consistent with K.C.C. 2.35.021.B.2., the third nonvoting health professional
60 member shall serve as an alternate voting member in the absence of either of the two
61 voting health professional members.

62 E. Consistent with RCW 70.05.040, vacancies on the board shall be filled by
63 appointment within thirty days and made in the same manner as was the original
64 appointment.

65 F. Consistent with K.C.C. 2.35.061, members of the board of health may be
66 reimbursed for mileage and parking expenses between the member's workplace or
67 residence and the location of the board of health meeting. Members may also be
68 reimbursed for expenses, in accordance with the policies established for county
69 employees in K.C.C. chapter 3.24, when traveling on official board of health business.

70 NEW SECTION. SECTION 2. There is hereby added to BOH chapter 2.04 a
71 new section to read as follows:

72 **Rule 2. Chair.**

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

76 B. The chair shall:

- 77 1. Establish the agenda for regular and special meetings;
- 78 2. Call the board to order at the hour appointed for meeting and, if a quorum is
79 present, shall cause the minutes of the previous meeting to be approved;
- 80 3. Proceed with the order of business; and
- 81 4. Adjourn the board when business is deemed finished. If a quorum is not
82 present, the chair shall proceed with any business that does not require a quorum.

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

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

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

94 F. The chair shall sign rules and regulations and resolutions adopted by the board.

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

97 NEW SECTION. SECTION 3. There is hereby added to BOH 2.04 a new
98 section to read as follows:

99 **Rule 3. Vice-chairs.**

100 A. Annually, the board shall designate four vice-chairs, each representing one of
101 the major categories of membership:

- 102 1. Metropolitan King County council;
- 103 2. City of Seattle;
- 104 3. Suburban cities; and
- 105 4. Health professionals.

106 B. In the absence of the chair, a vice-chair will exercise the duties, powers and
107 prerogatives of the chair. Each year the board shall designate by resolution the order in
108 which the vice-chairs may act in the absence of the chair. The order of the vice-chair shall
109 rotate annually.

110 NEW SECTION. SECTION 4. There is hereby added to BOH chapter 2.04 a new
111 section to read as follows:

112 **Rule 4. Meetings.**

113 A. The time of the regular meeting of the board shall be at 1:30 p.m. on the third
114 Thursday of each month or, if the third Thursday falls on or near a legal holiday, an
115 alternative date may be determined by the chair.

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

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

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

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

123 F. Whenever, due to an emergency, as defined in K.C.C. 12.52.010, it is
124 imprudent, inexpedient or impossible to conduct the affairs of the board at the regular or
125 usual place, the board may meet at any place within or without the territorial limits of the
126 county on the call of the chair or any two members of the board. After an emergency
127 relocation, the affairs of the board shall be lawfully conducted at the emergency location

128 for the duration of the emergency. The notices required in Rule 6.B. shall be suspended
129 during the period of the emergency.

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

134 H. The proceedings of all board meetings shall be recorded electronically, unless
135 the meeting is an emergency meeting as provided in Rule 4.F.

136 NEW SECTION. SECTION 5. There is hereby added to BOH chapter 2.04 a new
137 section to read as follows:

138 **Rule 5. Agenda.**

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

- 141 1. Call to order;
- 142 2. Roll call;
- 143 3. Approval of minutes;
- 144 4. General public comment;
- 145 5. Report of the chair;
- 146 6. Board member reports;
- 147 7. Report of the director of the department of public health;
- 148 8. Rulemaking:
 - 149 a. public hearing; and
 - 150 b. discussion and vote;

151 9. Discussion and vote on other action items;

152 10. Briefings;

153 11. Report of the board administrator;

154 12. Other business; and

155 13. Adjourn.

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

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

161 SECTION 6. R&R 2, Section 1, and BOH 2.04.140 are each hereby amended to
162 read as follows:

163 ~~((Prior to the adoption, amendment or repeal of any rule or regulation, the King~~
164 ~~County Board of Health shall conduct a public hearing on the subject of the proposed~~
165 ~~rules or regulations. The board shall give at least fourteen days' notice of the proposed~~
166 ~~rules or regulations and hearing by one publication in the official newspaper of King~~
167 ~~County and by mailing notice to all persons or agencies who have made timely request of~~
168 ~~the board for advance notice of its rulemaking proceedings. Moreover, if the subject of~~
169 ~~the proposed rule relates to a specific community or communities within the county,~~
170 ~~notice shall also be published in the local community newspaper, if any. The notice shall~~
171 ~~include:~~

172 A. ~~Reference to the authority under which the rule or regulation is proposed;~~

173 ~~B. A description of the terms or substance of the proposed rule or regulation or of~~
174 ~~the subjects and issues involved; and~~

175 ~~C. A statement of the time and place of the public hearing and the manner in~~
176 ~~which interested persons may present their views thereon.)) **Rule 6. Rules and**~~
177 **regulations.**

178 A. The board shall conduct rulemaking in compliance with chapter 42.30 RCW and
179 this chapter.

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

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

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

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

190 3. The notice shall include:

191 a. reference to the authority under which the rule or regulation is proposed;

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

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

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

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

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

207 E. Boardmembers, public health officials or interested persons may initiate
208 rulemaking by submitting proposals or recommendations for establishing, amending or
209 repealing rules or regulations to the local public health officer who shall be responsible for
210 preparing them for board consideration.

211 F. All rules and regulations adopted by the board shall be drafted in a form
212 established by the clerk of the board.

213 NEW SECTION. SECTION 7. There is hereby added to BOH chapter 2.04 a new
214 section to read as follows:

215 **Rule 7. Resolutions.**

216 A. The board may adopt resolutions to indicate its intent with regard to a
217 particular subject. The board may also amend or repeal previously adopted resolutions.

218 B. Resolutions shall be noted as action items on the meeting agenda.

219 C. All resolutions adopted by the board shall be drafted in a form established by
220 the clerk of the board.

221 NEW SECTION. SECTION 8. There is hereby added to BOH chapter 2.04 a new
222 section to read as follows:

223 **Rule 8. Quorum and voting.**

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

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

229 B. Boardmembers shall notify the chair and the clerk in advance if unable to
230 attend any regular meeting of the board.

231 C.1. An affirmative vote of members representing seven votes is required to
232 adopt, amend or repeal rules and regulations. However, any repeal or amendment of an
233 existing rule or regulation that was effective before January 1, 1996, which applies
234 outside of the limits of the city of Seattle shall be adopted only by an affirmative vote of
235 members representing seven votes as well as an affirmative vote collectively of a
236 majority of the represented votes of King County councilmembers and the suburban city
237 members.

238 2. Any amendment or repeal of an existing rule or regulation adopted by the
239 board of health of the city of Seattle and effective before January 1, 1996, shall be
240 adopted only by an affirmative vote of the members representing seven votes as well as
241 an affirmative vote of a majority of the members appointed by the city of Seattle.

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

244 E. A roll call vote shall be taken on final passage of all rules and regulations and
245 resolutions.

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

247 NEW SECTION. SECTION 9. There is hereby added to BOH chapter 2.04 a new
248 section to read as follows:

249 **Rule 9. Public comment.**

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

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

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

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

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

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

271 NEW SECTION. SECTION 10. There is hereby added to BOH chapter 2.04 a
272 new section to read as follows:

273 **Rule 10. Staff.**

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

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

284 C. The clerk of the board shall:

285 1. Prepare and distribute agendas, proposed rules and regulations, resolutions
286 and meeting packets;

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

289 3. Assist in the drafting of rules and regulations and resolutions in conformance
290 with drafting protocols;

291 4. Maintain the board's records and provide access to those records on the
292 internet; and

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

296 NEW SECTION. SECTION 11. There is hereby added to BOH chapter 2.04 a
297 new section to read as follows:

298 **Rule 11. Copies of rules, regulations or resolutions – electronic recordings –**
299 **fees.**

300 A. A copy of any rule, regulation or resolution adopted by the board shall be
301 made available from the clerk of the board as provided in RCW 42.56.080.

302 B. A person may obtain an electronic recording of any meeting of the board by
303 paying a fee for the reproduction of the proceedings. The clerk shall set the amount of
304 the fee, which must reflect only the actual cost of reproduction.

305 NEW SECTION. SECTION 12. There is hereby added to BOH chapter 2.04 a
306 new section to read as follows:

307 **Rule 12. Codification.**

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

312 NEW SECTION. SECTION 13. There is hereby added to BOH chapter 2.04 a
313 new section to read as follows:

314 **Rule 13. Ethics.**

315 A. All boardmembers shall comply with the provisions of the King County code
316 of ethics, K.C.C. chapter 3.04. Boardmembers shall familiarize themselves with the
317 content of the ethics code, and in the event they identify any issue of possible concern,
318 shall promptly seek advice from the administrative officer for the board, from legal
319 counsel or from the board of ethics in the form of an advisory opinion. Within ten days
320 of appointment to the board and by April 15 of each year, boardmembers subject to the
321 King County board of ethics filing requirements shall file a financial disclosure statement
322 with the board of ethics. Boardmembers shall also return an acknowledgement of receipt
323 of the summary of the code of ethics to the clerk of the board. Boardmembers who are
324 elected officials and have already satisfied the requirements of the ethics code or the
325 applicable code for their jurisdictions are not required to submit the financial disclosure
326 statement or to return an acknowledgement of receipt.

327 B. Any boardmember for whom a conflict of interest arises shall declare the
328 conflict before the board and refrain from discussing or voting on matters in which the
329 member has a conflict.

330 NEW SECTION. SECTION 14. There is hereby added to BOH chapter 2.04 a
331 new section to read as follows:

332 **Rule 14: Legal signature.**

333 An official document issued by order of the board must be signed by the chair or
334 in his or her absence the vice-chair as provided in Rule 3 and attested by the clerk or the
335 acting clerk of the board.

336 NEW SECTION. SECTION 15. There is hereby added to BOH chapter 2.04 a
337 new section to read as follows:

338 **Rule 15. Parliamentary rules.**

339 The rules of parliamentary practice comprised in the most-recent edition of the
340 Scott, Foresman Robert's Rules of Order must be used as a guide to address procedural
341 questions to the extent consistent with the standing rules in this chapter.

342 SECTION 16. R&R 1, Amendment Section 1, and BOH 2.04.010, R&R 1,
343 Amendment Section 3, and BOH 2.04.030, R&R 1, Section 10, and BOH 2.04.120, R&R
344 1, Section 11, and BOH 2.04.130, R&R 2, Section 2, and BOH 2.04.150; R&R 2, Section
345 3, and BOH 2.04.160, R&R 2, Section 4, and BOH 2.04.0170 and R&R 2, Section 5, and
346 BOH 2.04.180 are each hereby repealed.

347 SECTION 17. A. Until January 1, 2011, the health professional members shall
348 serve as appointed by the board on September 18, 2008.

349 B. For the first term of service established by Section 1 of this rule and regulation
350 after the effective date of the rule and regulation, one health professional shall be
351 appointed for a term to expire on December 31, 2011, another health professional shall be

352 appointed to a term to expire on December 31, 2012, and another health professional
353 shall be appointed to a term to expire on December 31, 2013.

354 C. For continuity on the board, the health professional members serving on the
355 board at the time of the effective date of this rule and regulation, or their replacements in
356 the event of a vacancy prior to January 1, 2011, may be appointed to serve the first terms
357 of service established in this section, after which new health professional members must
358 be appointed.

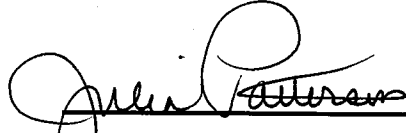
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360 SECTION 18. All other operating rules of the board of health are hereby
361 rescinded.
362

R&R was introduced on and passed by the Board of Health on 4/16/2009, by the following vote:

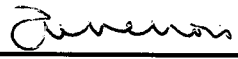
Yes: 13 - Ms. Lambert, Ms. Patterson, Ms. Clark, Mr. Rasmussen, Dr. Sherman, Mr. Hutchinson, Dr. Nicola, Dr. Counts, Mr. Gossett and Mr. Licata
No: 0
Excused: 2 - Ms. Frisinger and Ms. Manning

BOARD OF HEALTH
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Board

Attachments None