

**Chapter 2.04
BOARD OF HEALTH**

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2.04.020 Rule 1. Membership.

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

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

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

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

3. Two shall be elected officials from cities and towns of King County other than the city of 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.

C.1. Consistent with K.C.C. 2.35.021A.4., there shall be two members of the board who are health professionals who shall be appointed by an affirmative vote of members representing seven votes. 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 be a health professional, shall be appointed by a majority vote of the other members of the board.

2. Consistent with K.C.C. 2.35.021, the terms of health professional members shall be established by the rules of the board. Beginning on January 1, 2011, the term of a health professional member is established as three years and the health professional member may serve a maximum of three terms.

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

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

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

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

F. Consistent with K.C.C. 2.35.061, members of the board of health 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 expenses, in accordance with the policies established for county employees in K.C.C. chapter 3.24, when traveling on official board of health business. (R&R No. 09-04 § 2, 2009: R&R 1 amdt. §2, 12-20-93).

(KCBOH 4-2009)

2.04.035 Rule 2. Chair.

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 boardmembers and may appoint boardmembers and other persons to any committee to facilitate the performance of the board's functions.

F. The chair shall sign rules and regulations 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. (R&R No. 09-04 § 2, 2009).

2.04.045 Rule 3. Vice-chairs.

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

1. Metropolitan King County council;
2. City of Seattle;
3. Suburban cities; and
4. Health professionals.

B. In the absence of the chair, a vice-chair will exercise the duties, powers and prerogatives of the chair. Each year the board shall designate by resolution the order in which the vice-chairs may act in the absence of the chair. The order of the vice-chair shall rotate annually. (R&R No. 09-04 § 3, 2009).

2.04.055 Rule 4. Meetings.

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, 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. (R&R No. 09-04 § 4, 2009).

2.04.065 Rule 5. Agenda.

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;
6. Board member reports;
7. Report of the director of the department of public health;
8. Rulemaking:
 - a. public hearing; and
 - b. discussion and vote;
9. Discussion and vote on other action items;
10. Briefings;
11. Report of the board administrator;
12. Other business; and
13. Adjourn.

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. (R&R No. 09-04 § 5, 2009).

2.04.140 Rule 6. Rules and regulations.

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 regulation, the board shall conduct a public hearing on the subject of the proposed rule or 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 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 or regulation is proposed;
- b. a description of the terms or substance of the proposed rule or 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 or 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 as an emergency rule or regulation at a regular or special meeting of the board.

D.1. With the exception of emergency rules, the effective date of a rule or regulation shall be thirty days from the date of its adoption by the board unless a later date is specified in the rule or 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 rules or regulations to the local public health officer who shall be responsible for preparing them for board consideration.

F. All rules and regulations adopted by the board shall be drafted in a form established by the clerk of the board. (R&R No. 09-01 § 6, 2009; R&R No. 2 § 1, 6-21-96).

2.04.155 Rule 7. Resolutions.

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

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

C. All resolutions adopted by the board shall be drafted in a form established by the clerk of the board. (R&R No. 09-04 § 7, 2009).

2.04.165 Rule 8. Quorum and voting.

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 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.

C.1. An affirmative vote of members representing seven votes is required to adopt, amend or repeal rules and regulations. However, any repeal or amendment of an existing rule or regulation that was effective before January 1, 1996, which 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.

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 all rules and regulations and resolutions.

F. There will be no voting by proxy on any question before the board. (R&R No. 09-04 § 8, 2009).

2.04.175 Rule 9. Public comment.

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 or regulation, the board shall conduct a public hearing on the subject of the proposed rule or regulation 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 or regulation. 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. (R&R No. 09-04 § 9, 2009).

2.04.185 Rule 10. Staff.

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, 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 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. (R&R No. 09-04 § 10, 2009).

2.04.195 Rule 11. Copies of rules, regulations or resolutions – electronic recordings – fees.

A. A copy of any rule, regulation 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. (R&R No. 09-04 § 11, 2009).

2.04.205 Rule 12. Codification. As often as the board deems necessary, the board through the clerk of the board shall provide for the compilation and codification of all rules and regulations that have the force of law and are of a permanent and general nature. The code shall be posted to the internet with an index and appropriate notices, citations and annotations. (R&R No. 09-04 § 12, 2009).

2.04.215 Rule 13. Ethics.

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

B. Any boardmember for whom a conflict of interest arises shall declare the conflict before the board and refrain from discussing or voting on matters in which the member has a conflict. (R&R No. 09-04 § 13, 2009).

2.04.225 Rule 14: Legal signature. An official document issued by order of the board must be signed by the chair or in his or her absence the vice-chair as provided in Rule 3 and attested by the clerk or the acting clerk of the board. (R&R No. 09-04 § 14, 2009).

2.04.235 Rule 15. Parliamentary rules. The rules of parliamentary practice comprised in the most-recent edition of the Scott, Foresman Robert's Rules of Order must be used as a guide to address procedural questions to the extent consistent with the standing rules in this chapter. (R&R No. 09-04 § 15, 2009).