



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 18, 2011

R&R BOH11-01

Proposed No. BOH11-01.1

Sponsors

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

11 BE IT ORDAINED BY THE BOH OF KING COUNTY:

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

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

17 B. The chair shall:

18 1. Establish the agenda for regular and special meetings;

19 2. Call the board to order at the hour appointed for meeting and, if a quorum is
20 present, shall cause the minutes of the previous meeting to be approved;

21 3. Proceed with the order of business; and

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

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

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

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

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

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

39 SECTION 2. R&R 09-04, Section 4, and BOH 2.04.055 are each hereby
40 amended to read as follows:

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

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

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

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

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

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

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

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

64 SECTION 3. R&R 09-04, Section 5, and BOH 2.04.065 are each hereby

65 amended to read as follows:

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

68 1. Call to order;

69 2. Roll call;

70 3. Approval of minutes;

71 4. General public comment;

72 5. ~~((Report of the chair))~~ Report of the director of the department of public

73 health;

74 ~~((6. Board member reports;~~

75 ~~7. Report of the director of the department of public health));~~

76 ~~((8-))~~ 6. ((Rulemaking)) Rules and Regulations;

77 a. public hearing; and

78 b. discussion and vote;

79 7. Guidelines and Recommendations:

80 a. public hearing; and

81 b. discussion and vote;

82 ~~((9-))~~ 8. Discussion and vote on other action items;

83 ~~((10-))~~ 9. Briefings;

84 ~~((11-))~~ 10. ((Report of the board administrator)) Report of the chair;

85 11. Board member reports;

86 12. Other business; and

87 13. Adjourn.

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

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

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

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

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

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

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

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

108 3. The notice shall include:

109 a. reference to the authority under which the rule ((~~o~~)) and regulation is
110 proposed;

111 b. a description of the terms or substance of the proposed rule ((~~o~~)) and
112 regulation or of the subjects and issues involved; and

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

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

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

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

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

130 F. ((AH)) Any rule((~~s~~)) and regulation((~~s~~)) adopted by the board shall be drafted
131 in a form established by the clerk of the board.

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

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

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

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

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

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

149 3. The notice shall include:

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

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

154 C. Boardmembers, public health officials or interested persons may initiate the
155 process of adopting a guideline and recommendation by submitting proposals or
156 recommendations for establishing, amending or repealing a guideline and
157 recommendation to the local public health officer who shall be responsible for preparing
158 them for board consideration.

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

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

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

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

168 B. (~~Boardmembers shall notify the chair and the clerk in advance if unable to~~
169 ~~attend any regular meeting of the board.~~

170 C.) 1. An affirmative vote of members representing seven votes is required to
171 adopt, amend or repeal a rule((s)) and regulation((s)). However, any repeal or
172 amendment of an existing rule ~~((or))~~ and regulation that was effective before January 1,
173 1996, ~~((which))~~ that applies outside of the limits of the city of Seattle shall be adopted
174 only by an affirmative vote of members representing seven votes as well as an affirmative
175 vote collectively of a majority of the represented votes of King County councilmembers
176 and the suburban city members.

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

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

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

185 E. A roll call vote shall be taken on final passage of ~~((all))~~ any rule((s)) and
186 regulation((s)), guideline and recommendation and resolutions.

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

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

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

194 B. In addition to the general comments as provided in Rule 9.A., before the
195 adoption, amendment or repeal of any rule ~~((or))~~ and regulation or guideline and
196 recommendation, the board shall conduct a public hearing on the subject of the proposed
197 rule ~~((or))~~ and regulation or guideline and recommendation at a regular or special
198 meeting of the board. Persons testifying before the board shall give their name. Public
199 testimony shall be germane to the proposed rule ~~((or))~~ and regulation or guideline and

200 recommendation. The chair shall liberally construe this rule as it relates to public
201 testimony. When necessary due to the number of persons wishing to testify, the chair
202 may establish time limits for speaking.

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

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

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

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

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

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

218 B. The King County prosecuting attorney, or the prosecuting attorney's designee,
219 shall serve as legal counsel to the board. If necessary, the chair shall request that the
220 prosecuting attorney or the prosecuting attorney's designee attend all regular board
221 meetings and such other meetings as requested by the chair. The chair may, at any time
222 during a meeting at which the prosecuting attorney or the prosecuting attorney's designee

223 is present, request an oral or written opinion to decide any question of law pertinent to the
224 business of the board.

225 C. The clerk of the board shall:

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

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

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

232 4. Maintain the board's records and provide access to those records on the
233 internet; ~~(and)~~

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

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

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

241 A. A copy of any rule~~((;))~~ and regulation, guideline and recommendation or
242 resolution adopted by the board shall be made available from the clerk of the board as
243 provided in RCW 42.56.080.

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

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

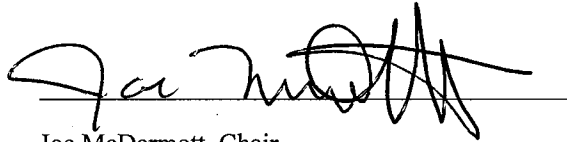
249 As often as the board deems necessary, the board through the clerk of the board
250 shall provide for the ~~((compilation and))~~ codification of all rules and regulations that have
251 the force of law and are of a permanent and general nature and for the compilation of all

252 guidelines and recommendations. The code and compilation shall be posted to the
253 internet with an index and appropriate notices, citations and annotations.
254

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

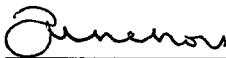
Yes: 11 - Ms. Frisinger, Mr. Hutchinson, Mr. Conlin, Ms. Lambert,
Mr. Licata, Ms. Clark, Ms. Manning, Dr. Danielson and Mr.
McDermott
No: 0
Excused: 2 - Ms. Patterson and Dr. Nicola

BOARD OF HEALTH
KING COUNTY, WASHINGTON



Joe McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Board

Attachments: None