



## **Signature Report**

### **Ordinance**

**Proposed No.** 2022-0103.1

**Sponsors** McDermott

1 AN ORDINANCE relating to the membership of the King  
2 County board of health; amending Ordinance 14989,  
3 Section 3, as amended, and K.C.C. 2.35.021, Ordinance  
4 14989, Section 3, as amended, and K.C.C. 2.35.021,  
5 Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX  
6 (Section 3 of this ordinance), Ordinance XXXXX, Section  
7 4, and K.C.C. 2.35.XXX (Section 4 of this ordinance),  
8 Ordinance XXXXX, Section 5, and K.C.C. 2.35.XXX  
9 (Section 5 of this ordinance) and Ordinance XXXXX,  
10 Section 6, and K.C.C. 2.35.XXX (Section 6 of this  
11 ordinance), adding new sections to K.C.C. chapter 2.35 and  
12 repealing Ordinance XXXXX, Section 2, and K.C.C.  
13 2.35.XXX (Section 2 of this ordinance).

#### **STATEMENT OF FACTS:**

15 1. Created in 2004 in accordance with state law, the King County board of  
16 health sets countywide public health policy, enacts and enforces local  
17 public health regulations and carries out the duties of local boards of  
18 health as specified in RCW 70.05.060 including preventing and  
19 controlling the spread of infectious disease, abating nuisances and  
20 establishing fee schedules for licenses and permits.

21           2. In May 2021, Engrossed Second Substitute House Bill 1152 was signed  
22           into law as Chapter 205, Laws of Washington 2021, modifying the  
23           structure of local boards of health. Chapter 205, Laws of Washington  
24           2021 requires that the membership of the King County board of  
25           health("KCBOH") be modified so that the number of KCBOH members  
26           who are elected officials representing the county and its cities and towns  
27           ("elected officials") equals the number of members who are not elected  
28           officials, with one of those nonelected members selected by the American  
29           Indian Health Commission of Washington State and the remaining  
30           nonelected members selected by the KCBOH from three specific  
31           categories of interests. The selected candidates would be appointed by the  
32           King County council. Those changes to state law go into effect on July 1,  
33           2022.

34           3. The King County council is committed to supporting equity and social  
35           justice principals and as such welcomes the encouragement in Chapter  
36           205, Laws of Washington 2021 to recruit nonelected members  
37           representing consumers of public health to be from historically  
38           marginalized and underrepresented communities. The council supports  
39           using racial equity and social justice principles when recruiting nonelected  
40           members from all categories outlined in state law.

41           4. Additionally, Chapter 205, Laws of Washington 2021 requires the  
42           Washington state Board of Health ("the state Board") to promulgate rules  
43           for how nonelected members of local boards of health are to be recruited,

selected and appointed. The new rules are expected to be effective by July 25, 2022.

5. It is anticipated that the KCBOH will begin recruiting and selecting new, nonelected members in accordance with Chapter 205, Laws of Washington 2021 and the state Board rules and declare the names of its selection through the adoption of a resolution to the King County council by the last quarter of 2022 to provide enough time for the King County council to appoint the nonelected members to begin their terms on January 1, 2023.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, are

hereby amended to read as follows:

A. For members of the board until January 1, 2023:

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

~~((1.))~~ a. ~~((F))~~ three members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board. Each county councilmember vote shall be weighted as two votes;

~~((2.))~~ b. ~~((F))~~ three elected officials of the city of Seattle to be appointed by the city;

65           ~~((3-))~~ c. ~~((F))~~two elected officials from cities and towns of King County other  
66 than Seattle to be appointed in a manner agreed to by and among the cities and towns  
67 representing a majority of the populations of those cities and towns; and

68           (4-)) d. ~~((F))~~two health professionals who shall be appointed by a majority vote  
69 of the other members of the board of health. One of the health professionals should have  
70 knowledge of environmental health, including knowledge of septic systems and  
71 groundwater quality. A third nonvoting member, who shall also be a health professional,  
72 may be appointed by a majority vote of the other members of the board. The terms of  
73 health professional members shall be established by the rules of the board~~((-))~~; and

74           ~~((B.1-))~~ 2.a. Alternate members for each regular member may be appointed  
75 according to the relevant procedures under subsection ~~((A.1, 2. or 3-))~~ A.1..a., b., or c. of  
76 this section. During the meeting, an alternate member shall indicate when the alternate  
77 member is serving in a regular member's absence. When serving in a regular member's  
78 absence, an alternate member shall act as a regular member.

79           ~~((2-))~~ b. ~~((F))~~if the board appoints a third nonvoting health professional member  
80 as provided under subsection ~~((A.4-))~~ A.1.d. of this section, that member shall serve as an  
81 alternate voting member in the absence of either of the two voting health professional  
82 members.

83           B. For members of the board on January 1, 2023, and thereafter:

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

85           a. three members of the metropolitan King County council and one alternate to  
86 be appointed by the chair of the council. The chair shall consider appointing members  
87 such that county councilmember representation on the board of health is geographically

88 balanced across the county and includes representation of the unincorporated area of the  
89 county on the board;

90 b. three elected officials of the city of Seattle and one alternate to be appointed  
91 by the city;

92 c. two elected officials from cities and towns of King County other than Seattle  
93 and two alternates to be appointed in a manner agreed to by and among the cities and  
94 towns representing a majority of the populations of those cities and towns; and

95 d.(1) In accordance with state law, the remaining members of the board of  
96 health shall equal the number of elected official members appointed under subsection  
97 B.1.a., b. and c. of this section, shall not be elected officials and, except for any member  
98 selected by the American Indian Health Commission of Washington State, must be  
99 recruited, selected and appointed in accordance with RCW 70.05.035(1)(a) and the rules  
100 required under RCW 43.20.300.

101 (2) One of the nonelected member candidates selected under RCW  
102 70.05.035(1)(a)(i) should have knowledge of environmental health, including knowledge  
103 of septic systems and groundwater quality.

104 (3) The council shall appoint by motion the nonelected members from those  
105 selected by the board of health and any member selected by the American Indian Health  
106 Commission of Washington State in accordance with RCW 70.05.035.

107 (4) In accordance with RCW 70.05.035(1)(l), members described in  
108 subsection B.1.d.(1) of this section shall be voting members except as it pertains to any  
109 decision related to the setting or modification of permit, licensing and application fees;  
110 and

111           2. The board shall elect the chair from the members described in subsection  
112   B.1.a of this section.

113           NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.35 a  
114 new section to read as follows:

115           Sections 3 through 6 of this ordinance apply to members of the board on January  
116 1, 2023, and thereafter.

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

119           A. Alternate members for regular, elected official member may be appointed  
120 according to the relevant procedures under K.C.C. 2.35.021.B.1.a., b. or c. During the  
121 meeting, an alternate elected official member shall indicate when the alternate elected  
122 official member is serving in a regular elected official member's absence. When serving  
123 in a regular member's absence, an alternate elected official member shall act as a regular  
124 elected official member.

125           B. Alternate nonelected members shall be appointed by the council in equal  
126 numbers as alternate members appointed under subsection A. of this section. One of the  
127 alternate nonelected members shall be selected by the American Indian Health  
128 Commission for Washington State. During the meeting, an alternate nonelected member  
129 shall indicate when the alternate nonelected member is serving in a regular nonelected  
130 member's absence. When serving in a regular nonelected member's absence, an alternate  
131 nonelected member shall act as a regular nonelected member.

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

134           A. For each nonelected board member candidate selected by the King County  
135 board of health, the board shall provide the council with the name, biography, application  
136 materials and confirmation that the board member candidate meets the qualifications and  
137 requirements of RCW 70.05.035(1)(a) and was recruited and selected in accordance with  
138 the rules promulgated under RCW 43.20.300. The board shall also indicate which of the  
139 three categories set forth in RCW 70.005.035(1)(a) each nonelected board member  
140 candidate was selected to represent. In accordance with section 5.B. of this ordinance,  
141 the board shall also indicate the initial term for each nonelected member candidate.

142           B. The board shall coordinate with the American Indian Health Commission of  
143 Washington State to receive the commission's selected tribal representative candidates  
144 and information about the commission's selected candidates.

145           C. For each of the alternate nonelected board candidates selected by the board,  
146 the board shall provide the council with the name, biography, application materials and  
147 confirmation that the alternate board member candidate meets the qualifications and  
148 requirements of RCW 70.05.035(1) and was recruited and selected in accordance with the  
149 rules promulgated under RCW 43.20.300. The board shall also indicate the term for each  
150 alternate nonelected member candidate.

151           D. The board shall transmit to the council the information required by  
152 subsections A., B. and C. of this section, together with one or more resolutions of its  
153 nonelected board member candidate and alternate candidate selections, the commission's  
154 tribal representative member and alternate selections to establish the expanded board  
155 membership required by RCW 70.05.035. The initial resolutions must be electronically  
156 filed with the clerk of the council by no later than October 28, 2022. Subsequent

157 resolutions to fill positions of members described in K.C.C. 2.35.021.B.1.d. and their  
158 requisite alternates should be filed with the clerk no later than three months before the  
159 starting date of the term for the respective member or alternate candidate.

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

162           A. All members described in K.C.C. 2.35.021.B.1.d. shall be eligible to serve for  
163 up to three full terms. Except as otherwise provided in subsection B. of this section, for  
164 members described in K.C.C. 2.35.021.B.1.d., a full term shall be three years.

165           B. For all members described in K.C.C. 2.35.021.B.1.d., their initial terms to the  
166 expanded board shall be as follows: two members shall each serve a one-year term, three  
167 members shall each serve a two-year term and three members shall each serve a three-year  
168 term. The board shall determine the initial term lengths primarily by member preference.  
169 Each of the initial terms shall be considered full terms when considering eligibility for  
170 service in future terms.

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

173           All members described in K.C.C. 2.35.021.B.1.d. and the nonelected member  
174 alternates who are not being compensated for their participation on the King County  
175 board of health through their employer shall be compensated at a rate of two hundred  
176 twenty-five dollars per full board meeting they attend and shall not exceed two hundred  
177 twenty-five dollars per month before December 31, 2023. Beginning January 1, 2024,  
178 the compensation amount per meeting and the maximum compensation amount per  
179 month shall be automatically adjusted annually, and every year thereafter, at the rate



equivalent to the twelve-month change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the Seattle-Tacoma-Bellevue Statistical Metropolitan Area, which is also known as "the CPI-U." However, if the twelve-month change in the CPI-U is negative, there shall not be an adjustment.

SECTION 7. Sections 8 through x take effect January 1, 2023.

SECTION 8. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, are hereby amended to read as follows:

~~A. ((For members of the board until January 1, 2023:~~

~~1. The King County board of health shall consist of the following members:~~

~~a. three members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board. Each county councilmember vote shall be weighted as two votes;~~

~~b. three elected officials of the city of Seattle to be appointed by the city;~~

~~c. two elected officials from cities and towns of King County other than 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; and~~

~~d. two health professionals who shall be appointed by a majority vote of 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,~~

202 ~~may be appointed by a majority vote of the other members of the board. The terms of~~  
203 ~~health professional members shall be established by the rules of the board; and~~

204 ~~2.a. Alternate members for each regular member may be appointed according to~~  
205 ~~the relevant procedures under subsection A.1..a., b., or c. of this section. During the~~  
206 ~~meeting, an alternate member shall indicate when the alternate member is serving in a~~  
207 ~~regular member's absence. When serving in a regular member's absence, an alternate~~  
208 ~~member shall act as a regular member.~~

209 ~~b. if the board appoints a third nonvoting health professional member as~~  
210 ~~provided under subsection A.1.d. of this section, that member shall serve as an alternate~~  
211 ~~voting member in the absence of either of the two voting health professional members.~~

212 ~~B. For members of the board on January 1, 2023, and thereafter:~~

213 ~~4.)~~) The King County board of health shall consist of the following members:

214 ~~((a-))~~ 1. ~~((t))~~Three members of the metropolitan King County council to be  
215 appointed by the chair of the council. The chair shall consider appointing members such  
216 that county councilmember representation on the board of health is geographically  
217 balanced across the county and includes representation of the unincorporated area of the  
218 county on the board;

219 ~~((b-))~~ 2. ~~((t))~~Three elected officials of the city of Seattle to be appointed by the  
220 city;

221 ~~((c-))~~ 3. ~~((t))~~Two elected officials from cities and towns of King County other  
222 than Seattle to be appointed in a manner agreed to by and among the cities and towns  
223 representing a majority of the populations of those cities and towns; and

224           ~~((d.1))~~ 4.a. In accordance with state law, the remaining members of the board  
225 of health shall equal the number of elected official members appointed under subsection  
226 ~~((B.1.a., b. and c.))~~ A.1., 2., and 3. of this section, shall not be elected officials and,  
227 except for any member selected by the American Indian Health Commission of  
228 Washington State, must be recruited, selected and appointed in accordance with RCW  
229 70.05.035(1)(a) and the rules required under RCW 43.20.300.

230           ~~((2))~~ b. One of the nonelected member candidates selected under RCW  
231 70.05.035(1)(a)(i) should have knowledge of environmental health, including knowledge  
232 of septic systems and groundwater quality.

233           ~~((3))~~ c. The council shall appoint by motion the nonelected members from  
234 those selected by the board of health and any member selected by the American Indian  
235 Health Commission of Washington State in accordance with RCW 70.05.035.

236           ~~((4))~~ d. In accordance with RCW 70.05.035(1)(l), members described in  
237 subsection ~~((B.1.d.1))~~ A.4.a. of this section shall be voting members except as it  
238 pertains to any decision related to the setting or modification of permit, licensing and  
239 application fees~~((; and))~~.

240           ~~((2.))~~ B. The board shall elect the chair from the members described in subsection  
241 ~~((B.1.))~~ A.1 of this section.

242           SECTION 8. Ordinance XXXXX, Section 2, and K.C.C. 2.35.XXX (Section 2 of  
243 this ordinance) is hereby repealed.

244           SECTION 9. Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX (Section 3 of  
245 this ordinance) is hereby amended to read as follows:

246           A. Alternate members for each regular, elected official member may be  
247 appointed according to the relevant procedures under K.C.C. 2.35.021.((~~B.1.a., b. or c.~~)  
248 A.1., 2. or 3. During the meeting, an alternate elected official member shall indicate  
249 when the alternate elected official member is serving in a regular elected official  
250 member's absence. When serving in a regular member's absence, an alternate elected  
251 official member shall act as a regular elected official member.

252           B. Alternate nonelected members shall be appointed by the council in equal  
253 numbers as alternate members appointed under subsection A. of this section. One of the  
254 alternate nonelected members shall be selected by the American Indian Health  
255 Commission for Washington State. During the meeting, an alternate nonelected member  
256 shall indicate when the alternate nonelected member is serving in a regular nonelected  
257 member's absence. When serving in a regular nonelected member's absence, an alternate  
258 nonelected member shall act as a regular nonelected member.

259           SECTION 10. Ordinance XXXXX, Section 4, and K.C.C. 2.35.XXX (Section 4  
260 of this ordinance) is hereby amended to read as follows:

261           A. For each nonelected board member candidate selected by the King County  
262 board of health, the board shall provide the name, biography, application materials and  
263 confirmation that the board member candidate meets the qualifications and requirements  
264 of RCW 70.05.035(1)(a) and was recruited and selected in accordance with the rules  
265 promulgated under RCW 43.20.300. The board shall also indicate which of the three  
266 categories set forth in RCW 70.005.035(1)(a) each nonelected board member candidate  
267 was selected to represent. In accordance with section 5.B. of this ordinance, the board  
268 shall also indicate the initial term for each nonelected member candidate.

269           B. The board shall coordinate with the American Indian Health Commission of  
270 Washington State to receive the commission's selected tribal representative candidates  
271 and information about the commission's selected candidates.

272           C. For each of the alternate nonelected board candidates selected by the board,  
273 the board shall provide the name, biography, application materials and confirmation that  
274 the alternate board member candidate meets the qualifications and requirements of RCW  
275 70.05.035(1) and was recruited and selected in accordance with the rules promulgated  
276 under RCW 43.20.300. The board shall also indicate the term for each alternate  
277 nonelected member candidate.

278           D. The board shall transmit the information required by subsections A., B. and C.  
279 of this section, together with one or more resolutions of its nonelected board member  
280 candidate selections, the commission's tribal representative candidate selection and the  
281 nonelected alternate candidate selections to establish the expanded board membership  
282 required by RCW 70.05.035. The initial resolutions must be electronically filed with the  
283 clerk of the council by no later than October 28, 2022. Subsequent resolutions to fill  
284 positions of members described in K.C.C. 2.35.021.~~((B.1.d.))~~ A.4. and their requisite  
285 alternates should be filed with the clerk no later than three months before the starting date  
286 of the term for the respective member or alternate candidate.

287           SECTION 11. Ordinance XXXXX, Section 5, and K.C.C. 2.35.XXX (Section 5  
288 of this ordinance) is hereby amended to read as follows:

289           A. All members described in K.C.C. 2.35.021.~~((B.1.d.))~~ A.4. shall be eligible to  
290 serve for up to three full terms. Except as otherwise provided in subsection B. of this

291 section, for members described in K.C.C. 2.35.021.((B.1.d.)) A.4., a full term shall be  
292 three years.

293 B. For all members described in K.C.C. 2.35.021.((B.1.d.)) A.4., their initial  
294 terms to the expanded board shall be as follows: two members shall each serve a one-year  
295 term, three members shall each serve a two-year term and three members shall each serve a  
296 three-year term. The board shall determine the initial term lengths primarily by member  
297 preference. Each of the initial terms shall be considered full terms when considering  
298 eligibility for service in future terms.

299 SECTION 12. Ordinance XXXXX, Section 6, and K.C.C. 2.35.XXX (Section 6  
300 of this ordinance) is hereby amended to read as follows:

301 All members described in K.C.C. 2.35.021.((B.1.d.)) A.4. and the nonelected  
302 member alternates who are not being compensated for their participation on the King  
303 County board of health through their employer shall be compensated at a rate of two  
304 hundred twenty-five dollars per full board meeting they attend and shall not exceed two  
305 hundred twenty-five dollars per month before December 31, 2023. Beginning January 1,  
306 2024, the compensation amount per meeting and the maximum compensation amount per  
307 month shall be automatically adjusted annually, and every year thereafter, at the rate  
308 equivalent to the twelve-month change in the U.S. Department of Labor, Bureau of Labor  
309 Statistics Consumer Price Index for All Urban Consumers for the Seattle-Tacoma-  
310 Bellevue Statistical Metropolitan Area, which is also known as "the CPI-U." However, if  
311 the twelve-month change in the CPI-U is negative, there shall not be an adjustment.

312 SECTION 13. If any provision of this ordinance or its application to any person or

- 313 circumstance is held invalid, the remainder of the ordinance or the application of the
- 314 provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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**Attachments:** None