



Legislation Text

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AN ORDINANCE establishing an office of the county hospital; and amending Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 6818, Section 2, as amended, and K.C.C. 2.42.010, Ordinance 6818, Section 3, as amended, and K.C.C. 2.42.020, Ordinance 6818, Section 4, as amended, and K.C.C. 2.42.030, Ordinance 6818, Section 5, as amended, and K.C.C. 2.42.040, Ordinance 6818, Section 6, as amended, and K.C.C. 2.42.050, Ordinance 6818, Section 7, as amended, and K.C.C. 2.42.060, and Ordinance 6818, Section 10, as amended, and K.C.C. 2.42.090.

STATEMENT OF FACTS:

1. Since 1877, King County has operated a county hospital, often comprised of separate hospitals and outpatient clinics, for the care and treatment of the indigent, sick, injured, or infirm. A 1925 statute, Chapter 174, Laws of Washington 1225 Ex. Sess., codified the authority of counties to establish a county hospital. King County is the only county in Washington state currently operating a public hospital under the county hospital statutes, codified in chapter 36.62 RCW.
2. Since 1931, a county hospital board of trustees has been established to provide general supervision of the county hospital, as provided under Chapter 139, Laws of Washington 1931. The county hospital board serves its fiduciary role on behalf of the county.
3. Since 1931, King County has established, provided, maintained, and ensured operation of the

county hospital under the name of Harborview Medical Center and colloquially referred to as "Harborview." Over the past century, through the generosity of local tax payers, King County has invested substantial local monies in building and maintaining the Harborview facilities, which remain under county ownership.

4. Since 1967, King County and the University of Washington have maintained a successful partnership where UW Medicine operates Harborview Medical Center on behalf of the county under a hospital services agreement. Under RCW 36.62.290, the hospital services agreement, approved by the King County council, is between King County, by and through its executive and county hospital board, and the University of Washington Board of Regents.

5. Historically, Harborview Medical Center has offered a wide array of health care services through the medical center, as defined at K.C.C. 2.42.010.I., and its associated outpatient clinics. Harborview is the only level I trauma center in a four-state region that includes Alaska, Idaho, Montana, and Washington. It has cemented its reputation as a premier institution for the treatment of patients and the training of new doctors. As part of the county hospital, Harborview maintains a focus is on serving a mission population comprised of persons who are historically underserved by quality healthcare systems.

6. The county has a duty to ensure that local property taxes levied under RCW 36.62.090 are being used for the care and treatment of the indigent, sick, injured, or infirm. To assist the county hospital board in exercising its general supervisory authority and other duties under the hospital services agreement, the county should provide staff support to the board that is not affiliated with UW Medicine.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are hereby amended to

read as follows:

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy, and budget, the office of labor relations, the office of climate, the office of economic opportunity and creative economy, ~~((and))~~ the office of equity and racial and social justice, and the office of the county hospital.

B. The office of performance, strategy, and budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing, and managing, with emphasis on fiscal management and control aspects, the operating and capital project budgets;
2. Monitoring revenues and preparing forecasts not produced by the office of economic and financial analysis;
3. Monitoring expenditures and work programs;
4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital project budgets throughout the fiscal period;
5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;
6. Performing program analysis, and contract and performance evaluation review;
7. Developing and transmitting to the council, concurrent with the proposed budget for the fiscal period, supporting materials consistent with K.C.C. chapter 4A.100;
8. Performance management and accountability:
 - a. providing leadership, guidance, and coordination of the executive branch performance management and accountability system;
 - b. overseeing the development of strategic plans and operational plans for each executive branch department and office;
 - c. overseeing monitoring of the performance management and accountability system, including

review of operational and budgetary performance;

d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of each executive branch department and office; and

e. overseeing the production of an annual performance report for the executive branch;

9. Interagency coordination:

a. coordinating and staffing executive initiatives across departments and agencies;

b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;

c. negotiating interlocal agreements as designated by the executive; and

d. serving as the liaison to the boundary review board for King County;

10. Leading the county's continuous improvement activities;

11. Leading the county's regional planning work, including:

a. coordinating the county's participation in multicounty planning at the Puget Sound Regional Council, including serving on the Puget Sound Regional Council's regional staff committee;

b. coordinating countywide planning at the Growth Management Planning Council consistent with the Washington state Growth Management Act, including leading the Growth Management Planning Council's interjurisdictional staff team in accordance with the interlocal agreement authorized by King County Motion 8495;

c. managing updates to the county's Comprehensive Plan in coordination with the department of local services in accordance with K.C.C. Title 20;

d. coordinating the development of demographic and growth forecasting data and information including census data, growth targets, and buildable lands;

e. facilitating annexations and joint planning with cities, including developing annexation proposals, drafting interlocal agreements, and serving as the liaison to the boundary review board for King County; and

f. colleading with the department of local services's permitting division, an interbranch regional

planning team that supports the council and executive through the provision of information and data, development of policy proposals and options for regional issues related to growth management, economic development, and transportation. Participation in the interbranch regional planning team shall include executive, department, and council staff as designated by the respective branches; and

12.a. In the case of deaths that are subject to an inquest under Section 895 of the King County Charter or RCW 36.24.020 that is investigating the causes and circumstances of the deaths and that involve a member of a law enforcement agency within King County, develop and administer a program by which the county shall select attorneys to provide legal representation at public expense to the family participating in an inquest, regardless of the income level of the members of the family. However:

(1) legal representation shall not be provided if the family does not wish to be represented by the attorneys selected under the program; and

(2) legal representation shall be limited to preparation for the inquest and participation during the inquest and shall not include any representation for the purpose of potential related civil litigation.

b. For the purposes of this subsection B.12.:

(1) "A member of a law enforcement agency" means a commissioned officer or noncommissioned staff of a local or state police force, jail, or corrections agency; and

(2) "Family" refers to the group of those individuals determined by the person conducting the inquest to have a right to participate as the family of the decedent.

C. The office of labor relations functions and responsibilities shall include:

1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;
2. Developing and maintaining databases of information relevant to the collective bargaining process;
3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the department of human resources;

4. Administering labor contracts and providing consultation to county agencies regarding the terms and implementation of negotiated labor agreements, in collaboration with the department of human resources;

5. Advising the executive and council on overall county labor policies; and

6. Providing resources for labor relations training for county agencies, the executive, the council, and others, in collaboration with the department of human resources.

D. The office of climate functions and responsibilities shall include:

1. Coordinating the integration of climate change into county operations in partnership with executive branch departments and offices, King County cities, partners, communities, and residents;

2. Advising the executive and council on climate-related policies, programs, and activities; and

3. Leading and fostering climate innovation among county agencies.

E. The office of economic opportunity and creative economy functions and responsibilities shall include:

1. Coordinating the county's efforts to develop a strong equitable economy that creates opportunities for all residents;

2. Developing and implementing strategies to promote economic revitalization and equitable development; and

3. Assisting communities and businesses in creating economic opportunities, promoting a diversified economy, and promoting family-wage job creation.

F. The office of equity and racial and social justice functions and responsibilities shall include:

1. Defining the county's equity and racial and social justice outcomes with communities most affected by inequities;

2. Developing the county's strategies, practices, systems, and processes to achieve equity and racial and social justice outcomes;

3. Providing strategic consultation to county agencies, and the communities they serve, to achieve equity and racial and social justice outcomes;
4. Assisting county agencies to fulfill their responsibility to achieve equity and racial and social justice outcomes; and
5. Operating the civil rights program, which shall include the following duties:
 - a. enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20, and 12.22;
 - b. assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities, and services for people with disabilities;
 - c. serving as the county Americans with Disabilities Act Title II coordinator relating to public access;
 - d. providing staff support to the county civil rights commission;
 - e. serving as the county federal Civil Rights Act Title VI coordinator; and
 - f. coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

G. The office of the county hospital's functions and responsibilities shall include:

1. Coordinating the county's efforts to establish strong, equitable and sustainable medical, preventative, and other healthcare to county residents through the county hospital;
2. Supporting the duties and responsibilities of the county hospital board; and
3. Serving as a liaison between the board and the executive, as well as county departments involved with operation or utilization of the county hospital or its facilities.

H.1. The county council hereby delegates to the executive or the executive's designee authority to request a hearing before the Washington state Liquor and Cannabis Board and make written recommendations and objections regarding applications relating to:

- a. liquor licenses under chapter 66.20 RCW; and
- b. licenses for marijuana producers, processors, or retailers under chapter 69.50 RCW.

2. Before making a recommendation under subsection G.1. of this section, the executive or designee shall solicit comments from county departments and agencies, including, but not limited to, the department of local services, public health - Seattle & King County, the sheriff's office, and the prosecuting attorney's office.

3. For each application reviewed under subsection G.1.b. of this section, the executive shall transmit to the county council a copy of the application received with the applicant's name and proposed license application location, a copy of all comments received under subsection G.2. of this section, and the executive's recommendation to the Washington state Liquor and Cannabis board.

~~((H.))~~ I. The executive may assign or delegate budgeting, performance management and accountability, climate policy, economic development, and strategic planning, and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

SECTION 2. Ordinance 6818, Section 2, as amended, and K.C.C. 2.42.010 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Administrator" means the chief administrative officer of the medical center, appointed under the terms of ~~((an approved management contract))~~ the hospital services agreement, who shall be responsible for supervising the daily management of the medical center in accordance with approved plans and policies and, for the purposes of the hospital services agreement, means the Executive Director.

B. "Board" or "county hospital board" means the ~~((Harborview Medical Center))~~ King County hospital board of trustees appointed by the county under chapter 36.62 RCW for the purpose of overseeing the operation and management of the ~~((medical center))~~ county hospital.

C. "Council" means the King County council as described in Article 2 of the King County Charter.

D. "County governing authority" means both the county executive and county council in accordance with their charter assigned responsibilities.

E. "County hospital" or "King County hospital" means the King County Hospital formed in accordance with Cyhater 174, Laws of Washington 1925 Ex. S., and subject to chapter 36.62 RCW and this chapter, which is comprised of hospitals and outpatient clinics described in this chapter.

F. "Executive" means the King County executive as described in Article 3 of the King County Charter.

~~((F.))~~ G. "Harborview agreement to occupy space" means leases, rental agreements, or other agreements, including but not limited to use and licensing agreements, to occupy space signed by the University of Washington, the administrator or the board that legally obligates Harborview Medical Center or King County.

~~((G.))~~ H. "Hospital" means any institution, place, building, or agency which regularly provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of individuals who are suffering from illness, injury, deformity, or abnormality, or from any other condition.

I. "Hospital services agreement" means ~~((that))~~ the approved management contract ~~((entitled the 2016 Hospital Services Agreement))~~ between King County by and through its Executive and the ~~((Board))~~ board, and the Regents of the University of Washington for the management of the medical center, the rendering of clinical services to patients of the medical center, and the conducting of teaching and research activities at the medical center by the university.

~~((H.))~~ J. "Long-range capital improvement program plan" or "long-range CIP plan" means a long-range plan that is produced as the first step in the medical center capital improvement process. The long-range CIP plan identifies capital development needs, establishes capital project standards and policies, identifies intended capital funding sources and alternatives, and presents analysis of medical center programs and the physical facilities needed to implement them. It further projects service levels, presents demographics of hospital

clientele, makes an inventory and analysis of the effective use of physical facilities and provides specific direction in linking the capital improvement program to operating program needs.

~~((I.))~~ K. "Medical center" means the Harborview Medical Center to include the Norm Maleng Building, the Patricia Bracelin Steel Building, the Ninth and Jefferson Building, the View Park Garage, the Boren Garage, the Engineering Building, the Walter Scott Brown Building, the Child Care Center, the Firehouse Building, the Pioneer Square Clinic, Hobson Place Clinic, the Prosthetics and Orthodontics Clinic located in the Republican Building, and the hospital complex consisting of the Center Tower, the East Hospital, the West Hospital, the East Clinic and the West Clinic, long-term care pharmacies at Eastlake and Hobson Place, and any other building financed by Ordinance 19117, the King County 2020 Bond measure, once a building is operational. "Medical center" also includes any other location covered by a Harborview agreement to occupy space and that portion of space that is a University of Washington agreement to occupy space.

~~((J.))~~ L. "Outpatient clinic" means a clinic, either located within a hospital or at a stand-alone location, that provides medical, diagnostic, or preventative health care services without admitting a patient for a continuous period of twenty-four hours or more.

M. "Project plan" means a plan produced for a specific capital project which analyzes specific project elements, defines project scope, location, size, costs and other needs. It follows master planning and precedes project budgeting and also considers location, types and amounts of space, specific needs served, current and projected service population staffing and operating costs impacts, and alternative proposals for the sources of funding the project.

~~((K. "Superintendent" means the chief executive officer of the medical center, as described in state law, when the medical center is not operated under the terms of an approved management contract.))~~

~~E.))~~ N. "State law" means chapter 36.62 RCW, as amended, and any other applicable sections of state law.

~~((M.))~~ O. "University" means the University of Washington.

~~((N.))~~ P. "University of Washington agreement to occupy space" means leases, rental agreements, or other agreements, including, but not limited to, use and licensing agreements, to occupy space signed by the University of Washington that legally obligates the University of Washington for space that is branded as Harborview or is supported by Harborview Medical Center resources and used to provide clinical services.

SECTION 3. Ordinance 6818, Section 3, as amended, and K.C.C. 2.42.020 are hereby amended to read as follows:

A. King County maintains ~~((Harborview Medical Center as a))~~ the county hospital, pursuant to state law, for the primary purpose of providing comprehensive health care, including medical, diagnostic, and preventative care, to the indigent, sick, injured or infirm of King County, and is dedicated to the control of illness and the promotion and restoration of health within the King County area.

B. The county hospital consists of the medical center.

C. Within available resources, the ~~((medical center))~~ county hospital shall provide adequate health care to those groups of patients and programs which are determined to require priority treatment by the county governing authority. Within this determination shall be the provision that admission of patients to the medical center shall not be dependent upon their ability to pay.

SECTION 4. Ordinance 6818, Section 4, as amended, and K.C.C. 2.42.030 are hereby amended to read as follows:

A. There is established a thirteen member county hospital board ~~((of trustees for the medical center))~~, the members of which shall, except for initial terms, be appointed for terms of four years each and until a successor is appointed and qualified.

B. Terms shall commence on the first day of August following appointment. Where a board member continues to serve beyond the expiration date of the term to which appointed, the commencement date for the succeeding member shall be retroactive to the date when the term would have otherwise commenced.

C. No member shall serve more than three successive terms on the board.

D. Filling the unexpired portion of a term shall not count against the three-term limit referenced above if the unexpired portion is less than two years in duration.

E. Members of the board may be removed for reasons and in the manner provided by state law.

F. Any vacancy on the board which occurs during an unexpired term of office shall be filled in the same manner as for appointing members to regular terms except that such appointee shall hold office only for the remainder of the term of the trustee replaced unless appointed for succeeding terms.

G. When a vacancy occurs, within 30 days, the president of the board shall provide the executive and the council with a list of the recommended specific skills and knowledge needed to achieve the best balance possible.

~~((H. For the seven additional members to the board authorized pursuant to Chapter 26, Laws of 1984, the initial terms shall be staggered as therein prescribed. The additional members shall be appointed within thirty days of June 7, 1984. However, the term of each of the additional members shall be deemed to commence on August 1, 1984, but shall also include the intervening period between appointment and the first day of August 1984.))~~

SECTION 5. Ordinance 6818, Section 5, as amended, and K.C.C. 2.42.040 are hereby amended to read as follows:

A. The board shall be composed of thirteen members, one nominated from each council district by the county council and four at-large members, who shall be nominated by the ~~((county council))~~ executive.

Nominees shall be appointed by the executive and confirmed by the council by motion.

B. Board members representing council districts ~~((and the four at large positions nominated by the council))~~ shall be appointed in the manner set forth in K.C.C. 2.28.0015.

C. In making appointments to the board, an effort should be made to assure that diverse geographic, social, cultural, ethnic, racial and economic backgrounds and perspectives are considered. Candidates should

possess: demonstrated leadership ability, and recognized experience in management or administration, planning, finance, health service delivery, consumer representation or institutional operation; and the ability to work cooperatively with others of diverse backgrounds and philosophies. Additionally, all candidates must be willing to commit to the amount of time necessary to perform trustee duties, serve on board committees, and serve as an advocate for the medical center.

D. A person shall not be eligible for appointment as a member of the board who holds or has held, during the two years immediately before appointment, any salaried office or position in any office, department, or branch of county government or of any organization with which a contract for the operation and administration of the medical center has been executed. A person shall not be eligible for appointment as a member of the board who is employed in a managerial capacity by or serves on the board of directors of a competitor of UW Medicine. All candidates are required to disclose any information concerning actions or activities of the candidate or the candidate's immediate family that present a potential conflict of interest. Candidates whose employment, financial interests or other transactions are determined by the appointing officials to be in conflict with the interests of the medical center, are ineligible for board membership.

E. A board member shall not receive any compensation or emolument whatever for services as a board member and shall be governed by the county code of ethics and state law regarding conflict of interest. Board members may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

SECTION 6. Ordinance 6818, Section 6, as amended, and K.C.C. 2.42.050 are hereby amended to read as follows:

The county governing authority, in accordance with charter assigned responsibilities, and in consultation with the board and other interested groups as appropriate, shall:

A. Set comprehensive public health policy for the county and in conjunction with the board and the office of the county hospital, identify those components of the plan appropriate to the ~~((medical center's))~~

county hospital's mission and purpose.

B. Review and approve the mission statement for the ~~((medical center))~~ county hospital and proposed changes thereto proposed by the board.

C. Monitor the performance of the board with regard to the policies contained in this chapter and advise the board of any apparent deficiencies.

D. Review and approve the county hospital's long range CIP plan, the annual capital improvement budget and project plans.

E. Review and approve the admissions and utilization ~~((policy))~~ policies for the ~~((medical center))~~ county hospital.

F. Approve the acceptance of any real property by gift, devise, bequest or otherwise, for the county hospital's use.

G. ~~((Review and approve any property and liability insurance coverage obtained by the board to protect the interests of the county with regard to medical center property and facilities.~~

H.)) In accordance with K.C.C. 2.42.090, review and approve Harborview agreements to occupy space.

SECTION 7. Ordinance 6818, Section 7, as amended, and K.C.C. 2.42.060 are hereby amended to read as follows:

A. ~~((General.))~~ The board, as the representative authority of the county, entrusted to oversee the provision of health care services by the county hospital in order to assure that county's priorities are addressed and high-quality health care is made available to county residents, shall:

1. Elect from among its members a president and vice president~~((-))~~;

2. Adopt bylaws and rules for its own guidance and for the governance of the ~~((medical center))~~ county hospital to include the establishment and operation of the board's committees~~((-))~~;

3. Provide for the training of newly appointed members to assure they are properly prepared to assume their responsibilities as prescribed in this chapter and by state law~~((-))~~;

4. Have general supervision and care of the ~~((medical center))~~ county hospital and the buildings, equipment and grounds thereof and authority to do that which is necessary for the proper maintenance and operation thereof within the limits of approved budgets and the appropriations authorized~~((:))~~;
5. Recommend the admissions policy for the ~~((medical center))~~ county hospital to the county governing authority~~((:))~~;
6. Inform the county governing authority prior to entering into negotiations related to a medical center management contract, or the amendment of an existing contract, and obtain policy guidance on issues to be included in the negotiations~~((:))~~;
7. Assure quality of patient care~~((:))~~;
8. Manage the financial affairs of the ~~((medical center))~~ county hospital in a prudent and responsible manner.
9. Review and approve the long range CIP plan and project plans, including service impacts, prior to submission to the county governing authority~~((:))~~;
10. Approve, implement and monitor the ~~((medical center))~~ county hospital annual capital budgets in accordance with applicable law, subject to the review and approval requirements of the governing authority specified in state law and elsewhere in this chapter~~((:))~~;
11. Approve, implement and monitor the ~~((medical center))~~ county hospital annual operating budget in accordance with applicable law~~((:))~~;
12. Review and approve all remodeling and construction projects~~((:))~~;
13. Establish overall space use policies and guidelines and maintain control over the use of all physical facilities~~((:))~~;
14. Control all designated, restricted, and general operating funds~~((:))~~;
15. Accept and expend property by gift, devise, bequest or otherwise for the ~~((medical center's))~~ county hospital's use, ~~((provided that))~~ although acceptance or disposal of any interest in real property shall

require prior approval by the county governing authority~~((:))~~;

16. Participate in the development of county health policies and plan jointly with other public and private institutions in the county to determine how the ~~((medical center))~~ county hospital will meet its share of county public health responsibilities~~((:))~~; and

17. Advise the county governing authority on any matters related to the operation of the ~~((medical center))~~ county hospital, but at least to include:

a. recommended additions or deletions of priority patient groups or priority services~~((:))~~;

b. recommended changes in the admissions policy~~((:))~~;

c. recommended changes in the mission statement~~((:))~~;

d. recommended changes in public health policy and/or assignment of the ~~((medical center))~~ county hospital's share of public health responsibilities~~((:))~~; and

e. anticipated deficiencies that may adversely impact on the provision of adequate health care to county residents

B. To assist the board with general supervision of the medical center, ~~((F))~~the board shall ~~((either appoint a superintendent subject to approval by the county governing authority; or negotiate and monitor a contract for management of the medical center as provided for by state law to include the appointment of a hospital administrator))~~ utilize the services of the medical center executive director appointed under the terms of the hospital services agreement.

SECTION 8. Ordinance 6818, Section 10, as amended, and K.C.C. 2.42.090 are hereby amended to read as follows:

A. At a minimum, the board shall provide the executive and the council with an annual report including the following items:

1. A financial report and statement for the ~~((medical center's))~~ county hospital's preceding fiscal year;

2. A summary of the proceedings of the board including the attendance record of the trustees during

the preceding fiscal year;

3. A summary of the ((~~medical center~~)) county hospital annual proposed operating budget including anticipated plans and highlights for the coming year;

4. A report on ((~~medical center~~)) county hospital programs and services including the quality of patient care;

5. A report on the extent and type of care provided to priority patients, and proposed changes for improvement;

6. An annual fixed assets inventory report for ((~~medical center~~)) county hospital property and equipment; and

7. A report on all Harborview agreements to occupy space.

B. The report required by subsection A. of this section shall be transmitted by September 30 of each calendar year in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee or its successor and the committee of the whole or its successor.

C. The county governing authority may prescribe the format and content of reports required and set dates for submission to the county, as appropriate, consistent with the requirements of state law and regulations.