1:00 PM  Thursday, March 17, 2022  Virtual Meeting

PUBLIC NOTICE: To help prevent the spread of the COVID 19 virus, all Boardmembers and staff will be participating in the Board of Health Meeting remotely. The live feed of the meeting will be streaming on the Council's website and on KCTV channel 22.
HOW TO PROVIDE PUBLIC COMMENT:

Join online
Paste the following link into the address bar of your web browser: https://kingcounty.zoom.us/j/83626142088 to join online.

Join by Telephone
Dial: US: +1 253 215 8782
Meeting ID: 836 2614 2088

If you do not wish to provide public comment, please help us manage the callers by using one of the options below to watch or listen to the meeting.

HOW TO WATCH/LISTEN TO THE MEETING: There are two ways to watch or listen in to the meeting:

1) Stream online via this link
https://livestream.com/accounts/15175343/events/4485487 or input the link web address into your web browser.

2) Watch King County TV Channel 22 (Comcast Channel 22 and 322(HD), Wave Broadband Channel 2

1. Call to Order
2. Roll Call
3. Announcement of Any Alternates Serving in Place of Regular Members
4. Approval of Minutes of February 17, 2022 pg 4
5. Public Comments
6. Chair's Report
7. Director's Report
Briefings

8. BOH Briefing No. 22-B03
   Public Health Director’s Health of King County Briefing
   Dennis Worsham, Director, Public Health- Seattle & King County

9. BOH Briefing No. 22-B04
   State legislative Session Recap
   Anne Burkland, State and Local Affairs, Public Health- Seattle & King County

10. BOH Briefing No. 22-B05 pg 10
   King County Board of Health Restructure
   Susie Levy, Board of Health Administrator, Public Health- Seattle & King County
   Samantha Porter, Principal Legislative Analyst, King County Council

11. Board Member Updates

12. Administrator’s Report

13. Other Business

Adjournment

If you have questions or need additional information about this agenda, please call (206) 263-8328, or write to Susie Levy, Board of Health Administrator via email at slevy@kingcounty.gov
PUBLIC NOTICE: To help prevent the spread of the COVID 19 virus, all Boardmembers and staff will be participating in the Board of Health Meeting remotely. The live feed of the meeting will be streaming on the Council's website and on KCTV channel 22.
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1. Call to Order

   The meeting was called to order at 1:09 p.m.

2. Roll Call

   Present: 10 - Baker, Daniell, de Castro, Herbold, Honda, Kohl-Welles, McDermott, Morales, Mosqueda and Zahilay

3. Announcement of Any Alternates Serving in Place of Regular Members

   No alternates served in place of regular members.

   Also in attendance were Boardmembers Dembowski, Zahn and Koellen.

4. Approval of Minutes of January 20, 2022

   Boardmember Morales moved to approve the minutes of the January 20, 2022, meeting as presented. Seeing no objection, the Chair so ordered.
5. **Public Comments**

The following people spoke:
Deborah Crawley
Steven Mitchell
Sheley Anderson
Joe Kunzler
Beth Ebel
Christina Peterson
Richard Adler
John Bellay
Steve Broback
Sims Weymuller
Arthur Leritz
Jeanne Hoffman
Sabrina Bonaparte
Lee Lambert
Stanley Herring
Tiffani McCoy
Janna Friedly
Sheri Barronian
Hester Serebrin
Melissa Carter
Dr. Arvin Akhavan
Nicolo Potesta
Bay Leslie-Mazwi
Jacob Scheur
Vickey Clarke
Tama Shuhendler
Suzette Hart
Nicole Mazwi
Dr. Samuel Browd
Ethan Campbell
Christopher Hoffman
Brie Gyncild
KL Shannon

6. **Chair’s Report**

The Chair notified Boardmembers that the Washington State Department of Health is asking for input on new demographic data reporting requirements for hospitals and discussed submitting a letter on behalf of the Board during the formal comment period in support of the proposed reporting requirements.

7. **Director's Report**

The Chair requested that Director Worsham provide an update in writing to Boardmembers after the meeting.
Discussion and Possible Action

8. Resolution No. 22-03

A RESOLUTION adopting the 2022 work plan for the King County Board of Health.

Boardmember Kohl-Welles moved Amendment 2. The motion carried.

Boardmember Mosqueda moved Amendment 3. The motion carried.

A motion was made by Boardmember Morales that this Resolution be Passed as Amended. The motion carried by the following vote:

Yes: 13 - Baker, Daniell, de Castro, Herbold, Honda, Kohl-Welles, McDermott, Morales, Mosqueda and Zahilay

9. R&R No. BOH21-01

A RULE AND REGULATION relating to the enforcement of King County bicycle helmet regulations requiring helmet use by all age cyclists; amending R&R 84, Section 1 (part), as amended, and BOH 9.04.010 and repealing R&R 84, Section 1 (part), as amended, and BOH 9.01.010, R&R 84, Section 1 (part), as amended, and BOH 9.01.020, R&R 03-05, Section 1 (part), and BOH 9.01.030, R&R 84, Section 1 (part), as amended, and BOH 9.01.100, R&R 84, Section 1 (part), as amended, and BOH 9.07.005, R&R 84, Section 1 (part), as amended, and BOH 9.07.010, R&R 84, Section 1 (part), as amended, and BOH 9.07.020, R&R 84, Section 1 (part), as amended, and BOH 9.10.010, R&R 84, Section 1 (part), as amended, and BOH 9.15.010 and R&R 84, Section 1 (part), as amended, and BOH 9.16.010.

Samantha Porter, Council Staff, briefed the Board and answered questions.

Pascal Herzer, Legal Counsel, Board of Health, briefed the Board and answered questions.

At 2:56 p.m. the Chair announced that under RCW 42.30.110, the Board of Health would go into Executive Session for approximately 10 minutes, until 3:05 p.m.

At 3:05 p.m. the Chair extended the Executive Session for approximately 5 minutes, until 3:10 p.m.

At 3:10 p.m. the Chair extended the Executive Session for approximately 5 minutes, until 3:15 p.m.

The Chair reconvened the meeting at 3:17 p.m.

Erin Auzins, Council Staff, briefed the Board and answered questions.

Boardmember Kohl-Welles moved Amendment 1.

Boardmember Kohl-Welles made a motion on Line 8, after 'conduct', insert “an equity impact study and”. There were no objections.

Voting on Amendment 1, as amended, the motion failed by the following vote:
Yes: 3 - Kohl-Welles and Honda
No: 10 - Baker, Daniel, de Castro, Herbold, Morales, Mosqueda, Zahilay, McDermott
Excused: 0
Striking Amendments S3 and S4 were not offered.

Boardmember Morales moved Title Amendment T6.  The motion carried.

A motion was made by Boardmember Morales that this R&R be Passed as Amended. The motion carried by the following vote:

Yes:  11 - Baker, Daniell, de Castro, Herbold, Honda, McDermott, Morales, Mosqueda and Zahilay

No:  2 - Kohl-Welles

10.  Resolution No. 21-08

A RESOLUTION strongly recommending helmet use as a tool to prevent injuries and fatalities associated with head injuries to bicycle and other wheeled device riders of all ages and a comprehensive approach to bicycle safety.

Samantha Porter, briefed the Board and answered questions.

Boardmember Morales moved Amendment 1.  The motion carried.

Boardmember Morales moved Amendment 2.  The motion carried.

Boardmember Morales moved Amendment 3.  The motion carried.

Boardmember Morales moved Amendment 4.  The motion carried.

Boardmember Morales moved Amendment 5.

Councilmember Herbold made a motion on Line 9 after '2026' insert "and also encourages the King County Council to use the Council's budget authority to support a public education campaign regarding bicycle safety and particularly the use of helmet"

Voting on Amendment 5, as amended, the motion carried.

Boardmember Morales moved Title Amendment T1.  The motion carried.

A motion was made by Boardmember Morales that this Resolution be Passed as Amended. The motion carried by the following vote:

Yes:  13 - Baker, Daniell, de Castro, Herbold, Honda, Kohl-Welles, McDermott, Morales, Mosqueda and Zahilay
Briefings

11. **BOH Briefing No. 22-B02**

State legislative Session Update

*The Chair requested that the State Legislative Session Update be provided in writing to Boardmembers after the meeting.*

This matter was Not Held

12. **Board Member Updates**

*No updates were given.*

13. **Administrator's Report**

*No report was given.*

14. **Other Business**

*There was no other business.*

**Adjournment**

*The meeting adjoumed at 4:22 p.m.*

If you have questions or need additional information about this agenda, please call (206) 263-8328, or write to Susie Levy, Board of Health Administrator via email at slevy@kingcounty.gov

Approved this _____________ day of ________________

______________________________
Clerk's Signature
AN ORDINANCE relating to the membership of the King County board of health; amending Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX (Section 3 of this ordinance), Ordinance XXXXX, Section 4, and K.C.C. 2.35.XXX (Section 4 of this ordinance), Ordinance XXXXX, Section 5, and K.C.C. 2.35.XXX (Section 5 of this ordinance) and Ordinance XXXXX, Section 6, and K.C.C. 2.35.XXX (Section 6 of this ordinance), adding new sections to K.C.C. chapter 2.35 and repealing Ordinance XXXXX, Section 2, and K.C.C. 2.35.XXX (Section 2 of this ordinance).

STATEMENT OF FACTS:

1. Created in 2004 in accordance with state law, the King County board of health sets countywide public health policy, enacts and enforces local public health regulations and carries out the duties of local boards of health as specified in RCW 70.05.060 including preventing and controlling the spread of infectious disease, abating nuisances and establishing fee schedules for licenses and permits.
2. In May 2021, Engrossed Second Substitute House Bill 1152 was signed into law as Chapter 205, Laws of Washington 2021, modifying the structure of local boards of health. Chapter 205, Laws of Washington 2021 requires that the membership of the King County board of health("KCBOH") be modified so that the number of KCBOH members who are elected officials representing the county and its cities and towns ("elected officials") equals the number of members who are not elected officials, with one of those nonelected members selected by the American Indian Health Commission of Washington State and the remaining nonelected members selected by the KCBOH from three specific categories of interests. The selected candidates would be appointed by the King County council. Those changes to state law go into effect on July 1, 2022.

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

4. Additionally, Chapter 205, Laws of Washington 2021 requires the Washington state Board of Health ("the state Board") to promulgate rules for how nonelected members of local boards of health are to be recruited,
44 selected and appointed. The new rules are expected to be effective by July
45 25, 2022.
46 5. It is anticipated that the KCBOH will begin recruiting and selecting new,
47 nonelected members in accordance with Chapter 205, Laws of Washington 2021
48 and the state Board rules and declare the names of its selection through the
49 adoption of a resolution to the King County council by the last quarter of 2022 to
50 provide enough time for the King County council to appoint the nonelected
51 members to begin their terms on January 1, 2023.
52 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
53 SECTION 1. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, are
54 hereby amended to read as follows:
55 A. For members of the board until January 1, 2023:
56 1. The King County board of health shall consist of the following members:
57 (1) three members of the metropolitan King County council to be
58 appointed by the chair of the council, provided that the chair shall consider appointing
59 members such that county councilmember representation on the board of health is
60 geographically balanced across the county and includes representation of the
61 unincorporated area of the county on the board. Each county councilmember vote shall
62 be weighted as two votes;
63 (2) three elected officials of the city of Seattle to be appointed by the
64 city;
Ordinance

((3.)) 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

((4.)) 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, may be appointed by a majority vote of the other members of the board. The terms of health professional members shall be established by the rules of the board((.)); and

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

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

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

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

   a. three members of the metropolitan King County council and one alternate to be appointed by the chair of the council. 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;

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

c. two elected officials from cities and towns of King County other than Seattle and two alternates 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.(1) In accordance with state law, the remaining members of the board of health shall equal the number of elected official members appointed under subsection B.1.a., b. and c. of this section, shall not be elected officials and, except for any member selected by the American Indian Health Commission of Washington State, must be recruited, selected and appointed in accordance with RCW 70.05.035(1)(a) and the rules required under RCW 43.20.300.

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

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

(4) In accordance with RCW 70.05.035(1)(l), members described in subsection B.1.d.(1) of this section shall be voting members except as it pertains to any decision related to the setting or modification of permit, licensing and application fees;
2. The board shall elect the chair from the members described in subsection B.1.a of this section.

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

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

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

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

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

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.35 a new section to read as follows:
A. For each nonelected board member candidate selected by the King County board of health, the board shall provide the council with the name, biography, application materials and confirmation that the board member candidate meets the qualifications and requirements of RCW 70.05.035(1)(a) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate which of the three categories set forth in RCW 70.005.035(1)(a) each nonelected board member candidate was selected to represent. In accordance with section 5.B. of this ordinance, the board shall also indicate the initial term for each nonelected member candidate.

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

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

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

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

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

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

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

All members described in K.C.C. 2.35.021.B.1.d. and the nonelected member alternates who are not being compensated for their participation on the King County board of health through their employer shall be compensated at a rate of two hundred twenty-five dollars per full board meeting they attend and shall not exceed two hundred twenty-five dollars per month before December 31, 2023. Beginning January 1, 2024, the compensation amount per meeting and the maximum compensation amount per 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,
may be appointed by a majority vote of the other members of the board. The terms of
health professional members shall be established by the rules of the board; and

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

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

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

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. 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;

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

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

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

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

The board shall elect the chair from the members described in subsection (B.1.) of this section.

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

SECTION 9. Ordinance XXXXX, Section 3, and K.C.C. 2.35.XXX (Section 3 of this ordinance) is hereby amended to read as follows:
A. Alternate members for each regular, elected official member may be appointed according to the relevant procedures under K.C.C. 2.35.021.((B.1.a., b. or c))

A.1., 2. or 3. During the meeting, an alternate elected official member shall indicate when the alternate elected official member is serving in a regular elected official member's absence. When serving in a regular member's absence, an alternate elected official member shall act as a regular elected official member.

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

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

A. For each nonelected board member candidate selected by the King County board of health, the board shall provide the name, biography, application materials and confirmation that the board member candidate meets the qualifications and requirements of RCW 70.05.035(1)(a) and was recruited and selected in accordance with the rules promulgated under RCW 43.20.300. The board shall also indicate which of the three categories set forth in RCW 70.005.035(1)(a) each nonelected board member candidate was selected to represent. In accordance with section 5.B. of this ordinance, the board shall also indicate the initial term for each nonelected member candidate.
B. The board shall coordinate with the American Indian Health Commission of Washington State to receive the commission's selected tribal representative candidates and information about the commission's selected candidates.

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

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

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

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

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

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

All members described in K.C.C. 2.35.021.((B.1.d.)) A.4. and the nonelected member alternates who are not being compensated for their participation on the King County board of health through their employer shall be compensated at a rate of two hundred twenty-five dollars per full board meeting they attend and shall not exceed two hundred twenty-five dollars per month before December 31, 2023. Beginning January 1, 2024, the compensation amount per meeting and the maximum compensation amount per 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 13. If any provision of this ordinance or its application to any person or
circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____________, ______.

Attachments: None
HB 1152

In 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill 1152\(^1\) (HB 1152) which required four primary changes to the King County Board of Health (KC Board):

1. There must be an equal number of elected to nonelected members;
2. One nonelected member must be selected by the American Indian Health Commission (AIHC);
3. The remaining nonelected members must be recruited and selected by the KC Board from the following three categories: Public health, health care facilities, and providers; consumers of public health; and other community stakeholders; and
4. The nonelected members would have voting power on all matters except those pertaining to setting or modifying permit, licensing, and application fees.

HB 1152 directs the Washington State Board of Health (State Board) to promulgate rules regarding the selection and appointment process for nonelected members. The State Board filed a CR-102 on February 25, 2022 with the state code reviser for chapter 246-90 WAC.\(^2\) Based on their estimated rulemaking timeline, the State Board indicates that this rule will be effective July 1, 2022.\(^3\) All other changes resulting from HB 1152 go into effect July 1, 2022. Proposed Ordinance 2022-0103 which would effectuate changes to the composition of the KC Board would be effective January 1, 2023.

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\(^1\) HB 1152, [https://app.leg.wa.gov/billsummary?BillNumber=1152&Year=2021&Initiative=false](https://app.leg.wa.gov/billsummary?BillNumber=1152&Year=2021&Initiative=false)


Current Board Composition
In accordance with state law, the King County Council was originally designated as the KC Board in 1993 through Ordinance 11178. In December 1995, Council adopted Ordinance 12098 which added four councilmembers from the City of Seattle, three electeds from suburban cities, and three health professionals to the twelve King County Councilmembers for a 22-member Board. Subsequent ordinances have been adopted which are reflected in King County Code Chapter 2.35. The current 11-member Board consists of three King County Councilmembers, three City of Seattle Councilmembers, two electeds selected by the Sound Cities Association (SCA), and three health professionals. While not codified, the current practice for elected member alternates is one each for King County and Seattle, and two for SCA. Current practice also indicates that the Chair of the Board is elected from the members from the King County Council; this practice is not codified.

King County Council Proposed Ordinance 2022-0103
Proposed Ordinance 2022-0103 (PO 2022-0103) would make the following changes to the KC Board:

- Codify the current practice for elected member alternates and selection of the Chair,
- Remove weighted voting for King County councilmembers,
- Require an equal number of nonelected and elected members (regular and alternates),
- Nonelected membership as follows (additional detail in Table 1 and 2):
  - One member selected by the AIHC,
  - Seven nonelected members recruited, selected, and appointed in accordance with state law and Washington State Board of Health Rules representing the following categories:
    - Public health professionals,
    - Consumers of public health, and
    - Community stakeholders.
- Nonelected members shall have the ability to vote except on legislation pertaining to fees; and
- Set appointment procedures, term structure, and compensation for nonelected members.
- Changes to KC Board membership effective January 1, 2023.

Elected Members. Proposed Ordinance 2022-0103 would retain the existing elected member positions on the Board and replace the three health professional positions on the Board with eight new nonelected member positions as described in the third, grey column of Table 1.

Terms. PO 2022-0103 outlines the proposed term structure for the nonelected membership of the KC Board but does not prescribe which nonelected members shall have which terms. Initial terms for nonelected members would be: two members serve a one-year term, three members serve a two-year term, and three members serve a three-year term.

Appointments. PO 2022-0103 would require the Board to transmit to Council a resolution naming their nonelected candidate selections and the AIHC candidate selections along with the name, biography, application materials and confirmation that each board member candidate selections meet the qualifications and requirements of state law and were recruited in accordance with the State Board rules. The KC Council would

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4 PO 2022-0103 is scheduled to be heard in the King County Council's Committee of the Whole on March 16, 2022. A full staff report on this Proposed Ordinance will be published with the packet before the meeting.
then take action to appoint the candidate selections. PO 2022-0103 requires that these materials be transmitted to Council no later than October 28, 2022.

Compensation. Section 6 of PO 2022-0103 would allow compensation to be paid to nonelected regular and alternate members of the Board who are not being compensated for their participation through their employer. The rate of compensation would be $225 per full board meeting attended, not to exceed that amount each month. Beginning January 1, 2024, and each year thereafter, the compensation amount would be automatically adjusted annually 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 (CPI-U). If the twelve-month change in the CPI-U is negative, there would not be an adjustment.
Table 1.
Current and Proposed Membership of the KC Board of Health

<table>
<thead>
<tr>
<th>Elected Members</th>
<th>Health Professionals</th>
<th>Proposed Nonelected Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>King County</td>
<td>Health Professional</td>
<td>AIHC Selection</td>
</tr>
<tr>
<td>King County</td>
<td>Health Professional</td>
<td>Category in RCW 70.05.035(1)(a)</td>
</tr>
<tr>
<td>King County</td>
<td>Health Professional - nonvoting</td>
<td>Category in RCW 70.05.035(1)(a)</td>
</tr>
<tr>
<td>City of Seattle</td>
<td>Category in RCW 70.05.035(1)(a)</td>
<td></td>
</tr>
<tr>
<td>City of Seattle</td>
<td>Category in RCW 70.05.035(1)(a)</td>
<td></td>
</tr>
<tr>
<td>City of Seattle</td>
<td>Category in RCW 70.05.035(1)(a)</td>
<td></td>
</tr>
<tr>
<td>Sound City Association</td>
<td>Category in RCW 70.05.035(1)(a)</td>
<td></td>
</tr>
<tr>
<td>King County Alternate</td>
<td>AIHC Alternate</td>
<td></td>
</tr>
<tr>
<td>Seattle Alternate</td>
<td>Alternate</td>
<td></td>
</tr>
<tr>
<td>SCA Alternate</td>
<td>Alternate</td>
<td></td>
</tr>
<tr>
<td>SCA Alternate</td>
<td>Alternate</td>
<td></td>
</tr>
</tbody>
</table>

Table 2.
Three Categories for Nonelected Members in RCW 70.05.035

<table>
<thead>
<tr>
<th>Public Health Providers and Facilities</th>
<th>Public Health Consumers</th>
<th>Other Community Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>People practicing or employed in the county who are:</td>
<td>County residents who self-identify as:</td>
<td>People representing the following types of organizations operating in the county:</td>
</tr>
<tr>
<td>- Medical ethicists,</td>
<td>- Having faced significant health inequities,</td>
<td>- Community-based organizations or nonprofits working with populations experiencing health inequities in the county,</td>
</tr>
<tr>
<td>- Epidemiologists,</td>
<td>- Having lived experiences with public health-related programs such as:</td>
<td>- Active, reserve, or retired armed services members,</td>
</tr>
<tr>
<td>- Experienced in environmental health,</td>
<td>- Special supplemental nutrition program for women, infants, and children (WIC),</td>
<td>- The business community, or</td>
</tr>
<tr>
<td>- Community health workers,</td>
<td>- Supplemental nutrition program (SNAP),</td>
<td>- The environmental public health regulated community.</td>
</tr>
<tr>
<td>- Individuals with master’s degrees or higher in public health or the equivalent,</td>
<td>- Home visiting, or</td>
<td></td>
</tr>
<tr>
<td>- Employees of a hospital located in the county,</td>
<td>- Treatment services.</td>
<td></td>
</tr>
<tr>
<td>- Physicians or osteopathic physicians,</td>
<td></td>
<td></td>
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<tr>
<td>- Advanced registered nurse,</td>
<td></td>
<td></td>
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<tr>
<td>- Registered nurses,</td>
<td></td>
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<tr>
<td>- Physician assistants or osteopathic physician assistants,</td>
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<tr>
<td>- Dentists,</td>
<td></td>
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<tr>
<td>- Naturopaths, or</td>
<td></td>
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<tr>
<td>- Pharmacists.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Washington State Board of Health Rules

The Washington State Board of Health is directed by HB 1152 to promulgate rules establishing requirements for the recruitment, selection and appointment process of nonelected members of local boards of health. On February 25, 2022, the State Board filed a CR-102 Proposed Rule with the state code reviser for chapter 246-90 WAC. The formal public comment period for the Proposed Rule is anticipated to run through March 2022 with a public hearing in April 2022. According to the estimated rulemaking timeline provided by the State Board these rules are anticipated to be effective July 1, 2022 which is the same day HB 1152 is effective.

The proposed rule provides general guidance for how local boards of health should conduct their recruitment of new nonelected members. Currently the rule states that local boards must actively recruit applicants in a way that solicits a broad pool of candidates representing a diversity of expertise and lived experience, local boards must provide reasonable advanced notice for applicants, post vacancy announcements in public places in all geographic regions represented by the Board, in the newspaper of record for the county, and make announcements available in languages upon request. Additionally, local boards must work with local community organizations to distribute vacancy notices. The rule encourages local boards to work with those organizations to identify potential applicants for nonelected positions.

The proposed rule allows the Board to use their discretion regarding whether to require nonelected members serving in the other community stakeholder or public health, health care facilities, and provider positions to reside within King County. Nonelected members representing the consumer category are required to reside in King County. The proposed rule requires that all applicants for nonelected positions be interviewed in a panel format by the Board using a standard set of questions. The nonelected members selection process must be consistent with the Open Public Meetings Act.

When assessing candidates for nonelected positions, the proposed rule requires that local boards take into consideration the following:

- Service, current or past, on other local boards or commissions;
- Whether the applicant's background meets the qualifications of the applicant's selected category or categories as defined in WAC 246-095-010;
- Potential conflicts of interest;
- The applicant's demonstrated commitment to public health;
- Whether the applicant represents a diversity of expertise and lived experience;
- Whether the applicant represents the geographic diversity of the community; and
- Whether the applicant identifies with a historically underrepresented community.

Lastly, the proposed rule states that the final membership must include, "a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience."

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7 42.30 RCW
KC Board of Health Legislation
The Board of Health may wish to consider taking up a Rule and Regulation in 2022 to make changes to sections of BOH Code 2.04 affected by HB 1152 and PO 2022-0103. A preliminary analysis indicates that Rules 1, 2, 3, 6, and 8 may need such changes. Additionally, in response to PO 2022-0103 the Board will need to adopt one or more resolutions identifying their nonelected candidate selections and the AIHC selections to transmit to Council along with the materials described in PO 2022-0103 for confirmation. This resolution must be adopted no later than at the October Board meeting to give department staff time to transmit materials to KC Council for consideration and adoption before the last Council meeting of 2022.

Nonelected Board Member Recruitment & Selection Process

Susie Levy, Board of Health Administrator, slevy@kingocunty.gov, 206-263-8328

KC Board Recruitment and Selection Process
In Accordance with HB 1152, the State Board Proposed Rule CR-102 and PO 2022-0103, the Board is tasked with recruitment and selection of non-elected members and must meet State and local requirements as described above. The Board may wish to consider the timeline below in order to meet the deadline to submit a resolution to the King County Council by October 28th, 2022.

January-April 2022: Establish process, plans, and materials
Recruitment, application, outreach, and engagement materials will be drafted by PHSKC staff at the direction of the Board. The Board may choose to establish a subcommittee to lead the recruitment work and selection process. A subcommittee could include representation from each Board caucus as well as appropriate county.

May-June: Active recruitment
Application process will open, and nonelected board positions will be advertised as outlined in the State Board Proposed Rule CR-102. This process includes working with community-based organizations to advertise open nonelected Board seats in accordance with the State Board rule. In addition to required actions, the Board may consider hosting a virtual open house in partnership with PHSKC’s Office of Equity and Community Partnerships.

July-October: Selection
If the Board chooses to establish a subcommittee, the subcommittee would review applications and evaluate candidates based on their qualifications and criteria outlined in State Board Proposed Rule CR-102 and state law. If the Board receives a "substantial" number of applicants, the State Board draft rule allows the Board to interview a smaller number of applicants as long as the applicants interviewed include a diversity of expertise and lived experience. The full Board would ultimately decide which applicants to recommend for appointment by the King County Council and name them in one or more Board resolutions. The Board is required to transmit materials identifying their nonelected Board member candidate and alternate selections to the Council by October 28, 2022.