

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:

Don Anderson/Julie Lawrence

Department: Commissioners

Requested Agenda Date: 05/24/2022

Presenting: _____

Document Title:

Adopting an Ordinance Amending Yakima County Code Chapter 6.04 Regarding Provisions for the Appointment and Term of Members of the Yakima Board of Health

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT CONTRACT or GRANT**
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

\$0

Background Information:

In the Matter of Adopting an Ordinance Amending Yakima County Code Chapter 6.04
Regarding Provisions for the Appointment and Term of Members of the Yakima Board of Health

Summary & Recommendation:

Motion:

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial

Signature

Late Agenda Requests Require BOCC Chairman Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS
ORDINANCE 3-2022

**IN THE MATTER OF ADOPTING AN ORDINANCE
AMENDING YAKIMA COUNTY CODE CHAPTER 6.04
REGARDING PROVISIONS FOR THE APPOINTMENT AND
TERM OF MEMBERS OF THE YAKIMA BOARD OF HEALTH**

WHEREAS, the State of Washington amended RCW 70.05.030 and RCW 70.46.031, both effective July 1, 2022, with regards to the membership of district boards of health; and

WHEREAS, the aforesaid statutes require the district health board to include non-elected members selected from a list of categories set forth therein; and

WHEREAS, the Board of Yakima County Commissioners is empowered by the State of Washington to pass an ordinance to specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district; and

WHEREAS, the Board of Yakima County Commissioners previously adopted Ordinance 2-2018, which was codified as Yakima County Code § 6.04; and

WHEREAS, the Board of Yakima County Commissioners subsequently adopted Ordinance No. 1-2021, which amended Yakima County Code § 6.04; and

WHEREAS, the Board of Yakima County Commissioners desires to timely comply with the legislative changes to RCW 70.05.030 and RCW 70.46.031; and

WHEREAS, on April 26, 2022, at its regularly weekly public agenda meeting, the Board of Yakima County Commissioners passed a resolution calling for a Public Hearing on May 17, 2022; and

WHEREAS, a Notice of Public Hearing was published in the *Yakima Herald-Republic* on April 29, 2022, and May 8, 2022; and

WHEREAS, a draft ordinance was published on the Yakima County website on May 4, 2022, and;

WHEREAS, a public hearing was held to discuss the proposed ordinance on May 17, 2022, at the Board of Yakima County Commissioners' regularly weekly public agenda meeting;

NOW, THEREFORE BE IT ORDAINED that the Board of Yakima County Commissioners adopt the attached chapter to be codified as Yakima County Code Chapter 6.04, as set forth in Exhibit A to amend the provisions for the appointment and terms of the membership of the Yakima County Board of Health, effective on May 24, 2022.

The Clerk of the Board is directed to transmit a copy of this ordinance to the County Auditor and Treasurer.

DONE this 24th day of May 2022.

Attest:



Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board



Amanda McKinney, Chair



Ron Anderson, Commissioner



LaDon Linde, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*



EXHIBIT A

Chapter 6.04 COUNTY HEALTH DISTRICT

Sections:

6.04.010 Membership – Appointment – Term – Compensation – Reimbursement of Expenses.

6.04.020 Fund Established.

6.04.030 Officer Appointment.

6.04.040 Payroll.

6.04.050 Claims Payment.

6.04.060 Meetings.

6.04.070 Food Permit Transfer.

6.04.080 Budget Adoption.

6.04.010 Membership – Appointment – Term – Compensation – Reimbursement of Expenses.

(1) The district Board of Health of the Yakima Health District shall consist of the following ten members, each of whom shall have one vote:

(a) Three members of the Board of County Commissioners;

(b) Two elected officials of the cities and towns within Yakima County to be appointed by the Board of County Commissioners to represent the collective interests of all cities within Yakima County; and

(c) Four citizens of the United States who are residents of Yakima County, with an interest in public health. Citizen members of the board are to be interviewed and selected by the Board of Health, then appointed by a majority vote of the Board of County Commissioners. Terms shall be staggered

and shall be for four years; a citizen may serve no more than two consecutive four-year terms. Citizen members shall be selected from the following categories as equally as possible, unless candidates cannot be found from one of the three categories:

(i) Representing public health, health care facilities, or providers, who is practicing or employed in Yakima County and is a medical ethicist; epidemiologist; experienced in environmental public health, such as a registered sanitarian; community health worker; holder of a master's degree or higher in public health or equivalent; employee of a hospital located within Yakima County; or any of the following providers holding an active or retired license in good standing: physician or osteopathic physician, advanced registered nurse practitioner, physician assistant or osteopathic physician assistant, registered nurse, dentist, naturopath, or pharmacist.

(ii) Representing consumers of public health who has self-identified as having faced significant health inequities or having lived experiences with public health-related programs.

(iii) Representing community stakeholders who represent the following types of organizations located in Yakima County: community-based organization or nonprofit that works with populations experiencing health inequities in Yakima County; the business community; or the environmental public health regulated community.

(d) One tribal member who is a resident of Yakima County, selected by the American Indian Health Commission.

(2) Elected officials shall be appointed by the Board of County Commissioners. Consecutive terms are allowed, but in no event may a member serve beyond the term of the elective office which qualifies him or her to serve on the board of health. An elected official may serve no more than four consecutive two-year terms. Elected officials are appointed after the following steps have been completed:

(a) The Yakima Health District has made the cities and towns in Yakima County aware of a vacant position by written notification and request for qualified candidates;

(b) Interested candidates have submitted letters of qualification and interest within 30 days of the announcement that the position is vacant;

(c) The Yakima Health District forwards all applications to the Board of County Commissioners;

(d) The Board of County Commissioners may interview the applicants.

(3) Citizen members shall be appointed by the Board of County Commissioners after the following steps have been completed:

(a) The Yakima Health District provides notice to potential applicants to apply for vacancies. The notice should be made in public places including, but not limited to, the newspaper of record, work with local community organizations to distribute vacancy notices, post vacancy announcements in all geographic regions by the local board of health, make the vacancy announcement in any language upon request, and comply with applicable

provisions of the Americans with Disabilities Act, Public Law No. 101-336 and RCW chapter 49.60;

(b) Interested candidates have submitted letters of qualification and interest within 30 days of the announcement that the position is vacant;

(c) The Yakima Health District forwards all applications to the Yakima Board of Health. The Board of Health will ask a standard set of questions, although follow-up questions may be asked if necessary to clarify understanding. The recruitment process must be consistent with applicable provisions of RCW chapter 42.30;

(d) The Board of Health selects, whenever possible, a minimum of two candidates per vacant position from Section (1)(c), above, indicating which category/categories they are eligible to fill to the Board of County Commissioners;

(e) The Board of County Commissioners may interview the candidates if they so choose before making their final selection.

(f) Citizen members of the Board of Health are voting members of the local board of health except as it pertains to any decision related to the setting or modification of permit, licensing, and application fees.

(4) The Yakima County Coroner shall serve as an ex-officio member of the Board of Health. The Coroner shall not have voting privileges, shall not be included in the count when determining the number needed for a quorum and shall not be counted when determining if a quorum is present.

(5) For purposes of this Section, “elected official” shall include an official appointed to an elected position.

(6) All Board of Health committees shall include a member of The Board of Yakima County Commissioners.

(7) No member shall receive compensation from the Yakima County Health District for serving as a member of the board of health.

(8) When the Board of Health is initially expanded to ten members, a new chair shall be elected to serve the remainder of that year. Thereafter, at the first meeting of each year of the district Board of Health, a chair shall be elected to serve for a period of one year.

6.04.020 Fund Established.

A fund to be designated as district health fund shall be established by the treasurer of Yakima County, Washington, who shall be the treasurer and custodian thereof, and in which said fund shall be placed all moneys received by the health district from any source and out of which shall be expended all moneys disbursed by the health district, in accordance with law.

6.04.030 Health Officer Appointment.

A qualified physician, trained and experienced in public health, is appointed district Health Officer of the health district. In the event of a vacancy in the Health Officer position, a new Health Officer shall be appointed by the Board of Health after all of the following steps have been completed:

- (1) The Yakima Health District has made the public aware of the vacancy by promoting and seeking qualified candidates;
- (2) Interested candidates have submitted letters of qualification and interest within 30 days of the announcement that the position is vacant;
- (3) The nominating committee has reviewed the submitted letters, conducted interviews and has nominated candidates to the Board of Health for consideration;
- (4) The Board of Health has reviewed the submitted letters and interviewed the nominated persons; and
- (5) The Board of Health, by a majority vote, has selected a candidate to serve as the Health Officer of the health district.

(Vol. W p. 342 §1, 1950).

6.04.035 Executive Director Appointment.

An Executive Director of the health district is appointed. The Executive Director shall act as executive secretary and administrative officer for Board of Health, and shall be responsible for administering the operations of the Board including such other administrative duties required by the Board of Health, except for duties assigned to the Health Officer as enumerated in RCW 70.05.070 and other applicable state law.

In the event of a vacancy in the Executive Director position, a new Executive Director shall be appointed by the Board of Health after all of the following steps have been completed:

- (1) The Yakima Health District has made the public aware of the vacancy by promoting and seeking qualified candidates;
- (2) Interested candidates have submitted letters of qualification and interest within 30 days of the announcement that the position is vacant;
- (3) The nominating committee has reviewed the submitted letters, conducted interviews and has nominated candidates to the Board of Health for consideration;
- (4) The Board of Health has reviewed the submitted letters and interviewed the nominated persons; and
- (5) The Board of Health, by a majority vote, has selected a candidate to serve as the Executive Director of the health district.

6.04.040 Payroll.

Monthly payrolls of the health district may hereafter be certified for payment upon approval of the chairperson of the board of health, or such other member of the board of health as designated in the chairperson's absence.

(Vol. W p. 342 §2, 1950).

6.04.050 Claims Payment.

All claims against the health district shall be paid only upon approval of the executive director of the health district and a majority of the members of the board of health.

(Vol. W. p. 342 §4, 1950).

6.04.060 Meetings.

Regular meetings of the district board of health shall hereafter be held at the hour of 8:30am, upon the last Wednesday of each month, excepting when said day may fall upon a holiday, the regular meeting shall be held upon the day preceding; special meetings of the district board of health may be called at any time on order of the chairperson of the board of health, or at the request of any members thereof.

(Vol. W p. 342 §5, 1950).

6.04.070 Food Permit Transfer.

The maintenance and administration of the issuance and collection of food permits are transferred to the Yakima Health District.

To effectuate said transfer, books of receipts, applications, and permits are transferred from the possession of the board of county commissioners to the possession of Yakima Health District.

(Vol. VI p. 428 (part), 1961).

6.04.080 Budget Adoption.

Adoption of the annual budget of the health district shall require the presence of a quorum of members of the board of health and shall require the concurrence of a majority of those members present, and two-thirds of the county commissioners.

EXHIBIT A

Chapter 6.04 COUNTY HEALTH DISTRICT

Sections:

- 6.04.010 Membership – Appointment – Term – Compensation – Reimbursement of Expenses.**
- 6.04.020 Fund Established.**
- 6.04.030 Officer Appointment.**
- 6.04.040 Payroll.**
- 6.04.050 Claims Payment.**
- 6.04.060 Meetings.**
- 6.04.070 Food Permit Transfer.**
- 6.04.080 Budget Adoption.**

6.04.010 Membership – Appointment – Term – Compensation – Reimbursement of Expenses.

- (1) The district Board of Health of the Yakima County Health District of Yakima shall consist of the following seven-ten members, each of whom shall have one vote, except the chair of the Board of Health, who shall have two votes:
 - (a) Three members of the Board of County Commissioners, one of whom shall be elected as chair of the Board of Health for a one-year term, not to exceed four consecutive terms;
 - (b) Two elected officials of the cities and towns within Yakima County to be selected by the Board of Health and appointed by the Board of Health County Commissioners to represent the collective interests of all cities within Yakima County; and
 - (c) Two-Four citizens of the United States who are residents of from within Yakima County, with an interest in public health, to be nominated by the Board of Health and appointed by the Board of Health County Commissioners for four-year terms, which members of the board are to be interviewed and selected by the Board of Health, then appointed by a majority vote of the Board of County Commissioners. Terms shall be staggered so that every two years one of such terms shall expire.

and shall be for four years; Aa citizen may serve no more than two consecutive four-year terms. Citizen members shall be selected from the following categories as equally as possible, unless candidates cannot be found from one of the three categories:

(d) Appointment process for elected city officials and citizen representatives will follow procedures as outlined in Yakima Health District Board of Resolution 2018-3, as amended consistent with this Section.

(i) Representing public health, health care facilities, or providers, who is practicing or employed in Yakima County and is a medical ethicist; epidemiologist; experienced in environmental public health, such as a registered sanitarian; community health worker; holder of a master's degree or higher in public health or equivalent; employee of a hospital located within Yakima County; or any of the following providers holding an active or retired license in good standing: physician or osteopathic physician, advanced registered nurse practitioner, physician assistant or osteopathic physician assistant, registered nurse, dentist, naturopath, or pharmacist.

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(ii) Representing consumers of public health who has self-identified as having faced significant health inequities or having lived experiences with public health-related programs.

(iii) Representing community stakeholders who represent the following types of organizations located in Yakima County: community-based organization or nonprofit that works with populations experiencing health inequities in Yakima County; the business community; or the environmental public health regulated community.

(d) One tribal member who is a resident of Yakima County, selected by the American Indian Health Commission.

(2) Elected officials shall be appointed by the Board of Health County Commissioners. Consecutive terms are allowed, but in no event may a member serve beyond the term of the elective office which qualifies him or her to serve on the board of health, provided that no elected official is eligible for appointment/reappointment to the Board of Health if his/her term's expiration date would leave a mid-term vacancy on the Board of Health. An elected official may serve no more than four consecutive two-year terms. Elected officials are appointed after all of the following steps have been completed:

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(a) The Yakima Health District has made the cities and towns in Yakima County aware of a vacant position by promoting and seeking written notification and request for qualified candidates;

(b) Interested candidates have submitted letters of qualification and interest within 30 days of the announcement that the position is vacant;

(c) The nominating committee has reviewed the submitted letters, conducted interviews and has nominated candidates to the Board of Health for

~~consideration~~ The Yakima Health District forwards all applications to the Board of County Commissioners;

- (d) The Board of Health has reviewed the submitted letters and County Commissioners may interviewed the nominated persons; and applicants.
- (e) The Board of Health, by a majority vote, has selected a candidate to serve a term on the Board of Health.

(3) Each elected official shall serve a term of two years at the pleasure of the entity or entities appointing him/her. Consecutive terms are allowed, but in no event may a member serve beyond the term of the elective office which qualifies him or her to serve on the board of health: *provided*, that no elected official is eligible for appointment to the Board of Health if his/her elected term expiration date would leave a mid term vacancy on the Board of Health. An elected official may serve no more than four consecutive two year terms. Citizen members shall be appointed by the Board of County Commissioners after the following steps have been completed:

- (a) The Yakima Health District provides notice to potential applicants to apply for vacancies. The notice should be made in public places including, but not limited to, the newspaper of record, work with local community organizations to distribute vacancy notices, post vacancy announcements in all geographic regions by the local board of health, make the vacancy announcement in any language upon request, and comply with applicable provisions of the Americans with Disabilities Act, Public Law No. 101-336 and RCW chapter 49.60;
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- (d) The Board of Health selects, whenever possible, a minimum of two candidates per vacant position from Section (1)(c), above, indicating which category/categories they are eligible to fill to the Board of County Commissioners;
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(5) For purposes of this Section, ~~the following terms shall be defined as follows:~~

~~(a) "Elected official" shall include an official appointed to an elected position, and~~ Formatted: Indent: Left: 0.5", First line: 0"

~~(b) "Nominating committee" shall mean the Board of Yakima County Commissioners.~~

~~(6) Neither the Yakima County Health District nor the Yakima Board of Health shall create any committee or sub-committee which creates or enforces any policy except as expressly provided by chapter 70.05 RCW, chapter 70.46, chapter 70.02 RCW, chapter 43.20 RCW or chapter 43.70 RCW, without the approval of the Board of Yakima County Commissioners.~~

~~(7) All Board of Health committees shall include ~~the a~~ members of The Board of Yakima County Commissioners, ~~who shall also comprise the majority all such committees.~~~~

~~(8) No member shall receive compensation from the Yakima County ~~h~~Health ~~d~~District for serving as a member of the board of health.~~

~~(8) When the Board of Health is initially expanded to ten members, a new chair shall be elected to serve the remainder of that year. Thereafter, at the first meeting of each year of the district Board of Health, a chair shall be elected to serve for a period of one year.~~

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(Vol. W p. 342 §1, 1950).

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(Vol. W p. 342 §2, 1950).

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Adoption of the annual budget of the health district shall require the presence of a quorum of members of the board of health and shall require the concurrence of a majority of those members present, and two-thirds of the county commissioners.