

Approved: 10/26/2022

Effective: 12/31/2022

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 22-061

CREATING A HEALTH DEPARTMENT; CREATING A HEALTH DEPARTMENT FUND;
ADDING CHAPTERS 2.300 AND 4.127 OF SNOHOMISH COUNTY CODE;
AND AMENDING CHAPTERS 2.02, 2.03, 2.10 AND 2.400
OF SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.02.020, last amended by Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

2.02.020 Hearing Examiner.

Pursuant to those powers inherent in the home rule charter county, the position of Snohomish county hearing examiner, hereinafter referred to as examiner, is hereby created. The administrator shall serve as the examiner. The examiner shall interpret, review and implement land use regulations as provided by ordinance and public health regulations as provided by board of health code and may perform such other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term "examiner" as used herein shall include deputy examiners and examiners pro tem.

Section 2. Snohomish County Code Section 2.02.100, last amended by Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

2.02.100 Examiner Powers.

All examiners shall have the authority to:

- (1) Receive and examine available information,
- (2) Conduct public hearings and prepare a record thereof,
- (3) Administer oaths and affirmations,
- (4) Examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law,
- (5) Regulate the course of hearings,
- (6) Make and enter decisions,
- (7) At the examiner's discretion, hold conferences for the settlement or simplification of issues and/or for establishment of special hearing procedures,
- (8) Dispose of procedural requests or similar matters,
- (9) Issue summary orders as provided for in SCC 2.02.125 and in supplementary proceedings,
- (10) Issue and enforce subpoenas as provided by rule under SCC 2.02.090, and
- (11) Take any other action authorized by or necessary to carry out this chapter.

1 The above authorities may be exercised on all matters for which jurisdiction is assigned
2 to the examiner either by county ordinance, board of health code or by other legal action
3 of the county or its elected officials. The examiner's decision shall be final and
4 conclusive and may be reviewable by the council, the shorelines hearings board, the
5 board of health or court, as applicable. The nature of the examiner's decision shall be
6 as specified in this chapter and in each ordinance which grants jurisdiction.
7

8 Section 3. A new section is added to Chapter 2.02 of the Snohomish County
9 Code to read:

10
11 **2.02.124 Procedures for Decisions Authorized under the Board of Health**
12 **Code.**

13
14 (1) Examiner decisions authorized after January 1, 2023, under the county board of
15 health code shall be governed by the provisions of this chapter.

16 (2) Examiner decisions authorized prior to and pending as of January 1, 2023, under the
17 former Snohomish health district board of health are exempt from this chapter and shall
18 be governed by the provisions of the Snohomish health district board of health code.
19

20 Section 4. Snohomish County Code Section 2.02.125, last amended by
21 Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

22
23 **2.02.125 Procedures for Appeals within the Examiner's Jurisdiction.**

24
25 Administrative appeals over which the examiner has jurisdiction shall be subject to the
26 following procedural requirements:

27 (1) Appeals shall be addressed to the hearing examiner but shall be filed in writing with
28 the department whose decision is being appealed within 14 calendar days of the date of
29 action or, in those cases requiring personal or certified mail service, the date of service
30 of the administrative action being appealed.

31 (2) An appeal must contain the following items in order to be complete. The examiner, if
32 procedural time limitations allow, may allow an appellant not more than 15 calendar
33 days to perfect an otherwise timely filed appeal if such appeal is incomplete in some
34 manner.

35 (a) Specific identification of the order, permit, decision, determination or other action
36 being appealed (including the county's file number whenever such exists). A complete
37 copy of the document being appealed must be filed with the appeal;

38 (b) The specific grounds upon which the appellant relies, including a concise statement
39 of the factual reasons for the appeal and, if known, identification of the policies, statutes,
40 codes, or regulations that the appellant claims are violated;

41 (c) The name, mailing address and daytime telephone number of each appellant
42 together with the signature of at least one of the appellants or of the attorney for the
43 appellant(s), if any;

44 (d) The name, mailing address, daytime telephone number and signature of the
45 appellant's agent or representative, if any; and

46 (e) The required filing fee.

- 1 (3) Except for appeals filed under SCC 9.10.030(2), the timely filing of an appeal shall
2 stay the effect of the order, permit, decision, determination or other action being
3 appealed until the appeal is finally disposed of by the examiner or withdrawn; provided,
4 that filing of an appeal from the denial of a permit shall not stay such denial. Failure to
5 file a timely and complete appeal shall constitute waiver of all rights to an administrative
6 appeal under county code or board of health code.
- 7 (4) No new appeal issues may be raised or submitted after the close of the time period
8 for filing of the original appeal.
- 9 (5) The department whose decision is being appealed shall forward the appeal to the
10 office within three working days of its filing.
- 11 (6) The office, within three working days after receipt of the appeal, shall send written
12 notice of the filing of the appeal by first class mail, to the person named in an order or to
13 the person who initially sought the permit, decision, determination or other action being
14 appealed, whenever the appeal is filed by other than such person.
- 15 (7) The examiner may summarily dismiss an appeal in whole or in part without hearing
16 if the examiner determines that the appeal is untimely, incomplete, without merit on its
17 face, frivolous, beyond the scope of the examiner's jurisdiction or brought merely to
18 secure a delay. The examiner may also summarily dismiss an appeal if he/she finds, in
19 response to a challenge raised by the respondent and/or by the permit applicant and
20 after allowing the appellant a reasonable period in which to reply to the challenge, that
21 the appellant lacks legal standing to appeal. Except in extraordinary circumstances,
22 summary dismissal orders shall be issued within 15 working days following receipt of
23 either a complete appeal or a request for issuance of such an order, whichever is later.
- 24 (8) Appeals shall be processed by the examiner as expeditiously as possible, giving
25 proper consideration to the procedural due process rights of the parties. An appeal
26 hearing shall be held before a final decision is issued unless the summary dismissal
27 provisions of subsection (7) of this section are utilized or the appeal is withdrawn. The
28 examiner may consolidate multiple appeals of the same action for hearing and decision
29 making purposes where to do so would facilitate expeditious and thorough
30 consideration of the appeals without adversely affecting the due process rights of any of
31 the parties.
- 32 (9) Notice of appeal hearings conducted pursuant to this section shall be given as
33 provided below not less than 15 calendar days prior to the hearing:
- 34 (a) The office shall give notice of all appeal hearings by first class mail (unless
35 otherwise required herein) to:
- 36 (i) the appellant;
37 (ii) the appellant's agent/representative, if any; and
38 (iii) the respondent (by interoffice mail); and
39 (iv) to the person named in an order or to the person who initially sought the permit,
40 decision, determination or other action being appealed, whenever the appeal is filed by
41 other than such person; and
42 (v) parties of record as defined by SCC 2.02.165.
- 43 (b) At a minimum, the following information shall be included in the notice:
44 (i) description of order, decision, determination, or other action being appealed,
45 assigned county file number, and county contact person,
46 (ii) the date, time and place of public hearing if scheduled at the time of notice, and

- 1 (iii) any other information determined appropriate by the applicable department.
2 (10) Notices required by the above subsections shall be deemed adequate where a
3 good-faith effort has been made by the county to identify and mail notice to each person
4 entitled thereto. Notices mailed pursuant to the above subsections shall be deemed
5 received by those persons named in an affidavit of mailing executed by the person
6 designated to mail the notices. The failure of any person to actually receive the notice
7 shall not invalidate any action.
8 (11) The appeal hearing and examiner consideration of the appeal shall be limited
9 solely to the issues identified by the appellant pursuant to subsection(2) of this section.

10
11 Section 5. Snohomish County Code Section 2.02.165, last amended by
12 Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

13
14 **2.02.165 Definitions.**

15
16 Unless the context clearly requires otherwise, the definitions in this section shall apply
17 throughout this chapter.

18 (1) "Parties of record" means for each appeal:

19 (a) The appellant;

20 (b) All persons, county departments and/or public agencies who testified at the appeal
21 hearing;

22 (c) All persons, county departments and/or public agencies who individually submitted
23 written comments concerning the specific matter into the hearing record prior to the
24 close of the appeal hearing (excluding persons who have only signed petitions or
25 mechanically produced form letters); and

26 (d) All persons, county departments and/or public agencies who specifically request
27 notice of decision by entering their name and mailing address on a register provided for
28 such purpose at the appeal hearing.

29 A party of record to an application/appeal shall remain such through subsequent county
30 proceedings involving the same appeal; PROVIDED a new parties of record register
31 shall be started whenever an appeal comes on for supplementary hearing 18 or more
32 months after the most recent examiner decision was issued. The county may cease
33 mailing material to any party of record whose mail is returned by the postal service as
34 undeliverable.

35 (2) "Principal party" means the applicant (if any), the appellant and the respondent in a
36 matter pending before the examiner, ~~((or))~~ county council or county board of health.

37 (3) "Appeal hearing" means a hearing that creates the record on an appeal through
38 testimony and submission of evidence and information.

39 (4) "Administrator" means the administrator of the office of hearings administration.

40 (5) "Office" means the office of hearings administration created by this chapter.

41 (6) "Examiner" means the hearing examiner or a deputy examiner or examiner pro tem
42 appointed by the council as provided in this chapter.

43 (7) "Exempt personnel system" means the conditions of employment under the
44 provisions of chapter 3.68 SCC and amendments thereto.

1 Section 6. Snohomish County Code Section 2.02.185, last amended by
2 Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

3
4 **2.02.185 Clerical Mistakes – Authority to Correct.**

5
6 Clerical mistakes and errors arising from oversight or omission in examiner, ~~((and))~~
7 council decisions and board of health decisions and/or orders issued pursuant to this
8 chapter may be corrected by the examiner at any time either on the examiner's own
9 initiative or on the motion of a party of record. A copy of each page affected by the
10 correction, with the correction clearly identified, shall be mailed to all parties of record.

11
12 Section 7. Snohomish County Code Section 2.02.200, last amended by
13 Amended Ordinance No. 13-043 on June 19, 2013, is amended to read:

14
15 **2.02.200 Report to Council, ~~((and))~~ Planning Commission and Board of Health.**

16
17 The administrator shall report in writing to and meet with the Snohomish County council,
18 ~~((and))~~ the Snohomish County board of health and the planning commission at least
19 annually for the purpose of reviewing the administration of the county's land use policy
20 and regulatory ordinances. Such report shall include a summary of the decisions issued
21 by examiners since the last report.

22
23 Section 8. Snohomish County Code Section 2.03.010, added by Ordinance
24 No. 82-037 on June 9, 1982, is amended to read:

25
26 **2.03.010 Purpose.**

27
28 This chapter establishes procedures and criteria for recommendation, appointment and
29 service of members of Snohomish county boards and commissions. The provisions of
30 this chapter shall be inapplicable in the event they are superseded by state law. Except
31 as relates to compensation and reimbursement, the provisions of this chapter shall be
32 inapplicable to the board of health and public health advisory board. If other county
33 code provisions conflict with this chapter, this chapter's provisions shall prevail.

34
35 Section 9. Snohomish County Code Section 2.03.020, added by Ordinance No.
36 82-037 on June 9, 1982, is amended to read:

37
38 **2.03.020 Scope.**

39
40 This chapter shall apply to all boards and commissions which are created by state
41 statute or county ordinance, whose members are recommended by the county
42 executive and appointed by the county council. The term "board member" used herein
43 shall refer collectively to any board or commission member. Except as relates to
44 compensation and reimbursement, this chapter shall not apply to the board of health or
45 the public health advisory board.

1 Section 10. Snohomish County Code Section 2.10.010, added by Amended
2 Ordinance No. 20-078 on March 1, 2021, is amended to read:

3
4 **2.10.010 Executive functions.**

5
6 The following functions of government not otherwise provided for in the charter are
7 deemed executive functions and shall be performed by the county executive:

8 (1) Approval of all bond and assignments of account running to or for the benefit of the
9 county, including but not limited to: officials and employees bonds; cash bonds, bonds
10 issued by a surety company, or assignments of account given to assure performance or
11 maintenance; cash bonds, bonds issued by a surety company, or assignments of
12 accounts to assure performance of conditions incidental to land use activities or to any
13 other license or permit issued by the county; but not including any bond required in any
14 civil or criminal court proceeding;

15 (2) Approval of amendments, change orders, and orders for extra work on contracts
16 subject to bidding as provided in SCC 3.04.140;

17 (3) Determination that the performance or other consideration to be delivered to the
18 county under the terms of any contract has been performed or delivered; and to accept
19 such performance or other consideration on behalf of the county. The county executive
20 shall keep the county council advised of developments which will unreasonably delay
21 completion of any contract or unreasonably increase the costs thereof;

22 (4) Approval of all insurance policies and certificates of insurance;

23 (5) Approval of payrolls of county officials and employees;

24 (6) Upon receipt of any claim against the county, or any pleading in connection
25 therewith, the county executive shall immediately forward copies thereof to the
26 prosecuting attorney and the county department involved;

27 (7) Approval of the bringing of or joining in civil lawsuits seeking damages or injunctive
28 relief in behalf of the county. The county council may also approve the bringing of or
29 joining the county in any lawsuit in behalf of the county;

30 (8) Approval of budget transfers as provided in chapter 4.26 SCC as it now exists or is
31 hereafter amended;

32 (9) Approval of escrow agreements on retained percentages as provided in RCW
33 60.28.010;

34 (10) Approval of all agreements with any cities or towns of Snohomish County of the
35 county jail or district court filing fees; PROVIDED, That the county council by resolution
36 has previously established the rates to be charged and other terms of such agreements
37 and has approved the forms of contracts to be utilized. The county executive shall
38 submit to the county council an annual report not later than February 15th of each year
39 showing rates and effective dates of such contracts approved by the county executive.
40 Not later than December 1st of each year, the county executive shall submit to the
41 county council the forms of contracts to be used on such agreements for the following
42 year. Rates and terms to be used in such contracts shall be reviewed not less than once
43 a year by the county council;

44 (11) Approval and acceptance of all contracts with landowners and/or developers
45 required by or as a condition of any comprehensive plan amendment, rezone, variance,
46 conditional use permit, septic permit, plat or replat or any other land use control or

1 public health regulation, final approval thereof which has been given by the county
2 council or the hearing examiner; PROVIDED, That all such contracts shall be approved
3 by the hearing examiner prior to approval by the county executive; and the county
4 executive shall submit to the county council an annual report, due not later than
5 February 15th of each year, showing the names of parties and the general purposes of
6 such contracts as have been approved by the executive;

7 (12) Approval of all licenses to occupy, use or access the Snohomish County Airport
8 and all airport leases; PROVIDED, That in accordance with SCC 15.04.040, the county
9 executive may recommend individual licenses or leases for approval by the council, and
10 shall recommend in such detail as the council may require proposed rates, terms and
11 forms of leases to be approved by the executive in which event the county council by
12 motion will establish the rates to be charged and other terms of any such lease and
13 approve the form of lease utilized which rates, terms and form may be changed from
14 time to time by the county council; and PROVIDED, FURTHER, That the county
15 executive shall submit an annual report to the county council, not later than February
16 15th of each year, showing the names of parties, rents, reserve, areas rented, and time
17 period of each such lease and license. Any lease or license executed pursuant to this
18 section shall be deemed to be with the approval of the county council as required by
19 chapter 15.04 SCC;

20 (13) Approval of contracts and contract amendments relating to the department of
21 human services as provided in subsections (24), (25) and (28) of this section or SCC
22 2.400.065;

23 (14) Approval of contracts with cities, towns, or other municipal subdivisions or
24 corporations for vehicle and equipment maintenance, the purchase of gasoline, diesel
25 oil or other petroleum products, and contracts for street or road maintenance with
26 counties, cities, or towns; PROVIDED, That the county council has approved the
27 schedule of charges to be made for various items of maintenance and the forms of
28 contract to be used. The county executive shall submit an annual report to the county
29 council, not later than February 15th of each year, showing the parties' services and
30 charges on such contracts;

31 (15) Approval of applications and contracts for grants in aid and for any projects
32 previously approved in the annual or six year road program with the Washington State
33 Department of Transportation or in the surface water management division annual
34 construction program or six year capital improvement program; PROVIDED, That the
35 county executive shall submit to the county council an annual report, not later than
36 February 15th of each year summarizing such applications and contracts;

37 (16) Approving and signing public disclosure reports for lobbying activities by county
38 officials and employees as required by chapter 42.17 RCW;

39 (17) Approve haul route agreements with other public agencies or contractors with
40 public agencies permitting use of designated county roads, or sections thereof for
41 detour routes or moving of heavy equipment or materials necessitated by the
42 performance of a public works contract; PROVIDED, That the county executive shall
43 submit an annual report to the county council not later than February 15th of each year,
44 showing the contracts, parties, duration, amendments, licenses, permits and special
45 service contracts;

- 1 (18) Approval of vouchers for payment of all claims presented against the county by
2 persons furnishing goods or materials, rendering services or performing labor, or for any
3 other contractual purpose as well as employee reimbursement claims for allowable
4 expenses. Prior to approval by the county executive, all claims shall be certified for
5 payment by the county auditing officer;
- 6 (19) Approval of agreements between the state and county for the purpose of
7 participating in state work experience programs;
- 8 (20) Approval of waste reduction and recycling grant contracts; PROVIDED, That the
9 county executive shall submit an annual report to the county council not later than
10 February 15th of each year, showing the contracts, parties, duration, amendments,
11 licenses, permits and special service contracts;
- 12 (21) Approval of contracts and contract amendments implementing programs or
13 projects administered by the superior court, including the juvenile court division of the
14 superior court; PROVIDED, The county council has approved necessary contracts with
15 state, federal, or other sources of funds, if any funds from such sources are used, and
16 the county council has appropriated funds for such programs or projects; and
17 PROVIDED FURTHER, That the county executive shall submit to the county council an
18 annual report, not later than February 15th of each year, showing the parties, contract
19 amount, and purpose of each contract and contract amendment approved and signed
20 by the county executive under this section;
- 21 (22) Approval of contracts and contract amendments implementing programs or
22 projects administered by the department of planning and development services;
23 PROVIDED, The county council has approved necessary contracts with state, federal,
24 or other sources of funds, if any funds from such sources are used, and the county
25 council has appropriated funds for such programs or projects; and PROVIDED
26 FURTHER, That the division shall submit to the county council an annual report, not
27 later than February 15th of each year, showing the parties, contract amount, and
28 purpose of each contract and contract amendment approved and signed by the county
29 executive;
- 30 (23) Approval and submission of all applications for grants on behalf of the county
31 unless the granting agency requires approval of such applications by the county council;
- 32 (24) Approval of contracts and, except when the county council by motion or ordinance
33 has restricted executive authority to approve amendments for specific contracts,
34 contract amendments on behalf of the county for funds, property or services contributed
35 to the county by grants, entitlements and shared revenue of every kind and nature;
36 which do not obligate the county monetarily and implement programs, projects, or
37 functions that the county council has specifically authorized by motion or ordinance;
38 PROVIDED, That the county executive shall submit an annual report to the county
39 council not later than February 15th of each year, showing the parties, contract amount,
40 and purpose of each contract approved and signed by the county executive under this
41 section;
- 42 (25) Approval of contracts and, except when the county council by motion or ordinance
43 has restricted executive authority to approve amendments for specific contracts,
44 contract amendments on behalf of the county for funds, property or services contributed
45 to the county by grants that require match funds of up to \$50,000 which implement
46 programs, projects, or functions that the county council has specifically authorized by

1 motion or ordinance; PROVIDED, That the county executive shall submit an annual
2 report to the county council not later than February 15th of each year, showing the
3 parties, contract amount, and purpose of each contract approved and signed by the
4 county executive under this section;

5 (26) Approval of purchase and other contracts on behalf of the county that are
6 recommended by the Snohomish county arts commission pursuant to chapter
7 2.95 SCC, including but not limited to contracts limiting the use of contributions to the
8 arts fund and contracts providing for the purchase or use of works of art, provided that
9 such contracts comply with SCC 3.04.140 concerning award and execution of contracts;

10 (27) Approval of plans, and amendments thereto, prepared under provisions of the
11 Local Agency Guidelines adopted by the state department of transportation to assure
12 compliance with Title VI of the Civil Rights Act of 1964 in county transportation program
13 projects that are funded by the federal highway administration. The county executive
14 shall serve as the county's administrator under such plans;

15 (28) Approval of grant documents (including but not limited to applications,
16 certifications, contracts, and subsequent amendments) on behalf of the county for funds
17 contributed to the county by grants that are included in a grant work plan approved by
18 the county council by motion in accordance with SCC 4.26.025; PROVIDED, That this
19 section does not authorize the county executive to approve those grant documents
20 which a prior contract or interlocal agreement requires must be approved by the county
21 council; PROVIDED FURTHER That the county executive shall submit an annual report
22 to the county council not later than February 15th of each year, showing the parties,
23 grant amount, and the purpose of each grant contract approved and executed by the
24 county executive under this subsection.

25
26 Section 11. Snohomish County Code Section 2.400.010, last amended by
27 Amended Ordinance No. 05-107 on November 21, 2005, is amended to read:

28
29 **2.400.100 Creation of department of human services and purpose.**

30
31 The department of human services is hereby created. Except as provided in chapter
32 2.300 SCC, ((#)) it shall be included within the purpose of this department to integrate
33 and coordinate all programs within the county's jurisdiction that provide services to
34 individuals who, as a result of their health, or economic or social condition, require
35 financial assistance, institutional care, rehabilitation, training, education, or other human
36 services. The department will concern itself with changing social needs and will
37 expedite the development and implementation of programs designed to meet those
38 needs.

39
40 Section 12. A new chapter is added to Title 2 of the Snohomish County Code to
41 read:

42
43 **Chapter 2.300**

44
45 **Health Department**

- 1 Sections:
- 2 2.300.010 Creation and purpose.
- 3 2.300.020 Definitions.
- 4 2.300.030 Authority and functions.
- 5 2.300.040 Director.
- 6 2.300.050 Appointment of director.
- 7 2.300.060 Organization by director.
- 8 2.300.070 Health officer.
- 9 2.300.080 Appointment of health officer.
- 10 2.300.090 Board of health established.
- 11 2.300.100 Composition of the board of health.
- 12 2.300.110 Appointment of nonelected board of health members.
- 13 2.300.120 Terms of board of health members.
- 14 2.300.130 Meetings of board of health members.
- 15 2.300.140 Quorum.
- 16 2.300.150 Compensation and reimbursement of board of health members.
- 17 2.300.160 Duties of the board of health.
- 18 2.300.170 Public health advisory board established.
- 19 2.300.180 Composition of the public health advisory board.
- 20 2.300.190 Appointment of public health advisory board members.
- 21 2.300.200 Severability.
- 22 2.300.210 Effective date.

23

24 **2.300.010 Creation and purpose.**

25

26 There is hereby established the Snohomish county health department. It shall be the
27 purpose of the department to preserve, promote and improve the public health.

28

29 **2.300.020 Definitions.**

30

31 The following definitions shall apply to terms used in this chapter:

32 (1) "Board of health" means the Snohomish county board of health as defined in RCW
33 70.05.035.

34 (2) "Council" means the Snohomish county council.

35 (3) "Director" means the director of the Snohomish county health department.

36 (4) "Executive" means the Snohomish county executive.

37 (5) "Department" means the Snohomish county health department.

38 (6) "Health officer" means the health officer of the Snohomish county health department
39 as defined in RCW 70.05.010.

40 (7) "Public health advisory board" means the Snohomish county public health advisory
41 board as defined in RCW 70.46.140.

42

43 **2.300.030 Authority and functions.**

44

45 The department shall have the authority to implement administrative rules, regulations,
46 policies and procedures necessary to carry out those powers and duties prescribed by

1 the laws of the State of Washington pursuant to chapter 70.05 RCW, presently and as
2 hereafter amended, together with such other statutory mandates as may subsequently
3 be enacted by the State of Washington and delegated to the department.
4

5 **2.300.040 Director.**
6

7 The director of the health department shall serve as the executive secretary and
8 administrative officer to the board of health and shall be responsible for administering
9 the operations of the board of health, including such other administrative duties required
10 by the board of health, as provided in RCW 70.05.045.
11

12 **2.300.050 Appointment of director.**
13

14 The director shall be nominated and appointed by the executive with the advice and
15 consent of the council. The director shall serve at the pleasure of the executive and
16 shall be subject to the county exempt personnel system.
17

18 **2.300.060 Organization by director.**
19

20 Subject to the approval of the board of health, the director may create divisions and
21 reassign positions and functions within the department; provided, that appropriate
22 budget and personnel transfers are made with executive and council approval and in
23 conformance with the personnel rules and policies of Snohomish county.
24

25 **2.300.070 Health officer.**
26

27 The health officer of the health department shall be responsible for the performance or
28 delegation of such duties as prescribed under RCW 70.05.070 as well as perform or
29 delegate such duties designated by and under the functions of the board of health.
30

31 **2.300.080 Appointment of health officer.**
32

33 The health officer shall be a qualified physician experienced and trained in public health
34 administration, and who shall meet all minimum requirements for health officer under
35 chapter 70.05 RCW. The health officer shall be nominated and appointed by the
36 executive with the advice and consent of the council. The health officer shall serve at
37 the pleasure of the executive, subject to RCW 70.05.050, and under the direction of the
38 director. The health officer shall be subject to the county exempt personnel system.
39

40 **2.300.090 Board of health established.**
41

42 There is hereby established a Snohomish county board of health. The board of health
43 shall annually elect a chair and vice chair from its membership in January of each year.
44 The chair shall preside at the meetings of the board of health and shall perform the
45 usual functions of a presiding officer.
46

1 **2.300.100 Composition of the board of health.**

2
3 (1) The board of health shall be composed of nine members as follows:

4 (a) The chair and vice chair of the Snohomish county council shall be members of the
5 board of health.

6 (b) One elected official from a large/medium city within Snohomish County.

7 (c) One elected official from a small city or town within Snohomish County.

8 (d) Consistent with RCW 70.05.035(1)(a) through (e), appointed members of the board
9 of health shall include two public health, health care facilities, and providers members;
10 one consumers of public health member; one community stakeholders member; and
11 one tribal representative selected by the American Indian Health Commission. The
12 appointed members shall not be elected officials.

13 (2) The appointed members of the board of health shall equal or exceed the number of
14 members who are elected officials.

15 (3) Appointed members shall serve as voting members except as it pertains to any
16 decision related to the setting or modification of permit, licensing, and application fees.

17
18 **2.300.110 Appointment of nonelected board of health members.**

19
20 (1) For each board member candidate the board of health nominates under RCW
21 70.05.035(1)(a), the board of health shall provide the council with:

22 (a) The name, biography and application materials of the candidate;

23 (b) Confirmation that the candidate meets the qualifications and requirements of RCW
24 70.05.035(1)(a) and was recruited and selected in accordance with the rules
25 promulgated under RCW 43.20.300 and chapter 246-90 WAC; and

26 (c) Identification of which of the three categories set forth in RCW 70.05.035(1)(a) the
27 candidate represents.

28 (2) The board of health shall coordinate with the American Indian Health Commission to
29 receive the commission's nominated tribal representative candidate and information
30 about the commission's nominated candidate, which the board of health shall in turn
31 provide to the council.

32 (3) The board of health shall transmit to the council the information required by
33 subsections (1) and (2) of this section. The council shall appoint by motion the members
34 nominated by the board of health and the American Indian Health Commission pursuant
35 to RCW 70.05.035.

36
37 **2.300.120 Terms of board of health members.**

38
39 (1) The two elected members of the Snohomish county council shall serve on the board
40 of health for the length of their terms as chair and vice chair.

41 (2) Each of the two city elected officials shall serve on the board of health for one year.

42 (3) The initial terms for the appointed members of the board of health shall be as follows:
43 Two members shall each serve a one-year term and three members shall each serve a
44 two-year term. The board of health shall determine the initial term lengths primarily by
45 member preference. Each of the initial terms shall be considered full terms for purposes
46 of determining eligibility for service in future terms. Including the initial term, an appointed

1 member of the board of health may serve up to two full terms. A full term shall be two
2 years.

3
4 **2.300.130 Meetings of board of health members.**

5
6 The board of health shall meet the third Tuesday in January as its first regular meeting
7 of the year, to be held at 3:00 p.m. The board of health shall meet the second Tuesday
8 of each month from February through December of every year. The chair or a majority
9 of board of health members may call a special meeting of the board consistent with the
10 provisions of RCW 42.30.080. Board of health members may participate in meetings of
11 the board of health in person or by use of a remote meeting platform.

12
13 **2.300.140 Quorum.**

14
15 A majority of the board of health shall constitute a quorum, and members participating
16 remotely shall count towards establishing a quorum, provided, however, that where
17 there exists one or more vacancies on the board of health, a majority of members in
18 office at the time shall be sufficient to constitute a quorum for purposes of making
19 nominations to the board of health for council action.

20
21 **2.300.150 Compensation and reimbursement of board of health members.**

22
23 Board of health members shall serve without compensation, but may
24 receive reimbursement for mileage to and from meetings and for such other expenses
25 directly related to their service as may be approved by the county executive in
26 accordance with chapter 2.03 SCC.

27
28 **2.300.160 Duties of the board of health.**

29
30 The board of health shall supervise the maintenance of health and sanitary measures
31 for the protection of public health; provide for control and prevention of dangerous,
32 contagious and infectious disease; provide for the prevention, control and abatement of
33 nuisances detrimental to public health; enact such local rules and regulations as are
34 necessary in order to preserve, promote and improve the public health and provide for
35 the enforcement thereof; enforce the public health statutes of the state and rules
36 promulgated by the state board of health and such other agencies which involve public
37 health; provide information and education to the public relative to matters pertaining to
38 the preservation of life and health; facilitate the coordination and interaction of citizens
39 and agencies interested in public health within Snohomish county; and carry out such
40 mandated services and activities as otherwise delegated by state law.

41
42 **2.300.170 Public health advisory board established.**

43
44 There is hereby established a Snohomish county public health advisory board.

45
46

1 **2.300.180 Composition of the public health advisory board.**

2
3 The public health advisory board shall consist of eighteen members, including the
4 health officer and one member of the board of health who shall serve as ex officio
5 members of the public health advisory board. The remaining sixteen members shall be
6 selected in accordance with RCW 70.46.140.

7
8 **2.300.190 Appointment of public health advisory board members.**

9
10 The board of health shall recruit and appoint members to the public health advisory
11 board in accordance with RCW 70.46.140. Members of the public health advisory board
12 shall serve at the pleasure of the board of health for staggered three-year terms and
13 may be reappointed.

14
15 **2.300.200 Severability.**

16
17 If any provision of this chapter is held invalid, the remainder of the chapter shall not be
18 affected.

19
20 **2.300.210 Effective date.**

21
22 This chapter shall be effective December 31, 2022.

23
24 Section 13. A new chapter is added to Title 4 of the Snohomish County Code to
25 read:

26
27 **Chapter 4.127**

28
29 **Health Department Fund**

30
31 Sections:

- 32 4.127.010 Name of fund.
33 4.127.020 Purpose of fund.
34 4.127.030 Source of resources.
35 4.127.040 Fund manager.

36
37 **4.127.010 Name of fund.**

38
39 There is hereby created a special revenue fund known as the health department fund.

40
41 **4.127.020 Purpose of fund.**

42
43 The purpose of the health department fund is for the administration, planning,
44 development, operation and provision of public health services as authorized under
45 chapter 2.300 SCC.

1 **4.127.030 Source of resources.**

2
3 Resources of the health department fund shall be from any lawful appropriation,
4 administrative fees, grants, contacts, gifts, bequest or other financing sources.

5
6 **4.127.040 Fund manager.**

7
8 The director of the health department, or such other person as may be designated by
9 the county executive, shall serve as fund manager. The fund manager shall have the
10 responsibilities set out in SCC 4.05.050. The name of the fund manager shall appear on
11 a master list maintained in the department of finance.

12
13 Section 14. All consensual contracts, grants, leases, purchases, agreements,
14 rights and obligations either in favor of or against the Snohomish Health District as of
15 December 31, 2022, which are transferred and assigned to the county from the
16 Snohomish Health District are hereby exempted from the provisions of chapter 3.04
17 SCC.

18
19 Section 15. Nonconsensual claims against the Snohomish Health District,
20 Health Officer or Board of Health claimed to be caused before December 31, 2022, but
21 tendered to the county on or after December 31, 2022, shall be administered by the
22 County as it deems appropriate, including but not limited to, tendering defense of such
23 claims to the Snohomish Health District risk pool.

24
25 Section 16. All pending enforcement actions brought in the name of the
26 Snohomish Health District as of December 31, 2022, shall continue and responsibility
27 therefore shall be transferred and assigned to the County from the Snohomish Health
28 District. Except as provided by separate interlocal agreement between Snohomish
29 County and Snohomish Health District, the adoption of this ordinance shall not in any
30 manner affect any enforcement action for violation of Snohomish Health District code,
31 rules or regulations, which violations were committed prior to December 31, 2022, nor
32 shall it be construed as a waiver of any permit, fee or penalty due and unpaid under any
33 such Snohomish Health District code, rules and regulations relating to the collection of
34 any such permit fees or penalties or the provisions applicable to any violations, and all
35 rights and obligations existing under the Snohomish Health District code, rules and
36 regulations in effect immediately prior to December 31, 2022, shall continue in full force
37 and effect.

38
39 Section 17. Effective date. Except for Section 13 of this ordinance which shall
40 take effect as provided in SCC 2.48.126, this ordinance shall take effect on December
41 31, 2022.

1 PASSED this 26th day of October, 2022.
2
3

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 
8 _____
9 Chairperson

10
11
12 ATTEST:

13 
14 _____
15
16 Asst. Clerk of the Council

- 17
18 (X) APPROVED
19 () EMERGENCY
20 () VETOED
21

22 DATE: 10/31/2022

23 
24 _____
25
26 County Executive
27

28 ATTEST:

29
30 
31 _____
32

33
34 Approved as to form only:

35
36 _____
37 Deputy Prosecuting Attorney
38
39