

PROPOSED BY: SCANLON
INTRODUCED: _____

ORDINANCE NO. _____
DRAFT FOR DISCUSSION PURPOSES ONLY

**AMENDING WHATCOM COUNTY CODE TITLE 24 HEALTH CODE TO CHANGE THE
STRUCTURE OF THE CURRENT BOARD OF HEALTH TO A COMMUNITY-BASED BOARD
OF HEALTH AND ADOPTING PROVISIONS CONSISTENT WITH RCW 70.05**

WHEREAS, The Whatcom County Board of Health sets countywide public health policy, oversees the enforcement of local public health regulations, and carries out the duties of local boards of health as specified in RCW [70.05.060](#); and

WHEREAS, historically, under RCW [70.05.035](#), the county legislative authority of home rule charter counties served as the default local board of health, with the option to expand the membership such that the number of non-elected members did not exceed a majority of the elected members, in accordance with state law; and

WHEREAS, the Whatcom County Council in its entirety currently serves as the Whatcom County Board of Health; and

WHEREAS, in 2021, the Washington State Legislature passed ESSHB 1152 to direct the Washington State Board of Health to promulgate rules that allow for the selection and appointment process for non-elected board of health members; and

WHEREAS, ESSHB 1152 provided authority for Whatcom County to amend the bylaws of its Public Health Advisory Board (PHAB), which it did in Ordinance [2022-064](#), approved by council on Sept. 13, 2022, to include expansion of the membership of PHAB from 9-13 members to 21 members; and

WHEREAS, the state's rulemaking subsequent to the passage of ESSHB 1152, effective July 1, 2022 and codified in amendments to RCW 70.05, permits counties to change the structure of their current board of health to create a community-based board of health that includes members who are not elected officials; and

WHEREAS, as of July 1, 2022, RCW 70.05 allows counties, at their discretion, to include individuals who represent community interests on their boards of health, including representatives from health care, tribal communities, and other public health stakeholders, in accordance with RCW 70.05.035.; and

WHEREAS, the council wishes to increase the county's board of health to ten members to include community representation by cities, tribes, and individuals representing public health and other stakeholders; and

WHEREAS, the council understands that an expanded board of health will increase community and public health representation to help address public health disparities in Whatcom County; and

WHEREAS, the council adopted [Ordinance 2021-045](#) on July 13, 2021 to hire a consulting firm, BERK, to review the county's response to the COVID-19 pandemic and improve its response to future disasters, which resulted in a [final report](#) that recommended broadening board of health membership to include cities and community members with public health expertise in order to function better during emergencies and to keep the board focused on public health matters; and

WHEREAS, in November 2024 PHAB created a working group within its membership to study the issue of expanding the county's board of health, which met eight times between November 2024 and March 2025 and worked on tasks including gathering data on previous reports and statutes, conducting interviews with six county boards of health, collecting and reviewing community input, and developing key observations and recommendations; and

WHEREAS, on March 6, 2025 the working group presented a recommendation to the board of health that the county establish a community-based board of health to:

- allow real-time information sharing across subject matter experts,
- provide a diversity of board composition for a broader perspective,
- provide for a broader array of knowledge and expertise to directly inform decision making, and
- enable more direct communication with the community; and

WHEREAS, PHAB conducted a public survey in January and February 2025 which found that 73% of 161 respondents indicated a desire to have more diverse membership on the board of health; and

WHEREAS, according to the [National Association of County Health Officials](#), 88% of local boards of health in the United States have at least one member with a healthcare background; and

WHEREAS, on October 13, 2025, the council received an email from Garrett S. Jeffery, DO, FAAFP, President of the Northwest Washington Medical Society, indicating that the Society's board voted unanimously to support the proposed restructuring of the Whatcom County Board of Health; and

WHEREAS, in accordance with RCW 70.05.035, effective six months after the enactment, this ordinance includes provisions regarding the appointment, term, and compensation or reimbursement of expenses for members of the expanded community-based board of health; and

WHEREAS, although no longer required by state law upon the enactment of this ordinance, the council wishes to retain the PHAB in a format to be determined by a subsequent ordinance; and

WHEREAS, the council wishes to retain certain authorities related to the Board of Health and public health matters, including but not limited to: prescribing the membership and selection process for the board, appointing members, confirming the health officer and health department director, overseeing contracts, and maintaining authority over elements of county code, as specified in RCW 70.05.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

- Whatcom County Code Title 24 Health Code is hereby amended as shown in Exhibit A of this ordinance.
- The new membership structure of the board of health shall come into effect six months after the passage of this ordinance to allow for the recruitment and selection of new members.

ADOPTED this ____ day of _____, 2025

WHATCOM COUNTY COUNCIL

ATTEST:

WHATCOM COUNTY, WASHINGTON

Cathy Halka, Clerk of the Council

Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE

APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Title 24 HEALTH CODE

Chapters:

- 24.01 Purpose, Limitation on Liability and Department Establishment
- 24.02 Mobile Home Park Regulations
- 24.03 Food Service Rules and Regulations
- 24.04 Recreational Vehicle Park and Subdivision Rules
- 24.05 On-Site Sewage System Regulations
- 24.06 Solid Waste Rules and Regulations – Standards and Permits
- 24.07 Administrative Notice Proceedings, Civil Penalties and Abatement
- 24.08 *Repealed*
- 24.09 Compost Quality Regulations
- 24.10 Pet Shop Rules and Regulations
- 24.11 Drinking Water
- 24.12 Mushroom Substrate Production Facility Rules
- 24.13 Decontamination of Illegal Drug Manufacturing, Distribution or Storage Sites
- 24.14 Smoking and Vaping in Public Places
- 24.15 Secure Medicine Return

Chapter 24.01

PURPOSE, LIMITATION ON LIABILITY AND DEPARTMENT ESTABLISHMENT

Sections:

- 24.01.010 Purpose.
- 24.01.020 Establishment.
- 24.01.030 Administrative director, health officer appointments.
- 24.01.040 Powers and duties.
- 24.01.050 Creation of board of health.
- 24.01.051 Health department advisory board created.
- 24.01.060 Powers and duties of board of health.
- 24.01.080 Contracts for the sale of health services.
- 24.01.090 Nonconsensual claims against the health district.
- 24.01.100 Severability.

24.01.010 Purpose.

This title is enacted as an exercise of the police power for the benefit of the people at large. It is not intended to create a special relationship or private right with any individual or individuals, nor to identify any particular class of persons. The purpose of this title is to provide minimum standards to safeguard public health and welfare by regulating and controlling the activities considered in this title and any related work. It is not the intent of this title to impose liability upon the county for failure to perform any discretionary act. Rather, it is the intent of this title to place the obligation of complying with its requirements upon the owner and actor. Nothing contained in this title shall be construed to relieve from or to lessen the responsibility or liability of any actor or landowner for action taken or failure to take action, nor shall the county of Whatcom or any officer, agent or employee thereof incur or be held as assuming any liability by reason or in consequences of any permission, certificate of inspection, inspection or approval authorized in this title or issued or given as in this title provided or by reasons or consequence of any things done or acts performed pursuant to the provisions of this title. (Ord. 89-24 (part)).

24.01.020 Establishment.

Under authority of the Whatcom County Home Rule Charter Section 2.20(c), RCW Chapter [70.05](#), and other applicable state statutes, there is created a health department (hereafter referred to as the "department"), an executive department. The department shall commence operation on April 1, 1989; provided, however, that the county executive may take any preliminary or transitional steps necessary for the formation of the department and the implementation of this chapter. (Ord. 89-24 (part)).

24.01.030 Administrative director, health officer appointments.

A. Administrative Director. In accordance with RCW [70.05.040](#), the county executive may appoint an administrative director separate from the health officer. The administrative director appointed by the county executive shall be subject to confirmation by a majority of the county council. The administrative director shall be appointed for an indefinite period and shall serve at the will of the county executive.

B. Health Officer. In accordance with RCW [70.05.050](#), the county executive may appoint a local health officer who shall meet the qualifications as prescribed in RCW [70.05.050](#) through [70.05.055](#). No term of office shall be established for the health officer, but the health officer shall not be removed from office until after notice is given and an opportunity for a hearing before the county executive as to the reason for the officer's removal is provided. The health officer appointed by the county executive shall be subject to confirmation by a majority of the county council.

C. The executive is authorized to enter into an interlocal agreement with other counties to provide temporary coverage for the health officer when the health officer is temporarily unavailable either through a vacation or a prolonged illness, without council confirmation. If the unavailability is to last three consecutive months, council confirmation of the appointment shall be required. (Ord. 2001-018 Exh. A; Ord. 95-037).

24.01.040 Powers and duties.

A. Administrative Director. The duties of the administrative director shall be as outlined in RCW [70.05.045](#), as well as general management, oversight and administration of the health department.

It is the responsibility of the administrative director to hire departmental staff, except for the health officer, in accordance with the personnel policies and procedures of the county and any other applicable laws and regulations.

B. Health Officer. The powers and duties of the health officer shall be as outlined in RCW [70.05.070](#).

If no administrative director has been appointed, as provided in WCC [24.01.030](#)(A), the health officer, under the direction of the county executive, shall have the powers and duties as outlined in RCW [70.05.070](#) and the powers and the duties of the administrative director as outlined in subsection A of this section.

If an administrative director is appointed in accordance with WCC [24.01.030](#)(A), the health officer shall have the powers and duties as outlined in RCW [70.05.070](#) under the direction of the administrative director.

C. Disclosure of Information. In the event of a public health emergency, the health department shall promptly and continually:

1. Disclose all information requested by emergency management division, county executive, or county board of health that is required to perform their respective duties effectively.
2. Provide a brief daily update to the public in a format and level of detail as approved by the supermajority vote of the county board of health.

D. Nothing herein shall be construed as requiring the health department to release confidential health care information protected by state or federal privacy laws. Such information shall be redacted prior to the release of documents containing such information.

E. If the requested information involves a matter that can be heard in executive session under RCW [42.30.110](#), the health officer, administrative director, county executive, county board of health chair or their respective legal counsel may request that the matter be heard in executive session. (Ord. 2020-021 Exh. A; Ord. 95-037).

24.01.050 Creation of ~~a~~ community-based Board of Healthhealth board.

~~A. The county health department advisory board, referred to in this chapter as the "public health advisory board," is created and shall serve in an advisory capacity to the health board and the health department director in the following areas:~~

- ~~1. Provide input to the local board of health in the recruitment and selection of an administrative officer, pursuant to RCW [70.05.045](#), and local health officer, pursuant to RCW [70.05.050](#);~~
- ~~2. Use a health equity framework to conduct, assess, and identify the community health needs of the jurisdiction, and review and recommend public health policies and priorities for the local health jurisdiction and advisory board to address community health needs;~~
- ~~3. Evaluate the impact of proposed public health policies and programs, and assure identified health needs and concerns are being met;~~
- ~~4. Promote public participation in and identification of local public health needs;~~
- ~~5. Provide community forums and hearings as assigned by the local board of health;~~

- ~~6. Establish community task forces as assigned by the local board of health;~~
- ~~7. Review and make recommendations to the local health jurisdiction and local board of health for an annual budget and fees; and~~
- ~~8. Review and advise on local health jurisdiction progress in achieving performance measures and outcomes to ensure continuous quality improvement and accountability.~~

A. The Whatcom County Council hereby establishes a local Board of Health in accordance with RCW 70.05.035. The Council does herein prescribe the board's membership, selection process, terms, and compensation consistent with state law and the rules adopted by the State Board of Health. The Board may adopt bylaws for its internal governance and may establish public health policies and local regulations to the extent permitted by state law.

This ordinance establishing the Whatcom County Community-Based Board of Health shall take effect six (6) months following its adoption by the Whatcom County Council. This period shall allow for the appointment of board members, establishment of bylaws, and completion of all administrative and procedural requirements necessary for the Board to assume its duties in compliance with RCW 70.05.035 and applicable state law.

~~B. The public health advisory board shall consist of 21 members who are residents of the county:~~

- ~~1. Members shall be appointed by the local board of health. A local health officer and a member of the local board of health shall serve as ex officio members of the board. The county council will appoint the ex officio member of the health board that will serve on PHAB.~~
- ~~2. Advisory board members shall serve for staggered three year terms. This does not preclude any member from being reappointed. Terms will be in accordance with WCC 2.03.030 unless no one else applies.~~
- ~~3. The term of office for the member appointed by the county council shall be for one year, from the time of the council's reorganization meeting in January to the next such meeting the following year.~~
- ~~4. The public health advisory board shall be broadly representative of the character of the county. Board diversity is valued. Membership preference shall be given to tribal, racial, ethnic, and other minorities. The advisory board shall consist of a balance of persons with expertise, career experience, and consumer experience in areas impacting public health and with populations served by the health department. The board's composition shall include:
 - ~~a. Members with expertise in and experience with:
 - ~~i. Health care access and quality;~~
 - ~~ii. Physical environment, including built and natural environments;~~
 - ~~iii. Social and economic sectors, including housing, basic needs, education, and employment;~~
 - ~~iv. Business and philanthropy;~~
 - ~~v. Communities that experience health inequities;~~
 - ~~vi. Government;~~
 - ~~vii. Tribal communities and tribal government;~~~~
 - ~~b. Consumers of public health services;~~
 - ~~c. Community members with lived experience in any of the areas listed in subsection (B)(4)(a) of this section; and~~~~

- d. ~~Community stakeholders, including nonprofit organizations, the business community, and those regulated by public health.~~
5. ~~The local health jurisdiction and local board of health must actively recruit advisory board members in a manner that solicits broad diversity to assure representation from marginalized communities including tribal, racial, ethnic, and other minorities.~~

B. The Whatcom County Health Board shall be comprised of ten (10) members as follows:

1. Elected Officials (5 members)

- a. Three (3) members of the Whatcom County Council, selected by the County Council.
- b. One (1) elected official representing a city other than Bellingham, nominated by the Whatcom County Small Cities Caucus and confirmed by County Council.
- c. One (1) elected official representing the City of Bellingham, nominated by the Bellingham City Council and confirmed by the County Council.

2. Tribal and Community Members (5 members)

- a. Tribal Representatives: One (1) representative from the Lummi Nation and one (1) representative from the Nooksack Indian Tribe, selected by each tribe and confirmed by the County Council. The County shall notify the American Indian Health Commission of these appointments pursuant to RCW 70.05.035(1)(e).
- b. Community Members: Three (3) members selected by the Council to represent the following categories, consistent with RCW 70.05.035(1)(a) and WAC 246-90-005:
- (i) One (1) member representing public health, health care facilities, or providers (RCW 70.05.035(1)(a)(i)).
- (ii) One (1) member representing consumers of public health (RCW 70.05.035(1)(a)(ii)).
- (iii) One (1) member representing other community stakeholders (RCW 70.05.035(1)(a)(iii)).

3. Residency Requirement. All non-elected Board members shall maintain primary residence in Whatcom County.

4. Compliance. The composition of the Board shall comply with RCW 70.05.035 and WAC 246-90-005 regarding membership categories, selection processes, and tribal representation. Elected officials shall not constitute a majority of the Board.

C. Term of Appointment.

1. Each member of the Board shall be eligible to serve no more than three full terms. A "full term" is defined as a period of three years.
2. The term of each member shall expire on January 31st of the final year of their appointment.
3. For each member initial appointments to the expanded board shall be as follows:
- a. Three members shall serve a one-year term.
- b. Three members shall serve a two-year term.
- c. Four members shall serve a three-year term.

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lternate model - 5
County
Councilmembers, no
city representation:

1. Elected Officials (5
members)
a. Five (5) members of
the Whatcom County
Council, selected by
the County Council.

Similar examples:
Benton-Franklin,
Grays Harbor, Kittitas,
Whitman

4. The Council shall determine the specific term lengths for each of the initial appointees. These initial terms shall be considered full terms when determining eligibility for future reappointment.

a. Alternate members, if appointed, shall not be subject to term limits.

D. Alternates. Alternate Board members shall serve in the absence of a regular member. Alternate members may attend any public board of health meeting, but shall not have voting rights unless they are officially substituting for a regular member who is absent. In such a case, the alternate member shall act in place of the absent regular member and shall have the right to vote during that meeting.

1. Alternate members shall be appointed by the Council. Initial alternates shall be appointed by Council at the time of the initial appointment of regular members. When a vacancy occurs in an alternate position, Council shall fill the vacancy by appointment.

2. An alternate elected official shall serve in place of an elected official member when the regular member is absent. When serving in a regular member's absence, the alternate elected official shall notify the Board at the beginning of the meeting. When acting in the place of a regular elected official, the alternate shall have the same rights and responsibility as the regular elected official member, including the right to vote.

3. Nonelected alternate members shall be appointed by the Council. At the beginning of a Board meeting, the alternate shall notify the Board that they are serving for an absent regular nonelected member. When serving in a regular nonelected member's absence, an alternate shall have the same rights and responsibilities of the regular nonelected member, including the right to vote.

4. Alternate members shall be appointed by Council as follows:

a. One alternate councilmember selected by the Council. The alternate member may serve in place of any councilmember.

b. One alternate elected official representing a city other than Bellingham nominated by the Whatcom County Small Cities Caucus, and confirmed by the Council.

c. One alternate elected official representing the City of Bellingham nominated by the Bellingham City Council, and confirmed by the Council.

d. One alternate representative from Lummi Nation and one alternate representative from Nooksack Indian Tribe selected each tribe and confirmed by the council. The County shall notify the American Indian Health Commission of these appointments pursuant to RCW 70.05.035(1)(e).

e. Three community members in accordance with RCW 70.05.035 and WAC 296-90-005; one member meeting the criteria of 70.05.035(1)(a)(i), a second community member that meets the criteria of RCW 70.05.035(1)(a)(ii) and a third meeting the criteria of RCW 70.05.035(a)(a)(iii).

5. All non-elected alternate members in this section shall hold their primary residence in Whatcom County.

E. Vacancies. The council shall appoint members to fill vacant positions. When a member is appointed to fill a vacancy, the appointee will serve the balance of the incomplete term, and it will be considered a partial term.

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F. Removal of Board of Health Members

1. The Council retains the authority to remove a Board of Health member prior to the expiration of the member's term, consistent with RCW 70.05.035 and applicable Washington Administrative Code provisions.
2. Grounds for Removal. Removal may occur for cause, included but not limited to:
 - a. Failure to attend three consecutive unexcused regular meetings;
 - b. Failure to maintain a residency or employment in Whatcom County when required;
 - c. Failure to continue meeting the eligibility criteria of the member's appointment category under RCW 70.05.035;
 - d. Violation of adopted Board bylaws or ethical standards;
 - e. Conduct that substantially impairs the member's ability to fulfill their duties.
3. The Board of Health may recommend to the council removal of a Board of Health member by a two-thirds majority vote. Such recommendation shall be advisory to the Council
4. The Council shall provide written notice of the proposed removal and the grounds therefor, and shall allow the member at least 14 days to respond before taking final action. Removal of a Board member shall require a two-thirds majority vote of the Council.
5. A Board of Health member position shall become vacant on the death, resignation, or removal of a board of health member.

G. Organization and Meetings

1. Organization. The Board of Health shall elect a Chair and Vice-Chair from among its members at the first meeting of each calendar year. The Board may establish subcommittees and ad hoc committees as necessary to assist the Board in carrying out Board duties and responsibilities.
2. Meetings. The Board shall meet no fewer than six times each year. A meeting may be canceled if no matters within the Board's jurisdiction are pending. All meetings of the Board of Health shall be scheduled and conducted in accordance with the Open Public Meetings Act (Chapter 42.30 RCW), as now or hereafter amended. Meetings shall be held at times and locations convenient for attendance by both Board members and the public, as determined by resolution of the Board.
3. Rules and record of proceedings. Bylaws governing the conduct of Board meetings shall be adopted by resolution of the County Council. The Board may amend its bylaws at any time following its initial meeting. No official Board action shall be taken unless a majority of members are present, including at least two council members. The Board shall maintain a public record of all proceedings, actions, and decisions.
4. Compensation and reimbursement. Appointed members of the Board shall serve without compensation. Members may receive reimbursement for pre-approved expenses incurred in the performance of their official duties, subject to County Council approval and availability of funds.

24.01.051 Health department advisory board created.

A. The county health department advisory board, referred to in this chapter as the “public health advisory board,” is created and shall serve in an advisory capacity to the board of health and the health department director in the following areas:

1. Provide input to the local board of health in the recruitment and selection of an administrative officer, pursuant to RCW [70.05.045](#), local health officer, pursuant to RCW [70.05.050](#);
2. Use a health equity framework to conduct, assess, and identify the community health needs of the jurisdiction, and review and recommend public health policies and priorities for the local health jurisdiction and advisory board to address community health needs;
3. Evaluate the impact of proposed public health policies and programs, and assure identified health needs and concerns are being met;
4. Promote public participation in and identification of local public health needs;
5. Provide community forums and hearings as assigned by the local board of health;
6. Establish community task forces as assigned by the local board of health;
7. Review and make recommendations to the local health jurisdiction and local Board of Health for an annual budget and fees; and
8. Review and advise on local health jurisdiction progress in achieving performance measures and outcomes to ensure continuous quality improvement and accountability.

B. The Public Health Advisory Board shall consist of 21 members who are residents of the county.

1. Members shall be appointed by the Board of Health. A local health officer and a member of the Board of Health shall serve as ex officio members of the Board. The county council will appoint the ex officio member of the Board of Health that will serve on PHAB.
2. Advisory Board members shall serve for staggered three-year terms. This does not preclude any member from being reappointed. Terms will be in accordance with WCC [2.03.030](#) unless no one else applies.
3. The term of office for the member appointed by the county council shall be for one year, from the time of the council’s reorganization meeting in January to the next such meeting the following year.
4. The Public Health Advisory Board shall be broadly representative of the character of the county. Board diversity is valued. Membership preference shall be given to tribal, racial, ethnic, and other minorities. The advisory board shall consist of a balance of persons with expertise, career experience, and consumer experience in areas impacting public health and with populations served by the health department. The board’s composition shall include:
 - a. Members with expertise in and experience with:
 - i. Health care access and quality;
 - ii. Physical environment, including built and natural environments;

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- iii. Social and economic sectors, including housing, basic needs, education, and employment;
 - iv. Business and philanthropy;
 - v. Communities that experience health inequities;
 - vi. Government;
 - vii. Tribal communities and tribal government;
 - b. Consumers of public health services;
 - c. Community members with lived experience in any of the areas listed in subsection (B)(4)(a) of this section; and
 - d. Community stakeholders, including nonprofit organizations, the business community, and those regulated by public health.
5. The local health jurisdiction and local board of health must actively recruit advisory board members in a manner that solicits broad diversity to assure representation from marginalized communities including tribal, racial, ethnic, and other minorities.

C. At its initial meeting, or as soon thereafter as practical, the public health advisory board may elect officers, adopt bylaws and such rules and regulations of procedure as are necessary for the conduct of its business. Meetings of the public health advisory board shall be subject to the Open Public Meetings Act, Chapter [42.30](#) RCW et seq. (Ord. 2022-064 Exh. A; Ord. 2019-040 Exh. A; Ord. 2004-004; Ord. 99-025; Ord. 93-024; Ord. 91-040 (part)).

24.01.060 Powers and duties of Board of Health.

~~The county council in its capacity as health board shall have the following legislative powers, in accordance with RCW 70.05.060, and other legislative duties that may be established by state or county law:~~

~~A. Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;~~

~~B. Establish fee schedules for issuing or renewing licenses or permits for such services as are authorized by the law and the rules and regulations of the State Board of Health or as recommended by the executive; such fees for services shall not exceed the actual cost of providing any such services;~~

~~C. Make recommendations to the executive on matters affecting public health.~~

~~All issues to be addressed under the powers of the health board shall be processed through the county council under the forms and procedures established for the normal conduct of county business as established by the Charter, ordinance or administrative procedure. All ordinances, resolutions, and other actions taken by the county council relating to issues under the jurisdiction of the health department, or as otherwise specified in this title, are made under the joint authorities of both general county powers and specific health department authorities contained in RCW Title 70. (Ord. 99-025; Ord. 95-055; Ord. 91-040 (part); Ord. 90-57 (part); Ord. 89-24 (part)).~~

~~The Board of Health shall have the following regulatory powers and duties, in accordance with RCW 70.05.060 and other applicable state or county laws, including the following:~~

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A. The Board of Health shall have supervisory authority, as permitted by state law, over all matters related to the preservation of public health and the wellbeing of the people in Whatcom County, and shall:

1. Enforce, through the local health officer or the administrative officer appointed under RCW 70.05.040, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health.
2. Supervise the maintenance of all health and sanitary measures for the protection of the public health.
3. Adopt such local rules and regulations as are necessary to preserve, promote and improve public health, and provide for their enforcement.
4. Provide for the control and prevention of any dangerous, contagious or infectious disease.
5. Provide for the prevention, control and abatement of nuisances detrimental to the public health.
6. Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require.
7. Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health, provided that such fees for services shall not exceed the actual cost of providing any such services. In accordance with RCW 70.035(1)(l) any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

B. Make recommendations to the county executive on matters affecting public health.

C. All actions and decisions taken by the Board of Health under the authority of RCW Title 70 and local law shall be processed in accordance with the procedures. Specifically:

1. Role of the County Council and Board of Health: Actions taken by the Board of Health related to public health regulations, disease control measures, and other health-related matters shall be decided independently by the Board of Health, in accordance with the Board's statutory authority under RCW 70.05. The County Council shall retain authority over the approval of the Board's budget, certain financial matters (such as fee structures for permits and licenses), and other administrative aspects as required by the County Charter. The Board of Health may request recommendations or approval from the County Council on specific matters, as outlined in the County Charter or county ordinances.
2. All rules and regulations adopted and enforced by the Board of Health, as authorized by state and local law, shall follow the administrative procedures established by the state and local law. In instances where specific procedures for processing public health matters are not expressly addressed in this ordinance, the Board shall follow the general procedural guidelines applicable to all county agencies, including requirements for public hearings, public notice, and other standard administrative processes as set forth by Whatcom County law. (Ord. 99-025; Ord. 95-055; Ord. 91-040 (part); Ord. 90-57 (part); Ord. 89-24 (part)).
3. Consultation with the County Executive: The Board of Health may provide advisory recommendations to the County Executive on matters affecting public health policy,

provided such recommendations are consistent with the Board's authority under RCW 70.05.

4. The County Council retains authority to review and approve or modify the Board of Health's proposed budget and fee schedules. In matters where a proposed health regulation or policy change could have significant budgetary or financial implications, the Board of Health shall coordinate with the County Council to ensure that these matters are reviewed and approved in accordance with the procedures set forth in the Whatcom County Code and the Whatcom County Charter.

24.01.080 Contracts for the sale of health services.

In accordance with RCW [70.05.150](#), the Whatcom County Health and Community Services Department is authorized to cooperate with and enter into contracts or interlocal agreements with the cities in the county to provide those cities health services, which may include enforcing appropriate city ordinances as has been done in the past. The contracts shall be on such terms and under such conditions as the executive shall negotiate and they shall be reviewed by the county council prior to the county council's adoption of the annual budget. The department may receive moneys from public and private entities to carry out services set forth in this chapter. (Ord. 99-025; Ord. 91-040 (part); Ord. 90-57 (part); Ord. 89-24 (part)).

24.01.090 Nonconsensual claims against the health district.

Nonconsensual claims against the Bellingham-Whatcom County health district, or its successor entity, the Whatcom County Health Officer or Board of Health claimed to be caused before the effective date of the ordinance codified in this title from such things as, but not limited to, nonfeasance, misfeasance, malfeasance, negligence, interference with contractual relations, breach of contract or lack of due process are not assumed by the county health department. The county may administer such claims as it deems appropriate, and shall charge the cost of administration of the claim and/or the cost of any settlement, award or damages agreed or determined owing as a result of actions of the health district or its agents back against the entities which comprised the health district in accordance with the same formula which would have been used to determine contributions had the district not been dissolved. (Ord. 99-025; Ord. 91-040 (part); Ord. 89-24 (part). Formerly 24.01.100).

24.01.100 Severability.

If any part of this title is deemed illegal, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed as if the title did not contain the particular illegal part. If it would appear that any provisions of this title are in conflict with any statutory provisions of the state of Washington, such provisions of the title shall be deemed inoperative and void and shall be modified to conform to such statutory provisions. (Ord. 99-025; Ord. 91-040 (part); Ord. 89-24 (part). Formerly 24.01.110).

Chapter 24.06

SOLID WASTE RULES AND REGULATIONS – STANDARDS AND PERMITS

Sections:

24.06.010 Authority – Purpose.

- 24.06.020 Adoption by reference.
- 24.06.030 Definitions.
- 24.06.040 Biomedical waste.
- 24.06.050 Permits.
- 24.06.060 Notifications, public hearings and application review.
- 24.06.070 Permit modification by director.
- 24.06.080 Permit suspension.
- 24.06.090 Permit revocation.
- 24.06.100 Permit eligibility.
- 24.06.110 Enforcement.
- 24.06.120 Appeals.
- 24.06.130 Inspection.
- 24.06.140 Severability.
- 24.06.150 Fees.
- 24.06.160 Limits.
- 24.06.170 Citizen suits.
- 24.06.180 Violation – Penalty.

...

24.06.030 Definitions.

...

"Board of health" means the ~~Whatcom County Council~~ body created by WCC 24.01.050.-

...

Chapter 24.10

PET SHOP RULES AND REGULATIONS

Sections:

- 24.10.010 Authority.
- 24.10.020 Rules adopted.
- 24.10.030 Definitions.
- 24.10.040 Permits.
- 24.10.050 Operations.
- 24.10.060 Fees.
- 24.10.070 Severability.

...

24.10.030 Definitions.

...

"Board of health" means the ~~Whatcom County Council~~ body created by WCC 24.01.050.-

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[Other titles that need amending via separate ordinance](#)

2.02 County Council

2.02.050 Meetings – Council acting in other capacities.

Where the members of the county council sit in an administrative or legislative capacity in situations such as, but not limited to, supervisors of a special district or members of the county board of health, all business in these other capacities shall be treated as regular items of business during council meetings. The agenda for the meeting shall note any items being considered in one or more of these other capacities. It shall not be necessary for the council to adjourn itself in order to consider items in these other capacities. All actions taken by the council regarding issues in these other capacities shall be deemed to have been enacted or approved by those entities under the authority as may be provided for in law, or the authority of the county if appropriate.

Commented [KS5]: suggest removing "members of the county health board"

2.106 Child and Family Well-Being Task Force

2.106.040 Permanent members.

Members of the child and family well-being task force shall include the following 15 representatives, appointed by their designated agency:

...

H. One member of the Whatcom County council;

...

3.44 Funds for Operation of a Health District

Sections:

3.44.010 Budget and appropriation of sum.

3.44.020 Development of equitable formula for contributions.

Commented [KS6]: Does this section need to exist?

3.44.010 Budget and appropriation of sum.

Whatcom County will discontinue placing a separate public health levy in the collection of taxes beginning in 1982 as provided in RCW 70.12.025 and shall budget and appropriate a sum for public health work. (Res. 81-5 § 1).

3.44.020 Development of equitable formula for contributions.

The county council members on the board of health are authorized and directed to encourage the board of health and the participating municipalities to develop a fair and equitable formula for contributions to the operation of the board of health, including the direction of this chapter. (Res. 81-5 § 2).

Commented [KS7]: I think this could stay as is, but not sure if we should reference new members of health board also.

20.80.355 Trash or garbage collection storage areas – Screening and placement.

Garbage disposal facilities shall be provided in accordance with applicable Whatcom County board of health rules and regulations (Chapter [8.10](#) WCC). All trash or garbage collection storage areas must be screened from view from adjacent streets and properties using a solid fence or wall a minimum of six feet high. The garbage collection service provider shall be provided opportunity to approve the location prior to permit approval. (Ord. 2023-078 § 1 (Exh. A § 4), 2023; Ord. 2013-057 § 1 (Exh. A), 2013).

Commented [KS8]: Is this okay to stay?

Fees in Title 24

The County council is referred to in setting health-related fees in the following chapters. These would need to be changed to the board of health, assuming it will be setting the fees going forward.

- **24.06.150 Fees.**
All solid waste handling facilities or proposed solid waste handling facilities shall pay applicable fees as established by the Whatcom County council in the Unified Fee Schedule.
- **24.03.060 Fees.**
Permit fees shall be established by the Whatcom County council and shall be based on the cost of the inspection service. Failure to pay fines or fees may result in non-issuance of a permit.
- **24.11.260 Fees.**
The Whatcom County council shall set and renew fees annually and post the fees in a schedule. (Ord. 2002-024).
- **24.12.190 Fees.**
A. All facilities or proposed facilities shall pay applicable fees as established by the Whatcom County council in the unified fee schedule.