



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2020-173

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<b>File ID:</b>	AB2020-173	<b>Version:</b>	1	<b>Status:</b>	Adopted as Amended
<b>File Created:</b>	04/07/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	04/21/2020
<b>Agenda Date:</b>	04/21/2020			<b>Enactment #:</b>	ORD 2020-021

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Primary Contact Email: RBrowne@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance establishing a process for information to be disclosed to the Division of Emergency Management, the County Executive, the County Health Board and the public during a public health emergency

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance establishing a process for information to be disclosed to the Division of Emergency Management, the County Executive, the County Health Board and the public during a public health emergency

\*\*Returned to Council on 4/29/2020 from Executive - Unsigned. See memo attached

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### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
04/07/2020	Council	INTRODUCED	Council
		Aye: 5 Browne, Buchanan, Donovan, Frazey, and Kershner	
		Nay: 2 Byrd, and Elenbaas	
		Absent: 0	
04/21/2020	Council	ADOPTED AS AMENDED	
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner	
		Nay: 0	

Absent: 0

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**Attachments:** Proposed Ordinance, Browne's Proposed Edits for Consideration 4.21.2020, Executive's Additional Proposed Edits for 4.21.2020, Notice of Action Proposed for 4.21.2020

**ORDINANCE NO.** 2020-021

**ESTABLISHING A PROCESS FOR INFORMATION TO BE DISCLOSED TO THE  
DIVISION OF EMERGENCY MANAGEMENT, THE COUNTY EXECUTIVE, THE COUNTY  
HEALTH BOARD AND THE PUBLIC DURING A PUBLIC HEALTH EMERGENCY**

**WHEREAS**, in times when a health emergency has been declared, the demands placed on the County Health Officer and Health Department can be severe; and

**WHEREAS**, matters related to a public health emergency may involve matters that RCW 42.30.110 states may be conducted in executive session such as:

*(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;*

*(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;*

*(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency...*

*(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;*

*(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or*

*(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;*

**WHEREAS**, in a public health emergency, the County emergency management division, County Executive, County Council and the public all need to receive adequate information in a timely fashion so each may make an effective contribution to responding to the emergency; and

1       **WHEREAS**, in a public health emergency, the County emergency management  
2 division, County Executive, County Council and the public all need to receive  
3 adequate information in a timely fashion so each may make an effective contribution  
4 to responding to the emergency; and  
5

6       **WHEREAS**, in time of emergency, uncoordinated and inconsistently applied rules  
7 related to requests for information can place an unreasonable burden on the County  
8 Health Officer and Health Department staff; and  
9

10       **WHEREAS**, a common issue that arises in such situations, often at the end of a long  
11 shift when everyone is exhausted, is the question of what information from the day  
12 should be disclosed to whom and how; and  
13


14       **WHEREAS**, in such times the County Code should establish a process to reduce the  
15 burden on the County Health Officer and Health Department staff from having to  
16 make decisions on what information needs to be disclosed, to whom, and the format  
17 to be used, thus returning operational hours better applied to the delivery of services  
18 to the community; and  
19


20       **WHEREAS**, the ability for senior staff to point subordinates to a clear policy on this  
21 topic frees up senior staff time to work on more pressing matters (or simply use the  
22 time to rest and recuperate); and  
23

24  
25       **NOW, THEREFORE, BE IT ORDAINED** that the County Code shall be amended to include  
26 a new section as detailed in the attached Exhibit A.  
27

28  
29       **ADOPTED** this 21st day of April, 2020.  
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31  
32       **ATTEST:**  
33   
34 \_\_\_\_\_  
35 Dana Brown-Davis, Clerk of the Council  
36

37  
38       WHATCOM COUNTY COUNCIL  
39       WHATCOM COUNTY, WASHINGTON  
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41 \_\_\_\_\_  
42 Barry Buchanan, Council Chair  
43

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45       **APPROVED AS TO FORM:**  
46   
47 \_\_\_\_\_  
48 Karen H. Smith  
Civil Deputy Prosecutor

49       WHATCOM COUNTY EXECUTIVE  
50       WHATCOM COUNTY, WASHINGTON  
51 \*\*\*  
52 \_\_\_\_\_  
53 Satpal Singh Sidhu, County Executive

54 ( ) Approved       ( ) Denied  
55  
56 Date Signed: \_\_\_\_\_

57 \*\*\*County Executive Satpal Sidhu declined to sign.  
58 See attached memorandum.

**EXHIBIT A**

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 WCC 24.01.040(A). 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:

(i) disclose all information requested by emergency management division, County Executive, or County Health Board that is required to perform their respective duties effectively.

(ii) provide a brief daily update to the public in a format and level of detail as approved by the super majority vote of the County Health Board.

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 Health Board Chair or their respective legal counsel may request that the matter be heard in executive session.