

Statutory Powers: Board of Health vs. County Council

Board of Health	County Council
<p>Powers set by RCW 70.05.060</p> <p>“Enforce through the local health officer¹ or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health”</p> <p>“Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction”</p> <p>“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”</p> <ul style="list-style-type: none"> • <i>NOTE: rules and regulations under the authority of the Board of Health are located in Whatcom County Code Title 24, including rules and regulations governing restaurant/food service inspections and permits, drinking water quality, on-site sewage, and other areas.²</i> <p>“Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department”</p>	<p>Sets taxes, revenue, and budget (Charter Sec. 2.20)</p> <p>Establishes compensation (Charter Sec. 2.20)</p> <p>Power to “establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities.” (Charter Sec. 2.20)</p> <p>Confirms executive appointments (Charter Sec. 2.50) of the local Health Officer (described in RCW 70.05.050) and administrative officer³ (see RCW 70.05.045) pursuant to RCW 70.46.031 (1)(i) per terms set forth in a resolution and ordinance.</p> <p>Maintains oversight of contracts (Whatcom County Code 3.08.100)</p> <p>Maintains authority over all elements of county code, except for the health code (Charter Article 2)</p> <p>Power to “establish a local board of health and may prescribe the membership and selection process for the board” (RCW 70.05.035)</p> <p>Makes appointments to the Board of Health (RCW 70.05.035)</p>

¹ RCWdd 70.05.070 sets forth the powers and duties of the local Health Officer who may act either the direction of the local Board of Health or under direction of an Administrative officer (which again, could be appt by the CE). Alternatively, the local health officer may serve as executive secretary/Administrative Officer for the local board of health and be empowered to employ technical and other personnel as approved by the local Board of Health.

² Title 24 largely adopts/incorporates state law and/or promulgates ordinances consistent with rules set by the State Board of Health per RCW 43.20.050.

³ Alternatively, County Council can authorize the Board of Health to appoint the Administrative officer to run operations of the Board of Health and supervise the local Health Officer. See, RCW 70.05.040.

<p>“Provide for the prevention, control and abatement of nuisances detrimental to the public health”</p> <p>“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”</p> <p>The Board of Health would be responsible for electing a Chair for the BOH, to serve a one-year term. RCW 70.05.045</p> <p>“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.”</p> <ul style="list-style-type: none"> • <i>NOTE: According to RCW 70.05.035 (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.”</i> 	<p>“... [S]pecify the appointment, term, and compensation or reimbursement of expenses” for members of the Board of Health [RCW 70.05.035 (g)]</p>
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