



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2020-173

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

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

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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

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

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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

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

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

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


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

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

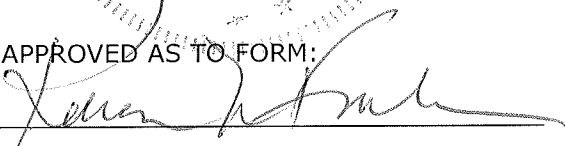
ADOPTED this 21st day of April, 2020.

ATTEST:


Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Satpal Singh Sidhu, County Executive

() Approved () Denied

Date Signed: _____

***County Executive Satpal Sidhu declined to sign.
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.