
Approving Updates to Kitsap Public Health Board Bylaws

WHEREAS, the purpose of the Bylaws for the Kitsap Public Health Board (Board) are to create a working framework for the Health Board to serve as the governing body of the Kitsap Public Health District (Health District), to unite the municipalities and the county in a cooperative effort to supervise all matters pertaining to the preservation of the life and health of the citizens within Kitsap County, and to fully comply with and enforce the public health statutes of the state and rules promulgated by the state Board of Health; and


WHEREAS, the Bylaws also create a working framework for the Board's two at-will employees --- the Health Officer and Administrator --- to oversee and lead the Health District in carrying out the will of the Board and implanting and enforcing the public health statutes and rules of the State of Washington; and

WHEREAS, the Board's Personnel Committee recommends that updates to the Bylaws be considered for approval by the full Board as specified in the attached proposed draft of the Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Kitsap Public Health Board hereby approves the attached and amended Kitsap Public Health Board Bylaws, effective immediately.

APPROVED: September 5, 2023

EFFECTIVE: September 5, 2023



Mayor Becky Erickson, Chair
Kitsap Public Health Board

KITSAP PUBLIC HEALTH BOARD

BYLAWS

Revised and Approved September 5, 2023

ARTICLE I - NAME

The name of this organization shall be the Kitsap Public Health Board, hereinafter referred to as "Public Health Board".

ARTICLE II - PURPOSE

The primary purposes of the Public Health Board are (1) to serve as the governing body of the Kitsap Public Health District; (2) to unite the municipalities and the county in a cooperative effort to supervise all matters pertaining to the preservation of the life and health of the citizens within its jurisdiction; (3) to comply fully with and enforce the public health statutes of the state and rules promulgated by the state board of health and the state secretary of health; and (4) to create and promote prudent public health policy within the District (*See* Chapter 70.05 RCW, Local Health Departments, Boards, Officers – Regulations).

ARTICLE III – PUBLIC HEALTH BOARD/HEALTH DISTRICT ESTABLISHED

On November 3, 1947, pursuant to Chapter 183 of the Laws of 1945, the Kitsap County Board of County Commissioners approved a resolution establishing the Kitsap County Board of Health, and the Health District, and solicited membership from the incorporated cities in Kitsap County.

The Kitsap County Health District was reaffirmed in 1996 in accordance with RCW 70.46 by individual ordinances adopted by the Kitsap County Commissioners and the legislative bodies of each of the incorporated city members of the Board of Health.

Kitsap County reaffirmed the existence of the Health District through Ordinance No. 455-2010. The Health District's name was then changed to the Kitsap Public Health District by Kitsap County Ordinance No. 475-2011. In 2011, the Public Health Board also approved this name change for the Health District, and approved a name change for the Board --- from the Kitsap County Board of Health to the Kitsap Public Health Board --- by Public Health Board Resolution 2011-04. The Public Health Board was reaffirmed and established through Kitsap County Ordinance 524-2015.

In 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill (E2SHB) 1152, requiring local boards of health in counties with populations fewer than 800,000 to expand their membership to include nonelected members and requiring that the number of elected officials on the board do not constitute a majority of the total membership of the local board of health. E2SHB 1152 amends RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031 and is codified as chapter 246-90 WAC. Kitsap County passed Ordinance No. 614-2022, Amending

Portions of Kitsap County Code Chapter 9.52, Kitsap Public Health District, on May 23, 2022, to establish and affirm the new state requirements for local board of health membership.

ARTICLE IV – MEMBERSHIP

1. In accordance with RCW [70.46.031](#), Revised Code of Washington, and Kitsap County Ordinance 614-2022 , the Public Health Board shall consist of ten (10) members, five (5) electeds and five (5) nonelecteds. The number of elected officials may not constitute a majority of the total membership of the Public Health Board.
2. The five elected members shall be comprised of one (1) Kitsap County Commissioner the mayor from each of Kitsap’s four (4) cities (Bremerton, Bainbridge Island, Port Orchard, and Poulsbo).
3. The five (5) nonelected members shall be comprised of the following: one (1) tribal representative from each federally recognized tribes that hold reservation, trust lands, or have usual and accustomed areas within Kitsap County selected by the American Indian Health Commission (for a total of two tribal representatives); and three (3) nonelected members selected from the categories specified in [RCW 70.46.031\(1\)\(a\)](#). The non-tribal, nonelected members shall be approved and appointed by the Board of County Commissioners after recruitment and referral from the Public Health Board.
4. Each elected member jurisdiction may also appoint an alternate Public Health Board member from its legislative authority. An alternate may attend any Public Health Board meeting but is not entitled to vote unless the regular member to whom the alternate is delegated is absent from that meeting. An alternate member may also participate on committees, so long as the regular member for whom the alternate is delegated is not present during the committee meeting.
5. Nonelected board members are voting members of the Public Health Board except as it pertains to any decision related to the setting or modification of permit, licensing, and application fees in accordance with RCW 70.46.031(1)(1).
6. The term of each elected Public Health Board member shall begin at the first Public Health Board meeting after they are sworn into office or appointed by their legislative body. Terms run concurrent with the elected official’s term of office or as approved annually by a city’s legislative body.
7. The terms of the nonelected members shall be four (4) years, except for the initial term of the nonelected representative for the public health/health care category specified in RCW 70.46.031(1)(a)(i) that is appointed in 2022 --- the initial term for this position shall have a first term of two (2) years in order to stagger the terms of the nonelected/non-tribal members. Staggered terms are intended to help preserve continuity of the board membership and operations.

8. In order to assure representation as outlined in this section (Article IV), vacancies of elected positions on the Public Health Board shall be filled within 30 days by appointment of the respective legislative body whose representative is vacating their Board position. (Note: *See* RCW 70.05.040) Vacancies of non-tribal and nonelected positions shall be filled as specified in Article IV.3. as soon as possible. Tribal vacancies shall be filled by the American Indian Health Commission.
9. All members of the Public Health Board shall be subject to the Ethics in Public Service Act, Washington Laws of 1994 chapter 154, and particularly chapters [42.20](#), [42.23](#), and [42.24](#) RCW, including but not limited to conflicts of interest and non-disclosure of confidential information.
10. Non-Tribal/Nonelected members of the Public Health Board may be removed from Health Board membership by the Board of County Commissioners for unexcused absences of three (3) consecutive regular Public Health Board meetings or for violations of the Ethics in Public Service Act.
11. Nonelected members of the Public Health Board shall be entitled to compensation of eighty-five dollars (\$85) per meeting for attending meetings of the Public Health Board, Public Health Board committee meetings, or other Public Health Board-approved activities as approved by the Chair and as provided for in the approved Health District budget, provided that such members are not receiving compensation from their employer or another entity to attend Public Health Board meetings. Non-elected members shall also be entitled to mileage reimbursement, at the approved Internal Revenue Service (IRS) rate, for attending meetings of the board in-person.

ARTICLE V - LEGISLATIVE POWERS, DUTIES AND FUNCTIONS

1. The authority and duties of the Public Health Board shall be as prescribed by [RCW 70.05.060](#) and [RCW 70.46.060](#).
2. The elected members of the Public Health Board shall appoint a Health Officer pursuant to [RCW 70.05.050](#) who shall serve in accordance with RCW 70.05.070. It is preferred that the Health Officer shall be a qualified physician trained and experienced in public health, but may have other qualifications provided in RCW 70.05.050 through RCW 70.05.055. The Health Officer shall serve at the pleasure of the Public Health Board, and shall only be removed in accordance with RCW 70.05.050. The Public Health Board shall evaluate the performance of the Health Officer biennially.
3. The Public Health Board shall set the Health Officer's compensation per RCW 70.05.050.
4. The elected members of the Public Health Board may appoint an Administrative Officer (a.k.a., Administrator) pursuant to [RCW 70.05.040](#) in addition to, and separate from, the Health Officer to serve as Executive Secretary to the Board in accordance with RCW 70.05.045. The Administrative Officer, if one is appointed, shall be responsible for administering the operations of the Public Health Board and Health District except for the duties assigned to the Health Officer as enumerated in RCW 70.05.070 and other applicable

state law. The Administrative Officer shall serve at the pleasure of the Public Health Board. The Public Health Board shall evaluate the performance of the Administrator biennially.

5. The Public Health Board shall set the Administrator's compensation.
6. The Public Health Board will annually review and approve the Health District's finances and budget to carry out public health services and operations.
7. The elected members, only, of the Public Health Board shall review and approve a fee schedule for services provided by the Health District pursuant to RCW 70.05.060(7) and RCW 70.46.031(1)(l), and in accordance with Public Health Board budget policy.
8. The Public Health Board shall receive regular reports from and through the Health Officer and the Administrator on the activities of the Health District.
9. The Public Health Board shall enforce through the local Health Officer or Administrator the public health statutes of the state and rules promulgated by the state board of health or secretary of health. The Public Health Board shall enact such local rules and regulations as are necessary to preserve, promote and improve the public health and provide for the enforcement thereof (*See* RCW 70.05.060).
10. The Public Health Board shall supervise the maintenance of all health and sanitary measures for the protection of public health; provide for the control and prevention of any dangerous, contagious, or infectious disease; and provide for the prevention, control and abatement of nuisances detrimental to the public health within its jurisdiction(*See* RCW 70.05.060).
11. The Public Health Board shall make reports to the state board of health through the local health officer and administrator as required by the state board of health (*See* RCW 70.05.060).
12. The Public Health Board may hear testimony from persons or groups appearing before it at regular meetings.
13. Through the Health District, the Public Health Board shall contract with an attorney whose duties shall be to advise and assist the Public Health Board and the Health District in routine legal matters. The Public Health Board may contract with special counsel for specific litigation by, or against, the District. The Public Health Board may defer legal matters to the Health District's risk pool after consultation with the Health Officer and Administrator.
14. The Public Health Board has any and all such other authority as allowed under the law and as necessary to carry out the functions and purposes of the Health District.

ARTICLE VI – OFFICERS AND THEIR DUTIES

1. The presiding officer of the Public Health Board shall be a Chair, who shall serve for a term of one (1) year. The Public Health Board shall elect the Chair from the Board membership by a majority vote of the Board members present at the first regular meeting of each calendar

year. No Chair (or Vice Chair) shall serve more than two (2) consecutive terms unless the Public Health Board votes to extend their terms and finds special circumstances to do so. The Chair shall preside over all meetings; shall state and put to vote all motions presented; shall enforce the procedural rules of the Public Health Board during meetings; and shall act as the signatory for all decisions, acts, and orders of the Public Health Board. The Chair may participate in all deliberations and vote on motions. If a vacancy in the Chair position occurs, the Vice Chair shall automatically become Chair of the Board for the remainder of the unexpired term of the Chair.

2. The Public Health Board shall elect a Vice Chair, who shall serve for a term of one (1) year. The election of the Vice Chair shall be no later than the first meeting of the year. If a vacancy occurs, a new Vice Chair shall be elected from Public Health Board members to fill the unexpired term at the next regular or a special meeting. The Vice Chair shall perform the duties of the Chair in the event of the Chair's absence or inability to perform their duties.
3. In accordance with Chapter 70.05.045, Revised Code of Washington, the Administrator shall serve as Executive Secretary and Administrative Officer for the Public Health Board unless such role is assigned to the Health Officer.
 - A. It shall be the duty of the Executive Secretary to: (1) Record minutes of all meetings of the Public Health Board; (2) Maintain a book or electronic files of numbered and dated resolutions and ordinances passed by the Board; (3) Be custodian of all records, books and papers belonging to the Board; and (4) Carry on the usual correspondence of the Board, including such matters as notifying members of public meetings dealing with public health matters and making written recommendations thereon.
 - B. The Executive Secretary shall be empowered to employ such technical and other personnel as allowed in the approved budget to carry out the functions of the Health District. In fulfilling his or her duties prescribed under Article VI, the Administrator may delegate such duties to other personnel employed by the Health District.
4. The Administrator, if one is appointed, is responsible for the administration of all programs and functions of the district including, but not limited to, entering into contracts with third parties and other agencies within the budget set by the Public Health Board, hiring and firing of personnel, and purchasing needed supplies and equipment.
5. The Administrator's appointment shall be at the will of the Public Health Board. No term of office is required to be established for the Administrator, and the Administrator shall not be removed from office until after notice is given and an opportunity for a hearing before the Public Health Board as to the reason for the Administrator's removal is provided.

ARTICLE VII - HEALTH OFFICER

1. The Health Officer, acting under the direction of the Public Health Board, shall enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances as authorized in RCW 70.05.070. The Health Officer is also responsible for overseeing the public health functions

of community health assessment, public health policy development, and assurance of health service delivery throughout Kitsap County.

2. The Health Officer shall be responsible to the Public Health Board for his/her official actions.
3. The Public Health Board acknowledges that in the event of a health emergency, the Health Officer may act as needed pursuant to RCW 70.05.070 and Title 246 of the Washington Administrative Code, and considering the exigencies of an extreme emergency if there is no time for the Public Health Board to meet and confer before such action is necessary.
4. The Health Officer's appointment shall be at the will of the Public Health Board. No term of office shall be established for the Health Officer, and the Health Officer shall not be removed from office until after notice is given and an opportunity for a hearing before the Public Health Board as to the reason for the Health Officer's removal is provided (*See* [RCW 70.05.050](#)).

ARTICLE VIII - MEETINGS AND QUORUM

1. The Public Health Board shall meet on a regular basis. All meetings shall be conducted in accordance with the Open Public Meetings Act, Chapter 42.30, RCW. The dates, times and locations of meetings shall be established for each following year at the last meeting of the current calendar year.
2. Special meetings may be called by the Chair at his/her discretion, by request of the Health Officer or Administrator, or on the written request of a majority of the Board members, provided that written notice is given as provided by RCW 42.30.080.
3. Six (6) members of the Public Health Board shall constitute a quorum for conducting the regular business of the Public Health Board and Health District, subject to the exceptions noted below.
4. Approval of actions taken by the Public Health Board shall be by a majority of the votes cast of members officially in attendance. Only those Public Health Board members officially in attendance and constituting a quorum of the Board shall be allowed to cast votes.
5. In accordance with RCW 70.46.030(1)(l), only elected members shall vote on matters related to setting or modifying permit, licensing, and application fees, and a simple majority will prevail.
6. For approval of the Health District's annual budget, a majority of the quorum present shall be obtained for the budget vote to pass.
7. For tied votes on matters other than fees or budget, a 100% voting block of elected members present shall break the tie; when a 100% block of electeds present is not obtained, the tied vote/action shall fail.

8. Pursuant to Kitsap County Ordinance No. 614-2022, only elected members of the board shall appoint a Health Officer and/or Administrator.
9. In accordance with RCW 42.30.110, the Public Health Board may call executive sessions, as necessary.

ARTICLE IX - BUSINESS OF REGULAR MEETINGS

The business at all regular meetings, unless changed by a majority vote of members present, shall include: Call to Order; Approval of Minutes of Last Meeting; Health Officer's Report; Administrator's Report; Action Items; Discussion Items/Reports; Public Concerns; and Adjourn. The Chair and Executive Secretary shall have discretion as to the order of items on a meeting's agenda and the amount of time allotted to each item.

ARTICLE X - COMMITTEES

1. The standing committees of the Public Health Board are the Finance and Operations Committee, the Policy Committee, and the Personnel Committee. Each committee shall consist of at least two (2), but no more than five (5), Public Health Board members so as not to create a quorum of the Public Health Board.
2. The Chair of the Public Health Board shall make committee assignments by calling for volunteers from the Board membership at the first meeting of the calendar year.
3. The Public Health Board may establish and appoint members for temporary committees as needed to carry out the Board's work.
4. The Chair may participate in any or all the above committees as desired.

ARTICLE XI - RULES OF BUSINESS

Business of the Public Health Board is ordinarily conducted in accordance with the most current edition of *Robert's Rules of Order*, so long as they are consistent with these bylaws or any amendments thereto. The Public Health Board legal counsel shall serve as parliamentarian.

ARTICLE XII - AMENDMENTS TO THESE BYLAWS

These bylaws may be amended at any regular or special meeting of the Public Health Board by a majority vote of members present, provided that the amendment has been presented in writing to the members of the Public Health Board at least ten (10) business days prior to said meeting.