



CLALLAM COUNTY BOARD OF HEALTH

AGENDA of January 18, 2022 @ 1:30 – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street

Port Angeles, WA 98362

****ATTENTION****

In response to the pandemic, and to be in compliance with the Governor's Proclamation and the recommendation of the Clallam County Health Officer, the Board of Health meeting will be conducted virtually. No attendance allowed. Public comments are strongly encouraged to be submitted in writing, if possible.

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and join with Meeting ID: 935 7343 5754 and Passcode: 095863

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/93573435754> join with Meeting ID: 935 7343 5754 and Passcode: 095863

Public comment and questions can be directed to the Clerk of the Board at 360-417-2276 or cthompson@co.clallam.wa.us.

- Call to Order
- Roll Call
- Request for Modifications/Approval of Agenda
- Approval of Draft Meeting Minutes for December 21, 2021
- Public Comment for Agenda Items – *Please limit comments to three minutes*
- Introductions
- Action Items:
 1. Election of Chair & Vice-Chair
- Presentations/Discussion:
 1. Repeal of Ordinance Chapter 41.11.220-380, Article II, Secure Medicine Return Regulations
 2. Overview of Health and Human Services Operations
- Old Business and Information Items
- Health Officer
 - COVID-19 Update
- Environmental Health Director
- HHS Director
- Future meeting agenda items
 1. Clallam Health Network
 2. PIC (Pollution, Identification and Correction) Update
 3. Systemic Racism

4. Vaccination Rates
 5. Chronic Disease CHIP
 6. Air Quality and Noise Ordinance
 7. Climate Change
 8. Update on Behavioral Health Organization (BHO)
 9. Olympic Peninsula Healthy Communities Coalition
- Public Comment – *Please limit comments to three minutes*
 - Adjournment

NEXT MEETING – February 22, 2022

INSTRUCTIONS FOR SPEAKING AT A BOARD OF HEALTH MEETING:

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name and address.
- The Chair may limit the comment period to 3 minutes for each speaker subject to Board concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public meeting/hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

Note: Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board. Copies of public documents from Board meetings are available by contacting the Public Records Department.

Members:

Chair, Navarra Carr; Vice Chair, Dr. Gerald Stephanz; Don Lawley; Shahida Shahrir; Mark Ozias;
Randy Johnson; Bill Peach

Health and Human Services Staff:

Dr. Allison Berry, Health Official; Kevin LoPiccolo, Director; Jenny Oppelt, Deputy Director;
Jennifer Garcelon, Environmental Health Director; Celia Thompson, Clerk of the Board



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles WA 98362 Phone: 360-417-2274 Fax 360-452-4492

January 14, 2022

To: Clallam County Board of Health
From: Kevin LoPiccolo, HHS
Re: January 18, 2022 Board of Health Meeting

Included in next week's packet is the following:

- Agenda
- Draft minutes from December 21, 2021
- Staff Memo:
 - Draft Ordinance Amendment to Chapter 41.11.220 – 380, Secure Medicine Return Regulation (repeal/no action required at this meeting)
 - Health and Human Services Department Overview
 - Program Matrix
 - Organizational Chart(s)
- Bylaws of the Clallam County
- Boards and Committees – Policy and Procedure 952
- 2022 Board of Health Meeting Schedule
- Email from Port Angeles Business Association

I hope everyone enjoys their weekend.

Kevin



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Randy Johnson; Bill Peach

Health and Human Services Staff:

Dr. Allison Berry, Health Official; Kevin LoPiccolo, Director; Jenny Oppelt, Deputy Director;
Jennifer Garcelon, Environmental Health Director; Celia Thompson, Clerk of the Board

**DECEMBER 21, 2021 DRAFT
MINUTES**



CLALLAM COUNTY BOARD OF HEALTH

MINUTES of December 21, 2021 @ 1:30 pm – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street Port Angeles, WA 98362

Meeting was held via Zoom (Video conference)

REGULAR MEETING OF THE CLALLAM COUNTY BOARD OF HEALTH

Call to Order: The meeting was called to order at 1:33 p.m.

Roll Call: Members present were Commissioners Johnson, Ozias, Peach, Chair Navarra Carr, Vice-Chair Dr. Gerald Stephanz, Health and Human Services represented by Dr. Allison Berry, Health Officer; Kevin LoPiccolo, Director; Deputy Director, Jennifer Oppelt.

Members excused: Shahida Shirir, Jennifer Garcelon

Request for Modifications/Approval of Agenda

ACTION TAKEN: Commissioner Randy Johnson asked that we add discussion on healthcare for the homeless to the agenda.

The Board had unanimous consent to approve the agenda with the modification made by Commissioner Randy Johnson.

Approval of Draft Meeting Minutes for October 19, 2021

ACTION TAKEN: The Board had unanimous consent to approve the meeting minutes from the October 19, 2021 meeting.

Public Comment for Agenda Items

Ed Bowen, Clallam Bay, - commented on the need for improved government function. He is concerned that the citizens of Clallam County continue to be left behind.

Jim McEntire, Sequim - on behalf of the Port Angeles Business Association, commented on the Public Health Order of September 2, 2021, and the need for improved dialog with businesses to better inform them of pending health orders, before they are put in to place.

Introductions

Dr. Berry introduced Karissa McLane, Public Health Nurse Supervisor, and Helen Kenoyer, former Clallam County Public Health employee, now at Olympic Peninsula Community Clinic with the Rediscovery Program.

Commissioner Randy Johnson introduced Jessica Wiersma and Ryan Malane of Black Ball Marketing. They will be presenting the preliminary stages of their Covid marketing program.

Presentations and Discussion -Black Ball Marketing update- Jessica Wiersma and Ryan Malane

Representatives from Black Ball presented the latest media ad campaign that focuses on the promotion getting vaccinated against Covid-19. The Board was very supportive of the latest ad campaign.

Overdose Fatality Review Committee-Karissa McLane

Karissa McLane overdose fatality statistics for Clallam County, the Overdose to Action grant, and the Overdose Fatality Review Team. Discussion followed.

Homelessness Funding Programs-Jenny Oppelt

Jenny shared the Homelessness Task Force funding for the 2163 Homeless Assistance, and 2060 Affordable Housing programs for 2019-2021, and 2021-2023. She also discussed the 2060 Affordable Housing Emergency Fund. Also, a subcommittee of the Homeless Task Force has been formed to discuss the results of the 2021 Homeless Gaps and Needs survey, and to address the gaps. Discussion followed.

Homeless Healthcare-Dr. Berry

Dr. Berry discussed the need for a respite care facility for people experiencing homelessness. Discussion followed.

Old Business and Informational Items

None

Health Officer COVID-19 update:

Dr. Berry spoke on current statistics and rises in cases due to the Omicron variant. There continues to be a strain on healthcare resources, and on hospitals. Case numbers are expected to continue to rise in the coming weeks. She spoke of the importance of wearing a mask in indoor settings, and encouraged booster shots. Discussion followed.

Environmental Health Director-Jennifer Garcelon

None

HHS Director-Kevin LoPiccolo

Kevin spoke about Environmental Health staffing positions, and will further discuss at next month's meeting. In addition, he will give an overview of the operations of Health and Human Services, and how those functions relate to the needs of the Board of Health. He will also be discussing the Board of Health bylaw changes regarding the expansion of the Board, and we will be electing new officers for the year.

Public Comment

Ken Reandeau - Port Angeles -Thank you to the Board of Health and Dr.Berry.

Adjournment

Meeting was adjourned at 3:21 p.m.

Next Meeting – January 18, 2022

PASSED AND ADOPTED this _____ day of _____, 2022

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry, MD, MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

DRAFT

STAFF MEMO



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles WA 98362 Phone: 360-417-2274 Fax 360-452-4492

To: Clallam County Board of Health
From: Kevin LoPiccolo, HHS
Subject: Repeal of Chapter 41.11.220 – 380 & Overview of Health and Human Services Operations
Date: January 14, 2022

Discussion Item

Repeal of Chapter 41.11.220-380, Article II, Secure Medicine Return Regulations (Draft Ordinance).

Washington's Safe Medication Return Program went statewide on November 21, 2021. County participation of the drug take-back program ceased operation since it returned back to the state level. As discussed with the Prosecutor's Office, both legal and HHS feels that the current regulations should be repealed. Leaving the county-level regulations on the books while they are pre-empted by state law is a potential source of confusion and would probably not be helpful in the long run. If the state does end its program in the future, the county can elect to create a new program rather than reverting back to these old regulations.

The Secure Medicine Return Regulations are Board of Health Regulations. The Board of Health is the legislative body that will ultimately make the decision about whether these regulations are repealed, changed, or left in place.

Attached is a draft ordinance repealing in its entirety, Clallam County Code, Chapter 41.11.220 – 380, Article II, Secure Medicine Return Regulation. If the Board supports staff's recommendation to repeal said ordinance, staff will move forward and schedule a public hearing date for the February or March Board of Health meeting.

Presentation

Below is an overview of Health and Human Services Operations. As structured, the Department is comprised of four main divisions: (1) Fiscal/Administration (2) Public Health (3) Human Services and (4) Environmental Health. Each division develops their primary functions, establishes goals, workload indicators, and oversees various grant sources.

Also, included is a summary each division's budget, program areas and examples of what they are responsible for. Do keep in mind this is just a summary of duties.

An organizational chart(s) has been included. Staff will provide an overview of current conditions, and what is being proposed organizationally.

Administration

Responsible for the effective and efficient administrative operations of the department including human resources, payroll, accounts payable and receivables, contract management, policies and procedures, and staff to Board of Health and various other internal and external boards and committees.

Public Health

Provide Important Public Health Programs: Communicable Disease Control, Chronic Disease and Injury Prevention, Maternal Child and Family Health, Vital Records, WIC Nutrition Services, Childhood and Adult Vaccinations, protecting the community from TB, Syringe Exchange, and other important community health programs and services.

Environmental Health

Environmental Health is the branch of public health that focuses on the inter-relationships between people and their environment, promotes human health and well-being, and fosters healthy and safe communities. Some responsibilities include administering and enforcing state and local laws related to environmental health; disaster preparedness and response; food safety; drinking water safety; solid waste; onsite septic systems management; monitoring water quality; monitoring shellfish water quality; investigating public health nuisances; and maintaining a certified drinking water lab.

Developmental Disabilities

Developmental Disabilities programs and activities identify specific goals, objectives, and performance measures and establish mechanisms for regular monitoring, reporting, and use of results for employment, High School transition, and community inclusion.

Homelessness and Affordable Housing

Homeless Task Force is responsible for recommending each year to the Board of Commissioners what programs and providers to fund for services to support the homeless or for those at risk of homelessness. Complete Request for Proposal process and initiate and complete contracts with providers for services throughout Clallam County. Assure providers are in compliance with contract requirements.

Chemical Dependency/Mental Health

Subcontract substance use disorder, mental health, and co-occurring disorder services through provider contracts using the 1/10th of one percent sales tax funds. Fund Clallam County Therapeutic Court, Drug Court, and juvenile treatment services provided by Clallam County. Assure providers are in compliance with contracts, staff Behavioral Health Advisory Committee and work closely with the regional Salish Behavioral Health Organization.

DRAFT ORDINANCE AMENDMENT

Board of Health Ordinance _____

An Ordinance repealing in its entirety
Clallam County Code, Chapter 41.11.220 through 41.11.380
Article II. Secure Medicine Return Regulations

BE IT ORDAINED BY THE CLALLAM COUNTY BOARD OF HEALTH:

Article II. Secure Medicine Return Regulations

Section 41.11.220, Authority, purpose and intent, is amended to read as follows:

~~(1) Pursuant to Chapters 70.05 and 70.46 RCW, the Clallam County Board of Health adopts the ordinance codified in this article to protect and preserve the public health, safety and welfare of the residents of Clallam County. Its provisions shall be liberally construed for the accomplishment of these purposes. This article governs the protection of human health and safety against the improper handling and disposal of leftover or expired medicines.~~

~~— (2) It is the intent of this article to place the obligation of complying with its requirements upon drug producers and other persons or entities designated by this article to be within its scope, and any provision or term used in this article is not intended to impose any duty whatsoever upon the County or any of its officers or employees, for whom the implementation or enforcement of this article shall be discretionary and not mandatory.~~

~~— (3) It is expressly the purpose of these regulations to provide for, and promote, the health of the general public and not to create or otherwise establish or designate any particular class or group of persons who will, or should, be especially protected or benefited by the terms of these regulations.~~

~~— (4) Nothing contained in these regulations is intended to create, nor shall be construed to create or form the basis for, any liability on the part of the Board of Health, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the County.~~

Hereby repealed in its entirety

Section 41.11.230, Administration, is amended to read as follows:

~~— (1) The Health Officer and/or his or her designated representatives shall administer and enforce these regulations under the authority of RCW 70.05.070.~~

~~— (2) The Health Officer is authorized to take other such actions as he or she deems necessary to maintain public health and sanitation and to administer and enforce these regulations under the authority of RCW 70.05.070. Any additional policies or standards deemed necessary by the Health Officer shall be in writing and readily available for public inspection and viewing.~~

~~— (3) The Board of Health may charge fees for the administration of these regulations under the authority of RCW 70.05.060.~~

~~— (4) The Health Officer may collect fees for the administration of these regulations under the authority of RCW 70.05.070.~~

Hereby repealed in its entirety

Section 41.11.240, Applicability, is amended to read as follows:

~~(1) These regulations shall apply to all persons and in all territory within the boundaries of Clallam County except enrolled members of any federally recognized tribe or domestic dependent nation who may volunteer to participate in this program.~~

— (2) These regulations apply to residents of Clallam County, including individuals living in single- and multiple-family residences and other residential settings, and including other nonbusiness sources of prescription and nonprescription drugs that are unused, unwanted, disposed of or abandoned by residents as identified by the Health Officer.

— (3) These regulations apply to all “producers” selling a covered drug in or into Clallam County, as defined in CCC 41.11.250, Definitions.

Hereby repealed in its entirety

Section 41.11.250, Definitions, is amended to read as follows:

The following definitions shall apply in the interpretation and enforcement of this article:

— (1) “Authorized collector” means any person authorized as a collector by the United States Drug Enforcement Administration pursuant to 21 CFR 1317, such as manufacturers, distributors, reverse distributors, retail pharmacies, hospitals/clinics with an on-site pharmacy, or narcotic treatment programs, that gathers unwanted drugs, including controlled substances, from covered entities for collection, transportation and disposal. For purposes of this article, “authorized collector” shall also include law enforcement agencies.

— (2) “Ordinance” means the Clallam County Board of Health Ordinance 6, Secure Medicine Return Regulations.

— (3) “Covered drug” means a drug sold in any form and used by covered entities, including prescription and nonprescription drugs, brand name and generic drugs, drugs for veterinary use, and drugs in medical devices and combination products, including prefilled injector products with a retractable or otherwise securely covered needle. “Covered drug” does not include:

— (a) Vitamins or supplements;

— (b) Herbal-based remedies and homeopathic drugs, products or remedies;

— (c) Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants or other personal care products that are regulated as both cosmetics and nonprescription drugs under the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Chapter 9);

— (d) Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a Federal Food and Drug Administration managed risk evaluation and mitigation strategy (Title 21 U.S.C. Section 355-1);

— (e) Drugs that are biological products as defined by 21 CFR 600.3(h) as it exists on the effective date of the regulation codified in this article if the producer already provides a pharmaceutical product stewardship or take-back program;

— (f) Injector products and medical devices or their component parts or accessories that contain no covered drug or no more than trace residual amounts of covered drug; or

— (g) Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other forms.

— (4) “Covered persons” means all those persons described in CCC 41.11.240(1), including individuals living in single- and multiple-family residences and other residential settings, and including other nonbusiness sources of prescription and nonprescription drugs that are unused, unwanted, disposed of or abandoned by residents as identified by the Health Officer. “Covered persons” does not include business generators of pharmaceutical waste, such as hospitals, clinics, doctors’ offices, veterinarian clinics, pharmacies, or airport security and law enforcement drug seizures.

— (5) “Health Officer” means the local Health Officer of Clallam County appointed pursuant to RCW 70.05.050 or the local Health Officer’s duly authorized representative(s).

— (6) “Drop-off site” means the location of an authorized collector where a secure drop box for all unwanted covered drugs is provided for persons subject to this article, or the location of a long-term care facility at which a hospital/clinic or retail pharmacy is authorized by the United States

Drug Enforcement Administration to maintain a secure drop box for unwanted covered drugs from residents of the long-term care facility.

— (7) “Drug wholesaler” means a corporation, individual or other entity that buys drugs or devices for resale and distribution to corporations, individuals or entities other than consumers.

— (8) “Drug” includes:

— (a) Articles recognized in the official United States Pharmacopoeia and National Formulary, the official Homeopathic Pharmacopoeia of the United States or any supplement of the Formulary or those pharmacopoeias as published by the U.S. Pharmacopeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;

— (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;

— (c) Substances, other than food, intended to affect the structure or any function of the body of humans or other animals; or

— (d) Substances intended for use as a component of any substances specified in subsections (8)(a) through (c) of this section.

— (9) “Independent stewardship plan” means a plan other than the standard stewardship plan for the collection, transportation and disposal of unwanted covered drugs that:

— (a) May be proposed by a producer or group of producers; and

— (b) If approved, is financed, developed and implemented by the participating producer or group of producers, and operated by the participating producer or group of producers or a stewardship organization.

— (10) “Long-term care facility” means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients and, for the purposes of this article, a facility where covered drugs that may be disposed in a secure drop box pursuant to 21 CFR 1317.80 are in the lawful possession of the resident.

— (11) “Mail-back services” means a collection method for the return of unwanted covered drugs from covered persons utilizing prepaid and preaddressed mailing envelopes.

— (12) “Manufacture” means “manufacture” as defined in RCW 18.64.011, as amended, that is the production, preparation, propagation, compounding or processing of a drug or other substance or device or the packaging or repackaging of the substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

— (13) “Manufacturer” means a person, corporation or other entity engaged in the manufacture of drugs or devices, as defined in RCW 18.64.011 (as amended).

— (14) “Nonprescription drug” means a drug that may be lawfully sold without a prescription.

— (15) “Person” means an individual person, a firm, sole proprietorship, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, cooperative or other entity of any kind or nature.

— (16) “Pharmacy” means a place licensed by the Washington State Pharmacy Quality Assurance Commission where the practice of pharmacy, as defined in RCW 18.64.011 (as amended), is conducted.

— (17) “Plan proponent” means the entity or person who submits a stewardship plan and is responsible for the submission and implementation of that plan.

— (18) “Potential authorized collector” means any person, such as manufacturers, distributors, reverse distributors, retail pharmacies, hospitals/clinics with an on-site pharmacy, or narcotic treatment programs, that may modify their registration with the United States Drug Enforcement Administration to be authorized for collection of drugs, including controlled substances. For purposes of this article, “potential authorized collector” shall also include law enforcement agencies.

— (19) “Prescription drug” means any drugs, including controlled substances, which are required by an applicable federal or State law or regulation to be dispensed by prescription only or are restricted to use by practitioners only.

— (20) “Producer” means a manufacturer that is engaged in the manufacture of a covered drug sold in or into Clallam County, including a brand name or generic drug. “Producer” does not include:

— (a) A retailer whose store label appears on a covered drug or the drug’s packaging if the manufacturer from whom the retailer obtains the drug is identified under CCC 41.11.260(3);

— (b) A pharmacist who compounds a prescribed individual drug product for a consumer; or

— (c) A drug wholesaler who is not also a manufacturer.

— (21) “Regulation” means these “Secure Medicine Return Regulations” adopted by the Clallam County Board of Health.

— (22) “Retail pharmacy” means a pharmacy licensed by the Washington State Pharmacy Quality Assurance Commission for retail sale and dispensing of drugs.

— (23) “Standard stewardship plan” means the plan for the collection, transportation and disposal of unwanted covered drugs that is:

— (a) Financed, developed, implemented and participated in by producers;

— (b) Operated by the participating producers or a stewardship organization; and

— (c) Approved as the standard stewardship plan.

— (24) “Stewardship organization” means an organization designated by a producer or group of producers to act as an agent on behalf of each producer to develop and implement and operate the standard stewardship plan or an independent stewardship plan.

— (25) “Unwanted covered drug” means any covered drug, no longer wanted by its owner, that:

— (a) Has been abandoned or discarded; or

— (b) Is intended to be discarded by its owner.

Hereby repealed in its entirety

Section 41.11.260, Stewardship plan - Participation, is amended to read as follows:

(1) Each producer shall participate in the standard stewardship plan approved by the Health Officer, except that a producer may individually, or with a group of producers, form and participate in an independent stewardship plan if approved by the Health Officer.

(2) The standard stewardship plan and any independent stewardship plan shall be approved by the Health Officer before collecting unwanted covered drugs. Once approved, stewardship plans must have prior written approval of the Health Officer for proposed changes as provided in CCC 41.11.350.

(3) Within 60 days of the date of adoption of the regulation codified in this article, a producer shall notify the Health Officer in writing of the producer’s intent to participate in the standard stewardship plan or to form and participate in an independent stewardship plan. A retailer whose store label appears on a covered drug or the drug’s packaging must notify the Health Officer of intent to participate or provide written notification that the manufacturer from whom the retailer obtains the drug has provided its notice of intent to participate. For a covered drug not sold in or into Clallam County at the date of adoption of the regulation codified in this article, the producer of the covered drug, and, if applicable, the retailer whose store label appears on a covered drug or the drug’s packaging, shall notify the Health Officer within six months of the date of initiating sales of the covered drug in or into Clallam County.

(4) A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall meet the following deadlines and standards:

(a) Within four months of the date of adoption of the ordinance codified in this article:

~~_____ (i) Identify a plan operator who is authorized to be the official point of contact for the stewardship plan and provide in writing the name and contact information, including the mailing address, telephone number, and email, of the plan operator to the Health Officer; and~~

~~_____ (ii) Notify all potential authorized collectors in Clallam County of the opportunity to participate as a drop-off site in accordance with CCC 41.11.280. The notification shall include a process for forming an agreement between the plan and interested potential authorized collectors. If a potential authorized collector expresses an interest in participating as a drop-off site in response to the notification, within 30 calendar days of the expression of such interest the producer or group of producers shall commence good faith negotiations with the nonparticipating potential authorized collector.~~

~~_____ (b) Within six months of the adoption date of the regulation codified in this article, submit a proposed stewardship plan as described in CCC 41.11.270 to the Health Officer for review.~~

~~_____ (c) Within three months of the Health Officer's approval of the stewardship plan:~~

~~_____ (i) Provide documentation to the Health Officer that all potential authorized collectors participating in the approved stewardship plan, not including law enforcement, have amended their registrations with the United States Drug Enforcement Administration; and~~

~~_____ (ii) Begin operating or participating in a stewardship plan in accordance with this article. Operating or participating in a stewardship plan means actually providing collection services within 90 days of the plan approval.~~

~~_____ (d) Annually notify any nonparticipating potential authorized collectors in Clallam County of the opportunity to participate in a stewardship plan. If a potential authorized collector expresses an interest in participating, the producer or group of producers shall commence good faith negotiations with the nonparticipating potential authorized collector within 30 calendar days of the expression of such interest.~~

~~_____ (e) Every four years, review and update the stewardship plan, as needed. Any substantive changes to the required components of the stewardship plan shall be explained in writing and be submitted with the updated stewardship plan and review fee to the Health Officer. Suggested changes to the plan must be submitted to the Health Officer within 10 business days of the date of the request for comments. An updated plan will not be reviewed until the explanation of changes and review fee are submitted. If the producer or group of producers determines that no changes to the stewardship plan are necessary, the producer or group of producers shall notify the Health Officer in writing that no changes are being made to the stewardship plan and no updated plan will be submitted. This section does not exempt producers or groups of producers from compliance with CCC 41.11.350 for changes made to the stewardship plans in the time between plan updates.~~

~~_____ (f) Pay all administrative and operational costs and fees associated with their stewardship plan as required under CCC 41.11.310 and 41.11.380.~~

~~_____ (5) A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan may:~~

~~_____ (a) Enter into contracts or agreements with stewardship organizations, service providers, or other entities to design, coordinate, or implement all of or a portion of their stewardship plan.~~

~~_____ (b) Notify the Health Officer of any producer selling covered drugs in or into Clallam County that is failing to participate in a stewardship plan.~~

~~_____ (c) Perform any other functions necessary to fulfill any or all of the purposes for which the plan is organized.~~

~~_____ (6) After the first full year of operation of the approved standard stewardship plan, a producer or group of producers participating in the standard stewardship plan may notify the Health Officer in writing of intent to form an independent stewardship plan. The notification must identify a plan operator, including the plan operator's telephone number, mailing address and email contact information, who is authorized to be the official point of contact for the proposed independent stewardship plan. Within three months of such notification, the producer or group of producers may~~

submit a proposed independent stewardship plan as described under CCC 41.11.270 to the Health Officer for review.

— (7) If requested by a producer or group of producers, the Health Officer may approve extensions of the submission dates and deadlines in this section. Extension requests and approvals must be in writing.

— (8) The Health Officer may, upon request, provide consultation and technical assistance about the requirements of this article to assist a producer, group of producers or stewardship organization in developing its proposed plan.

Hereby repealed in its entirety

Section 41.11.270, Stewardship plan - Components, is ~~amended to read as follows~~:

All stewardship plans shall include the following components:

— (1) Contact information for all drug producers participating in the stewardship plan including name, company, USPS mailing address, phone number, and email. The proponent of a stewardship plan shall have a continuing obligation to keep its contact information current and accurate.

— (2) A description of the proposed collection system to provide convenient ongoing collection service for all unwanted covered drugs from covered persons in compliance with the provisions and requirements in CCC 41.11.280. The collection system description shall include the following:

— (a) A list of all collection methods and participating potential authorized collectors and the collection methods used by the participating potential authorized collectors;

— (b) A list of drop-off sites with addresses;

— (c) A description of how periodic collection events will be scheduled and located if applicable;

— (d) A description of how mail-back services will be provided and an example of the prepaid, preaddressed mailers to be utilized;

— (e) A list of potential authorized collectors contacted by the plan under CCC 41.11.260(4)(a); and

— (f) A list of all potential authorized collectors who offered to participate, and, if any potential authorized collector who offered to participate was not included in the plan, an explanation for the reasons for such decision.

— (3) A description of the handling and disposal system including the following:

— (a) Identification of and contact information for potential authorized collectors, transporters and waste disposal facilities to be used by the stewardship plan in accordance with CCC 41.11.280 and 41.11.300.

— (b) A description of the policies and procedures to be followed by persons handling unwanted covered drugs collected under the stewardship plan, including the following:

— (i) A description of how all authorized collectors, transporters and waste disposal facilities utilized in the stewardship plan will safely and securely track the covered drugs from initial collection to final disposal;

— (ii) A description of how all entities participating in the stewardship plan will operate under all applicable federal and State laws, regulations and guidelines, including those of the United States Drug Enforcement Administration;

— (iii) A description of how any pharmacy drop-off site will operate under applicable regulations and guidance of the Washington State Pharmacy Quality Assurance Commission; and

— (iv) A description of how patient information on drug packaging will be kept private and secure during collection, transportation, and recycling or disposal.

— (4) A description of the public education effort and promotion strategy required by CCC 41.11.290, including a copy of standardized instructions for residents, signage developed for authorized collectors; and required promotional materials.

~~— (5) A proposal stating the short-term (one-year) and long-term (five-year) goals of the stewardship plan for collection amounts (by weight) and public awareness;~~

~~— (6) A description of how the stewardship plan will consider:~~

~~— (a) Use of existing providers of waste pharmaceutical services;~~

~~— (b) Separating covered drugs from packaging to the extent possible to reduce transportation and disposal costs; and~~

~~— (c) Recycling of drug packaging to the extent feasible.~~

~~— (7) Proof that the proponent of the plan has obtained and shall maintain in full force during the term of this plan public liability and property damage insurance with companies or through sources approved by the State Insurance Commissioner pursuant to RCW Title 48, as now or hereafter amended. The County, its appointed and elected officials, agents and employees, shall be specifically named as additional insureds in a policy with the same company which insures the contractor or by endorsement to an existing policy or with a separate carrier approved pursuant to RCW Title 48, as now or hereafter amended, and the following coverages shall be provided:~~

~~— (a) Commercial general liability for bodily injury, including death, with coverage in the amount of not less than \$2,000,000 per occurrence and \$4,000,000 aggregate.~~

~~— (b) Property damage with coverage in the amount of not less than \$500,000 per occurrence and \$1,000,000 aggregate.~~

~~— (c) Errors and omissions or professional liability (with an extended reporting period endorsement of two years) with coverage in the amount of not less than \$2,000,000 per occurrence. The County acknowledges that it will not be possible for the County to obtain “additional insured” status with respect to this coverage.~~

~~— (d) Business automobile liability with coverage including “uninsured motorist” coverage with coverage in the amount of not less than \$500,000 per occurrence, \$1,000,000 aggregate. The County acknowledges that it will not be possible for the County to obtain “additional insured” status with respect to this coverage.~~

~~— (e) Workers’ compensation providing an amount of coverage not less than that which is required by statute.~~

~~— (f) Any such policy of insurance the plan proponent is required to obtain and maintain pursuant to this plan shall be primary over any third-party liability coverage provided to Clallam County by and through its membership in the Washington Counties Risk Pool, or WCRP. The third-party liability coverage provided by the WCRP to Clallam County shall be noncontributory with respect to any policy of insurance the plan proponent is required to obtain and maintain pursuant to this plan. The County shall have no obligation to report occurrences unless a claim or lawsuit is filed with it and the County has no obligation to pay any insurance premiums.~~

~~— (g) Evidence of the insurance coverage listed in subsections (7)(a) through (f) of this section shall be submitted by the plan proponent with the submission to the Health Officer for approval of the plan.~~

~~— (8) Execution in the presence of a notary public by the plan proponent, or an authorized employee, representative or agent of the plan proponent of a “Defense and Indemnity Agreement” containing the following text, said “Defense and Indemnity Agreement” to be included in the initial submission to the Health Officer seeking approval of a plan:~~

~~— (1) The Plan proponent agrees to hold harmless, indemnify and defend the County, its officers, officials, employees and agents, from and against any and all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including reasonable costs and attorneys’ fees in defense thereof, for injury, sickness, disability or death to persons or damage to property (including loss of use thereof) or business (including economic loss), caused by or arising out of the Plan proponent’s acts, errors or omissions in the performance of the Plan. Provided, however, that the Plan proponent’s obligation under this provision will not extend to injury,~~

sickness, disability, death or damage caused by or arising out of the sole negligence of the County, its officers, officials, employees or agents.

————— (2) With regard to any claim against the County, its officers, officials, employees and agents by any employee of the Plan proponent, subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation under this Section will not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Plan proponent or subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts. It is clearly agreed and understood by the parties to the Plan that the Plan proponent expressly waives any immunity the Plan proponent might have had under such laws. By seeking approval of this Plan, the Plan proponent acknowledges that the foregoing waiver has been mutually negotiated by the parties as is required by RCW 4.24.115, and that the provisions of this Section will be incorporated, as relevant, into any contract the Plan proponent makes with any subcontractor or agent performing work under the Contract.

————— (3) The Plan proponent's obligations under these provisions include, but are not limited to, investigating, adjusting, and defending all claims alleging loss from action, error or omission, or breach of any common law, statutory or other delegated duty by the Plan proponent, the Plan proponent's employees, agents or subcontractors.

Hereby repealed in its entirety

Section 41.11.280, Stewardship plan – Collection of drugs, is amended to read as follows:

(1) This article does not require any person to serve as an authorized collector in a stewardship plan. A person may offer to participate as an authorized collector voluntarily, or may agree to participate as an authorized collector in exchange for compensation offered by a producer, group of producers or stewardship organization. Any entities participating as authorized collectors including, but not limited to, retail pharmacies, hospitals and clinics with an on-site pharmacy, and law enforcement agencies shall operate in accordance with this article as well as State and federal laws and regulations for the handling of unwanted covered drugs, including those of the United States Drug Enforcement Administration. A pharmacy drop-off site shall also operate under applicable regulations and guidance of the Washington State Pharmacy Quality Assurance Commission.

————— (2) The collection system shall be convenient on an ongoing, year-round basis to adequately serve the needs of covered entities and shall be designed in consideration of equitable opportunities for all Clallam County residents for the safe and convenient return of unwanted covered drugs, in accordance with this section.

————— (3) The collection system for all unwanted covered drugs shall be safe and secure, and include the protection of patient information on drug packaging.

————— (4) The service convenience goal for the standard stewardship plan and any independent stewardship plan is a system of drop-off sites distributed to provide reasonably convenient and equitable access for all residents in incorporated and unincorporated areas of Clallam County, and meeting the requirements of this subsection. To do so, collection systems shall meet the following standards:

————— (a) There must be at least one drop-off site within the geographical boundaries of all three cities in Clallam County. In cities with more than one drop-off site, the drop-off sites must be geographically separated to provide reasonably convenient and equitable access from different locations within and outside the city boundaries.

————— (b) If there is no potential authorized collector within the geographic boundaries of a city, service to those geographic areas shall be supplemented with periodic collection events, mail-back services or a combination of periodic collection events and mail-back services. Distribution of mail-back packets/supplies is to be made available at all North Olympic Library System (NOLS) branches in Clallam County.

~~————— (c) All collection systems shall prioritize locating drop-off sites at retail pharmacies, hospitals and clinics with on-site pharmacies and law enforcement agencies. If retail pharmacies, hospitals and clinics with on-site pharmacies and law enforcement agencies are unavailable or unable to provide a drop-off site in a particular geographic area, collection plans may consider alternative authorized collectors, potential authorized collectors or long-term care facilities for drop-off sites.~~

~~————— (d) Any retail pharmacy, hospital or clinic with an on-site pharmacy or any law enforcement agency that meets the requirements of this article and requests to be added as a drop-off site shall be added as a drop-off site within 90 days of the stewardship plan receiving the request unless the requestor asks for additional time.~~

~~————— (e) Any potential authorized collector, not including retail pharmacies, hospitals and clinics with on-site pharmacies, law enforcement agencies or long-term care facilities, able to meet the requirements of this article may request to be added as a drop-off site. If such a request is received by a stewardship plan, the stewardship plan may add the requestor to their collection system.~~

~~———— (5) Drop-off sites shall accept all covered drugs from covered persons during the authorized collector's normal business hours. Drop-off sites at long-term care facilities shall only accept covered drugs from individuals who reside or have resided at the long-term care facility pursuant to 21 CFR 1317.80.~~

~~———— (6) Drop-off sites shall utilize secure drop boxes in compliance with all applicable federal and State laws, including the United States Drug Enforcement Administration regulations. Secure drop boxes shall be emptied and serviced as often as is necessary on a schedule that meets the need of each location to avoid reaching capacity. Secure drop box signage shall include a prominently displayed 24-hour, toll-free telephone number and website for the stewardship plan. Covered persons or collection authorities must be able to utilize the toll-free telephone number or website to provide feedback on collection activities, including but not limited to the need to empty the secure drop box.~~

~~———— (7) In partnership with participating authorized collectors, a producer or group of producers participating in a stewardship plan shall develop clear, standardized instructions for the use of drop boxes and a readily recognizable, consistent design of drop boxes located at drop-off sites. The Health Officer may provide guidance on the development of the instructions and design. The instructions shall be available on the stewardship plan's website and posted at drop-off site locations.~~

~~———— (8) Mail-back services shall be free of charge and made available to differently abled and homebound residents upon request through the stewardship plan's toll-free telephone number and website. Prepaid, preaddressed mailers shall be distributed to persons providing services to differently abled and homebound residents, and may also be utilized as a collection method.~~

~~———— (9) If utilized as a collection method, periodic collection events must be arranged with law enforcement personnel and shall be conducted in compliance with United States Drug Enforcement Administration protocols, participating law enforcement agency protocols and with this article.~~

~~———— (10) Alternative collection methods shall be provided for any covered drugs that cannot be accepted or comingled with other covered drugs in secure drop boxes, in mailer, or at collection events. Such collection methods shall be reviewed and approved by Health and Human Services Environmental Health and shall operate in compliance with applicable regulations.~~

~~Hereby repealed in its entirety~~

Section 41.11.290, Stewardship plan – Promotion, is ~~amended to read as follows:~~

~~(1) A producer or group of producers participating in a stewardship plan must develop and provide a system of promotion, education, and public outreach about safe storage and secure collection of covered drugs.~~

— (2) The education and public outreach strategy shall include the following:

— (a) A toll-free telephone number and website available for use by the public.

— (b) Promotion of the locations, hours, and use of the drop-off sites. Included in the promotion materials shall be information on how to return unwanted covered drugs to drop-off sites and how to use other collection options for unwanted covered drugs. The promotion materials shall be published on the stewardship plan's website and distributed to covered entities; pharmacists; retailers of covered drugs; health care practitioners including doctors, dentists, and other prescribers; veterinarians and veterinary hospitals. All promotional materials shall include notices that unused, expired or contaminated pharmaceutical wastes are prohibited from disposal in the garbage system in Clallam County, pursuant to this article.

— (c) Educational and outreach resources and materials for covered entities on the legal disposal of and safe storage of covered drugs. Plain language and explanatory images should be utilized to make use of medicine collection services readily understandable by all covered entities, including individuals with limited English proficiency. The educational and outreach materials shall be both published on the website and distributed to pharmacies, health care facilities, County agencies and other interested parties for dissemination to covered entities. The website and all educational and outreach materials shall include notices that unused, expired or contaminated pharmaceutical wastes should not be disposed in the garbage system in Clallam County, pursuant to this article.

— (d) Annual reports evaluating the effectiveness of the promotion, outreach and public education shall be submitted to the Board of Health.

— (e) A biennial survey shall be conducted of covered entities and pharmacists, health professionals, and veterinarians in Clallam County who interact with covered entities. The first survey shall be conducted within 60 days after the first year of operating the stewardship plan. The goal of the survey is to measure the percentage of covered entities, pharmacists, health professionals and veterinarians who are aware of the stewardship plan; to assess the convenience and ease of use of the drop-off sites and other collection methods for covered entities; and to assess knowledge and attitudes of covered entities, pharmacists, health professionals, and veterinarians regarding the risks of abuse, poisoning and overdose from prescription and nonprescription drugs used in the home. Draft survey questions shall be submitted to the Health Officer for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Health Officer and made available to the public on the stewardship plan's website within 90 days of the end of the survey period.

— (3) All approved stewardship plans operating in Clallam County shall coordinate their promotional activities to ensure that all covered entities can easily identify, understand and access the collection services provided by any stewardship plan. Coordination between stewardship plans shall include providing covered entities with a single toll-free telephone number and a single website to access information about collection services for all stewardship plans operating in Clallam County.

— (4) Pharmacies and other entities selling medicines in or into Clallam County are encouraged to promote secure disposal of unwanted covered drugs by covered entities by using approved stewardship plans. Pharmacies must provide materials explaining the use of approved stewardship plans to customers upon request.

— (5) The Board of Health and Clallam County government agencies responsible for health, solid waste management, and wastewater treatment shall promote safe storage and secure disposal of unwanted covered drugs by covered entities by using the stewardship plans, the toll-free telephone number and the website for approved stewardship plans through the agencies' standard educational methods.

Hereby repealed in its entirety

Section 41.11.300, Stewardship plan – Disposal of covered drugs, is ~~amended to read as follows:~~

~~(1) Covered drugs collected under a stewardship plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 CFR Parts 264 and 265.~~

~~— (2) The Health Officer may grant approval for a producer or group of producers participating in a stewardship plan to dispose of some, or all, of the collected covered drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 CFR Parts 60 and 62, if use of a hazardous waste disposal facility is not feasible based on cost, logistics or other considerations.~~

~~— (3) A producer or group of producers participating in a stewardship plan may petition the Health Officer for approval to use alternative final disposal technologies that provide superior or equivalent protection at a lower cost than permitted hazardous waste disposal facilities or municipal waste combustors in each of the following areas:~~

- ~~— (a) Monitoring of any emissions or waste;~~
- ~~— (b) Worker health and safety;~~
- ~~— (c) Air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and~~
- ~~— (d) Overall impact to the environment and human health.~~

Hereby repealed in its entirety

Section 41.11.310, Stewardship plan – Administrative and operational costs, is ~~amended to read as follows:~~

~~(1) A producer or group of producers participating in a stewardship plan shall pay all administrative and operational costs related to their stewardship plan, except as provided under this section. Administrative and operational costs related to the stewardship plan include, but are not necessarily limited to:~~

- ~~— (a) Collection and transportation supplies for each drop-off site;~~
- ~~— (b) Purchase of secure drop boxes for each drop-off site;~~
- ~~— (c) Ongoing maintenance or replacement of secure drop boxes, as requested by authorized collectors;~~
- ~~— (d) Prepaid, preaddressed mailers provided to differently abled and homebound residents, and to specific areas of Clallam County, if utilized;~~
- ~~— (e) Operating periodic collection events if utilized, including costs of law enforcement staff time, if necessary;~~
- ~~— (f) Transportation of all collected pharmaceuticals to final disposal;~~
- ~~— (g) Environmentally sound disposal of all collected pharmaceuticals under CCC 41.11.300; and~~
- ~~— (h) Program promotion under CCC 41.11.290, including costs of providing materials to pharmacies to fulfill customer requests.~~

~~— (2) No person or producer may charge a specific point-of-sale fee to consumers to recoup the costs of their stewardship plan, nor may they charge a specific point-of-collection fee at the time the covered drugs are collected from covered persons.~~

~~— (3) Producers are not required to pay for costs of staff time at drop-off sites provided by authorized collectors volunteering for a stewardship plan, but may offer compensation to authorized collectors for their participation.~~

Hereby repealed in its entirety

Section 41.11.320, Stewardship plan – Reporting requirements, is ~~amended to read as follows:~~

~~(1) At the following intervals: three, six, nine, and 12 months of the start of operations of the plan, and semiannually thereafter, the plan operator of the standard stewardship plan and of any independent stewardship plan shall submit a report to the Health Officer on behalf of participating producers describing their plan's activities during the previous reporting period to comply with this article. The report must include:~~

- ~~———— (a) A list of producers participating in the stewardship plan;~~
- ~~———— (b) The amount, by weight, of unwanted covered drugs collected, including the amount by weight from each collection method used;~~
- ~~———— (c) A list of drop-off sites with addresses, the number of mailers provided for differently abled and homebound residents, locations where mailers were provided, if applicable, dates and locations of collection events held, if applicable, transporters used and the disposal facility or facilities used;~~
- ~~———— (d) Any safety or security problems that occurred during collection, transportation or disposal of unwanted covered drugs during the reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to remedy the problem and to improve safety and security in the future;~~
- ~~———— (e) A description of the public education, outreach and evaluation activities implemented during the reporting period;~~
- ~~———— (f) A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;~~
- ~~———— (g) A summary of the stewardship plan's goals for collection amounts and public awareness, the degree of success in meeting those goals in the past year and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and~~
- ~~———— (h) The total expenditure of the stewardship plan during the reporting period.~~
- ~~— (2) The Health Officer shall make reports submitted under this section available to the public.~~
- ~~— (3) For the purposes of this section, "reporting period" means the period from January 1st through December 31st of the same calendar year, unless otherwise specified to the plan operator by the Health Officer.~~

~~Hereby repealed in its entirety~~

Section 41.11.330, Stewardship plan – Identification of producers of covered drugs, is ~~amended to read as follows:~~

- ~~(1) Within 60 days of a request from the Health Officer, any drug wholesaler that sells any covered drug in or into Clallam County must provide a list of producers of covered drugs to the Health District in a form agreed upon with the Health Officer. Wholesalers must update the list, no more than annually, if requested by the Health Officer.~~
- ~~— (2) Any person receiving a letter of inquiry from the Health Officer regarding whether or not it is a producer under this article must respond in writing within 60 days. If such person does not believe it is a producer under this article, it must state the basis for such belief and provide a list of any covered drugs it sells, distributes, repackages, or otherwise offers for sale within Clallam County, and identify the name and contact information of the manufacturer of the covered drug.~~

~~Hereby repealed in its entirety~~

Section 41.11.340, Stewardship plan – Review of proposed plans, is ~~amended to read as follows:~~

- ~~(1) Within six months of the date of adoption of the regulation codified in this article, a producer, group of producers or stewardship organization shall submit its proposed stewardship plan to the Health Officer for review, accompanied by the plan review fee in accordance with CCC 41.11.380. The proposed plan should indicate whether the plan is proposed as the standard~~

stewardship plan or an independent stewardship plan. If multiple proposals are submitted for the standard stewardship plan, the Health Officer shall designate the standard stewardship plan at time of plan approval.

— (2) The Health Officer shall review each proposed stewardship plan to determine compliance with this article. In reviewing a proposed stewardship plan, the Health Officer shall provide opportunity for written public comment and consider any comments received.

— (3) Within 90 days after receipt of the proposed stewardship plan, the Health Officer shall either approve or reject the proposed stewardship plan in writing to a producer, group of producers or stewardship organization and, if rejected, provide reasons for the rejection.

— (4) If the proposed stewardship plan is rejected, a producer, group of producers or stewardship organization must submit a revised stewardship plan to the Health Officer within 60 days after receiving written notice of the rejection. The Health Officer shall review and approve or reject a revised stewardship plan as provided under subsections (2) and (3) of this section. Any suggested changes to the plan proposal must be submitted to the Health Officer within 10 business days of the date of the open comment period.

— (5) If the Health Officer rejects a revised stewardship plan, or any subsequently revised plan, the Health Officer may deem the producer or group of producers out of compliance with this article and subject to the enforcement provisions in this article.

— (a) If a revised proposal for the standard stewardship plan is rejected, the Health Officer may, in the Health Officer's discretion, require the submission of a further revised standard stewardship plan or develop and impose changes to some or all components of the rejected plan to constitute an approved stewardship plan. If the Health Officer imposes some or all components of the approved plan, the Health Officer may not deem the producers participating in and complying with the approved standard stewardship plan out of compliance with this article.

— (b) If a revised independent stewardship plan is rejected, the producer or group of producers submitting the independent stewardship plan shall participate in the standard stewardship plan and are not eligible to propose an independent stewardship plan for six months after the rejection. The Health Officer may not deem a producer whose revised independent stewardship plan is rejected out of compliance with this article if the producer participates in and complies with the standard stewardship plan.

— (6) In approving a proposed stewardship plan, the Health Officer may exercise reasonable discretion to waive strict compliance with the requirements of this article to achieve the objectives of this article.

— (7) The Health Officer shall make all stewardship plans submitted under this section available to the public both before and after they are approved.

Hereby repealed in its entirety

Section 41.11.350, Stewardship plan – Prior approval for change, is ~~amended to read as follows~~:

(1) Proposed changes to an approved stewardship plan that substantively alter plan operations, including, but not limited to, changes to participating producers, collection methods, convenience and equity of collection methods for covered entities, policies and procedures for handling covered drugs, education and promotion methods or disposal facilities must have prior written approval of the Health Officer.

— (2) Any proposed changes shall be submitted to the Health Officer in writing at least 30 days before the change is scheduled to occur and accompanied by the review fee in accordance with CCC 41.11.380.

— (3) The plan operator of an approved stewardship plan shall notify the Health Officer at least 15 days before implementing any changes to drop-off site locations; methods for scheduling and

locating periodic collection events or methods for distributing prepaid, preaddressed mailers that do not substantively alter the convenience and equity for covered entities; or other changes that do not substantively alter plan operations under subsection (1) of this section.

— (4) The producer or group of producers participating in an approved stewardship plan shall notify the Health Officer of any changes to the plan operator who is the official point of contact for the stewardship plan within 15 days of the change. The plan operator shall notify the Health Officer of any changes in ownership or contact information for participating producers within 30 days of such change.

Hereby repealed in its entirety

Section 41.11.360, Stewardship plan – Administration and enforcement, is ~~amended to read as follows:~~

- (1) ~~The Health Officer is authorized to administer and enforce these regulations.~~
- (2) ~~The Health Officer is authorized to adopt additional rules or policies consistent with the provisions of these regulations for the purpose of enforcing and carrying out its provisions. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the State or by persons, which exist in equity, common law or other statutes to abate noncompliance with these regulations.~~
- (3) ~~After presenting official credentials and providing notice of an audit or inspection to determine compliance with this article or to investigate a complaint, the Health Officer may audit a producer's, group of producers' or stewardship organization's records related to a stewardship plan or request that the producer, group of producers or stewardship organization arrange for the Health Officer to inspect at reasonable times a stewardship plan or an authorized collector's facilities, vehicles and equipment used in carrying out the stewardship plan.~~
- (4) ~~Right of Entry and Inspection.~~
- (a) ~~Whenever necessary to make an inspection, to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has been or is being committed, the Health Officer or his/her duly authorized inspector may, in accordance with federal and State law, seek entry of any building, structure, property or portion thereof at reasonable times to inspect the same.~~
- (b) ~~If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry.~~
- (c) ~~If consent to enter said building, structure, property, or portion thereof is not provided by the owner, occupier, or other persons having apparent control of the premises, the Health Officer may enter said premises only to the extent permitted by federal and State law.~~
- (5) ~~Notice and Order to Correct Violation.~~
- (a) ~~Issuance. Whenever the Health Officer determines that violation of these regulations has occurred or is occurring, he/she, or his/her designee, may attempt to secure voluntary correction by sending a notice and order to correct violation to a producer, group of producers, plan operator, drug wholesaler, or drug manufacturer in violation of this article.~~
- (b) ~~Content. The notice and order to correct violation shall contain:~~
- (i) ~~A statement that participation in a stewardship plan is required and a reference to this article;~~
- (ii) ~~A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;~~
- (iii) ~~A statement that each violation of this regulation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance shall be a separate and distinct violation; and~~

_____ (iv) A statement that failure to obey the notice may result in the issuance of civil penalties, including all costs incurred for enforcement of the Notice and Order to Correct Violation, or other legal action to encourage compliance.

_____ (e) Service of Order. The Notice and Order to Correct Violation shall be served upon the producer or group of producers to whom it is directed, either personally or by mailing a copy of the order to correct violations by regular and/or certified mail, postage prepaid, return receipt requested, to the last known address of the violator. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the persons affecting the service, declaring the time and date of service and the manner by which service was made.

_____ (d) Time to Correct Violation.

_____ (i) A producer not participating in the standard stewardship plan or an independent stewardship plan and whose covered drug continues to be sold in or into Clallam County 60 days after receiving a written Health Officer's Notice and Order to Correct Violation may be assessed a penalty under subsection (6) of this section.

_____ (ii) If the Health Officer determines that a stewardship plan is not in compliance with this article or its plan approved under CCC 41.11.350, the Health Officer may send the producer or group of producers participating in the plan a written Notice and Order to Correct Violation stating the plan is in noncompliance. A producer or group of producers whose stewardship plan has been determined by the Health Officer to be out of compliance with this article, or its plan approved under CCC 41.11.350, has 30 days after receiving a written Health Officer's Notice and Order to Correct Violation to achieve compliance. If the stewardship plan is not in compliance after 30 days, the Health Officer may assess a penalty under subsection (6) of this section. This subsection does not preclude the Health Officer from suspending an approved plan, in addition to other penalties, if a violation of this article or an approved plan creates a condition that, in the Health Officer's judgment, constitutes an immediate hazard. If a plan is suspended, the proponent of that plan shall take all reasonable steps to inform the citizens of available alternate methods for secure return of covered drugs.

_____ (iii) Extension. Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

_____ (iv) Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a Notice and Order to Correct Violation. The supplemental order shall be governed by the same procedures applicable to all Notice and Order to Correct Violations procedures contained in these regulations.

_____ (6) Enforcement.

_____ (a) The Health Officer, after issuance of a written Health Officer's Notice and Order to Correct Violation ("NOCV") and the failure of the producer, group of producers, drug wholesaler or covered person to remedy or cure the violation to the satisfaction of the Health Officer, may enforce the requirements and restrictions of this article through any procedure or action authorized by CCC Title 20.

_____ (b) For purposes of implementing the terms and conditions of CCC Title 20, all violations of this article shall be considered a commercial violation subject to the monetary penalties listed in CCC 20.28.010(2), as that section is currently enacted or as it may hereafter be amended.

_____ (7) Interpreting CCC Title 20 for Purposes of This Article.

_____ (a) Should the text of this article conflict with the text of CCC Title 20, as currently enacted or hereafter amended, then the text of this article shall be deemed controlling.

_____ (b) For the purposes of CCC 20.08.010(5), and any other location in CCC Title 20 where the term "Director" is used, that term for purposes of this article is defined to mean the Health Officer.

~~———— (c) For the purposes of CCC 20.28.010(2), the monetary fine that may be imposed by the Health Officer for a commercial violation shall be not less than \$500 per day per violation and not more than \$2,000 per day per violation.~~

~~———— (d) Chapter 20.36 CCC, Liens, shall not be applicable to violations of this article.~~

~~———— (8) Appeals of Written Orders by the Health Officer. All appeals of a written order issued by the Health Officer, whether the Hearing Examiner's order was issued pursuant to this article or CCC Title 20, shall be subject to the appeal process described in CCC 41.11.160.~~

~~———— (9) Other Remedies Remain Available. The Health Officer or designee may, with respect to any alleged violation of this article or any alleged failure of a drug wholesaler, producer, group of producers or covered person to comply with the terms and conditions of their plan, invoke, implement or utilize any civil cause of action, including, but not limited to, injunctive or declaratory relief, in order to enforce this article and/or any NOCV or other written order issued by the Health Officer. Any civil action will be filed in the name of the Clallam County Board of Health and may include recovering attorney's fees and legal costs from the violating party or parties.~~

~~Hereby repealed in its entirety~~

Section 41.11.370, Stewardship plan – Regulations, performance standards, and ~~report is amended to read as follows:~~

~~(1) The Health Officer may adopt regulations necessary to implement, administer and enforce this article.~~

~~———— (2) The Health Officer may work with the plan operator to define goals for collection amounts and public awareness for a stewardship plan.~~

~~———— (3) The Health Officer shall report annually to the Board concerning the status of the standard and independent stewardship plans and recommendations for changes to this article. The annual report shall include an evaluation of the secure medicine return system, a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses and preventable poisonings.~~

~~Hereby repealed in its entirety~~

Section 41.11.380, Stewardship plan – Plan review and annual operating fees ~~is amended to read as follows:~~

~~(1) A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall pay to the Health Officer plan review fees to be established under subsection (4) of this section for:~~

~~———— (a) Review of a proposed stewardship plan;~~

~~———— (b) Resubmittal of a proposed stewardship plan;~~

~~———— (c) Review of changes to an approved stewardship plan;~~

~~———— (d) Submittal of an updated stewardship plan at least every four years under CCC 41.11.260(4)(e); and~~

~~———— (e) Review of any petition for approval to use alternative final disposal technologies under CCC 41.11.300(3).~~

~~———— (2) In addition to plan review fees, a producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall pay to the Health Officer annual operating fees to be established under subsection (4) of this section.~~

~~———— (3) A plan operator or a stewardship organization may remit the fee on behalf of participating producers.~~

~~(4) Fees shall be set initially by the Board and shall be subject to revision commensurate with the costs of delivering the service and to administering and enforcing this article. All fees collected under the provision of this article shall be payable to the Clallam County Board of Health. Hereby repealed in its entirety~~

ADOPTED this _____ of _____ 2022

CLALLAM COUNTY BOARD OF HEALTH

, Chair

Allison Berry, M.D., MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

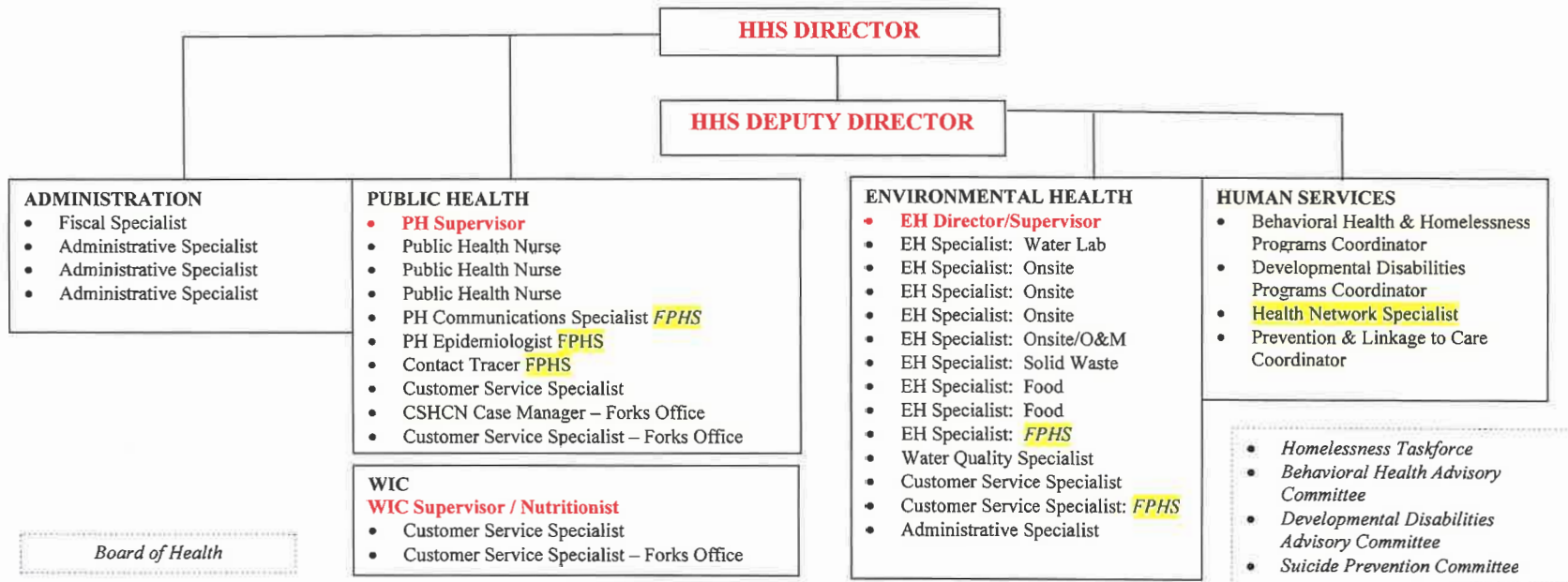
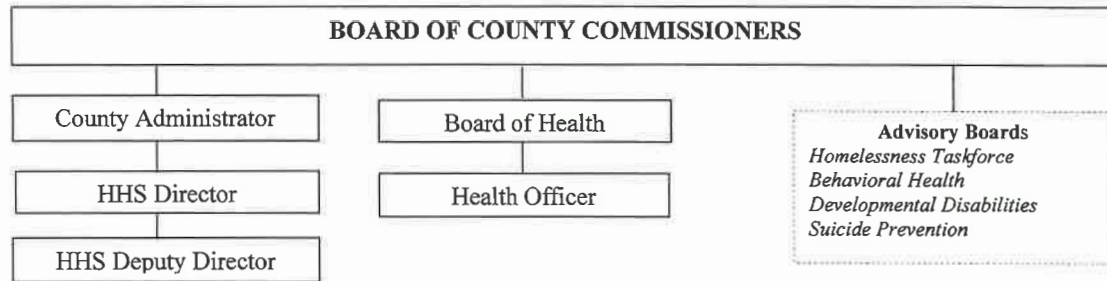
HHS DEPARTMENT OPERATIONS MATRIX

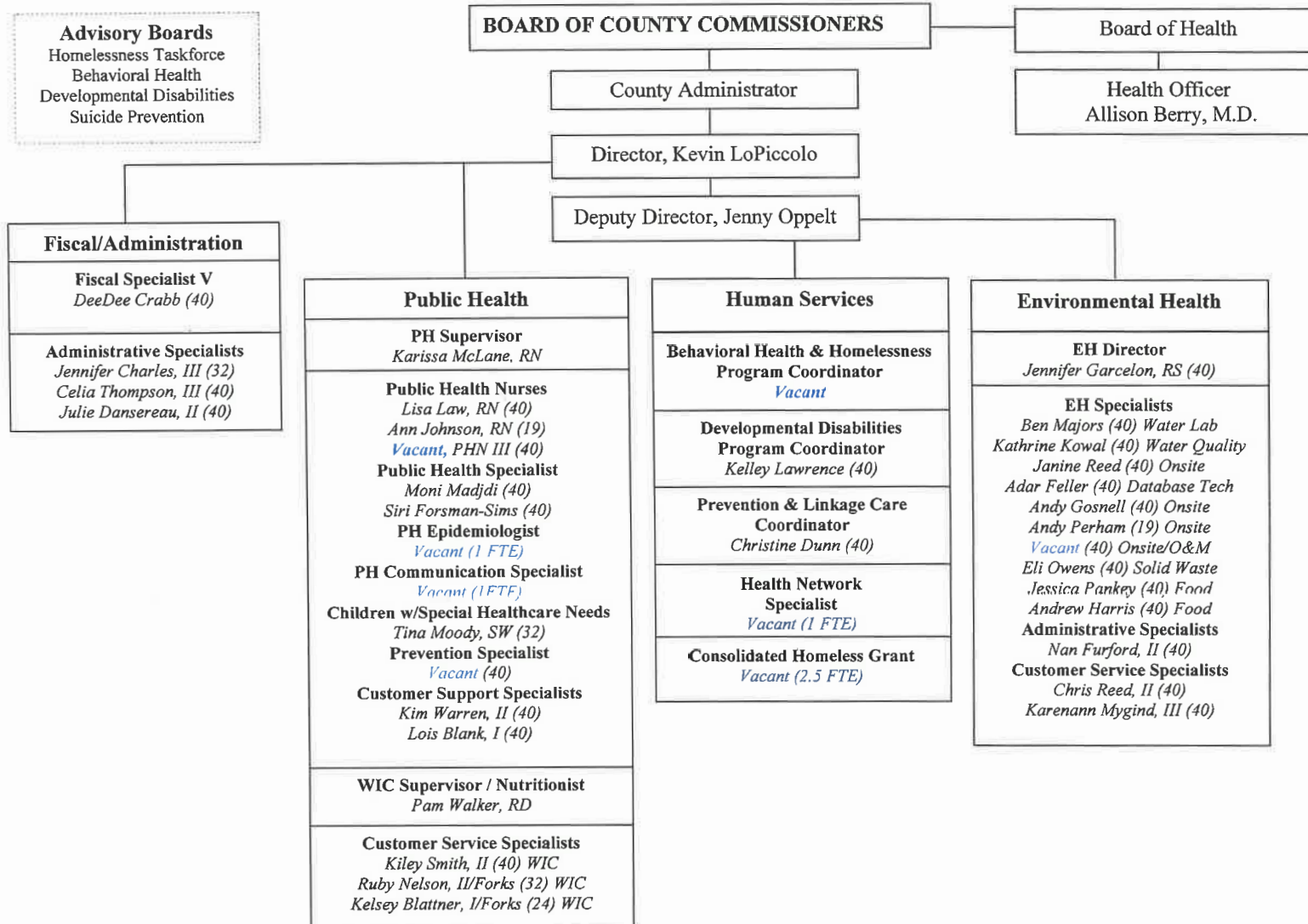
HEALTH & HUMAN SERVICES For Year 2021

ADMINISTRATION	PUBLIC HEALTH	ENVIRONMENTAL HEALTH	DEVELOPMENTAL DISABILITIES	HOMELESSNESS and AFFORDABLE HOUSING	BHAC – CDMH	TOTALS
Annual Expenditures Budget: \$ 709,766	Annual Expenditures Budget: \$ 4,613,732	Annual Expenditures Budget: \$ 1,451,295	Annual Expenditures Budget: \$ 1,693,445	Annual Expenditures Budget: \$ 794,503	Annual Expenditures Budget: \$ 1,899,387	Total HHS Department Budget: \$11,162,128
	PH Fees Collected: \$ 57,920	EH Fees Collected: \$ 684,171	Property Tax Collected: \$ 268,422	Recording Fees Collected: \$ 934,960	Sales Tax Collected: \$ 1,835,470	Total Fees: \$1,677,051 Total Property Tax: \$268,422 Total Sales Tax: \$1,835,470
	# of Grants Received : 21 Grant Revenues Collected: \$ 3,518,032	# of Grants Received: 16 Grant Revenues Collected: \$ 423,613	# of Grants Received: 1 Grant Revenues Collected: \$ 1,287,027	# of Grants Received: 1 Grant Revenue Collected: \$ 48,237		Total # of Grants Received: 39 Total Grant Revenue: \$5,276,909
			Grants/Contract Awarded (outgoing) via RFP process and community provider agency: # of Grants Awarded: 9 Budgeted Awards:\$ 1,387,530	Grants/Contract awards: (outgoing) via RFP process: # 15 \$ 390,894	Grants/contract awards: (outgoing) via RFP process: # 15 \$910,390 # 5 awards to county programs \$ 585,897	Total # of Grants/Contracts Awarded: 39 External to County: 34 Internal to County Departments: 5 Total Awards Paid – external to county: \$2,688,814 Total Awards Paid – internal to county: \$ 585,897
Program Areas: • Administrative Support • Accounts Payable • Contract Processing • Financial Systems • Financial Grant Management	Program Areas: • Pandemic Response • Immunizations • Vital Records (birth and death) • Maternal Child Health • CD/STD • Tuberculosis Testing and Response • Syringe Exchange • WIC	Program Areas: • Food & Living Environment (Pool and School) • Drinking Water Lab • Environmental Water Quality • Solid/Hazardous Waste • Onsite Septic Systems • Emergency Response	Program Areas: • Employment • High School Transition • Community Inclusion	Program Areas: • Homelessness • Affordable Housing	Program Areas: • Mental Health • Substance Use • Therapeutic Courts • Suicide Prevention	

ADMINISTRATION	PUBLIC HEALTH	ENVIRONMENTAL HEALTH	DEVELOPMENTAL DISABILITIES	HOMELESSNESS and AFFORDABLE HOUSING	BHAC – CDMH	
	Examples: • Issuing birth and death certificates, burial/cremation permits • Giving vaccines and TB tests • Weekly syringe exchange clinic • Covid-19 pandemic response • Community public health resource • Issue food vouchers for WIC eligible families	Examples: • Water sampling for community safety • Water Lab processing • Septic System O&M Inspections • New building permits – septic and water • Investigations (OSS, Food, shellfish, beaches) • Restaurant Inspections • Testing / posting contaminated beaches and shellfish beds • Landfills	Examples: • Services for parents experiencing parenting with developmental disabilities • Community wide training on digital literacy • Empowerment courses to prepare for employment • Supporting families of individuals who experience developmental disabilities	Examples: • Homeless shelter services • Coordinated entry • Warming center • Homeless services for veterans • Homeless shelter and services for people experiencing domestic violence • Shelter structural repairs/maintenance	Examples: • Services for unfunded/underfunded community behavioral health services • Community training • Crisis intervention • Residential services • Community paramedicine • Prevention and early intervention programs	

ORGANIZATIONAL CHART(S)





BOARD OF HEALTH BYLAWS

**BYLAWS
OF THE
CLALLAM COUNTY BOARD OF HEALTH**

ARTICLE I. NAME

The name of this organization shall be the Clallam County Board of Health.

ARTICLE II. PURPOSE

The purpose of the Clallam County Board of Health is to supervise all matters pertaining to the preservation of the life and health of the people of Clallam County and to comply fully with the requirements of all applicable chapters of Title 70, Revised Code of Washington. The Board of Health shall:

- Collect, analyze and disseminate to the community in a timely manner, through the Clallam County Health & Human Services Department, information about community health conditions, risks and resources, and the availability of resources to address identified problems.
- Enact such rules, regulations and policies as are necessary to preserve, promote and improve the health and behavioral health status of Clallam County residents, and guide the allocation of appropriate and necessary public health resources.
- Assure that necessary, high quality, effective foundational public health services are available for the protection of the people of Clallam County, including the control and prevention of any dangerous, contagious or infectious disease within the county.
- Provide for the prevention, control and abatement of nuisances detrimental to public health.
- Enforce, through the Health Officer, the public health statutes of the state and county.
- Establish fee schedules for issuing and renewing licenses and permits, or for such other services, as are authorized by the law and rules of the State of Board of Health.
- Assure that environmental health issues address clean water, septic, and clean air.

ARTICLE III. REPRESENTATION

Membership: The Board of Health shall consist of 7 members, selected as follows:

- Each member of the Clallam County Board of County Commissioners shall serve as a member of the Board of Health for the duration of their elected term of office.
- Four members of the Board of Health shall be appointed by the County Commissioners. Appointed members shall include one City Elected Member and one Clallam County Public Hospital Commissioner nominated by their respective organizations, plus two at-large community representatives.

Terms: Initial appointments to the Board will be divided between two and three year terms. Following initial appointments to the Board, reappointments and future new appointments will be for 3 year terms. Board of Health members may serve more than one term, including consecutive terms.

Vacancies: In the event that a vacancy occurs for the City Elected or Clallam County Public Hospital Commissioner, the Cities or Hospital Districts shall nominate another representative from their membership within thirty (30) days and the Board of County Commissioners shall appoint another City or Public Hospital Commissioner within thirty (30) days of the date of nomination. In the event that a vacancy occurs for an appointed at-large community representative, the Clallam County Board of County Commissioners shall solicit applications for the vacant positions from the general public, interview candidates within thirty (30) days of the vacancy, and appoint another at-large community representative within thirty (30) days of these interviews.

Participation: Board members may participate in meetings in person or via conference call or videoconferencing.

Absences: Board members shall notify the Chairperson in advance if unable to attend any regular meeting of the Board of Health. Appointed Board members may be removed from Board membership by action of the Clallam County Board of Commissioners for lack of attendance. Three or more unexcused absences from regular Board of Health meetings in one calendar year may be considered cause for removal.

ARTICLE IV. OFFICERS

Chairperson: The presiding officer of the Board of Health shall be the Chairperson, who shall serve for a term of one (1) year. The Chairperson shall be selected by a majority vote of the Board members present at the first regular meeting of each year. The Chairperson shall direct preparation of the meeting agenda, conduct meetings, and act on behalf of the Board between regularly scheduled meetings.

Vice-Chairperson: At the same meeting, a Vice-Chairperson also shall be selected for a term of one (1) year, who shall preside over all proceedings of the Board in the absence of the Chairperson.

Vacancies: In the event of a vacancy in the office of Chairperson, the Vice-Chairperson shall immediately assume the duties of the Chairperson for the remainder of the year. Another representative shall be selected to serve as Vice-Chairperson at the next regular or special meeting of the Board.

Consecutive Terms: Board members shall not serve consecutive terms as Chairperson.

ARTICLE V. RULES OF BUSINESS

Business shall be conducted in accordance with the generally accepted Robert's Rules of Order, so long as they are consistent with these Bylaws or amendments thereto.

ARTICLE VI. SUBCOMMITTEES

The Chairperson shall appoint subcommittees from the Board of Health or members of the community from time to time as the Chairperson shall deem necessary. The Chairperson shall be an ex-officio member of all subcommittees.

ARTICLE VII. HEALTH OFFICER

The Board of Health shall appoint a County Health Officer who shall be a qualified physician trained and experienced in public health and qualified according to standards set forth in RCW 70.05.051 through 70.05.055. The health officer shall serve as staff to the Board of Health, exercise the powers, and perform the duties prescribed in RCW 70.05.070. No term of office shall be established for the health officer, but the local health officer shall not be removed until after notice is given and an opportunity for a hearing before the Board as to the reason for his or her removal as prescribed in RCW 70.05.050.

ARTICLE VIII. OPERATING RULES

Section 1. Meetings

Regular Meeting: Regular meetings of the Board of Health shall be held on the third Tuesday of each month beginning at 1:30 pm. If the third Tuesday is a legal holiday, an alternate day may be selected by the Chairperson. Any regular meeting of the Board of Health may be cancelled with the concurrence of a majority of the Board. The location of the meetings shall be within Clallam County.

Special Meeting: The Chairperson or a majority of the Board that includes at least two County Commissioners may call a special meeting of the Board consistent with RCW 42.30.080.

Executive Session: The Board may hold executive sessions from which the public may be excluded for the purposes set forth in RCW 42.30.110.

Quorum: A majority of all Board members, including at least two Clallam County Commissioners, shall constitute a quorum for Board meetings.

Recordings: The proceedings of all Board meetings shall be recorded. Minutes of the meeting shall be posted on the Board of Health website after approval.

Minutes: The Clerk of the Board shall attend all Board of Health meetings to record, scribe and perform other duties as requested. Two weeks prior to the next month's meeting, a draft of the minutes will be sent to the Chairperson to be finalized. The Chairperson will return the final minutes for distribution with the next month's agenda and materials. Written minutes of each Board meeting shall be prepared and approved by the Board at the subsequent regular meeting. Minutes shall be signed by the Chairperson and Health Officer at the time of their approval by the Board.

Meetings Open to Public: Regular and special meetings of the Board and Board committees shall be open to the public, in accordance with RCW 42.30.

Materials to Board Members: Whenever possible, the agenda and materials related to action items shall be sent to the Board members at least 5 days in advance of the meeting at which the items will be considered.

Section 2. Voting

Actions Requiring a Vote: Each member of the Board shall be entitled to one vote on all actions of the Board that require a vote. An affirmative vote of a majority of Board members shall be required to pass an action of the Board, provided that a quorum of the Board is present.

Tie Vote: In the event of a tie vote, the action does not pass.

Voting By Proxy: There will not be voting by proxy on any question before the Board.

Section 3. Ethics

Conflict of Interest: Members of the Board of Health having personal or professional interest on an action item that may be deemed conflicting or infringe upon the appearance of fairness shall declare the conflict and refrain from discussing or voting on such matters.

Section 4. Public Testimony

Public Comments: At each meeting, according to the usual order of business, the Chairperson shall call for public comments. Persons wishing to comment shall give their name and address (or place of residence, and business or organizational affiliation). The Chairperson may establish time limits for individuals who wish to speak.

Public Hearings: The Board may call for a public hearing to receive comments by persons interested in or affected by the matter under consideration before the Board. A hearing date and time will be set and persons wishing to comment on the items may give comment and the Chairperson may establish time limits for individuals who wish to speak. Upon closure of the hearing, the Board of Health will take action on the item.

ARTICLE IX. MISCELLANEOUS

Reimbursement of Expenses: Board of Health members may receive reimbursement for approved expenses related to completion of their responsibilities.

ARTICLE X. AMENDMENTS TO BYLAWS

These Bylaws can be amended at any regular meeting of the Board by a majority of the Board, provided that a quorum of the Board is present, and provided that the amendment has been submitted in writing to the Board of Health at least ten (10) days prior to the said meeting.

BOARDS AND COMMITTEES
POLICY AND PROCEDURES 952

BOARDS AND COMMITTEES

Policy and Procedure 952

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BOARDS AND COMMITTEES

.1 PURPOSE

Advisory Boards, Commissions, and Committees exist for the primary purpose of gathering information and presenting options and recommendations for legislative consideration to the Clallam County Board of Commissioners. Advisory Boards, Commissions, and Committees are created under the authority of county ordinances or by resolution of the Board of Commissioners. Regulatory Boards exist for the primary purpose of providing regulatory, permitting or enforcement of state laws and regulations at the local level. Appeals Boards exist for the primary purpose of providing an impartial, quasi-judicial body to hear appeals, where provided by law, of the County's exercise of its taxing and police power authorities.

Individual advisory boards and committees, regulatory boards, and appellate boards possess neither independent official responsibility nor independent authority beyond that bestowed by law, and serve only in such capacity as provided by ordinance or resolution of the Board of Commissioners or as expressly provided at law.

.2 AUTHORITY

This policy applies to all appointed advisory, regulatory, and appellate boards and committees, Clallam County offices/departments and to all County Officials and their employees.

.3 WHO APPOINTS

Members are appointed to various County boards and committees by resolution of the Clallam County Board of Commissioners, or as expressly provided at law. Members are appointed for a specific term of office.

.4 APPOINTMENT PROCEDURES FOR BOARDS AND COMMITTEES

Many boards and committees contain a combination of members chosen by the Board of Commissioners and members recommended by other jurisdictions and/or organizations. Appointment of members representing other agencies or jurisdictions will be confirmed by resolution of the Board. For members chosen by the Board of Commissioners, the following appointment processes apply.

4.1 Methods of Appointment

Except where expressly provided for by state law or regulation, when a vacancy on a board or committee occurs, an interested party shall request an application from Human Resources. Applications are available on the County's website (www.clallam.net) on the Boards & Committees page.

If the Board or Committee is assigned to a County Department other than BOCC for administrative support, that Department shall conduct an initial review of the applications received and make a recommendation for appointment to the BOCC. A list of Department Assignments can be found in Appendix A. The Department should provide the BOCC with information relating to why the individual applicant was chosen for appointment. Upon receipt of the recommendation from the Department, the BOCC may accept the recommendation or may utilize the methods of appointment described below.

The Board of Commissioners has several options for appointing members to boards and committees or for replacing a member when a vacancy occurs. Any of these methods may be used at the discretion of the Board of Commissioners, as vacancies occur.

- Appointment by Interview – The Board of Commissioners may review the applications for a vacancy and request interviews with the applicants in order to confirm qualifications and suitability for a specific appointment. This is the BOCC's preferred method of selection of candidates for the Planning Commission, for quasi-judicial bodies, and for all Boards and Committees handling funding determinations, including the Board of Equalization, the Lodging Tax Advisory Committee, the Heritage Advisory Board, and the Conservation Futures Program Advisory Board.
- Appointment by Application Review – The Board of Commissioners may review the applications for a vacancy and make an appointment from the available applicants.
- Review and Recommendation by Others - The Board of Commissioners may request that a County Official or another board or committee review applications and/or interview candidates and make a recommendation to the Board for appointment.

Applicants who are chosen to serve on a Board or Committee will undergo a criminal history search prior to being appointed by the BOCC.

4.2 Members Representing Other Jurisdictions or Organizations

Members representing other jurisdictions or organizations must submit an application to Human Resources that contains basic information such as emergency contact information. The County will not run a criminal history check on members who have been selected by other jurisdictions or organizations as these individuals have already

been vetted by the jurisdictions or organizations that they represent. The BOCC will confirm the appointment of these members by Resolution.

The County is not required to advertise for vacancies which must be filled by a representative of another jurisdiction or organization. These vacancies should be filled by direct contact with the other jurisdiction or organization. The Assigned Department is responsible for making contact with the other jurisdiction or organization. A list of Assigned Departments is available in Appendix A.

4.3 Filling Mid-Term Vacancies

Should a mid-term vacancy occur on a board or committee for any reason, written notice of the vacancy must be provided to the BOCC. The Board of Commissioners may appoint a replacement member to complete the remainder of the term. If applications for the original appointment are less than one year old, the Board of Commissioners may appoint a replacement from the original pool of applicants without advertising or soliciting new applications.

If there is no existing applicant pool available or if the Commissioners wish to seek additional applications, the mid-term vacancy should be advertised.

If less than one year remains for the term of the vacant position, the Commissioners may appoint the replacement to fill the remaining time left on the term or to appoint the replacement to fill both the remaining time left on the term and also the entirety of the next full term.

4.4 Vacancies to Be Advertised

BOCC will advertise quarterly for vacancies for expiring terms. The advertisement will run for at least three weeks before the application deadline for expiring terms.

The advertisement shall be published in the Official County Newspaper by means of a press release naming the type of vacancy, where to pick up an application, and the closing date for accepting applications. Commissioners, existing board and committee members, the assigned department, and others are encouraged to solicit citizens, who they believe would serve the County well, to apply for vacancies. The Assigned Department may also run additional advertisements and conduct additional recruitment activities. If no applications are received by the expiration of the application period, or if applicants fail to receive majority support of the Board, the Commissioners may solicit individuals to serve and may appoint members without another open application period.

4.5 Incumbent Must Reapply

Incumbent members of boards and committees desiring to serve another term must so indicate by submitting a written request confirming their desire for reappointment. No reappointments will be made automatically. When an incumbent's term expires, they will be notified by the Assigned Department and given the opportunity to indicate their desire to be re-appointed.

4.6 Terms/Appointments to be Staggered by Dates

Unless otherwise specified by ordinance or resolution, the term of appointment for all boards and committees shall be approximately three years with terms limits set by initiating ordinance or resolution. When possible, terms will be set to expire at year-end. In order to preserve continuity, terms may be set for varying lengths so that vacancies occur in staggered years. Terms may be adjusted as necessary to maintain staggered expiration dates.

.5 REMOVAL OF MEMBERS

The Board of Commissioners may, by majority vote, remove any member of a County board, commission, or committee without cause. Members removed by the Board shall be notified. If the member represents another organization or government jurisdiction, that agency will also be notified of the member's removal.

Boards and Committees may also remove members as set forth in their own bylaws. Such removals must be approved by the BOCC.

.6 ASSIGNMENT OF STAFF SUPPORT FOR ESTABLISHED BOARDS AND COMMITTEES

Clallam County has a number of established boards and committees assigned to departments. When boards or committees deal primarily with issues of a single department, they are typically assigned to that department. These boards and committees are listed in Appendix A.

County Officials are responsible to provide liaison, leadership, facilitation, records management, and/or administrative support to the boards and committees assigned to them. In addition, departments will keep a current roster of members, their contact information, and their terms, and will keep the Board of Commissioners advised of changes or vacancies. Assigned Departments will also ensure that their Boards and Committees have received training on the Public Records Act and the Open Public Meetings Act.

.7 OPERATIONAL PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES

To promote transparency and to ensure compliance with the Open Public Meetings Act, Boards and Committees are encouraged to use the BOCC meeting room and to live stream meetings on the internet whenever possible. When meetings are held offsite or cannot be live streamed, Boards and Committees are encouraged to record the meeting using Soniclear.

The role of committee members, operation responsibilities and procedures, and policies regarding laws affecting committee activities and transactions are contained in Appendix B.

.8 PROCEDURE FOR ESTABLISHING OR DISSOLVING AN ADVISORY BOARD OR COMMITTEE

New Advisory boards or committees may be established in two ways.

8.1 Establishment By Proposal of Citizens or County Departments

Proposals for establishing new boards or committees will be submitted to the Board of Commissioners for consideration. If approved, the originating department will work with the Commissioners' office to prepare a resolution or ordinance establishing the new board or committee and submit it to the Board of Commissioners for approval. Upon approval, the Commissioners' office will advertise for applicants for the new board or committee.

8.2 Establishment By Board of Commissioners' Action

The Board may propose the formation a new board or committee and assign it to a department for further development. Staff in the Commissioners' office will prepare a resolution establishing the new board or committee and advertise for applicants.

8.3 Dissolution

The Board may dissolve any advisory committee by resolution so long as the existence of the Board or Committee is not otherwise required by law.

APPENDIX A

DEPARTMENT ASSIGNMENTS

The following Departments and Offices are responsible for assisting and maintaining the advisory, appellate, or regulatory boards and committees listed below:

(A) **PARKS, FAIR, AND FACILITIES**

Fair Advisory Board
Park and Recreation Advisory Board

(B) **DEPARTMENT OF COMMUNITY DEVELOPMENT**

Building Code Board of Appeals [governed by Ch. 19.27 RCW]
Carlsborg Community Advisory Council
Marine Resources Committee
North Pacific Coast Marine Resources Committee
Permit Advisory Board
Planning Commission [governed by Ch. 36.70 RCW]

(C) **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Board of Health [governed by Ch. 70.95 RCW]
Behavioral Health Advisory Board
Developmental Disabilities Advisory Committee
Homelessness Task Force

(D) **SHERIFF'S DEPARTMENT**

Sheriff's Citizens Advisory Committee

(E) **HUMAN RESOURCES**

Civil Service Commission [governed by Ch. 41.14 RCW]

(F) **ASSESSOR'S OFFICE**

Agricultural Commission [governed by Ch. 84.34 RCW]

(G) BOARD OF COMMISSIONERS

Boundary Review Board [governed by Ch. 36.93 RCW]
Board of Equalization [governed by Ch. 84.48 RCW]
Clallam Bay/Sekiu Community Action Team
Conservation Futures Program Advisory Board
Crescent Community Advisory Council
Heritage Advisory Board
Law Library Board
Lodging Tax Advisory Committee
North Olympic Library System Board of Trustees
Olympic Area Agency on Aging
Opportunity Fund Board
Peninsula Housing Authority [governed by Ch. 35.82 RCW]
Port Crescent Pioneer Cemetery Board
Clallam County Veterans' Association [governed by Ch. 73.08 RCW]

(H) PUBLIC WORKS

Clallam Bay/Sekiu Sewer Community Advisory Board
Solid Waste Advisory Committee
Trails Advisory Committee

(I) WSU Extension

Lake Sutherland Steering Committee
Noxious Weed Control Board [governed by Ch. 17.10 RCW]

APPENDIX B

THE ROLE OF A BOARD MEMBER AND RESOURCES AVAILABLE

CITIZEN PARTICIPATION THROUGH BOARDS AND COMMITTEES

The citizens of Clallam County have enjoyed a long tradition of participation in County government. Through representation on boards and committees, Washington residents are offered an important avenue to help create effective and equitable laws and policies. Citizen involvement contributes to the success of government and to the overall quality of life.

Citizen participation works at all levels of County government and covers a broad range of issues, such as education, the environment, growth management, health care, social services, economic development, and transportation. Some committees appointed by the Board of Commissioners shape policy for County agencies and departments, others prepare regulations governing specific program areas, and some serve solely in an advisory capacity.

In selecting members, the Board of Commissioners strives to bring a balance of experience and education as well as geographic, gender, and ethnic diversity. This helps ensure that decisions reached and services rendered more adequately reflect the wants and needs of all populations being served.

Clallam County's system of boards and committees is fundamental to encouraging the use of citizen talent and interest in affairs of the county, keeping government innovative and responsive, and improving the overall performance of county government.

TYPES OF BOARDS AND COMMITTEES

Boards and committees are created by state laws and rules, the Clallam County Charter, ordinance, or by resolution of the Board of Commissioners.

Each committee or board is unique in its purpose, mission, authority, and role. It is especially important that members be familiar with the governing statutes or other authorizing documents so they understand the legal framework within which the committee or board will operate. Copies of governing statutes or authority may be obtained from the staff assigned to your committee or board. There are three main classes of local boards and committees:

Advisory Boards and Committees

The Board of Commissioners or County Officials may create these. The members serve as advisors on policy and/or operational matters to a department or to the Board of Commissioners. Advisory boards may study existing policy and/or operational procedures and make recommendations for changes or implementation. Advisory boards do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of County government. If specifically

authorized by the creating document, advisory committees may also be responsible for internal rule making in the area of their function. An example is the Fair Board which makes rules regarding fair operation and hears and decides appeals of vendors with grievances.

Regulatory Boards

These are statutory entities, whose boards are appointed by the Board of Commissioners, and perform rule-making and regulatory functions. In fulfilling these functions, the board may also operate as a permitting or enforcement agency. Examples of regulatory boards include the Board of Health and the Noxious Weed Control Board.

Appellate Boards

These are also statutory entities, whose boards are appointed by the Board of Commissioners, and perform appellate or review actions involving County decisions under its taxing, public employment, and the police power authority. As an appeals body, these boards hear individual cases or controversies, and rule upon them. Such rulings may be subject to further local appeal to the Board of Commissioner and appeal to the state courts. Examples of appellate boards include the Building Code Board of Appeals, the Civil Service Commission, and the Board of Equalization.

THE ADVISORY ROLE

Members of advisory boards and committees provide an important link between the public and County departments, the County Administrator, and the Board of Commissioners. The information that members provide about community needs and opinions can have a profound effect on County policies and lead to improved service. Advisory committee members play a very special role in creating recommendations on important societal and governmental issues.

If you are appointed as a member of an advisory committee, you will be expected to:

- Interpret community opinions, attitudes, and needs to departments, the County Administrator, and the Board of Commissioners.
- Study programs and services, and analyze problems and needs. Offer new proposals and recommend changes in programs, policies, and standards.
- Provide the public with information and interpretation of department and County policies, programs, and budgets.
- Advisory committees' support and counsel department and commissioner staff. They make important recommendations about policy. Most advisory committees, however, do not create or administer policy, programs, or services, unless this power is granted to them by their authorizing document.

- When presenting recommendations to any department, the County Administrator, or the Board of Commissioners, it is essential that committee members keep the following in mind:
 - All recommendations should be in written form.
 - All ideas should be expressed in clear and concise language.
 - Proposed solutions should be viable and cost-effective.
 - Recommendations should identify the reasons for the changes suggested.
 - The advice should reflect a consensus or a majority of the committee members.

ABOUT POLICY-MAKING

As a committee member, it is your responsibility to be knowledgeable about committee policies and changes. It is important that you understand the fundamental meaning and characteristics of policy.

Policy is a written statement intended to be a guiding principle defining an organization's intent and direction. Policy should be set forth in broad terms so that it may remain applicable and usable for a long time. It should not be so detailed that it dictates how, when, or where things must be done. Policy may be amended, rewritten, or abolished. Policy should be reviewed periodically to ensure that it remains appropriate. Policy should be stated clearly, timely and concisely.

Committee interpretative policy statements should be made available to the public in compliance with the Administrative Procedure Act, RCW 34.05.230, Clallam County administrative policies, or the statutes authorizing your committee or board. Policy-making and legal interpretations of regulations are most applicable to regulatory and appellate bodies.

Rule Making

Advisory committees may engage in rule making *only* if the Board of Commissioners has specifically delegated that authority in the committee's enabling document. Regulatory and appellate bodies may have authority to engage in rule making under the statutes authorizing the committee or board. Local rules are generally created to provide interpretative support for a County ordinance or to implement state regulations at the County level. A committee or board may not pass rules that go beyond the scope of its authority.

A rule is any agency order, directive, or regulation of general applicability. It may set forth standards and expectations in general terms or may deal specifically with day-to-day objectives. A rule, rather than a policy, is adopted when the subject matter affects the public or another agency of government, or when an ordinance directs that a rule be adopted.

Once adopted, a rule has the force of law, and all people or entities to which the rule applies must adhere to it. Failure to adhere to the rule may subject a person to a penalty or administrative sanction.

LEGAL GUIDELINES

In developing rules, the board or committee should keep the following guidelines in mind:

- The board or committee must have authority by statute or ordinance to adopt the rules and may adopt only those rules supported by that authority.
- The board or committee may not adopt a rule that conflicts with law or the constitution.
- Legal counsel from the Prosecuting Attorney's Office (or legal counsel as provided by state law) should approve all proposed rules.
- The committee must give notice to the public regarding the intent to adopt the proposed rule and adopt rules at a public meeting.
- Rules must reflect a consensus or a majority of members of the committee.
- The committee may be required to take into account the economic impact of the proposed rule on consumers, businesses, industries, occupations, and others who may be affected.

BEING AN EFFECTIVE COMMITTEE MEMBER

Clallam County's boards and committees vary in size and complexity. Because committee members are in a critical position to shape and influence County decisions and actions, it is important that each member keeps informed and up-to-date on issues, legislative activity, resolutions, and laws affecting their committee.

ATTENDANCE

A board or committee member may forfeit their position due to poor attendance. Regular attendance is essential so that decisions may more truly represent the opinions of the committee as a whole. In addition, regular attendance enables board and committee members to keep abreast of committee concerns and helps ensure that issues are examined from a variety of perspectives. The bylaws of your committee should define attendance requirements.

PREPARATION

Adequate preparation is another requisite for effective membership on the committee. Your committee's staff members will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request any additional information you need in order to make thoughtful and appropriate decisions.

EFFECTIVE COMMITTEE MEMBERS:

- Attend all committee meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the committee must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the committee.
- Are respectful of differing opinions.
- Examine all available evidence before making a judgment.
- Communicate well, and actively participate in group discussions.
- Are aware that authority to act is granted to the committee as a whole, not to individual members.
- Possess a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary in order to reach group consensus.
- Do not let personal feelings toward other committee members or staff interfere with their judgment.

BOARD AND COMMITTEE STAFF MEMBERS

Some committees have dedicated employees to perform administrative tasks. There are, however, a number of County committees that work within a department or have access for advice from the department. If a committee works within a specific department, certain central support services are available to the committee, consistent with staffing capacity.

STAFF FUNCTIONS

The primary function of County staff assigned to a board or committee is to provide administrative support. In addition, staff members may notify board or committee members of pertinent issues and legislative activity by the Board of Commissioners, the state, or the federal government. They may assist in arranging meetings, preparing meeting materials, compiling background information, and conducting research. Department staff members serve as an

important link and coordinator with other committees and departments, the Prosecuting Attorney, the Board of Commissioners, and the public.

County staff members are a valuable resource for committee members. Staff support can enhance the productivity and effectiveness of a committee. Committee members should not hesitate to ask for help in carrying out their responsibilities in accordance with guidance set forth in bylaws and policy.

OFFICE OF THE PROSECUTING ATTORNEY

The Prosecuting Attorney is the chief legal officer for the County, elected for a term of four years. The Prosecuting Attorney is statutorily responsible for providing a broad range of legal services to County officials and others. Depending upon the statutes authorizing your committee or board, the Prosecuting Attorney may provide you with legal advice.

LEGAL COUNSEL

The Prosecuting Attorney serves as legal counsel to the Board of Commissioners, County Officials, staff, and advisory boards and committees. Depending upon the statutes authorizing your committee or board, the Prosecuting Attorney may serve as legal counsel to your committee or board. The Prosecuting Attorney advises and represents County departments and their employees as they fulfill their official duties, issues legal opinions, and defends County Officials and employees for actions performed in their official capacities and in good faith.

WHEN TO INVOLVE THE PROSECUTING ATTORNEY

The Prosecuting Attorney can provide valuable information and advice regarding statutes, ordinances, and legal issues. A committee or board that follows the advice of the Prosecuting Attorney reduces the risk of liability and is far less likely to find itself involved in legal problems. Committee members may request the following kinds of information from the Prosecuting Attorney:

- Assurance that committee decisions and actions generally fall within statutory authority.
- Questions about conflict of interest.
- Review of proposed regulations and revisions, and the drafting of such documents in legally correct language.
- General legal advice about committee actions and activities, and rule making and interpretations.

COMMITTEE BUDGETS

Committee members should be aware that, for most boards and committees, the cost of doing committee business is funded through the County department providing administrative support. County budgets are limited and expenditures must be coordinated with the County staff assigned to the board or committee.

Laws Affecting Board and Committee Activities

RESTRICTIONS AND REQUIREMENTS

As a Board of Commissioners' appointee, you should be aware of certain restrictions and requirements that may affect you during your tenure as a committee member.

- Committee members must be familiar with and operate within the governing statutes and bylaws; and County, state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the committee should be in written form.
- No committee member may make unilateral decisions or take action without the consent of the committee as a whole.
- At professional gatherings, individual committee members must use discretion to avoid the appearance of speaking for the committee, unless specifically authorized to do so.
- Committee members must keep in mind that their mission is to serve the public, and that it is inappropriate to use committee membership to create a personal platform.
- Members are restricted by RCW 42.52.130, 140, 150, and 42.18.230 from accepting or soliciting anything of economic value as a gift, gratuity, or favor if it is given only because the member holds a responsible position with the County.
- Questions about committee issues should be directed to the chair of the board or committee or the County staff who support it. They will see that all board or committee members receive full information by the next regular meeting.
- Details of committee investigations, personnel files, or business discussed at closed executive sessions should not be disclosed unless they are part of the public record.

OPEN PUBLIC MEETINGS ACT

NOTIFICATION OF MEETINGS

The Open Public Meetings Act requires that all meetings of the governing body of a public agency, as well as other meetings regarding policies affecting the public, be open to the public. In addition, the public must be notified of such meetings in a timely manner.

CONFIDENTIAL TRANSACTIONS

Exceptions to the Open Public Meetings Act include confidential subjects such as personnel matters and real estate transactions, which may be dealt with in "executive sessions." For most boards and committees, executive sessions should be rare.

PUBLIC DISCLOSURE

The minutes of all regular meetings must be recorded and made available for public inspection. The Open Public Meetings Act applies to most all boards and committees of the county. Regardless of whether the Act applies; all committees should be in compliance with open meeting requirements.

ACCESSIBILITY REQUIREMENTS

To afford members of the public who have disabilities an equal opportunity to participate, meetings subject to the Open Public Meetings Act shall be held in facilities that are wheelchair accessible.

REASONABLE ACCOMMODATION OF PERSONS WITH DISABILITIES

In addition to the Open Public Meetings Act, the Americans with Disabilities Act (ADA) sets criteria for accessibility and accommodation. Under the ADA, people who have disabilities have a right to an equal opportunity for effective participation in the activities of boards and committees, whether as appointed members or as members of the public. In the Courthouse, the Commissioners' Meeting Room, the Health and Human Services Conference Room, the Emergency Operations Center, and the courtrooms are among the wheelchair accessible locations.

ACCESSIBLE LOCATIONS AND COMMUNICATIONS

Meetings and other board or committee-sponsored activities should be held in wheelchair accessible locations. Auxiliary aids for effective communications should be provided upon request and are available in the Commissioners' Meeting Room.

Whenever possible, meetings, particularly those held after regular business hours, should be held in the Commissioners' Meeting Room in the Courthouse. The Commissioners' Meeting Room has direct after hours accessibility to the room without opening the entire Courthouse. The room has ADA-accessible restrooms. It is also equipped with a public address system, recording equipment, and equipment to assist the hearing impaired. The room is scheduled by Commissioner Staff at 360.417.2233 and must be pre-scheduled for use. The commissioner's staff can also answer questions regarding equipment use and assist if necessary.

MINUTES AND EVIDENCE

RCW 42.32.030 requires that minutes be taken at all regular and special business meetings, except executive sessions, of County boards, commissions, agencies, or authorities, which shall then be open to public inspection. Appellate boards must also provide for the recording appeal hearings, and for the indexing and preservation of exhibits and evidence offered at hearing.

ADMINISTRATIVE POLICIES

The county has adopted administrative policies, which may apply to boards and committees. Committee members should be familiar with the administrative policies of the County.

ETHICS AND THE APPEARANCE OF FAIRNESS

As a committee member, you are expected to uphold a high standard of ethics. It is *extremely* important that committee members avoid conflicts of interest, or even the *appearance* of conflicts of interest.

Clallam County Code Chapter 3.01 addresses ethics and provides that no county employee may use their position for personal services rendered during their term of county employment.

The code also prohibits committee members from engaging in actions that result in personal gain or benefit close relatives. The code allows dismissal as well as civil and criminal penalties when provisions of the code are violated. Members of regulatory and appellate boards are also subject to state laws regarding the conduct of public officials, and, more particularly, boards which render land use decisions are subject to the Appearance of Fairness Doctrine under Ch. 42.36 RCW.

All committee members should familiarize themselves with the Clallam County Code, Ethics, Chapter 3.01, and Title 42 RCW (Public officers and agencies). The Prosecuting Attorney can offer additional information or guidance.

Using a public position for private gain is improper and illegal. Similarly, actions benefiting close relatives are prohibited. The following are examples of conflicts of interest:

- Directing County contracts to a business in which one has a financial interest.
- Using confidential information for private investments.
- Accepting gifts or favors in exchange for certain regulatory rulings.
- Accepting gifts or favors in exchange for making certain purchases.
- Accepting favors for disclosure of confidential information.
- Engaging in outside employment, which assists non-governmental entities in their quests for county business.

Committee members can avoid conflict of interest problems by being aware of restrictions, adhering to such restrictions, using good judgment, and being fair and equitable in decision-making.

Board and Committee Transactions

BYLAWS

Every Advisory board and committee should have a set of bylaws to direct and clarify its actions, procedures, and organization. Bylaws are the guidelines by which a committee functions. Each board or committee may either develop its own set of bylaws or choose to adopt the meeting guidelines outlined below as their bylaws. [By contrast, every regulatory and appellate board should have a set of published policies and procedures, developed by that board or incorporated from state laws or regulations, which set forth its functions, processes, and actions.]

For advisory committees and boards, and according to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important that they may not be changed without prior notice to members and formal vote and agreement by a majority of members. Ordinarily, bylaws may only be changed by a two-thirds majority.

If an advisory committee or board chooses to adopt its own meetings bylaws, they will generally include a number of articles, such as the following:

- Name of committee
- Mission statement
- Membership
- Officers
- Meetings
- Committees, subcommittees
- Parliamentary procedure - often including the name of the manual of parliamentary procedure the committee will follow.
- Amendment procedures for making changes in the bylaws.

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Committee members are expected to adhere to bylaws and all relevant statutes.

ADVISORY COMMITTEE AND BOARD MEETING GUIDELINES

QUORUM REQUIRED

If a quorum consisting of at least 50 percent of the committee's members is not present, any business transaction is null and void. The quorum protects against unrepresentative actions by a small number of individuals. In some cases, the governing law or document will establish what the quorum will be.

At meetings where a quorum is not present, the only actions that may be legally taken are to fix a time for adjournment, adjourn, recess, or take measures to obtain a quorum (such as contacting absent members).

OFFICERS AND MINUTES

At the first meeting of each calendar year, the committee shall elect a chair who shall preside at meetings. The committee may choose to either elect a vice-chair or the elected chair may appoint a vice-chair. The vice-chair shall preside in the absence of the chair and shall be responsible for, or cause the recording and distributing the minutes. Minutes of all meetings shall be forwarded to the assigned County department and/or the Board of Commissioners.

MEETINGS AND ORDER OF BUSINESS

For committees that meet on a regular basis, the chair shall set regular meeting dates as far ahead as practical. For committees that meet as needed or on an ad hoc basis, the chair shall notify all committee members of any meeting called to conduct business.

After the presiding officer has called the meeting to order, the committee will generally follow the order of business specified below:

- Reading and approving of minutes of previous meeting(s).
- Reports of officers and standing (permanent) committees.
- Reports of special (select or ad hoc) committees.
- Special orders (matters previously assigned a special priority).
- Unfinished business and general orders (matters introduced in previous meetings).
- New business (matters initiated in present meeting).

Roberts Rules of Order (simplified) will generally be followed for conducting business.

THE CHAIR AND VOTING

The chair may vote just as any other member. A chair has only one vote; the chair may not vote as a member of the committee and also a presiding officer. Voting by secret ballot is prohibited by the open meetings law.

Voting will generally be by a show of hands. Votes will be recorded by number of yea and nay votes. Any member may, prior to the vote being conducted on any issue, request the recording of a roll call vote. Such vote shall be recorded in the minutes.

SUBCOMMITTEES

Sub-committees may be appointed by the chair. Reports, findings, and recommendations of sub-committees will be returned to and approved by the full committee prior to adoption as an official report or action of the committee.

PUBLIC DISCLOSURE

All County boards and committees, whether advisory, regulatory, or appellate in nature, are required to have available for public inspection and copying, public records such as procedural rules and statements of general policy, and other records, written or electronic, pertaining to the business of the committee. Exemptions to disclosure are very limited and are specifically identified in statute.

For additional information regarding disclosure requirements and exemptions from disclosure, refer to RCW 42.56 and consult with the Prosecuting Attorney.

INFLUENCING BALLOT MEASURES

RCW 42.17.130 strictly forbids the use of public facilities for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition unless they are activities which are a part of the normal and regular conduct of the office or agency.

TESTIFYING AT HEARINGS

Committee members often have an opportunity to testify at Board of Commissioners', or community committee hearings. When providing testimony on behalf of the board or committee, members should refrain from expressing personal opinions. It is helpful if the Clerk of the Board of Commissioners receives copies of written testimony prior to the hearing.

EFFECTIVE TESTIMONY

To provide effective testimony, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Avoid reading lengthy written testimony; instead, orally highlight important points in the written report.
- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being too technical.
- Be prepared to answer questions and comments by committee members. If you are unable to answer a question, offer to provide a written response later and always follow through.
- If you absolutely must give a personal opinion, make sure that the Board of Commissioners understands that you are not speaking for the committee, but for yourself.

THE NEWS MEDIA

The news media has the important function of informing the public about County government operations. In doing so, it provides a valuable communications link with the community. It is important to maintain a cooperative and open relationship with the media without violating privacy and other citizen rights. The following are suggested guidelines for working with the media:

- Designate a spokesperson that will speak for the committee as a whole.
- Be as open as possible and keep your focus on the business of the committee. Personal opinions, especially those regarding other people, are inappropriate. The news media is not the place to air dissatisfactions or carry on conflicts among committee members or County employees.
- If you do not know the answer to a question or are unsure about an issue, refer the matter to a knowledgeable person on your board or committee, to a County employee, or to the County Administrator's Office.
- A "wise" committee anticipates when an event in the community will stir the interest of the media. It provides materials that are responsive and informative, but do not violate individual privacy or undermine the dignity and authority of the committee or County staff.
- Keep in mind that the comments you make in public may also have to be made in a court of law. Do not risk your personal integrity or that of another by thoughtless or unwarranted remarks.

2022 BOARD OF HEALTH MEETING SCHEDULE

2022 Board of Health Meeting Schedule

3rd Tuesday of each month from 1:30-3:30pm

BOCC Meeting Room 160

223 East 4th Street, Port Angeles WA

(unless otherwise noted on the meeting agenda)

January 18, 2022
February 15, 2022
March 15, 2022
April 19, 2022
May 17, 2022
June 21, 2022
July 19, 2022
August 16, 2022
September 20, 2022
October 18, 2022
November 15, 2022
December 20, 2022

PORT ANGELES BUSINESS ASSOCIATION LETTER

Comments of the Port Angeles Business Association

Before the Clallam County Board of Health in its Meeting of December 21, 2021

Subject: Local Health Officer's Public Health Order of September 2, 2021 (Hereinafter "Order") – Lawsuit Settlement Discussions.

1. The Order was promulgated under the Local Health Officer's authority found in RCW 70.05.070, but between regular Board of Health meetings – therefore not allowing the Clallam County Board of Health to exercise its supervisory authority found in RCW 70.05.060. The previous Board of Health meeting occurred on August 17, 2021 and a draft of the Public Health Order was not discussed. Furthermore, the first sentence of the Revised Code section containing the Local Health Officer's authority states that the Local Health Officer acts: " ... under the direction of the local board of health ... " (RCW 70.05.070).
2. Consequently, the business community had no prior notice via a draft of the Order, and therefore no formal opportunity to comment on the direct or economic costs of acting as an enforcement arm of the Local Health Officer or the Clallam County Board of Health. Later, several business establishments filed a lawsuit against the Order – originally in Clallam County Superior Court, which was later transferred to Kitsap County Superior Court.
3. On December 19th, the Peninsula Daily News published a news report about the potential for settlement discussions between the parties. This is encouraging news.
4. We continue to believe it essential for the proper functioning of government, that when the Local Health Officer and/or the Clallam County Board of Health promulgates a directive implicating or affecting the business operations of any business in our County and that is more stringent than, or in addition to, that promulgated by the Governor or the State Board of Health, it is incumbent on the Health Officer or the Board to provide an adequate notice-and-comment period, so that the economic costs of such a directive can be discussed and weighed against the public health benefits of such a directive.
5. Please consider a mechanism for informal discussions between County Public Health and the business community as suggested immediately above. One such mechanism could be – as health orders or similar policies are being formulated - a simple consultation with the County's four Chambers of Commerce, the Clallam County Economic Development Council, the West End Business and Professional Association, and the Port Angeles Business Association. The PABA would most gladly participate in such discussions.