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GEK:sock
HSD Public Health Interlocal ORD
June 9, 2011
Version #5

ORDINANCE _____

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AN ORDINANCE relating to the Seattle-King County Department of Public Health; amending various sections of Chapters 3.30, 3.60, 5.78, 6.430, 9.25, 10.01, 10.03, 10.10, 10.13, 10.18, 10.24, 10.25, 10.26, 10.54, 10.56, 10.72, 10.76, 21.08, 21.12, 21.16, 21.36, 21.43, 22.801, 22.900G, 23.50, 23.60, 23.57, 23.69, 25.06, and 25.10 of the Seattle Municipal Code ('SMC') to change its name to "Public Health – Seattle and King County"; adopting and authorizing execution of a new interlocal agreement between the City of Seattle and King County entitled '2011 King County/City of Seattle Interlocal Agreement Regarding Public Health – Seattle & King County', and repealing Ordinance 118377, the prior interlocal agreement between the City of Seattle and King County entitled 'SKCDPH Health Interlocal Agreement'; and ratifying and confirming certain prior acts.

WHEREAS, in 1877 the Seattle City Council created the position of City Health Officer; and

WHEREAS, in 1890 the City established a Department of Sanitation under the direction of the Board of Health, which also appointed the Health Officer; and

WHEREAS, in 1908 an amended City Charter replaced the Board of Health with a new Department of Health, with a Commissioner of Health appointed by the Mayor; and

WHEREAS, in 1951 the Seattle Department of Health merged with the King County Department of Health; the joint department was administered by the City of Seattle, with funding provided by the City and County proportionate to their populations; and

WHEREAS, in 1981 Public Health became a County-administered department; and

WHEREAS, in 1984 the City and County entered into an Interlocal Agreement that outlined the administration, structure and funding of the Public Health Department; and

WHEREAS, pursuant to RCW 70.46.085, adopted in 1993 and effective in 1995, Washington State designated counties as the entities that have responsibility for public health including bearing the expense of providing public health services. In addition, RCW 70.08.010 authorized the establishment of combined city-county health departments for cities with a population of more than 100,000; and

WHEREAS, in 1996, Dr. Alonzo Plough, the former Public Health Director, implemented an organizational change that eliminated the City and County Divisions; and

WHEREAS, the 1996 interlocal agreement, which governs the City's current relationship with



1 Public Health, states that, "The County has ultimate policy and statutory responsibility for
2 the delivery of public health services. The City has fiduciary and policy responsibility
3 over its own financial contribution and strong and directive influence on overall policies
4 of the Department which impact public health assessment and services in the City. The
5 City's financial contributions are voluntary and shall be used to enhance services for its
6 citizens." It further states that the "County shall be financially responsible for the funding
7 of health services throughout the County"; and

8 WHEREAS, City General Fund investments in public health declined by 36.5% from 2001 to
9 2005; and

10 WHEREAS, starting with the 2005-06 biennial budget, the City appropriated funding for public
11 health services to the Human Services Department (HSD) and directed HSD to contract
12 for public health services; and

13 WHEREAS, in 2005 the City created a new position in HSD—Public Health Manager and
14 Policy Advisor—with the responsibilities of overseeing the City's public health
15 investments and contracts, developing public health policy, staffing the City Council
16 members on the Board of Health, and serving as the primary liaison between the City and
17 Public Health; and

18 WHEREAS, in 2006 the City adopted the Healthy Communities Initiative (HCI) Policy Guide,
19 which guides the City's public health investments and efforts. The guide recognizes that,
20 "a strong regional health department is critical to the health and well being of Seattle's
21 people and communities... It is the City's intention to help shape Public Health's services
22 and activities in Seattle"; and

23 WHEREAS, in 2006/2007 Dr. David Fleming, the current Director, was appointed with the full
24 participation of the Mayor. Only the County Executive can remove the Director, after
25 consulting with the Seattle Mayor; and

26 WHEREAS, in 2008, the City endorsed the King County Public Health Operational Master Plan
27 (PHOMP), which was developed by the County and the Board of Health with City
28 participation. The PHOMP is Public Health's strategic plan outlining short- and long-
term goals and strategies; and

WHEREAS, the City and King County have negotiated a new tentative interlocal agreement that
would replace the previous one; and



1 WHEREAS, the City and King County want to rename the joint public health entity
2 "Public Health – Seattle & King County"; NOW, THEREFORE,

3 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

4 **Section 1.** Throughout the Seattle Municipal Code, the Seattle-King County Department
5 of Public Health ('Department') is identified under many names, including 'Department of
6 Public Health', 'Seattle/King County Department of Public Health' and 'Seattle-King County
7 Department of Public Health'. All citations to the Department within the Seattle Municipal Code
8 shall refer to the Department's new name: 'Public Health – Seattle & King County'.
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11 **Section 2.** Chapter 3.30 of the Seattle Municipal Code, which was last amended by
12 Ordinance 123361, is AMENDED as follows (title only):

13 **Chapter 3.30 ((SEATTLE-KING COUNTY DEPARTMENT OF PUBLIC HEALTH¹))**
14 **PUBLIC HEALTH – SEATTLE & KING COUNTY¹**
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16
17 **Section 3.** Subchapter III of Chapter 3.30, which was last amended by Ordinance
18 123361, is AMENDED as follows (title only):

19 **SUBCHAPTER III ((SEATTLE-KING COUNTY DEPARTMENT OF PUBLIC**
20 **HEALTH)) PUBLIC HEALTH – SEATTLE & KING COUNTY CITIZENS ADVISORY**
21 **BOARD**
22

23 **Section 4.** Section 3.30.010 of the Seattle Municipal Code, which was last amended by
24 Ordinance 109522, is amended as follows:

25 **3.30.010 Agreement between City and King County((:))**
26



1 As of January 1, 1981, The City of Seattle (referred to in this chapter as the "City") declares its
2 intent to operate and establish with King County (referred to in this chapter as the "county") a
3 combined City and county health department to be known as the (~~"Seattle-King County~~
4 ~~Department of Public Health,")~~ "Public Health – Seattle & King County" (referred to in this
5 chapter as the "Department") to be operated in accordance with an agreement made between the
6 City and the county. The Department shall be administered by the county, except as provided in
7 this chapter. The Director of the Department shall be responsible for the management of the
8 Department and shall be jointly appointed by the County Executive and the Mayor for a four
9 (~~(4)~~) year term, subject to confirmation by the County and City Councils, and may be removed
10 by the County Executive after consultation with the Mayor upon the filing of a statement of the
11 reasons therefor with the County and City Councils, as authorized by RCW 70.08.040, as
12 amended.
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17 **Section 5. Section 3.30.200** of the Seattle Municipal Code, which was last amended
18 by Ordinance 106480, is AMENDED as follows:

19 **3.30.200 Board established – Purpose(~~o~~)**

20 There is established a (~~Seattle-King County Department of Public Health~~) Public Health –
21 Seattle & King County Citizens Advisory Board to provide consumer input into the planning,
22 policy-making and implementation processes of the Department, by advising the Department
23 with respect to the evaluation of program implementation and program planning relating to
24 health care within the community; presenting issues relevant to the health and well-being of the
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1 community to the Department for its consideration and action; providing liaison and serving as a
2 facilitator of communications between the Department and the community; and acting as an
3 advocate of the community, consumers, and the Department.

4 **Section 6. Section 5.78.070** of the Seattle Municipal Code, which was last amended by
5 Ordinance 123361, is AMENDED as follows:

6 **5.78.070 Expenditures – ((Seattle-King County Department of Public Health.))Public**
7 **Health – Seattle & King County**
8

9 The Director of Public Health is authorized to direct expenditures for the donations made
10 to the ((Seattle-King County Department of Public Health)) Public Health – Seattle & King
11 County programs in the City's Gift Catalogue as designated by the donor; and the Director of
12 Finance and Administrative Services is authorized to draw and to pay warrants against said
13 program accounts or subaccounts on vouchers approved by the Director of Public Health as to
14 payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director
15 of Finance and Administrative Services may elect to make payment by check.
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19 **Section 7. Section 22.900G.030** of the Seattle Municipal Code, which was last amended
20 by Ordinance 120998, is AMENDED as follows (title only):

21 **22.900G.030 Fees for review by ((the Seattle-King County Department of Public Health.))**
22 **Public Health – Seattle & King County**
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1 **Section 8.** The Mayor is authorized to execute the interlocal agreement with King
2 County entitled '2011 King County/City of Seattle Interlocal Agreement Regarding Public
3 Health – Seattle & King County', substantially in the form of the agreement attached hereto as
4 Exhibit '1'.
5

6 **Section 9.** The 2011 King County/City of Seattle Interlocal Agreement Regarding Public
7 Health – Seattle & King County is ADOPTED and replaces the prior interlocal agreement
8 between the City of Seattle and King County adopted as Ordinance 118337, entitled 'SKCDPH
9 Health Interlocal Agreement'
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11 **Section 10.** Ordinance 118337 is remains effective until the 2011 King County/City of
12 Seattle Interlocal Agreement Regarding Public Health – Seattle & King County becomes
13 effective, at which point Ordinance 118337 is immediately REPEALED.
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16 **Section 11.** Any act consistent with the authority and prior to the effective date of this
17 ordinance is hereby ratified and confirmed.
18

19 **Section 12.** This ordinance shall take effect and be in force 30 days after its approval by
20 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
21 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by the City Council the ____ day of _____, 2011, and
signed by me in open session in authentication of its passage this
____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment: Exhibit 1 - 2011 King County/City of Seattle Interlocal Agreement Regarding
Public Health – Seattle & King County



1 NOW THEREFORE,

2 Pursuant to RCW 70.08.010 and RCW 39.34.080, the County and City agree as
3 follows:

4 **Section 1. PRINCIPLES OF OPERATION:** The County and City wish to ensure that
5 overall Department policy is responsive to community health needs, promotes health
6 equity and creates healthy conditions for all communities. The County has ultimate
7 policy and statutory responsibility for the delivery of public health services throughout
8 the county, including in the city. The City has fiduciary and policy responsibility over its
9 own financial contribution and strong advisory influence on overall policies of the
10 Department that impact public health activities in Seattle. The City's financial
11 contributions to the operation of the Department are voluntary and shall be used to
12 enhance services to its residents and neighborhoods.

13 **Section 2. ESTABLISHMENT OF DEPARTMENT:** As of January 1, 1981, there was
14 established a combined City and County Health Department to be known as the
15 "Seattle-King County Department of Public Health" and that is now known as "Public
16 Health – Seattle & King County".

17 **Section 3. DEPARTMENT'S PURPOSE:** The Department shall be responsible for
18 the assessment, protection and promotion of health of all county residents, including
19 residents in the city, working to eliminate health inequities and promote equity, and
20 providing services that help to assure access to high quality health care for all
21 populations. The director of the Department shall also have all powers and duties as
22 provided in RCW 70.05.070, including enforcement of public health statutes of the
23 State, rules of the State Board of Health and the Secretary of State, and rules and
24 regulations of the King County Board of Health.

25 **Section 4. POLICY DEVELOPMENT AND IMPLEMENTATION:**

26 (a) The King County Board of Health exercises policy influence over the
27 Department pursuant to the powers granted to it in chapter 70.05 RCW. This
28 Agreement seeks to reinforce the role of the Board of Health. The Board of

Exhibit 1 to HSD Public Health Interlocal ORD

1 Health is presently a federated body that includes members from the King
2 County Council , elected officials of the City of Seattle, elected officials of
3 cities and towns of King County other than Seattle, and health professionals,
4 as provided in chap. 2.35 King County Code. The Board of Health has
5 supervision over all matters pertaining to the preservation of the life and
6 health of the people within its jurisdiction, pursuant to RCW 70.05.060.

7 (b) The County Executive and County Council shall establish programmatic policy
8 priorities and direction aligned with available resources for the Department
9 consistent with policy direction established by the Board of Health.

10 (c) The Mayor and City Council shall establish programmatic priorities and
11 direction of the funds that the City provides to the Department and through
12 the services and resources these dollars leverage. The method that the City
13 utilizes to make its contributions to the Department and the level of
14 contributions are at the discretion of the Mayor and City Council through the
15 City's budget-making process.

16 (d) In addition to directing the use of its own funds, the City shall have the
17 opportunity to advise and participate in formulating health policies that
18 impact its residents and neighborhoods. Likewise, the County and the
19 Department shall have the opportunity to advise the City on the
20 programmatic priorities of the City's funding of the Department. The
21 Department Director is responsible for creating appropriate opportunities for
22 City and County participation in policy development and in setting
23 programmatic policies and direction. Furthermore, the Mayor and City
24 Council shall designate a lead City health policy advisor, to be funded by the
25 City, to help facilitate City participation in Department policy development
26 relevant to the City.

27 (e) The policies and activities of many County and City departments have a
28 significant impact on the public's health. The Executive and the Mayor shall
Exhibit 1 to HSD Public Health Interlocal ORD



1 invite the Department to work with other County and City departments in
2 formulating and implementing policies that promote health equity and the
3 health of county residents and communities, including those in the city of
4 Seattle.

5 (f) In recognition of the interrelationship of policies and programs that affect
6 the health of the public in King County and Seattle, both governments shall
7 provide early notification to each other of such policy changes in order to
8 allow for sufficient time for joint discussion and the effective operation of
9 the Department. The Executive, the Mayor and the Department Director
10 shall establish opportunities for each party to influence the policies of the
11 other and to ensure that the Department is responsive to the public health
12 issues and priorities of the County and the City.

13 (g) The Executive shall arrange an annual meeting with the Mayor to which the
14 Board of Health Chair and the Department Director will be invited. The
15 purposes of the meeting include a check-in on the implementation of this
16 Agreement, discussion of the public health priorities of each jurisdiction,
17 establishing the key public health priorities and expectations that the County
18 and City have for the Department, and identification of public health policy
19 objectives to be pursued at the regional, state and national levels.

20 **Section 5. DEPARTMENT'S MANAGEMENT:** It is the intent of the parties to
21 retain a joint City-County Health Department in accordance with chapters 70.05
22 and 70.08 RCW. Accordingly:

23 (a) The head of the Department shall be the "Director of Public Health" who
24 shall be jointly appointed by the County Executive and the City of Seattle
25 Mayor, subject to confirmation by the County and City Councils, and may be
26 removed by the County Executive after consultation with the Mayor, upon
27 filing a statement of the reasons for removal with the County and City
28 Councils.

- 1 (b) The administration of the Department shall be a function of the County.
- 2 (c) The overall responsibility for financing regional 'core' services of the
- 3 Department as identified in statute or by the County, such as in the Public
- 4 Health Operational Master Plan, shall rest with the County.
- 5 (d) The Director shall report to the County Executive; the Director shall also
- 6 report to the Mayor on issues relating to the city's health status and policy
- 7 and City-funded services.
- 8 (e) The Director shall actively participate in cabinet meetings and activities of
- 9 both the City and County as directed by the Mayor and County Executive
- 10 respectively. Department staff shall participate, as appropriate and within
- 11 available resources, on City and County subcabinets, interdepartmental
- 12 teams, and key initiatives, as well as work with other City and County
- 13 departments to create the policies and conditions for healthy communities.
- 14 (f) The Director shall assign staff to participate in the County and City's
- 15 emergency preparedness and response efforts and provide a presence at
- 16 their Emergency Operations Centers.
- 17 (g) The Department's name shall reflect joint participation of the City and
- 18 County.

18 **Section 6. DEPARTMENT'S ACCOUNTABILITY:**

- 19 (a) Since the Department is a County-administered department, the Department
- 20 Director shall comply with reporting and accountability mechanisms
- 21 established by the County Executive and County Council.
- 22 (b) The City, in consultation with the Department Director, may establish
- 23 accountability mechanisms as appropriate related to the City's funding and
- 24 objectives. The lead City health policy advisor shall help ensure appropriate
- 25 accountability for the Department's use of City funds and compliance with
- 26 the terms of this Agreement.

1 (c) The Department shall provide timely response to data and information
2 requests from the County Executive, County Council, Mayor and City Council.

3 (d) In consultation with the Department, the City shall establish accountability
4 mechanisms for the City's funding of enhanced public health services. Such
5 mechanisms may include specified outcomes and performance
6 commitments.

7 **Section 7. DEPARTMENT'S BUDGET PREPARATION:** Responsibility for
8 preparing and adopting the Department budget rests with the County. The City
9 shall be responsible for deciding the level of contributions, method of providing
10 funding, and the use of City funds that it provides to the Department.

11 **Section 8. DEPARTMENT'S FINANCING:**

12 (a) The County shall be financially responsible for the funding of core public
13 health services throughout the county, including in the city of Seattle.

14 (b) The City's financial contributions are voluntary and shall be used to enhance
15 services for its residents and neighborhoods. The City may also voluntarily
16 contribute some funding to support the Department's unique activities that
17 it provides to the City that are typically and routinely more than what it
18 provides to other cities in King County. Examples of such activities include
19 participation on the Mayor's cabinet, subcabinets, emergency preparedness
20 and response efforts, collaboration and policy development with other City
21 departments, and interdepartmental initiatives. The amount of City funding
22 shall be determined in the City budget process, recognizing that the level of
23 the Department's participation in City government may depend, in part, on
24 the amount of support the City provides.

25 (c) The County, the City, and the Department shall ensure that contributions to
26 the Department shall result in appropriate use and accountability of funds
27 throughout the county and the city. Furthermore, the County and the
28 Department shall ensure that the City's contributions to the Department



1 shall be used only for their intended purposes and not subsidize expenses for
2 other purposes.

- 3 (d) As part of its contributions to the Department for enhanced health services,
4 the City voluntarily funds primary care medical, dental and health-access
5 services provided by Seattle's community health centers and the
6 Department. The lead City health policy advisor shall represent the City in
7 Department- or County-led community health system/health safety net
8 planning efforts to improve quality and access, and to plan for the
9 implementation of health care reform.

10 **Section 9. EFFECTIVE DATE, MODIFICATION AND DURATION OF AGREEMENT:**

- 11 (a) This Agreement shall be effective when signed by both parties, and approved
12 by their respective councils.
13 (b) The duration of this Agreement shall be five years from the effective date
14 with an automatic annual rollover thereafter.
15 (c) This Agreement may be modified with the mutual consent of the parties,
16 which consent shall be in writing, signed and approved by both parties and
17 their respective councils.
18 (d) After the effective date of this Agreement, the Agreement may be
19 terminated at the end of any calendar year upon six months written notice
20 by either party consistent with the provisions of RCW 70.08.100.
21 (e) All parties shall discuss the overall relationship and efficacy of this
22 Agreement at the annual meeting described in Section 4 (g) of this
23 Agreement.

24 **Section 10. PRIOR AGREEMENTS:** This Agreement supersedes the "1996
25 AGREEMENT REGARDING THE SEATTLE-KING COUNTY DEPARTMENT OF PUBLIC
26 HEALTH" previously executed by the parties.

27 **Section 11. NO THIRD PARTY BENEFICIARIES AND NO GUARANTEE OF SPECIFIC
28 FUNDING:** This Agreement is solely for the benefit of the City and the County,
Exhibit 1 to HSD Public Health Interlocal ORD

1 and no other person may acquire or have any right hereunder by virtue hereof.
2 This Agreement is intended neither to protect any particular class of individuals
3 or organizations, nor to guarantee any specific level of funding nor to create any
4 private right of action.

5 IN WITNESS WHEREOF, authorized representatives of the parties, hereto have
6 signed their names in the spaces below.

7 KING COUNTY

CITY OF SEATTLE

8
9 King County Executive

Mayor, City of Seattle



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Human Services	Jerry DeGriek 684-0684	Stephen Barham 733-9084

Legislation Title: AN ORDINANCE relating to the Seattle-King County Department of Public Health; amending various sections of Chapters 3.30, 3.60, 5.78, 6.430, 9.25, 10.01, 10.03, 10.10, 10.13, 10.18, 10.24, 10.25, 10.26, 10.54, 10.56, 10.72, 10.76, 21.08, 21.12, 21.16, 21.36, 21.43, 22.801, 22.900G, 23.50, 23.60, 23.57, 23.69, 25.06, and 25.10 of the Seattle Municipal Code ('SMC') to change its name to "Public Health – Seattle and King County"; adopting and authorizing execution of a new interlocal agreement between the City of Seattle and King County entitled '2011 King County/City of Seattle Interlocal Agreement Regarding Public Health – Seattle & King County', and repealing Ordinance 118377, the prior interlocal agreement between the City of Seattle and King County entitled 'SKCDPH Health Interlocal Agreement'; and ratifying and confirming certain prior acts.

Summary of the Legislation: Amend sections of Seattle Municipal Code (SMC) to change the name of Seattle-King County Department of Public Health to known name of 'Public Health – Seattle & King County' and authorize execution of a new interlocal agreement between the City of Seattle and King County entitled '2011 King County/City of Seattle Interlocal Agreement Regarding Public Health – Seattle & King County' while repealing the prior interlocal agreement.

Background: The City of Seattle and King County wish to ensure that overall public health policy is responsive to community health needs, promote health equity and create healthy conditions for all communities. The proposed interlocal agreement guides the public health department's management, financial, and policy responsibilities, within a framework of accountability for both the City and County. The name change reflects the need to be consistent throughout the SMC.

History of Legislation:

Prior to 1951	City Health Officer, Board of Health, and Department of Health were established
1951	Joint department administered by the City
1981	Joint department administered by the County
1984	First Interlocal Agreement between City and County
1995-1996	RCW establishes county responsibility for public health and 2 nd Interlocal Agreement adopted
2000-2008	Reduction of City funds to Public Health, Structural change in City funding relationship with Public Health, New City position, Adoption of Master Plan and City Policy Guide

This legislation does not have any financial implications.





City of Seattle
Office of the Mayor

June 14, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which would adopt and authorize execution of a new interlocal agreement between the City of Seattle and King County entitled '2011 King County/City of Seattle Interlocal Agreement Regarding Public Health – Seattle & King County'. This Council Bill also amends sections of the Seattle Municipal Code to change the department's name to its known name, "Public Health – Seattle & King County". The Bill also repeals the prior interlocal agreement between the City of Seattle and King County, adopted by the City Council in 1996.

The proposed interlocal agreement was crafted and negotiated by City and County teams, with Dr. David Fleming, Health Officer and Director, Public Health – Seattle & King County and his staff providing counsel. The City team included staff from the Mayor's Office, the Office of Intergovernmental Relations, the City Budget Office, the Human Services Department and City Councilmember Sally Clark, as well as Council Central Staff. The County team included staff from the executive and legislative branches.

The agreement strengthens the partnership between the City and County and bolsters the role of Public Health – Seattle & King County in city government. It also establishes accountability mechanisms and recognizes the County's responsibility to provide regional public health services while the City's funding is voluntary. Through the proposed interlocal agreement, the City and County wish to ensure that public health policy is responsive to community health needs, promotes health equity and creates healthy conditions for all communities.

The health challenges faced by our residents, neighborhoods can be most effectively addressed through the coordinated action of multiple jurisdictions and of multiple departments within each jurisdiction. The proposed interlocal agreement establishes the framework to make this happen. Should you have questions, please contact HSD's Jerry DeGriek, (206) 684-0684. Thank you for your consideration of this legislation

Sincerely,


Michael McGinn
Mayor of Seattle

