

KITSAP PUBLIC HEALTH BOARD AGENDA

February 2, 2016
1:45 p.m. to 3:00 p.m.
Norm Dicks Government Center, First Floor Chambers
Bremerton, WA

- 1:45 p.m. 1. Minutes, January 5, 2016
- 1:46 p.m. 2. Consent Items and Contract Updates: See Consent Agenda Agreement Summary, Contracts Signed Report, and Warrant and EFT Registers
- 1:48 p.m. 3. Public Comment
- 1:53 p.m. 4. Health Officer Report / Administrator Report

ACTION ITEMS:

- 2:00 p.m. 5. Resolution 2016-06: Approving Environmental Health Division Fee Schedule (Food and Living Environment Fee Adjustments)
Keith Grellner, Environmental Health Division Director
- 2:10 p.m. 6. Resolution 2016-07: Approving Classification and Salary Range for the Olympic Community of Health Director
Karen Holt, Human Resources Manager

DISCUSSION ITEMS:

- 2:20 p.m. 7. Discussion Draft: Regulations Restricting the Use, Sale, and Availability of Vapor Products
Keith Grellner, Environmental Health Division Director
- 2:45 p.m. 8. Executive Session: Pursuant to RCW 42.30.110(g), Review of Performance of a Public Employee

ADJOURN:

- 3:00 p.m. 9. Adjourn

KITSAP PUBLIC HEALTH BOARD

Regular Meeting

January 5, 2016

The meeting was called to order by Board Chair, Commissioner Robert Gelder at 1:51 p.m.

ELECTION OF BOARD CHAIR AND VICE-CHAIR

Commissioner Charlotte Garrido moved and Mayor Patty Lent seconded the motion to nominate Mayor Becky Erickson as the Kitsap Public Health Board Chair for 2016 and Commissioner Edward Wolfe as the Kitsap Public Health Board Vice-Chair for 2016. The motion was approved unanimously. Commissioner Robert Gelder then passed the gavel to Mayor Erickson to assume her role as new Board Chair for the remainder of the meeting.

ASSIGNMENT TO THE 2016 BOARD FINANCE AND OPERATIONS COMMITTEE, POLICY COMMITTEE, AND PERSONNEL COMMITTEE

Board members discussed the current committee assignments and expressed their preliminary preferences for committee assignments in 2016 as follows: the Finance and Operations Committee would remain Mayor Becky Erickson, Commissioner Charlotte Garrido, and Mayor Patty Lent; the Policy Committee would include Mayor Becky Erickson, Commissioner Robert Gelder, and Mayor Rob Putaansuu; the Personnel Committee would remain Councilperson Sarah Blossom, Mayor Patty Lent, and Commissioner Ed Wolfe. Commissioner Garrido moved and Commissioner Gelder seconded the motion to approve the assignments to the 2016 Board Finance and Operations Committee, Policy Committee, and Personnel Committee. The motion was approved unanimously.

MINUTES

Mayor Patty Lent moved and Commissioner Charlotte Garrido seconded the motion to approve the minutes for the December 1, 2015, regular meeting. The motion was approved unanimously.

CONSENT AGENDA

The only contract on the consent agenda was:

- 1495, Port Gamble S'Klallam Tribe, *Food Consultation Services*

Commissioner Gelder moved and Commissioner Garrido seconded the motion to approve the consent agenda, including the Contracts Update and Warrant and Electronic Funds Transfer Register. The motion was approved unanimously.

PUBLIC COMMENT

There was no public comment.

HEALTH OFFICER/ADMINISTRATOR'S REPORT

Health Officer Update:

Dr. Susan Turner, Health Officer, provided the Board with a copy of the Health Officer Workplan Status Report and stated that although a lot of the work is ongoing, 20 of the 22 milestones outlined in the workplan have been reached. She reviewed the report and noted the progress made in developing relationships with District staff and her direct reports, key strategic community stake holders, and with other Health Officers across the state and the region. Also of note, she said the new Respiratory Illness Report has been well received and has enhanced the District's credibility as a resource to the community.

Administrator Update:

Mr. Scott Daniels, Administrator, welcomed Rob Putaansuu, City of Port Orchard Mayor, to the Board. He then provided an update on the District's priorities and plans for the next six months:

- Vaping Products Ordinance: The District will present the draft ordinance to the Board next month.
- Food Fee Amendments: A formal hearing is scheduled at next month's Board meeting.
- State Opiate Response Plan: Dr. Turner is working closely with partners to understand how the District is responding to the opiate problem across the county, and how the State Opiate Response Plan might be implemented locally. The District will keep the Board informed of the progress.
- Local Funding Formula: The District will schedule a work study session in May to talk about establishing a local funding formula for the District and to discuss services the District should provide for the community in the future in light of a statewide emphasis on ensuring that local public health jurisdictions provide the Foundational Public Health Services.
- Olympic Community of Health (OCH) and the Medicaid Waiver: The District's backbone support, and participation in, the OCH will be an ongoing topic because of the importance of health system reform work. Also, if the Washington State Health Care Authority receives federal funding through a Global Medicaid Waiver, the OCH may elect to expand and become a Coordinating Entity that would result in significant pass-through funding to manage performance-based health improvement projects addressing the Medicaid population across the OCH region (Kitsap, Jefferson, and Clallam counties).
- Olympic Community of Health Staffing: Now that OCH's Accountable Community of Health (ACH) OCH Readiness Proposal has been completed and OCH has been officially designated by the State as an ACH, the District, as the OCH backbone, has necessary State funding to recruit OCH staff. First up is recruitment for an OCH Director. To do that, the District needs to create a new OCH Director personnel classification and that requires Board approval. The District will present the new classification for approval at the February 2nd Board meeting. Mr. Daniels explained that the position will be fully funded using federal money passed through the Health Care Authority (HCA) and does not negatively affect the District's budget.

The Board expressed some general confusion about the work of the OCH and ACHs generally, and the District's role in the process. Mr. Daniels clarified that, overall, the OCH is working to improve population health in the three-county region and accomplish the Triple

Aim of better health, better care, and lower costs. This new system will bring healthcare, social services, public health, mental health, behavioral health, and other sectors together to work collaboratively on cross-sector evidenced-based projects to improve health. The overlap between the work of ACHs and Behavioral Health Organizations was next also briefly discussed. Due to the complexity of the topics, it was decided that the District should schedule a Board study session in the near future to further discuss details of the OCH work.

- Board Survey: Mr. Daniels reminded the Board of the survey the District sent to Board members last month to gain feedback on how the District is doing running the Board's meetings. The survey will be resent to Board members in hopes of receiving full Board participation.

PROPOSED FOOD FEE AMENDMENTS

Mr. Keith Grellner, Director, Environmental Health Division, stated that the District is proposing an adjustment of its Food and Living Environment Program fees and plans to bring a package of adjusted fees to the February 2nd Board meeting for a formal hearing and possible adoption.

He then reminded the Board that that state law empowers the Board to establish fee schedules for services that the local health jurisdiction implements. He walked the Board through a PowerPoint presentation and reviewed fee revenue and program deficit data from 2009 through 2016. He noted that fee revenues have stayed static since 2009, the last time the District raised these fees. Because the fees have stayed the same and costs have continued to increase, the program has been operating with a deficit since 2011, although the amount of the deficit has stayed static. In summary, he said that the proposed fee increases will assist in decreasing the program deficit. He said the District is proposing to increase year-around full-service food establishment fees by \$53.00 a year, temporary food service fees by \$14.00 a year, and remove permit fees for bake sales. The District is also proposing to increase annual swimming pool permit fees by \$38.00.

Mr. Grellner stated that if adopted the fee adjustment will allow the District to recoup \$102,000 of the \$120,000 (86%) projected program budget deficit for 2016. He then explained how the fee increases were calculated. He assured the Board that communications regarding the fee increase have been a priority. The District communicated the fees to the public in a newsletter sent to 2,200 food service establishments, posted a link to the fee adjustments on the District website, and has scheduled a public meeting on the fees for Thursday, January 21, 2016, at 7:00 p.m. in the Chambers. Following the public meeting, the District will make any needed adjustments to the fees, and post a legal notice announcing a formal hearing at the February 2nd Board meeting where the District will ask the Board to adopt the fee amendments. Commissioner Gelder requested the District provide a synopsis to the Board on the feedback received at the January 21st public meeting. Mr. Grellner agreed to provide this to the Board on January 22nd.

RESOLUTION 2016-01: AMENDING THE KITSAP PUBLIC HEALTH DISTRICT 2011-2021 STRATEGIC PLAN

Dr. Turner stated that the District is requesting that the Board approve Resolution 2016-01, amending the Kitsap Public Health District 2011-2021 Strategic Plan. She explained that the amendment is needed due to the changing landscape of public health, changes related to health system reform, and completion of many of the original 2011-2021 work plan objectives through 2015. Dr. Turner explained that updated plan was included in the Board's packet and offered to walk through the details. Board members stated that the written information was sufficient and no additional details on the content of the plan were needed. Dr. Turner then walked the Board through the internal processes the District completed to update the Strategic Plan.

Mayor Lent moved and Commissioner Gelder seconded the motion to approve Resolution 2016-01, Amending the Kitsap Public Health District 2011-2021 Strategic Plan. The motion was approved unanimously.

RESOLUTION 2016-02: APPROVING THE 2016-2018 COLLECTIVE BARGAINING AGREEMENT BETWEEN KITSAP PUBLIC HEALTH DISTRICT AND PROFESSIONAL AND TECHNICAL EMPLOYEES LOCAL 17.

Karen Holt, Human Resources Manager, stated that the District is requesting that the Board approve Resolution 2016-02, the Collective Bargaining Agreement between Kitsap Public Health District and Professional and Technical Employees Local 17, effective January 1, 2016. No additional discussion occurred.

Mayor Lent moved and Commissioner Garrido seconded the motion to approve Resolution 2016-02, Approving the Collective Bargaining Agreement between Kitsap Public Health District and Professional and Technical Employees Local 17. The motion was approved unanimously.

RESOLUTION 2016-03: APPROVING THE 2016-2018 SALARY AND BENEFIT ADJUSTMENT FOR UN-REPRESENTED EMPLOYEES

Karen Holt, Human Resources Manager, stated that the District is requesting that the Board approve Resolution 2016-03, approving 2016-2018 salary adjustments for un-represented employees, similar to the adjustments negotiated for represented employees. No additional discussion occurred.

Mayor Lent moved and Commissioner Gelder seconded the motion to approve Resolution 2016-03, Approving the 2016-2018 Salary and Benefits Adjustment for Un-Represented Employees. The motion was approved unanimously.

RESOLUTION 2016-04: APPROVING REVISIONS TO THE KITSAP PUBLIC HEALTH DISTRICT PERSONNEL MANUAL

Karen Holt, Human Resources Manager, stated that the District is requesting that the Board approve Resolution 2016-04, approving revisions to the Kitsap Public Health District Personnel

Manual, effective January 5, 2016, reflecting changes needed following collective bargaining. No additional discussion occurred.

Mayor Lent moved and Councilperson Sarah Blossom seconded the motion to approve Resolution 2016-04, Approving Revisions to the Kitsap Public Health District Personnel Manual. The motion was approved unanimously.

RESOLUTION 2016-05: APPROVING THE AMENDED 2016 KITSAP PUBLIC HEALTH DISTRICT BUDGET

Scott Daniels, Administrator, informed the Board that a budget amendment is needed to incorporate 1) wage adjustments for the District's represented (union) negotiated after the 2016 Budget was adopted on December 1, 2015, 2) wage adjustments for unrepresented staff, 3) expected new revenues and associated expenditures, and 4) other budgetary housekeeping changes. He provided an overview of the budget changes, including changes to total estimated 2016 revenues, expenditures, and cash and investment reserves.

If adopted, the amended 2016 Budget would equal \$11,987,474, an increase of \$548,489 over the previously adopted 2016 Budget. The revenue increases are primarily the result of a new Olympic Community of Health contract with the Washington State Health Care Authority, and anticipated food fee increases. Expenditure increases are primarily due to adding new staff and other non-personnel costs associated with the Olympic Community of Health, and a new epidemiologist position. These costs are covered by new budget revenues.

The Health District's new projected 2016 budget deficit (expenditures over revenues) equals \$490,049. The deficit projection has increased from the amount in the previously approved 2016 budget primarily because of agency wage adjustments, although the magnitude of the deficit increase has been tempered due to new revenues. The amended 2016 Budget is balanced using \$372,473 in unrestricted and undesignated reserves and \$117,576 in designated program reserves.

Although the District is operating with a budget deficit, the District is projecting that available reserves at the end of 2016 will still exceed the Board-established minimum reserve goal of two months of operating expenditures. However, Mr. Daniels stated that reserves will likely dip below the minimum goal in 2017. He said the continued reliance on reserve spending is not sustainable under current revenue and expenditure projections unless new revenues make up the difference or, short of that, if other structural changes are made to the District's programs to create more financial stability. This will be a topic of a Board study session to be scheduled in spring 2016.

Mayor Lent moved and Commissioner Garrido seconded the motion to approve Resolution 2016-05, Approving the Amended 2016 Kitsap Public Health District Budget. The motion was approved unanimously.

ADJOURN

There was no further business; the meeting was adjourned at 3:10 p.m.

Becky Erickson
Kitsap Public Health Board

Scott Daniels
Administrator

Board Members Present: *Council Member Sarah Blossom; Mayor Becky Erickson; Commissioner Charlotte Garrido; Commissioner Rob Gelder; Mayor Patty Lent; Mayor Rob Putaansuu; Commissioner Ed Wolfe.*

Staff Present: *Scott Daniels, Administrator; Susan Turner, Health Officer; Kathy Greco, Confidential Secretary, Administration; Suzanne Plemmons, Director, Community Health Division; Karen Bevers, Communications Coordinator, Administration; Karen Holt, Human Resources Manager, Administration; Siri Kushner, Epidemiologist, Administration; Kerry Dobbelaere, Program Manager, Clinical Services Program; Keith Grellner, Director, Environmental Health Division; Shelley Rose, Public Health Educator, In-Person Assister Program; Tracey Kellogg, Manager, Accounting and Finance Program; Jim Zimny, Program Manager, Food and Living Environment Program; Linda Tourigny, Public Health Nurse, Parent Child Health Program; Crystal Nuno, Environmental Health Specialist, Solid and Hazardous Waste Program.*

MEMO

To: Kitsap Public Health Board

From: Keith Grellner, Environmental Health Director

Date: January 27, 2016

Re: Resolution 2016-06, Approving Environmental Health Division Fee Schedule with Food and Living Environment Program Fee Adjustments

Attached for the Board's approval is Resolution 2016-06, Approving Environmental Health Division Fee Schedule, which adjusts fees for the Food and Living Environment Program (see Pages 4 – 6). Also attached for your information is a strike-out/underline version of the 2016 Fee Schedule showing and identifying the recommended changes from the current fee schedule previously adopted in Resolution 2013-02. As presented and discussed at our Board meeting in January, adjustments to Food and Living Environment Program fees are necessary to recover costs associated with performing permit and inspection services which is necessary to reduce the Program's projected budget deficit of approximately \$120,000 for 2016. If approved, the fee adjustments will become effective on March 1, 2016.

In addition to the Food and Living Environment fee adjustments, we have included three additional non-fee edits to the fee schedule:

1. Item No. 4, Page 1: We have removed the "Payment Plan Handling Fee". Because the Health District now has the ability to accept credit card payments, there is no longer a need or desire to allow payment plans. Corresponding Footnote 5 (Page 8) has also been deleted.
2. Item 40, Page 3: We have modified the name of this fee to "Administrative Conference Fee" instead off "Delinquent Contract Administration and Enforcement Fee" so that it more accurately reflects what service this fee covers.
3. Footnote 10, Page 8: We have corrected this footnote to reflect that certifications are valid July 1 – June 30 on an annual basis; the footnote incorrectly stated that the expiration date was September 30 instead of July 1 each year.

Background. Washington State Board of Health rules authorize and require local boards of health to implement and enforce regulations addressing:

- Food service establishments (Chapter 246-215 Washington Administrative Code [WAC]);
- Public pools (WAC 246-260 and WAC 246-262);
- Group camp operations (WAC 246-376); and
- Schools (WAC 246-366).

These rules are implemented and enforced on behalf of the Board by the Health District's Food and Living Environment Program.

Chapter 70.05.060 (7) of the Revised Code of Washington (RCW) authorizes local boards of health to establish fee schedules for issuing or renewing licenses or permits as authorized by State Board of Health rules.

Kitsap Public Health Board Budget Policy, Article XI, Budget Administration --- Fees, directs the Health District to recover the cost of services for fee related activities to the extent practicable without significantly impacting access to services.

Current fees for the Food and Living Environment Program have not covered the costs of service since 2011. While the Health District has kept Food and Living Environment Program fees static since **2009**, the cost of providing permit services, inspections, plan reviews, customer and technical assistance, complaint investigations, and program administration have continued to rise due to increases in salaries, benefits, insurance, utilities, technology and support services, and the required implementation of state rule changes in 2013. The program's budget deficit for 2016 is projected to be approximately \$120,000; adopting the proposed fee adjustments will recover approximately \$103,000 of this projected deficit, thus reducing the program's reliance on local discretionary funding to approximately \$17,000 in 2016. The Food and Living Environment Program's permit cycle begins June 1 of each year.

The Health District has completed the following outreach efforts to the regulated industry and public leading up to today's hearing:

1. Fee adjustment information has been posted on our website since late November 2015 at: http://kitsappublichealth.org/temporaryContent/Proposed_EH_Fee_Increases2016.php.
2. A newsletter with the fee adjustment information was sent directly to each and every food and pool permittee in early December 2015; this link is an e-copy of the newsletter that was sent out: http://kitsappublichealth.org/information/files/2015_Winter_Food_Newsletter.pdf.
3. We discussed the fee adjustment proposal at both the December and January Health Board meetings.
4. We issued a media release on January 12, 2016 advertising a public meeting on January 21, 2016.
5. We held a public meeting to discuss the fee adjustment proposal on January 21, 2016.

Memo re: Resolution 2016-06, Approving Environmental Health Fee Schedule

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6. Our inspectors have been talking with permittees during site inspections.
7. We purchased a formal Public Notice that was posted in the Kitsap Sun on Tuesday, January 26, 2016.

Up to this time, the Health District has not received any opposition to the proposed fee adjustments.

Please contact me at (360) 337-5284 or keith.grellner@kitsappublichealth.org if you have any questions or comments.

Recommended Action: The Board move to approve Resolution 2016-06, Approving Environmental Health Division Fee Schedule, which will take effective March 1, 2016.

Attachments: Resolution 2016-06
Strike-out/Underline Version of 2016 Fee Schedule

Approving Environmental Health Division Fee Schedule

WHEREAS, the Kitsap Public Health Board is empowered by RCW 70.05.060(7) and RCW 70.46.120 to establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by law; and

WHEREAS, a fee schedule has been operative and essential to cover expenses incurred by the Environmental Health Division when conducting and maintaining programs that implement and enforce state public health rules and mandates within Kitsap County; and

WHEREAS, the Board Budget Policy, Article XI, Budget Administration --- Fees, directs the Health District to recover the cost of services for fee-related activities; and

WHEREAS, the Environmental Health Division's Food and Living Environment Program is not adequately recovering the costs for performing services related to permits and inspections for food service establishments and water recreation facilities;

NOW, THEREFORE, BE IT RESOLVED that the Kitsap Public Health Board does authorize and approve Resolution 2016-06, Environmental Health Division Fee Schedule, effective March 1, 2016, and until further notice.

CONFLICTING RESOLUTIONS: To the extent that the fee schedule described above is inconsistent with prior provisions of the Kitsap Public Health Board Resolutions, the prior provisions are hereby repealed.

APPROVED: February 2, 2016

EFFECTIVE: March 1, 2016

Mayor Becky Erickson, Chair
Kitsap Public Health Board

Kitsap Public Health Board Resolution 2016-06
Kitsap Public Health District
Environmental Health Division
FEE SCHEDULE (Effective March 1, 2016)

Item No.	<u>GENERAL</u> ^{1,2,3}	<u>Fee</u>
1	Administrative Meetings or Appeal Hearings:	
	Administrative Review Meeting with Environmental Health Director	\$109
	Appeal Hearing with Health Officer	\$327
	Appeal Hearing with Board of Health (Hearing with Health Officer is a Required Prerequisite)	\$436
2	Standard Hourly Rate	\$109
3	Delinquent Service/Payment > 30 days Overdue	1%/day up to 30 days
	Non-Sufficient Funds (NSF) Fee	\$25
	Refund Handling Fee ⁴	\$25
	Payment Plan Handling Fee ⁵	\$3
4	Photocopies (Plus Postage and Handling when Applicable)	\$0.15/copy
5	Work without Permit Investigation Fee: The Cost of the Original Applicable Permit Fee the Applicant Failed to Obtain in Addition to the Cost of the Current Applicable Permit Fee.	Project Specific

Item No.	<u>WATER</u> ^{2,3}	<u>Fee</u>
	(*Note: Please Refer to Onsite Sewage/Water Quality Program Section for Building Site Applications and Building Clearance Service Charges.)	
6	Water Status Reports - Public Water Supply:	
	Group A (>100 Connections)	\$109
	Group A (<100 Connections)	\$109
	Group B (when there is a record of a completed sanitary survey w/in last 5 years)	\$109
	Group B (when no record of a completed sanitary survey w/in last 5 years)	\$436
7	Water Status Reports - Private Individual and Private Two-Party (Plus water sample fee - See below)	\$218
	Coliform Sample	\$20
	Nitrate Sample	\$28
	Additional Site Visit to Resample Water (Plus water sample fee)	\$109
8	Building Clearances on Public Sewer (Water Adequacy Only)	\$66
9	Plan Reviews:	
	New Group A Water System (< 25 connections) ⁶	\$760
	New or Existing Unapproved Group B ⁶	\$760
	Expanding Group B or Group A < 25 Connections ⁷	\$109
10	Sanitary Surveys:	
	Group A ⁸	\$545
	Group B	\$436
11	Surface Seal Inspection	\$109
12	Well Decommissioning	\$164
13	Waiver Applications	\$109
14	Irrigation Well Waiver Applications	\$218
15	Well Site Inspections (Not Associated with BSA):	
	Replacement, Group A or B Public Well Site, Irrigation or Other Non-Potable Well	\$410
	Amended Well Site Inspection	\$109
16	Coordinated Water System Plan Review	\$109
17	Miscellaneous:	
	Copy of Local Regulations (Plus Postage and Handling when Applicable)	\$12
	Re-inspection for Compliance ⁹	\$109

Kitsap Public Health Board Resolution 2016-06
Kitsap Public Health District
Environmental Health Division
FEE SCHEDULE (Effective March 1, 2016)

18	Water System Designer Certifications:	
	Initial Certification	\$363
	Annual Renewal ¹⁰	\$181
	Testing Service Charge	\$218
	Delinquent Certification Renewal Fee	\$241
19	Environmental Services and Equipment Rental:	
	Environmental Monitoring/Reporting (Labor Only).	\$109
	Monitoring Equipment Rental (Health District Use Only).	\$109
	Boat Rental (Health District Use Only) Per Day	\$121
	Plus Staff Operator Time at Current Hourly Labor Rate	\$109

Item No.	<u>ONSITE SEWAGE</u> ^{2,3}	Fee
	New/Alteration/Expansion Building Site Applications (BSA) ¹¹ (Total Includes Mandatory Drinking Water Service Charges as Shown):	
20	Single Family Residential Onsite Sewage System w/ Private Water Supply (Existing or Proposed Water Source):	
	Onsite Service Charge	\$417
	Drinking Water Service Charge	\$387
	Total	\$804
21	Single Family Residential Onsite Sewage System on Public Water Supply:	
	Onsite Service Charge:	\$417
	Drinking Water Service Charge	\$193
	Total	\$610
22	Multi-Family/Community, Residential or Commercial Onsite Sewage System on Private Water Supply:	
	Onsite Service Charge	\$417
	Drinking Water Service Charge	\$387
	Total	\$804
23	Multi-Family/Community Residential or Commercial Onsite Sewage System on Public Water Supply:	
	Onsite Service Charge:	\$417
	Drinking Water Service Charge	\$193
	Total	\$610
24	Redesigned BSA:	
	Onsite Service Charge	\$138
	Drinking Water Service Charge	\$109
	Total	\$247
25	Repair or Replacement BSA (No Alteration or Expansion) - Includes OSS Waiver(s)	
	Onsite Service Charge	\$315
	Drinking Water Service Charge	\$109
	Total	\$424
26	Pre-Application Meeting for BSA	\$109
27	Minor Site Plan Revisions	\$60
28	Inspection for BSA Violation	\$109
29	BSA Wet Weather Review ¹²	\$218
30	Accepted BSA Records Replacement for Building Permit	\$10
31	Building Clearance (BC) - Residential	
	Onsite Service Charge	\$174
	Drinking Water Service Charge	\$67
	Total	\$241

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Environmental Health Division
FEE SCHEDULE (Effective March 1, 2016)

32	Building Clearance - Commercial (low risk)	
	Onsite Service Charge	\$217
	Drinking Water Service Charge	\$67
	Total	\$284
33	Building Clearance - Commercial (medium to high risk)	
	Onsite Service Charge	\$217
	Drinking Water Service Charge	\$67
	Waste Management Plan Review	\$109
	Total	\$393
34	Building Clearance Exemption¹³	\$79
35	Accepted BC Records Replacement for Building Permit	\$10
36	Building/Code Compliance: (For Reserve Area/Record Establishment for Onsite Sewage System (OSS) when Submitted Independently; Does Not Include Drinking Water Review)	\$218
37	Sewage System Installation Permits:¹⁴	
	New, Replacement, or Repair Installation	\$387
	Septic Tank/Pump Tank Replacement or Re-Connection, New Curtain Drain Installation	\$170
	OSS Component Replacement (Does Not Include Drainfield/Disposal Component; Must be Accompanied by Failure Inspection Report)	\$170
38	Re-Inspection for Sewage Disposal Permit Violation	\$157
39	OSS Installation Wet Weather Review	\$109
40	Yearly M&M Contract and Report Service Charge:¹⁵	
	Residential/Community	\$50
	Commercial/Industrial	\$50
	Delinquent Contract Administration & Enforcement Administrative Conference Fee	\$200
	Incomplete/Erroneous Report Resubmittal Fee	\$50
41	Septic/Pump Tank Inspection/Pump-out Report Submittal & Filing Fee (RESERVED)	TBD
42	OSS Waiver Requests (New, Redesign, Alteration BSA, Building Clearance, Building Compliance, Building Permit, and Sewage Disposal Permits)	\$109
43	Installer, Pumper and Maintenance Specialist (including Residential Homeowner) Certifications:	
	Initial Certification	\$363
44	Annual Renewals of Valid Certifications:	
	Installer, Maintenance Specialist & Pumper (1st Truck) ¹⁰	\$181
	Annual Pumper Renewal for Each Additional Truck	\$60
	Homeowner Monitoring & Maintenance	\$90
	Delinquent Certification Renewal Fee	\$241
45	State Licensed Designer/Engineer	
	Local Referral List Publishing & Maintenance (Optional):	\$51
46	Property Conveyance Inspection and Evaluation Report for Onsite Sewage System (Non-refundable; See Water Status Report item in Drinking Water section for water review)¹⁶	\$202
47	Amended Onsite Sewage System Evaluation Report (Following legal correction of items of non-compliance when no site visit is needed)	\$75
48	Amended Onsite Sewage System Evaluation Report (Following legal correction of items of non-compliance - includes a site inspection)	\$109
	Land Use Applications (Total Includes Mandatory Drinking Water Service Charges as Shown):	
49	Short Plat or Subdivision with Public Sewer:	
	Onsite Service Charge	\$79
	Drinking Water Service Charge	\$79
	Total	\$158
50	Short Plat with Onsite Sewage Systems (OSS):¹⁷	
	Onsite Service Charge	\$330
	Drinking Water Service Charge	\$145
	Total	\$475

Kitsap Public Health Board Resolution 2016-06
Kitsap Public Health District
Environmental Health Division
FEE SCHEDULE (Effective March 1, 2016)

51	Amended Plat/Short Plat: ¹⁷	
	Onsite Service Charge	\$109
	Drinking Water Service Charge	\$109
	Total	\$218
52	Large Lot Subdivision ^{7,17}	\$109
53	Plat Subdivisions (Ten [10] or More Lots) with OSS: ^{7,17}	
	Onsite Service Charge - First Ten [10] Lots	\$446
	Drinking Water Service Charge.	\$109
	Total	\$555
54	Plat Subdivisions Onsite Service Charge - Additional Charge <u>Per Lot</u> After First Ten [10] Lots	\$41
55	Conditional Use/Other Land Use Applications ⁷ - With BSA or Building Clearance submitted.	\$109
56	Conditional Use/Other Land Use Applications - <u>Without</u> BSA or Building Clearance	\$218
57	Other Land Use Review with Municipal Sewer ⁷	\$109
58	Miscellaneous:	
	Copy of Local OSS Regulations (Plus Postage and Handling if Applicable)	\$12
	Technical Assistance ⁷	\$109
	Repeat Inspections for Code Violations ⁷ (When not Otherwise Specified).	\$109

Item No.	FOOD ^{2,3,18}	Fee (Old New)
59	Bakeries ¹⁹	\$336 \$389
60	Bed & Breakfasts/Hotel/Motel (Breakfast Only) ¹⁹	\$205 \$258
61	Caterers: ¹⁹	
	With Commissary	\$230 \$283
	With Restaurant	\$205 \$258
62	Demonstrators ¹⁹	\$230 \$283
63	Food Handler Permits:	
	(Set by State BOH)	\$10
	Duplicate for Lost Card	\$10
	Food Worker Class Fee - Regular Business Day by Appointment Only (0 - 20 people; includes card fee for up to 20 people. \$10/person additional for each person over the first 20)	\$200
	Food Worker Class Fee - Evenings or Weekends by Appointment Only (0 - 35 people; includes card fee for up to 35 people. \$10/person additional for each person over the first 35)	\$350
64	Groceries: ¹⁹	
	Without Produce Sales	\$152 \$205
	With Produce Sales	\$395 \$448
65	High Priority Inspections	\$109 \$162
66	Limited Menus: ¹⁹	
	Low Risk Establishments	\$205 \$258
	High Risk Establishments	\$230 \$283
67	Meat/Fish Markets ¹⁹	\$253 \$306
68	Mobile Units ¹⁹	
	Low Risk Establishments	\$205 \$258
	High Risk Establishments	\$230 \$283

Kitsap Public Health Board Resolution 2016-06
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FEE SCHEDULE (Effective March 1, 2016)

69	Plan Review and Pre-Op Inspections: ²⁰	
	Bed & Breakfasts/Hotel/Motel with Plan Review <u>Only</u>	\$109 \$162
	Bed & Breakfasts/Hotel/Motel with Plan Review and Pre-Operational Inspection	\$164 \$217
	Change in Menu and/or Equipment Review	\$109 \$162
	Low Risk Establishments	\$164 \$217
	High Risk Establishments	\$218 \$271
	Variance Request Review	\$109 \$162
	Special Process Plan Review	\$218 \$271
70	Reinspections ²¹ - Each Re-Inspection after First Re-Inspection	\$109 \$162
71	Restaurants (No Lounge): ¹⁹	
	0 -25 Seats	\$472 \$525
	26 -75 Seats	\$511 \$564
	76 -100 Seats	\$592 \$645
	> 100 Seats	\$668 \$721
	Seasonal (9 months or less)	Prorated per Seating
	Special Process Permit	\$109 \$162
72	Restaurants (With Lounge): ¹⁹	
	0 -25 Seats	\$592 \$645
	26 -75 Seats	\$630 \$683
	76 -100 Seat	\$709 \$762
	> 100 Seats	\$866 \$919
	Special Process Permit	\$109 \$162
73	Taverns (With Food): ¹⁹	
	0 -25 Seats	\$472 \$525
	26 -75 Seats	\$511 \$564
	76 -100 Seats	\$592 \$645
	> 100 Seats	\$668 \$721
74	Taverns (No Food) ¹⁹	\$170 \$223
75	Schools: ¹⁹	
	Central Kitchen	\$282 \$335
	Preschools/Headstart/ECAP	\$109 \$162
	Warming Kitchen	\$185 \$238
	Temporary Permits: ²²	
76	Bake Sale/Exempt Food Application Review	\$13 No Charge
77	Limited Menu - Single Event	\$30 \$44
78	Limited Menu - Seasonal ¹⁹ Multiple Events	\$69 \$83
79	Non-Complex Menu:	
	During Work Hours Single Event	\$59 \$73
	Non-Work Hours (Weekends, Holidays, etc.) Single Event	\$71 \$85
	Seasonal ¹⁹ Multiple Events	\$102 \$116
80	Complex Menu:	
	During Work Hours Single Event	\$85 \$99
	Non-Work Hours (Weekends, Holidays, etc.) Single Event	\$109 \$123
	Seasonal ¹⁹ Multiple Events	\$149 \$163
81	Single Menu, Single Event, Multiple Vendors	\$327 \$341

Kitsap Public Health Board Resolution 2016-06
Kitsap Public Health District
Environmental Health Division
FEE SCHEDULE (Effective March 1, 2016)

Item No.	<u>LIVING ENVIRONMENT</u> ^{2,3,18}	Fee (Old New)
	Public or Semi Public Swimming Pools and Hot Tubs: ²³	
82	One Pool - Year Round Operation	\$530 \$568
	Each Additional Year Round Pool	\$131 \$169
83	One Pool - Seasonal Operation	\$413 \$451
	Each Additional Seasonal Operation Pool	\$100 \$138
84	Residential Neighborhood Private Pools	\$109 \$147
85	Pre-op Inspections ^{7,20} Pools, Schools, Camps	\$109 \$147
86	Reinspections ²¹ Each Re-Inspection after First Re-Inspection	\$109 \$147
87	School Plan Reviews ²⁰	\$109
88	Camp Inspections ²⁴	\$133 \$148

Item No.	<u>SOLID AND HAZARDOUS WASTE</u> ^{2,3}	Fee
	Permit Application/Permit Modification Service Charges: ^{7,25}	
89	Compost Facilities	\$109
90	Land Application Facilities	\$109
91	Energy Recovery/Incineration	\$109
92	Intermediate SW Handling Facilities: Transfer Stations, Compaction/Baling Sites and Drop Boxes	\$109
93	Storage/Treatment Piles	\$109
94	Surface Impoundments/Tanks	\$109
95	Waste Tire Storage Facility	\$109
96	Mixed Municipal Waste Landfill	\$109
97	Limited Purpose Landfill	\$109
98	Inert Waste Landfills	\$109
99	Other Methods of Solid Waste Handling	\$109
	Annual Permit Renewal Service Charges: ²⁶	
100	Recycling Facilities Conditionally - Exempt Inspection Fee ²⁷	\$127
101	Compost Facilities:	
	Conditionally Exempt Inspection Fee ²⁷	\$127
	Commercial Compost Facilities	\$2,160
102	Land Application Facilities:	
	Sites Without Monitoring	\$639
	Sites With Monitoring	\$1,280
103	Energy Recovery/Incineration	\$1,280
104	MMSW Haulers	\$127
	Plus Per Truck	\$13
105	Site Restoration Haulers	\$42
106	Biomedical Waste Hauler	\$193
	Plus Per Truck	\$13
107	CRT Haulers	\$127
108	Intermediate SW Handling Facilities: Transfer Stations, Compaction/Baling Sites and Drop Boxes	
	Conditionally Exempt MRF Inspection Fee ²⁷	\$127
	Transfer Stations	\$2,160
	Compaction/Baling Sites	\$1,280
	Drop Boxes	\$1,147
	Decant Facilities	\$664

Kitsap Public Health Board Resolution 2016-06
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109	Storage/Treatment Piles:	
	Conditionally Exempt Inspection Fees ²⁷ Wood and Inert Waste Piles	\$127
	Piles	\$1,280
110	Surface Impoundments/Tanks:	
	Tanks	\$639
	Surface Impoundments With Leak Detection	\$1,280
	Surface Impoundment With GW Monitoring	\$1,931
111	Waste Tire Storage Facility	\$639
112	Moderate Risk Waste Handling Facility:	
	Conditionally Exempt Inspection Fees ²⁷ (Mobile Systems, Collection Events, and Limited MRW Facilities)	\$127
	Moderate Risk Waste Facility	\$1,944
113	Mixed Municipal Waste Landfill: ⁷	\$109
114	Limited Purpose Landfill	\$1,931
115	Inert Waste Landfills > 250 CYDS Landfill	\$2,160
116	Landfill Closure Permit ⁷	\$109
117	Landfill Post Closure Permit ^{7,28}	\$109
118	Other Methods of Solid Waste Handling ⁷	\$109
	Regulatory Oversight Related to Facility Non-Compliance, Permitted Facilities	\$109
	Plan Reviews ²⁹	\$109
	Second & Subsequent Re-Inspections for Regulatory Violations	\$109
	Site Development Activity Permit (SDAP)	\$109
	Regulatory Oversight Related to Facility Non-Compliance, Composting and Recycling Facilities.	\$109
	Bio-Solids State Permit, Plan, and Report Reviews ³⁰	\$109
	Regulatory Oversight Related to Bio-Solids Facility Non-Compliance ³⁰	\$109
	Environmental Monitoring Activities (Labor Only)	\$109
	Illegal Drug Manufacturing Operation Inspection, Notification, Assessment, Plan and Record Review	\$109
119	Copy of Local Regulations (Plus Postage and Handling if Applicable)	\$12

Kitsap Public Health Board Resolution 2016-06
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FEE SCHEDULE (Effective March 1, 2016)

FOOTNOTES	
1	Fees and applications are not transferable.
2	The Health Officer may waive all, or part, of any service charge on a case-by-case when just cause is demonstrated. When written application for waiver to a service charge is made and granted, the new service charge shall be based at the standard hourly rate.
3	Activities not specifically identified in this Service Charge Schedule will be billed at the hourly rate.
4	Refunds are at the discretion of the Health Officer; the handling fee will be subtracted from any Health Officer-approved refund.
5	Payment plan approval is at the discretion of the Health Officer; the payment plan fee shall be added to each scheduled payment.
6	The hourly rate will apply after the first seven (7) hours.
7	The hourly rate will apply after the first hour.
8	2002 Memorandum of Understanding with State Department of Health to conduct surveys of larger water systems in accordance with state regulations. Hourly rate will apply after the first five (5) hours.
9	Compliance may include Health District collected water sample, which is the hourly rate plus the cost of the water sample.
10	If the certification is not paid prior to the due date, the applicant must pay, in addition to the certification service charge, a Delinquent Certification Renewal Fee. After a 90 day delinquent period, a retest for certification will be required. On September 30 July 1 of each year all certifications, unless renewed, shall become void and of no effect.
11	New Building Site Applications (BSA) are valid for a period of three (3) years and 30 days from the date of submittal.
12	Wet Weather Review for BSA includes three (3) site visits.
13	Building Clearance Exemption Referral service charge covers staff time to conduct records search, plan review, and record processing; subject to the Health District's policy covering Building Clearance Exemption Referrals.
14	The Sewage Disposal Permit expires within a period of one (1) year from the date of issuance unless a current valid Building Permit has been obtained for the property site.
15	For each system dispersal component. Review service charges are minimum charges. Time records will be maintained on all monitoring report reviews. Any costs over the deposit paid will be billed at the hourly rate.
16	Duplexes will require full fees for each address unless the duplex shares an individual drainfield. Duplexes with shared drainfields will receive one report for both addresses. If separate Property Conveyance Reports are requested for each address when a drainfield is shared, separate applications must be submitted and full service charges paid for each report.
17	Plat Review service charges are minimum charges. Time records will be maintained on all plats with onsite sewage reviews. Any costs over the deposit paid will be billed at the hourly rate. Plats will not be signed as approved until the Health District receives
18	If a permit service charge is not paid prior to the due date, the applicant must pay, in addition to the permit service charge, a late penalty equal to 1% of the regular service charge for each day payment is late. The late penalty of 1% will be assessed only for thirty (30) days. If payment is not made within thirty (30) days of the due date, the establishment will be subject to closure in accordance with food service rules and regulations. The Health Officer may waive penalties, in whole or in part, where it is determined that the delay in payment has been caused by mistake or excusable neglect on the part of the person billed.
19	Inspections of establishments will be made in accordance with provisions of Kitsap Public Health Board Ordinance 2014-01 Food Service Regulations. The requirement for re-inspections is at the discretion of the Health Officer and is determined by the severity of violations in accordance with applicable state and local food regulations.
20	Minimum one (1) hour.
21	The first re-inspection during the permit year will be conducted at no charge. Any additional re-inspections shall be charged at the Standard Hourly Rate. Payment of re-inspection service charges must be made within thirty (30) days of the billing date. If payment is not made prior to annual licensing renewal time, a new permit will not be issued.
22	Temporary permits are good for a maximum of 21 days. Applications and service charges for temporary permits are due ten (10) working days prior to the event to allow for weekend inspection scheduling and coordination with participants for approval. Late service charges for itinerant applications may equal 100% of the permit service charge. Non-complex menu permits are for one-step food preparation procedures for temporary permits. Complex menu permits are for operations that have multiple steps in food
23	Inspections will be made in accordance with provisions of rules and regulations of the State Board of Health governing swimming pool facilities. The requirement for re-inspections is at the discretion of the Health Officer and is determined by the severity of violations in accordance with applicable state and local regulations.

Kitsap Public Health Board Resolution 2016-06
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24	Camps, which are serving food year round are required to license the food service facility according to the Food Program Service Charge Schedule in effect at the time of application. It is the intent to provide two (2) food service facility inspections per year for those operating year round. Camps operating on a seasonal basis shall license the food service facility according to the seasonal Food Program Service Charge Schedule. Camp pool facilities shall be licensed and inspected according to this Service Charge Schedule. Camp inspections include a bathing beach and one sanitary facility inspection.
25	Charge covers completed permit application review, new or modified permit drafting/issuance, facility inspections for permit compliance, required monitoring and data review, and required plan and design review.
26	Charges cover annual permit renewal/issuance, facility inspections for permit compliance, required monitoring and data review, and required plan and design review. Charges are assessed based on staff hours expended at the hourly rate approved by the Kitsap County Board of Health for that year. Charges will be billed at a frequency agreed to by the permittee.
27	Conditionally exempt fees are assessed to evaluate conditional exemption status, annual reports, and to conduct annual inspections, as needed.
28	A permit issued to a facility once closure construction activities are completed, which governs the requirements placed upon a facility after closure to ensure its environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).
29	Service charges will be assessed for the review of plans or proposals not specifically associated with a facility permit application.
30	In addition to review charges for Bio-Solids State Permit, Plan and Report Reviews, charges are assessed for non-routine regulatory activities associated with facility noncompliance.

MEMO

To: Kitsap Public Health Board
From: Karen Holt, Human Resources Manager
Date: January 27, 2016
Re: Approving Classification and Salary Range for the Olympic Community of Health Director

The Kitsap Public Health District is requesting Kitsap Public Health Board approval of Kitsap Public Health Board Resolution 2016-07, approving the classification and associated salary range for the Olympic Community of Health Director, a new Health District position.

As you know, the District has spent the past year working on the development of the Olympic Community of Health (OCH), a three-county public-private partnership referred to as an Accountable Community of Health (ACH) under the umbrella of Washington State's Healthier Washington initiative. Funded through the Washington State Health Care Authority (HCA), this healthcare reform effort is bringing stakeholders together across the state to address the Triple Aim of improved healthcare, improved health outcomes and lower healthcare costs.

As discussed at our January 8, 2016, Board meeting, to continue to successfully fulfill the deliverables for our HCA Accountable Community of Health grant, the District needs to hire a Director to lead the Olympic Community of Health. As explained in the resolution, the classification is equitable with our current Division Director Class Specifications, except the current classification in place does not include reference to a regional area. It is specific to District divisions.

Attached, please find the following documents related to this request:

1. Kitsap Public Health Board Resolution 2016-07, Approving Classification and Salary Range for the Olympic Community Health Director.
2. The Classification of Olympic Community of Health Director.
3. 2016 Salary Schedule for Unrepresented Employees. Refer to Salary Range 90.

Memo re: Resolution 2016-07, Approving Classification and Salary Range for the OCH Director
January 27, 2016
Page 2

Thank you for your consideration of this request. With your approval, the District in collaboration with the stakeholders of the Olympic Community of Health plan to complete a successful recruitment by mid-March.

If you have questions, comments or need additional information, please contact Scott Daniels at (360) 337-5287 or scott.daniels@kitsappublichealth.org or me at (360) 337-5294 or karen.holt@kitsappublichealth.org.

Recommended Action: The Board approve Resolution 2016-07, Approving Classification and Salary Range for the Olympic Community of Health Director, which will take effective immediately.

Approving Classification and Salary Range for the Olympic Community of Health Director

WHEREAS, the Kitsap Public Health District participates in a designated Accountable Community of Health (ACH) and leads such efforts acting as the backbone agency for the Olympic Community of Health, the ACH for Kitsap, Jefferson, and Clallam Counties; and

WHEREAS, the Olympic Community of Health balances contributions to the District's mission with the complex work of ACHs to bring together multiple stakeholder and interested parties to reform the healthcare system and improve regional population health; and

WHEREAS, in a statewide survey conducted for the Washington State Health Care Authority, all but one of the seven ACHs surveyed had an Executive Director or Chief Executive Officer, confirming that high level leadership is required to accomplish the mission of an ACH; and

WHEREAS, the Kitsap Public Health Board Compensation Policy philosophy is to be competitive in the relevant labor market to attract and retain dedicated, hardworking, and talented employees who are well qualified to perform their duties in an evolving public health environment and to pay employees fairly and ensure internal equity; and

WHEREAS, the District is in need of an Olympic Community of Health Director to fulfill grant deliverables and community expectations as a designated ACH, and because this position is fully supported by State grant funding; and

WHEREAS, the Olympic Community of Health Director classification and associated salary range is comparable in scope to the required essential functions and salary of the District's current Division Director classification, but the current Division Director classification does not include the provisions of directing a three-county consortium.

NOW, THEREFORE, BE IT RESOLVED that the Kitsap Public Health Board does hereby authorize and approve the classification and salary range of Olympic Community of Health Director as attached, effective immediately.

APPROVED: February 2, 2016

Mayor Becky Erickson, Chair
Kitsap Public Health Board

OLYMPIC COMMUNITY OF HEALTH DIRECTOR

DEFINITION

The Olympic Community of Health Director is responsible for planning, organizing, directing, and administering the operations of a small team within the Kitsap Public Health District that effectively and efficiently supports a large, highly complex and politically nuanced population health improvement project across a three-county region, called the Olympic Community of Health (OCH). The OCH Director may serve as a member of the District's Executive Leadership Team and works collaboratively to advise the Team on how best to carry out the mission of the District as it relates to the work of the OCH. The OCH Director contributes to the goal of creating and maintaining an integrated, comprehensive health service delivery system through effective collaboration with stakeholders, employees, other government agencies, community organizations, and contractors. The incumbent makes professional and technical decisions, exercising considerable independence in decision making on complex and significant issues which impact overall OCH operations and may have a significant impact on health system reform on a long-term basis. The OCH Director serves at will and is directly responsible to the OCH's governing body and the Administrator. Because the incumbent is a highly professional and effective leader, he/she operates generally independently, while receiving broad, long-term, administrative direction in terms of system-wide policy and advice for dealing with potentially major controversies, emergencies, or crises.

DISTINGUISHING CHARACTERISTICS

Support and Guide the Governing Body as It Leads the OCH

The OCH Director's work involves interaction with a culturally diverse population of employees, consumers, educational institutions, governmental agencies, businesses, healthcare providers, and community-based coalitions to address health and environmental issues affecting the public's safety and welfare. The OCH Director acts as a resource for setting strategy for the OCH. The position leads engagement of the Board, and all constituencies. As an agent of the Board, the position monitors work and ensures that all contract expectations are met along expected timelines. The position sets a tone of understanding, and uses sensitivity in addressing cultural differences and health disparities. The position advocates for the interests of the region.

Support Committees and Activities

The OCH Director will work to support various committees, and prepare materials for use by committees and constituents. The OCH Director supports OCH design and policy development, and duties require related professional expertise, knowledge of managerial principles, and extensive management experience. Duties require advanced expertise in broadly evaluating options, presenting plans, and uniting others in support of programs critical to key goals and objectives to ensure the OCH's success.

Engagement and Communications

The OCH Director organizes and carries out public engagement for the OCH and serves as the public voice of the OCH. Incumbent is a key resource in communicating OCH activities to external audiences, gathering input from constituencies, and keeping OCH stakeholders informed of health system reform work. The position organizes and carries out the OCH's communications strategy and activities.

Coordinate and Develop Plans and Analyze Options for Action

The OCH Director provides data analysis or uses existing data analysis. The incumbent develops and steward planning processes and plans as required, emphasizing synthesis of existing plans. The position assists with prioritization and staffs planning committees. The Director conducts research and policy assessment with an eye toward understanding local perspectives and needs, and reflecting these forward to policy makers.

Manage One or More Implementation Projects

The OCH Director will manage collective impact projects related to OCH goals, concordant with regional health improvement priorities. The incumbent will staff relevant committees and engage needed project partners.

Management and Supervision

The OCH Director has responsibility for a work unit supporting a complex three-county public health improvement effort with significant interactions with key community and business leaders, and having critical impact upon the public's health. The position is responsible for ensuring that deliverables are met and budget monitored and managed. The supervision administered by the OCH Director includes leading, directing and coaching staff; responsibility for such personnel actions as hiring, formal progressive discipline, responding to employee grievances, conducting performance evaluations, and making effective recommendations on termination of employment. The OCH Director promotes and contributes to positive, collaborative District relationships based on the District's organizational values and interest-based decision making.

This description reflects the general concept and intent of the classification and should not be construed as a detailed statement of all the work requirements that may be inherent in the position.

ESSENTIAL FUNCTIONS

- The OCH Director's work balances contributions to the District's mission with the complex work required to bring together multiple stakeholders and interested parties to create forward progress in transforming the public's health in a three-county region. The incumbent assures that team members (whether District co-workers or OCH collaborators) are clear on their specific roles, deliverables, and accountabilities relative to the overall OCH work plan. The incumbent fosters effective communication among members of these teams and participates in team meetings to support strong communication across the larger portfolio of Healthier Washington-related initiatives.
- Coordinates the start-up and functioning of a cross-sector governing body and associated committees and work groups. Assures the development and use of effective charters or operating agreements, work plans, and deliverables. Supports the work of the governing body to create a formal legal structure that will ensure the sustainability of the entity as the work of Healthier Washington moves forward, to ensure maximum population health impact across the region.
- Develops strong working relationships with governing body members; works to understand perspectives and create an environment of mutual respect, trust, and buy-in. Supports the governing body in identifying potential conflicts of interest and methods for addressing them. Guides the governing body as it leads the OCH, leading them in strategic planning, priority-setting, sustainability and assessment activities.
- Conceptualizes critical paths for achievement of deliverables, gathers and analyzes feedback and information, develops outcome-based agendas, and facilitates meetings. Supports the governing body in having effective discussions regarding future governance structures and other decision

making. Strategizes with OCH members, colleagues, and stakeholders on effective pathways to move the work forward.

- Develops and manages the OCH budget, ensuring budget compliance, monitoring, tracking, and ensures that all work stays within budgetary constraints. Works to develop other sources of funding, including potential membership contributions. Manages subcontracts when external expertise is required, within budget, ensuring that the contractor performs as agreed.
- Assesses needs for technical expertise and consultation throughout the project. Makes recommendations for and procures consultant services, within available budget. Manages consultant work in support of OCH governing body objectives.
- Provides the chief public presence and voice of the OCH as empowered to do so by the governing body, and acts as the lead spokesperson and public presence for the OCH and its community initiatives.
- Creates, reviews and approves summaries and/or reports which provide information, status updates and program justification for all components of the work. Provides regular status reports to internal and external audiences. Flags issues that need attention from colleagues, District leadership, or the OCH members to remove barriers.
- Engages a wide range of stakeholders to ensure full representation and participation of groups and demographics associated with the work, including healthcare and public health consumer involvement. Ensures the sustained collaborative involvement of the right local and state partners.
- Brings stakeholders together to analyze data, evaluate evidence-based projects, and implement projects that can effectively improve the public's health across the region.
- Prepares straw proposals, briefing documents, speaking points, presentations, reports, applications, budgets and/or other documents associated with moving work plans forward.
- Liaisons with the Washington State Health Care Authority, and other agencies involved in the Healthier Washington work, to ensure maximum coordination between the various arms of the effort in the OCH. Participate in planning and technical assistance sessions with other Accountable Community of Health projects across the state, as appropriate.
- Oversees grant funding procurement and develops proposals based on OCH governing body guidance; monitors and ensures OCH design grant implementation, funding, milestone achievement, evaluation, and reporting.
- Provide direction, administration and short- and long-term planning and evaluation for the OCH team. Plans, organizes, and supervises the work of staff. Recommends selection of staff, develops procedures and performance standards, provides training, monitors progress, provides discipline and evaluates employee performance. Collaborates in staff development, communications, program planning, implementation, and evaluation, including community partners as appropriate.
- Investigates citizen complaints regarding staff, policies, etc., and in conjunction with the Administrator, plans and initiates appropriate actions to resolve problems.
- Serves as a resource person for staff; motivates and mentors staff in providing quality and appropriate quantity of work in assigned area utilizing resources efficiently; models and promotes team building skills among assigned staff.
- Coordinates, reviews and evaluates the program work plan(s); meets with staff to identify and resolve problems; assigns work activities and projects; monitors work flow; reviews and evaluates work products; methods and procedures.
- Prepares a variety of letters, memos, minutes, contracts, forms, reports, and other documents; operates computers to produce documents with clearly organized thoughts using proper sentence construction, punctuation, and grammar.
- Establishes and maintains cooperative, effective working relationships with a diverse population of government officials, community-based agencies, coworkers, other District employees, and the

general public using principles of good customer service.

- Responds to public health emergencies as required by the District.
- Reports for scheduled work with regular, reliable and punctual attendance.
- Performs other related duties as assigned.

REQUIRED KNOWLEDGE, SKILLS & ABILITIES

Knowledge of:

- Theories, principles, techniques, and practices of carrying out complex multi- and cross-sector planning in the health, human services and/or community development fields, and managing groups with multiple perspectives and interests. This includes data analysis, and the ability to lead others in priority setting.
- Grant, project and contract management.
- Effective leadership principles, managerial practices and group/organizational dynamics.
- Principles and practices of management, including budgeting, personnel, planning, program analysis, and evaluation.
- Principles of public relations and customer service.
- Current literature, trends, and developments in healthcare and health system reform in Washington State.
- Project management, including planning, scheduling, monitoring, and problem solving.

Skill and Ability to:

- Establish and maintain effective working relationships with diverse populations of stakeholders and customers, community based organizations, agencies, businesses, healthcare providers and coworkers.
- Communicate effectively verbally and in writing, presenting complicated issues in understandable ways, using tact and diplomacy to gain collaboration. This includes public speaking and presentations.
- Use and create computer-based documents, email, calendars, and other electronic tools to ensure efficient, accessible, accountable work.
- Market public health interventions and prevention work effectively.
- Manage and facilitate events and meetings.
- Lead, direct, manage and evaluate the work of staff efficiently and effectively.
- Provide effective guidance to staff through coaching, mentoring, training and delegation.
- Communicate effectively both orally and in writing to include giving public presentations, addressing governing boards and community forums, and compiling written reports and speeches.
- Plan and organize activities to meet established objectives.
- Use systems thinking; understand, interpret, explain and apply best practices, laws, rules and regulations within assigned specialized areas.
- Make timely decisions considering relevant factors and evaluating alternatives, exercising discretion and sound independent judgment.
- Gather and analyze data and develop clear, concise and comprehensive reports, correspondence and other written materials.
- Create and meet schedules, time lines and work independently with little direction.
- Utilize computers and related software and automated equipment to produce documents and reports, typing with sufficient speed and accuracy to accomplish assignments in a timely manner.

- Perform duties in confidence and under pressure for deadlines, and to maintain professional composure and tact, patience and courtesy at all times.
- Work effectively in a dynamic environment that is constantly changing, resulting in continually re-evaluating and shifting priorities.
- Work both independently and within a collaborative team-oriented environment; contribute openly, respectfully disagree, understand the ideas of others, listen well and work for consensus.

WORK ENVIRONMENT & PHYSICAL DEMANDS

- Work is performed primarily indoors in an office environment, with frequent travel to meet with regional stakeholders, and to attend meetings, conferences, seminars, etc.
- Requires the ability to communicate with others orally, face to face and by telephone. Requires manual and finger dexterity and hand-eye-arm coordination to write and to operate computers and a variety of general office equipment. Requires mobility to accomplish other desktop work, retrieve files, and to move to various District locations. Requires visual acuity to read computer screens, printed materials, and detailed information. Essential duties may involve occasional kneeling, squatting, crouching, stooping, crawling, standing, bending, and climbing (to stack, store or retrieve supplies or various office equipment).
- Frequently assigned to respond to on-call coverage, including evenings, weekends and holidays.
- Duties require carrying a cell phone or other electronic device as well as being available to work as needed to meet District needs, which may include evenings, weekends and holidays.
- This is an overtime-exempt position, which may require working beyond the normally scheduled workweek, modifying existing work schedules, or flexing hours.
- Exposure to individuals from the public who are upset, angry, agitated and sometimes hostile, requiring the use of conflict management and coping skills.
- Frequently required to perform work in confidence and under pressure for deadlines, and to maintain professional composure and tact, patience and courtesy at all times.
- The environment is dynamic and constantly changing, resulting in continually re-evaluating and shifting priorities.
- May be required to stay at or return to work during public health incidents and/or emergencies to perform duties specific to this classification or to perform other duties as requested in an assigned response position. This may require working a non-traditional work schedule or working outside normal assigned duties during the incident and/or emergency.

EDUCATION & EXPERIENCE REQUIREMENTS

- Master's degree from an accredited institution in a job-related field which includes an administrative component and eight (8) years of progressively responsible and relevant professional experience, of which at least three years have been of recent relevant management experience.
- Alternatively, an equivalent combination of education, experience and professional certification may be qualifying, provided the individual's background demonstrates evidence of the knowledge, skills and abilities required to perform the duties of the position.

LICENSES, CERTIFICATIONS & OTHER REQUIREMENTS

- A valid Washington State driver's license and proof of appropriate auto insurance are required at the time of appointment or at a time set by the District.

- All required licenses must be maintained in an active status without suspension or revocation throughout employment.

JOB CLASS INFORMATION & DISCLAIMERS

FLSA Status	Exempt
EEO Category	Officials and Administrators
Bargaining Unit Status	Executive Management

Classification History	New
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Adopted	Presented February 2, 2016
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The statements contained herein reflect general details as necessary to describe the principal functions for this job, the level of knowledge and skill typically required and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned including work in other functional areas to cover absences or relief, to equalize peak work periods, or to balance the workload.

The physical demands described above are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.



MANAGEMENT AND NON-UNION SALARY SCHEDULE

Effective 1/5/2016 through 12/31/2016

Range	Job Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Non-Exempt									
10	Confidential Secretary	\$ 2,759	\$ 2,897	\$ 3,042	\$ 3,194	\$ 3,354	\$ 3,521	\$ 3,697	\$ 3,882
20	Clinic Practitioner 2	5,414	5,685	5,969	6,267	6,581	6,910	7,255	7,618
Exempt									
30	Administrative Assistant	3,490	3,665	3,848	4,040	4,242	4,454	4,677	4,911
40	Accountant Epidemiologist 1 Human Resources Analyst Management Analyst Program Coordinator 1	4,242	4,454	4,677	4,911	5,156	5,414	5,685	5,969
50	Epidemiologist 2 Program Coordinator 2	4,677	4,911	5,157	5,414	5,685	5,969	6,268	6,581
60	Program Manager 1 Support Services Program Manager	5,254	5,517	5,793	6,082	6,386	6,706	7,041	7,393
70	Program Manager 2	5,684	5,968	6,267	6,580	6,909	7,254	7,617	7,998
80	Assistant Division Director	5,968	6,267	6,580	6,909	7,254	7,617	7,998	8,398
90	Division Director	6,267	6,580	6,909	7,254	7,617	7,998	8,398	8,818
*	Administrator	11,035	*Appointed position						
*	Health Officer	14,162	*Appointed position						

MEMO

To: Kitsap Public Health Board
From: Keith Grellner, Environmental Health Director
Date: January 27, 2016
Re: Discussion Draft: Regulations Restricting the Use, Sale, and Availability of Vapor Products

As directed by the Kitsap Public Health Board at your October 6, 2015 meeting, please find attached for your review and comment a discussion draft of the above-reference document. The purpose of presenting this draft ordinance to you is to: 1) Obtain the Board's initial review and input prior to initiating a public involvement process; and 2) Receive the Board's direction on the a public involvement process leading up to an eventual public hearing on a vapor products ordinance.

The attached discussion draft has been modeled after the Snohomish Health District's "Restrictions on the Use, Sale, and Availability of Vapor Products" code (see <http://www.snohd.org/Portals/0/Snohd/Living/files/Chapter14.pdf>), and was the preferred approach recommended by the Kitsap Public Health Board's Policy Committee at their October 6, 2015 meeting. This draft has received preliminary review and approval from our attorney.

In summary, the attached discussion draft includes the following major regulatory concepts:

1. Restricts where e-cigarette, or vaping, use is allowed, including prohibitions for vaping in public places or places of employment (similar to the prohibitions for smoking contained in Board Ordinance 2013-01, Smoking in Public Places).
2. Requires signage stating "No Smoking or Vaping Allowed" to be posted in public places or places of employment that are subject to the regulations.
3. Requires retailers to perform age verification checks before selling vapor products (just like the age verification requirements for tobacco sales).
4. Prohibits minors from purchasing, possessing, or using vapor products except when parental authorization is granted for the minor to participate in compliance checks or as part of an enforcement activity (similar to the prohibitions for tobacco use by minors).
5. Restricts the use of coupons to in-person transactions within a permitted retail outlet.

6. Requires all retail outlets that sell vapor products to obtain an annual permit from the Health Officer, and meet certain conditions to qualify for the permit.
7. Allows an exception for vapor product sampling within retail outlet locations that can meet stricter requirements including, but not limited to:
 - a. The retailer exclusively sells only vapor products;
 - b. Entrance to the retail outlet is restricted at all times to persons of legal age and minors are specifically excluded;
 - c. Samples and sample products are owned by the permit holder only (i.e., people are not allowed to bring their own vapor products into the store);
 - d. Prohibits owners or employees of the retail outlet from using vaping products for personal use within the premises;
 - e. Seating in the retail outlet is limited to five (5) seats and the seats must be located at a sales counter; and
 - f. Certification from a state registered heating, ventilation, air-conditioning, and refrigeration (HVAC/R) contractor that the retail outlet contains an independent ventilation system.
8. Includes provisions for Health Officer administration and enforcement of the regulations.

The draft ordinance does not contain requirements for child-proof packaging, as previously discussed, because there is federal bill that has been presented to the President for signature that will accomplish these protections (S.142 – Child Nicotine Poisoning Prevention Act of 2015; see <https://www.congress.gov/bill/114th-congress/senate-bill/142/all-actions?overview=closed>).

Pursuant to the direction that the Board provided to the Health District in October 2015, the next steps in the development of the ordinance are to:

1. Obtain Board feedback and revise the proposed ordinance to address Board comments.
2. Identify and contact the local vapor product industry/retailers and invite them, and the public, to review and comment on the draft ordinance.
3. Hold a public workshop with Board support to inform the local vapor product industry and the public about the proposed ordinance and to take comment on the ordinance.
4. Brief the full Board at a future meeting about the results of the public workshop and the comments received.
5. Amend the proposed ordinance with any additional comments from the Board.
6. Work with the Board to schedule a formal public hearing via a special meeting of the Board to consider the proposed ordinance.

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SECTION 1. AUTHORITY, PURPOSE, AND INTENT

- A. These regulations pertaining to restrictions on the use, sale, and availability of vapor products are adopted by the Kitsap Public Health Board pursuant to, and by the authority of, Chapter 70.05 Revised Code of Washington (RCW) to preserve, promote, and improve the public health.
- B. The purpose of these regulations is to protect the health, safety, and welfare of the public by reducing the potential for public exposure to nicotine, other drugs, and potentially harmful chemicals, and by restricting sales of, access to, and use of vapor products by minors. These regulations also establish requirements for permitting, assessment of costs, and enforcement of the same.
- C. 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 benefitted by the terms of these regulations.
- D. Nothing contained in these rules and regulations is intended to be, nor shall be construed to create or form the basis for any liability on the part of the Kitsap Public Health Board or the Kitsap Public Health District, 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 Kitsap Public Health District.

SECTION 2. FINDINGS

- A. Vapor products are devices, objects, and substances used to, or associated with, heating a chemical solution to produce vapor or aerosol intended for inhalation. Vapor products include, but are not limited to, electronic cigarettes (i.e., e-cigarettes), vaporizers, vape pens, electronic hookahs, electronic drug delivery devices, electronic nicotine delivery systems, flavored vapor solutions or “e-juices” or “e-liquids”, and other items used to heat and aerosolize liquid solutions so that they may be easily inhaled. Vapor products do not include and drug, device, or combination product approved for sale by the United States Food and Drug Administration (i.e., FDA) that is marketed and sold for such approved purpose.
- B. Unlike tobacco and tobacco products, vapor products are not currently regulated by the federal government, and are unregulated by the State of Washington with the exception of a prohibition on sales to minors (RCW 26.28.080). Vapor products are not approved by the FDA as a safe and effective smoking cessation aids, and short and long term health effects of using vapor products are not well understood or documented.

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- C. Some e-juices or e-liquids have been tested and shown to contain nicotine, propylene glycol, glycerin, diacetyl, acetylpropionyl, formaldehyde, acetaldehyde, benzene, cadmium, isoprene, lead, nickel, nitrosonornicotine, toluene, volatile organic compounds, ultra-fine particles, flavorings, water, and/or other chemicals. These chemicals are also present in the secondhand aerosol exhaled by people who use vapor products. The e-juice solutions created by mixing these chemicals are not standardized or regulated, and manufacturers and retailers are not required to disclose chemical content. The net effects of mixing, heating, vaporizing, and inhaling e-juice chemical mixtures is unknown. The long-term effects of secondhand exposure to these vaporized chemicals is also unknown.
- D. Nicotine is a known neurotoxin and highly addictive, especially for youth. Firsthand or secondhand exposure to nicotine can adversely impact maternal and fetal health during pregnancy, and adversely impact adolescent brain development. Concentrated nicotine solutions used in vapor products can cause poisonings or death if ingested or absorbed through the skin, especially in children. Testing has shown that the actual nicotine concentrations of e-juice products do not match the levels claimed on the packaging, and that nicotine has been found in e-juice products that were labelled as nicotine-free.
- E. Propylene glycol causes eye, throat, and airway irritation, and long term exposure may result in children developing asthma. Diacetyl is known to cause lymphocytic bronchiolitis, or “popcorn lung”, a debilitating and progressively worsening disease that causes cough and shortness of breath. Acetylpropionyl was found by the National Institute for Occupational Safety and Health to cause lung and brain damage in rats. Formaldehyde is commonly used as an industrial fungicide, germicide, disinfectant, and preservative, and is a known carcinogen in humans. Exposure to ultra-fine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.
- F. Nicotine is a poison that is especially toxic in liquid form. Liquid nicotine e-cigarette refills pose a particular risk to children. Just a few drops of e-juice absorbed by the skin or swallowed can send a child to the emergency room. Ingesting as little as one-third ounce of e-juice, which is less than the amount of liquid in an individually wrapped coffee creamer container, may be fatal to children.
- G. The lack of federal or state laws prohibiting the use of vapor products in public places, like the prohibitions on tobacco, means that people currently can legally vape in places where it is illegal to smoke, unless the property or business owner implements their own anti-vaping rules. This lack of consistency between tobacco and vapor product regulations is confusing for the public and sends a mixed message to youth.
- H. Vapor products have a high appeal to youth and vapor product use is rapidly increasing among teens and young adults, including those who have never smoked cigarettes or used other tobacco products. According to the National Youth Tobacco Survey, in 2011, 1 in 20 high school students reported ever using e-cigarettes, and 1 in 50 reported using an e-cigarette in the past 30 days. In the 2014 survey, rates increased to 1 in 4 high school students

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reporting ever using an e-cigarette, and more than 1 in 8 has used an e-cigarette in the past 30 days. Especially concerning is that students who had never smoked a cigarette, but had used e-cigarettes, were twice as likely to begin smoking conventional cigarettes as those not using e-cigarettes.

- I. In Kitsap County, e-cigarette use in the past 30 days among high school students tripled between 2011 and 2014, to about 1 in 4 students.
- J. As noted in a September 2013 letter from National Association of Attorneys General to the Food and Drug Administration, e-liquid, or e-juice, comes in a variety of enticing flavors, such as cherry, chocolate, gummy bear, and bubble gum, many of which appeal to children. According to a June 17, 2014, article by Brady Dennis in the Washington Post, approximately 7,764 flavors of e-liquid are available through e-cigarette websites.
- K. Vapor products are also commonly used to inhale marijuana, tetrahydrocannabinol (or THC, the effective chemical in marijuana), or other drugs (legal or illegal). Enforcement of state law prohibiting the use of marijuana in public places, and laws against use of illegal drugs, is complicated by the use of vapor products in public places because property owners and others cannot discern the substance being vaped. A recent study of high school students published in the journal of *Pediatrics* found that the practice of using vapor products, like e-cigarettes, to vaporize marijuana was common.
- L. As reported by Americans for Nonsmokers' Rights, the World Health Organization recommends that vapor products not be used indoors, especially in smoke-free environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke-free laws.
- M. The National Institute for Occupational Safety and Health recommends that employers "establish and maintain smoke-free workplaces that protect those in workplaces from involuntary, secondhand exposures to tobacco smoke and airborne emissions from e-cigarettes and other electronic nicotine delivery systems."
- N. The American Industrial Hygiene Association recommends that vapor products be included in smoke-free laws "because e-cigarettes are a potential source of pollutants, their use in the indoor environment should be restricted, consistent with current smoking bans, until and unless research documents that they will not significantly increase the risk of adverse health effects to room occupants."
- O. The American Public Health Association adopted a resolution, "Supporting Regulation of Electronic Cigarettes," that outlines seven action steps including "States and municipalities [should] enact and enforce laws...prohibiting the use of e-cigarettes in all enclosed areas of public access and places of employment. These standards should be incorporated into existing clean indoor air laws."

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- P. The Kitsap Public Health Board recognizes the health risks of nicotine exposure via firsthand or secondhand smoke, as well as the potential for health risks associated with the many other components of liquid nicotine formulations and the aerosols generated by heating, inhaling, and exhaling e-juice mixtures. In order to protect the health and welfare of all citizens, including workers in their places of employment, it is necessary to prohibit the use of vapor products, or “vaping”, in public places and places of employment.

SECTION 3. APPLICABILITY

- A. These regulations shall apply to all persons and in all territory within the boundaries of Kitsap County, except actions by persons on lands under the jurisdiction of the Federal Government or recognized Native American Nations and Tribes.
- B. These regulations prohibit the use of vapor products in public places and places of employment with very limited exceptions, prohibit the use of vapor products by minors, and require annual operating permits and periodic inspections of persons or businesses that sell or distribute vapor products in Kitsap County.
- C. Any person passing by or through a public place while on a public sidewalk, or public right of way, has not intentionally violated these regulations.
- D. This ordinance is not intended to restrict vaping in private facilities which are occasionally open to the public, except upon the occasions when the facility is open to the public.

SECTION 4. DEFINITIONS

Terms not specifically defined herein shall be construed according to their common dictionary definition.

- A. **Employee:** Any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee or other person in charge of a place that is subject to the provisions of this ordinance.
- B. **Employer:** Any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity that pays another person direct or indirect monetary wages or profit in consideration for such other person’s providing services on the premises of the employer, or who otherwise directs another person to perform work or render services on the premises of the employer. “Employer” shall also mean the owner(s) of a sole proprietorship, partnership, corporation, association, nonprofit organization, or other business entity.

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- C. **Health Officer:** The Health Officer, or the Health Officer’s representative, of the Kitsap Public Health District.
- D. **Independent ventilation system:** A mechanical ventilation system for a building, or part of a building, that is not shared in any way with another building or part of the same building and that is permitted and approved by a local building official.
- E. **Minor:** Any person under the age defined pursuant to RCW 26.28.080, as currently exists or as hereafter may be amended.
- F. **Open to the public:** Means explicitly or implicitly authorizing or inviting entry or use by the public. Factors relevant to the determination of whether a portion of a building other than a private residence is "open to the public" include, but are not limited to:
1. Whether the owner, lessee or person in charge of a portion of a building permits or invites entry to the portion of the building by individuals other than employees who perform work or persons who meet selective, restrictive and limited criteria for entry;
 2. Whether the owner, lessee or person in charge of a portion of a building directs, authorizes or otherwise engages in advertising or promotion to the public to encourage occupancy or use of the portion of the building;
 3. Whether the portion of the building, or any area adjacent thereto, features signage indicating that the portion of the building is open; or
 4. Whether the owner, lessee or person in charge of a portion of a building also owns, operates or leases a retail business that is open to the public, the retail business is in the same building where vaping occurs and the area where vaping occurs is open to the customers of the retail business.
- G. **Permit holder:** A person in possession of a permit pursuant to **Section** of these regulations whether an individual, corporation, unincorporated association, proprietorship, firm partnership, joint venture, joint stock association, or other entity of business of any kind. In the case of any kind of business entity, “permit holder” is inclusive of all individuals who hold an ownership interest in that entity whether specifically named on the permit or not; i.e., inclusive of any shareholder, member, or partner.
- H. **Place of employment:** Any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance of twenty-five feet (25 feet) from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where vaping is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; outdoor beer and wine gardens; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

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- I. **Presumptively reasonable distance:** Vaping is prohibited within a presumptively reasonable minimum distance of twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where vaping is prohibited so as to ensure that smoke does not enter the area through entrances, exits, open windows, or other means.
- J. **Public place:** That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where vaping is prohibited. Public places include, but are not limited to: schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.
- K. **Sample:** A product distributed to members of the public at no cost for product promotion purposes.
- L. **Sampling:** To try, use, taste, or inhale a product wholly supplied by a vapor product retail outlet and through devices wholly supplied by a vapor product retail outlet.
- M. **Seller:** A person, or persons, who sell or allow sampling of vapor products in accordance with these regulations.
- N. **Vape or Vaping:** The use of a vapor product, or the act of inhaling/exhaling the resultant vapor or aerosol from a vapor product.
- O. **Vapor product:** Any device, object, or substance used to, or associated with, heating a solution to produce vapor or aerosol intended for inhalation; includes, but is not limited to, electronic cigarettes (or “e-cigarettes”), electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, vape pens, steam stones, electronic juice (or “e-juice”), electronic liquid (or “e-liquid”), batteries, chargers, cables, or similar products or devices, as well as any parts that can be used to build or use such devices. “Vapor product” does not include any drug, device, or combination product approved for sale by the United States Food and Drug Administration that is marketed and sold for such approved purposes.

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- P. **Vapor product retail outlet:** A seller of vapor products at a physical location within Kitsap County. Such seller is required to hold a valid permit from the Kitsap Public Health District. Does not include any business that is licensed for the sale of recreational or medical marijuana by the state of Washington and/or the Washington State Liquor and Cannabis Board.
- Q. **Vapor product retail outlet exclusively selling vapor products:** A vapor product retail outlet that exclusively sells vapor products, and does not sell any other products notwithstanding vapor product paraphernalia.

SECTION 5. VAPING PROHIBITED IN PUBLIC PLACES OR PLACES OF EMPLOYMENT

- A. No person may use a vapor product in a public place or any place of employment.
- B. No person may use a vapor product within the presumptively reasonable distance of a public place or place of employment.
- C. Owners, or in the case of leased or rented space the lessee or other person in charge, of a place regulated under this ordinance shall prohibit vaping in public places and places of employment, including within the presumptively reasonable distance as that term is defined in Section 4 of these regulations.
- D. Nothing in these regulations shall prevent the owner, or person in charge, of a private place from prohibiting the use of vapor products within that place.

SECTION 6. REQUIRED SIGNAGE

- A. Owners, or in the case of leased or rented space the lessee or other person in charge, of a place regulated under these regulations shall post signs prohibiting the use of vapor products. Signs shall be posted conspicuously at each building entrance. Signs prohibiting the use of vapor products may be combined with signs prohibiting smoking, such as “No Smoking. No Vaping.” or “No Smoking or Vaping Allowed.”
- B. In addition to the signage requirements of Section 6.A., above, except for the limited extent of the exception in Section 6.C., below, each vapor product retail outlet or seller of vapor products shall display a sign prohibiting vapor product sales or sampling to minors. The sign shall:
1. Be posted so that it is clearly visible to anyone purchasing or sampling vapor products from the seller;
 2. Be in contrasting colors with at least twenty (20) point type; and

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3. Contain “THE SALE OR SAMPLING OF VAPOR PRODUCTS TO PERSONS, OR FOR PERSONS, UNDER AGE 18 IS STRICTLY PROHIBITED BY LAW. NICOTINE IS TOXIC. KEEP ALL VAPOR PRODUCTS AWAY FROM CHILDREN.”

C. A vapor product retail outlet exclusively selling vapor products with a valid Category 2 permit pursuant to Section 11.E. of these regulations is not required to display the sign required under Section 6.A., above, at its permitted premises.

SECTION 7. LIMITED EXCEPTION FOR SAMPLING OF VAPOR PRODUCTS AT SPECIFIC PERMITTED RETAIL OUTLETS

A. The Health Officer is authorized to grant a limited exception to the requirement in Section 5 of these regulations for sampling vapor products within vapor product retail outlets exclusively selling vapor products that meet all requirements of these regulations and are duly permitted according to Section 11.E.

B. Nothing in this section or these regulations may be construed to authorize, approve, or allow smoking or the use of vapor products in lounges or other areas that meet the definition of public places or places of employment.

SECTION 8. AGE VERIFICATION REQUIREMENT – SALE OR DISTRIBUTION TO MINORS PROHIBITED

A. Each seller shall verify by means of photographic identification in the same manner as required in RCW 70.155.090 so that no person purchasing or sampling vapor products is a minor.

B. No person shall sell, give, or furnish, or cause or allow to be sold, given, or furnished, vapor products to a minor.

C. It shall not be a violation of this section if the person making the sale, gift, or otherwise furnishing the product reasonably relied on any of the officially issued identifications listed in RCW 70.155.090 showing that the purchaser or recipient was not a minor.

SECTION 9. POSSESSION BY MINORS PROHIBITED

A. No minor shall purchase, possess, or obtain a vapor product.

B. A minor with parental authorization to participate in a vapor product purchase or vapor product regulations compliance check, as part of an enforcement activity of the Health Officer or any other authorized municipal entity, the county, the state, or any department or agency thereof, is not subject to the requirements of this section.

SECTION 10. RESTRICTIONS ON SALE, AVAILABILITY, COUPONS, DISCOUNTS, AND SAMPLES

- A. No person shall offer a vapor product for sale in an open, unsecured display that is accessible to the public without the intervention of a store employee, except in a retail outlet that has a valid Category 2 permit pursuant to Section 11.E. of these regulations where minors are excluded at all times.
- B. No person shall sell, or permit to be sold, vapor products through any device that mechanically dispenses vapor products unless the device is located fully within premises from which minors are lawfully prohibited, or in industrial worksites where minors are not employed, and not less than ten feet from all entrance or exit ways to and from each premise.
- C. No person shall give, or cause or allow to be given, a vapor product or sample to any person at no cost, or nominal cost, except to the limited extent allowed at vapor product retail outlets that have a Category 2 permit pursuant to Section 11.E. of these regulations.
- D. No person shall give or distribute vapor products to any person by coupon unless such coupon can only be redeemed through an in-person transaction in an approved vapor product retail outlet with age verification in accordance with Section 8 of these regulations.

SECTION 11. VAPOR PRODUCT RETAIL OUTLETS --- PERMIT REQUIRED

- A. Any person selling vapor products in Kitsap County shall only do so at a vapor product retail outlet and shall have a valid permit issued by the Health Officer in accordance with these regulations. Businesses licensed or endorsed to sell recreational marijuana or medical marijuana by the state of Washington and/or Washington State Liquor and Cannabis Board are exempt from these regulations.
- B. A separate permit is required for each vapor product retail outlet location, shall not be resold, transferred or assigned by the permit holder, and is not valid for use by any other person or at any other location. A permit holder may not sell, offer, or distribute vapor products in any form from temporary locations or moveable vehicles.
- C. Permits shall be valid for one year at a calendar cycle determined by the Health Officer, and shall be renewed annually. The Health Officer may, at his/her discretion, prorate the fee for an initial permit. Fees are non-refundable.
- D. Each vapor product retail outlet must display its permit in the same manner as required for display of a business license.
- E. All vapor product retail outlets shall be permitted under one of the following categories:

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1. Category 1 - Sales Only at Vapor Product Retail Outlets. Category 1 permits may be issued to vapor product retail outlets that demonstrate compliance with the requirements of Sections 5, 6, 8, and 10 of these regulations.
2. Category 2 – Sales with Limited Sampling at Vapor Product Outlets Exclusively Selling Vapor Products. Category 2 permits allowing a limited exception for sampling under Section 7 of these regulations may be issued to each vapor product retail outlet that demonstrates compliance with all of the requirements of Category 1 and the following additional requirements:
 - a. The vapor product retail outlet exclusively sells only vapor products and does not sell any other products;
 - b. Entrance to the premises of the vapor product retail outlet is restricted at all times to persons of legal age to purchase vapor products and minors are excluded;
 - c. The samples are owned by the permit holder and provided at no cost by the permit holder solely for the limited and immediate purpose of testing a vapor product within the permitted vapor product retail outlet;
 - d. The permit holder shall not allow samples to be removed from the premises;
 - e. The permit holder shall not allow the consumption or use of any vapor product purchased at the vapor product retail outlet or vapor products brought into the premises by any person;
 - f. The permit holder and employees of the vapor product retail outlet shall not use vapor products within the permitted premises and shall at all times comply with Section 5 of these regulations;
 - g. Seating for customers shall be limited to no more than five (5) seats within a vapor product retail outlet, and all customer seats shall be located at a sales counter;
 - h. The permit holder shall not allow customers or non-employees to remain on the premises except for the lawful purchase or limited sampling of vapor products as allowed under these regulations. The permit holder shall not facilitate prolonged, continuous presence of customers on its premises by equipping the vapor product retail outlet with entertainment designed to encourage lounging within the retail outlet;
 - i. The permit holder shall not charge any type of entry, admission, membership, or any other similar type of fee to access the premises or conduct sampling;
 - j. The permit holder provides evidence that the premises of the vapor product retail outlet has an independent ventilation system by providing a signed letter, on appropriate letterhead, from a heating, ventilation, air-conditioning, and refrigeration (HVAC/R) contractor holding a valid registration with the department of labor and industries pursuant to RCW 18.27 (or should this be from a building official?) certifying that the premises of the vapor product retail outlet:
 1. Is located in a separate building with a ventilation system exhaust in compliance with the presumptive reasonable minimum distance from entrances, exits, windows that open, and ventilation intakes of any

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- neighboring building according to Section 4.E. of these regulations;
OR
2. Is located in a multi-tenant building with a separate ventilation system from other tenant spaces in the building that will prevent vapors and aerosols from sampling from being drawn into, or discharged into, any other area of the building and with a ventilation system exhaust in compliance with the presumptive reasonable minimum distance from entrances, exits, windows that open, and ventilation intakes of any neighboring building according to Section 4.E. of these regulations. Such multi-tenant buildings shall not share attic space or utilize drop ceilings that may allow vapors and aerosols to pass into adjacent tenant spaces in a manner other than through the ventilation system.
 - k. Vapor product retail outlets selling vapor products in Kitsap County prior to the effective date of these regulations shall have one (1) year after being issued a valid Category 2 permit to comply with the ventilation requirements in Section 11.E.2.j. of these regulations, providing that the retail outlet meets all other Category 2 permit requirements.
- F. As a condition of approval for a vapor product retail outlet permit, the permit holder is required to be in compliance with all other permits, licenses, or other regulations which may be required by the Kitsap Public Health District, any other municipal entity, Kitsap County, and/or the State of Washington.

SECTION 12. PERMIT APPLICATION AND REVIEW PROCEDURES – NEW AND ANNUAL RENEWAL PERMITS

- A. All retail outlets that intend to sell vapor products shall make application to the Health Officer through forms or systems determined by the Health Officer.
- B. All permit applications shall include the applicable fees as established in the current fee schedule adopted by the Kitsap Public Health Board in accordance with RCW 70.05.060(7).
- C. Retail outlets selling vapor products in Kitsap County prior to the effective date of these regulations shall submit a permit application to the Health Officer no later than sixty (60) days after the effective date of these regulations. Any retail outlet selling vapor products in Kitsap County prior to the effective date of these regulations that does not have an approved permit from the Health Officer within 150 days after the effective date of these regulations shall no longer sell any vapor product in Kitsap County.
- D. After the effective date of these regulations, all retailers shall obtain an approved permit from the Health Officer prior to selling any vapor product in Kitsap County, and shall renew the permit annually.
- E. The Health Officer shall respond to permit applications within thirty (30) days of receipt of a fully completed application.

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- F. The Health Officer shall only approve permit applications or annual permit renewals for vapor product retail outlets that are in compliance with these regulations. The Health Officer may inspect vapor product retail outlets to determine compliance with these regulations in accordance with Section 13 of these regulations.
- G. The Health Officer may refuse, deny, or revoke a permit under these regulations if he/she has reasonable cause to believe that the applicant has willfully withheld information requested for determining eligibility of the applicant to receive or renew a permit, or if the Health Officer has reasonable cause to believe the information submitted in the permit application is false or misleading or not made in good faith, or for noncompliance with these regulations.

SECTION 13. ADMINISTRATION AND ENFORCEMENT

- A. The Health Officer is authorized to administer and enforce these regulations.
- B. 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 non-compliance with these regulations.
- C. Right of Entry and Inspection
 - 1. 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 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.
 - 2. 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.
 - 3. If consent to enter said building, structure, property, or portion thereof is not provided by the owner, occupier, permit holder, 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.
 - 4. If consent to enter said building, structure, property, or portion thereof is not provided by the owner, occupier, permit holder, or other persons having apparent control of the premises, the Health Officer shall also have recourse to any other remedies provided by law to secure entry, including but not limited to search warrants.

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5. Failure or refusal to allow timely and reasonable inspection by the Health Officer to determine compliance with these regulations, or as part of a permit application or renewal process, may result in denial or revocation of a permit.

D. Notice and Order to Correct Violation

1. Issuance. Whenever the Health Officer determines that violation of these regulations has occurred or is occurring, he/she may attempt to secure voluntary correction by sending a Notice and Order to Correct Violation to the person(s) responsible for the alleged violation.
2. Content. The notice and order to correct violation shall contain:
 - a. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
 - b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
 - c. A description of the violation and a reference to that provision of the regulation, which has been violated;
 - d. 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;
 - e. 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;
 - f. A statement that repeat violations are subject to a civil fine of up to one hundred dollars for each violation.
3. Service of Order. The Notice and Order to Correct Violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by regular and certified mail, postage prepaid, return receipt requested, to such person as his/her last known address. 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.
4. 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.

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5. 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 of Order. If, after any order is duly issued by the Health Officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:
 - b. Pursue any other appropriate remedy at law or equity, including but not limited to, revocation of Food Service Establishment Permits for businesses permitted by the Kitsap Public Health District.

E. Permit Violation, Suspension, Revocation and Appeal

1. Permit Violation. Any violation of a permit requirement issued pursuant to these regulations shall be a violation of these regulations.
2. Suspension of Vapor Product Retail Outlet Permit. The Health Officer may suspend any permit issued under these regulations for violations of these regulations as follows:
 - a. Permit suspension shall be carried out through the Notice and Order to Correct Violation provisions specified in Section 13.D., and the suspension shall be effective upon service of the Notice and Order to Correct Violation upon the permit holder or person in charge. The permit holder may appeal such suspension as provided in Section 15 of these regulations.
 - b. Permit suspension shall remain in effect until the Health Officer finds the retail outlet to be in compliance with the requirements of these regulations.
 - c. Any person whose permit has been suspended may at any time make written application for a re-inspection for the purpose of reinstatement of the permit. The application must include a signed statement explaining how the conditions and violations causing the suspension of the permit have been corrected.
 - d. Within five (5) business days following receipt of a written request for a re-inspection, the Health Officer will make a re-inspection, and reinstate the permit if the person is in compliance with these regulations.
3. Revocation of Permits.
 - a. The Health Officer may revoke a Vapor Product Retail Outlet Permit if serious and repeated violation(s) of any requirements of these regulations have occurred.

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- b. Such permit revocation shall be carried out through the Notice and Order to Correct Violation provisions specified in Section 13.D., and the revocation shall be effective upon service of the Notice and Order to Correct Violation upon the holder or operator. The holder or operator may appeal such revocation, as provided in Section 15 of these regulations.
 - c. A permit may be suspended pending its revocation or a hearing relative to revocation.
- F. As an alternative to the enforcement provisions set out above, the Health Officer may determine that the violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to RCW 7.80, *Civil Infractions*.
- G. The Health Officer may issue a notice of civil infraction if she or he has reasonable cause to believe that a person has violated any provision of these regulations, or has not corrected a violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard, and determined as described in RCW 7.80 and any applicable court rules.

SECTION 14. REBUTTALS

- A. Owners, operators, managers, employers, or other persons who own or control a public place or place of employment may seek to rebut the presumption that 25 feet is a reasonable minimum distance, as defined in Section 4, by making application for a hearing with the Health Officer. A completed “Application for Administrative Meeting or Appeal Hearing” for rebutting the presumptively reasonable distance requirement must be accompanied by all of following:
- 1. An application fee for Appeal Hearing with Health Officer as established in the most recent Environmental Health Program Service Charges approved by Kitsap Public Health Board.
 - 2. A written description of the proposed reduction in the presumptively reasonable distance requirement as defined in Section 4.
 - 3. A detailed map showing the specific area to be considered for a reduced separation distance along with the location of all entrances, exits, windows that open, and ventilation intakes within 25 feet of the proposed vaping area.
 - 4. A written explanation by the applicant describing why the presumptively reasonable distance of 25 feet cannot be met and why consideration for a reduced separation distance is necessary.
 - 5. A written justification from the applicant describing the clear and convincing evidence they have gathered that demonstrates that given the unique circumstances presented by

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the location of entrances, exits, windows that open, ventilation intakes or other factors, smoke will not infiltrate into the facility.

6. A written explanation from the applicant describing how they will monitor the effectiveness of the reduced distance in keeping smoke from infiltrating into the facility, and what action they will take if smoke is determined to be entering the facility at a future time.
- B. The application for reduction in the 25 foot requirement applies only to the area addressed in the application and not to the entire structure or any other area near or around the facility.
 - C. The Health Officer shall administratively make a determination on the application to rebut the presumptively reasonable distance. This decision may be appealed to the Kitsap Public Health Board in accordance with Section 15.B.
 - D. Any approval taken on the application submitted will need to endure a reasonable test of time and if future complaints are received against the facility because of exposure to vapors or aerosols, further inspections may be warranted and possible modification or revocation of the approval may be required.

SECTION 15. APPEAL

- A. Appeal of Public Health Action – Health Officer Administrative Hearing.

Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or enforcement action conducted by the Kitsap Public Health District, may request a hearing before the Health Officer or his or her designee. The appellant shall submit the request in writing, through completion of an “Application for Administrative Meeting or Appeal Hearing” form with the appropriate fee, and shall include the specific statements of the reason why error is assigned to the decision of Health District. Such request shall be presented to the Health Officer within ten (10) business days of the action appealed. Upon receipt of such request together with the hearing fee, the Health Officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not more than fifteen (15) business days from the date the request was received. Upon completion of the hearing, the Health Officer shall provide a decision in writing to the appellant within fifteen (15) business days from the date of the hearing.

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B. Appeal of Administrative Hearing/Decision.

1. Any person aggrieved by the findings or required actions of an administrative hearing, or of an administrative decision by the Health Officer regarding the rebuttal of the presumptively reasonable distance, shall have the right to appeal the matter by requesting a hearing before the Kitsap Public Health Board. Such notice of appeal shall be in writing through completion of an “Application for Administrative Meeting or Appeal Hearing” form and presented, with the appropriate hearing fee as established in the current Health District fee schedule, to the Health Officer within five (5) business days of service of the findings and actions from the administrative hearing. All requests shall contain a description of the action, decision or policy for which the hearing is requested, and the basis on which it is being contested. The appellant and the Health Officer may submit additional information to the Kitsap Public Health Board for review.
2. The notice and order to correct violation shall remain in effect during the appeal. Any person affected by the notice and order to correct violation may make a written request for a stay of the decision to the Health Officer within five (5) business days of the Health Officer’s decision. The Health Officer will grant or deny the request within five (5) business days.
3. Upon receipt of an appeal pursuant to this section together with the hearing fee, the Health Officer shall set a time, date, and place for the requested hearing before the Kitsap Public Health Board Hearings Board and shall give the appellant written notice thereof. The hearing shall be set at a mutually convenient time not more than thirty (30) business days from the date the appeal was received by the Health Officer.

SECTION 10. SEVERABILITY.

Should any paragraph, phrase, sentence or clause of these regulations be declared invalid or unconstitutional for any reason, the remainder of these regulations shall not be affected thereby.

SECTION 11. REPEALER

Reserved.

SECTION 12. EFFECTIVE DATE.

This ordinance shall take effect immediately.