**WHATCOM COUNTY COUNCIL AGENDA BILL**  
**NO.** 2012–330

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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>Originator:</td>
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<td>10/8/12</td>
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<td>10/23/2012</td>
<td>Introduction</td>
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<td>Division Head:</td>
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<td>Finance/Council</td>
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<td>Prosecutor:</td>
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**TITLE OF DOCUMENT:**  
Repeal and Replace WCC Chapter 2.44 to Establish a Behavioral Health Program.

**ATTACHMENT:**  
Memo to Executive, WCC Chapter 2.44 Exhibit A, Ordinance

| SEPA review required? | ( ) Yes | (X) NO | Should Clerk schedule a hearing? | ( ) Yes | (X) NO |
| SEPA review completed? | ( ) Yes | (X) NO | Requested Date: |

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**
The purpose of the proposed amendment to Whatcom County Code is to repeal and replace Chapter 2.44. The new chapter will establish the Behavioral Health Program and a single behavior health advisory board. The existing Chapter 2.44 contained many outdated or inapplicable sections.

**COMMITTEE ACTION:**
11/07/2012: Forwarded to Council for approval

**COUNCIL ACTION:**
10/23/2012: Introduced  
11/07/2012: Council Adopted 6–0, Weimer absent  
Ord. 2012–042

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<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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<td>Ord. 2012–042</td>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
Date prepared: 10/11/12

SPONSORED BY: Consent

PROPOSED BY: Health

INTRODUCTION DATE: 10/23/2012

ORDINANCE NO. 2012–042

An Ordinance Repealing and Replacing WCC Chapter 2.44 to
Establish a Behavioral Health Program

WHEREAS, certain sections of the existing code are obsolete because
the department no longer offers the services specified and because state law
has changed; and

WHEREAS, Whatcom County currently has two separate boards
advising the County on behavioral health services; and

WHEREAS, national and state healthcare changes are leading the way
to integrated behavioral health services; and

WHEREAS, national data indicates that up to 42% of people who have
a severe mental health disorder also have a substance use disorder
indicating a high degree of overlapping needs and risk factors; and

WHEREAS, people with both mental health and substance use
disorders have higher rates of violence, poorer overall functioning, and
poorer health outcomes than people with either condition alone; and

WHEREAS, the quality of our citizens’ health and recovery from
behavioral health disorders is improved when we integrate and coordinate
care to the greatest extent possible; and

WHEREAS, an integrated behavioral health advisory board will
increase organizational efficiencies and is recommended by the Whatcom
County Mental Health and Substance Abuse Advisory Boards.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 2.44 is repealed and replaced as specified in Exhibit A of this ordinance to include integrating substance abuse and mental health advisory boards into a Behavioral Health Advisory Board and repealing obsolete sections.

ADOPTED this 7th day of November, 2012.

Dana Brown-Davis, Clerk of the Council

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( X ) Approved ( ) Denied
Date Signed: 11/8/2012
Exhibit A

Chapter 2.44
Behavioral Health Program

Sections:

2.44.010 Department responsibilities.
2.44.020 Contracts.
2.44.030 Behavioral Health Advisory Board is created.
2.44.040 Severability.
2.44.050 References to State Law.

2.44.010 Department responsibilities.

A. Administration of funding.
The Health Department shall administer the Behavioral Health Program under the authority of the County Executive. The Department shall administer funds for behavioral health programs, including substance abuse and mental health services. This administration will include state and federal funds (RCW 70.96A), sales and use tax (RCW 82.14) property tax (RCW 71.20) and 2% liquor profits and excise taxes (RCW 70.96A).

B. Compliance with state regulations.
The Health Department shall adhere to all federal and state laws for the administration and coordination of substance abuse and mental health services and funding. (RCW 70.96A &RCW 71.20) The department shall ensure the appointment of the Substance Abuse Coordinator, according to RCW 70.96A.

C. Treatment services.
The Health Department shall plan and prioritize programs and services for people with substance use disorders and mental health disorders. The Health Department shall ensure, to the extent allowed by state and federal laws, a system of integrated and coordinated behavioral health care and treatment. (Ord. 96-061 Ex. A; Ord. 87-79 § 1).

D. Cooperation and coordination with other entities.
The Health Department may enter into contracts with and/or receive moneys from public and private entities to carry out behavioral health services. (Ord. 87-79 § 9). The Department will work with state, regional, and local entities which provide services, payment, or funding to assure a reasonable system of care for people with behavioral health disorders. (Ord. 96-061 Exh. A; Ord. 87-79 § 2)

2.44.020 Contracts.

All previous contracts, agreements, rights, claims and obligations shall continue in full force.
2.44.030 Behavioral Health Advisory Board is created.

A. The Whatcom County Behavioral Health Advisory Board is created and shall serve in an advisory capacity to the Health Department. The Behavioral Health Advisory Board may advise the Health Department on general priorities for behavioral health programs, including substance abuse and mental health services.

B. The membership of the Behavioral Health Advisory Board shall adhere to rules described in RCW 70.96A ensuring that the membership is composed of residents who reflect minority groups and the diversity within the community.

The Behavioral Health Advisory Board shall consist of ten members who are residents of Whatcom County. Nine members of the Behavioral Health Advisory Board shall be appointed by the County Executive, subject to confirmation by a majority of the County Council. One member shall be a member of the County Council and shall be appointed by the County Council. One quarter of the board’s members must be people in recovery from alcohol or other drug addictions as required by RCW 70.96A. Additional board membership criterion shall be indicated in the Behavioral Health Advisory Board bylaws.

The term of office for the members appointed by the executive shall be three years. In order to stagger the terms of office on the initial board:

- Three members shall be appointed to serve for three years.
- Three members shall serve for two years.
- Three members shall serve for one year.

The term of office for the member appointed by the County Council shall be for one year. The council member’s term extends from the time of the council’s reorganization meeting in January to the next such meeting in the following year.

C. At their initial meeting or as soon as possible, the advisory board shall elect officers and adopt bylaws. The board shall adopt rules and regulations of procedure as needed for the conduct of their business. (Ord. 88-9 (part); Ord. 87-79 § 4).

D. The Behavioral Health Advisory Board may advise the Health Department about nominees to act as representatives on other county, regional, and state advisory boards. (Ord. 87-79 § 6).

2.44.040 Severability.
If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 2008-027 Exh. A).

2.44.050 References to State Law.
Any and all reference to state statues are in effect as referenced above or as hereinafter amended by state authority.