

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



ORDINANCE NO. 07-036

RELATING TO EXECUTIVE AUTHORITY, REVISING EXECUTIVE AUTHORITY
TO APPROVE CONTRACTS AND OTHER LEGAL INSTRUMENTS, AMENDING
SCC 2.10.010, 3.04.140, 3.04.180, 3.04.190, AND 15.04.090, AND REPEALING
EMERGENCY ORDINANCE NO. 07-033

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.10.010, last amended by
Ordinance No. 07-011 on February 28, 2007, is amended to read:

2.10.010 Executive functions.

The following functions of government not otherwise provided for in the
charter are deemed executive functions and shall be performed by the county
executive:

(1) Approval of all bonds and assignments of account running to or for the
benefit of the county, including but not limited to: officials and employees bonds,
except that the bond of the county executive shall be approved by the county
council; cash bonds, bonds issued by a surety company, or assignments of
account given to assure performance or maintenance; cash bonds, bonds issued
by a surety company, or assignments of accounts to assure performance of
conditions incidental to land use activities or to any other license or permit issued
by the county; but not including any bond required in any civil or criminal court
proceeding;

(2) Approval of change orders and orders for extra work on any contracts
~~((in accordance with))~~ as provided in chapter 3.04 SCC;

(3) Determination that the performance or other consideration to be
delivered to the county under the terms of any contract has been performed or
delivered; and to accept such performance or other consideration on behalf of
the county. The county executive shall keep the county council advised of
developments which will unreasonably delay completion of any contract or
unreasonably increase the costs thereof;

(4) Approval of all insurance policies and certificates of insurance;

(5) Approval of payrolls of county officials and employees;

(6) Approval of and signing of all licenses to occupy or use Evergreen
State Fairgrounds property as provided in SCC 2.32.150; PROVIDED, That the
county executive shall submit an annual report to the county council not later
than February 15th of each year, showing the contracts, parties, duration,
amendments, licenses, permits and special services contracts;

ORDINANCE NO. 07-036
RELATING TO EXECUTIVE AUTHORITY, REVISING
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AND OTHER LEGAL INSTRUMENTS, ETC. - 1

1 (7) Upon receipt of any claim against the county, or any pleading in
2 connection therewith, the county executive shall immediately forward copies
3 thereof to the prosecuting attorney and the county department involved;
4 (8) Approval of the bringing of or joining in civil lawsuits seeking damages
5 or injunctive relief in behalf of the county. The county council may also approve
6 the bringing of or joining the county in any lawsuit in behalf of the county;
7 (9) Approval of budget transfers as provided in chapter 4.26 SCC as it
8 now exists or is hereafter amended;
9 (10) Approval of escrow agreements on retained percentages as provided
10 in RCW 60.28.010;
11 (11) Approval of all permits and licenses affecting any property under the
12 jurisdiction of the department of parks and recreation, including deeds of right to
13 use land for public recreation purposes and hazardous substances certifications
14 required for property acquired with funds granted by the interagency committee
15 for outdoor recreation (IAC), and declarations and other documents imposing
16 protective covenants, conditions, and other restrictions on property acquired with
17 funds granted by the state conservation futures program; PROVIDED, That the
18 county executive shall submit an annual report to the county council not later
19 than February 15th of each year, showing the contracts, parties, duration,
20 amendments, licenses, permits and special services contracts;
21 (12) Approval of all agreements with any cities or towns of Snohomish
22 county of the county jail or district court filing fees; PROVIDED, That the county
23 council by resolution has previously established the rates to be charged and
24 other terms of such agreements and has approved the forms of contracts to be
25 utilized. The county executive shall submit to the county council an annual report
26 not later than February 15th of each year showing rates and effective dates of
27 such contracts approved by the county executive. Not later than December 1st of
28 each year, the county executive shall submit to the county council the forms of
29 contracts to be used on such agreements for the following year. Rates and terms
30 to be used in such contracts shall be reviewed not less than once a year by the
31 county council;
32 (13) Approval and acceptance of all contracts with landowners and/or
33 developers required by or as a condition of any comprehensive plan amendment,
34 rezone, variance, conditional use permit, plat or replat or any other land use
35 control, final approval thereof which has been given by the county council or the
36 hearing examiner; PROVIDED, That all such contracts shall be approved by the
37 hearing examiner prior to approval by the county executive; and the county
38 executive shall submit to the county council an annual report, due not later than
39 February 15th of each year, showing the names of parties and the general
40 purposes of such contracts as have been approved by the executive;
41 (14) Approval of all licenses to occupy, use or access the Snohomish
42 County Airport and all airport leases; PROVIDED, That annually the county
43 council by motion will establish the rates to be charged and other terms of any

1 such lease and approve the form of lease utilized which rates, terms and form
2 may be changed from time to time by the county council; and PROVIDED,
3 FURTHER, That the county executive shall submit an annual report to the county
4 council, not later than February 15th of each year, showing the names of parties,
5 rents, reserve, areas rented, and time period of each such lease and license. Any
6 lease or license executed pursuant to this section shall be deemed to be with the
7 approval of the county council as required by chapter 15.04 SCC;

8 (15) Approval of contracts and contract amendments relating to the
9 department of human services as set out in SCC 2.400.065;

10 (16) Approval of contracts with the cities, towns, or other municipal
11 subdivisions for the purchase of gasoline, diesel oil or other petroleum products,
12 and contracts for street or road maintenance with counties, cities, or towns;
13 PROVIDED, That the county council has approved the schedule of charges to be
14 made for various items of maintenance and the forms of contract to be used. The
15 county executive shall submit an annual report to the county council, not later
16 than February 15th of each year, showing the parties' services and charges on
17 such contracts;

18 (17) Approval of contracts (city-county agreements) for grants in aid and
19 for any projects previously approved in the annual or six year road program with
20 the Washington State Department of Transportation; PROVIDED, That the
21 county executive shall submit to the county council an annual report, not later
22 than February 15th of each year summarizing such applications and contracts;

23 (18) Approving and signing public disclosure reports for lobbying activities
24 by county officials and employees as required by chapter 42.17 RCW;

25 (19) Approve haul route agreements with other public agencies or
26 contractors with public agencies permitting use of designated county roads, or
27 sections thereof for detour routes or moving of heavy equipment or materials
28 necessitated by the performance of a public works contract; PROVIDED, That
29 the county executive shall submit an annual report to the county council not later
30 than February 15th of each year, showing the contracts, parties, duration,
31 amendments, licenses, permits and special service contracts;

32 (20) Approval of vouchers for payment of all claims presented against the
33 county by persons furnishing goods or materials, rendering services or
34 performing labor, or for any other contractual purpose as well as employee
35 reimbursement claims for allowable expenses. Prior to approval by the county
36 executive, all claims shall be certified for payment by the county auditing officer;

37 (21) Approval of agreements between the state and county for the
38 purpose of participating in state work experience programs;

39 (22) Approval of waste reduction and recycling grant contracts;
40 PROVIDED, That the county executive shall submit an annual report to the
41 county council not later than February 15th of each year, showing the contracts,
42 parties, duration, amendments, licenses, permits and special service contracts;

1 (23) Approval of contracts and contract amendments implementing
2 programs or projects administered by the juvenile court; PROVIDED, The county
3 council has approved necessary contracts with state, federal, or other sources of
4 funds, if any funds from such sources are used, whether or not such sources of
5 funds are used, and the county council has appropriated funds for such programs
6 or projects; and PROVIDED FURTHER, That the county executive shall submit
7 to the county council an annual report, not later than February 15th of each year,
8 showing the parties, contract amount, and purpose of each contract and contract
9 amendment approved and signed by the county executive under this section;

10 (24) Approval of contracts and contract amendments implementing
11 programs or projects administered by the department of planning and
12 development services; PROVIDED, The county council has approved necessary
13 contracts with state, federal, or other sources of funds, if any funds from such
14 sources are used, whether or not such sources of funds are used, and the county
15 council has appropriated funds for such programs or projects; and PROVIDED
16 FURTHER, That the division shall submit to the county council an annual report,
17 not later than February 15th of each year, showing the parties, contract amount,
18 and purpose of each contract and contract amendment approved and signed by
19 the county executive;

20 (25) Approval and submission of all applications for grants on behalf of
21 the county unless the granting agency requires approval of such applications by
22 the county council;

23 (26) Approval of contracts on behalf of the county for funds contributed to
24 the county by grants, entitlements and shared revenue of every kind and nature;
25 which do not obligate the county monetarily and implement programs, projects,
26 or functions that the county council has specifically authorized by motion or
27 ordinance; PROVIDED, That the county executive shall submit an annual report
28 to the county council not later than February 15th of each year, showing the
29 parties, contract amount, and purpose of each contract approved and signed by
30 the county executive under this section;

31 (27) Approval of contracts on behalf of the county for funds contributed to
32 the county by grants that require match funds of up to ~~(((\$50,000))~~ \$5,000 which
33 implement programs, projects, or functions that the county council has
34 specifically authorized by motion or ordinance; PROVIDED, That the county
35 executive shall submit an annual report to the county council not later than
36 February 15th of each year, showing the parties, contract amount, and purpose
37 of each contract approved and signed by the county executive under this section;

38 (28) Approval of purchase and other contracts on behalf of the county that
39 are recommended by the Snohomish county arts commission pursuant to
40 chapter 2.95 SCC, including but not limited to contracts limiting the use of
41 contributions to the arts fund and contracts providing for the purchase or use of
42 works of art, provided that such contracts comply with SCC 3.04.140 concerning
43 award and execution of contracts((-));

1 (29) Approval of plans, and amendments thereto, prepared under
2 provisions of the Local Agency Guidelines adopted by the state department of
3 transportation to assure compliance with Title VI of the Civil Rights Act of 1964 in
4 county transportation program projects that are funded by the federal highway
5 administration. The county executive shall serve as the county's administrator
6 under such plans.
7

8 Section 2. Snohomish County Code Section 3.04.140, last amended by
9 Amended Ordinance No. 97-093 on October 22, 1997, is amended to read:
10

11 **3.04.140 Award, execution, by whom.**

12 (1) Contracts for intergovernmental services shall be awarded and
13 approved by the county council except those for ~~(((\$50,000))~~ \$5,000 or less which
14 may be awarded and approved by the county executive.

15 (2) Contracts not subject to bidding requirements for ~~(((\$50,000))~~ \$5,000
16 or less may be awarded and approved by the county executive. The executive
17 may delegate by executive order such award, approval or signature authority as
18 the executive deems appropriate.

19 (3) Contracts subject to bidding requirements for \$250,000 or less, for
20 programs and projects for which sufficient appropriation authority exists and
21 which implement programs, projects, or functions the county council has
22 specifically authorized by motion or ordinance, may be awarded and approved by
23 the county executive. The executive may award and approve amendments of
24 such contracts of \$100,000 or less for which sufficient appropriation authority
25 exists, except as provided in subsection (5) of this section. The executive may
26 delegate by executive order such award, approval or signature authority as the
27 executive deems appropriate.

28 (4) Contracts incidental to litigation for \$50,000 or less may be awarded
29 and approved by the prosecuting attorney.

30 (5) Options in purchase contracts to extend performance may be
31 exercised by the manager, with the concurrence of the official or department
32 head involved, when it is in the best interests of the county to do so.

33 (6) The county executive shall submit to the county council on a quarterly
34 basis a report showing the parties, contract amount, and purposes of each
35 contract and contract amendment approved and signed by the county executive
36 under this section.

37 (7) Except as provided ~~((in the foregoing subsections))~~ by ordinance, all
38 contracts shall be awarded and approved by the county council.
39

40 Section 3. Snohomish County Code Section 3.04.180, last amended by
41 Amended Ordinance No. 89-027 on May 17, 1989, is amended to read:
42

43 **3.04.180 Proprietary purchases.**

1 Requirements of SCC 3.04.130 (2), (3), (4), (5), (8), (9), and (10) shall not
2 apply to purchases and contracts clearly and legitimately limited to single
3 sources of supply and purchases involving special training, special facilities,
4 special services, market conditions, or where compatibility is required with other
5 county equipment, procedures or systems in which instances purchase prices
6 and other terms may be established by direct negotiations by the manager. Such
7 contracts shall be approved by the ~~((executive))~~ county council except that the
8 director may approve such contracts where they do not exceed the sum of
9 ~~(((\$10,000))~~ \$5,000 ~~((and do not require approval by the council under the charter~~
10 ~~or other provisions of this chapter))~~.

11
12 Section 4. Snohomish County Code Section 3.04.190, last amended by
13 Amended Ordinance No. 95-011 on April 26, 1995, is amended to read:

14
15 **3.04.190 Service contracts not subject to bidding requirements.**

16 Consultant contracts and service contracts not subject to bidding
17 requirements may be negotiated by the county executive or the head of any
18 administrative or executive department; PROVIDED, That contracts for
19 ~~(((\$50,000))~~ \$5,000 or less may be ~~((negotiated,))~~ awarded ~~((,))~~ and approved by
20 the executive. Consultant contracts and service contracts not subject to bidding
21 requirements for more than ~~(((\$50,000))~~ \$5,000 shall require council approval.
22 Contracts for architectural and engineering services shall be controlled by SCC
23 3.04.191 and SCC 3.04.193 through 3.04.195 to the extent that such sections
24 are inconsistent with this and other sections of this chapter.

25
26 Section 5. Snohomish County Code Section 15.04.090, last amended by
27 Amended Ordinance No. 92-132 on November 18, 1992, is amended to read:

28
29 **15.04.090 Execution of documents.**

30 All contracts, leases, ~~((agreements,))~~ subleases, and other documents
31 proposed by the airport manager, subject to the other provisions and limitations
32 of this chapter and chapter 14.08 RCW, shall be valid and binding upon
33 Snohomish county when ~~((executed))~~ signed by or on behalf of the county
34 executive; PROVIDED, That all contracts shall be approved by the county council
35 except that the county executive may approve contracts where they do not
36 exceed the sum of \$5,000.

37
38 Section 6. **Repeal.** Emergency Ordinance No. 07-033, adopted on April 18,
39 2007, is repealed.

40
41 Section 7. **Certain actions superseded.** This ordinance supersedes any prior
42 action of the County Council that purports to approve or delegate authority to approve
43 contracts, contract amendments, or contract change orders after the effective date of

1 this ordinance to the extent inconsistent with executive authority as provided by
2 ordinance after this ordinance takes effect; PROVIDED, That this ordinance shall not
3 supersede Motion No. 07-237 or any action that is incorporated into the terms of a
4 contract that was approved by the Council, including but not limited to Motion No. 03-
5 493 (approving change orders as provided in Amendment 2 for Phase 3 of the Campus
6 Redevelopment Initiative).

7
8 PASSED this 21st day of May, 2007.

9
10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington

12 David Hurst
13 Chairperson
14

15
16 ATTEST:

17 Anthony J. Bonabau
18 Clerk of the Council
19

D-3

20
21 () APPROVED

22
23 () EMERGENCY

24
25 () VETOED

26 DATE: _____

27
28
29
30 _____
31 County Executive

32 ATTEST:

33
34 _____
35
36 Approved as to form only:

37 [Signature]
38 Deputy Prosecuting Attorney
39
40
41
42
43

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