



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 08-105

RELATING TO COUNTY EMPLOYMENT, RESTRICTING THE HIRING OF
NEW EMPLOYEES, ADOPTING A TEMPORARY HIRING FREEZE, ADDING
A NEW CHAPTER 3.90 SCC, REPEALING SCC 4.26.120, AND PROVIDING
FOR SAVINGS AND TRANSITION

WHEREAS, revenue projections by the Department of Finance suggest that Snohomish County is likely to face budget constraints like those experienced by the State of Washington and other Washington counties; and

WHEREAS, the Director of Finance and County Executive have recently taken actions to limit county expenditures on personnel costs, including attempting to institute a county-wide hiring freeze under authority of SCC 4.26.120, without consultation with the Council, other elected county officials, or the public; and

WHEREAS, Article 2 of the Snohomish County Charter vests in the County Council the authority to take such actions over all three branches of Snohomish County government; and

WHEREAS, SCC 4.26.120, as amended by Ordinance No. 07-127, and other provisions of state law and county code limit the authority of the County Executive over personnel decisions of county officials and agencies not subject to the supervisory authority of the County Executive, including the offices of the County Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff, Treasurer and District and Superior Courts; and

WHEREAS, the County Council made it clear by enactment of Ordinance No. 07-127 that the County Executive does not have legal authority to impose a county-wide hiring freeze and that a county-wide hiring freeze can only be imposed by the County Council; and

WHEREAS, it is in the interests of the County and public to resolve disputes among elected county officials, clarify their responsibilities, minimize risks and costs to the County, and respond to the current budget challenges by imposing a temporary hiring freeze that is clear, enforceable, transparent, timely, and sensitive to the needs of affected agencies and the public;

NOW, THEREFORE, BE IT ORDAINED:

EMERGENCY ORDINANCE NO. 08-105
RELATING TO COUNTY EMPLOYMENT, RESTRICTING
THE HIRING OF NEW EMPLOYEES, ADOPTING A
TEMPORARY HIRING FREEZE, ETC. - 1

1 Section 1. A new chapter is added to Title 3 of the Snohomish County Code to
2 read:

3
4 Chapter 3.90

5
6 TEMPORARY HIRING FREEZE

7
8 Sections:

- 9
10 3.90.010 Purpose.
11 3.90.020 Application.
12 3.90.030 Positions to remain vacant.
13 3.90.040 Executive authority.
14 3.90.050 Repeal.
15

16 **3.90.010 Purpose.**

17 The purpose of this chapter is to impose a temporary freeze on the filling
18 of vacancies in county employment. The hiring freeze is intended to promote the
19 public interest and minimize the impacts of projected budget constraints on
20 county programs and employees.
21

22 **3.90.020 Application.**

23 This chapter shall apply to all regular, temporary, and acting positions of
24 county employment regardless of which branch of government or whether the
25 positions are in the classified or exempt service, except:

- 26 (1) the deputy county executive;
27 (2) the county council chief of staff;
28 (3) the chief administrators of the superior and district courts; and
29 (4) the chief officer of each executive department;
30

31 **3.90.030 Positions to remain vacant.**

32 (1) There is hereby imposed a hiring freeze on all positions of county
33 employment subject to this chapter under which the filling of any current or future
34 vacancy is prohibited except as expressly provided in this section.

35 (2) The county council may by motion exempt one or more specific
36 appointments from application of this section upon a determination that the
37 appointment is

- 38 (a) necessary for performance of a critical health or safety function;
39 (b) necessary for satisfaction of a legal mandate;
40 (c) necessary for efficient and cost-effective operation of the county; or
41 (d) substantially funded by a federal or state grant or other dedicated
42 revenue source and is necessary to carry out a county obligation under a related
43 grant or other contract.

1 (3) Any action exempting an appointment from application of this section
2 will be made at a public meeting after consultation with the requesting elected
3 official as provided for herein.

4 (4) Any county elected official may request that the county council exempt
5 an appointment from application of this section. The request must be in the form
6 of an ECAF as described in SCC 2.48.118 and shall include relevant fiscal
7 information and the recommendations of the county executive and department of
8 human resources, if any. The county executive shall process the ECAF and
9 promptly transmit it to the county council, which in no event shall occur more than
10 five working days after the ECAF is delivered to the county executive, and may
11 add such additional information as the county executive deems appropriate.
12

13 **3.90.040 Executive authority.**

14 (1) This chapter does not limit the authority of the county executive to
15 impose additional restrictions on appointed executive departments subject to the
16 supervisory authority of the county executive.

17 (2) The county executive and appointed executive departments subject to
18 the supervisory authority of the county executive shall take no action, by
19 executive order or otherwise, that purports to limit personnel decisions of county
20 officials or agencies not subject to the supervisory authority of the county
21 executive except as expressly authorized by ordinance.

22 (3) County officials and agencies not subject to the supervisory authority
23 of the county executive, including the offices of the county assessor, auditor,
24 clerk, council, prosecuting attorney, sheriff, treasurer and district and superior
25 courts, may take actions to limit county personnel costs not provided for in this
26 ordinance to the extent consistent with this ordinance and the county budget
27 adopted under chapter 4.26 SCC, as amended.
28

29 **3.90.050 Repeal.**

30 This chapter is repealed effective June 30, 2009.

31
32 Section 2. Repeal. Snohomish County Code Section 4.26.120, last amended by
33 Ordinance No. 07-127 on December 12, 2007, is repealed.
34

35 Section 3. Savings and transition. (1) This ordinance shall not apply to any
36 bona fide offer of county employment tendered and accepted prior to adoption and
37 actual notice of this ordinance, regardless of when the employee actually begins work
38 for the county.

39 (2) This ordinance shall not affect application of Executive Order 2008-51 to
40 appointed executive departments subject to the supervisory authority of the County
41 executive.

42 (3) Executive Order 2008-51 is void and of no force or effect as to all county
43 officials and agencies not subject to the supervisory authority of the county executive,

1 including the offices of the county assessor, auditor, clerk, council, prosecuting attorney,
2 sheriff, treasurer and district and superior courts.

3 (4) The director of finance shall within five working days deliver to the clerk of
4 the council a written report containing the following:

5 (a) a list of requests for finance department certification under former SCC
6 4.26.120 and a description of the action taken on each request, including the dates
7 thereof;

8 (b) a statement of the criteria and methods used to determine each action
9 taken by the finance director described in (a) of this subsection;

10 (c) a detailed comparison of appropriations contained in the adopted 2008
11 budget with

12 (i) estimated 2008 revenues identified in the adopted budget for FY 2008;
13 and

14 (ii) actual 2008 revenues identified in the adopted budget for FY 2008,
15 projected as of the date of the report; and

16 (d) a description of all other resources available to the county in 2008,
17 including but not limited to unappropriated fund balance and other reserves.

18 (5) The clerk of the council shall forthwith distribute copies of this ordinance to all
19 county elected officials and department heads and to such other county officers as
20 directed by the chairperson.

21
22 Section 4. Findings and effective date. The county council finds as a fact that
23 this ordinance is necessary because of the need for expedited action to resolve
24 disputes among elected county officials, clarify their responsibilities, minimize risks and
25 costs to the county, and respond to current budget challenges by imposing a temporary
26 hiring freeze that is clear, enforceable, transparent, timely, and sensitive to the needs of
27 affected agencies and the public, and that this ordinance is necessary for the support of
28 county government and its existing institutions. Based on the foregoing, the county
29 council declares that an emergency exists and this ordinance shall take effect
30 immediately.

31
32 PASSED this 13th day of August, 2008.

33
34 SNOHOMISH COUNTY COUNCIL
35 Snohomish County, Washington

36
37 
38 _____
39 Chairperson

40 ATTEST:

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42 
43 _____
43 Clerk of the Council

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() APPROVED

() EMERGENCY


() VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:



Deputy Prosecuting Attorney

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