



CO00036915

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 09-008

RELATING TO THE AUTHORITY OF THE COUNTY EXECUTIVE, CLARIFYING  
AND REVISING PROCEDURES FOR REVIEW AND APPROVAL OF AIRPORT LICENSES  
AND LEASES, REQUIRING EXECUTIVE EVALUATION AND RECOMMENDATIONS, AND  
AMENDING SCC 2.10.010 AND 15.04.040

WHEREAS, on December 11, 2008, the County Executive requested that the County Council provide "written negotiating parameters for a passenger terminal at Paine Field" with a specific request for direction of "whether the County will build a terminal or allow a third party to do so, as required by federal law", without clearly articulating a recommendation; and

WHEREAS, the issue of commercial air service at Paine Field is one of paramount importance that bears on a variety of quality of life concerns for communities in the vicinity of Paine Field, economic sustainability for the Puget Sound region, and federal, state, and local laws and relationships relating to airport management; and

WHEREAS, the question of how Snohomish County will comply with FAA grant assurances, deed restrictions, and the Airport Noise and Capacity Act, is intricately interwoven with these issues of quality of life and regional economic sustainability; and

WHEREAS, numerous city councils and various chambers of commerce, companies, homeowners associations, individuals, and other bodies have formally opposed or supported the County taking actions relative to commercial air service at Paine Field; and

WHEREAS, the Council has requested that the County Executive provide recommendations on those issues pertaining to commercial air service at Paine Field; and

WHEREAS, the Council expects, and the County's residents and business owners deserve, a clear recommendation from the County Executive following these negotiations; and

WHEREAS, this ordinance is intended to require the County Executive to provide the County Council with substantive information regarding potential Council actions relating to proposed airport leases and licenses accompanied by meaningful recommendations regarding appropriate action by the Council;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.10.010, last amended by Amended Ordinance 08-065, June 4, 2008, is hereby 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 (1) Approval of all bonds and assignments of account running to or for the benefit of the  
2 county, including but not limited to: officials and employees bonds; cash bonds, bonds issued by  
3 a surety company, or assignments of account given to assure performance or maintenance;  
4 cash bonds, bonds issued by a surety company, or assignments of accounts to assure  
5 performance of conditions incidental to land use activities or to any other license or permit  
6 issued by the county; but not including any bond required in any civil or criminal court  
7 proceeding;

8 (2) Approval of amendments, change orders, and orders for extra work on contracts  
9 subject to bidding as provided in SCC 3.04.140;

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

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

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

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

21 (7) Upon receipt of any claim against the county, or any pleading in connection  
22 therewith, the county executive shall immediately forward copies thereof to the prosecuting  
23 attorney and the county department involved;

24 (8) Approval of the bringing of or joining in civil lawsuits seeking damages or injunctive  
25 relief in behalf of the county. The county council may also approve the bringing of or joining the  
26 county in any lawsuit in behalf of the county;

27 (9) Approval of budget transfers as provided in chapter 4.26 SCC as it now exists or is  
28 hereafter amended;

29 (10) Approval of escrow agreements on retained percentages as provided in RCW  
30 60.28.010;

31 (11) Approval of all permits and licenses affecting any property under the jurisdiction of  
32 the department of parks and recreation, including deeds of right to use land for public recreation  
33 purposes and hazardous substances certifications required for property acquired with funds  
34 granted by the recreation and conservation office, and declarations and other documents  
35 imposing protective covenants, conditions, and other restrictions on property acquired with  
36 funds granted by the state conservation futures program; PROVIDED, That the county  
37 executive shall submit an annual report to the county council not later than February 15th of  
38 each year, showing the contracts, parties, duration, amendments, licenses, permits and special  
39 services contracts;

40 (12) Approval of all agreements with any cities or towns of Snohomish county of the  
41 county jail or district court filing fees; PROVIDED, That the county council by resolution has  
42 previously established the rates to be charged and other terms of such agreements and has  
43 approved the forms of contracts to be utilized. The county executive shall submit to the county  
44 council an annual report not later than February 15th of each year showing rates and effective

1 dates of such contracts approved by the county executive. Not later than December 1st of each  
2 year, the county executive shall submit to the county council the forms of contracts to be used  
3 on such agreements for the following year. Rates and terms to be used in such contracts shall  
4 be reviewed not less than once a year by the county council;

5 (13) Approval and acceptance of all contracts with landowners and/or developers  
6 required by or as a condition of any comprehensive plan amendment, rezone, variance,  
7 conditional use permit, plat or replat or any other land use control, final approval thereof which  
8 has been given by the county council or the hearing examiner; PROVIDED, That all such  
9 contracts shall be approved by the hearing examiner prior to approval by the county executive;  
10 and the county executive shall submit to the county council an annual report, due not later than  
11 February 15th of each year, showing the names of parties and the general purposes of such  
12 contracts as have been approved by the executive;

13 (14) Approval of all licenses to occupy, use or access the Snohomish County Airport and  
14 all airport leases; PROVIDED, That, ~~((annually))~~ in accordance with SCC 15.04.040, the county  
15 executive may recommend individual licenses or leases for approval by the council, and shall  
16 recommend in such detail as the council may require proposed rates, terms and forms of leases  
17 to be approved by the executive in which event the county council by motion will establish the  
18 rates to be charged and other terms of any such lease and approve the form of lease utilized  
19 which rates, terms and form may be changed from time to time by the county council; and  
20 PROVIDED, FURTHER, That the county executive shall submit an annual report to the county  
21 council, not later than February 15th of each year, showing the names of parties, rents, reserve,  
22 areas rented, and time period of each such lease and license. Any lease or license executed  
23 pursuant to this section shall be deemed to be with the approval of the county council as  
24 required by chapter 15.04 SCC;

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

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

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

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

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

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

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

8 (22) Approval of waste reduction and recycling grant contracts; PROVIDED, That the  
9 county executive shall submit an annual report to the county council not later than February  
10 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and  
11 special service contracts;

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

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

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

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

38 (27) Approval of contracts on behalf of the county for funds contributed to the county by  
39 grants that require match funds of up to \$50,000 which implement programs, projects, or  
40 functions that the county council has specifically authorized by motion or ordinance;  
41 PROVIDED, That the county executive shall submit an annual report to the county council not  
42 later than February 15th of each year, showing the parties, contract amount, and purpose of  
43 each contract approved and signed by the county executive under this section.\*  
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3 (28) Approval of purchase and other contracts on behalf of the county that are  
4 recommended by the Snohomish county arts commission pursuant to chapter 2.95 SCC,  
5 including but not limited to contracts limiting the use of contributions to the arts fund and  
6 contracts providing for the purchase or use of works of art, provided that such contracts comply  
7 with SCC 3.04.140 concerning award and execution of contracts;

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

13 Section 2. Snohomish County Code Section 15.04.040, last amended by Amended  
14 Ordinance No. 92-132 on November 18, 1992, is amended to read:

15 **15.04.040 Authority--(~~Manager~~) Manager/Executive.**

16 (1) Subject to the Snohomish county charter, the authority for the construction,  
17 enlargement, improvement, maintenance, management, operation and regulation of the airport  
18 and airport property is vested in the executive. Except as otherwise provided by this article or  
19 directed by the executive, the airport manager shall be the executive manager of the airport and  
20 shall be responsible for the management and operation of the airport, including the powers to:

21 (a) Employ and manage such employees as are necessary to the operation of the  
22 airport, including fire protection and security personnel as specified under federal, state and  
23 local requirements: PROVIDED, That the council shall approve all collective bargaining  
24 agreements between the county and unions representing airport employees.

25 (b) Perform all acts necessary and incidental to the powers of the manager as stated in  
26 this title.

27 (2) The foregoing powers of the airport manager shall be exercised subject to the  
28 following additional conditions:

29 (a) All expenditures and incurring of obligations to pay money, including all wages,  
30 salary, compensation, and price paid for any materials, equipment, services or otherwise, shall  
31 be made in accord with the budget approved by the council and all applicable budgetary laws  
32 and regulations of the state of Washington and Snohomish county.

33 (b) All rules and regulations adopted and enforced and other acts performed shall  
34 conform to and be consistent with the laws of the state of Washington, including chapter 14.08  
35 RCW, and the laws and regulations of the state department of transportation, division of  
36 aeronautics, and shall be kept in conformity, and nearly as may be, with the then current federal  
37 legislation and regulations governing aeronautics and the rules or standards issued from time to  
38 time pursuant thereto.

39 (c) Charges shall be reasonable and uniform and for the same class of service and  
40 established with due regard to the property and improvements used in the expense of operation  
41 to the airport fund and the county.

