



CO00038090

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 09-011

RELATING TO COUNTY CONTRACTS; PROVIDING FOR POLICIES TO PREVENT OR MITIGATE SERVICE DISRUPTIONS UNDER CERTAIN CONTRACTS ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES; AMENDING SCC 2.400.020, 2.400.065, AND 4.25.050; ADDING A NEW SECTION TO CHAPTER 2.400 SCC; AND CONTAINING AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 2.400 SCC, Snohomish County provides home care services to vulnerable members of the community through contracts with private sector home care service providers that are administered by the Department of Human Services (DHS); and

WHEREAS, with funding available to the County under Chapter 4.25 SCC, the County will provide new or expanded chemical dependency or mental health treatment services, or therapeutic court services, to vulnerable members of the community through contracts with private sector service providers that are administered by DHS; and

WHEREAS, the County Executive supervises the administration of human services programs and contracts by DHS

WHEREAS, service disruptions caused by labor unrest within private sector providers of home care services, or new or expanded chemical dependency or mental health treatment services, or therapeutic court services, can harm vulnerable members of the community, compromise the efficient delivery of services, and adversely impact law enforcement services provided by the County; and

WHEREAS, it is in the best interests of the County, vulnerable members of the community, and the public that the County consider and adopt contracting policies as may be necessary to prevent or mitigate service disruptions and related adverse impacts on county services of such labor unrest, which policies may provide for adoption of labor harmony plans as described herein;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.400.020, adopted by Ordinance No. 82-111 on October 26, 1982, is amended to read:

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1
2 **2.400.020 Definitions.**

3 The following definitions shall apply to terms used in this chapter:

4 (1) "Department" means the Snohomish county department of human
5 services.

6 (2) "Director" means the director of the department of human services.

7 (3) "County personnel system" means those statements of policy and
8 procedure contained in Title 3A SCC or its successor.

9 (4) "Exempt employee system" means the conditions of employment
10 under the provisions of ((the)) chapter 3.68 SCC and amendments thereto.

11 (5) "Home care services" means in-home personal care and other
12 services provided to assist eligible individuals with activities of daily living under a
13 program administered by the department of human services, including but not
14 limited to the Community Options Program Entry System (COPES) and Medicaid
15 Personal Care (MPC) programs.

16 (6) "Chemical dependency or mental health treatment services, or
17 therapeutic court services," means services provided under a program
18 administered by the department of human services with revenues from the tax
19 imposed by SCC 4.25.010.

20 (7) "Labor harmony plan" means a plan to prevent or mitigate service
21 disruptions and related adverse impacts of labor unrest.

22 (8) "Labor organization" means a labor union that is, or is actively seeking
23 to become, the exclusive bargaining representative for employees that provide or
24 will provide home care services, chemical dependency or mental health
25 treatment services, or therapeutic court services, under a program administered
26 by the department.

27 (9) "Labor unrest" means a dispute between management and labor
28 within a private sector provider of home care services, chemical dependency or
29 mental health treatment services, or therapeutic court services, that are provided
30 under a program administered by the department.

31
32 Section 2. Snohomish County Code Section 2.400.020, last amended by
33 Amended Ordinance No. 98-005 on February 11, 1998, is amended to read:

34
35 **2.400.065 Approval of contracts.**

36 (1) The county executive is authorized to approve and sign the following
37 contracts and contract amendments:

38 (a) Any contract or contract amendment to implement a program
39 administered by the department; PROVIDED, The county council has approved
40 necessary contracts with state, federal or other sources of funds, if any such
41 funds are used, and the county council has appropriated funds for such
42 programs; PROVIDED FURTHER, That the county executive shall submit to the

1 county council an annual report, not later than February 15th of each year,
2 showing the parties, contract amount, and purposes of each contract and
3 contract amendment approved and signed by the county executive under this
4 section.

5 (b) Any amendment to a contract with a state or other source of county
6 funds for a program administered by the department where the amendment does
7 not increase the contract amount as previously amended by more than \$50,000.

8 (2) This section does not authorize the county executive to approve
9 contracts with state or other sources of county funds for programs administered
10 by the department, which contracts must be approved by the county council. The
11 county executive may approve and sign amendments to such contracts as set
12 out in SCC 2.400.065(1)(b).

13 (3) Contracts and contract amendments with private sector providers of
14 home care services, chemical dependency or mental health treatment services,
15 or therapeutic court services, that are approved by the county executive under
16 this section must be awarded in a manner consistent with contracting policies
17 adopted under SCC 2.400.067, if applicable.

18
19 Section 3. A new section is added to Chapter 2.400 of the Snohomish County
20 Code to read:

21
22 **2.400.067 Contracting policies for certain home care services, chemical**
23 **dependency or mental health treatment services, and therapeutic court**
24 **services.**

25 (1) The county executive shall adopt such written contracting policies as
26 may be necessary, as determined by the executive, to prevent or mitigate service
27 disruptions caused by labor unrest within private sector providers of home care
28 services, chemical dependency or mental health treatment services, or
29 therapeutic court services, that would harm vulnerable members of the
30 community, compromise the efficient delivery of county services, or adversely
31 impact law enforcement services provided by the county.

32 (2) In considering adoption of contracting policies under subsection (1) of
33 this section, the executive shall consider whether to include at least the following
34 policy elements:

35 (a) A requirement that providers submit labor harmony plans at the time
36 of application for a county contract;

37 (b) A requirement that labor harmony plans submitted with an application
38 include:

39 (i) if at the time of application a labor organization exists within the
40 meaning of SCC 2.400.020(8), a written agreement between the provider and
41 labor organization that contains a procedure the parties will use or have used to
42 prevent or mitigate adverse impacts of labor unrest on recipients of services, or

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1 (ii) if at the time of application a labor organization does not exist within
2 the meaning of SCC 2.400.020(8), a written statement by the provider of what
3 measures it will take or has taken to prevent or mitigate adverse impacts of labor
4 unrest on recipients of services;

5 (c) Procedures that providers and labor organizations may use to develop
6 labor harmony plans or resolve disputes relating to development or
7 implementation of labor harmony plans;

8 (d) Procedures for evaluation of labor harmony plans by the county;

9 (e) Procedures for rejection of labor harmony plans by the county;

10 (f) Procedures for administrative review of decisions by the county to
11 reject labor harmony plans; and

12 (g) Exceptions to labor harmony plan requirements.

13 (3) All contracting policies adopted under this section must be based on
14 and consistent with the county's proprietary interest in preventing or mitigating
15 service disruptions and related adverse impacts of labor unrest.

16
17 Section 4. Snohomish County Code Section 4.25.050, adopted by Amended
18 Ordinance No. 08-154 on December 3, 2008, is amended to read:

19
20 **4.25.050 Use of fund.**

21 (1) The resources of the chemical dependency/mental health program
22 fund shall be used solely for the purpose of providing for the operation or delivery
23 of new or expanded chemical dependency or mental health treatment programs
24 and services and for the operation or delivery of new or expanded therapeutic
25 court programs and services. For the purposes of this section, "programs and
26 services" includes, but is not limited to, treatment services, case management,
27 and housing that are a component of a coordinated chemical dependency or
28 mental health treatment program or service.

29 (2) The resources of the fund shall not be used to supplant existing
30 funding for these purposes, provided that nothing in this section shall be
31 interpreted to prohibit the use of such resources for the replacement of lapsed
32 federal funding previously provided for the operation or delivery of programs and
33 services as provided in RCW 82.14.460.

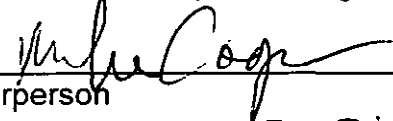
34 (3) Contracts and contract amendments with private providers of chemical
35 dependency or mental health treatment services, or therapeutic court services,
36 that are administered by the department of human services with resources of the
37 fund must be awarded in a manner consistent with contracting policies adopted
38 under SCC 2.400.067, if applicable.

39
40 Section 5. **Effective date.** Sections 2 and 4 of this ordinance shall take effect
41 on January 1, 2010. The County Executive shall have until December 31, 2009, to


1 adopt contracting policies determined necessary under Section 3 of this ordinance, if
2 any.

3
4 PASSED this 25th day of March, 2009.

5
6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington


8
9 
10 Chairperson

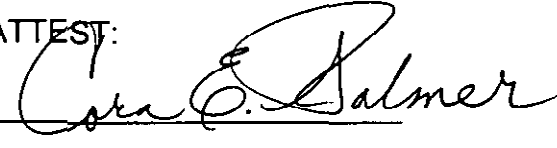
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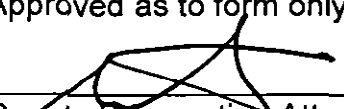
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12 ATTEST:
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14 
15 Clerk of the Council

- 16
- 17 APPROVED
- 18
- 19 EMERGENCY
- 20
- 21 VETOED

22 DATE: 4/3/09

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24 
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26 County Executive

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28 ATTEST:
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32 Approved as to form only:
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35 Deputy Prosecuting Attorney