



CO00046719

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 12- 015

RELATING TO THE OFFICE OF COUNTY PERFORMANCE AUDITOR,  
PROVIDING FOR INDEPENDENT CONTRACTORS, AND AMENDING  
SCC 2.700.010, 2.700.090, AND 3.68.010

WHEREAS, the Snohomish County Code currently provides for the office of the County Performance Auditor to be staffed by one or more county employees within the legislative branch of county government; and

WHEREAS, the County Council has concluded in light of current financial constraints that the functions of that office could be more efficiently performed by independent contractors rather than by county employees;

WHEREAS, the use of independent contractors is consistent with the independence expected of performance auditors; and

WHEREAS, this ordinance is intended to provide for the use of independent contractors as an optional, alternative means of staffing the office of County Performance Auditor, including the position of Performance Auditor, as determined by the County Council;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.700.010, last amended by Amended Ordinance No. 07-049 on June 6, 2007, is amended to read:

**2.700.010 Office established -- Independence.**

(1) The office of county performance auditor is hereby established in the legislative branch in accordance with Section 2.150 of the Snohomish County Charter for the purpose of reviewing, evaluating, and reporting on the integrity of the county's financial management system, the accuracy of financial recordkeeping, compliance with applicable laws, policies, guidelines and procedures, and the efficiency and effectiveness of operations and programs.

(2) The performance auditor shall be appointed by majority vote of the county council to a term of four years unless removed by the county council. A person must have appropriate professional credentials to be eligible for appointment. The performance auditor may be removed from office for cause by the affirmative vote of a majority of the council.

1 (3) The office of county performance auditor may be staffed by one or  
2 more county employees or independent contractors, provided that any  
3 professional county employees ((ef)) within the office will be subject to the  
4 management and exempt employees compensation plan provided for in chapter  
5 3.69 SCC and will be paid in accordance with SCC 3.69.040. Staffing of the  
6 office will be determined by the county council ((in accordance with chapters 4.26  
7 and 3.68 SCC)).

8 (4) The office will adhere to generally accepted government auditing  
9 standards for performance audits in conducting its work and will function  
10 independently, subject to administrative direction by the council chairperson or  
11 chief of staff, as provided therein.  
12

13 Section 2. Snohomish County Code Section 2.700.090, last amended by  
14 Amended Ordinance No. 07-049 on June 6, 2007, is amended to read:

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16 **2.700.090 Office budget.**

17 A proposed budget for the office of county performance auditor will be  
18 developed by the ((performance auditor)) council chief of staff, after consultation  
19 with the ((council chief of staff)) performance auditor, and submitted to the  
20 council chairperson ((and chief of staff)). The chairperson shall incorporate the  
21 proposed budget into the county budget process provided for in chapter 4.26  
22 SCC in such manner and with such changes as the chairperson deems  
23 appropriate.  
24

25 Section 3. Snohomish County Code Section 3.68.010, last amended by  
26 Amended Ordinance No. 08-137 on November 10, 2008, is amended to read:

27  
28 **3.68.010 Scope of chapter.**

29 The provisions of this chapter apply to the following positions:

30 (1) Two positions designated by each district court judge;

31 (2) Two positions designated by each of the following elected officials:  
32 assessor, auditor, clerk, treasurer, prosecuting attorney, and each county  
33 councilmember;

34 (3) Four positions designated by the county executive;

35 (4) Eight positions designated by the sheriff in accordance with RCW  
36 41.14.070; the chief of the corrections bureau established by SCC 2.15.010 plus  
37 a deputy bureau chief, director of administration, detention commander,  
38 community corrections commander, health services administrator, and  
39 psychiatrist; and the Commander of the Snohomish Regional Drug Task Force  
40 appointed by the sheriff in accordance with SCC 3.67.020;

41 (5) The department heads appointed by the executive and confirmed by  
42 the council;

43 (6) The division directors and division managers and deputy department

- 1 heads of executive and administrative departments whose department head is  
2 appointed by the executive and confirmed by the council;
- 3 (7) The professional employees within the executive's office;
- 4 (8) Deputy prosecuting attorneys in the prosecuting attorney's office  
5 except as provided in Snohomish county Ordinance 83-147;
- 6 (9) The professional employees within the county council's office;
- 7 (10) Two positions designated by each superior court judge, the superior  
8 court commissioners, the administrator, superior/juvenile court, the assistant  
9 administrator, superior court operations, the assistant administrator, juvenile  
10 court operations, the case flow administrative manager, superior court, the  
11 programs administrator, superior court, the human resources manager,  
12 superior/juvenile court, and the administrative assistant, superior/juvenile court;  
13 except that no law clerk/bailiff hired and designated pursuant to this chapter  
14 subsequent to December 31, 1992, shall be entitled to the leave benefits  
15 conferred by this chapter, but instead they shall receive, use and accrue  
16 vacation, sick and holiday benefits in accordance with chapter 3A.06 SCC;
- 17 (11) The hearing examiner and any deputy examiners selected and  
18 appointed pursuant to SCC 2.02.030 and 2.02.040;
- 19 (12) Any classified employee transferred, reclassified or promoted to an  
20 exempt position on or after the effective date of this subsection;
- 21 (13) The chief clerk of the boundary review board and the clerk of the  
22 board of equalization appointed pursuant to the authority of RCW 36.93 and  
23 RCW 84.48;
- 24 (14) The law and justice cabinet FTE appointed pursuant to SCC  
25 3.68.030(7); and
- 26 (15) The professional county employees within the office of county  
27 performance auditor established by SCC 2.700.010, if any.

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29 Section 4. Snohomish County Code Section 3.68.030, last amended by  
30 Amended Ordinance No. 08-137 on November 10, 2008, is amended to read:

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32 **3.68.030 Selection of exempt positions and personnel.**

33 (1) Each elected official shall designate the position or positions the  
34 official selects as exempt in accordance with SCC 3.68.010, in writing, which  
35 writing the official shall file with the council and executive. Each elected official  
36 shall designate the person selected to fill each exempt position designated, as  
37 provided herein in writing, which writing the official shall file with the council and  
38 executive. No elected official shall designate or appoint any spouse or relative,  
39 as defined in SCC 3A.12.050, to an exempt position, and, in the event such  
40 spouse or relative has been so designated or appointed, such designation or  
41 appointment shall be null and void, except where otherwise provided by law.  
42 Otherwise, such designation is irrevocable until such person leaves, or is

1 dismissed from, or transfers from the position designated as exempt, or unless  
2 such position is transferred to the classified service.

3 (2) The deputy department heads, division directors, and division  
4 managers of executive and administrative departments shall be appointed by the  
5 department head, subject to the following:

6 (a) In making an appointment the department head shall consider the  
7 applicant's qualifications, integrity and prior experience which are applicable to  
8 the duties of the office to which appointment is to be made.

9 (b) An applicant shall not be appointed to a position which is supervised  
10 by any spouse or relative of the applicant, as the term "relative" is defined in SCC  
11 3A.12.050. The appointment of any employee to an exempt position supervised  
12 by any spouse or relative of that employee shall be null and void.

13 (c) Employees appointed to exempt positions prior to April 1, 1982 shall  
14 not be required to be re-appointed by way of the procedures provided in SCC  
15 3.68.030(2) but shall serve in that position until that person leaves or is  
16 dismissed from the position, provided that the exempt employee is not  
17 supervised by a spouse or relative as defined in SCC 3A.12.050.

18 (3) Heads of executive and administrative departments shall be appointed  
19 by the executive and confirmed by the council on the basis of abilities,  
20 qualifications, integrity and prior experience which are applicable to the duties of  
21 the office to which the appointment is to be made. No such department head  
22 shall be appointed or serve under the supervision of a spouse or relative, as that  
23 term is defined in SCC 3A.12.050.

24 (4) The superior court commissioners authorized by SCC 2.14.010 shall  
25 be appointed by the superior court judges or as otherwise provided by law.

26 (5) For purposes of this section, an employee shall be deemed to  
27 supervise another employee if the supervisory employee, as a regular matter,  
28 has the authority to hire, assign, promote, transfer, layoff, recall, suspend,  
29 discipline or discharge the other employee or to evaluate the performance of the  
30 other employee.

31 (6) The prohibition against the appointment and service of an employee  
32 who is a spouse or relative of the appointing elected official or of his or her  
33 supervisor shall apply to any exempt employee who is appointed to an exempt  
34 position on or after the effective date of the ordinance codified in this section and  
35 shall not apply to any employee appointed to the exempt service prior to the  
36 effective date of said ordinance.

37 (7) The law and justice cabinet FTE provided for in SCC 3.68.010(14)  
38 shall be appointed by simple majority vote of the following elected officials or  
39 their designees acting on behalf of the law and justice cabinet: the county  
40 executive, chair of the council law and justice/human services committee,  
41 director of corrections, chief of the corrections bureau established by SCC  
42 2.15.010, presiding judges of the superior and district courts, prosecuting  
43 attorney, sheriff, and superior court clerk.

1 (8) The professional county employees within the office of county  
2 performance auditor shall be appointed as directed by the county council,  
3 provided that the performance auditor shall be appointed as set out in SCC  
4 2.700.010.

5 (9) The chief of the corrections bureau shall be appointed as set out in  
6 SCC 2.15.020.

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8 Section 5. Snohomish County Code Section 3.68.040, last amended by  
9 Amended Ordinance No. 07-049 on June 6, 2007, is amended to read:

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11 **3.68.040 Termination of exempt employment.**

12 (1) An exempt employee, with the exception of the hearing examiner and  
13 any deputy examiners selected and appointed pursuant to SCC 2.02.030 and  
14 2.02.040 and the performance auditor appointed pursuant to SCC 2.700.010,  
15 shall serve at the pleasure of the appointing authority and may be removed for  
16 any reason. Removal of an examiner shall be governed by SCC 2.02.050.  
17 Removal of ~~((the))~~ a county employee appointed as performance auditor shall be  
18 governed by SCC 2.700.010.

19 (2) An employee holding regular status in the personnel system or civil  
20 service who was appointed to an exempt position between April 1, 1982 and  
21 August 9, 2004, upon termination of the exempt appointment, shall be eligible to  
22 return to the same or like position in any class in which regular status was held  
23 prior to exempt appointment, PROVIDED That:

24 (a) Such eligibility shall only extend to an existing position with the  
25 department or its equivalent in which regular status was held by the exempt  
26 employee prior to holding an exempt position.

27 (b) Termination of the exempt appointment was for reasons other than for  
28 cause.

29 (c) Where return of the exempt employee shall displace another  
30 employee, a layoff shall be declared subject to applicable layoff rules.

31 (d) Time spent in the exempt service shall be included in seniority  
32 computations.

33 (3) An exempt employee shall not exercise rights over any other  
34 employee occupying a position in Snohomish county except as provided by this  
35 section. This section shall not apply where prohibited by collective bargaining  
36 contract.

37 (4) Transfer of an exempt employee to an existing or new vacancy not  
38 previously held is permitted under subsection (2) of this section, subject to the  
39 availability of funds and provided the employee meets the minimum requirements  
40 for the classification. In all such cases, the exempt employee will be required to  
41 complete a probationary period before being granted regular status in the  
42 classification.

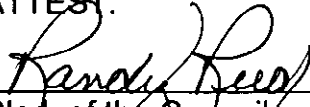
1 (5) Where the exempt employee's return rights under subsection (2) of this  
2 section are not granted because his retention would not be in the best interests  
3 of the county, the employee may appeal such decision to the grievance board or  
4 civil service board, as appropriate. The decision of either board shall be binding.  
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6 PASSED this 4<sup>th</sup> day of April, 2012.

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8 SNOHOMISH COUNTY COUNCIL  
9 Snohomish County, Washington

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13 \_\_\_\_\_  
14 Chairperson

14 ATTEST:

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16 \_\_\_\_\_  
17 Ass. Clerk of the Council

18  
19  APPROVED

20  
21  EMERGENCY

22  
23  VETOED

24 DATE: 4/11/12

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26  
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28 \_\_\_\_\_  
29 County Executive

30 ATTEST:

31   
32 \_\_\_\_\_  
33 JON W. RUDICIL  
34 Approved as to form only:

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37 \_\_\_\_\_  
38 Deputy Prosecuting Attorney  
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