

Adopted: 10/08/14  
Effective: 10/30/14

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 14-077

RELATING TO THE CREATION OF THE OFFICE OF THE OMBUDSMAN; ADDING A NEW CHAPTER 2.11 TO SNOHOMISH COUNTY CODE

WHEREAS, ombudsmen are independent public advocates that represent the interests of the public by investigating complaints and making recommendations and referrals for resolving problems and improving service delivery; and

WHEREAS, the Snohomish County Executive and County Council have determined that an independent office within county government is needed to assist members of the public with resolving issues and obtaining information regarding county services; and

NOW, THEREFORE, BE IT ORDAINED:

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

**Chapter 2.11**  
**Office of the Ombudsman**

- 2.11.010 Creation and purpose
- 2.11.020 Ombudsman
- 2.11.030 Definitions
- 2.11.040 Appointment of the ombudsman
- 2.11.050 Term
- 2.11.060 Qualifications
- 2.11.070 Removal
- 2.11.080 Organization of office
- 2.11.090 Appointment of pro tem ombudsman
- 2.11.100 Powers of the ombudsman
- 2.11.110 Cooperation with requests from the office of the ombudsman
- 2.11.120 Investigation of complaints
- 2.11.130 Written reports
- 2.11.140 Severability
- 2.11.150 Effective date

**2.11.010 Creation and purpose**

1 Pursuant to those powers inherent in the home rule charter county, the office of the  
2 ombudsman is hereby created. The purpose of this chapter is:

3  
4 To establish an office of the ombudsman that shall function independently, subject to  
5 administrative direction by the council chairperson or chief of staff. The office will  
6 receive and respond to citizen complaints within its jurisdiction, including but not limited  
7 to complaints concerning administrative acts of an agency.  
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9  
10 **2.11.020 Ombudsman**

11  
12 Pursuant to those powers inherent in the home rule charter county, the position of  
13 county ombudsman, hereinafter referred to as ombudsman, is hereby created.  
14

15 **2.11.030 Definitions**

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17 Unless the context clearly requires otherwise, the definitions in this section shall apply  
18 throughout this chapter.  
19

- 20 (1) "Agency" means any department, office or other governmental unit of the county,  
21 or any employee of the county acting or purporting to act by reason of a  
22 connection with the county, except:  
23 (a) the judicial branch of the county;  
24 (b) the members or staff of the county council;  
25 (c) the county executive and the personal staff of the county executive;  
26 (d) the county prosecuting attorney and the staff of the county prosecuting  
27 attorney;  
28 (e) any governmental entity other than the county; and  
29 (f) any private business or nonprofit organization.  
30

- 31 (2) "Administrative act" means an action, decision, failure to act, omission,  
32 interpretation, recommendation, policy, practice or procedure of any agency.  
33 Administrative act shall specifically exclude actions that are the subject of  
34 complaints or petitions under chapters 2.50 and 2.51 SCC.  
35

36 **2.11.040 Appointment of the ombudsman**

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38 If the county council fails to reappoint the incumbent, or the position of ombudsman  
39 otherwise becomes vacant, a majority of the members of the full county council shall  
40 appoint a new ombudsman as follows. Within thirty days of the vacancy, the county  
41 executive shall nominate two individuals who meet the qualifications set forth in section  
42 2.11.060 for the position of ombudsman for consideration by the county council. The  
43 county council shall either appoint an individual from the county executive's nominees  
44 or an individual of the county council's own choosing provided that the county council  
45 finds either that the executive failed to submit two nominations within thirty days of a  
46 vacancy or that the county executive's nominees fail to meet the qualifications set forth

1 in section 2.11.060. Notwithstanding the foregoing, upon the adoption of this chapter,  
2 the person currently holding the title of ombudsman in the executive branch shall be  
3 deemed to have been appointed for purposes of the initial one year term, effective  
4 January 1, 2014..  
5

6 The position of ombudsman may not remain vacant for more than 120 days.  
7

#### 8 **2.11.050 Term**

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10 The ombudsman shall be appointed for terms that will expire one year following the  
11 date of original appointment and thereafter expire two years following the date of each  
12 reappointment by the county council. The ombudsman shall be subject to the county  
13 exempt personnel system.

#### 14 **2.11.060 Qualifications**

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16 The ombudsman shall be appointed solely with regard to his or her qualifications for the  
17 duties of their office, and shall hold no other elective or appointive office or position in  
18 county government. The ombudsman shall be a person of recognized judgment,  
19 objectivity and integrity, who is well-equipped to analyze problems of law,  
20 administration, and public policy. The position requires a degree from an accredited  
21 college or its equivalent in service to government.  
22

#### 23 **2.11.070 Removal**

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25 A minimum of four affirmative votes by the county council acting by motion shall be  
26 required to remove the ombudsman from office for any reason.  
27

#### 28 **2.11.080 Organization of office**

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30 The office of the ombudsman is under the administrative supervision of the  
31 ombudsman. The ombudsman may, subject to appropriation and in accordance with the  
32 rules of the county personnel system and exempt personnel system, select, appoint,  
33 and compensate such other employees as the ombudsman deems necessary to  
34 discharge the duties of the office of the ombudsman.  
35

#### 36 **2.11.090 Appointment of pro tem ombudsman**

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38 The council may also by professional service contract appoint for terms and functions  
39 deemed appropriate by the council, an ombudsman to serve in the event of absence or  
40 inability to act of the ombudsman.  
41

#### 42 **2.11.100 Powers of the ombudsman**

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44 The powers of the ombudsman shall include:

- 45 (1) To investigate on complaint or on the ombudsman's own initiative any  
46 administrative act of an agency;

- (2) To determine the methods by which complaints are made, received, and acted upon;
- (3) To determine whether the ombudsman may investigate a complaint without regard to the finality of the administrative act;
- (4) To determine the scope and manner of investigations of complaints;
- (5) To determine the form, frequency, and distribution of the ombudsman's conclusions and recommendations;
- (6) To make such inquiries and obtain such assistance and information from any agency as the ombudsman shall require for the discharge of the ombudsman's duties;
- (7) To keep confidential any complaint or investigative information, subject to applicable law;
- (8) To employ legal counsel as allowed by the laws of the state of Washington and the county charter;
- (9) To adopt, promulgate and amend policies and procedures required for the discharge of the ombudsman's duties, including the procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions, and recommendations;
- (10) To prepare and submit to the executive annual budget estimates for the office as provided in SCC 4.26.030;
- (11) To delegate functions, powers and duties, except this power of delegation, to other officers and employees of the office as the ombudsman deems expedient to further the purposes of this chapter; and
- (12) To make and publish conclusions, recommendations, and suggestions.

The ombudsman shall exercise his powers under this chapter consistent with contractual obligations of the county and applicable law.

#### **2.11.110 Cooperation with requests from the office of the ombudsman**

Administrative agencies shall have a duty to cooperate fully with requests from the office of the ombudsman under this chapter.

#### **2.11.120 Investigation of complaints**

The ombudsman may investigate any administrative act which is the subject of a citizen complaint or which, in the opinion of the ombudsman, may be:

- (1) Contrary to law or regulation;
- (2) Based on mistaken facts or irrelevant considerations;
- (3) Inefficiently performed;
- (4) Unclear or inadequately explained when reasons should have been revealed;
- (5) Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;
- (6) Improper in motivation or based on irrelevant considerations; or

1 (7) Otherwise inconsistent with accepted government practices or principles, or  
2 incompatible with the spirit or intent of the Snohomish County Charter.  
3

4 Prior to formally issuing a conclusion or recommendation about an administrative act of  
5 an agency, the ombudsman shall consult with that agency and provide the agency a  
6 copy of the ombudsman's preliminary conclusion or recommendation and a reasonable  
7 opportunity to reply. The agency may not release the ombudsman's preliminary  
8 conclusion or recommendation, subject to applicable law.  
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10 **2.11.130 Written reports**

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12 The ombudsman may from time to time and shall annually report to the county council  
13 on the activities of the office of the ombudsman.  
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15 **2.11.140 Severability**

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17 If any section, subsection, clause, phrase, or portion of this chapter is held invalid, such  
18 portion shall be deemed a separate, distinct, and independent provision; and such  
19 decision shall not affect the validity of any other portion of this chapter.  
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21 **2.11.150 Effective date**

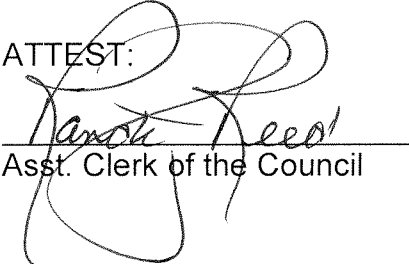
22  
23 This chapter shall take effect ten days after this ordinance is signed by the county  
24 executive or otherwise enacted, as provided by Section 2.110 of the charter.  
25  
26

27 PASSED this 8<sup>th</sup> day of October, 2014.  
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29 SNOHOMISH COUNTY COUNCIL  
30 Snohomish County, Washington

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33 \_\_\_\_\_  
34 Chairperson

35 ATTEST:

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37 \_\_\_\_\_  
38 Asst. Clerk of the Council  
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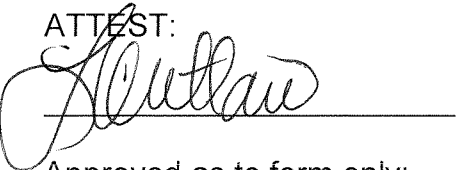
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- APPROVED
- EMERGENCY
- VETOED

DATE: 10-20-14

  
\_\_\_\_\_  
County Executive

ATTEST:

  
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Approved as to form only:

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Deputy Prosecuting Attorney