

1 Adopted: 05/17/17
2 Effective: 06/01/17

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4
5 SNOHOMISH COUNTY COUNCIL
6 SNOHOMISH COUNTY, WASHINGTON
7

8
9 ORDINANCE NO. 17-024

10
11 RELATING TO THE ESTABLISHMENT OF AN OFFICE OF PUBLIC
12 ADVOCATE AND ELIMINATING THE OFFICE OF OMBUDSMAN; AMENDING
13 SNOHOMISH COUNTY CODE CHAPTER 2.11
14

15
16 BE IT ORDAINED:

17
18 Section 1. Snohomish County Code chapter 2.11, last amended by Ordinance
19 14-077 on October 8, 2014, is amended to read:

20
21 **Chapter 2.11**
22 **~~((OFFICE OF THE OMBUDSMAN))~~ OFFICE OF PUBLIC ADVOCATE**
23

24 Sections:

- 25 2.11.010 Creation and purpose.
26 2.11.020 ~~((Ombudsman.))~~ Public advocate.
27 2.11.030 Definitions.
28 2.11.040 Appointment of the ~~((ombudsman))~~ public advocate.
29 2.11.050 Term.
30 2.11.060 Qualifications.
31 2.11.070 Removal.
32 2.11.080 Organization of office.
33 2.11.090 Appointment of pro tem ~~((ombudsman))~~ public advocate.
34 2.11.100 Powers of the ~~((ombudsman))~~ public advocate.
35 2.11.110 Cooperation with requests from the office of the ~~((ombudsman))~~
36 public advocate.
37 2.11.120 Investigation of complaints.
38 2.11.130 Written reports.
39 2.11.140 Severability.
40 2.11.150 Effective date.

41
42 **2.11.010 Creation and Purpose.**

43
44 Pursuant to ~~((those powers inherent in the home rule charter county))~~ Snohomish
45 county charter section 2.160, the office of ~~((the ombudsman))~~ public advocate is
46 hereby created. The purpose of this chapter is:
47

1 To establish an office of the ((ombudsman)) public advocate that shall function
2 independently, subject to administrative direction by the council chairperson or
3 chief of staff. The office will receive ~~((and respond to citizen complaints within its~~
4 ~~jurisdiction, including but not limited to complaints concerning administrative acts~~
5 ~~of an agency))~~, investigate, and make recommendations to the council and
6 appropriate county agencies on complaints concerning the operation of county
7 government and respond to inquiries from the public concerning the operation of
8 county government.

9
10 **2.11.020 ((Ombudsman-)) Public advocate.**

11
12 Pursuant to ~~((those powers inherent in the home rule charter county))~~ Snohomish
13 county charter section 2.160, the position of county ~~((ombudsman))~~ public
14 advocate, hereinafter referred to as ~~((ombudsman))~~ public advocate, is hereby
15 created.

16
17 **2.11.030 Definitions.**

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

21
22 (1) "Agency" means any department, office or other governmental unit of the
23 county, or any employee of the county acting or purporting to act by reason of a
24 connection with the county, except:

25
26 (a) The judicial branch of the county;

27
28 (b) ~~((The members or staff of the county council;~~

29
30 ~~(c) The county executive and the personal staff of the county executive;~~

31
32 ~~(d))~~ The county prosecuting attorney and the staff of the county prosecuting
33 attorney;

34
35 ~~((e))~~ (c) Any governmental entity other than the county; and

36
37 ~~((f))~~ (d) Any private business or nonprofit organization.

38
39 (2) ~~(("Administrative act"))~~ "Operation of county government" means an action,
40 decision, failure to act, omission, interpretation, recommendation, policy, practice
41 or procedure of any agency. ~~((Administrative act))~~ Operation of county
42 government shall specifically exclude actions that are the subject of complaints
43 or petitions under chapters 2.50 and 2.51 SCC.

44
45 **2.11.040 Appointment of the ((ombudsman)) public advocate.**

1 If the county council fails to reappoint the incumbent, or the position of
2 ((~~ombudsman~~)) public advocate otherwise becomes vacant, a majority of the
3 members of the full county council shall appoint a new ((~~ombudsman~~)) public
4 advocate as follows. Within 30 days of the vacancy, the county executive shall
5 nominate two individuals who meet the qualifications set forth in
6 SCC 2.11.060 for the position of ((~~ombudsman~~)) public advocate for
7 consideration by the county council. The county council shall either appoint an
8 individual from the county executive's nominees or an individual of the county
9 council's own choosing provided that the county council finds either that the
10 executive failed to submit two nominations within 30 days of a vacancy or that
11 the county executive's nominees fail to meet the qualifications set forth in
12 SCC 2.11.060. Notwithstanding the foregoing, upon the ((~~adoption of this~~
13 ~~chapter~~)) creation of the office of public advocate, the person currently holding
14 the title of ombudsman ((~~in the executive branch~~)) shall be deemed to have been
15 appointed for purposes of the initial one year term, effective January 1, ((2014))
16 2017.

17
18 The position of ((~~ombudsman~~)) public advocate may not remain vacant for more
19 than 120 days.

20 21 **2.11.050 Term.**

22
23 The ((~~ombudsman~~)) public advocate shall be appointed for terms that will expire
24 one year following the date of original appointment and thereafter expire two
25 years following the date of each reappointment by the county council. The
26 ((~~ombudsman~~)) public advocate shall be subject to the county exempt personnel
27 system.

28 29 **2.11.060 Qualifications.**

30
31 The ((~~ombudsman~~)) public advocate shall be appointed solely with regard to his
32 or her qualifications for the duties of ((~~their~~)) the office, and shall hold no other
33 elective or appointive office or position in county government. The
34 ((~~ombudsman~~)) public advocate shall be a person of recognized judgment,
35 objectivity and integrity, who is well-equipped to analyze problems of law,
36 administration, and public policy. The position requires a degree from an
37 accredited college or its equivalent in service to government.

38 39 **2.11.070 Removal.**

40
41 A minimum of four affirmative votes by the county council acting by motion shall
42 be required to remove the ((~~ombudsman~~)) public advocate from office for any
43 reason.

44 45 **2.11.080 Organization of office.**

1 The office of the ((ombudsman)) public advocate is under the administrative
2 supervision of the ((ombudsman)) public advocate. The ((ombudsman)) public
3 advocate may, subject to appropriation and in accordance with the rules of the
4 county personnel system and exempt personnel system, select, appoint, and
5 compensate such other employees as the ((ombudsman)) public advocate
6 deems necessary to discharge the duties of the office of the ((ombudsman))
7 public advocate. The office shall use generally accepted standards for similar
8 offices.

9
10 **2.11.090 Appointment of pro tem ((ombudsman)) public advocate.**

11
12 The council may also by professional service contract appoint for terms and
13 functions deemed appropriate by the council, ((an ombudsman)) a public
14 advocate to serve in the event of absence or inability to act of the ((ombudsman))
15 public advocate.

16
17 **2.11.100 Powers of the ((ombudsman)) public advocate.**

18 The powers of the ((ombudsman)) public advocate shall include:

19
20 (1) ~~((To investigate on complaint or on the ombudsman's own initiative any~~
21 ~~administrative act of an agency;)) To receive, investigate, and make
22 recommendations to the council and appropriate county agencies on complaints
23 concerning the operation of county government and to respond to inquiries from
24 the public concerning the operation of county government;~~

25
26 (2) To determine the methods by which complaints are made, received, and
27 acted upon;

28
29 (3) To determine whether the ((ombudsman)) public advocate may investigate a
30 complaint without regard to the finality of the administrative act;

31
32 (4) To determine the scope and manner of investigations of complaints;

33
34 (5) To determine the form, frequency, and distribution of the ((ombudsman's))
35 public advocate's conclusions and recommendations;

36
37 (6) To make such inquiries and obtain such assistance and information from any
38 agency as the ((ombudsman)) public advocate shall require for the discharge of
39 the ((ombudsman's)) public advocate's duties;

40
41 (7) To keep confidential any complaint or investigative information, subject to
42 applicable law;

43
44 (8) To employ legal counsel as allowed by the laws of the state of Washington
45 and the county charter;

1 (9) To adopt, promulgate and amend policies and procedures required for the
2 discharge of the ~~((ombudsman's))~~ public advocate's duties, including the
3 procedures for receiving and processing complaints, conducting investigations,
4 and reporting findings, conclusions, and recommendations;

5
6 (10) To prepare and submit to the executive annual budget estimates for the
7 office as provided in SCC 4.26.030;

8
9 (11) To delegate functions, powers and duties, except this power of delegation,
10 to other officers and employees of the office as the ~~((ombudsman))~~ public
11 advocate deems expedient to further the purposes of this chapter; ~~((and))~~

12
13 (12) To make and publish conclusions, recommendations, and suggestions~~((-))~~ ;
14 and

15
16 (13) To monitor and report to the council on the nature and disposition of
17 whistleblower, ethics and human rights complaints filed pursuant to other county
18 ordinances or procedures.

19
20 The ~~((ombudsman))~~ public advocate shall exercise his or her powers under this
21 chapter consistent with contractual obligations of the county and applicable law.

22
23 **2.11.110 Cooperation with requests from the office of the ~~((ombudsman))~~**
24 **public advocate.**

25
26 ~~((Administrative agencies))~~ Agencies shall have a duty to cooperate fully with
27 requests from the office of the ~~((ombudsman))~~ public advocate under this
28 chapter.

29
30 **2.11.120 Investigation of complaints.**

31
32 The ~~((ombudsman))~~ public advocate may investigate any ~~((administrative act))~~
33 operation of county government which is the subject of a citizen complaint or
34 which, in the opinion of the ~~((ombudsman))~~ public advocate, may be:

35
36 (1) Contrary to law or regulation;

37
38 (2) Based on mistaken facts or irrelevant considerations;

39
40 (3) Inefficiently performed;

41
42 (4) Unclear or inadequately explained when reasons should have been revealed;

43
44 (5) Unreasonable, unfair, oppressive, or inconsistent with the general course of
45 an administrative agency's functioning;

46
47 (6) Improper in motivation or based on irrelevant considerations; or

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

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

12
13 **2.11.130 Written reports.**

14
15 The (~~((ombudsman))~~) public advocate may from time to time and shall annually
16 report to the county council on the activities of the office of the (~~((ombudsman))~~)
17 public advocate.

18
19 **2.11.140 Severability.**

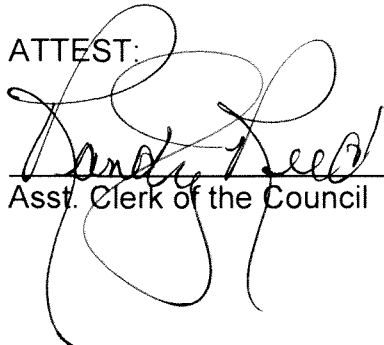
20
21 If any section, subsection, clause, phrase, or portion of this chapter is held
22 invalid, such portion shall be deemed a separate, distinct, and independent
23 provision; and such decision shall not affect the validity of any other portion of
24 this chapter.

25
26 ~~**(2.11.150 Effective date.**~~

27
28 ~~This chapter shall take effect 10 days after the ordinance codified in this chapter~~
29 ~~is signed by the county executive or otherwise enacted, as provided by section~~
30 ~~2.110 of the charter.))~~

31
32
33 PASSED this 17th day of May, 2017

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36
37 ATTEST:

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39 
40 _____
41 Asst. Clerk of the Council

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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Chairperson

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APPROVED
 EMERGENCY
 VETOED

DATE: 5/22/17

ATTEST:

Cara E. Palmer

[Signature]
County Executive

Approved as to form only:

[Signature] 04-19-17
Deputy Prosecuting Attorney

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