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SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

ORDINANCE NO. 88- 041

AMENDING SNOHOMISH COUNTY CODE TITLE 2,
CHAPTER 2.02, COUNCIL CONSIDERATION OF
APPEALS OF HEARING EXAMINER DECISIONS

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.02.180,
last amended by Ordinance 86-009 adopted February 26,
1986, is amended to read:

2.02.180 Council consideration.

(1) An examiner decision which has been timely
appealed pursuant to SCC 2.02.170 shall come on for
council consideration in open public meeting no sooner
than twenty-one nor longer than thirty-five calendar
days from the date the appeal was filed. The Council
shall consider the matter based upon the record before
the examiner, the examiner's decision, the written
appeal statement and any written comments received by
the council before closure of the council's office seven
days prior to the public meeting date set for council
consideration.

(2) At the public meeting, [(T)] the council may
concur with the findings and conclusions of the examiner
and affirm the examiner's decision; remand the matter to
the examiner for further proceedings in accordance with
the council's findings and conclusions; or the council
may determine to hear the appeal at public hearing. In
those instances in which the council affirms the
examiner's decision or remands the matter to the
examiner, the council's decision shall be reduced to
writing and entered into the record of the proceedings
within fifteen days of the public meeting. Copies of
the decision shall be mailed to all parties of record.

(3) In those instances in which the council
determines to conduct a public hearing, notice of the
hearing shall be given by publication in the county
newspaper no less than ten days prior to the date set
for hearing and written notice shall also be given by



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the council by mail to all parties of record before the hearing examiner.

(4) All council hearings conducted pursuant to this section shall be de novo as to the matters raised in the appeal. The council shall consider the appeal based upon the record before the examiner and all written and oral testimony presented at the council hearing. All testimony at any public hearing shall be taken under oath.

(5) At the conclusion of the public hearing, the council shall enter its decision which shall set forth the findings and conclusions of the council in support of its decision. The council may adopt any or all of the findings or conclusions of the examiner which support the council's decision. The council may affirm the decision of the examiner, reverse the decision of the examiner either wholly or in part, or may remand the matter to the examiner for further proceedings in accordance with the council's findings and conclusions.

(6) The council's decision shall be reduced to writing and entered into the record of the proceedings within fifteen days of the conclusion of the hearing. Copies of the decision shall be mailed to all parties of record.

Section 2. Snohomish County Code Section 2.02.190, last amended by Ordinance 85-105 on December 4, 1985, is amended to read:

2.02.190 Effect of council action. The council's decision to affirm an examiner decision or remand a matter to the examiner pursuant to SCC 2.02.180(2), or the council's decision after public hearing on an appeal, shall be final and conclusive with right of appeal to the superior court of Snohomish county by writ of certiorari, writ of prohibition or writ of mandamus within fifteen calendar days of the council's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the applicant for the writ.

Dated this 22nd day of June, 1988.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shirley Bartholomew
Chairman

Kathryn J. Morton
Clerk of the Council

APPROVED

EMERGENCY

VETOED

DATE 6.28.88

William D. Tarka
County Executive

PUBLISHED _____

[Signature], DPA
Approved as to form