
Title 3
PERSONNEL AND ADMINISTRATION

Chapter 3.01
SURETY BONDS

3.01.010 Surety bond required.

Public official and employee bond issued by a surety company shall be required and provided as follows:

County executive \$50,000

Each council member 25,000

Assessor 1,000

Auditor 10,000

Clerk 250,000

Prosecutor 5,000

Sheriff 5,000

Treasurer 250,000

Each judge, district court 20,000

Medical examiner 5,000

In lieu thereof there may be provided for each such officer or employee a blanket public official's and employee's bond assuring coverage at an amount not less than stated above. Faithful performance blanket position bond shall be required and provided for all other county officials and employees in the sum of \$100,000. The cost of any such bond shall be borne by the county.

(Ord. 80-013, adopted June 2, 1980; Amended Ord. 86-082, August 27, 1986; Amended Ord. 89-008, § 1, Mar. 1, 1989).

3.01.020 Form.

Any county official or employee's bond shall be to Snohomish county and shall, in effect, be conditioned that the principal and surety shall be jointly and severally liable for the full and faithful performance of the duties and responsibilities of the principal. Any current surety bond covering any officer or employee shall be deemed adequate until its expiration.

(Ord. 80-013, adopted June 2, 1980).

3.01.030 Approval and filing.

Any county official or employee bond shall be approved as to form and execution by the county executive and the prosecuting attorney, approved by the county council, and then filed with the county auditor. (Ord. 80-013, adopted June 2, 1980).

(Ord. 80-013, adopted June 2, 1980).

3.01.040 Emergency.

The county council finds as a fact and states that an emergency exists and that this chapter is necessary in order to provide immediate protection to the property and funds of the county.

(Ord. 80-013, adopted June 2, 1980).

Chapter 3.04 PURCHASES AND CONTRACTS

3.04.005 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Architectural and engineering (A/E) services" means professional services rendered by any person, other than an employee of the county, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW.

(2) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

(3) "Director" means the director of the department of facilities management.

(4) "Department" means the department of budget and finance.

(5) "Division" means the division of purchasing.

(6) "Manager" means the purchasing manager.

(7) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

(8) "Prosecuting attorney" means the prosecuting attorney or a designated member of the civil division of the prosecutor's office.

(9) "SCC" means Snohomish County Code.

(Added Ord. 86-003, § 5, February 12, 1986; Amended Ord. 89-027, § 1, May 17, 1989; Amended Ord. 93-067, Aug. 18, 1993, Eff Date Aug. 28, 1993; Ord. 04-114, Nov. 22, 2004, Eff date Jan. 1, 2005).

3.04.010 Applications.

Procedures and requirements of this chapter shall apply to all contracts for services, public work, or labor and material, and all purchases and leases and rentals of supplies, materials, equipment, or other personal property

by the county except as exempted by the terms of this chapter. This chapter establishes this division of the county, its functions, and purchasing and contracting standards and procedures. Each division and department of the county shall be responsible for submittal of purchasing requisitions as required by the purchasing division and assuring that purchases and other expenditures covered by this chapter are within and provided by the budget of such division or department.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 2, February 12, 1986; Amended Ord. 89-027, § 2, May 17, 1989).

3.04.015 Exemptions.

The following shall be exempt from the requirements of this chapter:

- (1) Settlements of claims for taxes or damages of any sort, whether based upon tort, contract, or otherwise;
- (2) Contracts of employment, whether negotiated through duly authorized labor representatives or not, and payroll disbursements or any other payments incidental to such contracts;
- (3) Travel and living expenses of officers and employees;
- (4) Insurance and surety bond purchases;
- (5) The following proprietary purchases:
 - (a) Utility billing (water, power, etc.),
 - (b) Postage, permit, fee, license involving a single source or governmental agency,
 - (c) Any care, training, or professional services for the physically and/or mentally ill by any county agency;
- (6) Interdepartmental transactions;
- (7) Performance of work by day labor by county employees as allowed by state law;
- (8) The furnishing of any property, materials, construction, work or labor by any person or entity in accord with any condition of any variance, rezoning, platting, replatting, conditional use permit, or any other permit issued by the county;
- (9) Foods. If the products being purchased by the county are of a perishable nature, such as meats, fish, fresh or frozen fruits and vegetables, bakery products, dairy and poultry items, the purchase may be made by the department involved by direct negotiation, subject to the approval of the purchasing manager and such regulations as may be required by the county executive. Nonperishable foods (dry stores) shall be placed on bid at least once annually to determine the existence of a competitive base. If such a base at reasonable prices does not exist, the food involved may be purchased by direct negotiation by the department involved, subject to the approval of the executive;
- (10) Purchases, sales, leases, licenses, or other contracts affecting real property;
- (11) Any sale, lease, licensing, or other disposal of any other personal property or services by the county (see [chapter 4.46 SCC](#));

(12) Any acquisition of property by the county by the exercise of the power of eminent domain;

(13) All contracts funded by a federal and/or state grant-in aid program or project and which are controlled by applicable federal or state law, rule or regulation; and all contracts with subgrantees or subrecipients under grants in aid programs;

(14) Contracts for the purpose of debt collection with collection agencies holding a valid license as required by chapter 19.16 RCW when said contracts have been reviewed and approved by the executive;

(15) Any contract for goods and services required for the prosecution of litigation including expert witnesses, expert witness costs, medical evaluations, other expert evaluations, transcripts, court reporter's fees, copying and other items relating to litigation, which contracts may be negotiated by the prosecuting attorney;

(16) Any other transaction the procedures with respect to which are controlled by any other code section or for which an exemption to competitive bidding requirements is provided under state law.

(Added Ord. 86-003, § 3, February 12, 1986; Amended Ord. 88-071, § 1, August 9, 1988; Amended Ord. 89-027, § 3, May 17, 1989; Amended by Amended Ord. 91-033, March 27, 1991; Amended Ord. 92-085, August 12, 1992; Amended Ord. 94-095, § 1, October 12, 1994).

3.04.016 Contracts for information equipment and services.

Purchases and contracts for information processing and information services equipment, proprietary software and purchased services shall be reviewed and approved by the department of information services in accordance with the provisions of [chapter 2.350 SCC](#).

(Added Ord. 88-026, § 3, April 27, 1988).

3.04.020 Purchasing division.

The county purchasing division is hereby established. Such division shall administer purchases, rentals and leases of personal property and the contracting for public work, labor and material, and other services as provided in this chapter.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 89-027, § 4, May 17, 1989).

3.04.030 Purchasing manager.

The manager shall be the administrative head of the division and shall be the purchasing agent of the county. Under the direction and supervision of the director, he shall administer the purchasing and contracting procedures as provided in this chapter and shall prepare and submit annual budget estimates for the division as provided in SCC 4.26.030. The manager may appoint such officers and employees as are required to perform the duties of the division, in compliance with county personnel system requirements. The manager shall be deemed an employee covered by the blanket employees' performance bond purchased by the county. In the absence of the manager, the manager's powers and duties shall be performed by his or her designee in the division unless the director shall direct otherwise.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 6, February 12, 1986; Amended Ord. 89-027, § 5, May 17, 1989; Amended Ord. 07-015, March 21, 2007, Eff date April 7, 2007).

3.04.040 Qualifications.

The manager shall be appointed on the basis of his abilities, qualifications, integrity and prior experience as a purchasing agent or employment in the purchasing department of a governmental or private agency.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 7, February 12, 1986; Amended Ord. 89-027, § 6, May 17, 1989).

3.04.050 Appointment.

The manager shall be appointed by the director.

(Added Ord. 86-003, § 8, February 12, 1986; Amended Ord. 89-027, § 7, May 17, 1989).

3.04.060 Powers and duties.

In addition to the general powers and duties as set forth elsewhere in this chapter, the manager shall perform such duties as are provided by this chapter including:

- (1) Prepare and submit an inventory as required by [SCC 3.04.075](#);
- (2) Prepare and make available to all departments and divisions of the county such forms as are necessary to carry out the purposes of this chapter;
- (3) In accordance with procedures approved by the county executive, use a purchase order number system for transactions wherein the county contracts for the purchase of supplies, materials, equipment or other tangible personal property, public work, or services as provided herein, and maintain records with respect to such transactions;
- (4) Review and revise conditions and clauses of bid solicitations, as deemed appropriate to clarify the award process and eliminate ambiguities;
- (5) Prepare and make bid calls, postings, newspaper advertising, solicitations, provide information, receive telephone or written bids and quotations, and otherwise participate in the awarding of contracts for purchases as provided in this chapter;
- (6) Recommend rules and regulations governing the relationship and procedures between the purchasing division, other divisions and departments of government and suppliers, all as approved by the director;
- (7) Publish written purchasing procedures and guidelines for use by all county departments and divisions which implement overall county purchasing and material control policies, and review such procedures annually and update as deemed appropriate by the purchasing manager;
- (8) Establish bid opening, advertising and recommend bid award dates; and
- (9) Pursue contractor compliance with county policy on human rights as provided in SCC 2.460.170.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 9, February 12, 1986; Amended Ord. 89-027, § 8, May 17, 1989; Amended Ord. 91-033, March 27, 1991; Amended by Amended Ord. 10-021, June 7, 2010, Eff date Jan. 1, 2011).

3.04.075 Inventory.

The manager shall provide an annual inventory of supplies held under his control. Said inventory shall be taken at the end of the calendar year and be provided to the county executive and the director of the department of finance by January 20th of each year.

(Added Ord. 86-003, § 10, February 12, 1986; Amended Ord. 89-027, § 9, May 17, 1989).

3.04.080 Quantity purchases.

Whenever practicable, considering factors such as storage capacity, product shelf life and available funding, it shall be the policy of the division to purchase supplies in quantities sufficient to meet anticipated needs for a period of at least three months, but not, however, to exceed anticipated needs for more than one year.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 11, February 12, 1986; Amended Ord. 89-027, § 10, May 17, 1989).

3.04.090 Standardization.

(1) Equipment and supplies in general use throughout the various departments of the county shall be standardized insofar as possible. In order to secure economies through volume purchasing, county departments shall be supplied with standardized items as determined by the director. Items not normally stocked may be purchased only if the standard item is not suitable or cannot efficiently perform the task at hand or the item is needed for a particular application. The manager will maintain a continuous review of inventory items and will replace and resupply such so as to maintain an adequate inventory of standardized equipment and supplies.

(2) County officials and departments shall purchase all office supplies through the division, except as permitted elsewhere in this chapter; PROVIDED, That officers and departments may make purchases of office supplies not on hand in the division where total price does not exceed \$50.00, the supplies are required to perform official duties before they can be provided through usual purchasing procedures, and such purchase is made in accord with regulations adopted by the manager. PROVIDED FURTHER, That the total amount of such purchases by any office or department shall not exceed \$500.00 in any calendar year.

(3) Equipment, parts, materials, and supplies other than office supplies in an amount not more than \$500.00 may be purchased by county officials and departments in accord with regulations adopted by the manager. Purchases between \$500.00 and \$1,000 may only be made by a department when specifically authorized in writing by the manager when he deems such to be in the best interest of the county.

(4) The director or his manager shall review the buying practices of all county departments at least annually to determine whether or not they are following the provisions of this chapter, where applicable, and are using good judgment in their purchase actions. The time and place of the review will be determined by the manager and will consider any information or records available from the division. The manager shall submit a summary of his findings and such recommendations as appropriate to the county executive following the completion of his review.

(Added Ord. 80-110 § 2, Jan. 20, 1981; Amended Ord. 84-004, § 1, Jan. 23, 1984; Amended Ord. 86-003, § 12, February 12, 1986; Amended Ord. 89-027, § 11, May 17, 1989).

3.04.100 Storage, supplies in general use.

Standardized office supplies in general use shall be stored in a convenient location or locations under the control of the manager.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 13, February 12, 1986; Amended Ord. 89-027, § 12, May 17, 1989).

3.04.110 E R & R - Stores and acquisitions.

- (1) E R & R central stores acquisitions shall be through a purchasing coordinator designated by the manager.
- (2) The coordinator shall be responsible for coordinating acquisitions of equipment, tools, parts, and supplies with the manager, and may make purchases required by E R & R activities amounting to \$1,000 or less in accord with regulations drafted by the manager.
- (3) The purchasing coordinator shall be responsible for the maintenance and operation of E R & R central stores.
- (4) The coordinator shall, with the assistance of the manager, establish a standardized stock of supplies, parts, tools, equipment, and other items of general use throughout county government.
- (5) The public works items of general use will be drawn by public works personnel from central stores stock. Items not stocked but required will be acquired through the division.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 14, February 12, 1986; Amended Ord. 89-027, § 13, May 17, 1989).

3.04.120 Competitive bidding.

The bid requirements of [SCC 3.04.130](#)(2), (3), (4), (5), (9) and (10) shall be complied with on all purchases, and leases of personal property and contract for public work, labor and materials, and services except the following:

- (1) Purchases as provided in [SCC 3.04.160](#);
- (2) Negotiated contracts as provided in [SCC 3.04.190](#);
- (3) Proprietary purchases as provided in [SCC 3.04.180](#);
- (4) Consultant and special service contracts as provided in [SCC 3.04.190](#);
- (5) Emergencies as provided in [SCC 3.04.200](#);
- (6) Intergovernmental services as provided in [SCC 3.04.210](#);
- (7) Cooperative purchasing as provided in [SCC 3.04.220](#)
- (8) Exemptions as provided in [SCC 3.04.015](#); and
- (9) Contracts for small works as provided in [SCC 3.04.135](#).

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 15, February 12, 1986; Amended Ord. 89-027, § 14, May 17, 1989; Amended by Amended Ord. 07-117, Dec. 12, 2007, Eff date Dec. 31, 2007).

3.04.130 Procedures.

Except where otherwise exempt or provided for under express provisions of this chapter, all solicitations, advertising, opening, consideration, and awards of bids and other related functions on any purchase, lease, or contract to purchase or lease personal property, public work, labor and materials, or services shall be made in accordance with the following provisions:

(1) Requisitions and specifications shall be prepared by the interested department or with assistance of the division at the request of such department. All requisitions must be signed by a department head or his authorized representative as indicated on the authorized signature form on file in the division. The call for bids shall then be prepared by the division and filed in the division for public inspection. The package for bidders may either contain detailed plans and specifications or may require the bidder to submit detailed plans and specifications prepared by him in response to performance and general requirements submitted by the county. Plans and specifications will be made available for purchase at the office of the department head preparing the plans and specifications or the division.

(2) An advertisement stating the date and hour after which bids will not be received, the scheduled time for opening bids, the character of the work to be done, or material, equipment, or services to be furnished, that the specifications therefor may be seen at the office of the division, and the location where plans and specifications may be obtained shall be published in the county official newspaper; PROVIDED, That advertisements for public work contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which said work is to be done; and PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least 40 percent of the residences of that part of the county in which such public works are to be done publication of an advertisement in the county official newspaper only shall be sufficient. Such advertisements for public work shall be published at least once, at least ten (10) days prior to the last date upon which bids will be received. Additional advertisements, as may be deemed necessary, may be made. Bid openings will not normally be scheduled in less than ten (10) days from the date of the last advertising notice unless specifically authorized by the manager.

(3) Bids shall be made in writing on forms included in the call for bids and signed by the party or parties bidding thereon. The bids shall indicate the status of the bidder and the position of the party signing the bid in its behalf. If the bid is made by a joint venture, the bid shall include the names of all joint venturers and shall be signed by each joint venturer or its authorized agent. Any bid may be rejected if it does not include all information required, contains any qualification of any bid or change in the proposal, is not properly signed or is otherwise incomplete, or in the opinion of the awarding authority is irregular in any respect. An unsigned bid shall not be considered for acceptance unless other related bid documents from the bidder are signed by an authorized person which indicates that the bid was tendered in good faith as an entire bid proposal.

(4) All bids shall be sealed with the bid number and opening date on the outer cover of the bid and mailed or delivered to the division or such other location as designated in the call for bids prior to the time specified for the closing of bids in the call. Upon receipt each bid shall be time-stamped and initialed by an employee of the division or other authorized county employee. No bid shall be accepted after the time and date specified in the call for bids, and there shall be no exceptions to this requirement. After the expiration of the time for the receipt of bid proposals, those proposals which have been timely filed shall be delivered by the division to the bid board for opening. Bid openings shall be held immediately after the expiration of the time permitted for receipt of bids unless continued as provided in this section.

(5) The bid board shall consist of the county executive or his designee, the manager or his designee and a bid opening official designated by the manager. The chairman of the county council, or his designee, may also serve as a board member when he elects to attend. The board shall be present at the opening of all bids and exercise surveillance and control over the bid openings. Sealed bids delivered to the bid board shall be publicly opened by a representative of the division after the time specified; PROVIDED, That the opening of bids may be continued by the county executive, for cause, for a period not to exceed 15 days, and PROVIDED Further,

that notice of such continuance shall be given orally at the time and place set for the opening of bids and then in writing to all bidders who have submitted bids. Following the opening of a bid, the total amount of the bid and such breakdown of the bid as is deemed appropriate by the bid board shall immediately be read aloud by a representative of the division or a member of the bid board. The division shall check the bids for mathematical accuracy and then prepare a written summary of all bids showing the amount bid on each item contained in the bid and all mathematical corrections. Unit prices will be the basis for making awards of bids. However, the total of extensions, corrected as needed, will be used for the purpose of determining the amounts of the bid and the contractor's performance bond. (6) No bid shall be considered for a public work project unless accompanied by a bid deposit in the form of a surety bond, cash, postal money order, cashier's check, or certified check payable to the county treasurer in an amount equal to five percent of the amount bid. A bid deposit may be required by the manager or the director on bids for contracts other than public work and may be specified as a dollar figure rather than a percentage.

As soon as bid prices have been compared, the manager will return the bid deposits accompanying such of the bids as in his judgment would not be considered in making the award. All other bid deposits may be held until the contract and performance bond, if required, have been executed, after which all bid deposits, except such as have been forfeited, will be returned to the bidders submitting them and except that the bid deposit of the successful bidder may be held for a longer period if provided for in the invitation to bid or specifications.

(7) The rights to reject any or all bids before opening or any or all bids or portions of a bid or bids after opening, republish the call for bids, revise or cancel the work, or do the work by day labor in conformance with state law or negotiate as provided in SCC 3.04.170, are reserved to the county representatives making the award if in their judgment the best interest of the county is served thereby.

(8) If awarded, the contract shall be awarded to the lowest responsible bidder meeting the bid requirements as determined by the awarding authority. For all county contracts for public work (as those terms are defined in RCW 39.04.010(2) and RCW 39.04.010(4)), the bidder shall meet the mandatory bidder responsibility criteria set forth in SCC 3.04.131 and, if required by the invitation to bid or bidding documents, the supplemental bidder responsibility criteria established for the contract pursuant to SCC 3.04.132. In determining the responsibility of a bidder the awarding authority may consider the quality and nature of the material and/or services to be supplied, their conformity or lack of conformity with specifications, their suitability to meet the requirements of the county as evidenced by the specifications, compatibility with other equipment, procedures or systems of the county, time and other terms of delivery, equipment available to the bidder, location and adequacy of repair facilities of the bidder, subcontractors to be utilized, whether the bidder can perform the contract within the time specified, and such other information or factors as may affect the bidder's ability to perform the project in accord with the specifications. If the bid is based upon plans and specifications submitted by the bidder, the overall capability of such plans and specifications to meet performance requirements of the county as stated in the call for bids, may also be considered. Prior to award of public work construction contracts involving non-county agencies, approvals required from such agencies shall be secured by the originating department.

(9) Decisions with respect to award disposition shall be made within thirty (30) days of the time set for opening of the bids unless continued to a later date by the authority charged with the responsibility of making the award. No continuance shall be made for more than thirty (30) additional days except with the consent of the bidders who are being considered for the award.

(10) The division shall notify the successful bidder of the award in writing and deliver or mail to him appropriate contract and other forms. Signed contract forms, together with such performance bond, certificate of insurance, and other documents as are required of the successful bidder shall be returned to the division within fifteen (15) days of delivery or mailing of the contract forms unless such time is extended by the awarding authority. If the successful bidder fails to return the executed contract and a satisfactory performance bond within the time allowed, his bid deposit shall be forfeited to the county, and the contract may be awarded to the

next lowest responsible bidder. Notice and award of contract form shall then be forwarded to the successful bidder, and if he shall not respond within the times as indicated above, his deposit shall be forfeited, and in a like manner the contract may be awarded to subsequent responsible bidders until the contract, bond and other documents are executed and returned by responsible bidder or all bid proposals are exhausted through this process.

(11) If the county executive elects to trade in used equipment on the purchase of new equipment, the call for bids on the new equipment shall include a notice that the county has for sale or trade-in used equipment of a specified type and description which will be sold or traded in on the same day and hour that the bids on the new equipment are awarded. Any bidder on the new equipment may include in his offer to sell, an offer to accept all or part of the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance as required by the specifications.

In determining the lowest responsible bid on the new equipment, the awarding authority shall consider the net cost to the county of such new equipment after trade-in allowances have been deducted. The awarding authority as provided in SCC 3.04.140 may accept the new equipment bid of any bidder without trading in the used equipment but may not require any such bidder to purchase the used equipment without awarding the bidder the new equipment contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the awarding authority shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county. Delivery of the used equipment to the successful bidder may, at the county's option, be delayed until receipt of the new equipment.

(12) The county may call for bids for a fixed number of items sought to be purchased "or more", in which case the vendor shall be deemed to have irrevocably offered to supply such additional items above the number specified as the county at its option may order from the supplier for a period of one year from the date of award, or for such other period as is stated in the call for bids or a bidder's response. The bidder may indicate a maximum number of items that can be obtained at the bid price over and above the quantity cited on the bid form. This subsection shall not require that the county purchase any particular number above the number stated nor that the county satisfy its needs for the item by purchases above the number stated. Reference to this section shall be included in all calls for bids on an "or more" basis.

(13) Any department preparing specifications and bid packages shall provide its proposed bid package to the division for review and approval prior to publication. Excluded from this approval requirement are bid packages requiring approval from other regulatory agencies.

(14) When two or more low bids are equal, considering all factors, the award shall be determined through a drawing by lot, which shall be witnessed by at least two members of the bid board other than the person supervising the drawing. The full names and addresses of the witnesses to such drawing shall be included on or attached to the abstract of bids.

(15) The manager may request clarification of any ambiguous entry in a bid prior to the award of a contract. Following such clarification, the manager, with the concurrence of the prosecuting attorney, may recommend rejection of the bid if it is still unclear or ambiguous. Any request for withdrawal of a bid following opening because of a claimed mistake in the bid shall be granted by the manager only upon approval by the prosecuting attorney.

(16) If the invitation for bids so provides, a bid is not rendered non-responsive if the bidder specifies that the award will be accepted only on an all, or a specified group of fewer than all, items included in the invitation.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, February 12, 1986; Amended Ord. 89-027, § 15, May 17, 1989; Amended Ord. 92-085, August 12, 1992; amended by Amended Ord. 10-054, Aug. 4, 2010, Eff date Aug. 30, 2010).

3.04.131 Mandatory bidder responsibility criteria.

(1) The bidder responsibility criteria set forth in this section shall be used by the interested department, in consultation with the division, to establish the minimum requirements for all contractors and subcontractors bidding on county contracts for public work (as those terms are defined in RCW 39.04.010(2) and RCW 39.04.010(4)). The bid documents shall set forth the documentation to be submitted by bidders to demonstrate their compliance with the mandatory bidder responsibility criteria.

(2) To be considered a responsible bidder and qualified to be awarded a county contract for public work, the bidder must:

- (a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
- (b) Have a current state unified business identifier (UBI) number;
- (c) If applicable, have:
 - (i) industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW;
 - (ii) a state employment security department number as required in Title 50 RCW; and
 - (iii) a state excise tax registration number as required in Title 82 RCW;
- (d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3); and
- (e) Until December 31, 2013, not have violated section 1, chapter 276, Laws of 2010, more than one time as determined by the state department of labor and industries.

(3) A bidder must verify mandatory responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify mandatory responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in RCW 39.04.350(1) and SCC 3.04.131(2) and possesses an electrical contractor license, if required by chapter 19.28 RCW, or an elevator contractor license, if required by chapter 70.87 RCW. This verification requirement, as well as the mandatory responsibility criteria, must be included in every public works contract and subcontract of every tier.

(Added Ord. 10-054, Aug. 4, 2010, Eff date Aug. 30, 2010).

3.04.132 Supplemental bidder responsibility criteria.

(1) In addition to the mandatory bidder responsibility criteria set forth in SCC 3.04.131, the interested department, in consultation with the division, may adopt in connection with a particular project relevant supplemental bidder responsibility criteria which the bidder must meet. Those supplemental criteria, including the basis for evaluation and the deadlines for requesting modification of the supplemental bidder responsibility criteria and for appealing a determination that a low bidder is not responsible under the supplemental bidder responsibility criteria, shall be provided in the invitation to bid or bidding documents.

(2) As relevant to a particular project, supplemental bidder responsibility criteria may be included to require that:

- (a) The bidder shall not owe delinquent taxes to the Washington state department of revenue without a payment plan approved by the department of revenue;
- (b) The bidder shall not currently be debarred or suspended by the federal government;
- (c) The bidder shall have complied with minority and women's business enterprises, disadvantaged business enterprises, or other similar utilization requirements or goals on federally-funded public works projects with such requirements completed by the bidder within three years of the bid submittal date, unless there are extenuating circumstances acceptable to the county;

(d) The bidder shall not be listed as an ineligible contractor on the federal GSA Excluded Parties List System set forth by 31 U.S.C § 6101 and Executive Order 13496;

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in chapter 3.05 SCC, the bidder:

(i) shall not have been found out of compliance with apprenticeship requirements of chapter 3.05 SCC unless otherwise excepted or waived in writing by the executive or the executive's designee pursuant to SCC 3.05.040 for a one-year period immediately preceding the date of the bid submittal deadline; and

(ii) shall have complied with apprenticeship utilization goals on public works projects having such requirements that were completed by the bidder within a three-year period immediately preceding the date of the bid submittal deadline, unless there are extenuating circumstances acceptable to the county;

(f) The bidder shall not have been convicted of a crime involving bidding on a public works contract within five years from the bid submittal deadline;

(g) The bidder's standard subcontract form shall include the subcontractor responsibility language required by RCW 39.06.020, and the bidder shall have an established procedure which it utilizes to validate the responsibility of each of its subcontractors. The bidder's subcontract form shall also include a requirement that each of its subcontractors shall have and document a similar procedure to determine whether the sub-tier subcontractors with which it contracts are also "responsible" subcontractors as defined by RCW 39.06.020;

(h) The bidder shall not have a record of excessive claims filed against the retainage or payment bonds for public works projects during the previous three years that demonstrate a lack of effective management by the bidder of making timely and appropriate payments to its subcontractors, suppliers, and workers, unless there are extenuating circumstances acceptable to the county;

(i) The bidder shall have successfully completed projects of a similar size and scope as required by the contract documents for the project. In evaluating whether projects were successfully completed, the county may check owner references for previous projects and evaluate the owner's assessment of bidder performance, including but not limited to quality control, safety record, timeliness of performance, use of skilled personnel, management of subcontractors, availability of and use of appropriate equipment, compliance with contract documents, and management of submittals process, change orders and close-out;

(j) The bidder shall not have had any public works contract terminated for cause by a government agency during the five year period immediately preceding the bid submittal deadline for the project, unless there are extenuating circumstances acceptable to the county;

(k) The bidder shall not have judgments entered by a court of law against the bidder within five years of the bid submittal date that demonstrate a pattern of failing to meet the terms of contracts, unless there are extenuating circumstances acceptable to the county; and

(l) The bidder shall not have a documented pattern of prevailing wage complaints filed against it within five years of the bid submittal date that demonstrates a failure to pay workers prevailing wages, unless there are extenuating circumstances acceptable to the county.

(3) Supplemental bidder responsibility criteria may include any other criteria determined by the county to be relevant to the particular project being bid, including but not limited to the ability, capacity and skill of the

bidder to perform, the experience and efficiency of the bidder, the financial situation of the bidder, and the performance of the bidder on previous contracts or services.

(4) In a timely manner before the bid submittal deadline, a potential bidder may request that the county modify the supplemental bidder responsibility criteria. The county must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the county must publish an addendum to the bidding documents identifying the modified criteria.

(5) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the county may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(6) If the county determines a bidder to be not responsible, the county must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the county. The county must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the county may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(7) The invitation to bid or bidding documents shall specify the times, manner and means of communications, deadlines and determinations required by this section.
(Added Ord. 10-054, Aug. 4, 2010, Eff date Aug. 30, 2010)

3.04.135 Small works, roster.

(1) Pursuant to RCW 39.04.155, the division shall develop and administer a small works roster process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property with an estimated cost of \$300,000 or less. The small works roster process shall include a limited public works process for projects estimated to cost less than \$35,000.

(2) Pursuant to SCC 3.04.060(7), the manager shall adopt and publish written procedures and guidelines necessary to implement this section.

(3) The small works roster process may be administered by interlocal agreement as provided in RCW 39.04.155 and Chapter 39.34 RCW or by contract with a non-governmental service provider, including but not limited to the Municipal Research and Services Center of Washington, provided that all such agreements or contracts must be approved in accordance with SCC 3.04.140 and 3.04.210.

(Added by Amended Ord. 07-117, Dec. 12, 2007, Eff date Dec. 31, 2007; Amended by Amended Ord. 09-084; Sept. 9, 2009, Eff date Oct. 2, 2009)

3.04.137 Small business outreach activities.

As authorized by RCW 39.04.155(5), the division shall develop and implement small business outreach activities to encourage small businesses that are registered contractors with gross revenues under \$250,000 to submit quotations or bids on small works roster contracts awarded under SCC 3.04.135. The outreach activities may be developed in consultation with the Snohomish County Economic Development Council, Inc., or other appropriate governmental or non-governmental entities and shall include procedures for identifying projects appropriate for the limited public works process established under SCC 3.04.135, notifying small businesses of quotation or bid opportunities, and educating small businesses regarding the existence, requirements, and potential benefits of the small works roster process. In May and November of each year the division shall submit a written report to the executive and council detailing the practical results of the division's outreach activities since the previous report.

(Added by Amended Ord. 07-117, Dec. 12, 2007, Eff date Dec. 31, 2007)

3.04.140 Award, execution, by whom.

(1) Contracts for intergovernmental services shall be awarded and approved by the county council except those for \$50,000 or less which may be awarded and approved by the county executive.

(2) Consultant contracts and special service contracts not subject to bidding requirements for \$25,000 or less may be awarded and approved by the county executive. The executive may delegate by executive order such award, approval or signature authority as the executive deems appropriate.

(3) Contracts subject to bidding requirements for \$250,000 or less, for programs and projects for which sufficient appropriation authority exists and which implement programs, projects, or functions the county council has specifically authorized by motion or ordinance, may be awarded and approved by the county executive. The executive may delegate by executive order such award, approval, or signature authority as the executive deems appropriate.

(4) Amendments, change orders, and orders for extra work for \$200,000 or less on contracts subject to bidding requirements for which sufficient appropriation authority exists may be awarded and approved by the county executive, except as provided in subsection (6) of this section. The executive may delegate by executive order such award, approval or signature authority as the executive deems appropriate.

(5) Contracts incidental to litigation for \$50,000 or less may be awarded and approved by the prosecuting attorney.

(6) Options in purchase contracts to extend performance may be exercised by the manager, with the concurrence of the official or department head involved, when it is in the best interests of the county to do so.

(7) The county executive shall submit to the county council on a quarterly basis a report showing the parties, contract amount, and purposes of each contract and contract amendment approved and signed by the county executive under this section.

(8) Except as provided by ordinance, all contracts shall be awarded and approved by the county council.

(Added Ord. 86-003, § 17, February 12, 1986; Amended Ord. 89-027, § 16, May 17, 1989; Amended Ord. 92-058, June 24, 1992; Amended Ord. 95-011, § 1, April 26, 1995, Eff date May 8, 1995; Amended Ord. 97-093, § 1, Oct. 22, 1997, Eff date Nov. 3, 1997; Emergency Ord. 07-033, April 18, 2007, Eff date April 18, 2007; Ord. 07-036, May 21, 2007, Eff date June 15, 2007; Amended by Amended Ord. 08-002, Jan. 30, 2008, Eff date Feb. 11, 2008; Amended by Amended Ord. 08-065, June 4, 2008, Eff date June 16, 2008).

3.04.150 Performance bond.

When a performance bond is required by state law or otherwise by the call for bids, the successful bidder shall furnish a duly executed bond upon a form furnished by the county, signed by an approved surety or sureties in the full amount of the contract price conditioned as required therein and by RCW 39.08.010 as now or hereafter amended and any other applicable state law; PROVIDED, That in lieu of a performance bond on any contracts of \$3,500 or less the manager, in his discretion, may retain 100 percent of the contract amount for a period of 30 days after the date of final acceptance, or until receipt of all necessary releases from the Department of Revenue and the Department of Labor and Industries, whichever is later. Upon receipt of an executed performance bond, the division shall file it with the director of the department of finance. In projects where a performance bond is not required by state law, the county executive may still require such bond when he concludes that such is required in the best interests of the county. Any question with respect to the adequacy of any bond shall be

determined by the manager. (Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 18, February 12, 1986; Amended Ord. 89-027, § 17, May 17, 1989).

(§ 2, Ord. 89-004, adopted February 15, 1989. Prior: SCC 1.01.005 adopted by § 1 of Resolution on January 27, 1969; [SCC 1.01.010](#) adopted by § 2 of Resolution on January 27, 1969).

3.04.160 Purchases, leases, and contracts for personal property.

The manager or his designee is granted authority to award any contract, lease or purchase of personal property except as otherwise provided in this chapter and the county charter, involving less than \$5,000, sales tax and shipping charges not included, without compliance with the requirements of SCC 3.04.130(2), (3), (4), (5), (9) and (10). On contracts, leases, or purchases from \$5,000 to less than \$25,000, sales tax and shipping charges not included, the manager or his designee shall be responsible for soliciting telephone and/or written quotations from at least three vendors whenever possible to assure establishment of a competitive price and for awarding such contracts for purchase of supplies, equipment, services, work and materials to the lowest responsible bidder as defined in SCC 3.04.130(8). Immediately after award is made, the bid quotations obtained shall be open to public inspection or telephone inquiry. At least twice per year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of a vendor reference list and solicit vendor names for the list. The division will prepare specifications and post notice of intent to purchase upon its bulletin board for not less than three working days prior to making any such contract or purchase, except that the period of posting may be waived by the manager. A contract pursuant to this section less than \$25,000 in value need not be advertised. The county executive may waive the requirements of advertisement and competitive bidding for materials and labor to repair or restore any county motor vehicle, trailer, or other equipment to an operable or usable condition, or for labor, materials or services required to prevent imminent and material injury or damage to the public or property of the county. Purchases for less than \$5,000 may be made by the manager, subject to such regulations as the director may approve.

Purchase transactions for materials, supplies, equipment, and services valued at \$25,000 or more shall be formally bid and advertised. Such advertisement shall be published in the official county newspaper at least once, at least 10 days prior to the last date upon which bids will be received and accepted.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 19, February 12, 1986; Amended Ord. 89-027, § 18, May 17, 1989; Amended Ord. 92-085, August 12, 1992; Ord. 07-78, Sept. 5, 2007, Eff date Sept. 21, 2007).

3.04.165 Estimates.

Prior to any negotiation or call for bids for any public works contract or any other contract covered by this chapter, the estimated amount of which exceeds \$25,000, the head of the county department involved shall prepare a detailed estimate of the amount of such contract. No contract for the construction of any public work shall be awarded on a bid exceeding the estimate by more than 10 percent. No other contract covered by this chapter shall be awarded on a bid which exceeds the estimate by more than \$10,000 without the approval of the council.

(Ord. 83-018 § 1, adopted April 7, 1983; Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 20, February 12, 1986; Amended Ord. 92-085, August 12, 1992).

3.04.170 Rebid contracts.

Whenever a call for a bid which has been properly advertised results in no bids received or whenever all bids submitted have been rejected with good and reasonable justification by the authority charged with awarding the contract involved, a new call for bids may be issued.

(Ord. 80-110 § 2, adopted January 20, 1980; Amended Ord. 86-003, February 12, 1986; Amended Ord. 92-085, August 12, 1992).

3.04.175 Public work contracts.

Competitive bidding and advertising shall not be required for public work contracts valued less than \$40,000 excluding sales tax. Except as authorized by SCC 3.04.135, public work contracts valued at or in excess of \$40,000 excluding sales tax shall be competitively bid and advertised. Such advertisement shall be published in the official county newspaper at least once at least 13 days prior to the last date upon which bids will be received.

(Added Ord. 92-085, August 12, 1992; Amended by Amended Ord. 07-117, Dec. 12, 2007, Eff date Dec. 31, 2007; Amended by Amended Ord. 09-084, Sept. 9, 2009, Eff date Oct. 2, 2009).

3.04.177 Recycled products.

County departments may make preferential purchases of products made from or partially made from recycled materials, or products which may be recycled or reused.

(Added Ord. 92-085, August 12, 1992).

3.04.178 Acquisition of products through auctions.

County departments may purchase any supplies, materials or equipment at auctions conducted by the government of the United States or any agency thereof, any agency of Washington state, any municipality or other government agency, or any private party without being subject to public bidding requirements, if the items can be obtained at a competitive price.

(Added Ord. 92-085, August 12, 1992).

3.04.180 Proprietary purchases.

Requirements of SCC 3.04.130 (2), (3), (4), (5), (8), (9), and (10) shall not apply to purchases and contracts clearly and legitimately limited to single sources of supply and purchases involving special training, special facilities, special services, market conditions, or where compatibility is required with other county equipment, procedures or systems in which instances purchase prices and other terms may be established by direct negotiations by the manager. Such contracts may be approved by the executive except that the director may approve such contracts where they do not exceed the sum of \$10,000, unless approval by the council is required under the charter or other provisions of this chapter.

(Ord. 80-110 § 2, adopted January 20, 1980; Amended Ord. 86-003, § 22, February 12, 1986; Amended Ord. 89-027, § 19, May 17, 1989; Emergency Ord. 07-033, April 18, 2007, Eff date April 18, 2007; Ord. 07-036, May 21, 2007, Eff date June 15, 2007; Amended by Amended Ord. 08-065, June 4, 2008, Eff date June 16, 2008).

3.04.190 Service contract not subject to bidding requirements.

Consultant contracts and special service contracts not subject to bidding requirements may be negotiated by the county executive or the head of any administrative or executive department; PROVIDED, That contracts for \$25,000 or less may be awarded and approved by the executive. Consultant contracts and special service contracts not subject to bidding requirements for more than \$25,000 shall require council approval. Contracts for architectural and engineering services shall be controlled by SCC 3.04.191 and SCC 3.04.193 through 3.04.195 to the extent that such sections are inconsistent with this and other sections of this chapter.

(Ord. 82-028 § 1, adopted April 14, 1982; Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, February 12, 1986; Amended Ord. 89-027, § 20, May 17, 1989; Amended Ord. 91-175, December 11, 1991; Amended Ord. 92-088, August 19, 1992; Amended Ord. 95-011, § 2, April 26, 1995, Eff date May 8, 1995; Emergency Ord. 07-033, April 18, 2007, Eff date April 18, 2007; Ord. 07-036, May 21, 2007, Eff date June 15, 2007; Amended by Amended Ord. 08-065, June 4, 2008, Eff date June 16, 2008).

3.04.191 Architectural and engineering (A/E) service contracts - Policy.

It is the policy of the county, as provided herein, that the county regularly announce requirements and negotiate contracts for architectural and engineering (A/E) services on the basis of demonstrated competence and qualification for the type of professional services required and for fair and reasonable prices.

(Ord. 82-082 § 2, adopted April 14, 1982).

3.04.193 Announcements.

In advance of any negotiation on any contract for A/E services, the division shall publish an announcement stating concisely the general scope and nature of the project or work for which services are required and the address of the county agency which can provide further details:

- (1) On each occasion services required by a consultant are required, or
- (2) Announcing generally to the public a county agency's projected requirements for any category or type of A/E services

(Ord. 82-028 § 2, adopted April 14, 1982; Amended Ord. 86-003, February 12, 1986; Amended Ord. 89-027, § 21, May 17, 1989).

3.04.194 Guidelines.

The executive or his designees shall promulgate guidelines and regulations for use in the procurement of A/E services, which regulations shall:

- (1) Require the submittal and encourage the annual submittal of statements of qualifications and performance data, in form approved by the executive and require an evaluation of current statements of qualifications and performance data prior to insure that minorities and women-owned firms are afforded the maximum practical opportunity to compete for and obtain contracts for A/E services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved.

(Ord. 82-028 § 2, adopted April 14, 1982).

3.04.195 Award of A/E contracts.

(1) Prior to award of any A/E contract, the county agency requesting the services shall evaluate current statements of qualifications and performance data on file or submitted regarding the proposed contract, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing required data.

(2) The county agency involved shall select from the interested firms, based upon criteria established by the executive and contained in the guidelines required by [SCC 3.04.194](#), the firm deemed most highly qualified to provide the services required for the proposed contract.

(3) The involved agency shall then attempt to negotiate the terms of contract in accord with county guidelines with the most qualified firm at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

(4) If the agency is unable to negotiate a satisfactory contract with a firm selected at a price the agency determines to be fair and reasonable negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with (1) and (2) of this section and continue in accordance with this section until an agreement is reached or the process is terminated.

(5) After negotiating terms of contract acceptable to the agency with a firm selected as provided above, the agency shall refer the contract to the council or executive, whichever is the responsible authority for awarding such contract under [SCC 3.04.190](#), together with a record of negotiations conducted with any other firm. The contract may then be approved, rejected, or referred back to the interested agency for further negotiations or any other reason by the responsible authority. Any such contract shall then be signed by the executive.

(Ord. 82-028 § 2, adopted April 14, 1982).

3.04.200 Emergencies.

The council or the county executive may approve such a contract as they or he might otherwise approve under the terms of this chapter and the county charter without compliance with the procedures contained in [SCC 3.04.130](#) (2--6), (9), (10), and (11), [3.04.160](#), [3.04.191](#) or [3.04.193](#) through [3.04.195](#) if the immediate approval of the contract is necessitated by any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or public property, or for the restoration to a condition of usefulness of any public property the usefulness of which has been temporarily destroyed, lost, or diminished, or for the relief of a stricken community overtaken by a calamity, or to perform any mandatory activity required by any law upon a finding of the existence of such emergency and entry thereof into the records of the authority having the power to approve such contract.

. (Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 25, February 12, 1986).

3.04.210 Intergovernmental services.

The county may enter into contracts for intergovernmental services with other municipal corporations or agencies of the state or federal government. Such contracts shall be approved as provided by [SCC 3.04.140](#).

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 97-093, § 2, Oct. 22, 1997, Eff date Nov. 3, 1997).

3.04.220 Cooperative purchases.

The county executive may negotiate with other units of governments with respect to cooperative purchasing plans and interlocal agreements to purchase when the best interests of the county would be served thereby; PROVIDED, That each of the participating entity shall be separately invoiced by the vendors for purchases made under such plans, and the county of Snohomish shall not be obligated for any purchases other than those required for its own use and supplied pursuant to its order. Such plans or agreements shall be approved by the council.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 26, February 12, 1986; Amended Ord. 92-085, August 12, 1992).

3.04.240 Unregistered or unlicensed contractors.

The county shall not execute a contract with any contractor who is not registered or licensed as may be required by the laws of this state: PROVIDED, That this requirement shall not apply to contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the state department of transportation to perform highway construction, reconstruction or maintenance.

(Ord. 80-110 § 2, adopted January 20, 1981).

3.04.250 Unlawful purchases.

It shall be the duty of the manager to report to the director, county executive, and the prosecuting attorney any suspected collusive bids or fraudulent practices coming to his attention, including instances of fragmenting orders to avoid bid laws, and he may order such bids or practices reported to the proper authorities charged with enforcement of any laws, including anti-trust laws.

(Ord. 80-110 § 2, adopted January 20, 1981; Amended Ord. 86-003, § 27, January 12, 1986; Amended Ord. 89-027, § 22, May 17, 1989).

3.04.260 Severability.

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

(Ord. 80-110 § 2, adopted January 20, 1981).

3.04.270 Effective date.

This chapter shall be effective February 15, 1981.

(Ord. 80-110 § 2, adopted January 20, 1981).

Chapter 3.05

Construction Projects -- Apprentice Requirements

3.05.010 Definitions.

Where used in this chapter, unless the context clearly requires otherwise, the following terms shall have the meaning and construction set forth herein:

- (1) "Labor hours" refers to the total number of hours worked by workers receiving an hourly wage who are directly employed by the contractor and all subcontractors on a county public works project.
- (2) "Public works" refers to all County construction projects estimated to cost two hundred and fifty thousand dollars or more. Contracts shall not be fragmented to avoid the requirements of this chapter.
- (3) "State-approved apprenticeship program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002; Amended Ord. 06-008, March 1, 2006, Eff date March 23, 2006; amended by Ord. 10-055, Aug. 4, 2010, Eff date Aug. 30, 2010)

3.05.025 Use of apprentices required for public works.

Apprentices shall be utilized on the construction of all public works in accordance with this chapter.

(Added Ord. 06-008, March 1, 2006, Eff date March 23, 2006).

3.05.030 Administration.

- (1) For those construction projects subject to this chapter, the executive shall establish a percentage of total labor hours as a goal to be performed by apprentices. The labor hour goals for the labor hours required to be performed by apprentices on each such project shall be at least 15% of the total labor hours on the individual project.
- (2) Apprentices utilized in accordance with this chapter must be enrolled in state-approved apprenticeship programs.
- (3) Contracts for such construction projects shall include provisions detailing the apprentice labor requirements.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002; amended by Ord. 10-055, Aug. 4, 2010, Eff date Aug. 30, 2010).

3.05.040 Exceptions and Waivers.

During the term of a construction contract subject to this chapter, the executive may reduce or waive the apprentice labor hour goals upon his or her determination that:

- (1) the contractor has demonstrated that it has utilized its "best efforts" to meet the established percentage requirement but remains unable to fulfill the goal,
- (2) in order to meet the requirement, the contractor will be forced to displace members of its workforce; or
- (3) the reasonable and necessary requirements of the contract render apprentice utilization infeasible at the required levels.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002).

3.05.050 Monitoring.

The executive shall implement a system for monitoring the actual use of apprentices in construction projects subject to this chapter. Such monitoring shall include identifying individual apprentices by name and Washington State apprenticeship registration number; reviewing documents provided by the contractor showing total apprentice labor hours; determining the apprentice hours worked by minorities and women, and as available, persons with disabilities and economically disadvantaged youth; and assessing whether the contractor has complied with the apprenticeship requirement established in its contract.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002).

3.05.060 Reporting.

The executive shall report to the council annually upon the use of apprentices for construction projects. The report shall include to the extent it is available:

- (1) The percentage of labor hours actually worked by apprentices on each project and the total number of labor hours on each project;
- (2) The number of apprentices by contractor broken down by trade and craft category;
- (3) The number and percentage of minorities, women, persons with disabilities and disadvantaged youth utilized as apprentices on each project;
- (4) The number of new apprentices indentured during the reporting year as a result of the county's apprenticeship requirements for campus redevelopment initiative projects; and
- (5) The percentage of apprentices in training on county projects who have graduated to journey level during the reporting year.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002).

3.05.070 Remedies.

Failure by a contractor to comply with established apprenticeship requirements, unless otherwise waived or excused in writing by the executive pursuant to SCC 3.05.040, shall be deemed a breach of contract for which the county shall be entitled to all remedies allowed by law and under the contract. Failure to comply with the apprenticeship requirements may also be considered evidence bearing on a contractor's qualification for award of future contracts with the county.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002).

3.05.080 Severability.

The provisions of this chapter shall be effective in all cases unless otherwise provided by federal or state law. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or other portion of this chapter or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of the application to other persons or circumstances.

(Added Ord. 01-125, December 19, 2001, Eff date January 3, 2002).

Chapter 3.08 DESIGNATION OF COUNTY VEHICLES

3.08.010 County vehicles to have insignia - Exceptions.

(1) Except as otherwise provided in this section, county insignia decals shall be installed on the right and left sides of all County mobile equipment and vehicles. The insignia background shall be white having external dimensions of 10-1/2 inches in height by 16 inches in width. There shall be a 1/4 inch black border around the outside of the insignia and the official County three tree logo in red, blue and green colors constructed 3-1/2 inch high shall be in the upper right half of the insignia. The words "Snohomish County" shall be 1-1/4 inch high, underlined and spread across the upper middle width of the insignia. The name of the department using a vehicle or piece of mobile equipment shall be installed in lettering 3/4 inch high in the lower right corner of the insignia below the underlined county name. Immediately below the insignia, the words For Official Use Only shall be installed in letters at least one inch high in a color contrasting with the color of the vehicle.

(2) Subsection (1) of this section shall not apply to vehicles used by the sheriff for undercover or confidential investigative purposes or vehicles issued confidential license plates under the provisions of section RCW

46.08.066. Traffic control vehicles of the sheriff may be exempted from the requirements of subsection (1) of this section at the discretion of the sheriff. The executive may adopt an executive order permitting other exceptions to the requirements of subsection (1) of this section for other vehicles used for law enforcement and for vehicles leased or rented by the county on a casual basis for a period of less than ninety days.

(3) Any motorcycle, vehicle over 10,000 pounds gross vehicle weight, or other vehicle or piece of mobile equipment that for structural reasons cannot be marked as required by subsection (1) of this section that is owned or controlled by the county and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "Snohomish County", together with the name of the department or office that owns or controls the vehicle.

(4) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

(Order adopted January 28, 1981; Ord. 05-134, November 30, 2005, Eff date December 15, 2005).

Chapter 3.09

PARKING REGULATIONS -- SNOHOMISH COUNTY PARKING FACILITIES AND POLICIES

*Prior history: Resos. adopted 10-1-73 and 8-30-76. Res. 79-246. Ords. 91-089, 93-055, and 94-008.

3.09.010 General provisions.

Permission to use and occupy county parking facilities is contingent upon a vehicle owner's consent to abide by the rules and regulations adopted by the county pursuant to this chapter including the remedies specified for failure to comply with regulations, which consent, express or implied, shall be evidenced by operation of a vehicle within the facilities.

(Ord. 97-101 § 2, Dec. 17, 1997, Eff date Dec. 29, 1997).

3.09.015 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) "Carpool" means a group of two or more county employees who share a private vehicle for commuting to and from work.

(2) "Vanpool" means a group of 3 or more county employees who commute to and from work in a van provided by a public transit agency or the county.

(3) "Employee festival parking" means employee parking where the employee has the right to park within a designated parking area but does not have a right to a specific parking stall.

(Ord. 97-101 § 3, Dec. 17, 1997, Eff date Dec. 29, 1997; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.020 Regulations - Applicable to manner of use of facilities.

(1) No vehicle shall be driven at a speed in excess of 10 miles per hour.

(2) Movement in and through the facility shall conform to painted or posted directional arrows and other traffic regulatory signs.

(Ord. 97-101 § 4, Dec. 17, 1997, Eff date Dec. 29, 1997).

3.09.030 Executive authorized to manage parking facilities.

(1) The executive shall manage all county owned or leased parking facilities. This authority includes but is not limited to: designation of areas for types of parking, including but not limited to visitor parking, departmental cars, employee assigned parking, employee festival parking, employee carpool an vanpool parking, and parking for disabled persons.

(2) The executive shall adopt written policies which address the following:

(a) The assignment of parking;

(b) The use of all parking stalls;

(c) Conduct of persons using the parking facilities;

(d) Improper parking;

(e) Other matters necessary for the safe, efficient, or orderly operation of the parking facilities.

(3) The executive shall propose for council approval by motion a schedule of fees for parking that is consistent with the requirements of SCC 3.98.040.

(Ord. 97-101 § 5, Dec. 17, 1997, Eff date Dec. 29, 1997; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.040 Advisory committee.

The executive shall establish a parking advisory committee to advise the executive regarding those areas of parking policy placed under the executive's authority by this chapter. The executive shall determine the members, duties, terms of office, and all other matters concerning the organization and operation of the advisory committee.

(Ord. 97-101 § 6, Dec. 17, 1997, Eff date Dec. 29, 1997).

3.09.050 Remedies/Penalties/Appeals.

(1) Upon failure of any individual to comply with parking regulations established pursuant to this chapter, the executive may, take action to:

(a) Revoke the individual's permission to use and occupy any county parking facility for the purpose of parking a vehicle. Under such circumstance the executive shall refund any unused portions of a parking fee or stall rent paid;

(b) Have the individual's vehicle removed from the premises and stored at a towing lot. The county shall not be liable for the cost of the towing and storage or the acts of the towing operator;

(c) As an alternative to having the vehicle removed from the premises the executive may affix restraints to prevent the moving of the vehicle until the individual returns to the parking facility. Charges for the removal of such restraints are hereby set at \$20 per removal;

(d) Issue a fine not to exceed \$20 per violation.

(2) Any person who parks or leaves a vehicle in any county parking facility in an area other than that posted or otherwise designated for his/her use, or for a period in excess of that posted or provided in this chapter, or after his/her permission to use the facility or any part thereof has been revoked shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, and any such person shall be punished accordingly.

(3) Any person who fails or refuses to pay the charges or penalties authorized by [3.09.050](#)(1) shall be subject to civil suit in a court of competent jurisdiction for their collection and in addition thereto for reasonable attorney fees and costs of court. The charges, penalties, attorney fees and costs shall be collectable by the same means as any other civil judgment.

(4) Any person against whom fees, charges, or other sanctions are imposed as authorized by [SCC 3.09.050](#)(1) may appeal to the county executive. The sole basis for the appeal shall be that the person did not in fact commit the violation. All such appeals shall be in writing and received by the executive within 10 calendar days of the imposition of the fee, charge, or other sanction appealed. The executive may require that a prescribed form be used for all appeals. The appeal shall be heard within 30 calendar days by the executive or his or her designee (hearings officer). Once an appeal has been received the hearings officer may:

(a) Agree with the appeal based on the written material presented by the appellant; or

(b) Schedule a hearing on the matter and mail the appellant written notice of the hearing by first class mail to the address provided by the appellant on the written appeal at least 5 calendar days prior to the scheduled hearing date.

(5) At any hearing as authorized in [SCC 3.09.050](#)(4)(a) the following procedures shall apply:

(a) The burden of proof shall rest with the county to prove the alleged failure to comply with parking regulations by a preponderance of the evidence;

(b) Both parties shall have an opportunity to present evidence and witnesses;

(c) The hearings officer shall have the power to ask both parties questions;

(d) The decision of the hearings officer shall be final.

(Ord. 97-101 § 7, Dec. 17, 1997, Eff date Dec. 29, 1997).

3.09.060 Employee commuter program established - Purpose.

(Ord. 97-101 § 8, Dec. 17, 1997, Eff date Dec. 29, 1997; Repealed by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.070 Program guidelines and requirements.

(Ord. 97-101 § 9, Dec. 17, 1997, Eff date Dec. 29, 1997; Ord. 04-113, November 22, 2004, Eff date Jan. 1, 2005; Repealed by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.080 Employee parking in county-owned parking facilities.

As a condition of use of county parking garages or facilities, the employee to whom parking is assigned shall authorize a monthly payroll deduction for the payment of the parking fee established pursuant to SCC 3.09.030(3).

(Ord. 97-101 § 10, Dec. 17, 1997, Eff date Dec. 29, 1997; Ord. 03-146, Dec. 17, 2003, Eff date Dec. 29, 2003; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.090 Employee incentives.

(Ord. 97-101 § 11, Dec. 17, 1997, Eff date Dec. 29, 1997; Ord. 04-113, November 22, 2004, Eff. date Jan. 1, 2005; Repealed by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.09.100 Additional program components.

(Ord. 97-101 § 12, Dec. 17, 1997, Eff date Dec. 29, 1997; Repealed by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

Chapter 3.12 STATE EMPLOYEES' RETIREMENT SYSTEM

3.12.010 Employee membership in retirement system authorized.

Snohomish county, a political subdivision of the state of Washington and having in excess of five employees, hereby authorizes and approves their membership and participation in the State Employees' Retirement System, pursuant to Chapter 274 of the Session Laws of 1947. It further authorizes the expenditure of the necessary funds for its proportionate share in participation in the system.

(Res. adopted February 21, 1949).

Chapter 3.16 SOCIAL SECURITY

3.16.010 Funds appropriated.

The sum of \$27,000 will be appropriated from the various county funds effected to cover the participating costs and administrative costs of the county of Snohomish for its employees to be covered under provisions of the old age and survivor insurance as provided by the social security act of the United States, effective as of January 1, 1955, for the year 1955. Each year thereafter the county shall provide in the budget sufficient funds to pay the county's participating and administrative costs for this coverage.

(Res. adopted August 17, 1955; Res. adopted June 20, 1955; Amended Ord. 07-015, March 21, 2007, Eff date April 7, 2007).

3.16.020 Contributions.

The county auditor shall deduct from each employee's salary the amount of the employee's tax which is imposed by the federal insurance contribution act. The amount deducted from such wages shall be paid to the OASI contribution fund in partial discharge of the liability of the county of Snohomish. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor. The county shall, out of the funds appropriated as heretofore set forth, also forward to the governor of the state of Washington, or his duly authorized agent, such sums as the county shall be required to contribute under provisions of the Social Security Act of the United States and all cost allocable to the administration of this fund.

(Res. adopted August 17, 1955; § 3 of Res. adopted June 20, 1955).

3.16.030 Auditor's reports.

The county auditor shall make reports in such form and contain such information as the governor of the state of Washington may from time to time require and comply with such provisions as the governor of the state of Washington, or the secretary of health, education and welfare may from time to time find necessary to assure the correctness and verification of such reports.

(Res. adopted August 17, 1955; § 4 of Res. adopted June 20, 1955).

3.16.040 Termination.

The governor of the state of Washington shall be authorized to terminate this plan in its entirety in his discretion as provided by Chapter 4, Laws of Extraordinary Session, 1955. (Res. adopted August 17, 1955; § 5 of Res. adopted June 20, 1955).

Chapter 3.20 FLEXIBLE BENEFIT PLAN

3.20.010 Flexible benefit plan established.

There is hereby established a flexible benefit plan for county employees and elected officials. This plan shall be administered in compliance with Sections 105, 125, and 129 of the Internal Revenue Code and shall include, at a minimum, unreimbursed medical expense and dependent care expense reimbursement provisions. The plan shall provide those benefits described in the plan document adopted pursuant to section 3.20.030.

(Added by Ord. 11-036, June 22, 2011, Eff Date July 22, 2011)

3.20.020 Account established.

(1) There is hereby established a separate account to be known as the Section 125 account to pay employee section 125 related claims.

(2) The account shall be used to hold each participating employee's contributions until such time as the employee requests reimbursement for health care, dependent care and/or other qualifying expenses. Any employee contributions left in the account at the end of the plan year shall be forfeited by the employee. Those forfeitures and any interest earned will be used by the county to offset any administrative costs of this program.

(3) The director of finance shall have the responsibility for the financial administration of the account and shall maintain separate records showing receipts and disbursements for the account. The department of finance may establish rules and regulations for the financial administration of the account. The director of finance shall make necessary payroll deductions in accordance with written authorizations from participating employees to provide employee contributions.

(Added by Ord. 11-036, June 22, 2011, Eff Date July 22, 2011)

3.20.030 Adopted of plan.

The county council shall, by motion, adopt a flexible benefits plan document that qualifies as a cafeteria plan under section 125 of the Internal Revenue Code. The flexible benefits plan document so adopted shall address eligibility for participation in the plan, shall detail the qualified benefits included in the plan, shall include any benefit limits and shall provide all other necessary and prudent provisions to provide for the effective administration of the plan. The adopted flexible benefits plan document may be amended, revised or replaced by the council by motion, as it deems necessary or advisable.

(Added by Ord. 11-036, June 22, 2011, Eff Date July 22, 2011)

3.20.040 Program administration.

The director of human resources shall serve as the plan administrator and shall have responsibility for the day to day operation and administration of the program. The director of human resources shall have responsibility to prepare and distribute to all employees information concerning participation in the plan. The director of human resources may negotiate with brokers of record and/or third party plan providers and may approve and execute contracts for services with plan service providers. The director of human resources may, from time to time, prepare and recommend to the county council revisions to the flexible benefits plan and/or plan document.

(Added by Ord. 11-036, June 22, 2011, Eff Date July 22, 2011)

3.20.700 Sunset.

This chapter, adopted by Ordinance 11-036, or as later amended, is repealed on June 22, 2017 (the date six years following enactment) unless re-enacted prior to that date as provided in Snohomish County Charter Section 2.115.

(Added by Ord. 11-036, June 22, 2011, Eff Date July 22, 2011)

Chapter 3.30 TWICE-MONTHLY PAY PERIODS

3.30.010 Twice-Monthly Pay

County employees shall be paid twice monthly.

(Added Amended Ord. 05-006, Mar. 2, 2005, Eff date April 1, 2005)

3.30.020 Pay Periods

Two monthly pay periods are established. The first period is for services rendered from the first day to the fifteenth day of the month, inclusive (the "first pay period"). The second period is for services rendered from the sixteenth day to the last day of the month, inclusive (the "second pay period").

(Added Amended Ord. 05-006, Mar. 2, 2005, Eff date April 1, 2005)

3.30.030 Pay Lag

Compensation for services rendered by county officers and employees during the first pay period will be paid by the county not later than eight days following the end of the first pay period. Compensation for services rendered by county officers and employees during the second pay period will be paid by the county not later than eight days following the end of the second pay period.

(Added Amended Ord. 05-006, Mar. 2, 2005, Eff date April 1, 2005)

3.30.040 Paydays

Standard paydays will be the 7th and 22nd calendar days of each month. However, (a) if the standard payday falls on a Saturday, a Sunday or a legal holiday occurring on a weekday that is not a Monday, payday will be the last business day preceding that standard payday; and (b) if the standard payday falls on a legal holiday occurring on a Monday, payday will be on the first business day following that standard payday.

(Added Amended Ord. 05-006, Mar. 2, 2005, Eff date April 1, 2005)

Chapter 3.33

CHARITABLE CONTRIBUTIONS FOR COUNTY EMPLOYEES

3.33.010 Intent and purpose.

(1) The intent of this chapter is to provide a means consistent with state law governing salary and wage deductions for charitable agencies, whereby uniform procedures will be established for the efficient administration of one annual campaign for charitable contributions from county employees which may be made through payroll deductions.

(2) The purpose of this chapter is to:

- (a) Enhance county government and local communities in the meeting of human needs;
- (b) Provide a convenient channel through which county employees may contribute to the efforts of qualified agencies providing services in the community;
- (c) Minimize both the disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives may cause; and
- (d) Ensure that recipient agencies are fiscally responsible in the uses of the monies raised.

(Added Ord. 92-066, July 1, 1992).

3.33.020 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) Campaign--the solicitation of contributions from county employees by a representative of the campaign manager on behalf of charitable organizations through oral presentations, printed materials, audio/video media or other similar means which occurs on county property during normal county business hours.

(2) Charitable organizations--an organization which has been in active existence at least three years and which is formally recognized by the United States Internal Revenue Code as complying with section 501(c)(3) of the Internal Revenue Code or is a governmental unit of the state of Washington. All contributions to the organization must be deductible for federal income tax purposes under section 170 of the Internal Revenue Service Code of 1954 as demonstrated by receipt of an internal revenue service letter of determination granting tax deductible status to the charitable organization.

(3) Federation of charitable organizations--a group representing at least five charitable organizations which is organized to solicit and distribute contributions on behalf of its member charitable organizations.

(Added Ord. 92-066, July 1, 1992).

3.33.030 Employee charitable campaign committee (ECCC) established.

(1) Composition. The executive shall designate a charitable campaign committee chair. The chair shall be responsible for all aspects of the administration of the employee charitable campaign and the ECCC. An ECCC shall be established consisting of one employee from each of the county departments. The employees of each county department shall elect a representative to this committee for each calendar year.

(2) Functions. The county executive shall establish by executive order policy rules consistent with this chapter necessary to the conduct of charitable campaigns. The committee shall coordinate the charitable campaigns. Such coordination may include, but need not be limited to, determining which federations of charitable organizations may, consistent with this chapter and any policy rules adopted pursuant to it, participate in the county's charitable campaign and the dates by which applications must be filed for the annual drive. The executive and the council shall annually approve a contract for the campaign manager who shall be responsible for the administration of the campaign operation under the general oversight of the ECCC. Cost of the campaign manager shall be reimbursed out of the proceeds collected from the employee contributions. The total dollar amount reimbursed to the campaign manager shall be set in the contract.

(3) Compensation. Members of the committee shall serve voluntarily without additional salary. Employee members of the committee shall not receive additional compensation for working beyond normal working hours.

(Added Ord. 92-066, July 1, 1992).

3.33.040 Campaign guidelines and requirements.

(1) Frequency. There shall be one annual charitable campaign for federations of charitable organizations as provided by this chapter and in accordance with rules adopted pursuant to this chapter. The executive shall designate the month in which the charitable campaign will be held.

(2) Eligibility for Participation. A federation of charitable organizations shall be eligible to participate in the annual campaign if:

(a) The federation submits a timely application for participation to the committee to include as a minimum a certification signed by an authorized officer or employee of the federation which shall contain statements to the effect that:

(i) The charitable organization and the federation meet the standards established respectively in [SCC 3.33.020](#)(2) and (3).

(ii) The federation has been in existence and has actively made grants for the previous 12 months.

(iii) The federation has the express permission of the board of directors of each organization represented by the federation for the use of its name and participation in the fund drive.

(iv) The federation and each organization represented by the federation is registered with the secretary of the state of Washington as provided by RCW 19.09.065 and is in compliance with Washington laws governing charities to the best of the knowledge of the individual certifying the application.

(v) The federation and each organization represented by the federation, except government units, are governed by a voluntary board of directors which serves without compensation for serving on the board.

(b) The federation and each organization represented by the federation shall not discriminate with respect to those classes of people protected by federal law.

(c) The federation and each organization represented by the federation shall make available to the ECCC, copies of its annual report including its most recent financial statement, as well as a disclosure for that period of the total dollar value of support from all sources received on behalf of the charitable purposes, fund raising costs and other expenses.

(d) Each federation and each organization represented by the federation shall expend a minimum of 75 percent of the monies raised from the combined fund drive for those charitable purposes for which the money was solicited within 12 months of receipt of the monies.

(e) Each federation and each organization represented by the federation shall have no more than 25 percent of their total budget used towards overhead costs.

(3) Payroll Deductions Authorized. Organizations conducting campaigns pursuant to this chapter and to the rules authorized by this chapter may solicit donations from county employees to be made by payroll deductions. The county shall make deductions from county employees' salary warrants and pay the monies so collected to the federations of charitable organizations as authorized by county employees pursuant to this chapter and rules herein authorized.

(4) Use of County Resources--Prohibition. As provided in RCW 41.06.250(1) and 42.17.130, county property, equipment, or county employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

(5) Responsibility for Promotional Costs. All promotional costs associated with the campaign related to county employees shall be the responsibility of those organizations designated to participate in the distribution of the funds collected.

(6) Voluntary Participation. County employees' participation in charitable campaigns shall be strictly voluntary. No county employee shall be coerced to participate in any campaign presentation or coerced to make any donation to a charitable organization. No county employee shall be penalized for failing to participate in a campaign or for failing to make a donation to a charitable organization.

(Added Ord. 92-066, July 1, 1992).

3.33.900 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this chapter, and to this end the provisions of this chapter are declared to be severable.

(Added Ord. 92-066, July 1, 1992).

Chapter 3.34 DEFERRED COMPENSATION FOR EMPLOYEES

3.34.010 Authority.

Chapter 41.04 RCW authorizes public employers of the state to contract with their employees to defer a portion of the employees' income to be deposited or invested in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company or fixed and/or variable annuity contracts for the purpose of funding a deferred compensation program for employees. Based on the foregoing, the county executive is hereby authorized to establish an optional deferred compensation plan for county employees.

(Added Ord. 84-120, § 2, Oct. 10, 1984).

3.34.020 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

- (1) "County" means Snohomish county, state of Washington.
- (2) "Plan" means the Snohomish County Deferred Compensation Plan described and established in this chapter.
- (3) "Participant" means an employee who meets the eligibility requirements of [SCC 3.34.040](#) and applies for participation in accordance with the provisions of [SCC 3.34.050](#).
- (4) "Beneficiary" means an alternate payee of the participant and the person or entity designated by the participant to receive the unpaid benefit to which the participant is entitled under the plan and the terms of the investment(s) in the event of the participant's death.

(5) "Separation from service" means the employee has resigned, been laid off or terminated. If there is a reasonable anticipation or reasonable cause to believe the employee will be returned to work for the county within two months, the cessation from work will not be a separation from service.

(6) "Compensation" means all payments made by the employer to an employee as remuneration for services rendered to the employer, including salaries and fees.

(7) "Normal retirement age" means any age of which a participant has the right to retire under any one of the state of Washington retirement systems' pension plans and to receive immediate retirement benefits without actuarial or similar reduction because of retirement before some later age in the state retirement basic pension plan.

(8) "Employee" means any person who is employed by and receives any type of compensation from the employer for services rendered to the employer, specifically including salaried employees of the employer. An individual who is not treated by the employer as an employee for payroll tax purposes during the period that he or she performs services for the employer, will not be treated as an employee for such period.

(9) "Employer" means Snohomish County, or any of its agencies or departments for which services are performed by a participant.

(10) "Investment" means the investment funds or products authorized by the committee for the investment of participant accounts.

(11) "Committee" means the deferred compensation plan committee.

(12) Qualified domestic relations order means a qualified domestic relations order as defined in IRS Code Section 414(p) and made pursuant to the laws of the State of Washington.

(13) Alternate payee means any spouse, former spouse, child or other dependent of a participant who is recognized by a qualified domestic relations order as having a right to receive all, or a portion or, the benefits payable under the plan with respect to the participant.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003; Ord. 05-046, July 13, 2005, Eff date July 25, 2005).

3.34.030 Administration.

(1) The deferred compensation plan authorized by this chapter shall be administered by the deferred compensation committee which shall consist of the director of the department of finance, the director of the department of human resources and the county prosecuting attorney or his designee.

(2) The committee shall have the power and authority to adopt rules and regulations for the administration of the plan consistent with this chapter.

(3) The committee is authorized to contract with any person to provide any services for the administration of the plan including but not limited to processing of employee participation agreements, maintenance of participants' records and selection of investment media pursuant to the requirements and procedures of [chapter 3.04 SCC](#).

(4) The committee members, if otherwise eligible, shall be eligible to participate in the plan PROVIDED That they shall not be entitled to make decisions solely with respect to their own participation.

(5) The duties of the committee shall include the following:

(a) To determine the appropriate open change periods, which shall be held at least twice per year.

(b) To rule on employee requests to modify agreements and to withdraw funds with consideration given to IRS code Section 457 restrictions and treasury regulations, administrative costs to the county or its agents, and impact on overall status of the plan, financial and otherwise.

(6) The county council shall rule for committee members on any requests to modify agreements and requests to withdraw funds, subject to the guidelines contained in subsection (5)(b) of this section.

(7) The committee shall, on a periodic basis, compare the plan being offered to county employees with those available from other agents or companies, and make plan modifications or changes when appropriate.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.040 Eligibility to participate.

Every permanent full time and permanent part time employee of the county who is a bona fide resident of the state of Washington is eligible for participation in this plan. A participant shall remain a participant until the participant's benefit has been completely distributed from the Plan. Eligibility to defer compensation, however, shall terminate upon separation from service. All compensation paid under this plan shall be paid pursuant to [SCC 3.34.100](#).

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.050 Participation.

(1) An eligible employee may become a participant by executing a participation agreement and filing such participation agreement with the committee or its designee during an open change period. Such deferred amount shall hereinafter be referred to as "deferred compensation" and, except for distributions to alternate payees permitted under the plan and the terms of a qualified domestic relations order, shall only be paid to the employee and his or her beneficiaries at retirement, separation from service, death or upon the proven occurrence of an unforeseeable emergency as defined in IRS Code Section 457 and the regulations promulgated by the internal revenue service.

(2) The participation agreement may only be entered into during an open change period. Other changes in the agreement may be allowed only as provided in the plan.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003; Ord. 05-046, July 13, 2005, Eff date July 25, 2005).

3.34.060 Deferral limitations/maximums.

The annual maximum amount of compensation which may be deferred and the allowance of catch up contributions shall be determined by the plan document, in accordance with provisions of the Internal Revenue Code.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.065 Employer matching contributions

A matching contribution will be made by the county on behalf of eligible participants during each pay period. Eligibility and the amount of the matching contribution are defined by the plan document, subject to amendments adopted by the committee.

(Added Ord. 02-085, December 18, 2002, Eff date January 1, 2003)

3.34.070 Participant Accounts

A separate bookkeeping account shall be maintained for each participant in the plan, to reflect each participant's interest under the plan. All contributions made to the plan on a participants behalf shall be recorded in the participant's account, which shall be adjusted for investment interest income or loss and allocable fees, expenses and charges.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.080 Report on status of plan.

The committee shall prepare and present to the county council an annual report covering the period of January through December on the status of the plan which shall include, at a minimum, the total number of participants and the total deferred compensation of the participants.

(Added Ord. 84-120, § 2, Oct. 10, 1984).

3.34.090 Distribution of benefits.

(1) Eligibility for and payment of benefits shall be governed by the provisions of the plan and shall be consistent with the applicable provisions of the Internal Revenue Code, the terms of the plan documents, and the terms of the investments

(2) A participant's benefit under the plan shall be distributed (or commence to be distributed) to the participant and his or her beneficiaries at such time as the participant may elect in accordance with and subject to the terms of any qualified domestic relations order to which the participant is a party and such rules as the committee or the investment(s) may establish; provided, however, that except for unforeseeable emergency withdrawals and distributions to alternative payees under the terms of a qualified domestic relations order permitted under the plan, distributions from the plan may not be made to the participant or his or her beneficiaries earlier than (a) the calendar year in which the participant attains age 70½, or (b) the participant's severance from employment with the employer.

(3) Benefits shall be paid in accordance with the payment option elected by the participant subject to the terms of the Investment(s) and the terms of any qualified domestic relations order to which the participant is a party. If a participant dies before the benefits to which the participant is entitled to under the plan have been exhausted, the remainder of such benefits will be paid to the participant's designated beneficiary in accordance with the terms of the investment(s) and the plan documents.

(4) A participant may elect a direct rollover distribution to an eligible retirement plan, in a manner prescribed by the committee, in accordance with the terms of the investment(s), the IRS Code, and the plan documents.

(5) As defined by the plan documents, and approved by the committee, a participant or beneficiary may request a distribution from the plan due to an unforeseeable emergency, subject to the terms specified by the investment(s) in accordance with IRS Code.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003; Ord. 05-046, July 13, 2005, Eff date July 25, 2005).

3.34.100 Responsibilities of the county.

- (1) The county may not warrant any tax benefits or advantages under the plan.
- (2) The county shall be exonerated and held free from any liability of any kind hereunder if decisions or actions taken by the county are in good faith.
- (3) Nothing in this chapter shall in any way affect the rights of the county or the employees to terminate the employment relationship between them.
- (4) A trust, custodial account, or annuity contract will be established, in accordance with IRS Code and the terms of the plan document, for all amounts deferred under the plan, all property purchased, and rights purchased with such amounts, and all income attributable to such amounts, property or rights, to be held for the exclusive benefit of the participants and their beneficiaries.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.110 Rights of participants.

Each employee, upon having elected to become a participant, shall be deemed to have assented to the terms and conditions of the plan. The participant may not sell, assign or hypothecate any part of his or her account under the plan. Nor shall his or her contractual rights be subject to attachment by any creditor. A participant's contractual rights, however, may be assigned to an alternate payee as a beneficiary of the participant under the terms of a qualified domestic relations order. Each participant shall at all reasonable times be allowed to examine his or her particular deferred compensation account to determine its status and condition, and the county shall submit to the participant periodic reports of the progress of his or her particular account.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003; Ord. 05-046, July 13, 2005, Eff date July 25, 2005).

3.34.120 Termination or amendment.

The county may terminate the plan at any time. Upon termination, the plan shall continue in operation but without any further crediting of deferred compensation. The county may amend the plan at any time, PROVIDED That no such amendment shall with respect to any participant reduce such benefits provided hereunder as are derived from deferred compensation credited to him or her prior to the effective date of any such amendment.

(Added Ord. 84-120, § 2, Oct. 10, 1984; Ord. 02-085, December 18, 2002, Eff date January 1, 2003).

3.34.900 Severability.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected.

(Added Ord. 84-120, § 2, Oct. 10, 1984).

Chapter 3.35

EMPLOYEE WELLNESS PROGRAM

3.35.010 Employee wellness program authorized.

The county executive is authorized to create an optional wellness program for county employees to encourage employees to engage in healthy living practices. The program may include health risk assessment, screening, education and similar elements to promote healthy living practices.

(Added Ord. 07-060, Aug. 8, 2007, Eff date Aug. 19, 2007)

3.35.020 Eligibility to participate.

Every regular full time and regular part time employee of the county is eligible to participate in the employee wellness program authorized by this chapter, except to the extent such participation is inconsistent with the county's obligations under Chapter 41.56 RCW.

(Added Ord. 07-060, Aug. 8, 2007, Eff date Aug. 19, 2007)

3.35.030 Program guidelines and administration.

(1) The employee wellness program authorized by this chapter shall be administered by the director of human resources. On at least an annual basis, the director shall communicate program activities and related incentives to eligible employees.

(2) Participation in the employee wellness program shall be voluntary and no wellness program activity may be included within the official duties of any employee of Snohomish County.

(3) The employee wellness program may reward employee participation in program activities by providing monetary, merchandise, or other incentives based on an employee's level of participation. An employee's receipt of wellness program incentives shall remain contingent upon completion of program activities and upon sufficient budget appropriation for the specific purpose of funding program incentives.

(4) Where a collective bargaining agreement is in effect with respect to particular employees, such agreement shall control to the extent that its provisions conflict with elements of the employee wellness program.

(Added Ord. 07-060, Aug. 8, 2007, Eff date Aug. 19, 2007)

3.35.100 Sunset.

Chapter 3.35 SCC, as now or hereafter amended, is repealed effective on August 9, 2013 unless re-enacted prior to that date.

(Added Ord. 07-060, Aug. 8, 2007, Eff date Aug. 19, 2007)

Chapter 3.36 TRAVEL EXPENSES

3.36.010 Reimbursement for travel expenses.

No elected official, appointive officer or employee of Snohomish county shall be allowed expenses for any business trip outside of the state of Washington, unless prior permission shall have been secured from the county executive: PROVIDED, That prior permission for such expenses by council members and officials and employees responsible to and provided for in the budget of the council shall be secured by a majority of the council. Upon return of the council member, official or employee of the council, a report summarizing such travel shall be provided to the council.

(Added Res. Aug. 19, 1957; Amended Ord. 82-005, § 1, Feb. 1, 1982; Amended Ord. 86-030, April 2, 1986).

3.36.020 Reimbursement for use of personal automobile.

(1) Pursuant to RCW 42.24.090, Snohomish county employees authorized to use personal automobiles for travel on county purposes shall be reimbursed for such use at the rate established pursuant to subsection (2).

(2) The director of the department of budget and finance shall establish a standard mileage rate which shall apply to reimbursement of county employees for use of their personal automobiles for travel on county purposes. The rate shall be initially set to conform to the currently published mileage rate for business travel deductions set by the internal revenue service. The rate shall be revised periodically as the internal revenue service rate is revised so that the county mileage rate is consistent with the published internal revenue service rate. The director of the department of budget and finance shall promptly notify all departments of adjustments to the county mileage rate and shall fix the effective date of each adjustment.

(Res. 80-91, adopted March 24, 1980; § 1 of Res. adopted March 29, 1976; § 1 of Ord. adopted May 13, 1974; Amended Ord. 86-094, September 17, 1986; Amended Ord. 87-132, January 13, 1988; Amended Ord. 89-051, § 1, June 14, 1989; Amended Ord. 90-021, April 4, 1990).

3.36.030 Elected officials of Snohomish county.

(1) Each elected official of Snohomish county designated in subsection (2), at his or her option, may be assigned a county vehicle for official duties and travel on county business only as authorized by RCW 42.24.090, or may be reimbursed or paid a monthly vehicle allowance for official travel using his or her own vehicle, all as provided in [SCC 3.36.035](#).

(2) Eligible elected officials are the following: county auditor, assessor, clerk, prosecuting attorney, treasurer, county council members and county executive.

(Ord. 80-046 § 2, adopted September 8, 1980; Amended Ord. 91-037, § 1, April 17, 1991, Ord. 02-048, Sept. 25, 2002, Eff date Oct. 10, 2002).

3.36.035 Payment for eligible elected officials.

Payment for vehicle travel by elected officials eligible under [SCC 3.36.030\(2\)](#) shall be made as follows:

(1) If a county vehicle is assigned and used for travel for county purposes, rental on a monthly basis shall be billed against the appropriation and account involved.

(2) In any year for which a monthly vehicle allowance is established by ordinance as provided in this subsection any elected official designated in [SCC 3.36.030](#) using his or her own vehicle for travel for county purposes may be paid a vehicle allowance on a monthly basis of not more than 99 percent of the average monthly ER&R cost for replacement, maintenance, insurance and fuel expenses of a standard size county pool vehicle as determined by the director of public works. Such costs shall be reviewed annually by the director and reported to the council on or before October 15 of each year for the following year. The council may by ordinance establish a monthly vehicle allowance in such amount as it determines appropriate, if any. Any elected official designated in [SCC 3.36.030](#) wishing to claim the monthly vehicle allowance or drive a county vehicle as provided above shall inform the finance director. In addition to the monthly vehicle allowance provided herein, any elected official designated in [SCC 3.36.030](#) may claim reimbursement for mileage traveled by personal vehicle outside Snohomish county for county purposes, at the same rate authorized for all other county employees.

(3) Any elected official designated in [SCC 3.36.030](#) using his or her own vehicle for authorized travel for county purposes may elect to be reimbursed at the mileage rates authorized by [SCC 3.36.020](#) upon submission of appropriate voucher forms each month in lieu of automobile assignment or payment of a monthly vehicle allowance.

(Ord. 83-028 § 1, adopted April 22, 1983; Ord. 81-123 § 1, adopted January 13, 1982; Ord. 80-046 § 2, adopted September 8, 1980; Amended Ord. 87-114, December 9, 1987; Amended Ord. 91-037, April 17, 1991; Ord. 02-028, Sept. 25, 2002; Eff date October 10, 2002; Amended by Amended Ord. 09-131, Nov. 23, 2009, Eff date Jan. 1, 2010).

3.36.040 Type of vehicle.

Only private motor vehicles equipped with four or more wheels and fully enclosed bodies shall be used for travel for county purposes. No reimbursement for use of a personal automobile as provided in [SCC 3.36.020](#) shall be paid for the use of any vehicle not so equipped.

(Res. 79-257, adopted September 4, 1979).

3.36.045 Additional policies.

The director of budget and finance may from time to time present additional policies regarding reimbursement for travel for county purposes to the county council for adoption by motion.

(Added Ord. 87-114, December 9, 1987).

3.36.050 Lobbyist per diem allowance.

In lieu of the reimbursement for travel expenses provided by any other section of this chapter, any employee of the county, when assigned to a session of the Washington State legislature as a full-time "lobbyist" as defined in RCW 42.17.020(19), shall receive a per diem allowance for each and every day of the legislative session at a rate equivalent to that authorized by the state director of financial management pursuant to RCW 43.03.050 for members of the Washington State legislature.

(Added Ord. 87-003, § 1, Jan. 21, 1987).

Chapter 3.42

COUNTY NOXIOUS WEED CONTROL BOARD

3.42.010 Established – membership – qualifications - appointments.

Pursuant to chapter 17.10 RCW, a county noxious weed control board, hereinafter referred to as the “board,” is hereby established. The board shall consist of five voting members. At least four of the voting members shall be engaged in the primary production of agricultural products. There shall be one non-voting member who shall be the county extension director or an extension representative appointed by the county extension director. The council shall divide the county into five districts, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member for each district.

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.020 Terms of office.

The terms of office of members of the board shall be for four years and until their successors are appointed. Each voting member shall be limited to three consecutive full terms. Upon enactment of this chapter, for the purpose of establishing staggered terms, two of the five voting members shall be reappointed to serve terms of two years and three voting members shall be reappointed to serve terms of four years. For subsequent terms, members of the board shall be appointed in accordance with RCW 17.10.050(2).

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.030 Vacancies.

In case of a vacancy occurring in any voting position on the board, the council shall appoint a qualified person recommended by the executive to fill the vacancy for the unexpired term in the manner provided for in RCW 17.10.050.

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.040 Officers - meetings.

As provided by RCW 17.10.050(3), the board shall annually elect from its members, at its first regular meeting, a chairperson and a vice-chairperson. The noxious weed coordinator shall be responsible for maintaining the minutes and other records of the board.

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.050 Administration.

(1) The board shall employ or otherwise provide a county noxious weed coordinator, hereafter referred to as the “coordinator,” through the county personnel system, pursuant to RCW 17.10.060, with the director of the department of public works as the appointing authority for the coordinator. The coordinator may be classified as full time or seasonal as determined by the director of the department of public works in consultation with the board. The coordinator shall comply with the county personnel policies. These policies require supervision from the director of the department of public works or his/her designee for all purposes including authority regarding appointment, termination or employee discipline.

(2) The coordinator's duties shall include management of the annual noxious weed control program, including but not limited to:

- (a) Supervision of the inspection of land to determine the presence of noxious weeds;
- (b) Preparation of the annual program and preliminary budget for approval by the board and the county council;
- (c) Management of the board's annual program of work which includes four elements: the weed control program; the education program; the enforcement and regulation program; and the monitoring program.

(3) The coordinator will be accountable to the board for meeting the fiscal and budgetary restraints set forth by the board and the county council. The coordinator will provide the board with a budgetary review of expenditures and balances at the regular meetings of the board or as requested by the board.

(4) Subject to budgetary control by the county council, the board may request that the director of the department of public works assign additional department employees as the board deems necessary for the administration of the county's noxious weed control program. Such employees shall be county classified positions subject to the provisions of title 3A SCC. While the board shall establish the annual noxious weed control program to be carried out by such employees, they shall be subject to the supervision of the director of the department of public works or his/her designee for all purposes including decisions regarding appointment, termination or employee discipline.

(5) Administrative support for the board shall be provided by the department of public works. Subject to the limitations of budgetary appropriations, such support shall include, but not be limited to, office space, vehicles and equipment as well as payroll, accounting, grants administration and all other necessary financial services. All expenditures of board appropriations shall be approved by the chairman of the board, or his/her designee, before being authorized by the department.

(6) The board may seek and recommend that the executive, in accordance with SCC 2.10.010(25), apply for grants to support the county noxious weed control program. Grant contracts shall be approved in accordance with SCC 2.10.010 and 3.04.140.

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.060 Adopt rules.

The county noxious weed control board shall have the power to adopt such rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW as now or hereafter amended, as are necessary for an effective county noxious weed control or eradication program; PROVIDED, That such rules and regulations have been submitted and approved by the council; and PROVIDED, That such rules and regulations shall not be in conflict with state law or county code.

(Added Ord. 87-102, November 25, 1987).

3.42.070 Compensation and expenses.

The county noxious weed control board members shall serve without salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(Added Ord. 87-102, November 25, 1987).

3.42.080 Obligations or liabilities incurred.

Obligations or liabilities incurred by the county noxious weed control board or any claims against the county noxious weed control board shall be governed by chapter 4.96 RCW or RCW 4.08.120; PROVIDED, That individual members or employees of a county noxious weed control board shall be personally immune from civil liability for damages arising from actions performed within the scope of their official duties or employment.

(Added Ord. 87-102, November 25, 1987).

3.42.090 Districts.

For the purposes of SCC 3.42.010, the districts are:

NOXIOUS WEED CONTROL DISTRICT NO. 1

Beginning where the south line of Section 3, Township 31 north, range 3 east Willamette Meridian intersects with the westerly Snohomish county boundary, said point to be the TPOB; thence east along said south line of section 3 to the easterly boundary of Snohomish county; thence northerly along said easterly boundary to the northerly boundary of Snohomish county; thence west along said northerly boundary to the westerly boundary of Snohomish county; thence south to the TPOB.

NOXIOUS WEED CONTROL DISTRICT NO. 2

Beginning where the south line of Section 3, Township 31 north, Range 3 east Willamette Meridian intersects with the westerly Snohomish county boundary, said point to be the TPOB; thence east along said south line to the Easterly boundary of Snohomish county; thence south along said easterly boundary to the south line of Section 10, Township 30 North, Range 15 east Willamette Meridian; thence west along said south line of Section 10 to the westerly boundary of Snohomish county thence north along said westerly boundary to the TPOB.

NOXIOUS WEED CONTROL DISTRICT NO. 3

Beginning at the intersection of the south line of Section 10, Township 30 North, Range 15 East Willamette Meridian and the Easterly boundary of Snohomish county, said point to be the TPOB; thence west along said south line of Section 10 to the westerly boundary of Snohomish county; thence south along said westerly boundary to the south line of section 5, Township 29 North, Range 3 east Willamette Meridian; Thence east along said south line of Section 5 to the Easterly boundary of Snohomish county; thence north along said easterly boundary to the TPOB.

NOXIOUS WEED CONTROL DISTRICT NO. 4

Beginning at the intersection of the north line of Section 36, Township 28 north, range 3 east Willamette Meridian and the westerly boundary of Snohomish county, said point to be TPOB; thence east along said north line of section 36 to the easterly boundary of Snohomish county; thence north to the north line of Section 30, Township 29 North, Range 14 east Willamette Meridian; thence west along said north line to the westerly boundary of Snohomish county; thence south along said westerly boundary TPOB. NOXIOUS WEED CONTROL DISTRICT NO. 5

Beginning at the intersection of the north line of Section 36, Township 28 North, Range 3 East Willamette Meridian and the westerly boundary of Snohomish county, said point to be the TPOB; thence east along said north line of section 36 to the easterly boundary of Snohomish county; thence west to the westerly boundary of Snohomish county; thence north along said westerly boundary to the TPOB.

(Added Ord. 87-102, November 25, 1987; Amended by Amended Ord. 10-083, Oct. 27, 2010, Eff date Dec. 1, 2010).

3.42.100 Severability.

If any portions of this chapter or its applications to any person or circumstances is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

(Added Ord. 87-102, November 25, 1987).

Chapter 3.44 DISABILITY BOARD

3.44.010 Established.

By unanimous vote of the members of the board of county commissioners, the board of county commissioners establishes a disability board as specified in RCW 41.26.110 and that such disability board shall be designated as the "Snohomish county disability board of the Washington law enforcement officers' and fire fighters' retirement system."

(Res. adopted February 24, 1970).

3.44.020 Jurisdiction limitation.

Such disability board pursuant to the aforementioned statutes shall not be composed of any members or have jurisdiction over any city having a population of 20,000 or more.

(Res. adopted February 24, 1970).

3.44.030 Membership.

The disability board shall be composed of five members to be chosen as follows:

- (1) One member of the legislative body of the county to be appointed by the county legislative body;
- (2) One member of a city or town legislative body located within the county, which city or town does not have a population of 20,000 or more, and this member is to be chosen by a majority of the mayors of the cities and towns which do not have a population of 20,000 or more;
- (3) One fire fighter to be elected by the fire fighters which are subject to the jurisdiction of the county disability board;
- (4) One law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board; and
- (5) One member from the public at large who resides within the county or a city or town within the county but does not reside within a city or town with a population of 20,000 or more and that this member is to be appointed by the aforementioned four members.

(Res. adopted February 24, 1970).

3.44.040 Election.

The election of members of the disability board who represent the cities or towns legislative bodies, the fire fighters and law enforcement officers shall be conducted by the mayors of the cities and towns, the fire fighters and law enforcement officers subject to the jurisdiction of the county disability board, respectively, by March 13, 1970, and if such members are not elected by this specified date, such group shall convene and conduct elections on March 16, 1970, at 7:00 p.m. at Commissioners' Auditorium, 3rd Floor, Snohomish County Courthouse, 3000 Rockefeller Avenue, Everett, Washington.

(Res. adopted February 24, 1970).

3.44.050 Term of office.

All members of the disability board shall serve for two year terms.

(Res. adopted February 24, 1970).

3.44.060 Filling vacancies.

Vacancies on the disability board shall be filled in the same manner as the original members were elected or appointed.

(Res. adopted February 24, 1970).

3.44.070 Chairman - Secretary.

The disability board shall elect a chairman among its members, and shall also appoint a secretary who need not be a member of the board.

(Res. adopted February 24, 1970).

3.44.080 Meetings.

The disability board shall hold not less than one regular meeting in each month of each year, PROVIDED That if no issues over which the board had jurisdiction are pending upon its calendar, a meeting may be cancelled.

(Res. adopted February 24, 1970).

3.44.090 Records required.

The disability board shall adopt rules and regulations for the transaction of its business and shall keep records of its transactions, findings and determinations.

(Res. adopted February 24, 1970).

3.44.100 Claims approval, disapproval.

The disability board shall act upon and either approve or disapprove all claims brought before it pursuant to RCW 41.26.110 and shall perform all other functions directed, authorized and consistent with RCW 41.26.110.

(Res. adopted February 24, 1970).

Chapter 3.48

ROAD ADMINISTRATION BOARD

3.48.010 Work for other public agencies.

In accordance with the county road administration board's "standards of good practice", WAC 136-10-050(4), the following policy of procedure be adopted:

WORK FOR OTHER PUBLIC AGENCIES

- (1) The board will accept requests for work to be performed for other Snohomish county departments and/or other public agencies.
- (2) All procedures to be followed in complying with such requests shall be in accordance with the appropriate governing statutes of the state of Washington, and Chapter 32 of county road administration board standards of good practice.
- (3) The board shall be the sole authority to approve or disapprove all applications for such work, following receipt of the recommendations and comments of the county road engineer.
- (4) Upon written approval of the board, the county road engineer shall be authorized to make such arrangements as are necessary to complete the work requested.

(Res. adopted September 21, 1970).

3.48.020 Policy for handling complaints.

The following policy, as prescribed in WAC 136-10-050(3) of the "standards of good practice" of the county road administration board, be adopted for handling complaints related to any road department activity:

- (a) Public complaints that require policy-making decisions shall be referred to act upon by the board of county commissioners;
- (b) Public complaints dealing with normal routine problems shall be processed by the county engineer through his office and road district staffs;
- (c) Complaints received shall be recorded upon the forms provided, and referred to the appropriate staff member or supervisor for investigation and action where possible;
- (d) Findings of the investigation, and/or action taken shall be recorded in the space provided on the above-mentioned form and submitted to the county engineer. In cases where a complaint can be handled on the spot by personnel in the field this should be done, and the nature of the complaint and action taken reported to the county engineer;
- (e) Any citizen making a complaint, reporting a road deficiency, or raising a question regarding conditions or procedures shall be treated courteously and given the best explanation available. If an employee cannot take immediate action, he should freely admit his inability to do so and refer the matter to higher authority.

No complaint or report of road conditions or deficiencies shall be ignored, and the person making said complaint or report is entitled to know what action is taken. Promptness and fairness in handling all complaints is essential, and is the responsibility of every road department employee.

Copies of this policy, as herein set forth, shall be prominently posted in the office of the county engineer and all road department shops, so as to be readily available to all employees and to the general public.

(Res. adopted September 21, 1970).

Chapter 3.52

BOUNDARY REVIEW BOARD

3.52.010 Review board established.

There is hereby established in Snohomish county as a class A county, a boundary review board consisting of five members having the powers and duties and jurisdiction vested in such board by the laws of the state of Washington in chapter 36.93 RCW, as such is now written or in conformance to subsequent amendments.

(§ 1 of Res. adopted October 12, 1971).

3.52.020 Mayors convened.

A copy of this resolution shall be forthwith transmitted to each of the individual mayors of each city and town within the county. A meeting of the individual mayors is hereby convened on the 21st day of October, 1971, at Room 305, Snohomish county courthouse, for the purpose of nominating a list of at least two nominees for selection of one of the members of the boundary review board. Such nominations shall be filed in the office of the governor of the state of Washington within 30 days of the date of this resolution.

(§ 2 of Res. adopted October 12, 1971).

3.52.030 Special purpose district representatives convened.

A copy of this resolution is hereby ordered to be forthwith transmitted to each special purpose district lying wholly or partly within Snohomish county. A meeting of representatives of each special purpose district is hereby convened on the 21st day of October, 1971, in Room 325 of the Snohomish county courthouse, for the purpose of providing at least two nominees for a position upon the boundary review board. Such nomination is to be filed in the office of the governor of the state of Washington within 30 days of the passage of this resolution.

(§ 3 of Res. adopted October 12, 1971).

3.52.040 Board nominee.

The board of county commissioners shall compile a list of at least two nominees for one position upon the boundary review board to be filed in the office of the governor of the state of Washington within 30 days of the date of this resolution.

(§ 4 of Res. adopted October 12, 1971).

3.52.050 Initial terms.

The initial term of the nominee from the special purpose district and of one of the nominees by the governor, independently, shall commence on 45 days from the date of this resolution, and shall end on the 31st day of December, 1973.

(§ 5 of Res. adopted October 12, 1971).

3.52.060 Nominee by mayors - Initial term.

The initial term of the nominee by the individual mayors of the cities and of one of the nominees by the governor, independently, shall commence on 45 days from the date of this resolution and shall end on the 31st day of December, 1975.

(§ 6 of Res. adopted October 12, 1971).

3.52.070 Nominee by board of county commissioners - Initial term.

The initial term of the nominee chosen by the members of the board of county commissioners shall commence 45 days from the date of this resolution and shall end on the 31st day of December, 1977.

(§ 7 of Res. adopted October 12, 1971).

3.52.080 Succeeding terms.

Upon the expiration of the term of the initial members first to be appointed, each succeeding member shall be appointed and hold office for a term of six years.

(§ 8 of Res. adopted October 12, 1971).

3.52.090 Vacancies.

Any vacancy on the boundary review board shall be filled by appointment by the governor from the source as the preceding member, which source shall have the opportunity to make new nominations for the vacated position and each such appointee shall serve only for the balance of the full term of his predecessor. Nominations to fill vacancies caused by the expiration of terms shall be filled in the office of the governor of the state of Washington at least 30 days preceding the expiration of the terms. Each source shall nominate at least two persons for every available position. In the event there are less than two nominees for any position, the governor may appoint a member for that position independently.

(§ 9 of Res. adopted October 12, 1971).

3.52.100 Conflicts of interest.

No nominee for membership and no member shall be consultant or advisor on contractual or regular retaining basis of the state of Washington or of any municipal corporation thereof, within the county in which the board is established, or any agency or association thereof.

(§ 10 of Res. adopted October 12, 1971).

3.52.110 Meetings.

The boundary review board is hereby prohibited from meeting in panels. In all other respects, such board shall organize and operate as provided by chapter 36.93 RCW, as now written in conformance to subsequent amendments.

(§ 11 of Res. adopted October 12, 1971).

3.52.120 Council request for review.

Pursuant to RCW 36.93.100, notice of initiation of proposals shall be referred to the county executive for review and recommendation to the council. Upon receipt of the notice, the executive shall immediately provide a copy to the council.

In addition to the recommendation, the executive shall also submit detailed information pertaining to all fiscal, departmental and other county-wide impacts. This shall include, but not be limited to, total assessed value, and impacts upon comprehensive plans, transportation systems, utility plans, law enforcement, courts, parks, county budget and community comments.

An area proposed for annexation that is less than 10 acres and less than \$2,000,000 in assessed valuation is exempt from the requirement for the detailed information but shall include an executive recommendation and a summary of the information upon which the recommendation is based.

The council, at a public meeting, shall determine whether to file a request for review of the proposed action. The council shall give notice of its decision to the boundary review board within 45 days of the filing of a notice of intention.

(Added Ord. 87-074, August 19, 1987).

Chapter 3.57 AFFIRMATIVE ACTION

3.57.010 Statement of policy.

(1) It is the policy of Snohomish county to provide equal employment opportunity to all its employees and applicants for employment, and to assure that there is no discrimination against any person on the basis of his or her race, color, sex, religion, marital status, national origin, age, sexual orientation, citizenship, veteran status, or the presence of any sensory, mental, or physical disability in accordance with state and federal laws. This policy extends to all areas of employment and to all relations with employees, including recruitment, selection, compensation, discipline, demotion, layoff, termination, testing, training, working conditions, awards, benefits, and other terms and conditions of employment.

(2) As part of its commitment to equal employment opportunity, Snohomish county will rigorously take affirmative action to eliminate barriers to equal employment opportunity encountered by women and racial minorities and to improve employment opportunities available to specific underutilized groups of women and racial minorities.

(3) In implementing this chapter, Snohomish county will carry out applicable federal, state, and local laws relating to equal employment opportunity and affirmative action.

(Added Ord. 87-084, September 16, 1987; Amended Ord. 01-126, December 19, 2001, Eff date January 3, 2002).

3.57.020 Duties of county executive.

(1) The county executive is responsible for providing leadership and administrative direction to implement the provisions of this chapter.

(2) The county executive shall recommend an affirmative action plan for adoption by the county council. In addition, the county executive shall recommend necessary amendments to this chapter and changes in staff or funding needed to comply with the affirmative action plan.

(3) The county executive shall consider the progress of an executive department in meeting affirmative action goals a significant factor in evaluating the performance of the chief officer of that department.

(Added Ord. 87-084, September 16, 1987).

3.57.030 Duties of personnel department.

(1) The director of personnel or his or her designee shall be the county's affirmative action officer and shall coordinate the affirmative action efforts of the county.

(2) The director of personnel shall monitor the affirmative action plan adopted under this chapter and shall, at least annually after consulting with departmental affirmative action representatives, submit a written report to the county executive containing appropriate recommendations for affirmative action.

(Added Ord. 87-084, September 16, 1987).

3.57.040 Duties of chief officers.

The chief officer of each executive department is responsible for implementation of the affirmative action plan within his or her department. The chief officer shall designate one or more affirmative action representatives for the department and shall provide adequate time for each affirmative action representative to effectively carry out his or her duties under this chapter.

(Added Ord. 87-084, September 16, 1987).

3.57.050 Duties of departmental affirmative action representatives.

(1) Each departmental affirmative action representative shall:

- (a) maintain a liaison with the personnel department relating to affirmative action;
- (b) participate in the development, implementation, and monitoring of departmental affirmative action programs;
- (c) attend meetings called by the director of personnel or his or her designee; and
- (d) perform such other duties as the chief officer may assign.

(2) A departmental affirmative action representative shall report directly to the chief officer of his or her department on all matters concerning equal employment opportunity and affirmative action.

(Added Ord. 87-084, September 16, 1987).

3.57.060 Preparation of affirmative action plan.

(1) On or before June 1 of each year, the county executive shall submit to the county council an affirmative action plan or plan update for the following calendar year. (2) The county council will adopt an affirmative action plan or plan update for each calendar year.

(Added Ord. 87-084, September 16, 1987).

3.57.070 Content of affirmative action plan.

The affirmative action plan submitted by the county executive under [SCC 3.57.060](#)(1) must contain the following elements:

- (1) equal employment opportunity and affirmative action policy;
- (2) internal and external dissemination of policy;
- (3) responsibility for implementation;
- (4) utilization analysis, including work force analysis and availability analysis;
- (5) identification of problem areas, if any;
- (6) goals and timetables;
- (7) development of programs to eliminate problems and achieve goals;
- (8) internal audit and reporting system; and
- (9) support of programs.

(Added Ord. 87-084, September 16, 1987).

3.57.080 Grievance procedure.

The director of personnel shall establish an employee grievance procedure to remedy violations of this chapter where an employee grievance procedure is not otherwise available by law or collective bargaining agreement.

(Added Ord. 87-084, September 16, 1987).

3.57.090 Affirmative action program of county contractors and subcontractors.

Any contractor or subcontractor entering into a contractual relationship with Snohomish county is subject to applicable federal and state laws governing equal employment opportunity and affirmative action.

(Added Ord. 87-084, September 16, 1987).

3.57.100 Copies of other laws.

The personnel department shall, as it deems appropriate, maintain copies of federal and state statutes, executive orders, administrative regulations, and other documents relating to equal employment opportunity and affirmative action for inspection by county employees.

(Added Ord. 87-084, September 16, 1987).

Chapter 3.58

DRUG-FREE WORKPLACE

3.58.010 Statement of policy.

It is the policy of Snohomish county to maintain a drug-free workplace.

(Added Ord. 89-136, November 22, 1989).

3.58.020 Prohibitions.

Unlawful manufacture, cultivation, distribution, dispensing, possession, or use of a controlled substance as defined in chapter 69.50 RCW, The Uniform Controlled Substances Act, or intoxicant is prohibited in the workplace. The workplace is defined as the employee's assigned location(s) for carrying out the responsibilities of his/her position which shall include all locations over which the employer has right of access or control, or where the employee is required to be during his/her work day.

(Added Ord. 89-136, November 22, 1989).

3.58.030 Workers under the influence - Prohibited in the workplace - Exceptions.

Workers under the influence of alcohol, intoxicants or controlled substances, are prohibited in the workplace. This rule does not apply to persons taking prescription drugs and narcotics as directed by a physician or dentist provided such use shall not endanger the worker or others. It is the employee's responsibility to check with his/her physician, dentist, or pharmacist as to whether or not a prescription or over-the-counter drug will impair performance and to notify his/her supervisor of the impairment and the period of time the medication will be used. If an employee's supervisor reasonably believes the employee's performance is impaired or poses a safety risk as a result of the employee's medication, the supervisor may send the employee home on sick leave until the employee provides the County a return-to-work authorization from the employee's health care provider.

(Added Ord. 89-136, November 22, 1989; Ord. 06-071, Oct. 25, 2006, Eff date Nov. 9, 2006).

3.58.040 Condition of employment.

It shall be a condition of employment that each county employee will:

- (1) Abide by the terms of this policy, and
- (2) Notify the director of human resources of any criminal drug statute conviction against him/her for a violation occurring in the workplace, no later than five days after the date of such conviction.

(Added Ord. 89-136, November 22, 1989; Ord. 06-071, Oct. 25, 2006, Eff date Nov. 9, 2006).

3.58.045 Reasonable suspicion testing.

An employee is required to submit to an alcohol and/or drug test when a trained supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or drugs. The determination that reasonable suspicion exists to require an employee to undergo testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. For drug testing, the observations may include indications of the effects of chronic use or withdrawal from use of drugs. The supervisor shall document his or her observations.

(1) Any trained supervisor or manager who, as a result of the application of this policy, believes that an employee may be under the influence of a drug or alcohol, shall order the employee to take an alcohol and/or drug screen test. Any interview of the employee under these circumstances will be done in private to avoid potential embarrassment. Supervisors or managers whose duties include ordering "reasonable suspicion" drug tests shall receive at least one hour of training on the effects of alcohol abuse and one hour of training on the effects of drug misuse. If a supervisor or manager believes that an employee may be under the influence of a drug or alcohol but the supervisor or manager has not previously received the necessary training, then that supervisor or manager shall seek the concurrence of a trained supervisor or manager prior to ordering the testing of an employee.

Under no circumstances may any supervisor, manager, or employee attempt to restrain, either through physical force or verbal order, an employee who chooses to leave the workplace rather than comply with an order to take a drug or alcohol test.

(2) An employee is prohibited from refusing to submit to drug or alcohol testing when so ordered by a supervisor or manager. An employee who refuses to take an alcohol or drug test will be considered to have received a positive test. An employee is prohibited from contaminating, tampering with or altering in any way a drug or alcohol test specimen.

(3) A supervisor or manager who orders a drug and/or alcohol test shall arrange for transportation and accompany the involved employee to the authorized testing site.

(4) The supervisor or manager of an employee ordered to submit to a drug or alcohol test shall, following administration of the test, transport the employee to his/her home, or arrange transportation, pending results of a drug test or when an alcohol test is positive. The supervisor or manager shall place the employee on administrative leave pending the results of the drug test. The supervisor or manager shall place an employee who tests positive in an alcohol or drug test on sick leave (or vacation or leave without pay, if the employee has no sick leave accrued) until the employee is able to return to work pursuant to SCC 3.58.055 or subsection (5) of this section.

(5) An employee who is tested and whose breath-alcohol concentration (BAC) is greater than .02 but less than .04 may not return to work following the test. After 24 hours have elapsed, he/she may return to work without further testing.

(6) Results of all drug and alcohol tests shall be handled in a confidential manner with results being reported only to the employee, the appropriate manager and supervisor, and the human resources director or his/her designee.

(7) All positive drug tests shall be reviewed by a physician who is qualified to act as a medical review officer (MRO) under 49 C.F.R. § 40.121(as amended Aug. 9, 2001).

(Added Ord. 06-071 Oct. 25, 2006, Eff date Nov. 9, 2006)

3.58.050 Discipline.

Employees may be disciplined, up to and including termination, for violation of any of the prohibitions listed in this chapter. Additionally, the following actions may be taken separately or in combination for violation of any prohibition listed in this chapter:

(1) Confiscation of any suspected substance, device, paraphernalia, container or other items found in the workplace that are considered a part of the violation.

(2) The employee may be required to successfully complete a county-approved substance abuse rehabilitation program prior to his or her return to work or as a condition of continued employment.

(Added Ord. 89-136, November 22, 1989; Ord. 06-071, Oct. 25, 2006, Eff date Nov. 9, 2006).

3.58.055 Return to work.

An employee who takes a test required by SCC 3.58.040 who receives a positive drug test result or receives an alcohol test result with a BAC of 0.04 or higher, shall be required to obtain a return-to-duty test (either alcohol, drug, or both) with a negative result in the case of a drug test or, in the case of an alcohol test, with a result of a BAC level of less than 0.02, prior to returning to work. This test shall be obtained at the employee's expense.

Prior to obtaining a return-to-duty test, an employee must meet with a substance abuse professional and agree to terms of a Reinstatement/Return-to-Work Agreement provided by the County. The agreement will set out the conditions for the employee's return to work in accordance with the substance abuse professional's recommendation regarding treatment and follow-up and the County's requirements regarding future conduct and drug and or alcohol testing, as appropriate.

(Added Ord. 06-071, Oct. 25, 2006, Eff date Nov. 9, 2006)

3.58.060 Assistance for substance abuse problems.

(1) Employees with substance abuse problems are encouraged to seek assistance from their supervisor, department head, or the director of human resources.

As part of its commitment to all employees in maintaining a safe and productive drug-free workplace, the county provides the services of an employee assistance program (EAP). This program is available to assist employees with substance-abuse or related problems.

Supervisors and managers are encouraged to obtain advice from an EAP service provider when dealing with an employee whose work performance behaviors indicate substance abuse. Supervisors and managers shall refer employees to the EAP as necessary. However, if an employee has a positive alcohol or drug test, his or her supervisor shall refer the employee to the EAP. An alcohol test result showing a BAC of .04 or greater is considered a positive test.

(2) If an employee for any reason terminates a substance abuse rehabilitation program recommended and approved by the EAP service provider, without approval of a substance-abuse professional, the employee shall not be allowed to return to work until such time as he/she is actively participating in an approved program and has been cleared to return to work by a substance-abuse professional. The employee is also required to sign a "Reinstatement/Return to Work" agreement.

(Added Ord. 89-136, November 22, 1989; Ord. 06-071, Oct. 25, 2006, Eff date Nov. 9, 2006).

Chapter 3.64 CETA EMPLOYEE -- COMPLAINT PROCEDURE

3.64.010 Designated.

If a CETA participant has an employment- related complaint, he/she should first attempt to resolve the complaint informally. If this does not settle the matter, the CETA participant should follow the steps outlined below:

Step I. The CETA participant shall verbally present his/her complaint to his/her immediate supervisor within three working days of the occurrence of the issue, and the supervisor will respond verbally within three working days.

Step II. If the CETA participant is dissatisfied with the supervisor's response, the CETA participant shall, within five days of the supervisor's response, submit a written request for a hearing with the department head.

(a) The request must include:

(i) A clear and complete statement of your complaint.

(ii) A statement of the action or remedy which you are seeking.

(b) The department head in consultation with the personnel director will review the complaint and the CETA participant will receive written notification of the time for an informal hearing with the department head. Such hearing should be scheduled as soon as practicable.

(c) The CETA participant will be notified in writing within five working days following the hearing of the department head's final decision. The decision will take effect immediately unless otherwise stated in the written notification.

Step III. If the CETA participant wishes to appeal this decision, he/she may appeal it to the King-Snohomish Manpower Consortium by sending a written complaint to:

King-Snohomish Manpower Consortium

Attention: Affirmative Action Officer

Room 1811, Smith Tower Building

Seattle, Washington 98104

Step IV. If the CETA participant wishes to appeal the decision of the King-Snohomish Manpower Consortium, the CETA participant will have 30 days to file a formal allegation with the U.S. Department of Labor, Employment and Training Administration. Procedures for filing a formal allegation will be provided to the participant along with the written decision from the consortium.

Note I. The CETA participant shall be notified in writing of any adverse action and the reason therefor. Adverse action as used herein refers to suspension, written reprimand, or termination for disciplinary reasons, or other similar disciplinary action taken against an individual participant.

Note II. If the above prescribed procedures and time frames are not followed in sequence, the consortium may decline to review any decision which the agency has made in the CETA participant's regard.

The CETA participant cannot be penalized for taking any of the actions outlined above in an effort to resolve a complaint. Moreover, these procedures do not in any way infringe upon his/her right to file a complaint with any appropriate federal, state or local civil rights agency.

(Part of Res. adopted March 20, 1978).

3.64.020 Comprehensive employment and training act participant information form.

The comprehensive employment and training act participant information form reads as follows:

I understand that this position is funded under the Comprehensive Employment and Training Act, and although my salary is paid by the Federal government, I am considered an employee of .

I understand that I am not assured of a job once the program is over. I understand that I am to be treated like other employees of this agency, and that I will receive no more nor no less benefits than those received by regular employees. I understand that this agency will make an effort to secure my employment upon the termination of the program or at such time as an opportunity suitable to my skills becomes available.

Said good faith effort may not in any way be construed as an assurance that this agency will employ me upon the termination of this program. I hereby certify that I have received a copy of the above agency's CETA Issue Resolution Procedure for Public Service Employment.

(Signature of Participant)

(Date)

(Typed Name of Participant)

(Witness)

Distribution: Original to participant Copy of signed information form to file

(Part of Res. adopted March 20, 1978).

Chapter 3.66

SMALL CLAIMS COLLECTION PROCEDURE

3.66.010 Department heads - Power to pursue.

The heads of all county departments shall have the authority to pursue and collect all monetary claims owed to the county which total \$500.00 or less in small claims court.

(Res. 79-245, adopted August 27, 1979).

3.66.020 Department heads - Delegation of authority.

All county department heads shall further have the authority to delegate this authority to county employees under their supervision who, in the opinion of the department head, possess the experience and skill to adequately pursue and collect said claims.

(Res. 79-245, adopted August 27, 1979).

3.66.030 Records.

All department heads shall be responsible for maintaining records of the claim and the small claims court action for its collection. These records shall include detailed information as to the nature and amount of the claim, the department head responsible for its collection, the individual who appears in court on behalf of the county, and the disposition of the action.

(Res. 79-245, adopted August 27, 1979).

3.66.050 Risk management - Responsibility.

The office of risk management shall be responsible for collection of claims by the county in small claims court not exceeding \$500.00 which arise from injury to a county employee or damage to county property.

(Res. 79-245, adopted August 27, 1979).

3.66.060 Appeals - Transmittal to prosecutor.

In the event that the defending party appeals the judgment of the small claims court to superior court pursuant to RCW 12.36.020, the department head shall transmit all pertinent records and information to the prosecutor's office within three days of receiving the notice of appeal.

(Res. 79-245, adopted August 27, 1979).

Chapter 3.67

SNOHOMISH REGIONAL DRUG TASK FORCE PERSONNEL

3.67.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Snohomish Regional Drug Task Force" means an association established by interlocal agreement between Snohomish County and cities or other governmental entities within Snohomish County for the purpose of coordinating drug law enforcement activities.

(2) "Task Force Commander" means the head administrator of the Snohomish Regional Drug Task Force whether designated in the governing interlocal agreement as a commander, director, or some other term of administrative authority.

(Added Ord. 01-117, November 7, 2001, Eff date November 19, 2001).

3.67.020 Task Force Commander.

Under the authority granted in RCW 41.14.070(4), the County Council designates the position of Task Force Commander as an unclassified position within the Snohomish County Sheriff's Office. The Sheriff shall appoint the Task Force Commander as an exempt employee under chapter 3.68 SCC. This designation shall lapse and any person employed as the Task Force Commander shall be terminated by the Sheriff if at any time Snohomish County is not a member of the Snohomish Regional Drug Task Force or the Task Force Commander is employed as such by any entity other than Snohomish County.

(Added Ord. 01-117, November 7, 2001, Eff date November 19, 2001).

Chapter 3.68

EXEMPT PERSONNEL

3.68.005 Definition of terms.

The terms used in this chapter shall have the meaning as provided for in chapters [3A.02](#) and [3A.08](#) SCC, except where the context clearly indicates otherwise.

(Added Ord. 89-172, § 1, January 10, 1990).

3.68.010 Scope of chapter.

The provisions of this chapter apply to the following positions:

- (1) Two positions designated by each district court judge;
- (2) Two positions designated by each of the following elected officials: assessor, auditor, clerk, treasurer, prosecuting attorney, and each county councilmember;
- (3) Four positions designated by the county executive;
- (4) Eight positions designated by the sheriff in accordance with RCW 41.14.070; the chief of the corrections bureau established by SCC 2.15.010 plus a deputy bureau chief, director of administration, detention commander, community corrections commander, health services administrator, and psychiatrist; and the Commander of the Snohomish Regional Drug Task Force appointed by the sheriff in accordance with SCC 3.67.020;
- (5) The department heads appointed by the executive and confirmed by the council;
- (6) The division directors and division managers and deputy department heads of executive and administrative departments whose department head is appointed by the executive and confirmed by the council;
- (7) The professional employees within the executive's office;
- (8) Deputy prosecuting attorneys in the prosecuting attorney's office except as provided in Snohomish county Ordinance 83-147;
- (9) The professional employees within the county council's office;
- (10) Two positions designated by each superior court judge, the superior court commissioners, the administrator, superior/juvenile court, the assistant administrator, superior court operations, the assistant administrator, juvenile court operations, the case flow administrative manager, superior court, the programs administrator, superior court, the human resources manager, superior/juvenile court, and the administrative assistant, superior/juvenile court; except that no law clerk/bailiff hired and designated pursuant to this chapter subsequent to December 31, 1992, shall be entitled to the leave benefits conferred by this chapter, but instead they shall receive, use and accrue vacation, sick and holiday benefits in accordance with chapter 3A.06 SCC;
- (11) The hearing examiner and any deputy examiners selected and appointed pursuant to SCC 2.02.030 and 2.02.040;

(12) Any classified employee transferred, reclassified or promoted to an exempt position on or after the effective date of this subsection;

(13) The chief clerk of the boundary review board and the clerk of the board of equalization appointed pursuant to the authority of RCW 36.93 and RCW 84.48;

(14) The law and justice cabinet FTE appointed pursuant to SCC 3.68.030(7); and

(15) The professional employees within the office of county performance auditor established by SCC 2.700.010.

(Added Ord. 85-113, § 2, November 20, 1985; Amended Ord. 89-172, § 2, January 10, 1990; Amended Ord. 90-110, August 1, 1990; Amended Ord. 91-118, August 28, 1991; Amended Ord. 92-160, Dec. 21, 1992; Amended Ord. 97-008, April 2, 1997, Eff date April 13, 1997; Amended Ord. 01-117, November 7, 2001, Eff date November 19, 2001; Ord. 02-037, August 21, 2002, Eff date Sept. 6, 2002; Ord. 03-048, July 2, 2003; Eff date July 17, 2003; Amended Ord. 04-009, March 10, 2004, Eff date March 25, 2004; Amended Ord. 07-049, June 6, 2007, Eff date July 1, 2007; Amended Ord. 07-063, July 11, 2007, Eff date Sept. 1, 2007; Amended by Amended Ord. 08-014, April 30, 2008, Eff date May 17, 2008; Amended by Amended Ord. 08-137, Nov. 10, 2008, Eff date Jan. 1, 2009).

3.68.015 Exclusions.

The provisions of this chapter shall not apply to:

- (1) All county elected officials, except for benefits provided in [SCC 3.68.060](#)(1) and 3.68.080;
- (2) All personnel subject to collective bargaining agreements;
- (3) All employees subject to the provisions of Title [3A](#) SCC;
- (5) Contract employees, including professional consultants;
- (6) All personnel, including deputies and staff, of the sheriff's office who are in "classified" service as defined by the county council or county executive; and
- (7) All persons exempt under applicable state law, including court personnel to the extent governed by human resource rules or guidelines adopted by the court pursuant to Rules of General Application (GR) 29.

(Added Ord. 85-113, § 3, November 20, 1985; Ord. 07-091, Oct. 10, 2007, eff date Oct. 25, 2007).

3.68.020 Election.

Any classified employee who, prior to the effective date of this section, was transferred, reclassified or promoted to an exempt position and is holding such position on the effective date of this section, may elect to be subject to the provisions of this chapter; PROVIDED, Such election is submitted in writing to the director within 30 days after the enactment of this section.

(Added Ord. 91-118, August 28, 1991).

3.68.030 Selection of exempt positions and personnel.

(1) Each elected official shall designate the position or positions the official selects as exempt in accordance with SCC 3.68.010, in writing, which writing the official shall file with the council and executive. Each elected official shall designate the person selected to fill each exempt position designated, as provided herein in writing, which writing the official shall file with the council and executive. No elected official shall designate or appoint any spouse or relative, as defined in SCC 3A.12.050, to an exempt position, and, in the event such spouse or relative has been so designated or appointed, such designation or appointment shall be null and void, except where otherwise provided by law. Otherwise, such designation is irrevocable until such person leaves, or is dismissed from, or transfers from the position designated as exempt, or unless such position is transferred to the classified service.

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

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

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

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

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

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

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

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

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

(8) The performance auditor shall be appointed as set out in SCC 2.700.010.

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

(Ord. 82-003, adopted March 22, 1982; Amended Ord. 85-113, § 4, November 20, 1985; Amended Ord. 96-008, § 1, April 13, 1996, Eff date April 18, 1996; Ord. 02-037, August 21, 2002; Eff. date Sept. 6, 2002; Amended Ord. 04-009, March 10, 2004, Eff date March 25, 2004; Ord. 04-059, July 28, 2004, Eff date Aug. 9, 2004; Amended Ord. 07-049, June 6, 2007, Eff date July 1, 2007; Amended by Amended Ord. 08-137, Nov. 10, 2008, Eff date Jan. 1, 2009).

3.68.040 Termination of exempt appointment.

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

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

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

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

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

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

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

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

(5) Where the exempt employee's return rights under subsection (2) of this section are not granted because his retention would not be in the best interests of the county, the employee may appeal such decision to the grievance board or civil service board, as appropriate. The decision of either board shall be binding.

(Ord. 82-003, adopted March 22, 1982; Amended Ord. 89-172, § 4, January 10, 1990; Amended Ord. 91-118, August 28, 1991; Ord. 04-059, July 28, 2004, Eff date Aug. 9, 2004; Amended Ord. 07-049, June 6, 2007, Eff date July 1, 2007).

3.68.050 Salary plan and administration.

Exempt employees of the sheriff's office shall be covered by the sheriff's office exempt employees compensation plan. All other exempt county employees except superior court commissioners governed by [SCC 2.14.030](#) shall be covered by the management and exempt employees compensation plan which shall be initially prepared by the personnel director and submitted to the executive and council for consideration and adoption. Amendments to either plan may be prepared from time to time by the personnel director or submittal to the executive and council after consideration of competitive salaries for the same or similar positions in the labor market, salary relationships within the county, the county's ability to pay, results of collective bargaining and other applicable factors. The plan shall recommend salary ranges for each exempt position and shall specify rules for administration and advancement through the salary range. Any such plan is subject to the availability of funds and appropriations therefor. Any such plan or plan amendment shall be subject to the approval of the council and shall comply with all budgetary procedures.

(Added Ord. 85-113, § 5, November 20, 1985; Amended Ord. 89-172, § 5, January 10, 1990; Amended Ord. 91-023, February 20, 1991; Ord. 02-037, August 21, 2002; Eff. date Sept. 6, 2002).

3.68.055 Acting appointments.

(1) An acting appointment to fill a vacant management and exempt position shall be permitted during the recruitment and selection process, when such appointment is necessary to insure operational continuity. An acting appointment may also be utilized, to replace an employee on leave or while organizational changes are being deliberated. Such an appointment shall not be permitted to circumvent confirmation decisions made by the council.

(2) Employees who receive an acting appointment to positions covered by the management and exempt employees compensation plan will be paid in accordance with normal county policy covering promotions, demotions, transfers, or initial employment, whichever is appropriate.

(3) Employees who are promoted, demoted, or transferred on an acting basis to an exempt position will continue to receive benefits as they did prior to appointment. New hires who receive an acting appointment are not eligible for benefits.

(4) Upon termination of an acting appointment, regular employees will be reinstated to their previous position without loss of status. Time spent in acting status will be considered as time in their regular position. New employee(s) will be terminated upon expiration of the acting appointment(s).

(5) Acting appointments shall not exceed six months unless an extension is granted by the council. At the completion of an acting appointment, the regular employee will return to the range and step that he/she would have occupied had he/she not received the acting appointment. Time spent in an acting capacity shall not be credited toward satisfying any time requirements under the management and exempt employees compensation plan.

(Added Ord. 89-172, § 6, January 10, 1990).

3.68.060 Statement of benefits.

(1) Exempt personnel and elected officials shall be eligible for the following benefits in the same manner and to the same extent as other, nonexempt employees not represented by collective bargaining, as provided for in [chapter 3A.06](#) SCC.

(a) Retirement;

(b) Medical insurance;

- (c) Dental insurance;
- (d) Life insurance;
- (e) Industrial insurance;
- (f) Social Security;
- (g) Legal holidays;
- (h) Leave for jury duty and military leave.

(2) Exempt employees shall be eligible for leave with pay as provided in [SCC 3.68.070](#) which shall replace:

- (a) Compensatory time off;
- (b) Overtime;
- (c) Birthday leave;
- (d) Maternity/paternity leave;
- (e) Bereavement leave;
- (f) Vacation leave;
- (g) Sick leave.

(3) Consistent with the needs of the county, leave without pay may be granted to an exempt employee upon approval of the official to whom such employee is responsible. Such leaves may be extended, shortened or terminated by such official with reasonable notice to the employee.

(4) Other benefit programs later developed for nonexempt unrepresented employees shall accrue to exempt employees unless specifically denied in the implementing document or by amendment to this chapter. (Ord. 82-003, adopted March 22, 1982; Amended Ord. 89-172, § 7, January 10, 1990).

3.68.070 Leave with pay.

(1) There is hereby established for each exempt employee a current leave account within which shall be retained the most recent leave entitlement and a reserve leave account within which shall be retained any balance of leave exceeding 80 days.

(2) Annually on January 1st each exempt employee shall be granted a current earned leave entitlement which shall be deposited to the current leave account in the amount specified according to the following schedule based on months of county service completed:

Months of County Service Completed as of January 1st	Current Earned Leave Entitlement Granted Per Year *
--	--

of Each Year	
0--12	25 days
13--36	35 days
37+	40 days**

*Exempt employees covered by the LEOFF retirement system shall receive an entitlement which is reduced by 12 days.

**Any employee hired prior to January 1, 1960, shall receive 45 days.

(3) When the balance in the current leave account exceeds 80 days, those days exceeding 80 will be moved to a reserve leave account.

(4) During the course of the year, each absence from work for any reason other than for legal holidays, jury or military leave and leave without pay as provided in [SCC 3.68.060\(3\)](#) shall be charged against the reserve leave account until the balance is depleted, and thereafter it will be charged against the current leave account.

(5) New exempt employees may not use more than one-half of their leave until they have completed six months of service.

(6) Upon termination from the exempt service, including voluntary resignation, up to 60 days accrued leave pay shall be made from the current leave account. Calculation of accrued leave pay upon termination shall be based upon a maximum rate of 30 days for each full year completed in the exempt service with a proration of any partial year. Before accrued leave pay is calculated for superior court commissioners, a prorated portion of the leave granted in the year of termination shall be forfeited from the reserve and/or current leave accounts based on the number of months remaining in that year.

Any exempt employee who is removed from an exempt position due to a conviction of a felony against the county shall forfeit any and all accrued leave. Where such felony charges are pending, accrued leave pay shall be withheld by the county until the result is known.

(7) Upon termination from the exempt service for the purpose of receiving LEOFF II or PERS retirement benefits, and immediately following termination of employment, an exempt employee may exchange unused accrued leave for retiree medical coverage subject to the following provisions:

(a) Leave to be exchanged shall only be that leave which is in excess of leave which may be compensated as shown in (6) above. Leave may be exchanged on the basis of 60 hours of exchanged leave shall equal one month of paid medical coverage for a retiree or retiree and spouse in the county's retiree medical program.

(b) Leave may only be exchanged in 60 hour increments to a maximum of 720 hours.

(c) Leave which is not used, exchanged or compensated for prior to or upon termination shall be forfeited.

(d) Upon the death of a retiree, a surviving spouse who has been enrolled in the retiree medical plan may remain on the plan until paid medical coverage in (a) above has been exhausted.

(8) An exempt employee who becomes an elected official shall also be eligible for the above accrued leave pay as in (6) above.

(9) When an employee enters the exempt system from the personnel system or civil service, vacation and sick leave accruals earned in that service shall be frozen for use at a later date as follows:

(a) For each absence from work for other than legal holidays, jury or military leave and leave without pay, an exempt employee may designate whether such leave was required as a result of illness or for vacation purposes and such amount may be charged against vacation and/or sick leave accrued under the personnel or civil service plan. Accordingly, that amount of time will be charged to the appropriate frozen vacation or sick leave accruals earned during personnel or civil service employment. If no such designation is made the leave time will be deducted from exempt entitlement pursuant to [SCC 3.68.070\(4\)](#).

(b) Upon termination, the employee will be paid for such vacation and sick leave as provided in the rules applicable to the employment under which such vacation and sick leave was accrued.

(c) When an exempt employee transfers to classified employment, the employee's frozen classified sick and vacation leave accounts, if any, will be reactivated, and unused leave days accrued under this section will be transferred to the employees sick and vacation leave accounts as apportioned by the employee; PROVIDED, That the employee transferring from the exempt system may either freeze the maximum accrual of exempt time as provided in [SCC 3.68.070](#) for cash out upon discontinuance of service with the county or the employee may cash out the maximum accrual of exempt time as provided in [SCC 3.68.070](#) upon transferring to a classified position; and, PROVIDED, FURTHER, That amounts of leave accrued under the exempt plan which exceed the maximum annual accrued leave pay of 30 days as provided in [SCC 3.68.070\(6\)](#) may be used by the employee for up to 24 months after the effective date of the transfer to a classified position. When such a transfer occurs after January 1st of a calendar year, monthly sick and vacation accruals shall begin January 1st of the following year at a rate which reflects total years of completed county service.

(10) Any person entering an exempt position after the effective date of this chapter shall receive as his/her entitlement for the year of entry into the exempt position, days of current leave entitlement provided in subsection (2), prorated in proportion to the time remaining in the year at the time of assuming the position. The leave entitlement allowable to those filling exempt positions on a part time or temporary basis shall be similarly prorated; however, a person working in an exempt position less than half-time shall receive no leave entitlement or other benefits under this chapter.

(11) Accurate records of leave accruals and use thereof shall be maintained by the supervising official of each exempt employee.

(Ord. 82-003, adopted March 22, 1982; Amended Ord. 85-113, § 7, November 20, 1985; Amended Ord. 89-172, § 8, January 10, 1990; Amended Ord. 91-118, August 28, 1991; Amended Ord. 92-139, Dec. 2, 1992; Ord. 02-037, August 21, 2002; Eff. date Sept. 6, 2002).

3.68.080 Additional benefit programs.

The personnel director shall be responsible to review all exempt benefit and leave provisions in order to insure that they continue to be competitive and will enhance the county's ability to attract and retain qualified employees. Proposals for revisions to the current program may be submitted annually and should consider the opinions and desires of exempt employees. The director may form an advisory committee for that purpose.

(Ord. 82-003, adopted March 22, 1982).

3.68.090 Extent of authority.

Nothing in this chapter shall affect the application of any state statute or regulation which applies to positions or situations covered by this chapter and which has preempted the field of authority with respect thereto. Nothing in this chapter shall affect any constitutional rights of any county official or employee.

(Ord. 82-003, adopted March 22, 1982).

Chapter 3.69

THE MANAGEMENT AND EXEMPT EMPLOYEES COMPENSATION PLAN -- WAGE AND SALARY SCHEDULE AND RULES OF ADMINISTRATION

3.69.005 Definition of terms.

The terms used in this chapter shall have the meaning as provided for below:

- (1) "Exempt personnel" means those employees occupying positions covered by [SCC 3.68.010](#);
- (2) "Management" means those employees occupying positions which are assigned to the management and exempt employees compensation plan under the compensation plan and pay range tables established annually by the personnel director;
- (3) "Salary ranges" means the rate(s) of pay assigned to a job classification in the pay plan;
- (4) "Salary steps" means any subdivision(s) of a pay range to which a job classification is assigned.

(Added Ord. 90-013, § 1, March 14, 1990).

3.69.010 Purpose.

[SCC 3.68.050](#) requires that exempt employees of the sheriff's office shall be covered by the sheriff's office exempt employees compensation plan and all other exempt employees shall be covered by the management and exempt employees compensation plan which shall be initially prepared by the personnel director and approved by the county executive and county council and which shall establish salary ranges for each exempt position and specify rules for administration of each plan. This chapter is intended to meet the requirements of [SCC 3.68.050](#).

(Added Ord. 85-114, November 20, 1985; Amended Ord. 90-013, § 2, March 14, 1990; Amended Ord. 91-023, February 20, 1991).

3.69.040 Rules of administration of compensation plan.

The salary ranges shall be established for management and exempt positions in the "Classification Plan and Salary Range Tables" submitted by the personnel director to the council annually, and approved by the council.

- (1) **Salary Ranges.** The classification plan and salary range tables shall designate the number of steps and the interval between steps established for each range. The personnel director may make changes in position titles or salary ranges as necessary to administer the plan; PROVIDED, That such changes shall be submitted to the council for review and approval on an annual basis.
- (2) **Assignment of Positions to Ranges.**

(a) Positions shall be assigned to ranges in accordance with this section. New appointments to management and exempt positions will be at the minimum salary established for each range unless appointment at another step up to the midpoint salary for each range has been requested of and approved by the personnel director. Appointments above the midpoint salary of the range may only be approved by the executive. Positions may not be paid less than the minimum or more than the maximum of the range unless approved by the council. This chapter shall not be deemed to establish vested rights in any salary or in areas of salary. Actual salaries shall be determined by annual legislative appropriation.

(b) When a new position is proposed the personnel director shall recommend assignment of the position to a salary range based upon an internal comparison of other positions with similar responsibilities. Budgetary placement of the position is normally at the midpoint of the range unless another rate is recommended and approved by the council. When with council direction a position is placed between steps or below the minimum of the pay range established for that range, corrective action to place the position on step within the range shall be taken the following year, subject to the availability of funds, as a result of the next budget process. A position which is paid above the maximum of the pay range established for each range shall continue to receive the same rate of pay until the maximum is adjusted and becomes greater than the incumbent's salary.

(3) Salary Range Adjustments.

(a) Salary range adjustments may be proposed to the county council annually by the personnel director based on consideration of the results of salary surveys of comparable positions in the labor market, the results of union negotiations, changes in the cost of living, the county's ability to pay and other applicable factors. The salaries of individual management and exempt employees may be adjusted by an amount equivalent to any approved range adjustment so that the employee maintains the same position in the range as before the range adjustment. Adjustment of an individual position to another range because of increased or decreased responsibility may be proposed when warranted but shall not be effective until sufficient funds are available.

(b) Salary ranges shall also be revised to reflect any general cost of living adjustments granted to other employees who are not members of collective bargaining units.

(4) Advancement Within Pay Ranges.

(a) Each management and exempt employee is eligible to be considered for advancement to the next step in the pay range in April of each year, provided at least six months of service has been completed in the position, as provided by subsection (5) below. Advancement will occur only if sufficient funds have been allocated by the council during the budget process for that purpose and if the employee has been evaluated by the appointing official and judged to have achieved acceptable performance. The personnel director is responsible to recommend to the council each year the appropriate funding level for administration of the advancement program. Funds may be appropriated by the county council to a contingency fund and transferred to the proper departmental accounts to implement any recommended increases. The executive may delay the effective date of proposed advancement within ranges or take other appropriate action based on available funds to carry out the intent of this section.

(5) Criteria for Advancement Within Pay Ranges.

(a) Advancement to the next step of the pay range is based upon management and exempt employees accomplishing their objectives or achieving acceptable performance levels in important job requirements, and is subject to the availability of budgeted funds. Non-elective department heads and other exempt and management employees, who are non-elective or are not subordinate to elected officials and who report directly to the executive will be evaluated by the executive on how well they have accomplished their objectives which were established for the prior year. In addition, a plan of objectives for the next 12 months will be established which

will serve as the basis for the following year's evaluation. A performance plan and report form as developed and supplied by the personnel director will be completed for each of the above employees and a determination will be made as to whether the employee fails to meet, meets, or exceeds the executive's performance expectations.

(b) Other management and exempt employees will be assessed using the above report or the job requirement summary form as developed and supplied by the personnel director as selected by the department head or elected official. When using the job requirement summary, at least six criteria will be selected and evaluated for each employee.

(c) The personnel director will be responsible for providing evaluation forms and standards which apply to the above criteria. The standards supplied by the personnel director may be modified to fit individual circumstance, by the department head or elected official.

(d) Employees who fail to meet expectations of the department head or elected official may be denied step advancement and may not be reconsidered until another evaluation is given the following year. Management and exempt employees who exceed expectations may be considered for additional step(s) in September of each year under the special award section of these rules, [SCC 3.69.040\(6\)](#).

(6) Special Award.

(a) Depending upon the availability of funds, employees who have exceeded expectations may be considered for a special merit award of additional step(s) advancement in September of each year. Remaining funds, if any, upon completion of the process in [SCC 3.69.040\(5\)](#) shall be allocated to the executive, legislative and judicial branches in the same proportion as the annual management and exempt salaries of each branch relate to the total annual salaries covered by this plan. Each branch shall determine which employees are deserving of a special award and may award increases of one or more steps based upon the employee's achievements as determined by performance evaluation and the availability of funds. Special awards will be granted in the month designated by the executive.

(b) Results of the special award process shall be documented by each branch and shall be reported to the county executive and council prior to the completion of the month in which the award will be effective. Supporting documentation shall include the performance evaluation and a statement of the reasons why the employee was deserving of the award. Special awards will not be treated as a bonus and will be added to the employee's monthly salary.

(Added Ord. 85-114, November 20, 1985; Amended Ord. 90-013, § 4, March 14, 1990).

3.69.050 Sheriff's office exempt employees compensation plan.

The sheriff's office exempt employees compensation plan is hereby created. The salary ranges for the exempt employee positions in the sheriff's office shall be established by the personnel director and approved by the county executive and the county council annually.

The sheriff's office exempt employees compensation plan shall be administered in accordance with [SCC 3.69.010](#).

(Added Ord. 91-023, February 20, 1991; Amended Ord. 94-059, § 1, June 28, 1994).

3.69.900 Effective date.

This chapter shall become effective as provided by law (December 5, 1985).

(Added Ord. 85-114, November 20, 1985; Amended Ord. 91-023, February 20, 1991).

Chapter 3.70

SALARIES OF ELECTED COUNTY OFFICIALS

3.70.010 Purpose.

Repealed January 1, 2009.

(Ord. 97-085 § 1, Oct. 15, 1997, Eff date Jan. 1, 1998; Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2009).

3.70.015 Salaries of elected officials.

The salaries of county elected shall be fixed by the Snohomish county citizens' commission on salaries for elected officials in accordance with chapter 2.105 SCC.

(Added by Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2008)

3.70.020 Salaries of elected executive officials.

Repealed Jan. 1, 2009.

(Ord. 97-085 § 1, Oct. 15, 1997, Eff date Jan. 1, 1998; Amended Ord. 01-050, August 8, 2001, Eff date August 20, 2001; Amended Ord. 02-017, May 3, 2002, Eff date January 1, 2003; Amended Ord. 03-126, Oct. 15, 2003, Eff date Jan. 1, 2004; Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2009)

3.70.025 Salary of prosecuting attorney.

Repealed Jan. 1, 2009.

(Added Ord 02-017, May 3, 2002, Eff date January 1, 2003; Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2009).

3.70.030 Salary of council members.

Repealed Jan. 1, 2009.

(Ord. 97-085 § 1, Oct. 15, 1997, Eff date Jan. 1, 1998; Amended Ord. 01-050, August 8, 2001, Eff date August 20, 2001; Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2009).

3.70.040 Medical and dental benefits not deemed additional compensation.

The cost of any group medical or dental policy or plan or other benefits for the county elected officials identified in SCC 2.105.010 as authorized by law shall not be deemed additional compensation. Pursuant to RCW 41.04.180, 41.04.190, and 36.32.400, premiums for each elected official shall be paid by the county as necessary to maintain such group medical and dental insurance coverage, and upon the same terms, as the county may provide for non-represented county employees.

(Ord. 97-085 § 1, Oct. 15, 1997, Eff date Jan. 1, 1998; Ord. 07-053, June 27, 2007, Eff date Jan. 1, 2008).

Chapter 3.98

EMPLOYEE COMMUTER PLAN

3.98.010 Employee commuter program established - Purpose.

An employee commuter program is hereby established to encourage employee use of carpools, vanpools, mass transit and other non-single occupant vehicle (SOV) means of transportation. Through this program, it is intended that the county's impact on air pollution, carbon emissions and traffic congestion will be reduced.

(Added Amended Ord. 91-089, July 3, 1991; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.98.020 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) "Carpool" means a group of two or more county employees who share a private vehicle for commuting to and from work.

(2) "Vanpool" means a group of 3 or more county employees who commute to and from work in a van provided by a public transit agency or the county. (3) "Participating employee" means an employee who has completed the registration form required by [SCC 3.98.030](#) indicating that they choose to participate in the employee commuter program and who travels to and from work by carpool, vanpool, public transit, walking or bicycling.

(3) "Participating employee" means a county employee who has registered for the employee commuter program and who travels to and from work by carpool, vanpool, public transit, walking or bicycling at least 60% of their working days in a month.

(Added Amended Ord. 91-089, July 3, 1991; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.98.030 Program guidelines and requirements.

(1) Participation in the employee commuter program is voluntary and not included within the official duties of any employee of Snohomish county. Employees are not entitled to workers' compensation benefits in the event of an injury while commuting. Employees are not entitled to defense and indemnification at county expense in the event of an accident or mishap while commuting.

(2) Any benefits received from participation in the employee commuter program may not be construed as compensation for any duties performed by an employee. Participation in the employee commuter program is beyond the general scope of employee duties.

(3) The county shall not discriminate in any employment practice against any employee choosing not to participate in the program. Employees shall complete revised registration forms when any change in their commute mode status occurs.

(Added Amended Ord. 91-089, July 3, 1991; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.98.040 Carpool and vanpool monthly parking for employees in county-owned parking facilities.

The parking policies adopted pursuant to SCC 3.09.030 shall provide that carpools and vanpools be given priority in parking assignments over single-occupant vehicles in county-owned facilities. Monthly parking fees for carpools and vanpools shall accord with the following schedule:

- (1) 2 employee carpool: 50 percent of the charge for a single-occupant vehicle;
- (2) 3 or 4 employee carpool: 33 percent of the charge for a single-occupant vehicle;
- (3) Vanpools or five or more employee carpools: No charge.

(Added Amended Ord. 91-089, July 3, 1991; Amended Ord. 91-133, Oct. 2, 1991; Ord. 03-146, Dec. 17, 2003, Eff Date Dec. 29, 2003; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.98.050 Employee incentives.

- (1) Subject to annual appropriation and council approval of a schedule of incentives, each participating employee shall receive a subsidy toward a monthly transit pass or other incentive each month.
- (2) Each participating employee shall be eligible for "guaranteed rides home" when, due to illness, family emergency or unanticipated work schedule changes, the employee is unable to return home via carpool, vanpool, transit, bicycle or walking. The "guaranteed ride home" shall be provided by shuttle service, taxi or use of a county motorpool vehicle as determined by the employee's supervisor and the transportation coordinator in accordance with written policies adopted by the executive.
- (3) The executive shall adopt written policies for the determination of eligibility, limitations on the number of times an employee may use the "guaranteed ride home" program within a specified period, and for the administration of the incentives authorized by this section.

(Added Amended Ord. 91-089, July 3, 1991; Amended by Ord. 09-149, Feb. 17, 2010, Eff date March 6, 2010).

3.98.060 Additional program components.

- (1) The executive shall designate a transportation coordinator who shall be an employee of the executive. The transportation coordinator shall be responsible for all aspects of the administration of the employee commuter program including, but not limited to, monitoring participation and compliance, administering incentives, developing promotions and enforcement. The transportation coordinator shall assist participating employees in developing the best commuting alternatives for each employee. The transportation coordinator may propose revisions to the employee commuter program from time to time to improve the program.
- (2) The transportation coordinator shall create and maintain a commuter information center displaying information about Community Transit, Everett Transit, and carpool/vanpool routes and schedules. The commuter information center shall include a ride match board which participating employees may utilize to locate and contact potential carpool riders/drivers.

(3) The executive shall develop and provide secure bicycle parking facilities for use by employees who bicycle to and from work. Bicycle parking in such facilities shall be provided to participating employees without charge.

(4) All elected officials and county departments are authorized and encouraged to:

(a) permit flexible work schedules to facilitate employee use of carpools, vanpools, and public transit;

(b) permit employees to work part or full time at home or at an alternative work site closer to their homes; and

(c) provide alternative work schedules such as compressed work weeks which reduce commuting.

(Added Amended Ord. 91-089, July 3, 1991).

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