
SUBSTITUTE SENATE BILL 5469

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senator McCaslin)

Read first time 02/09/95.

1 AN ACT Relating to the establishment of the office of county
2 ombudsman; amending RCW 29.21.070; and adding a new chapter to Title 36
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislative authority of any county may
6 establish the office of county ombudsman in accordance with the terms
7 and provisions of this chapter. The office shall be nonpartisan.
8 Candidates for the position of ombudsman shall be nominated at the next
9 even-year primary that follows the date on which the county legislative
10 authority adopted the resolution establishing the office by ninety
11 days. The laws governing the nomination and election of nonpartisan
12 officials shall apply to the nomination and election of county
13 ombudsman.

14 NEW SECTION. **Sec. 2.** The term of office of the county ombudsman
15 shall be four years and until his or her successor is elected and
16 qualified and assumes office in accordance with RCW 29.04.170.

1 NEW SECTION. **Sec. 3.** To qualify and serve as county ombudsman, a
2 person shall be a member of the Washington state bar association, in
3 good standing.

4 NEW SECTION. **Sec. 4.** A county ombudsman shall:

5 (1) Be available to receive inquiries, requests, and complaints and
6 to counsel the individual residents of the county for which he or she
7 is appointed concerning any actions or refusals to act by the officers
8 or employees of the county government;

9 (2) Respond to any inquiries or requests as appropriate. If the
10 county ombudsman determines that a complaint is without merit or that
11 he or she does not have the authority to act on the complaint, the
12 county ombudsman shall advise the complainant and close the matter;

13 (3) If the county ombudsman determines that a complaint does have
14 merit and is within his or her jurisdiction as ombudsman, take the
15 following actions:

16 (a) Notify the complainant in writing of the determination of
17 merit;

18 (b) Advise the appropriate county officer or employee of the nature
19 of the complaint and request a response;

20 (c) Based upon the complaint of the citizen and any response
21 received from the county officer or employee, propose a resolution to
22 the complaint and, if necessary, negotiate with the county officer or
23 employee;

24 (d) If the ombudsman reaches agreement with the county officer or
25 employee on resolution of the complaint that the ombudsman believes is
26 fair, memorialize the agreement in writing, provide a copy of the
27 agreement to the complaining citizen, and when the county officer or
28 employee has complied with the terms of the agreement, close the
29 matter; and

30 (e) If the ombudsman is unable to reach agreement with the county
31 officer or employee on a resolution of the complaint, and if, in his or
32 her sole discretion, he or she finds that the county officer or
33 employee is acting in violation of the law, bring an action in the
34 superior court for an injunction or writ of mandamus, as appropriate,
35 to resolve the dispute; and

36 (4) Employ and dismiss such staff as the ombudsman finds is
37 necessary to provide secretarial, investigative, and professional legal
38 support for the operation of the office.

1 NEW SECTION. **Sec. 5.** (1) The jurisdiction of the ombudsman shall
2 not extend to:

3 (a) Any criminal proceeding or traffic infraction; or

4 (b) Any matter pending before a court of this state or of the
5 United States at the time the citizen complaint is received.

6 (2) The ombudsman may decline jurisdiction over any matter that, at
7 the time the complaint is received, is pending for investigation,
8 review, hearing, or disposition before any other review board,
9 commission, or body, including, but not limited to, the state human
10 rights commission, the federal equal employment opportunity commission,
11 any local civil service or personnel review board, any union grievance
12 review body, or any state or federal regulatory body.

13 NEW SECTION. **Sec. 6.** Neither the ombudsman personally, nor the
14 county that employs him or her shall have any liability to any person
15 for any claim based on the ombudsman's decisions, actions, or failures
16 to act in his or her official capacity.

17 NEW SECTION. **Sec. 7.** In matters where the ombudsman pursues
18 equitable relief in the courts on behalf of a complainant, all rights
19 and remedies otherwise available to the complainant, including any
20 right to seek money damages, are not eliminated or in any way waived
21 thereby.

22 NEW SECTION. **Sec. 8.** Any county that establishes the office of
23 county ombudsman pursuant to this chapter may impose a charge on each
24 civil filing in the superior court for that county and county district
25 court. The county may exempt or modify the charges imposed under this
26 section for specified categories of civil actions. Any moneys
27 collected by a charge imposed under this section shall not be included
28 with any moneys received pursuant to RCW 36.18.020 for purposes of
29 calculating moneys paid to the state pursuant to RCW 36.18.025, but
30 shall be dedicated exclusively to pay the costs of salary and operation
31 of the office of the county ombudsman.

32 NEW SECTION. **Sec. 9.** Two or more contiguous counties, by
33 interlocal agreement, may establish a joint office of county ombudsman
34 to serve all of the participating counties as provided in this chapter.
35 The interlocal agreement shall specify how the costs of operation of

1 the office shall be allocated among the counties, where office
2 facilities shall be located, and how the time and resources of the
3 office shall be allocated.

4 NEW SECTION. **Sec. 10.** If a county ombudsman is to be elected to
5 serve more than one county, a declaration of candidacy may be filed
6 with the county auditor of any of the participating counties; a
7 candidate must be a registered voter in one of the participating
8 counties; and the votes in all participating counties shall be
9 aggregated to determine who has been nominated and elected.

10 **Sec. 11.** RCW 29.21.070 and 1990 c 59 s 91 are each amended to read
11 as follows:

12 The offices of superintendent of public instruction, justice of the
13 supreme court, judge of the court of appeals, judge of the superior
14 court, and judge of the district court shall be nonpartisan and the
15 candidates therefor shall be nominated and elected as such.

16 The office of county ombudsman, unless otherwise provided for by
17 home rule charter, shall be nonpartisan and the candidates therefor
18 shall be nominated and elected as such.

19 All city, town, and special purpose district elective offices shall
20 be nonpartisan and the candidates therefor shall be nominated and
21 elected as such.

22 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act shall
23 constitute a new chapter in Title 36 RCW.

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