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**SENATE BILL 5469**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By Senator McCaslin**

Read first time 01/24/95. Referred to Committee on Government Operations.

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

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

4 NEW SECTION. **Sec. 1.** The legislative authority of any county may  
5 establish the office of county ombudsman. The ombudsman shall be  
6 appointed by the legislative authority and shall serve for a term of  
7 six years from the date of appointment. Once appointed, an ombudsman  
8 may be removed from office only by order of a judge of the superior  
9 court on the petition of the legislative authority of the county in  
10 which the ombudsman serves and only on a finding of malfeasance or  
11 misfeasance in office.

12 NEW SECTION. **Sec. 2.** To be appointed as county ombudsman, a  
13 person shall be a member of the Washington state bar association, in  
14 good standing, and be familiar with the structure and procedures of  
15 county government.

16 NEW SECTION. **Sec. 3.** A county ombudsman shall:

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

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

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

12 (a) Notify the complainant in writing of the determination of  
13 merit;

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

16 (c) Based upon the complaint of the citizen and any response  
17 received from the county officer or employee, propose a resolution to  
18 the complaint and, if necessary, negotiate with the county officer or  
19 employee;

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

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

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

35 NEW SECTION. **Sec. 4.** (1) The jurisdiction of the ombudsman shall  
36 not extend to:

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

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

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

10 NEW SECTION. **Sec. 5.** Neither the ombudsman personally, nor the  
11 county that employs him or her shall have any liability to any person  
12 for any claim based on the ombudsman's decisions, actions, or failures  
13 to act in his or her official capacity.

14 NEW SECTION. **Sec. 6.** In matters where the ombudsman pursues  
15 equitable relief in the courts on behalf of a complainant, all rights  
16 and remedies otherwise available to the complainant, including any  
17 right to seek money damages, are not eliminated or in any way waived  
18 thereby.

19 NEW SECTION. **Sec. 7.** Any county that establishes the office of  
20 county ombudsman pursuant to this chapter may impose a charge on each  
21 civil filing in either or both the superior court for that county and  
22 county district court of not more than ten dollars. The moneys  
23 received from such charge shall be dedicated exclusively to fund the  
24 operation of the office of county ombudsman.

25 NEW SECTION. **Sec. 8.** Two or more contiguous counties, by  
26 interlocal agreement, may establish a joint office of county ombudsman  
27 to serve all of the participating counties as provided in this chapter.  
28 The interlocal agreement shall specify how the costs of operation of  
29 the office shall be allocated among the counties, where office  
30 facilities shall be located, and how the time and resources of the  
31 office shall be allocated.

1        NEW SECTION.    **Sec. 9.**    Sections 1 through 8 of this act shall  
2    constitute a new chapter in Title 36 RCW.

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