

SENATE BILL REPORT

SB 5469

As Reported By Senate Committee On:
Government Operations, February 8, 1995

Title: An act relating to the establishment of the office of county ombudsman.

Brief Description: Authorizing county ombudsmen.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Government Operations: 2/2/95, 2/8/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: While a charter county may provide for an office of county ombudsman, non-charter counties do not have this option. It is believed that all counties should have the option to establish an office of county ombudsman, and that a mechanism for funding the office be provided.

Summary of Substitute Bill: Any county legislative authority may establish the position of county ombudsman. An ombudsman is elected to a term of four years and must be an attorney. The position is nonpartisan.

A county ombudsman has the following powers and duties:

- to receive complaints regarding actions or inactions of county government from individuals who are residents of the county;
- to give advice and counsel;
- to decline to pursue: frivolous matters, matters over which he or she has no jurisdiction, criminal matters, traffic infractions, matters pending in courts, and matters which are pending before some other tribunal or quasi-judicial body;
- to negotiate with the county on behalf of a complainant;
- to bring legal action, in his or her sole discretion, against the county for either an injunction or writ of mandamus;

- to hire and fire staff.

A county ombudsman is not liable for his or her official actions.

The county may impose a surcharge on civil filing fees to fund the ombudsman office.

Two or more contiguous counties may enter an inter-local agreement to jointly operate one ombudsman office.

Substitute Bill Compared to Original Bill: The substitute bill provides that the ombudsman be elected rather than appointed by the county legislative authority and changes the length of term from six to four years. It also removes the \$10 cap on the civil filing fee surcharge.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation makes the process for citizens seeking redress of grievances more user friendly. It doesn't provoke the issue of alternative to I-164.

Testimony Against: The power to sue, even though limited, may open the county to liability and be a reason for counties to not elect this option. Advocacy may cause polarization and increased conflict. An ombudsman should be a mediator, not an advocate.

Testified: Mike Ryherd, 1,000 Friends of Washington; Dave Williams AWC; Randy Scott, Spokane County; Bruce Wishart, Sierra Club; Ron Schulz, National Audubon Society; Naki Stevens, People for Puget Sound; Scott Merriman, Washington Environmental Council.