
SECOND SUBSTITUTE SENATE BILL 5469

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/02/96.

1 AN ACT Relating to the establishment of the office of county
2 ombudsperson or people's advocate; amending RCW 29.21.070; and adding
3 a new chapter to Title 36 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 ombudsperson or office of people's
7 advocate in accordance with the terms and provisions of this chapter.
8 The office shall be nonpartisan. Candidates for the position of
9 ombudsperson or people's advocate shall be nominated at the next even-
10 year primary that follows the date on which the county legislative
11 authority adopted the resolution establishing the office by ninety
12 days. The laws governing the nomination and election of nonpartisan
13 officials shall apply to the nomination and election of county
14 ombudsperson or people's advocate.

15 NEW SECTION. **Sec. 2.** The term of office of the county
16 ombudsperson or people's advocate shall be four years and until his or
17 her successor is elected and qualified and assumes office in accordance
18 with RCW 29.04.170.

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

4 NEW SECTION. **Sec. 4.** A county ombudsperson or people's advocate
5 shall:

6 (1) At such times as the inquiries, requests, and complaints
7 received by the ombudsperson or people's advocate exceed the capacity
8 of the office of county ombudsperson or people's advocate to administer
9 in a competent and timely manner, accept only those new inquiries,
10 requests, and complaints that concern the property rights of owners of
11 single-family residences, including but not limited to family farms,
12 and the property rights of owners of unimproved property if no parcel
13 exceeds a parcel size of five acres and the aggregate of all unimproved
14 property under single ownership does not exceed ten acres;

15 (2) Be available to receive inquiries, requests, and complaints and
16 to counsel the individual residents of the county for which he or she
17 is elected concerning any actions or refusals to act by the officers or
18 employees of the county government;

19 (3) Respond to any inquiries or requests as appropriate. If the
20 county ombudsperson or people's advocate determines that a complaint is
21 without merit or that he or she does not have the authority to act on
22 the complaint, the county ombudsperson or people's advocate shall
23 advise the complainant and close the matter;

24 (4) If the county ombudsperson or people's advocate determines that
25 a complaint does have merit and is within his or her jurisdiction as
26 ombudsperson or people's advocate, take the following actions:

27 (a) Notify the complainant in writing of the determination of
28 merit;

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

31 (c) Based upon the complaint of the citizen and any response
32 received from the county officer or employee, propose a resolution to
33 the complaint and, if necessary, negotiate with the county officer or
34 employee;

35 (d) If the ombudsperson or people's advocate reaches agreement with
36 the county officer or employee on resolution of the complaint that the
37 ombudsperson or people's advocate believes is fair, memorialize the
38 agreement in writing, provide a copy of the agreement to the

1 complaining citizen, and when the county officer or employee has
2 complied with the terms of the agreement, close the matter; and

3 (e) If the ombudsperson or people's advocate is unable to reach
4 agreement with the county officer or employee on a resolution of the
5 complaint, and if, in his or her sole discretion, he or she finds that
6 the county officer or employee is acting in violation of the law, bring
7 an action in the superior court for an injunction or writ of mandamus,
8 as appropriate, to resolve the dispute; and

9 (5) Employ and dismiss such staff as the ombudsperson or people's
10 advocate finds is necessary to provide secretarial, investigative, and
11 professional legal support for the operation of the office.

12 NEW SECTION. **Sec. 5.** (1) The jurisdiction of the ombudsperson or
13 people's advocate shall not extend to:

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

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

17 (2) The ombudsperson or people's advocate may decline jurisdiction
18 over any matter that, at the time the complaint is received, is pending
19 for investigation, review, hearing, or disposition before any other
20 review board, commission, or body, including, but not limited to, the
21 state human rights commission, the federal equal employment opportunity
22 commission, any local civil service or personnel review board, any
23 union grievance review body, or any state or federal regulatory body.

24 NEW SECTION. **Sec. 6.** Neither the ombudsperson or people's
25 advocate personally, nor the county that employs him or her shall have
26 any liability to any person for any claim based on the ombudsperson's
27 or people's advocate's decisions, actions, or failures to act in his or
28 her official capacity.

29 NEW SECTION. **Sec. 7.** In matters where the ombudsperson or
30 people's advocate pursues equitable relief in the courts on behalf of
31 a complainant, all rights and remedies otherwise available to the
32 complainant, including any right to seek money damages, are not
33 eliminated or in any way waived thereby.

34 NEW SECTION. **Sec. 8.** Any county that establishes the office of
35 county ombudsperson or people's advocate pursuant to this chapter may

1 impose a charge on each civil filing in the superior court for that
2 county and county district court. The county may exempt or modify the
3 charges imposed under this section for specified categories of civil
4 actions. Any moneys collected by a charge imposed under this section
5 shall not be included with any moneys received pursuant to RCW
6 36.18.020 for purposes of calculating moneys paid to the state pursuant
7 to RCW 36.18.025, but shall be dedicated exclusively to pay the costs
8 of salary and operation of the office of the county ombudsperson or
9 people's advocate.

10 NEW SECTION. **Sec. 9.** Two or more contiguous counties, by
11 interlocal agreement, may establish a joint office of county
12 ombudsperson or people's advocate to serve all of the participating
13 counties as provided in this chapter. The interlocal agreement shall
14 specify how the costs of operation of the office shall be allocated
15 among the counties, where office facilities shall be located, and how
16 the time and resources of the office shall be allocated.

17 NEW SECTION. **Sec. 10.** If a county ombudsperson or people's
18 advocate is to be elected to serve more than one county, a declaration
19 of candidacy may be filed with the county auditor of any of the
20 participating counties; a candidate must be a registered voter in one
21 of the participating counties; and the votes in all participating
22 counties shall be aggregated to determine who has been nominated and
23 elected.

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

26 The offices of superintendent of public instruction, justice of the
27 supreme court, judge of the court of appeals, judge of the superior
28 court, and judge of the district court shall be nonpartisan and the
29 candidates therefor shall be nominated and elected as such.

30 The office of county ombudsperson or office of people's advocate,
31 unless otherwise provided for by home rule charter, shall be
32 nonpartisan and the candidates therefor shall be nominated and elected
33 as such.

34 All city, town, and special purpose district elective offices shall
35 be nonpartisan and the candidates therefor shall be nominated and
36 elected as such.

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

--- **END** ---