

1 APPROVED: March 25, 2009
2 EFFECTIVE: Sections 1, 3 & 5 – April 13, 2009
3 Sections 2 & 4 - January 1, 2010
4

5 SNOHOMISH COUNTY COUNCIL
6 Snohomish County, Washington
7

8 ORDINANCE NO. 09-011
9

10 RELATING TO COUNTY CONTRACTS; PROVIDING FOR POLICIES TO
11 PREVENT OR MITIGATE SERVICE DISRUPTIONS UNDER CERTAIN
12 CONTRACTS ADMINISTERED BY THE DEPARTMENT OF HUMAN
13 SERVICES; AMENDING SCC 2.400.020, 2.400.065, AND 4.25.050;
14 ADDING A NEW SECTION TO CHAPTER 2.400 SCC; AND
15 CONTAINING AN EFFECTIVE DATE
16

17 WHEREAS, pursuant to Chapter 2.400 SCC, Snohomish County provides home
18 care services to vulnerable members of the community through contracts with private
19 sector home care service providers that are administered by the Department of Human
20 Services (DHS); and
21

22 WHEREAS, with funding available to the County under Chapter 4.25 SCC, the
23 County will provide new or expanded chemical dependency or mental health treatment
24 services, or therapeutic court services, to vulnerable members of the community
25 through contracts with private sector service providers that are administered by DHS;
26 and
27

28 WHEREAS, the County Executive supervises the administration of human
29 services programs and contracts by DHS
30

31 WHEREAS, service disruptions caused by labor unrest within private sector
32 providers of home care services, or new or expanded chemical dependency or mental
33 health treatment services, or therapeutic court services, can harm vulnerable members
34 of the community, compromise the efficient delivery of services, and adversely impact
35 law enforcement services provided by the County; and
36

37 WHEREAS, it is in the best interests of the County, vulnerable members of the
38 community, and the public that the County consider and adopt contracting policies as
39 may be necessary to prevent or mitigate service disruptions and related adverse
40 impacts on county services of such labor unrest, which policies may provide for
41 adoption of labor harmony plans as described herein;
42

1 NOW, THEREFORE, BE IT ORDAINED:
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3 Section 1. Snohomish County Code Section 2.400.020, adopted by Ordinance
4 No. 82-111 on October 26, 1982, is amended to read:
5

6 **2.400.020 Definitions.**

7 The following definitions shall apply to terms used in this chapter:

8 (1) "Department" means the Snohomish county department of human
9 services.

10 (2) "Director" means the director of the department of human services.

11 (3) "County personnel system" means those statements of policy and
12 procedure contained in Title 3A SCC or its successor.

13 (4) "Exempt employee system" means the conditions of employment
14 under the provisions of ~~((the))~~ chapter 3.68 SCC and amendments thereto.

15 (5) "Home care services" means in-home personal care and other
16 services provided to assist eligible individuals with activities of daily living under a
17 program administered by the department of human services, including but not
18 limited to the Community Options Program Entry System (COPES) and Medicaid
19 Personal Care (MPC) programs.

20 (6) "Chemical dependency or mental health treatment services, or
21 therapeutic court services," means services provided under a program
22 administered by the department of human services with revenues from the tax
23 imposed by SCC 4.25.010.

24 (7) "Labor harmony plan" means a plan to prevent or mitigate service
25 disruptions and related adverse impacts of labor unrest.

26 (8) "Labor organization" means a labor union that is, or is actively seeking
27 to become, the exclusive bargaining representative for employees that provide or
28 will provide home care services, chemical dependency or mental health
29 treatment services, or therapeutic court services, under a program administered
30 by the department.

31 (9) "Labor unrest" means a dispute between management and labor
32 within a private sector provider of home care services, chemical dependency or
33 mental health treatment services, or therapeutic court services, that are provided
34 under a program administered by the department.
35

36 Section 2. Snohomish County Code Section 2.400.020, last amended by
37 Amended Ordinance No. 98-005 on February 11, 1998, is amended to read:
38

39 **2.400.065 Approval of contracts.**

40 (1) The county executive is authorized to approve and sign the following
41 contracts and contract amendments:

1 (a) Any contract or contract amendment to implement a program
2 administered by the department; PROVIDED, The county council has approved
3 necessary contracts with state, federal or other sources of funds, if any such
4 funds are used, and the county council has appropriated funds for such
5 programs; PROVIDED FURTHER, That the county executive shall submit to the
6 county council an annual report, not later than February 15th of each year,
7 showing the parties, contract amount, and purposes of each contract and
8 contract amendment approved and signed by the county executive under this
9 section.

10 (b) Any amendment to a contract with a state or other source of county
11 funds for a program administered by the department where the amendment does
12 not increase the contract amount as previously amended by more than \$50,000.

13 (2) This section does not authorize the county executive to approve
14 contracts with state or other sources of county funds for programs administered
15 by the department, which contracts must be approved by the county council. The
16 county executive may approve and sign amendments to such contracts as set
17 out in SCC 2.400.065(1)(b).

18 (3) Contracts and contract amendments with private sector providers of
19 home care services, chemical dependency or mental health treatment services,
20 or therapeutic court services, that are approved by the county executive under
21 this section must be awarded in a manner consistent with contracting policies
22 adopted under SCC 2.400.067, if applicable.

23
24 Section 3. A new section is added to Chapter 2.400 of the Snohomish County
25 Code to read:

26
27 **2.400.067 Contracting policies for certain home care services, chemical**
28 **dependency or mental health treatment services, and therapeutic court**
29 **services.**

30 (1) The county executive shall adopt such written contracting policies as
31 may be necessary, as determined by the executive, to prevent or mitigate service
32 disruptions caused by labor unrest within private sector providers of home care
33 services, chemical dependency or mental health treatment services, or
34 therapeutic court services, that would harm vulnerable members of the
35 community, compromise the efficient delivery of county services, or adversely
36 impact law enforcement services provided by the county.

37 (2) In considering adoption of contracting policies under subsection (1) of
38 this section, the executive shall consider whether to include at least the following
39 policy elements:

40 (a) A requirement that providers submit labor harmony plans at the time
41 of application for a county contract;

42 (b) A requirement that labor harmony plans submitted with an application

1 include:

2 (i) if at the time of application a labor organization exists within the
3 meaning of SCC 2.400.020(8), a written agreement between the provider and
4 labor organization that contains a procedure the parties will use or have used to
5 prevent or mitigate adverse impacts of labor unrest on recipients of services, or

6 (ii) if at the time of application a labor organization does not exist within
7 the meaning of SCC 2.400.020(8), a written statement by the provider of what
8 measures it will take or has taken to prevent or mitigate adverse impacts of labor
9 unrest on recipients of services;

10 (c) Procedures that providers and labor organizations may use to develop
11 labor harmony plans or resolve disputes relating to development or
12 implementation of labor harmony plans;

13 (d) Procedures for evaluation of labor harmony plans by the county;

14 (e) Procedures for rejection of labor harmony plans by the county;

15 (f) Procedures for administrative review of decisions by the county to
16 reject labor harmony plans; and

17 (g) Exceptions to labor harmony plan requirements.

18 (3) All contracting policies adopted under this section must be based on
19 and consistent with the county's proprietary interest in preventing or mitigating
20 service disruptions and related adverse impacts of labor unrest.

21
22 Section 4. Snohomish County Code Section 4.25.050, adopted by Amended
23 Ordinance No. 08-154 on December 3, 2008, is amended to read:

24
25 **4.25.050 Use of fund.**

26 (1) The resources of the chemical dependency/mental health program
27 fund shall be used solely for the purpose of providing for the operation or delivery
28 of new or expanded chemical dependency or mental health treatment programs
29 and services and for the operation or delivery of new or expanded therapeutic
30 court programs and services. For the purposes of this section, "programs and
31 services" includes, but is not limited to, treatment services, case management,
32 and housing that are a component of a coordinated chemical dependency or
33 mental health treatment program or service.

34 (2) The resources of the fund shall not be used to supplant existing
35 funding for these purposes, provided that nothing in this section shall be
36 interpreted to prohibit the use of such resources for the replacement of lapsed
37 federal funding previously provided for the operation or delivery of programs and
38 services as provided in RCW 82.14.460.

39 (3) Contracts and contract amendments with private providers of chemical
40 dependency or mental health treatment services, or therapeutic court services,
41 that are administered by the department of human services with resources of the

1 fund must be awarded in a manner consistent with contracting policies adopted
2 under SCC 2.400.067, if applicable.
3

4 Section 5. **Effective date.** Sections 2 and 4 of this ordinance shall take effect
5 on January 1, 2010. The County Executive shall have until December 31, 2009, to
6 adopt contracting policies determined necessary under Section 3 of this ordinance, if
7 any.
8

9 PASSED this 25th day of March, 2009.

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington

12
13
14 /s/ Mike Cooper
15 Chairperson

16
17 ATTEST:

18
19 /s/ Kathryn J. Bratcher
20 Clerk of the Council

21
22 (X) APPROVED

23
24 () EMERGENCY

25
26 () VETOED

27 DATE: 4/3/09
28

29
30 /s/ Aaron G. Reardon
31 County Executive

32
33 ATTEST:

34
35 /s/ Cora E. Palmer
36

37 Approved as to form only:

38
39 /s/ Rick Robertson
40 Deputy Prosecuting Attorney

41
42 D-21