

**SNOHOMISH COUNTY SHERIFF RICK BART
PRESENTATION TO COUNTY CHARTER REVIEW COMMISSION**

3/29/06

ELECTED VS APPOINTED (pro elected)

FISCAL (signature authority/two year budget/grant writers)

CORRECTIONS (return to Sheriff)

PARTISAN/NON-PARTISAN (remain nonpartisan)

TERM LIMITS (Checks and Balances/maintain voter's trust)

COURTHOUSE SECURITY/COUNTY MARSHALS (Sheriff's responsibility)

March 29, 2006

To: Snohomish County Charter Review Commission
From: Rick Bart, Snohomish County Sheriff
Subject: Recommendations for Review of Snohomish County Charter

Thank you for the opportunity to discuss our County Charter this evening. This will be my second Charter review as Sheriff and I believe I have gained more insight since my first review and can contribute a different perspective for your consideration.

ELECTED VS APPOINTED

I support an elected Sheriff. It is the people who should directly delegate their authority through the election process to the Sheriff to keep the peace. This citizen oversight ensures responsibility and accountability which in turn fosters a trusting relationship. Adding an insulating layer of bureaucracy by appointing the Sheriff does not foster citizen oversight or trust. Without citizen trust law enforcement has nothing. Without an elected Sheriff the people have no direct partnership with peace keepers in their communities and their voice is diluted.

Our current election process for Sheriff keeps citizens closer to the "Chief Law Enforcement Officer of the County." Closeness fosters partnerships. Partnerships foster a safer community.

Attached to this document (1) is the R.C.W. (state law) job description for the Office of Sheriff. In that description is the phrase "The Sheriff is the chief executive officer and conservator of the peace of the county." County Charter Section 3.130 County Sheriff (2) states "the county sheriff shall have all the powers, authorities and duties granted to and imposed upon a sheriff by state law and as provided by this charter." With more than 19 different law enforcement agencies within Snohomish County it is vital that there be a local authority tasked with overall responsibility. It is critical to have one designated law enforcement leader who, as elected by the people, has the authority to ensure professional law enforcement. To illustrate this we only need to look back to the W.T.O. meetings in Seattle. The Seattle Police requested assistance 10 minutes after the disturbances began. The Snohomish County Sheriff, Pierce County Sheriff and King County Sheriff responded along with many local city jurisdictions and the Washington State Patrol. Chaos existed for several days while the Chief of Police, Governor and Washington State Patrol Chief could not agree who was in charge. Sheriff Dave Reichert stepped in and took charge while they argued and restored command and control to the efforts to suppress the disturbances. He used his "Chief Law Enforcement" responsibility and gave leadership while there was none. The original drafters of our state constitution and our county charter wisely thought this through and recognized the importance of having an elected county sheriff and someone that has the authority to take control during times of an emergency. Appointing the sheriff would only dilute that authority and diminish our citizen's ability to control a very powerful position.

I have had the honor of being a member of the National Sheriff's Association (NSA) Board of Directors since 1997 and currently sit on the NSA Executive Committee. I have attached (3) a series of articles published in the NSA Magazine regarding the importance of maintaining the Office of Sheriff as an elected position. I am also the co-chair of the Indian Affairs Committee, the Domestic Violence Committee, the Endorsement Committee and sit on the Crime Victim Services Committee.

Recently in Snohomish County I have listened to some in our community proclaim that we are 1: too big or too modern for an elected sheriff, or 2: that the Sheriff's Office is not professional, or 3: that because the Department of Emergency Management now falls under the Executive it would be much "simpler" to appoint the Sheriff, or 4: that the public doesn't know who to believe during budget time.

- 1: Within the NSA there are over 90 "major counties" in the United States today. Snohomish County qualifies (population of over 500,000) as one of these major counties. I am a member of the NSA "Major County Sheriff's Association." Of these 90 only one (Pierce County, WA.) is an appointed Sheriff. Counties with large cities like Los Angeles, Salt Lake City, Minneapolis, Columbus, Orlando, Detroit and Las Vegas all elect their Sheriff's. All of these modern urban areas are significantly larger than Snohomish County. To suggest that we are too large or too modern is a baseless statement and best exposed by checking with these modern large metropolitan areas. I can provide a detailed list to the Commission if you wish of all 90 jurisdictions. Let's not further disenfranchise our voters by appointing more bureaucrats.

- 2: For over 12 years the Snohomish County Sheriff's Office has been a state accredited law enforcement agency. Of the 39 counties in this state only 13 Sheriff's Offices are accredited. Of the 214 city law enforcement agencies in this state only 56 are accredited. We have received national recognition for our community programs and boast a winner of the Washington Law Enforcement Officer of the Year award. We have more F.B.I. Academy graduates on staff than any other county agency and continue to lead the state in the reduction of methamphetamine manufacturing and use. Additional professional recognition is available if requested.

- 3: The Sheriff takes an Oath to keep the peace and protect life and property. That Oath of Office is the Sheriff's word and mission statement. I am currently the Region 1 law enforcement representative for homeland security and as such represent all of the law enforcement agencies north of King County on homeland security issues. Elected Sheriff's understand the value of command and control in an emergency and respect unification of command.

- 4: Holding an elected Office is about character and leadership. It is also about representing constituents needs. Our government was founded on the premise of checks and balances between its people and its government. Checks and balances between government offices was also recognized as important to maintaining citizens control of government. As a result of being the elected Sheriff I have the freedom to ask for the budget I believe our citizens need in order to be safer. This is fundamental to good government. Any statement that "our citizens don't know who to believe" contradicts those fundamental checks and balances. Such a statement questions the elected Sheriff's integrity and diminishes the public's trust in good government.

The County Charter Review process has examined the question of appointing or electing several times. On each occasion it has been wisely determined that keeping the Office of Sheriff elected is the right course. The cost in salary increases alone of appointing a Sheriff (or any other elected official) will increase the county budget more than the suggested salary commission findings. Several examples of higher paid appointed officials are: 1) Former Sheriff Jim Scharf left political office in 1995 for a higher paying job as the City of Everett Police Chief. 2) Every appointed position under the current county executive is paid significantly more money than any of the county elected officials. 3) The irony of the recent veto of the Salary Commissions findings (for pay raises of the elected officials) by our Executive contradicts what is already being paid to all of his current appointed executive department heads. Adding another layer of high priced government will add to the overall cost of county government. I am prepared to discuss this issue in a more detailed nature if the Commission requests.

FISCAL

Contract Approval

After watching laborious contract approval processes at the county for over ten years I am suggesting that the Charter be changed to allow the Sheriff and other elected officials to have final signature authority on contracts (4). Currently, many appointed county directors have signature authority as delegated by the county Executive (5).

Under the current Charter I am not allowed to spend my budget as indicated (after county council approval) without submitting to a request process through the county Executive's Office. This redundant system takes time and money to operate. The Sheriff's Office recognizes the need for the county Executive to be informed of how approved monies are being spent. However, forcing an elected official to ask for permission to spend approved monies adds another layer of bureaucracy and contributes to the inefficiency of the system. These expenditure delays reduce the trust level between government agencies and ultimately our citizens.

Grant Writing

In the three terms that I have been Sheriff I have never had a grant writer assigned to my Office. With our current structure our office simply does not have the expertise or the time to seek out and apply for all the grants that are available to assist law enforcement. I believe having a professional grant writer assigned exclusively to each elected official has the potential to save the county tax payers millions of dollars. Each year thousands of grants are available, however the amount of time needed to professionally craft these requests is prohibitive based on current staffing. In the past the Sheriff's Office has received some very large grants. We have had to "let go" several grant opportunities simply because we do not have the time or expertise to pursue them.

The cost of modernizing the Sheriff's Office is becoming increasingly expensive. There are many grants available to assist in this effort. This, along with additional state and federal grants that could improve our county's law enforcement efforts, should make the addition of grant writers an important new change to the charter.

Two Year Budgets

This is a good idea for all financial staffs. My finance unit spends a perpetual amount of time preparing each year's budget proposal. As one budget cycle ends we begin planning for the next; and staff do not have the opportunity to develop solid long range financial plans. To put this into perspective, over the last eleven years my staff and I have spent over 100 months preparing our budget proposals. Reducing that to half or less would have allowed for more time on other public safety issues in our communities. Long range planning is not a strength of our current county government. Two year budgets would promote better government by allowing for more long range planning.

CORRECTIONS

Since the first Charter when Corrections was placed under the Office of the Executive there has been a constant distancing between law enforcement and corrections. What once was a partnership in keeping the community safe has turned into another bureaucratic level of county government. Law enforcement and corrections are not working together as much as they should to protect this county. An example of the lack of coordination is the new Victim Identification Network System or VINES program Corrections instituted last year. In 1998 VINES came to me proposing Snohomish County become a member of the nationwide program to protect crime victims. I supported the program and suggested to our Executive do so as soon as possible. He and his staff failed to see the value in the program and did not go forward. If they had recognized the importance of notifying crime victims in 1998 (through this program) I believe there would have been improved community trust in county government. Our State Legislators recognized the value of VINES this past legislative session and authorized paying for the system throughout the entire state. Snohomish County decided not to participate in this and as a result will continue to use general fund dollars to support the program. 36 counties now have the state paying for the system, Snohomish County will not. This is a good example of large bureaucracies wasting tax dollars and not being held accountable.

I believe we could enhance public safety if Corrections was included in the Sheriff's Office budget. As it is now we are forced to compete for general fund dollars. This procedure has created an antagonistic relationship. Public safety has not benefited from this current system. I firmly believe in a partnership between the Sheriff and Corrections. To this day citizens continually ask me questions about the jail only to be informed, to their amazement, that I have no control over it.

If returned to the Sheriff's Office a better focus on officer safety issues would be paramount and a closer partnership between the sheriff's patrol division and the corrections staff would promote a better atmosphere of team work. Reuniting Corrections and Law Enforcement can be a powerful force in making our community safer.

PARTISAN/NON-PARTSAN

I have lived in both worlds since being elected Sheriff. I enjoy the non-partisan application to my Office because it is much more consistent with protecting all the county residents regardless of what political party they affiliate themselves with. It has allowed me to take the "best of both worlds" and forge partnerships throughout the community to foster teamwork regarding crime fighting. Crime knows no political party, it knows no political boundaries and we still make "house calls" to crime victims no matter what political persuasion they claim. Keep the Office of Sheriff non-partisan.

TERM LIMITS

I suggest that this commission keep term limits in the county charter. Both sides of this issue have good arguments and what ever way you decide to go will have logical defensible evidence. I have made my decision after being on both sides because I believe change is healthy to any organization or management structure. Term limits gives voters the ability to change what can become the status quo. Voter mistrust of government is diminished by limiting a politicians length of stay.

The above said, I love being Sheriff and it will be very difficult to retire as my passion for law enforcement continues unabated. I am flattered by any suggestion that removing term limits would allow me to continue.

COURTHOUSE SECURITY/MARSHALS UNIT

I have been requesting that courthouse security and the Marshals unit be placed under the Sheriff since the new security at the courthouse was instituted. The system we operate under now requires that I commission the Marshals (even though they do not report to me) in order for them to function. This is another example of the many layers of bureaucracy we now "enjoy" in county government. Placing all courthouse security under the Sheriff would comply with the State Constitution since I am considered the "Officer of the Court" and would provide for a much more seamless delivery of service. The Marshals would receive more training in high liability areas such as the handling and use of force and firearms.

Courtroom security, courthouse security and community security should be delivered in a seamless and unified command system under an elected Sheriff.

Conclusion

You have a great opportunity before you and I applaud each of you for stepping forward to serve this community. Don't hesitate to contact myself or my staff if you should need any assistance. I can be reached by calling 425 388-3414 or via email at rick.bart@co.snohomish.wa.us.

Sincerely,

Rick Bart
Snohomish County Sheriff

DUTIES OF THE OFFICE OF SHERIFF

RCW 36.28.010 General Duties

The Sheriff is the chief executive officer and conservator of the peace of the county. In execution of his office, he and his deputies:

(1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

(2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

(3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

County Charter Section 3.110 Election/Term of Office

DEFINITION OF OFFICE OF SHERIFF

What is the Difference Between a Sheriff's Department and a Sheriff's Office and Why Should it Matter?

Black's Law Dictionary defines the terms as follows:

DEPARTMENT: "One of the major divisions of the executive branch of the government....generally, a branch or division of governmental administration."

OFFICE: "A right, and correspondent duty, to exercise public trust as an office. A public charge of employment... the most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government, and when this is the connection, public office is a usual and more discriminating expression... in the constitutional sense, the term implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws."

The Office of Sheriff is not simply another "department" of county government. The internal operation of an Office of Sheriff is the sole responsibility of the elected Sheriff. County department heads are subordinate to a county governing body, because a "department" is truly only a division of county government. The Office of Sheriff is a statutory/constitutional office having exclusive powers and authority under state law and/or state constitution. These inherent powers are not subject to the dictates of a local county governing body.

The Office of Sheriff has inherent common law powers and sovereignty granted under a state's constitution and/or state law. It is different from a county department which derives its limited authority from whatever is delegated to it by statute or by state constitution.

The use of the term "Department" implies being a subordinate unit of government (i.e. subordinate to local government - "delegated" authority from county government to a Department). The use of the term "Office" implies inherent powers and independent sovereignty.

Found at www.aransascountysheriff.com - derived from Sheriffs' Association of Texas

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DUTIES OF THE SHERIFF

Completed
May 2001
By [Signature]
2.10.030

County Charter Section 3.110 Powers and Duties

The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance.....

Suggested change:

County Charter Section 3.130 County Sheriff

The county sheriff shall have all the powers, authorities and duties granted to and imposed upon a sheriff by state law and as provided by this charter.

If the charter is changed to reflect the duties of the sheriff then and additional change must be made to the charter under **Section 3.20 (2)**

Powers and Duties of County Executive. By adding to the statement in that section “..subject to Section(s) 3.120, and 3.130.

1. By state law the sheriff is responsible for 404 RCW's and 43 WAC's. By county code the sheriff is responsible for considerably less. Section 3, section 10, and section 12. And only portions of those sections. I believe that the term “by ordinance” means these sections of the code. The sheriff has far more responsibility than what is in the county code (ordinance).

DISCUSSION

I cannot find anywhere in the charter what the term “established by ordinance” really means. What ordinance, where in the charter? My duties are not described in the charter by ordinance or any other description as are the prosecutors. Clearly by state law my duties are described (see hand out), and clearly the county prosecutor has a section describing their duties in the charter. I believe the county sheriff should have a section similar to the prosecutor since everything the sheriff’s office does is closely tied to the prosecutor. **RCW 36.28.011 “Duty to make complaint” defines one of the sheriffs’ duties to be to... make complaint of all violations of the criminal law, which shall come to their knowledge, within their respective jurisdictions.** In the Constitution of the State of Washington under Article 10 section 4 it states that ..”**Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law,..... “**

The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance.

(The County Prosecutor has a separate Section explaining his/her duties as perscribed by state law **and the charter**).

I can find nowhere in the charter an explanation of what the statement ...”established by ordinance” is supposed to mean. Clearly by state law my duties are spelled out, but by charter they are not. My question is....Should the charter be more specific regarding my duties? Should the charter be amended to reflect something like the Section for the prosecutor regarding the duties of the Sheriff?

I believe that the charter should be changed in this area to reflect a more specific duties decription, if lawful, for the Sheriff. This could be formulated in a way to more accurately reflect the work place today. Specifically, the Sheriff has nothing to do with the attendance of court sessions. I suggest that a section be added to describe the sheriff’s duties reference state law.

Sheriff



3

WHY A
SHERIFF'S

IS NOT A
SHERIFF'S

DEPARTMENT

SHERIFFS' OFFICES ARE UNDER ATTACK

SHERIFF

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SHERIFFS' OFFICES UNDER ATTACK

9 Sheriff's Department Versus Office of the Sheriff

Defining the difference between a sheriff's office and a sheriff's department, this article urges all sheriffs to maintain their identity as the head law enforcement agency in a county.

By Sheriff Johnny Mack Brown, Greenville County, South Carolina, Sheriff's Office

10 Preserve the Office of Sheriff

This article outlines the ongoing battle which Massachusetts sheriffs are fighting to keep their responsibilities.

By Davied Lanoie, J.D., Assistant Professor & Director of Criminal Justice Programs, Anna Maria College, Paxton, Massachusetts.

12 Pennsylvania Sheriffs Under Attack

Cases of turf battles between sheriffs and police jurisdiction, in particular traffic enforcement, are outlined in this article. It is not a question of turf rather more law enforcement to combat skyrocketing crime.

Deputy Sheriff James P. McGeehan, Beaver County Pennsylvania, Sheriff's Office

14 Election Vs. Appointment

Sheriffs are elected by the people, for the people. This article outlines reasons why the office of sheriff should remain an elected position.



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SHERIFF'S DEPARTMENT VERSUS OFFICE OF THE SHERIFF

What is the difference between sheriff's department and sheriff's office, and why should it matter? To answer the first question, we can turn to Black's Law Dictionary, which defines the terms as follows:

Department: "One of the major divisions of the executive branch of the government . . . generally, a branch or division of governmental administration."

Office: "A right, and correspondent duty, to exercise a public trust. A public charge or employment . . . the most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government; and when this is the connection, "public office" is a usual and more discriminating expression . . . in the constitutional sense, the term implies an authority to exercise some portion of the sovereign power, either in making, executing, or administering the laws."

Clearly, the office of sheriff is not simply another department of county government. Its internal operations are the sole responsibility of the sheriff. County department heads are subordinate to a county administrator or manager because they are truly only a division of county government, and they work for him and for the governing body of the county council (or the board of commissioners).

The office of sheriff, on the other hand, is a constitutional office in 35 of the 50 states, having exclusive powers and authority. These powers are not subject to the dictates of a county manager or the whims of a county council. The powers of this office have been exercised for over a millennium.

A sheriff's office, then, is fundamentally different from a county department which derives its limited authority from whatever is delegated to it. This delegation is made by those individuals who hold an elected position, or office, in the governing body. The use of "department" actually refers to a subordinate unit of government, rather than to a body with inherent powers and sovereignty, such as the office of sheriff.

This explanation is why it matters, and there is a difference. ❁

Editor's Note: Sheriff Johnny Mack Brown is NSA's first vice president.



By Sheriff Johnny Mack
Brown, Greenville County,
South Carolina, Sheriff's
Office

PRESERVE THE OFFICE OF SHERIFF

Recent public policy discussions in Massachusetts have led some political leaders to propose substantive reductions in the duties of sheriffs and outright abolition of the office itself. These discussions have centered around two separate but related issues. The first involves a movement to abolish county government and to transfer county functions and employees to state jurisdiction. The fourteen Massachusetts counties were incorporated before the adoption of the State Constitution in 1780. Three of the counties were incorporated as early as 1643 and 12 were incorporated prior to the American Revolution. In fact, the origins of county government in the United States are traceable to the Massachusetts Bay Colony.

The second issue involves the proposed integration of Massachusetts' unique two-tiered prison system. By act of the provincial legislature in 1699, Massachusetts counties followed the English practice of Regional Prisons known as Houses of Correction. In the same year, custody and control of both jails and the county prisons was vested in the sheriffs of the respective counties. At the present time, Massachusetts sheriffs are elected for six-year terms and have responsibility for the following functions:

- Administration of the County Correctional Systems. (jails and houses of correction)
- Service of Judicial Process.
- Transportation of Prisoners.

The sheriffs operate modern correctional facilities with budgets ranging from 10 to 40 million dollars. The office of sheriff in Massachusetts is generally identified with jail and prison administration due to the size of the county correctional system. Most Massachusetts sheriffs' offices employ from 200 to 1,000 persons to perform the jail functions associated with the office. In addition to the three functions routinely performed, the issue of sheriff's duties and powers in law enforcement has become fairly politicized in Massachusetts in recent years. In 1989, the Massachusetts Supreme Judicial Court confirmed what everybody in criminal justice knew but did not necessarily want to admit: that Massachusetts sheriffs and deputies are peace officers and therefore exercise law enforcement powers concurrently with state and local agencies within the counties of

their authority. The court ruling involved sheriff's enforcement of the state motor vehicle code, a politically ticklish area rife with controversy relative to "turf issues". In some counties, sheriffs perform specialized functions to assist local police agencies. Roughly during the past decade, Massachusetts sheriffs' offices have evolved into relatively large entities, (when compared with local/city police agencies in terms of personnel and budget) performing multiple functions on a regional level. In 1986, an independent consulting firm concluded that Massachusetts sheriffs have achieved an excellent record in performing their assigned functions despite the constraints imposed by inadequate funding and increasing jail and prison populations. Increasingly, Massachusetts cities and towns are experi-



By David A. Lanoie, J.D.,
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encing serious budgetary shortfalls in attempting to provide basic services. There has been open discussion of regional approaches to the provision of services to achieve economies of scale and reduce duplication of effort. In light of the recognition that there must be regional solutions to local problems, it is perplexing that the quintessential regional entity—the county—as well as the office of sheriff have become targets of proposals for abolition or reduction in functions. The three suggestions that have been made regarding sheriffs are:

- 1) Change the office from elective to appointive to increase "accountability."
- 2) Abolish the office as part of an integration of the state's prison system.
- 3) Reduce the duties of the office of sheriff to processing and prisoner transportation.

With regard to the first proposal, advocates of appointed sheriffs should know that Massachusetts sheriffs have been elected since 1855 when the Massachusetts Legislature responded to a public outcry for more accountability and changed the office from appointive to elective. This of course could only be done by constitutional convention since the office was included in the original Massachusetts Constitution.

In the context of a constitutional democracy, the inherent and statutory powers of the sheriff's office are far too great to be insulated from popular control. As the chief peace officer of the county, the sheriff exercises a portion of the sovereign power of the state in the three major areas of criminal justice: the courts, law enforcement, and prison administration. The sheriff and his deputies can seize and sell property, evict persons, enforce all judicial decrees and generally perform all duties—civil and criminal—associated with maintenance of order within their counties. In a country which places a premium upon individual liberty and freedom from unreasonable interference by the government, the office of sheriff possesses great authority over citizens in criminal, civil, and correctional matters: the authority to arrest, to detain, and to confine individuals. This great authority is counterpoised by accountability in its purest form: the judgment of citizens in a free and open electoral process. Other offices that are of great importance to the fair and efficient administration of the laws are the district attorneys, the state attorney general, and the office of clerk of superior courts. Like the sheriff's office, these positions are filled by and accountable to the citizens through popular vote. The historical and political significance of electing these officials is fundamental to our American form of government: the control of power by vesting it in the people.

Keeping the office of sheriff elective not only guarantees accountability and preserves citizen input in local decision-making, but also ensures that sheriffs will be proactive members of their community. In Massachusetts and other states, sheriffs actively support charitable and other organizations dedicated to improving the quality of life in the community. Their elective status creates a direct and continuing linkage with the people. This prevents the "bureaucratization" of the office and promotes a positive image of government. Alexis De Tocqueville observed, as early as 1831, that New Englanders were concerned with local autonomy and that the state "is only a second-rate community

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whose tranquil and obscure administration offers no inducement to draw men away from the home of their interests into the turmoil of public affairs."

Unfortunately, public policy decisions in Massachusetts in recent years have been based upon the philosophy that state government is indeed the answer to local problems. One example is a recent decision to place responsibility for all court security under one state supervision—a daunting task for one official. Court security in the vast majority of American states is provided locally by the office of sheriff. This is a natural and obvious extension of sheriffs' duties since historically the sheriff has been a ministerial officer to the court and is experienced in order maintenance, security issues, and the management of prisoners. In making recommendations that sheriffs be abolished or perform fewer functions, policy makers fail to recognize two important points:

- 1) Massachusetts sheriffs are constitutional officers.

Abolition of the office can only be discussed in the context of a constitutional convention (a meeting of both branches of the state legislature) and an amendment to the state constitution. There is little likelihood that the people would allow further erosion of local control over public safety functions.

- 2) The office of sheriff is of great utility in delivering a multitude of public safety services that are most effectively handled on a regional basis. Indeed the functions of the office should be expanded to include court security, the operation of regional

lock-up facilities to assist local police, the development of centralized record-keeping procedures, specialized and in-service training, regional communication and dispatch services, and a variety of public awareness/community service programs designed to strengthen the bond between citizens and government.

The office of sheriff is among the oldest known to the English and American systems of jurisprudence. Statutes passed by the provincial legislature of the Massachusetts Bay Colony indicate that sheriffs were the first peace officers and performed court, jail, and law enforcement functions long before the founding state government. As indicated previously, Massachusetts sheriffs are constitutional officers, having been included in the original state constitution. In light of attempts to abolish the office or reduce its powers, the rights of sheriffs who enjoy constitutional status are significant. In jurisdictions where courts have addressed the issue, it has been uniformly held that where a state constitution provides for electing sheriffs without prescribing in express provisions the powers and duties of the office, there is a presumption that the duties are those that were performed at common law or at the time that the constitution was written. It has also been held that while a state legislature may impose additional duties upon the sheriff where he is recognized as a constitutional officer, it cannot restrict or reduce his powers as allowed by the constitution, or as they were recognized when the constitution was adopted. Notwithstanding these historical, constitutional rights which give protection and perpetuity to the sheriffs, there are sound public policy reasons for retaining and expanding this time-honored office. ☉

Election VS. Appointment

Terms such as professionalism, efficiency, accountability, non-political, and other euphemisms, are used by certain special-interest groups in our society under the guise of improving local government, to propose that the office of sheriff be an appointed rather than elected position.

What would be lost if these people were to achieve their wish to change this institution which began over a thousand years ago in what is now England and came to the shores of Virginia in 1634?

First and foremost, would be the franchise of which we are so proud: the power of the citizens to vote. The will of the electorate would be replaced by, at best, an oligarchy of several people or at worst by one individual, who although being themselves elected, feel they are more qualified than our citizens to select and dismiss (without justifiable cause or public approval) the leading law enforcement official in the county.

We would also lose an elected official who is a member of the community—knowledgeable of its problems, and concerned for its future. The elected sheriff is an individual able to talk with civic and religious leaders and by doing so, respond to their needs and communicate to the public what concerns the law enforcement establishment wishes to address.

Presently, the elected sheriff adheres to civil service laws, the Equal Employment Opportunity Act, Americans with Disabilities Act, and local and state statutes as they pertain to employment of law enforcement personnel. How these guidelines would be implemented by an appointed sheriff's superior are unknown.

An elected sheriff is accountable to the citizens of the county and not a committee or county manager. An elected sheriff is therefore



**By Sheriff Bob E. Rice,
Polk County, Iowa,
Sheriff's Office**

shielded from attempts to influence law enforcement decisions for private or political reasons. Thus, special interest and other one-issue groups are prevented from using the sheriff's office to further or achieve their goals. If appointed, the sheriff would no longer be a representative of the people, or be able to publicly present facts concerning political or fiscal information and the possible effects these would have upon the county's citizens. This information would be at the discretion of those who appointed him and control his office.

In many parts of the country, citizens' review boards have been established to judge actions by their local police. The office of sheriff has a review board—the citizens who cast their ballots for the sheriff in the general election. The people decide every time they vote if the sheriff is doing a good job and should be retained in office. If, however, during the course of a sheriff's term; charges of ineptitude, malfeasance, or corruption raise questions concerning this elected official's qualifications, checks and balances are in place

to deal with such a situation. Laws concerning recall elections, county attorney and grand jury investigations, and finally removal from office are all identified within state statutes.

Also lost would be the leadership that the elected sheriff provides those police chiefs, within the county, who are hired by their city's councils and report directly to the mayor and city manager. The sheriff, because of his independent status and role as the local leading law enforcement officer, and having jurisdiction throughout the county, is the linchpin whereby all other law enforcement agencies are coordinated against unlawful activities. The placement of a bureaucracy between these agencies would deter the coordinated efforts of different public safety entities in their battle to combat crime.

The present situation provides mechanisms that allow any citizen to air complaints, concerns, and even opinions to the sheriff. As an elected official, he or she knows that citizens' requests must be addressed. This credo also has a reverse side—the sheriff and members of his or her staff also go to the citizens with their own complaints, concerns, and opinions so that the entire populace of the county is served.

The reasons for keeping the sheriff's office an elected one are apparent. However, those who wish to change our venerable institution are not faint of heart and will continue pursuing their goal. With this in mind, we must continue to provide the personalized services we are known for and further add to our professionalism by securing national accreditation for our field operations, jails, and other areas within our office.

Finally, we must never let what has taken over a thousand years to evolve be destroyed by taking away the power of the vote from the many and giving it to a few. ☉

PENNSYLVANIA SHERIFFS UNDER ATTACK

In this day and age the law enforcement family should be united more than any other time in its history—whether it be the exchange of ideas, intelligence, or keeping up with the latest in training or technological advances. But even with all this, they should keep in mind one important aspect, the camaraderie among all of its members.

Unfortunately, camaraderie among all law enforcement officers is not the case in the Keystone State of Pennsylvania. The authority and responsibilities of Pennsylvania sheriffs and deputies have been under attack by the Pennsylvania Lodge of the Fraternal Order of Police. In particular, the traffic enforcement rights are at the forefront of the battle. Let me give you some examples.

Just a few years ago a uniformed deputy sheriff, traveling in a marked unit, proceeded to stop a vehicle moving erratically and pulled the operator over to the side of the road. The deputy discovered a can of beer on the front seat, a live .357 round on the floor, a paper bag containing 810 milligrams of marijuana, and methamphetamine in the tape deck. In addition, the defendant was operating the vehicle with an expired driver's license. The deputy subsequently arrested the driver.

The Pennsylvania State Lodge of the Fraternal Order of Police then filed an Amicus Curaie brief on behalf of the criminal defendant in the case, alleging that sheriffs and deputies don't have the power of arrest for traffic violations. Who's side of the law are they on anyway?



By Deputy Sheriff James P. McGeehan, Beaver County, Pennsylvania, Sheriff's Office

In the Pennsylvania Superior Court hearing, jurists ruled in favor of the defendant despite the overwhelming amount of evidence to support the deputy sheriff's case. Jurists in the case reasoned that deputy sheriffs in Pennsylvania do not have the right to arrest on traffic violations.

sheriff's patrol unit and stated that this was his area and that only he could make the arrest.

Law enforcement officers are law enforcement officers—to say that deputy sheriffs don't have the power to arrest on traffic violations sends a strong message to law breakers!

Yet another example was when a deputy sheriff who was enrolled in a police class was taught that deputy sheriffs in Pennsylvania cannot enforce search warrants based upon affidavits of probable cause let alone apply for one. When questioned about this matter, the police instructor, who was a local officer, told the deputy that the training curriculum had originated from the Pennsylvania State Police Training Commission.

A deputy sheriff who moonlights as a police officer in another town, sent his annual, qualifying handgun score to the State Police Training Commission for accreditation (which is now mandated by law.) It was signed by a qualified range instructor, who also happened to be a deputy sheriff. The State Commission responded that the score could not be accepted because it was mailed in on sheriff's office stationary and that it should be resubmitted on police department stationary in order for it to be accepted. Are you kidding me or what?

In the Spring of 1992, a female was assaulted as she entered her automobile. The on-duty police officer who answered the call requested assistance from the sheriff's office by asking for their trained indetikit operator. The deputy responded to the scene, interviewed the victim, and then prepared a composite drawing of the alleged perpetrator. Even though the deputy supplied the officer all information, along with the composite for his investigation, the chief of police removed the composite drawing from the sheriff's office letterhead and placed it on his own police department stationary. Unethical? Unprofessional? How do you describe it?

Today, with street gangs battling each other, drive-by shootings, assaults on members of our communities, whether on the streets or in the confines of their homes, cop-killer records, drugs, robberies, concealed weapons in our schools, and the breakdown of the family, to name a few, the public needs all the law enforcement officers they can muster—there is enough crime to go around

for everyone!

We cannot afford to send a message that the law enforcement family is fighting among its members, that there is bitterness, petty grudges, and division because of territorial responsibility or bruised egos. The American public now needs us more than ever, whether we come from the larger populated cities or the most rural backwoods areas. We must present a united front against crime.

Within the last few years the Pennsylvania Lodge Fraternal Order of Police ordered that their local lodges could not permit any sheriffs or their deputies to be accepted as new members. Some fraternalism! The Pennsylvania State FOP Lodge president constantly lobbies state legislators to withhold support for any mandated police training for sheriffs or their deputies. His contention is "to maintain professionalism in police work." What about maintaining professionalism in the police work which sheriffs and deputies provide? Shouldn't sheriffs and deputies be afforded the same training opportunities—training that not only saves the lives of the public, but also protects the lives of the officers? We put our lives on the line every day, just like they do! And the FOP logo claims "justice, friendship, and equality?"

The federal government, U.S. Department of Justice to be specific, assigns all law local enforcement agencies, including sheriff's offices, in the United States with an Operating Routing Indicator (ORI) number to ensure that teletype-scope messages, and fingerprints can be transmitted to their various destinations. By virtue of being assigned ORI numbers, sheriffs' office are considered legitimate law enforcement agencies. Why can't the FOP accept the sheriffs and deputies as equals?

The office of sheriff is an honorable position and has an important role in the criminal justice system. Most of the sheriffs of America are put into office by the direct vote of the people, thus ensuring that the citizens have a direct say in who their top law enforcement leader is. There are not many others in the law enforcement family that can make such a claim.

The citizens of the United States must be aware of our presence in this changing world. They must know that the men and women in blue, and the men and women in brown, represent one group they can rely on, no matter what! Let us work out our differences so that we can present a united law enforcement. The public deserves nothing less. ☉

PRESIDENT'S MESSAGE

Fighting for the Office of Sheriff

The office of sheriff is the oldest known law enforcement agency within the Common Law System, or in today's terminology, "The Criminal Justice System." The functions, status, and powers of the office have undergone change, but for over nine centuries it has maintained a continuous existence and preserved its distinguishing heritage.

Like many functions of government, the office of sheriff was formed because of a need to maintain order in a developing society and to provide protection for the community. Sheriffs and their deputies, depending upon state laws, provide general law enforcement services, maintain a county jail, serve legal process, provide prisoner transportation and security for the courts, and aid other local law enforcement departments. Because of his varied roles and responsibilities, the sheriff is thoroughly involved in relationships at all levels of government.

In hard economic times, with an eroding tax base, the skyrocketing costs of medical insurance, liability insurance, law suits, wages, and workmen's compensation, have put a severe strain on the operating budgets sheriffs' offices and police departments throughout the United States.

As the demand for public service increases, local law enforcement agencies are hurting, and some are bankrupt, unable to maintain officers on their payroll. As a result, there is a major strain on law enforcement agencies to provide law enforcement services and address all of the crime-related needs of our communities.

You would think that with the skyrocketing crime statistics, sheriffs' offices and their personnel would be welcome in the law enforcement arena to augment other police agencies. After all, there is enough crime to go around for everyone. However, the Fraternal Order of Police has a different opinion.

They are threatened by the sheriffs, afraid that we are going to erode their power. In fact, the Fraternal Order of Police has forgotten what the word fraternalism means. They have made unreasonable attacks on sheriffs and deputies, particularly the Pennsylvania State Lodge of the Fraternal Order of Police and the FOP national president.

The sheriffs are a working group of professional law enforcement officers, fully capable of providing law enforcement services to our communities and to assist other law enforcement agencies as needed. However, the Pennsylvania FOP has resisted this assistance by telling sheriffs to stay away, "we don't want you."

Personally, I would much rather assist a law enforcement officer—than go to his funeral, but the Fraternal Order of Police feels differently. The attack continues on sheriffs and it will only get worse if we don't fight the FOP, and beat them at their narrow-minded thinking.

Allow me to site some examples of this lack of fraternalism. The Fraternal Order of Police has threatened to revoke a local FOP Lodge Char-

ter if it accepts deputy sheriffs into its membership. Discrimination, or just another attack on sheriffs?

A deputy sheriff stops a motorist, subsequently arresting him for various traffic and drug violations. At the time of trial, the Fraternal Order of Police filed a brief on behalf of the criminal defendant. Is this what the FOP accepts your dues for, to turn around and use your money against us? Where is the fraternalism?

The national Fraternal Order of Police president has received numerous complaints about subordinate lodges of the FOP discriminating against its members and rejecting eligible prospective members because they work for a sheriff's office. Fraternalism or just another attack on sheriffs? Such outrageous attacks on sheriffs will continue with this type of leadership.

Nearly 78 years ago in Pittsburgh, Pennsylvania, the Fraternal Order of Police was organized for the betterment of law enforcement, brotherhood, and fraternalism. Today, in Pittsburgh Pennsylvania, the FOP is fighting against the office of sheriff in the Pennsylvania Supreme Court because they refuse to accept sheriffs and their deputies as a part of law enforcement. They have created an unsubstantiated turf issue and have completely eroded any fraternalism that existed.

When will it stop? Will this trend continue across the United States? I certainly hope not.

Crime in America needs to be addressed by as many law enforcement agencies as possible. There is more crime than man and time. Rest assured, the sheriffs will continue to be the professionals they were elected to be. As a fellow sheriff and president of the National Sheriffs' Association, I urge you join me in this battle to protect the office of sheriff from these unsubstantiated attacks.

For more about this and other attacks on the office of sheriff, look inside this issue of *Sheriff* magazine. ☉



Frank Policaro Jr.

—SHERIFF FRANK POLICARO
NSA PRESIDENT

EXECUTIVE DIRECTOR'S REPORT

Sheriffs' Offices Under Attack

Sheriffs, deputy sheriffs, we are under attack. As I finished reading a letter from a good friend and fellow law enforcement officer, Sergeant Colon K. Malani, of the former Hawaii County, Hawaii, Sheriff's Office, I am infuriated.

Articles printed in *Sheriff* magazine over the past several years, have talked about the office of sheriff under attack. And as I reported to you, the office of sheriff was abolished by the legislature in Hawaii due to pressure particularly from the governor's office. Deputy sheriffs in the State of Hawaii are fighting to retain their heritage. As it stands, the governor of Hawaii has replaced the sheriff's office with that of the Department of Public Safety.

We sympathize, we encourage, and we insist that the deputy sheriffs of Hawaii fight to regain the office of sheriff and the position of deputy sheriff within their state. Hawaii and all sheriffs' offices can rest assured that NSA will do everything possible on the national level to assist them—they will receive our full support.

The office of sheriff in some states is being called an antiquated position and some say it should be eliminated. Over the past few years, we have heard arguments that the sheriff is too powerful; the position is too subject to political pressures; or the office of sheriff should not be an elected position, but appointed. We regard the individuals who make such comments as enemies to the office of sheriff.

Something that disturbs me about this situation is the complacency that is shown by many sheriffs throughout the United States. Comments such as: We are a constitutionally-created office and we are not subject to change; or, I don't have the funding to fight the battle to keep my office; or even worse, my office is very powerful and I have nothing to worry about in my state/county. Those of you who think this way will surely lose your office to the first opponent.

Today, there are many individuals that would like to take your constitutional right away from you and your constituents—they want to take away your responsibilities, whether it be your jail, your traffic/patrol duties, or the power of arrest. They chip away at the office of sheriff, first by gaining control of your jail. Now we hear the cry of privatization of our civil process responsibility. In several areas county commissioners claim that sheriffs are not capable of protecting the court houses and specialized protection for courtroom security is hired—out from under the sheriff. Time and time again sheriffs offices are relieved of their law enforcement responsibilities, further eroding the office of sheriff.

In some states, there is a mass movement to eliminate the office of sheriff altogether. A reporter from Connecticut stated that the sheriffs of Connecticut are far too powerful and should be eliminated. Editorial staffs of large newspapers have made it their goal to see that the office of sheriff is replaced. Editorials from Broward County, and West Palm Beach County, Florida, stated that the sheriff should be appointed (as in

Dade County). Editorials appear demanding that sheriffs not be held responsible and accountable to his constituents—the voters and residents of a his or her county—but that he or she should be appointed and sheriffs' deputies selected by civilian review boards.

This brings us to another issue. In Indiana, the office of sheriff is not even called the office of sheriff—it is called the county police department. We must maintain our identity. A sheriff's office is not a department, which according to Websters Dictionary is defined: a separate part or division of a larger institution or business. The office of sheriff is the highest law enforcement agency in a county, and therefore should be called the sheriff's office—NOT a sheriff's department.

All too often correspondence comes across my desk where the sheriff's office is called a sheriff's department. We must resist this. We are not a department or a division of county government: we are the office of sheriff—elected by the people, responsible to the people—and we must remain so.

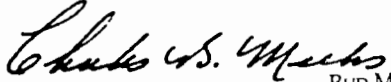
I encourage each and every sheriff of the United States to take a close look at his letterhead and correspondence, and ask that you join the National Sheriffs' Association in the battle to maintain the identity and responsibilities of the office of sheriff.

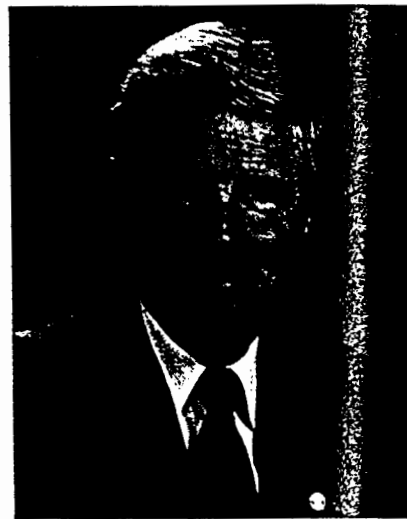
As I represent you in Washington, D.C., and view the national erosion of the office of sheriff, I feel more strongly than ever that we must fight to preserve the sheriffs' office.

I ask each state executive director and president, each state senator and representative to reinforce the office of sheriff, to bring back legislation, if necessary, to insist that the office be called just that "office." Sheriffs, deputies, friends of the sheriffs office—we must, we shall, we will set this as a goal for 1993.

Together we are a force that must be reckoned with. The power of the vote is important and sheriffs—you have that vote, for only you are the elected law enforcement officers. We will fight and we will win to retain the office of sheriff.

I encourage you to read this issue of *Sheriff* magazine, as it is full of information about sheriffs' offices under attack. ☉


—BUD MEEKS
NSA EXECUTIVE DIRECTOR



Snohomish County Charter Revision Suggestions

Suggestion #1

Snohomish County Charter

Section 3.20 Powers and Duties of County Executive

8. *Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;*

Snohomish County Code

2.10.010 Executive functions.

(28) Approval of contracts on behalf of the county for funds contributed to the county by grants that require match funds up to \$50,000 which implement programs, projects, or functions the county council has specifically authorized by motion or ordinance; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract approved and signed by the county executive under this section.

Amend to allow other elected officials (Sheriff) to sign contracts. The approval of contracts under \$50,000 often feels like a rubber stamp process. Appointed department directors have been delegated the authority to sign contracts for their departments, eliminating a time-consuming step in their contract approval process. A quarterly report is due by these departments to the Executive for review. Although there may be good reasons for the Sheriff's Office contracts to be reviewed by the Executive, it is possible that those reasons can be satisfied through the submission of a quarterly report, rather than the existing review and approval process.

Suggestion #2

Snohomish County Charter

Section 6.10 Budget Information

At least one hundred thirty-five days prior to the end of the fiscal year, all agencies of county government including elected department officers shall submit to the county executive information which the county executive deems necessary to prepare the proposed budget.

Amend to allow for a two-year budget. Adopting a budget every two years may create more work in terms of amending the budget, but it would free up time spent in almost perpetual budget development that is required for an annual budget.

EXECUTIVE ORDER 2004-19B

**DELEGATION OF SIGNATURE AUTHORITY TO
THE DIRECTOR OF PARKS AND RECREATION**

PURPOSE:

To supersede Executive Order 2000-19A, DELEGATION OF SIGNATURE AUTHORITY TO THE DIRECTOR OF PARKS AND RECREATION.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Parks and Recreation authority to sign appropriate official documents and contracts.

This Executive Order will supersede all previous delegation of authority given to this department, including Executive Order 93-19 and 2000-19A.

ACTION:

1. The Director is authorized to approve and sign fair booth and commercial licensing agreements, facility licensing agreements, and/or other licensing agreements covering facilities, space, or other property of Snohomish County located on the fairgrounds and parks under the following conditions:
 - A. If the Director determines that the granting of such license agreement provides a fair rate of return to the County, in view of the nature and license value of the facilities, space, and/or property licenses, use thereof and character of the applicant, and recommends approval of agreement.
 - B. Every licensing agreement shall be approved by Risk Management Committee or its designee, and on a form that has been approved by the Prosecuting Attorney.
 - C. The applicant shall provide such indemnification and/or insurance coverage, proof of compliance with workers compensation laws, proof of possessing any other license or permits required of the applicant, and any release forms as may be required by the Risk Management Committee.
 - D. Any such licensing agreement shall be for a term of not greater than one year.

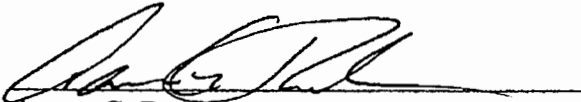
- E. This section shall not apply to any dance license, application, and issuance which is controlled by SCC 6.38 DANCES AND DANCE HALLS.
 - F. Upon request by the County Council, the Director shall refer the application for any licensing agreement to the County Council for review and approval.
 - G. The County Executive may refer any licensing agreement to the County Council for review and approval (SCC 2.10.010 (6)).
- 2. The Director is authorized to approve and sign all permits and licenses affecting any property under the jurisdiction of the Department of Parks and Recreation, including deeds of right to use land for public recreation purposes, hazardous substances certifications required for property acquired with funds granted by the Interagency Committee for Outdoor Recreation (IAC), and declarations and other documents imposing protective covenants, conditions, and other restrictions on property acquired with funds granted by the state conservation futures program (SCC 2.10.010 (11)).
 - 3. The Director is authorized to determine that the performance or other consideration to be delivered to the Department of Parks and Recreation under the terms of any contract has been performed or delivered and to accept such performance or other consideration on behalf of the County. The Director shall keep the County Executive and the County Council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof (SCC 2.10.010 (3)).
 - 4. The Director is authorized to approve any service contract not subject to bidding requirements (SCC 3.04.190) as it relates to fair entertainment contracts, fair special display agreements, veterinarian services, sponsorship agreements and other fair service contracts under the following conditions (SCC 3.04.140(2)):
 - A. The contract may not exceed the sum of Ten Thousand Dollars (\$10,000).
 - B. The contract must be funded within the department's current program expenditure appropriation level.
 - C. The contract shall be approved by Risk Management Committee or its designee, and on a form that has been approved by the Prosecuting Attorney or by a Deputy Prosecuting Attorney.
 - D. The applicant shall provide such indemnification and/or insurance coverage, proof of compliance with workers compensation laws, proof of possessing any other license or permits required of the applicant, and any release forms as may be required by the Risk Management Committee.

- E. The contract shall be for a term of not greater than one year.
5. The Director is authorized to approve and submit all Parks Department applications for grants on behalf of the County unless the granting agency requires approval of such applications by the County Council (SCC 2.10.010(26)).
 6. The Director shall maintain centralized files (refer to Executive Instruction 008-A).
 7. The Director shall submit an annual report to the County Executive (refer to Executive Instruction 008-A).

CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

Dated this 15 day of March, 2004.



Aaron G. Reardon
County Executive

EXECUTIVE ORDER 05-15A

**DELEGATION OF SIGNATURE AUTHORITY TO THE
DIRECTOR OF FINANCE**

PURPOSE:

To delegate signature authority to the Director of Finance, in order to reduce paperwork and shorten the amount of time necessary to conduct official business; while ensuring that the County's interests are protected by a sound legal document and accountability is at the most appropriate level.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Finance the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. Contracts for construction, personal property, equipment, supplies, services, repairs, maintenance, rental and lease requirements shall be awarded and approved as follows:
 - A. Contracts for twenty thousand dollars or less may be awarded and approved by the Director (SCC 3.04.140 (1)).
 - B. The Director will follow the procedures as noted in 4 and 5.
2. The Director is authorized to approve all insurance policies and certificates of insurance following procedure as noted in 5 (SCC 2.10.010 (4)).
3. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
4. The Director shall submit an annual contract log to the County Executive (refer to Executive Instruction 008-B).
5. The Director is authorized to determine that the performance or other consideration to be delivered to the Department of Finance under the terms of any contract has been performed or delivered and to accept such performance or other consideration on behalf of the County. The Director shall keep the County Executive and County Council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof (SCC 2.10.010 (3)).

CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This Executive Order supersedes Executive Order 93-15 dated December 6, 1993.

Dated this 10th day of March, 2005.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-14A

**DELEGATION OF SIGNATURE AUTHORITY TO THE
DIRECTOR OF CORRECTIONS**

PURPOSE:

To delegate signature authority to the Director of Corrections, in order to reduce paperwork and shorten the amount of time necessary to conduct official business; while ensuring that the County's interests are protected by a sound legal document and that accountability is at the most appropriate level. To supersede Executive Order 93-14.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Corrections the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. Director is authorized to approve all agreements with cities or towns in Snohomish County for the county jail; PROVIDED, that the County Council, by resolution, has previously established the rates to be charged and other terms of such agreements and has approved the forms of contracts to be utilized (SCC 2.10.010 (12)).
2. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
3. The Director shall submit an annual report to the Executive (refer to Executive Instruction 008-B).

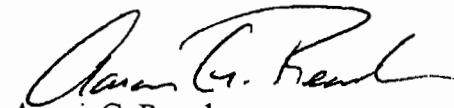
CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This Executive Order supersedes Executive Order 93-14 dated December 6, 1993.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-16B

**DELEGATION OF SIGNATURE AUTHORITY TO THE
DIRECTOR OF HUMAN SERVICES**

PURPOSE:

To delegate signature authority to the Director of Human Services. To supersede Executive Order 94-16A.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Human Services the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. The Director is authorized to approve and sign the following contracts and contract amendments:
 - A. Any contract or contract amendment to implement a program administered by the department; PROVIDED, that the County Council has approved necessary contracts with state, federal, or other sources of funds, if any such funds are used, and the County Council has appropriated funds for such programs (SCC 2.400.065(1)(a)).
 - B. Any amendment to a contract with a state or other sources of County funds for a program administered by the department where the amendment does not increase the contract amount as previously amended by more than \$50,000 (SCC 2.400.065(1)(b)).

This does not authorize the Director to approve contracts with state, federal, or other sources of County funds for programs administered by the department which contracts must be approved by the County Council (SCC 2.400.065(2)).

2. The Director is authorized to approve and sign Travel and Business Expense Authorizations for two hundred dollars or less for all expenses of persons who are neither County employees, elected officials, nor members of boards or commissions. (Budget and Finance - POL-1211 8)
3. The Director shall maintain centralized files (refer to Executive Instruction 008-B).

4. The Director shall submit a quarterly report to the County Executive (refer to Executive Instruction 008-B).

CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This supersedes Executive Order 93-16 dated December 6, 1993, and Executive order 94-16A dated January 31, 1994.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-17A

**DELEGATION OF SIGNATURE AUTHORITY TO THE DIRECTOR OF
INFORMATION SERVICES**

PURPOSE:

To delegate signature authority to the Director of Information Services, in order to reduce paperwork and shorten the amount of time necessary to conduct official business; while ensuring that the County's interests are protected by a sound legal document and accountability is at the most appropriate level. To supersede Executive Order 93-17.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Information Services the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. The Director is authorized to approve and sign subsidiary documents on contracts generated under the bidding process or other authorized procurement procedures.
 - A. Equipment schedule revisions, under master maintenance contracts to add or delete equipment.
 - B. Work orders for consultant services within the scope of service authorized under Master Agreement contracts.
 - C. Vendor service and license agreements associated with purchase orders previously documented and on file with the Purchasing Division.
 - D. Change orders pertaining to existing telephone equipment installation contracts for ten thousand dollars or less for which sufficient appropriation authority exists.
 - E. Software license agreements.
2. The Director is authorized to approve and sign work orders for the purchase of telephone equipment repairs and services placed with telephone carriers; such as, GTE, PNB, MCI, Sprint, WILLTEL, AT&T.

3. The Director is authorized to determine that the performance or other consideration to be delivered to the Department of Information Services under the terms of any contract has been performed or delivered, and to accept such performance or other consideration on behalf of the County. The Director shall keep the County Executive and County Council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof (SCC 2.10.010 (3)).
4. The Director is authorized to approve and sign software agreement documents, including non-disclosure and "beta test" agreements that do not entail additional financial commitments to the County.
5. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
6. The Director shall submit an annual report to the County Executive (refer to Executive Instruction 008-B).

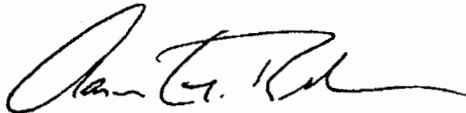
CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This supersedes Executive Order 93-17 dated December 6, 1993.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-18B

**DELEGATION OF SIGNATURE AUTHORITY TO THE
DIRECTOR OF PAINE FIELD AIRPORT**

PURPOSE:

To delegate signature authority to the Director of Paine Field Airport and delegate additional authority to the Airport Director to sign the Airport Layout Plan. To supersede Executive Order 96-18A.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Airport Director the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. The Director shall have the authority to approve applications for airport grants in aid and all airport leases; PROVIDED, that annually the County Council, by resolution, establish the rates to be charged and other terms of any such lease and approve the form of lease utilized which rates, terms, and form may be changed from time-to-time by the Council (SCC 2.10.010 (14)).
2. The Director is authorized to determine that the performance or other consideration to be delivered to Paine Field under the terms of any contract has been performed or delivered; and to accept such performance or other consideration on behalf of the County. The Director shall keep the County Executive and County Council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof (SCC 2.10.010 (3)).
3. The Airport Director shall have the authority to sign the Airport Layout Plan approved by the County Council.
4. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
5. The Director shall submit an annual report to the County Executive (refer to Executive Instruction 008-B).

CANCELLATION:

This Executive Order will remain in effect until canceled or superseded.

This supersedes Executive Order 93-18 dated December 6, 1993, and 96-18A dated May 28, 1996.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-20C

**DELEGATION OF SIGNATURE AUTHORITY TO THE DIRECTOR OF
PLANNING AND DEVELOPMENT SERVICES**

PURPOSE:

To supersede Executive Order 04-20B, DELEGATION OF SIGNATURE AUTHORITY TO THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Planning and Development Services the authority to sign appropriate official documents.

ACTION:

1. The Director shall have the authority to approve and sign federal, state and other grants and contracts and contract amendments implementing programs or projects administered by PDS; PROVIDED, that the County Council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the County Council has appropriated funds for such programs or projects (SCC 2.10.010 (23)).
2. The Director is authorized to approve and sign all bonds and assignments of accounts to assure performance of conditions incidental to land use activities and all bonds dealing directly with the revision of land use responsibilities involving Title 13, county roads; Title 30, landscape bonds; Title 30.4, Subdivisions; and Title 30.63A, Drainage (SCC 2.10.010 (1)).
3. The Director is authorized to approve and accept all contracts with landowners and/or developers required by or as a condition of any comprehensive plan amendment, rezone, variance, conditional use permit, plat or replat, or any other land use control or permit that has received final approval thereof which has been given by the County Council or the Hearing Examiner; PROVIDED, that all such contracts shall be approved by the Hearing Examiner prior to approval (SCC 2.10.010 (13)).
4. The Director is authorized to approve all contracts and contract amendments implementing programs or projects administered by the department of planning and development services; PROVIDED, the county council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the county

council has appropriated funds for such programs or projects; and PROVIDED FURTHER, that the department shall submit to the county council an annual report, not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract and contract amendment approved and signed by the department (SCC 2.10.010 (25)).

5. The Director is authorized to approve and submit all applications for grants for PDS on behalf of the county unless the granting agency requires approval of such applications by the county council (SCC 2.10.010 (26)).
6. The Director is authorized to approve contracts for PDS on behalf of the county for funds contributed to the county by grants, entitlements and shared revenue of every kind and nature; which do not obligate the county monetarily and implement programs, projects, or functions that the county council has specifically authorized by motion or ordinance; PROVIDED, that the department shall submit an annual report to the county council not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract approved and signed by the department under this section (SCC 2.10.010 (27)).
7. The Director is authorized to approve contracts for PDS on behalf of the county for funds contributed to the county by grants that require match funds up to \$50,000 which implement programs, projects, or functions the county council has specifically authorized by motion or ordinance; PROVIDED, that the department shall submit an annual report to the county council not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract approved and signed by the department under this section (SCC 2.10.010 (28)).
8. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
9. The Director shall submit an annual report to the County Executive (refer to Executive Instruction 008-B).
10. The Director may delegate this signature authority within PDS but no lower than to the Deputy Director or Division Manager as appropriate. Said further delegation by the Director shall be in writing and shall be specific as to the type of signature authority delegated.

CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

To supersede Executive Order 04-20B dated December 15, 2004.

Dated this 10 day of January 2005.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-21B

**DELEGATION OF SIGNATURE AUTHORITY TO THE
DIRECTOR OF PUBLIC WORKS**

PURPOSE:

To delegate signature authority to the Director of Public Works. To supersede Executive order 94-21A.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Director of Public Works the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. The Director is authorized to determine that the performance or other consideration to be delivered to the Department of Public Works under the terms of any contract has been performed or delivered and to accept such performance or other consideration on behalf of the County. The Director shall keep the County Executive and County Council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof (SCC 2.10.010 (3)).
2. The Director is authorized to execute voluntary traffic mitigation agreements and non-protest agreements for formation of future road improvement districts with landowners and/or developers required by or as a condition of any comprehensive plan amendment, rezone, variance, conditional use permit, plat or replat, or any other land use control, final approval thereof which has been given by the County Council or the Hearing Examiner; PROVIDED, that all such contracts shall be approved by the Hearing Examiner prior to approval by the Director (SCC 2.10.010 (13)).
3. The Director is authorized to approve contracts with the cities, towns, or other municipal subdivisions for the purchase of gasoline, diesel oil, or other petroleum products, and contracts for street or road maintenance with counties, cities, or towns; PROVIDED, that the County Council has approved the schedule of charges to be made for various items of maintenance and the forms of contracts to be used (SCC 2.10.010 (16)).

4. The Director is authorized to approve haul route agreements with other public agencies or contractors with public agencies permitting use of designated county roads, or sections thereof, for detour routes or moving of heavy equipment or materials necessitated by the performance of a public works contract (SCC 2.10.010 (19)).
5. The Director is authorized to approve applications and contracts (city-county agreements) for grants in aid and for any projects previously approved in the annual or six-year road program with the Washington State Department of Transportation (SCC 2.10.010 (17)).
6. The Director is authorized to approve waste reduction and recycling grant contracts (SCC 2.10.010 (22)).
7. Contracts for construction, personal property, equipment, supplies, services, repairs, maintenance, rental and lease requirements shall be awarded and approved as follows:

Contracts for two hundred and fifty thousand dollars or less, for programs and projects for which sufficient appropriation authority exists and which implement programs, projects, or functions the County Council has specifically authorized by motion or ordinance, may be awarded by the Director. The Director may approve amendments of such contracts of one hundred thousand dollars or less for which sufficient appropriation authority exists, except as provided in SCC 3.04.140 (4), (SCC 3.04.140 (2)).

8. The Director is authorized to sign on behalf of Snohomish County all contracts and other contract documents generated by the bidding or any other competitive solicitation process that the County Executive is authorized to sign under Snohomish County Charter Section 3.20, to include insurance certificates, performance bonds, and contract/agreement documents.
9. The Director shall maintain centralized files (refer to Executive Instruction 008-B).
10. The Director shall submit an annual report to the County Executive (refer to Executive Instruction 008-B).

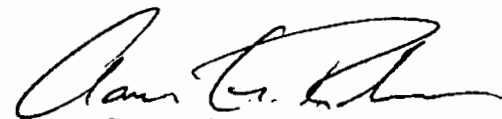
CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This supersedes Executive Order 93-21 dated December 6, 1993, and Executive Order 94-21A dated February 14, 1994.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive

EXECUTIVE ORDER 04-22A

**DELEGATION OF SIGNATURE AUTHORITY TO THE ADMINISTRATOR OF
SUPERIOR COURT AND THE JUVENILE COURT**

PURPOSE:

To delegate signature authority to the Superior Court and Juvenile Court Administrator of the Juvenile Court, in order to reduce paperwork and shorten the amount of time necessary to conduct official business; while ensuring that the County's interests are protected by a sound legal document and accountability at the most appropriate level. To supersede Executive Order 93-22.

DISCUSSION:

During the routine course of business in Snohomish County government, a considerable number of official documents require the signature of the County Executive in order to become effective. To expedite routine business in the office of the County Executive, it is desirable to delegate to the Administrator of Superior Court and the Juvenile Court the authority to sign appropriate official documents.

This Executive Order will supersede all previous delegations of authority given to this department.

ACTION:

1. The Superior Court and Juvenile Court Administrator is authorized to approve and sign contracts and contract amendments implementing programs or projects administered by the Juvenile Court; PROVIDED that the County Council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the County Council has appropriated funds for such programs or projects (SCC 2.10.010 (24)).
2. The Administrator shall maintain centralized files (refer to Executive Instruction 008-B).
3. The Administrator shall submit an annual report to the Executive (refer to Executive Instruction 008-B).

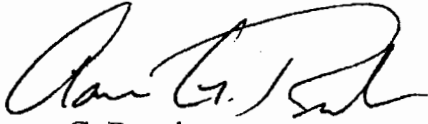
CANCELLATION:

This Executive Order will remain in effect until cancelled or superseded.

This supersedes Executive Order 93-22 dated December 6, 1993.

Dated this 22 day of October, 2004.

APPROVED:



Aaron G. Reardon
Snohomish County Executive