



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2020-214

File ID:	AB2020-214	Version:	1	Status:	Adopted
File Created:	05/07/2020	Entered by:	BWaldron@co.whatcom.wa.us		
Department:	Prosecuting Attorney's Office	File Type:	Ordinance		
Assigned to:	Council Finance and Administrative Services Committee	Final Action:	06/16/2020		
Agenda Date:	06/16/2020	Enactment #:	ORD 2020-034		

Primary Contact Email: bwaldron@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Whatcom County Code (WCC) section 1.28 creates the standards for Whatcom County Correctional Facilities. These standards were suspended by the Council for 12 months effective July 8, 2019, pursuant to Ordinance 2019-047. Due to the unforeseen circumstances surrounding COVID-19, the Whatcom County Sheriff's Office has been unable to complete the update to the Correctional Standards. Continued suspension of WCC section 1.28 would provide the Whatcom County Sheriff's Office additional time to complete these standards.

Whatcom County Council will have a public hearing, consider adopting, and may amend the following at its June 2, 2020 meeting, or at a later date: **ORDINANCE SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS (AB2020-214)**: This Ordinance temporarily suspends Whatcom County Code (WCC) section 1.28 in its entirety for up to 12 months beginning July 8, 2020, and temporarily adopts in its place the Whatcom County Sheriff's Office correctional facilities operational standards as collectively established through various documents, including but not limited to, written general policies, corrections bureau operational policies and procedures, medical policies and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building Code.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/02/2020	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner
		Nay: 0	
		Absent: 0	
06/16/2020	Council Finance and Administrative Services Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3	Browne, Byrd, and Kershner
		Nay: 0	
		Absent: 0	
06/16/2020	Council	ADOPTED	
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner
		Nay: 0	
		Absent: 0	

Attachments: Staff Memo, Proposed Ordinance

1 SPONSORED BY: _____
2 PROPOSED BY: Prosecutor's Office
3 INTRODUCTION DATE: _____
4

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6 ORDINANCE NO. 2020-034
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8 SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL
9 FACILITIES OPERATIONAL STANDARDS
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11 **WHEREAS**, in 1977, chapter 70.48 RCW, the City and County Jails Act, was initially
12 adopted; and
13

14 **WHEREAS**, in 1979, the Washington State Correctional Facilities Standards were
15 developed by the Corrections Standards Board and codified in Title 289 of the Washington
16 Administrative Code (WAC) as a guide to counties and cities to satisfy the mandates under the
17 Act; and
18

19 **WHEREAS**, in 1987, a new section, RCW 70.48.071, was added to chapter 70.48 RCW
20 that specifically mandated that “units of local government that own or operate adult correctional
21 facilities shall, individually or collectively, adopt standards for the operation of those facilities no
22 later than January 1, 1988...”; and
23

24 **WHEREAS**, to comply with RCW 70.48.071, the Whatcom County Council adopted the
25 standards in Title 289 WAC by enacting Ordinance No. 87-85 in December 1987, later codified
26 as Whatcom County Code (WCC) 1.28 - *Standards for Correctional Facilities*; and
27

28 **WHEREAS**, in 2006, Title 289 WAC was decodified without replacement as it was
29 obsolete and the Corrections Standards Board ceased to exist; and
30

31 **WHEREAS**, the identical standards in WCC 1.28 are likewise obsolete; and
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33 **WHEREAS**, RCW 70.48.071 authorizes the County to establish operational standards
34 for its own correctional facilities in either its code, through the correctional facilities department
35 policies and standards, or a combination thereof; and
36

37 **WHEREAS**, the Whatcom County Sheriff's Office correctional facility operational
38 standards are collectively established through various documents, including, but not limited to,
39 written general policies, corrections bureau operational policies and procedures, medical policies
40 and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building
41 Code; and
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43 **WHEREAS**, the Whatcom County Council temporarily suspended WCC 1.28 for up to
44 twelve months on July 8, 2019; and
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46 **WHEREAS**, the COVID-19 pandemic has resulted in drastic disruption of Whatcom
47 County Sheriff's Office operations; and
48

49 **WHEREAS**, an additional twelve month suspension of WCC 1.28 would allow the
50 Whatcom County Sheriff's Office to complete the review and revision creation process for
51 Corrections policies, and to coordinate with the Law and Justice Committee and Whatcom

52 County Council to address and concerns, questions, or suggestions, and to provide Whatcom
53 County Information Technology appropriate time to publish the final standards on the Whatcom
54 County website; and
55

56 **WHEREAS**, the Whatcom County Council deems it necessary to extend the suspension
57 of WCC 1.28 for up to an additional twelve (12) months to provide adequate time for the Law
58 and Justice Committee and the County Council to review the correctional facilities operational
59 standards and proposals.
60

61 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC
62 1.28 is hereby suspended in its entirety for up to an additional twelve months, and that the
63 Whatcom County Sheriff's Office correctional facility operational standards, as described above,
64 continue to be temporarily adopted in place of WCC 1.28.
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66 **BE IT FINALLY ORDAINED** that the following notation shall be included in the
67 County Code in place of WCC 1.28:
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69 *Whatcom County Code Chapter 1.28 is temporarily suspended for up to twelve months,*
70 *beginning July 8, 2020. The Whatcom County Sheriff's Office correctional facility standards, as*
71 *collectively established through various documents, including, but not limited to, written general*
72 *policies, corrections bureau operational policies and procedures, the Sheriff's Office Rules and*
73 *Regulations Manual, and the Uniform Building Code, are temporarily adopted in its place.*
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77 ADOPTED THIS 16th DAY OF June, 2020.

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80 ATTEST

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84
85 Dana Brown-Davis, Clerk of the Council

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87 APPROVED AS TO FORM

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91
92 Deputy Prosecuting Attorney

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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85 Council Chair - Barry Buchanan

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87 APPROVED (X) DENIED ()

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92 Satpal Sidhu, County Executive