



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2021-340

File ID:	AB2021-340	Version:	1	Status:	Adopted
File Created:	06/09/2021	Entered by:	LReid@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Ordinance		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	06/29/2021
Agenda Date:	06/29/2021			Enactment #:	ORD 2021-039

Primary Contact Email: LReid@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:

See attachment

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/15/2021	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
		Nay: 0	
		Absent: 0	
06/29/2021	Council Finance and Administrative Services Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3	Browne, Byrd, and Frazey
		Nay: 0	
		Absent: 0	
06/29/2021	Council	ADOPTED	
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
		Nay: 0	
		Absent: 0	

Attachments: Staff Memo, Proposed Ordinance, May 2019 Code language prior to being suspended

ORDINANCE NO. 2021-039

SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS |

WHEREAS, in 1977, chapter 70.48 RCW, the City and County Jails Act, was initially adopted; and

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

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

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

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

WHEREAS, the identical standards in WCC 1.28 are likewise obsolete; and

WHEREAS, RCW 70.48.071 authorizes the County to establish operational standards for its own correctional facilities in either its code, through the correctional facilities department policies and standards, or a combination thereof; and

WHEREAS, the Whatcom County Sheriff’s Office correctional facility operational standards are 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; and

WHEREAS, the Whatcom County Council temporarily suspended WCC 1.28 for up to twelve months on July 8, 2019; and

1 **WHEREAS**, the COVID-19 pandemic has continued to cause a drastic disruption of
2 Whatcom County Sheriff's Office operations; and

3
4 **WHEREAS**, it is anticipated that an additional eighteen-month suspension of WCC 1.28
5 would allow the Whatcom County Sheriff's Office to complete the review and revision creation
6 process for Corrections policies, and to coordinate with the Law and Justice Committee and
7 Whatcom County Council to address concerns, questions, or suggestions, and to provide
8 Whatcom County Information Technology appropriate time to publish the final standards on the
9 Whatcom County website; and

10
11 **WHEREAS**, the Whatcom County Council deems it necessary to extend the suspension
12 of WCC 1.28 for up to an additional eighteen (18) months to provide adequate time for the Law
13 and Justice Committee and the County Council to review the correctional facilities operational
14 standards and proposals; and

15
16 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC
17 1.28 is hereby suspended in its entirety for up to an additional eighteen months, and that the
18 Whatcom County Sheriff's Office correctional facility operational standards, as described above,
19 continue to be temporarily adopted in place of WCC 1.28.

20
21 **BE IT FINALLY ORDAINED** that the following notation shall be included in the
22 County Code in place of WCC 1.28:


23
24 *Whatcom County code Chapter 1.28 is temporarily suspended for up to eighteen months,*
25 *beginning July 8, 2021. The Whatcom County Sheriff's Office correctional facility standards, as*
26 *collectively established through various documents, including, but not limited to, written general*
27 *policies, corrections bureau operational policies and procedures, the Sheriff's Office Rules and*
28 *Regulations Manual, and the Uniform Building Code, are temporarily adopted in its place.*

29
30 **ADOPTED** this 29th day of June, 20 21.

31
32 ATTEST:  Dana Brown-Davis, Clerk of the Council

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36
37 WHATCOM COUNTY EXECUTIVE
38 APPROVED AS TO FORM:
39 Approved via e-mail by Brandon Waldron / JL
40 Civil Deputy Prosecutor

31
32 WHATCOM COUNTY COUNCIL
33 WHATCOM COUNTY, WASHINGTON
34 
35 Barry Buchanan, Council Chair

36
37 WHATCOM COUNTY, WASHINGTON
38 
39 Satpal Sidhu, County Executive

40
41 Approved () Denied
42 Date Signed: 7/2/21