

**ORDINANCE NO. \_\_\_\_\_**

**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 Whatcom County Code (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 again for an additional eighteen months on July 8, 2021; and

**WHEREAS**, the Whatcom County Council deems it necessary to reinstate the suspension of WCC 1.28 for up to an additional eleven (11) months to provide

1 adequate time for the Law and Justice Committee and the County Council to review  
2 the correctional facilities operational standards and proposals.

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4 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that  
5 WCC 1.28 is hereby suspended in its entirety for up to eleven (11) months, and that  
6 the Whatcom County Sheriff's Office correctional facility operational standards, as  
7 described above, are hereby temporarily adopted in place of WCC 1.28.

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9 **BE IT FINALLY ORDAINED** that the following notation shall be included in  
10 the County Code in place of WCC 1.28

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12 *Whatcom County Code Chapter 1.28 is temporarily suspended for up to eleven*  
13 *(11) months, beginning March 7, 2023. The Whatcom County Sheriff's Office*  
14 *correctional facility operation standards, as collectively established through various*  
15 *documents, including, but not limited to, written general policies, corrections bureau*  
16 *operational policies and procedures, medical policies and procedures, the Sheriff's*  
17 *Office Rules and Regulations Manual, and the Uniform Building Code, are temporarily*  
18 *adopted in its place.*

19  
20 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

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23  
24 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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26  
27 \_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

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29  
30 WHATCOM COUNTY EXECUTIVE  
31 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

32 /s/ Karen Frakes approved via email on 2/21/23/MR  
33 \_\_\_\_\_

34  
35 Karen Frakes, Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive

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37  
38 ( ) Approved ( ) Denied

39  
40 Date Signed: \_\_\_\_\_  
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