



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2023-156

File ID:	AB2023-156	Version:	1	Status:	Adopted
File Created:	02/21/2023	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council Criminal Justice and Public Safety Committee			Final Action:	03/07/2023
Agenda Date:	03/07/2023	Enactment #:	ORD 2023-009		

Primary Contact Email: DBrown@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:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
02/21/2023	Council	INTRODUCED	Council
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	
03/07/2023	Council	ADOPTED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	

Attachments: Proposed Ordinance

ORDINANCE NO. 2023-009

**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

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

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

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

Whatcom County Code Chapter 1.28 is temporarily suspended for up to eleven (11) months, beginning March 7, 2023. The Whatcom County Sheriff's Office correctional facility operation 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, are temporarily adopted in its place.

ADOPTED this 7th day of March, 2023.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

/s/ Karen Frakes approved via email on 2/21/23/MR

Karen Frakes, Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

WHATCOM COUNTY, WASHINGTON

Satpal Sidhu, County Executive

(☒) Approved () Denied

Date Signed: 3/13/23