

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

**REPEAL WHATCOM COUNTY CODE 1.28 IN ITS ENTIRETY**

**WHEREAS**, in 1987, Chapter 70.48 RCW, the City and County Jails Act, was adopted; and

**WHEREAS**, RCW 70.48.071 specifically provided that "...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**, the state jail commission standards were adopted for correctional facilities in Title 289 WAC, *Corrections Standards Board*;

**WHEREAS**, to comply with RCW 70.48.071, the Whatcom County Council adopted the same state standards contained in Title 289 WAC in their entirety through its enactment of Ordinance No. 87-85, and this ordinance was ultimately codified in chapter 1.28 of the Whatcom County Code (WCC), *Standards for Correctional Facilities*; and

**WHEREAS**, in 2006 all sections of Title 289 WAC were repealed and decodified as they were outdated; and

**WHEREAS**, Whatcom County's identical standards are similarly outdated; and

**WHEREAS**, the Whatcom County Sheriff's Office is unable to comply with the standards and requirements under WCC 1.28 as codified, thus exposing Whatcom County to potential civil liability; and

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**WHEREAS**, the Whatcom County Sheriff's Office requests the repeal of the current provisions in WCC 1.28 in their entirety, and replacing them with the provisions in Exhibit A, attached hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that the current WCC 1.28 be repealed and replaced with the language in Exhibit A.

**ADOPTED** this \_\_\_\_ day of November, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

\_\_\_\_\_  
(Rud Browne), Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Royce Buckingham  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

( ) Approved      ( ) Denied

Date Signed: \_\_\_\_\_

# Exhibit "A"

## Chapter 1.28

### STANDARDS FOR CORRECTIONAL FACILITIES

#### 1.28.010 General

A. The rules in this chapter shall apply to "Adult Correctional Facilities" within Whatcom County. "Adult Correctional Facilities" shall be defined as facilities used for housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction and rehabilitation following conviction of a criminal offense, and/or facilities used for housing adult persons being held while awaiting adjudication of a criminal offense.

B. When the word "shall" is used in this chapter, it is used as an imperative and must be considered mandatory. When the term "may" is used in this chapter, it is used as directory only and is not mandatory but rather permissive.

#### 1.28.11 Operational standards

A. The Whatcom County Sheriff shall have the express authority to adopt any and all operational standards, rules, and procedures for the Whatcom County Sheriff's Office Corrections Bureau as needed. The Sheriff may adopt, revise, implement and/or update these standards at any time and as needed to conform with federal, state, and local laws and regulations.

B. These standards are collectively established within the *Sheriff's Office General Policies*, the *Sheriff's Office Corrections Bureau Operational Policies and Procedures*, and the *Medical Policies and Procedures* of the Jail Health Program. All operational standards and any amendments thereafter shall be retained by the Whatcom County Sheriff's Office.

C. All operational standards related to the physical plant, regulated by the International Building Code and/or federal, state or local laws, shall be maintained and enforced by County Administrative Services.