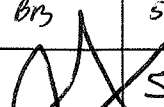


WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-181

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	LR	05/09/17	<div style="text-align: center;"> RECEIVED MAY 23 2017 WHATCOM COUNTY COUNCIL </div>	May 30, 2017	Introduction
Division Head:	WJT	5/9/17		6/13/17	Finance/Council
Dept. Head:	BE	5/19/17			
Prosecutor:	Jg	5/15/17			
Purchasing/Budget:	Br3	5/17/17			
Executive:		5.23.17			

TITLE OF DOCUMENT:**ORDINANCE REPEALING AND REPLACING WHATCOM COUNTY CODE CHAPTER 1.18****ATTACHMENTS:***Memo to Whatcom County Executive and Whatcom County Council*

SEPA review required? () Yes () NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? () Yes () NO
 Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Proposal to repeal and replace existing Whatcom County Code Chapter 1.18

COMMITTEE ACTION:**COUNCIL ACTION:**

5/30/2017: Introduced 7-0

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

WHATCOM COUNTY
SHERIFF'S OFFICE

BILL ELFO
SHERIFF

PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4078



JEFF PARKS
UNDERSHERIFF
ART EDGE
CHIEF DEPUTY
DOUG CHADWICK
CHIEF DEPUTY
STEVE COOLEY
CHIEF INSPECTOR
WENDY JONES
CHIEF OF CORRECTIONS

DATE: 05-08-2017

RECEIVED

MAY 17 2017

TO: Jack Louws, Whatcom County Executive
Council Members, Whatcom County Council

FROM: Sheriff Bill Elfo *Yours for Bill Elfo*

JACK LOUWS
COUNTY EXECUTIVE

RE: Ordinance Repealing and Replacing County Code 1.18.010 and 1.18.020 and adding Code section 1.18.030

Attached is a proposed Ordinance to repeal the existing County Code sections 1.18.010 and 1.18.020, replace them with updated versions and add a new Code section (1.18.030) to this chapter, to allow other local Courts of Limited Jurisdictions to utilize them if they so choose. This Code concern the ability of offenders to receive credit for work done for the County, to be credited against fines and/or court costs for Whatcom County District Court.

The current County Code provides that offenders will be ordered into full custody to sit out unpaid fines and/or court costs. Further, the Code sets the dollar amount of credit at \$40.00 a day if the offender simply stays in jail and \$60.00 a day if they perform labor for the County.

The replacement Code reflects the actual practice, in place since approximately 1992. District Court does not order people into custody for failing to pay fines and/or costs, but will allow offenders to remain out of full custody and work off fines/costs via the Out of Custody Work Crew. District Court may also elect to send unpaid fines/costs to collection.

The new Code sections clarify the means of having fines/costs satisfied by offenders, increases the amount of credit they can receive, and makes the provisions of this ordinance available to the other local Courts of Limited Jurisdiction.

Please direct any questions to Chief Wendy Jones at 6505.

ORDINANCE NO. _____

REPEALING AND REPLACING WHATCOM COUNTY CODE CHAPTER 1.18

WHEREAS, Whatcom County Code Chapter 1.18 provides that defendants who are incarcerated by District Court may perform labor as provided for in RCW 10.82.040 in lieu of paying fines and/or costs; and

WHEREAS, this chapter of the Code was passed in 1991 when defendants were incarcerated for failing to pay fines assessed by District Court; and

WHEREAS, since approximately 1992 the jail has not held defendants in custody who sole offense was failure to pay District Court fines and costs; and

WHEREAS, the District Court has permitted defendants to work off their fines and/or costs by participating in the Whatcom County Corrections Out of Custody Work Crew; and

WHEREAS, the working off of fines should also be extended to other local Courts of Limited Jurisdiction; and

WHEREAS, Whatcom County Code Section 1.18.020 set the value of a day's labor at \$60.00 per day; and

WHEREAS, the value of a day's labor has increased significantly since 1991; and

WHEREAS, allowing defendants to work off their fines and/or costs for District Court at a rate more representative of the current value of a day's labor will be a benefit to the community; and

WHEREAS, these code sections are no longer representative of best practices within the Criminal Justice System;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the current Whatcom County Codes Chapter 1.18 (Exhibit A) is hereby repealed and replaced as set forth in Exhibit B, attached hereto.

ADOPTED this ____ day of _____, 2017.

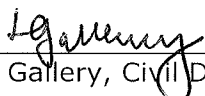
ATTEST:

Dana Brown-Davis
Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Elizabeth Gallery, Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

Exhibit "A"

Current County Code

Chapter 1.18 COURT FINES AND COSTS

Sections:

1.18.010 Imprisonment for nonpayment.

1.18.020 Reduction by serving time and/or performing labor.

1.18.010 Imprisonment for nonpayment.

If any person ordered into custody, until the fine and costs adjudged against him by district court are paid, does not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this chapter. (Ord. 91-088 (part)).

1.18.020 Reduction by serving time and/or performing labor.

The amount of such fine and costs owing to district court shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and \$60.00 for every day the defendant performs labor as provided in RCW 10.82.040, and \$40.00 for every day the defendant does not perform such labor while imprisoned. This chapter shall not apply to those fines and costs owed to superior court. (Ord. 91-088 (part)).

Exhibit “B”

Chapter 1.18

COURT FINES AND COSTS

Sections:

1.18.010 Reduction of Fines and/or Costs

1.18.020 Determination of value of labor

1.18.030 Permission to utilize Ordinance for other Courts of Limited Jurisdiction

1.18.010 Reduction of Fines and/or Court Costs.

A District Court Judge or Commissioner may permit a defendant to reduce the amount of fines and court costs by performing labor for the County as provided in RCW 10.82.040. This labor will be performed under the supervision of the Whatcom County Sheriff in work programs that benefit the greater community. Alternatively, execution may, at any time, issue against the property of the defendant or sent to collections for that portion of such fine and costs not reduced or satisfied by the application of this chapter. The defendant must meet the Jail work program eligibility criteria.

1.18.020 Determination of value of labor.

The amount of such fine and costs owing to district court shall be the whole of such fines and costs, reduced by the amount of any portion thereof paid, and the value of every day's labor calculated at the cost of an average of the following wage rates for the current year:

- Washington State Minimum Wage
- Washington State Prevailing wage for Landscape Construction Workers
- Whatcom County Parks Department wage for Temporary Groundskeepers
- Bureau of Labor Statistics median wage for landscaping and groundskeeping workers.

For the year 2017, that average is \$12.70 per hour or \$102.00 per day worked. This wage will be reset at the beginning of each calendar year to reflect the current year's average.

1.18.030 Reductions for fines/court costs for other Courts of Limited Jurisdiction

Corrections Offender Work Programs utilized to satisfy court fines and/or costs will be extended to other local Courts of Limited Jurisdiction at the request of those courts and with the permission of the appropriate Judicial Officer. Standards and practices of the work crews and labor credit will be as specified within this ordinance.