

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners

FROM: James Kennedy, Prosecuting Attorney
Melissa Pleimann, Deputy Prosecuting Attorney

DATE: December 9, 2024

SUBJECT: Approval of a Public Hearing Notice: An Ordinance Establishing a separate office of the coroner and providing authority to appoint a non-lawyer coroner in Jefferson County

STATEMENT OF ISSUE:

The Board of County Commissioners held a second workshop on October 7, 2024 to discuss updates from the Attorney General's Opinion dated August 22, 2024 interpreting the statutory changes to RCW 36.16.030 effective January 1, 2025 as prohibiting the Prosecuting Attorney from continuing to serve as the ex officio coroner. In light of the change in the law, the Board directed staff to prepare a proposed ordinance that reflects the most cost-effective option of establishing a separate office of the coroner and providing authority to appoint a qualified individual to serve as the coroner for Jefferson County. Attached is a proposed hearing notice for a public hearing to adopt the Coroner Code. If the Board approves the publication of the hearing notice the hearing will take place on Monday, December 23, 2024 at 10:30 a.m. in the Board Chambers in the County Courthouse.

ANALYSIS:

The proposed ordinance, if adopted, would establish the separate office of the coroner for Jefferson County and establish the procedures an appointed coroner must follow. This ordinance would ensure compliance with the current laws in the State of Washington.

FISCAL IMPACT:

There was a request to increase the budget for the coroner function for the year of 2025. Our analysis is that the minimum budget increase going forward for this separate Coroner's Office will be estimated to increase by \$18,000.00 from prior budgets.

RECOMMENDATION:

Approve the attached hearing notice for publication. The previously scheduled hearing notice is cancelled.

REVIEWED BY:


Mark McCauley, County Administrator

12/6/24
Date

Please publish 2 times: December 11 and December 18, 2024

Contact Person: Adiel McKnight
Bill to: Jefferson County Commissioners
P.O. Box 1220
Port Townsend, WA 98368

NOTICE OF PUBLIC HEARING

Establishing a separate office of the coroner
and providing authority to appoint a non-lawyer coroner in Jefferson County

NOTICE IS HEREBY GIVEN that a public hearing is scheduled by the Jefferson County Board of Commissioners for **MONDAY, December 23, 2024 at 10:30 a.m.** in the Commissioners' Chambers, County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368. Notice of said public hearing is to be published in the official newspaper of Jefferson County.

This hearing is to discuss the proposed ordinance that reflects the most cost-effective option of establishing a separate office of the coroner and providing authority to appoint a qualified individual to serve as the coroner for Jefferson County. This ordinance would ensure compliance with the current laws in the State of Washington.

The draft ordinance is available for viewing on the County website by clicking on:
www.co.jefferson.wa.us and follow this pathway – Services – Laserfiche Web Portal (username and password is: public) - Board of Commissioners – BOCC Agenda Packets – 2024 Weekly Agenda Items – 12 December – 121624 - HEARING re Coroner Ordinance

You are welcome to participate in this hearing. You will need to join the meeting by 10:30 a.m. using the following methods: **VIRTUALLY:** Via the following Zoom, link:
<https://zoom.us/j/93777841705>, **PHONE:** Dial 1-253-215-8782 and enter access code: 937-7784-1705# and press *9 to “raise your hand” to be called upon. Access for the hearing impaired can be accommodated using Washington Relay Service at 1-800-833-6384, or **IN-PERSON:** In the BOCC Chambers.

If you experience difficulties joining the meeting or viewing documents please call 360-385-9100 to report any issues.

In addition, additional written testimony is also invited beginning on December 9, 2024 and ending on December 23, 2024 at the end of the Public Hearing, unless extended by the Board of County Commissioners. Written public testimony may be submitted by **Email to:** jeffbocc@co.jefferson.wa.us
You may view testimony received by clicking here: www.co.jefferson.wa.us and follow this pathway – Services – Laserfiche Web Portal (username and password is: public) - Board of Commissioners – BOCC Agenda Packets – 2024 Weekly Agenda Items – 12 December – 121624 - HEARING re Coroner Ordinance

You can also **Mail** your testimony to: Jefferson County Commissioners' Office; P.O. Box 1220, Port Townsend, WA 98368. Written testimony must be received by the Board of County Commissioners by the end of the hearing testimony period.

Signed this 9th day of December, 2024.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS
/S/Kate Dean, Chair

STATE OF WASHINGTON
County of Jefferson

In the Matter Amending chapter 2.15 JCC in order to establishing a separate office of the coroner and providing authority to appoint a non-lawyer coroner in Jefferson County

ORDINANCE NO.

WHEREAS, since statehood prosecuting attorneys in the State of Washington for counties with populations under 40,000 have served as *ex officio* coroner; and,

WHEREAS, in adopting amendments to Revised Code of Washington (RCW) 36.16.030 that becomes effective on January 1, 2025, the Washington State Legislature has abrogated this system in favor of placing on small counties the burden of establishing a new office of the coroner, separate from the prosecutor's office, either by interlocal agreement permitting a neighboring county's coroner or medical examiner officer to provide death investigation services or by standing up their own separate coroner's office; and

WHEREAS, RCW 36.16.030 provides that in such counties, a coroner's office will be established as a separate elected office automatically unless the affected county provides otherwise by resolution or ordinance before the effective date of the amended statute; and

WHEREAS, it is not in interests of Jefferson County or its citizens to undergo the additional expense of electing a separate official considering the population of the county; and

WHEREAS, it is not in interests of Jefferson County or its citizens to create an interlocal agreement with a neighboring county to serve its death investigation needs considering the geographical impediments of the County and the immediate need to act; and

WHEREAS, RCW 36.16.030 allows county legislative authorities with populations under 40,000 to adopt a system under which a non-lawyer coroner may be appointed by the legislative authority instead of elected; and,

WHEREAS, the Board of County Commissioners has determined that it is in the interests of Jefferson County and its citizens to create a separate office of the coroner and appoint a non-lawyer coroner by adopting this ordinance and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON as follows:

Section 1. Whereas Clauses are Findings of Fact. The Board adopts the above recitals (the "WHEREAS" statements) as its findings of fact supporting this ordinance.

Section 2. Amendment of chapter 2.15 JCC. chapter 2.15 is hereby amended as attached in Appendix A to create two separate articles, where Article II¹ establishes a separate office of the coroner and appoints a non-lawyer coroner in for Jefferson County, is hereby adopted.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, then the remainder of this ordinance or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 4. SEPA Compliance. This ordinance is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).

Section 5. Effective Date. This ordinance shall take effect and be in full force and effect on December 31, 2024 at 11:59 p.m.

(SIGNATURES FOLLOW ON NEXT PAGE)

¹ Title 2 JCC covers Administration and Personnel. Current chapter 2.15 JCC covers Unclaimed Remains of Indigent Persons. The PAO recommends making this coroner code a separate article under this same chapter.

ADOPTED this ____ day of _____ 2024.

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

Kate Dean, Chair

Greg Brotherton, Member

Heidi Eisenhour, Member

APPROVED AS TO FORM:

ATTEST:

Carolyn Gallaway,
Clerk of the Board

Date

Melissa Pleimann, Date December 6, 2024
Deputy Prosecuting Attorney

APPENDIX A – AMENDMENTS TO CHAPTER 2.15 JCC

Amendments to Chapter 2.15 Jefferson County Code

(Additions are underlined; Deletions are in strikeout)

Chapter 2.15

CORONER'S OFFICE AND HANDLING UNCLAIMED REMAINS OF INDIGENT PERSONS

2.15.010 Definitions

In construing provisions of this chapter, unless otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning and in addition, these definitions shall apply:

- (1) "Coroner" means the individual appointed to serve as the coroner for the Jefferson County Office of the Coroner or the coroner's designee.
- (2) "Final disposition" means the disposition of remains by earth burial in a recognized cemetery or cremation in accordance with the conditions set forth in the county's contractual agreement with funeral establishments.
- (3) "Funeral establishment" means a funeral establishment licensed under chapter 18.39 RCW or a cemetery authority with a permit or endorsement issued under chapter 68.05 RCW.
- (4) "Human remains," or "remains" has the same meaning as in RCW 68.04.020.
- (5) "Indigent" means without assets sufficient to pay for the cost of burial as provided by this chapter.
- (6) "Unclaimed" means family, friends or a church organization, are not claiming responsibility for final disposition of an indigent decedent, and the decedent is not survived by any of the following:
 - (a) A spouse;
 - (b) Adult children;
 - (c) Parents;
 - (d) Siblings;
 - (e) A person acting as the decedent's representative under a signed authorization of the decedent.

Article I. Establishment of the Office of the Coroner

Sections:

- 2.15.020 Office of coroner created.**
- 2.15.030 Qualifications.**
- 2.15.040 Appointment.**
- 2.15.050 Duties of coroner.**
- 2.15.060 Deaths reported to office of the coroner.**
- 2.15.070 Determination of jurisdiction.**
- 2.15.080 Disposition of personal property.**

2.15.020 Office of coroner created.

The office of the coroner is hereby created. The coroner's office shall be responsible for the statutory functions and duties of the coroner as set forth in chapters 36.24 and 68.50 RCW, and other applicable statutes and regulations of the state of Washington. The coroner's office shall include an appointed coroner and such staff as are necessary to accomplish its duties, as determined by the board of county commissioners with advice of the prosecuting attorney. The coroner's office shall be managed and administered by the coroner, with the advice of the prosecuting attorney.

2.15.030 Qualifications.

The person appointed to the position of coroner shall be determined to be qualified for this position pursuant to the qualifications stated in the "Jefferson County Job Description: Coroner," and as said job description may be amended in the future. Pursuant to RCW 36.24.170, neither the coroner nor coroner deputies shall appear or practice as an attorney. Defense of the coroner and coroner deputies against claims or lawsuits shall be pursuant to chapter 2.05 JCC.

2.15.040 Appointment.

(1) The coroner shall be appointed by a majority vote of the board of county commissioners with the advice of the county Prosecutor.

(2) Compensation and other terms of employment shall be set by the board of county commissioners and the coroner through negotiation and execution of an employment contract. The terms of said employment contract shall not be in conflict with this chapter, or any Washington State statute or regulation.

(3) The coroner serves at the pleasure of the board of county commissioners as an at will employee. Termination of the coroner is by a vote of the board, which may be taken at any time, subject to the terms and conditions of the employment contract.

2.15.050 Duties of coroner.

- (1) The coroner or designee shall:
 - (a) Certify the manner of death in cases under the coroner's jurisdiction;
 - (b) Sign death certificates;
 - (c) Determine the need for autopsies after seeking the advice of the Prosecuting Attorney or designee, and ensure the county's agreements with neighboring county agencies to perform autopsies are followed;
 - (d) Investigate or cause to be investigated the cause of violent deaths or deaths resulting from accidents, homicides, suicides, or when the deceased was not under the care of a physician; and
 - (e) Perform all duties assigned to the coroner by the laws of the state of Washington now in effect or as hereafter amended.
- (2) The coroner may perform coroner's inquests pursuant to RCW 36.24.020 through 36.24.100, except that he may appoint an attorney to hear inquests where the coroner is required to give testimony.
- (3) The coroner shall be authorized to institute such other procedures or policies to ensure investigation into the death of persons coming under the jurisdiction of the coroner.
- (4) The coroner shall be responsible for obtaining and maintain all trainings, certifications and accreditations as required by law, including, but not limited to, those required in RCW 36.24.205 and RCW 36.24.210.

2.15.060 Deaths reported to office of the coroner.

- (1) All deaths over which the coroner has jurisdiction as identified in RCW 68.50.010 shall be immediately reported to the office of the coroner.
- (2) Any person in possession of unclaimed human remains and any person who sees human remains under circumstances suggesting that no one has assumed responsibility for them shall notify the office of the coroner.
- (3) Upon receipt of human remains, the coroner shall attempt to notify the family as defined by RCW 68.50.105.

2.15.070 Determination of jurisdiction.

Upon receiving the notification specified in Section 2.15.160, the coroner shall as soon as practicable determine whether to assume jurisdiction over the human remains under the authority of RCW 68.50.010.

2.15.080 Disposition of personal property.

The coroner shall be responsible for directing the control and disposition of personal property of deceased persons under the jurisdiction of the coroner. All personal property shall be transferred to the legal representatives of the deceased or next of kin, if appropriate. If the transfer cannot be made because there is no known next of kin or legal representative, or the next of kin or legal representative is not available to accomplish the transfer within thirty calendar days after the coroner assumes jurisdiction over the remains of the deceased, the personal property shall be disposed of in a manner consistent with RCW 36.24.130.

Article II. Unclaimed Remains of Indigent Persons

Sections:

- 2.15.100 Acceptance of responsibility.**
- 2.15.110 Notification.**
- 2.15.120 Provision of cremation at county expense.**
- 2.15.130 Procedures.**
- 2.15.140 Special account created.**
- 2.15.150 Reimbursement of cost.**
- 2.15.160 Recoupment of cost.**

2.15.100 Acceptance of responsibility.

(1) The coroner, as provided in RCW 68.50.010, shall have the responsibility for accepting jurisdiction for the remains of a person that is unclaimed, if seven business days after the death of an indigent person, no person, relative or responsible officer of a church organization with which the deceased was affiliated (RCW 68.50.070) claims responsibility for the disposition of the decedents remains.

(2) Whenever friends, a church organization or appropriate relatives, who have legal responsibility for disposing of the remains, as identified in RCW 68.50.160, claim the body, Jefferson County shall not accept jurisdiction or financial responsibility for disposition. [Ord. 5-00 § 2]

2.15.110 Notification.

The coroner, with assistance from the county sheriff's department or other law enforcement agencies, shall attempt to notify relatives, friends, or religious organizations that may desire to claim responsibility for the disposition of an indigent decedents remains. If no friends, relatives or church organizations are found to accept responsibility for the disposition of the remains, the coroner shall accept jurisdiction. [Ord. 5-00 § 3]

2.15.120 Provision of cremation at county expense.

The coroner, after accepting jurisdiction for the disposition of indigent unclaimed human remains, shall arrange for the transportation and final disposition of such remains at county expense. [Ord. 5-00 § 4]

2.15.130 Procedures.

(1) The county administrator or designee shall review and, after appropriate inquiry, grant or deny applications for the reimbursement of the cost of final disposition of the remains of any indigent person who dies within the county and whose body is unclaimed. Application shall be made in the form specified and provided by the county administrator. The person making the application shall certify that the application is for the payment of the cost of final disposition of a person who: (a)

died within the county, (b) is indigent, and (c) whose body is unclaimed, and that the information contained therein is true under penalty of perjury.

(2) In determining whether an unclaimed decedent for whom application is made is indigent, the following shall be considered:

(a) The decedent's estate and resources, including, but not limited to, real estate, personal property, cash, bank accounts, contents of safety deposit boxes, nursing home trust accounts, veterans death benefits, workmen's compensation, Social Security death benefits, life insurance or burial insurance;

(b) Any person on public assistance at the time of death is presumed to be indigent. [Ord. 5-00 § 5]

2.15.140 Special account created.

A special account to be known as the Jefferson County indigent remains account shall be created for the purpose of paying all or any part of the cost of burial of the remains of any indigent person who dies within the county and whose body is unclaimed. [Ord. 5-00 § 6]

2.15.150 Reimbursement of cost.

Upon approval of an application for reimbursement for the cost of disposal of the unclaimed remains of an indigent person, the county shall pay a sum in accordance with the county's agreement with the funeral establishments. [Ord. 5-00 § 7]

2.15.160 Recoupment of cost.

It is the intent of this chapter to provide for disposal of the unclaimed remains at county expense only in those cases where there are no available funds belonging to the deceased, the deceased's estate or held in trust for the deceased by any person or entity. In the event such resources are discovered after the county has paid for disposal of the remains, the prosecuting attorney is authorized to pursue recoupment of any amount expended by the county where such effort appears to be cost effective. [Ord. 5-00 § 8]