

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

WORKSHOP AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: March 18, 2024

SUBJECT: Workshop: Proposed Ordinance Establishing Rules for the Adoption of Ordinances, Resolutions, and Motions in Jefferson County

STATEMENT OF ISSUE:

To date the County has not adopted uniform rules for the adoption of ordinances, resolutions, and motions. In the interest of consistency, efficiency and transparency the County should adopt uniform rules for the adoption of ordinances, resolutions and motions.

ANALYSIS:

A proposed ordinance, attached, has been drafted by the Civil Division of the Prosecuting Attorney's Office, that, if adopted, would impose a uniform set of rules on County staff for the adoption of ordinances, resolutions and motions.

If at the end of the Workshop the Board directs staff to bring the ordinance forward for consideration during a public hearing staff would propose the following schedule:

- March 18-Workshop
- March 21-Review by the Board of Health
- March 25-Public Hearing Notice for Board consideration
- March 27 and April 3, Hearing Notice published in the Leader
- April 8-Public Hearing and potential adoption

FISCAL IMPACT:

None.

RECOMMENDATION:

That the Board of County Commissioners participate in the Workshop and give staff guidance regarding the proposed ordinance.

REVIEWED BY:


Mark McCauley, County Administrator

3/15/24
Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**An Ordinance Adopting Rules for the
Adoption of Ordinances, Resolutions, and
Motions in Jefferson County**

ORDINANCE NO. _____

WHEREAS, the [Washington Constitution](#), Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety, and well-being of its residents; and,

WHEREAS, RCW [36.32.120\(7\)](#) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, local governments have considerable latitude in exercising police powers through enacting reasonable regulations. A regulation is reasonable if it promotes public safety, health, or welfare, and bears a reasonable and substantial relation to accomplishing the purpose being pursued; and,

WHEREAS, the Board of County Commissioners (“BoCC”) and the Board of Health (“BOH”) adopt ordinances and resolutions with wide-ranging effects; and,

WHEREAS, unified rules for adoption of ordinances and resolutions of the BoCC and the BOH would promote efficiency and transparency; and,

WHEREAS, as the legislative body of Jefferson County, the BoCC has the authority to adopt ordinance rules of procedure governing the introduction, publication, consideration, and adoption of ordinances and resolutions; and,

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Whereas Clauses are Findings of Fact. The Whereas clauses above are findings of fact for this ordinance.

Section 2. Purpose. The purpose of these rules is to establish a uniform process for adoption of ordinances and resolutions in Jefferson County.

Section 3. Use. No authority other than the BoCC, the BOH, or the County Administrator may enforce these rules. Failure of the BoCC, the BOH or the County Administrator to follow these rules in a particular instance shall not be considered as a waiver. No notice of waiver of these rules by the BoCC, the BOH, or the County Administrator need be given.

Section 4. Public Use or Reliance Not Intended. Because these rules are procedural in nature and are designed to assist in the process of adoption of ordinances and resolutions and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, “appearance of fairness rules,” public hearing rules, or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

Section 5. Types of County Legislative Actions.

- (a) Ordinance. An ordinance is a local law (legislative act) prescribing permanent rules of general applicability, including new legislation. Action by the BOCC and the BOH shall be taken by ordinance when required by a Jefferson County ordinance (including one codified in the Jefferson County Code, "JCC"), the Revised Code of Washington ("RCW"), or the Washington Administrative Code ("WAC"), or where prescribed conduct may be enforced by penalty. An ordinance may be adopted only after proper notice and a public hearing.
- (b) Resolution. A resolution usually is less formal than an ordinance and is a statement of legislative policy or direction that may concern matters of special or temporary character. Action by the BoCC or the BOH shall be taken by resolution in those instances where an expression of legislative policy more formal than a motion is desired. Resolutions may be adopted without a public hearing, unless state or local law requires a hearing.
- (a) Motion. A motion directs a specific course of action. A motion is less formal, usually unwritten, and once approved and entered into the record, is the equivalent of a resolution in those instances where an ordinance or a resolution is not required.

Section 6. Workshops on Proposed Ordinances and Resolutions. The BoCC or the BoH may discuss drafts of proposed ordinances and resolutions at a regular or special meeting, following all the requirements of the Open Public Meetings Act, Chapter [42.30](#) RCW, and this chapter. Ordinances or resolutions requiring a hearing shall not be adopted at a workshop, unless proper and timely notice of a hearing has been given prior to the workshop.

Section 7. Rules for Adoption of Ordinances and Resolutions. The rules for adoption of ordinances and resolutions are as follows:

- (a) One Subject Only. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in the title.
- (b) Codification of Ordinances. All ordinances of the county of a general and permanent nature shall be incorporated into and become part of the JCC.
- (c) Required Format for All Proposed Ordinances and Resolutions.
 - (i) Each proposed ordinance and resolution shall be in writing in its entirety;
 - (ii) Each proposed ordinance or resolution shall contain the following:
 - (A) A statement of facts supporting the ordinance or resolution, sometimes referred to as "whereas clauses;"
 - (B) The purpose of the ordinance or resolution;
 - (C) The detailed requirements of the ordinance or resolution;
 - (D) The location in the Jefferson County Code for any ordinance to be codified;

- (E) As statement explaining compliance with the State Environmental Policy Act State Environmental Policy Act, Chapter [42.21C](#) RCW or a statement identifying an exemption in WAC [197-11-800](#) that applies; and,
 - (F) Whether the effective date is the date of adoption or some other date.
- (d) Public Notice Rules for Ordinances or Resolutions that Require a Hearing. A hearing notice for all proposed ordinances and resolutions that require a hearing shall be prepared and submitted to the BoCC or the BOH along with an agenda request at least 14 days before the date of any hearing.
- (i) The hearing notice shall contain all of the following:
 - (A) A description of the nature of the proposal under consideration;
 - (B) The availability of relevant draft documents and how they may be obtained, including the location(s) where the draft documents can be viewed either in person, on the county website, or both;
 - (C) How the public can provide oral and written comments;
 - (D) The time, date and location of the hearing; and,
 - (E) The range of alternatives considered or scope of alternatives available for public comment.
 - (ii) The proposed ordinance or resolution described in the hearing notice shall be posted in the location(s) where it can be viewed, as stated in the hearing notice, at least three days prior to publication of the hearing notice.
 - (iii) A hearing notice may be approved for publication by a motion. If such motion fails, the proposed resolution or ordinance shall be considered lost, unless a subsequently adopted motion directs that a revised hearing notice be published.
- (e) Approval by the Prosecuting Attorney. The county relies on advice from the Prosecuting Attorney to ensure that all adopted ordinance and resolutions are in a form sufficient to enforce them and are in compliance with local, state and federal law. Accordingly, all ordinances and resolutions must be in a form approved by the Prosecuting Attorney or their designee before:
- (i) Before submission to the County Administrator as required by Section 7(f);
 - (ii) Before posting a hearing notice in the location where a proposed ordinance or resolution requiring a hearing can be viewed, as required by Section 7(d)(iii); and,
 - (iii) Before submission to the Planning Commission, if the Planning Commission is required to submit a recommendation to the Board of County Commissioners, or elects to hold a public hearing pursuant to JCC [18.05.050](#).
- (f) Rule Requiring Submission to the County Administrator. All proposed resolutions and ordinances must be submitted to the County Administrator for review in the format

required in Section 7(d) prior to submission to a county legislative authority for consideration or adoption.

- (g) Hearing to Consider Adoption of an Ordinance or Resolution at an Open Public Meeting. After compliance with subsections (a) through (f), the BoCC or BoH may consider the ordinance or resolution at a regular or special meeting, following all the requirements of the Open Public Meetings Act, Chapter [42.30](#) RCW. The hearing must be held at the time, date and location stated in the hearing notice.

Section 8. Codification. This ordinance shall be codified as Chapter 2.55 JCC.

Section 9. SEPA Compliance. This ordinance is categorically exempt from the State Environmental Policy Act under WAC [197-11-800\(19\)](#).

Section 10. Effective Date: This ordinance shall take effect immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGE)

ADOPTED this ____ day of _____ 2024.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Kate Dean, Chair

Greg Brotherton, Member

ATTEST:

Heidi Eisenhour, Member

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney