

ORDINANCE NO. 2225

ORDINANCE AMENDING SELAH MUNICIPAL CODE CHAPTER 1.39 REGARDING  
JAILS AND JAIL SERVICES

WHEREAS, RCW Chapter 70.48 – which is the “City and County Jails Act” – authorizes the City to enter into contract(s) with a county and/or one more other city(ies) so that the City can receive jail services from that county and/or those other city(ies); and

WHEREAS, the City has – for a period of years – contracted, separately, with Yakima County and with the City of Sunnyside for jail services, and the corresponding contracts have been approved via Resolutions of the City Council; and

WHEREAS, the City Council recently – via Resolution No. 3119 – also approved a contract with the City of Ellensburg for jail services; and

WHEREAS, it is possible that the City’s contract(s) with Yakima County, the City of Sunnyside and/or the City of Ellensburg might be terminated at some point in the future, and it is also possible that the City might enter into contract(s) with one or more additional or different city(ies) for jail services in the future; and

WHEREAS, Selah Municipal Code (SMC) Chapter 1.39 is presently titled “Imprisonment for Violations” and contains just one section, specifically SMC section 1.39.010 which is presently titled “Agreement with county”; and

WHEREAS, SMC Chapter 1.39 is out of date, and the City Council desires to amend it so as to reflect the City’s present – and possible future – contractual realities with regard to jail services, and, also, to confirm that it is intended to have a broad scope rather than a limited scope;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Amendment of SMC Chapter 1.39. That the title and body of SMC Chapter 1.39 be and are amended to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC Chapter 1.39 on the internet):

Chapter 1.39 ~~IMPRISONMENT FOR VIOLATIONS~~ JAILS AND JAIL SERVICES

1.39.010 ~~Agreement with county.~~ Upon arrest.

~~Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail or in the Yakima County jail. By resolution, the city council may approve any joint agreement entered into by and between the city of Selah and the board of county commissioners of Yakima County for the care, keep and custody of prisoners. Any person arrested on suspicion of criminal violation of~~

any city ordinance, city code or state law may be transported to, booked into, and housed at a jail operated directly by the city, if any, or any jail operated by a separate municipality when a contractual agreement for jail services – irrespective of label or title – exists between the city and such municipality consistent with RCW Chapter 39.34, RCW Chapter 70.48, any replacement of either, or other applicable law.

1.39.020 Pending trial or upon conviction.

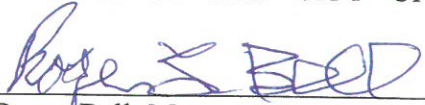
Any person confined in jail pending criminal trial or sentenced to incarceration after criminal conviction may be transported to, booked into, and housed at a jail operated directly by the city, if any, or any jail operated by a separate municipality when a contractual agreement for jail services – irrespective of label or title – exists between the city and such municipality consistent with RCW Chapter 39.34, RCW Chapter 70.48, any replacement of either, or other applicable law.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

Section 4. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3<sup>rd</sup> ¶) and .160 (1<sup>st</sup> and 2<sup>nd</sup> ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect.

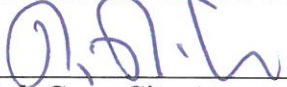
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 14<sup>th</sup> day of May, 2024.

  
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Roger Bell, Mayor

ATTEST:

  
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Kimberly Grimm, Finance Director (a/k/a Clerk/Treasurer)

APPROVED AS TO FORM:

  
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Rob Case, City Attorney