

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 Justice Court Districting Plan**
- 2.06 Civil Enforcement Code**
- 2.08 Department of Corrections**
- 2.16 Boundary Review Board**
- 2.20 Cowlitz-Wahkiakum Governmental Conference**
- 2.22 Graphic Information System Department**
- 2.24 Central Services Department**
- 2.28 Public Works Department**
- 2.32 Purchasing Department**
- 2.36 Office of Administrative Services**
- 2.40 Department of Building and Planning**
- 2.44 Office of Public Defense**
- 2.50 County Office Hours – No Soliciting**
- 2.54 Affirmative Action**
- 2.58 Sexual Harassment Policy**



## Chapter 2.04

### JUSTICE COURT DISTRICTING PLAN

#### Sections:

- 2.04.010 Justice Court District established.
- 2.04.030 County Commissioners to determine location of courtroom, etc.
- 2.04.040 Cities and towns may select Municipal Judge – Time and salary allocation.
- 2.04.050 Justice Court Commissioner – Appointment, term and powers.
- 2.04.070 Presiding Judge – Powers – How chosen.
- 2.04.100 Clerk – Deputies – Compensation.
- 2.04.110 Night sessions.
- 2.04.900 Short title.
- 2.04.910 Severability.

#### Cross-references:

Chapters 3.30 – 3.74 RCW: Justice courts.

#### **2.04.010 Justice Court District established.**

There is hereby established, effective at noon on the second Monday in January, 1967, one Justice Court District in Cowlitz County, Washington, encompassing the entire county, to be known as the “Cowlitz County Justice Court District.” The said District shall have two full-time Justices of the Peace, to be designated Department No. 1 and Department No. 2. [Res. 6211, 6-6-79; Ord. 828, § I, 2-21-66.]

#### **2.04.030 County Commissioners to determine location of courtroom, etc.**

The location of the central office, courtroom and records of the Cowlitz County Justice Court District, as created effective at noon on the second Monday in January, 1967, shall be the existing Justice of the Peace Court Room and adjacent offices in the Hall of Justice or such other suitable locations as shall be determined by the Board of County Commissioners. [Res. 6211, 6-6-79; Ord. 828, § III, 2-21-66.]

#### **2.04.040 Cities and towns may select Municipal Judge – Time and salary allocation.**

The cities and towns in Cowlitz County may select a Justice of the Peace of the Cowlitz County Justice Court District as their municipal judge, the allocation of time and salary of the Justices of Peace shall be in such amounts as are agreed upon

by the Board of County Commissioners and the governing body of the city or town. Generally, the salary of a Justice of the Peace serving a municipal department part-time shall be paid jointly by Cowlitz County and the city or town in the same proportion as the time of the Justice has been allocated to each. [Res. 6211, 6-6-79; Ord. 828, § IV, 2-21-66.]

#### **2.04.050 Justice Court Commissioner – Appointment, term and powers.**

The Justices of the Peace are hereby authorized to appoint one or more Justice Court Commissioners. Each Commissioner so appointed shall serve at the pleasure of the Justice of the Peace appointing him and shall have such power as the Justice of the Peace possesses and shall prescribe in criminal matters only. Each Commissioner shall have the same qualifications required of a Justice of the Peace. If authorized by the legislative body of any city or town in the county, one or more Municipal Court Commissioners may be appointed. [Res. 6211, 6-6-79.]

#### **2.04.070 Presiding Judge – Powers – How chosen.**

One of the full-time Justices of the Peace of Cowlitz County Justice Court District shall act as Presiding Judge. The Presiding Judge shall have the power to assign such cases to the other Justices as may be necessary and reasonable. The office of the Presiding Judge shall rotate between the two full-time Justices in the same manner as provided for Superior Courts of the State of Washington. [Res. 6211, 6-6-79; Ord. 828, § V, 2-21-66.]

#### **2.04.100 Clerk – Deputies – Compensation.**

There is hereby created the office of Clerk of the Cowlitz County Justice Court District. The Clerk shall have such duties as are prescribed by law and such other duties as may be designated by the presiding judge. The Clerk’s office shall be at the central office of the Cowlitz County Justice Court District and the Clerk shall serve at the pleasure of the presiding judge.

One or more Deputy Clerks may be appointed by the Justices of the Peace of the Cowlitz County Justice Court District to serve at the pleasure of the Justices of the Peace, said Deputy or Deputies shall have such duties as are prescribed by law and such other duties as may be designated by the Justices of the Peace.

The compensation of the Clerk and the Deputy Clerk or Clerks shall be fixed by the County Com-

missioners. [Res. 6211, 6-6-79; Ord. 828, § VIII, 2-21-66.]

**2.04.110 Night sessions.**

The Justice Court and any Municipal Court is authorized to hold court at night sessions. [Res. 6211, 6-6-79.]

**2.04.900 Short title.**

This chapter may be referred to as the “Cowlitz County Justice Court Districting Plan.” [Res. 6211, 6-6-79; Ord. 828, § XII, 2-21-66.]

**2.04.910 Severability.**

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section or portion shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portion of this chapter. [Res. 6211, 6-6-79; Ord. 828, § X, 2-21-66.]

**Chapter 2.06**

**CIVIL ENFORCEMENT CODE**

Sections:

- 2.06.010 Title.
- 2.06.020 Purpose.
- 2.06.030 Definitions.
- 2.06.040 Violations declared to be civil infractions.
- 2.06.050 Notice of infraction – Content.
- 2.06.060 Notice of infraction – Procedures for response.
- 2.06.070 Notice of infraction – Hearing procedures and rules.
- 2.06.080 Civil penalties assessed.
- 2.06.090 Failure to respond to or sign a notice of infraction a misdemeanor.
- 2.06.100 Collection of penalties.
- 2.06.110 Civil penalties – Director’s authority.
- 2.06.120 Abatement.
- 2.06.130 Remedies cumulative.

**2.06.010 Title.**

This chapter shall be known as the Cowlitz County Civil Enforcement Code and shall be codified as Chapter 2.06 CCC. [Ord. 01-022, § 1, 2-12-01.]

**2.06.020 Purpose.**

The purpose of this chapter is to provide uniform procedures for the enforcement of specific county chapters with infraction authority. [Ord. 01-022, § 1, 2-12-01.]

**2.06.030 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

A. “County” means Cowlitz County, Washington.

B. “Director” means county department head or elected official that administers any land use ordinance with infraction authority.

C. “Land use ordinance” means any of the following ordinances or resolutions of Cowlitz County, as they now exist or as they may hereafter be amended, and as codified in the Cowlitz County Code: No Shooting Areas, Chapter 10.20 CCC; Outdoor Public Shooting Range Development Standards, Chapter 10.22 CCC; Junk Vehicles, Chapter 10.27 CCC; Regulation of Sexually Oriented Businesses, Chapter 10.44 CCC; Private Roadways, Chapter 11.36 CCC; Solid Waste, Chapter 15.30 CCC; Manufactured Home/Mobile

Home Placement Code, Chapter 16.08 CCC; Gas and Oil Pipelines, Chapter 16.10 CCC; Development in Drainage Courses, Chapter 16.20 CCC; Floodplain Management, Chapter 16.25 CCC; Surface Mines, Chapter 16.35 CCC\*; Land Use Ordinance, Chapter 18.10 CCC; Wrecking Yard Ordinance, Chapter 18.16 CCC; Planned Unit Development, Chapter 18.30 CCC; Urban Subdivision, Chapter 18.32 CCC; Short Subdivision, Chapter 18.34 CCC; Large Lot Subdivision, Chapter 18.38 CCC; Mobile Home Parks, Chapter 18.42 CCC; Temporary Dwelling Permit Code, Chapter 18.44 CCC; Rural Subdivision, Chapter 18.50 CCC; Campground and Recreation Facilities, Chapter 18.56 CCC; Commercial and Industrial Binding Site Plan Code (BSP), Chapter 18.64 CCC; Critical Areas, Chapter 19.15 CCC. The term “land use ordinance” also includes future county ordinances that adopt the provisions of this chapter.

D. “Person” means any human being, organization, corporation, partnership, or governmental unit, and includes any of their agents or representatives. [Ord. 01-022, § 1, 2-12-01.]

\*Chapter 16.35 was repealed by Ord. 95-166. Provisions for surface mines are found within Chapter 18.10 CCC, the Land Use Ordinance.

#### **2.06.040 Violations declared to be civil infractions.**

A. Any violation of a land use ordinance as defined in CCC 2.06.030(C) is a civil infraction and a public nuisance, unless otherwise stated, and is subject to enforcement action under this chapter as well as any other means provided by the law. Neither an adjudication that a person has committed an infraction, nor payment of any penalty, shall relieve the violator from compliance with the provisions of the land use ordinance violated.

B. A civil infraction proceeding is initiated by the issuance of a notice of infraction. A notice of infraction can be issued by a director, a designee of a director, or a law enforcement officer. The issuance of a notice of infraction represents a determination that an infraction has been committed. The determination will be final unless contested as hereafter provided.

C. A notice of infraction may be served either personally or by mail. Personal service may be made by any person authorized to serve process in civil cases. Service by mail may be made by any person authorized to issue a notice of infraction, or by the Cowlitz County District Court. Service by mail shall be made by mailing the notice by certi-

fied mail, return receipt requested. The notice of infraction shall be filed with the Cowlitz County District Court promptly after it is issued. [Ord. 01-022, § 1, 2-12-01.]

#### **2.06.050 Notice of infraction – Content.**

A notice of infraction shall include the following:

A. A statement that the notice represents a determination that an infraction has been committed by the persons named in the notice and that the determination shall be final unless contested as provided in this chapter;

B. A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

C. A statement of the specific infraction for which the notice was issued;

D. A statement of the monetary penalty established for the particular infraction;

E. A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

F. A statement that at any hearing to contest the determination the county has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the person who issued the notice of infraction;

G. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction and may not subpoena witnesses;

H. A statement that the person must respond to the notice as provided in this chapter within 15 days;

I. A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

J. A statement that it is a misdemeanor punishable by a fine and/or imprisonment for a person to fail to sign a notice of infraction or to fail to respond to a notice of infraction as required. [Ord. 01-022, § 1, 2-12-01.]

#### **2.06.060 Notice of infraction – Procedures for response.**

A. Any person who receives a notice of infraction shall respond to such notice as provided in this section within 15 days of the date of the notice.

B. If the person determined to have committed the infraction does not contest the determination,

the person shall respond by completing the appropriate portion of the notice of infraction and submit it, either by mail or in person, to the Cowlitz County District Court. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received an appropriate order shall be entered in the Court records.

C. If a person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Cowlitz County District Court. The Court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of notice, except by agreement.

D. If a person determined to have committed the infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submit it, either by mail or in person, to the Cowlitz County District Court. The Court shall notify the person in writing of the time, place, and date of the hearing.

E. If any person that is issued a notice of infraction: (1) fails to respond to the notice of infraction within 15 days as required by this section; or (2) fails to appear at a hearing requested pursuant to subsection C or D of this section, the Court shall enter an order assessing the monetary penalty prescribed for the infraction. [Ord. 01-022, § 1, 2-12-01.]

#### **2.06.070 Notice of infraction – Hearing procedures and rules.**

Infractions under this chapter shall be heard and determined by the Cowlitz County District Court. Procedures for infractions under this chapter shall conform generally to the Infraction Rules for Courts of Limited Jurisdiction.

A. Any person receiving a notice of infraction may be represented by counsel. Each party to an infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in an infraction case.

B. An attorney representing the county may, but is not required to, appear at any infraction proceeding under this chapter.

C. A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

D. The Court may consider the notice of infraction and any other written report made under oath submitted by the person who issued the notice in lieu of that person's appearance at the hearing. The person named in the notice may subpoena witnesses, including the person who issued the notice of infraction, and has the right to present evidence and examine witnesses present in court.

E. The burden of proof is upon the county to establish the commission of the infraction by a preponderance of the evidence.

F. After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the Court's records.

G. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. After the Court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the Court's records. There may be no appeal from the Court's determination or order. [Ord. 01-022, § 1, 2-12-01.]

#### **2.06.080 Civil penalties assessed.**

A. A person found to have committed an infraction shall be assessed a monetary penalty of \$1,000 for each violation. Any monetary penalty imposed by the Court is payable immediately, except that: (1) the Court may suspend all or a portion of the penalty on the condition that the person correct the violation within 30 days; and (2) if the person is unable to pay the penalty immediately, the Court may grant an extension to a specified date. Any willful failure to pay the penalty by the time required is a misdemeanor.

B. The monetary penalty for a second violation of the same land use ordinance within three years shall be double the penalty set forth above. The monetary penalty for a third violation of the same land use ordinance within three years shall be triple the penalty set forth above.

C. There shall be an additional penalty of \$100.00 for failure to respond to a notice of infraction. [Ord. 01-022, § 1, 2-12-01.]

**2.06.090 Failure to respond to or sign a notice of infraction a misdemeanor.**

Any person willfully violating a written and signed promise to appear in court or to respond to a notice of infraction pursuant to this chapter shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction; provided, a written promise to appear in court or to respond to a notice of infraction may be complied with by an appearance by counsel. Failure to sign a notice of infraction is a misdemeanor. [Ord. 01-022, § 1, 2-12-01.]

**2.06.100 Collection of penalties.**

Civil penalties under this chapter may be collected in the same manner as other penalties, fines, or assessments imposed by the Cowlitz County District Court. [Ord. 01-022, § 1, 2-12-01.]

**2.06.110 Civil penalties – Director’s authority.**

After a notice of infraction is issued but before any court hearing, a director may suspend all or a portion of a civil penalty, on the condition that the defendant agree in writing to correct the violation by a specified date. If the defendant complies with the agreement, the director shall so notify the Court, and the Court shall dismiss the notice of infraction. [Ord. 01-022, § 1, 2-12-01.]

**2.06.120 Abatement.**

Whenever the county deems it necessary, it may take all appropriate measures to abate any violation of a land use ordinance. The costs of such measures shall be a joint and several obligation of all persons responsible for the violation. The county may recover its abatement costs through an appropriate legal action against any and all such persons. [Ord. 01-022, § 1, 2-12-01.]

**2.06.130 Remedies cumulative.**

Notwithstanding the existence or use of any other remedy, a director may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute a violation of any land use ordinance. All remedies specified herein are cumulative and nonexclusive and a director may seek any other remedy available at law or equity in responding to a violation of any land use ordinance. [Ord. 01-022, § 1, 2-12-01.]

**Chapter 2.08**

**DEPARTMENT OF CORRECTIONS**

Sections:

- 2.08.010 Findings – Action.
- 2.08.020 Control and supervision.
- 2.08.030 Accounts – Establishment.

**2.08.010 Findings – Action.**

The Cowlitz County Jail is currently under the jurisdiction of the Sheriff, Offender Services is currently under the jurisdiction of the Superior Court Judges and the Board of County Commissioners, and Probation is currently under the jurisdiction of the District Court Judges; and

The number of Cowlitz County offenders has been growing at a rapid rate in the last few years and the Jail has been exceeding capacity for many months; and

This increase in incarcerated people has had a tremendous impact on the Jail, Offender Services and Probation Departments; and

The impact on these departments will be even greater in the future due to the law and justice legislative appropriation which provides funding for more law enforcement personnel; and

It is evident the affected departments need to be combined into one unit for better coordination in reducing duplication of effort and to develop programmatic efficiencies.

Therefore, the Board of Cowlitz County Commissioners of Cowlitz County, Washington, reconfirms this Board’s action of October 22, 1990, to combine the Jail, Offender Services and Probation Departments into a Department of Corrections effective January 1, 1991. [Res. 90-204, 12-3-90.]

**2.08.020 Control and supervision.**

The Department of Corrections shall be under the immediate control and supervision of a director to be appointed by and serve at the pleasure of the Board of County Commissioners. [Res. 90-204, 12-3-90.]

**2.08.030 Accounts – Establishment.**

The Cowlitz County Budget Director shall work with the Treasurer and the Auditor to establish the accounts for the Department of Corrections in the manner required by law. [Res. 90-204, 12-3-90.]

**Chapter 2.16**

**BOUNDARY REVIEW BOARD**

Sections:

- 2.16.010 Objectives of Board.
- 2.16.020 Board established.

Cross-references:

Chapter 36.93 RCW: Boundary review boards.

**2.16.010 Objectives of Board.**

The Board of Cowlitz County Commissioners believes it to be to the best interests of Cowlitz County and the citizens thereof to establish a Boundary Review Board for Cowlitz County to achieve the following objectives:

- A. Preservation of natural neighborhoods and communities;
- B. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- C. Creation and preservation of logical service areas;
- D. Prevention of abnormally irregular boundaries;
- E. Discouragement of multiple incorporation of small cities and encouragement of incorporation of cities in excess of 10,000 population in heavily populated urban areas;
- F. Dissolution of inactive special purpose districts;
- G. Adjustment of impractical boundaries; and
- H. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character. [Res. 1856, preamble, 11-25-69.]

**2.16.020 Board established.**

A Boundary Review Board is established in Cowlitz County and the Clerk of the Board is hereby directed to notify all local governmental units of Cowlitz County of this action to enable them to file nominations with the Governor within 30 days after this date, November 25, 1969. [Res. 1856, 11-25-69.]

**Chapter 2.20**

**COWLITZ-WAHKIAKUM  
GOVERNMENTAL CONFERENCE**

Sections:

- 2.20.010 Establishment and purpose.

Cross-references:

RCW 36.64.080 – 36.64.110: Governmental conferences.

**2.20.010 Establishment and purpose.**

Pursuant to RCW 36.64.080 the Board of County Commissioners does hereby agree to enter into membership of the Cowlitz-Wahkiakum Governmental Conference for the purpose of working together with other governmental agencies on matters of mutual interest and concern. [Res. 3487, 2-15-74.]

**Chapter 2.22****GRAPHIC INFORMATION SYSTEM  
DEPARTMENT**

## Sections:

- 2.22.010 Findings – Action.
- 2.22.020 Control and supervision.
- 2.22.030 Accounts – Establishment.

**2.22.010 Findings – Action.**

A graphic information system (GIS) has been discussed for a number of years and various departments of the county and cities have agreed that an accurate mapping system is critical to the operation of county and city government; and

The Land Based Data Users Group, based on information gained from the Computer Mapping and Information System Feasibility Study and the Implementation Plan, recommends a director be hired and a department established.

Therefore, the Board of Cowlitz County Commissioners of Cowlitz County, Washington establishes a Graphic Information System Department effective December 1, 1991. [Res. 91-186, 12-2-91.]

**2.22.020 Control and supervision.**

The Graphic Information System Department shall be under the immediate control and supervision of a director to be appointed by and serve at the pleasure of the Board of County Commissioners. [Res. 91-186, 12-2-91.]

**2.22.030 Accounts – Establishment.**

The Cowlitz County Budget Director shall work with the Treasurer and the Auditor to establish the accounts for the Graphic Information System Department in the manner required by law. [Res. 91-186, 12-2-91.]

**Chapter 2.24****CENTRAL SERVICES DEPARTMENT**

## Sections:

- 2.24.010 Department established.

## Cross-references:

Chapter 36.92 RCW: Central services department.

**2.24.010 Department established.**

The Data Processing Department shall henceforth be known as the Central Services Department and conduct its business within the provisions of Chapter 36.92 RCW. The ministerial services to be performed by such department in connection with automatic data processing shall not thereafter be performed by any other officer or employee of the county. [Res. 2834, 10-31-72.]

**Chapter 2.28****PUBLIC WORKS DEPARTMENT**

## Sections:

- 2.28.010 Department established.  
 2.28.020 Auditor to issue warrants.  
 2.28.030 Operation of services, facilities.  
 2.28.900 Effective date.

## Cross-references:

RCW 36.94.120: Establishment of sewer-water operating department.  
 CCC Title 15: Water, sewers, and waste disposal.  
 Chapter 16.15 CCC: Public works construction standards.

**2.28.010 Department established.\***

A Public Works Department is hereby established. The Department Head will be the Director of Public Works reporting directly to the Board of County Commissioners. The Department will include building, sewer, water, solid waste disposal, purchasing, Catlin cemetery, and other utilities and services as may be added by the Board. [Res. 2514, 12-28-71.]

\*Codifier's note: Building now under Department of Building and Planning, see Chapter 2.40 CCC. Purchasing now a separate department, see CCC 2.32.015. Cemetery now under Park Department.

**2.28.020 Auditor to issue warrants.**

The Cowlitz County Auditor is authorized to issue warrants on the public works account beginning with the budget year of 1972 upon certification by the Public Works Director and the Board. [Res. 2514, 12-28-71.]

**2.28.030 Operation of services, facilities.**

The maintenance and operation of services and facilities that may be required shall be done under the direction of the Public Works Director by contract with other departments or municipalities or by the Public Works Department personnel. [Res. 2514, 12-28-71.]

**2.28.900 Effective date.**

The effective date of establishment of the Public Works Department as aforesaid shall be January 1, 1972. [Res. 2514, 12-28-71.]

**Chapter 2.32****PURCHASING DEPARTMENT**

## Sections:

- 2.32.010 Department established.  
 2.32.015 Department separate from Public Works.  
 2.32.020 Purchases to be made through Purchasing Agent.  
 2.32.030 Purchases by department heads authorized – Emergency purchases.  
 2.32.040 Exemption from advertising and bid requirements.  
 2.32.050 Agent to prepare regulations.

## Cross-references:

RCW 36.32.240 et seq.: Purchasing department, purchasing agent.

**2.32.010 Department established.**

The County Purchasing Department of Cowlitz County, Washington, is hereby created and established, according to the provisions of RCW 36.32.240, 36.32.250, 36.32.260 and 36.32.270, as amended by the 1961 Session of the Legislature of the State of Washington. [Res. dated 12-29-61, 33 J 550.]

**2.32.015 Department separate from Public Works.**

The Purchasing Department is no longer under the direction of the Public Works Department, but is a separate department with the Purchasing Agent reporting directly to the Board of County Commissioners of Cowlitz County, Washington. [Res. 2876, 12-15-72. Prior: Res. 2514, 12-28-71 (CCC 2.28.010).]

**2.32.020 Purchases to be made through Purchasing Agent.**

The position of County Purchasing Agent of Cowlitz County, Washington, is hereby created. The County Purchasing Agent shall be the administrative head of the County Purchasing Department.

From and after January 15, 1962, all purchases for all departments desiring the purchase shall, in all cases, be delivered to the County Purchasing Agent before any purchase is made, except professional fees, travel, and transportation.

All departments shall submit to the County Purchasing Agent requisitions for the supplies, materials, equipment and contractual services as required

for their operations and for the purposes and within the limits of funds appropriated therefor. [Res. dated 12-29-61, 33 J 550.]

**2.32.030 Purchases by department heads authorized – Emergency purchases.**

The County Purchasing Agent may, and where legally required to do so, shall authorize, in writing, any department head to purchase or contract for certain specified classes of supplies, materials, equipment, or contractual services, independently of the County Purchasing Agent's office, but such purchases or contracts shall be made in conformity with the applicable provisions of state law and regulations prepared by the County Purchasing Agent. The County Purchasing Agent may also rescind such authorization to purchase independently by written notice to the department head concerned unless otherwise prohibited by law.

Emergency purchases may be made by department heads. Emergency purchases shall be construed to mean only an item or service which is an immediate and pressing necessity and which is urgently needed, the lack of which will endanger life, cause added expense and great inconvenience, and which must be secured without delay. Emergency purchases made under this authority shall be requisitioned through the Purchasing Agent within 60 hours. Requisitions for all such emergency purchases shall be stamped or otherwise identified as emergencies. [Res. dated 12-29-61, 33 J 550.]

**2.32.040 Exemption from advertising and bid requirements.**

In the letting of any contract, lease or purchase involving less than \$3,500, advertisement and competitive bidding are dispensed with except as otherwise provided:

A. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding \$1,000 but less than \$3,500 shall be posted on a bulletin board in the County Administration Building not less than three days prior to making such lease or contract.

B. Telephone and/or written quotations for purchases of materials, equipment, or services between \$1,000 and \$3,500 shall be secured by the County Purchasing Agent from enough vendors to assure establishment of a competitive price. The award shall be made to the lowest responsible bidder; however, price and quantity being equal, preference may be given to responsible local vendors.

C. Immediately after any award is made, all offers and bid quotations shall be recorded and

open to public inspection and shall be available to telephone inquiry.

D. The dispensing with advertisement and competitive bidding shall not apply to items of equipment purchased by the county and paid for from the County Road Fund or equipment rental and revolving fund where the sales price is in excess of \$1,000. [Res. 5742, 5-8-78.]

**2.32.050 Agent to prepare regulations.**

The County Purchasing Agent is hereby authorized to prepare procedural regulations to amplify the provisions of this resolution, to submit such regulations and amendments to the Board for approval, and to promulgate and enforce such regulations as may be necessary to give effect to the provisions of this chapter and any amendments thereto. [Res. dated 12-29-61, 33 J 550.]

**Chapter 2.36**

**OFFICE OF ADMINISTRATIVE SERVICES**

Sections:

2.36.010 Established – Composition.

**2.36.010 Established – Composition.**

A. The Office of Administrative Services is hereby established to include the functions and departments of Central Services, Office of Financial Management, People Soft Project, Risk Management, Personnel, and Facilities Maintenance with the mission, strategy and responsibilities described herein.

B. The following Directors will serve at the pleasure of the Board and report directly to the Board, inclusion in the Office of Administrative Services notwithstanding: Central Services, Office of Financial Management, Facilities Maintenance, and Personnel. The following managers will report to the Director of the Office of Financial Management: People Soft Project and Risk Management. [Res. 03-011, 1-21-03; Res. 99-056, 4-5-99.]

**Chapter 2.40**

**DEPARTMENT OF BUILDING AND PLANNING**

Sections:

2.40.010 Findings – Action.

Cross-references:

Chapter 18.03 CCC: Planning department and commission.

**2.40.010 Findings – Action.**

The Department of Community Development was previously established to accomplish county planning, building permit coordination, environmental health, human resource planning; and

The Department continues to administer developmental laws and standards, including the addition of a fire/life safety program; however, it is no longer responsible for human resource planning; and

The present name of the Department does not readily convey to the general public the responsibilities of the Department;

Therefore, the Department of Community Development shall be renamed the Department of Building and Planning, and will carry out the effective and reasonable administration of developmental laws and standards to accomplish county planning, building permit coordination, environmental coordination, fire/life safety and environmental health. The name change shall be effective immediately. [Res. 93-116, 7-26-93.]

## Chapter 2.44

### OFFICE OF PUBLIC DEFENSE

Sections:

- 2.44.010 Creation and purpose.
- 2.44.020 Definitions.
- 2.44.030 Appointment of Director.
- 2.44.040 General powers and duties of Director.
- 2.44.050 Powers and duties of Office of Public Defense.
- 2.44.060 Duties and responsibilities of counsel.
- 2.44.070 Standards for public defense.
- 2.44.080 Application fee established.
- 2.44.090 Municipal public defense services.
- 2.44.100 Severability.

#### **2.44.010 Creation and purpose.**

There is hereby created as a Department of Cowlitz County the Office of Public Defense. The purpose of the Office of Public Defense is to provide effective legal representation for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional requirements of fairness, equal protection and due process, in all cases where the right to counsel attaches. It is the intention of Cowlitz County to make publicly financed legal services available to indigent persons, and persons who are indigent and able to contribute, in all matters where the individual is charged with an offense for which, if convicted, he or she could be incarcerated, and to provide such services in an efficient manner that provides adequate representation at reasonable cost to the county. [Ord. 06-115, § 1, 9-12-06.]

#### **2.44.020 Definitions.**

The following definitions are applicable in this chapter unless the context otherwise requires:

A. "Board" means Board of Cowlitz County Commissioners.

B. "Director" means the appointed Director of the Cowlitz County Office of Public Defense.

C. "Indigent" has the same meaning as that term is defined in Chapter 10.101 RCW, as now enacted or hereinafter amended.

D. "Legal services" means legal representation provided by an individual licensed attorney and associated paraprofessional staff to an individual client, pursuant to a case assignment or court appointment.

E. "Office" means the Cowlitz County Office of Public Defense.

F. "Paraprofessional staff" includes investigators, social workers, legal assistants and paralegals. [Ord. 06-115, § 2, 9-12-06.]

#### **2.44.030 Appointment of Director.**

The Board, upon consultation with the presiding Judges of the District and Superior Courts and a representative of the Cowlitz County Bar Association, shall appoint a Director of the Cowlitz County Office of Public Defense. The Director shall serve at the pleasure of the Board and shall be subject to the county's exempt personnel policies. [Ord. 06-115, § 3, 9-12-06.]

#### **2.44.040 General powers and duties of Director.**

The Director must be a member in good standing of the Washington State Bar Association. The Director shall perform all attorney functions authorized by this chapter in accordance with the Rules of Professional Responsibility pertaining to attorneys licensed to practice law in the State of Washington, and in accordance with all applicable court rules.

The Director shall receive such compensation and shall have such staff as may be provided for in the budget of Cowlitz County for the Office of Public Defense.

The Director shall have administrative responsibility for the Office. The Director shall also have authority to represent individual indigent criminal defendants and to appear as attorney for indigent criminal defendants at first appearances/bail calendars, arraignments, expedited felony hearings, civil commitment proceedings, and fugitive hearings.

In the event of a legal conflict or other special circumstances, the Director shall report such fact to the Court and request appointment of separate counsel.

The Director shall make an annual report to the Board detailing the work accomplished by the Office in the past year.

The Director shall develop appropriate standards and guidelines for the qualification and experience level of attorneys and paraprofessionals.

The Director shall prepare an annual budget for the program which evaluates and forecasts service delivery levels and program expenses for employee attorneys, contractors, assigned counsel, and administration. Such evaluations and forecasts shall include an analysis of the impact, if any, of changes in the procedures or practices of the courts, prosecutor, police, public defense contrac-

tors, or other elements of the criminal justice system. [Ord. 06-115, § 4, 9-12-06.]

#### **2.44.050 Powers and duties of Office of Public Defense.**

The Office shall have the authority to administer the county's indigent criminal defense program, including representation, without charge, of any accused indigent person who is or has been arrested or charged with a crime for which court-appointed counsel for indigent defendants is required either under the Constitution of the United States or under the Constitution and laws of the State of Washington. Provided, if a person who has been arrested or accused, having been apprised of his or her right to counsel in open court, affirmatively rejects or intelligently repudiates his or her constitutional and statutory rights to be represented by counsel, the Office is not required to provide legal representation.

The Office may prosecute appeals to Superior Court and other remedies, whether before or after conviction, deemed to be in the interests of justice.

The Office shall administer contracts for legal services with assigned counsel.

Upon designation by the Court, the Office shall also have authority to make determinations of indigency and provide pretrial release information in a form requested by the Court. The Office shall make determinations of indigency in accordance with policies and procedures approved by the District or Superior Court, as applicable, and in accordance with the provisions of Chapter 10.101 RCW, as now enacted or hereafter amended.

Expenditures of the Office shall be subject to the provisions of Chapter 36.40 RCW and other applicable statutes, ordinances, resolutions, policies and procedures of Cowlitz County. [Ord. 06-115, § 5, 9-12-06.]

#### **2.44.060 Duties and responsibilities of counsel.**

Attorneys employed by the Office shall provide defense services to all clients in a professional, skilled manner consistent with standards set forth by the American Bar Association, Washington State Bar Association, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases.

Counsel's primary and most fundamental responsibility shall be to promote and protect the best interests of the client. [Ord. 06-115, § 6, 9-12-06.]

#### **2.44.070 Standards for public defense.**

Pursuant to RCW 10.101.030, Cowlitz County adopts by reference the standards applied to private attorneys defending paying clients and the Standards for Public Defense Services adopted in 1989 by the Washington Defender Association and approved by the Washington State Bar Association as the standards for public defense services in Cowlitz County; provided, that for representation of misdemeanors filed in the Cowlitz County District Court, the caseload limit shall be 450 misdemeanors per attorney per year in light of a review by the Cowlitz County District Court Judges of the number and type of misdemeanors filed in that Court and the charging and plea bargaining practices of the Cowlitz County Prosecuting Attorney. [Ord. 06-115, § 7, 9-12-06.]

#### **2.44.080 Application fee established.**

A person requesting the appointment of counsel in criminal, juvenile, involuntary commitment, or dependency cases, or in any other case where the right to counsel attaches, shall be assessed a non-refundable processing fee of \$25.00 as reimbursement to Cowlitz County for the administrative costs and expenses incurred in the processing of the application. Even if a defendant is determined to be not eligible for counsel at public expense, the processing fee is not refundable.

Application fees paid shall be used to defray the cost and expense incurred by the county or the Office where designated by the Court in making the determination of indigency pursuant to Chapter 10.101 RCW. Such costs and expenses include conducting indigency screening, verifying information, processing applications, and providing a written report to the Court.

The application fee shall be collected at the time of application.

No defendant will be denied the assistance of counsel because of inability to pay the fee at the time of application. Unpaid application fees shall be reported to the Court for consideration at the time of sentencing. [Ord. 06-115, § 8, 9-12-06.]

#### **2.44.090 Municipal public defense services.**

The Office may provide public defense services to municipalities within Cowlitz County on a reimbursable basis. The Office is authorized to negotiate appropriate contractual agreements with the municipalities for indigent legal services. [Ord. 06-115, § 9, 9-12-06.]

**2.44.100 Severability.**

If any provision of this chapter is held invalid, or in conflict with any statutory provision of the State of Washington, the validity of the remaining provisions shall not be affected. [Ord. 06-115, § 10, 9-12-06.]

---

*This page left intentionally blank.*

**Chapter 2.50****COUNTY OFFICE HOURS –  
NO SOLICITING**

## Sections:

- 2.50.010 Office hours – Holidays.  
2.50.020 Solicitation prohibited.

## Cross-references:

RCW 1.16.050: Legal holidays.

**2.50.010 Office hours – Holidays.**

The hours of business for all county and precinct offices in Cowlitz County will be open at least from 8:30 a.m. to 5:00 p.m., Monday through Friday with the following exceptions:

A. Legal holidays;

B. Legal holidays falling on Sunday will be observed on the following Monday and legal holidays falling on Saturday will be observed on the preceding Friday in accordance with certain provisions of contracts and agreements entered into with the union representatives of county employees;

C. Following offices with small staffing levels as specifically stated below will be allowed special considerations to be closed during the lunch hour and on an as-needed basis: Coroner, Emergency Management, Expo Family Court, Maintenance, Motor Pool, Museum, Nuisance Abatement/Noxious Weed Control, Purchasing, Superior Court and Tourism. [Res. 98-029, 2-23-98.]

**2.50.020 Solicitation prohibited.**

Any and all agents, peddlers and/or solicitors are prohibited from soliciting or making personal contacts with the employees of Cowlitz County during the regular office hours. [Res. dated 1-10-56, 28 J 102.]

**Chapter 2.54****AFFIRMATIVE ACTION\***

## Sections:

- 2.54.010 Purpose.  
2.54.020 Policy.  
2.54.030 Responsibility.  
2.54.040 Job analysis.  
2.54.050 Testing.  
2.54.060 Probationary period.  
2.54.070 Employment practices.  
2.54.080 Recruitment.  
2.54.090 Screening process.  
2.54.100 Selection of full-time employees.  
2.54.110 Seasonal, part-time and extra help employees.  
2.54.120 Promotion.  
2.54.130 Grievances.  
2.54.140 Utilization.  
2.54.150 Goals.  
2.54.160 Summary.

\*Prior legislation: Resos. 3506, 4003.

**2.54.010 Purpose.**

A. Title VII of the Civil Rights Act of 1964 deals with equal employment opportunity and the Equal Employment Opportunity Act of 1972 extended the requirements of the Civil Rights Act of 1964 to state and local governments.

B. "Affirmative action" describes a program or a set of policies and procedures under which equal employment opportunity may be achieved. The term "affirmative action" implies positive action. Therefore, the Affirmative Action Plan is a specific set of procedures taken to eliminate discriminatory practices in all county employment. The purpose of the plan is to allow all employees and applicants for employment equal employment opportunity, regardless of race, religion, creed, color, national origin, sex, age or disability. [Res. 99-086, 5-24-99.]

**2.54.020 Policy.**

The affirmative action policy of Cowlitz County as set forth in Resolution No. 4003 dated February 4, 1975 is as follows:

We affirm that it will be the established policy of Cowlitz County in recruiting, hiring, transfer, promotions, compensation, benefits, and/or County sponsored training, education, and tuition assistance, social, recreation, and health programs, and all lay-

off and return from lay-off practices be without regard to race, religion, creed, color, national origin, sex, age or disability. [Res. 99-086, 5-24-99.]

**2.54.030 Responsibility.**

Elected officials and department heads will be responsible to comply with the Affirmative Action Plan/Program in each of their respective departments. The Director of Personnel will be responsible to implement and maintain the Affirmative Action Plan for Cowlitz County. The Director of Personnel will assume the following duties:

A. The Director will work with elected officials and department heads towards eliminating artificial barriers to employment and promotion, especially those barriers which discourage and deter women and minorities.

B. The Director will recommend to the Board of County Commissioners implementation of rules and regulations to be consistent with the Affirmative Action Plan.

C. The Director will monitor, audit and evaluate the Affirmative Action Plan on a regular basis.

D. The Director will prepare the bi-annual EEO-4 Report and submit it to the Equal Employment Opportunity Commission.

E. The Director will report to the Board of County Commissioners upon completion of the EEO-4 Report and will keep the County Commissioners informed of developments and progress of the Affirmative Action Plan. [Res. 99-086, 5-24-99.]

**2.54.040 Job analysis.**

Job analysis is an orderly approach to documenting what a job consists of. Every county position will have a written job description which realistically and accurately describes the tasks performed and the knowledge, skills and abilities required to perform them. The purpose of job analysis and written job descriptions is to eliminate arbitrary requirements which act as a barrier to employment. [Res. 99-086, 5-24-99.]

**2.54.050 Testing.**

Written, oral or performance tests will be direct and correctly related to important tasks performed on the job. Test questions which do not relate to the work to be performed will not be asked. Applicants will not be asked to demonstrate ability to perform tasks other than those required to perform the job. [Res. 99-086, 5-24-99.]

**2.54.060 Probationary period.**

During the probationary period of employment, it is the responsibility of the department heads (or the elected official) and the supervisor with diligent effort to see that the new employee receives adequate training and assistance for them to succeed. It is the responsibility of the probationary employee to demonstrate ability to perform, and to be dependable. [Res. 99-086, 5-24-99.]

**2.54.070 Employment practices.**

The Personnel Department will actively promote employment opportunities for all persons regardless of race, creed, color, national origin, sex, age or disability. [Res. 99-086, 5-24-99.]

**2.54.080 Recruitment.**

A. The Personnel Department will be notified of all job openings.

B. A job description listing abilities and skills required will be posted on two bulletin boards in the Administration Building and the Hall of Justice indicating a closing date to receive applications.

C. The position will be advertised in the local newspaper and may be advertised in newspapers of larger circulation.

D. The Employment Security Office will be notified of the opening.

E. Reasonable attempts to contact applicants are considered sufficient effort.

F. The Minority Affairs Director of Lower Columbia College will be notified of the opening. [Res. 99-086, 5-24-99.]

**2.54.090 Screening process.**

Interviews may be conducted in accordance with the selection process by elected officials, department heads or their appointed representative. The date of the interview and the interviewers initials will be noted on the application.

A. Interview questions will be based on work experience, skills and abilities. Questions that are not job related will be avoided.

B. During the interview(s), the applicant will be given an opportunity to read the job description if he or she has not already done so. The applicant will also be given the opportunity to ask questions. [Res. 99-086, 5-24-99.]

**2.54.100 Selection of full-time employees.**

The selection process will be made as follows: The Personnel Department will collect all applications until after the closing date to receive applications. All of the applications will be given to the

department head or to his/her appointed representative, to choose the candidates to be interviewed for the position or the department head may request the Personnel Department to screen the applications according to the minimum qualifications. The final choice of the employee will be made by the department head, elected official or appointed representative. [Res. 99-086, 5-24-99.]

#### **2.54.110 Seasonal, part-time and extra help employees.**

A. Seasonal, part-time and extra help employees, who have been employed by Cowlitz County in the past, may be hired for the same type of work in the future, and are exempt from making application and interview requirements as long as an up-to-date application is on file in the Personnel Department.

B. Recruitment, interview and selection of seasonal, part-time and extra help employees will be the same as mentioned in this chapter, if it is believed the position may become full-time work within one year from the date of hire. [Res. 99-086, 5-24-99.]

#### **2.54.120 Promotion.**

A. When an opening occurs, the department head or elected official in charge of that department will consider filling the position by promotion within the staff presently employed.

B. Employees of Cowlitz County, especially women and minorities, are encouraged to apply by proper application for open positions. It is natural that employees will want to be promoted to receive job status, better pay or to perform different tasks. If any employee of Cowlitz County does apply for an open position, then no discrimination against said employee will take place because of said application. Cowlitz County employees applying for open positions will be treated on an equal basis as other applicants applying for the position. However, special consideration may be shown to minorities and women applying for positions in underutilized classifications.

C. Underutilization will be determined by the Director of Personnel or his authorized representative. [Res. 99-086, 5-24-99.]

#### **2.54.130 Grievances.**

A grievance arising from the implementation of the Affirmative Action Plan should follow the steps listed in the current union agreements, depending upon the employee's particular union. [Res. 99-086, 5-24-99.]

#### **2.54.140 Utilization.**

Exhibit "A" represents an analysis of County job classifications by sex and race. Exhibit "B" is a comparison of statistical information based on the 1990 Census showing the minorities labor force and the white civilian labor force compared to the minorities labor force. Cowlitz County employs 21 minority employees at this time classified as follows:

- A. Breakdown by Job Classification.
  - Three officials and administrators;
  - Four professional;
  - One technician;
  - Six protective service;
  - Two para-professional;
  - Five administrative support.
- B. Breakdown by Race.
  - Twelve hispanic;
  - Five Asian Pacific Islander;
  - Two American Indian;
  - Two black.
- C. Breakdown by Sex.
  - Eleven males;
  - Ten females.

**Exhibit A**

**Job Classification Information for Full-Time Employees of Cowlitz County ending 9/29/97**  
**Source EEO-4 Report 9/29/97**  
**Updated 5/12/99**

JOB CLASSIFICATION	MALES					FEMALES					TOTAL
	WH B	BL C	His D	A/PI E	AI F	WH G	BL H	His I	A/PI J	AI K	
Officials and Administrators*	28	1		1	1	12					43
Professionals	37		1		1	31		1	1		72
Technicians	40		1			41					82
Protective Services	70	1	2			27		2	1		103
Para-Professionals	2		2			6					10
Office Clerical	3					138		3	2		146
Skilled Craft	38										38
Service/Maintenance	47					9					56
<b>TOTAL</b>	<b>265</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>264</b>		<b>6</b>	<b>4</b>		<b>550</b>

\*Excluding elected officials

**Exhibit B****Cowlitz County Minorities Labor Force**

The source of these statistics is the LMEA website for affirmative action planning:  
<http://www.wa.gov/esd/lmea/pubs/affirm/reslab/rcowlitz.htm> (5/12/99)

	<b>Males</b>	<b>Females</b>	<b>Total</b>
Hispanic	560	340	900
Employed	520	320	840
Unemployed	40	20	60
Percentage Unemployed	7.1%	5.9%	6.7%
Blacks	70	50	120
Employed	50	40	90
Unemployed	20	10	30
Percentage Unemployed	28%	20%	25%
Native American	630	390	1,020
Employed	540	350	890
Unemployed	90	40	130
Percentage Unemployed	14.3%	10.3%	12.7%
Asian and Pacific Islander	410	340	750
Employed	370	310	680
Unemployed	40	30	70
Percentage Unemployed	9.8%	8.8%	9.3%

### White Civilian Labor Force to Minorities Labor Force

Total Civilian Labor Force		41,280
Total White Labor Force	38,490	
Total Hispanic Labor Force	900	
Total Asian/Pacific Islander Labor Force	750	
Total Black Labor Force	120	
Total American Indian Labor Force	1,020	
Total Minorities Labor Force		1,890
Percentage of Minorities Labor Force to Total Civilian Labor Force		4.6%

[Res. 99-086, 5-24-99.]

#### **2.54.150 Goals.**

It is our goal to continue to make all job opportunities open to all who are interested and qualified without regard to race, religion, creed, color, national origin, sex, age, or disability. [Res. 99-086, 5-24-99.]

#### **2.54.160 Summary.**

The purpose of this chapter is to support the equal employment opportunity laws. This jurisdiction is anxious to insure equal employment opportunity to all job applicants and county employees. There has been an attempt to identify responsibilities on the part of department heads, their appointed representatives and the employee in fulfilling this goal. This Affirmative Action Plan has been developed and will be implemented to insure Cowlitz County is doing its part toward equal employment opportunity. [Res. 99-086, 5-24-99.]

## Chapter 2.58

### SEXUAL HARASSMENT POLICY

Sections:

2.58.010 Established.

#### **2.58.010 Established.**

A. The Board of County Commissioners adopts the following policy:

1. Prevention is the best approach to eliminate sexual harassment. Department heads and supervisors will take all reasonable steps necessary to prevent such harassment from occurring.

2. Department heads and supervisors shall not allow conduct that creates a sexually intimidating, hostile or offensive work environment. Included in forbidden conduct are lewd gestures, sexually offensive language and sexually offensive behavior. Any department head, supervisor or employee who engages in sexually harassing conduct will be subject to disciplinary action up to and including termination. Any department head or supervisor who tolerates sexually harassing conduct will likewise be subject to disciplinary action up to and including termination.

3. Employees or applicants for employment who experience sexual harassment in any form are urged to contact the Personnel Director or the Administrative Coordinator in the Commissioners' office. An investigation of the facts will be immediately conducted and if evidence supports such a complaint, immediate action will be taken. All efforts will be taken to protect the individuals involved.

B. The Board of Commissioners firmly believes the employees of the county to be capable of exercising good judgment and common sense in their working relationships and/or treating one another in a fair and courteous manner. Such behavior helps protect the county and its employees from being subjected to embarrassment and legal or disciplinary sanctions. [Res. 85-088, 5-6-85.]