

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 84-05

(1) I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington the annexed rules relating to:

Amend: WAC 137-57 - Siting of Community Residential Programs (Work/Training Release Facilities)

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 84-08-023 filed with the code reviser on March 28, 1984. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
(b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency) (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the DEPARTMENT OF CORRECTIONS (agency)

as authorized in RCW 72.65.100

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

May 14 1984

By Amos E. Reed

MAY 14 1984

Amos E. Reed, Secretary Title

CODE REVISER'S OFFICE WSR 84-11-032

**NOTE:**

<sup>1</sup>RCW 34.04.026 provides:

- (1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:
- (a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."
  - (b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."
  - (c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."
- (2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.
- (3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

Correspondence regarding this rule should be addressed to:

Mr. Robert W. Sampson, Administrator  
Office of Contracts and Regulations  
Division of Management and Budget  
Mail Stop FN-61  
Olympia, Washington 98504  
(206) 753-5770 Scan 234-5770

## Chapter 137-57 WAC

SELECTING CONTRACTORS FOR AND SITING OF COMMUNITY RESIDENTIAL PROGRAMS  
(WORK/TRAINING RELEASE FACILITIES)AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-005 PURPOSE. The purpose of this chapter is to establish procedures for the selection of contractors providing work/training release programs, ensure department cooperation with local jurisdictions in the siting of work/training release facilities, and ~~((to))~~ encourage public comment and advice in the siting decisions.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections or his/her designee.

(2) ~~((("Director"))~~ "Department" is the ~~((director-of-the-division-of-community-services;))~~ department of corrections.

(3) ~~((("Assistant-director"-is-the-assistant-director-of-community-residential--programs;-division--of-community-services;-department-of-corrections;~~

~~((#)))~~ "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training release inmates or residents as defined in WAC 137-56-010.

(4) "Search committee" is a committee appointed by the secretary to locate potential work/training release contractors or work/training release sites.

~~((("5)-"Office-of-contracts-and-regulations"-is-an-office--within-the-division-of-management-and-budget;-department-of-corrections;))~~

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-020 SECRETARY'S AUTHORITY. ~~((("4)))~~ Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. ~~((Although--the--facilities--are-not-subject-to-the-zoning-laws-of-the-city-or-county-in-which-they-are-situated;-it-is-the-purpose--of--this chapter--to--ensure-department-cooperation-with-local-jurisdictions-in siting-decisions-and-to-encourage-public-comment-and-advice;~~

~~((2)-All-contracts-and--leases--authorized--under--RCW--72.65.080; excepting--contracts-or-leases-with-a-federal;-state;-or-local-government-agency;-shall-be-solicited-and-awarded-in-conformance--with--this chapter-effective-March-4;-1982;))~~

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)WAC 137-57-040 ((REQUEST--FOR--PROPOSAL)) CONTRACTOR SELECTION.

(1) ((If)) When the department is seeking a contractor ((or--vender)) to provide ((both--a-site-and)) a work/training release program, the ((assistant-director,--in--conjanction--with--the--committee--and--the department's--office--of--contracts--and--regulations,)) secretary will appoint a search committee which shall ((develop-a--request--for--proposal--(RFP)--articulating--the--department's--requirements)) conduct a search in the manner it deems appropriate to identify potential contractors who would be qualified to develop and provide a work/training release program conforming with applicable regulations, standards, and procedures adopted by the department. The search committee shall also obtain such information as is necessary to evaluate the qualifications and reliability of the potential contractors, the scope of the proposed programs and the cost of such programs.

(2) ((Proposals-received-in-response-to-the-RFP-shall--be--evaluated--by--the--committee--in--accordance--with--criteria-developed-by--the--committee--

Such-criteria-shall-include:

(a)-The-cost-of-the-program;

(b)-The-reliability-of-the-contractor;

(c)-The-scope-of-the-program;-and

(d)-The-site-selected-and-site-criteria-in-WAC--137-57-050)) The

names of the potential contractors determined by the search committee, information gathered during the search, the search committee's ranking of the potential contractors, and the search committee's recommendations shall be submitted to the secretary.

(3) ((The-assistant-director-shall-then-submit-three--recommendations--to--the--director--(or--less--if--there--are--not--three--responsive--bids),--who--shall--then--submit--these--to--the--secretary--for--approval)) The secretary, based on the information, rankings, and recommendations so submitted by the search committee, may approve one of the potential contractors as the provider of the work/training release program.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)WAC 137-57-050 SITE SELECTION ((ONLY)). (1) ((If)) When

the department is seeking a ((site-only-and-not-a)) work/training release ((vender-or-contractor,--the-department-need-not-prepare-a-request--for-proposal--(RFP),--instead,--the-assistant-director-shall-advertise-the department's-need-in-a-local-newspaper-and)) site, the secretary will appoint:

(a) A search committee which shall ((perform)) conduct a search ((of)) for possible locations in the manner it deems appropriate; and

(b) An advisory committee composed of local elected or public officials, local law enforcement personnel, interested citizens, and department staff.

(2) After ((locations)) the sites have been identified, the ((assistant--director)) search committee shall submit ((the-possible sites)) a description of them to the advisory committee for review. The advisory committee's review shall evaluate the following factors:

(a) The cost of acquiring the use of the site, ((e.g.,)) and the cost of improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;

(b) The desirability of the site for program activities;

(c) The access to public transportation available at the site;

(d) The community impacts associated with the site; and

(e) The ((current)) zoning restrictions applicable to ((property in-that)) the geographical area in which the site is located.

(3) After it completes its review, the advisory committee shall ((make-three)) submit its recommendations to the secretary ((or--less



if there are not three available sites for a)), and the secretary may give preliminary approval to one of the recommended sites.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-060 PUBLIC NOTICE, HEARING REQUIREMENTS. (1) After the secretary ((selects)) gives preliminary approval to a site, ((or selects--a--contractor--or--vender--with--an--existing--site,--the--assistant--director--under--the--direction--of)) the ((office--of--contracts--and--regulations,)) department shall either apply for or assist ((the--contractor)) others in applying for ((all--the--necessary)) any permits which may be required by local zoning laws with respect to the operation of a work/training release facility.

(2) In the event there are no local zoning requirements, or hearing requirements((,--or--where--the--secretary--waives--the--permit--requirement--in--(4)--of--this--section,--the--assistant--director--under--the--direction--of--the--office--of--contracts--and--regulations)) with respect to the operation of a work/training release program on the site which has received the secretary's preliminary approval, the department shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

(3) ((The--comments--received--at--the--public--hearing--shall--be--submitted--to--the--secretary--for--review--and)) After the required zoning permits, if any, have been obtained, and after the secretary has considered the comments expressed by members of the public during any zoning process or during the public hearing conducted by the department, the secretary may grant or withhold final approval of the proposed site.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-070 CONTRACT/LEASE. Upon final approval by the secretary of a proposed contractor pursuant to WAC 137-57-040 or the proposed site pursuant to WAC 137-57-060 the ((office--of--contracts--and--regulations)) department shall ((negotiate--and--draft--a--lease--or--contract--for--execution--by--the--secretary,--said--contract--shall--not--run--beyond--a--biennium)), by appropriate instruments, obtain the services of the approved contractor or acquire the use of the approved site.