

Whatcom County Council Committee of the Whole

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Draft Minutes

Tuesday, November 21, 2023

2:55 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 4:30 P.M., MAY BEGIN EARLY
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:41 p.m. in a hybrid meeting.

Roll Call

Present: 6 - Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: 1 - Tyler Byrd

Announcements

Committee Discussion

1. [AB2023-711](#) Mid Biennium 2023-2024 Budget Review

Councilmembers discussed the following potential budget items.

\$25K-\$50K Washington Association of Counties (WSAC) ask related to broadband coordination

Galloway introduced the presentation and the following person spoke:

- Cory Wright, Kittitas County Commissioner

Galloway moved to support \$25,000 toward the WSAC broadband efforts. The motion was seconded by Frazey.

Wright answered whether the money will be equally distributed and whether it will be used for mapping to determine where there are needs.

The motion carried by the following vote:

Aye: 4 - Buchanan, Donovan, Frazey, and Galloway

Nay: 2 - Elenbaas and Kershner

Absent: 1 - Byrd

Prosecuting Attorney's Office FTE requests

Approximate Timestamp: 16:27

Buchanan moved to fund three attorneys, two legal assistants and one witness and victim coordinator in the Prosecuting Attorney's Office. The motion was seconded by Galloway.

Councilmembers discussed the motion and the original request from the Prosecuting Attorney.

The motion carried by the following vote:

Aye: 6 - Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

Nay: 0

Absent: 1 - Byrd

Replacement Body Scanner Main Jail Fund (#4317)

Approximate Timestamp: 19:56

Buchanan moved to approve \$440,000 to fund two body scanners using the Jail Fund. The motion was seconded by Kershner.

Tyler Schroeder, Director of Administrative Services, and Doug Chadwick, Undersheriff, answered what happened to the last scanner they purchased and how many we need.

The motion carried by the following vote:

Aye: 5 - Elenbaas, Galloway, Kershner, Buchanan, and Donovan

Nay: 1 - Frazey

Absent: 1 - Byrd

Jail Fund request FTES for Corrections (#4335)

Approximate Timestamp: 25:55

Elenbaas moved to fund five FTEs for corrections deputies. The motion was seconded by Buchanan.

Elenbaas spoke about his motion and the following people also spoke:

- Tyler Schroeder, Director of Administrative Services
- Doug Chadwick, Undersheriff

They and Councilmembers discussed why none of the nine positions requested were funded, the fact that there will likely be an ask to work with other jurisdictions on jail use agreements to be able to provide some capacity for the cities and for the County between now and when the new jail is opened, whether the Sheriff's Office has staffed the positions that were vacant before, how much they spend on overtime on an annual basis, how many young staff have left to go to other employment because of the

toll of having to work overtime, how the Jail Fund balance is looking and whether this is the fund that the new taxes are going to go into, whether there are cost efficiencies in bringing several employees in at one time and having them all go through training as opposed to bringing them in one at a time, whether they should just approve a couple FTEs instead of five and the fact that the five FTEs represent one 24-hour position, the fact that the Jail Fund currently has \$5 million and the target is \$2.9 million, and whether the cost to add five new FTEs would be staggered since they would not all be hired by January first.

The motion carried by the following vote:

Aye: 6 - Galloway, Kershner, Buchanan, Donovan, Elenbaas, and Frazey

Nay: 0

Absent: 1 - Byrd

Emergency Management Fund Whatcom County Radio (#4303)

Approximate Timestamp: 42:28

The following people discussed the item with Councilmembers:

- Doug Chadwick, Undersheriff
- Tyler Schroeder, Director of Administrative Services

They discussed whether it would affect the plans for providing gear for vehicles going forward if they do not make a partial investment, whether the radios will be able to be used with a new system, which fund it would come out of, and the fact that the request should be considered in the future budget discussions (for 2025-2026) when the Administration is able to bring an agreement with WTA and the City to the Council for consideration.

No Council motion was made.

BOE temporary extra help and per diem for the Council Office

Approximate Timestamp: 49:28

Galloway moved to support the \$30,000 for the Board of Equalization (BOE) temporary extra help and per diem. The motion was seconded by Donovan.

Dana Brown-Davis, Clerk of the Council, answered why the money for this would come from the Council Office's budget and not the Assessor's.

Frazey spoke about the number of appeals that came in to the BOE in the last couple years (around 200 in 2021, 500 in 2022 and 1,600 in 2023) and whether this will be enough money.

The motion carried by the following vote:

Aye: 6 - Galloway, Kershner, Buchanan, Donovan, Elenbaas, and Frazey

Nay: 0

Absent: 1 - Byrd

Add Legislative Clerk to the Council Office

Approximate Timestamp: 51:45

Galloway moved to approve \$70,000 for an added legislative clerk to the Council Office. The motion was seconded by Frazey.

Dana Brown-Davis, Clerk of the Council, answered whether it is an ongoing position and stated it is. She answered what the person will be doing, and stated it is not specific to the BOE.

The motion carried by the following vote:

Aye: 6 - Kershner, Buchanan, Donovan, Elenbaas, Frazey, and Galloway

Nay: 0

Absent: 1 - Byrd

Support services for the Forest Resilience Task Force

Approximate Timestamp: 53:34

Galloway moved to approve \$75,000 to support services for the Forest Resilience Task Force. The motion was seconded by Donovan.

Galloway spoke about her motion and why it cannot wait until the next biennium.

Brown-Davis answered whether the position would last for the duration of the task force and then go away, and stated this amount would be one-time funding for 2024 and then an additional amount will be needed for 2025. She answered whether the facilitator would be able to help the group with agendas and emails and scheduling and stated that is the expectation.

Elenbaas spoke to the motion.

The motion carried by the following vote:

Aye: 4 - Buchanan, Donovan, Frazey, and Galloway

Nay: 2 - Elenbaas and Kershner

Absent: 1 - Byrd

To fund realignment of Deputy and Sr. Deputy positions in Public Defender and Prosecuting Attorney's Offices (# 4494 and #4495)

Approximate Timestamp: 57:39

Schroeder spoke about the requests and stated the Administration will include it in the recommended ordinance this evening. He answered questions.

Public Defender's Office request to fund FTEs (#4073)

Approximate Timestamp: 59:40

Stark Follis, Public Defender, spoke about the request for eight new FTE Positions for 2024. He stated he feels strongly that, if they are increasing the Prosecuting Attorney's staff, it will be impactful on the Public Defender's Office. He and Schroeder answered questions.

Buchanan moved to add two public defenders to the Public Defender's Office. The motion was seconded by Elenbaas.

Councilmembers discussed whether they should add more staff, and Stark answered how many attorneys are American Rescue Plan Act (ARPA) funded right now, how we rectify the situation in which there are times when the Superior Court does not have a criminal case ready to be heard so people are not moving through the system, what FTEs he would need for support staff, and what the ratio of support staff to lawyers should be.

Buchanan withdrew his motion ***and moved*** to add four attorneys, one legal assistant, one investigator, and one behavior health specialist to the Public Defender's Office. The motion was seconded by Donovan.

Donovan stated he would like to see evidence that by adding all the criminal justice positions, they will be clearing people out of the system.

Stark answered whether they have room for those FTEs and stated they can be flexible.

Councilmembers and Stark discussed the motion.

The motion carried by the following vote:

Aye: 6 - Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

Nay: 0

Absent: 1 - Byrd

Internalization of the Medical Examiner's Office

Approximate Timestamp: 1:26:29

Galloway asked whether they could plan to have further discussion on the internalization of the Medical Examiner's services into the County.

Schroeder stated the idea was to budget it for 2024 and to take the first six months to execute the plan as appropriate. He would be glad to have conversations with any Councilmembers and will commit to coming back to Council the first quarter of 2024 to talk about what that plan is and to get input on the execution before they actually take that step.

Galloway stated they should talk about what the expectations might be since they will be County employees now rather than contractors.

Clerk's note: See further discussion of this item in Finance and Administrative Services Committee under **AB2023-729**.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

MOTION SUMMARY:

Motion approved to support \$25,000 toward WSAC broadband efforts.

Motion approved to fund three attorneys, two legal assistants and one witness and victim coordinator in the Prosecuting Attorney's Office (\$692,102).

Motion approved to fund two body scanners using the Jail Fund (\$440,000).

Motion approved to fund five FTEs for corrections deputies (\$584,080).

Motion approved to support the \$30,000 for the BOE temporary extra help and per diem.

Motion approved to approve \$70,000 for an added legislative clerk to the Council Office.

Motion approved to approve \$75,000 to support services for the Forest Resilience Task Force.

Motion approved to add four attorneys, one legal assistant, one investigator, and one behavior health specialist to the Public Defender's Office (No cost available yet).

**Clerk's note: Amounts received from the Executive's for requests are noted after each request if not already stated.

2. [AB2023-769](#) Discussion and request for a motion to approve Whatcom County Legislative Priorities

The following people briefed the Councilmembers and answered questions:

- Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager
- Tyler Schroeder, Director of Administrative Services

Galloway spoke about the Washington Association of Counties (WSAC) legislative priorities and *moved* to support the joint Whatcom County / City of Bellingham / Port of Bellingham legislative agenda as well as the Whatcom County budget and policy legislative agenda. The motion was seconded by Buchanan.

The motion carried by the following vote:

Aye: 4 - Frazey, Galloway, Kershner, and Buchanan

Nay: 0

Abstain: 2 - Donovan and Elenbaas

Absent: 1 - Byrd

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

MOTION SUMMARY: Motion approved to support the joint Whatcom County/ City of Bellingham/ Port of Bellingham legislative agenda as well as the Whatcom County budget and policy legislative agenda.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:17 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription