

# WHATCOM COUNTY COUNCIL

## MEMORANDUM

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**TO:** Whatcom County Council Members  
**FROM:** Councilmember Barry Buchanan  
**DATE:** April 28, 2026  
**RE:** Jail and Behavioral Care Center Resolution

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### **Purpose**

This memo explains what the Council is voting on today in plain language. Citations in gray italics identify source documents. For the full list of reports and documents the Council expects before any debt vote, see Exhibit A of the resolution.

### **What the Resolution Does and Does Not Do**

The resolution sets a planning ceiling of \$205 million for the jail and \$34 million for the Behavioral Care Center (\$20 million from the sales tax, \$14 million from grants and state funds). This is a planning number only. It does not authorize debt. It does not approve construction. *[FFAB, April 9, 2026; PFM Alternative Scenario, March 26, 2026]*

The Joint Advisory Workgroup has been reviewing a baseline scenario of approximately 190,000 gross square feet at roughly \$895 per square foot, producing an estimated hard construction cost in the range of \$170 million. The gap between that figure and the \$205 million ceiling covers soft costs, contingency, and escalation. The Council is asking the design team to present options that may cost less than the ceiling, not just options that fill it. *[baseline scenario, Spring 2026; the 2023 Implementation Plan identified \$170M as a conceptual estimate for a horizontal facility at La Bounty. Justice Project Implementation Plan, June 2023, p. 51. Final figures will be established through programming.]*

It does not set a final jail size. It does not suspend the promise to voters that 50 cents of every tax dollar goes to community health programs beyond the jail. A separate Council vote is required before any debt is issued.

### **The Promise to Voters**

Voters were told in 2023 that at least half of this tax would go to 14 of the 15 Implementation Plan projects. Only one of those 15 projects is the jail. The other 14 cover behavioral health services, diversion, re-entry, housing, court improvements, and accountability. *[Ordinance 2023-039; Justice Project Implementation Plan, June 2023]*

The financial model being used to plan this project is titled "Cities Pay 75% Through 2034, Suspend 50% Behavioral Health Requirement." Under this model, the behavioral health investment share reaches only 16.79% in 2030, the ILA's target year, and does not reach 50% annually until 2046. The Council **does not accept suspension of this commitment**. *[PFM Alternative Scenario, April 2, 2026, Table 2, Column K; ILA, July 2024, Part II, Sec. 3(e)]*

We are asking the Finance and Facility Advisory Board to develop at least two financially viable paths to addressing that promise, and to report back by October 2026.

### **Why Jail Size Is Not Fixed Yet**

The Pasquo Planners Jail Population Forecast Analysis identifies a primary 2030 adjusted bed need of 422. That is a starting point, not a conclusion. By 2050, the range is 458 to 699 beds depending on how well the county manages average length of stay. That is a 241-bed difference,

worth tens of millions of dollars in construction costs. *[Pasquo Planners, Jail Population Forecast Analysis, Spring 2026, Figure 25; cover memo, March 31, 2026]*

The Prosecutorial Diversion Addendum has not been published yet. That analysis will show how much additional Average Daily Population (ADP) reduction comes from prosecutorial diversion investments. The bed count may be adjusted once it is available.

## **Two New Workgroups**

### **1. The 50% Recovery Working Group, through FFAB**

Will develop financially viable pathways to address the Interlocal Agreement's 50% investment floor. Members will include financial experts, behavioral health and housing professionals, and people with lived experience of incarceration. Report due October 2026 \*. *[ILA, July 2024, Part II, Sec. 3(e)]*

### **2. The Average Daily Population/Average Length Of Stay Reduction Workgroup, through IPRTF**

Will identify programs, policies, and court processes that reduce average daily population and average length of stay, the two variables that drive jail size more than anything else. Members will include the Sheriff, Prosecutor, Public Defender, a judge, health department staff, community service providers, and people with lived experience. Report due end of summer 2026 \*. *[Pasquo Planners, Spring 2026, Figure 25]*

## **What We Need Before a Debt Vote**

See Exhibit A of the resolution for the full list on important documents with sources and deadlines. In summary, the Council requires: a final programming plan; the Prosecutorial Diversion Addendum; the ADP/ALOS Workgroup report; the overdue Biennial Spending Plan; the 50% Recovery Working Group report; a 50% compliance analysis from the County Executive; an updated Interlocal Agreement; and ultimately a Guaranteed Maximum Price requiring a separate Council vote.

## **Process Recommendations**

### **More FFAB meetings during programming.**

Financial and scope decisions made during programming deserve real-time review, not catch-up and scattered briefings. Shift to more frequent, focused meetings of the FFAB and the Justice Project Oversight and Planning Committee. Both have clear authority and established community trust. The JAW has been ineffective (meetings canceled, etc.) and the extra step is becoming burdensome. We need clear and frequent advisory participation by the decision-making bodies that have been assigned this work.

### **Meaningful JPOP review of programming.**

JPOP was established to provide community oversight of Implementation Plan execution. It should review programming outputs before they come to the Council, and its feedback should be reflected in what we receive. *[Implementation Plan, June 2023, Project 1]*

### **A special Council workshop for programming review.**

The programming plan is one of the more significant documents this Council will receive. It deserves a dedicated workshop meeting, separate from the regular committee schedule and without time constraints, where Council members can review options side by side, hear from both workgroups, and ask direct questions before any recommendation moves forward.

\*Report deadlines subject to adjustment by council as more detailed information becomes available.