

# **Whatcom County Council Committee of the Whole**

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



## **Committee Minutes - Final**

**Tuesday, June 6, 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](http://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 2:58 p.m. in a hybrid meeting.

## Roll Call

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

## Announcements

### Special Presentation

1. AB2023-362 Lummi Nation Stommish Presentation

Buchanan stated this presentation is withdrawn.

**This agenda item was WITHDRAWN.**

### Committee Discussion

1. AB2023-304 Justice Project workshop

Buchanan stated today they will be looking at the Draft Implementation Plan and the draft Ordinance that the Executive's Office has provided.

Stephen Gockley, Incarceration Prevention and Reduction Task Force Co-Chair, read from a presentation (on file) about the Draft Implementation Plan, where they are in the process with finalization of the plan, changes they have made to the plan, and proposed actions for year one of the Implementation Plan. He stated one step they will recommend is establishing a Justice Project Oversight & Planning Committee (JPOP) as a new standing committee in the Incarceration Prevention and Reduction Task Force (IPRTF) and the Law and Justice Council, and establishing a Finance and Operations Justice Project Advisory Board to provide oversight of the funds collected for the construction and the operation of the Public Safety and Health Center and the associated services.

Donovan asked whether they know yet what the recommendation is for who would be on the Finance and Operations Advisory Board or whether it is still being worked on. The Council heard from the City of Bellingham that the composition of that board should change.

Tyler Schroeder, Director of Administrative Services, answered whether what Gockley reported about the Finance and Operations Advisory Board is changing what is in the proposed Ordinance and whether the group would have paid staff. Schroeder stated he thinks membership will be more of a

County Council and City Council decision once we consider the Ordinance and there has not been acknowledgment about hiring an actual administrator for this purpose, but it is a good thing to talk about.

Gockley continued his presentation and highlighted changes to some of the language in the Plan. He stated the most significant change in the language is that we are choosing to eliminate the use of the word “jail,” and how we talk about our vision for this. We decided we wanted to clarify what our purpose was by renaming the core facility here the Public Safety and Health Center. He stated they will also be developing an FAQ document that tries to pick out some of the key factors and concerns that people are expressing.

Elenbaas spoke about the language change and stated voters want to know that we are going to do what we say we are going to do. If we are collecting a tax for a purpose, they want to know what that purpose is. The bottom line is, we are building a jail. He stated he thinks they need to think about the voter. Some might view this as government being dishonest again. Whether it is true or not, the perception in the past was that we did not spend the money on what we said we were going to. I suggest you be very careful in how you change this language and be very real and clear about what we are doing.

Gockley stated he would take those comments back into the group’s discussions and stated the change came from them; they did not hear from anyone that they should change the name. It came from them listening to how people reacted to the word “jail” and how they did not seem to be grasping the two parts of this system. He and Elenbaas continued to discuss the language change.

Elenbaas stated if you call it something that people do not recognize, you are going to have to spend time educating them on what that is, and I do not know that you have that time between now and November.

Galloway stated she agrees with Elenbaas' perspective. She stated her interpretation from the Town Hall was less around the humane terminology and more around the trauma informed. She did not hear anyone have a problem with “humane.” She stated Public Safety and Health Center feels more inclusive to what we are trying to achieve, but we need to be transparent and be straightforward and communicate what we are talking about. And finally, we have heard very little about the Behavioral Care Center so I do not know how we can make sure we are doing the cost, benefit, and feasibility analysis necessary to make sure that this is the appropriate model for Whatcom County.

Kershner stated the proposed Ordinance (Section 9 - Ballot proposition submittal) titles this the "Public Health, Safety, and Justice Sales and Use Tax." We might possibly use language to match the title that has been put forward as a proposed ballot initiative so we would build a "Public Health, Safety, and Justice Center." She agrees we cannot *not* be transparent in this, because that just leads to people thinking that we are trying to cover something up.

Donovan spoke about the timeline for Council consideration and stated the conversation should stay with the Council at this point, and we are maybe going to have to have extra meetings.

Satpal Sidhu, County Executive, asked whether they could have a special meeting between June 13th and 20th where all the IPRTF members can be present in the audience, and Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed a day and possible time.

Frazey stated she agrees with Councilmember Elenbaas. The more transparent and clear we can be the better. The wording that goes out to the public is the most important. She suggested "jail with behavioral health and treatment center," or something that is very clear and simple.

Kershner stated if Council schedules this meeting for next Tuesday she would like to ask that they ask the Administration to look at the letter the Council received from the mayors today (on file) and incorporate their ideas into this Ordinance. They should discuss it, but she wants to support the mayors' letter.

Gockley stated the crafting of the Ordinance and the funding model are not done by the IPRTF.

Tyler Schroeder, Director of Administrative Services, stated the Ordinance is trying to just be a vehicle to the Implementation Plan. We will need to take the Ordinance and update it to the revised Implementation Plan and then incorporate the letters from the City of Bellingham and the mayors as well. It is going to be an iterative process and we are all going to have to keep up as we move along.

Elenbaas stated he agrees with Donovan that the discussion should stay with the Council and stated we have to be clear on what the money is going to go toward or the measure will be too easy to oppose.

Kershner recommended that they let Gockley's group go back and do the final Implementation Plan and get it to the Council by June 12th so that the Council will have the final product on the 13th. Gockley stated the plan was to get it to the Council on the 13th after their meeting on the 12th.

Sidhu asked Gockley if he could get his group together earlier.

Schroeder continued the presentation and walked through some initial action plans and funding discussions.

Kershner spoke about the 23-hour Crisis Relief Center being built first and stated she wonders what the public is going to think about the fact that we are going to build this first and not the jail first. Schroeder stated this project is at a much different scale than the jail project and the reason why we are not moving forward with the jail sooner is the size and scope of the project. We need the revenue to save up and we need to do a lot of work to get to that point.

Schroeder spoke about the conceptual cost estimates, considerations for facilities, funding sources, and sequencing of the process if the sales tax is approved by voters. He answered when they would start construction and stated they would start in 2025 and 2026 and it would last about twelve to eighteen months.

Donovan referenced the letter from the mayors (Letter from Small City Caucus) which says, "We, as cities, will commit a portion or nearly all of our sales tax proceeds for 4-6 years to drive the bond amount to something under \$100 million," and asked if that is something they would put in the Ordinance or the Implementation Plan. Schroeder stated it could be incorporated into the Implementation Plan but he thinks a good place to incorporate it would be Section 5 of the Ordinance under "Now Therefore Be It Ordained" where we are recommending an interlocal agreement between the County and the cities to be done by June of 2024. Donovan asked about the statement in the letter that says, "For this contribution, the cities expect no booking restrictions and no capital fee associated with the per diem" and asked whether that would be reflected in the Ordinance or the Plan. Schroeder stated the Ordinance could be updated to add discussion on the booking restrictions as well as discussion on expansion of the facility when appropriate, based on capacity, which is another point that has been discussed.

Schroeder presented a graph with the anticipated expenditure allocations for the 0.2 percent sales and use tax.

Donovan referenced a draft letter from the City of Bellingham Council and Mayor (*Clerk's note: A final letter was sent on June 9, 2023*) talking about having some rough allocation of spending in the ballot measure and asked how we do that.

Sidhu spoke about the allocation strategy and stated the Ordinance and the Implementation Plan are connected documents. The process is encapsulating the recommendations from the Stakeholder Advisory Committee (SAC) and converting them into the Implementation Plan, and then the Ordinance is how to carry that out.

Donovan asked whether we can get something concrete in the Ordinance that the cities are on board for putting their share in, and a formula which would address the concerns that the facility will be instantly expandable or that it is not big enough. He asked where those things might go.

Byrd asked if they could take the graph they are looking at and lay over some key milestones of construction development so people can see general dates for what is happening, how the money is getting used, and how many of the different types of beds will become available when.

Donovan asked whether the numbers presented do not include booking restrictions and how they incorporate the cities' request to eliminate booking restrictions.

Sidhu, Schroeder, and Bill Elfo, Sheriff, spoke about and answered questions about booking restrictions and how it might affect the number of beds in a jail.

Galloway asked when the best time or process is for submitting line by line recommendations, and Councilmembers discussed how to collect comments before the next work session. She stated the line items she would like to highlight are the lack of information in any of our documents about the 2004 jail facility sales and use tax and she will be recommending that they incorporate some additional feedback and background information into the Implementation Plan. She will also be proposing to add about four whereas clauses into the Ordinance to get that background. She referenced an email to Council in April from Steve Harris which included an extensive memo on the 2004 sales and use tax and encouraged Councilmembers to read that. She also wants to encourage the Council to think about ways they can incorporate more accountability and transparency throughout the Ordinance and the Plan. She stated there has been some pretty significant

supplanting of general funds in this process and she would like to think creatively about how we can bring those funds back and use that first tenth of one percent to jump start this process for us. She would like to incorporate more frequent updates and evaluations as we go to help in maintaining trust with the public.

Buchanan stated he agrees with Galloway about using the 2004 tax as a tool in the toolbox.

Gockley addressed the questions today about whether things should be in the Implementation Plan or the Ordinance stated the questions talked about here are very detailed operational questions and there is no charge to the planning group or the IPRTF to incorporate that feedback. Those things probably will not be in the Implementation Plan unless the group is given text to cut and paste. He encourages the Ordinance to be the focus.

**This agenda item was DISCUSSED.**

2. AB2023-332 Discussion relating to the draft scope of work for the 2025 Comprehensive Plan and development regulations update

Matt Aamot, Planning and Development Services Department, briefed the Councilmembers on the Revised Draft Scope of Work.

Donovan asked about Council priority twelve as it relates to the impact fee and Aamot stated that is not in the scope of work. The Planning and Development Services Department recommended pulling that out because it requires special expertise. Donovan asked whether this scope reflects the Council Resolution establishing priorities for Whatcom County's 2025 Comprehensive Plan update (AB2022-422) and Aamot stated it reflects everything except the impact fee.

Galloway stated she transmitted a redline version of the scope of work to Aamot with additional thoughts and comments and Aamot stated some of those things might need Council discussion. If need be, they could come back for another discussion on June 20th.

Fraze stated it would be good to have another discussion and to include the ideas from the Council Resolution. She would like to wait on this.

Aamot stated the scope references Exhibit A of the Resolution so they are all covered, but just in summary fashion. He stated that maybe he and Galloway could set up a meeting to talk through her suggested changes and then come back to Council with those on June 20th.

Galloway state her priority is making sure we are putting ourselves in the best possible place to be competitive for State grants and she does not want waiting and having further discussion to prevent us from any time-sensitive processes toward that end.

Aamot spoke about State funding and stated there is time sensitivity, but he thinks the 20th is OK.

This item will be carried over to the next meeting.

**This agenda item was DISCUSSED and will be carried over to the next meeting.**

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

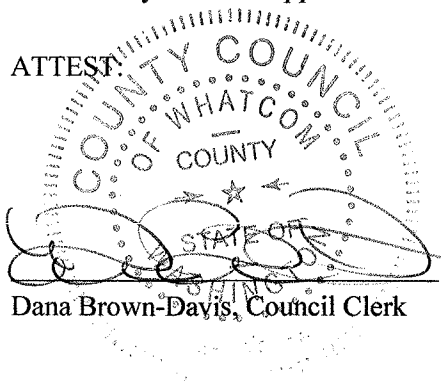
There was no other business.

**Adjournment**

The meeting adjourned at 4:26 p.m.

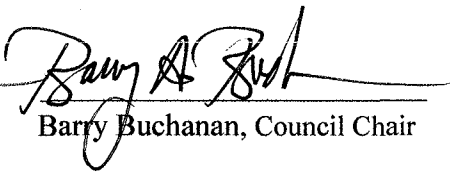
The County Council approved these minutes on June 20, 2023.

ATTEST:

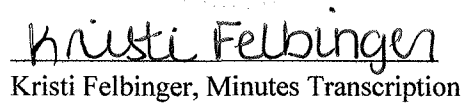


Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA



Barry Buchanan, Council Chair



Kristi Felbinger, Minutes Transcription