

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, May 9, 2023
2:35 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 2:35 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. [AB2023-304](#) Justice Project workshop

The following people read from a presentation (on file) regarding research conducted by Crossroads Consulting to gather input on potential projects for the Justice Project Implementation Plan:

- Holly O'Neil, Crossroads Consulting
- Mardi Solomon, Crossroads Consulting

They answered questions about what the concern was that was raised about the proximity to Ferndale and Lummi if a jail were to be located at LaBounty, the lack of information about who is actually incarcerated and why, and acknowledging the idea brought up about co-locating services and then seeing what the footprint of the various locations would be and what would fit in those footprints.

Lieutenant Caleb Erickson, Sheriff's Office (jail), read from a presentation (on file) about who is in the jail based on a snapshot of about a week. He answered whether the people in the jail with felony charges are awaiting trial or whether they have been convicted already, and whether they have been offered bail. He stated for the most part, everyone you are seeing on the list (see presentation slide titled, "'A Felony' - Breakdown") is pre-trial and almost every person facing an allegation in our facility has some amount of bail allowed. He answered what the difference is between Gross Misdemeanor Driving Under the Influence (DUI) and Felony DUI, whether we should be concentrating on building courtrooms and getting more judges since the percentage of people who are pre-trial has gone up, and how they lower the number of people who are pre-trial. He spoke about the higher volume of violent and serious felonies and how that affects the court system.

Satpal Sidhu, County Executive, stated the fact that people may have multiple charges complicates the situation for having a speedy trial.

Erickson answered how many cases that are not going to trial are pleading out, whether it is true that the percentage of our jail population that is pre-trial has increased and what the current percentage of pre-trial cases is, what the average length of stay is and whether it has been increasing over time, whether the people being kept in the jail are those who are awaiting trial and have been ruled by a judge to be there but there are also people who have done serious crimes who are not being booked or are being booked and then released, whether he has a number of how many people got out on bail of those represented in the jail snapshot period or whether there was anyone not included in those numbers because they got out on bail, whether people are staying in the jail longer because it takes longer to get a trial, whether people in jail are receiving services and what kind, how many people incarcerated right now would be eligible for services if they were there for a longer period of time, and whether people staying for shorter periods of time are able to get access to the same services as someone staying longer.

Tyler Schroeder, Director of Administrative Services, compared the jail snapshot of the presentation to the following week and stated it shows the fluidity of individuals that are being booked and released prior to first appearance.

Sidhu spoke about an op-ed piece recently written by retired Whatcom County Superior Court Judge Deborra Garrett in the Cascadia Daily News. He stated if we have the outside facilities and services available, we can process people through our jail and get them in the place where they should be and that would make a huge difference.

This agenda item was DISCUSSED.

2. [AB2023-203](#) Update on American Rescue Plan Funding

Tyler Schroeder, Director of Administrative Services, briefed the Councilmembers on the updated memo (on file) and stated there has been a discussion about a request from the Lighthouse Mission for capital associated with their project in the homeless services and shelter grant under homeless services and shelter capital for which the Council has budgeted or at least acknowledged about \$2.6 million (see table footnote number one on the staff memo). The administration has a contract ready to present to Council for \$750,000 to support that process. He stated they are also moving forward with the NW Annex project and reviewed the “remaining decisions and Executive recommendations” chart which is based

on input they have received from the Council and on their understanding of community needs and resources.

Satpal Sidhu, County Executive, stated this is how the American Rescue Plan Act (ARPA) funds and buckets exist right now and if the Council decides to change these buckets and move money around it is entirely up to the Council.

Frazey asked if they were allocating \$750,000 to the Lighthouse Mission and Sidhu stated they are not allocating. The money was allocated a long time ago for the shelter and homeless. That much money is left over in that bucket and they are seeking direction from the Council.

Frazey moved and Galloway seconded to not allocate \$750,000 to the Lighthouse Mission. She gave some history and spoke about the non-discrimination clause and the Mission's hiring practices.

Donovan stated his discussion was going to be about the uncommitted \$538,000 from Childcare Stabilization that is noted in the chart as maybe going to the Whatcom County Food Bank Network and that the Council already discussed that and decided that was maybe not a good idea. A motion was already on the floor so they dispensed with Frazey's motion first.

Councilmembers discussed Frazey's motion.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Abstain: 1 - Kershner

Absent: 1 - Byrd

Donovan moved to keep the \$538,000 in Childcare Stabilization, and replace \$538,000 in the Executive recommendation with money from the Government Services bucket that is about \$2.6 million.

Donovan restated his motion to keep the \$538,000 in Childcare Stabilization, keep the Executive's request for \$538,000 additional for the Food Bank Network but take that \$538,000 from a different source; and his recommendation would be from the \$2,679,417 in the Government Services bucket. The motion was seconded by Buchanan.

Schroeder stated they have not heard anything from the childcare

stakeholders in regard to being against this specific action.

Donovan stated the campaign was trying to make it clear that the money that was raised through the initiative was not going to be supplanting other money and it sounds like that is exactly what this would be doing.

Galloway stated she was comfortable keeping it toward food security and was going to see if they could somehow make the figure \$1 million and possibly pull from other sources as well.

Elenbaas spoke about the last motion (by Frazey) and stated he is pretty sure it will not stand legal muster. He recommends they revisit that one with some legal counsel because he is fairly certain it is illegal.

Councilmembers continued to discuss Donovan's motion and Galloway stated her thought was to get the additional Food Bank funding up to \$1 million by using the Childcare Stabilization funds, the \$389,000 for unanticipated needs in Public Health, and the remaining from Homeless Services.

Kershner stated the need for the Lummi Island ferry may not be as much as the \$1 million that is penciled in on the memo so money could come from there.

Schroeder stated there is a good likelihood that the amount for the ferry might come down substantially.

Sidhu stated his suggestion is that they leave the \$538,000 in Childcare Stabilization but take additional money for the Food Bank from the Local Assistance and Tribal Consistency Fund.

Donovan withdrew his motion.

Galloway asked whether they could take \$1 million from the Lummi Ferry and move that to the Food Banks, and then whatever they determine as being the necessary investment into the Lummi Ferry could be taken from the Local Assistance and Tribal Consistency Fund.

Schroeder suggested that the Council give a recommendation on the amount for a Food Bank request.

Galloway moved that they fund the Whatcom County Food Bank Network at \$1 million. The motion was seconded by Donovan.

Kershner asked if they could just get rid of all these categories and put the money into one pot.

Sidhu stated he was going to suggest the same and then the Administration can make a list of items which are to be funded or are qualifying for that and Council can decide. They would like to keep some money for the county projects because that would allow the Administration to firm up their plans for capital facilities.

Councilmembers and Sidhu discussed the total amount of funding for the Food Bank.

Galloway stated \$1 million is only half of what the Food Bank requested and it would be her intent that we consider ways to include additional funding for the Food Banks as part of the County's regular and ongoing operating expenses.

Schroeder stated we allocate \$138,000 to the Food Bank per year.

Councilmembers and Sidhu continued to discuss the total funding amount and Galloway stated we have already allocated \$500,000 (under Food Security in the memo) and that would be to complete this year. The \$1 million would be to fund the full year of 2024. So, her goal would be to commit a total of \$1.5 million to the Food Banks out of ARPA funds.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Kershner moved to take all the spending categories and consolidate them into one place called "ARPA" and ask the Administration to maintain a list of suggested requests.

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered whether the Local Assistance and Tribal Consistency Fund must be kept separate or whether it can be spent the same as the ARPA funds. She stated that fund has very broad use. It can be kept in the same bucket as ARPA but it has some separate rules.

Kershner's motion was seconded by Frazey.

Schott-Bresler answered what is left in the “To Be Determined” portion of the Homeless Services and Shelter Capital if they just took \$750,000 out. She stated there is \$2.6 million that remains uncommitted in that bucket. They can leave that earmarked for homeless services and then present ideas for that as opposed to putting that in the bigger bucket.

Donovan suggested a friendly amendment to still earmark the \$2.6 million uncommitted amount for Homeless Services and Shelter Capital for that purpose and Schroeder explained why those funds are listed as “TBD.”

Kershner accepted Donovan’s friendly amendment.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Galloway moved to request the Administration present our options for how we spend the Homeless Services and Shelter Capital funding. The motion was seconded by Frazey.

Frazey asked if it would also include what an RFP process could look like for that funding and **Galloway accepted** that as a friendly amendment to her motion.

Galloway restated her motion to request that the Administration come present options for the Homeless Services and Shelter Capital funding, including what an RFP process could look like for that funding.

Kershner stated they could even look bigger and think about that much money being useful in the criminal justice project they will hopefully be putting on the ballot and passing.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Schroeder spoke about the request for \$100,250 for Naloxone & Drug Testing Strips under Public Health (page five of the memo) and stated they are hopeful that the Council will agree to utilize ARPA funds for that purpose.

Donovan moved to allocate \$100,250 for Naloxone & Drug Testing Strips out of the new unallocated bucket. The motion was seconded by Elenbaas.

Kershner stated anyone can carry Naloxone and the instructions for administering it in case you run across somebody who appears to have overdosed on Fentanyl.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

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

ACTION SUMMARY FOR THIS ITEM:

Motion approved to not allocate \$750,000 to the Lighthouse Mission

Motion approved to fund the food bank at an additional \$1 million

Motion approved to take all the spending categories and consolidate them into one place called "ARPA" and ask the Administration to make a list of requests but to still earmark the \$ 2,640,287 for homeless services and shelter capital

Motion approved to request the Administration present our options for how we spend the Homeless Services and Shelter Capital funding, including what an RFP process could look like for that funding

Motion approved to allocate \$100,250 for Naloxone & Drug Testing Strips

Committee Discussion and Recommendation to Council

1. [AB2023-313](#) Discussion and motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments

Matt Aamot, Planning and Development Services Department, briefed the Councilmembers.

Buchanan moved and Frazey seconded that the Request for Motion be RECOMMENDED FOR APPROVAL OF REQUEST.

Aamot answered whether this plan has been reconciled against the Comprehensive Plan priorities Resolution that the Council passed in August and any State policy that passed. He stated those will be included in the scope of work for consultant services for the 2025 update. He answered whether we compared and reviewed other counties' participation plans when we were developing our own and whether this includes best practices from

other counties.

Buchanan's motion that the Request for Motion be RECOMMENDED FOR APPROVAL OF REQUEST carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:30 p.m.

The County Council approved these minutes on June 6, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE