

# **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, April 25, 2023**

**3:20 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 3:26 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

## Committee Discussion

2. [AB2023-304](#) Justice Project workshop

Buchanan stated they switched the original order of the agenda items for this meeting and he briefed the Councilmembers on this item.

Tyler Schroeder, Director of Administrative Services, stated he had a PowerPoint presentation and also handed out a document (on file) to give them additional information that would be used in the next iteration of the Implementation Plan and in the full focus group conversations that are happening this week.

He and Buchanan answered whether Councilmembers will be asked to weigh in on any specific items since time is of the essence.

Schroeder read from a presentation (on file) and answered whether the number of beds (359) in the current facilities is what was designed, and stated it is much larger than the actual design capacity associated with it.

He answered whether the scenario in the presentation that was reported in the Cascadia Daily News and the Bellingham Herald was a formal recommendation and Schroeder stated the discussion that we had here today was from workshops number four and five. So, those were scenarios based off of input from the task force and the Law and Justice Council and refined for community discussion. I don't believe it was ever intended to be a specific recommendation of that facility but I'll let others speak to that as well.

Buchanan stated it gives us something to consider instead of just free-forming it. It is not a specific recommendation yet.

Donovan asked why they would be projecting out from the "2013 Whatcom County Pre-Design Report" estimate of beds and average daily population

(ADP) if they have done supposedly successful incarceration prevention and reduction programs, and whether that changes what we are looking at now for total beds and ADP. He spoke about the City of Bellingham's legislation effective today which could mean they are potentially going to start arresting people for drug use in public, and asked where those people are going to go and how that will affect the numbers they are talking about now. He asked how they talk to the public about those numbers, whether the 2013 numbers are still valid, and how many stories constitutes a vertical building.

Buchanan stated the ever-changing landscape has been an ongoing issue throughout the process. There has always been some nuance that has come along that has made it very difficult to talk about numbers.

Satpal Sidhu, County Executive, stated when the meetings of the Incarceration Prevention and Reduction Task Force (IPRTF) were going on, we were asked how the decision for numbers was made in 2015-2017. We presented the information to the group and said this was the factual information at that time and it is a starting point for the discussion. It has been misconstrued that that is the recommendation coming from the Executive's Office but it was a presentation of the information we already had to use as a starting point.

Schroeder spoke about the ADP in recent years (presentation slide "Avg. Daily Population 2/86 - 2/23") and stated this chart is showing average daily population of the last ten years. It is very hard to show specific reductions in jail use because of some of the programs that we have implemented. The ADP has been less than maybe the criminal justice itself because of some facility constraints and booking restrictions associated with COVID-19. The ADP from 2013 is there to inform us but we are going to have to acknowledge that that is older information and ask how the new programs figure in.

Donovan stated you can look at the graph and say the population is going down as these programs are coming in or it is going down because we have size constraints and booking restrictions or both. You can also look at this and say that as soon as we have more capacity we get 35 percent more people in there. Schroeder stated he thinks both of those may be accurate. Donovan stated the more it looks just like those two other proposals, the more challenging it is going to be and Schroeder stated he would ask the Council and the community to understand the much broader range of implementation strategies. There is a much larger package of implementation strategies, but he believes that there is overall consensus

that we still need to actually accomplish a new jail as well. The size and location might be somewhat similar but the larger package of the implementation strategies is much more well-informed.

Galloway spoke about the document (on file) "Revised Scenarios 4.25.23" and stated she likes the idea of scenario two. She likes the idea of the Irongate location but instead of selling the LaBounty property, it could be really good dense housing development and particularly housing that can help people with re-entry or recovery housing. She echoes Donovan's build-it-and-fill-it concerns about a bigger jail. If they are going to build a 500-bed facility, she needs to know that a majority of those beds are going to be work center, mental health care, and other sorts of beds that will not be maximum security.

Kershner stated she wanted to weigh in on Donovan's concerns. Her belief is that the County put together a really good package for a new jail but what they missed were all the other things the community wanted. It might end up looking a little bit like what we have already voted on, but if we put some of these other things ahead of it, she thinks the community can hear and understand that. She is in favor of scenario one because LaBounty is where we can build a horizontal jail which allows us to build just what we actually need now and then add on to it if we need more space. If we build a vertical jail, we are kind of stuck. The building of the jail is not the biggest cost; it is running and maintaining it. And building a horizontal jail allows us to operate it more efficiently because we are not having to have each level fully staffed.

Elenbaas stated it is important that we get this right. A horizontal facility is his preference because it allows them to accomplish the things they have heard from the community (lighting, ergonomics, safe space...) and will be more efficient to run. He stated we have to get the size right. We may need more beds than we think we need because we have not been fulfilling "our end of the social contract" in a way we have been accustomed to and in a way the community expects us to. We may see a spike in ADP at first, but he would expect it to go down as people are getting the help that they need and that they have not been getting. Just because we have the jail space, does not mean we have to fill it, but not having it may not be conducive to a well-run society over time. We need to get the location right.

Byrd stated he is in favor of the LaBounty location and a horizontal jail.

Donovan asked whether a two-story building is possible with some of the same advantages that a one-story building would have, and whether there

would be enough room on the footprint of the Irongate location for a relief center and a jail if it is one story versus two stories. He would like to hear more about how all those pieces fit together physically.

Kershner stated she would like a good understanding of how the money that has been collected since 2004 has been used.

Buchanan stated it would be important for him to look at the cost comparisons between the two scenarios. Schroeder stated the Facilities Department has been working on getting cost estimates and those will also likely inform Donovan's questions about what a horizontal jail looks like versus a vertical jail and what it would look like in each location. He is hopeful that information will be included in the final version of the implementation plan by the end of May.

Sidhu spoke about whether a two-story building is possible and the cost of operation, and he and Schroeder answered how much land they have at the Irongate location.

Schroeder stated when they say horizontal, they mean two levels but one story. When they are talking vertical, they are talking approximately six to seven stories with parking underneath.

Donovan stated it would be good to see these on a piece of property plotted out.

Galloway asked about the progress of possible property acquisition in the Irongate area and Schroeder stated there has been some discussion about the Irongate area and they have reached out to an industrial property owner about three times since last summer to see their plans and whether or not County acquisition would make sense in that location. Most recently that was in March of 2023 and they did not have an interest. He answered whether there are other industrial landowners they could also be engaging or whether it is just the one and stated it is just the one.

**This agenda item was DISCUSSED.**

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

Tyler Schroeder, Director of Administrative Services, stated (because of time) they could put this discussion off for two weeks if Council is okay with that.

Kershner stated she saw over the weekend that the Federal Government made an attempt to try to claw back American Rescue Plan Act (ARPA)

dollars that were not allocated or used and it failed. She asked whether there is any concern that that might be brought forward again.

Satpal Sidhu, County Executive, stated they have not heard anything different but the \$2.4 million we have received and spoke about earlier today is guaranteed and they are sending it in two separate payments.

Donovan stated we have had \$44.5 million of ARPA funds and asked whether we now have another \$2.7 million, and Sidhu stated that just came in recently.

Schroeder answered what the total unallocated amount is. He stated there is \$2.7 million out of ARPA specifically and another \$2.7 million out of the Local Assistance and Tribal Consistency Fund.

Galloway stated she would like to push this item off in order to weave in the conversation of the 1% funding request for public lands from the Local Assistance and Tribal Consistency Fund and see if that can be incorporated into the plan. The other thing is having a conversation about a forthcoming request for funding in the homeless and shelter section of the table summarizing progress toward the spending plan as indicated in the footnotes.

Sidhu stated they would entertain questions from any individual Councilmember and would welcome any Councilmember to engage with the Administration to dive deeper into questions.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 4:22 p.m.

The County Council approved these minutes on May 9, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE