



Whatcom County

Council

SECOND AGENDA REVISION

Dana Brown-Davis, C.M.C.

FOR FEBRUARY 11, 2020

*Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner*

Tuesday, February 11, 2020

7 PM

Council
Chambers

ADDED TO SPECIAL COMMITTEE OF THE WHOLE (SPECIAL ORDER OF BUSINESS, ITEM #2) AND COUNCIL (OTHER ITEMS, #7)

AB2020-083

Resolution amending the membership of the Stakeholder Advisory Committee (SAC) for the Public Health, Safety, and Justice Facility Needs Assessment

ITEMS ADDED 2.10.2020

ADDED TO COUNCIL (OTHER ITEMS, #8)

AB2020-084

Approval of request received from opioid litigation attorneys to send letter to sponsors of HB 2786

DISTRIBUTED AT 10:30 A.M. ON FEBRUARY 10, 2020

RESOLUTION NO. _____

**AMENDING THE MEMBERSHIP OF THE STAKEHOLDER ADVISORY COMMITTEE
FOR THE PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITY NEEDS ASSESSMENT**

WHEREAS, the Whatcom County Council approved Resolution 2019-036 on August 7, 2019, adopting a statement of public health, safety, and justice facility planning principles for Whatcom County; and

WHEREAS, on September 10, 2019, the Whatcom County Council Criminal Justice and Public Safety Committee discussed next steps for the Whatcom County Public Health, Safety, and Justice Initiative, including contracting for professional services to complete a needs assessment; and

WHEREAS, Whatcom County Council adopted Resolution 2019-063 on December 3, 2019, establishing a Stakeholder Advisory Committee for the Public Health, Safety and Justice Facility Needs Assessment for the purpose of guiding the development of the needs assessment and serving as liaisons to the community; and

WHEREAS, the Teamsters Local 231 Whatcom County Corrections Business Unit desires to be represented on the Stakeholder Advisory Committee and would contribute valuable feedback and guidance for the project.

NOW THEREFORE BE IT RESOLVED by the Whatcom County Council that Exhibit A of Resolution 2019-063 is hereby amended, attached hereto and incorporated by reference, to include one member of the Teamsters Local 231 Whatcom County Corrections Business Unit, bringing the total Stakeholder Advisory Committee membership to 24 members.

APPROVED this _____ day of _____, 2020.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

EXHIBIT A

PURPOSE OF THE STAKEHOLDER ADVISORY COMMITTEE

Committee Established

The Stakeholder Advisory Committee (SAC) for the Public Health, Safety, and Justice Facility Needs Assessment is hereby established.

Purpose

The purpose of the Stakeholder Advisory Committee (SAC) is to guide the development of a needs assessment for public health, safety and justice facility needs. SAC members will act as **liaisons** to the communities or agencies they represent. They will **share information** about the study, **bring feedback** to the SAC meetings, and **help build a plan** that is reflective of community values. Through engaging communities and agencies they represent, SAC members will help **develop community support** for the recommendations in the Needs Assessment.

Membership

The Stakeholder Advisory Committee will consist of 24 voting members as follows:

1. Whatcom County Council Member
2. Whatcom County Administration
3. Bellingham City Councilmember
4. Bellingham Administration
5. Tribal Nations (2)
6. Small Cities (2)
7. Behavioral Health and Social Service Providers (4) *
May include but not limited to:
 - Mental Health and Substance Use Disorder (SUD)
 - Housing Specialists
 - Domestic Violence Prevention
 - Re-entry Job Training
 - Philanthropic Specialists
8. Incarceration Prevention and Reduction Task Force (acting as the Law and Justice Council) (4)
9. Bellingham Police
10. Whatcom County Sheriff
11. Whatcom County Health Department
12. Citizen - Behavioral Health (mental health and substance use disorder (SUD)) Advocate*
13. Citizen - Criminal Justice Advocate*
14. Individual with lived experience in the criminal justice system*
15. Jail Resources/Service Providers*
16. Teamsters Local 231 Whatcom County Corrections Business Unit

Members are appointed by their agency, unless marked with an asterisk. Members marked with an asterisk will complete an online application form and submit it to the Whatcom County Council for appointment.

Term of Office

All terms will expire when the committee sunsets at the time all phases of the needs assessment are

complete. The phases included in the Needs Assessment are described in a memo and exhibit discussed and approved by the Council Criminal Justice and Public Safety Committee on September 10, 2019 – see AB2019-469.

Organization – Meetings

- A. SAC meetings shall be open to the public and shall be subject to the Washington State Open Public Meetings Act, Chapter 42.30 RCW.
- B. Twelve members of the SAC shall constitute a quorum for the transaction of business.
- C. The SAC will generally meet on a monthly basis at a location to be determined. Additional meetings will be held as needed to facilitate the completion of the Needs Assessment.
- D. Written and audio recordings of meetings, findings, and recommendations shall be kept and available as a public record.
- E. The SAC will elect a chairperson or co-chairpersons from among its members to preside at its meetings.
- F. The SAC is authorized to develop subcommittees as needed to accomplish their goals.

Committee Staffing

Whatcom County designated staff in conjunction with the consultant team will provide general staffing support. The consultant team will create agendas, lead meetings, and create meeting summaries. The County Executive's Office will designate a staff member to serve as the County Project Manager. The County Project Manager will serve as the main point of contact for the project and coordinate with the consultant team. The County Project Manager will schedule meetings, send out invitations, manage the website information, attend all meetings, and coordinate with SAC members, County staff, and the public to ensure progress and completion of the Needs Assessment. The County Project Manager will complete other tasks as described in AB2019-469.

KELLER ROHRBACK L.L.P.

LAURIE B. ASHTON AZ, CO**
JERALD BIEN-WILLNER AZ, CA
IAN S. BIRK WA
KENNETH A. BLOCH WA
KAREN E. BOXX WA**
GRETCHEN FREEMAN CAPPIO WA
ALISON CHASE AZ, CA
T. DAVID COPLEY AZ, NY, WA
FELICIA J. CRAICK WA
ROB J. CRICHTON NY, WA
ERIKA M. EMERSON WA
MAUREEN M. FALECKI WA
JULI FARRIS CA, WA
RAYMOND J. FARROW WA
ERIC J. FIERRO AZ
WILLIAM L. FLEMING WA
ALISON S. GAFFNEY WA
GLEN P. GARRISON ID, WA
LAURA R. GERBER WA

MATTHEW M. GEREND WA
MAX GOINS WA
GARY A. GOTTO AZ, MT
BENJAMIN GOULD CA, WA
CHRISTOPHER GRAVER AZ
MARK A. GRIFFIN AZ, WA
IRENE M. HECHT WA
GARRETT HEILMAN IL, WA
SCOTT C. HENDERSON WA
DEAN N. KAWAMOTO CA, DC, WA
RON KILGARD AZ, DC, NY
DAVID J. KO WA
TANYA KORKHOV NY
ERIC R. LALIBERTE WA
BENJAMIN J. LANTZ WA
LUKE M. LARIVIERE WA
CARI CAMPEN LAUFENBERG WA
ELIZABETH A. LELAND WA
JEFFREY LEWIS CA

TANA LIN DC, IL, MI, WA
DEREK W. LOESER NY, WA
EMMA J. LUTON WA
HOLLY E. LYNCH WA
RYAN McDEVITT WA
DANIEL MENSHER OR, WA
RACHEL MOROWITZ CA, DC, WA
NATHAN L. NANFELT WA
GRETCHEN S. OBRIST WA
ROBERT S. OVER MD, WA
DUDLEY B. PANCHOT WA**
DAVID S. PREMINGER NY
MATTHEW J. PREUSCH CA, OR
CHANELE REYES AZ, WA
ERIN M. RILEY WA, WI
STEVEN N. ROSS WA**
DAVID J. RUSSELL WA
MARK D. SAMSON AZ, DC
LYNN LINCOLN SARKO AZ, DC, WA, WI

WILLIAM C. SMART WA
CHRISTOPHER L. SPRINGER CA
THOMAS A. STERKEN WA
PAUL A. TONELLA WA
BETH M. STROSKY WA
KARIN B. SWOPE WA
HAVILA C. UNREIN CA, MT, WA**
GABE E. VERDUGO WA
AMY WILLIAMS-DERRY MA, WA
MICHAEL WOERNER WA
BENSON D. WONG WA
EDWIN G. WOODWARD WA**

** OF COUNSEL

February 7, 2020

VIA EMAIL

Sponsors for HB 2786

List address and emails for each of the following state representatives:

Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist

Re: Local Government Representation for HB 2786

Dear State Representatives and Sponsors of HB 2786:

We write on behalf of the below counties and cities in Washington State that we represent in the National Opioid Litigation.

Counties:

Chelan County
Clallam County
Clark County
Franklin County
Island County
Jefferson County
King County
Kitsap County
Kittitas County
Lincoln County
Pierce County
San Juan County
Skagit County
Spokane County
Thurston County
Walla Walla County
Whatcom County
Whitman County

Cities:

Bainbridge Island
Burlington
Kent
Lakewood
Mount Vernon
Olympia
Sedro-Woolley
Spokane
Tacoma
Vancouver

Collectively, these counties and cities represent approximately 75% of Washington State's population. We write to specifically request that HB 2786 include specific provisions that reflect these lawsuits and expressly require increased local government participation on the Advisory Council created by the Washington State Attorney General.

Each of these counties and cities filed suit to seek compensation for the substantial costs related to responding to the opioid crisis caused by the manufacturers, distributors, and dispensers or prescription opioids. Indeed, the economic cost in 2016 alone for Washington State was over \$9.19 billion.¹ Many of these costs are borne exclusively by these local governments, and they will continue to incur them in the future, including *inter alia* increased public health costs related to the prevention and treatment of opioid-related harms, increased criminal justice costs, and higher workers' compensation costs for opioid-related claims. Whether through county or city law enforcement, emergency medical services, or public health programs and services related to the opioid epidemic, there is no doubt these counties and cities are at the front lines of the opioid crisis.

As a result, it is imperative that any discussion and consideration of how to utilize any funds obtained in connection with opioid litigation include a local presence to fairly allocate and distribute funds to properly abate the opioid epidemic. We understand the plain language of HB 2786 is aimed at "penalties" recovered by the State in connection with its own lawsuits against Purdue, McKesson, AmeriSourceBergen, Cardinal Health, and Johnson & Johnson. Furthermore, each county and city we represent has its own lawsuit against each of these entities and several more manufacturers, distributors, and dispensers of prescription opioids in the National Opioid Litigation. But the practical reality is that some if not all of the "penalties" recovered by the State will likely be received in connection with a global settlement reached between the various parties involved in the thousands of opioid cases filed nationwide. To the extent any settlement funds paid for by any defendant or in connection with any bankruptcy estate (as in the case of Purdue) are directed at Washington State for distribution amongst the various governments, the Advisory Council must fairly reflect the various levels of government that have been impacted.

While the current version of the bill requires participation on the Advisory Council by several stakeholders, there is only one spot reserved for local representation through a "local health jurisdiction." *See* Sec. 1(2)(m). This does not reflect the reality of this crisis in our State. Our clients have been hit hard and will continue to be hit hard by the opioid crisis, and therefore must be a central component of any discussion regarding how to distribute funds.

Our clients are eager to work collaboratively with the various stakeholders in the State to craft a plan that adequately and effectively utilizes any funds received in connection with the opioid litigation. Thus, we respectfully request that you include in the language of HB 2786

¹<https://www.help.senate.gov/imo/media/doc/Economic%20Cost%20of%20the%20Opioid%20Epidemic%20in%20Washington%20State.pdf>

recognition that counties and cities have also filed lawsuits against the manufacturers, distributors, and dispensers of prescription opioids, and further require that the advisory council *must* include increased representation by county and city public health and criminal justice officials.²

We are available to discuss specifics and meet at your convenience.

Sincerely,

s/ Lynn L. Sarko
s/ Derek W. Loeser
s/ David J. Ko

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David J. Ko
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DJK:lkn

4815-8408-3875, v. 1

² Note we also represent the following tribes that have been significantly impacted by the opioid crisis in the National Opioid Litigation: The Tulalip Tribes, The Lummi Tribe of the Lummi Reservation, and The Makah Indian Tribe. Because HB 2786 requires the Advisory Council to consist of two tribal members to participate as voting members, we are satisfied that the bill properly accounts for tribal participation on the Council.