

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

**COUNTY COURTHOUSE  
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Bellingham, WA 98225-4038  
(360) 778-5010**



## **Committee Minutes - Final**

**Tuesday, June 20, 2023**

**2:40 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 3:10 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

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

Buchanan stated they were working off of the version that has all the combined edits. The proposed amendments that were left over from Councilmembers Buchanan and Galloway's amendments are in red. The parts in yellow are additional amendments that came from Galloway and some that came from the Administration.

Kershner stated we included the proposed amendments in red as a vote. We have not included any other amendments to be considered as a vote. She is not necessarily opposed to looking at them but they may want to do the red ones first and then come back to the others as time permits.

Councilmembers went through the proposed amendments one at a time.

**SECTION 4** (Under "Now Therefore Be It Ordained") - [Approximate Timestamp: 03:56](#)

*Galloway moved* approval of the amended Section 4 as presented. The motion was seconded by Buchanan.

The following people discussed the motion with the Councilmembers:

- Tyler Schroeder, Director of Administrative Services
- Karen Frakes, Prosecuting Attorney's Office

Councilmembers and the speakers discussed the part of the amendment which would change the word "may" to "must," whether it covers the anticipated expense for building a new jail facility, what the intent is in the proposed amendment to strike "or future implementation plans adopted by the Whatcom County Council," and the difference between "shall" and "must."

The motion *failed* by the following vote:

**Aye:** 3 - Buchanan, Donovan, and Galloway

**Nay:** 3 - Elenbaas, Kershner, and Frazey

**Abstain:** 1 - Byrd

Councilmembers clarified that because the motion failed, the language in that section will remain as it was before. The changes in red were not approved.

**SECTION 5 (1) (b) - [Approximate Timestamp: 12:38](#)**

Galloway stated the intent with this was building cross-reference to the Implementation Plan, which was very expansive, rather than listing it all out.

Byrd asked whether they should leave this the same so the community knows exactly what we are spending money on.

**Galloway moved** to add “such as” after “projects as established in the Justice Project Implementation Plan,” and then keep the rest of the language so it would read:

Provides adequate funding to accomplish the projects as established in the Justice Project Implementation Plan, such as construction of a new jail and behavioral health facilities and maximizes utilization of the remainder of sales and use tax proceeds for investments in behavioral health, re-entry, supportive housing, and diversion facilities and services consistent with the Implementation Plan, and

The motion was seconded by Kershner.

Councilmembers discussed that “consistent with the Implementation Plan” would be redundant so **Galloway amended** her motion to keep that phrase stricken so the statement would read as follows:

Provides adequate funding to accomplish the projects as established in the Justice Project Implementation Plan, such as construction of a new jail and behavioral health facilities and maximizes utilization of the remainder of sales and use tax proceeds for investments in behavioral health, re-entry, supportive housing, and diversion facilities and services-~~consistent with the Implementation Plan,~~ and

The motion carried by the following vote:

**Aye:** 7 - Byrd, Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

**Nay:** 0

**SECTION 5 (2) - [Approximate Timestamp: 16:01](#)**

***Galloway moved*** to amend Section 5 (2) to add the language in red and to strike the listing of members in the last paragraph and replace it with the bulleted list of members.

The motion was seconded by Donovan.

Erika Lautenbach, Health and Community Services Director, answered how often the population health report on public health and safety comes out, and stated they produce it generally every five years. It will be produced next in 2025.

Schroeder answered what roles the Finance and Operations Advisory Board and the Incarceration Prevention and Reduction Task Force (IPRTF)/Law and Justice Council (LJC) are going to have and whether they have a lot of duplication of effort between them.

Councilmembers discussed the make-up of the Finance and Operations Advisory Board, whether there should be a youth representative, and whether the group should be smaller.

***Kershner moved*** to amend the motion to replace the youth representative with a police officer if they are going to keep this long list of people. The motion was seconded by Byrd.

Satpal Sidhu, County Executive, suggested having a subcommittee of people (some of the people listed here) who could advise the IPRTF or LJC on certain topics.

Councilmembers discussed whether they can appoint people to boards and commissions who are under 18 years old if they are not registered, and they discussed both Kershner's and Galloway's motions.

***Kershner withdrew*** her motion. She spoke about the purpose of this board and suggested they use the IPRTF/LJC to add some additional positions that are listed in this amendment.

The motion (Galloway's) carried by the following vote:

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

**Nay:** 3 - Elenbaas, Kershner, and Byrd

**SECTION 5 (3) - [Approximate Timestamp: 45:30](#)**

***Galloway moved*** approval of the amendments (in red) in Section 5 (3). The motion was seconded by Buchanan.

Frazey stated she has a concern with the Implementation Plan update recommendations from the IPRTF/LJC being a minimum of every two years and feels like that should be every five years.

Galloway answered why it is every two years.

***Frazey suggested*** a friendly amendment to make it **every five years**

***Galloway accepted*** the friendly amendment.

The motion carried by the following vote:

**Aye:** 5 - Frazey, Galloway, Buchanan, Byrd, and Donovan

**Nay:** 2 - Kershner and Elenbaas

**SECTION 5 (4) [Approximate Timestamp: 50:12](#)**

Galloway spoke about the proposed amendments in Section 5 (4) and stated the added language is a bit outdated now since it sounded like there was not an interest from Council in sending the Implementation Plan back to the Task Force for additional review. But she still likes the second sentence which talks about metrics for measuring progress and tying those to the health and safety goals, and being very specific about the outcomes.

Frazey asked if she was just considering taking out that first sentence.

***Galloway moved*** to amend Section 5 to add a new Subsection 4 which would read:

**[The Implementation Plan shall include metrics for measuring progress towards community health and safety goals as they related to each project recommended by the Implementation Plan as well as](#)**

cost estimates, timelines, and gaps in resources needed to reach community health targets.

The motion was seconded by Buchanan.

Councilmembers discussed whether this is language Galloway is recommending to also add to the Implementation Plan for each of the fifteen goals that are outlined there, the fact that the Implementation Plan does not have to be approved at the same time as this Ordinance, whether there is a way to modify the language so that the Council is not hamstringing itself to having an Ordinance out there without the Implementation Plan being finished, and whether the document is veering away from being palatable to a broad range of voters and taxpayers.

Frazeley asked whether this proposed language could go under Section 7 (2) after it says "Justice Project Implementation Plan."

Galloway stated in other words, we are affecting these metrics in subsequent Implementation Plans, and Frazeley said yes.

Galloway stated she would accept that change as a friendly amendment and they discussed how the language might be integrated into Section 7.

Sidhu stated the IPRTF included matrix and evaluation planning in the Justice Project Needs Assessment Implement Plan.

Galloway stated her motion would then be to amend Section 7 (2) so it would read:

No less than every \_\_\_\_\_ years, the Whatcom County Executive shall coordinate with the IPRTF/LJC and Finance and Operations Advisory Board to update the Justice Project Implementation Plan based on an analysis of data collected, measurements for outcomes and efficacy of the current Plan, and in alignment with a population health report such as the Community Health Assessment as well as cost estimates, timelines, and gaps in resources needed to reach community health targets...

Councilmembers discussed how to handle the motion since is it no longer about Section 5 (4).

**Galloway withdrew** her motion to approve the amendment in Section 5 (4). They will incorporate that language into Section 7 when they get to Section

7.

**SECTION 5 (5)** [Approximate Timestamp 01:04:21](#)

***Galloway moved*** to approve the amendments in Section 5 (5). The motion was seconded by Frazey.

Councilmembers discussed whether the establishing Ordinance for the IPRTF/LJC has language to do exactly this, who the Task Force would report to annually, whether they could change this Ordinance without changing the establishing Ordinance for the Task Force, what is meant by “the legal system” and whether the target to reflect that demographic would have to be continually updated, and what the outcome of this statement in this Ordinance would be.

Sidhu stated there is representation of the same population in the Finance and Operations Advisory Board that they looked at in Section 5 (2). This item is well-covered already by the oversight board and the purpose of this was already achieved in the earlier discussion.

Galloway stated if it makes the Council more comfortable, she would be fine with withdrawing her motion and just sticking with language the Administration has previously proposed.

Buchanan stated the IPRTF has taken on Government Alliance on Race and Equity (GARE) membership and they really do want to proceed down this road, so he thinks the Administration’s original language is probably an accurate reflection of the goals that the IPRTF has to do that.

***Galloway withdrew*** her motion.

Donovan stated it would be his guess that they cannot change the composition of those groups without going to the original Ordinances.

**SECTION 5 (6)** [Approximate Timestamp: 01:12:34](#)

***Galloway moved*** to approve the amendments in Section 5 (6) to fix a scrivener’s error in the word “Plan” and to add language to the end of the section so that it would read:

The IPRTF/LJC shall further consult BIPOC communities and

people with criminal justice lived experience in the progress of the Implementation Plan and future planning efforts. Further, the Whatcom County Executive and the IPRTF/LJC shall consult with the Whatcom Racial Equity Commission on progress and planning efforts, particularly as it relates to data gathered on racially disparate impacts in the Whatcom County criminal justice system, and recommendations regarding elimination of barriers to public participation.

The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

**SECTION 5 (7)** Approximate Timestamp: 01:14:59

Galloway stated she was going to move past this proposed amendment because it got included in Subsection 3 and would be duplicative.

**SECTION 7 (2)** Approximate Timestamp: 01:15:44

***Galloway moved*** to approve the amendments (including ones discussed earlier under Section 5, Subsection 4) in Section 7 (2) so that it would read:

No less than every ~~seven~~two years, the Whatcom County Executive shall coordinate with the IPRTF/LJC and Finance and Operations Advisory Board to update the Justice Project Implementation Plan based on an analysis of data collected, measurements for outcomes and efficacy of the current Plan, and in alignment with a population health report such as the Community Health Assessment, as well as cost estimates, timelines, and gaps in resources needed to reach community health targets. ~~and~~ The IPRTF/LJC shall transmit the Implementation Plan to the Whatcom County Council for approval.

The motion was seconded by Donovan.

***Frazey suggested*** a friendly amendment to the motion to **change two years to five.**



*Galloway accepted* the friendly amendment.

Schroeder answered whether the Administration is fine with a change to five years and he stated five is reasonable in comparison to seven and two was too soon.

Councilmembers discussed why they would ask the Whatcom County Executive to update the Justice Project Implementation Plan.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Donovan

**Nay:** 0

**SECTION 8 (3)** Approximate Timestamp: 01:21:27

*Galloway moved* to add the proposed new Section 8 (3) which reads:

Whatcom County shall contract with an independent third-party entity to conduct an evaluation of the Public Health, Safety, and Justice Sales and Use Tax, and the process and progress of the Implementation Plan, including an analysis of data collected, measurements for outcomes and efficacy, and alignment with a population health report such as the Community Health Assessment.

Councilmembers discussed how they would pay for this and whether an evaluation conducted by a third party is prudent or needed.

The motion carried by the following vote:

**Aye:** 4 - Buchanan, Byrd, Donovan, and Galloway

**Nay:** 3 - Elenbaas, Frazey, and Kershner

Schroeder asked how often they want to do this independent third-party evaluation and Galloway stated every ten years seems good.

Councilmembers discussed how the time period should be sited and Sidhu suggested ten years from when the levy passes or the year 2034.

*Donovan moved* to amend Section 8 (3) for the audit to begin 10 years after approval of the levy. The motion was seconded by Galloway.

The motion carried by the following vote:

**Aye:** 6 - Byrd, Donovan, Frazey, Galloway, Kershner, and Buchanan  
**Nay:** 1 - Elenbaas

**WHEREAS STATEMENT ON PAGE FOUR - [Approximate Timestamp: 01:29:02](#)**

Councilmembers discussed whether they should discuss the proposed amendments in yellow highlight, whether they could have another work session, and whether there are any amendments that are in yellow and were proposed by the Administration that they should look at.

***Kershner moved*** to amend the yellow-highlighted Whereas statement on page four of the Ordinance so that it reads:

**“WHEREAS, on June 12, 2023, the IPRTF, acting as the Law and Justice Council, endorsed the Justice Project Implementation Plan as ultimately approved by the County Executive and County Council; and”**

The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan  
**Nay:** 1 - Elenbaas

**Approximate Timestamp: 01:31:19**

Kershner stated they got a letter from Tyler Schroeder today regarding the formulas used for jail size and expansion and she would like to know if they can just incorporate that language into this Ordinance in one fell swoop.

Schroeder summarized the memo and stated it is not recommending a change but is just providing some background to Section 5 (1) (c) for the record to show in the future. He spoke about the intent of the language and stated the intent is enough clarity.

Buchanan moved that they schedule a work session for next week but no motion was needed.

Dana Brown-Davis, Clerk of the Council, discussed with Councilmembers a day and time.

Elenbaas stated he sees one of the small city mayors here and he is interested in whether the progress to date is increasing their trust in the ability to execute this to the satisfaction of the cities that we are going to partner financially with.

Scott Korthuis, City of Lynden Mayor, spoke about language that talks about the 50 percent and striking four to six years, encouragement to the cities in a meeting they had with the legislative group to go after behavioral health money from the State, and concerns about the large Finance and Operations group.

Councilmembers discussed what they would discuss at the next work session, that the Ordinance is not ready for introduction tonight, and whether AB2023-332 could be discussed at tonight's meeting.

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

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, answered whether they should still talk about this item tonight. He stated they have not actually received their final award letters from the State yet so, even though there is some time sensitivity, it is probably OK to push this out one more meeting. They need to know how much money we are going to get from the State for the periodic update and for climate change.

**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 4:57 p.m.

The County Council approved these minutes on July 25, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription

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