

Whatcom County Council Committee of the Whole

COUNTY COURTHOUSE
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Committee Minutes - Final

Tuesday, May 23, 2023
2:30 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) AGENDA
REVISED 5.22.2023

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 2:30 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 updated the Councilmembers.

The following people read from a presentation (on file) on fifteen revised potential implementation planning projects and an update on analysis for facilities:

- Tyler Schroeder, Director of Administrative Services
- Stephen Gockley, Incarceration Prevention and Reduction Task Force Co-Chair

Donovan asked if they could talk about project number eight (Build a safe and humane jail, coordinating with a Behavioral Care Center). We only have two meetings left until the middle of July. The Executive sent a pretty important memo out about the potential size and costs. Donovan stated he has been asking to see what footprints would look like on these different properties and he has not heard back about that. He stated there are no price tags on the projects except for potentially on number eight and \$9 million for number seven (Build a 23-hour Crisis Relief Center) so he does not know how to talk about all of this until we know what we have as far as resources.

Schroeder presented an update on analysis for facilities and what facilities we need in order to build a better system. He spoke about the three county-owned properties under consideration, feedback received from focus groups, design concepts (horizontal or vertical design), and characteristics and cost estimates for each property.

Galloway asked how many acres they would need at the Irongate location to build a horizontal design and Schroeder stated they would need about 14 acres of developable land.

Buchanan asked what the cost difference would be between a horizontal jail at Division Street (Irongate location) and the LaBounty location, and whether we have factored in what the downtown location would look like with the demolition of the current jail and that footprint being added to the picture. Schroeder stated that is not factored in to this cost estimate but he thinks that would be a property that would be available for utilization.

Frazeley asked whether we fully own all three of these properties and Schroeder stated we do and they are paid off.

Kershner asked whether any consideration was given in the cost estimates to how much it will cost to operate these facilities and Schroeder stated not at this point.

Elenbaas asked whether the cost of demolishing or opportunity costs for re-purposing the interim work center building at the Irongate location is included in the estimates.

Donovan asked whether the Civic Center location has co-location possibilities and whether an estimated 400 beds would include medical beds, and Schroeder stated there was a wish list and he can provide some additional information on the cost estimates and the assumptions that went into them.

Schroeder spoke about the bond capacities the County would have as noted in the memo and the cities' shares. He stated there needs to be a dialogue with the cities about how they pay for their fair share of the capital cost and spoke about possible scenarios for paying the debt.

Donovan asked about the interim work center and stated if it is continuing to operate as it is when this goes on the ballot people will just add its 150 beds to the total number of beds. Schroeder stated he did not think there is any intention that we would build a replacement jail facility and continue to operate the interim work center as a correctional facility.

Donovan asked whether the assumption would be, under any of these scenarios, that the 400-440 beds is going to include what we are using the work center for right now and Schroeder stated that is correct.

Elenbaas stated how about we make it so that there are no assumptions that can be made. He feels like the clearer plan that is laid out the better chance it will have that people will trust it. Schroeder stated he would recommend

that we take that input from Council and get it back into the implementation plan so, before you see a final version, the implementation plan will have some of that clarity about the interim work center and that a new facility would not be able to double-count those beds.

Buchanan stated there also needs to be a way to articulate the bed purpose so if we say we are having 440 beds, then X amount of those beds are for general housing, and X are medical beds. That will help clarify things for the public.

Donovan asked whether, between now and when we go to the ballot, we will get the interlocal worked out with the city. Schroeder stated the implementation plan includes a wide range of projects with a number of different available funding sources beyond just the two-tenths sales tax so they could move forward with the plan utilizing general fund dollars or behavioral health dollars and recognizing some of those commitments as soon as possible. Then the memo sent today recognizes working with the cities to have an agreement done by June of 2024 which is prior to collection of the two-tenths sales tax. There are two frameworks for the cities paying their fair share. We could do that early with their revenue in the first couple of years and pay down the capital cost. That would reduce the bonding amount and then maybe access to the facility would not have a capital charge after that early investment. The other scenario is that the County is able to bond for most of the project and there is an annual amount coming back from their revenue to pay for the capital.

Satpal Sidhu, County Executive, spoke about the agreement with the cities and stated they have a vested interest in the size of the jail, so when we fine tune the numbers this is not entirely in our hands. We must give them due consideration for their needs. He answered whether there are funding advantages to having a jail campus and behavioral health campus separate and the dollars kept separate, as opposed to co-locating and keeping funds separate.

Elenbaas stated he is concerned that 400-440 beds may not be enough.

Donovan asked whether a vertical design is essentially non-expandable and whether that applies to both the downtown and Irongate locations or whether a less-tall building would be easier to expand. Schroeder stated the same barriers would apply and he spoke about Spokane which is looking at building a vertical facility and has added two additional stories and just not done tenant improvement inside them. Being expandable if criteria are met is one of the pros of a horizontal design, so it would be good to have

conversation about what those criteria are and how they would be established.

Elenbaas stated he does not like the idea of a jail at LaBounty but when he looks at what the community wants and the needs associated with it, he does not see how they can build anywhere else.

Schroeder stated the Executive provided a memo as it relates to the anticipated ballot measure Ordinance. It acknowledges the implementation plan and identifies a framework for the Ordinance. He answered what the 14 acres needed for a horizontal design at Irongate would look like and what it would include, and whether the demolition cost for the current jail is included in the equation.

Frazeley thanked them for including the time it takes to get from here to each of the locations.

Sidhu stated there will also be a closing fee when they do the bond.

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

Buchanan stated this item was withdrawn and will come back on June sixth.

This agenda item was WITHDRAWN.

3. [AB2023-341](#) Discussion regarding State capital and operating budgets

Tyler Schroeder, Director of Administrative Services, read from the last page of a staff memo (on file) about the State Capital and Operating Budget Highlights.

Satpal Sidhu, County Executive, stated what we have been able to accomplish in this biennium started in the previous biennium and he commended County staff.

Schroeder continued updating the Councilmembers from the memo.

Jed Holmes, Administrative Services Community Outreach Facilitator, stated they are looking to hold three work sessions with the Council in the coming months about planning and setting the agenda so they are part of the planning process.

This agenda item was DISCUSSED.

Items Added by Revision

1. [AB2023-357](#) Discussion with Chief Civil Deputy Prosecuting Attorney Karen Frakes regarding potential litigation related to the distribution of ARPA funds [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1) (i)]

Buchanan read the item into the record and stated the attorney present for this discussion will be Karen Frakes. He stated that discussion of agenda item one may take place in executive session pursuant to RCW 42.30.110(1) (i). Executive session will conclude no later than 4:30 p.m. If the meeting extends beyond the stated conclusion time, Council Staff will make a public announcement.

Kershner moved to go into executive session until no later than 4:30 p.m. to discuss the agenda item pursuant to the RCW citation(s) as announced by the Council Chair. The motion was seconded by Byrd.

The motion carried by the following vote:

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

Nay: 0

At 3:42 p.m. Councilmembers left the Chambers and went to the Council Office conference room for the Executive Session.

This agenda item was DISCUSSED.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:29 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