



MEMO:

TO: Whatcom County Council

FROM: Kayla Schott-Bresler, Whatcom County Deputy Executive

THROUGH: Satpal Sidhu, County Executive

DATE: June 29, 2024

RE: **Establishment of Finance and Facility Advisory Committee**

After voter approval of the 0.2% public safety sales and use tax, the administration began negotiations with the cities to accomplish an interlocal agreement governing the use of the proceeds of the tax and mutual commitments to fund the construction of a new jail and make major investments in incarceration prevention programs and services.

The ordinance authorizing the ballot proposition (2023-039) requested that this agreement include the development of a Financial Advisory Board.

The Whatcom County Council requests the Whatcom County Executive to include in the long-term agreement with the Whatcom County cities the development of a Finance Advisory Board, which shall provide financial oversight of the funds collected from this sales and use tax and make recommendations on the finance and operations of the jail, behavioral health, and supportive housing facilities and services, aligned with a population health report on public health and safety.

Through the negotiation process, language was incorporated in the interlocal that recognized Bellingham's substantial commitment to dedicate 100% of its revenues from this new tax to Justice Project Implementation Plan projects. In particular, the city's role in the Finance and Facility Advisory Board was expanded compared to the proposed composition and appointment process requested in the ballot proposition ordinance (2023-039).

- The interlocal specifies the Bellingham Police Chief as the municipal law enforcement representative, while the ordinance does not specify which municipal law enforcement representative by selected.
- The interlocal indicates two positions will be collaboratively appointed by the County Executive and Bellingham Mayor, with confirmation by the County Council and Bellingham City Council. In contrast, the ordinance requests a County Council appointment process and does not include the City of Bellingham in the appointment process.

These conflicts need to be addressed in order to proceed with seating the advisory board.

On June 18, Committee of the Whole discussed a proposed ordinance to amend Ordinance 2023-039. The proposed ordinance was held in committee, and Council requested further review by legal counsel and staff. The ensuing conversations between legal counsel, Council staff and the Executive's Office have resulted in this new proposal offered for introduction July 9, 2024.

Ordinance Establishing the Finance and Facility Advisory Board

The proposed ordinance codifies the Finance and Facility Advisory Board, including an appointment process that mirrors the process described in the interlocal agreement. There are several reasons for this proposed approach:

- An Executive appointed (and Council confirmed) process is consistent with the Executive-led work the board will be engaged in and aligns with the Justice Project Implementation Plan (adopted via Ordinance 2023-039) and the County Charter.
- It is important to recognize Bellingham's substantial commitment to funding shared priorities and provide an appropriate level of participation in this advisory body.
- Collaboration between Bellingham and the County on the appointment process would be most effectively achieved if performed by the two executive branches with confirmation by their respective councils.
- The language regarding the appointment process in Ordinance 2023-039 was part of a request to the Executive to engage in negotiations and not language authorizing the establishment of an advisory board.

If adopted as presented, the Council would continue to have a significant role in the board, with one direct representative (a councilmember), two indirectly appointed members (IPRTF Co-Chairs), and confirmation authority over the two representatives jointly nominated by the Bellingham Mayor and County Executive.