

ORDINANCE NO. _____

**CREATING WHATCOM COUNTY CODE 2.49, ESTABLISHING
THE FINANCE AND FACILITY ADVISORY BOARD**

WHEREAS, the Whatcom County Council adopted Ordinance 2023-039 on July 11, 2023 that includes a sales and use tax for funding of public health, safety, and justice facilities and services, which voters approved at the November 2023 General Election; implementation of the Justice Project Implementation Plan; and a request that the Whatcom County Executive develop and enter into a long-term agreement with the Whatcom County cities governing the distribution of sales and use tax revenue collected; and

WHEREAS, Section 5 of Ordinance 2023-039 tasks the County Executive with creating a Finance Advisory Board within the interlocal agreements with the cities, to 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; and

WHEREAS, Project 2 of the Justice Project Implementation Plan, an Exhibit of Ordinance 2023-039, recommends the creation of a Finance Advisory Board and designates the County Executive’s Office as the lead agency for the project; and

WHEREAS, Section 5 of Ordinance 2023-039 indicates the County Council will appoint two positions to the Finance Advisory Board; and

WHEREAS, the County and municipalities have developed an interlocal agreement, Whatcom County Contract #202404018; and

WHEREAS, pursuant to Whatcom County Contract #202404018, an interlocal agreement among: Whatcom County, the City of Bellingham, the City of Blaine, the City of Everson, the City of Ferndale, the City of Lynden, the City of Nooksack, and the City of Sumas, governing the distribution of sales and use tax revenue collected, including the creation of a Finance and Facility Advisory Board, outlining the Finance and Facility Advisory Board as an Executive-led board advising the administration on administrative and operational matters related to this sales and use tax and related projects; and

WHEREAS, Part IV, Item 3a of Whatcom County Contract #202404018 indicates two positions will be appointed by the County Executive and Bellingham Mayor, with confirmation by the County Council and Bellingham City Council; and

WHEREAS, the appointment procedures and membership for the advisory board conflict between Ordinance 2023-039 and the interlocal agreement; and

WHEREAS, the interlocal agreement specifies the Bellingham Police Chief as the municipal law enforcement representative in the membership of the Finance and Facility Advisory Board.

1 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that the
2 Finance and Facility Advisory Board shall be established through the creation of Whatcom
3 County Code 2.49 as shown in Exhibit A of this ordinance.
4

5 **BE IT ALSO ORDAINED** by the Whatcom County Council that future updates of the
6 Justice Project Implementation Plan will include the membership and appointment process
7 of the Finance and Facility Advisory Board and its functions that are consistent with the
8 interlocal agreements.
9

10
11
12
13 **ADOPTED** this ____ day of _____, 20____.

14
15
16
17 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

18
19
20
21 _____
Cathy Halka, Clerk of the Council

Barry Buchanan, Council Chair

22
23
24
25 APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

26
27
28 B.Waldron (by email 6/28)

29
30 Civil Deputy Prosecutor

Satpal Sidhu, County Executive

31
32
33 () Approved () Denied

34
35 Date Signed: _____

36

EXHIBIT A

2.49 FINANCE AND FACILITY ADVISORY BOARD

Sections:

- 2.49.010 Established
- 2.49.020 Purpose
- 2.49.030 Function
- 2.49.040 Membership – Term of Office
- 2.49.050 Qualifications
- 2.49.060 Organization – Meetings
- 2.49.070 Reporting
- 2.49.080 Staffing

2.49.010 Established.

There is hereby established the Finance and Facility Advisory Board.

2.49.020 Purpose.

The committee is created Pursuant to Whatcom County Ordinance 2023-039 and County contract No. 202404018, an interlocal agreement, to advise on administrative and operational matters related to the public health, safety, and justice tax fund, as adopted by the voters.

2.49.030 Function.

The Board shall function pursuant to:

1. The current jail use interlocal agreement with the cities.
2. Ordinance 2023-039 and any subsequent amendments.
3. The most current version of the Justice Project Implementation Plan.

If there is a discrepancy in the functions as outlined in these documents, the Board shall comply with the function as described in the most current jail use interlocal agreement with the cities.

2.49.040 Membership – Term of Office.

A. **Members.** The Advisory Board shall consist of 13 members.

Permanent members as designated by their representative agency shall be the Whatcom County Executive, one Whatcom County Councilmember, the Whatcom County Sheriff, the Mayor of Bellingham, one Bellingham City Councilmember, one elected representative from the remaining cities within Whatcom County, two elected representatives from federally recognized tribes within Whatcom County, the Bellingham Police Chief, and the chair(s) of the Incarceration Prevention & Reduction Task Force/Law and Justice Council. Permanent members may appoint a designee to attend any specific meeting of the board.

Appointed members shall betwo positions jointly recommended by the County Executive and City of Bellingham Mayor and confirmed by the

1 County Council and Bellingham City Council: one individual with lived
2 experience in the criminal justice system, and one representative of the
3 behavioral health system who shall live in Whatcom County or be a
4 representative of an agency or group that serves Whatcom County.
5

6 B. **Terms.** There are no term length or limits for the permanent members.
7

8 The appointed board members will have initial staggered terms: the
9 behavioral health system representative shall initially serve a term ending
10 on January 31, 2027.
11

12 The member with lived experience in the criminal justice system shall
13 initially serve a term ending on January 31, 2028.
14

15 Thereafter, appointed board member terms will be four years. All terms
16 will expire on January 31 in their year of completion
17

18 **2.49.050 Qualifications.**
19

20 To qualify for appointment by the County and City of Bellingham to fill an
21 appointed board member vacancy, the behavioral health system
22 representative shall live in Whatcom County or be a representative of an
23 agency or group that serves Whatcom County. The member with lived
24 experience in the criminal justice system shall be a resident of Whatcom
25 county.
26

27 **2.49.060 Organization – Meetings.**
28

- 29 A. Meetings of the committee shall be open and accessible to the public and
30 shall be subject to the Open Public Meetings Act.
- 31 B. The committee shall determine its own meeting schedule, but shall meet
32 at least four times a year.
- 33 C. Written and audio records of meetings, resolutions, findings and
34 recommendations shall be kept and such records shall be public.
- 35 D. The committee shall adopt its own rules and procedures for the conduct of
36 business.
- 37 E. The committee shall elect a chairperson from among its members who
38 shall preside at its meetings.
39

40 **2.49.070 Reporting.**
41

- 42 A. Pursuant to Ordinance 2023-039, the Board will report:
 - 43 1. No less than every two years, the Board shall coordinate with the
44 Whatcom County Executive and the IPRTF/LJC to update the
45 Implementation Plan with a detailed Spending Plan for the public
46 health, safety, and justice tax, that adheres to the terms of this
47 ordinance. The spending plan may not impede the County’s ability to
48 pay debt service on facility bonds issued against the tax.
49
 - 50 2. No less than every five years, the Board shall coordinate with the
51 Whatcom County Executive and the IPRTF/LJC to update the Justice
52 Project Implementation Plan based on an analysis of data collected,
53 measurements for outcomes and efficacy of the current Plan, and in

1 alignment with a population health report such as the Community
2 Health Assessment, as well as cost estimates, timelines, and gaps in
3 resources needed to reach community health targets. The IPRTF/LJC
4 shall transmit the Implementation Plan to the Whatcom County Council
5 for approval.
6

7 Implementation plans must be consistent with Section 3 – Sales and Use
8 Tax Purpose and may not impede the County’s ability to pay debt service
9 on facility bonds issued against this tax.
10

- 11 B. Pursuant to the Justice Project Implementation Plan, the Board will:
- 12 1. Provide a written and oral report no less than annually to the
13 IPRTF/LJC and Whatcom County Council on the financial performance
14 of the fund and associated programs. This report shall detail: Fund
15 revenue; Expenditures by project; Resources beyond the sales and use
16 tax invested in Implementation Plan projects; Additional resources
17 needed to further meet goals; and Recommendations for any updates
18 to the Implementation Plan and/or Spending Plan. Make report
19 accessible to the public.
20

21 **2.49.070 Committee Staffing - Compensation.**
22

23 The Whatcom County Executive’s Office shall provide staffing for the
24 committee as needed.
25

26 Service on the board is voluntary. The county council/executive may provide
27 for reimbursement to board members for appropriate qualified expenses,
28 consistent with county procedures and policies for such reimbursement.