

Whatcom County Council (Special)

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Minutes - Draft Minutes

Tuesday, June 11, 2024

10 AM

Council Office Conference Room - Hybrid Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010)**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Vice Chair Kaylee Galloway called the meeting to order at 10:03 a.m. in a hybrid meeting.

Roll Call

Present: 6 - Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremmer

Absent: 1 - Barry Buchanan

Announcements

Committee Discussion

1. [AB2024-379](#) Discussion of Whatcom County Budget Process

Kayla Schott-Bresler, Executive's Office, stated the General Fund is struggling, so their office feels very strongly that they need to not undergo further expansion and that they need to hold steady and invest in what they have already committed to. She stated the 2024 projections show a \$15 million deficit spend for 2024 and we have the fund balance to support that for one or two years, but not on an ongoing basis. Budget lapse and sales tax will be big factors in how we end the year. The ten patrol deputies in the Sheriff's Office and additional positions for the Prosecutor and Public Defender (on top of the American Rescue Plan Act (ARPA) positions) are a big factor that is driving the deficit spending.

Brad Bennett, Administrative Services Department Finance, read from handouts (on file) and spoke about budget projections for 2024. He answered what the fuel and ER&R (which is projected to be up by 20 percent for 2025) went up last year and how it would look if they only projected a ten percent increase. He stated they put a bunch of money into ER&R two bienniums ago to get them caught up, and the cost of vehicles is through the roof. Changing it to ten percent would not move the needle that much.

Schott-Bresler answered what the Administration is thinking about as far as getting to a normal fund balance since the best-case scenario would still leave the ending balance \$10 or \$11 million short. She stated they need to hear from Council about their core service priorities and discuss ARPA positions so she does not have an answer yet, but she spoke about some tools they could use such as a selective hiring freeze, looking at discretionary general fund spending, and changing level of service.

Bennett answered whether the 2026 projections include the ARPA

positions in the Public Defender's Office converting to the General Fund and stated it includes the ARPA positions in all general government except the Health Department. Schott-Bresler stated they still have \$2.7 million of unallocated Local Assistance and Tribal Consistency Funds that are not reflected in the projection before them. They answered how many positions are ARPA funded in the Health Department.

Bennett and Schott-Bresler answered questions about what is available in banked capacity and when they would get to the point of having the discussion about suggestions such as hiring freezes or level of service cuts. They stated this projection also does not account for the new caseload standards for the Public Defender's Office and that they need to discuss that as well as jail-related services and facility and water adjudication. Schott-Bresler stated there is also a need to invest in Administrative Services. They answered how they got to this dire projected fund balance situation (which seems sudden), and why they have not known or communicated it sooner. Bennett stated sales tax revenue was growing rapidly (by almost 20 percent a year) but the spicket has been turned off and employee expenses keep on growing regardless of what the revenues do.

They discussed the ARPA positions included in the projections and the additional criminal justice positions that Council approved during the last biennial budget cycle and in the mid-biennium, how much of the 28 percent increase in staffing was from ARPA funding, the fact that some of that 28 percent includes positions that are not paid from the General Fund (such as positions in the Health Department paid with grant or other restricted revenue), and whether there is concern about the County's credit rating. Bennett stated they currently do not have debt so the rating is about as high as it can be, but it will likely be stressed when they build the jail and the Northwest Annex because that is a tremendous amount of debt. He answered how the County's investments are performing and stated they are doing great and that interest earnings are up. The earnings, then, are recognized as revenue and shown as fund balance. They discussed that they could give another update in about a month when they know more about what payroll costs are going to be.

Councilmembers and the speakers discussed getting ahead of the potential budget issues now, balancing affordability issues in the county with growing needs, what they are expecting for budget lapse for the next two years and that it will likely be higher this year than the next two because of the number of vacancies that have since been filled, where the budgeted amount for unfilled positions goes, the idea of investing County money locally (with something like a State bank), the fact that there are major decisions

that the State legislature could make (such as with indigent defense) to help the County out of this hole and which they have not been inclined to do to date, and whether that has been a Washington State Association of Counties (WSAC) priority.

This agenda item was DISCUSSED.

2. [AB2024-341](#) Discussion and approval of Council Office budget items to include as Additional Services Requests (ASRs) with the department's proposed 2025-2026 biennial budget

Dana Brown-Davis, Clerk of the Council, stated she has some additional items to add to the list (on file as Proposals Submitted as of 5.20.2024 (v2)). She stated they will need to do an ASR for having the Sheriff's deputy at Council meetings, one for extra help or overtime or a combination of both for Charter Review when they meet in 2025, and one for public outreach for the Incarceration Prevention and Reduction Task Force (IPRTF).

Jill Nixon, Council Office Staff, answered what the public outreach would be (for the IPRTF) and stated it would be continuing the work that Pyramid Communications did but it is not a developed idea yet.

Brown-Davis answered how much the other two ASRs added to the list would cost, and whether they would need extra help or overtime for the Comprehensive Plan as well. She stated she would do a pooled amount that could cover both that and Charter Review.

Galloway spoke about the possibility of covering expenses to use AI technology for public records requests by how they structure the public records fee schedule if that is something the Council sees as a priority.

Donovan moved that ASRs for the Sheriff's deputy at Council meetings and the extra help and/or overtime for Charter Review be drafted and submitted with the budget. The motion was seconded by Galloway.

Galloway asked whether they want the motion to give flexibility that the extra help/overtime can be not just for Charter Review but maybe also for the Comprehensive Plan or other things and ***Donovan accepted that as an amendment*** to his motion.

Brown-Davis answered questions about the Charter Review position, whether it should be overtime or extra help, and how much time it would take. She stated it depends on several factors, but she would probably ask for \$20,000 to cover time for both the Comprehensive Plan and Charter

Review.

Scanlon asked whether using AI or shifting toward action-oriented minutes (as opposed to detailed minutes) could potentially free up staff time to use for things they would use overtime for and Brown-Davis stated they are probably not going to know how that is going to shake out in 2025 but the Charter Review is going to start right away at the beginning, so they need to be fully prepared for that.

Galloway asked if it would make sense to choose one of the FTEs on the list, such as the Deputy Clerk, to add as a permanent staff member and assign them Charter Review in their first year instead of hiring task-specific temporary relief.

Brown-Davis answered whether the Deputy Clerk position is already in the Council's budget and stated it is a created position but not currently included in the budget. The current Legislative Analyst has been doing some of the Deputy Clerk duties.

Galloway stated she would like to see what the job description of a Deputy Clerk would look like before they decide on that. She could see that role helping with other tasks they need capacity for while still having a full FTE for a Legislative Analyst.

Donovan's amended motion carried by the following vote:

Aye: 5 -Byrd, Donovan, Galloway, Scanlon, and Stremler

Nay: 0

Temporarily Absent: 1 - Elenbaas

Absent: 1 - Buchanan

Donovan moved to have staff draft an ASR for increasing Council travel budget, especially for WSAC and National Association of Counties (NACo). The motion was seconded by Galloway.

Brown-Davis asked if they would do what they talked about last time which was \$5,000 for each Councilmember and raise the pool to \$15,000.

Councilmembers and Brown-Davis discussed the amounts, and what happens to unspent allotments. There was consensus that the ASR should be for the amounts noted by the Clerk above.

The motion carried by the following vote:

Aye: 5 - Donovan, Galloway, Scanlon, Stremler, and Byrd

Nay: 0

Temporarily Absent: 1 - Elenbaas

Absent: 1 - Buchanan

Donovan moved to recommend that they have an ASR drafted for a one-FTE Deputy Clerk to give the Clerk's Office more capacity and to allow the future Legislative Analyst to be one hundred percent Legislative Analyst and the Deputy Clerk to be one hundred percent clerk. The motion was seconded by Galloway.

Galloway requested that Councilmembers receive the current job description of the Deputy Clerk and then they could maybe have a follow-up conversation about what other duties they could allocate to this position to address some of the other Council and Councilmember capacity needs.

Councilmembers discussed the motion and Cathy Halka, Council Legislative Analyst, and Brown-Davis spoke about the history of the two positions. Halka stated she would like to get some clarity on what duties Councilmembers would like the Deputy Clerk position to do. She and Brown-Davis answered questions about current staffing duties and budgeting and whether a surge of work in other existing positions (such as Board of Equalization) could be picked up by a Deputy Clerk. They discussed whether adding more Legislative Analyst support (by removing any clerk duties from that position) should be done by creating a clerk position or providing more support to the Legislative Analyst position in the form of a junior Legislative Analyst.

Donovan amended his motion *and moved* to recommend that they have an ASR drafted for one FTE Deputy Clerk that covers the .2 of the Deputy Clerk duties and/or facilitates working with the Legislative Analyst as a junior Legislative Analyst (while maintaining the 1.0 FTE Legislative Analyst).

Galloway stated she would like to give some flexibility and to see the existing Deputy Clerk job description to reflect on what they all see as needed and gaps in capacity, then provide that feedback in another Council meeting setting or individually to staff. She is not ready to commit to specifics of what the person would do. She answered what she meant when she said there is more than enough work to go around for Council staff.

Donovan stated he was trying to answer the question posed by Council staff about what the person would do and stated maybe they do not have to decide today.

Brown-Davis stated she and Halka could come up with a list of duties they think would work well and get that out to the Councilmembers for feedback. They have some time for creating a job description.

Donovan amended his motion **and moved** to craft a 1.0 FTE to include the current duties of the Deputy Clerk and increase capacity for Councilmember support.

The motion carried by the following vote:

Aye: 6 - Elenbaas, Galloway, Scanlon, Stremmer, Byrd, and Donovan

Nay: 0

Absent: 1 - Buchanan

Councilmembers and Council staff discussed juror compensation rates. Halka stated there was an amendment to State code to allow for a pilot program to pay jurors more than what is currently allowed (\$25) by the Revised Code of Washington (RCW) and Pierce County is underway with a pilot to pay jurors \$100 to identify whether the outcome could result in a more representative jury pool. Councilmembers discussed finding out what the current expense is to Whatcom County's budget at the current \$10 rate.

Kayla Schott-Bresler, Executive's Office, stated she could request that information from Finance.

Satpal Sidhu, County Executive, spoke about his recent experience with being called for jury duty and stated the history of the \$10 amount is that it started many years ago and equaled one day's wages at the time. He stated he thinks they should seek some opinion from the courts and judges on what they feel and the Administration will reach out to them.

Halka answered whether jury compensation is an expense the State has to split with the County and stated there is no State reimbursement.

Byrd spoke about setting compensation tiers based on the length of the jury duty and whether or not a juror is being compensated by his/her employer.

George Roche, Prosecuting Attorney's Office, stated what Councilmember Byrd is describing is somewhat reminiscent of the way it is treated in our Federal Court jury systems. He stated people called for jury duty in Whatcom County can be excused for hardship.

Councilmembers and the speakers discussed how jury duty is handled for

County employees.

Galloway stated she would like to find out more about using AI to understand what it would cost, what it could do, and what staff efficiencies exist. She would also like to learn more about using AI for public records and maybe structuring our record fee to cover some of the cost of it.

Sidhu answered whether the County is drafting a policy regarding the use of AI by the County in general. He spoke about what might be involved and stated they should invest money in that direction.

Councilmembers and staff discussed the other items on the attached list and that they would probably not need separate ASRs. Then they discussed the request for additional support for the Whatcom County Food Bank Network and whether Healthy Children's Fund dollars could cover the request. Schott-Bresler stated that the implementation plan process (of the Healthy Children's Fund) would be the appropriate time for the Council to include food assistance as a fund priority and to designate an amount for that. Scanlon stated he would be interested in hearing from the task force on it as well and would like to learn more (maybe in committee) about the Health Equity Initiative from the State Department of Health, which the Foothills community recently became a part of, to see if that potentially could be a way to support the Foothills food bank. He would like to schedule the Food Bank Network to come give an update and asked what the deadline is for getting an ASR in.

Brown-Davis stated the ASRs need to be turned in with the budget submission which she believes is due August 2, 2024.

Galloway stated they could make it an update on food security and loop in Twin Sisters Market and Pacific Northwest Plateful.

Councilmembers and staff discussed the process for department presentations and scheduling enough time during the budget process.

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

Motion Approved 5-0, with Elenbaas out of the meeting and Buchanan absent, that ASRs for the Sheriff's deputy at Council meetings and the extra help and/or overtime for Charter Review, Comprehensive Plan or other things be drafted and submitted with the budget.

Motion Approved 5-0, with Elenbaas out of the meeting and Buchanan absent, to have staff draft an ASR for increasing Council travel budget (to \$5,000 per Councilmember and \$15,000 in the pooled account), especially for WSAC and National Association of Counties (NACo).

Motion Approved 6-0, with Buchanan absent, to craft a 1.0 FTE to include the current duties of the Deputy Clerk and increase capacity for Councilmember support.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:55 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription