

Whatcom County Council Finance and Administrative Services Committee

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



Committee Minutes - Final

**Tuesday, August 6, 2024
10:45 AM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 12:00 P.M. (PARTICIPATE IN-PERSON, SEE
REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR
CALL 360.778.5010)**

COUNCILMEMBERS

Tyler Byrd
Todd Donovan
Kaylee Galloway

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Announcement of Extension of Executive Session

Council staff announced that the Executive Session would be extended and the Finance and Administrative Services Committee would start at 11 a.m.

Executive Session adjourned.

Call To Order

Committee Chair Todd Donovan called the meeting to order at 11:05 a.m. in a hybrid meeting.

Roll Call

Present: 3 - Tyler Byrd, Kaylee Galloway, and Todd Donovan

Also Present: Barry Buchanan, Ben Elenbaas, Jon Scanlon, and Mark Stremmler

Announcements

Council "Consent Agenda" Items

Councilmembers asked questions about the following Consent Agenda items.

Consent Agenda Item #4 (AB2024-497)

Chris Elder, Public Works Department, briefed the Councilmembers. He stated Whatcom Land Trust applied for a \$3 million dollar grant through the Recreation and Conservation Office Community Forest Program. Whatcom County is listed as a co-sponsor, so in order for them to finalize the agreement, they need Council approval to authorize the County Executive to sign. This is not committing the County to acquiring Phase II; it just helps get the funding in line. He answered how much is left to acquire after this that the County will be involved in, when an outreach process (as noted in the memo on file) would kick off, and questions about County forest management and ownership as mentioned in the memo.

Consent Agenda Item #6 (AB2024-499)

Stark Follis, Public Defender, answered what charges they are seeing people come in on after the Blake fix and whether they are getting enough reimbursement from the State. He stated they are getting more than enough for this particular issue but are woefully underfunded by the State in all other areas.

Consent Agenda Item #10 (AB2024-504)

Scanlon stated he is glad about how much money they invest in the IPRTF and the support that it gets, but he is also conscious that they have other advisory bodies that they have pulled support from. He would like to see them staff other committees at an appropriate level.

Consent Agenda Item #11 (AB2024-506)

Matt Klein, Sheriff's Office Emergency Management, answered how the drones get used, whether they lend them out to other entities, and what the County's existing drone fleet looks like. He stated this likely augments the existing drone fleet which supports all hazard response throughout the county. He stated the county currently has four drones. See further discussion of this item under Other Business below.

Byrd moved to recommend approval of Consent Agenda items one through fifteen. Councilmembers voted on the Consent items (see votes on individual items below).

1. [AB2024-491](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Administrative Office of the Courts to support District Court Mental Health Court in the amount of \$178,600

Byrd moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

2. [AB2024-495](#) Request authorization to enter into an interlocal agreement between Whatcom County Juvenile Court and Washington Health Care Authority for development and implementation of reentry services for youth transitioning out of Juvenile Detention- up to \$2,000,000

Byrd moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

3. [AB2024-496](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Western Washington University to purchase and install a portable building intended to be used for two licensed childcare classrooms, in the amount of \$529,800

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

4. [AB2024-497](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Recreation and Conservation Office to acquire approximately 1,600 acres of forestland to be added to the existing Stewart Mountain Community Forest, in the amount of \$3,000,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Byrd moved that the Contract (FCZDBS) be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

5. [AB2024-498](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Food Bank to purchase and distribute diapers and infant formula, in the amount of \$867,688

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

6. [AB2024-499](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Office of Public Defense to be reimbursed for the cost of providing defense counsel consultation and representation for defendants facing charges or charged with simple possession or public use offenses under RCW 69.50.4011(1)(b) or (c) in the amount of \$183,635.00

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

7. [AB2024-500](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to provide emergency management

services to Ferndale School District in the amount of \$40,000

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

8. [AB2024-501](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SoundEarth Strategies LLC to provide remedial investigation/feasibility study and construction and permitting support services for the removal of existing underground storage tanks and site remediation at the Whatcom County Central Shop facility, in the amount of \$19,762 for a total amended contract amount of \$158,499

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

9. [AB2024-502](#) Request authorization for the County Executive to enter into a no-cost interlocal agreement between Whatcom County and the City of Bellingham to allow the Auxiliary Communications Service (ACS) volunteer organization to provide communications services to the fire stations for emergency communications in the event of a disaster

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

10. [AB2024-504](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Crossroads Consulting LLC for facilitator services for the Incarceration Prevention and Reduction Task Force in the amount of \$169,650.00

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

11. [AB2024-506](#) Request authorization for the County Executive to award Bid #24-74 for the purchase of two Skydio X10 drones, accessories, software, and training from Axon Enterprise Inc, located in Scottsdale, Arizona, in an amount not to exceed \$57,484.20

Byrd moved that the Bid Award be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

12. [AB2024-508](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Opportunity Council for pass through funding to provide services to low and moderate income persons in Whatcom, Island, and San Juan Counties in the amount of \$130,000

Byrd moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

13. [AB2024-509](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for pass through funding to support the What-Comm Communications Center E911 operational expenses in the amount of \$52,900

Byrd moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

14. [AB2024-511](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for minor renovations necessary to construct a school-based health center, in the amount of \$30,000

Byrd moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

15. [AB2024-514](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for funding to help support positions in the Sheriff's Office that are assigned to the Whatcom Gang and Drug Task Force, in the amount of \$150,000

Byrd moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

Committee Discussion

1. [AB2024-519](#) Discussion regarding 23-Hour Crisis Relief Center funding

Kayla Schott-Bresler, Executive's Office, briefed the Councilmembers and stated the discussion is around the \$2.3 million of American Rescue Plan Act (ARPA) funding that they were anticipating transferring into the project-based budget. With the receipt of the opioid settlement funds, as well as the opportunity to have discussions with the cities regarding their opioid settlement funds, the Administration's recommendation at this time would be to utilize opioid settlement funds for initial architectural and engineering funding for the Crisis Relief Center, transfer the proposed ARPA funds into the Community Priorities Fund, and pause before they directly put those ARPA funds into the project-based budget, given the budget issues, the broad uses of ARPA funds, and the code requirements to use the most restrictive revenue sources first.

She answered how much money is in the opioid settlement and stated they have about \$953,000 in cash right now, with money continuing to roll in. There are also the cities' opioid settlement funds. They are proposing that they do some projections to show what they could potentially use as it relates to settlement funds and where there is still a gap before they transfer any ARPA funding in to the project-based budget. She answered how much of the ARPA funds are left and stated they have no funding that is not tied to particular commitments, but they have some unexpended funds within those commitments.

Scanlon stated he would be interested in a future discussion on the opioid settlement funds, how they are planning to use those, and if they can tie that into their recent plans on fentanyl and opioids.

Donovan asked whether, if these ARPA funds are transferred into the Community Priorities Fund, that money that would have been allocated toward the 23-Hour Crisis Relief Center is then unallocated, or whether it is back-filling things they have already over-allocated for the Community Priorities Fund.

Schott-Bresler stated they would recommend a separate discussion during the budget process about how to use that money, but they suggest parking the money in the Community Priorities Fund to buy themselves some time before they make decisions on it.

Donovan stated they did not have a robust discussion about what the priorities would be for the opioid settlement funds. So, if they are using \$953,000 of them toward the Crisis Relief Center, he wants to keep the conversation open about what they would have otherwise done with these funds.

Satpal Sidhu, County Executive, stated this is the most flexible fund and they will always come to the Council when they use it. They should make a policy that it is the fund they use last since there are other funds that have limitations on how they can be used.

Donovan stated, when they have the discussion, he would like them to remember that they parked those opioid settlement funds somewhere without really having a robust discussion.

Schott-Bresler stated a head-nod for this direction today will allow them to work with the Health and Community Services Department and bring information back to Council about the settlement funds, and then they can address this money in the Community Priorities Fund during the budget process. She answered if they will need to fund-raise for the \$1.3 million gap that still exists and stated that is correct.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2024-513](#) Request authorization for the County Executive to enter into an access agreement between Blaine School District and Whatcom County for Bay Horizon Park

The following people briefed the Councilmembers (shared documents on file):

- Bennett Knox, Parks and Recreation Department Director
- Christopher Granger, Blaine School District

Knox answered whether this land was surplus and the County did not incur any expenses in acquiring the property, and he stated that is his understanding.

Galloway moved that the Agreement be RECOMMENDED FOR AUTHORIZATION. The motion carried by the following vote:

Aye: 3 - Byrd, Galloway, and Donovan

Nay: 0

2. [AB2024-523](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham Fire Department, City of Lynden Fire Department, Whatcom Fire Protection District 1, Whatcom Fire Protection District 4, Whatcom County Fire Protection District 7, Whatcom Fire Protection District 8, Whatcom Fire Protection District 11, Whatcom Fire Protection District 14, Whatcom Fire Protection District 16, Whatcom Fire Protection District 17, Whatcom Fire Protection District 18, Whatcom Fire Protection District 19, Whatcom Fire Protection District 21 (dba North Whatcom Fire and Rescue), South Whatcom Fire Authority for First Response Medical Services, in the amount of \$25 million

Kayla Schott-Bresler, Executive's Office, answered why the contract information sheet shows "not approved" on the "AS Finance reviewed" signature line, and stated the Finance Department has concerns on this agreement related to overextending the Emergency Medical Services (EMS) fund if revenues fall short of projection, not having adequate balance in the fund over time to fulfill this contract and other commitments they have made, the fact that the proposed interlocal agreement does not have the typical termination for public convenience language, and with the commitment of using the County's General Fund to pay the fire dispatch fees, given the concerns that the Administration has regarding the County's budget. This agreement commits the County to a long-term use of General Funds, though it is consistent with the County's past practice and with the EMS levy plan. She answered whether the amount coming out of EMS funds is more than they anticipated, and stated the expenditure is not, but she thinks there is a concern about revenue.

Mike Hilley, Emergency Medical Services (EMS) Manager, spoke about a lower revenue amount than originally projected (because of taking a \$.22 rate instead of \$.29) and that the ground emergency medical transport revenues are not coming in yet like they thought they would. So, at the moment, they are about \$1.5 million under revenue.

Galloway spoke about the EMS plan and her understanding that it had a budget, to deliver on the promises and responsibilities included in the plan, which would require a certain level of revenue. The \$.29 levy rate was set, based on that budget, but the Council took less than the full rate than was originally authorized. The lower rate, from her perspective, meant less revenue and not being able to deliver on the levy plan or to expand programs such as the Community Paramedic Program, and it may also be why there is a concern about overextending the fund. Her understanding, however, is that the Council will have an opportunity to review the levy rate this year and could consider taking banked capacity and collecting up to the \$.29 rate based on 2022's assessed property values, and she asked if that would help fix the revenue problem.

Hilley stated he thinks it would be helpful but he does not know exactly how much those monies would be, looking back to 2022, and they would have to figure that out.

Satpal Sidhu, County Executive, stated the whole purpose of the EMS levy was that it should become self-funded and relieve the pressure on the General Fund, but that is still in play. He stated they have tried to negotiate over the last several months but have faced the notion of continuing to do things the way they have traditionally been done. As far as the levy and tax rates, he stated we must be cognizant about how much more tax we can put on the public. It is the responsibility of elected leaders to look at where some adjustments and change are needed and that is what they tried to do during the negotiations.

Byrd spoke about his opposition to using the General Fund and *moved* to hold until the EMS budget committee can come back with a proposal that leverages only EMS funds.

Elenbaas stated his recollection is that they lowered the levy collection rate because the plan did not forecast spending more than what \$.22 would have generated.

Schott-Bresler answered whether taking a higher rate would be able to accommodate the General Fund, and stated they can not use the EMS levy for these fire dispatch fees. It is separated out because they are fire fees and not medical fees. There is potential, however, for negotiations around other things the EMS levy might pay for that might offset the districts' costs for these fire dispatch fees. As it relates to the levy rate, some clarification

might be helpful on the allowance the Council has to increase the levy rate versus taking banked capacity.

Sidhu answered what timing is needed for this with the fire districts and the cities, and stated the BLS allocations are already delayed, are owed to the districts, and should be distributed, but since it is all tied into one agreement he does not know to unwind that.

Hilley answered how they are covering the allocation amounts now.

Councilmembers and the speakers discussed the motion to hold, whether they could move this forward with the understanding that this is not going to be a forever solution and that they would encourage the Administration to actively work toward finding an alternate funding mechanism or something like that, the fact that figuring a way to move the costs away from the General fund is a recommendation in the plan and that those monies are also paid by the cities of Bellingham and Lynden, giving direction to the Administration for the future as opposed to holding this agreement now, the fact that Council would not like the General Fund to be the source of the dispatch fees but that there is not necessarily consensus on fixing it by changing the levy rate, whether they could release the BLS funds but not the dispatch fees, and waiting until tonight to give the Executive more guidance as opposed to recommending anything from committee.

Byrd withdrew his motion to hold.

Donovan stated this will be on the agenda this evening without a recommendation from the Finance Committee.

This agenda item was FORWARDED TO COUNCIL WITHOUT A RECOMMENDATION.

Items Added by Revision

There were no agenda items added by revision.

Other Business

Staff report on Consent Agenda Item #11 (AB2024-506)

Steve Harris, Sheriff's Office, answered why two more drones are being requested, whether they could be used for Search and Rescue, and why they would not just use the four drones they have now. He stated the intent of getting two more is to make sure they have one available for each of their pilots, and if they do not spend this money, it will just go back to the government since it was allocated to Whatcom County for this purpose. The

money is not General Fund dollars.

Adjournment

The meeting adjourned at 12:10 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Todd Donovan-via email 9/4/2024

Cathy Halka, Council Clerk

Todd Donovan, Committee Chair

Kristi Felbinger, Minutes Transcription

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