



Satpal Singh Sidhu
Whatcom County Executive



DRAFT Whatcom County Executive & County Council 2024 State Legislative Priorities

This agenda is not comprehensive and may be modified. Whatcom County may support or oppose other emerging legislative priorities during the 2024 Washington State legislative session.

POLICY REQUESTS

- **Clarify the allowed use of .09 Funding (Economic Development Investment Program funding) for workforce housing and land banking.** A lack of workforce housing is a significant inhibitor of economic development. In recognition of this, in 2022, the Legislature amended RCW 82.14.370 to allow use of funding for affordable workforce housing infrastructure and facilities. The amended statute remains unclear with respect to whether public ownership is required for those facilities and whether pre-development activities, such as land banking, are suitable uses of the funds. We ask the legislature provide a technical fix to the statute so rural counties can utilize this funding with nonprofit partners to build workforce housing.
- **Allow flexibility for small cities to direct development to less flood-prone areas.** The November 2021 floods devastated communities in North Whatcom County. Increased flooding risk requires small cities to think differently about growth into the future. Whatcom County and its cities requests the legislature provide flexibility for Urban Growth Area “land swaps,” which would allow Sumas, Everson, and Nooksack to direct growth into less flood-prone areas.
- **LAMIRDS:** Today, at a time when many rural counties and remote rural areas are food deserts or underserved communities, the LAMIRD rules limit siting of essential services (such as grocery stores), creating inconsistency with goals to promote health and reduce vehicle miles travelled. Counties need more flexibility in the types and sizes of uses allowed within existing LAMIRDS to reflect the range of uses and services needed in the 21st century. We support LAMIRD bills that allow counties more flexibility in allowing uses and larger building sizes within existing LAMIRDS that reflect the current and future needs of our rural residents and communities.

OPERATING REQUESTS

- **5th Superior Court Judge, staffing, and equipment to support water rights adjudication.** Whatcom County Superior Court employs 4 judges and 3 commissioners. The Judicial Needs Estimate of 2020 projected an estimated need of 8.46 judges. The Department of Ecology (DOE) anticipates filing a water adjudication petition in Whatcom County Superior Court as in spring 2024. DOE will serve notice on approximately 30,000 claimants, which could result in anywhere between 5,000 and 25,000 defendant claim filings. To illustrate the magnitude of impact, a total of 6,168 cases in total were filed in Whatcom County Superior Court in 2022. We ask the legislature to fully fund the Administrative Office of the Court's decision package for Water Rights Adjudication, including an additional judge, court commissioner, associated staff support, new courtroom construction and equipment. Whatcom County also supports the agency's requested statutory amendments to provide necessary clarity as the adjudication process moves forward.
- **Fund the 90-day Medicaid waiver for jail-based health and jail transitions.** The Centers for Medicare and Medicaid Services (CMS) has approved Washington State's 90-day Medicaid re-entry waiver that will allow for re-entry and healthcare services for individuals leaving a prison, jail, or youth correctional facility. We urge the legislature to pass a bill or budget proviso to fund the State's share of Medicaid for implementation of this re-entry waiver. Additionally, we ask the State to provide technical assistance and readiness funding to assist local governments in preparing for implementation of the waiver.
- **Whatcom County LEAD Program:** The Law Enforcement Assisted Diversion (LEAD) aims to improve public safety, health, and equity in Whatcom County by developing a community-based alternative to incarceration and prosecution for individuals who have a history of law violations or contacts with law enforcement due to unmanaged substance use, mental health challenges, or extreme poverty. We urge permanent and increased funding for existing LEAD sites funded under SB 5380 (2019-2020 session) to expand capacity in order to address community needs.
- **Whatcom County site for DSHS Prosecutorial Diversion Program.** Whatcom County is partnering with Washington State DSHS on designing a prosecutorial diversion pilot program, in alignment with the Whatcom County Justice Project Implementation Plan. We support DSHS's decision package, with \$670,000 needed annually for the Whatcom component of this project.



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2024 CAPITAL REQUESTS

- **23-Hour Crisis Relief Center Gap Funding.** Whatcom County was thrilled to receive \$9M in state funding during 2023 for its 23-hour crisis relief center project, which will provide much needed behavioral health urgent care and crisis services. Due to rapidly escalating construction costs and a commitment to create a trauma-informed medical facility, we anticipate total project costs at \$15.5M. Whatcom County has committed \$4.2 in local funds toward this project, leaving a gap of \$2.3M. We request the State's supporting in providing the necessary gap funding to bring this high priority service online.
- **Point Roberts Lighthouse Marine Park.** Whatcom County requests \$300,000 for master planning, design, and implementation efforts at Lighthouse Marine Park in Point Roberts, WA. Lighthouse Marine Park does not have a current master plan and being one of the County's earliest parks its facilities are either nearing the end of their useful life, or in many cases have been removed or are not currently meeting community expectations. As Point Roberts recovers from the economic devastation of the pandemic, Lighthouse Marine Park can provide hope and a source of pride for this community. As the community prioritizes projects, the County can utilize state investments to design and implement priority components of a master plan.
- **Fish Passage Barrier Removal.** Whatcom County requests \$400,000 for preliminary design and staffing capacity associated with fish barrier removal projects. Whatcom County is ramping up its program to update our inventory of fish passage barriers associated with County roads, prioritize barriers to remove, designing and constructing projects. In July 2023, Whatcom County entered a MOA with Nooksack Indian Tribe, Lummi Nation, and Washington State Department of Fish and Wildlife regarding fish passage barrier prioritization and removals. Whatcom County has sought and been awarded federal funds to build capacity and complete preliminary designs for priority barriers. Additional resources will support an accelerated process to remove barriers and restore access to habitat, a key component of the WRIA 1 Salmon Recovery Plan.

FUTURE CAPITAL REQUESTS

Whatcom County anticipates 2025 capital requests to support the Justice Project Implementation Plan and continued state coordination, including:

- **Behavioral Health Facilities.** Whatcom County is working to construct a 23-hour crisis relief center and wishes to further to build off its track record of successful completion of behavioral health facility projects. We will work with the community to address gaps in our continuum of care and intend to seek state funding for additional behavioral health facilities as this work progresses.
- **Swift Creek Cleanup.** Whatcom County and the Washington State Department of Ecology are under a consent decree to mitigate asbestos at Swift Creek. We are working in partnership with Ecology on the

next stage of project planning. While no additional funding is needed this biennium, we expect to make a large capital budget request during the 2025 legislative session to fulfill the mutual commitments of the county and state agreed upon in the consent decree.

- **Floodplain Buyouts, Planning and Mitigation.** Whatcom County requests additional funding for floodplain buyouts, planning and mitigation in areas that were damaged during the 2020 and 2021 flood events.

HIGH PRIORITY ISSUE AREAS

Whatcom County wishes to advance funding and policy solutions in the following high priority issue areas:

- Opioid response and behavioral health, including co-responder programs
- Housing affordability
- Watershed acquisitions, including Stewart mountain Phase 2
- Cost-recovery fees for County Treasurer services
- Broadband
- Foundational public health services and investments to address social determinants of health
- Childcare
- Fully funding indigent defense and implementation of medical examiner accreditation requirements
- Fiscal sustainability and funding any state mandates
- State assistance to support high-needs school districts

COMMUNITY PARTNER REQUESTS

Whatcom County supports community-based partners in their requests to the state for capital funding.

In particular, Whatcom County sees an opportunity state and local partnership on the following projects:

- Meridian School District Childcare, Behavioral Health, and Workforce Development Center
- Lake Whatcom Treatment Center's Maplewood & Birchwood Projects
- Planning funding to bring a new interim housing facility for women and children to Whatcom County