



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Report

File Number: AB2024-453

File ID:	AB2024-453	Version:	1	Status:	Adopted
File Created:	06/28/2024	Entered by:	Jed Holmes		
Department:	County Executive's Office	File Type:	Ordinance		
Assigned to:	Council Committee of the Whole			Final Action:	07/23/2024
Agenda Date:	07/23/2024			Enactment #:	ORD 2024-042
Related Files:					

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TITLE FOR AGENDA ITEM:

Ordinance creating Whatcom County Code 2.49, establishing the Justice Project Finance and Facility Advisory Board

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
07/09/2024	Council	INTRODUCED	Council Committee of the Whole
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	
07/23/2024	Council Committee of the Whole	RECOMMENDED FOR ADOPTION	
		Aye: 4 Buchanan, Donovan, Galloway, and Scanlon	
		Nay: 3 Byrd, Elenbaas, and Stremler	
07/23/2024	Council	ADOPTED	
		Aye: 4 Buchanan, Donovan, Galloway, and Scanlon	
		Nay: 3 Byrd, Elenbaas, and Stremler	

Attachments: Memo, Proposed Ordinance

ORDINANCE NO. 2024-042

**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.
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13 **ADOPTED** this 23rd day of July, 2024.

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17 ATTEST:

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21 Cathy Haika, Clerk of the Council

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24
25 WHATCOM COUNTY COUNCIL
26 WHATCOM COUNTY, WASHINGTON

27
28 Barry Buchanan, Council Chair

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31
32 APPROVED AS TO FORM:

33
34
35 B. Waldron (by email 6/28)

36 Civil Deputy Prosecutor

37
38 WHATCOM COUNTY EXECUTIVE
39 WHATCOM COUNTY, WASHINGTON

40 Satpal Sidhu, County Executive

41 ☒ Approved () Denied

42 Date Signed: 7/25/24

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

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

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

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

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

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

2.49.050 Qualifications.

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

2.49.060 Organization – Meetings.

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

2.49.070 Reporting.

- A. Pursuant to Ordinance 2023-039, the Board will report:
 - 1. No less than every two years, the Board shall coordinate with the Whatcom County Executive and the IPRTF/LJC to update the Implementation Plan with a detailed Spending Plan for the public health, safety, and justice tax, that adheres to the terms of this ordinance. The spending plan may not impede the County's ability to pay debt service on facility bonds issued against the tax.
 - 2. No less than every five years, the Board shall coordinate with the Whatcom County Executive and the IPRTF/LJC to update the Justice Project Implementation Plan based on an analysis of data collected, 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.
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21 **2.49.070 Committee Staffing - Compensation.**
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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.