



MEMO:

TO: Whatcom County Council

FROM: Satpal Sidhu, County Executive

DATE: June 13, 2023

RE: **Update on changes to draft ballot measure ordinance**

On Monday, June 12, the Incarceration Prevention and Reduction Task Force (IPRTF), acting as the Law and Justice Council, approved the Justice Project Implementation Plan, pending further updates to the plan by the County Executive's Office and County Council. This approval allows us to move forward with introduction of the ballot measure ordinance on June 20th. This ordinance is intended to serve as a vehicle for the Plan, provide for interjurisdictional and stakeholder coordination, and assure ongoing oversight, accountability, and transparency.

Based on feedback received from Council, as well as input received from the leadership of all the cities of Whatcom County, we have made changes to the draft ordinance.

Alignment with Implementation Plan. The draft ordinance has been updated to include the latest project list included in the Plan. For example, the Plan language is now more explicit about building a "jail" and the ordinance now reflects that.

Existing public safety tax. We received input that the ordinance should reflect the history of the existing 1/10th public safety sales tax approved in 2004 and show how those funds have been used to date. We have added "whereas" clauses which provide this background.

Booking restrictions and expansion parameters. The mayors of Whatcom County cities requested that the ordinance specifically address concerns about the size of the jail and how decisions will be made about future expansion if needed. We added language to this effect in Section 5 of the ordinance, directing the Executive to work toward an interlocal with the cities that incorporates the following:

- Construction of an appropriately sized jail based on jail use, bookings, population growth data, taking into consideration investments to avoid unnecessary incarceration;
- A mechanism for additional bed capacity if the facility reaches 85% operational capacity for an extended period of time;
- Cooperation between the County and cities to accommodate bed needs with other facilities when needed;
- Acknowledgement of need for judicial authority to implement booking restrictions in the future.

Upfront investment in jail. In response to the suggestion of shared financial commitment made by the leadership of the cities of Whatcom County, the draft ordinance provides a framework for sharing of city and county revenues from the proposed sales tax to pay down the bond for jail construction in the first 4-6 years. This up-front revenue will reduce the bond size to ensure that in subsequent years a minimum of 50% of the ongoing county-wide sales tax revenue will be used for other Implementation Plan priorities.

Purpose and eligible expenditures. Changes have been made to Section 2, Section 3, and Section 4 to provide greater clarity around the purpose of the proposed sales tax and eligible expenditures. We have also specifically added re-entry services, housing and diversion programs as eligible expenditures.

Oversight and transparency. In response to feedback received from County Councilmembers and the City of Bellingham, the draft ordinance includes modifications to membership of the Finance and Operations Advisory Board (Section 5.2). The new draft also calls for spending plan updates every two years (Section 7) and adds additional accountability and transparency measures (Section 8).

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The County Executive's Office will work to incorporate feedback provided by County Council during today's work session ahead of submission tomorrow for introduction on June 20.