

**Incarceration Prevention and Reduction Task Force**  
**DRAFT Meeting Summary for July 10, 2016**

**1. Call to Order**

Task Force Chair Jill Bernstein called the meeting to order at 9:00 a.m.

**Present:** Angela Anderson, Jill Bernstein, John Billester, Jeff Brubaker, Anne Deacon, Stephen Gockley, Daniel Hammill, Fred Heydrich, Jack Hovenier, Kelli Linville, Byron Manering, Ken Mann, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson, Chris Phillips, Tyler Schroeder, Greg Winter, Jeff Parks (Proxy for Bill Elfo)

**Absent:** Bill Elfo, Nick Lewis, Susan Gribbin, Betsy Kruse, Randy Polidan,

Announcements

Bernstein reported on recent outreach efforts by Task Force members regarding the GRACE Program and the work of the Task Force; a State task force working on pretrial supervision in the State of Washington; and the July 11 schedule for the Phase III Interim report and VERA Institute presentations at the County Council and Legal and Justice Systems Subcommittee meetings.

Linville reported on a recent community solutions workgroup to get people off the street and keep them out of jail.

Review May 22, 2017 Meeting Summary

There were no changes.

**2. Phase Three Interim Report**

Schroeder reported on the status of the State budget as it relates to the triage facility. The House capital budget includes a \$7 million line item for the triage facility. The Senate budget includes funds for the region. The deadline for capital budget approval is July 20. The Triage Facility Committee next steps is public outreach.

The Task Force members discussed who to contact in Olympia about the importance of passing the budget.

Deacon moved to approve the report. The motion was seconded.

Linville referenced the a paragraph regarding the triage facility location and suggested alternative language, "The second issue is the assurances given...Work Center was closed. ~~The City, through representatives on the Task Force, has confirmed that the assurances given to the City when the Work Center was built are non-binding. Additionally, the City does not intend to hold the County to those agreements.~~ It is anticipated that the County and City will work together toward ensuring that this location remains a viable location. Assurances to the neighborhood will be addressed during the public outreach process."

The Task Force members discussed agreements made at the time the work center was created, whether there are legal or other barriers to the County moving forward with the triage center, and minor scrivener's errors.

Deacon moved to amend to add language in the first paragraph regarding the triage center, "The Phase II Report quoted an estimate of...is \$9 million to account also for relocation of programming during the construction process. Significant headway...."

The amendment passed by general consent.

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McEachran moved to amend language, "The second issue is the assurances given...Work Center was closed. The City, through representatives on the Task Force, has confirmed that the assurances given to the City when the Work Center was built are non-binding. Additionally, the City does not intend to hold the County to those agreements. It is anticipated that the County and City will work together toward ensuring that this location remains a viable location. Additionally, the City agrees that the utilization of this facility for the purposes of a triage center would not be violative of the agreements. Assurances to the neighborhood will be addressed during the public outreach process."

The amendment passed by general consent.

The motion to approve the report as amended carried unanimously.

**3. VERA Institute Preliminary Data Analysis and Recommendations**

Liz Swavola, Kristi Riley, and Stephen Roberts, VERA Institute Consultants, submitted and read from a presentation (*on file*). The presenters and Task Force members discussed:

- The difference between admission ratio versus percentages
- The data includes information on the work center
- How they define holds from other jurisdictions
- How they worked with the data as it was provided by the jail system
- Whether they analyzed repeat offenders
- Including the Bellingham population
- Worse outcomes for people who spend more than a day in jail
- VERA taking a closer look at the charges and associated their length of stay
- Charges don't equal risk
- Considering failures to appear and potential risk to the community in the judicial decision
- Whether there is data to identify the warrant types
- Creating an analysis of why people are booked: to serve a sentence, probation violation, failure to appear, probable cause, or other arrest warrant
- Analyzing why court hearings are not held
- Case processing time and cases that are often continued
- Analyzing the pre-trial versus post-sentencing data
- Whether law enforcement is adequately using citations versus booking
- Identifying repeat bookings of the same individual instead of just total bookings when providing data on racial and ethnic disparities
- Assignment of public defender and probation in the small city jurisdictions
- Clearly identifying the prosecutor's determination of probable cause within 24 hours
- Correcting assumptions about resources spent on folks in terms of length of stay or mental illness
- The number of people going to jail due to felony assaults at the emergency room
- Point-in-time counts of people who could be diverted to an involuntary triage facility
- The schedule and agenda of the next VERA Institute consultant visit

**4. Next Steps: Ideas and Further Information**

This item was not discussed.

**5. Other Business**

There was no other business.

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**6. Public Comment**

Ray Baribeau stated the criminal justice system and behavioral health system are complex with unpredictable outcomes. There will not be simple solutions.

Amy Malone stated look at all integrated systems and think about these numbers when considering a new jail facility use agreement and ballot measure.

Tim Johnson, Cascadia Weekly, asked how Whatcom County compares to other communities. Roberts stated the trend and data information by county is available on the VERA Institute data.

Mark Gardner, City of Bellingham, asked if the Lummi data would be included. Swavola stated they have made attempts to get Lummi data. So far, they have not received any data. When looking at admissions data, the Lummi police only contributed less than five percent.

**7. Adjourn**

The meeting adjourned at 10:58 a.m.

DRAFT

**Potential** list of invitees to the Special Task Force meeting on October 2, regarding the VERA Institute report:

- Whatcom County Council and Executive
- City Councils, Mayors, Police Chiefs, Prosecutors (?), Assigned Council (?), Probation administrators (?):
  - Bellingham
  - Blaine
  - Everson
  - Ferndale
  - Lynden
  - Nooksack
  - Sumas
- Lummi Indian Business Council
- Judges and court administrators:
  - Municipal Courts
  - District Court
  - Superior Court
- Whatcom County Jail administrator(s) Wendy Jones
- Other first responders besides Jeff Brubaker?

**Incarceration Prevention and Reduction Task Force**  
**Triage Facility Subcommittee**  
**DRAFT Meeting Summary for August 3, 2016**

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**1. Call To Order**

Committee Member Jack Hovenier called the meeting to order at 8:35 a.m. at the Health Department Creekside Conference Room, 509 Girard Street, Bellingham.

Members Present: Jack Hovenier, Chris Phillips, Tyler Schroeder

Also Present: Jill Bernstein, Anne Deacon, Sandy Whitcutt (proxy for Betsy Kruse)

Members Absent: Jeff Brubaker, Kelli Linville, Ken Mann

Review May 18, 2017 Meeting Summary

There were no changes.

**2. Update on Capital Funding**

Schroeder submitted a handout on the estimated budget for the triage center additions and renovations (*on file*) and reported on the status of the State's capital budget. The State Senate has not yet passed the capital budget. The 45<sup>th</sup> District seat may change, which may shift the balance in Olympia.

The committee members discussed the upcoming process and what to do if there is no capital budget:

- The County administration will create a project budget at the County Council meeting on September 12.
- The administration will secure a contract with the architect, Ron Wright, to develop a schematic design.
- Schroeder hopes they will have a schematic by December.
- They will need a more than \$7 million for the triage facility. They have \$5.5 million now.
- If there is no money in the State budget for a triage facility, one option is to bond for the rest of the money, but that is the least preferred option.
- It would be better to delay the project if necessary than to bond for the money, so they don't lose funding from the State.
- The construction costs per square foot may be approximately \$232 for renovation and \$268 for the addition.
- Whether or not they should build a LEED-certified facility.
- Don't get too specific on the design before reaching out to the neighborhood and public, so they can provide input and feedback.

The committee discussed what happens if the North Sound Region becomes a mid-adopter of the Medicaid managed care process to integrate behavioral health and medical care.

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- The Behavioral Health Organization Executive Board, managed care organizations (MCOs), the Accountable Communities of Health (ACH), the Healthcare Authority (HCA), and County Commissioners are having meetings to talk about becoming a mid-adopter.
  - Planning for an interlocal structure
  - Define the categories of services
  - The MCOs in the pilot project are committed to supporting a triage facility in that area
- There is a financial benefit to becoming a mid-adopter and implementing the managed care process a year early.
- Crisis services are separate, and funding will go to the State or counties, which will likely impact the operating funds for the triage facility.
- Get confirmation from Joe Valentine that MCOs will support funding for triage facilities because they are cheaper to run than emergency rooms.
- Make sure the building and services providers are providing the best services possible so they don't lose funding.
- They need assurance from the director of the HCA that goes beyond verbal assurance.
- Convey the message to the County Council that this is a time of transition and there are a lot of moving parts, they will look for certainties, and MCOs are most likely to support the triage facility because they are cheaper.

#### **4. Other Business**

Schroeder stated that approval of a budget and fund with \$300,000 for architect Ron Wright is scheduled on the September 12 County Council agenda. He will look at the project scope and programming, talk to service providers, get verification from the State Department of Social and Health Services (DSHS) and Department of Health on licensing requirements, look into the structural requirements, confirm requirements from all permitting agencies, and prepare an estimate of probable construction costs and a timeline. They want to build a stand-alone crisis triage center. The administration is going to investigate whether it's better to build a new stand-alone crisis triage center on the vacant lot between the work center and the road. One saving is that they won't have to move people from the existing program during construction.

The committee talked about the possibility of creating a backup option to build the triage center in phases in case there are problems with securing operational and/or construction funding and the importance of ensuring the triage facility is a viable option for law enforcement.

Hovenier moved for this Committee to ask the County to diligently explore making the triage and crisis respite facility a free-standing facility for three reasons: 1. The cost differential for the remodel and a new facility is only 16 percent, 2. Hidden problems often occur with remodels, so the new construction forecast will be more accurate, 3. It gives better use of the existing building by not eliminating what they currently have. The motion was seconded.

***Incarceration Prevention and Reduction Task Force***  
***Triage Facility Subcommittee***  
**DRAFT Meeting Summary for August 3, 2016**

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Schroeder stated the property is County-owned property in the same location and would provide more flexibility.

The motion carried unanimously.

**3. Next Steps: Ideas & Further Information**

The committee discussed whether they can take steps to encourage State legislators to vote in favor of the capital budget, continuing to discuss operational funding, beginning work on the final Phase III Report to the County Council, and the timeline for Ron Wright's deliverables.

The next meeting will begin around 10:00 a.m. on September 21. The agenda items will include:

- An update on the State's capital budget
- An update on Council passage of the triage facility project budget
- A report on the North Sound BHO Executive Committee consideration of becoming a mid-adopter
- An update on architectural plans and scope of work
- An update on the public outreach plan
- Discussion of the final Phase III Report, which could include:
  - An update on the work of architect Ron Wright regarding programming, design, and other factors
  - Public outreach

**5. Public Comment**

There was no public comment.

**6. Adjourn**

The meeting adjourned at 9:40 a.m.

**Motion from August 3, 2017 Triage Facility Committee**

Motion to ask the County to diligently explore the option of making the triage and crisis respite facility a free-standing facility for three reasons:

1. The cost differential for the remodel and a new facility is only 16 percent,
2. Hidden problems often occur with remodels, so the new construction forecast will be more accurate,
3. It gives better use of the existing building by not eliminating what they currently have.



PROPOSED BY: Executive  
INTRODUCTION DATE: 8/8/17

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE ESTABLISHING THE TRIAGE CENTER EXPANSION FUND AND  
ESTABLISHING A PROJECT BASED BUDGET FOR THE TRIAGE CENTER EXPANSION  
PROJECT**

**WHEREAS**, the current Triage Center facility does not have enough capacity to meet community needs, and

**WHEREAS**, the County is now ready to begin Phase I of the Triage Center expansion project, to include plan design, architectural services, and public outreach efforts, and

**WHEREAS**, the County has received a \$2,500,000 grant from North Sound Behavioral Health Organization in support of this project, and

**WHEREAS**, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that a new fund is hereby established titled Triage Center Expansion Fund. This fund shall be used to account for the revenues and expenditures of the capital project mentioned above, and

**BE IT FURTHER ORDAINED** by the Whatcom County Council that the Triage Center Expansion Fund is approved with a Phase I project budget of \$300,000 as described in Exhibit A.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017

ATTEST:


WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved      ( ) Denied

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive  
Date: \_\_\_\_\_

# Exhibit A

## Supplemental Budget Request

*Status:* Pending

**Health**

**Human Services**

Suppl ID # 2330

**Fund**

**Cost Center**

**Originator:** Patty Proctor

**Expenditure Type:** One-Time

**Year 1** 2017

**Add'l FTE**

**Add'l Space**

**Priority** 1

**Name of Request:** Phase I - Triage Center Expansion

**X**

**Department Head Signature (Required on Hard Copy Submission)**

**Date**

7/31/17

Costs:	Object	Object Description	Amount Requested
	4334.04605	NSRSN Grant	(\$2,500,000)
	6190	Direct Billing Rate	\$20,000
	6630	Professional Services	\$280,000
	<b>Request Total</b>		<b>(\$2,200,000)</b>

**1a. Description of request:**

The North Sound Behavioral Health Organization has provided \$2.5 million to Whatcom County for expansion of the existing triage facility. These funds will be combined with other state and local funding to complete the future construction. This funding request is intended to support pre-construction activities to include an update to the design plan, architectural services, and public outreach efforts.

**1b. Primary customers:**

County staff and the community members impacted by the Triage Facility construction

**2. Problem to be solved:**

The current Triage facility has 13 total beds, five for mental health crisis stabilization, and eight for alcohol and/or drug detox. The facility is often full, unable to meet the demand of the community. First Responders often come into contact with individuals who would be better served by the Triage facility as opposed to jail or the emergency department. Due to insufficient number of beds, First Responders are often unable to access the services at the Triage facility for these individuals.

Expansion of the Triage facility will increase the number of beds to 16 of each type for a total of 32, thereby providing accessible alternatives to jail or the emergency department.

**3a. Options / Advantages:**

Phase I of the Triage Facility expansion will be fully supported by these funds, and set the stage for the Phase II construction process.

**3b. Cost savings:**

No local county funds will be used for this request.

**4a. Outcomes:**

A final architectural pre-design with construction cost estimates will be completed and used to inform the public of the construction and Triage expansion project.

**4b. Measures:**

**5a. Other Departments/Agencies:**

The county Administrative Services Facilities division

**5b. Name the person in charge of implementation and what they are responsible for:**

Anne Deacon, Human Services Manager, will oversee programming elements and the Facilities division will oversee pre-construction activities

# Supplemental Budget Request

Status: Pending

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Health

Human Services

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Suppl ID # 2330

**Fund**

**Cost Center**

**Originator: Patty Proctor**

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**6. Funding Source:**

100% of the funds supporting this request come from an external source, the North Sound Behavioral Health Organization.













***Incarceration Prevention and Reduction Task Force***  
***Behavioral Health Subcommittee***  
**DRAFT Summary of Discussion for August 21, 2017**

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- Criminal traffic statistics don't reflect State-mandated bookings.
- Statistics on racial bias is inaccurate without identifying the number of repeat offenders.
- The memo's conclusions weren't supported by data and evidence.
- The consultants should limit themselves to policies that impact incarceration, but should not make comments on jail size.

Committee members and staff discussed the specific changes and:

- How the public may misunderstand the data in the report without important context provided by the oral presentation to the Task Force and County Council.
- An unwarranted tone of certainty without evidence.
- A methodological confusion that undermines the value of the report.
- The extracurricular focuses and comments.
- The need for greater context.
- Working with the consultants to refine the final report prior to its release to the public.

**6. Next Steps: Ideas & Further Information**

The next steps include continued updates on the opioid problem and the final Phase III report from the VERA Institute consultants.

**7. Other Business**

The committee members and staff discussed having information available to community forums on the jail funding ballot measure.

**8. Public Comment**

There were no public comments.

**9. Adjourn**

There was no official meeting. Discussion ended at 3:40 p.m.

**Incarceration Prevention and Reduction Task Force**  
**Legal & Justice Systems Subcommittee**  
**DRAFT Meeting Summary for July 11, 2017**

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**1. Call To Order**

Committee Chair Stephen Gockley called the meeting to order at 11:30 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, John Billester, Stephen Gockley, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson

Also Present: Deborra Garrett (proxy for Fred Heydrich), Nick Lewis, Jeff Parks (Proxy for Bill Elfo),

Members Absent: Bill Elfo, Fred Heydrich

Review May 9 and June 13, 2017 Meeting Summary

This item was not discussed.

**2. VERA Institute preliminary data analysis and recommendations**

Liz Swavola, Kristi Riley, and Stephen Roberts, VERA Institute for Justice, submitted a handout (*on file*) and answered questions on the following:

- The number of people booked for Driving While License Suspended-3<sup>rd</sup> Degree and a related pilot program to reinstate driving rights
- Race and ethnic data
- Potential opportunities to reduce jail size by focusing on long-term sentenced offenders.
- The data on Yakima jail inmates was not included in the data analysis, but they will work to include it in the final report
- The length-of-stay and misdemeanor data will likely change when the Yakima inmate data is included
- Including the Lummi Nation data in the analysis, including their inmates in Yakima and Wyoming
- Determine how many sentenced felonies are resolved within 60 days to parse out the average daily population
- How Whatcom County compares with other counties regarding length of stay by felony and gross misdemeanor charge classes
- The data counts felony bookings, regardless of whether the charge is dropped to a misdemeanor.
- Length of stay in the Whatcom County jail versus prison sentence
- Whether the data analysis considered failure to appear, warrant, and criminal histories and inability to make bail
- Including information in the report about the constitutional rights of victims and misconceptions about how and whether the bail system is working to ensure public safety
- Convening a focus group of system users

**Incarceration Prevention and Reduction Task Force**  
**Legal & Justice Systems Subcommittee**  
**DRAFT Meeting Summary for July 11, 2017**

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Committee members discussed:

- Whether any of the small cities send inmates to Yakima
- How booking restrictions in 2016 would change the data
- How Lummi Assault 2 as a misdemeanor versus felony
- Unlike District Court, Superior Court has no option between releasing someone on personal recognizance and setting a high bail, which emphasizes the need for pretrial services for Superior Court defendants
- The huge percentage of drug related offenses, which highlights the importance of addiction treatment and recovery services
- Analyzing data on the individuals in addition to the number of bookings to assess recidivism
- Pretrial services that are available now for Whatcom County District Court and the municipal courts
- Making sure that reports produced by the Task Force aren't misinterpreted by the general public, who may not have participated in these discussions
- Look at the percentage of charges that were dismissed for people who weren't held for bail or were able to post bail
- Look at the number who were dismissed per plea
- Recent changes by the Sheriff's Office to the jail alternatives program to reduce barriers
- Reviewing existing restorative justice programs in the community and possible funding

### **3. Drug Court**

McEachran reported on how drug court was initially developed.

Committee members discussed the return on drug court investment.

Anne Deacon, Health Department, stated:

- She has funding through the behavioral health sales tax to:
  - Send Judge Montoya-Lewis and the drug court staff to national training and
  - Provide incentives for drug court participants who are successful in the program.
- It will be too expensive for the County to become Behavioral Health Organization (BHO)-certified due to software requirements in the amount of \$750,000, a significant amount of data capturing, and the requirement to follow Medicaid rules and bill the State.
- The BHO now administers the SUD contracts and monitors for quality control.
- The County Health Department is working with the BHO:
  - to increase the number of providers in the community to increase competition and improve services. They are also talking with the BHO
  - about the County's concerns and expectations for the level of care that the citizens deserve.
- The Health Department is also working with current providers.

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**DRAFT Meeting Summary for July 11, 2017**

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The Committee members discussed:

One possibility is for the County to allow a provider to have a satellite office for drug court.

The BHO could give a higher priority to quality control and compliance regarding the curriculum.

The County Health Department is aware of the care quality and is actively working on it as effectively as possible, given that they no longer administer those services. It is a work in progress. They have had candid discussions with providers and the BHO.

It would be useful to have someone who can supplement community-based treatment while housed in the program.

The North Sound BHO in the early stages of development and is understaffed for all the work they need to do. The BHO hasn't gotten to the point yet where they are auditing agencies. Their work is huge, and they don't yet have a certain level of knowledge and experience for dealing with the SUD agencies. They only had a few months to get up and running, and have been crisis managing ever since.

Solutions may include:

- Superior Court working within the process to request funds from the behavioral health sales tax, which is administered by the Health Department, to figure out the most effective use of the fund
- Working with the BHO to increase the number of providers in the community
- Recommending more programmatic support for the drug court, such as a substance abuse treatment support staff person, not clerical staff, for additional support and education
- Sending a letter to the BHO
- Possibly contracting with someone to provide additional substance abuse support and education until there is a more robust provider network

Drug court participants are expected to comply with the rules, but there are no appropriate tools for them to comply and succeed.

Bernstein moved that Committee Chair Gockley write a letter for the Task Force to send to the BHO regarding their concerns and expectations. The motion was seconded.

The motion carried unanimously.

Bernstein moved for the Task Force to formally recommend that they take positive action on recommending SUD treatment programmatic support and funding. The motion was seconded.

The motion carried unanimously.

**4. Domestic Violence & Sexual Assault Service (DVSAS) and domestic violence treatment**

Karen Burke, DVSAS Executive Director, stated they are looking at a repeating cycle of criminal behavior. Fifteen to 20 percent of all bookings in the county are related to domestic violence. Substance abuse exacerbates, but does not cause, domestic violence. This is an opportunity to reduce the time domestic violence offenders spend in jail. She submitted and read from a presentation (*on file*).

The Committee discussed additional gaps in and barriers to service:

- It can be difficult for offenders to know how to find treatment
- Evaluations and treatment must be separate to eliminate the conflict of interest due to economic incentive
- No available services that are culturally-appropriate, language-appropriate, or gender-appropriate
- It's very difficult for providers to earn a living in this field

Ms. Burke will return to the Committee to continue discussion of the next steps.

**6. Other Business**

There was no other business.

**7. Public Comment**

There was no public comment.

**8. Adjourn**

The meeting adjourned at 1:26 p.m.

## **Motions from July 11, 2017 Legal and Justice Systems Committee**

Motion for the Task Force to send a letter to the North Sound Behavioral Health Organization regarding their concerns and expectations regarding BHO-approved providers and their services to drug court .

- Working with the BHO to increase the number of providers in the community
- The BHO could give a higher priority to quality control and compliance regarding the curriculum.

Motion for the Task Force to formally recommend that they take positive action on recommending substance use disorder (SUD) treatment programmatic support and funding.

- Recommending more programmatic support for the drug court, such as a substance abuse treatment support staff person, not clerical staff, for additional support and education
- Possibly contracting with someone to provide additional substance abuse support and education until there is a more robust provider network

**Memorandum of Agreement Between  
City of Bellingham and Whatcom County  
Regarding their Commitment to Incarceration Reduction and Prevention**

This Memorandum of Agreement (hereinafter, Agreement) by and between the City of Bellingham (hereinafter, the City) and Whatcom County (hereinafter, the County) (collectively referred to as "the Parties") is entered into for the purposes of recognizing the commitment of both Parties to commit a portion of the anticipated public safety tax (as per RCW 82.14.450), to incarceration reduction and prevention programs.

**WHEREAS**, the Whatcom County Council, pursuant to the passage of Resolution 2017-031, has authorized and approved the Whatcom County Executive to enter into a long-term agreement in the form of the Jail Facility Financing and Use Agreement (JFFUA), with the Whatcom County cities to share in the costs of the construction and ongoing operating costs of a new jail and jail-related facilities that serve the future needs of their city and county inmates with the proceeds of a sales and use tax; and

**WHEREAS**, the Parties of the JFFUA, recognize and fully support the goals of the Incarceration Prevention and Reduction Task Force ("IPRTF"), established through Ordinance 2015-025, to reduce incarceration and recidivism. The IPRTF is charged with continually reviewing Whatcom County's criminal justice and behavioral health programs and making specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency, and minimize jail utilization by pretrial defendants who can safely be released. This may include programs such as a pre-trial risk assessment tool, implementation of the GRACE Program, Alternative Jail programs, Electronic Home Monitoring Detention, Work Release and Work Crew programs, Mental Health Court, Drug Court, the establishment of a County pretrial supervision program, and the expansion of the Crisis Triage Facility, or others as identified by the Parties; and

**WHEREAS**, prior to the City of Bellingham signing the JFFUA, the City of Bellingham Council sent Whatcom County Council a letter conveying the City Council's areas of concern regarding the County's jail plan. Based on this letter and discussions at the June 27, 2017 County Council meeting, the Whatcom County Council amended and introduced an Ordinance 2017-037 providing for the submission of a ballot measure to the qualified voters of the County a proposition authorizing a public safety sales tax, as authorized by RCW 82.14.450; and

**WHEREAS**, the amendments to the ballot measure Ordinance included changes re-enforcing the Whatcom County Council's financial commitment to public safety and support of the goals of the IPRTF as outlined here;

1. The Whatcom County Council urges the Cities of Whatcom County to continue to fund incarceration prevention programs.

2. The Whatcom County Council requested the City of Bellingham to commit at least 25% annually (projected at \$255,632 in 2019) of the City's net sales tax revenue that is in excess of the City's obligation for the capital cost of the new jail, to fund these programs.
3. Whatcom County is not projected, in the first few years, to receive net sales tax revenue, in excess of Whatcom County's portion of the capital cost. The Whatcom County Council commits to use this net sales tax revenue or other legitimate funding sources on a dollar for dollar match of the City of Bellingham's contribution, up to an annual amount of 25% of the County's net sales tax revenue or \$300,000, whichever is greater.
4. If both jurisdictions commit to this funding, this amount would be projected to be \$30,193,628 over 30 years, and shall continue until repayment of the total capital cost of jail facilities, or December 31, 2048, whichever occurs first.
5. This commitment is intended to accomplish the continued implementation of the criminal justice and behavioral health programs recommended by the IPRTF.
6. The net sales tax revenue, as described in this Agreement, refers to revenue in excess of capital cost of the new jail from the public safety sales tax, if and as adopted through Ordinance 2017-037; and

**NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

As envisioned in Ordinance 2017-037, the Parties agree to recognize and fully support the goals of the Incarceration Prevention and Reduction Task Force, established through Ordinance 2015-025 by committing to the following:

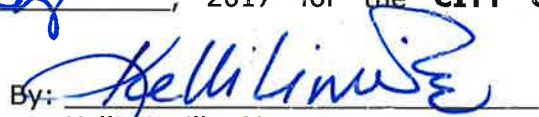
- A. City of Bellingham shall use at least 25% annually (projected at \$255,632 in 2019) of the City's net public safety sales tax revenue, in excess of the City's obligation for the capital cost of the new jail, to fund these new or expanded incarceration prevention and reduction programs.
- B. Whatcom County Council shall use public safety sales tax revenue or other legitimate funding sources on a dollar for dollar match, up to an annual amount of 25% of the County's net sales tax revenue or \$300,000, whichever is greater, to fund these new or expanded incarceration prevention and reduction programs.
- C. These funding commitments are made with the understanding that, due to accounting and budgetary procedures, actual expenditures may be realized, recorded, and carried over across fiscal years.
- D. Both Parties commit to this funding, the amount of which is projected to be \$30,193,628 over 30 years, and shall continue until repayment of the total capital cost of the jail facilities, or December 31, 2048, whichever occurs first.
- E. The Parties hereto agree that each is an independent entity operating pursuant to the terms and conditions of this agreement and shall work collaboratively to develop and define the appropriate oversight model for the timing, distribution and legislative compliance of the financial commitment. The Parties shall also work to update the JFFUA to include language similar to what is contained in this agreement.




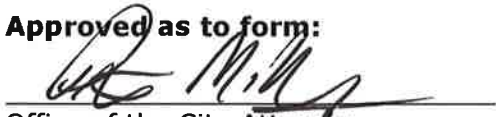
**EFFECTIVE DATE AND DURATION OF AGREEMENT**

This Agreement shall be effective only upon its execution, following an affirmative vote of both the City Council and the County Council approving this Agreement and conditioned upon the approval of the voters of Whatcom County at the General Election in November of 2017 of the Public Safety Tax measure passing, authorized by Ordinance 2017-037. This Agreement shall remain in effect until the obligations and terms set forth above are satisfied, unless otherwise mutually agreed upon in writing by both parties.

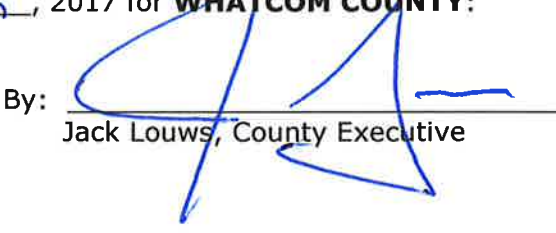
**EXECUTED** this 25<sup>th</sup> day of July, 2017 for the **CITY OF BELLINGHAM:**

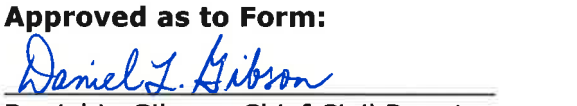
By:   
Kelli Linville, Mayor

**Attest:**  
  
Finance Director

**Approved as to form:**  
  
Office of the City Attorney

**EXECUTED** this 25<sup>th</sup> day of July, 2017 for **WHATCOM COUNTY:**

By:   
Jack Louws, County Executive

**Approved as to Form:**  
  
Daniel L. Gibson, Chief Civil Deputy  
Prosecuting Attorney For Whatcom County

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF

ART EDGE  
CHIEF DEPUTY

DOUG CHADWICK  
CHIEF DEPUTY

STEVE COOLEY  
CHIEF INSPECTOR

WENDY JONES  
CHIEF OF CORRECTIONS

RECEIVED

AUG 09 2017

WHATCOM COUNTY  
COUNCIL

August 7, 2017

Ms. Jill Bernstein and Mr. Jack Hovenier, Co-Chairs  
Whatcom Incarceration Reduction and Prevention Task Force  
c/o Jill Nixon  
Whatcom County Council  
311 Grand Avenue  
Bellingham, Washington 98225

Dear Mr. Hovenier:  
Dear Ms. Bernstein:

*Jack & Jill*

The Jail Use Agreement between Whatcom County and the cities calls for the establishment of a "Finance and Operations Advisory Board" to "discuss matters and make recommendations related to jail finances and the operation of the jail." The agreement requires that the board consist of 7 members to include:

- Two representatives of Whatcom County including the County Executive and one other elected official to be determined by the County;
- Two representatives of the City of Bellingham including the Mayor and one other elected official to be determined by the City;
- Two representatives from the small cities that are party to the agreement;
- **One member of the Incarceration Prevention and Reduction Task Force to be determined by the Incarceration Prevention Reduction Task Force.**

It would be appreciated if you would determine who the representative of the IRPTF is and notify me. I plan on convening a meeting of the Board in early November to discuss jail issues within the purview of the agreement

Thank you!

Sincerely,

A handwritten signature in black ink that appears to read "Bill Elfo".

Bill Elfo, Sheriff