AGENDA REVISION NOTICE FOR JULY 21, 2015
(DISTRIBUTED AT 3:30 P.M. ON JULY 7, 2015):

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE EVENING COUNCIL MEETING AGENDA:

OTHER ITEMS

(No Committee Assignment)

12. Appointment of Pro and Con Statement Committees to write statements for the local voter’s pamphlet on the ballot proposition to authorize the County Council to fix and impose a local sales and use tax of two-tenths of one percent (20 cents for every $100) to provide funding for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, re-equipping, and improvements of jail facilities and other public safety purposes (AB2015-047Q)

Volunteers as of 5 p.m. July 21, 2015:

<table>
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<tr>
<th>Pro Committee</th>
<th>Con Committee</th>
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<tr>
<td>Ray Baribeau</td>
<td>Doug Starcher</td>
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<td>Susan McClendon</td>
<td>David Camp</td>
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<td>Pat Brown</td>
<td>Pat Alesse</td>
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<td>Dan McShane</td>
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<td>Joy Gilfillien</td>
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INTRODUCTION

7. Ordinance amending Ordinance 2015-025, which created a Whatcom County Incarceration Prevention and Reduction Task Force intended to provide recommendations, oversight, and specific timeframes on the development of new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency, and minimizes jail utilization by pretrial defendants who can safely be released (AB2015-047P)
At the request of the City of Bellingham:

Ordinance amending Ordinance 2015-025, which created a Whatcom County Incarceration Prevention and Reduction Task Force

EXECUTIVE MEMO
City of Bellingham Memo
Revised County Council Ordinance
Resolution being considered by City of Bellingham

SEPA review required?  (  ) Yes  (  ) NO  Should Clerk schedule a hearing?  (  ) Yes  (  ) NO
SEPA review completed?  (  ) Yes  (  ) NO  Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Executive Louws requests Council review and consideration of the City’s requested changes to the Ordinance to establish an Incarceration Prevention and Reduction Task Force as approved by Council on 06.09.15.

The City of Bellingham anticipates action on the Jail Interlocal Agreement pending the approval of their requested changes to Ordinance 2015-025.

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Whatcom County Council Members
FROM: Jack Louws, County Executive
DATE: July 20, 2015
SUBJECT: Request to revise Ordinance 2015-025 (establishment of an incarceration prevention and reduction task force)

Over the last few weeks several meetings and interactions with the Mayor of Bellingham have taken place regarding the proposed new jail project. Many of these discussions have involved the County’s commitment to jail alternatives. Based on these discussions and discussions with City Councilors’ the Mayor has requested changes to the Incarceration Prevention and Reduction Task Force Ordinance (ORD2015-025).

The Mayor’s proposed changes to the ordinance are included along with the Mayor’s memo, summarizing the City’s position. Also attached, is a red line copy of the ordinance that highlights the City’s requested revisions.

This item is being introduced at the July 21st County Council meeting to ensure that the County Council can take action on any changes on August 4th, if the County Council so chooses. The Bellingham City Council anticipates action on a resolution supporting jail alternative programs and the Jail Facility Use Agreement at either their July 27th or August 10th City Council meeting (draft is included). As stated above, prior to the City Council’s action on that resolution and agreement, the Mayor has requested a few revisions to the recently approved ordinance (2015-025), approving the establishment of an Incarceration Prevention and Reduction Task Force.

I thank you in advance for the opportunity to present to you the continued progress of this important work to establish funding for the new countywide jail.
July 20, 2015

Carl Weimer, Whatcom County Council President
Jack Louws, Whatcom County Executive
Whatcom County
311 Grand Avenue
Bellingham, WA 98225

Dear Council President Weimer and County Executive Louws:

Following please find my requested amendments to Whatcom County code 2.46, creating a Whatcom county incarceration prevention and reduction task force. I appreciate the opportunity to provide input and make suggestions that I believe will allow the City of Bellingham to be a signatory to the proposed Jail Facility Use Agreement.

As you know, the agreement as written requires the City of Bellingham to make significant financial concessions to achieve the goal of building and operating a new jail facility for our County. While I have worked with the County Executive to articulate my concerns, I am disappointed that the agreement as adopted by the small cities and Whatcom County fails to acknowledge the degree to which the City of Bellingham will make these concessions into the foreseeable future.

That said, I am encouraged that the County Council took the important step of creating a task force to identify and implement strategies to reduce incarceration and, most importantly, provide the necessary alternatives to incarceration. I believe these alternatives are a critical component of not only our criminal justice system, but of our social service network and best serve the interests of our community.

My request to you is to consider amending the ordinance at your Tuesday, August 4, 2015 meeting. I will also be introducing a resolution to the Bellingham City Council that outlines the request as follows:

Section 1: That the Ordinance establishes that the financing of alternatives and diversion programs first be allocated from existing local funding sources, and all other voter approved tax revenue as allowed by law, as well as any state, federal
and/or private funding that will alleviate costs to all users of the proposed countywide jail facility;

Section 2: That the Ordinance establishes that the County will operate an expanded interim triage facility during the planning process for a new triage facility;

Section 3: That the Ordinance establishes the immediate use of existing alternatives to incarceration at no additional cost to cities;

Section 4: That the Ordinance designates the Mayor of Bellingham, or designee, as a permanent member of the task force;

Should you agree with this request I ask that you introduce the amendments to the ordinance at your Tuesday, July 21, 2015 meeting. This will allow me to present the Bellingham City Council with a resolution affirming this direction at the City's Monday, July 27, 2015 meeting.

I appreciate your consideration of this request and ask that you do not hesitate to contact me with any questions or concerns.

Sincerely,

[Signature]

Kelli Linville
Mayor, City of Bellingham
ORDINANCE 2015--_____

ORDINANCE AMENDING ORD2015-025, WHICH CREATED A WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE INTENDED TO PROVIDE RECOMMENDATIONS, OVERSIGHT, AND SPECIFIC TIMEFRAMES ON THE DEVELOPMENT OF NEW, OR ENHANCEMENT OF EXISTING, PROGRAMS DESIGNED ALONG A CONTINUUM THAT EFFECTIVELY REDUCES INCARCERATION OF INDIVIDUALS STRUGGLING WITH MENTAL ILLNESS AND CHEMICAL DEPENDENCY, AND MINIMIZES JAIL UTILIZATION BY PRETRIAL DEFENDANTS WHO CAN SAFELY BE RELEASED

WHEREAS, in 2012 the Jail Planning Task Force recommended that space be found for a behavioral health triage facility with sufficient capacity and capability to offer pre-booking diversion from jail; and

WHEREAS, the proposed countywide jail is currently designed to include needed space for expanded medical and mental health program space in that facility; and

WHEREAS, the Whatcom County Health Department has been planning toward an expanded and new crisis triage facility to provide an alternative to the jail or the hospital emergency room; and

WHEREAS, the Whatcom County Council and Whatcom County Executive are committed to these facilities and programs related to behavioral health issues and share the commitment to reduce jail populations and reduce recidivism through jail alternative programs and the County has the financial capacity and is committed to providing the capital and operating funds necessary for a new or expanded crisis triage center; and

WHEREAS, the County currently provides behavioral health programs funded through the Behavioral Health Tax, at approximately $4.1 million annually, which include a continuum of behavioral health services designed to reduce criminal justice involvement of people struggling with mental illness and chemical dependency and has earmarked $3 million in Behavioral Health Tax revenue reserves for the expansion and/or relocation of a new triage center; and

WHEREAS, the County currently owns and operates a behavioral health crisis triage center and Interim Work Center on Division Street in Bellingham, which property the County may sell or transfer or repurpose for behavioral health uses, when the new countywide jail is completed and the County has agreed and ordained that if that property is sold or transferred, the resulting net value and proceeds from the transaction will be applied by the County to facilities and programs that support the goals of treating and diverting individuals with behavioral health problems from the criminal justice system, such as a new or expanded multi-purpose triage center; and

WHEREAS, these behavioral health facilities and programs are designed to achieve the following policy goals, 1) a reduction of the number of mentally ill and chemically dependent people using costly interventions like jail, emergency rooms, and hospitals; 2) a reduction of the number of people who recyle through the jail, returning repeatedly as a result of their mental illness or chemical dependency; 3) a reduction of the incidence and severity of chemical dependency and mental and emotional disorders in youth and adults; and 4) diversion of mentally ill and chemically dependent youth and adults from initial or further justice system involvement; and
WHEREAS, the County’s costs for current criminal justice and incarceration programs continue to rise every year; mental illness and chemical dependency problems have a significant impact on the utilization of these very expensive services; and successful diversion programs should result in substantial long term savings to the criminal justice system; and

WHEREAS, the County intends to construct and operate a new or expanded multi-purpose diversion crisis triage center, in parallel with the construction of the new county wide jail facility and-and intends to reduce long-term jail populations and reduce recidivism, by providing safe and effective medical, mental health and substance abuse services to individuals in need of such services.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the recently established County Code Chapter 2.46 is hereby amended as outlined in Exhibit A to this ordinance and as reflected in redline throughout this document.

BE IT FURTHER ORDAINED that the initial tasks to be accomplished by the Task Force are as follows:

A. Develop plans for a new or expanded crisis triage center for individuals struggling with mental illness and chemical dependency, including:
1. Substantive programming to be included and auxiliary services that would increase efficiency and effectiveness
2. Location and space needs criteria
3. Funding sources and recommendations for both construction and operations
4. Specific timeframes for decision-making and completion
5. Documentation of assumptions used to project the effectiveness and costs
6. Provide direction to the County for enhancements of alternative services in the existing facility prior to the expansion or relocation of the facility

B. Development recommendations for new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency.

BE IT FURTHER ORDAINED that the initial work of the Task Force for the above tasks shall be accomplished and reported to the County Council in the following phases:

PHASE I - Review current practices and assigned resources, (facilities, programs, funding sources), and develop goals for new or modified programs, and projected operational objectives. Determine licensing requirements and program components. Provide general information on expenditures and sustainable revenue projections. Deliver the initial Phase 1 report by January 10, 2016.

PHASE II - As service facilities are identified in Phase I- develop facility specifications, identify possible facility options (either new or existing locations), analyze and recommend 1 or 2 options with projected short and medium term costs. Deliver the initial Phase 2 reports as completed, but no later than November 1, 2016.

PHASE III - Develop specific operational plans and budgets leading to implementation of appropriate crisis intervention, triage services and incarceration prevention and reduction programs. Include details on schedules, assignment of responsibilities, projected outcomes anticipated, possible cost allocations between the County and the cities, and a basic business plan for each selected initiative. Deliver the initial Phase 3 report with sufficient details to proceed with construction and programming of a new or expanded crisis triage center no later than March 2017.
BE IT FURTHER ORDAINED that the County Council, with the full support of the County Administration, will implement a continuum of alternatives to incarceration and jail diversion programs with the following expectations and commitments of assistance for the Incarceration Prevention and Reduction Task Force, which will be provided without cost to the Signator Cities of the Jail Facility Use Agreement authorized by the Whatcom County Council on July 7th, 2015:

- Complete a preliminary plan for the new or expanded crisis triage center and alternatives to incarceration and diversion programs and provide quarterly reports to the Council and Administration on Task Force progress.

- Review national best practices for the before mentioned objectives and establish benchmarking of the County’s performance against same.

- Complete detailed planning sufficient to proceed with construction and programming of a new or expanded crisis triage center to start no later than March 2017.

- Fund the support activities of the Task Force, including a robust and detailed planning process for the new or expanded crisis triage center and other recommended diversion programs. Initial funding for 2015 will be $75,000.

- Identify opportunities to acquire governmental and non-governmental funding to support financing for the construction and operation of the new crisis triage center.

- Commit to opening the new crisis triage center no later than the scheduled opening of the new countywide jail.

- Immediately expand available alternatives to incarceration such as probation services, subsidized home monitoring, crisis intervention teams, intensive case management, and other available programs as determined appropriate by the Task Force by November 2016, using existing funds and potential new funds as determined available upon passage of a sales tax ballot measure.

- Negotiate interlocal agreements to provide services to the cities consistent with this ordinance.

- Include, as part of the 2016-2017 budget, funds to focus on incarceration prevention and reduction programs, and work with the Task Force.

APPROVED this __________ day of ____________________, 2015

ATTEST:

Dana Brown-Davis,
Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer,
Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

(  ) Approved (  ) Denied

Date Signed: ______________
Chapter 2.46

INCARCERATION PREVENTION AND REDUCTION TASK FORCE

Sections:
2.46.010 Established.
2.46.020 Purpose.
2.46.030 Function.
2.46.040 Permanent Members.
2.46.050 Additional Appointed Members.
2.46.060 Term of Office.
2.46.070 Organization – Meetings.
2.46.080 Staff and Funding Support.
2.46.090 Reporting.

2.46.010 Established.
There is hereby established a Whatcom County Incarceration Prevention and Reduction Task Force.

2.46.020 Purpose.
The purpose of the Incarceration Prevention and Reduction Task Force is to continually review Whatcom County’s criminal justice and behavioral health programs and make 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.

2.46.030 Function.
The Task Force will consider national best practices and report on and make recommendations to the County Council, Executive, and other appropriate officials regarding:

A. The construction and operation of a new or expanded multi-purpose crisis triage facility to assist with jail and hospital diversion of individuals struggling with mental illness and chemical dependency;

B. Development of new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency;

C. Effective pretrial service programs that assure that defendants appear for court proceedings while minimizing jail utilization by defendants who can safely be released;

D. Necessary and effective programs and services that can assist offenders with successful transition from both the jail and triage center back to the community to reduce rates of recidivism and improve public health and safety;

E. The ongoing staff support and funding for the Task Force;

F. Review of the diversion programs of the County and all cities, and establishment of benchmarks to measure the effectiveness of the programs in reducing incarceration.

2.46.040 Permanent Members.
The Incarceration Prevention and Reduction Task Force shall include the following 12 designated officials or their representative:

A. One Member of the Whatcom County Council;
B. Whatcom County Executive;
C. Whatcom County Sheriff;
D. Whatcom County Prosecuting Attorney;
E. Whatcom County Public Defender Director;
F. One Representative from the Whatcom County Superior Court or District Court;
G. One Representative of the Bellingham City Attorney or Municipal Court or Police;
H. One Representative from the Bellingham City Council
I. City of Bellingham Mayor or designee;
J. One Representative from the small cities designated by the Small Cities Caucus;
K. One tribal representative from either the Lummi Nation or the Nooksack Tribe;
L. One representative from the Whatcom County Health Department Human Services;
M. North Sound Mental Health Administration Executive Director.

2.46.050 Additional Appointed Members.
In addition to the officials designated above the Incarceration Prevention and Reduction Task Force shall include the following 11 members appointed by the Whatcom County Council:
A. Whatcom Alliance for Health Advancement (WAHA) representative;
B. Peace Health St. Joseph’s Medical Center representative;
C. Community Health Center representative;
D. Emergency Medical Services (EMS) representative;
E. Representatives from a Community Action Agency, a Mental Health Provider, Substance Abuse Treatment Provider (3);
F. Consumer of Services or Family Member of Consumer (2);
G. Concerned Citizens (2).

2.46.060 Terms of office for appointed members.
The term of office for appointed members shall be four years; provided that the terms of those first appointed shall be staggered so that five will be appointed for two years, and six will be appointed for four years. Appointment of members shall comply with Chapter 2.03 WCC.

2.46.070 Organization – Meetings.
A. Meetings of the task force shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.
B. At every meeting, the task force will schedule an open session to take public comment.
C. Written records of meetings, resolutions, research, findings and recommendations shall be kept and such records shall be submitted to county staff and shall be made public, including posting on the county website.
D. The task force shall adopt its own rules and procedures for the conduct of business.
E. The task force shall elect a chairperson from among its members who shall preside at its meetings.
F. The task force shall determine its meeting schedule and agenda, but shall meet at least quarterly.
G. The task force may form and appoint ad hoc committees to work on specific issues, so long as at least two committee members are also members of each ad hoc committee.

2.46.080 Staff and Funding Support.
The Task Force will have full support from the Council, the County Executive’s Office, Health Department staff, and locally delivered paid consultant assistance to conduct and complete its tasks in an efficient and effective manner.

2.46.090 Reporting.
At least annually, no later than June 30 of each year, the Task Force will provide a report and recommendations to the County Council and Executive on outcomes of existing incarceration prevention and reduction programs throughout Whatcom County, new innovative programs being used in other communities, and recommendations for changes or additional programs.
RESOLUTION NO._______________


WHEREAS, on June 9, 2015, Whatcom County Council voted 7-0 to establish the Incarceration and Reduction Task Force ordinance to provide recommendations, oversight and specific timeframes on the development of new, or enhancement of existing programs to effectively reduce incarceration of individuals with mental illness or chemical dependency and minimize jail utilization of pretrial defendants who can be safely released; and

WHEREAS, Whatcom County has proposed a two-tenth of one percent sales tax increase to build a new countywide jail facility to house all felons and misdemeanants in Whatcom County; and

WHEREAS, the City of Bellingham supports the building of a new jail facility as well as greater investment in programming and services for those struggling with mental illness or chemical dependency; and

WHEREAS, the County recognizes the significant financial concessions made by the cities, in terms of costs and revenues, by entering into the Jail Facility Use Agreement; and

WHEREAS, the County recognizes the substantial capital investment into the proposed new jail and that the Cities have a vested right to continued use of the facility for the duration of its useful life; and

WHEREAS, the County acknowledges that taxpayers are best served by a comprehensive, cooperative, collective approach to incarceration prevention and reduction through joint planning to maximize efficiencies and promote economies of scale; and

WHEREAS, the City of Bellingham believes that alternatives to incarceration, including, but not limited to, probation services, mental health counseling, chemical dependency treatment, home monitoring and work release will help reduce the jail population; and
WHEREAS, the City of Bellingham supports an expanded crisis triage facility consistent with the County ordinance to provide alternatives to jail and hospital emergency room visits; and

WHEREAS, the City of Bellingham has demonstrated its commitment to alternatives to incarceration and programs to reduce the need for incarceration by allocating over $7,000,000 in 2015-2016 to programs and capital projects such as low-income housing programs, low-income housing construction, intensive case management, community paramedic services, neighborhood police officers, homeless outreach services, housing for youth, among others; and

WHEREAS, Whatcom County has affirmed its commitment to facilities and programs related to behavioral health issues and shares the commitment to reduce jail populations and reduce recidivism through jail alternative programs and the County has the financial capacity and is committed to providing the capital necessary for a new or expanded crisis triage center; and

WHEREAS, the City of Bellingham supports the following four policy goals as adopted in the Incarceration and Reduction Task Force ordinance:

1) a reduction of the number of mentally ill and chemically dependent people using costly interventions like jail, emergency rooms and hospitals;
2) a reduction of the number of people who recycle through the jail, returning repeatedly as a result of their mental illness or chemical dependency;
3) a reduction of the incidence and severity of chemical dependency and mental and emotional disorders in youth and adults; and
4) diversion of mentally ill and chemically dependent youth and adults from initial or further justice system involvement;

WHEREAS, rising incarceration rates increase the costs for current criminal justice and incarceration programs every year and the need for long-term programming to reduce the factors contributing to incarceration is needed; and

WHEREAS, Whatcom County intends to construct a new or expanded multi-purpose diversion crisis triage center to reduce long-term jail populations and reduce recidivism by providing safe and effective medical, mental health, and substance abuse services to individuals;

WHEREAS, the City of Bellingham supports a wide range of housing, medical, mental health, and substance abuse services and service-providers to serve the most at-risk population to reduce behavior that may contribute to incarceration.
NOW, THEREFORE, THE CITY COUNCIL OF BELLINGHAM RESOLVES AS FOLLOWS:

The City of Bellingham seeks a comprehensive plan, to include financing for both a new jail and alternatives to incarceration. To that end, the City of Bellingham requests that the Whatcom County Council take legislative action to amend its recently enacted Incarceration and Reduction Task Force ordinance ("Ordinance") as follows:

Section 1: That the Ordinance establish the financing of alternatives and diversion programs first be allocated from existing local funding sources, and all other voter approved tax revenue as allowed by law, as well as any state, federal and/or private funding that will alleviate costs to all users of the proposed countywide jail facility.

Section 2: That the Ordinance establishes that the County will operate an expanded interim triage facility during the planning process for a new triage facility.

Section 3: That the Ordinance establishes the immediate use of existing alternatives to incarceration at no additional cost to cities;

Section 4: That the Ordinance designate the Mayor of Bellingham, or designee, as a permanent member of the task force.

PASSED by the Council this ___ day of ________________, 2015.

_____________________________
Council President

APPROVED by me this ___ day of ____, 2015.

_____________________________
Mayor

ATTEST:

_____________________________
Finance Director

APPROVED AS TO FORM:

_____________________________
Office of the City Attorney