

**DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.**

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WHATCOM COUNTY COUNCIL  
**Special County Council**

March 16, 2004

Council Chair Dan McShane called the meeting to order at 1:43 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner  
Laurie Caskey-Schreiber  
Sam Crawford  
Seth Fleetwood  
Sharon Roy

Absent:

L. Ward Nelson

**1. DISCUSSION REGARDING WHATCOM COUNTY'S MASTER FACILITIES PLAN (AB2003-288)**

McShane stated the councilmembers have decided on the criteria they will use. Now they would weigh the criteria for each master plan option. After that, they'll let it sit for awhile before reviewing the results. The next steps will be to draft a plan for public comment. After the Council does the scoring on the criteria, they will hear from administration about the status of the temporary jail planning. The criteria worksheet has been forwarded to Councilmember Nelson. He will complete his worksheet and mail it to the Council Office. The weighing of the criteria and each option does not commit the Council to a final decision. The Council will review the results of this process.

The councilmembers weighed each criteria individually, as shown on the Potential Master Plan Option Evaluation Criteria ranking form (*on file*).

**Roy moved** to delete criterion 2.e because it is duplicative of criterion 2.b.

**Motion carried unanimously.**

**Brenner moved** to delete criterion 4.a because it's duplicative of criterion 2.d.

**Motion carried unanimously.**

McShane stated the next step is to see how each option fits the criteria.

Caskey-Schreiber asked if they really have concrete cost estimates.

1           McShane stated the councilmembers can ask clarifying questions. Don't pre-  
2 determine where an off-site location might go yet. A new facility doesn't  
3 necessarily have to promote urban sprawl. He asked if they want to consider a  
4 fourth option.

5  
6           Caskey-Schreiber stated a fourth option could be splitting the law and justice  
7 function away from the jail.

8  
9           Roy asked how much acreage they're talking about when they talk about the  
10 modular design of option one. Desler stated there is one design that shows 25  
11 acres and the other is 50 acres. The difference is a more sustainable long-term  
12 facility. Site needs are generated largely by parking needs. A 20- or 25-acre site is  
13 used, they'd just expand parking vertically. Fifty acres for a community doubling in  
14 size every 15 years puts demands on the criminal and civil justice system. There is  
15 a fair amount of growth in that system. A larger site will accommodate the growth  
16 over time. There is an option of 25 acres with parking going up.

17  
18           Don Hogan, HDR Architect, stated that with the 25-acre site, the possibility  
19 of expansion is compromised. The larger site allows a 100-foot buffer around the  
20 property, which uses up a large area. The Kent facility in King County is built on  
21 seven or eight acres in a downtown location. There's no room for expansion, and  
22 the County is planning to expand at another location.

23  
24           ***Caskey-Schreiber moved*** to consider an option of separate law and justice  
25 and jail facilities, even though it hasn't been studied. The idea is to keep some pre-  
26 sentenced inmates near the law and justice center.

27  
28           Fleetwood asked N.F. Jackson to provide an opinion on that option.

29  
30           N.F. Jackson, Superior Court Clerk, stated he submitted many memos on this  
31 issue. There are two remote possibilities. One is a remote jail with courts at a  
32 different location. That hasn't happened. A more common option, which he is  
33 opposed to, is to split the courts. Criminal courts go to the detention facility and  
34 civil courts stay at a different location. That is more common. Most juvenile  
35 facilities have split courts and court staff. Other counties in the state do that.  
36 About half the counties have remote juvenile facilities with co-located law and  
37 justice offices, including courts.

38  
39           Caskey-Schreiber asked if those facilities are outside the county seat.  
40 Jackson stated he believed most are. He's not aware in the State of Washington of  
41 a remote detention facility that does not have courts co-located there.

42  
43           McShane asked the rationale of having juvenile and adult facilities split.  
44 Jackson stated juveniles and adults can't be co-housed. Having split facilities is a  
45 legacy from the past. In Superior Court in one week, they see 150 to 180 inmates.  
46 They'd have to keep them all near the courts.

1 Brenner asked if Mr. Jackson doesn't support remote location. Jackson  
2 stated he is opposed because of the inefficiencies that would develop regarding the  
3 cost associated with splitting the courts. He doesn't mind the having all the courts  
4 being co-located with detention facilities. It is an unwarranted waste of taxpayer  
5 dollars to have split operations.  
6

7 Fleetwood asked if those 150 to 180 individuals who are seen at court are  
8 separate individuals as opposed to people making multiple trips to jail. Jackson  
9 stated they are separate individuals. He explained the current procedure for  
10 bringing inmates to court.  
11

12 Brenner stated she doesn't support splitting the law and justice facilities.  
13

14 McShane stated it would be interesting to evaluate the option.  
15

16 Fleetwood asked if fully evaluating that option gives direction to HDR to do  
17 additional analysis.  
18

19 McShane stated the councilmembers might find that it might not be able to  
20 score the option because they don't know enough about it.  
21

22 ***The Council concurred to consider Caskey-Schreiber's motion as an***  
23 ***option.***  
24

25 The councilmembers weighed each criteria individually, as shown on the  
26 Potential Master Plan Option Evaluation Criteria scoring matrix (*on file*).  
27

28 (*Clerk's Note: End of tape one, side A.*)  
29

30 The councilmembers continued to weigh each criteria individually, as shown  
31 on the Potential Master Plan Option Evaluation Criteria scoring matrix (*on file*).  
32

33 Dewey Desler, Deputy Administrator, gave a presentation on the proposed  
34 Community Corrections and Elections warehouse center (*on file*). The proposal is  
35 for light industrial buildings in the area of Division Street. There are four  
36 components to the buildings. He read the presentation. They are going to have to  
37 either lease or construct space. Consolidate the locations used for storage of  
38 County equipment. All the alternative corrections programs would be at the  
39 location. There would be 100 to 150 additional beds for minimum security  
40 offenders. The mental health triage center would be used by all the communities.  
41 Often those folks end up either in custody or the hospital. The triage center is not  
42 an operational cost issue.  
43

44 One building would be a storage and an elections center. The second  
45 building would be a minimum security jail with a corner to be used as a mental  
46 health and substance abuse triage center. Parking would be around the buildings  
47 and in back. The County received eight proposals from architects and engineering

1 firms. The administration proposes to move ahead with this project. Because of  
2 the time it will take to finish the Master Facilities Plan and site a future project, the  
3 County will need immediate implementation of this project. A remote location can  
4 be effective and efficient, and gives them breathing room until a new jail is built.  
5 If the future County leadership wants to sell the buildings, the buildings should be  
6 pre-designed for weight carrying capacity associated with light industrial use so it  
7 can be converted at a marginal cost and re-sold to the public.

8  
9 Brenner asked if the mental health triage center could stay there. Desler  
10 stated it wouldn't stay if the buildings are sold. He's not sure if they'll ever sell the  
11 facility. In 10 or 20 years, the mental health triage center could be located in a  
12 new place. It can't stay there if the property is sold to a private property.

13  
14 Caskey-Schreiber asked about space for animal control operations. Desler  
15 stated that use is not built into this program.

16  
17 Caskey-Schreiber stated that's an issue they will have to discuss. The  
18 current facility is very crowded right now. Desler stated he doesn't anticipate that  
19 the current contractor has the ability to expand.

20  
21 Caskey-Schreiber stated that if Security Specialists Plus (SSP) loses their  
22 contract to house inmates, then they'd vacate. Desler stated the projection shows  
23 that the County could either keep or not keep SSP as a provider.

24  
25 Caskey-Schreiber stated Sheriff and Jail budgets are based on getting the  
26 money that is now going to SSP. Desler stated that continuing to contract with SSP  
27 will cost approximately \$250,000. It's a decision that should be made in the future,  
28 not today. It seems that, given the demands and issues with the population, it's  
29 still an open question.

30  
31 Caskey-Schreiber stated that for the councilmembers to approve this, they  
32 need to know the true cost of this. She asked how they will know that if they keep  
33 open the option of funding two places.

34  
35 Desler continued to read from the presentation.

36  
37 *(Clerk's Note: End of tape one, side B.)*

38  
39 Desler continued to read the presentation regarding associated costs. They  
40 generally find that the cost per inmate per day is \$61.

41  
42 Caskey-Schreiber stated the costs to run the Benton County facility is \$53 or  
43 less. She asked how they can charge so much less. Desler stated that is because  
44 of economy of scale. They serve hundreds of people. King County charges close to  
45 \$80 and also serves hundreds of people. The cost has to do with union contracts,  
46 employee benefits, and other variable costs. In addition, those eastern Washington  
47 jails don't include the cost of medical services, which is enormous.

1  
2 Crawford stated the County's cost to house 150 folks all year for \$2 million is  
3 \$36.50 per bed per day. Desler stated the \$2 million is the net additional cost to  
4 the jail. Aggregating all the costs would reduce the daily rate for all prisoners.  
5

6 Crawford stated the County would receive greater compensation from the  
7 cities if an increased capacity could accommodate city inmates. Desler stated  
8 \$1,078,000 of the total \$2 million would come from the cities. The County would  
9 have to pay about \$800,000. Fees would bring in about \$110,000.  
10

11 Caskey-Schreiber stated there is \$250,000 if they decide not to contract with  
12 SSP. The animal control operation is another \$300,000, not including license and  
13 adoption fees. They could use the minimum-security inmates for labor.  
14

15 Crawford asked if the County is currently being compensated from the cities  
16 for the inmates at SSP. Desler stated they are.  
17

18 McShane stated they have to make sure they have good solid commitments  
19 from the cities. Because the jail was full, the County actually saved the City quite a  
20 bit of money in jail costs that it pays to the County. Given that the cities may all  
21 have budgetary concerns, they need to have a good grasp of the ability to actually  
22 fund sending that many inmates to the County. Make sure there is an agreement  
23 that city revenue will come to the County. Desler stated that if the County takes  
24 this on and develops the project, the costs are there whether or not the facility is  
25 full. They're taking on the obligation as an organization. This is not like the  
26 City/County emergency medical service (EMS) program in which they pay  
27 regardless of which jurisdiction is using the service. The County is on the hook with  
28 this facility. If the cities don't use the service of the jail, the County still has to pay  
29 for the facility. Revenues will go down, and expenses will stay the same. That's an  
30 issue with the jail the past few years. He's meeting with all the mayors next month  
31 to discuss this. They've considered the possibility of signing different contracts with  
32 the cities so the cities are obligated to pay a certain amount for the jail service.  
33

34 Caskey-Schreiber stated the interim jail is a good step toward the permanent  
35 jail. If they're concerned about the cities' participation now, they'll really be  
36 concerned about it then. Get the cities to participate now.  
37

38 Fleetwood asked the amount of a one percent property tax increase. Desler  
39 stated that tax increase would bring in approximately \$200,000. A one-tenth of  
40 one percent of the sales tax would bring in about \$2.7 million in today's dollars.  
41 That amount would go up over time.  
42

43 Caskey-Schreiber stated the interest rates are low. She asked how the  
44 County would pay for the facilities. Desler stated the cost to construct is about \$8  
45 million. The administration still has to do more work on revenue sources to prepare  
46 for construction.  
47

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1 Caskey-Schreiber asked about the City's zoning of this property. Desler  
2 stated that if the County didn't acquire the property by July 1, 2004, the property  
3 would revert to its original zone. The actual programming work would occur  
4 between April and August of this year.

5  
6 Caskey-Schreiber asked how the County would pay for construction. Desler  
7 stated there may be a proposal to the public this fall for the one-tenth of one  
8 percent sales tax increase to generate \$2.7 million per year, beginning next year.

9  
10 Caskey-Schreiber stated the County needs to proceed with the project even  
11 if the tax increase isn't approved.

12  
13 McShane stated the purpose today is to show that the County is moving  
14 ahead with planning. The County will have to make decisions based on labor  
15 agreements and the cities to get a good sense of the costs.

16  
17 Desler stated the additional cost to the County is not something the  
18 administration is prepared to carve from the existing budget.

19  
20 Caskey-Schreiber stated the County just got an extra \$250,000 from the real  
21 estate excise tax (REET). Add the SSP money to make up half the cost. The other  
22 option to not go forward is negligent. Desler stated the County will also need a  
23 bond issue and a levy lift if it's going to get serious.

24  
25 Crawford asked if the County can look at locations other than the Bakerview  
26 site. The Walton Beverage location is for lease. Desler stated it costs money to  
27 have people to do a site analysis. The County doesn't have that expertise or  
28 capacity on staff. He doesn't know the cost to do the analysis. The Walton  
29 Beverage building hasn't been considered.

30  
31 Crawford stated there are a lot of advantages to that site. It's right  
32 downtown and close to existing services. Desler stated it would involved tearing it  
33 down and reconstructing it, but the site isn't zoned properly. The City was able to  
34 rezone the Bakerview site according to Growth Management Act timelines. They'd  
35 have to wait to rezone another location this fall.

36  
37 Crawford stated he believes they can get around that timeline. Desler stated  
38 they could if it were declared an emergency.

39  
40 Caskey-Schreiber stated the Walton Beverage site is probably a better  
41 location, but they've already done a lot of work on the Bakerview location. Don't  
42 keep putting off the interim jail. This problem is so significant, they should try and  
43 solve it as soon as possible.

44  
45 Crawford stated the Council never decided to go with the Bakerview site.  
46 That decision was handled administratively.

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1           McShane stated there was a commitment from the Council to allow the  
2 administration to look for a temporary jail site. There are other possible sites that  
3 could come forward, but there's been a fair bit of progress made on this site. If  
4 there's a problem with the Bakerview site, the County could pull back. For now,  
5 continue forward. The issue is operating costs. There would be seismic issues with  
6 the Walton Beverage site. Desler stated the administration has not asked the  
7 Council for approval of the Bakerview site. Nor has the administration committed  
8 the County to the Bakerview site. It only asked the City to rezone the site.  
9

10           Desler continued to read the presentation, showing possible properties that  
11 can be traded with the City.  
12

13           Crawford stated this leaves an approximately \$800,000 annual operational  
14 cost hole in the budget. He asked if the Executive would propose a one-tenth of  
15 one percent sales tax increase. Desler stated the administration is talking about a  
16 September or November election for this proposal. There are efforts to encourage  
17 the community to support this. The Executive supports this happening this year.  
18 They are talking to people who have opposed the EMS levy who support this.  
19

20           Fleetwood asked who at the City will be working on this project with the  
21 County. Desler stated they've worked with Mark Asmundson and Don Keenan.  
22 He's also talking to the City Council members.  
23

24           Fleetwood asked if it's possible to get copies of the photos. Desler stated it  
25 is.  
26

27           Desler asked if the administration is on the right track.  
28

29           The Council concurred that it is.  
30

31           Desler stated the administration wants to have more information for the  
32 Council and the public after going through the design specification phase, in  
33 preparation for an election probably in November. The administration wants to  
34 prepare materials and information about this project and the Master Facilities Plan.  
35 He hoped the public will support a clear vision for the future that the County has  
36 been working on for several months.  
37

### 38 39 **ADJOURN**

40  
41           The meeting adjourned at 3:50 p.m.  
42  
43

44  
45 \_\_\_\_\_  
46 Jill Nixon, Minutes Transcription  
47

          The Council approved these minutes on April 6, 2004.

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ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

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Dan McShane, Council Chair