


CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	jl	06/02/17	<b>RECEIVED</b>  <b>JUN 06 2017</b>  <b>WHATCOM COUNTY COUNCIL</b>	06/13/17	Introduction
Division Head:				06/27/17	Introduction
Dept. Head:				7/11/2017	Council
Prosecutor:	dlg	06/02/17			
Purchasing/Budget:					
Executive:		6.6.17			

**TITLE OF DOCUMENT:** Ordinance authorizing a ballot proposition to authorize a sales and use tax for jail facilities

**ATTACHMENTS:** Memo  
Ordinance

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.)

An Ordinance providing for submission to the qualified voters of the county a proposition authorizing a local sales and use tax of two tenths of one percent for the purpose of providing funds for costs associated with construction, maintenance, and operation of jail facilities, including adult correctional, medical and behavioral health facilities and programs, and for other public safety purposes, all pursuant to RCW 82.14.450

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

6/13/2017: Held for two weeks

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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](http://www.co.whatcom.wa.us/council).

**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**  
County Courthouse  
311 Grand Ave. Suite #108  
Bellingham, WA 98225




**Jack Louws**  
County Executive

## **MEMO:**

TO: Whatcom County Council

DATE: June 6, 2017

FROM: Jack Louws, County Executive 

RE: Ordinance to Submit to the Voters a Ballot Proposition Authorizing a Sales and Use Tax for a New Jail.

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### **Background and Purpose:**

Over the last couple of years, we have made strides to find consensus on a new jail use agreement. At the last Council meeting, the Whatcom County Council took another major step in this process and approved and authorized my signature on the Jail Facility Finance and Use Agreement (JFFUA) and authorized distribution to the Cities for their consideration.

I have asked the Cities to present to their respective Councils and seek approval of the JFFUA. As of the date of this memo, Ferndale and Lynden have ratified the agreement and Bellingham postponed action until after the June 13<sup>th</sup> Whatcom County Council public hearing. I expect that all of the cities will be take action on the JFFUA prior to June 30<sup>th</sup>, 2017.

Enclosed is the ordinance to place the ballot measure on the November General Election for your consideration.

### **Requested Action:**

June 13<sup>th</sup>, 2017: Introduction of ordinance

June 27<sup>th</sup>, 2017: Authorize the ballot proposition for a two-tenths of one percent sales and use tax for the construction, maintenance, and operation of jail facilities, including adult correctional, medical and behavioral health facilities and programs, and for other public safety purposes, all pursuant to RCW 82.14.450.

I thank you in advance for your consideration of this important work to establish funding for the new countywide jail.

PROPOSED BY: County Executive

INTRODUCTION DATE: 06/13/17

**ORDINANCE NO. 2017-\_\_\_\_**

**AN ORDINANCE OF THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON, PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL SALES AND USE TAX OF TWO TENTHS OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH FINANCING, CONSTRUCTION, MAINTENANCE, AND OPERATION OF JAIL FACILITIES, AND FOR ADULT CORRECTIONS PROGRAMS INCLUDING MEDICAL AND BEHAVIORAL HEALTH FACILITIES AND PROGRAMS, AND FOR OTHER PUBLIC SAFETY PURPOSES, ALL PURSUANT TO RCW 82.14.450**

**WHEREAS**, ensuring the protection and safety of the residents of Whatcom County is an essential priority; and

**WHEREAS**, the Whatcom County Council has determined that the present county-wide jail facilities on Prospect Street and an interim jail on Division Street in Bellingham, which are owned, operated and maintained by Whatcom County, do not meet existing and future County and cities' inmate incarceration needs; and

**WHEREAS**, the health, welfare and safety of the residents and businesses of Whatcom County necessitate that the County provide replacement jail facilities; and

**WHEREAS**, the health and safety of jail inmates and the safety of the County jail staff necessitate that the County provide new jail facilities that are consolidated; and

**WHEREAS**, the Whatcom County Jail Planning Task Force has recognized the need and recommended to replace the existing County Jail, the Whatcom County Jail Stakeholders Workgroup unanimously recommended to the Whatcom County Council the financial agreement needed to develop the funding mechanism and cost-sharing allocation to build a new jail, and the County Sheriff and the County Executive have collectively submitted a recommended plan for the building and operation of a new County jail located on LaBounty Road in Ferndale; and

**WHEREAS**, the new jail will include jail housing, booking and administration facilities, expanded medical and behavioral health facilities and jail alternative programming space to serve the needs of the community for the foreseeable future; and

1 **WHEREAS**, in order to provide funding for costs associated with financing, construction,  
2 maintenance, and operation of jail facilities, and for adult corrections programs, including  
3 medical and behavioral health facilities and programs, it is deemed necessary and advisable for  
4 Whatcom County to submit a ballot proposition to the voters for authorization to impose an  
5 additional local sales and use tax of two tenths of one percent (0.002 -- 20 cents for every \$100),  
6 as authorized by RCW 82.14.450; and  
7

8 **WHEREAS**, the Whatcom County Council, pursuant to the passage of Resolution 2017- 031, has  
9 authorized and approved the Whatcom County Executive to enter into long-term agreements in  
10 the form of the Jail Facility Financing and Use Agreement (JFFUA), with the Whatcom County  
11 cities to share in the costs of the construction and ongoing operating costs of a new jail and jail-  
12 related facilities that serve the future needs of their city and county inmates with the proceeds  
13 of a sales and use tax; and  
14

15 **WHEREAS**, following passage of a voter-approved proposition for a sales and use tax and  
16 signing of the JFFUA, the County will issue general obligation bonds for the construction costs  
17 of the new jail and the Whatcom County cities will pay capital payments commensurate with  
18 those outlined in the JFFUA; and  
19

20 **WHEREAS**, as soon as practical after December 31, 2048, or when the total capital cost of the  
21 new jail has been paid for by all the Cities and County, whichever occurs earlier, the Cities and  
22 County have agreed that collection of one half of the two tenths of one percent (0.001) of the  
23 sales and use tax shall expire;  
24

25 **NOW, THEREFORE, BE IT ORDAINED** that:  
26

27 **Section 1.** a ballot proposition shall be submitted to the qualified voters of the County pursuant  
28 to RCW 82.14.450 to authorize the County Council to fix and impose a local sales and use tax of  
29 two tenths of one percent (0.002 -- 20 cents for every \$100) to provide funding for costs  
30 associated with construction, maintenance, and operation of jail facilities, and for adult  
31 corrections programs including medical and behavioral health facilities and programs, and for  
32 other public safety purposes; and  
33

34 **Section 2.** that the County Executive is hereby authorized and requested to initiate the  
35 appropriate action necessary to ensure that a proposition in substantially the following form be  
36 submitted to the voters of Whatcom County:  
37

1  
2  
3 WHATCOM COUNTY, WASHINGTON  
4 PROPOSITION NUMBER 2017- \_\_\_\_\_  
5 NEW JAIL FACILITIES SALES AND USE TAX  
6

7 The Whatcom County Council passed Ordinance 2017- \_\_\_\_\_ concerning a proposition to  
8 authorize a sales and use tax for jail facilities. This proposition would authorize a sales and use  
9 tax of two tenths of one percent (0.002) for costs associated with construction, maintenance, and  
10 operation of jail facilities, including adult correctional, medical and behavioral health facilities  
11 and programs, and for other public safety purposes, as authorized by RCW 82.14.450. Half of  
12 this tax (0.001) will expire upon repayment of the total capital cost of jail facilities, or December  
13 31, 2048, whichever occurs first. Should this proposition be:

14  
15 \_\_\_\_\_ Approved

16  
17 \_\_\_\_\_ Rejected  
18

19 **Section 3.** that the County Auditor shall cause notice of the proposed proposition to be  
20 published in accordance with the state constitution and general law, and shall place the  
21 proposed proposition upon the ballot of the county-wide general election to be held on  
22 November 7, 2017.  
23

24 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
25

26  
27 **ATTEST:**

26 **WHATCOM COUNTY COUNCIL**  
27 **WHATCOM COUNTY, WASHINGTON**

28  
29  
30 \_\_\_\_\_  
31 Dana Brown-Davis,  
32 Clerk of the Council

30 \_\_\_\_\_  
31 Barry Buchanan,  
32 Council Chair

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34 **APPROVED AS TO FORM:**  
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36  
37   
38 \_\_\_\_\_  
39 ~~Chief~~ Civil Deputy Prosecutor

37 \_\_\_\_\_  
38 Jack Louws, County Executive

40  
41 \_\_\_\_\_  
Date ( ) Approved ( ) Denied