

CITY OF BELLINGHAM
OFFICE OF THE MAYOR
SETH FLEETWOOD

July 14, 2022

Todd Donovan, Chairman of the Whatcom County Council
Barry Buchanan, Councilor
Tyler Byrd, Councilor
Ben Elenbaas, Councilor
Carol Frazey, Councilor
Kaylee Galloway, Councilor
Kathy Kershner, Councilor

Greetings Honorable Councilmembers,

In April 2022, the mayors of Whatcom County's seven Cities transmitted a letter to you expressing support for a new jail facility. Today, we collectively call on Whatcom County to dramatically accelerate plans to construct that new jail facility, and to immediately expand jail capacity through whichever legal means possible.

The cities have heard that it will take at least five years after securing funding to complete construction of a new jail, and that the earliest funding can be secured will be 2023, following a vote of the people. The Cities further recognize that Whatcom County voters will demand a careful analysis of jail needs and potential costs, before agreeing to tax themselves for this facility. The Cities understand, however, that Whatcom County has a banked capacity of \$3.4 million, which is sufficient to cover debt service for approximately \$50 million. If the County were to start collecting the \$3.4 million now (the County Council may make this decision as soon as their next Council meeting), the County will have collected over \$10 million before construction can begin. In addition, Whatcom County has the ability to utilize American Recovery Plan Act (ARPA) funds (the County Council may also make this decision as soon as

their next Council meeting). If the County were to utilize \$20 million of these ARPA funds, together with banked capacity, we believe fifty percent of the project costs will have been secured.

The Cities cannot in good faith stand by, nor can our law enforcement and courts efficiently operate, when no firm dates (ballot measure, construction start and end, etc.), jail size requirements, or location have been identified.

The Cities are aware that in past years the jail replacement process had slowed or stopped and that either through a combination of analysis paralysis and political finger pointing had taken its place. The Cities implore all involved that we not get to that place again. We are aware that a broad-based group of well-intentioned and capable people are actively engaged in planning processes to move this forward in a timely and efficacious way.

We are familiar with an argument that has been put forth suggesting that a jail design process cannot begin until the unsettled nature of the last few years (COVID, police reform, social justice debates) are resolved. And while we accept that the last few years have been unique, we must also recognize that American society will never be truly "settled." As a result, every week we delay starting this process causes exponential increases in the costs to our community, and erodes the public faith in our leaders, in law enforcement, and in our courts. We cannot allow this issue to be pushed further down the road, or with the mindset that our successors will resolve the issue. **Action is needed now!**

The Cities, citizens, and business owners of Whatcom County are experiencing the burden of inaction over the past years. Our courts are unable to operate effectively, and our law enforcement agencies are provided little ability to enforce the law. This has resulted in a significant decay to both institutions and has noticeably emboldened individuals who seek to break the laws that bind us together and who put our community at risk. The Cities recognize that law enforcement regulations have changed dramatically, and while the Cities recognize that these regulations and COVID-19 have played a role, these issues have little to no bearing on the lack of progress on a regional jail.

The Cities are prepared to play an active role in supporting the County's efforts, and we recognize that we each have a responsibility as well. The Cities thus propose that the following occur (and to the degree any of these efforts are already actively underway we express our appreciation):

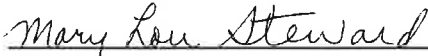
1. The Cities request, and we believe that our citizens demand, that the Whatcom County Council take rapid and deliberate action by adopting an ordinance or resolution describing its intent to construct a jail facility by a date certain, with a minimum stated number of beds at a location that is convenient to multiple law enforcement agencies and the Whatcom County courthouse. The Cities note that Whatcom County currently owns properties in both Ferndale and Bellingham; the use of either of these properties will likely result in significant construction cost savings. The Cities request that Whatcom County set a deadline for the existing Stakeholder Advisory Committee to arrive at a recommendation related to location and sizing needs for a new jail, no later than September 1, 2022.

2. That the Whatcom County Council immediately thereafter submit a Request For Qualifications, Request For Proposals, or similar, based upon the criteria described in the ordinance or resolution.
3. That Whatcom County declare its intent to complete a conceptual design and to identify a location for the future jail site in sufficient time to place the matter before the voters in November 2023.
4. That Whatcom County consider obligating sufficient funding from the County's General Fund, ARPA resources, or other funding source to complete conceptual design and, if appropriate, to acquire land for these purposes. As described, the cities believe that the Whatcom County Council could consider obligating funding to support approximately \$50 million in construction and design costs as soon as their next Council meeting. At the very least this prospect is worthy of consideration.
5. That Whatcom County engage with the seven cities to identify potential cost-sharing mechanisms for both jail construction and design.
6. Should Whatcom County determine that land already acquired for the location of a jail is no longer suitable, that the County consider making all or a portion of this land for sale, or for affordable housing purposes, and that the proceeds of any such sale be utilized exclusively for jail purposes.
7. That Whatcom County develop an overall funding strategy that includes opportunities for federal or state appropriations and grants, for the purpose of offsetting the direct tax burden placed on Whatcom County residents and businesses.
8. That Whatcom County explore more-rapid jail relief alternatives, including but not limited to:
 - a. Contracting with regional correction facilities that may have surplus capacity;
 - b. Participating in or organizing regional correction staff job fairs;
 - c. Establishing signing bonuses or other incentives for additional jail staff;
 - d. Establishing Memorandums of Understanding with other counties to support efforts to hire additional correction facility staff;
 - e. Reducing barriers for regional or local adoption of mental health courts, which may lead to jail diversion opportunities;
 - f. Re-establishing and expanding work crews as a jail diversion tactic, and;
 - g. Acquiring additional temporary property or structures that may be utilized for the housing of non-violent offenders who do not require additional mental health or substance abuse treatment.

The Cities recognize that Whatcom County is experiencing the triple burden of supporting its own law enforcement, courts, and the jail itself – Sheriff Elfo has been a strong advocate for all three of these institutions, as has Executive Sidhu and each of you. You understand our pain, and we understand that these are not easy, or rapid, decisions. They are, however, decisions that will need to be made on your

watch, and the Cities stand ready to help. This community cannot wait five years for significant progress to be made. The time to act is now, before the significant risks posed to our community by the current situation become insurmountable.

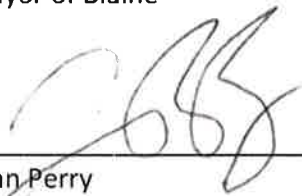
Sincerely, the mayors of Whatcom County,




Mary Lou Steward
Mayor of Blaine



Seth Fleetwood
Mayor of Bellingham




John Perry
Mayor of Everson




Greg Hanson
Mayor of Ferndale



Scott Korthuis
Mayor of Lynden



Kevin Hester
Mayor of Nooksack



Bruce Bosch
Mayor of Sumas