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# What's true, false in claims about Whatcom County Jail

## HIGHLIGHTS

Voters will decide whether to raise sales tax by 20 cents on a \$100 purchase for new jail

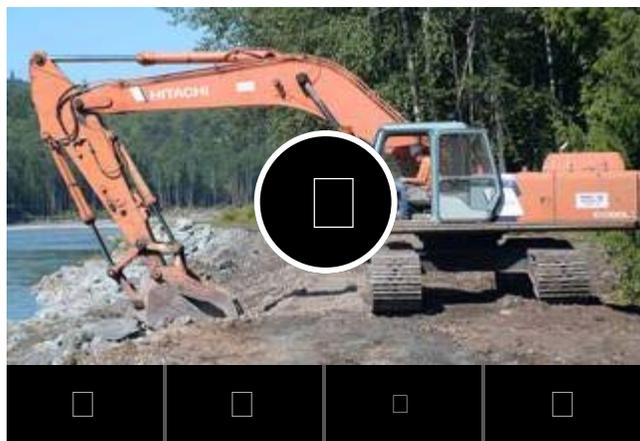
Bellingham and county have not yet signed an agreement to pay for and use the jail

Proposed jail would go off LaBounty Drive near Slater Road



1 of 3

## VIDEOS



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Army Corps rebuilds Nooksack River levee

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BY SAMANTHA WOHLFEIL  
*The Bellingham Herald*



As the voters of Whatcom County have ballots in hand, many claims are circulating about the Whatcom County Jail sales tax ballot measure, Whatcom County Proposition 2015-1.

The measure asks whether to raise the sales tax by 0.2 percent (20 cents on a \$100 purchase) to fund construction and operation of a new jail, with half the tax expiring after the 30-year construction bonds are repaid.

The measure does not speak to whether or not every city in the county will be guaranteed the ability to use the new facility.

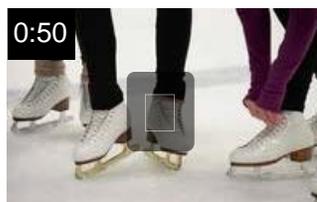
While six cities and the county have an agreement to pay for and use the proposed new facility off LaBounty Drive near Slater Road, the city of Bellingham and the county have yet to reach an agreement.

The way the existing agreement is worded, if the sales tax is passed, the county could go forward with a smaller 400-bed jail without Bellingham, rather than a 521-bed jail that would include space for Bellingham's inmates.

Or Bellingham and the county could continue negotiating and the city could still join in, but it is unclear whether negotiations will continue after the Nov. 3 election if the measure passes. It is also not clear whether the current jail use



first appearance in court



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agreement will be the starting point for negotiations if the measure fails.

While those details remain up in the air, here is a look at some of the claims made by groups for and against the sales tax measure.

**Claim: “The same loopholes that allowed the 2004 jail sales tax to be squandered on other things are in this ballot measure too.”**

**Source:** [Op-ed by Bellingham police and firefighter unions.](#)

**Analysis:** True.

This year's [ballot measure is worded](#) similarly to [the wording of the 0.1 percent sales tax measure](#) voters overwhelmingly supported in 2004.

Using language from state law, the measures both leave open the possibility that the money from the sales tax could be spent on things other than building and operating a new jail, as long as it is used for public safety expenses laid out in that portion of state code.

In 2004, the measure stated the money would be used “solely for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of jail facilities that house inmates being held, charged or convicted of misdemeanor and felony acts.”

The current measure simplifies that a bit to say the money will be used for “constructing and operating jail facilities for inmates charged or convicted of misdemeanor and felony acts, and for other public safety purposes.”



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The **2004 tax paid for** part of the construction of the minimum security work center, and more than half of the revenue has gone to operate that facility. Some of the revenue also has been spent to keep up the main jail, and another portion was allocated for the cities' daily costs to keep inmates there.

One major difference this time is that the county has an agreement with six cities, but not with Bellingham, spelling out how the money will be spent to repay the bonds for building a new jail and on operating it. The agreement also spells out the percentage of the revenue each city will get back to use on public safety costs, such as daily costs to house inmates.

Short of an agreement with the county, if the measure passes Bellingham will get its share of 40 percent of the sales tax revenue based on the city's population.

**Claim: The average number of inmates in the jail on any given day in 2014 was 403.**

**Source:** Whatcom County.

**Analysis:** True.

Counts for the daily average are taken at 6 a.m., so some mornings the number will be higher than the actual number of people who sleep in the jail that night. Staff can book between 35 and 40 people into the jail in an 8-hour shift, Jail Chief Wendy Jones said.

The average number of inmates in custody between the main jail and the minimum security work center facility has fluctuated from as few as 372 to as many as 434 since the work center opened in late 2006, according to Whatcom County Jail data.

This year, weekly counts taken on Monday mornings have shown roughly 340 people in custody among the main jail, work center and electronic home detention, with between about 250 and 400 people waiting to serve jail time in any given week.

The main jail has 283 permanent beds, plus temporary beds that staff members refer to as "boats." The work center has up to 150 permanent beds.

**Claim: The new jail would cost \$1 billion to operate over the next 30 years.**

**Source:** [Restorative Community Coalition Report to Taxpayers Aug. 25, 2015.](#)

**Analysis:** Depends on your estimates.

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**\$15,036,509**

Estimated net cost to operate the jail in 2019, according to a March 2015 Whatcom County presentation

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If the county were to build the 521-bed facility as proposed earlier this year, the county estimates the cost to operate the jail in the first year (2019) would be about \$15 million. Over 30 years that would be about \$450 million, without including an estimate for yearly cost increases.

The average annual increase in jail operations cost over the last five years was about \$392,300. If you use that average increase over

30 years, the total projected cost to operate the new jail could be something more like \$648.6 million.

In an [April report](#), the Sheriff's office estimated expenditures could go up 2 percent each year over the next five years, noting that "5 years is a long time with regards to financial predictions." If costs went up 2 percent each year for 30 years, the total price tag could be close to \$637.2 million.

If you assume operating costs will go up by 5 percent each year, the cost over 30 years could be close to \$1.1 billion.

**Claim: There has been no needs assessment performed to determine what size jail would be appropriate.**

**Source:** Joy Gilfilen, candidate for county executive and measure opponent.

**Analysis:** False.

A needs assessment is included in the pre-design report by DLR Group, which spells out how the county and the consultant reached their estimate of 521 beds:

[www.whatcomcounty.us/DocumentCenter/Home/View/1014](http://www.whatcomcounty.us/DocumentCenter/Home/View/1014).

**Claim: Construction costs are projected to go up 6 percent annually. Every month we wait, the cost of the jail goes up \$350,000.**

**Source:** Safe Jail Now.

**Analysis:** Depends on which cost index you use.

The Mortenson Construction Cost Index for Seattle for the second quarter of this year was up 5 percent over the same time last year. Mortenson's advice to building owners in the

second quarter report was to “plan on a 5 to 6 percent increase for projects in 2015.”

The Mortenson index is calculated each quarter by “pricing a representative non-residential construction project in geographies throughout the country.”

The third quarter Turner Building Cost Index, measuring “costs in the non-residential building construction market in the United States,” was up 4.52 percent over the third quarter in 2014.

The Associated General Contractors trade association predicts how much labor and material costs could go up each year. Both numbers influence construction costs.

For 2016, materials are predicted to remain largely unchanged, and could go up about 2 percent in 2017, according to AGC spokesman Brian Turmail. Labor is predicted to go up 3 to 4 percent in 2016 and 4 to 5 percent in 2017 due to labor shortages nationwide, including in Washington state.

**Claim: “The new jail is too expensive! Already 65 percent of our budget goes to law and justice.”**

**Source:** [No Jail Tax in Whatcom County](#).

**Analysis:** Misleading.

“Law and Justice” is the largest category of General Fund expenditures each year, and makes up **55.7 percent** of the General Fund expenditures in [the 2015 to 2016 budget](#), not 65 percent.

About \$5.1 million is transferred to the jail budget under that category.

For 2015, the rest of the \$44.7 million total in

that category helps pay for the county District, Superior and Juvenile courts, the county clerk, public defenders, the prosecuting attorney's office, sheriff's office, emergency management, and the sheriff's 911 dispatch.

The 2015 to 2016 budget for law and justice includes \$2 million in transfers to "support construction of a new jail."

The total 2015 budgeted cost for the jail is \$13.6 million. Aside from the transfer mentioned above, the money comes from booking fees and daily costs charged to keep inmates there, a detention facilities sales tax, and other revenue collected from inmates paying for electronic home monitoring, commissary, work crew, insurance payments for medical services and other sources.

**Claim: The county spends \$11.5 million or \$12.8 million or \$10.1 million per year on jail alternatives. Bellingham is spending \$7 million to \$8.2 million this year on jail alternatives.**

**Sources:** Whatcom County, city of Bellingham.

**Analysis:** Depends on how you define jail alternatives.

While negotiating a jail use agreement, the city and county have argued over whether jail alternative and prevention programs should be accounted for in the agreement.

Both the city and county have said they are spending millions this year on alternatives to jail and programs that prevent people from being booked in the first place.

The thing is, it's hard to compare their lists

because they keep changing, and each entity has a different idea of what counts as preventive programs or alternatives.

Generally, the city of Bellingham's list includes spending on services that support getting people into housing and connected with services. Housing-first models center on the idea that having a place to live is essential to getting other aspects of someone's life in line, including health care and behavior.

Whatcom County's list includes everything from behavioral health programs in all the county's schools to medical detox to veteran's relief services to housing programs to mental health case management.

Both entities pay for jail alternatives such as work crews, probation, and mental health court.

Bellingham provided The Bellingham Herald with a list of budgeted alternative and diversion programs for 2015 totaling \$8.2 million, which includes \$2 million for the purchase of the Aloha Motel.

Whatcom County provided The Bellingham Herald with two lists, one of budgeted criminal justice diversion, totaling \$10.1 million, the other included some of the actual contracted amounts and totaled \$12.8 million. [In a mailer to registered voters](#) and [in an op-ed](#), the county said it spends \$11.5 million per year on behavioral health and prevention programs. Staff planned to provide an updated final list on Monday morning, Oct. 26.

*Reach Samantha Wohlfeil at 360-715-2274 or [samantha.wohlfeil@bellinghamherald.com](mailto:samantha.wohlfeil@bellinghamherald.com). Follow her on Twitter at [@BhamPolitics](#).*



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