

Health Board edits 3/26/2024

Additional edits received after Health Board

Amended in Committee of the Whole 4.9.2024

PROPOSED BY: BUCHANAN, ELENBAAS  
INTRODUCTION DATE: FEBRUARY 6, 2024

**RESOLUTION NO. \_\_\_\_\_**

**DECLARING-RECOGNIZING THE FENTANYL CRISIS AN EMERGENCY IN WHATCOM COUNTY  
AND IDENTIFYING APPROACHES TO THE EMERGENCY**

**WHEREAS**, according to WhatcomOverdosePrevention.org, overdose deaths in Whatcom County in 2023 (132) exceeded deaths in the prior year and have markedly increased every year since 2018; and

**WHEREAS**, the United States is facing the worst drug crisis in its history, and the resulting tragedies are decimating families and contributing to extraordinary levels of despair in our communities; and

**WHEREAS**, there exists a substantial likelihood of risk to persons and property unless further efforts are taken to reduce the threat from fentanyl; and

**WHEREAS**, the U.S. Department of Drug Enforcement (DEA) identifies fentanyl as a potent synthetic opioid drug approximately 100 times more potent than morphine and 50 times more potent than heroin; and

**WHEREAS**, Seven out of ten DEA tested pills with fentanyl are potentially deadly making it likely that 'one pill can kill,' and in 2023, the DEA seized over 360 million deadly doses of fentanyl; and

**WHEREAS**, our community's approach to fentanyl use and fentanyl-related crimes must be different than our approach to other illegal drug use in our community; and

**WHEREAS**, the use of fentanyl continues spreading throughout our community, and new and immediate avenues to enhance capabilities, coordination, and collaboration across local, state, tribal, and federal agencies are needed to promote public health and safety; and

**WHEREAS**, involuntarily displacement of people experiencing homelessness is estimated to worsen overdose and hospitalizations, decrease initiations of medications for opioid use disorder, and contribute to deaths among people experiencing homelessness; and

**WHEREAS**, the housing crisis in Whatcom County limits access and availability to safe, secure, supportive, and affordable housing which is essential for stability, recovery, sobriety, and preventing drug use and overdose; and

**WHEREAS**, in June 2023, healthcare workers, tribal leaders, educators, businesses, community members and law enforcement gathered for a 2-day workshop, All Hands Whatcom: Opioid Summit, as a call to listening, healing, and action for the Whatcom community in response to the devastating consequences of fentanyl, meth, and opioids; and

**WHEREAS**, in June 2023, a coalition of government agencies, community-based organizations, healthcare providers, and others from across Whatcom County formed a Multi-Agency Coordination (MAC) Group in response to the local opioid and overdose crisis; and

**WHEREAS**, according to the Federal Emergency Management Agency (FEMA), a multiagency coordination system (MAC) is used for extraordinarily large, complex incidents occurring in the city or county involving numerous agencies and/or jurisdictions; and

**WHEREAS**, the mission of the MAC Group is to coordinate the ongoing community-wide response efforts to the opioid crisis, identify and prioritize additional short-term objectives and strategies to reduce drug-related deaths, and mitigate the impacts on property and public safety in Whatcom County; and

**WHEREAS**, the Whatcom County MAC group aligns with the Washington State Opioid and Overdose Response (SOOR) plan, which includes five priority goals

1. Prevent opioid misuse,
2. Identify and treat substance use disorder,
3. Ensure and improve the health and wellness of individuals that use drugs,
4. Use data to detect opioid misuse/abuse, monitor illness, injury and death, and evaluate interventions,
5. Support individuals in recovery; and

**WHEREAS**, on September 22, 2023, the Lummi Indian Business Council approved Resolution 2023-145, declaring a state of emergency in response to the fentanyl crisis; and

**WHEREAS**, Resolution 2023-145 provides the Lummi Indian Business Council with new and immediate avenues to enhance capabilities, coordination, and collaboration across tribal, local, state, and federal agencies and bring together state agencies, local law enforcement, and internal and external partners to pursue and achieve solutions that promote public health and safety on the Lummi Reservation; and

**WHEREAS**, on October 24, 2023, the Whatcom County Council approved Resolution 2023-041 supporting the Lummi Indian Business Council's (LIBC) state of emergency declaration in response to the fentanyl crisis; and

**WHEREAS**, on December 12, 2023, Whatcom County Councilmembers Buchanan and Elenbaas sent a letter requesting that President Biden declare a national emergency on the opioid epidemic and open additional resources and authorities to address the crisis; and

**WHEREAS**, the Whatcom County Council understands coordination between all agencies in our county as well as state and federal supports is needed to fight the fentanyl crisis; and

**WHEREAS**, declarations of emergency at the federal, state, and county levels can open up additional resources, funding, and assistance to address the fentanyl emergency; and

**WHEREAS**, Chapter 36.27 RCW establishes the Whatcom County Prosecuting Attorney as the independent legal advisor of the legislative authority, prosecutor of all criminal and civil actions, including felony charges, among other duties; and

**WHEREAS**, Chapter 9.94A RCW establishes accountable standard ranges for sentencing in the criminal justice system, and the Prosecuting Attorney makes sentencing recommendations; and

**WHEREAS**, on July 11, 2023, Whatcom County Council adopted the Whatcom County Justice Project Implementation Plan (Ord. 2023-039), which identifies priority projects vetted by the community and categorized in five key strategy areas:

- I. Ensure Oversight, Accountability, and Transparency
- II. Increase Access to Behavioral Health Services
- III. Build Facilities Needed to Promote Public Health, Safety, and Justice
- IV. Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration
- V. Make Systems Changes with Local, Regional, State, and Federal Partners; and

**WHEREAS**, Whatcom County Council Resolution 2024-002 respectfully requests that the Governor of the State of Washington declare a statewide emergency to address the fentanyl crisis; and

**WHEREAS**, Whatcom County Council Resolution 2024-003 respectfully requests that the President of the United States declare a national emergency to address the fentanyl crisis; and

**WHEREAS**, community leaders, agency staff, and other stakeholders convened in early 2024 to informally discuss near term solutions to address the fentanyl crisis in our community; and

**WHEREAS**, Bellingham Mayor Kimberley Lund issued Executive Order 2024-01 on February 20, 2024 to address the fentanyl crisis in Downtown Bellingham; and

**WHEREAS**, this resolution details near term approaches, which are not intended to replace the long-term approaches detailed in more comprehensive county policy documents.

**NOW THEREFORE BE IT RESOLVED** that the Whatcom County Council acknowledges there is a countywide fentanyl crisis impacting people, businesses, and properties in our communities; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Whatcom County Council recommends the following near-term approaches to address the fentanyl crisis:

Government Coordination:

1. Advocate for the declaration of emergencies at state and federal levels, thereby opening up additional resources to address the crisis.

2. Unite national efforts by encouraging other local jurisdictions to approve a resolution requesting an emergency be declared at the state and federal levels.
3. Encourage Executive Sidhu to **release an County Emergency Declaration or Executive Order with action plan** that -details specific action items and funding options to intensify- efforts, in alignment with Opioid Task Force and MAC group recommendations.
4. Develop a budget and plan to address staffing shortages, positions needed in order to implement an **Emergency Declaration or Executive Order with action plan**, and action steps requiring funding.
5. Using [whatcomoverdoseprevention.org](http://whatcomoverdoseprevention.org) website and Council Committee of the Whole, provide regular updates to the public on progress of action steps, outcomes of efforts, and funds expended on initiatives.

Accountability and Data Collection:

6. Advocate for legislative changes that strengthen laws regarding children’s exposure to fentanyl, Ricky’s law, and other related measures.
7. Enhance legal methods to address fentanyl-related crimes, distinguish fentanyl related crimes from other drug crimes, and offer treatment and recovery options in lieu of lengthy sentences when appropriate.
8. Request that Sheriff and local police to track data on utilization of Medication Assisted Treatment (MAT) in jail and what arrests do not end in jail time because of booking restrictions.
9. Make non-fatal overdoses reportable; interrupt overdose cycle and connect individuals to treatment and services; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Whatcom County Council recommends Whatcom County Elected officials such as the Executive, Prosecutor, and Sheriff, consider items in **Exhibit A** for future action; and

**NOW THEREFORE BE IT FINALLY RESOLVED** that the Whatcom County Council respectfully requests that the Executive, Sheriff, local municipalities, and other community partners consider their roles and take action to move forward near-term approaches to address the fentanyl crisis.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Civil Deputy Prosecutor

## EXHIBIT A

During stakeholder meetings to refine and develop the Council's resolution, members heard the following suggestions, ideas, and requests for action.

Council requests that the Executive consider these exhibit items for potential inclusion in **an Executive Declaration of Emergency or Order with action plan.**

1. Fund and employ narcotics-detection dogs to keep drugs out of the jail.
2. Expand the ability to use test strips beyond Health and Community Services to law enforcement and first responders.
3. Provide additional training on common and emerging illicit drugs to police for improved response and identification of fentanyl and other drugs.
4. Identify potential modifications to booking restrictions in the jail and develop operational plans to address inmate increases.
5. Encourage using strict legal measures to address major crimes and offenses related to fentanyl **for distribution**.
6. Provide more opportunities for youth diversion, especially for people ages 18-25 years old.
7. Evaluate alternative court programs for higher utilization and capacity.
8. Identify options and funding sources to provide more lower cost housing and creative housing solutions.
9. Fund and launch a multi-jurisdictional, multi-language public education program, including youth public education.
10. Consider the benefits and potential local applications of the Icelandic Model, a community-based approach to substance use that decreases the likelihood of adolescent substance use by strengthening the supportive role of parents and schools and the network of opportunities around them.
11. Provide training for healthcare providers and first responders on the benefits of and how to administer Medication-assisted treatment.
12. Increase funding for treatment programs to increase availability of detox beds, provide voluntary treatment while waiting for sentencing, provide access to treatment in lieu of sentencing.
13. Provide additional resources for recovery court, including a secure facility other than the jail.
14. Ensure services are available for juveniles, not just adults.
15. Ensure medically assisted treatment (MAT) offerings inside the jail match community-based options.
16. Provide support and training for first responders and behavioral health staff dealing with trauma and burnout related to overdose responses.
17. Create and implement an overdose response team.
18. Support efforts by Lummi Nation to build a Secure Withdrawal Management and Stabilization (SWMS) facility.
19. Analyze options for expanding the Alternative Response Team, including providing 24-hour responses.
20. Provide programs in the jail (e.g., Narcotic Anonymous, Alcoholics Anonymous, GED, counseling)

21. Create a publicly accessible monitoring and evaluation system to track goals, outcomes, and data regarding Whatcom County's response to the fentanyl emergency
21. Expand the community paramedics program.
22. Identify options to expand supportive housing programs and re-entry housing for people seeking substance use disorder treatment who have a history of incarceration.
23. Explore partnerships with neighboring SWISS counties, Whatcom County cities, Lummi Nation, Nooksack Tribe, North Sound ACH, state, and federal agencies to fund a coordinated response to the fentanyl emergency
24. Study new local sources of revenue to fund Whatcom County's response to the fentanyl emergency
25. Explore additional substance use disorder treatment options for pre- and postpartum patients
26. Continue to work with the Incarceration Prevention and Reduction Task Force to identify policy options to reduce and prevent incarceration