



Signature Report

April 16, 2014

Ordinance 15949

Proposed No. 2007-0599.3

Sponsors Ferguson, Patterson, Gossett,
Constantine, Phillips and Hague

1 AN ORDINANCE authorizing the levy collection and
2 legislative policies of an additional sales and use tax of one-
3 tenth of one percent for the delivery of mental health and
4 chemical dependency services, and therapeutic courts with
5 collections to begin consistent with RCW 82.14.055; and
6 adding a new chapter to K.C.C. Title 4.

7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. In 2005, recognizing the need for additional mental health and chemical
11 dependency programs, the state legislature authorized counties to implement a one-tenth
12 of one percent sales tax to support new or expanded chemical dependency or mental
13 health treatment services and for the operation of new or expanded therapeutic court
14 programs. The 2008 executive proposed budget proposes establishing the sales tax to
15 fund the programs outlined in the Mental Illness and Drug Dependency Action Plan
16 accepted by Motion 12598.

17 B. In July 2006, Motion 12320 called for a mental illness and drug dependency
18 action plan. The plan was to include: a prevalence study of the individuals with mental
19 illness and chemical dependency involved in the criminal justice, emergency services and
20 homeless services systems; a review of current county programs, and strategies for
21 addressing the issues and problems of the mentally ill and substance abusing populations
22 recycling through jail, emergency medical and homelessness systems consistent with the
23 goals of Motion 12320. The council acknowledged receipt of the action plan by
24 accepting it with Motion 12598 on October 8, 2007.

25 C. The intent of the sales tax and the programs funded by it is to fund new or
26 expanded mental health and substance abuse programs and the operation of new or
27 expanded therapeutic court programs. These programs are to enable the implementation
28 of a full continuum of treatment, housing and case management services that focus on the
29 prevention and reduction of chronic homelessness and unnecessary involvement in the
30 criminal justice and emergency medical systems and promote recovery for persons with
31 disabling mental illness and chemical dependency.

32 D. It is the county's intent to: promote adequate, stable public funding for
33 community mental health services in King County; ensure timely, affordable culturally
34 appropriate access to mental health services that focus on recovery and resilience;
35 improve community-based treatment programs and thereby reduce costly incarceration
36 and emergency room utilization; develop a stable and well-trained workforce; reduce
37 caseloads to ensure quality and timely services for clients; improve workplace safety; and
38 improve continuity of care and services.

39 E. Labor unrest within agencies providing mental health services under contract
40 to the county would threaten the efficient provision of mental health services to the
41 vulnerable community in need of such services. King County provides critical mental
42 health care needed for protecting both individuals and the community through a range of
43 inter-connected services, including outpatient counseling and medication management;
44 inpatient evaluation and treatment; crisis outreach response; crisis triage; emergency
45 room treatment; and residential services. These services are currently provided by
46 seventeen different community mental health agencies, along with public employees
47 (such as Designated Mental Health Professionals and Harborview staff). In addition, the
48 criminal justice system, including courts and jails, is connected to these services because
49 many clients end up in jail.

50 F. A disruption at any one of the mental health providers due to unresolved issues
51 between labor and management can adversely impact other services provided by the
52 county including but not limited to jails, hospitals and services for the homeless. With a
53 limited number of in patient beds and secure units, and limited numbers of slots available
54 for outpatient services, a crisis in care at one provider can quickly overwhelm the system.
55 Without services, many mentally ill clients will decompensate, creating a further crisis
56 that overflows into all other parts of the safety net of services provided including the
57 county jails.

58 G. King County experienced such a crisis when in 1998-99 West Seattle
59 Psychiatric Hospital, a private community provider, experienced a strike lasting one
60 hundred thirty-eight days. Once the strike began, the hospital immediately limited
61 admissions and diverted patients to other inpatient facilities. The hospital was unable to

62 meet its obligations to serve the number of patients it contracted with the county to serve.
63 This caused disruption in the coordinated and effective provision of mental health
64 services to the community and caused additional financial and program impacts to the
65 county. It is the intent of the county in enacting this ordinance to ensure that when an
66 additional tax burden is imposed on the citizens of the county, the services to be funded
67 by such additional tax will be efficiently provided to those in need.

68 G. It is the policy of the county not to interfere with an employee's choice about
69 whether to join or to be represented by a labor union. For this reason, the county wishes
70 not to subsidize efforts by an employer to assist, promote or deter union organizing. It is
71 the intent of the council in enacting this ordinance to avoid having an employer use
72 county funds for the purpose of influencing employees to support or oppose unionization.

73 H. The expiration date of the tax is established to enable progress toward meeting
74 the county's policy goals outcomes, and to enable evaluations of the programs funded
75 with the sales tax revenue to take place and for the county to deliberate on the success of
76 meeting policy goals and outcomes. The county may choose to amend the expiration
77 date set forth in this section to provide for continued collection of this sales tax.

78 SECTION 2. Sections 3, 4 and 5 of this ordinance should constitute a new
79 chapter in K.C.C. Title 4.

80 NEW SECTION. SECTION 3. A. It is the policy of the county that citizens and
81 policy makers be able to measure the effectiveness of the investment of these public
82 funds. The county requires appropriate oversight, accountability and reporting on the
83 status and progress of the programs supported with the sales tax funds. The programs
84 supported with these funds shall be designed to achieve the following policy goals:

85 1. A reduction of the number of mentally ill and chemically dependent using
86 costly interventions like jail, emergency rooms and hospitals;

87 2. A reduction of the number of people who recycle through the jail, returning
88 repeatedly as a result of their mental illness or chemical dependency;

89 3. A reduction of the incidence and severity of chemical dependency and mental
90 and emotional disorders in youth and adults;

91 4. Diversion of mentally ill and chemically dependent youth and adults from
92 initial or further justice system involvement; and

93 5. Explicit linkage with, and furthering the work of, other council directed
94 efforts including, the adult and juvenile justice operational master plans, the Plan to End
95 Homelessness, the Veterans and Human Services Levy Services Improvement Plan and
96 the county Recovery Plan.

97 B. To ensure the oversight, implementation and evaluation of the Mental Illness
98 and Drug Dependency Action Plan is consistent with the county's policy goals outlined in
99 subsection A. of this section and to ensure fulfillment of the requirements of RCW
100 82.14.460 which enables the sales tax, the office of management and budget, the
101 departments of community and human services, public health and adult and juvenile
102 detention, superior court, district court, the prosecuting attorney, the public defender and
103 the sheriff are requested, with assistance from council staff, to develop and submit for
104 council review and approval an oversight, implementation and evaluation plan for the
105 Mental Illness and Drug Dependency Action Plan accepted by council by Motion 12598.

106 C. The oversight, implementation and evaluation plan shall have three parts:

107 1. Part One: Oversight Plan. Part one of the oversight, implementation and
108 evaluation plan shall be an oversight plan. Part one, the oversight plan, shall propose an
109 oversight group that will be responsible for the ongoing oversight of the mental illness
110 and drug dependency action plan. The oversight group shall include representation from
111 other county, state and community agencies and entities involved in the mental health,
112 substance abuse, domestic violence and sexual assault, homeless, justice, public health
113 and hospital systems. The oversight plan shall also identify the proposed role of the
114 oversight group and how the oversight group will link and coordinate with other existing
115 county groups such as the Criminal Justice Council, the Committee to End Homelessness
116 and the veterans and human services levy oversight groups. Part one of the oversight,
117 implementation and evaluation plan shall be submitted to the council by April 1, 2008,
118 for council review and approval by motion. Twelve copies of the part one oversight plan
119 shall be filed with the clerk of the council, for distribution to all councilmembers and to
120 the lead staff the law, justice and human services committee or its successor;

121 2. Part Two: Implementation Plan. Part two of the oversight, implementation
122 and evaluation plan is an implementation plan. Part two, the implementation plan, shall
123 describe the implementation of the programs and services outlined in the Mental Illness
124 and Drug Dependency Action Plan. This description shall include: a schedule of the
125 implementation of programs and services outlined in the Mental Illness and Drug
126 Dependency Action Plan; a discussion of needed resources, including staff, information
127 and provider contracts; and milestones for implementation of the programs. The
128 implementation plan shall address how adult drug diversion court, one of the county's
129 therapeutic courts, may also utilize sales tax revenue for program expansion.

130 Additionally, because the council recognizes that there is a strong correlation between
131 sexual assault and domestic violence victimization and subsequent mental health
132 problems, substance abuse, homelessness, incarceration and usage of the emergency
133 medical system, the implementation plan shall include a proposal on how to integrate
134 programs that support specialized mental health or substance abuse counseling, therapy
135 and support groups for victims of sexual assault, victims of domestic violence and
136 children exposed to domestic violence, provided by or in collaboration with recognized
137 sexual assault and domestic violence services providers. A revised 2008 spending plan
138 and financial plan for the mental illness and drug dependency fund shall be included in
139 part two. Part two shall be developed in collaboration with the oversight group. Part two
140 of the oversight, implementation and evaluation plan shall be submitted to the council by
141 June 1, 2008, for council review and approval by motion. Twelve copies of the part two
142 implementation plan to the council shall be filed with the clerk of the council, for
143 distribution to all councilmembers and to the lead staff the law, justice and human
144 services committee or their successors; and

145 3. Part Three: Evaluation Plan. Part three of the oversight, implementation and
146 evaluation plan is an evaluation plan. Part three, the evaluation plan, shall describe an
147 evaluation and reporting plan for the programs funded with the sales tax revenue. Part
148 three shall specify: process and outcome evaluation components; a proposed schedule for
149 evaluations; performance measurements and performance measurement targets; and data
150 elements that will be used for reporting and evaluations. Performance measures shall
151 include, but not be limited to: the amount of funding contracted to date, the number and
152 status of request for proposals to date, individual program status and statistics such as

153 individuals served, data on utilization of the justice and emergency medical systems and
154 resources needed to support the evaluation requirements identified in this subsection C.3.
155 Part three shall be developed in collaboration with the oversight group. Part three of the
156 oversight, implementation and evaluation plan shall be submitted to the council by
157 August 1, 2008, for council review and approval by motion. Twelve copies of the part
158 three evaluation plan to the council shall be filed with the clerk of the council, for
159 distribution to all councilmembers and to the lead staff the law, justice and human
160 services committee or their successors.

161 D.1. In addition to reviewing and approving the parts one, two and three of the
162 oversight, implementation and evaluation plan outlined in subsection C. of this section, in
163 coordination with the oversight group, the executive shall submit four quarterly progress
164 reports and an one annual summary report for the programs supported with the sales tax
165 revenue to the council. The quarterly reports shall include at a minimum:

- 166 a. performance measurement statistics;
- 167 b. program utilization statistics;
- 168 c. request for proposal and expenditure status updates; and
- 169 d. progress reports on evaluation implementation.

170 2.a. The quarterly reports to the council are due to the council March 1, June 1,
171 September 1 and December 1 for council review for years one and two and thereafter,
172 every six months.

173 b.(1) The annual report to the council shall be submitted to the council by
174 April 1, for council review. The annual report shall also include:

- 175 (a) a summary of quarterly report data;

176 (b) updated performance measure targets for the following year of the
177 programs; and

178 (c) recommendations on program and/or process changes to the funded
179 programs based on the measurement and evaluation data.

180 3. Twelve copies of the quarterly reports and the annual report to the council
181 shall be filed with the clerk of the council, for distribution to all councilmembers and to
182 the lead staff the law, justice and human services committee or its successor.

183 E. Concurrent with the executive's 2009 budget proposal, and for each
184 subsequent year that the tax exists, the executive shall submit a report on program
185 expenditures and revenue as part of the annual budget review process. The information
186 submitted with the executive's budget shall include an annual updated and detailed
187 spending plan for the tax funding, as well as revenue information. The elements of an
188 annual spending plan, at a minimum, shall include:

189 1. A detailed list of funded activities along with a budget and revenue for each
190 activity;

191 2. A reasonable estimate of cost per unit of service of activities;

192 3. The anticipated number of service units to be provided for each activity or
193 item;

194 4. How many individuals are estimated to be served in each activity;

195 5. Whether the activity is to be completed by the county or by a contracted
196 provider; and

197 6. Full time equivalent or term-limited temporary employee impact if service is
198 provided by the county.

199 NEW SECTION. SECTION 4. A. For the purpose of providing funding for the
200 delivery of new or expanded mental health and chemical dependency services, and new
201 or expanded therapeutic courts, an additional sales and use tax of one-tenth of one
202 percent is hereby levied, fixed and imposed on all taxable events within King County as
203 defined in chapter 82.08, 82.12 or 82.14 RCW, except as provided in subsection B. of
204 this section. The tax shall be imposed upon and collected from those persons from whom
205 sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW, and
206 shall be so collected at the rate of one-tenth of one percent of the selling price, in the case
207 of a sales tax, or value of the article used, in the case of a use tax. This additional sales
208 and use tax shall be in addition to all other existing sales and use taxes currently imposed
209 by the county.

210 B. If, as a result of the imposition of the additional sales and use tax authorized in
211 subsection A. of this section, the county imposes an additional sales and use tax upon
212 sales of lodging in excess of the limits contained in RCW 82.14.410, the sales shall be
213 exempt from the imposition of that additional sales and use tax.

214 NEW SECTION. SECTION 5. A. The proceeds of the tax imposed under
215 section 3 of this ordinance shall be used solely for the purpose of providing new or
216 expanded chemical dependency or mental health treatment services and for the operation
217 of new or expanded therapeutic court programs.

218 B. The proceeds of the tax authorized and imposed under section 4 of this
219 ordinance may not be used to supplant existing funding.

220 C. For the purposes of this section, "proceeds" means the moneys raised by the
221 additional sales and use tax authorized by this chapter and any interest thereon.

222 SECTION 6. The tax authorized and imposed under section 4 of this ordinance
223 shall take effect in accordance with RCW 82.14.055 and section 7 of this ordinance.

224 SECTION 7. A. No proceeds of the tax authorized and imposed under section 4
225 of this ordinance shall be provided to any contractor providing, annually, more than three
226 million dollars in mental health treatment services through the King County regional
227 support network unless that contractor has executed a binding partnership agreement
228 covering employees performing community mental health services funded by public
229 moneys with a bona fide labor organization and that:

230 1. Such an agreement has been implemented and has been in effect for at least
231 three months; and

232 2. The labor organization and provider representatives have certified to the
233 county executive that the agreement is operative with no significant deficiencies.

234 B. In the binding partnership agreement described in subsection A. of this
235 section, providers and the labor organization shall, at a minimum, commit to:

236 1. Not use any funds received for its work on contracts with the county for the
237 provision of mental health services to assist, promote or deter union organizing. For the
238 purposes of this section, "assist, promote or deter union organizing" includes any attempt
239 by an employer to influence the decision of its employees regarding whether to support or
240 oppose a labor organization that represents or seeks to represent those employees;

241 2. Provide a current roster of employees to the county regional support network,
242 including name, job title, department, work location and most recent date of hire;

243 3. Provide access to nonwork areas of provider facilities to union
244 representatives for the purpose of allowing them to communicate with staff on nonwork
245 time;

246 4. Agree to an expedited union recognition process through a National Labor
247 Relations Board consent election agreement or a community election agreement;

248 5. Agree to an expedited collective bargaining process, if a majority of
249 employees voting in an election choose union representation, that provides for interest
250 arbitration of unresolved issues four months following certification of the bargaining
251 unit;

252 6. Agree to include in such a collective bargaining agreement binding
253 arbitration of grievances and a no-strike/no-lockout clause; and

254 7. Agree to binding arbitration of disputes concerning the interpretation and
255 implementation of the partnership agreement.

256 SECTION 8. If any provision of this ordinance, or the application of such
257 provision to any person or circumstance is held invalid, each and every of said provisions
258 of this ordinance shall not be deemed severable from the other provisions of this
259 ordinance and this ordinance shall be held invalid in its entirety, prospectively only, and
260 shall be deemed to be severable retrospectively, it being the legislative intent that the
261 additional sales and use tax authorized in this ordinance not continue to be collected in the
262 absence of any provision of this ordinance, but it also being the legislative intent that this
263 ordinance as a whole would not have been enacted had any provision of the ordinance not
264 been included but that any taxes already lawfully collected pursuant to section 4 of this

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265 ordinance shall be used for the purposes authorized by state law and as set forth in section
266 5 of this ordinance.

267 SECTION 9. This ordinance expires January 1, 2017.

268

Ordinance 15949 was introduced on 10/29/2007 and passed as amended by the Metropolitan King County Council on 11/13/2007, by the following vote:

Yes: 5 - Mr. Gossett, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine
No: 3 - Ms. Lambert, Mr. von Reichbauer and Mr. Dunn
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this 26th day of November, 2007.

Attachments None