



**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

**Ordinance 15949**

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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.

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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

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ATTEST:

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APPROVED this 26th day of November, 2007.

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**Attachments**      None