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7/15/2010

7/26/10 Council Meeting

S2

Sponsor: Councilmember Ferguson
Councilmember Gossett

phh

Proposed No.: 2010-0365

JP MOVED

PASSED: 5-4 RD / DIT / RL / PUR "NO"

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2010-0365, VERSION

2 **1**

3 Beginning on page 1, line 14, delete everything through page 8, line 160, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. Public safety is one of the most fundamental purposes of government.

7 B. A strong system of criminal justice is necessary to maintain safe and livable
8 communities.

9 C. Under Washington state law, counties provide many regional and local
10 criminal justice functions, including police protection services and responding to
11 emergencies.

12 D. In order to have the greatest possible impact in helping those most in need and
13 the highest return on its investments, King County focuses on prevention and intervention
14 efforts, job readiness and employment services, ending homelessness and providing
15 services that reduce criminal justice involvement and costs.

16 E. The current funding for criminal justice is limited and insufficient to provide
17 King County residents with the level of services that are needed to build and maintain
18 safe and strong communities.

19 F. The county's projected 2011 and 2012 budget deficits threaten important
20 criminal justice, and other essential government functions. The projected deficits will
21 require that cuts be made to these essential services unless additional revenue is approved
22 by the voters. In order to limit these cuts and maintain safe and strong communities, it is
23 important for the voters to consider a sales and use tax proposition to support criminal
24 justice.

25 G. The county's current expense fund faces continuing challenges in future years.
26 To balance the 2010 budget, the county was forced to cut fifty-six million dollars. For
27 2011, the deficit is projected to approach sixty million dollars with another eighty million
28 dollars in cuts necessary for 2012.

29 H. King County must continue to find efficiencies and capitalize on productivity
30 gains through the use of technology, better program management, and performance
31 measurement in order to contain costs and bring growth in revenues and expenditures
32 into equilibrium.

33 I. The King County Youth Services Center ("YSC") facility at 12th Avenue and
34 East Alder Street in downtown Seattle serves the justice needs of King County juveniles
35 and families. The superior court has undertaken long-range planning efforts for the
36 provision of juvenile and family justice services and has completed both a Targeted
37 Operational Master Plan ("TOMP") and a Targeted Facilities Master Plan ("TFMP").
38 The TFMP recommends the replacement of the Alder Wing and Tower at the YSC. Over

39 forty years old, the current facility is in a state of disrepair and has reached the end of its
40 useful life. The costs of maintaining the building have become untenable with over \$20
41 million in deferred maintenance costs alone. The facility is in need of replacement to
42 ensure the continuing justice services for King County youth and families and to meet the
43 demands of population growth in future years.

44 J. The county council hereby finds that the Youth Services Center is a criminal
45 justice facility and finds further that the essential public health and safety services
46 provided by this facility are of general benefit to all of the residents of King County.
47 The facility also will provide family law services. To maintain King County's ability to
48 continue to provide services at a facility on the current site of the YSC, the county
49 council further finds that the best interests of all of the residents of the county require the
50 county to undertake a replacement project for the facility.

51 K. The county council hereby finds and declares that the proposition authorized
52 to be submitted to the voters by this ordinance and the replacement of the Youth Services
53 Center authorized thereby and described in this ordinance have for their object the
54 furtherance and accomplishment of a system of criminal justice facilities for the benefit
55 of all residents of King County and constitute a single purpose.

56 L. The total estimated cost of the Youth Services Center replacement and
57 expansion, including the costs of issuing and selling the bonds, is declared to be, as
58 nearly as may be determined, \$150,000,000.

59 **SECTION 2. Definitions.** The definitions in this section apply throughout this
60 ordinance unless the context clearly requires otherwise.

61 A. "Criminal justice purposes" means activities that substantially assist the
62 criminal justice system, including but not limited to services such as police protection,
63 the incarceration of offenders, court services, and the prosecution and defense services of
64 defendants on behalf of King County residents, domestic violence services, sexual assault
65 services and legal assistance.

66 B. "Proceeds from the sales and use tax" means the principal amount of funds
67 raised by the additional sales and use tax authorized by this ordinance and any interest
68 earnings on the principal amount of funds.

69 C. "Youth Services Center Replacement Project" or "replacement" means: a
70 capital project or series of capital projects to design, remodel, construct and equip
71 facilities for juvenile justice and family law services, including but not limited to
72 replacement and expansion of the Alder Wing and Tower of the King County Youth
73 Services Center located at 12th and Alder in Seattle, WA. The facility presently is used to
74 provide court services primarily to youth involved in the criminal justice system as well
75 as certain family law services such as truancy cases.

76 **SECTION 3. Authorization of additional sales and use tax.**

77 A. In order to provide funding for the purposes identified in section 6 of this
78 ordinance, the council hereby directs the submission of a proposition to the voters of the
79 county substantially as set forth in section 8 of this ordinance to authorize the county to
80 fix and impose pursuant to RCW 82.14.450 an additional sales and use tax of two-tenths
81 of one percent.

82 B. If approved by the voters, the additional sales and use tax:

83 1. Shall be in addition to other existing sales and use taxes currently imposed by
84 the county;

85 2. Shall be imposed on all taxable events as authorized under chapters 82.08 and
86 82.12 RCW and collected as of a date as determined by the council by ordinance;

87 3. Shall not apply to any exempt transactions identified in RCW 82.14.450(4),
88 and

89 4. Shall be subject to the conditions in section 4 of this ordinance.

90 C. If, as a result of the adoption of this proposition by the voters of the county,
91 the county imposes an additional sales and use tax upon sales of lodging in excess of the
92 limits contained in RCW 82.14.410, those sales shall be exempt from the imposition of
93 that additional sales and use tax.

94 **SECTION 4. Condition on imposition and continuation of taxes.**

95 A. The authority to fix and impose the sales and use tax for the purposes in
96 section 7 of this ordinance shall be subject to the following condition: annually, in
97 accordance with RCW 36.33.220 and 36.82.040, at least nine million five hundred
98 thousand dollars is diverted from the county road fund and placed into a separate and
99 identifiable account in the county current expense fund, and the diverted funds
100 appropriated for police protection in the unincorporated area of King County. The
101 amount diverted and appropriated annually shall be in addition to any amount of the
102 county roads fund revenues that may lawfully be spent for traffic enforcement purposes
103 without utilizing the authority in RCW 36.33.220;

104 B. In any year in which subsection A. of this section is in effect and the condition
105 in subsection A. of this section is not satisfied, the additional sales and use tax authorized

106 by this ordinance and fixed and imposed by the county shall expire in accordance with
107 section 6 of this ordinance.

108 **SECTION 5. Distribution of taxes collected.**

109 A. If approved by the voters, sixty percent of any sales and use tax proceeds
110 authorized by section 3 of this ordinance and collected by the state Department of
111 Revenue shall be paid to the county.

112 B. If approved by the voters, forty percent of any sales and use tax proceeds
113 authorized by section 3 of this ordinance and collected by the state Department of
114 Revenue shall be distributed to cities within King County on a per capita basis.

115 **SECTION 6. Expiration.**

116 A. If an additional sales and use tax of two tenths of one percent authorized under
117 section 3 of this ordinance is imposed and levied, then the tax expires on the earlier of:

118 1. If in 2011, 2012 or 2013 the condition identified in section 4.A. of this
119 ordinance is not satisfied, the last day of the first quarter in the following year; or

120 2. According the following schedule;

121 a. The tax of one tenth of one percent expires April 1, 2014; and

122 b. The tax of one tenth of one percent expires April 1, 2031.

123 B. Section 4 of this ordinance expires April 1, 2014.

124 **SECTION 7. Use of tax proceeds.** If approved by the voters, at least one-third

125 of all proceeds from the sales and use tax authorized by section 3 of this ordinance shall
126 be used for criminal justice purposes or fire protection purposes, or both. County
127 proceeds shall be used solely for criminal justice purposes, as authorized by RCW
128 82.14.450, and replacement of capital facilities for juvenile justice and family law

129 services, including but not limited to replacement of the Alder Wing and Tower of the
130 King County Youth Services Center located at 12th and Alder in Seattle, WA. City
131 proceeds may be used for criminal justice purposes, fire protection purposes or other
132 general city purposes, as authorized by RCW 82.14.450.

133 **SECTION 8. Call for election.** Pursuant to RCW 29A.04.321, it is hereby found
134 that the proposition, substantially as hereinafter set forth, be submitted to the qualified
135 electors of the county at a county special election to be held in conjunction with the
136 general election on November 2, 2010. King County elections is hereby requested to
137 assume jurisdiction of and to call and conduct such election to be held within the county
138 on said date and to submit to the qualified voters of the county at such election said
139 proposition.

140 The clerk of the council is hereby authorized and directed to certify said
141 proposition to the director of elections in substantially the following form:

142 The Metropolitan King County Council adopted Ordinance _____
143 concerning funding for criminal justice, fire protection, and other
144 government purposes. This proposition would authorize King County to
145 fix and impose an additional sales and use tax of 0.2%, split between the
146 county (60%) and cities (40%). At least one-third of all proceeds shall be
147 used for criminal justice or fire protection purposes. County proceeds
148 shall be used exclusively for criminal justice purposes, such as police
149 protection, and the replacement of capital facilities for juvenile justice.
150 The duration of the additional sales and use tax will be as provided in
151 section 6 of Ordinance _____. Should this proposition be:

152 Approved? _____

153 Rejected? _____

154 **SECTION 9. Appointment of voters' pamphlet committees.** Pursuant to RCW

155 29A.32.280, the following individuals are appointed to serve on the voters' pamphlet

156 committees, each committee to write a statement for or against the proposed criminal

157 justice sales and use tax ballot measure:

158 FOR AGAINST

159 1. Bruce Hilyer 1. _____

160 2. Sue Rahr 2. _____

161 3. Mary Ellen Stone 3. _____

162 **SECTION 10. Ratification.** Certification of the proposition by the clerk of the

163 council to the director of elections in accordance with law before the election on

164 November 2, 2010, and any other acts consistent with the authority and before the

165 effective date of this ordinance are hereby ratified and confirmed.

166 **SECTION 11. Authority supplemental.** The authority granted in this ordinance

167 is supplemental to all other powers of the county, and nothing in this ordinance shall be

168 construed as limiting or restricting any powers or authority conferred upon the county by

169 law.

170 **SECTION 12. Regional accountability.** No later than July 1, 2013, the county

171 auditor shall, in a report, prepare an inventory of how cities have expended proceeds of

172 the additional sales and use tax imposed under this ordinance, for city criminal justice

173 purposes, for fire protection purposes and other general city purposes. The report shall

174 detail, to the extent possible, city expenditures of the additional sales tax which benefit

175 both city and regional objectives, including, but not limited to, infrastructure investments
176 to promote growth management act goals, investments that spur annexations to cities, city
177 payments for regional contract services and city contributions to local and regional
178 human services. The auditor shall file one paper copy and an electronic copy with the
179 clerk of the council, who shall retain the paper copy and forward an electronic copy to
180 each councilmember.

181 SECTION 13. Severability. If any provision of this ordinance or its application
182 to any person or circumstance is held invalid, the remainder of the ordinance or the
183 application of the provision to other persons or circumstances is not affected.

184 SECTION 14. Repeal. Ordinance 16888, Section 1, Ordinance 16888, Section 2,
185 Ordinance 16888, Section 3, Ordinance 16888, Section 4, Ordinance 16888, Section 5,
186 Ordinance 16888, Section 6, Ordinance 16888, Section 7, Ordinance 16888, Section 8,
187 Ordinance 16888, Section 9, Ordinance 16888, Section 10, Ordinance 16888, Section 11,
188 Ordinance 16888, Section 12, Ordinance 16888, Section 13, and Ordinance 16888,
189 Section 14, are each hereby repealed."

190

191 **EFFECT: The effect of this amendment would be to stagger the expiration dates**
192 **with one tenth ending in 2014 and one tenth ending in 2034 and include**
193 **authorization to fund a replacement of the youth services center from the proceeds**
194 **from the tax and repealing Ordinance 16888.**

7/15/2010
7/26/10 Council Mtg

T1

phh

Sponsor: Councilmember Ferguson

Proposed No.: 2010-0365

JP MOVED
PASSED: 5-4 RD/JH/KL/POR "NO"

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2010-0365, VERSION 1**

2 Beginning on page 1, line 1, delete everything through page 1, line 14, and insert:

3 "AN ORDINANCE directing the submission to the

4 qualified voters of King County at a special election on

5 November 2, 2010, a proposition authorizing an additional

6 sales and use tax of two-tenths of one percent pursuant to

7 RCW 82.14.450 for criminal justice, fire protection and

8 other general governmental purposes, with proceeds split

9 between the county (sixty percent) and cities (forty

10 percent), subject to a requirement to appropriate certain

11 unincorporated area property tax revenues for criminal

12 justice for the first three years; limiting the use of county

13 tax proceeds to criminal justice purposes and replacement

14 and expansion of capital facilities for juvenile justice and

15 family law services, including, but not limited to,

16 replacement of the Alder Wing and Tower of the King

17 County Youth Services Center; setting dates for the

18 expiration of the new taxing authority; appointing
19 committees to write the voters' pamphlet statements for the
20 special election on November 2, 2010 and repealing
21 Ordinance 16888, Section 1, Ordinance 16888, Section 2,
22 Ordinance 16888, Section 3, Ordinance 16888, Section 4,
23 Ordinance 16888, Section 5, Ordinance 16888, Section 6,
24 Ordinance 16888, Section 7, Ordinance 16888, Section 8,
25 Ordinance 16888, Section 9, Ordinance 16888, Section 10,
26 Ordinance 16888, Section 11, Ordinance 16888, Section
27 12, Ordinance 16888, Section 13, and Ordinance 16888,
28 Section 14.”

29

30 **EFFECT: Effectuates the changes from the striking amendment into the title.**