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7/20/2009	1	Metropolitan King County Council	Hearing Held	
7/20/2009	1	Metropolitan King County Council	Passed	Pass
7/8/2009	1	Committee of the Whole	Recommended Do Pass	Pass
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5/26/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 05/19/2009

AN ORDINANCE relating to the mental illness and drug dependency
implementation plan; and amending Ordinance 16261, Section 2.

STATEMENT OF FACTS:

1. In 2005, the Washington state Legislature authorized counties to implement a one-tenth of one percent sales and use tax to support new or expanded chemical dependency or mental health treatment programs and services and for the operation of new or expanded therapeutic court programs and services.

2. In 2007, the King County council adopted Ordinance 15949 authorizing the levy and

collection of, and legislative policies for the expenditure of revenues from, an additional sales and use tax of one-tenth of one percent for the delivery of mental health and chemical dependency services and therapeutic courts. The ordinance also established a policy framework for measuring the effectiveness of the public's investment, requiring the King County executive to submit oversight, implementation and evaluation plans for the programs funded with the tax revenue.

3. In 2008, the Washington state Legislature amended RCW 82.14.460 in Chapter 157, Laws of Washington 2008, which defines those programs and services that are authorized for funding by the sales tax. The amendment added housing that is a component of a coordinated mental health or chemical dependency treatment program or service to the list of programs and services that are authorized for funding by the sales tax. The statute also amended the nonsupplanting provision to allow the sales tax funds to be used for replacement of lapsed federal funding previously provided for mental health, substance abuse and therapeutic court services and programs.

4. In April 2008, the King County council adopted Ordinance 16077, establishing the King County mental illness and drug dependency oversight committee. The oversight committee is an advisory body to the King County executive and the council. The purpose of the oversight committee is to ensure that the implementation and evaluation of the strategies and programs funded by the tax revenue are transparent, accountable and collaborative. The committee reviews and comments on quarterly, annual and evaluation reports as required in Ordinance 15949. It also reviews and comments on emerging and evolving priorities for the use of the mental illness and drug dependency sales tax revenue. The oversight committee members bring knowledge, expertise and the perspective necessary to successfully review and provide input on the development, implementation and evaluation of the tax funded programs.

5. The mental illness and drug dependency oversight group, under the guidance of the department of community and human services, provided input on development of the implementation plan. The mental illness and drug dependency implementation plan was adopted via Ordinance 16261 in October 2008. The implementation plan guides the management and expenditures from the mental illness and drug dependency fund.

6. Ordinance 16261 established a new strategy reserve to be included in the mental illness and drug dependency fund. The new strategy reserve funds are to be spent on new mental illness and drug dependency strategies that are not specified in the adopted mental illness and drug dependency implementation plan.

7. Ordinance 16261 directed the mental illness and drug dependency oversight committee, with input from the council and the executive, to propose a process and a schedule for new strategies and programs to be considered for funding by new strategy reserve. The oversight committee's recommendation for a new strategy process was to be submitted to the council along with the mental illness and drug dependency annual report that was due April 1, 2009. Ordinance 16261 specified the following requirements for the new strategy process:

- a. Be easily accessible and transparent to the potential proposers of new strategies and programs;
- b. Provide clear and simple directions for the potential proposers of new strategies and programs;
- c. Specify the key elements required in any proposal or request for funding;
- d. Include a schedule and timeline for the proposal process; and
- e. Provide at least two dates during the calendar year when new strategies and any necessary supplemental appropriation ordinances would be sent to the council for consideration. One of those dates shall be April 1, when the annual report is due.

8. The mental illness and drug dependency implementation plan that was adopted by ordinance 16261 and subsequently amended by Ordinance 16277 did not include a completed, finalized mental health court strategy. Instead a placeholder in the implementation plan was created and ordinance 16261 directed the mental illness and drug dependency oversight committee to review options for enhancing the delivery of mental health court services and recommend a proposed strategy to provide mental illness and drug dependency funds for mental health courts in King County. The mental illness and drug dependency oversight committee was to recommend an approach to allocating the funds set aside in the spending plan for the purpose of supporting mental health courts to the council. The oversight committee's recommendation for mental illness and drug dependency sales tax funded mental health courts was to be submitted to the council along with the mental illness and drug dependency oversight committee annual report due April 1 2009.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. On any given day in city jails throughout King County, an estimated fifteen percent of inmates have serious mental illness. Once in jail, these individuals stay longer than inmates with similar charges who are not mentally ill. Mental health courts are an essential component of a jail diversion continuum of service and have been shown to be effective in engaging clients in treatment and reducing future jail bookings. Currently, accessing King County district court mental health court services for misdemeanor offenders is limited to individuals who commit offenses in unincorporated King County. The city of Seattle and the city of Auburn are the only jurisdictions in King County that provide mental health court services through their respective municipal courts. Increasing access to mental health court for all of King County's citizens will improve mental health outcomes for people in the criminal justice system and reduce the prevalence of people with mental illness in jails across King County.

B. The county recognizes that there is a need to expand mental health court services to more residents of King County, in more locations throughout the county, without further fragmenting of the justice system for vulnerable, mentally ill clients. The mental illness and drug dependency oversight committee reviewed options for enhancing the delivery of mental health court services and recommends a strategy that utilizes the mental illness and drug dependency resources to make mental health court services available to all citizens of King County regardless of jurisdiction.

C. The council recognizes that the needs of the county's residents may change over time and that new and innovative mental health, substance abuse and therapeutic court programs and services are continually being developed and implemented across the country.

D. The mental illness and drug dependency oversight committee, with input from the council and the executive, recommends a process and a schedule for new strategies and programs to be considered for funding by the mental illness and drug dependency sales tax revenue. The new mental illness and drug dependency strategy process and schedule meets the following requirements as specified by Ordinance 16261:

1. Is accessible and transparent to the potential proposers of new strategies and programs;
2. Provides clear and simple directions for the potential proposers of new strategies and programs;
3. Specifies the key elements required in any proposal or request for funding;
4. Includes a schedule and timeline for the proposal process; and
5. Provides at least two dates during the calendar year when new strategies and any necessary

supplemental appropriation ordinances would be sent to the council for consideration. One of those dates shall be April 1, when the annual report is due.

E. The recommended mental illness and drug dependency new strategy process establishes an objective system of review and rating of new strategies proposed to utilize mental illness and drug dependency funds. The review and ratings will be conducted by department of community and human services staff and a subcommittee comprised of members of the mental illness and drug dependency oversight committee. The

recommended new strategies process enable new strategy proposals and ratings to be reviewed and considered by the council two times per year.

F. Should the council approve a new strategy to be funded with mental illness and drug dependency sales tax funds, the new strategy shall be subject to the requirements and limits for funding new mental illness and drug dependency strategies as specified in K.C.C. 4.08.318.

G. The recommended mental illness and drug dependency new strategy process enables the county's mental illness and drug dependency strategies and programs to maintain flexibility to respond to the changing needs of the county's population as well as to accommodate new mental health, substance abuse and therapeutic court strategies and programs.

SECTION 2. Ordinance 16261, Section 2, is hereby amended to read as follows:

The mental illness and drug dependency implementation plan, as required in Ordinance 15949 and that is Attachment A to (~~this ordinance~~) this ordinance (Proposed Ordinance 2009-xxxx), is hereby adopted to guide the management and expenditures from the mental illness and drug dependency fund. Adoption of this ordinance (Ordinance 16261) satisfies the proviso requirement concerning the council's approval of the implementation plan contained in Ordinance 15975, Section 72, as amended. The mental illness and drug dependency spending plan and financial plan, including the next

year's projected allocations by strategy, is subject to review and possible modification in the annual budget process.