

Legislation Text

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Clerk 07/19/2010

AN ORDINANCE providing for the submission to the qualified electors of King County, at a special election to be held in conjunction with the general election on November 2, 2010, a proposition authorizing the county to issue general obligation bonds in the aggregate principal amount of not to exceed \$140,000,000 or so much thereof as may be issued under the laws governing indebtedness of counties, for the capital purpose of facilities for juvenile justice and family law services, including but not limited to replacement of the Alder Wing and Tower of the King County Youth Services Center, and providing for payment of the principal and interest of such bond by annual levies in excess of the tax limitations in RCW 84.52.050 to 84.52.056, inclusive, and RCW 84.52.043.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings - Authorization of Capital Improvements:**

- A. Public safety is a fundamental purpose of government.
- B. A strong criminal justice system is necessary to maintain safe and livable communities.
- C. Under Washington state law, counties provide many regional and local criminal justice functions, including police protection, the incarceration of offenders, court services, and the prosecution and defense services of defendants.
- D. The King County Youth Services Center ("YSC") facility at 12th Avenue and East Alder Street in

downtown Seattle serves the justice needs of King County juveniles and families. The superior court has undertaken long range planning efforts for the provision of juvenile and family justice services and has completed both a Targeted Operational Master Plan ("TOMP") and a Targeted Facilities Master Plan ("TFMP"). The TFMP recommends the replacement of the Alder Wing and Tower at the YSC. Over forty years old, the current facility is in a state of disrepair and has reached the end of its useful life. The costs of maintaining the building have become untenable with over \$20 million in deferred maintenance costs alone. The facility is in need of replacement to ensure the continuing justice services for King County youth and families and to meet the demands of population growth in future years.

E. In order to ensure the highest return on its investments and have the greatest possible impact on those most in need, King County focuses on prevention and intervention efforts that reduce criminal justice involvement and costs, including job readiness, employment services and ending homelessness in conjunction with traditional criminal justice services.

F. Current funding for criminal justice is limited and insufficient to provide King County residents with the level of services that are needed to build and maintain safe and strong communities and all necessary capital facilities, such as the Youth Services Center.

G. To counter this shortfall and a general lack of funding for county government, King County has aggressively worked to reduce expenditures by consolidating departments and functions, reducing labor costs and eliminating positions and programs.

H. King County has also worked to obtain additional revenue tools from the state Legislature to offset the structural funding problem facing King and all other Washington counties. In the 2009 legislative session, King County was successful in obtaining a number of the changes sought over the years, such as additional flexibility for using certain existing funding to address funding deficiencies in the criminal justice system. However, these changes were not sufficient to solve the county's projected revenue shortfalls.

I. The county's projected 2011 and 2012 deficits threaten important criminal justice and other essential

government functions. To balance the 2010 budget, the county was forced to cut fifty-six million dollars. For 2011, the deficit is projected to approach sixty million dollars. If the 2011 deficit is not met with ongoing reductions, then by 2012, the deficit raises to eighty million dollars.

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

K. The county council hereby finds that the Youth Services Center is a "public health and safety facility" as such term is defined in RCW 36.89.010, and finds further that the essential public health and safety services provided by this facility are of general benefit to all of the residents of King County. To maintain King County's ability to continue to provide services at a facility on the current site of the YSC, the county council further finds that the best interests of all of the residents of the county require the county to undertake a replacement project for the facility.

L. In accordance with RCW 36.89.040, the county council hereby finds and declares that the proposition authorized to be submitted to the voters by this ordinance and the replacement of the Youth Services Center authorized thereby and described in this ordinance have for their object the furtherance and accomplishment of a system of public health and safety facilities for the benefit of all residents of King County and constitute a single purpose.

M. The total estimated cost of the replacement, including the costs of issuing and selling the bonds provided in this ordinance, is declared to be, as nearly as may be determined, \$140,000,000.

**SECTION 2. Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly require otherwise. "Youth Services Center Replacement Project" or "replacement" means: a capital project or series of capital projects to design, remodel, construct and equip facilities for juvenile justice and family law services, including but not limited to replacement of the Alder Wing and Tower of the King County Youth Services Center necessary to replace and expand the existing county facilities located at 12th and

Alder in Seattle, WA. The facility is used to provide court services primarily to youth involved in the criminal justice system.

**SECTION 3. Bond Authorization.**

A. The bonds authorized may be issued as a single issue, as a part of a combined issue with other authorized bonds, or in more than one series. The bonds shall be fully registered bonds; shall bear interest payable as permitted by law; shall mature within thirty years from the date of issue or such lesser time as may be fixed by the county council; shall be paid by annual property tax levies sufficient in amount to pay both principal and interest when due, which annual property tax levies shall be made in excess of regular property tax levies without limitation as to rate or amount but only in amounts sufficient to meet such payments of principal and interest as they come due; and shall be issued and sold in such manner, at such times and in such amounts as shall be required for the purpose for which such bonds are to be issued. The exact date, form, terms, redemption provisions, price, interest rate or rates, and maturities of the bonds shall be hereafter fixed by ordinance. Pending the issuance of the bonds, the county may issue short-term obligations pursuant to chapter 39.50 RCW.

B. The county council declares that to the extent, prior to the date bonds or other short-term obligations are issued to finance the Youth Services Center Replacement Project, the county shall make capital expenditures for the Justice Center from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the county under its existing and reasonably foreseeable budgetary and financial circumstances to finance the Youth Services Center Replacement Project, those capital expenditures are intended to be reimbursed out of proceeds of the bonds or other short-term obligations issued in an amount not to exceed the principal amount of the bonds provided by this ordinance.

**SECTION 4. Levy Submittal.** The county council shall submit to the voters of the county, for their approval or rejection, a proposition to authorize the county to incur indebtedness and issue not more than \$140,000,000 of its general obligation bonds to finance the capital costs of design, remodeling, construction

and equipping of the Youth Services Center Replacement Project, and to levy annual excess property taxes to pay and retire such bonds. If such proposition is approved by the requisite number of voters, the county will be authorized to incur indebtedness and issue the bonds in the manner described in this ordinance, to spend the proceeds thereof to pay the capital costs of design, remodeling, construction and equipping of the Youth Services Center Replacement Project, and to levy annual property taxes in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive, and RCW 84.52.043 to pay and retire such bonds.

**SECTION 5. Project Description.**

A. The county council estimates that the capital costs of design, remodeling, construction and equipping of the Youth Services Center Replacement Project will be approximately \$140,000,000.

B. The term "capital costs," as used in the previous paragraph shall be construed consistently with the term "capital purposes" in Article VII, Section 2(b) of the Washington State Constitution and RCW 84.52.056, but subject thereto, shall include the costs of architectural, engineering, legal and other consulting services, inspection and testing, administrative and relocation expenses, site improvement, demolition, on and off-site utilities, related improvements and other costs incurred incident to the design, remodeling, construction and equipping of the Youth Services Center Replacement Project and its financing, including the incidental costs and costs related to the sale, issuance and delivery of the bonds; provided, however, that the term "capital costs" shall not include the costs of maintenance, operations or the replacement of equipment.

C. The Youth Services Center Replacement Project will replace and expand of the Alder Tower and Alder Wing of the existing Youth Services Center project located at 12th and Alder in Seattle, WA. The exact project specifications shall be determined by the county council.

**SECTION 6. Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the general election on November 2, 2010. The director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county

election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the director of elections, in substantially the following form, with such additions, deletions or modifications as may be required for the proposition listed below by the prosecuting attorney:

PROPOSITION \_\_\_\_: The King County council has passed Ordinance \_\_\_\_\_ concerning this proposition to replace and expand the Youth Services Center, a court facility that provides juvenile justice and family law services. This proposition would authorize the County to issue general obligation bonds in an amount not to exceed \$140,000,000, and levy property taxes in excess of regular property tax limitations of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive, and RCW 84.52.043 to repay the bonds over a period of up to thirty years, all as provided in Ordinance \_\_\_\_\_. Should this proposition be:

Approved? \_\_\_\_\_

Rejected? \_\_\_\_\_

SECTION 7. If any one or more of the provisions of this ordinance shall be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this ordinance, the bonds or any short-term obligations issued in anticipation thereof, and this ordinance, the bonds and any short-term obligations issued in anticipation thereof shall be construed and enforced as if such unconstitutional or invalid provisions had not been contained herein.