



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 27, 2010

Ordinance 16899

Proposed No. 2010-0365.2

Sponsors Ferguson and Gossett

1 AN ORDINANCE directing the submission to the qualified
2 voters of King County at a special election on November 2,
3 2010, a proposition authorizing an additional sales and use
4 tax of two-tenths of one percent pursuant to RCW
5 82.14.450 for criminal justice, fire protection and other
6 general governmental purposes, with proceeds split
7 between the county (sixty percent) and cities (forty
8 percent), subject to a requirement to appropriate certain
9 unincorporated area property tax revenues for criminal
10 justice for the first three years; limiting the use of county
11 tax proceeds to criminal justice purposes and replacement
12 and expansion of capital facilities for juvenile justice and
13 family law services, including, but not limited to,
14 replacement of the Alder Wing and Tower of the King
15 County Youth Services Center; setting dates for the
16 expiration of the new taxing authority; appointing
17 committees to write the voters' pamphlet statements for the
18 special election on November 2, 2010 and repealing
19 Ordinance 16888, Section 1, Ordinance 16888, Section 2,

20 Ordinance 16888, Section 3, Ordinance 16888, Section 4,
21 Ordinance 16888, Section 5, Ordinance 16888, Section 6,
22 Ordinance 16888, Section 7, Ordinance 16888, Section 8,
23 Ordinance 16888, Section 9, Ordinance 16888, Section 10,
24 Ordinance 16888, Section 11, Ordinance 16888, Section
25 12, Ordinance 16888, Section 13, and Ordinance 16888,
26 Section 14.

27 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

28 **SECTION 1. Findings:**

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

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

32 C. Under Washington state law, counties provide many regional and local
33 criminal justice functions, including police protection services and responding to
34 emergencies.

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

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

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

48 G. The county's current expense fund faces continuing challenges in future years.
49 To balance the 2010 budget, the county was forced to cut fifty-six million dollars. For
50 2011, the deficit is projected to approach sixty million dollars with another eighty million
51 dollars in cuts necessary for 2012.

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

56 I. The King County Youth Services Center ("YSC") facility at 12th Avenue and
57 East Alder Street in downtown Seattle serves the justice needs of King County juveniles
58 and families. The superior court has undertaken long-range planning efforts for the
59 provision of juvenile and family justice services and has completed both a Targeted
60 Operational Master Plan ("TOMP") and a Targeted Facilities Master Plan ("TFMP").
61 The TFMP recommends the replacement of the Alder Wing and Tower at the YSC. Over
62 forty years old, the current facility is in a state of disrepair and has reached the end of its
63 useful life. The costs of maintaining the building have become untenable with over \$20
64 million in deferred maintenance costs alone. The facility is in need of replacement to

65 ensure the continuing justice services for King County youth and families and to meet the
66 demands of population growth in future years.

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

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

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

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

84 A. "Criminal justice purposes" means activities that substantially assist the
85 criminal justice system, including but not limited to services such as police protection,
86 the incarceration of offenders, court services, and the prosecution and defense services of

87 defendants on behalf of King County residents, domestic violence services, sexual assault
88 services and legal assistance.

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

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

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

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

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

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

108 2. Shall be imposed on all taxable events as authorized under chapters 82.08 and
109 82.12 RCW and collected as of a date as determined by the council by ordinance;

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

111 and

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

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

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

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

127 B. In any year in which subsection A. of this section is in effect and the condition
128 in subsection A. of this section is not satisfied, the additional sales and use tax authorized
129 by this ordinance and fixed and imposed by the county shall expire in accordance with
130 section 6 of this ordinance.

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

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

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

138 **SECTION 6. Expiration.**

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

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

143 2. According the following schedule;

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

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

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

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

148 of all proceeds from the sales and use tax authorized by section 3 of this ordinance shall

149 be used for criminal justice purposes or fire protection purposes, or both. County

150 proceeds shall be used solely for criminal justice purposes, as authorized by RCW

151 82.14.450, and replacement of capital facilities for juvenile justice and family law

152 services, including but not limited to replacement of the Alder Wing and Tower of the

153 King County Youth Services Center located at 12th and Alder in Seattle, WA. City

154 proceeds may be used for criminal justice purposes, fire protection purposes or other
155 general city purposes, as authorized by RCW 82.14.450.

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

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

165 The Metropolitan King County Council adopted Ordinance 16899
166 concerning funding for criminal justice, fire protection, and other
167 government purposes. This proposition would authorize King County to
168 fix and impose an additional sales and use tax of 0.2%, split between the
169 county (60%) and cities (40%). At least one-third of all proceeds shall be
170 used for criminal justice or fire protection purposes. County proceeds
171 shall be used for criminal justice purposes, such as police protection, and
172 the replacement of capital facilities for juvenile justice. The duration of
173 the additional sales and use tax will be as provided in section 6 of
174 Ordinance 16899. Should this proposition be:

175 Approved? _____

176 Rejected? _____

177 **SECTION 9. Appointment of voters' pamphlet committees.** Pursuant to RCW
178 29A.32.280, the following individuals are appointed to serve on the voters' pamphlet
179 committees, each committee to write a statement for or against the proposed criminal
180 justice sales and use tax ballot measure:

- | 181 | FOR | AGAINST |
|-----|---------------------|----------|
| 182 | 1. Bruce Hilyer | 1. _____ |
| 183 | 2. Sue Rahr | 2. _____ |
| 184 | 3. Mary Ellen Stone | 3. _____ |

185 **SECTION 10. Ratification.** Certification of the proposition by the clerk of the
186 council to the director of elections in accordance with law before the election on
187 November 2, 2010, and any other acts consistent with the authority and before the
188 effective date of this ordinance are hereby ratified and confirmed.

189 **SECTION 11. Authority supplemental.** The authority granted in this ordinance
190 is supplemental to all other powers of the county, and nothing in this ordinance shall be
191 construed as limiting or restricting any powers or authority conferred upon the county by
192 law.

193 **SECTION 12. Regional accountability.** No later than July 1, 2013, the county
194 auditor shall, in a report, prepare an inventory of how cities have expended proceeds of
195 the additional sales and use tax imposed under this ordinance, for city criminal justice
196 purposes, for fire protection purposes and other general city purposes. The report shall
197 detail, to the extent possible, city expenditures of the additional sales tax which benefit
198 both city and regional objectives, including, but not limited to, infrastructure investments
199 to promote growth management act goals, investments that spur annexations to cities, city

200 payments for regional contract services and city contributions to local and regional
201 human services. The auditor shall file one paper copy and an electronic copy with the
202 clerk of the council, who shall retain the paper copy and forward an electronic copy to
203 each councilmember.

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

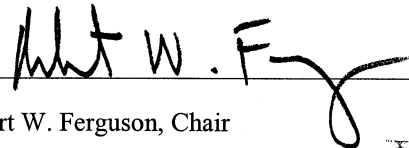
207 SECTION 14. Repeal. Ordinance 16888, Section 1, Ordinance 16888, Section 2,
208 Ordinance 16888, Section 3, Ordinance 16888, Section 4, Ordinance 16888, Section 5,
209 Ordinance 16888, Section 6, Ordinance 16888, Section 7, Ordinance 16888, Section 8,
210 Ordinance 16888, Section 9, Ordinance 16888, Section 10, Ordinance 16888, Section 11,

211 Ordinance 16888, Section 12, Ordinance 16888, Section 13, and Ordinance 16888,
212 Section 14, are each hereby repealed.
213

Ordinance 16899 was introduced on 6/28/2010 and passed as amended by the Metropolitan King County Council on 7/26/2010, by the following vote:

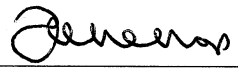
Yes: 5 - Ms. Drago, Mr. Phillips, Mr. Gossett, Ms. Patterson and Mr. Ferguson
No: 4 - Mr. von Reichbauer, Ms. Hague, Ms. Lambert and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 4 day of August, 2010.



Dow Constantine, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments: None