



Legislation Details (With Text)

File #: 2008-0489 **Version:** 4

Type: Ordinance **Status:** Passed

File created: 9/8/2008 **In control:** Operating Budget, Fiscal Management and Select Issues Committee

On agenda: **Final action:** 10/6/2008

Enactment date: 10/20/2008 **Enactment #:** 16261

Title: AN ORDINANCE relating to the mental illness and drug dependency implementation plan; and amending Ordinance 15955, Section 2, and K.C.C. 4.08.318.

Sponsors: Bob Ferguson

Indexes: Drugs, Mental Health, MIDD (Mental Illness and Drug Dependency)

Code sections: 4.08.318 -

Attachments: 1. 16261.pdf, 2. 2008-0489 09-10-08 RPC staff report with attachments.pdf, 3. 2008-0489 Copy of REVISED MIDD Fin Plan 9 05 08 ATTACHMENT FOR OBFMSI.xls, 4. 2008-0489 OBFMSI 9 10 08.doc, 5. 2008-0489 staff report 9-24-08.pdf, 6. A. Mental Illness and Drug Dependency Implementation Plan Version 2 - REVISED 9-2-08, 7. A. Mental Illness and Drug Dependency Implementation Plan Version 3 REVISED 9-10-08, 8. A. Mental Illness and Drug Dependency Implementation Plan Version 5 - REVISED September 24, 2008, 9. A. Mental Illness and Drug Dependency Implementation Plan Version 6 - REVISED October 6, 2008 - FINAL, 10. A. Mental Illness and Drug Dependency Implementation Plan Version 6 - REVISED October 6, 2008 - FINAL

Date	Ver.	Action By	Action	Result
10/6/2008	3	Metropolitan King County Council	Hearing Held	
10/6/2008	3	Metropolitan King County Council	Passed as Amended	Pass
9/24/2008	2	Operating Budget, Fiscal Management and Select Issues Committee	Recommended Do Pass Substitute	Pass
9/10/2008	1	Regional Policy Committee	Amended	
9/10/2008	2	Regional Policy Committee	Recommended Do Pass Substitute	Pass
9/10/2008	1	Operating Budget, Fiscal Management and Select Issues Committee		
9/8/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/07/2008

AN ORDINANCE relating to the mental illness and drug dependency
implementation plan; and amending Ordinance 15955, Section 2, and K.C.C.
4.08.318.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. 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.

B. 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.

C. 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.

D. 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.

E. Ordinance 15949 directed the development of an implementation plan to be developed in collaboration with an oversight group. The oversight group, under the guidance of the department of community and human services, provided input on development of the implementation plan, which was attached to the transmitted motion.

F. The implementation plan describes the implementation of the programs and services outlined in the mental illness and drug dependency action plan. It includes: a schedule for the implementation of programs and services outlined in the mental illness and drug dependency action plan; a discussion of needed resources, including staff, information and provider contracts; and milestones for implementation of the programs. In addition, the implementation plan addresses how adult drug diversion court, one of the county's therapeutic courts, may utilize sales tax revenue for program expansion. Finally, it includes strategies and programs that support specialized mental health or substance abuse counseling, therapy and support groups for victims of sexual assault, victims of domestic violence and children exposed to domestic violence, provided by or in collaboration with recognized sexual assault and domestic violence services providers.

G. Funds for housing development and rental subsidies that are part of a coordinated mental health or chemical dependency treatment program or service are included in the implementation plan.

H. The services identified in the implementation plan will help to address the unmet needs of thousands of vulnerable King County residents. Improved access to mental health and chemical dependency treatment and support is expected to improve the quality of life for those in need of services and yield significant cost savings to the region through the reduced usage of the criminal justice system and more expensive alternatives to treatment.

I. The strategies outlined in the 2008 implementation plan represent a continuum of initial mental health, therapeutic court and substance abuse services. The strategies contained in the implementation plan

attached to this ordinance or any future implementation plans may be expanded, revised or eliminated by ordinance based on, but not limited to, the following reasons: changes to state law or county policy; performance data from the evaluation of sales-tax funded programs and strategies; recommendation from the county executive or the oversight committee; or county budgetary constraints.

J. 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. Therefore, it is the policy of the county that the county's mental illness and drug dependency shall 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.

K. The county's mental illness and drug dependency strategies and programs shall be responsive to the changing needs of the county's population. They shall maintain the flexibility to accommodate new, revised or improved mental health, substance abuse and therapeutic court strategies and programs.

L. Addressing racial disproportionality in the criminal justice system is one of the guiding principles for determining the service priorities of the mental illness and drug dependency strategies and programs. The county recognizes the need to promote equity through access to the mental illness and drug dependency strategies and programs for communities of color and youth involved with gang violence.

SECTION 2. The mental illness and drug dependency implementation plan, as required in Ordinance 15949 and that is Attachment A to this ordinance, is hereby adopted to guide the management and expenditures from the mental illness and drug dependency fund. Adoption of this ordinance 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.

SECTION 3.

A. The mental illness and drug dependency oversight committee, with input from the council and the executive, shall propose a process and a schedule for new strategies and programs to be considered for funding by the sales tax revenue. The process and schedule shall:

1. Be easily accessible and transparent to the potential proposers of new strategies and programs;
2. Provide clear and simple directions for the potential proposers of new strategies and programs;
3. Specify the key elements required in any proposal or request for funding;
4. Include a schedule and timeline for the proposal process; and
5. 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.

B. The oversight committee's recommendation for a new strategy process will be submitted to the council along with the mental illness and drug dependency annual report that is due April 1, 2009.

C. Until council action on the oversight committee's recommendation for a new strategy process, persons or organizations seeking consideration of new strategies funded by the sales tax revenue shall submit such requests to the oversight committee co-chairs. These requests shall then be forwarded by the co-chairs to executive and council staff.

SECTION 4. Ordinance 15955, Section 2, and K.C.C. 4.08.318 are each hereby amended to read as follows:

A. There is hereby created the mental illness and drug dependency fund, classified as a special revenue fund, for the purpose of accounting for the proceeds of an additional one-tenth of one percent sales tax imposed by King County for collection beginning in 2008.

B.1. In accordance with the ordinance imposing the mental illness and drug dependency tax, the proceeds of the sales tax will be placed in one fund designated and shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of

new or expanded therapeutic court programs and shall not be used to supplant existing funding for these purposes.

2.a. In order to reserve funds for new strategies not currently specified in the implementation plan, a new strategy reserve is hereby created in the mental illness and drug dependency fund. The purpose of this reserve is to fund new strategies and programs that meet the county's policy goals established in K.C.C. 4.33.010.

b. Mental illness and drug dependency programs or strategies that are funded from the new strategy reserve shall receive funding from the reserve for two full years. No project or strategy funded from the new strategy reserve shall utilize more than twenty percent of the total annual new strategy reserve amount. The annual new strategy reserve amount is based on the later of either the annual mental illness and drug dependency fund financial plan as transmitted by the executive with the proposed annual county budget or as amended by ordinance. The two-year period for funding new strategies from the new strategy reserve shall commence when the ordinance approving the new strategy is enacted. During the two-year period of funding from the new strategy reserve, these programs and strategies shall be reviewed as part of the annual mental illness and drug dependency evaluation cycles. After the initial two-year period, the new strategies and programs shall be subject to expansion, revision or elimination.

c. The new strategy reserve shall be limited to five million dollars.

d. The new strategy reserve shall be initially funded:

(1) in 2008 by:

(A) allocating one million eight hundred thousand dollars of the mental illness and drug dependency fund's revenue stabilization reserve to the new strategy reserve; and

(B) allocating seven hundred thousand dollars of the mental illness and drug dependency fund's 2008 revenue; and

(2) in 2009 by allocating up to two million seven hundred thousand dollars of the mental illness and

drug dependency fund's 2008 ending undesignated fund balance to the new strategy reserve at the end of the 2008 fiscal year.

e. In 2010 and thereafter, the new strategy reserve will be replenished each year by allocating up to one half of the mental illness and drug dependency fund's previous ending year's undesignated fund balance less the target fund balance to the reserve until the five-million-dollar limit is reached.

C. The department of community and human services shall be the fund manager for the mental illness and drug dependency fund.

D. For investment purposes, the mental illness and drug dependency fund shall be considered a first tier fund.

SECTION 5. 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 shall 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. In particular, the oversight committee shall recommend an approach to allocating the funds set aside in the spending plan for the purpose of supporting mental health courts. The oversight committee's recommendation for mental health courts shall be submitted to the

council along with and in the same manner as the mental illness and drug dependency annual report that is due April, 1, 2009.