



Legislation Text

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Clerk 05/24/2010

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on August 17, 2010, of a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for a consecutive nine year period at a rate in the first year of not more than \$0.16 per \$1,000.00 of assessed valuation for criminal justice purposes, including up to \$15 million dollars annually for capital and financing costs for a facility to replace the Youth Services Center, which additional property tax levy shall be conditioned upon: A. annual reductions in the amount of property taxes that could otherwise be levied for flood control, conservation futures, automated fingerprint identification system, and the 2007 parks expansion levy purposes; B. repeal of the 2011 and 2012 King Conservation District Special Assessment; C. funding of Water Resource Inventory Area programs from flood control zone district funds; and D. diversion of road fund revenues for police protection purposes in unincorporated King County, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

- 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.

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. These projected deficits will require that cuts be made to these essential services unless additional revenue is approved by the voters. In order to limit these cuts and maintain safe and strong communities, it is important for the voters to consider a property tax proposition to support criminal justice services.

K. 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.

L. The citizens of King County also feel the effects of the current difficult economy. In order to levy the criminal justice tax, the council will offset a portion of the property tax increase by reducing and otherwise reprioritizing existing revenues for use and support of the criminal justice system. If the voters approve the proposition authorized in section 3 of this ordinance and the criminal justice property tax is levied, the county will not levy the maximum amounts available for the automated fingerprint identification system, will repeal the assessment for the King Conservation District, and will reprioritize funds from the unincorporated area levy to be used for criminal justice purposes instead of road maintenance. Additionally, if the King County Flood Control Zone District does not also reduce its property tax levy, King County will not levy the additional property tax authorized under this proposition.

M. Consideration of this measure by the voters at the August 2010 primary election is necessary to enable funds to be available for important criminal justice functions as soon as possible. The council has expedited this ordinance to the full council for consideration. This ordinance must be enacted as an emergency ordinance to ensure that the measure will appear on the primary election ballot.

SECTION 2. Definitions. The definitions in this section apply throughout this ordinance unless the

context clearly require otherwise.

A. "Criminal justice purposes" means activities that substantially assist the criminal justice system, including but not limited to services such as police protection, the incarceration of offenders, court services, and the prosecution and defense services of defendants on behalf of King County residents, domestic violence services, sexual assault services, legal assistance and a capital project to replace the Youth Services Center.

B. "Levy" means the levy of regular property taxes for the specific purpose and term provided in this ordinance and authorized by the electorate in accordance with state law.

C. "Levy proceeds" means the principal amount of funds raised by the levy and any interest earnings on the funds.

D. "Water Resource Inventory Area programs" means the programs described in Attachment A to Ordinance 16703.

SECTION 3. Levy submittal to voters. To provide necessary funds for the criminal justice purposes for King County's citizens and capital and financing costs for a facility to replace the Youth Services Center the county council shall submit to the qualified electors of the county a proposition authorizing a regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for nine consecutive years, commencing in 2010, with collection beginning in 2011, at a rate in the first year not to exceed sixteen cents per one thousand dollars of assessed value, subject to the conditions set forth in section 4 of this ordinance. In accordance with RCW 84.55.050, this levy shall be a regular property tax levy, subject to the statutory rate limit of RCW 84.52.043

SECTION 4.

A. The additional levy authority for criminal justice purposes contained in section 3 of this ordinance shall be subject to the following conditions:

1. Until 2012, the annual levy for the automated fingerprint identification system, as authorized by the voters and Ordinance 15537, shall not exceed the lesser of the maximum levy determined by the application

of the limit under chapter 84.55 RCW or the maximum levy determined by application of the statutory rate limit, reduced by \$3 million;

2. The annual levy for the King County Flood Control Zone District, as authorized by RCW 86.05.160, shall not exceed the lesser of the maximum levy determined by the application of the limit under chapter 84.55 RCW or the maximum levy determined by the application of the statutory rate limit reduced by \$10 million;

3. Until 2013, the annual parks expansion levy for providing funds to King County, Seattle and suburban cities for trails and open space acquisition and capital programs and for the purpose of providing funds to the Woodland Park Zoo for environmental education, conservation programs, green space acquisitions and capital improvement projects, as authorized by the voters and Ordinance 15760, shall not exceed the lesser of the maximum levy determined by the application of the limit under chapter 84.55 RCW or the maximum levy determined by application of the statutory rate limit, reduced by \$1.5 million;

2. The annual levy for the conservation futures levy, as authorized by 84.34.230, shall not exceed the lesser of the maximum levy determined by the application of the limit under chapter 84.55 RCW or the maximum levy determined by the application of the statutory rate limit reduced by \$1.5 million;

3. Annually, pursuant to RCW 36.33.220, the King County budget ordinance must appropriate at least \$14 million from the county roads fund for police protection in the unincorporated area of King County. The amount appropriated annually shall be in addition to the maximum amount of the county roads fund revenues that may lawfully be spent for traffic enforcement purposes without utilizing the authority in RCW 36.33.220;

4. The county council must repeal the 2011 and 2012 special assessment for the King County Conservation District imposed by Ordinance 16703; and

5. For 2011 and 2012, the King County Flood Control Zone District annual budget resolution must appropriate the maximum amount allowed, under existing Flood Control Zone District policies, for Water Resource Inventory Area programs, unless requests from the Water Resource Inventory Areas, for allowable

programs under the flood control zone district statutory authority, do not equal the full allowable amount.

B. Notwithstanding any other provision of this ordinance, in any year in which the conditions identified in subsection A. of this section are not satisfied, the additional levy authority for that year authorized under section 3 of this ordinance may not be exercised.

SECTION 5. Deposit of levy proceeds. The levy proceeds shall be deposited in a dedicated subfund of the county general fund.

SECTION 6. Eligible expenditures. If approved by the qualified electors of the county, the levy proceeds shall be used for criminal justice purposes, including, but not limited to, police protection, the incarceration of offenders, court services and the prosecution and defense services of defendants on behalf of King County residents, domestic violence services, sexual assault services, legal assistance and up to \$15 million dollars annually for capital and financing costs for a facility to replace the Youth Services Center.

SECTION 7. Call for special election. In accordance with RCW 29A.04.321, it is hereby deemed that an emergency exists requiring the submission to the qualified electors of the county at a special election to be held in conjunction with the primary election on August 17, 2010, a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for a consecutive nine year period at a rate in the first year of not more than \$.16 per one thousand dollars of assessed valuation for criminal justice purposes, including up to \$15 million dollars annually for capital and financing costs for a facility to replace the Youth Services Center, which additional property tax levy shall be conditioned upon: A. annual reductions in the amount of property taxes that could otherwise be levied for flood control, conservation futures, automated fingerprint identification system and 2007 park expansion levy purposes; B. rescission of the 2011 and 2012 King Conservation District Special Assessment; C. funding of Water Resource Inventory Area programs from flood control district funds; and D. diversion of road fund revenues for police protection purposes, . 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 funding for criminal justice purposes subject to conditions. This proposition would authorize King County to levy an additional property tax for criminal justice purposes for 9 consecutive years at a first year rate not to exceed \$0.16 per \$1,000 of assessed valuation with collection beginning 2011. This levy is conditioned upon: A. reducing the amount of taxes levied for flood control, conservation futures, 2007 park expansion levy and Automated Fingerprint Identification System purposes; B. repealing the 2011-12 King Conservation District Assessment; C. funding Water Resource Inventory Area programs from flood control funds; and D, diverting road funds for police protection in unincorporated King County. Should this proposition be:

Approved? _____

Rejected? _____

SECTION 8. Ratification. Certification of the proposition by the clerk of the county council to the manager of the records and elections division in accordance with law before the election on August 17, 2010, and any other act consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 10. Emergency. For the reasons set forth in section 1 of this ordinance, the county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate

preservation of public peace, health or safety or for the support of county government and its existing public institutions.