**ORDINANCE 507-2013****AUTHORIZING A SALES AND USE TAX TO PROVIDE FOR DELIVERY OF MENTAL HEALTH SUBSTANCE ABUSE AND/OR THERAPEUTIC COURT PROGRAMS AND SERVICES, PROVIDING FOR ADMINISTRATION OF THE TAX AND ADOPTING A NEW CHAPTER OF KITSAP COUNTY CODE PROVIDING FOR IMPLEMENTATION**

WHEREAS, mental health, chemical dependency and therapeutic court treatment programs and services have been shown effective in helping people recover from behavioral health illness, thereby reducing human and financial costs to society, and increasing the productivity of individuals as members of our community; and

WHEREAS, such services are known to prevent and reduce costly and unnecessary involvement with criminal justice and court system, emergency medical care, shelters, and crisis services, and promote recovery for persons with disabling mental illness and chemical dependency by implementing a full continuum of treatment, including outpatient treatment, housing, and case management services; and

WHEREAS, the public mental health system, funded by state and federal dollars, does not have adequate resources to provide outpatient treatment to non-Medicaid eligible individuals; and

WHEREAS, current and forecasted funding does not provide the needed funds to establish and/or maintain therapeutic court programs shown to reduce crime, recidivism and support recovery; and

WHEREAS, decreased availability of less costly behavioral health out-patient services rapidly results in use of emergency and far more expensive crisis services, where these increasingly scarce dollars must be used to treat people in costly inpatient units and hospitals, an unnecessary toll in both human suffering and financial burden; and

WHEREAS, the Washington State Legislature adopted E2SSB 5763, Chapter 504, Laws of 2005, authorizing counties to fix and impose a sales and use tax in the amount of one-tenth of one percent (1/10%) to provide new or expanded mental health or chemical dependency treatment programs and services that include but are not limited to treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or services, and to provide for the operation of new or expanded therapeutic court programs; and

WHEREAS, by Chapter 157, laws of 2008, the state legislature clarified permitted uses of the sales and use tax revenues collected by counties for such purposes; and

WHEREAS, 20 of 39 counties in Washington State have enacted E2SSB 5763, in order to promote recovery for persons with disabling mental illness and chemical dependency; and

WHEREAS, in Kitsap County any new or expanded programs and services supported with these sales and use tax revenues should achieve the following strategic policy goals guided by a Behavioral Health Needs Analysis or similar plan(s) to include:

- 1) Improve the health status and well-being of Kitsap County residents.
- 2) Reduce the incidence and severity of chemical dependency and/or mental health disorders in adults and youth.

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- 3) Divert chemically dependent and mentally ill youth and adults from initial or further criminal justice system involvement.
- 4) Reduce the number of people in Kitsap County who cycle through the criminal justice systems, including jails and prisons.
- 5) Reduce the number of people in Kitsap County who use costly interventions including hospitals, emergency rooms, and crisis services.
- 6) Increase the number of stable housing options for chemically dependent and mentally ill residents of Kitsap County.

NOW, THEREFORE BE IT ORDAINED:

Section 1. A NEW chapter, "Additional Sales and Use Tax for Mental Health, Chemical Dependency and Therapeutic Court Programs" is added to Title 4 of Kitsap County Code to read:

Chapter 4.33

ADDITIONAL SALES AND USE TAX FOR MENTAL HEALTH, CHEMICAL DEPENDENCY AND/OR THERAPEUTIC COURT PROGRAMS AND SERVICES

Sections:

- 4.33.010 Imposition of sales and use tax.
- 4.33.020 Rate of tax imposed.
- 4.33.030 Collection and administration.
- 4.33.040 Mental health/chemical dependency/therapeutic court program fund.
- 4.33.050 Use of fund.
- 4.33.060 Mental health/chemical dependency/therapeutic court program citizens advisory committee.
- 4.33.070 Powers and duties of the citizens advisory committee.
- 4.33.080 Appointment to the citizens advisory committee.
- 4.33.085 Conflict of interest limitations of the citizens advisory committee.
- 4.33.090 Terms of citizen advisory committee members.
- 4.33.100 Vacancies on the citizens advisory committee.
- 4.33.110 Organization of the citizens advisory committee.
- 4.33.120 Behavioral health strategic planning team.
- 4.33.130 Reporting responsibilities.

4.33.010 Imposition of sales and use tax.

Pursuant to RCW 82.14.460, there is hereby imposed a sales and use tax upon the occurrence of any taxable event as defined in chapters 82.08 and 82.12 RCW within the county. The tax shall be imposed upon and collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW. This sales and use tax shall be in addition to any other sales and use tax imposed by the county, and shall be known as the "Treatment Sales Tax".

4.33.020 Rate of tax imposed.

The rate of tax imposed by KCC 4.33.010 shall be one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax.

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4.33.030 Collection and administration.

- A. The administration and collection of any tax imposed by this chapter shall be in accordance with the provisions of RCW Chapters 82.08, 82.12 and 82.14 and subject to such regulations, contract and inspection as are required by the Department of Revenue, State of Washington, for the administration of such taxes.
- B. All revenues from the tax imposed by KCC 4.33.010 shall be deposited into the mental health/chemical dependency/therapeutic court program fund created pursuant to KCC 4.33.040.

4.33.040 Mental health/chemical dependency/therapeutic court program fund.

- A. There is hereby created the chemical dependency/mental health/therapeutic court program fund. The resources of the fund shall consist of tax revenues deposited into the fund pursuant to KCC 4.33.030 plus any investment or other income to the fund.
- B. Appropriations of fund resources shall identify specific uses of the fund, which may include programs or services of the human services department or superior or district courts, provided that such uses must be consistent with KCC 4.33.050.
- C. The director of the human services department shall serve as fund manager and shall have the duties set out in KCC 4.33.050.

4.33.050 Use of fund.

- A. The resources of the mental health/chemical dependency/therapeutic court program fund shall be used solely for the purpose of providing for the operation or delivery of new or expanded mental health, chemical dependency or therapeutic court treatment programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing programs that are a component of a coordinated chemical dependency or mental health treatment program or service.
- B. The resources of the fund shall not be used to supplant existing funding for these purposes, provided that nothing in this section shall be interpreted to prohibit the use of such resources for the replacement of lapsed federal or state funding previously provided for the operation or delivery of programs and services as provided in RCW 82.14.460.

4.33.060 Mental health/chemical dependency/therapeutic court program citizens advisory committee.

There is hereby created the mental health/chemical dependency/therapeutic court program citizens advisory committee to serve in an advisory capacity regarding implementation and use of the tax imposed by KCC 4.33.010.

4.33.070 Duties of the citizens advisory committee.

The duties of the mental health/chemical dependency/therapeutic court program citizens advisory committee shall include, but not limited to:

- A. Review the behavioral health strategic planning team's needs assessment, goals, objectives and strategies aimed to meet the behavioral health needs of the community.
- B. Review applications for the use of funding provided pursuant to KCC 4.33.010 every three years, at minimum, based on the board of commissioners' strategic direction, priorities and criteria for

- distribution. Upon assessment of the applications, the committee will recommend to the board of commissioners the proposals and funding levels to meet the County's behavioral health service needs.
- C. Annually review performance measures to determine the success of funded proposals and achievement of county behavioral health goals.
 - D. Submit an annual report to the board of commissioners that lists programs funded, amounts allocated and expended, number of individuals served and performance measures along with recommended program and/or process changes based on the measurement and evaluation data.
 - E. Review the Behavioral Health Strategic Plan every three years, in coordination with the request for proposal process, to assess the overall progress towards achieving Kitsap County's behavioral health goals.
 - F. Reconvene the behavioral health strategic planning team every six years to update the Behavioral Health Strategic Plan.
 - G. Ensure that the implementation and evaluation of the strategies and programs funded by the Treatment Sales Tax are transparent, accountable and collaborative.

4.33.080 Appointment to the citizens advisory committee.

The citizen advisory committee will be comprised of 11 members to include:

- A. One (1) member from the Peninsula Regional Support Network Advisory Board
- B. One (1) member from the Kitsap County Substance Abuse Advisory Board
- C. One (1) member from the Commission on Children and Youth
- D. One (1) member from the Area Agency on Aging
- E. One (1) member from Law and Justice programs
- F. One (1) member from Education
- G. Five (5) At-Large members representing a broad spectrum of community members whose background and expertise will enhance the function and effectiveness of the Advisory Committee in fulfilling their responsibilities

Each member shall be formally appointed by the Board of Commissioners via resolution.

4.33.085 Conflict of interest limitations of the citizens advisory committee.

No advisory member shall engage in any activity, including participation in the selection, award, or administration of a sub-grant or contract supported by the Treatment Sales Tax funds if a conflict of interest, real or apparent, exists. Such a conflict would arise when: 1) the individual, 2) any member of the individual's immediate family, 3) the individual's partner, or 4) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm or organization selected for award.

4.33.090 Terms of citizens advisory committee members.

The initial committee will be made up of three members appointed for one-year terms; four members will serve two-year terms and four members, three-year terms. Subsequent members will be appointed to three-year terms. A member may serve a maximum of three consecutive terms. After a period of two years' absence from the board, a member may be appointed again for up to three consecutive terms.

4.26.100 Vacancies on the citizens advisory committee.

A vacancy on the chemical dependency/mental health program citizens advisory committee resulting from the expiration of a term of office shall be filled by appointment for a term of three years. A vacancy occurring for any reason other than the expiration of a term of office shall be by appointment for the unexpired term being filled.

4.33.110 Organization of the citizens advisory committee.

Within the first 60 days of the committee being established, the citizens advisory committee shall establish by-laws and elect a chair to facilitate meetings. The committee shall meet at intervals established by the director or the human services department or their designee. The committee shall receive additional subject matter input from the behavioral health strategic planning team created by KCC 4.33.120. Administrative support including crafting agendas, preparing materials and forwarding recommendations will be provided by the Human Services Department.

4.33.120 Behavioral health strategic planning team.

There is hereby created a mental health/chemical dependency/therapeutic court program behavioral health strategic planning team to serve in a technical advisory capacity to the citizens advisory committee regarding implementation and use of the tax imposed by KCC 4.33.010. The planning team shall create strategic plans including a Behavioral Health Needs Assessment with goals, objectives, and strategies aimed at meeting the behavioral health needs of the Kitsap community. It will make recommendations to the citizens advisory committee for implementing chemical dependency, mental health and therapeutic court treatment services. The team will also provide the citizens advisory committee with technical expertise and education on the continuum of care for treating chemical dependency and mental health in Kitsap County.

Membership on the planning team will include subject matter experts responsible to research existing local data for behavioral health service needs, existing capacities, gaps in service, and community readiness to address the service issues. Membership shall be recommended by the human services department and approved by the Board of Commissioners and thereafter any changes to membership may be proposed at the beginning of each calendar year except in the event of resignations. All members are at-large, selected from the applicable subject matter experts including, but not limited to:

- A. Chemical dependency and mental health treatment
- B. Therapeutic courts
- C. Law enforcement
- D. Housing
- E. Medical and emergency services
- F. Public health
- G. Education
- H. National Alliance on Mental Illness (NAMI)

The Planning Team shall not be limited in size or composition. The Kitsap County Human Services director and the human services department, or their designee, shall facilitate the planning team and provide administrative staff support.

4.33.130 Reporting responsibilities.

In conjunction with the citizens advisory committee and behavioral health strategic planning team, the director of the department of human services shall submit annual progress reports to the Board of

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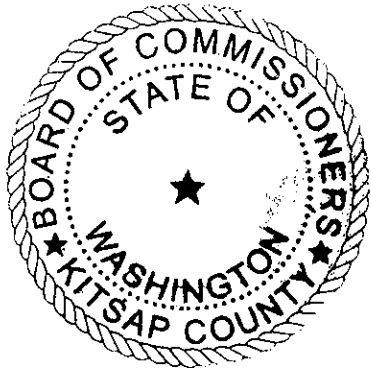
Commissioners on programs funded through this tax. These reports shall address achievement of performance measures for individual funded programs or services and their progress towards the county's overall behavioral health goals.

Section 2. County offices and agencies shall take all necessary steps to implement this ordinance as soon as possible in accordance with RCW 82.14.055. The Board of Commissioners or its designee shall promptly transmit a certified copy of this ordinance to the Department of Revenue of the State of Washington.

Section 3. Effective Date. This ordinance is effective immediately upon approval and the treatment tax effective per completion of the process required under RCW 82.14.055(a).

Section 4. Severability. If any provision of this ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance or the application of the provision(s) to other persons, entities or circumstances is not affected.

DATED this 23 day of September, 2013.



ATTEST:

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Josh Brown

JOSH BROWN, Chair

Charlotte Garrido

CHARLOTTE GARRIDO, Commissioner

Dana Daniels

Dana Daniels
Clerk of the Board

Robert Gelder

ROBERT GELDER, Commissioner

Approved as to form:

Shelley E. Krey

Deputy Prosecuting Attorney