

RESOLUTION 2014 259

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF PLACEMENT ON THE BALLOT OF A PROPOSITION FOR AN INCREASE IN SALES AND USE TAX FOR FUNDING PUBLIC SAFETY NEEDS IN BENTON COUNTY,

WHEREAS, the Washington State Legislature passed RCW 82.14.450 in 2003 to authorize county legislative authorities to submit propositions to the voters that would authorize an increase in local sales and use tax by up to three-tenths of one percent (0.3%) of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax; and

WHEREAS, the tax referenced above shall not apply to the retail sales or use of motor vehicles or the first 36 months of a lease thereof; and

WHEREAS, RCW 82.14.450 requires that at least one-third of the revenues from such a tax be used for specified criminal justice purposes and that the County retain 60% of said revenues and 40% be distributed to the cities therein based on relative populations; and

WHEREAS, criminal activity in Benton County has increased in both sophistication and complexity in recent years, requiring a substantially greater investment of time and resources by the local criminal justice system; and

WHEREAS, the legislature expressly found when it passed RCW 82.14.450 that local governments face enormous challenges in the funding of criminal justice services; and

WHEREAS, the increase in the number of committed crimes impacts all facets of the criminal justice system, including the local police departments and Benton County Sheriff's Office, the County Prosecutor's Office and city attorney's offices, the local public defense system, District and Superior Courts, the Coroner's Office and the County Clerk's Office; and

WHEREAS, a significant portion of the crimes committed in Benton County are committed by persons with drug, alcohol and/or mental problems, or who are involved in criminal gang activity or lifestyle; and

WHEREAS, Benton County has learned from the experience of its drug court and the experiences of other jurisdictions with their mental health courts that such programs can reduce recidivism; and

WHEREAS, approximately 79 percent of the County's general fund budget, which are the funds that over which the County has discretionary control, go to law enforcement and other criminal justice related services; and

WHEREAS, Benton County and the cities within it have collectively lost millions of dollars annually in funding from the State that previously subsidized County/city law and justice budgets due to the elimination of the motor vehicle excise tax; and

WHEREAS, the County and cities' costs for law enforcement personnel salaries, benefits and operations of law enforcement departments are increasing at a rate equal to and often higher than the local consumer price index, causing the gap between funds available and funds needed for law enforcement to widen each year; and

WHEREAS, it is for reasons such as the above that the legislature passed RCW 82.14.450; and

WHEREAS, the Board of County Commissioners have received reports from a volunteer Citizen's Advisory Committee indicating that there is a need for additional funding for the law and justice system within Benton County; and

WHEREAS, the Benton County Prosecuting Attorney's Office advises that the proposed ballot title included in Resolution 2014-206 concerning this same subject matter should be revised; and

WHEREAS, the Benton County Sheriff and Prosecuting Attorney, the Benton County Superior Court Administrator, the Benton County Clerk, and the police chiefs from each city within the County have all recommended that the Board call for an election on the imposition of the tax referenced herein; and

WHEREAS, RCW 82.14.450 states that the passage of this measure requires over 50% approval at a primary or general election, and the next primary election is August 5, 2014; and

WHEREAS, it appears that the best interests of the people of Benton County would be served by submitting to the affected voters the determination of whether or not to authorize a sales and use tax to fund the needs within the criminal justice system; **NOW THEREFORE**,

IT IS HEREBY RESOLVED by the Board of Benton County Commissioners that a county-wide election be held on August 5, 2014 for the purpose of submitting to the affected voters the determination of whether or not to authorize a sales and use tax increase at the rate of three-tenth of one percent (0.3%) to be levied upon the adoption of an implementing ordinance; and

BE IT FURTHER RESOLVED, Resolution 2014-206 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the revenue from such tax shall only be utilized by the County and the cities therein for the purposes set forth in the ballot proposition set forth below; and

BE IT FURTHER RESOLVED, that the Benton County Auditor is hereby requested to place a proposition on the August 5, 2014 ballot in substantially the following form:

PROPOSITION NO. ____

BENTON COUNTY INCREASE IN LOCAL SALES AND USE TAX FOR PUBLIC SAFETY NEEDS

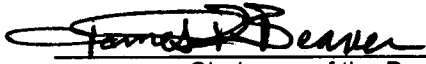
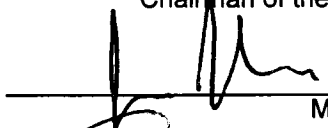

The Benton County Board of Commissioners adopted Resolution No. 2014-259 that seeks to improve public safety including combating criminal gangs. This proposition would fund the hiring of additional police officers, corrections officers, and prosecutors; fund the Metro Drug Task Force and gang and crime prevention efforts; and fund court and clerk programs including a seventh Superior Court Judge and drug and mental health courts, by imposing a sales and

use tax equal to three-tenths of one percent (three cents on a ten dollar purchase) with the tax expiring December 31, 2024. Should this proposition be:

APPROVED.....[]
REJECTED.....[]

BE IT FURTHER RESOLVED that the clerk of the Board of County Commissioners is hereby directed to deliver a copy of this Resolution to the Auditor of Benton County in order that the foregoing proposition be placed on the ballot and submitted to the voters of the County for the primary election to be held on August 5, 2014.

Dated this 25 day of March, 2014.


Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....

Clerk of the Board

**PROSECUTING ATTORNEY
BENTON COUNTY, WASHINGTON**

ANDY MILLER
PROSECUTING ATTORNEY

RYAN K. BROWN
CHIEF DEPUTY, CIVIL

TERRY J. BLOOR
CHIEF DEPUTY, CRIMINAL

JULIE LONG
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March 19, 2014

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RYAN J. LUKSON
ANDREW M. HOWELL
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MARIE SULLIVAN
L. BRANDON STALLINGS
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Benton County Commissioners
620 Market Street
P.O. Box 190
Prosser, WA 99350

Re: Revised Resolution for Public Safety Sales Tax Measure

Dear Commissioners:

Stakeholders in support of a sales and use tax to address public safety needs in Benton County presented a resolution to the County Board of Commissioners on March 4th of this year to have such a measure placed before the voters for approval in the August 2014 primary election. The Board passed the requested resolution as Resolution 2014-206 and it was submitted to the Benton County Auditor.

However, after further legal review by the Prosecutor's Office, it was advised that the word count in one portion of the proposed ballot title included in Resolution 2014-206 may not have been consistent with statutory guidelines outlined in Title 29A, RCW. As a result, in order to bring the ballot title more clearly into compliance with those guidelines, new ballot title text has been written and a revised resolution for the Board's approval is included with this letter.

If I can be of any further assistance, please do not hesitate to contact me directly.

Very truly yours,

ANDY MILLER
Prosecuting Attorney



REID HAY, Deputy Prosecuting Attorney
Civil Division

LAW AND JUSTICE COUNCIL

Benton County Criminal Justice Stakeholder Funding Proposals for
Potential Criminal Justice Sales Tax

Municipalities		Total funding proposal
Kennewick	<ul style="list-style-type: none"> 15 sworn positions 1 Assistant City Attorney position 2 support staff positions 	\$1,931,406
Richland	<ul style="list-style-type: none"> 6 sworn positions 3 support staff position 	\$1,224,000
West Richland	<ul style="list-style-type: none"> 3-4 sworn positions 	\$330,200
Prosser	<ul style="list-style-type: none"> 1 sworn position 0.8 support staff Other costs including tech and training 	\$140,400
Total		\$3,626,006
Estimated Funding for Municipalities at 0.3% \$3,626,006		

Benton County		Total funding proposal
County Clerk's Office	<ul style="list-style-type: none"> 2.0 FTE Deputy Clerks IT and other support for Deputy Clerks 	\$117,476
Superior Court	<ul style="list-style-type: none"> (7th) Superior Court Judge 0.5 FTE Court Commissioner Adult Drug Court funding SAP program (juvenile probation) Juvenile Drug Court Functional Family Therapy (juvenile) 	\$309,900 \$261,571 (juvenile)

District Court	<ul style="list-style-type: none"> • Judge Pro Tem • Professional Services • Jury Fees • Print bindery • Additional staff (increase PT and 1.0 FTE) • IT equipment • Misc 	\$159,300
Coroner's Office	<ul style="list-style-type: none"> • 1.0 FTE Deputy Coroner 	\$72,000
Sheriff's Office	<ul style="list-style-type: none"> • 7 sworn positions • 2 support staff • 2 jail booking staff (fully county funded) • 4 corrections staff (fully county funded) • Inmate management system • Radio maintenance 	\$1,929,016
Prosecutor's Office	<ul style="list-style-type: none"> • Additional felony Deputy Prosecutor • Additional appellate Deputy Prosecutor • Adult felony staff position 	\$264,289
Public Defense	<ul style="list-style-type: none"> • Additional Staff Defender in Superior Court unit • Additional contract defender in District Court unit • 1.0 FTE Legal Assistant • 1.0 FTE Office Support • Convert Office Manager to supervisory position 	\$215,330
Gang & Crime Prevention and Intervention	<ul style="list-style-type: none"> • Nurse-Family Partnership program for Benton County residents (Health Department) • Partnership with Boys and Girls Clubs (After-School Programs for gang prevention and youth empowerment) and other similar programs • Partnership with Safe Harbor/My Friend's Place for crime prevention and intervention services for homeless at risk youth 	<p>\$303,487 (Nurse-family Partnership)</p> <p>\$500,000 (Partnership with Boys and Girls Clubs & other programs)</p> <p>\$50,000 (Partnership with Safe Harbor/My Friend's Place)</p>

Continue funding for Metro Drug Task Force	<ul style="list-style-type: none"> • 100% of Benton County Prosecutor salary/benefits • 75% of salary/benefits for two support positions • 100% of additional Benton County Metro Detective and related equipment (bringing back to previously funded two person strength) 	\$400,000
Multi-Departmental Mental Health Court & Diversion	<ul style="list-style-type: none"> • Part-time District Court Commissioner/Judge Pro Tem & Probation Officer, Part-time Prosecutor and Part-time Public Defender (for Mental Health Court) • Chemical Dependency Professional • Peer Support Specialist • Treatment cost support for participants (supplementing insurance where needed and providing access for uninsured participants) • Case management services (serving both Mental Health Court and mental health diversion/triage) 	\$600,000
Reserve Fund for consideration of additional criminal justice programs such as:		
<ul style="list-style-type: none"> • Reduction of jail expenses • Mental health services for jail inmates • Re-entry services and programming for jail inmates 		
Total		\$5,550,000
Estimated Funding for Benton County at 0.3% \$5,550,000		