

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-124

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	PM	3/22/17	RECEIVED MAR 28 2017 WHATCOM COUNTY COUNCIL	4/4/17	Introduction
Division Head:	AD	3/22/17		4/18/17	Public Hearing
Dept. Head:	ELN	3/22/17			
Prosecutor:	<i>[Signature]</i>	3-23-17			
Purchasing/Budget:					
Executive:	<i>[Signature]</i>	3/28/17			

TITLE OF DOCUMENT:
 Ordinance repealing and replacing WCC Chapter 2.44, and amending WCC Chapter 3.37 to integrate the Behavioral Health Advisory Board and the Chemical Dependency/Mental Health Program Fund Oversight Advisory Committee into a single Behavioral Health Advisory Committee.

ATTACHMENTS:
 Exhibits A, B

SEPA review required? () Yes () NO SEPA review completed? () Yes () NO	Should Clerk schedule a hearing? () Yes () NO Requested Date:
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SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

Repealing and replacing WCC Chapter 2.44 and amending WCC Chapter 3.37 for the purpose of creating a single Behavioral Health Advisory Committee.

COMMITTEE ACTION:	COUNCIL ACTION:
	4/4/2017: Introduced 6-0, Weimer absent

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.



RECEIVED

MAR 23 2017

JACK LOUWS
COUNTY EXECUTIVE

MEMORANDUM

TO: Jack Louws, County Executive
FROM: Erika Nuereberg, Assistant Director *EN*
RE: Ordinance and County Code changes

The attached ordinance and exhibits serve to merge our Behavioral Health Advisory Board and our Chemical Dependency/Mental Health Program Fund Oversight Committee (locally known as our Behavioral Health Revenue Advisory Committee). The new committee that results from this merge will be known as the Behavioral Health Advisory Committee.

The ordinance intends to repeal and replace Whatcom County Code (WCC) Chapter 2.44, and amend WCC Chapter 3.37.

WCC 2.44 outlines the county's Behavioral Health Program. The replacement language incorporates all functions of the program to include multiple local sources of funding and the programs and services they support. The code establishes the new Behavioral Health Advisory Committee in the structure recommended by the County Council.

WCC 3.37 has been amended to remove references to the former advisory committee. It also adds another policy goal for the behavioral health sales tax funding. This new policy goal arises from a recent Whatcom County Health Board action to support efforts to improve the health and welfare of young children and families. Additionally, the policy goals that were originally outlined in the initiating sales tax ordinance exclusively are now incorporated into the county code.

The Chemical Dependency/Mental Health Program Fund name has been changed to the Behavioral Health Fund in order to align it with current nomenclature, and to bring consistency to the Behavioral Health Program and the newly established Behavioral Health Advisory Committee.

If you have any questions, please contact Anne Deacon at extension 6054.



ORDINANCE NO. _____

REPEALING AND REPLACING WCC CHAPTER 2.44, AND AMENDING WCC CHAPTER 3.37 TO INTEGRATE THE BEHAVIORAL HEALTH ADVISORY BOARD AND CHEMICAL DEPENDENCY/MENTAL HEALTH PROGRAM FUND OVERSIGHT ADVISORY COMMITTEE INTO A SINGLE BEHAVIORAL HEALTH ADVISORY COMMITTEE

WHEREAS, the County has multiple local funds in which monies are collected and dedicated to support residents who are challenged with mental illness and/or substance use disorders, collectively known as behavioral health disorders; and

WHEREAS, the County’s Behavioral Health Advisory Board has provided guidance on general priorities for the use of County behavioral health funds; and

WHEREAS, the County’s chemical dependency/mental health program fund advisory committee, also known as the Behavioral Health Revenue Advisory Committee, has provided guidance only on the use of local sales tax monies dedicated to behavioral health services; and

WHEREAS, there is an overlap of functions of the Behavioral Health Advisory Board and the Behavioral Health Revenue Advisory Committee; and

WHEREAS, both the Behavioral Health Advisory Board and the Behavioral Health Revenue Advisory Committee agree it would be prudent to merge into a single entity that provides advice and guidance on behavioral health programs and services; and

WHEREAS, the County has established initial priority goals for the use of the local behavioral health sales tax monies; and

WHEREAS, the Whatcom County Public Health Board has recognized that very early childhood development impacts behavioral health issues later in life; and

WHEREAS, the Whatcom County Public Health Board has embraced a policy goal of improving the health of families with young children.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Behavioral Health Advisory Board and the Behavioral Health Revenue Advisory Committee are hereby dissolved; and

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BE IT FURTHER ORDAINED that the Behavioral Health Advisory Committee is hereby created in Whatcom County Code Chapter 2.44; and

BE IT FURTHER ORDAINED that Whatcom County Code chapter 2.44 is hereby repealed and replaced as specified in Exhibit A in this ordinance; and

BE IT FURTHER ORDAINED that Whatcom County Code chapter 3.37 is hereby amended as outlined in Exhibit B to this ordinance; and

BE IT FURTHER ORDAINED that the policy goals referenced in ordinance 2008-027 are hereby incorporated in Whatcom County Code chapter 3.37; and

BE IT FURTHER ORDAINED that an additional policy goal is hereby added to Whatcom County Code 3.37 to include a focus on families with young children.

ADOPTED this ____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.44

BEHAVIORAL HEALTH PROGRAM*

Sections:

- 2.44.010 Department responsibilities.
- 2.44.020 Contracts.
- 2.44.030 Behavioral health advisory committee is created.
- 2.44.040 Severability.
- 2.44.050 References to state law.

*Prior legislative history: Ord. 2012-042 repealed Ch. 2.44. Ords. 87-79, 88-9, 96-032 and 96-061 were formerly codified in the chapter.

2.44.010 Department responsibilities.

A. Administration of Funding. The health department shall administer the behavioral health program under the authority of the county executive. The department shall administer funds for behavioral health programs, including substance abuse and mental health services. This administration will include state and federal funds, local sales and use tax (Chapter 82.14 RCW), local property tax (Chapter 71.20 RCW), and local two percent liquor profits and excise taxes (Chapter 71.24 RCW).

B. Compliance with Federal and State Regulations. The health department shall adhere to all federal and state laws for the administration and coordination of behavioral health services and funding (Chapters 71.24, 82.14, and 71.20 RCWs).

C. Behavioral Health Services. The health department shall plan and prioritize programs and services for people with behavioral health disorders. The health department shall ensure, to the extent allowed by state and federal laws, a system of integrated and coordinated behavioral health care.

D. Cooperation and Coordination with Other Entities. The health department may enter into contracts with and/or receive moneys from public and private entities to carry out behavioral health services. The department will work with state, regional, and local entities which provide services or funding to assure a reasonable system of care for people with behavioral health disorders.

2.44.020 Contracts.

All previous contracts, agreements, rights, claims and obligations shall continue in full force.

2.44.030 Behavioral health advisory committee is created.

A. The Whatcom county behavioral health advisory committee is created to serve in an advisory capacity to the county executive via the health department on matters of general priorities for behavioral health programs, including substance abuse and mental health services.

B. To ensure advice, implementation and evaluation, the county council authorizes the county executive to appoint ten (10) members of an eleven (11) member advisory committee consisting of one representative from each of the following areas: PeaceHealth Hospital, the judicial branch of Whatcom County government, the Whatcom County sheriff or designee, the Chief of Corrections or designee, and the Whatcom County Public Health Director or designee. The remaining five executive appointed positions shall include two people that are advocates of mental health recovery, two people that are advocates of substance use disorder recovery, and one behavioral health professional. The behavioral health advisory committee shall also include a County Council member appointed by the County Council. The priorities and framework of the advisory committee include the following:

- 1) Provide advice regarding the planning and development of a continuum of care to effectively provide prevention, intervention, treatment and aftercare services at a capacity that will benefit residents who are impacted by mental illness, emotional disturbances, and substance use disorders.
- 2) Ensure the local sales and use tax (Chapter 82.14 RCW), property tax (Chapter 71.20 RCW), and two percent liquor profits and excise taxes (Chapter 71.24 RCW) are directed to the intended purpose as outlined by state statute and county code.
- 3) Ensure an ongoing evaluation process is established and implemented to assure quality of behavioral health programs and services provided to residents.
- 4) Ensure that a report is provided to County Council no less than once annually that highlights programs funded by sales tax monies.

The term of office for the advocacy and behavioral health professional positions appointed by the executive shall be three years. In order to stagger the terms of office on the initial board:

1. Two members shall be appointed to serve for three years.
2. Two members shall be appointed to serve for two years.
3. One member shall be appointed to serve for one year.

The term of office for the member appointed by the county council shall be for one year. The council member's term extends from the time of the council's reorganization meeting in January to the next such meeting in the following year.

C. At their initial meeting or as soon as possible, the advisory committee shall elect officers and adopt a charter. The committee shall adopt rules and regulations of procedure as needed for the conduct of their business.

D. The behavioral health advisory committee may advise the health department about nominees to act as representatives on other county, regional, and state advisory boards and committees.

2.44.040 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected.

2.44.050 References to state law.

Any and all reference to state statutes are in effect as referenced above or as hereinafter amended by state authority.

EXHIBIT B

Chapter 3.37

SALES AND USE TAX FOR CHEMICAL DEPENDENCY OR MENTAL HEALTH BEHAVIORAL HEALTH TREATMENT SERVICES AND THERAPEUTIC COURT PROGRAMS

Sections:

- 3.37.010 Sales and use tax imposed.
- 3.37.020 Tax rate and applicability.
- 3.37.030 Administration and collection.
- 3.37.040 ~~Establishment of chemical dependency/mental~~Behavioral health program fund.
- 3.37.050 Use of funds.
- 3.37.060 Administration of fund.
- 3.37.070 ~~Chemical dependency/mental~~Behavioral health program fund oversight advisory committee.
- 3.37.080 Effective date.
- 3.37.090 Severability.

3.37.010 Sales and use tax imposed.

Pursuant to RCW 82.14.460, there is hereby imposed a sales and use tax, as the case may be, upon any taxable event, as defined in Chapters 82.08 and 82.12 RCW, occurring within Whatcom 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 tax shall be in addition to any other sales and use tax imposed by the state of Washington and/or Whatcom County. (Ord. 2008-027 Exh. A).

3.37.020 Tax rate and applicability.

The rate of tax shall equal 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. (Ord. 2008-027 Exh. A).

3.37.030 Administration and collection.

The tax imposed by this chapter shall be administered and collected in accordance with RCW 82.14.050. The county executive or designee is hereby authorized to and directed to execute any contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax. (Ord. 2008-027 Exh. A).

3.37.040 ~~Establishment of chemical dependency/mental~~Behavioral health program fund.

~~There is hereby created the chemical dependency/mental health program fund.~~ The Whatcom County treasurer shall deposit moneys collected pursuant to this chapter in this the behavioral health program fund. The treasurer may invest the fund balance and any interest earned shall be deposited into this fund. (Ord. 2008-027 Exh. A).

3.37.050 Use of funds.

Moneys deposited into the ~~chemical dependency/mental~~behavioral health program fund shall be used solely for the purpose of providing new or expanded ~~chemical dependency or mental~~behavioral health treatment services and for the operation of ~~a new or expanded therapeutic court programs~~component for dependency proceedings, and as otherwise authorized by the laws of the state of Washington as referenced in RCW 82.14.460. ~~Moneys collected under this chapter may be used to supplant existing funding for these programs as authorized by the laws of the state of Washington as referenced in RCW 82.14.460.~~ (Ord. 2009-072 Exh. A; Ord. 2008-027 Exh. A).

3.37.060 Administration of fund.

The county executive shall administer the ~~chemical dependency/mental health~~ behavioral health program fund with the assistance of the ~~chemical dependency/mental health program fund oversight advisory committee~~ and the Whatcom County health department, in accordance with budgetary processes and Whatcom County administrative policies and state statutes. (Ord. 2008-027 Exh. A).

3.37.070 ~~Chemical dependency/mental health~~ Behavioral health program fund oversight advisory committee.

To ensure oversight, implementation, and evaluation, the county council authorizes the county executive to appoint an 10-member oversight committee consisting of one representative from each of the following areas: Peace Health Hospital, the judicial branch of Whatcom County government, the Whatcom County sheriff or designee, the chief of corrections or designee, the Whatcom County public health director or designee, and the behavioral health advisory board. The remaining four positions are to include two people that represent mental health advocacy, and two people that represent drug recovery advocacy. In coordination with the oversight committee, the executive or designee shall submit quarterly progress reports and one annual summary report for those programs supported with the sales tax revenue to the county council. (Ord. 2013-016 Exh. A; Ord. 2008-027 Exh. A).

The behavioral health advisory committee serves in an advisory capacity to the county executive via Whatcom county health department on uses of the behavioral health program fund. The committee will ensure that the following policy goals are considered for programs and services supported by the behavioral health program fund,

1. A reduction of the number of people with behavioral health problems using costly interventions such as jail, emergency rooms, and hospitals;
2. A reduction of the number of people who regularly return to the jail and other costly services repeatedly as a result of their behavioral health issues;
3. A reduction of the incidence and severity of substance use disorders, mental and emotional disorders in youth and adults;
4. Diversion of youth and adults with substance use disorder and or mental illness from initial or further justice system involvement, and
5. Early intervention and behavioral health promotion focus on young children and families.

3.37.080 Effective date.

In accordance with the Whatcom County budget cycle, this chapter shall take effect January 1, 2009. (Ord. 2008-027 Exh. A).

3.37.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 2008-027 Exh. A).

EXHIBIT B

Chapter 3.37

**SALES AND USE TAX FOR BEHAVIORAL HEALTH SERVICES AND THERAPEUTIC COURT
PROGRAMS**

Sections:

- 3.37.010 Sales and use tax imposed.
- 3.37.020 Tax rate and applicability.
- 3.37.030 Administration and collection.
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3.37.020 Tax rate and applicability.

The rate of tax shall equal 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.

3.37.030 Administration and collection.

The tax imposed by this chapter shall be administered and collected in accordance with RCW 82.14.050. The county executive or designee is hereby authorized to and directed to execute any contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax.

3.37.040 Behavioral health program fund.

The Whatcom County treasurer shall deposit moneys collected pursuant to this chapter in the behavioral health program fund. The treasurer may invest the fund balance and any interest earned shall be deposited into this fund.

3.37.050 Use of funds.

Moneys deposited into the behavioral health program fund shall be used solely for the purpose of providing new or expanded behavioral health services and for the operation of a new or expanded therapeutic court component for dependency proceedings, and as otherwise authorized by the laws of the state of Washington as referenced in RCW 82.14.460.

3.37.060 Administration of fund.

The county executive shall administer the behavioral health program fund with assistance of the Whatcom County health department, in accordance with budgetary processes and Whatcom County administrative policies and state statutes.

3.37.070 Behavioral health advisory committee.

The behavioral health advisory committee serves in an advisory capacity to the county executive via Whatcom county health department on uses of the behavioral health program fund. The committee will ensure that the following policy goals are considered for programs and services supported by the behavioral health program fund,

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2. A reduction of the number of people who regularly return to the jail and other costly services repeatedly as a result of their behavioral health issues;
3. A reduction of the incidence and severity of substance use disorders, mental and emotional disorders in youth and adults;
4. Diversion of youth and adults with substance use disorder and or mental illness from initial or further justice system involvement, and
5. Early intervention and behavioral health promotion focus on young children and families.

3.37.080 Effective date.

In accordance with the Whatcom County budget cycle, this chapter shall take effect January 1, 2009.

3.37.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected.