

6 **ORDINANCE NO. \_\_\_\_\_**  
7

8 **AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PROPOSITION TO THE**  
9 **QUALIFIED ELECTORS OF WHATCOM COUNTY AUTHORIZING THE COUNTY TO LIFT**  
10 **THE LIMIT ON REGULAR PROPERTY TAXES UNDER CHAPTER 84.55 RCW FOR THE**  
11 **PURPOSE OF FUNDING FOR CHILDCARE, EARLY LEARNING PROGRAMS, AND**  
12 **INCREASED SUPPORT FOR VULNERABLE CHILDREN**  
13

14 **WHEREAS**, studies show that 90% of the human brain is developed before the age  
15 of 5. This period before kindergarten is the critical window for children to learn the basic  
16 skills to have a successful life and be ready to learn in school, such as attention, motivation,  
17 coordination, and self-esteem; and  
18

19  
20 **WHEREAS**, there are approximately 10,000 children under the age of 5 in Whatcom  
21 County, and up to 5,000 lack access to early learning because there are not enough spaces  
22 available. This childcare gap is worse in rural areas of the county; and  
23

24  
25 **WHEREAS**, studies show that children who go to high-quality preschool are more  
26 likely to read proficiently by the third grade, and more likely to graduate and go on to post-  
27 high school education such as college, technical school, or training programs that lead to  
28 good jobs as adults; and  
29

30  
31 **WHEREAS**, recent data shows that only 46% of students in Whatcom County, and  
32 only 25% of children of color, enter kindergarten fully ready to learn; and  
33

34  
35 **WHEREAS**, research shows that, for every dollar invested in early childhood  
36 programs, between \$7 and \$13 are saved in benefits to the community, including higher  
37 graduation rates, lower incarceration rates, and lower healthcare costs. Whatcom County  
38 currently spends only 2% of its budget on programs related to families, but spends much  
39 more responding to situations involving severe mental illness and homelessness, and on  
40 incarceration; and  
41

42  
43 **WHEREAS**, over 85% of Whatcom County businesses report staffing challenges from  
44 lack of childcare access; and  
45

46  
47 **WHEREAS**, increased wages would help attract, train, and keep high quality  
48 educators and providers for children in Whatcom County. Child care workers are essential,  
49 but their salaries have not kept up with the cost of living. Most earn minimum wage; less  
50 than \$30,000 a year on average; and  
51  
52

1           **WHEREAS**, chapter 84.55 RCW generally limits the dollar amount of regular  
2 property taxes that a county may levy in any year, but RCW 84.55.050 allows a county to  
3 levy taxes exceeding such limit by majority approval of the voters, allows a county to  
4 include in the ballot proposition a limit on the purpose for which the additional taxes levied  
5 will be used and allows the proposition to provide for the expiration of the additional taxing  
6 authority; and  
7

8  
9           **WHEREAS**, The Whatcom County Council finds that the best interests of the citizens  
10 of Whatcom County require the submission of a proposition to the qualified voters of the  
11 County, in a special election to be held concurrently with the general election on November  
12 8, 2022, to approve or reject a levy above the regular property tax limitations established in  
13 RCW 84.55.010 for the funding of childcare and early childhood programs to improve  
14 kindergarten readiness and funding for support of homeless and otherwise vulnerable  
15 children; and  
16

17  
18           **WHEREAS**, the proposed levy lid lift authorized by this proposition would permit the  
19 County to increase its regular property tax levy by \$0.19 per \$1000 of assessed valuation,  
20 resulting in a regular property tax levy of \$0.94 per \$1000 of assessed valuation for  
21 collection in 2023 (calculated using the regular property tax rate in 2022, based on total  
22 assessed value in 2021), and to increase the levy thereafter as allowed by chapter 84.55  
23 RCW to allow for the uninterrupted continuation of the levy lid lift for a term of ten (10)  
24 years. The amount collected in 2023 and in the following 9 years will be approximately  
25 \$8,200,000.00 annually; and  
26

27           **WHEREAS**, the County wishes to exempt those individuals that qualify for property  
28 tax exemptions under RCW 84.36.381; and  
29

30           **WHEREAS**, pursuant to RCW 84.55.050(5), the maximum regular property taxes  
31 that may be levied in 2032 for collection in 2033 and in later years shall be computed as if  
32 the proposition under this resolution had not been approved.  
33

34  
35           **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:  
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37  
38           **SECTION 1 LEVY SUBMITTAL:** To provide necessary funding for the purposes identified  
39 in Section 3 of this ordinance, the County Council shall submit to the qualified electors of  
40 the County a proposition authorizing a regular property tax levy in excess of the levy  
41 limitation contained in chapter 84.55 RCW which would allow the County, commencing in  
42 2023 and thereafter continuing for an additional 9 years, to collect additional property taxes  
43 in the amount of \$0.19 per \$1000 of assessed valuation, for a total regular property tax of  
44 \$0.94 per \$1000 of assessed valuation for collection in 2023. This proposed additional levy  
45 is within the limitations set by RCW 84.52.043.  
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48           **SECTION 2 DEPOSIT OF LEVY PROCEEDS:** All levy proceeds shall be deposited into a  
49 fund, to be known as the Healthy Children’s Fund, which shall be created by ordinance, and  
50 these funds and proceeds thereon shall be used exclusively for the purposes outlined in  
51 Section 3.  
52  
53

1 **SECTION 3 ELIGIBLE EXPENDITURES:**  
2

3 A. The Healthy Children’s Fund shall be used exclusively for the following:  
4

5 1. **Increasing Affordable, High-Quality, Professional, and Accessible Early**  
6 **Learning and Child Care Opportunities.** Young children of all backgrounds will  
7 have increased access to affordable, high-quality, professional, and accessible  
8 early learning and child care experiences that meet the unique needs of families  
9 across Whatcom County.

10  
11 a. Funding in this area must address each of the following priorities:  
12

13 **Affordable:** Decrease the cost of early learning and child care  
14 experiences for both families and providers.  
15

16 **High-Quality:** Increase the quality of early learning and child care  
17 experiences.  
18

19 **Professional:** Attract and retain quality early childhood educators.  
20

21 **Accessible:** Expand early learning and child care services that meet  
22 the varied needs of families and children. Geographic locations, ages  
23 of children, special needs, and a broad range of child care scheduling  
24 needs (including emergency child care opportunities) will all be  
25 considered in the development.  
26

27 2. **Helping vulnerable children of all backgrounds, including homeless and**  
28 **at-risk children.** Vulnerable children of all backgrounds will have increased  
29 access to the support they need, either directly or through support for their  
30 families, including mental and behavioral health services and housing stability  
31 programs. For the purposes of this ordinance, ‘vulnerable children’ are defined  
32 as any children at greater risk of experiencing physical or emotional harm and/or  
33 experiencing poor outcomes because of one or more factors in their lives,  
34 including but not limited to homeless and foster children.  
35

36 a. Funding in this area must address each of the following priorities:  
37

38 **Expand Mental and Behavioral Health:** Expand mental health  
39 services for vulnerable children and their families.  
40

41 **Prevent and reduce homelessness of vulnerable children:**  
42 Reduce the instances of vulnerable children experiencing  
43 homelessness, through diversion and other preventative services and  
44 reduce the trauma associated with homelessness by supporting interim  
45 housing services and trauma-focused system reform directed at  
46 vulnerable children and their families.  
47

48 **Support Vulnerable Children’s Parents:** Expand supports and  
49 services for families who have or are expecting children deemed to be  
50 vulnerable.  
51

1           b. Services funded under this section shall not include those that are already  
2           funded through the Continuum of Care system for homelessness that is  
3           part of the federal and state-mandated Coordinated Entry System.  
4

5           3. **Help all children be ready for kindergarten.** Improvements to child care and  
6           early learning programs under this measure must be designed to advance the  
7           goal that children of all backgrounds in Whatcom County should enter  
8           kindergarten prepared and ready to learn.  
9

10          4. **Independent Performance Audits and Oversight:** Ensure that taxpayer  
11          money is well spent achieving the goals adopted by the County Council in this  
12          ordinance and endorsed by the voters through passage of the levy.  
13

14          B. Funding requirements and limitations:

15  
16          1. The County shall ensure that the Healthy Children’s Fund is used exclusively to  
17          sustain an increase in overall public expenditures for eligible services as set forth  
18          in this ordinance. Money in the Healthy Children’s Fund shall not be used in lieu  
19          of federal, state, county, city or school district funding already committed for the  
20          purpose of providing outlined services.  
21

22          2. All service providers, vendors and subcontractors of the Healthy Children's Fund  
23          shall be selected by fund administrators in compliance with County purchasing  
24          procedures. All service providers shall have and adhere to robust anti-  
25          discrimination and child protection policies. All contracts for service resulting from  
26          The Healthy Children's Fund should state the contract’s objective, whether from  
27          this ordinance or the Community Health Improvement Plan.  
28

29          3. Reimbursements to the County for administrative costs, evaluation, and overhead  
30          shall be limited to nine percent of levy proceeds, with up to three percent used  
31          for auditing and evaluation.  
32

33          4. The Healthy Children’s Fund may maintain reserve funds. It is intended that  
34          substantially all levy proceeds will be used for the purposes set forth in this  
35          ordinance within the ten-year levy period, and reserves maintained after the  
36          ninth year of the levy must be supported by a formal statement justifying the  
37          need for the reserve.  
38

39          **SECTION 4 IMPLEMENTATION PLAN:**

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41          1. The Department of Health shall serve as the fund administrator to develop an  
42          implementation plan and oversee the implementation of the Healthy Children’s  
43          Fund. However, should the County later create a new department or entity that is  
44          a more appropriate fund administrator, the County Executive, with the  
45          concurrence of the County Council, may transfer the role of fund administrator to  
46          that new department or entity.  
47

48          2. The Fund Administrator shall develop an implementation plan that identifies the  
49          specific strategies and projects to be funded and the outcomes to be achieved  
50          with the use of levy proceeds.  
51

52          3. This implementation plan shall, to the maximum extent possible, be developed in  
53          collaboration with the Child and Family Well-being Taskforce, an existing

1 community board established by the Whatcom County Council, and shall be  
2 approved by the County Council and transmitted to the County Executive by  
3 March 31, 2023, and every 2 years thereafter to be included as part of the  
4 budget submitted to the Council.  
5

- 6 4. The Implementation Plan, including the spending plan, shall be open to and  
7 shared with the public. Before submitting to the County Executive, the Fund  
8 Administrator shall seek input from relevant advisory groups, including the Child  
9 and Family Well-Being Taskforce. The implementation plan should also include  
10 the following information:  
11
- 12 a) Details of fund allocations across eligible expenditures and strategies,  
13 including as a percentage of the fund revenue;  
14
  - 15 b) Working criteria for fund allocation to guide the granting and/or  
16 contracting process for non-administrative expenses;  
17
  - 18 c) An overview of the granting/contracting process that includes  
19 opportunities for community members to provide input in to fund  
20 allocation decisions; and;  
21
  - 22 d) Opportunities for leveraging the fund and bringing in external  
23 resources to the county.  
24
- 25 5. The initial 2-year Implementation Plan shall allocate no less than 55% and no  
26 more than 68% of levy revenue and proceeds to improving early learning and  
27 care through the strategies outlined in paragraph 3.A.1 and shall allocate no less  
28 than 20% and no more than 36% of levy revenue and proceeds to supporting  
29 vulnerable children through the strategies outlined in paragraph 3.A.2.  
30
- 31 6. In subsequent years of the fund, adjustments can be made to the allocations by  
32 the County Council based on the information reflected in the independent audit,  
33 recommendations by the Child and Family Well-Being Task Force, the emergent  
34 needs of our community, and changes in state and federal funding availability.  
35  
36

### 37 **SECTION 5 INDEPENDENT PERFORMANCE AUDITS AND OVERSIGHT:** 38

- 39 1. Every other year, a qualified independent auditor shall conduct a performance  
40 audit of the Healthy Children’s Fund. The auditor shall be selected in compliance  
41 with County purchasing procedures. The auditor shall develop the audit process  
42 in consultation with the Child and Family Well-Being Taskforce, which shall also  
43 provide feedback on the draft audit before its submission to the County Council.  
44 The audit shall:  
45
- 46 a) Collect and review data and evaluate progress towards achieving the  
47 goals and strategies adopted in section 3;  
48
  - 49 b) Collect and report on feedback from stakeholders, including users and  
50 providers;  
51
  - 52 c) Include qualitative and quantitative sources; and  
53

1 d) Include recommendations for improvements or adjustments.

- 2  
3 2. The Child and Family Well-Being Taskforce, with the support of the Fund  
4 Administrator, will write and deliver an annual report to the public and the  
5 County Council. This shall include progress made toward agreed upon goals,  
6 outcomes, and metrics. Fund Administrators shall use this report, and  
7 recommendations from the Evaluation, to make improvements in fund  
8 administration.  
9

10  
11 **SECTION 6 CALL FOR A SPECIAL ELECTION:** In accordance with RCW 29A.04.32I, the  
12 Whatcom County Council hereby calls for a special election to be held in conjunction with  
13 the general election on November 8, 2022, to consider a proposition authorizing a regular  
14 property tax levy for the purposes described in this ordinance. The Whatcom County Auditor  
15 shall cause notice to be given of this ordinance in accordance with the state constitution and  
16 general law and to submit to the qualified electors of the county, at the said special county  
17 election, the proposition hereinafter set forth. The Clerk of the Council shall certify that  
18 proposition to the County Auditor in substantially the following form:  
19

20  
21 **PROPOSITION XX;**

22 The Whatcom County Council adopted Ordinance No. 22-\_\_\_\_\_ concerning funding to  
23 address the well-being of children. If approved, this proposition would authorize the County  
24 to increase property taxes to fund childcare, early learning programs, and increased support  
25 for vulnerable children. This measure would increase property taxes for ten consecutive  
26 years in the amount of \$0.19/\$1000 in assessed valuation (to a total rate of \$0.94/\$1000 in  
27 assessed valuation for collection in 2023) for collection in 2023-2032, subject to the limit  
28 factors in chapter 84.55 RCW and the exemptions in RCW 84.36.38. Should this proposition  
29 be approved?

- 30  
31  Yes  
32  No  
33

34  
35 **SECTION 7 CORRECTIONS:** The Prosecuting Attorney is authorized to make such minor  
36 adjustments to the wording of this proposition as may be required that do not change its  
37 substantive meaning and are consistent with the intent of this ordinance.  
38

39  
40 **SECTION 8 EXPLANATORY STATEMENT:** The Prosecuting Attorney shall prepare an  
41 Explanatory Statement based on this ordinance for use in the Voters' Pamphlet.  
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43  
44 **SECTION 9 SEVERABILITY:** If any provision of this ordinance or its application to any  
45 person or circumstance is held invalid, the remainder of the ordinance or the application of  
46 the provision to other persons or circumstances is not affected.  
47

48  
49 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
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53 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Todd Donovan, Council Chair

WHATCOM COUNTY EXECUTIVE  
APPROVED AS TO FORM:

\_\_\_\_\_  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Karen Frakes  
Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu,  
County Executive

(    ) Approved      (    ) Denied

Date Signed: \_\_\_\_\_