## STAFF REPORT

**NOTE: Updates to the July 5, 2021 BFM meeting staff report has been marked in RED.**

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| **Agenda Item:** | 5 | **Name:** | Andrew Kim  Jenny Giambattista |
| **Proposed No**.: | 2021-0238 | **Date:** | July 20, 2021 |

**SUBJECT**

The eighth emergency supplemental appropriation ordinance to support activities and necessary expenditures in response to the COVID-19 public health emergency.

**SUMMARY**

On May 25, 2021, the council adopted the COVID 7 emergency supplemental appropriations ordinance[[1]](#footnote-1), which appropriated $367 million of the county’s allocation of the $437 million of the American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) moneys for response and recovery efforts due to the COVID-19 pandemic. The county has already received half of the county’s allocation of CLFRF from the U.S. Department of Treasury and is expected to receive the remaining half next year.

The proposed appropriation (COVID 8) would appropriate ~~$68.2 million of~~ the remaining $70 million of the county’s CLFRF allocation for the following:

|  |  |
| --- | --- |
| * Legal System Backlog | $30.8 million |
| * Public Health Response to the pandemic | $19.5 million |
| * Civil Legal Aid and Immigrant Community Supports | $13.2 million |
| * Economic Recovery / Workforce Development | $5.6 million |
| * County Operations in response to the pandemic | $0.9 million |

The proposed COVID 8 would also appropriate an additional $134.4 million, which would be funded by various federal and state grants (most of which are also supported by ARPA) for the following:

|  |  |
| --- | --- |
| * Community Supports (CDBG, HOME, Rental Assistance) | $83.9 million |
| * Vaccination Efforts (Jail Health, Mass Vaccination Program) | $27.7 million |
| * Public Health Response to the pandemic | $11.3 million |
| * Technical Appropriations to prior COVID supplementals | $7.5 million |
| * County Operations in response to the pandemic | $2.1 million |

**BACKGROUND**

**COVID-19 Supplemental Appropriation Ordinances.** To date, the council has adopted eight supplemental appropriations ordinances for expenses related to the response of the COVID-19 public health emergency totaling more than $1.0 billion. This included seven emergency supplemental appropriations ordinances (COVID 1 through COVID 7) and one supplemental appropriation ordinance to support child care services for essential workers. Table 1 below shows a summary of the supplemental appropriations. With the proposed appropriations included in COVID 8, the total appropriations related to the COVID-19 pandemic would be approximately $1.2 billion.

**Table 1**

**Summary of COVID-19 Supplemental Appropriations.**

| **COVID Supplemental** |  | **Ordinance** |  | **Operating** |  | **Capital** |  | **Total** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| COVID 1 (March 2020) |  | 19066 |  | $12.3 M |  | $15.1 M |  | $27.4 M |
| PSTAA Child Care (March 2020) |  | 19086 |  | $2.2 M |  | $0.0 M |  | $2.2 M |
| COVID 2 (April 2020) |  | 19103 |  | $32.0 M |  | $30.9 M |  | $62.9 M |
| COVID 3 (June 2020) |  | 19120 |  | $86.1 M |  | $4.5 M |  | $90.6 M |
| COVID 4 (September 2020) |  | 19157 |  | $76.7 M |  | $17.4 M |  | $94.1 M |
| COVID 5 (December 2020) |  | 19191 |  | $40.9 M |  | $5.8 M |  | $46.6 M |
| COVID 6 (March 2021) |  | 19265 |  | $93.2 M |  | $1.1 M |  | $93.3 M |
| COVID 7 (May 2021) |  | 19289 |  | $597.3 M |  | $34.3 M |  | $631.3 M |
|  |  | **TOTAL** |  | **$940.7 M** |  | **$109.1 M** |  | **$1,049.5 M** |

The appropriations supported county operational expenses related to the COVID-19 pandemic, expenses related to Isolation/Quarantine, Assessment and Recovery, and Shelter De-Intensification sites, expenses for contact tracing, testing and care coordination led by Public Health, support to cities, and various grant programs to provide community support and economic recovery to small businesses, arts and culture organizations, and individuals in need of housing, food, and health assistance.

The first seven appropriation ordinances were primarily funded by various Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act)[[2]](#footnote-2) grants such as the Federal Emergency Management Agency (FEMA) disaster relief funding and the Treasury Department's Coronavirus Relief Fund (CRF), which provided a direct allocation to the county of $263 million. The appropriations were also funded by the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) included in the 2021 Consolidated Appropriations Act that supplemented the CARES Act by providing approximately $900 billion in additional federal aid.[[3]](#footnote-3) Notable for the county, the CRSSAA provided the county $45 million of Department of Treasury grants to support emergency rental assistance and it also extended the deadline to spend the CARES Act’s CRF moneys to December 31, 2021. Lastly, the appropriations were also funded by other county revenue sources for those expenditures that were not eligible for CARES Act funding.

*COVID 7 and American Rescue Plan Act of 2021.*The COVID 7 supplemental appropriations ordinance, adopted on May 25, 2021, is the largest COVID-19 supplemental appropriations ordinance adopted to-date. Of the $631 million appropriated, $367 million of the COVID 7 is expected[[4]](#footnote-4) to be primarily funded by the county’s allocation of the American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) moneys. The remaining appropriations will be funded by various state and federal grants also supported by ARPA.

On March 11, 2021, the American Rescue Plan Act of 2021[[5]](#footnote-5) (ARPA), which appropriated $1.9 trillion to mitigate the impacts of the COVID-19 pandemic, became law. Along with individual stimulus payments and expansion of unemployment benefits and public health measures, the bill also included direct allocations to counties through the Department of Treasury’s Coronavirus Local Fiscal Recovery Fund (CLFRF). The county’s direct allocation is approximately **$437 million** and can be used for the following expenses:

1. *Respond to the public health emergency with respect to COVID–19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality,*
2. *Respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work,*
3. *For the provision of government services to the extent of the reduction in revenue of such county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency, or*
4. *Make necessary investments in water, sewer, or broadband infrastructure.*

ARPA requires that the Department of Treasury provide the CLFRF to the county in two portions where the first half would be allocated within 60 days of the county providing a certification on the use or need of these funds to the Department of Treasury. The second half would be allocated one year later. According to executive staff, the county received $218.8 million (50% of $437 million) from the Department of Treasury in May 2021 and is expected to receive the remainder in May 2022.

As noted above, COVID 7 included the use of $367 million of the $437 million ARPA CLFRF designated for the county. The COVID 8 supplemental appropriations ordinance proposes to allocate ~~$68.2 million of the~~ $70 million of the remaining ARPA CLFRF moneys. Executive staff note that the county’s high cash balance and positive cash flow would allow the county to expend now without having to wait for receipt of the second half of the CLFRF allocation next year.

**Status of the General Fund.** At the request of council staff, the Office of Performance, Strategy and Budget (PSB) provided an updated General Fund Financial Plan (Attachment 5 to this staff report). According to the financial plan, the Ending Undesignated Fund Balance for the remainder of the 2021-2022 biennium is estimated to be $46.4 million, which would be 6% of revenues, less intergovernmental receipts, and inter-fund transfers. This would meet the 6%-8% target as suggested by the County’s Comprehensive Financial Management Policies[[6]](#footnote-6) to maintain the county's credit rating, meet seasonal cash flow shortfalls, help maintain services during short periods of economic decline, and meet emergency conditions. It should be noted that this estimate maintains the same level of Ending Undesignated Fund Balance at the adoption of the 2021-2022 Biennial Budget last fall.

The staff report for the COVID 7 supplemental appropriations ordinance[[7]](#footnote-7) noted that the General Fund would add $83 million to its Ending Fund Balance compared to the General Fund Financial Plan adopted during the 2021-2022 Biennial Budget. The updated Financial Plan (Attachment 5 to this staff report) shows that this has been reduced to $60 million. The reduction accounts for additional spending that would be included in future supplemental appropriations ordinances including costs associated with State v. Blake[[8]](#footnote-8),[[9]](#footnote-9) and the 2nd Omnibus (Mid-biennial budget), which is scheduled to be transmitted in September 2021.

Of the $60 million of the additional Ending Fund Balance, the executive has designated $31 million to the new COVID-19 Response Reserve to pay for the costs of recovering from the pandemic and the remaining $29 million to the Risk Reserve to alleviate future risks to the General Fund’s financial health including set aside to cover ineligible federal expenses. Executive staff state that the COVID-19 Response Reserve is primarily held for future needs for the Public Health – Seattle & King County and the Department of Community and Human Services’ COVID-19 pandemic response such as testing, tracing, deintensification, sheltering, isolation and quarantine.

It should be noted that moneys designated in reserves have not been appropriated by council and would need council approval to be expended. It should be reiterated that the $45.6 million of Ending Undesignated Fund Balance accounts for the $60 million that would be designated for these two reserves.

**COVID-19 Priorities for 2021.** On February 9, 2021, the council adopted Motion 15816, which set the county's priorities for allocation of federal and state COVID-19 relief moneys available in 2021. The motion requested the executive to make proposals allocating COVID-19 relief moneys based on the following priorities:

* County’s public health response to the pandemic including vaccination efforts,
* Use a principled approach based on equity and social justice values and in promoting antiracist outcomes in allocating the relief moneys,
* Narrow range of services to ensure that limited relief moneys have the most-effective recovery impact and avoid duplication of services,
* Alleviate administrative burdens for organizations in applying for and receiving relief moneys, and
* Provide direct emergency response for the following services: food security and access; housing stability and homelessness; child care and workforce support; economic recovery; mental health, behavioral health, substance use disorder, safety, and security; and the judicial system.

**ANALYSIS**

The proposed ordinance (COVID 8) would appropriate approximately $202.6 million and 25.5 FTEs in response to the COVID-19 pandemic and support 130.3 short-term temporary (STT) / term-limited temporary (TLT) county positions.

Of the total proposed, COVID 8 would appropriate ~~$68.2 million of~~ the remaining $70 million of the county’s ARPA CLFRF allocation for the following:

|  |  |
| --- | --- |
| * Legal System Backlog | $30.8 million |
| * Public Health Response to the pandemic | $19.5 million |
| * Civil Legal Aid and Immigrant Community Supports | $13.2 million |
| * Economic Recovery / Workforce Development | $5.6 million |
| * County Operations in response to the pandemic | $0.9 million |

Of the total proposed, COVID 8 would also appropriate an additional $134.4 million, which would be funded by various federal and state grants (most of which are also supported by ARPA) for the following:

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| * Community Supports (CDBG, HOME, Rental Assistance) | $83.9 million |
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| * Technical Appropriations | $7.5 million |
| * County Operations in response to the pandemic | $2.1 million |

It should be noted that revenue sources for some of the proposed appropriations may change based on Department of Treasury’s interim final rule on ARPA CLFRF[[10]](#footnote-10). For comparison, in 2020, of the $263 million of CARES Act CRF funds appropriated, approximately $7.4 million (2.8%) were either high risk for ineligibility of CRF funding or ineligible for CRF funding. As a result, General Fund were used to support these programs. To mitigate the impacts to the General Fund, the executive used the unspent CRF funds to support General Fund-supported personnel costs for staff that would be redeployed to support the county’s pandemic relief efforts. Similar approaches may be considered with the use of ARPA CLFRF. Executive staff state that ARPA also allows for expanded reimbursement of internal administration costs which may create additional funding flexibility for ARPA CLFRF programs that are either ineligible or whose efficacy would be negatively impacted by compliance requirements.

The COVID 7 supplemental appropriations ordinance established approximately 40 new programs. As a result, executive staff state that eligibility determination and procurement procedures for all COVID 7 appropriations, expected to be funded by ARPA CLFRF, would be ongoing through the rest of the year and possibly through to 2022. As noted above, ARPA allows CLFRF moneys to be expended through December 31, 2024 and therefore new programs established using ARPA CLFRF moneys (both in COVID 7 and COVID 8) could extend beyond the current biennium. Executive staff state that they expect the first round of eligibility reviews would be completed around the end of July 2021.

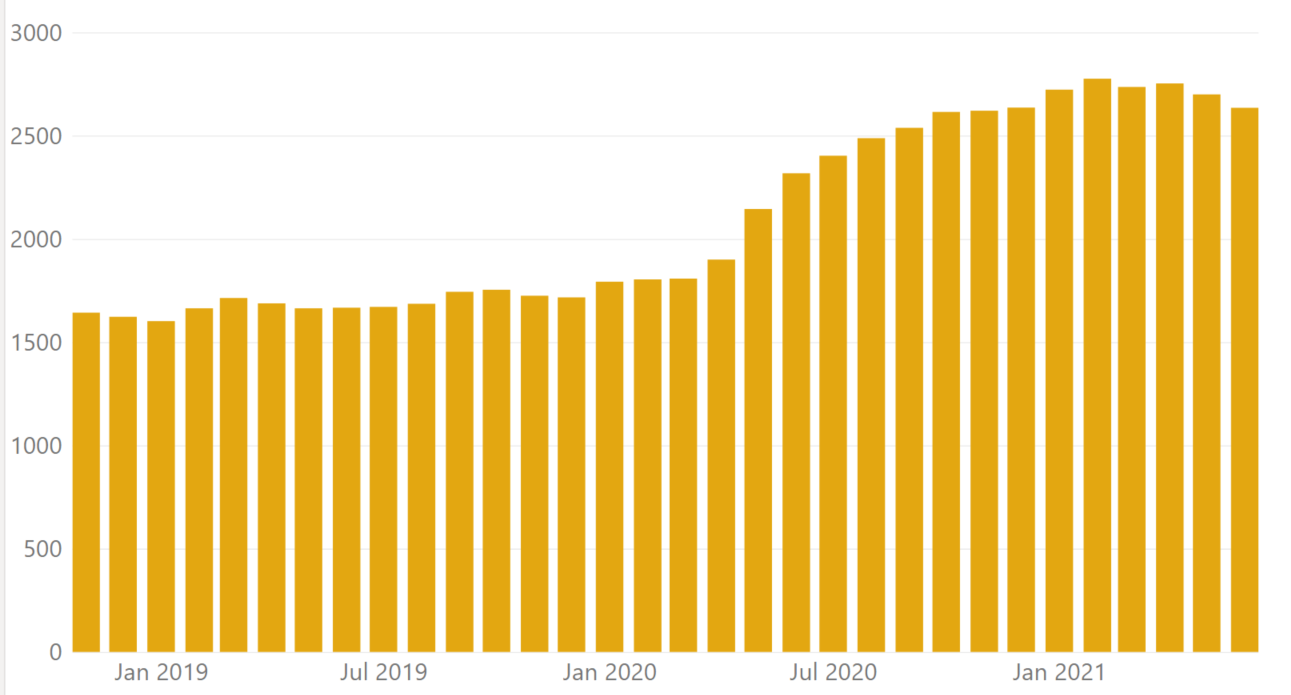
**Legal System Backlog.** COVID 8 would appropriate $30.8 million of ARPA CLFRF moneys allocated among the King County District Court (KCDC), Department of Public Defense (DPD), Prosecuting Attorney (PAO), Department of Judicial Administration (DJA), and King County Superior Court (KCSC) to address the backlog in the legal system caused by the closure and slowdown of the judicial system as a result of the COVID-19 pandemic.

*Current Backlog.* While the overall level of year to date felony filings is less than in 2018 and 2019, there is a significant backlog of cases in the criminal justice system as the operational impacts from COVID-19 pandemic has prevented some cases from resolving. PAO reports there are currently 6,450 pending felonies as compared to an average of 3,250 from Jan. 2019 through March 2020. Of these pending cases excluding Drug Court, 3,085 are in Seattle and 2,497 are at the Maleng Regional Justice Center (MRJC).

Additionally, as shown in the PAO provide Figure 1 below, there has been an increase in the number of pending[[11]](#footnote-11) more serious offenses (homicide, rape, domestic violence, robbery, shootings) from 1,700 such cases pre-COVID to an estimated 2,700 in June 2021 (see graph below) from the PAO. Additionally, PAO reports there has been an increase in the number of shots fired in 2020 and 2021, consistent with national trends.

**Figure 1**

**Number of Pending More Serious Offenses**[[12]](#footnote-12)**.**



Additionally, as cases take longer to resolve and as the in-custody jail population reflects a higher percentage of serious felonies, DAJD reports the average length of stay for pre-trial felony defendants has increased from 41.5 days in 2019 to 88.4 days in 2021. Similarly, PAO reports the median age of these open cases in PAO has increased from about 140 days to 286 days.

***COVID 8 (Proposed Ordinance 2021-0238).***COVID 8 would appropriate ARPA CLFRF funding as shown in Table 2 below:

**Table 2**

**Legal System Backlog.**

|  |  | **Proposed Appropriation** |  | **Proposed FTEs** |  | **Proposed TLTs** |
| --- | --- | --- | --- | --- | --- | --- |
| **Department of Judicial Admin.** |  | $1,586,000 |  | 0.0 |  | 13.8 |
| **Department of Public Defense** |  | $10,661,000 |  | 25.5 |  | 20.0 |
| **District Court** |  | $2,098,000 |  | 0.0 |  | 12.0 |
| **Prosecuting Attorney** |  | $12,862,000 |  | 0.0 |  | 61.0 |
| **Superior Court** |  | $3,611,000 |  | 0.0 |  | 22.5 |
| **TOTAL** |  | **$30,818,000** |  | **25.5** |  | **129.3** |

All of the agencies requested more in funding needs than included in the executive’s proposed COVID 8 supplemental appropriations ordinance. Notably, the executive’s proposal includes funding for the rest of the 2021-2022 biennium (starting in September) rather than the three years requested by many agencies. PSB reports 2023-2024 funding needs related to the backlog will be determined as part of the 2023-2024 budget process.

PSB reports the executive prioritized addressing the significant felony backlog while also providing resources for District Court to address the significant backlog and operational challenges from the COVID-19 pandemic. Resources to address the felony backlog were allocated among Superior Court, PAO, DJA and DPD based on assumptions about how much additional Superior Court trial capacity could be achieved and the corresponding resources needed by DJA, PAO, and DPD to support additional trials. Executive staff recognize actual specific positions hired and other expenditures will likely differ from the assumptions used to arrive at the proposed budgeted amounts, as the reduced amounts will require operational adjustments from initial agency budget submittals.

Lastly, the executive proposes a separate supplemental appropriations ordinance (PO 2021-0249) which would appropriate $19.5 million, of which approximately 94% of the total is expected to be reimbursed by the state, to address the funding needs resulting from the Washington State Supreme Court decision in State v. Blake[[13]](#footnote-13).

***Superior Court ($3,611,000 and 22.5 TLTs).***The Superior Court’s budget request to the executive totaled (Attachment 6 to this staff report) $34.1 million over 3 years to address the backlog in the most serious violent felonies (homicides, sexual assaults, serious assaults, robberies with a weapon, child abuse, and domestic violence,) as well as an expected surge in eviction cases. The Court requested funding to support an additional six Pro tem judges as well as resources to support increasing trial capacity for existing judges in order to address an additional 72 of the most serious backlogged trials over 3 years. Superior Court reports it made the request based upon existing cases that have assigned lawyers, and not for any future cases or for any cases with nonviolent charges. The request included funding to address the space needs for additional trials and funding to support and train staff on the virtual technology platforms the Court has deployed in response to the COVID-19 pandemic. The Superior Court reports it has seen many benefits, including greater jury diversity, to the virtual jury selection process and offering a virtual option for Civil and Family cases, and plans to continue these technologies beyond the pandemic. Lastly, the Superior Court requested resources to address the needs of the Family Law department to address the increased public request for help from the Family Law Information Center (demand tripled) and to address increases related to domestic violence protection order requests.

The executive’s proposed supplemental appropriation of $3.6 million for the Superior Court is substantially less than the Superior Court’s request. Executive staff anticipate the $3.6 million for September 2021 through December 2022 would allow the Superior Court to bring on four additional criminal pro tem judges for 22 additional trials, plus additional judicial resources for plea hearings, Family Law, and Ex Parte cases. However, Superior Court reports the executive’s proposed level of funding ignores the system costs of the Court and does not accurately show the price of a court and therefore will not make any significant difference in reducing the backlog. Superior Court reports that prior to adding any judicial capacity, the Court first needs to add infrastructure to support existing staff and judges as they take on more trials, some of which will continue to be conducted virtually. Superior Court notes:

“*New technology has changed how we do business. This technology will assist with backlog reduction. The backlog alone requires additional courtroom support. This includes more jurors, IT for virtual trials and remote appearances, interpreters, and trainers. With the increases in trials and especially criminal trials, all of this is a necessary as a first step.”*

At the executive’s proposed appropriation level included in COVID 8, the Superior Court reports it can hire one additional pro tem judge for criminal cases and the staff to support all the judicial officers hearing criminal trials. Additionally, the Superior Court would use $1.3 million of the $3.6 million appropriation for family law and eviction needs, including one eviction judge.

In response to Council staff questions on the availability of additional plea capacity, Superior Court reports:

*“Superior Court reports the executive’s proposed level of funding, there is zero additional plea capacity. We need to prioritize systems to increase total trial capacity and use any additional judges to try cases. We will interrupt trials to take pleas, if necessary.”*

With the Superior Court’s extension of COVID-19 social distancing requirements[[14]](#footnote-14), the Court must continue to operate with mitigation measures such as additional courtrooms, which limit the capacity of the Court. Council staff have asked the extent to which the Superior Court will have additional capacity when COVID social distancing restrictions are lifted. The Court reports that once social distancing is eliminated, the King County Courthouse (KCCH) capacity will increase, but there will be no gain at the MRJC, At KCCH, once social distancing is lifted, the Court will move from 14 available jury courtrooms to 31 available courts. But because the jury rooms are very small at the KCCH, even if social distancing is eliminated in a courtroom, it may not be immediately reduced in a jury room so it is not clear how many additional trials will be feasible. At MRJC, Superior Court reports the number of courtrooms post-COVID operations would remain the same because the configuration of existing courtrooms with adjoining conference rooms has allowed for one courtroom per trial. However, there is no space left at the MRJC for temporary criminal judges so Superior Court is requesting nearby office space for family law judges in Kent and then placing criminal or plea judges into the family law courtrooms.

The Superior Court reports that the proposed level of funding will result in impacts to criminal, civil, and family cases. At the executive’s proposed appropriation level, the Court will have to move multiple judges in the Civil and Family Law Departments to the Criminal Department to address the backlog. The Superior Court reports that it has already begun this step (shifting judges and associated staffing) and as a result, Superior Court estimates that at the current rates roughly 540 civil and family cases this coming year. Relatedly, the Superior Court anticipates that it will take three times longer for motions on child custody or financial issues to be heard as judges are shifted out of family law. Additionally, Superior Court reports a delay in addressing the criminal backlog will result in extended times in the County jail resulting in increased costs to the County.

***Department of Judicial Administration ($1,586,000 and 13.8 TLTs).***The Department of Judicial Administration’s (DJA) budget request to the executive totaled almost $6 million for the period from August 2021 through December 2022. The request included clerks and other DJA staff necessary to support the additional trials and Court activity anticipated in the Superior Court’s request. The DJA’s request would also fund customer service positions and IT costs to support the increasing reliance of customers in using expanded electronic services.

The executive’s proposed supplemental appropriation of $1.6 million for DJA is less than DJA’s request. This reduction corresponds to the reduction in the Superior Court’s budget request. At the executive’s proposed appropriation level included in COVID 8, the DJA reports it will add staff to support the additional Superior Court judicial officers, staff the virtual protection office, maintain new technology related to increased electronic processes, and address other customer needs.

***Prosecuting Attorney ($12,862,000 and 61.0 TLT positions).*** As described in the PAO’s May 7, 2021 budget request to the executive (Attachment 7 to this staff report), the PAO has identified the need for substantial resources ($72 million over three years) to address the criminal division’s pending and unfiled cases. The PAO reports that across the board the PAO trial attorneys and the staff that support trials are carrying twice the case load as prior to the pandemic. The PAO’s May 7th budget request to the executive identified a need for increased staffing and resources to address the COVID-19 backlog in the following areas:

* Additional Superior Court trial capacity.
* 200 pending homicide trials. In addition to the backlog, PAO is continuing to respond to a sharp increase in homicides. In 2019, callouts for homicides were 90. As a comparison, in 2020, callouts increased to 146. As of June 29, 2021, callouts are already 71.
* Additional plea capacity. (On average, 75percent of all cases resolve with a plea to charges.)
* 3,066 (about 3,600 if you include cases ready to be filed and waiting) unfiled felony cases, which are largely property crimes.
* Victim support, including money to reimburse victims, to clear out backlogged property crimes. In some cases, if it were not for the out of pocket losses to the victim, the PAO may elect not to file charges and decline the case.
* District Court. In order to address pressing needs in Superior Court, some PAO resources have been shifted away from District Court. There are over 2,782 (plus over 600 more ready and awaiting filing) cases that need to be reviewed for filing.
* Planned uptick in appellate work due to increase in complex and lengthier trials (due to court prioritizing homicide, violence, and sex cases).
* 113 felony traffic cases and 16 traffic fatalities pending trial; additional felony traffic backlog of 55 cases pending review. This includes vehicular manslaughter and assault
* First time DUI diversion pilot. DUI’s make up 65 percent of the District Court caseload, with a large majority of those first-time offenders who historically do not recidivate. PAO proposes exploring a diversion program for first time offenders with low Blood Alcohol Content (BAC) levels to determine if it would be an effective way compared to traditional prosecution in the long term, as seen in other jurisdictions.
* Protection Order Advocacy Program. This request includes the virtual technology platform to allow survivors to access critical information and services.

The executive’s proposed supplemental appropriation for the PAO of $12.86 million is less than the PAO’s request. PSB reports the proposed appropriation amount is intended to provide PAO the capacity to staff approximately 22 additional trials resulting from an additional four Superior Court trial judicial officers as well as addressing other priorities in the PAO’s request. Due to the reduced appropriation, the PAO will assess operational needs and decide in the coming weeks how to allocate the proposed appropriation among all of the above needs identified in their request to the executive. PAO reports their first priority will be addressing the most serious felonies in the backlog and getting those cases to trial, tackling the backlog of cases to be reviewed for filing, decline, or additional investigation and ramping up staffing for plea resolutions. At the executive’s proposed appropriation level included in COVID 8, PAO reports that it will be able to staff additional trial courts that become operational and that regardless of the number of additional trial courts available, it will still need the proposed supplemental appropriation to staff cases while awaiting trial and to staff efforts to reach plea resolutions. PAO also notes that at this less than planned proposed supplemental appropriation level, it is unlikely the PAO will have the resources to develop the DUI diversion program, and that additional resources will likely be necessary through 2026 to address the backlog of cases.

***Department of Public Defense ($10,661,000, 25.5 FTEs, 20.0 TLTs).***DPD’s COVID 8 supplemental budget request to the executive included about $16.4 million to provide additional trial capacity to accommodate the six new trial judges requested by Superior Court, and to address an expected increase in filing from PAO’s backlog of unfiled cases. The executive’s proposed supplemental appropriation for DPD restores the 25.5 FTEs, scheduled to be eliminated in January 2021 as part of the biennial budget, in order to provide DPD sufficient resources from September 2021 through December 2022 to address uncertainty in filings as a result of the COVID-19 pandemic, support roughly 22 additional serious felony trials (Class A) resulting from additional Superior Court trials, and expected cases from the backlog of unfiled referrals. PSB reports that the proposed appropriation is intended to provide sufficient funding to allow DPD and PAO to maintain parity in funding for additional staffing to address the COVID backlog.

DPD has experienced challenges recruiting qualified public defenders. In response to Council staff questions about the availability of additional staff, DPD reports the following:

“… *even with extensive recruiting efforts, DPD  is experiencing challenges finding qualified, experienced  attorneys for Class A felony trials and across all practice areas. This staffing shortfall is exacerbated by the additional assignments from Blake. DPD notes that adding funding to PAO and the Courts, leading to additional volume in and strain on the criminal legal system, combined with any failure to equivalently fund DPD will compound inefficiencies in the criminal legal system; in other words, giving the courts and prosecutor staff to move cases forward would have no impact unless DPD also has staff to work on those cases. Even with the tight labor market, DPD will continue to explore creative ways of hiring staff to an attempt to help resolve clients’ cases. Adding funding to the system is inherently harmful to BIPOC communities; funding the prosecutor and court and not the defense will magnify that harm and directly contravene the County’s commitment to equity and social justice.”*

***District Court ($2,098,000 and 12 TLTs)*.** District Court’s COVID 8 requests to the executive included $15.4 million over three years to address the significant impact of the COVID-19 pandemic on District Court operations and the backlog of cases. The number of pending criminal cases has grown to 5,600 criminal cases as of May 2021. In addition, as of May 2021 there are over 2,400 unfiled cases awaiting PAO review and approximately 600 cases ready for filing with the court over the next 60 days.

The majority of existing District Court resources have been shifted to address the criminal case load[[15]](#footnote-15). To date, the court has not been able to set a civil jury trial since March 2020 for issues such as contract disputes, automobile accidents, and property damage. Additionally, there have been no hearings for small claims cases filed after March 2020 and the Dispute Resolution Contract that helps to mediate these disputes has been suspended since January 2021 due to a lack of funds resulting, in part, from the court’s inability to timely process new claims.

There is a backlog of about 9,000 traffic infractions and growing, and District Court reports it cannot catch up without additional calendars. These cases may be dismissed due to the lack of discovery being provided by the PAO and the court’s continued inability to set them for timely hearings. District Court also has MOUs with school districts to handle school bus camera tickets which bring revenue into the County. As school resumes in the fall, District Court will not be able to honor those agreements without additional calendar resources.

District Court’s COVID 8 request included funding to add night court and Saturday calendars to address the small claims and infraction matters while maximizing calendar space for criminal matters and protection orders. District Court reports without the requested funding its ability to set many of these cases for hearings in a timely way would be limited. District Court’s COVID 8 requests also included overtime (as must be offered per the clerks’ CBA), hiring Dispute Resolution back to resume small claims cases, hiring TLT staff, IT costs, and four judicial officers and commissioners to support the expanded operations. The request also included additional security and other overhead costs to cover expanded court hours.

The executive’s proposed supplemental appropriation of $2.1 million for District Court is less than the District Court’s request. District Court is reviewing which services it may be able to provide within the executive’s proposed appropriation level, but District Court reports it is clear a number of case types will need to be put on hold or dismissed to meet the criminal case load demands.

**Proposed Appropriations Supported by ARPA CLFRF (excluding Legal System Backlog).** COVID 8 would appropriate $39.2 million of ARPA CLFRF moneys to support the public health response to the pandemic, civil legal aid, immigrant community supports, economic recovery and workforce development, and county operations in response to the pandemic. Table 3 below provides a summary of the proposed appropriations and the subsequent subsections provide additional analysis for some of the appropriation items.

**Table 3**

**Summary of Proposed Appropriations Supported by ARPA CLFRF**

**(excluding Legal System Backlog).**

| **No.** |  | **Descriptions** |  | **Amount** |
| --- | --- | --- | --- | --- |
| **Public Health Response to the Pandemic** | | | | |
| 1 |  | FMD: Operating costs at county operated Isolation/Quarantine, Assessment and Recovery, and Shelter De-Intensification sites. (Note: this excludes the Civic Hotel appropriations) |  | $3.0 M |
| 2 |  | FMD: Operating costs for Civic Hotel deintensification facility through June 2022. |  | $0.1 M |
| 3 |  | FMD Capital LTL: Lease costs for Civic Hotel deintensification facility. |  | $1.6 M |
| 4 |  | FMD Capital LTL: SODO temporary enhanced shelter lease costs through December 31, 2021. |  | $0.6 M |
| 5 |  | FMD Capital LTL: SODO (1st Avenue) warehouse and Prologis Park Kent 43 warehouse lease extensions for the storage of PPE and other COVID-19 related equipment. |  | $0.3 M |
| 6 |  | FMD Capital LTL: Extend Renton Red Lion and SeaTac Sleep-Inn leases through December 31, 2021. |  | $1.4 M |
| 7 |  | FMD Capital BRR: Construction costs to restore county-leased hotels in Issaquah, Renton, and SeaTac to pre-county lease facility conditions. |  | $12.0 M |
| 8 |  | FMD Capital BRR: Water damage repairs to the Aurora trailer shelter site. |  | $0.4 M |
| **Civil Legal Aid and Immigrant Community Supports** | | | | |
| 9 |  | DCHS: Civil legal aid. |  | $2.0 M |
| 10 |  | DCHS: Support for immigrant community that have not been able to access federal benefits. |  | $11.2 M |
| **Economic Recovery and Workforce Development** | | | | |
| 11 |  | PSB: ‘Recovery Corps’ to connect dislocated workers of color, bilingual workers and youth with in-demand jobs in prioritized sectors that can be connected to long-term career pathways that lead to better jobs and better pay. Provide support for workers affected by the COVID-19 pandemic through wrap-around services to provide basic needs, upskilling low wage workers, and job subsidies. Moneys would be competitively awarded to workforce and training programs that equitably create career pathways for adults and youth. |  | $3.2 M |
| 12 |  | PSB: Support implementation of a regional economic recovery plan to build a more resilient and equitable economy for women and people of color. This would support one FTE and remaining moneys would be competitively awarded to a public-private organization that leads regional economic development in the county. |  | $1.0 M |
| 13 |  | PSB: Contract with an alliance composed of BIPOC-led community organizations to establish an "equitable recovery" program, which establishes a community infrastructure for elected leaders and institutional partners to engage with BIPOC communities in public planning and policy formation to advance economic equity. |  | $1.0 M |
| 14 |  | PSB: Support for transportation network company (TNC) workers and their families for culturally and linguistically appropriate public health and social service outreach, case management, interpretation, and Pandemic Unemployment Assistance application support. The moneys would also be used to prepare a report on disruptions to the transportation industry caused by the pandemic. Moneys would be competitively awarded to an organization who specializes in providing culturally and linguistically appropriate services to TNC workers. |  | $0.3 M |
| 15 |  | PSB: New virtual hiring hall to serve as a hub linking underrepresented workers, community organizations, labor, and employers. Workers will be offered both virtual and in-person multi-lingual training. |  | $0.2 M |
| **County Operations in Response to Pandemic** | | | | |
| 16 |  | Assessments: overtime associated with COVID-19. COVID-19 business process safety protocols for appraisers have constrained standard field and office operations and staff have been directly affected by COVID-19. To meet mandated deadlines, overtime is used to cover the additional time it takes to complete work and to cover COVID-related absences. |  | $0.3 M |
| 17 |  | DAJD: Decontamination services and COVID-19 testing of staff following a COVID-19 outbreak in detention facilities in Spring 2021. |  | $0.6 M |
|  |  |  |  | **$39.2 M** |

*FMD Capital LTL: Extend Renton Red Lion Lease.* On June 22, 2021, the executive announced the county’s purchase of the former Extended Stay America hotel in the City of Renton for $28.6 million using revenues from the Health through Housing sales tax. The hotel, located at 1150 Oakesdale Avenue Southwest, was constructed in 1998 and contains 110 units and sits on approximately 3.88 acres. The site has one three-story structure, one building for storage, and parking areas. Each room has a kitchenette, full bathroom, a bed, and a small seating area.

The executive press release from June 22, 2021[[16]](#footnote-16) states that the hotel will provide housing for people experiencing chronic homelessness, along with 24/7 onsite staffing that will include case management, employment counseling, and access to health and behavioral health services. A competitive process will determine the onsite service provider before the facility is operational later in 2021.

The executive press release also states that the county and the City of Renton are working to resolve legal issues related to the emergency siting and operation of a pandemic response shelter deintensification hotel in 2020. As part of that agreement, the County is working to phase out the shelter use at the Red Lion Hotel while also ensuring that the shelter guests can move directly to other housing purchased under the Health through Housing program. The agreement states that the county will strive to have half of the residents moved out by the end of September 2021 and the remaining half no later than the end of September 2022. Executive staff state that the goal of the county and the current expectation is that all residents will be moved out by the end of December 2021. 15% of units will be provided to individuals living in or near Renton or have ties to the community. The county will coordinate the first phase of closure of the Red Lion Hotel shelter site in tandem with the opening of the housing at the Extended Stay site. The proposed COVID 8 would support the lease extension of the Red Lion Hotel for the remainder of 2021. Executive staff state that they are currently working with the Renton Red Lion to extend the lease into 2022 so that the county would have time to make necessary repairs to the building.

Lastly, executive staff confirmed that the county has contracted with an appraiser to have an appraisal conducted for the Renton Red Lion hotel. This appraisal is anticipated to be completed in the second half of August 2021. Executive staff also state that extending the lease of the Renton Red Lion hotel through the end of the year, as proposed in COVID 8, is the likely scenario. However, the appraisal will inform the executive’s final determination on the Renton Red Lion hotel.

*FMD Capital BRR: Construction costs to restore county-leased hotels.* Executive staff state that most of the appropriation would support construction costs to restore the Renton Red Lion hotel. Executive staff also state that these costs would not be covered by FEMA since FEMA expressed apprehension of reimbursing expenses related to deintensification facilities as these facilities did not fully meet eligibility for FEMA funds.

Since the July 6th BFM Committee meeting, executive staff has revised the estimate for the construction cost and reduced it to $9 million. Council staff is working with the BFM Chair to include this reduction in the BFM Chair’s striking amendment. Executive staff is still working to provide council staff a detailed cost breakdown.

Executive staff has confirmed that the county is responsible for damages incurred to the deintensification facilities during the leased period. The county was responsible for maintenance costs and operating costs such as janitorial and utilities, however, the county contracted with the service providers to operate the deintensification facilities:

* Catholic Community Services [contract ended] 🡪 Inn at Queen Anne (Seattle)
* Catholic Community Services [contract ended] 🡪 Sleep Inn (SeaTac)
* Downtown Emergency Service Center (DESC) [contract still active] 🡪 Red Lion (Renton)

*DCHS: Civil Legal Aid.* Pending ARPA CLFRF eligibility and procurement review, executive staff state that the $2.0 million proposed in COVID 8 would be awarded to the Legal Foundation of Washington (LFW) as a pass-through entity for a competitive grant program. Executive further state that LFW is the primary funder of civil legal aid in Washington State and has an established grantmaking partnership with many programs serving the county, such as the Benefits Law Center, Colectiva Legal del Pueblo, Eastside Legal Assistance Program, Kids in Need of Defense (KIND), King County Bar Association Pro Bono Services, Legal Counsel for Youth and Children, Northwest Immigrant Rights Project, Sexual Violence Law Center, Solid Ground, TeamChild, Tenant Law Center, Unemployment Law Project, and other partner organizations in the Alliance for Equal Justice.

*DCHS: Immigrant Community Supports.* In 2021, the State of Washington established the $62.6 million COVID-19 Immigrant Relief Fund supported by the State’s allocation of the CARES Act CRF to provide financial relief to immigrants impacted by the COVID-19 pandemic.[[17]](#footnote-17) Similarly, the City of Seattle also established the $7.9 million COVID-19 Disaster Relief Fund for Immigrants supported by the City of Seattle’s General Fund to also provide financial relief to immigrants impacted by the COVID-19 pandemic.[[18]](#footnote-18)

Executive staff that the proposed $11.2 million immigrant community supports program would likely be similar to the City of Seattle and State of Washington programs, but they are still determining the best approach to administer the program. Executive staff also state that it would probably have multiple components: outreach and application support, language access and translation, application processing, and fiscal administration and intend to work with community partners to support the planning and implementation efforts. Both City of Seattle and Washington State utilized Scholarship Junkies, a Seattle-based community-based organization to disburse moneys to the community. Executive staff state that the county is researching administration options which would provide a centralized and coordinate application portal, would set up a system for reviewing and prioritizing applications based on the county’s programmatic direction. However, there has been no outreach to vendors yet.

Lastly, executive staff state that the proposed $11.2 million amount was based on a combination of assessment of need and availability of resources. Approximately, $10 million would be set aside for direct payments, with the remaining amount focused on outreach, translation, and administration. The level of direct payments is still being determined.

*PSB: Recovery Corps.* Executive staff state the Recovery Corps program would award competitive grants to build and sustain capacity at established community-based organizations that support wages, benefits, case management, and training for dislocated and/or bilingual workers of color and youth. The proposed appropriation would also provide assistance to employers to support training plans, evaluation, and various other supports.

*PSB: Expanding Access.* The proposed appropriation would support a program to implement a regional economic recovery plan to build a more resilient and equitable economy for women and people of color. Executive staff state that the moneys would competitively be awarded to a public-private economic development organization(s) in the county to implement a portion of the recently published multi-County (King, Pierce, Snohomish) economic recovery plan. This plan was developed over the last year by a task force of over 200 diverse public, private, and community leaders across the region. The plan outlines ten equity-focused, high-impact, measurable initiatives that would create higher-quality jobs and invest in diverse talent across the three-county region. Executive staff state that while the BIPOC Business and Economic Resiliency Fund, included in COVID 7, will focus on providing community-led investments, this program would be complementary in that it will focus on long-term ecosystem capacity building and technical assistance provision to targeted businesses. Lastly, executive staff state that there are numerous organizations in the county qualified to do this work.

*PSB: Equitable Recovery.* Executive staff state this proposed appropriation would be used for a competitively bid contract with an alliance composed of BIPOC-led community organizations to establish an "equitable recovery" program, which establishes a community infrastructure for elected leaders and institutional partners to engage with BIPOC communities in public planning and policy formation to advance economic equity. The proposed appropriation would support BIPOC, immigrant, and refugee-led research, workforce development policy and program development strategies and investments, advocacy (engagement, data, and systems recommendation), and implementation for BIPOC and immigrant and refugee community organizations. Lastly, the proposed appropriation would also include the development of administrative and data systems, research and policy innovation, capacity building and technical assistance strategies.

Currently, executive staff state that an existing alliance of BIPOC-led community organizations have formed to begin this work. The alliance was organized during the summer of 2020 in response to the COVID-19 pandemic and the murders of Breonna Taylor and George Floyd. United Way, Chief Seattle Club, Downtown Seattle Association, Black Future Co-op Fund, Civic Commons, the Workforce Development Council of Seattle-King County, Seattle Metropolitan Chamber of Commerce, and Shiels Obletz Johnsen, Inc. have provided seed funding thus far to support the coalition’s efforts. Executive staff state the below organizations are currently involved with this alliance, however, any BIPOC-led organization with an aligned mission may engage the alliance:

* Chief Seattle Club
* Byrd Barr Place
* Equitable Development LLC
* Workforce Development Council of Seattle-King County
* United Way of King County
* Asian Counseling & Referral Services
* Urban League of Metropolitan Seattle
* Technology Access Foundation
* One America
* White Center CDA
* El Centro de la Raza
* La Roxay Productions
* Open Doors for Multicultural Families

Since this appropriation is funded by ARPA CLFRF, it would need to undergo procurement procedures including competitive bidding. Executive staff state that the above alliance would bid for the contract along with any other alliances that are composed of BIPOC-led community organizations.

*PSB: Virtual Hiring Hall.* Executive staff state that the Virtual Hiring Hall is designed to offer a clear pathway to “high-road” jobs. According UC Berkeley Labor Center, a “high-road” economy supports businesses that compete on the basis of the quality of their products and services by investing in their workforces; these businesses pay the wages and benefits necessary to attract and retain skilled workers, who in turn perform high-quality work.[[19]](#footnote-19) Building the high road requires interventions on both the demand side and the supply side of the labor market. Supply indicates workers and the institutions that train them; demand refers to jobs and the firms or institutions that offer them. The event would be held in a virtual format, which opens opportunities for wide reach and engagement, while still rooted in community outreach and engagement.

Executive staff state that this event would be hosted in partnership with established, community-based organizations that have existing relationships with underrepresented BIPOC, migrant, refugee, LGBTQ, and other worker communities. This would not be a one-time event, but rather an ongoing program that utilizes an online hub to link workers to training and wraparound supports. The program would be promoted through existing partner networks and additional communication channels.

*DAJD: COVID-19 Testing.* On March 2021, both the King County Correction Facility (KCCF) in downtown Seattle and the Maleng Regional Justice Center (MRJC) in Kent experienced a COVID-19 outbreak which impacted both inmates and corrections officers. Executive staff state that the following protocols have been in place since prior to the March outbreak and remain in place today:

* DAJD continues to follow recommendations from local, state, and federal health officials to guide cleaning and contamination of secure detention facilities,
* As part of its pandemic response, DAJD increased daily cleaning and disinfection of all areas at all correctional facilities, including visitation booths where attorneys can meet with their clients. Jail housing areas are cleaned regularly throughout the day, every day,
* Inmates are given access to cleaning supplies such as soap, towels, disinfectant spray, and paper wipes, and
* A safety officer, supervised by a shift commander, is responsible for working with appropriate staff to track the cleaning, disinfecting, and sanitizing the department’s facilities. Cleaning officers are tasked with responding to and disinfecting any area that may have been contaminated – elevators, vehicles, cells, hallways etc. All transport vehicles are sanitized after each transport.

Moreover, in response to the outbreak, DAJD also took the following measures:

* After cases came to light in jail housing areas, staff immediately disinfected the KCCF living areas where the infected individuals and those in close contact with them were housed. They also sanitized all hallways, units/wings, elevators, and transport vehicles used when these people were moved to medical isolation and quarantine housing at both MRJC and KCCF, and
* During the week of May 10, DAJD arranged for a contractor to perform enhanced cleanings at our three secure detention facilities using an EPA-approved disinfectant. These cleanings focused on staff and common areas such as locker rooms, elevators, control rooms, sally ports, and roll-call rooms.

Executive staff state that there have been no further outbreaks since the above measures were put in place enhanced disinfection efforts, and as of June 22nd, it had been two weeks since anybody in custody has tested positive either at booking or in jail housing.

**Proposed Appropriations Supported by other State and Federal Grants.** COVID 8 would appropriate $132.4 million for rental assistance, shelter and housing supports through CDBG and HOME federal grants, vaccination efforts, public health response to the pandemic, and county operation in response to the pandemic. COVID 8 also includes $7.5 million of technical adjustments related to COVID 7 appropriations. Table 4 below provides a summary of the proposed appropriations and the subsequent subsections provide additional analysis for some of the appropriation items.

**Table 4**

**Summary of Proposed Appropriations Supported by**

**Other State and Federal Grants.**

| **No.** |  | **Descriptions** |  | **Amount** |
| --- | --- | --- | --- | --- |
| 1 |  | HCD: Emergency shelter expenditures to address funding gaps for emergency both existing and new shelters using Community Development Block Grants (CDBG) grants. CDBG funds are administered in accordance with an Interlocal Cooperative Agreement and programmatic recommendations will be presented to the Joint Recommendations Committee (JRC) for review and approval[[20]](#footnote-20). |  | $7.2 M |
| 2 |  | HCD: Using federal HOME grants, support people experiencing or at risk of experiencing homelessness by expanding existing programmatic uses to support the development of affordable and supportive housing, supportive services, and acquisition and development of non-congregate shelter units. HOME funds are administered in accordance with an Interlocal Cooperative Agreement and programmatic recommendations will be presented to the Joint Recommendations Committee (JRC) for review and approval[[21]](#footnote-21). |  | $13.8 M |
| 3 |  | HCD: Eviction Prevention and Rental Assistance Program (EPRAP) supported by ARPA federal grants for EPRAP 3.0. |  | $49.6 M |
| 4 |  | HCD: Eviction Prevention and Rental Assistance Program (EPRAP) supported by State Disaster Response Account for EPRAP 1.5. |  | $13.2 M |
| 5 |  | Public Health: Continue support of COVID-19 mass vaccination program using grants from Washington State Department of Health and FEMA. |  | $26.4 M |
| 6 |  | Jail Health: Provide COVID-19 vaccines to incarcerated individuals from April through December 2021 supported by the federal Vaccine Cares grant. |  | $1.3 M |
| 7 |  | Public Health: Extend public health response through December 2021. Supported by various grants from CDC, Vaccine Cares, etc. and technical adjustments. |  | $11.3 M |
| 8 |  | DAJD: Support through the end of 2021 for previously unbudgeted COVID-19 operating supplies, including specially pre-packaged quarantine meals and personal protective equipment for staff and inmates. |  | $1.2 M |
| 9 |  | KCIT: cost of 2nd year licenses, namely: Zoom Video Communications for Large County Virtual Meetings ($205K), MS O365 G5 Licenses to support mass vaccination (275 licenses for a total of $166K), Power Platform Licenses for COVID applications ($174K), and Tableau licenses. |  | $0.6 M |
| 10 |  | KCIT: cost of 2nd year workstation leases for laptops used by staff supporting COVID-19 testing and vaccination, as well as other KC employees who needed mobile devices for mandatory telecommuting. |  | $0.3 M |
| 11 |  | Various: Technical adjustments related to COVID 7 appropriations. |  | $7.5 M |
|  |  |  |  | **$132.4 M** |

*Public Health: Mass Vaccination Program.* The two mass vaccination site locations for the county continue to be located at the accesso ShoWare Center in the City of Kent and the Outlet Collection Seattle, formerly Supermall of the Great Northwest, in the City of Auburn.

Through the King County Partnership Vaccination Network, Public Health supports operation of high and medium volume mass vaccination sites. Selection of partners and sites are informed by the following considerations:

* overall vaccine supply to the county,
* King County’s Principle for Equitable Vaccine Delivery[[22]](#footnote-22),
* COVID-19 disease and mortality prevalence in the proposed geographic region,
* vaccine uptake in the proposed geographic region,
* limited existing community access points for vaccine in the proposed geographic region,
* feasibility of proposed site(s), and
* capacity of partners who will collaborate to ensure success.

Table 5 below outlines current vaccination site locations with partner agencies:

**Table 5**

**King County Vaccination Sites with Partner Agencies.**

| **Partner Agency** |  | **Vaccination Sites** |
| --- | --- | --- |
| University of Washington |  | UWMC Montlake |
|  |  | UWMC Northwest |
|  |  | Harborview Medical Center |
|  |  | Valley Medical Center |
|  |  | Pop-up clinics (various) |
| Franciscan Health Care Systems |  | St. Francis Hospital |
|  |  | Community Center |
|  |  | St. Anne Hospital |
|  |  | St. Elizabeth Hospital |
|  |  | Pop-up clinics: KC Metro, El Centro, Highline Community College, MLK Baptist |
| Virginia Mason |  | Human Resources Building |
|  |  | Amazon (Georgetown) |
| Shoreline Fire Department |  | Various North KC sites |
| Snoqualmie Valley Hospital |  | Various East KC sites |

*Jail Health: Vaccination Program.* Executive staff state that as of June 21, 2021, approximately 55% of Jail Health’s patient population is fully vaccinated. As of June 14, 2021, there was a 42% acceptance rate for those who are unvaccinated and are offered the vaccine while in jail. Executive staff further state that Jail Health has not set a specific goal related to the number or percentage of patients vaccinated as the population in jail continuously changes depending on length of stay. However, Jail Health does have some basic process-level goals for vaccinating inmates including offering all inmates COVID-19 vaccinations.

*HCD: Eviction Prevention and Rental Assistance Program (EPRAP).* COVID 8 would appropriate an additional $62.8 million to support the county’s Eviction Prevention and Rental Assistance Program (EPRAP). Of the total, $13.2 million would be supported by new grants from the State’s Disaster Response Account and be used for EPRAP 1.5, essentially a continuation of EPRAP 1.0 that was implemented in 2020. The remaining $49.6 million would be supported by additional funds from ARPA to support EPRAP 3.0, which would continue building on the foundation established in EPRAP 2.0 to include all three subprograms (Large Landlord, Tenant Pool, and Hub/Spoke). However, EPRAP 3.0 will need to change to adapt to the new restrictions and Department of Treasury guidance under ARPA, which requires that funds be made available directly to tenants (as opposed to paid to landlords on behalf of tenants). Executive staff state that they may also need to modify the data system, adjust how applications are processed, and perhaps change documentation requirements.

In addition, since the July 6th BFM meeting, executive staff has informed council staff and the BFM Chair that the county would receive an additional $177 million of ARPA supported State Department of Commerce Treasury Rent Assistance Program (T-RAP 2.0) grants to support EPRAP 3.0. Council staff is working with the BFM Chair to include the appropriation authority needed to expend these grants in the BFM Chair’s striking amendment.

Table 6 below provides a summary of all appropriations to-date for EPRAP.

**Table 6**

**Summary of Appropriations for EPRAP.**

| **Budget Ordinances** |  | **Appropriation Amount** |  | **Description** |
| --- | --- | --- | --- | --- |
| 2019-2020 Budget and supplementals  (Various)  COVID 3 (Ordinance 19120)  COVID 5  (Ordnance 19191) |  | $46.0 million |  | Funding Sources:   1. $14.4 million – CARES Act CRF (CSO ER5) 2. $28.7 million – State Department of Commerce grant which is a passthrough from CARES Act[[23]](#footnote-23) 3. $1.7 million – CDBG 4. $1.2 million – Veterans, Seniors and Human Services Levy (VSHSL) |
| COVID 6  (Ordinance 19265) |  | $45.2 million |  | HCD ER7: Funded by Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) that was provided directly to the county after applying for funding.  Added new requirements to existing EPRAP to require that the appropriation be used for 3 sub-programs: (1) grants to landlords with 5 or more units; (2) grants to individual tenants and landlords with fewer than 5 units; and (3) and grants to community-based organizations using a hub and spoke allocation model. The ER required that 50% be used for the hub-and-spoke model. |
| COVID 7  (Ordinance 19289) |  | $100.0 million |  | HCD: Funded by the State Dept. of Commerce Treasury Rent Assistance Program (T-RAP) grant which is a passthrough from CRRSAA. Same requirement as above without any allocation requirement for each sub-program. |
| COVID 8  (PO 2021-0238) |  | $62.8 million  (Exec Proposed)  $177.0 million  (Council Striker) |  | Funding Sources:   1. $13.2 million – State Disaster Response Account. 2. $49.6 million – ARPA grants 3. $177.0 million – State Dept. of Commerce T-RAP 2.0. |
| **Total** |  | **$431.0 million** |  |  |

**TIMING**

Table 7 below provides a revised timeline of activities proposed by the Budget and Fiscal Management Committee Chair for possible action of the proposed ordinance. The original timeline complied with King County Code Section 1.24.155 Rule 16.C.1.d[[24]](#footnote-24) that allows the chair of the standing committee to select alternate deadlines for striking amendments and line amendments, provided that such alternate deadlines are distributed to all members of the council no later than the end of the day three business days after the date of introduction and referral of the legislation[[25]](#footnote-25). However, at the July 13, 2021 Council meeting, the council suspended council rules to allow for the revised timeline.

**Table 7**

**Revised Timeline for COVID 8 Emergency Supplemental (PO 2021-0238).**

| **Date** |  | **Activity** |
| --- | --- | --- |
| June 17th (Thu) |  | Executive transmits and referred to BFM |
| July 6th (Tue) 3:00 pm |  | Special BFM – No action on amendments |
| July 9th (Fri) noon |  | Striking amendment requests due to BFM Chair |
| July 13th (Tues) noon |  | BFM Chair’s striking amendment direction due to staff |
| July 19th (Mon) noon |  | Striking amendment finalized and distributed |
| July 20th (Tues) 9:30am |  | BFM – 2nd Briefing. No action on amendments |
| July 23rd (Fri) noon |  | Line amendment direction due to staff |
| July 27th (Tue) 1:00 pm |  | Full Council – Action on all amendments |

**INVITED**

* Dwight Dively, Director, Office of Performance, Strategy and Budget

**ATTACHMENTS**

1. Proposed Ordinance 2021-0238 (and its attachment)
2. Transmittal Letter
3. Fiscal Notes
4. 8th COVID-19 Emergency Supplemental Crosswalk
5. General Fund Financial Plan, dated June 30, 2021
6. Superior Court COVID 8 Request to PSB
7. Prosecuting Attorney Office COVID 8 Request to PSB

1. Ordinance 19289, enacted June 11, 2021. [↑](#footnote-ref-1)
2. H.R. 748 – 116th Congress. URL: <https://www.congress.gov/bill/116th-congress/house-bill/748>. [↑](#footnote-ref-2)
3. H.R. 133 – 116th Congress. URL: [https://www.congress.gov/bill/116th-congress/house-bill/133](https://www.congress.gov/bill/116th-congress/house-bill/133/text). [↑](#footnote-ref-3)
4. Executive staff will be conducting federal eligibility reviews and competitive procurement procedures for programs that would be supported by ARPA CLFRF moneys based on federal requirements. [↑](#footnote-ref-4)
5. H.R. 1319 – 117th Congress. URL: <https://www.congress.gov/bill/117th-congress/house-bill/1319>. [↑](#footnote-ref-5)
6. Motion 15250, adopted November 13, 2018. [↑](#footnote-ref-6)
7. Ordinance 19289, enacted June 11, 2021. [↑](#footnote-ref-7)
8. Proposed Ordinance 2021-0249. [↑](#footnote-ref-8)
9. On February 25, 2021, the Washington State Supreme Court in State v. Blake declared unconstitutional Washington’s strict liability drug possession statute, which criminalized unintentional, unknowing possession of controlled substances without a prescription. More details: <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/March-2021/The-Status-of-Drug-Possession-in-Washington-State.aspx>. [↑](#footnote-ref-9)
10. 31 CFR Part 35 (RIN 1505-AC77), URL: <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>. [↑](#footnote-ref-10)
11. These cases have all been filed by the PAO and are set for trial. [↑](#footnote-ref-11)
12. Data provided by PAO. “More serious offenses” include homicide, rape, domestic violence, robbery, and shootings. [↑](#footnote-ref-12)
13. State v. Blake, 197 Wash. 2d 170, 174, 481 P.3d 521, 524 (2021) [↑](#footnote-ref-13)
14. On June 30, 2021 the Superior Court announced that mask requirements and social distancing will remain in effect until further notice at all King County Superior Court public spaces, including courtrooms. This is being reviewed regularly. [↑](#footnote-ref-14)
15. These cases primarily involve DUIs, Domestic Violence, and non-property crimes against persons as the State has limited its filings to those with the highest public and victim safety impacts. [↑](#footnote-ref-15)
16. <https://kingcounty.gov/elected/executive/constantine/news/release/2021/June/22-renton-health-through-housing.aspx>. [↑](#footnote-ref-16)
17. <https://www.immigrantreliefwa.org/>. [↑](#footnote-ref-17)
18. <https://www.seattle.gov/iandraffairs/programs-and-services/covid-19-disaster-relief-fund-for-immigrants#25.howistheseattlecovid19disasterrelieffundforimmigrantsfunded>. [↑](#footnote-ref-18)
19. Zabin, Carol. “Putting California on the High Road: A Jobs and Climate Action Plan for 2030”. *UC Berkley Labor Center*. URL: <https://laborcenter.berkeley.edu/putting-california-on-the-high-road-a-jobs-and-climate-action-plan-for-2030/>. [↑](#footnote-ref-19)
20. King County Housing, Homelessness and Community Development Division (HHCDD) administers federal funds from the United States Department of Housing and Urban Development (HUD) on behalf of King County and most of the cities in King County: <https://kingcounty.gov/depts/community-human-services/housing/consortium.aspx>. [↑](#footnote-ref-20)
21. King County Housing, Homelessness and Community Development Division (HHCDD) administers federal funds from the United States Department of Housing and Urban Development (HUD) on behalf of King County and most of the cities in King County: <https://kingcounty.gov/depts/community-human-services/housing/consortium.aspx>. [↑](#footnote-ref-21)
22. King County’s Principle for Equitable Vaccine Delivery. URL: <https://kingcounty.gov/depts/health/covid-19/~/media/depts/health/communicable-diseases/documents/C19/king-county-principles-vaccine-delivery.ashx>. [↑](#footnote-ref-22)
23. This was not included in COVID supplementals as the agency had enough appropriation authority to cover this cost. [↑](#footnote-ref-23)
24. Ordinance 19221, passed on January5, 2021. [↑](#footnote-ref-24)
25. Proposed Ordinance 2021-0238 was introduced and referred at the June 22, 2021 Council meeting. However, the BFM Committee Chair distributed the alternate deadlines to all members of the council on June 14, 2021. [↑](#footnote-ref-25)