



## Legislation Text

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**File #:** 2021-0109, **Version:** 2

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AN ORDINANCE related to COVID-19; making a supplemental appropriation of \$17,930,000 to several general fund agencies; making a supplemental appropriation of \$75,262,000 to several non-general fund agencies; making a supplemental appropriation of \$1,130,000 to a capital improvement fund; amending the 2021-2022 Biennial Budget Ordinance, Ordinance 19210, Sections 18, 23, 31, 32, 60, 63, 100, 102, 106, 115, 121 and 129, as amended, and Attachment A, as amended; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. On February 29, 2020, the Governor of Washington state declared a state of emergency in all counties in Washington and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented as a result of coronavirus disease 2019 ("COVID-19").

B. COVID-19 is a respiratory disease that can result in serious illness or death and can easily spread from person to person. The World Health Organization has classified COVID-19 as a pandemic.

C. On March 1, 2020, King County executive Dow Constantine signed a proclamation of emergency enabling "extraordinary measures" to respond to the COVID-19 outbreak. On March 3, 2020, the council passed Motion 15610, affirming the executive's proclamation of emergency.

D. On March 23, 2020, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington state, and the high risk it posed to our most vulnerable populations, the Governor issued a "Stay Home - Stay Healthy" order prohibiting, with limited exceptions, all people in Washington state

from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and required all nonessential businesses in Washington state to cease operations except for performing basic minimal operations. The order was extended twice, with the last extension expiring May 31, 2020.

E. On May 31, 2020, the Governor reiterated that a state of emergency continued to exist but amended the "Stay Home - Stay Healthy" proclamation and renamed it the "Safe Start - Stay Healthy" proclamation. The Governor ordered that, except as provided in the phased county reopening plan, all other provisions of the state of emergency remained in force.

F. On June 5, 2020, King County entered Modified Phase 1 of the Safe Start Plan. Then, on June 19, 2020, King County entered Phase 2 of the Safe Start Plan.

G. On July 28, 2020, the Governor paused counties progressing in the reopening phases under the state's Safe Start plan due to continued rise of cases and spread of COVID-19 statewide.

H. On November 15, 2020, in response to a doubling of statewide COVID-19 cases between late October and mid-November 2020, the Governor imposed new restrictions on, among other things, indoor gatherings, dining and fitness. The Governor originally ordered these restrictions to remain in place through December 14, 2020, before extending the restrictions twice to apply through January 11, 2021.

I. On December 11, 2020, the U.S. Food and Drug Administration issued the first emergency use authorization for a vaccine to prevent COVID-19, which allowed the vaccine to be distributed in the United States. Days later, the first doses of the COVID-19 vaccine arrived in King County, which were administered to front-line healthcare workers. As of March 19, 2021, the county's vaccination efforts have resulted in the administration of approximately 535,000 doses of COVID-19 vaccine.

J. On January 5, 2021, the Governor announced "Healthy Washington - Roadmap to Recovery," a COVID-19 phased recovery plan. Under this plan, a region in the state may move into a new phase, forward or backward, depending upon whether metrics measuring the region's community disease levels and health system

capacity meet state Department of Health criteria.

K. On March 22, 2021, the Puget Sound region, including King County, moved to Phase 3 of the plan, which permits indoor dining, retail, fitness and worship services at fifty percent capacity, as well as at-home social gatherings limited in size.

L. As further described in this section, COVID-19 and the related preventative measures necessitated by the pandemic, including those outlined in the executive orders summarized above, have caused and continue to cause extraordinary, unprecedented, and devastating economic effects in King County and throughout Washington.

M. The federal government has provided the following relief in response to the COVID-19 pandemic:

1. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act ("the CARES Act"), a \$2.2 trillion federal stimulus package, became law. The CARES Act provides relief to state and local governments through a variety of federal agencies and programs. Certain of these relief programs apply to the county, and the county has used the moneys provided by these programs to either pay or reimburse, or both pay and reimburse, the county for necessary expenditures incurred due to the public health emergency, including expenses preparing for, responding to, mitigating impact of and preventing COVID-19;

2. On December 27, 2020, the Coronavirus Response and Relief Supplemental Appropriations Act ("CRRSAA"), a \$900 billion federal stimulus package, became law. CRRSAA funding programs include Federal Transit Administration transit infrastructure grants, the U.S. Department of the Treasury's Emergency Rental Assistance Program and the Department of Health and Human Services Public Health and Social Services Emergency Fund. Several county departments are eligible to either receive or administer, or both, those moneys, which recipients may use to pay for, or to reimburse, expenses related to the ongoing COVID-19 health emergency. As part of CRRSAA, the U.S. Department of the Treasury awarded the county Emergency Rental Assistance moneys. Not less than ninety percent of awarded moneys must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs arrears, and other expenses related to

housing. Remaining moneys are available for housing stability services, including case management and other services intended to keep households stably housed, and administrative costs. Moneys generally expire December 31, 2021; and

3. On March 11, 2021, the American Rescue Plan Act ("the ARPA"), a \$1.9 trillion federal stimulus package, became law. The ARPA provides relief to state and local governments, including the county, through a variety of federal agencies and programs. Under Section 9901 of the ARPA, a new Section 603 is added to Title VI of the Social Security Act to provide the Coronavirus Local Fiscal Recovery ("CLFR") fund to mitigate the fiscal effects stemming from the public health emergency with respect to COVID-19. The county will receive a direct allocation of CLFR moneys. As provided for under Section 9901, CLRF moneys must be used: to respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses and nonprofit organizations, or aid to impacted industries, such as tourism, travel and hospitality; to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible county workers that are performing that essential work, or by providing grants to eligible employers that have eligible workers who perform essential work; 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 before the emergency; or to make necessary investments in water, sewer or broadband infrastructure.

N. In response to the state and county declarations of emergency, as well as guidance from the local health officer and state Department of Health, the county was required to and continues to take necessary emergency protective measures to eliminate or lessen immediate threats to lives, public health and safety. These measures are directly related to the emergency and include the county's response to mitigate community transmissions of COVID-19. The actions taken by the county to prevent, prepare for, mitigate against and respond to the public health emergency are reasonable, necessary and prudent given the county's needs and the information available at the time, and in accordance with federal regulations and cost principles. Internal

policies and procedures, including procurement guidelines to support the work and expenditures made were followed. All expenditures made were in carrying out the legal responsibilities of the county.

O. As recognized in Ordinance 19191, passed by this council on November 10, 2020, communities historically disadvantaged by racism, sexism and LGBTQI+ discrimination have suffered disproportionate health and economic impacts from the COVID-19 pandemic, and greater challenges to remaining healthy. Subsequent studies and reporting reaffirm the data cited in that prior ordinance. For instance, the Centers for Disease Control and Prevention, and public health - Seattle & King County have continued to report that racial and ethnic minority groups are disproportionately represented among COVID-19 cases, hospitalizations and deaths.

P. The council finds that relief is necessary for every community in the county, particularly those historically disadvantaged communities that are more-adversely impacted by COVID-19 due to continuing discrimination and the lingering effects of past discrimination. The council further finds that it is appropriate and necessary for the county to consider and address strategies, in program implementation and awards or provider selections, to address those historically disadvantaged communities that have been disproportionately impacted by inequities and discrimination, in order to respond to the disproportionate health and economic impacts described in this section. The strategies should take into account the dire need to provide relief as quickly as possible during this crisis and may include, by way of example, recruitment and outreach for potential subcontractors, grant recipients and other beneficiaries, as well as consideration of whether individuals and organizations are members of, provide services to or are located in historically disadvantaged communities in distributing limited benefits to qualified applicants.

Q. The council finds that COVID-19 leave costs as well as payroll costs, including benefits, for employees that have been substantially dedicated to addressing the impacts of the COVID-19 public health emergency or who are reassigned to responsibilities mitigating the impacts of COVID-19, across any and all departments are a substantially different use from the expected use at the time of original appropriation. The

council finds that such expenditures are necessary and reasonable for funding through the federal Coronavirus Relief Fund. The council finds it is therefore appropriate that COVID-19 leave costs and payroll costs, including benefits, for those employees who have been reassigned or substantially dedicated to COVID-19 mitigation efforts be paid from the federal Coronavirus Relief Fund, currently held in the grants subfund.

R. The council has authority to enact an emergency appropriation ordinance as set forth in Section 470.20 of the King County Charter.

SECTION 2. Ordinance 19210, Section 18, as amended, is hereby amended as follows:

OFFICE OF PERFORMANCE, STRATEGY AND BUDGET - From the general fund there is hereby appropriated to:

Office of performance, strategy and budget	\$7,000,000
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ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$10,000 shall be expended or encumbered solely for the executive to contract with the Evans School of Public Policy and Governance at the University of Washington to conduct an independent retrospective analysis of the impacts of coronavirus disease 2019 as described in Motion 15682. The analysis shall include, but not be limited to, the health, economic and social impacts of coronavirus disease 2019 and the actions taken by King County leaders and public health - Seattle & King County to respond to the coronavirus disease 2019 pandemic and limit the spread of the virus. During contract negotiations, the executive may negotiate access to public health and executive branch leaders in order to prioritize the ongoing pandemic response. The analysis should be conducted by graduate students using publicly available data and resources and commence in January 2021.

ER2 EXPENDITURE RESTRICTION:

Of this appropriation, \$200,000 shall be expended or encumbered solely to contract with the Pike Place Market Preservation and Development Authority for the Alaskan Way and Western Access Improvements Elevator Replacement Project.

ER3 EXPENDITURE RESTRICTION:

Of this appropriation, \$2,000,000 shall be expended or encumbered solely to support a gun violence prevention grant program for community-based organizations in response to the COVID-19 public health emergency.

P1 PROVIDED THAT:

Of this appropriation, \$400,000 shall not be expended or encumbered until the executive transmits a fiscal sustainability plan for 2021 through 2031 for the unincorporated area and a motion that should acknowledge receipt of the plan and a motion acknowledging receipt of the plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The plan shall include, but not be limited to, the following:

A.1. A description and identification of all local services currently provided and expected to be provided in 2021 through 2031 by the county in the unincorporated areas; and

2. Analyses and recommendations of the appropriate levels of service from 2021 through 2031 for each local service identified;

B.1. A description of existing funding sources and expected revenues from each funding source from 2021 through 2031 for each local service identified; and

2. An evaluation of whether existing and expected revenues from existing funding sources is sufficient to support the appropriate levels of service from 2021 through 2031 for each local service identified;

C. Methods to fill any identified funding gap to achieve the appropriate levels of service from 2021 through 2031 for each local service identified. The methods shall ensure that the county has sufficient financial resources to provide the local services identified in subsections A. and B. of this proviso. Methods to fill the funding gap in the plan shall include, at a minimum:

1. Prioritizing the use of flexible sources of revenue to local service delivery;

2. Imposing funding sources authorized by state law that the county currently does not use; and
3. Identifying policy, land use designation, zoning and code changes to support tax revenue

generation, such as increased neighborhood business or industrial zoned areas; and

D. Identifying of a timeline, milestones, outcomes, performance measures and reporting to the council, to achieve fiscal sustainability in the unincorporated areas for the study period of 2021 through 2031.

The executive should electronically file the plan and motion required by this proviso no later than December 1, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services committee, or its successor.

**P2 PROVIDED FURTHER THAT:**

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits an implementation plan on the restorative community pathways program that includes requirements specified in subsections A. through F. of this proviso and an updated implementation plan on the restorative community pathways program that includes requirements specified in subsection G. of this proviso, a motion that should acknowledge receipt of the implementation plan, a motion that should acknowledge receipt of the updated implementation plan and the motion acknowledging receipt of the implementation plan and the motion acknowledging receipt of the updated implementation plan are passed by the council. Both motions should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The implementation plan should be developed in partnership with community-based organizations and include, but not be limited to, the following:

- A. A program description describing all components of the program, including roles and responsibilities of participating county agencies and community-based organizations;
- B. The request for proposals for awarding contracts to the community-based organizations. The request



for proposals shall include the criteria and selection process for awarding contracts to community-based organizations;

C. A description of how services will be provided equitably to eligible youth in all parts of King County;

D. A description of the overall program readiness to begin serving an estimated thirty to fifty eligible youth per month;

E. A description of the evaluation plan, including a listing of the qualitative and quantitative data that will be collected as part of the program evaluation. The data should include demographic data on participating youth including age, ZIP code of the youth's home residence, gender and race;

F. Milestones for the transition of service provision from juvenile probation staff to community-based organizations; and

G. A progress report summarizing the first three months of the program after referrals begin from the prosecuting attorney's office.

The executive should electronically file the plan that includes requirements specified in subsections A. through F. of this proviso and motion required by this proviso no later than June 10, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.

The executive should electronically file the plan with requirement specified in subsection G. of this proviso and motion required by this proviso, five months after the prosecuting attorney's office begins referring cases to the restorative community pathways program, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.

SECTION 3. Ordinance 19210, Section 23, as amended, is hereby amended as follows:

OFFICE OF EMERGENCY MANAGEMENT - From the general fund there is hereby appropriated to:

Office of emergency management \$8,764,000

SECTION 4. Ordinance 19210, Section 31, as amended, is hereby amended as follows:

SUPERIOR COURT - From the general fund there is hereby appropriated to:

Superior court \$1,666,000

SECTION 5. Ordinance 19210, Section 32, as amended, is hereby amended as follows:

DISTRICT COURT - From the general fund there is hereby appropriated to:

District court \$500,000

SECTION 6. Ordinance 19210, Section 60, as amended, is hereby amended as follows:

COMMUNITY AND HUMAN SERVICES ADMINISTRATION - From the department of community and human services administration fund there is hereby appropriated to:

Community and human services administration \$3,840,000

SECTION 7. Ordinance 19210, Section 63, as amended, is hereby amended as follows:

BEHAVIORAL HEALTH AND RECOVERY DIVISION - BEHAVIORAL HEALTH - From the behavioral health fund there is hereby appropriated to:

Behavioral health and recovery division - behavioral health \$1,900,000

SECTION 8. Ordinance 19210, Section 100, as amended, is hereby amended as follows:

PUBLIC HEALTH - From the public health fund there is hereby appropriated to:

Public health \$20,843,000

SECTION 9. Ordinance 19210, Section 102, as amended, is hereby amended as follows:

ENVIRONMENTAL HEALTH - From the environmental health fund there is hereby appropriated to:

Environmental health \$525,000

SECTION 10. Ordinance 19210, Section 106, as amended, is hereby amended as follows:

HOUSING AND COMMUNITY DEVELOPMENT - From the housing and community development fund there is hereby appropriated to:

Housing and community development

\$45,197,000

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$1,257,643 may not be expended or encumbered unless the Governing Committee of the King County Regional Homelessness Authority ("the authority") either:

A. Comports with Article VIII Section 1(b)(ii) of the interlocal agreement between the city of Seattle and King County that established the authority by requiring an affirmative vote of two-thirds of a quorum present for the specified actions of: approving or amending the authority's Goals Policies, and Plans as defined in the interlocal agreement; approving or amending the authority's annual budget as recommended by the authority's Implementation Board; and confirming the authority's Chief Executive Officer;

B. Before taking any of the specified actions in subsection A. of this expenditure restriction, adopts bylaws that comport with Article VIII Section 1(b)(ii) of the interlocal agreement; or

C. In accordance with Article VIII Section 1(b)(i) of the interlocal agreement, recommends an amendment to the interlocal agreement to change Article VIII Section 1(b)(ii) and that recommendation is approved by ordinance.

ER2 EXPENDITURE RESTRICTION:

Of this appropriation, \$5,000,000 from general obligation bond proceeds shall be expended or encumbered solely for transit-oriented development affordable housing projects near the Eastside light rail or along Sound Transit's future I-405 Bus Rapid Transit line north of I-90.

However, a project shall not be approved under this program unless it is subject to a two percent fee on the total loan amount due at closing plus a one percent simple interest payment due annually over the life of the loan.

Also, moneys allocated to one or more projects identified in this expenditure restriction may be allocated to other projects with council approval if any originally identified project is found to be infeasible, unduly delayed or achievable with less county moneys. Council approval must be authorized by adoption of

legislation.

ER3 EXPENDITURE RESTRICTION:

Of this appropriation, \$500,000 of general obligation bond proceeds shall be expended or encumbered solely for transit-oriented development affordable housing projects located in north King County, which may include areas at or near the Shoreline Park and Ride and the Kenmore Park and Ride sites.

However, a project shall not be approved under this program unless it is subject to a two percent fee on the total loan amount due at closing plus a one percent simple interest payment due annually over the life of the loan.

Also, moneys allocated to one or more projects identified in this expenditure restriction may be allocated to other projects with council approval if any originally identified project is found to be infeasible, unduly delayed or achievable with less county moneys. Council approval must be authorized by adoption of legislation.

ER4 EXPENDITURE RESTRICTION:

Of this appropriation, \$168,000 shall be expended or encumbered solely to support Wellspring Family Services to provide rapid rehousing rental assistance services to reflect the higher demand for rental assistance during the coronavirus disease 2019 public health emergency. If available, the appropriation encumbered in this expenditure restriction shall use federal grants related to the coronavirus disease 2019.

ER5 EXPENDITURE RESTRICTION:

Of this appropriation, \$150,000 shall be expended or encumbered solely to support Solid Ground to provide rapid rehousing rental assistance services to reflect the higher demand for rental assistance during the coronavirus disease 2019 public health emergency. If available, the appropriation encumbered in this expenditure restriction shall use federal grants related to the coronavirus disease 2019.

ER6 EXPENDITURE RESTRICTION:

Of this appropriation, \$5,000,000 shall be expended or encumbered solely for affordable housing

projects to be located in the unincorporated area of Skyway-West Hill, as that area is defined by the county's Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, dated July 2020, as referenced in K.C.C. 20.12.337, and to be developed in accordance with the policies in the land use strategy. In developing the affordable housing projects required by this expenditure restriction, the executive shall collaborate and coordinate with council district two and also take into consideration the recommendations and strategies that are to be developed as part of Workplan Action 19 in the King County Comprehensive Plan to be transmitted by September 30, 2021.

ER7 EXPENDITURE RESTRICTION:

Of this appropriation, \$45,197,000 shall be expended or encumbered solely for an eviction prevention and rent assistance program that shall include subprograms to:

A. Support tenants of landlords owning five or more units of housing, prioritizing support for communities throughout the county with residents suffering disproportionate health and economic impacts from the COVID-19 pandemic, such as those performing essential work during the COVID-19 pandemic and those who historically have been disproportionately impacted by inequities and discrimination related to housing;

B. Support individual tenants and tenants of landlords owning fewer than five units of housing, prioritizing support for communities throughout the county with residents suffering disproportionate health and economic impacts from the COVID-19 pandemic, such as those performing essential work during the COVID-19 pandemic and those who historically have been disproportionately impacted by inequities and discrimination related to housing; and

C. Utilize a "hub-and-spoke" model to provide support, such as grants or other types of assistance, to primary "hub" community-based organizations who may contract with smaller "spoke" community-based organizations to provide eviction prevention and rent assistance moneys to individuals in their communities, where the community-based organizations in the "hub-and-spoke" model represent communities throughout the county with residents suffering disproportionate health and economic impacts from the COVID-19 pandemic,

such as those performing essential work during the COVID-19 pandemic and those who historically have been disproportionately impacted by inequities and discrimination related to housing. The "hub-and-spoke" model shall be developed in collaboration with the leaders of these communities. At least one-third of the appropriation encumbered in this Expenditure Restriction ER7 shall be expended or encumbered for this subprogram.

P1 PROVIDED THAT:

Of this appropriation, \$100,000 shall not be expended until the department establishes an eviction prevention and rent assistance advisory committee to provide recommendations to the department on the use of any future moneys that will support the eviction prevention and rent assistance program to ensure an equitable allocation of the moneys to those communities throughout the county with residents suffering disproportionate health and economic impacts from the COVID-19 pandemic, such as those performing essential work during the COVID-19 pandemic and those who historically have been disproportionately impacted by inequities and discrimination related to housing.

The advisory committee shall be composed of representatives from communities throughout the county with residents suffering disproportionate health and economic impacts from the COVID-19 pandemic, such as those performing essential work during the COVID-19 pandemic and those who historically have been disproportionately impacted by inequities and discrimination related to housing, such as the African American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, immigrant and refugee, disability and LGBTQI+ communities.

SECTION 11. Ordinance 19210, Section 115, as amended, is hereby amended as follows:

FINANCE AND BUSINESS OPERATIONS - From the financial management services fund there is hereby appropriated to:

Finance and business operations	\$2,707,000
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SECTION 12. Ordinance 19210, Section 121, as amended, is hereby amended as follows:

KING COUNTY INFORMATION TECHNOLOGY SERVICES - From the department of information technology operating fund there is hereby appropriated to:

King County information technology services \$250,000

SECTION 13. Ordinance 19210, Section 129, as amended, is hereby amended as follows:

From the several capital improvement project funds there are hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment A to this ordinance (Proposed Ordinance 2021-0109).

<b>Fund</b>	<b>Fund Name</b>	<b>2021-2022</b>
3310	LONG TERM LEASES	\$1,130,000
	TOTAL	\$1,130,000

SECTION 14. Attachment A to this ordinance hereby amends Attachment A to Ordinance 19210, as amended, by adding thereto and inserting therein the projects listed in Attachment A to this ordinance.

SECTION 15. The council finds as a fact and declares that an emergency exists, and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.