



# SEATTLE CITY COUNCIL

## Public Safety and Human Services Committee Agenda

Thursday, December 9, 2021

9:30 AM

### Special Meeting

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

Lisa Herbold, Chair  
M. Lorena González, Vice-Chair  
Andrew J. Lewis, Member  
Tammy J. Morales, Member  
Kshama Sawant, Member  
Alex Pedersen, Alternate

Chair Info: 206-684-8801; [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)

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<http://seattle.gov/cityclerk/accommodations>.



**SEATTLE CITY COUNCIL**  
**Public Safety and Human Services Committee**  
**Agenda**  
**December 9, 2021 - 9:30 AM**  
**Special Meeting**

**Meeting Location:**

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

**Committee Website:**

<http://www.seattle.gov/council/committees/public-safety-and-human-services>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

*Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.*

**Register online to speak during the Public Comment period at the 9:30 a.m Public Safety and Human Services Committee Special Meeting at**

**<http://www.seattle.gov/council/committees/public-comment>.**

**Online registration to speak at the Public Safety and Human Services Committee Special Meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.**

**Submit written comments to Councilmember Herbold at**

**[Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)**

**Sign-up to provide Public Comment at the meeting at**

**<http://www.seattle.gov/council/committees/public-comment>**

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*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

20 Minutes

**D. Items of Business**

**1. Human Services Department (HSD) Presentation on Financial Strengthening Measures**

Supporting Documents: [Presentation](#)

**Briefing and Discussion** (30 minutes)

**Presenters:** Tanya Kim, Acting Director, and Joseph Kasperski, HSD; Ben Noble, Director, City Budget Office; Glen Lee, City Finance Director, Finance and Administrative Services

**2. [CB 120247](#) AN ORDINANCE relating to the organization of City government; adding data reporting responsibilities to the City Attorney's Office; and adding a new Chapter 3.46 to the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)

[Presentation](#)  
[Amendment 1](#)  
[Amendment 2](#)

**Briefing, Discussion, and Possible Vote** (20 minutes)

**Presenter:** Asha Venkataraman, Council Central Staff

3. [Res 32033](#) **A RESOLUTION declaring the City Council’s and the Mayor’s intent to consider strategies to ensure that all unreinforced masonry buildings in Seattle are seismically retrofitted.**

*Supporting Documents:* [Summary and Fiscal Note](#)  
[Presentation](#)  
[Central Staff Memo](#)

**Briefing, Discussion, and Possible Vote** (25 minutes)

**Presenters:** Curry Mayer, Director, Office of Emergency Management; Nathan Torgelson, Director, Seattle Department of Construction and Inspections; Yolanda Ho, Council Central Staff

4. [CB 120248](#) **AN ORDINANCE relating to City employment; creating a compensation program for the position of Fire Chief; specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.**

*Supporting Documents:* [Summary and Fiscal Note](#)  
[Presentation](#)  
[Central Staff Memo](#)

**Briefing, Discussion, and Possible Vote** (15 minutes)

**Presenters:** Deputy Mayor Shefali Ranganathan; Kimberly Loving, Interim Director, and Alaina Goodman, Seattle Department of Human Resources; Karina Bull, Council Central Staff

## E. Adjournment



Legislation Text

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**File #:** Inf 1956, **Version:** 1

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Human Services Department (HSD) Presentation on Financial Strengthening Measures



# Human Services Department Financial and Operational Improvement Plan

Ben Noble, Director, City Budget Office

Tanya Kim, Acting Director, Human Services Department (HSD)

Joseph Kasperski, HSD

Glen Lee, Finance and Administrative Services

Public Safety and Human Services Committee

Dec. 9th, 2021

Human Services Department



City of Seattle 

# Overview

- Financial Management Background
- Prior Actions
- Operational & Financial Improvement Plan
- Project Status Update
- Highlighted Improvement Areas
- Next Steps
- Questions

# Financial Management Background

- Issues stem from HSD's capacity not keeping up with historic budget growth
  - 2016: \$142 million
  - 2021: \$386 million
- FY20 ending cash balance was ~\$27 million less than anticipated
  - Overly complex financial structure resulted in a high error rate when billing State and Federal grants
  - Internal processes are cumbersome and have too many "hand offs"
  - Overall financial staffing is insufficient
  - Reimbursements/revenue issues: spending money on grants, but not collecting the revenue (cash) to pay in a timely manner
  - Monthly "closing of the books" and account reconciliations are complicated by agency invoice challenges



# Prior Actions

Timeline	Actions
Nov 2018	CBO staff assessed HSD finance & accounting procedures
2019	HSD began implementing actions
Feb 2020	HSD hired a Chief Financial Officer
April 2020	HSD partnered with CPA firm, Francis & Company
Aug 2020	HSD launched internal improvement initiatives
July 2021	FAS hired Alvarez and Marsal (A&M)
Sept 2021	A&M created Operational & Financial Improvement Plan

# Operational & Financial Improvement Plan

HSD, City Budget Office, City Wide Accounting, and consultant Alvarez & Marsal (A&M) partnered and developed a detailed plan to focus on several functional areas to improve financial operations focusing on:

- Improve timeliness and accuracy of billing of Federal and State Funds
- Simplify PeopleSoft 9.2 Financial Structure beginning in FY22
- Adopt streamline processes for financial processes
- Implement dashboard metrics to provide accurate financial information
- Revise the approach for the CMS to CCMS transition in FY 22
- Increase staffing capacity to meet business needs, and restructure financial operations to provide more centralized management
- Train staff on new processes

# Highlighted Improvement Areas

# #1 - Accounts Receivables

**Issue:** *Inability to bill the State and Federal funds accurately and timely*

- This area was the largest singular contributor to HSD's cash position
- State billings were experiencing a high error rate, resulting in a high rejection rate

## **Desired Outcomes:**

- Streamline and standardize business processes and define responsibilities
- Centralize billing responsibility to ensure accuracy and timeliness
- Increase staffing in Accounts Receivable
- Utilize standard accounting reporting and implement cash forecasting

# #2 - Accounts Payables

**Issue:** *Inability to accurately record monthly expenses makes forecasting financial status difficult and creates delays in closing the financial system at year end*

- HSD has historically reported over 70% of its costs into the financial system during the 4<sup>th</sup> quarter of the fiscal year
- The preponderance of agencies invoices are not recorded until the 4<sup>th</sup> quarter which prevents accurate financial reporting and closing the fiscal year

## **Desired Outcomes:**

- Centralize invoice receiving to monitor agency billing and payment
- Adhere to the payment terms of the contract
- Increase staffing in Accounts Payables and ensure segregation of duties
- Identify root cause of delayed billings from agencies

# #3 - Procurement of Goods & Services

**Issue:** *Purchasing of goods and services is decentralized and fragmented; No standardization or centralization of purchasing (e.g, credit cards) exist which creates internal control risks, inconsistent procurement approaches, and incomplete record-keeping*

## **Desired Outcomes:**

- Create HSD Procurement operating model
- Develop new procurement workflow processes, policies and procedures
- Provides a separation of duties for establishing contract encumbrances in the financial system and payment



# #4 - Accounting and Payroll

**Issue:** *An incorrect financial structure is frustrating monthly closings and has resulted in multiple audit findings*

*Labor recording is often incorrect and needs to be manually corrected which results in losing the original transactional information which is an audit concern*

## **Desired Outcomes:**

- Ensure transactions are recorded accurately to eliminate General Ledger and subledger misalignment
- Implement general accounting internal controls
- Implement payroll processing internal controls to ensure payroll transactions are coded to proper project and activities
- Streamline project activity structure

# #5 - Budget and Financial Planning

**Issue:** *Lack of role clarity and rework is contributing to gaps in critical budgeting responsibilities*

*Divisions, accounting, and budget roles are not clearly understood and results in multiple manual financial adjustments which frustrates accurate reporting of funding availability*

## **Desired Outcomes:**

- Add a Budget Manager to specifically oversee use of General Fund resources
- Having two first level Budget Managers will allow the Budget Manager to focus on HSD budget planning and be “forward looking”
- Senior Financial Analyst will monitor all revenue and expenses for improved accuracy in financial reporting and variance explanation rather than billing

# #6 - Organizational Structure

*Issue: Current structure does not have the capacity to handle the increased budget growth, lacks segregation of duties, and does not have appropriate oversight.*

## **Desired Outcomes:**

- Expand Accounts Receivable (AR) Billing & Cash Collections Unit within Accounting Services unit dedicated to billings and cash collection
- Centralize budget, planning and reporting functions within the Financial Team
- Create new centralized HSD Shared Services Procurement Unit
- Transition invoice receipting and PS 9.2 data entry from HSD Division Grant & Contract Specialist (G&C) to Accounting Accounts Payable

# Project Status Update

Workstream		Reporting Week: 11/29 – 12/3	
Accounts Receivable	ON TRACK	Centralize AR Billings	
	AT RISK	Streamline AR Billing Process	
	AT RISK	Develop a Monitoring Program m and accounting for Write Off's	
	FUTURE START	Deploy PS 9.2 Training Program	
	FUTURE START	Update PS 9.2 user access security profile	
Accounts Payables	ON TRACK	Centralize Invoice Intake Process	
	AT RISK	Segregation of Duties – Procure-to-Pay	
	ON TRACK	Enforce Contract Payment Terms & Billing Frequency	
	ON TRACK	Procurement Cards - Establish Financial Controls & Process Schedule	
	ON TRACK	Update PS 9.2 user access security profile	
Payroll and General Accounting	ON TRACK	Create processes and procedures that adhere to Citywide policies	
	ON TRACK	Ensure transactions are recorded at the source module to eliminate GL and subledger misalignment	
	DELAYED	Implement general accounting controls and executing year end's close	
	FUTURE START	Implement payroll processing internal controls to ensure payroll transactions are coded to proper project and activities	
	ON TRACK	Create Financial Transition Plan for transfer of Operations of Homeless related funding programs to KCRHA	
Procurement	AT RISK	Centralize Procurement	
	FUTURE START	Update PS 9.2 user access security profile	
Budget & Financial Planning	FUTURE START	Create shared services Budget & Financial Planning Unit	
	ON TRACK	Monitor All Revenues and Expenses	
	AT RISK	Processes for Annual Budget Planning and Execution	
	FUTURE START	Update PS 9.2 user access security profile	

<b>ON TRACK</b> 9 of 21 tasks	<b>DELAYED</b> 1 of 21 tasks
<b>AT RISK:</b> 5 of 21 tasks	<b>FUTURE START</b> 6 of 21 tasks

# Questions





Legislation Text

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**File #:** CB 120247, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the organization of City government; adding data reporting responsibilities to the City Attorney's Office; and adding a new Chapter 3.46 to the Seattle Municipal Code.

WHEREAS, in 2017, the City Attorney's Office piloted a pre-filing diversion program for a number of

misdemeanor offenses for adults aged 18-24 in partnership with the community-based organization

Choose 180; and

WHEREAS, the Council provided funding in the 2018 budget for the City Attorney's Office to maintain a pre-

filing diversion program; and

WHEREAS, in 2018 the City Attorney's Office began providing pre-filing diversion and relicensing support

with the community-based organization Legacy of Equality, Leadership, and Organizing (LELO) for

individuals accused of Driving While License Suspended in the 3rd degree; and

WHEREAS, starting in 2021, the City Attorney's Office partnered with the community-based organization Gay

City to support individuals aged 18-24 accused of non-intimate partner family-based domestic violence;

and

WHEREAS, the Seattle Reentry Workgroup Report, issued in 2018, recommended expanding the use of

prefiling diversion to individuals aged 25 and older, and the Council adopted Statement of Legislative

Intent CJ-24-A-2 in the 2020 Adopted Budget to request that the City Attorney's Office evaluate the

staffing and resources that would be needed to expand diversion to individuals 25 and over; and

WHEREAS, the Council also provided funding for the City Attorney's Office to conduct a Racial Equity



Toolkit assessing the concept of expansion; and

WHEREAS, the Council added funding in the 2021 Adopted budget for the City Attorney’s Office to expand pre-filing diversion to adults 25 and over; and

WHEREAS, both the City and King County have been integrating approaches to move towards restorative practices focused on repairing the harm caused by alleged criminal activity rather than further involvement in the criminal legal system and incarceration; and

WHEREAS, Choose 180 also works with King County doing felony diversion for juveniles and KUOW has reported that in the past two years, King County reached “a tipping point in which...prosecutors sent more juvenile cases to intervention programs like Choose 180 than they filed in court.”; and

WHEREAS, the South Seattle Emerald reported that at King County, “[a] program review from 2014 showed just under 20% of youth diverted to Choose 180’s program committed additional crimes within a year - only 5% lower than a control group with similar characteristics. By 2020, Choose 180’s annual report noted that 96% of the young people it served did not reoffend within a year.”; and

WHEREAS, between the program’s inception in 2017 through 2020, 93 percent of individuals had no new criminal convictions; and

WHEREAS, the Seattle Times reported that Choose 180’s success validated the City Attorney’s Office’s “view that when you fashion remedies to youth criminal behavior on a case-by-case basis, with an understanding of the individual needs of the offender and involvement from the community, the public is ultimately safer.”; and

WHEREAS, the Seattle Times also reported that “[t]urning around young people at the misdemeanor stage with solutions that don’t involve courts and prisons, at a time in their lives when they’re still developing decision-making skills, is critical... once you officially pay your debt to society, society keeps making you pay. The stigma of incarceration follows you wherever you go.”; and

WHEREAS, the Seattle Times also reported that “[s]tudies have shown that jailing young people - in particular

for the type of lower-level crimes that make youths eligible for programs like Choose 180 - does little to make them fit to re-enter society. And the idea of ‘healing’ those who commit crimes has been treated as secondary to maintaining public order and safety, instead of a key element in achieving those ends.”; and

WHEREAS, the regional movement towards restorative justice approaches also includes organizations such as Community Passageways, which has received multiple awards, including the Community Trailblazer Award, the MLK Vision From The Mountaintop Award, Federal Way Schools HERO Award, the Ezzles Legacy Builder Award, and the 2020 Northwest Regional Emmy Award; and

WHEREAS, the City Attorney’s Office also supports pre-booking diversion programs; and

WHEREAS, LEAD began in 2011 as Law Enforcement Assisted Diversion, a program intended to help individuals allegedly committing crimes stemming from unmet behavioral health needs or poverty avoid arrest by connecting them with case managers and long-term wraparound services; and

WHEREAS, as the program has evolved, it expanded to accept referrals unrelated to law enforcement, and in 2020, changed its name to Let Everyone Advance with Dignity to reflect as much; and

WHEREAS, in 2015, the Seattle Times editorial board published an op-ed recommending that based on research about the LEAD project, that “Seattle and King County, which pays for felony prosecutions, should go big with LEAD” and that “[l]ocal leaders are smart enough on crime to know that LEAD is not some get-out-of-jail card. It is an acknowledgment that the status quo does not work.”; and

WHEREAS, in 2021, the Seattle Times editorial board published an op-ed stating that “[a]llowing police to confiscate drugs and send users to treatment reduces courthouse burdens and pointless jail bookings for people who need help. It’s also already proven. Seattle launched its Law Enforcement Assisted Diversion program in 2011, and King County and jurisdictions nationwide have adopted their own versions.”; and

WHEREAS, currently, the City Attorney’s Office supports pre-booking diversion through staff attorneys

dedicated to support 1) LEAD; 2) Co-LEAD, an interim program of LEAD designed to provide services and stabilization for individuals who were not being arrested, charged or otherwise detained for alleged criminal law violations due to public health considerations regarding COVID-19; and 3) King County Vital, a program providing comprehensive support and case management for individuals with behavioral health and substance use disorder who are frequently involved in the criminal legal system; and

WHEREAS, reducing involvement in the criminal legal system through diversion programs can help individuals avoid both the harms of experiencing the system and incarceration itself as well as the collateral consequences of having a criminal record, which include obstacles to finding employment and housing; and

WHEREAS, in requiring data reporting, the Council intends to increase transparency in how the criminal legal system works and examine if and how the City Attorney's Office is being effective in increasing public safety; and

WHEREAS, Article XIII, Section 3 of the City Charter provides that "The City Attorney shall have full supervisory control of all the litigation of the City, or in which the City or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance;" and

WHEREAS, this ordinance is intended to prescribe additional duties of the City Attorney's Office to provide data and reports to the Council; and

WHEREAS, the City Attorney's Office is currently undergoing a transition of leadership effective January 1, 2022, introducing potential uncertainty; and

WHEREAS, the Council intends this legislation to communicate its intentions for the City Attorney's Office to report data to reduce that uncertainty; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Chapter 3.46 is added to the Seattle Municipal Code is added to Subtitle II of Title 3 as

follows:

## **CHAPTER 3.46 CITY ATTORNEY'S OFFICE**

### **3.46.010 Name and purpose**

A. The Law Department, as established by Article XIII of the City Charter, may also be called the City Attorney's Office. All references in the Seattle Municipal Code, ordinances and resolutions, and other documents to the City Attorney's Office shall be construed to refer to the Law Department.

B. The purpose of this Chapter 3.46 is to prescribe duties in addition to the existing duties of the City Attorney as referenced in Article XIII of the City Charter.

### **3.46.020 Duties**

A. The City Attorney's Office shall provide quarterly reports to the Chair of the Council committee with jurisdiction over public safety with the following information:

1. Percentage and number of cases charged compared to cases declined or diverted;
2. Percentage and number of cases going to trial and for which offenses;
3. Percentage and number of cases resulting in conviction, including, but not limited to, dispositional continuances and the ultimate disposition in those cases;
4. The final disposition on all charged cases; and
5. As available in the criminal case management system, demographics, including race,

ethnicity, and gender for individuals for individuals in cases identified in subsections 3.46.020.A.1 through 3.46.020.A.4.

B. The City Attorney's Office shall provide annual reports to the Chair of the Council committee with jurisdiction over public safety with the following information for each part of the pre-filing diversion program, including, but not limited to, mainstream pre-filing diversion, pre-filing diversion for non-intimate partner domestic violence charges, pre-filing diversion for violations of driving without a license 3, and any expanded

or successor programs:

1. Total number of individuals referred to, participating in, and completing the program;
2. Identification of barriers preventing individuals participating in the program from completing the program;
3. Total number of reports referred;
4. Total number of reports diverted;
5. Self-identified race, ethnicity, and gender for individuals referred, participating, and completing the program;
6. The self-identified race and ethnicity for victims supporting participant diversion and for the corresponding participant as well as for where referred individuals cannot participate in diversion because victims expressed safety concerns;
7. Self-reported age, housing status, housing stability, employment status, school enrollment, income, employment if a student, and whether the individual is supporting children;
8. Services provided or after care through the Court Resource Center, the party contracted to provide diversion services, or otherwise;
9. Recidivism for crimes committed in Washington StateSeattle; and
10. The annual goal for each part of the program and if the goal was met.

C. The City Attorney's Office shall provide quarterly reports to the Chair of the Council committee with jurisdiction over public safety with any changes from the scope of work as of 2021 for the attorneys and paralegals supporting pre-booking diversion programming and the reason for such changes, including, but not limited to:

1. The scope of discretion of the attorney making filing decisions for booked/in-custody reports and out of custody reports;
2. Coordinating negotiation for all enrolled clients with open Seattle Municipal Court cases;

3. Appearing at all substantive enrolled client hearings at Seattle Municipal Court;
4. Attending all LEAD operational workgroup meetings and other LEAD, Co-LEAD, and Vital meetings;
5. Training new staff working on pre-booking diversion;
6. Tracking information on enrolled clients; and
7. Primary focus of the pre-booking diversion attorneys on pre-booking diversion programming except for short-term coverage of other matters.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.



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Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Venkataraman/4-5382	

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the organization of City government; adding data reporting responsibilities to the City Attorney’s Office; and adding a new Chapter 3.46 to the Seattle Municipal Code.

**Summary and background of the Legislation:** The City Attorney’s Office implements a pre-filing diversion program and supports pre-booking diversion through staff support of the LEAD program. Given the transition of leadership effective January 1, 2022, this ordinance would add data collection and reporting requirements to the duties of the City Attorney’s Office. These reporting requirements will help to increase transparency about how the City Attorney’s Office is handling diversion programming as well as about how the City Attorney’s Office is effectively addressing community safety.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes  No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.  
No

**Is there financial cost or other impacts of *not* implementing the legislation?**

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.  
No

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

The City Attorney’s Office will be responsible for collecting and reporting data to the Council on a quarterly and annual basis.

**b. Is a public hearing required for this legislation?**

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No

**d. Does this legislation affect a piece of property?**

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The criminal legal system, including the City Attorney's Office, is rife with racial disproportionality, affecting Black and brown communities across the city. Increasing transparency by requiring data collection and reporting to the Council will help the Council and the public assess whether the City Attorney's Office's approach to prosecution and diversion is reducing, maintaining, or increasing institutional racism and consequently, community safety.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation. Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4e.

No

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

No

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

This answer should highlight measurable outputs and outcomes.

NA

**List attachments/exhibits below:**



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **Council Bill 120247: Duties of the City Attorney's Office**

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ASHA VENKATARAMAN, ANALYST  
PUBLIC SAFETY AND HUMAN SERVICES  
DECEMBER 9, 2021

# CB 120247

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- No current section in the code governing the City Attorney's Office except for what is in the City Charter:
  - Article XIII, Section 3 of the City Charter provides that "The City Attorney shall have full supervisory control of all the litigation of the City, or in which the City or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance..."
- CB 120247 adds a new Section 3.46 to the code
- Adds data reporting responsibilities to the City Attorney's duties for the criminal division, pre-filing diversion, and pre-booking diversion

# Criminal Division Reporting: Quarterly Reports

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- Percentage and number of cases:
  - charged compared to cases declined or diverted;
  - going to trial and for which offenses; and
  - resulting in conviction, including, but not limited to, dispositional continuances and the ultimate disposition in those cases;
- The final disposition on all charged cases; and
- As available in the criminal case management system, demographics, including race, ethnicity, and gender for individuals for individuals in cases identified

# Pre-filing Diversion: Annual Report

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- Number of individuals referred, participating, and completing the program;
- Barriers preventing completion;
- Total number of reports referred and diverted;
- Self-identified race, ethnicity, and gender;
- Self-identified race and ethnicity for victims supporting participant diversion and the corresponding participant and for when individuals cannot participate in diversion because victims expressed safety concerns;
- Self-reported age, housing status, housing stability, employment status, school enrollment, income, employment if a student, and whether the individual is supporting children;
- Services provided or after care through the Court Resource Center
- Recidivism for crimes committed in Washington State; and
- The annual goal for each part of the program and if the goal was met.

# Pre-booking Diversion: Quarterly Report on LEAD Support Position

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- Any changes from the scope of work for staff supporting pre-booking diversion:
  - The scope of discretion of the attorney making filing decisions for booked/in-custody reports and out of custody reports;
  - Coordinating negotiation for all enrolled clients with open SMC cases;
  - Appearing at all substantive enrolled client hearings at SMC;
  - Attending all LEAD operational workgroup meetings and other LEAD, Co-LEAD, and Vital meetings;
  - Training new staff working on pre-booking diversion;
  - Tracking information on enrolled clients; and
  - Primary focus of the pre-booking diversion attorneys on pre-booking diversion programming except for short-term coverage of other matters.



# Potential Amendments

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- Amendment 1, sponsored by CM Lewis: Technical Changes
- Amendment 2, sponsored by CP González: Adding Notice Requirement
  - The City Attorney's Office shall notify the Council at least 90 days before it implements any material changes to the pre-filing diversion program, including, but not limited to changes in eligibility parameters for individuals to qualify or participate in pre-filing diversion, changes in the type of offenses that are eligible for diversion, and changes in the pre-filing diversion model or how it is being administered that would impact participants, to the extent such information is not protected by attorney work-product.

# Questions?

**Amendment 1**  
**to**  
**CB 120247 – CAO Duties**  
**Sponsor: CM Lewis**  
Technical amendment

Amend the following as shown:

\* \* \*

**3.46.020 Duties**

A. The City Attorney's Office shall provide quarterly reports to the Chair of the Council committee with jurisdiction over public safety with the following information:

1. Percentage and number of cases charged compared to ~~cases~~ police reports declined or diverted;
2. Percentage and number of cases going to trial and for which offenses;
3. Percentage and number of ~~cases charges~~ resulting in conviction, including, but not limited to, dispositional continuances and the ultimate disposition in those cases;
4. The final disposition on all charged cases; and
5. As available in the criminal case management system, demographics, including race, ethnicity, and gender for individuals for individuals in cases identified in subsections 3.46.020.A.1 through 3.46.020.A.4.

B. The City Attorney's Office shall provide annual reports to the Chair of the Council committee with jurisdiction over public safety with the following information for each part of the pre-filing diversion program, including, but not limited to, mainstream pre-filing diversion,

Asha Venkataraman

**Date: December 9, 2021**

**Version: 1**

pre-filing diversion for non-intimate partner domestic violence charges, pre-filing diversion for violations of driving without a license 3, and any expanded or successor programs:

1. Total number of individuals referred to, participating in, and completing the program;
2. Identification of barriers preventing individuals participating in the program from completing the program;
3. Total number of reports referred;
4. Total number of reports diverted;
5. Self-identified race, ethnicity, and gender for individuals referred, participating, and completing the program;
6. The self-identified race and ethnicity for victims supporting participant diversion and for the corresponding participant as well as for where referred individuals cannot participate in diversion because victims expressed safety concerns;
7. Self-reported age, housing status, housing stability, employment status, school enrollment, income, employment if a student, and whether the individual is supporting children;
8. Services provided or after care through the Court Resource Center, the party contracted to provide diversion services, or otherwise;
9. Recidivism for crimes committed in Washington State ~~Seattle~~; and
10. The annual goal for each part of the program and if the goal was met.

\* \* \*

Asha Venkataraman

**Date: December 9, 2021**

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**Effect:** This amendment would fix typos and use the correct language to refer to the procedural status of a potential charge.

**Amendment 2**  
**to**  
**CB 120247 – CAO Duties**  
**Sponsor: CP González**  
Adding notice of changes to pre-filing diversion

Amend the following as shown:

\* \* \*

**3.46.020 Duties**

\* \* \*

C. The City Attorney’s Office shall notify the Council at least 90 days before it implements any material changes to the pre-filing diversion program, including, but not limited to changes in eligibility parameters for individuals to qualify or participate in pre-filing diversion, changes in the type of offenses that are eligible for diversion, and changes in the pre-filing diversion model or how it is being administered that would impact participants, to the extent such information is not protected by attorney work-product.

ED. The City Attorney’s Office shall provide quarterly reports to the Chair of the Council committee with jurisdiction over public safety with any changes from the scope of work as of 2021 for the attorneys and paralegals supporting pre-booking diversion programming and the reason for such changes, including, but not limited to:

1. The scope of discretion of the attorney making filing decisions for booked/in-custody reports and out of custody reports;
2. Coordinating negotiation for all enrolled clients with open Seattle Municipal Court cases;

Asha Venkataraman

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3. Appearing at all substantive enrolled client hearings at Seattle Municipal

Court;

4. Attending all LEAD operational workgroup meetings and other LEAD, Co-LEAD,

and Vital meetings;

5. Training new staff working on pre-booking diversion;

6. Tracking information on enrolled clients; and

7. Primary focus of the pre-booking diversion attorneys on pre-booking diversion

programming except for short-term coverage of other matters.

**Effect:** This amendment would require the City Attorney's Office to provide notice to the Council 90 days before making any material changes to the pre-filing diversion program, to the extent the information is not protected by attorney-work product privilege.



Legislation Text

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**File #:** Res 32033, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION declaring the City Council’s and the Mayor’s intent to consider strategies to ensure that all unreinforced masonry buildings in Seattle are seismically retrofitted.

WHEREAS, Seattle has over 1,100 unreinforced masonry buildings (URMs), which are buildings typically built prior to 1945 with brick or clay tile bearing walls where the parapets and walls are not secured to the floors and roofs; and

WHEREAS, URMs are vulnerable to damage or collapse during earthquakes, potentially endangering people within the buildings if walls fully or partially collapse and pedestrians if parapets break away and fall into the street; and

WHEREAS, the February 2001 6.8 magnitude Nisqually earthquake injured about 400 people and caused around \$2 billion in property damage, including over \$8 million in repair costs to URMs in Seattle; and

WHEREAS, of the buildings The City of Seattle (“City”) determined to be unsafe following the Nisqually earthquake, two-thirds were URMs; and

WHEREAS, in 2017, Seattle’s Office of Emergency Management reported to the City Council (“Council”) that within the next 50 years, Seattle has an 86 percent chance of experiencing another 6.8 magnitude earthquake and a 33 percent chance of an 8.0 magnitude earthquake; and

WHEREAS, the City’s February 2020 list of confirmed URMs reveals that many of these buildings are located in Seattle’s historic neighborhoods, with the highest concentrations in Capitol Hill, Pioneer Square, and the Chinatown/International District; and

WHEREAS, of the confirmed URMs in Seattle, over 70 are identified by the City as critical risk, which are



schools and emergency service facilities, and around 180 are high risk, which are buildings over three stories in poor soil conditions and buildings containing public assembly spaces with occupancies of more than 100 people; and

WHEREAS, the City has a long history of attempting to address the safety risks posed by URMs, beginning with the Council's adoption of a structural standard for all URMs in the 1970s, which was later repealed due to the costs of implementing the upgrades; and

WHEREAS, the City convened URM Policy and Technical Committees in 2008 to develop a cost-effective seismic retrofit standard and a mandatory retrofit program based on the proposed standard; and

WHEREAS, in 2011 the URM Technical Committee recommended adopting a modification of a standard based on a retrofit standard commonly used in California, but the URM Policy Committee did not provide a recommendation; and

WHEREAS, at the request of the Council, the City convened a new URM Policy Committee in 2012 to recommend elements of a mandatory city-wide URM retrofit policy; and

WHEREAS, the URM Policy Committee released its final recommendations in 2017, which recommended a timeline of seven, ten, or 13 years for completing URM retrofits, based on vulnerability and use of the structure, and outlined a process for completing mandatory URM retrofits; and

WHEREAS, the City does not currently require a major seismic retrofit of URMs that are not undergoing a substantial alteration; and

WHEREAS, the City funded a report by the National Development Council, released in May 2019, on potential financing and funding mechanisms for seismic upgrades, which estimated total costs for retrofitting privately owned URMs to be \$1.28 billion; and

WHEREAS, in 2020, the Washington State Legislature passed and the Governor signed into law House Bill 2405, which established a voluntary commercial property assessed clean energy and resiliency ("C-PACER") program that may be used to finance energy efficiency and seismic retrofits for commercial

and multifamily buildings; and

WHEREAS, on November 16, 2021, the King County Council adopted the framework for a C-PACER program, authorized by Revised Code of Washington Chapter 36.165, and the program is anticipated to begin accepting applications in early 2022; and

WHEREAS, the City recognizes that the greatest barrier for building owners is the cost of the seismic retrofits and that many building owners will need support accessing financial assistance for the program to be successful; and

WHEREAS, near-term investments in seismic retrofits will contribute to Seattle’s recovery from the economic impacts of the Coronavirus Disease 2019 (“COVID-19”) crises and make Seattle more economically resilient in the long term; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The Council recognizes that the primary goal of a URM retrofit program should be to protect life safety by reducing the risk of injury from collapse of URMs in the event of an earthquake. Additional goals of the program should be to preserve Seattle’s historically and culturally significant landmarks and structures that contribute to neighborhood character, improve the City’s resiliency to earthquake events, and minimize the impact of a URM retrofit program on vulnerable populations to the extent financially feasible.

Section 2. The Council is ready to consider the Mayor’s recommendation for a program that phases in a mandate for seismic retrofits of URMs in Seattle. The program should include:

- A. A definition of URMs;
- B. The type of seismic retrofit standard required to bring URMs into compliance, acknowledging that there might be different standards for different types of buildings;
- C. A system to categorize building types and/or uses that prioritizes key buildings and services;
- D. A timeline for compliance;

E. An enforcement strategy; and

F. A variety of potential funding opportunities and financial incentives to reduce the financial burden of required seismic retrofits for URM.

Section 3. The Mayor shall direct the Seattle Department of Construction and Inspections (“SDCI”) and the Office of Emergency Management (“OEM”) to pursue the following actions that will result in implementing a mandatory URM seismic retrofit program:

A. Provide ongoing funding for any additional staff necessary to establish and maintain the program and for technical experts who can assess and approve proposed upgrade plans;

B. Work with other City departments to identify funding for and complete a seismic assessment of City-owned URMs and develop cost estimates for seismic retrofits;

C. Continue culturally and linguistically appropriate community outreach and engagement, with a focus on communities of color and low-income communities who may be disproportionately impacted by earthquake damage to URMs and the proposed URM retrofit requirement;

D. Work with the Department of Neighborhoods to design and implement a process to coordinate and streamline URM retrofits and permitting in historic districts and for landmark structures;

E. Work with the Office of Housing and the Human Services Department to coordinate the timing of retrofits in URMs containing affordable housing or emergency shelter;

F. Work with other City departments to develop strategies to mitigate displacement and higher commercial and residential rents as a result of URM retrofits;

G. Collaborate with Seattle Public Schools and private schools to develop an agreement on deadlines to complete retrofits for their URMs;

H. Work with a nongovernmental URM contractor to develop resources to provide coaching for owners of URMs and serve as a general resource for residents and building owners about the program;

I. Prepare a communication strategy; and

J. Submit legislation establishing the mandatory URM retrofit program for Council consideration.

Section 4. The Council requests that SDCI, OEM, and other City departments as needed report quarterly to the Council on progress made toward completing the actions described in Section 3 of this resolution, and the timeline to complete anticipated actions, with the first report due on August 1, 2022.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Yolanda Ho / x6-5989	N/A

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### 1. BILL SUMMARY

**Legislation Title:** A RESOLUTION declaring the City Council’s and the Mayor’s intent to consider strategies to ensure that all unreinforced masonry buildings in Seattle are seismically retrofitted.

**Summary and background of the Legislation:** Unreinforced masonry buildings (URMs) are buildings constructed between 1886 and 1957 with brick or clay tile bearing walls where the parapets and walls are not secured to the floors and roofs. These buildings are particularly vulnerable to damage or collapse during earthquakes, potentially endangering people within the buildings if walls fully or partially collapse and pedestrians if parapets break away and fall onto the sidewalk or street. Seattle has over 1,100 URMs in more than 50 neighborhoods, with the highest concentrations in Capitol Hill, Pioneer Square, and the Chinatown/International District.

While the City has taken various steps over the years to create a mandatory URM retrofit program, it has thus far not required that all URMs in Seattle be retrofitted. This resolution represents the joint commitment by the Mayor and City Council to work on establishing a URM retrofit program, with a work plan that will be led by the Seattle Department of Construction and Inspections and the Office of Emergency Management.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**       Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?**       Yes  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**  
This resolution identifies that both City resources and external funding sources will be necessary to successfully implement a mandatory URM retrofit program. Given that costs associated with seismic upgrades for privately owned URMs are estimated to total around \$1.3 billion, the City alone will not be able to offer the financial resources required, and will instead need to assist building owners with accessing affordable funding options and creating other strategies to incentivize retrofits.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Not moving forward with the development of the mandatory URM retrofit program would result in these buildings continuing to be vulnerable to damage in the event of an earthquake, which poses a potential danger to tenants, workers, property owners, and the community at large.

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

The Seattle Department of Construction and Inspections and Office of Emergency Management would lead City efforts to develop the mandatory URM retrofit program based on recommendations from the URM Technical and Policy Committees. The Department of Neighborhoods (DON) would continue to support community outreach and engagement efforts; additionally, DON would assist with development of a process for URM retrofits and permitting in historic districts and for landmark buildings. The Office of Housing and Human Services Department would need to determine a timeline for upgrading URMs with affordable housing and emergency shelter.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

While URMs are located throughout Seattle, they are concentrated in Capitol Hill, Pioneer Square, and the Chinatown/International District, neighborhoods that feature higher than citywide average proportions of people of color and low-income residents. Implementation of a program requiring seismic upgrades for URMs would protect the lives of people in and around these buildings, and allow neighborhoods to recover more quickly following an earthquake. However, the costs associated with the URM retrofits are substantial and will likely to be a financial burden to property owners. These property owners may choose to pass on the additional costs to tenants through higher rents, which could result in displacement of these residents and/or businesses if the City does not implement measures to mitigate the financial impacts on vulnerable populations.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

A mandatory URM retrofit program could potentially decrease building emissions as property owners may be required to also install energy efficiency measures along with the seismic retrofit, depending on the extent of the building renovation.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

The long-term goal of a mandatory URM retrofit program would be to ensure that all URMs are eventually upgraded to current seismic standards to protect life safety and support Seattle's economic resilience in the event of an earthquake.

**List attachments/exhibits below:**

None.



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **Unreinforced Masonry Building Retrofit Work Program (Resolution 32033)**

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YOLANDA HO, ANALYST

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE

DECEMBER 9, 2021



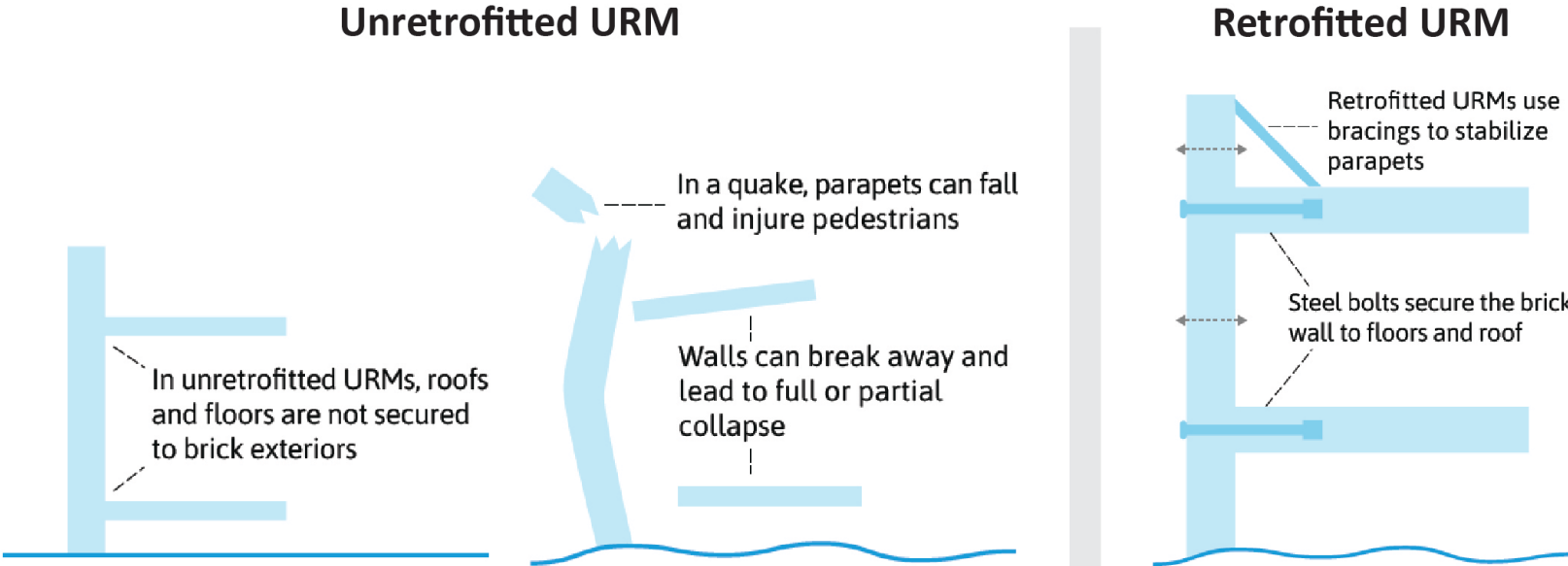
# Presentation Overview

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- Background
- Policy Development Overview
- Summary of Resolution (RES) 32033

# Background

## Potential Impacts of an earthquake on an unretrofitted unreinforced masonry building (URM) versus a retrofitted URM



Source: Funding URM Retrofits, National Development Council, 2017

# Background

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## Number of URMs by classification, September 2021

Classification	Number of URMs
<b>Critical Risk:</b> emergency service facilities and schools	75
<b>High Risk:</b> buildings over three stories in poor soil areas (i.e., liquefaction and slide areas); and buildings containing public assembly spaces with occupancies of more than 100 people	184
<b>Medium Risk:</b> all other buildings	883
<b>Total Confirmed URMs</b>	<b>1,142</b>

# Policy Development Overview

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- 1970s: Council adopts structural standard for URMs that is later repealed
- 2008: URM Technical and Policy Committees convene to propose retrofit standard and implementation program
- 2011: URM Technical Committee recommends adoption of a standard but the Policy Committee provides no recommendation
- 2012: URM Policy Committee reconvenes and issues draft recommendations
- 2013: SDCI conducts Columbia City outreach and education pilot
- 2016: SDCI completes validation of URM inventory list

# Policy Development Overview

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- 2017: URM Policy Committee releases final recommendations
- 2019: *Funding URM Retrofits* report released
- 2020: Washington State Legislature passes and the Governor signs into law House Bill 2405, establishing a voluntary commercial property assessed clean energy and resiliency (C-PACER) program
- 2021: King County Council adopts framework for a C-PACER program
- 2022: New URM policy position in SDCI

# Summary of RES 32033

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Would establish goals of a phased mandatory URM retrofit program:

1. Protect life safety by reducing the risk of injury from collapse of URMs in the event of an earthquake
2. Preserve Seattle's historic and culturally significant landmarks and structures that contribute to neighborhood character
3. Improve the City's resiliency to earthquake events
4. Minimize the impact of a URM retrofit program on vulnerable populations to the extent financially feasible

# Summary of RES 32033

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Program would include:

- Definition of URMs
- Identification of the type of seismic retrofit standard required to bring URMs into compliance, depending on type of building
- Categorization system for building types and/or uses that prioritizes key buildings and services
- Timeline for compliance
- Enforcement strategy
- Variety of potential funding opportunities and financial incentives for building owners to alleviate the financial burden of required seismic retrofits for URMs

# Summary of RES 32033

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Specific actions to create the program would include:

- Funding any additional staff needed to support administration or technical review
- Evaluating City-owned URMs
- Conducting community outreach
- Coordinating and streamlining permitting for retrofits in historic districts and landmark structures
- Coordinating timing to retrofit affordable housing or emergency shelter in URMs
- Developing strategies to mitigate impacts of URM retrofits on vulnerable populations
- Collaborating with schools to develop an agreement on deadlines to retrofit URMs
- Providing coaching and resources for URM owners and residents
- Preparing a communications strategy
- Submitting legislation establishing the program to the Council
- Providing quarterly progress updates to Council, beginning on August 1, 2022



# Questions?

December 06, 2021

**MEMORANDUM**

**To:** Public Safety & Human Services Committee  
**From:** Yolanda Ho, Analyst  
**Subject:** Resolution 32022 – Unreinforced Masonry Building Retrofit Work Program

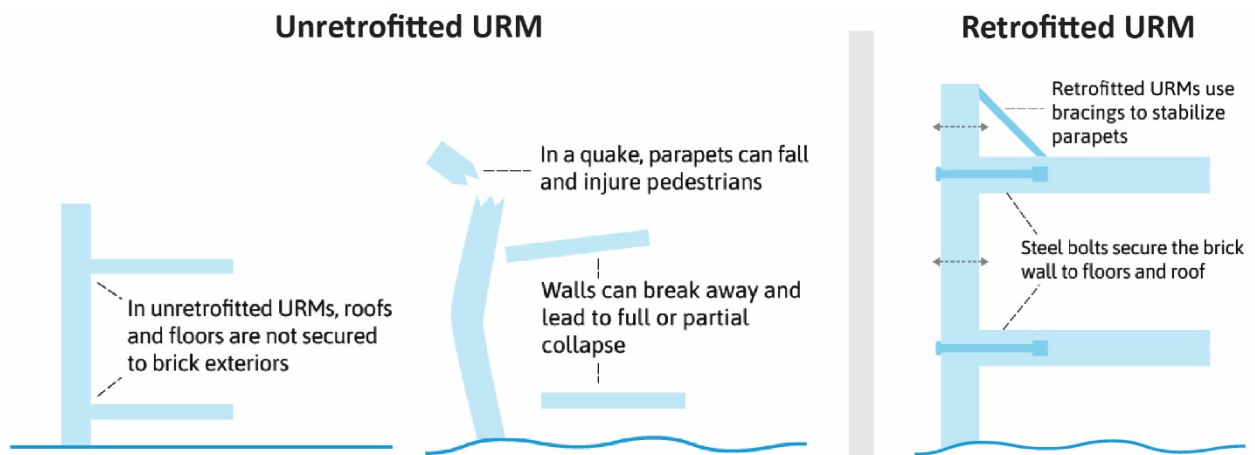
On December 9, 2021, the Public Safety & Human Services Committee (Committee) will discuss and may vote on [Resolution \(RES\) 32033](#). This resolution represents the joint commitment by the Council and the Mayor to work on developing a phased mandatory unreinforced masonry building (URM) seismic retrofit program, led by the Seattle Department of Construction and Inspections (SDCI) and the Office of Emergency Management (OEM).

This memorandum: (1) provides background on URMs; (2) summarizes the City’s policy development related to URMs and other related efforts to date; and (3) describes RES 32033.

**Background**

URMs are buildings constructed between 1886 and 1957 with brick or clay tile bearing walls where the parapets and walls are not secured to the floors and roofs. These buildings are particularly vulnerable to damage or collapse during earthquakes, potentially endangering both people within the buildings if walls fully or partially collapse and pedestrians if parapets break away and fall onto the sidewalk or street (Figure 1). Seattle has over 1,100 URMs in more than 50 neighborhoods, with the highest concentrations in Capitol Hill, Pioneer Square, and the Chinatown/International District.

*Figure 1. Potential impact of an earthquake on an unretrofitted URM versus a retrofitted URM*



Source: Funding URM Retrofits, National Development Council, 2017

The City considers earthquakes to be Seattle’s most serious hazard, based on likelihood and potential destructiveness.<sup>1</sup> The 6.8 magnitude Nisqually earthquake in 2001 injured about 400 people and caused around \$2 billion in property damage, including over \$8 million in repair costs to URMs in Seattle. Of the 31 buildings identified by the City as too dangerous to enter in the aftermath of the earthquake, 20 were URMs.<sup>2</sup> In 2017, SDCI and OEM reported to Council that in the next 50 years, Seattle has an 86 percent risk of being hit by another 8.6 magnitude earthquake and a 33 percent chance of an 8.0 magnitude earthquake.<sup>3</sup>

SDCI maintains a list of confirmed URMs and each building is classified based on the height of the building, the occupancy, and/or the soil conditions. Table 1 describes the three different classifications and number of URMs in Seattle assigned to each classification.

*Table 1. Number of URMs by classification, September 2021*

<b>Classification</b>	<b>Number of URMs</b>
<b>Critical Risk:</b> emergency service facilities and schools	75
<b>High Risk:</b> buildings over three stories in poor soil areas (i.e., liquefaction and slide areas); and buildings containing public assembly spaces with occupancies of more than 100 people	184
<b>Medium Risk:</b> all other buildings	883
<b>Total Confirmed URMs</b>	1,142

### **URM Policy Development and Related Efforts**

The City’s URM policy discussions date back to the 1970s when the Council adopted a structural standard for all URMs, which was later repealed because property owners faced significant financial barriers to implementing the standard. In 2008, SDCI convened URM Technical and Policy Committees to propose a cost-effective URM retrofit standard along with an implementation program based on the proposed standard. While the URM Technical Committee recommended adoption of a [standard](#) similar to standards adopted by jurisdictions in California (i.e., “Bolts Plus”) in 2011, the URM Policy Committee could not provide a recommendation due to the costs associated with implementing the seismic upgrades.

At the request of Council, SDCI convened a new URM Policy Committee in 2012 to develop [draft recommendations](#) for a URM retrofit policy. To help inform the committee’s final recommendations, the City continued to analyze the issue, conducted a variety of studies to

<sup>1</sup> Seattle Office of Emergency Management, *Seattle Hazard Identification and Vulnerability Analysis*, April 2019, <http://www.seattle.gov/emergency-management/hazards>.

<sup>2</sup> Reid Middleton, *Unreinforced Masonry Building Seismic Hazards Study*, December 2007, <https://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/UnreinforcedMasonry/URMSeismicHazardsStudy.pdf>.

<sup>3</sup> Council Briefing presentation by Seattle Office of Emergency Management and Seattle Department of Constructions and Inspections, October 9, 2017, <http://seattle.legistar.com/View.ashx?M=F&ID=5486074&GUID=F2CB2289-76A9-4BBA-AA18-971216DF1AA3>.

support development of the City’s inventory of identified URMs, and piloted community outreach and education strategies in the Columbia City neighborhood. The committee released its [final recommendations](#) in 2017, which proposed a timeline of seven, ten, or 13 years for completing URM retrofits, based on building vulnerability, and a process for completing the required retrofits.

Recognizing that the greatest barrier for building owners is the cost of the seismic upgrades, the City contracted with the National Development Council to provide a [Funding URM Retrofits report](#) (released in May 2019). The report (1) identified potential financing and funding mechanisms, and (2) estimated that slightly fewer than 1,000 privately-owned URMs would require some level of seismic upgrade to meet the proposed standard, for a total cost of approximately \$1.28 billion.

In 2020, the Washington State Legislature passed, and the Governor signed into law, [House Bill 2405](#) that established a voluntary commercial property assessed clean energy and resiliency (C-PACER) program. This program provides a financing mechanism to help owners of commercial and multifamily buildings cover the costs associated with energy efficiency and seismic retrofits. As allowed under State law ([RCW 36.165](#)), the King County Council recently adopted the framework for a [C-PACER program](#), and the program is anticipated to begin accepting applications in early 2022. Additionally, the 2022 Adopted Budget includes a new position in SDCI to lead development of a mandatory URM retrofit program.

### **Resolution 32033**

RES 32033 is intended to provide guidance to City departments as they develop a phased mandatory retrofit program for URMs. The resolution would adopt the following program goals: (1) protect life safety by reducing the risk of injury from collapse of URMs in the event of an earthquake; (2) preserve Seattle’s historic and culturally significant landmarks and structures that contribute to neighborhood character; (3) improve the City’s resiliency to earthquake events; and (4) minimize the impact of a URM retrofit program on vulnerable populations to the extent financially feasible.

To meet these goals, the resolution states that the program should include:

- A definition of URMs;
- The type of seismic retrofit standard required to bring URMs into compliance, depending on type of building;<sup>4</sup>
- A categorization system for building types and/or uses that prioritizes key buildings and services;

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<sup>4</sup> *Funding URM Retrofits* identified three different retrofit standards, depending on the condition of the building, with Bolts Plus as the least costly category; Bolts Plus, Plus Frame in the middle; and Full Seismic as the most costly. Of Seattle’s privately-owned URM inventory requiring retrofits, 23 percent are in the Bolts Plus category; 36 percent are in Bolts Plus, Plus Frame; and 41 percent are in Full Seismic.

- A timeline for compliance;
- An enforcement strategy; and
- A variety of potential funding opportunities and financial incentives for building owners to alleviate the financial burden of required seismic retrofits for URMs.

Additionally, the resolution details the following specific actions that SDCI and OEM will pursue to create the program:

1. Fund any additional staff needed to support program administration and/or provide technical expertise to review retrofit plans;
2. Work with other City departments to identify funding for City-owned URMs, complete a seismic assessment, and develop cost estimates for retrofits;
3. Continue to conduct culturally and linguistically appropriate community outreach, focusing on communities of color and low-income communities who may be disproportionately impacted by earthquake damage to URMs and the proposed URM retrofit mandate;
4. Work with the Department of Neighborhoods to coordinate and streamline the URM retrofit permitting process in historic districts and for landmark structures;
5. Work with the Office of Housing and Human Services Department to coordinate timing for retrofits for URMs containing affordable housing or emergency shelter;
6. Work with other City departments to develop strategies to mitigate the impacts of URM retrofits (i.e., displacement of residents and businesses due to higher commercial and residential rents);
7. Collaborate with Seattle Public Schools and private schools to develop an agreement on deadlines to complete retrofits for their URMs;
8. Work with a nongovernmental contractor to develop resources to provide coaching for owners of URMs and serve as a general resource for residents and building owners about the program;
9. Prepare a communications strategy; and
10. Submit legislation that would establish the mandatory URM retrofit program for Council consideration.

Finally, RES 32033 requests that SDCI, OEM, and other City departments as needed, provide a progress report to the Council on a quarterly basis, beginning on August 1, 2022.

cc: Esther Handy, Central Staff Director  
Aly Pennucci, Policy and Budget Manager



Legislation Text

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**File #: CB 120248, Version: 1**

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to City employment; creating a compensation program for the position of Fire Chief; specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Establishing a Compensation Program. As recommended by the Seattle Human Resources Director, there is established a discretionary pay program to be known as the Fire Chief compensation program for the department head of the Seattle Fire Department.

A. Base Pay: Effective July 1, 2021, the Fire Chief compensation program is established as specified:

Department:	Seattle Fire Department
Title:	Fire Chief
Salary Rate/Hour	\$88.69 - \$141.91

This title shall be used only for the position that may be interchangeably referenced as the Seattle Fire Department Director. The Mayor shall have the discretion to pay the incumbent in this position a base salary anywhere within the band.

B. Establishing a Position Title. Position No. 00006598, Executive 4, is retitled to Fire Chief with no change in status, effective July 1, 2021.

C. The Seattle Human Resources Director shall review the pay band at least every two years and recommend adjustments to the structure for approval by the City Council.

Section 2. The Fire Chief is eligible for any market adjustments approved by the Mayor.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. The heads of respective departments affected by this ordinance are authorized to make administrative decisions necessary to carry out the intent of this ordinance and to use unexpended and unencumbered funds accumulating in their respective budgets to pay the compensation authorized by this ordinance in accordance with Seattle Municipal Code Chapter 5.08.

Section 5. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Monica Martinez Simmons, City Clerk

(Seal)



## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Seattle Department of Human Resources	Amanda Grumbach/ 206-684-3068	Kailani DeVille/ 206-615-0703

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to City employment, creating a compensation program for the position of Fire Chief, specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:** If passed, this legislation

a. This legislation creates a new compensation program for the Fire Chief. Effective July 1, 2021, Position 00006598, which is designated as Executive 4 and filled by the person commonly known as the Seattle Fire Department Director, will be retitled to Fire Chief. The base pay provided by this legislation will become effective on July 1, 2021.

b. The Fire Chief is eligible for any market adjustment approved by the Mayor. The Seattle Human Resources Director shall review the pay band at least every two years and recommend adjustments to the structure for approval by City Council.

### **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**      \_\_\_ Yes  X  No

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?**      \_\_\_ Yes  X  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

This legislation establishes a pay band for Fire Chief, also known as the Seattle Fire Department Director, which includes the current pay of the position. Additional salary costs will be absorbed by the department.

**Is there financial cost or other impacts of *not* implementing the legislation?**

The City cannot establish a Fire Chief compensation program without legislation.

#### 4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**  
This legislation affects the Seattle Fire Department.
- b. **Is a public hearing required for this legislation?**  
No
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No
- d. **Does this legislation affect a piece of property?**  
No
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
N/A
- f. **Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
No
  - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
No
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**  
N/A

**List attachments/exhibits below:**

None.

# Proposed Fire Chief Compensation Program

Seattle Department of Human Resources  
City Council Presentation  
December 9, 2021

# Agenda

- Summary of Request
- Current State of Compensation Plan
- Salary Survey Overview
- Proposed Compensation Plan

# Summary of Request

Mayor's Office and Fire Department HR Director requested review of Fire Chief's salary.

Concerns included:

- Current compensation lagging salaries of comparable cities
- Compression with Deputy Fire Chief salaries

Method:

- Custom salary survey of comparable West Coast cities

# Current State

## Executive 4/Fire Chief (\$73.63 - \$121.49)

- Deputy Fire Chiefs are in the same Executive 4 pay band
- Less than 4% difference between Fire Chief and Deputy Fire Chief
- Lagging midpoint of market
- Fire Chief salary is at the max of the current pay band

# Salary Survey Overview

TABLE I - Geographically Adjusted Hourly Rates		FIRE CHIEF SALARY SURVEY ("West Coast 7")	
		October, 2021	
AGENCY	Economic Research Institute (ERI) % salary geographic location difference	Range Maximum (geographically adjusted)	
San Francisco, City/County of*	8.9%	\$151.34	PROPOSED: City of Seattle - Fire Chief range max- \$141.91
San Diego, City of	-3.7%	\$130.16	
Oakland, City of*	3.6%	\$130.09	(Market midpoint - geographically adjusted)
Long Beach, City of*	1.8%	\$129.56	
Sacramento, City of	-5.6%	\$122.23	CURRENT: City of Seattle -Fire Chief/Executive 4 - \$121.49
San Jose, City of	11.7%	\$118.72	
Portland, City of	-11.9%	\$118.51	
n = 7			
* Reported annual salaries only; hourly rate calculated based on 2088 hours per year			
City of Seattle	\$73.63	\$97.56	\$121.49
<b>Proposed: Fire Chief Compensation Program</b>	<b>\$88.69</b>	<b>\$115.30</b>	<b>\$141.91</b>



# Proposed Fire Chief Compensation Program

## Fire Chief Compensation Program (\$88.69 - \$141.91)

- Eliminate compression issues as Fire Chief and Deputy Fire Chiefs will be in different pay bands
- No longer lagging market in comparable cities
- Range spread of 60% provides growth and flexibility for the future



# End of Presentation

SEATTLE  
CITY HALL



December 8, 2021

**MEMORANDUM**

**To:** Seattle City Council  
**From:** Karina Bull, Analyst  
**Subject:** Council Bill 120248: Fire Chief Compensation Program

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On December 9, 2021, the Public Safety and Human Services Committee (Committee) will discuss and possibly vote on [Council Bill \(CB\) 120248](#), legislation that would establish a new compensation program for the Fire Chief. This memo provides a high-level summary of the bill and identifies next steps. Central Staff has not identified issues or concerns for Council’s consideration.

**Summary**

This legislation would create a discretionary “Fire Chief” compensation program that would replace the position’s current designation as “Executive 4” within the Accountability Pay for Executives Program.<sup>1</sup> The compensation program would be effective as of July 1, 2021. The Seattle Department of Human Resources (SDHR) Director would review the compensation program at least every two years and recommend adjustments to the pay band for approval by Council.

The salary rate for the Fire Chief would range from \$88.69 to \$141.91 per hour (i.e., \$185,185 to \$296,308 annual salary). The maximum salary rate for the Fire Chief would reflect a 17 percent increase from the maximum salary rate for an Executive 4. See Table 1 for a comparison of the compensation programs.

*Table 1: Compensation program comparison*

Compensation Program	Rate Per Hour	Annual Salary
Executive 4	\$73.63 - \$121.49	\$153,739 to \$253,671
Fire Chief	\$88.69 - \$141.91	\$185,185 to \$296,308

SDHR states that the Mayor’s Office requested review of the Fire Chief’s salary and that the recommended salary range was informed by a comparative analysis of maximum salary rates for fire chief positions in seven jurisdictions known as the “West Coast Seven.” The analysis showed geographically adjusted maximum salary rates ranging from \$118.51 to \$151.34. See Table 2 for West Coast Seven comparator data.

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<sup>1</sup> For more information on the discretionary pay program see [Seattle Municipal Code 4.20.380](#) and the [City of Seattle 2021 Salary Schedule](#), “Compensation Plan Administration” (page 3).

*Table 2: Maximum salary rates in West Coast Seven jurisdictions*

<b>Jurisdiction</b>	<b>Position</b>	<b>Geographically Adjusted Maximum Salary Rate</b>
City/County of San Francisco (CA)	Fire Chief	\$151.34
City of San Diego (CA)	Fire Chief	\$130.16
City of Oakland (CA)	Fire Chief	\$130.09
City of Long Beach (CA)	Fire Chief	\$129.56
City of Sacramento (CA)	Fire Chief	\$122.23
City of San Jose (CA)	Fire Chief	\$118.72
City of Portland (OR)	Fire Chief	\$118.51

Based on this data, SDHR concluded that the maximum salary rate of the Executive 4 pay band (\$121.49) fell within the range of maximum salary rates in the West Coast Seven, but below the market midpoint (\$129.56).

The SDHR Director’s recommendation for a new Fire Chief compensation program incorporates the market midpoint of \$129.56 and includes a 60 percent range (\$88.69 - \$141.91) that would match the range of the Police Chief compensation program. SDHR states that the range would provide opportunity for salary adjustments and resolve salary compression issues with other SFD employees in Executive 4 positions, such as the Deputy Fire Chiefs.

For further reference, City of Seattle (City) data shows maximum salary rates for the highest earning, individual compensation programs ranging from \$121.49 to \$206.08. The maximum salary rate for the Fire Chief compensation program would fall within this range. See Table 3 for City comparator data.

*Table 3: Maximum salary rates in the City*

<b>City Department</b>	<b>Compensation Program</b>	<b>Maximum Salary Rate</b>
Seattle City Light	City Light GM/CEO	\$206.08
Seattle Public Utilities (SPU)	SPU GM/CEO	\$172.75
Seattle Police Department	Seattle Police Chief	\$141.91
<i>Seattle Fire Department</i>	<i>Fire Chief</i>	<i>\$141.91</i>
Seattle Information Technology Department	Chief Technology Officer	\$135.34
Legislative Department	City Auditor	\$121.49
Legislative Department	Hearing Examiner	\$121.49

### **Financial Impacts**

The Mayor would have discretion to pay the incumbent in the Fire Chief compensation program a base salary within the authorized compensation program and could approve market rate adjustments. Any additional salary costs for the incumbent would be absorbed by the department.

### **Next Steps**

If the Committee votes on the legislation at its meeting on December 9, 2021, Council action could occur at the Full Council meeting on December 13, 2021.

Please contact Karina Bull if you have questions about the proposed legislation.

cc: Esther Handy, Director  
Dan Eder, Deputy Director  
Aly Pennucci, Policy and Budget Manager