

December 3, 2019

MEMORANDUM

To: Select Committee on Homelessness and Housing Affordability
From: Jeff Simms and Traci Ratzliff, Analysts
Subject: Regional Policy Committee Proposal for Regional Homeless Governance

On Thursday, December 5, the Regional Policy Committee (RPC) of the King County Council will hear and vote on an interlocal agreement (ILA) to create a Regional Homelessness Authority (RHA), a proposal that was first transmitted to the King County and Seattle City Councils in September. The ILA underwent substantial changes over the holiday weekend.

Councilmember feedback prior to the RPC meeting could be incorporated into proposed amendments that Councilmembers Juarez and Harrell could introduce at the meeting. The Council could also propose changes when legislation comes to the Select Committee on Homelessness and Housing Affordability (Select Committee) in the afternoon on December 5. Any such changes would need to be presented to and voted on by the RPC before the County Council could adopt them, which would push potential passage of legislation into 2020.

This memo summarizes changes that have been made to the proposal and identifies potential areas of concern for Councilmembers.

Timeline

The King County Council has determined that legislation creating the RHA must go to the RPC. RPC is unique in that its members include elected officials from across King County, including two Seattle City Councilmembers, and if changes are made to legislation after the RPC has passed it, that legislation must be returned to RPC for consideration.

A special session of RPC is scheduled for the morning of December 5, 2019. Passage of any legislation at that RPC meeting makes it possible for the King County Council to vote on legislation on the RHA on December 11, their last meeting of the year. Special meetings of Seattle's Select Committee are scheduled for December 5 in the afternoon and December 12, which would provide a pathway for the full Council to consider the RHA legislation at its last meeting on December 16.

Initial Version

The proposal released by the Mayor and County Executive would create a public development authority (PDA) with a two-part governing structure. First, a Governing Committee (at the time called a Steering Committee) composed of the Mayor, County Executive, a Seattle

Councilmember, a King County Councilmember, two people with lived experience of homelessness or accountable to such groups (lived experience), and a member of the Sound Cities Association (SCA). Second, an Implementation Board (at the time called the Governing Board) of subject matter experts selected for a range of skill-based criteria and representational attributes, including people with lived experience. The Implementation Board would initially be appointed by the Mayor, County Executive, and Councils equally until becoming a self-appointing or self-perpetuating board where the board nominates who will fill its vacancies. Homeless services providers would compose the principle advisory committee for the Implementation Board but not have seats on it. The entity would be guided by a Five-Year Implementation plan that would align with the goals and principles of the yet to be completed Regional Action Plan (RAP), which was discussed in previous briefings on this topic.

Substitute Version

In early November, there were two revision packages (called a “striker” by County staff and similar to the Seattle City Council’s “substitute versions”) to the proposal introduced by the executives. The first striker by Councilmember Kohl-Wells created a PDA as originally proposed but made other concessions for Sound Cities. The second striker from Councilmember Dembowski created a separate governmental administrative agency (defined in RCW 39.34.030), which is largely the same except lacks the ability to issue bonds. Over the week of the Thanksgiving holiday, these competing proposals were merged and combined with additional changes to appease concerns expressed by Sound Cities. In the afternoon on Tuesday, December 2, further changes were made to ensure the support of Councilmember Dembowski. Appendix A provides the draft of the ILA as of 3:51pm on Tuesday, December 2. The substantive changes as of that time include the following (a full list of differences, including changes not anticipated to cause concern for the Council, is provided in Appendix B):

1. **Governing Committee Composition:** The current proposal changes the composition of the board of elected officials, which it labels the Governing Committee, to give representatives of the SCA the same number of seats as Seattle, King County, and people with lived experience. In addition, it requires that one of the people with lived experience come from outside Seattle (a similar requirement is set for the Implementation Board). Prior to Tuesday, one of the King County Councilmembers on the Governing Committee would have been required to come from a district that wholly or in part included Seattle, but that provision was dropped on Tuesday.
2. **Governing Committee Duties:** The proposal would allow the Governing Committee to amend the budget, five-year plan, and other policies rather than just having an up or down vote as was proposed by the Mayor and County Executive. It would also give authority for the hiring and removal of the Chief Executive Officer (CEO) to the Governing Committee, rather than the Implementation Board. The Mayor and County Executive indicated this change was too great a departure from their vision to empower apolitical, technical experts with decision-making authority. Initially, their concern was addressed by requiring a three-fourths majority to amend budget and plans or remove CEOs, but quorum and voting

requirements were changed on Tuesday afternoon. The Mayor and County Executive have now agreed to a proposal where a quorum is nine of the twelve members and such changes only require two-thirds of the number of members present, which could be as few as six.

3. **Sub-Regional Planning:** The proposal adds a requirement to conduct sub-regional planning, whereby parts of King County would develop localized plans, and requires that these sub-regional plans “be integral to the development of the five-year plan” for the RHA. An earlier draft required the sub-regional plans to align with the goals and principles of the RAP. The RAP is expected to focus on evidence-based practices, such as low-barrier shelters and housing first policies, but that language was changed to only say that the RAP “may inform” the sub-regional planning.
4. **SCA Appointments on Implementing Board:** The proposal adds two positions to the Implementing Board that would be initially appointed by the SCA. This gives SCA the same number of appointees on the initial Implementing Board as the Mayor, County Executive, County Council, and City Council.
5. **Not a PDA:** As proposed by Councilmember Dembowski, the current proposal creates a separate governmental administrative agency that is permitted under an interlocal agreement, rather than creating a PDA. Such an entity is not permitted to issue bonds but otherwise does not have substantive differences from a PDA.
6. **Youth Homelessness:** The proposal adds planning and representation specific to youth homelessness to the requirements for the Implementing Board.
7. **Taxing Authority:** The proposed ILA has language explicitly forbidding taxation by the RHA, even though no such authority is permitted by state law.

Issue Identification

Based on comments during the Select Committee and review of the current proposal, Central Staff have identified the following areas as potential points of concern for Councilmembers.

1. **Balance of Votes between Seattle and Sound Cities:** The current proposal (Article VIII, Section 1.a) gives an equal vote to all members of the Governing Committee and requires that one of the people with lived experience come from outside Seattle, which means that non-Seattle communities have more seats that are statutorily reserved for them (four) than Seattle has (three). This does not reflect that Seattle would provide 57 percent (\$73 million) of the RHA’s \$128 million budget or that the Sound Cities are not parties to the ILA, and thus do not initially provide the RHA any resources.

The Mayor had considered a proposal to weight the vote of each member. Seattle representatives would count as three votes, King County representatives as two, SCA representatives as one, and lived experience as one (see Table 1). Because it was believed such a proposal would not receive any Sound City support, weighted voting was replaced with a requirement that one of the two King County Councilmembers on the Governing Committee come from a district that included, wholly or in part, the City of Seattle with the other King County Councilmember coming from a district outside Seattle. Even under this

proposal, Sound Cities would have had more statutorily reserved seats than Seattle. These requirements were dropped on Tuesday afternoon.

Table 1: Votes on Governing Committee, by Proposal

Member	Votes of Each Member			
	Transmitted Legislation	Current Proposal	Proposal with District Requirements	Mayor's Weighted Proposal
Mayor of Seattle	1	1	1	3
Seattle City Council	1	1	1	3
Seattle City Council	N/A	1	1	3
County Executive	1	1	1	2
King County Council	1	1	1 (district must include Seattle)	2
King County Council	N/A	1	1 (district outside Seattle)	2
SCA	1	1	1	1
SCA	N/A	1	1	1
SCA	N/A	1	1	1
Lived Experience	1	1	1	1
Lived Experience	1	1	1	1
Lived Experience	N/A	1 (outside of Seattle)	1 (outside of Seattle)	1
Total	7	12	12	21
% Seattle Votes	29%	25%	33%	43%*
% Sound Cities Votes	14%	33%	42%	14%*
% Unspecified Votes	57%	42%	25%	43%*

* Proportions change to 52% Seattle, 29% Sound Cities, and 19% unspecified if the geographic requirements from earlier versions are applied to this proposal.

- Voting without Regional Action Plan:** An outside consultant was hired to prepare the RAP in collaboration with a range of stakeholders that would identify the community's goals for the RHA, strategies and best practices the RHA should use, and metrics to measure progress. The RAP was originally anticipated in August but will not be complete until February 2020. Action to create the RHA in December would be done without knowing the final recommendations for the RHA's implementation plans.
- Sub-Regional Planning Requirements:** Article VIII, Section 2.i.ix previously required that sub-regional plans align with the RAP, which would include evidence-based practices, principles, and performance metrics, but the current proposal revises that language to say sub-regional plans "may be informed by" the RAP. This change was prompted out of concern that the RAP would not be available at the time the legislation was passed. It is

unclear whether an amendment at RPC requiring sub-regional plans adhere to a common set of principles and approaches, such as evidence-based practices or addressing racial-ethnic disproportionalities, would receive support from Sound Cities. Given the exclusion of such language, it is possible that a five-year plan that includes sub-regional planning will not reflect a uniform, defragmented approach to ending homelessness.

4. **Role of Governing Committee:** The proposal would allow the Governing Committee to amend the budget, five-year plan, and other policies, rather than just having an up or down vote on those items. It would also give authority for the hiring and removal of the CEO to the Governing Committee, rather than the Implementation Board. The proposal initially required a three-fourths majority to amend these items or remove the CEO, but that threshold was reduced on Tuesday afternoon. There is some concern that giving such abilities to the Governing Committee undermines the role of the Implementing Board as the primary governing body of the RHA and does not achieve transformative change of the current system.
5. **Ombud Reporting:** The proposal requires the creation of an Ombud for customers and specifies that the Ombud will report “directly and independently” to the Implementation Board (Article IX, Section 6). Requiring the submission of reports or making the Ombud dually accountable to the Implementing Board and Governing Committee could enhance responsiveness to trends in customer concerns. Such proposals have not previously been accepted over concerns that direct reporting to multiple boards would complicate the ability of the Ombud to fulfill its purpose, but it is unclear whether an amendment for such a change would receive support at the RPC meeting.
6. **Moving Navigation Team Members:** The proposal moves all homeless outreach agencies to the RHA but retains the staff at HSD that handle homelessness outreach and manage the response to unsanctioned encampments. Moving those functions to the RHA may improve coordination between the Navigation Team and other outreach providers but would require more communication and collaboration between the RHA and the other departments that support the work of the Navigation Team, such as the Seattle Police Department and Seattle Department of Parks and Recreation.

Next Steps

Central Staff will seek input from each Council office prior to the RPC meeting on December 5 and will work to provide the Seattle representatives on RPC redline amendments to propose at the meeting, if applicable.

Central Staff anticipate that the December 5 meeting of the Select Committee will be limited to a briefing on the material covered in this memo, with amendments and a final vote expected at the December 12 meeting. If the Select Committee makes changes to a version that was passed by RPC, it will require referring the legislation back to RPC and would push final action on the RHA into 2020.

The Council could also choose to delay action until a later date either to allow further deliberation on the proposal or to receive the RAP. Central Staff could prepare a resolution committing the Council to further work on this subject in 2020 and calling for the Human Services Department to begin planning for a joint request for proposals (RFP) for homeless services investments in conjunction with the King County Department of Community and Human Services. Although such work on a joint RFP would likely be necessary if legislation creating the RHA were passed, a joint RFP could continue moving toward some of the anticipated benefits of the RHA even if the legislation is not adopted.

Attachments:

Appendix A: ILA Draft 12-2-2019 at 3:51PM

Appendix B: Comparison Current ILA to Transmitted Proposal

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