

Ordinance No. 123475

Council Bill No. 117006

AN ORDINANCE relating to jail services; authorizing the Mayor to execute an amendment to the extension to the Interlocal Agreement with King County for the Provision of Jail Services, and ratifying certain acts.

CF No. _____

Date Introduced:	<u>Oct. 18, 2010</u>	
Date 1st Referred:	To: (committee)	
<u>Oct. 18, 2010</u>	<u>Budget</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>11.22.10</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>11.23.10</u>	<u>Dec. 2, 2010</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
<u>Dec. 2, 2010</u>		
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Godden
Councilmember

Committee Action:

11.12.10 Pass 9-0

11.22.10 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123475

AN ORDINANCE relating to jail services; authorizing the Mayor to execute an amendment to the extension to the Interlocal Agreement with King County for the Provision of Jail Services, and ratifying certain acts.

WHEREAS, in 2002, The City of Seattle entered into an interlocal agreement with King County for the provision of jail services; and

WHEREAS, in 2010, The City of Seattle amended the interlocal agreement with King County for the provision of jail services extending the duration of the agreement to December 31, 2016; and

WHEREAS, this amendment to the interlocal agreement established a new methodology for calculating the jail fees; and

WHEREAS, this new methodology for calculating the fees resulted in unexpectedly high fee increases for 2011; and

WHEREAS, King County has proposed a new amendment that would change how jail fees are calculated for 2011; and

WHEREAS, this new change in methodology would reduce the size of the 2011 King County Jail rate increases; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is authorized to execute, for and on behalf of The City of Seattle, an agreement with King County substantially in the form attached, entitled "AMENDMENT TO INTERLOCAL AGREEMENT FOR JAIL SERVICES." (Exhibit 1).

Section 2. Any act authorized by this ordinance and taken after its passage but before its effective date is ratified and confirmed.

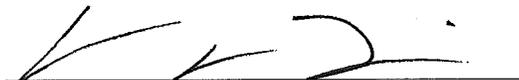
Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.



1 Passed by the City Council the 22 day of NOV., 2010, and signed by me in
2 open session in authentication of its passage this 22 day of NOV., 2010.

3 
4 President _____ of the City Council

5 Approved by me this 2nd day of Dec., 2010.

6
7 
8 Michael McGinn, Mayor

9 Filed by me this 2nd day of Dec., 2010.

10 
11 City Clerk

12 (Seal)

13
14 Attachment:
15 Exhibit 1-AMENDMENT TO INTERLOCAL AGREEMENT FOR JAIL SERVICES
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Exhibit 1:

Amendment to Interlocal Agreement for Jail Services

WHEREAS, on November 1, 2002, King County and the City of Seattle (the "City") entered into an Interlocal Agreement for the provision of jail services; and

WHEREAS, on May 1, 2010, King County and the City entered into an agreement that amended the November 1, 2002 jail services agreement; and

WHEREAS, King County and the City have determined that the May 1, 2010 agreement should be modified in order to further clarify City payment obligations as set forth herein;

NOW, THEREFORE, King County and the City agree that the May 1, 2010 Amendment to Interlocal Agreement Between King County and the City of Seattle for Jail Services is amended as follows:

1. **Exhibit III B (REVISED FEE PERIOD)** is modified in part as follows:

Subsection 5 (INFLATORS AND RE-SETS OF FEES AND CHARGES)

a. All fees and charges, excluding Offsite Medical Care Charges and the Capital Expenditure Charge components of the maintenance charge and WER Charge, shall be annually inflated by the percentage rates described below, effective January 1 of each calendar year starting January 1, 2011, in order to determine the final rates and charges for said calendar year, subject further to re-set of the underlying "base rates" periodically as described in subsection 5.b below.

Non-Medical Charges: the following fees and charges are subject to an annual inflator of 5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 3%)~~ unless otherwise specified in Subsection 5.b below:

- i. Maintenance Charge
- ii. WER Charge
- iii. Reduced Booking Fee and Standard Booking Fee
- iv. Acute Psychiatric Housing Surcharge
- v. 1:1 Guarding.

Medical Charges: the following fees and charges are subject to an annual inflator of 6.5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 5%)~~ unless otherwise specified in Subsection 5.b below:

- i. Infirmary Care Surcharge
- ii. Psychiatric Care Surcharge.



1. b. **Attachment III-1** shows the allocation of 2007 **Actual Jail Costs**
2 to derive the 2007 fees and charges. As indicated on Attachment III-1, these 2007
3 fees and charges were then inflated as described in subsection 5.a above in order
4 to calculate the fees and charges applicable in 2010 as set forth above in Sections
5 B.1, Maintenance Charge, B. 2, Booking Fees, B.3, Surcharges, and B.4, Offsite
6 Medical Care Charges (*excluding the Capital Expenditure Charge which will be a*
7 *periodically adjusted component added to the maintenance charge and WER*
8 *Charge*). Fees and charges payable by the City shall be re-calculated each year
9 based on Actual Jail Costs periodically recalculated, using the same allocation
10 methodology as illustrated in Attachment III-1, and applying the inflators
11 described in subsection 5.a, as follows (*excluding the Capital Expenditure Charge*
12 *which will be a periodically adjusted component added to the maintenance*
13 *charge and WER Charge*):

14 i. Fees and Charges in 2011 shall be based on **Actual Costs**
15 for 2009, inflated as follows ~~per subsection 5.a above~~. Thus, ~~the~~ The 2009 Actual
16 Jail Costs will be used to derive the set of 2009 base charges and fees in a
17 manner consistent with the calculations in Exhibit III-I, except that the total
18 number of maintenance days, WER maintenance days, bookings, maintenances
19 days for the Infirmery, maintenance days for inmates receiving Psychiatric Care
20 Services, and maintenance days for Acute Psychiatric Housing will be calculated
21 by averaging the actual numbers for 2007, 2008, and 2009. These charges and
22 fees will be inflated by ~~the 2009 inflators (3% for non-medical fees and charges,~~
23 ~~and 5% for medical charges) described in subsection 5.a above to derive the~~
24 ~~2010 charges and fees, and then these charges and fees will be inflated again by~~
25 ~~at the rates described in subsection 5.a (53% for non-medical fees and charges,~~
26 ~~and 6.55% for medical charges) to determine the 2011 fees and charges.~~

27 ii. Fees and Charges in 2012 shall be ~~determined by inflating~~
28 ~~the 2011 charges and fees by the inflators described in subsection 5.a above (5%~~
~~for non-medical fees and charges, 6.5% for medical charges) based on **Actual**~~
~~**Costs** for 2009, inflated as follows~~. Thus, the 2009 Actual Jail Costs will be
used to derive the set of 2009 base charges and fees in a manner consistent with
the calculations in Exhibit III-I. These charges and fees will be inflated by the
2009 inflators (3% for non-medical fees and charges, 5% for medical charges),
will be inflated by the 2010 inflators at the rates described in subsection 5.a (5%
for non-medical fees and charges, 6.5% for medical charges), and will be inflated
by the 2011 inflators at the rates described in subsection 5.a (5% for non-medical
fees and charges, 6.5% for medical charges) to determine the 2012 fees and
charges.

 iii Fees and Charges in 2013 shall be based on **Actual Jail**
Costs for 2011, inflated per subsection 5.a above (e.g., the 2011 Actual Jail
Costs will be used to derive the set of 2011 base charges and fees in a manner
consistent with the calculations in Exhibit III-1; these charges and fees shall be



1 inflated by 5%, or 6.5% , per paragraph a above, to derive the 2012 charges and
2 fees, and those charges and fees will be inflated again by 5% or 6.5% (per
3 subsection 5.a) to determine the 2013 fees and charges).

4 iv. Fees and Charges in 2014 shall be determined by inflating
5 the 2013 charges and fees by the inflators described in subsection 5.a above.

6 v. Fees and Charges in 2015 shall be based on **Actual Jail**
7 **Costs** for 2013, inflated per subsection 5.a above (e.g., the 2013 Actual Jail
8 Costs will be used to derive the set of 2013 base charges and fees in a manner
9 consistent with the calculations in Exhibit III-1; these charges and fees shall be
10 inflated by 5% or 6.5% per subsection 5.a above, to derive the 2014 charges and
11 fees, and those charges and fees will be inflated by 5% or 6.5% per subsection
12 5.a above to determine the 2015 fees and charges).

13 vi. Fees and charges in 2016 shall be determined by inflating
14 the 2015 charges and fees by the inflators described in subsection 5.a above.

15 **Actual Jail Costs** means the direct and indirect costs related to operating the Jail,
16 including without limitation health services, as determined by the County's
17 budget reconciliation completed after the end of each calendar/budget year.

18 2. Except as otherwise expressly provided above, the May 1, 2010 Amendment to
19 Interlocal Agreement Between King County and the City of Seattle for Jail Services
20 remains in effect without revision.

21 3. This amendment shall be effective January 1, 2011.

22 For the City of Seattle

23 _____
24 Michael McGinn
25 Mayor

26 Dated: _____

27 For King County

28 _____
Dow Constantine
King County Executive

Dated: _____



2011-2012 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Criminal Justice Contracted Services (CJCS)	Catherine Cornwall/684-8725	Catherine Cornwall/684-8725

Legislation Title: AN ORDINANCE relating to jail services; authorizing the Mayor to execute an amendment to the extension to the Interlocal Agreement with King County for the Provision of Jail Services, and ratifying certain acts.

Summary of the Legislation: This ordinance will authorize the Mayor to sign an amendment to the Interlocal Agreement (ILA) with King County for jail services to change the methodology for how the 2011 fees are calculated.

Background: The 2010 ILA with King County established a fee structure with different rates for booking, work release, general housing, psychiatric, acute psychiatric, medical and one on one guarding services. Previously, the City had paid the same daily rate regardless of what services the inmate received or where the inmate was housed. This new fee structure went into effect June 1, 2010 and increased the City's King County jail costs by about 10% (\$1.3 million annually) over the prior rate model.

Under the current ILA, the methodology for calculating the 2010 jail rates takes the 2007 actual cost for each unit (e.g. medical, psychiatric, general housing, etc.), inflates the cost so that it is in 2010 dollars, and then divides the total cost by the number of inmates that were housed in that unit in 2007.

Under the methodology called for in the 2010 Jail ILA, the 2011 fees for service would have increased Seattle's jail costs by another 21% (\$2.9 million). The 2011 rates were based on the same method as described in the previous paragraph but used 2009 actual expenditures and inmate numbers (rather than 2007 figures). In 2009, costs went up, but the number of inmates fell – resulting in high increases because the total cost for each unit was spread to fewer inmates which led to much higher than expected higher per inmate costs (as shown in the table on the following page).



2010 Jail Rates and 2011 Rates as calculated under the current ILA methodology

	Budgeted ADP	2010 Jan-May 2010		2010 June-Dec 2010		2011 (initial) Rates based on ILA %		
		Fee	Annual Cost	Fee	Annual Cost	Fee	Annual Cost	increase
Booking Fee	10,900	\$234	\$2,545,964	\$289	\$3,149,337	\$354	\$3,860,126	23%
Work Release	17	\$122	\$759,353	\$79	\$488,598	\$83	\$513,028	5%
Maint. Day	173	\$122	\$7,702,568	\$107	\$6,729,699	\$130	\$8,174,029	21%
1 on 1	1	\$122	\$29,166	\$1,319	\$314,961	\$1,508	\$360,070	14%
Psych	15	\$122	\$685,443	\$172	\$964,419	\$200	\$1,121,012	16%
Acute Psych	13	\$122	\$579,640	\$326	\$1,549,519	\$396	\$1,877,725	21%
Medical	7	\$122	\$317,916	\$267	\$694,586	\$343	\$894,070	29%
Total Cost	226		\$12,620,050		\$13,891,119		\$16,800,059	21%

In order to reduce the size of the increase, County Executive Constantine is proposing to change how the fees are calculated for 2011. This proposed modification will reduce the size of the increase to approximately 11% in 2011. There are two changes being proposed:

- Under the terms in the current ILA, only the actual inmate housing numbers for the most recent year are used. The proposed amendment would instead calculate the total number of bookings, and days in work release, general housing, psychiatric, acute psychiatric, or medical housing by averaging the actual numbers for 2007, 2008, and 2009.
- The current ILA calls for using 5% to inflate non-medical costs and 6.5% to inflate medical costs. The proposed amendment would instead use 3% to inflate non-medical costs and 5% to inflate medical costs.

These two changes will lead to an increase of about 11% in 2011 rather than the original 21% increase that would have occurred if the methodology in the current ILA was used.



2010 Rates and 2011 Proposed Rates

	Budgeted ADP	2010		2010		2011 (proposed)		
		Jan-May 2010 Fee	Annual Cost	June-Dec 2010 Fee	Annual Cost	Rates based on amended ILA Fee Annual Cost % increase		
Booking Fee	10,900	\$23 4	\$2,545,964	\$289	\$3,149,337	\$314	\$3,419,766	9%
Work Release	17	\$12 2	\$759,353	\$79	\$488,598	\$80	\$498,609	2%
Maint. Day	173	\$12 2	\$7,702,568	\$107	\$6,729,699	\$120	\$7,544,579	12%
1 on 1	1	\$12 2	\$29,166	\$1,319	\$314,961	\$1,471	\$351,415	12%
Psych	15	\$12 2	\$685,443	\$172	\$964,419	\$188	\$1,056,242	10%
Acute Psych	13	\$12 2	\$579,640	\$326	\$1,549,519	\$361	\$1,711,225	10%
Medical	7	\$12 2	\$317,916	\$267	\$694,586	\$302	\$787,417	13%
Total Cost	226		\$12,620,050		\$13,891,119		\$15,369,252	11%

X This legislation has financial implications. Please complete all relevant sections that follow.

The 2011 Proposed Budget for the CJCS Budget assumes that the amendment to the King County Jail ILA will be executed and that no additional funding (or appropriation authority) is required. If this legislation is not approved and the amendment to the ILA is not executed, \$1.4 million of additional funding would be required to pay for King County jail services.

What is the financial cost of not implementing this legislation? \$1.4 million in 2011.

Does this legislation affect any departments besides the originating department? No.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? None.

Is the legislation subject to public hearing requirements? No.

Other Issues: Not Applicable.

Please list attachments to the fiscal note below: None.





City of Seattle
Office of the Mayor

September 27, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill authorizing the execution of an amendment to the Interlocal Agreement (ILA) with King County for the provision of jail services for consideration with the 2011 Proposed Budget. This amendment to the ILA will change how the 2011 jail fees are calculated, which will help moderate the size of the 2011 rate increase.

In April 2010, the City of Seattle and King County executed an amendment to the ILA, which extended the term of the ILA to December 31, 2016, and established a fee structure with different rates for booking, work release, and general housing as well as surcharges for psychiatric, acute psychiatric, medical, and one-on-one guarding services. Previously, the City had paid the same daily rate regardless of where an inmate was housed. This new fee structure increased the City's King County jail costs by about 10% (\$1.3 million annually) over the prior rate model. Under the methodology called for in the 2010 Jail ILA amendment, the 2011 fees for service would have increased Seattle's jail costs by another 21% (\$2.9 million). In order to reduce the size of the increase, County Executive Constantine is proposing to change how the fees are calculated for 2011. This proposed change will reduce the size of the increase to approximately 11% (\$1.45 million) in 2011.

While still significant, this proposed amendment to the ILA will help reduce the size of the increase to Seattle's 2011 King County jail costs. Thank you for your consideration of this legislation. Should you have questions, please contact Catherine Cornwall at 684-8725.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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Seattle, WA 98124-4749

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mike.mcgin@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

264490
CITY OF SEATTLE, CLERK'S OFFICE

No. 123458-123481

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

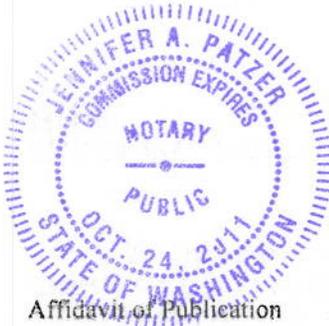
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CITY TITLE ONLY ORDINANCE

was published on

12/15/10

The amount of the fee charged for the foregoing publication is the sum of \$ 177.45, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

12/15/10

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on November 22, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123442

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for the City of Seattle for 2011; creating a barrier fund; creating positions exempt from civil service; all by a two-thirds vote of the City Council.

ORDINANCE NO. 123443

AN ORDINANCE relating to the Pacific Place Garage; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the Downtown Parking Garage Fund; and providing for the repayment thereof.

ORDINANCE NO. 123451

AN ORDINANCE related to probation supervision fees assessed by the Seattle Municipal Court; repealing Ordinance 114809.

ORDINANCE NO. 123454

AN ORDINANCE concerning indigent public defense services; amending Ordinance 122602 to delete a minimum requirement of 1.0 FTE attorney for the third public defense agency representing indigent persons in Seattle Municipal Court.

ORDINANCE NO. 123455

AN ORDINANCE relating to the levy of property taxes; fixing the rates and/or amounts of taxes to be levied, and levying the same upon all taxable property, both real and personal, in the City of Seattle, to finance the departments and activities of City government and to provide for the general obligation bond interest and redemption requirements for the year beginning on the first day of January 2011; ratifying and confirming certain prior acts; and by a vote of a majority plus one of the Seattle City Council, finding a substantial need to use, and providing for the use of, 101% as the regular property tax limit factor.

ORDINANCE NO. 123457

AN ORDINANCE amending Ordinance 123177, which adopted the 2010 Budget, including the 2010-2015 Capital Improvement Program (CIP); lifting a proviso; changing appropriations to various departments and budget control levels, and from various funds in the Budget, all by a 3/4 vote of the City Council.

ORDINANCE NO. 123458

AN ORDINANCE relating to City employment; establishing a 2011 furlough program for certain non-represented employees.

ORDINANCE NO. 123459

AN ORDINANCE relating to the Firefighters' Pension Fund established under RCW 41.16; amending Ordinance 117216 as last amended by Ordinance 122859 to continue the suspension of contributions to the Actuarial Account for an additional two years through 2012.

ORDINANCE NO. 123463

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123464

AN ORDINANCE relating to City employment; authorizing the Mayor to sign

a memorandum of understanding between the City of Seattle and certain unions within the Coalition of City Unions, and authorizing the Mayor to sign a memorandum of understanding between the City of Seattle and the International Federation of Professional and Technical Engineers, Local 17 Information Technology Professionals Unit; and ratifying and

confirming prior acts.

ORDINANCE NO. 123465

AN ORDINANCE relating to City employment; providing salary increases effective January 5, 2011, January 4, 2012, and January 2, 2013 for certain non-represented City employees and officers; extending eligibility for Project Hire and reinstatement from one year to two years for employees laid off in 2011, 2012, or 2013; and repealing Ordinance 123173.

ORDINANCE NO. 123470

AN ORDINANCE relating to the financing of the Pike Place Market Renovation Project; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the Pike Place Market Renovation Fund; and providing for the repayment thereof.

ORDINANCE NO. 123475

AN ORDINANCE relating to jail services; authorizing the Mayor to execute an amendment to the extension to the Interlocal Agreement with King County for the Provision of Jail Services, and ratifying certain acts.

ORDINANCE NO. 123476

AN ORDINANCE related to the transfer of the Seattle Youth Commission from the Department of Neighborhoods to the Mayor's Office, amending Chapter 3.67 of the Seattle Municipal Code.

ORDINANCE NO. 123481

AN ORDINANCE relating to the Joint Training Facility Project; amending Ordinance 121179, as last amended by Ordinance 122854, to extend the term of an interfund loan.

Date of publication in the Seattle Daily Journal of Commerce, December 15, 2010.

12/15(264490)