



# KING COUNTY AUDITOR'S OFFICE

APRIL 1, 2022

## Follow-up on Courthouse Revitalization Audit


**The Facilities Management Division (FMD) continues to make slow progress on developing a Civic Campus Master Plan and has no plans to address some immediate risks to workers' health and safety and to building operation identified in the 2016 Clark Report and our 2018 High Risk List.**

**The King County Courthouse is an aging structure with \$12.5 million in deferred maintenance, and an expected \$39.2 million in additional maintenance coming due in the next six years.<sup>1</sup>** The courthouse contains critical county functions including the County Council, District Court, Superior Court, and Sheriff's Office. In 2017, in part due to the high costs of needed repairs at the courthouse and lack of funding to support such an effort, FMD initiated the development of a Civic Campus Master Plan (CCMP) to determine the needs of the downtown campus through 2045 and select a preferred option for courthouse revitalization or replacement. The CCMP is a long-term plan, and FMD has stated the revitalization or replacement of the courthouse will not be completed for at least a decade after completion of the CCMP.<sup>2</sup>

Updates from the CCMP development team have been limited and FMD is not planning on formally presenting an update to the King County Council until after the alternatives analysis is complete in 2022. As a result, policy-makers will not have an opportunity to review and provide feedback on the assumptions and constraints they are using to develop alternatives.

**Many of the short-term recommended repairs in the 2016 Clark Report—including life-safety repairs—remain unaddressed, which could put the County's ability to operate out of the courthouse in the interim at risk.** These maintenance and repair needs affect crucial systems such as elevators, fire suppression, and the heating, ventilation, and air conditioning (HVAC) systems. Seven years ago, in 2015, we recommended FMD conduct planning to avoid, mitigate, or respond to potential system failures in the courthouse until policy-makers make decisions about the future of the facility. FMD currently has no plans to address these remaining repairs or communicate these risks to tenants. This lack of communication from FMD to tenants regarding risks creates a missed opportunity to notify tenants of the need to develop plans for how to continue operations in the event of building systems failures.

Of the five audit recommendations:

	1 <b>DONE</b>		4 <b>PROGRESS</b>		0 <b>OPEN</b>
<b>Fully implemented</b> Auditor will no longer monitor.		<b>Partially implemented</b> Auditor will continue to monitor.		<b>Remain unresolved</b> Auditor will continue to monitor.	

<sup>1</sup> King County Civic Master Plan, 2018 Phase One Report states the courthouse has \$12,544,469 in deferred maintenance, \$39,250,964 in observed deficiencies, and a structure renewal cost of \$124,228,703.

<sup>2</sup> FMD currently plans to have the CCMP completed in 2023, two years later than initially planned.

Please see details below for implementation status of each recommendation.

### Recommendation 1

On April 27, 2017

DONE



### Recommendation 2

PROGRESS



**The County Executive should determine the future space needs of the downtown campus and update the Real Property Asset Management Plan as mandated by King County Code 20.12.100.**

STATUS UPDATE: FMD identified the County's future space needs for the downtown campus in mid-2020. However, due to the pandemic and new work-from-home initiatives, the space needs have changed. FMD has begun efforts to incorporate the Future of Work initiative and stakeholder input but future space needs have yet to be finalized.

FMD originally intended the next update of the Real Property Asset Management Plan (RAMP) to occur after the completion of the CCMP. The development of the CCMP has stalled due to the COVID-19 pandemic and County Executive requirements for development of a community advisory group, and FMD does not expect the plan will be complete until at least 2023, two years behind schedule.

Per King County Code 20.12.100, a RAMP update is due "within ninety days of any significant change in the county space plan, such as a move, sale, purchase or other change, affecting fifty thousand or more square feet of useable [sic] space." The decision to close the King County Administration Building, announced in September 2020, would have triggered this update requirement. FMD now plans to complete a RAMP update by February 2023, within 90 days of the Administration Building being fully vacated.

WHAT REMAINS: To complete the implementation of this recommendation, FMD needs to finalize a facilities requirements assessment and document in its RAMP any gaps identified in its operational needs analysis. An interim update to the RAMP documenting information developed to date, may be helpful to provide Council with information to inform budget deliberations for the 2023–24 biennium, including the anticipated additional funding request to complete the CCMP and additional funding requests for tenant improvements at the King Street Center.

### Recommendation 3

PROGRESS



**The County Executive should conduct and report on a thorough alternatives analysis that compares the status quo of maintaining the current courthouse to other viable alternatives based on the future needs of the downtown campus, the updated Real Property Asset Management Plan, and input from stakeholders.**

STATUS UPDATE: FMD has been engaged in developing a CCMP since 2017, which included development of alternatives for the downtown campus in Phase III of the project. FMD's consultant completed an alternatives analysis in July 2020, but FMD's communication to stakeholders outside the Executive Senior Leadership Team has been limited. FMD's last communication provided an

update on the CCMP to councilmembers at the Government Accountability and Oversight Committee in January 2020, at which point only Phase II: Gap Analysis was underway. The CCMP Project Oversight Committee, which includes County Council staff, has not met since the start of the COVID-19 pandemic. FMD does not plan to provide a formal update to the County Council until the CCMP alternatives analysis is complete in September 2022, leaving Council without an opportunity to review and provide feedback on the assumptions and constraints it is using to develop alternatives.

Providing a report out to the County Council regarding the analysis completed to date would allow an opportunity to provide feedback to the CCMP team prior to the selection of three alternatives for further development and provide Council with additional information for consideration when reviewing appropriation requests for tenant and other building improvements.

WHAT REMAINS: To complete the implementation of this recommendation, the County Executive will need to document a thorough alternatives analysis based on the future needs of the downtown campus and update the RAMP. FMD should incorporate feedback from stakeholders, including the County Council, into the alternatives analysis. The Executive should report out the final alternatives analysis to the County Council, along with clear short- and long-term revitalization investment strategies for the courthouse.

## Recommendation 4

PROGRESS



**Facilities Management Division should conduct and document risk management planning to maintain county services in the courthouse for the number of years it will take to thoroughly explore alternatives and complete the systems revitalization or other alternative project.**

STATUS UPDATE: Since the last follow-up, FMD has addressed one recommended short-term repair. However, FMD has stated there remains no additional funding to address the remaining observed deficiencies and the recommended short-term repairs identified in the 2016 Clark Report. Any additional work would occur as part of a courthouse revitalization effort or closure. FMD estimates it will not complete courthouse revitalization efforts until at least 10 years after a finalized CCMP due to the expected financing needs of the project. This means the courthouse will need to remain operable until at least mid-2033. While FMD has conducted periodic fire protection system testing as required by Seattle Fire Code, it has not completed risk management planning efforts to determine how to monitor, address, or respond to observed deficiencies and potential for building system failures identified in the 2016 Clark Report. These observed deficiencies include an HVAC system beyond its useful life and life-safety systems, such as water supply for fire suppression, smoke and fire dampers, and smoke hatches. Unaddressed, these deficiencies may create risks for tenants during an emergency and/or an inability for tenants to continue operations at the courthouse.

EXHIBIT A: Short-term repair strategy listed in Building Systems Report, 2015-2016

REPAIRS	COST ESTIMATE	CURRENT STATUS	LIFE SAFETY
Plumbing/Hot Water	\$2.4 million	Partially Done	⚠
Electrical/Bus Duct	\$9.3 million	Complete	⚠
HVAC (including smoke dampers & hatches)	\$10.4 million	Partially Done	⚠
Vertical Transportation	\$1.6 million	Not Yet Planned	
Interior Finishes	\$1.5 million	Not Yet Planned	
Exterior Closure	\$6.3 million	Not Yet Planned	
<b>TOTAL</b>	<b>\$31.5 million</b>		

WHAT REMAINS: To complete this recommendation, the County Executive and FMD should reassess unfunded repairs, identified in Exhibit A, and document how risk management planning efforts in the courthouse align with the timeline for an alternatives analysis and revitalization and/or closure of the courthouse.

## Recommendation 5

PROGRESS



**Facilities Management Division should work with courthouse tenants and other stakeholders to understand, develop, and document action plans to mitigate potential impacts to operations in the event of failure of building systems.**

STATUS UPDATE: While FMD has a standard process to communicate planned and emergency work to tenants, it has not proactively communicated courthouse building system risks or an FMD risk mitigation plan to these tenants. This leaves tenants unaware of the risks, likelihood of occurrence, or duration of system failures that may affect their ability to work from the courthouse. Moreover, FMD has not alerted tenants to the limits of assistance it can provide in the event of a system failure. Available continuity of operations plans for courthouse tenants either state that FMD is responsible for acquiring alternative worksites in the event of an emergency—a service which FMD has stated it does not have the capacity to provide—or do not address the possible need for alternative worksites. Given the recent mandated work-from-home requirements, it may be an opportune time for FMD to recommend tenants develop alternative continuity of operations plans should the courthouse be un-occupiable, or if specific system failures, such as elevators, create barriers to in-office work for those with disability needs.

WHAT REMAINS: FMD should clearly communicate with courthouse tenants the outstanding building system repair needs, probability of failure, and duration it would take to make repairs so tenants can develop action plans to maintain operations in the event of any building system failure.

Zainab Nejati conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at [KCAO@KingCounty.gov](mailto:KCAO@KingCounty.gov) or 206-477-1033.