

**Washington State Judicial Branch**  
**2024 Supplemental Budget**  
**Initial submission: ODP Office Relocation – Oct 2023**  
**Revised to: OPD Office Expansion – Dec 2023**

**Agency:** Office of Public Defense

**Agency Recommendation Summary Text:**

**This decision package – OPD Office Expansion - replaces the OPD Office Relocation decision package submitted in October 2023 and included in the Governor’s budget.**

The Office of Public Defense (OPD) submitted a decision packet in the 2024 Supplemental Budget to request one-time funding to relocate along with ongoing funding to cover the costs of a new office site that would give OPD additional office space to accommodate onsite staff. OPD was working on this project with DES and OFM with the Office of Financial Management Facilities Oversight and Planning team taking the lead.

Funding had been requested for tenant improvements, technology infrastructure, new office furniture, professional movers and DES Real Estate costs. After the relocation decision package had been submitted to OFM it was determined by DES that it wasn’t financially feasible to relocate into any state-owned or non-state-owned buildings as the lease costs were significantly higher. Additionally, it was determined that the required tenant improvement costs to ready the vacant office space would run \$800K - \$1.3M in one-time costs. The combination of the exorbitant tenant improvement costs and significantly higher lease cost made the plan of relocating not feasible. At the recommendation of DES (email copied/pasted at the end of this decision package), the relocating plan changed to an expansion plan within Evergreen Plaza – the site that currently houses all OPD employees with the exception of full-time remote working staff.

**Funding is requested from the biennial JSTA fund in the event moving costs are split between FY 2024 & FY 2025.**

**Please note: OPD receives funding from JSTA with three different appropriation index (AI) codes and this should be funded in Appropriation 030 as listed below.**

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
<b>Fund 001 SGF</b>	\$111,369	\$0	\$111,369	\$0	\$0	\$0
<b>Object of Expenditure</b>						
ED Lease Ongoing Costs	\$67,224	\$222,852	\$290,096	\$222,852	\$222,852	\$445,704
<b>Total Expenditures</b>						
Total Expenditures	\$178,613	\$222,852	\$290,096	\$222,852	\$222,852	\$445,704

NOTE: OPD’s lease terms on 6/30/2025; therefore, 2025-27 lease increases are unknown at this time and will be submitted in the 2025-27 biennial budget request.

**Package Description:**

**Background and Current Situation:**

OPD moved into leased space at the Evergreen Plaza Building in downtown Olympia in June 2005 with 5 FTEs. As of November 2023, OPD employs 49.1 FTEs. Projected hiring for current programs and post FY24 Supplemental Budget will add 17 FTEs going into FY26. This does not include projections for any new programs or initiatives OPD could potentially take on as a result of 2024 legislative action or 2025-2027 biennial budget action.

At present we have people working remotely that should be on-site and not enough available space for touch down spots for 18 remote workers. Expansion into additional Evergreen Plaza office suites will solve both problems.

OFM had approved the request to relocate, and the Department of Enterprise Services (DES) Real Estate Services assisted OPD in trying to secure suitable leased office space that met state requirements. At the conclusion of their search for buildings into which OPD could relocate, it was recommended that OPD remain at Evergreen Plaza, located in downtown Olympia.

**The DES Design and Construction Program Manger stated in an email “...it will be distinctly more affordable to expand and remodel space in your current location than to relocate to and build out a completely new space”. DES stated to relocate we would need to “develop a more realistic budget”. Additionally, DES stated “we are seeing unprecedented constructions costs” and that to “build out the leased space to meet your agency requirements [the relocate option] the costs would run \$800K - \$1.3 million. Please note that this cost did not include the increased lease costs – this was the price to make existing office buildings ‘move in ready’.**

OPD contacted SATO, the owner of Evergreen Plaza, to determine all available suites, number of offices within each suite and the cost of each suite. There were several suites that would accommodate our needs; however, would have cost around \$200K to be ‘move in ready’, making OPD’s one-time funding request close to \$400K. These spaces were large enough to accommodate OPD’s growth; however, were large open rooms – without walls/doors to define office spaces. While \$200K to build out in our current setting was much lower than DES’s relocation plan, OPD felt it was still too expensive for a one-time ask to remodel a non-state-owned building.

The remaining available suites were much smaller in comparison, yet move in ready, without one-time costs associated with the expansion. This is the option OPD chose.

To meet the current/future (FY24 through FY26) FTE needs, OPD is seeking the funding to expand and lease four additional small suites on the first and third floors of Evergreen Plaza – floors where OPD already occupies space. The proposed expansion will provide OPD with enough office space and touchdown space for 65.1 FTEs, with space available for possible future growth.

**Proposed Solution:**

After consultation with the DES & Office of Financial Management (OFM) Facilities Oversight and Planning staff, OPD has identified expansion within its current setting as the only viable option to meet the agency’s current and immediate future needs for office space.

**Fully describe and quantify expected impacts on state residents and specific populations served:**

OPD administers public defense programs that serve clients throughout the state and needs a central office location from which its employees can administer public defense programs.

**Explain what alternatives were explored by the agency and why they were rejected as solutions:**

Following initial consultation with OFM and DES, OPD planned to move to a new location (original decision package). However, after further DES investigation, that option proved to be too costly. OPD currently has employees working remotely who should be working onsite. OPD doesn’t have enough space for touchdown spots for its 100% remote employees.

**What are the consequences of not funding this request?**

Funding is imperative for this request as OPD does not have enough office space for staff who should be working onsite. OPD has identified the jobs that can be sustained remotely and those that cannot. OPD’s growth, over the course of the last 10 years - particularly the last 4-6 years - has been extraordinary due to taking on new programs assigned by the Legislature.

**Is this an expansion or alteration of a current program or service?**

The legislature has granted OPD the authority and the funding for new programs over the course of the last 4-6 years and we’ve simply outgrown our current space due to taking on additional programs, subprograms and hiring additional staff associated with these programs. As additional funding for programs, sub programs and FTEs were given, OPD didn’t ask for additional space – an oversight on our part.

**Decision Package expenditure, FTE and revenue assumptions:  
Staffing Assumptions**

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 24	FY 25	FY 26	FY 27	
No FTEs.	0	0	0	0	

Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 24	FY 25	FY 26	FY 27	
Lease	\$67,224	\$222,852	\$222,852	\$222,852	Ongoing lease costs – NOTE: OPD’s current lease ends on 6/30/2025 and lease increases are anticipated. The 2025-27 biennial budget request will include increases.
Goods and Services	\$111,339	\$	\$	\$	One-time Costs
Travel	0	0	0	0	n/a
Equipment	0	0	0	0	n/a
Grants or Pass-Thru Funding	0	0	0	0	n/a

**One-time Expansion costs:**

Includes costs for cabling to connect new office spaces to the OPD network; professional movers to move furniture, file cabinets and boxes to new space; reimbursement of DES feasibility study to relocate; and desks/chairs for the new offices.

**Ongoing increased lease costs:**

Three of the desired office suites will become available on March 1, 2023 and the fourth on May 1, 2023. Eight suites are available within Evergreen Plaza and OPD seeks to lease four of them. Olympia commercial real estate continues to be overpriced and several other businesses are looking into leasing at Evergreen Plaza as the rentable square foot costs are lower due to its location – the heart of downtown Olympia.

In order to “hold” the office spaces that OPD would like to lease, rent must be paid month-to-month until funding is received and an amendment to our current lease is executed. OPD cannot afford to enter into a lease until additional funding is approved and funded. Provided the 2024 legislative session does not go into special session OPD would pay for

the expansion suites in March to “hold” and plan on occupying the suites 4/1/2024 – once additional funding was secured and the network cabling was completed. These costs are built into the ongoing increased lease costs.

OPD currently pays \$19,427.30 per month for existing office space (28 offices (which includes 8 parking spots)) with an additional \$965 per month paid for parking, for a total of \$20,392.30 monthly. The current lease runs through June 30, 2025.

OPD’s expansion into four additional smaller suites would change the current office space paradigm, which is a bit random at this juncture. This expansion would allow OPD to put programs into various suites, so that Administration, Appellate, Parents Rep, Trial Court and Forensic Civil Commit program would each have their own suites/office locations, allowing program teams to be housed together with easier access to respective peer groups.

**PLEASE NOTE:** If funding is secured to expand within Evergreen Plaza the additional suites would dovetail into our current lease which runs through June 30, 2025. Our current lease term runs 5 years. OPD expects that the building owner will increase lease costs, which OPD will request in the 2025-27 biennial budget request.

	<b>FY24 partial</b>	<b>Lease cost</b>	<b>FY24</b>	<b>FY25</b>	<b>23-25</b>
<b>Ongoing Lease Costs</b>	<b>months</b>	<b>per month</b>			
<b>Suite #</b>					
303 Forensic Commit	4	\$2,011.00	\$8,044.00	\$24,132.00	\$32,176.00
101 Fiscal/Budget	2	\$3,520.00	\$7,040.00	\$42,240.00	\$49,280.00
102/103 Parents Rep	4	\$4,780.00	\$19,120.00	\$57,360.00	\$76,480.00
304 Partial Admin/New Hires	4	\$8,260.00	\$33,040.00	\$99,120.00	\$132,160.00
<b>Total Ongoing Lease Costs</b>		<b>\$18,571.00</b>	<b>\$67,244.00</b>	<b>\$222,852.00</b>	<b>\$290,096.00</b>
<b>One-time</b>					
Cabling	303		\$12,000.00		
	101		\$15,000.00		
	102/103		\$15,000.00		
	304		\$25,000.00		
<b>TOTAL</b>			<b>\$67,000.00</b>		
<b>Moving Costs (4 days)</b>			<b>\$9,600.00</b>		
<b>DES Study Cost</b>			<b>\$3,969.00</b>		
Desks	28		\$28,000.00		
Chairs	28		\$2,800.00		
<b>TOTAL</b>			<b>\$30,800.00</b>		
<b>Total One-time Costs</b>			<b>\$111,369.00</b>		
<b>Total One-Time &amp; Ongoing</b>			<b>\$178,613.00</b>	<b>\$222,852.00</b>	<b>\$290,096.00</b>

**How does the package relate to the Judicial Branch principal policy objectives?**

OPD’s mission is to uphold the rights of all people who are facing the loss of liberty or family by providing statewide leadership, administration, and support to the multidisciplinary public defense profession. To effectuate this mission, OPD staff must be able to collaborate in an office work environment. This aligns with Judicial Branch principal policy objectives by supporting access to necessary representation and maintaining sufficient staffing and support.

**Are there impacts to other governmental entities?**

No.

**Stakeholder response:**

Washington residents impacted by the state legal system, whether as a parent at risk of losing a child, an individual faced with criminal charges or any of the ancillary impacts as a result of those events, will benefit from OPD’s ability to effectively support public defense services throughout the state.

**Are there legal or administrative mandates that require this package to be funded?**

No.

**Does current law need to be changed to successfully implement this package?**

No.

**Are there impacts to state facilities?**

No.

**Are there other supporting materials that strengthen the case for this request?**

Attached below is a December 5 email from DES reporting that they can find no suitable alternative location and that they recommend expanding at Evergreen Plaza rather than relocating.

**Are there information technology impacts?**

Yes – cabling will be required

**Agency Contact:**

Sophia Byrd McSherry, Deputy Director  
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DES email – recommendation to expand in Evergreen Plaza rather than relocate.

**From:** Leccese, Regina (DES) <[Regina.Leccese@des.wa.gov](mailto:Regina.Leccese@des.wa.gov)>

**Sent:** Tuesday, December 5, 2023 5:17 PM

**To:** Tracy Sims <[Tracy.Sims@opd.wa.gov](mailto:Tracy.Sims@opd.wa.gov)>

**Cc:** Limmeroth, Mimi (DES) <[mimi.limmeroth@des.wa.gov](mailto:mimi.limmeroth@des.wa.gov)>; Bushnell, Rick (DES) <[rick.bushnell@des.wa.gov](mailto:rick.bushnell@des.wa.gov)>; Zielinski, Stanley (DES) <[stanley.zielinski@des.wa.gov](mailto:stanley.zielinski@des.wa.gov)>; Ward, Linda (DES) <[linda.ward@des.wa.gov](mailto:linda.ward@des.wa.gov)>

**Subject:** Office of Public Defense New Space Project 23-08-2558

**Stop! Look! Think before you click!** This message originated from outside the OPD network. Use caution when clicking links or opening attachments.

Dear Tracy,

Relative to your Modified Pre-Design approval from OFM for seeking 8,300 sf of new space, we have looked at different options including backfilling vacant state-owned space. We concluded that there is no available state owned space that suits OPD's program requirements (nor that can be remodeled to do so), which includes 42 private offices. In the current market for leased facilities, we are seeing unprecedented construction costs. It is reasonable to assume that the construction cost to build out an 8,300 sf leased space to meet your program requirements may be anywhere from \$800,000 to \$1.3 million (the latter is \$150/sf, and we have seen costs over \$300 sf recently).

Your MPD approval includes \$263,000 for one-time costs, with \$100,000 for tenant improvements. Given that overall one-time costs include DES fees, construction, agency vendors (IT, security, etc.), movers, and furnishings, this number is not sufficient to expand in place. However, it will be distinctly more affordable to expand and remodel space in your current location than to relocate to and build out a completely new space.

Please let me know if we can answer any questions or concerns, or help you develop a more realistic budget for expanding in place.

Regards,

**Regina M. Leccese, AIA**

Design and Construction Program Manager | Real Estate Services

Washington State Department of Enterprise Services

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