

AGENDA REQUEST FORM

Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232

Prepared by:
Don L. Anderson

Department: Corporate Counsel

Requested Agenda Date: 08/02/2022

Presenting: Don Anderson

Document Title:

Board of County Commissioners Record Assigned
BOCC Agreement

233-2022
Yakima County, WA

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

Interagency Reimbursement Agmt Amendment 1 Between WA State ~~OAC~~ and Yakima County **AOC**

Action Requested: Check Applicable Box

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

None to Yakima County. Yakima County could receive a maximum of \$1,376,870 for reimbursement of extraordinary costs that arise from the County's role in vacating convictions and refunding legal financial obligations and collections costs under the Blake decision.

Background Information:

State v. Blake found Washington's strict liability drug possession law unconstitutional. A party convicted of simple drug possession may have their conviction vacated and be resentenced on other offenses if a prior conviction of possession of a controlled substance counted against the sentence range. They may also seek refund of LFOs and associated collection costs. This agreement would reimburse Yakima County's costs for vacating Blake convictions.

Summary & Recommendation:

Recommend the Commissioners execute their electronic copies of the agreement via DocuSign.


Motion:

Move that Commissioners execute (via DocuSign) Blake Reimbursement Agmt Amendment 1

Department Head/ Elected Official


Signature

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial



Late Agenda Requests Require BOCC Chairman Signature:

INTERAGENCY REIMBURSEMENT AGREEMENT AMENDMENT 1
BETWEEN
WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS
AND
Yakima County

THIS REIMBURSEMENT Amendment is entered into by and between the Administrative Office of the Courts (AOC) and Yakima County (County), for the purpose of reimbursing for extraordinary costs that arise from the County's role in operating the state's criminal justice system including resentencing, vacating prior convictions for simple drug possession, making refunds and certifying refunds of legal financial obligations (LFOs) and collection costs under the *Blake* decision.

PURPOSE

The purpose of this Amendment is to bring the existing Interagency Reimbursement Agreement in line with the amended budget provisos in ESSB 5693; to continue to make reimbursements of costs and LFO payments; and, when appropriate, to change the amount available for reimbursements, all with the objective of assisting Counties that have reimbursed or will reimburse LFOs to defendants whose convictions or sentences in Superior Court and District Court are affected by the *State v. Blake* decision. The amount available for reimbursement is set forth below.

Additionally, Subsection b) of section 4. **TERMS OF REIMBURSEMENT** is amended to read as follows:

b) By May 1, 2023, the County agrees to report any allocated funds under either Sections 1A. or 1B. that it will be unable to spend during the term of the contract, or any additional funds it anticipates needing during the term of the contract should additional funds become available. AOC reserves the right to reallocate to other counties funds that are reported to be unable to be spent.

Finally, the Project Manager for AOC is updated.

THE AMENDMENTS

1. The Reimbursement and Period of Performance are amended to read as follows:

REIMBURSEMENT

- A. Extraordinary Expenses Reimbursement. AOC shall reimburse the County AOC shall reimburse the County up to a maximum of \$2,038,900 for extraordinary judicial, clerk, and prosecution-related costs of that arise from the County's role in operating the state's criminal justice system for the resentencing, vacating prior convictions for simple drug possession and certifying refund of legal financial obligations and collections costs of defendants whose convictions or sentences are affected by the *State v. Blake*

decision incurred during the period of February 25, 2021 to June 30, 2023. No reimbursement will be made under this Agreement for resentencing or vacation costs incurred after June 30, 2023, and any reimbursement requests in excess of this amount stated in this Section 1A will be denied unless AOC has reallocated amounts as provided in Section 4(b) of this Agreement. If additional funding is appropriated by the Legislature for these purposes, the amount of reimbursement under this Agreement may be increased by agreement of the parties.

- B. LFO Reimbursement. AOC will reimburse the County up to a maximum of \$1,376,870 for payments made by the County during the period February 25, 2021 to June 30, 2023 pursuant to court order which required reimbursement by the State of Washington of legal and financial obligations previously paid by the defendant. No reimbursement will be made under this Agreement for resentencing or vacation costs incurred after June 30, 2023, and any reimbursement requests in excess of this amount stated in this Section 2B will be denied unless the amount is revised after reallocation by AOC as provided in Section 4(b). If additional funding is appropriated by the Legislature for these purposes, the amount of reimbursement under this Agreement may be increased by agreement of the parties. Nothing in this Agreement requires the County to make payments pursuant to a court order when the funds available for reimbursement are less than the amount of the payment.
- C. General. AOC shall provide reimbursement to the County for approved and completed reimbursements by warrant or account transfer within 30 days of receipt of a properly completed A-19 invoice and the completed data report as required below.
- D. The maximum combined reimbursement under this contract is the sum of the amounts specified in Subsection 1A and 1B, and subject to modification as set forth herein.

PERIOD OF PERFORMANCE

Performance under this Amendment begins **July 1, 2021**, regardless of the date of execution, and ends on **June 30, 2023**. The period of performance may be amended by mutual agreement of the parties if the Legislature provides additional funding or time for these purposes. The parties recognize and anticipate that in 2023 a centralized LFO Refund Bureau will be established to make direct reimbursements of LFO to persons entitled to refunds.

AGREEMENT MANAGEMENT

The program managers noted below are responsible for and are the contact people for all communications and billings regarding the performance of this Agreement:

AOC Program Manager	Court Program Manager
Sharon Swanson Blake Implementation Manager PO Box 41170 Olympia, WA 98504-1170 360-704-4062 Sharon.Swanson@courts.wa.gov	Name Title Address 1 Address 2 Phone Email

ENTIRE AGREEMENT

All other provisions of the existing Interagency Reimbursement Agreement between the County and AOC that is not modified by this amendment remains in effect. This Amendment together with the Reimbursement Agreement constitutes the entire agreement of the parties.

AGREED:

Administrative Office of the Courts

BOARD OF YAKIMA COUNTY COMMISSIONERS

Signature *Date*

 Amanda McKinney, Chair

Christopher Stanley

Name

 LaDon Linde, Commissioner

Title

 Ron Anderson, Commissioner
*Constituting the Board of County Commissioners
 for Yakima County, Washington*

AUG 0 2 2022

BOCC Agreement

233 - 2022

Yakima County, WA