



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	6/22/2023
Originating Department	Executive
Contact Person	Phillip Hill, City Administrator
Title	Resolution 23-1903 – Extension of Interagency Reimbursement Agreement between Washington State Administrative Office of the Courts and Lake Forest Park Municipal Court for reimbursement costs related to the Blake decision.

Legislative History

- July 14, 2022, City Council Regular Meeting – Action
 - June 22, 2023, City Council Regular Meeting - Action
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Attachments:

1. Resolution 23-1903
 2. Interagency Agreement IAA24089
 3. Resolution 1850
 4. Interagency Agreement IAA23739
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Executive Summary

This is the second Interagency Reimbursement Agreement between the Administrative Office of the Courts (AOC) and Lake Forest Park (LFP) to access funds allotted to cities and municipal courts affected by the *State v. Blake* decision. Performance under this agreement would begin on July 1, 2023, and end on June 30, 2024. The prior agreement expires on June 30, 2023.

Background

On February 25, 2021, the Washington State Supreme Court in *State v. Blake* declared Washington's strict liability drug possession statute unconstitutional. Consequently, persons convicted in Washington State under RCW 69.50.4013(1) for possession of controlled substances may be eligible to have their conviction vacated and any fines, assessments, and fees paid refunded. AOC has set aside state funds, i.e., a legal financial aid pool, for this purpose.

LFP has been awarded up to a maximum of \$95,921.00 for extraordinary judicial, prosecutorial, or defense-related **costs of resentencing and vacating sentences** of defendants whose convictions or sentences are affected by *Blake*. We must, of course, follow the rules for reimbursement by the funding authorities. Per the contract, LFP is to submit a monthly A-19 invoice form and a data report with the required documentation. AOC will reimburse approved requests within 30 days of receipt. The performance of this agreement would begin on July 1, 2023, and end on June 30, 2024.

Implementation:

Nearly a dozen King County Municipal Courts have concluded the best way to handle this process is to work with their Finance Department. Motions and orders will be processed by the court and submitted to Finance for payment. Once Finance receives the order and issues payment, LFP will seek reimbursement from AOC following the designated procedures.

Note:

The *Blake* decision implicates charges as far back as 1971. Our court records don't reach back to 1971 but, to date, we have identified more than 400 cases filed for these charges since 1995. It will be a labor-intensive process to research and review the numerous cases for appropriate action - to vacate, resentence or reimburse legal financial obligations. Accepting AOC funds will underwrite the work that needs to be done to process these cases and provide financial reimbursement. It is important for the City to take full advantage of the funds being allotted to the City.

It is our recommendation for the Council to authorize this Interagency Reimbursement Agreement and participate in the AOC program.

Fiscal & Policy Implications

The budget actuals

The City may be reimbursed for costs incurred vacating convictions and refunding any fines, assessments, and fees paid as a result of the *State v. Blake* decision.

Alternatives

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"> • Approve 	City could receive reimbursement for costs incurred under <i>Blake</i> decision
<ul style="list-style-type: none"> • Deny 	City could receive no reimbursement from the State and have to pay out of pocket the costs incurred under the <i>Blake</i> decision

Staff Recommendation

Approve Resolution 23-1903 authorizing the Mayor to sign the Interagency Reimbursement Agreement with the Washington State Administrative Office of the Courts.