

TO: City Council
FROM: Lisa Parks, City Administrator
DATE: July 16, 2024
SUBJECT: Interagency Reimbursement Agreement IAA25301 Between Washington State Administrative Office of the Courts and City of Tumwater

1) Recommended Action:

Authorize the Mayor to sign the Interagency Reimbursement Agreement IAA25301 Between Washington State Administrative Office of the Courts and the City of Tumwater, in substantially similar form as approved by the City Attorney.

At the July 9, 2024, Public Health & Safety Committee meeting, the agreement was recommended for approval on the consent calendar.

2) Background:

State v. Blake is a 2021 Washington State Supreme Court decision that ruled the felony drug possession law unconstitutional. Someone convicted of simple possession of a controlled substance under RCW 69.50.4013 (and its predecessor statutes) may be eligible to have their conviction vacated and a refund of any legal financial obligations (LFOs) paid on these cases. The Legislature has provided limited reimbursement opportunities to cities both for the LFOs and also any extraordinary costs associated with identification and resentencing. The proposed agreement would provide for that reimbursement from the State through June 30, 2025.

3) Policy Support:

VISION | MISSION | BELIEFS

Partnership | We work collaboratively with residents, businesses, and community organizations. We also actively partner with other jurisdictions to address regional, state, and even broader issues.

4) Alternatives:

Do not authorize signature of the Agreement.

5) Fiscal Notes:

The financial exposure to the City for prosecution, court and public defense time is unknown, along with the exposure for refunding legal financial obligations for those convictions or sentences impacted by the Blake decision. This agreement would provide up to \$28,507 in reimbursement for the extraordinary judicial, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the Blake decision. This includes language from Engrossed Substitute Senate Bill 5187, Section 114(13) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia. As these are pass-through funds, there is no need for a budget amendment.

6) Attachments:

A. Interagency Reimbursement Agreement IAA25301 Between Washington State
Administrative Office of the Courts and the City of Tumwater