Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 08/03	3/2021	PREPARED E	Y: Tiffany [Deaton
Meeting Date Requested:	08/10/2020	PRESENTED	BY: Tiffany	Deaton
ITEM: (Select One)	Consent Agenda	X	Brought Befo Time needed	ore the Board d: 10 minutes
SUBJECT: Bi-County Re Authorization to Contract and Establish Bi-County F	with WA AOC to fur	e Manager and Temporary	d half-time C Staffing Pos	Court Commissioner. itions for Blake Caseload
FISCAL IMPACT: All exp of the Courts under their I State AOC.	enses to be reimbu Blake Disbursement	rsed by the Wa Plan . \$74,80 6	shington St .19 for Fran	ate Administrative Office klin County to be paid by
BACKGROUND: During to Office of the Courts was at the State v. Blake decision a Blake Disbursement Plat \$44,500,000, as identified resentencing and vacating Superior Court needs to at to deal with the caseload.	allocated \$72,500,00 n. The Washington an which outlines the lin ESSB 5092 Sec. g the sentences of d	00 by the Legis State Adminis Fir distribution 115(5), to asseted	lature to add trative Office plan for a on sist counties cted by the	dress the aftereffects of e of the Courts has issued ne-year allocation of with the costs of Blake decision. BF
RECOMMENDATION: The Court recommends a	pproval of the Bi-Co	unty Resolutio	n.	
COORDINATION:				
Suggested to schedule for	r discussion by Keith	n Johnson, Fra	nklin County	y Administrator
Reviewed by Judge Alexa	nder Ekstrom, Supe	erior Court Jud	ge	
ATTACHMENTS: (Docume	ents you are submitting	g to the Board)		
Bi-County Resolution				
HANDLING / ROUTING:				
(2) Originals to be signe Commissioners' Office.	d and returned to 1	iffany Deator	to hand-de	eliver to Benton County

I certify the above information is accurate and complete.

Tiffany Deaton, Court Administrator

JOINT RESOLUTION

BENTON COUNTY RESOLUTION	
FRANKLIN COUNTY RESOLUTION	

BEFORE THE BOARDS OF COMMISSIONERS OF BENTON AND FRANKLIN COUNTIES, WASHINGTON;

IN THE MATTER OF APPROVAL AND AUTHORIZATION TO ENTER INTO A REIMBURSEMENT CONTRACT WITH THE WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS TO FUND TEMPORARY STAFFING POSITIONS ESTABLISHED TO ADDRESS THE BLAKE DECISION CASELOAD AND ESTABLISH A PROCESS FOR ALL BLAKE RELATED EXPENSES TO BE INVOICED TO FRANKLIN COUNTY PER THEIR PRO-RATA SHARE;

WHEREAS, during the 2021 Legislative Session, the Washington State Administrative Office of the Courts was allocated \$72,500,000.00 by the Legislature to address the aftereffects of the State v. Blake decision; and

WHEREAS, the Washington State Administrative Office of the Courts has issued a Blake Disbursement Plan which outlines their distribution plan for a one-year allocation of \$44,500,000.00, as identified in ESSB 5092 Sec. 115(5), to assist counties with the costs of resentencing and vacating the sentences of defendants affected by the Blake decision; and

WHEREAS, the Washington State Administrative Office of the Courts will provide a contract to each county outlining maximum reimbursement which will be determined by the most current DOC Blake population data; and

WHEREAS, Tiffany Deaton, Superior Court Administrator, believes it to be in the best interest of Benton and Franklin Counties Superior Court to enter into a contract with the Washington State Administrative Office of the Courts to be reimbursed for the extraordinary costs associated with the resentencing and vacating of defendants whose convictions and sentences are affected by the Blake decision; and

WHEREAS, the Blake related expenses shall be invoiced and paid consistent with Joint Resolution - Benton County 2017-080 and Franklin County 2017-11 and Joint Resolution - Benton County 2020-985 and Franklin County 2020-277; **NOW THEREFORE**,

BE IT RESOLVED, that the Board of Benton and Franklin County Commissioners hereby approve and authorize the Superior Court to enter into a reimbursement contract with the Washington State Administrative Office of the Courts which reimburses the costs of temporary staffing positions that will address the Blake decision caseload; and

BE IT RESOLVED, Benton County shall invoice Franklin County monthly for the County's pro rata share of the Blake related expenses consistent with Joint Resolution - Benton County 2017-080 and Franklin County 2017-11 and Joint Resolution - Benton County 2020-985 and Franklin County 2020-277; and

BE IT FURTHER RESOLVED, Franklin County's payment to the Benton County Treasurer shall be no later than 20 days of the date of each invoice thereafter (February 15th invoice, for the month of January expenses, payment due March 6th), and so forth.

Dated this day of 2021.	Dated this day of 2021.
BENTON COUNTY BOARD OF COMMISSIONERS	FRANKLIN COUNTY BOARD OF COMMISSIONERS
Chair of the Board	Chair of the Board
Chair Pro Tem	Chair Pro Tem
Member	Member
Constituting the Board of County Commissioners of Benton County, Washington	Constituting the Board of County Commissioners of Franklin County, Washington
ATTEST:	ATTEST:
Clerk of the Board	Clerk of the Board Prepared by: T. Deaton

AOC Blake Monies Disbursement Plan

Franklin County

Benton County

			share	share
Superior Court Request for Blake Staffing = 1/2 time Court Commissioner and 1 FTE Criminal Case Manager	0 -	9/01/2021 to 12/31/2022	Estimate based on	ш
			2021 tate Of 71%	2021 Idle OI 23%
FTE Criminal Case Manager				
Full-time Criminal Case Manager based on the 2021 All Bi-County Non-				
Bargaining Salary Schedule - 7 A/B	↔	53,220.00	\$ 37,786.20	\$ 15,433.80
Social Security	↔	4,071.33	\$ 2,890.64	1,180.69
Medical Insurance (\$1,140.60/month)	€9	18,249.60	\$ 12,957.22	49
	69	5,455.05	\$ 3,873.09	69
Paid Family Leave	69	78.06	\$ 55.42	S
Worker's Comp Assessment	69	32.93	\$ 23.38	49
Insurance Management Assessment	↔	1,310.40	\$ 930.38	38
Accumulated Leave (1.75%)	€9	931.35	\$ 661.26	\$ 270.09
Computer	↔	3,276.00	\$ 2,325.96	\$ 950.04
Desk & Chair	69	1,500.00	\$ 1,065.00	69
TOTAL ANNUAL COST OF FTE - CASE MANAGER	49	88,124.73	\$ 62,568.56	\$ 25
1/2 Time Court Commissioner				
90 Hours per month @ \$86.40 per hour	↔	124,416.00	\$ 88,335.36	\$ 36,080.64
	€9	9,517.82	\$ 6,757.66	\$ 2,760.17
Medical Insurance (\$926.08/month)	49	14,817.28	\$ 10,520.27	\$ 4,297.01
Retirement	↔	12,752.64	\$ 9,054.37	\$ 3,698.27
Paid Family Leave	↔	182.49	\$ 129.57	\$ 52.92
Worker's Comp Assessment	છ	32.93	\$ 23.38	\$ 9.55
Insurance Management Assessment	69	655.20	\$ 465.19	\$ 190.01
Accumulated Leave	€9	2,177.28	\$ 1,545.87	69
Computer	↔	3,276.00	\$ 2,325.96	\$ 950.04
	⇔	2,000.00	1,420.00	69
TOTAL ANNUAL COST OF 1/2 TIME COURT COMMISSIONER	₩	169,827.65	\$ 120,577.63	\$ 49,250.02
TOTAL for 2 Superjor Court Brettions	6	000 010 010	07 07 700 70	
I OTAL 101 2 Superior Court Positions	A	25.206,702	\$183,146.19	 \$ 74,806.19

*Benton & Franklin Counties Bi-County Resolution 2014-351 sets the Court Commissioner Salary at 90% of a Superior Court Judge salary. Pursuant to RCW 43.03.310(5) the salary for the Superior Court Judge is \$199,675.00 per year. This equates to a Court Commissioner salary as follow: \$179,707.50 per year; \$14,975.63 per month; \$86.40 per hour.



BLAKE DISBURSEMENT PLAN: INFORMATION SHEET [JULY 6, 2021]

During the 2021 Legislative Session, the AOC was allocated \$72,500,000 by the Legislature to address the aftereffects of the *State v. Blake* decision. The information included in this document is a roadmap to understanding AOC's plan for distribution. The \$72,500,000 was allocated to AOC as follows:

Resentencing and Vacating

- A one-year allocation of \$44,500,000, as identified in ESSB 5092 Sec. 115(5), to assist counties with the cost of resentencing and vacating the sentences of defendants affected by *Blake*.
- Counties who wish to be reimbursed for the <u>extraordinary</u>¹ costs associated with the resentencing and vacating of defendants whose convictions and sentences are affected by *Blake* will sign a contract provided by AOC.
- This contract will include the maximum reimbursement amounts for each county, which will be determined by the most current DOC *Blake* population data.
- Counties will be responsible for determining the portion of the AOC reimbursement that will be used for costs incurred by the courts, clerks, prosecutors, or other activities associated with resentencing and vacating.

Legal Financial Obligations [LFOs]

- A one-year allocation of \$23,500,000 in Sec. 115(6) of ESSB 5092, which will be used to reimburse LFOs paid by defendants seeking refunds.
- Distribution of funds will be based on the percentage of the state total of paid LFOs over a tenyear lookback period associated with RCWs impacted by Blake that will have to be reimbursed by a city or county.
- Contracts will be executed with the relevant cities and counties which will then determine the
 portion of the AOC reimbursement funding that will be used for LFO refund processing costs
 (i.e. <u>extraordinary</u>² staff costs) and the portion that will be used for actual LFO reimbursement.

Funding for Therapeutic Courts in Courts of Limited Jurisdiction

 A two-year allocation in ESB 5476 Sec. 23 for \$2,250,000 per year will be used to fund grants for therapeutic courts operated by municipalities and district courts. Discussions are still ongoing regarding the funding distribution methodology.

For more information, please contact Ramsey Radwan, AOC Chief Financial and Management Officer, through July 31, 2021 at ramsey.radwan@courts.wa.gov or 360-704-4020. Beginning August 1, 2021, please contact Christopher Stanley, AOC Chief Financial and Management Officer at christopher.stanley@courts.wa.gov or 360-704-4020.

¹The AOC has interpreted "extraordinary expenses" to mean any work that requires additional resources to process *Blake*-related cases or hinders the ability to perform regularly-assigned work duties requiring a "backfill" of those resources.

² See Footnote 1.