

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.

BENTON COUNTY BOARD OF COMMISSIONERS

Chair of the Board

Chair Pro Tem

Member

**Constituting the Board of County
Commissioners of Benton County,
Washington**

ATTEST:

Clerk of the Board

Dated this day of 2021.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chair of the Board

Chair Pro Tem

Member

**Constituting the Board of County
Commissioners of Franklin County,
Washington**

ATTEST:

Clerk of the Board

Prepared by: T. Deaton

AOC Blake Monies Disbursement Plan

Benton County share Franklin County share

9/01/2021 to 12/31/2022

Supervisor Court Request for Blake Staffing = 1/2 time Court Commissioner and 1 FTE Criminal Case Manager

Estimate based on 2021 rate of 71% Estimate based on 2021 rate of 29%

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
Social Security	\$	4,071.33	\$	2,890.64
Medical Insurance (\$1,140.60/month)	\$	18,249.60	\$	12,957.22
Retirement	\$	5,455.05	\$	3,873.09
Paid Family Leave	\$	78.06	\$	55.42
Worker's Comp Assessment	\$	32.93	\$	23.38
Insurance Management Assessment	\$	1,310.40	\$	930.38
Accumulated Leave (1.75%)	\$	931.35	\$	661.26
Computer	\$	3,276.00	\$	2,325.96
Desk & Chair	\$	1,500.00	\$	1,065.00
TOTAL ANNUAL COST OF FTE - CASE MANAGER	\$	88,124.73	\$	62,568.56
1/2 Time Court Commissioner				
90 Hours per month @ \$86.40 per hour	\$	124,416.00	\$	88,335.36
Social Security	\$	9,517.82	\$	6,757.66
Medical Insurance (\$926.08/month)	\$	14,817.28	\$	10,520.27
Retirement	\$	12,752.64	\$	9,054.37
Paid Family Leave	\$	182.49	\$	129.57
Worker's Comp Assessment	\$	32.93	\$	23.38
Insurance Management Assessment	\$	655.20	\$	465.19
Accumulated Leave	\$	2,177.28	\$	1,545.87
Computer	\$	3,276.00	\$	2,325.96
Judicial Robes, Desk & Chair	\$	2,000.00	\$	1,420.00
TOTAL ANNUAL COST OF 1/2 TIME COURT COMMISSIONER	\$	169,827.65	\$	120,577.63

TOTAL for 2 Superior Court Positions	\$	257,952.38	\$	183,146.19	\$	74,806.19
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*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 **extraordinary**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 ten-year 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. **extraordinary**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.