

SNOHOMISH COUNTY COUNCIL
PUBLIC HEARING PACKET

ORDINANCE 21-049 RELATED TO THE 2021 BUDGET; MAKING A
SUPPLEMENTAL APPROPRIATION IN GENERAL FUND
002 TO PROVIDE EXPENDITURE AUTHORITY FOR
FUNDS RECEIVED FROM THE WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE

ECAF: 2021-0579

Date/Time: Wednesday, September 22, 2021, at 10:30 a.m.

Staff Person: Jim Martin

DPA: George Marsh

EXHIBIT LIST

Click on Exhibit # to view document.

Exhibit #	Date	Exhibit Description
1	8/18/21	Council Staff Report
2	8/02/21	ECAF Received
3	8/02/21	Ordinance Introduction Sheet Signed

1 APPROVED:
2 EFFECTIVE:

3
4
5 SNOHOMISH COUNTY COUNCIL
6 Snohomish County, Washington

7
8 ORDINANCE NO. 21-049
9

10 RELATED TO THE 2021 BUDGET; MAKING A SUPPLEMENTAL
11 APPROPRIATION IN GENERAL FUND 002 TO PROVIDE EXPENDITURE
12 AUTHORITY FOR FUNDS RECEIVED FROM THE WASHINGTON STATE
13 OFFICE OF PUBLIC DEFENSE
14

15 BE IT ORDAINED:

16
17 Section 1. The Snohomish County Council finds as a fact that a supplemental
18 appropriation in General Fund 002, in the 2021 budget year, in the amount of \$97,047,
19 is necessary to provide expenditure authority for funds received from the Washington
20 State Office of Public Defense for the purpose of providing indigent defense
21 representation for eligible persons seeking to vacate felony convictions and/or to be re-
22 sentenced pursuant to State v. Blake, 481 P.3d 521 (2021).
23

24 Section 2. The appropriation unit and allocation detail for the supplemental
25 appropriation described in Section 1 are as follows:
26

27 **002 General Fund**

28
29 EXPENDITURE:

30 002.5321274107 PDA Felony Attorney Fees \$97,047

31
32 **Total Supplemental Appropriation: \$97,047**

33
34 REVENUE:

35 002.3321270128 WA State Public Defense Svcs \$97,047

36
37 **Total Revenue: \$97,047**

38
39 Section 3. The Snohomish County Council further finds that there is a need for
40 such supplemental appropriation because the funds which support it were unanticipated
41 at the time of adoption of the 2021 budget and have not been previously appropriated.
42
43
44

1 PASSED this _____ day of _____, 2018.

2
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4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

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9 _____
Council Chair

10 ATTEST:

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12
13 _____
14 Asst. Clerk of the Council
15

- 16
17 () APPROVED
18 () EMERGENCY
19 () VETOED
20

21
22 DATE: _____
23

24
25 _____
26 County Executive

27 ATTEST:

28
29
30 _____
31
32 Approved as to form only:

33
34
35 “/s/ George B. Marsh” 07-28-2021

36 _____
37 Deputy Prosecuting Attorney
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39
40
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44



Snohomish County Council

Committee: Finance Committee**Analyst:** Jim Martin**ECAF:** 2021-0579**Proposal:** Ord 21-049**Date:** August 18, 2021**Consideration:**

Related to the 2021 Budget; Making a supplemental appropriation in General Fund 002 to provide expenditure authority for funds received from the Washington State Office of Public Defense.

Background

Engrossed Substitute Senate Bill 5092¹ included an appropriation of \$5,500,000 in fiscal years 2022 and 2023 to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the State v. Blake decision.

On June 23, 2021, Office of Public Defense (OPD) signed an agreement for receipt of \$97,047 as allocated by the Washington State Office of Public Defense; also received was accompanying policy governing the permitted uses of the grant. Motion 21-285 (ECAF 2021-0640) has been submitted by OPD requesting council ratify the agreement which requires council approval.

In order to utilize the grant funds, the Office of Public Defense requires an increase to their expenditure authority as these funds were not anticipated in the 2021 Adopted Budget.

Current Proposal

To make a supplemental appropriation in General Fund 002, to provide expenditure authority for funds received from the Washington State Office of Public Defense.

Duration: N/A

Fiscal Implications: \$97,047 Revenue and Expenditures

2021 Budget:

Is this in the current year budget: No

Future Budget Impacts: N/A

Handling: Normal.

Approved-as-to-form: Yes

Risk Management: N/A

Executive Recommendation: Approval

Attachments: SIGNED Snohomish County Blake Agreement; OPD Policy Permitted Uses of State Funds 2020

Amendments: NONE.

Request: Move to GLS on August 25th to set Time and Date for Public Hearing.

¹ [5092-S.PL.pdf \(wa.gov\)](#)



File #: 2021-0579, Version: 1

Executive/Council Action Form (ECAF)

ITEM TITLE:

Ordinance 21-049, related to the 2021 Budget; making a supplemental appropriation in General Fund 002 to provide expenditure authority for funds received from the Washington State Office of Public Defense

DEPARTMENT: Office of Public Defense

ORIGINATOR: Jason Schwarz

EXECUTIVE RECOMMENDATION: Ken Klein approved

PURPOSE: To make a supplemental appropriation in General Fund 002 to provide expenditure authority for funds received from the Washington State Office of Public Defense.

BACKGROUND: The Washington State Office of Public Defense notified the Snohomish County Office of Public Defense that Snohomish County had been selected to receive funds for representation of individuals on cases impacted by State v. Blake, 481 P. 3d 521 (2021). The Washington State Supreme Court announced its opinion in State v. Blake that all previous convictions for simple drug possession were unconstitutional. Any person with a conviction for simple possession has a right to have the unconstitutional conviction vacated from their record. This supplemental appropriation is necessary to provide expenditure authority for the funds received.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
002 5321274107	\$97,047		
TOTAL	\$97,047		

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
002 3321270128	\$97,047		
TOTAL	\$97,047		

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

Contract Period

ORIGINAL	START	END
AMENDMENT	START	END

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance and Risk Management; approved as to form by PA (George Marsh)

ECAF NO.:
ECAF RECEIVED:

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3

TO: Clerk of the Council

FILE ORD. 21-049

TITLE OF PROPOSED ORDINANCE:

~~~~~  
*Jared Mead*  
\_\_\_\_\_  
Councilmember Date  
~~~~~

Clerk's Action: Proposed Ordinance No. _____

Assigned to: _____ Date: _____

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation:

\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date 9/22/2021 at 10:30 a.m.**

\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

*Japhanie Wright*  
\_\_\_\_\_  
Committee Chair