



# MEMORANDUM

**DATE:** November 7, 2022

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager  
Aaron Lande, Policy and Program Manager  
Brian Enslow, Washington State Contract Lobbyist

**RE:** **2023 Legislative Session Agenda Input**

---

The purpose of this Memo is to:

- Continue discussion of policy questions needing further direction from Council to guide the development of the State Legislative Agenda
- Review Clark County Transportation Alliance 2023 Policy Statement and seek Council endorsement

## **Public Safety**

---

Much of the police reform clarification priorities on the statewide law enforcement agenda were accomplished during the 2022 session. We expect the impact and implementation of those reforms to continue to be examined and adjusted moving forward but do not expect major policy changes this year.

### *Blake Decision Response (possession of controlled substances)*

On February 25<sup>th</sup>, 2021, the Washington State Supreme Court issued a ruling in *State of Washington v. Shannon Blake*, determining that Washington state's strict liability drug possession statute exceeds the Legislature's police power. The Court struck down the statute, which had been in place since 1971.

In response, the 2021 Legislature adopted SB 5476. As passed, SB 5476 included misdemeanor criminal penalties for possession, established a committee to make recommendations for managing the long-term impacts of *Blake*, invested in substance misuse prevention efforts and law enforcement training, and appropriated tens of millions of dollars to help meet the cost of vacating felony convictions.

The legislation requires law enforcement officers who encounter an individual in possession of a controlled substance to offer a diversion to seek a substance use disorder assessment and treatment services, when recommended. The first two interactions by law enforcement must result in a diversion.

The authority to charge an individual with a misdemeanor charge of possession of a controlled substance will expire July 1, 2023, when state law will automatically revert to the current language but,

it is not entirely clear what this intends. This provision was included to provide time for the committee to make recommendations, due by December 2022, and allow the 2023 Legislature time to enact the recommendations.

**Questions for the Council on Blake Decision:**

- Would you support Legislation that affirms the Blake decision and “continues” the decriminalization of felony possession of narcotics? If so, would you also support extending decriminalization to misdemeanor possession as well?
- Or conversely, would you like to see the Blake decision overturned and have felony possession of narcotics “reinstated” as crime?

**Clark County Transportation Alliance 2023 Policy Statement**

---

For more than two decades, the Clark County Transportation Alliance (CCTA) has developed and presented an annual policy statement on transportation priorities in and around southwest Washington. A strong, united voice increases the chances that our region will receive funding for critical transportation projects, which we need to keep our residents, freight, commerce, guests, and economy moving safely and efficiently.

Last year, the policy statement received 55+ endorsements demonstrating broad-based support from a variety of sectors in our region from both banks of the Columbia River. The City of Vancouver is being asked to endorse the 2023 policy statement.

The 2023 policy statement includes six projects of particular importance to the City of Vancouver:

- Support for the I-5 bridge replacement and influence area improvements.
- NW 32nd Ave Industrial Corridor (\$125 million): planning, engineering, environmental review, and construction for new north-south freight arterial.
- NW 18th St at 138th to 192nd Ave (\$40 million): arterial widening and multi-modal upgrade; leverages significant private sector investments.
- SR-500/Fourth Plain/SR-503 (\$20 million): following recent planning study, provide funds for initial intersection improvement to address congestion.
- I-205/SR-500 to Padden Parkway (\$50 million): add auxiliary lanes to address congestion hotspot.
- Public Transit (\$10 million): help fund construction of C-TRAN’s extension of the Fourth Plain BRT line to connect both Mill Plain and Fourth Plain lines at its new East Mill Plain Transit Center.

**Attachment A: Clark County Transportation Alliance 2023 Policy Statement**