

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE

PUBLIC DEFENDER

AGENDA

October 1, 2018

Committee Members: Supervisors Leggett, Geraghty, Simpson, Wild, Magowan, Diamond, Sokol, Hogan, Braymer, Driscoll, VACANT

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting
- III. Action Agenda/New Business Items:
 - 1. Request to approve New Contract CAFA252
 - 2. Request to approve 2019 Budget Summary

IV. Referrals/Pending Items:
None

V. Discussion Items:
None

VI. Privilege of the floor to discuss any additional item to come before the Committee

VII. Motion to adjourn

Attachments:

Resolution request for New Contract (CAFA252)

2019 Budget Summary

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Public Defender

DATE:

- (a) Is this a Result of a Bid or Request for Proposal? **Request for Proposal**
- (b) Purpose of Contract: **Second Counsel at First Appearance**
- (c) Name of Contractor: **NYS Office of Indigent Legal Services**
- (d) Address of Contractor: **A.E. Smiht Building, 11th Floor 80 South Swan Street; Albany, NY 12210**
- (e) Contractor's Contact Person and Telephone Number: **William Leahy; 486-2557**
- (f) Has or will the Contract be provided, if so, please attach: **attached**
- (g) Commencement Date of Contract: **January, 1 2017**
- (h) Termination Date of Contract: **December 31, 2019**
- (i) Payment Provisions:
 - i) lump sum amount
 - ii) hourly rate amount
 - iii) total amount not to exceed **\$250,000**
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc. **Quarterly**)
- (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR Capital Project OR Capital Reserve Project Number, Title, and Amount: **n/a****

**Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx**

*as listed in budget and LOGOS

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>STATE AGENCY (Name & Address):</p> <p>NYS Office of Indigent Legal Services A. E. Smith Building, 11th Floor 80 South Swan Street Albany, NY 12210</p>	<p>BUSINESS UNIT/DEPT. ID: OLS01 1350200</p> <p>CONTRACT NUMBER: CAFA252</p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> Multi-Year Agreement <input type="checkbox"/> Simplified Renewal Agreement <input type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR SFS PAYEE NAME:</p> <p>Warren, County of</p>	<p>TRANSACTION TYPE:</p> <p><input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Amendment</p>
<p>CONTRACTOR DOS INCORPORATED NAME:</p>	<p>PROJECT NAME:</p> <p>Second Counsel at First Appearance</p>
<p>CONTRACTOR IDENTIFICATION NUMBERS:</p> <p>NYS Vendor ID Number: 1000002438 Federal Tax ID Number: 14-6002576 DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER:</p> <p>CFDA NUMBER (Federally funded grants only):</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS:</p> <p>Warren County Board of Supervisors Municipal Center 1340 State Route 9 Lake George, NY 12845-9803</p> <p>CONTRACTOR PAYMENT ADDRESS: <input checked="" type="checkbox"/> Check if same as primary mailing address</p> <p>CONTRACTOR MAILING ADDRESS: <input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS:</p> <p><input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Municipality, Code: 520100000000 <input type="checkbox"/> Tribal Nation <input type="checkbox"/> Individual <input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>CURRENT CONTRACT TERM:</p> <p>From: January 1, 2017 To: December 31, 2019</p> <p>CURRENT CONTRACT PERIOD:</p> <p>AMENDED TERM:</p> <p>From: _____ To: _____</p> <p>AMENDED PERIOD:</p> <p>From: _____ To: _____</p>	<p>CONTRACT FUNDING AMOUNT <i>(Multi-year – enter total projected amount of the contract; Fixed Term/Simplified Renewal – enter current period amount):</i></p> <p>CURRENT: \$250,000.00</p> <p>AMENDED:</p> <p>FUNDING SOURCE(S):</p> <p><input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other</p>
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FOR MULTI-YEAR AGREEMENTS ONLY – CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

#	CURRENT PERIOD	CURRENT AMOUNT	AMENDED PERIOD	AMENDED AMOUNT
1				
2				
3				
4				
5				

ATTACHMENTS PART OF THIS AGREEMENT:

- Attachment A:
 - A-1 Program-Specific Terms and Conditions
 - A-2 Federally Funded Grants and Requirement Mandated by Federal Laws
- Attachment B:
 - B-1 Expenditure Based Budget B-2 Performance Based Budget
 - B-3 Capital Budget B-4-Net Deficit Budget
 - B-1(A) Expenditure Based Budget (Amendment)
 - B-2(A) Performance Based Budget (Amendment)
 - B-3(A) Capital Budget (Amendment)
 - B-4(A) Net Deficit Budget (Amendment)
- Attachment C: Work Plan
- Attachment D: Payment and Reporting Schedule
- Other:

IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY:

NYS Office of Indigent Legal Services

By: _____

William J. Leahy
Printed Name

Title: Director – Office of Indigent Legal Services

Date: _____

STATE OF NEW YORK

County of _____

On the _____ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

Printed Name

Title: _____

Date: _____

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title: _____

Date: _____

Contract Number: CAFA252

Page 1 of 1

Master Contract for Grants, Signature Page

ATTACHMENT B-1

**Office of Indigent Legal Services
SECOND COUNSEL AT FIRST APPEARANCE
January 1, 2017 - December 31, 2019**

COUNTY OF WARREN

Total Contract Amount: \$250,000.00

Budget Expenditure Item	Year 1 1/1/17 - 12/31/17	Year 2 1/1/18 - 12/31/18	Year 3 1/1/19 - 12/31/19
Personnel:			
(FT) Assistant Public Defender - Salary	\$47,500.00	\$48,450.00	\$49,419.00
(FT) Assistant Public Defender - Fringe Benefits	\$26,697.00	\$26,857.00	\$27,021.00
Subtotal Personnel	\$74,197.00	\$75,307.00	\$76,440.00
OTPS:			
Laptop/Docking Station/Jet Packs/Chair mats	\$1,222.00	\$384.00	\$384.00
Office Equipment/Office Furniture	\$4,772.00	\$2,072.00	\$2,072.00
Continuing Legal Education (CLE)/Training	\$1,700.00	\$1,000.00	\$1,000.00
Membership/Dues	\$150.00	\$150.00	\$150.00
Legal Reference Materials/Books/Subscriptions and Office Supplies	\$3,000.00	\$3,000.00	\$3,000.00
Subtotal OTPS	\$10,844.00	\$6,606.00	\$6,606.00
TOTAL	\$85,041.00	\$81,913.00	\$83,046.00
THREE-YEAR TOTAL	\$250,000.00		

ATTACHMENT C

WORK PLAN

OFFICE OF INDIGENT LEGAL SERVICES

SECOND COUNSEL AT FIRST APPEARANCE

JANUARY 1, 2017 – DECEMBER 31, 2019

COUNTY OF WARREN

Goal: To make demonstrable and measurable improvements in the delivery of indigent defense services to eligible persons at a defendant's first appearance before a judge.

Task #1

Provide salary and fringe benefits funding for a full-time Assistant Public Defender position for the delivery of indigent defense services to eligible persons at a defendant's first appearance at the centralized after-hours arraignment.

Performance Measure:

- Reduction in time clients are held before appearing before judge
- Number of individuals who received legal representation as a result of the creation of this position

Program Location:

- Office of the Public Defender, Warren County, NY

Task #2

Provide vertical representation to clients from arraignment through final resolution of case.

Performance Measure:

- Number of cases in which client has same attorney from appointment until conclusion of the case

Program Location:

- Office of the Public Defender, Warren County, NY

Task #3

Provide funding for enhanced staff development and operational expenses for the Assistant Public Defender (e.g., continuing legal education and training costs, laptop, docking station, jet packs, chair mats, office equipment and office furniture, locking work station and locking file cabinet, shredder, NYDA membership dues/Bar Association fees, legal reference materials, books, subscriptions, office supplies, etc.).

Performance Measure:

- Better utilization of new technologies and existing resources to more efficiently manage increasing caseload
- Improved efficiency and quality of legal research
- To provide a clean, functional environment to our clients, staff and visitors reflective of the importance of the services provided
- Laptop and docking station to communicate with the court and clients and draft discovery demands and motions
- Jet pack is needed to use the laptop in rural areas without Wi-Fi
- Office equipment is for new phone/fax line to use with new copier/printer/fax/scanner with its related maintenance service agreements
- Projector to use for trial to show documents and exhibits to juries
- Command key phone and phone line to communicate with clients and courts

Program Location:

- Office of the Public Defender, Warren County, NY

PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY ALL DETAILED BUDGET SHEETS

WARREN COUNTY BUDGET SUMMARY SHEET

PRIOR YEAR EXPENDITURES AND REQUEST FOR 2019 APPROPRIATIONS

REQUEST SUBMISSION TO THE CLERK OF THE BOARD OF SUPERVISORS

NAME OF DEPARTMENT: Public Defender
 BUDGET ACCOUNT CODE: A.1171

OBJECT CODES	2017 EXPENDITURES	2018 ADOPTED	2018 AMENDED	2019 DEPARTMENT REQUESTS
100's PERSONAL SERVICES	\$635,272.89	\$699,111.00	\$699,111.00	\$699,753.00
200's EQUIPMENT	\$3,746.58	\$279.00	\$279.00	\$1,020.00
400's CONTRACTUAL	\$33,150.80	\$38,561.00	\$38,561.00	\$45,970.00
800's EMPLOYEE BENEFITS	\$228,493.88	\$251,429.00	\$251,429.00	\$271,597.00
TOTALS	\$900,664.15	\$989,380.00	\$989,380.00	\$1,018,340.00

2017 REVENUES	2018 ADOPTED REVENUES	2018 ESTIMATED REVENUES	2019 DEPARTMENT REQUESTS
\$118,777.57	\$182,826.00	\$182,826.00	\$223,343.00

SIGNED: Marcy D. Roes
 DEPARTMENT HEAD
 TITLE: Warren County Public Defender
 DATE: 9-14-18

Account	Account Description	2017 Actual Amount	2018 Adopted Budget	2018 Amended Budget	2018 Actual Amount	2019 Departmental Request
Fund A - General						
REVENUE						
Department 1171 - Public Defender						
<i>State Aid</i>						
3018	Parole Hearings - Pub Defender	2,597.79	.00	.00	.00	.00
3045	Office of Indigent Legal Services Distribution	116,179.78	182,826.00	182,826.00	.00	223,343.00
	<i>State Aid Totals</i>	<u>\$118,777.57</u>	<u>\$182,826.00</u>	<u>\$182,826.00</u>	<u>\$0.00</u>	<u>\$223,343.00</u>
	Department 1171 - Public Defender Totals	<u>\$118,777.57</u>	<u>\$182,826.00</u>	<u>\$182,826.00</u>	<u>\$0.00</u>	<u>\$223,343.00</u>
	REVENUE TOTALS	<u>\$118,777.57</u>	<u>\$182,826.00</u>	<u>\$182,826.00</u>	<u>\$0.00</u>	<u>\$223,343.00</u>

Account	Account Description	2017 Actual Amount	2018 Adopted Budget	2018 Amended Budget	2018 Actual Amount	2019 Departmental Request
Fund A - General						
EXPENSE						
Department 1171 - Public Defender						
<i>Personal Services</i>						
110	Salaries - Regular	612,060.11	676,930.00	676,930.00	404,441.67	676,929.00
130	Salaries - Part Time	23,212.78	22,181.00	22,181.00	12,717.78	22,824.00
<i>Personal Services Totals</i>		\$635,272.89	\$699,111.00	\$699,111.00	\$417,159.45	\$699,753.00
<i>Equipment</i>						
210	Furniture/Furnishings	2,833.62	.00	.00	.00	.00
220	Office Equipment	912.96	279.00	279.00	.00	1,020.00
<i>Equipment Totals</i>		\$3,746.58	\$279.00	\$279.00	\$0.00	\$1,020.00
<i>Contractual Expense</i>						
410	Supplies	6,858.18	10,742.00	10,742.00	3,603.41	8,060.00
423	Telephone	2,046.56	1,800.00	1,800.00	1,363.23	1,800.00
424	Postage	2,348.26	2,350.00	2,350.00	1,442.89	2,350.00
426	Subscriptions	3,495.00	4,500.00	4,500.00	1,490.00	4,500.00
427	Memberships & Dues	1,644.00	3,020.00	3,020.00	1,205.00	3,865.00
428	Data Processing & Internet Fees	3,249.68	744.00	1,394.00	839.72	2,400.00
437	Consulting Fees	3,400.00	2,375.00	2,375.00	.00	2,375.00
439	Misc Fees & Expenses	44.97	2,176.00	1,526.00	282.99	2,200.00
440	Legal/Transcript Fees	962.75	2,500.00	2,500.00	863.50	2,500.00
444	Travel/Education/Conference	6,476.40	5,729.00	5,729.00	451.69	13,295.00
470	Contract	2,625.00	2,625.00	2,625.00	.00	2,625.00
<i>Contractual Expense Totals</i>		\$33,150.80	\$38,561.00	\$38,561.00	\$11,542.43	\$45,970.00
<i>Employee Benefits</i>						
810	Retirement	69,359.87	81,659.00	81,659.00	48,592.21	78,173.00
830	Social Security	37,976.02	43,342.00	43,342.00	24,820.20	43,382.00
831	Medicare Contribution	8,881.51	10,138.00	10,138.00	5,804.77	10,147.00
860	Hospitalization	81,062.21	86,431.00	86,431.00	54,925.18	109,638.00
865	Dental Insurance	1,400.00	1,416.00	1,416.00	914.83	1,824.00
<i>Employee Benefits Totals</i>		\$198,679.61	\$222,986.00	\$222,986.00	\$135,057.19	\$243,164.00
<i>Other Benefits</i>						
840	Workmen's Compensation	3,917.71	3,272.00	3,272.00	3,271.80	4,113.00

Account	Account Description	2017 Actual Amount	2018 Adopted Budget	2018 Amended Budget	2018 Actual Amount	2019 Departmental Request
Fund A - General						
EXPENSE						
Department 1171 - Public Defender						
<i>Other Benefits</i>						
861	Retirees Hospitalization	25,146.56	24,421.00	24,421.00	15,041.40	22,820.00
862	Health Insurance Cost Reimbursement	750.00	750.00	750.00	.00	.00
<i>Other Benefits Totals</i>		<u>\$29,814.27</u>	<u>\$28,443.00</u>	<u>\$28,443.00</u>	<u>\$18,313.20</u>	<u>\$26,933.00</u>
Department 1171 - Public Defender Totals		<u>\$900,664.15</u>	<u>\$989,380.00</u>	<u>\$989,380.00</u>	<u>\$582,072.27</u>	<u>\$1,016,840.00</u>
EXPENSE TOTALS		<u>\$900,664.15</u>	<u>\$989,380.00</u>	<u>\$989,380.00</u>	<u>\$582,072.27</u>	<u>\$1,016,840.00</u>
Fund A - General Totals						
REVENUE TOTALS		\$118,777.57	\$182,826.00	\$182,826.00	\$0.00	\$223,343.00
EXPENSE TOTALS		\$900,664.15	\$989,380.00	\$989,380.00	\$582,072.27	\$1,016,840.00
Fund A - General Totals		<u>(\$781,886.58)</u>	<u>(\$806,554.00)</u>	<u>(\$806,554.00)</u>	<u>(\$582,072.27)</u>	<u>(\$793,497.00)</u>
Net Grand Totals						
REVENUE GRAND TOTALS		\$118,777.57	\$182,826.00	\$182,826.00	\$0.00	\$223,343.00
EXPENSE GRAND TOTALS		\$900,664.15	\$989,380.00	\$989,380.00	\$582,072.27	\$1,016,840.00
Net Grand Totals		<u>(\$781,886.58)</u>	<u>(\$806,554.00)</u>	<u>(\$806,554.00)</u>	<u>(\$582,072.27)</u>	<u>(\$793,497.00)</u>

2019 Salary Schedule (Position Budgeting)
Public Defender

Empl. #	Name	Position	Annual Earnings	Empl. Type	Benefit Group	Hire Date
	Jan1 Grade & Rate	Ann. Grade & Rate				
13203	Bates, Erin	6th Assistant Public Defender	\$48,878.00	Full Time	Appointed F/T	7/12/2018
	N/A / \$26.86	N/A / \$26.86				
13104	Brothers, Erin	Conf. Sec. to 1st Asst. Pub. Def	\$37,115.00	Full Time	Out of UnitFT	8/21/2017
	N/A / \$17.84	N/A / \$17.84				
10810	Caruso, James	Investigator	\$22,824.00	Less than Half	Less than P/T	3/24/2009
	N/A / \$27.43	N/A / \$27.43				
9249	Flores, Marcy	Public Defender	\$112,039.00	Full Time	Appointed F/T	1/2/2004
	N/A / \$61.56	N/A / \$61.56				
13236	Gregor, Robert	5th Assistant Public Defender	\$56,595.00	Full Time	Appointed F/T	7/9/2018
	N/A / \$31.10	N/A / \$31.10				
11254	Halloran, Nellie	2nd Assistant Public Defender	\$64,052.00	Full Time	Appointed F/T	2/8/2007
	N/A / \$35.19	N/A / \$35.19				
12993	Leahy, Mary Kate	7th Assistant Public Defender	\$53,925.00	Full Time	Appointed F/T	12/19/2016
	N/A / \$29.63	N/A / \$29.63				
11517	Liebert, Glenn	4th Assistant Public Defender	\$59,099.00	Full Time	Appointed F/T	7/1/2008
	N/A / \$32.47	N/A / \$32.47				
12982	Pilatzke, Brian	1st Assistant Public Defender	\$74,705.00	Full Time	Appointed F/T	10/24/2016
	N/A / \$41.05	N/A / \$41.05				
12980	Pucciarelli, Lynn	3rd Assistant Public Defender	\$58,653.00	Full Time	Appointed F/T	10/18/2016
	N/A / \$32.23	N/A / \$32.23				
10692	Ringler, Susan	Confidential Secretary	\$44,990.00	Full Time	Out of UnitFT	1/1/2004
	N/A / \$21.63	N/A / \$21.63				
		8th Assistant Public Defender	\$48,878.00			
	N/A / \$26.86	N/A / \$26.86				
		Retention Salary Stipend	\$18,000.00			

Brothers, Erin

From: Flores, Marcy
Sent: Thursday, September 06, 2018 12:05 PM
To: Thomas, Frank; Moore, Ryan; DeLorenzo, Tammie; Miller, Kristy; Lynch, Rob
Cc: Brothers, Erin
Subject: Public Defender's Office request for the 2019 budget

Pursuant to the preliminary department budget meeting today, I am respectfully requesting:

1. A cost of living increase for all eleven (11) employees in this department;
2. A \$5,000 raise for the 2nd Assistant PD;
3. A \$5,000 raise for the 4th Assistant PD;
4. A \$5,000 raise for the 7th Assistant PD; and
5. A \$2,000 raise for the Confidential Secretary to the PD.

I will be requesting pay raises for the PD, 1st Assistant PD, 3rd Assistant PD, 5th Assistant PD, 6th Assistant PD and the grant funded secretary (6 positions totaling approximately \$27,000) through a state funded grant from the Office of Indigent Legal Services (OILS). The OILS grant funding will supplement and not supplant County funding. OILS grant funding does NOT require matching funds from the County. As we discussed, OILS funding cannot be applied to Staff who handle Family Court matters.

Respectfully submitted,
Marcy

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