

CRIMINAL JUSTICE COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
MARCH 22, 2021

COMMITTEE MEMBERS: Supervisors LEGGETT, Strough, Diamond, Driscoll and Shepler

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request: to amend the current LexisNexis Resolution to utilize LexisNexis Legal Research outside of the scope of the contract.

Rationale: ILS grant funding will pay for any research used above and beyond the scope of our current LexisNexis contract agreement.
 2. Request: to renew the current Public Defense Case Management System (PDCMS) contract.

Rationale: ILS grant funding will pay for the difference from the 2020 contract amount (\$2500) to the 2021 amount (\$5500). The increase included adding new users to the program as more Public Defender Staff use the program on a regular basis.
- IV. Discussion Items:
 1. CLE's
 - a. New York State Defender's Association Metropolitan Trainer (Zoom Webinar)
 - i. 03/05/2021: S. Duhaney
 - b. 2021 New York State Bar Association Trial Academy
 - i. 03/14/2021-03/18/2021: S. Duhaney; M. DiPresso; M. Rasmussen; C. Barnes
 2. ILS Grant Funding – Claims
- V. Referrals/ Pending Items:
 1. Committee to continue discussion regarding necessary additional office space. (STORAGE SPACE)
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

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- Attachments:
 1. Resolution Request Form No. 20 – Misc – Request to modify Resolution for Lexis Nexis to allow for additional research
 3. Resolution Request Form No. 4 – Request to Extend PDCMS Contract for 2021

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Public Defender's Office

DATE: 3/16/2021

(a) Purpose of Request:
To amend the current LexisNexis Resolution to utilize LexisNexis Legal Research outside of the scope of the contract.

(b) Details:
ILS grant funding will pay for any research used above and beyond the scope of our current LexisNexis contract agreement.

(c) Previous Resolution Number:
**356 of 2018
32 of 2020**

(d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:
A 1171. 440 - Public Defender Legal Fees - \$1700

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. 356 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AUTHORIZING EXTENSION OF THE CURRENT AGREEMENT WITH LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM AND AUTHORIZING CONTINUATION OF THE AGREEMENT FOR AN ADDITIONAL THREE YEAR TERM FOR THE PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender has requested to extend the agreement with LexisNexis, P.O. Box 9584, New York, New York 10087 for a subscription for a law library research system for the Warren County Public Defender's Office until December 31, 2018 and to continue the agreement for an additional three year term commencing on January 1, 2019 and terminating on December 31, 2021 for the following amounts:

October 1, 2018 - December 31, 2018 - \$298 per month, not to exceed \$894;

January 1, 2019 - December 31, 2019 - \$355.12 per month, not to exceed \$4,261.44;

January 1, 2020 - December 31, 2020 - \$358.67 per month, not to exceed \$4,304.04;

January 1, 2021 - December 31, 2021 - \$362.25 per month not to exceed \$4,347, now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute any and all documents necessary for extension and continuation of the agreement with LexisNexis for a subscription for a law library research system for the Warren County Public Defender's Office, as outlined above, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for this agreement shall be expended from Budget Code A.1171 426 Public Defender, Subscriptions.

Warren County Board of Supervisors

RESOLUTION NO. 32 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, LEGGETT, BEATY, DIAMOND, DRISCOLL, MCDEVITT AND SHEPLER

AMENDING AGREEMENT WITH RELX D/B/A LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM FOR THE PUBLIC DEFENDER'S OFFICE, TO INCREASE THE NUMBER OF AUTHORIZED USERS

WHEREAS, pursuant to Resolution No. 356 of 2018, the Chairman of the Board of Supervisors was authorized to execute a continuation agreement with RELX d/b/a LexisNexis, P.O. Box 9584, New York, New York 10087, for a subscription for a law library research system for the Warren County Public Defender's Office, and

WHEREAS, the Public Defender has requested that the agreement be amended to increase the number of authorized users, which shall result in the following increased monthly costs:

<u>Monthly Cost</u>	<u>Term</u>
\$548	04/01/2020 - 12/31/2020
\$588	01/01/2021 - 12/31/2021
\$606	01/01/2022 - 12/31/2022
\$624	01/01/2023 - 12/31/2023

and

WHEREAS, the Public Defender has advised New York State OILS Grant funds shall be used to cover the increased cost of said subscription, now, therefore, be it

RESOLVED, that the agreement with RELX d/b/a LexisNexis, be, and hereby is, amended to increase the number of authorized users at an increased cost not to exceed those listed above, provided there are New York State OILS Grant funds available to cover said costs, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.1171 426 Public Defender, Subscriptions, and be it further

RESOLVED, other than the changes outlined herein, all other terms and conditions of Resolution No. 356 of 2018 will remain the same.

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Public Defender's Office

DATE: 3/16/2021

- (a) Purpose of Contract Change: **Renew Public Defense Case Management System**
- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract: **311 of 2020**
- (c) Name of Contractor: **New York State Defender's Association, Inc.**
- (d) Address of Contractor: **194 Washington Ave. Suite 500 Albany, NY 12210**
- (e) Contractor's Contact Person and Telephone Number: **(518) 465-3524**
- (f) Commencement Date of Extension: **April 13, 2021**
- (g) Termination Date of Extension: **April 12, 2022**
- (h) Payment Provisions:
 - i) lump sum amount
 - ii) hourly rate amount
 - iii) total amount not to exceed
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.
- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR Capital Project OR Capital Reserve Project Number, and Title, and Amount: A. 1171 470 Public Defender, Contract - \$5,500 (ILS Grant Funding will cover the difference from the 2020 amount of \$2,500 to the 2021 amount of \$5,500)**

**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

Contract Review Certification Form

Department Head or Designee:

I, Marcy Flores, do hereby certify that I, or my designee (please list designee name below if applicable in the comments section), has read the attached contract and that the contract accurately reflects services to be provided by the Contractor and is correct to the best of my knowledge, with the exception of certain legal clauses more appropriately certified to by the County Attorney.

Initial: mf Date: 3/9/2021

Comments/Concerns (if applicable): Additional cost covered by ILS grant funding.

Note: These comments will be reviewed by the County Attorney's office and by the Chair of the Board of Supervisors prior to signing the authorization for the contract listed below.

Purchasing (only completed below if applicable):

I, Julie Butler _____ / Jason Shpur _____ do hereby certify that I have read the attached contract and that all relative bid/RFP information is correct and accurate to the best of my knowledge.

Initial: _____ Date: _____

Comments/Concerns (if applicable): _____

Mandatory: to be filled out by the County Attorney Please fill out #1-5 prior to sending this form electronically to Department/Purchasing

(1) Department	
(2) Contract Name	
(3) File Number	
(4) Service Start Date	
(5) Authorizing Resolution #	
Attorney who reviewed the contract	
Summary of Contract	

County Attorney:

I, Mary Kissane _____ / Robert Terwilliger _____ / Ryan Dickey _____, do hereby certify that I have read the attached contract and that the contract accurately reflects the terms contained in the resolution passed by the Warren County Board of Supervisors and referenced in the chart above. I further certify that I have reviewed all the legal clauses not certified to by the individuals above. Any comments listed by the department, purchasing and County Attorney's on this form have not been altered. Any further questions/concerns etc. have been documented below or in the summary of the contract section in the chart if applicable. Based upon my review of the contract we have determined this contract is legally appropriate for the Chair's signature.

Initial: _____ Date: _____

_____ Please use additional space if needed



New York State Defenders Association, Inc.

Public Defense Backup Center

194 Washington Ave. · Suite 500 · Albany, NY 12210-2314

Telephone (518) 465-3524

Fax (518) 465-3249

www.nysda.org

MEMORANDUM



To: Marcy Flores
Warren County Public Defender Office

From: Darlene Dollard, Director of Software Development
New York State Defenders Association, Inc.

Date: March 4, 2021

Re: Public Defense Case Management System (PDCMS) contract

The Public Defense Case Management System (PDCMS) requires an annual renewal through a contract extension. Attached are three (3) copies of the contract "Extension" (all signed by NYSDA) between the New York State Defenders Association and the Warren County Public Defender Office. This extends the current PDCMS annual support and maintenance agreement through April 12, 2022. After these copies have been signed by you and notarized, please return one fully signed Extension to me for NYSDA's files.

Also enclosed is the invoice for the annual support fee, which has increased from \$2,500 to \$5,500 since your office increased your PDCMS licenses from 5 to 11.

Thanks for your help with this!



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March 4, 2021

Marcy Flores
Warren County Public Defender Office
1340 State Route 9
Lake George, NY 12845

Re: Invoice # 030421-42

INVOICE

This invoice outlines the annual support fees for the Public Defense Case Management System (PDCMS) Maintenance and Software Support Agreement. Annual support includes software maintenance, bug fixes, new software releases and unlimited remote and telephone support.

Description of Service	Total Fee
PDCMS Annual Support Maintenance (11 licenses) (04/13/2021 – 04/12/2022)	\$ 5,500.00
Total	\$ 5,500.00

Please return this invoice with payment and mail to:

Business Manager
New York State Defenders Association
194 Washington Avenue, Suite 500
Albany, NY 12210

Thank you.

**EXTENSION
TO
PUBLIC DEFENSE CASE MANAGEMENT SYSTEM
MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT
BETWEEN
WARREN COUNTY PUBLIC DEFENDER OFFICE
AND
NEW YORK STATE DEFENDERS ASSOCIATION, INC.**

THIS AGREEMENT, made this _____ day of _____, 2021 by and between WARREN COUNTY PUBLIC DEFENDER OFFICE, having offices located at 1340 State Route 9, Lake George, NY 12845, hereinafter referred to as "WCPD" and NEW YORK STATE DEFENDERS ASSOCIATION, INC., a New York not-for-profit corporation, with offices located at 194 Washington Avenue, Suite 500, Albany, New York 12210-2314, hereinafter referred to as "NYSDA,"

WITNESSETH:

WHEREAS, the WCPD and NYSDA entered into a Maintenance and Software Support Agreement for the Public Defense Case Management System, ("Maintenance Agreement") dated December 15, 2010, wherein NYSDA agreed to provide certain support and maintenance services to the WCPD for the Public Defense Case Management System ("PDCMS") software; and

WHEREAS, the WCPD and NYSDA desire to extend the Maintenance Agreement for one additional year;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties hereto mutually agree as follows:

1. Paragraph #12 in Maintenance Agreement stating: "This Agreement shall commence on the date the PDCMS is installed in WCPD and shall terminate on the first anniversary of the installation date unless otherwise extended for one additional year by written agreement of the parties." shall be deleted and replaced with the following:

This Agreement shall terminate on April 12, 2022 unless otherwise extended for one additional year by written agreement of the parties.

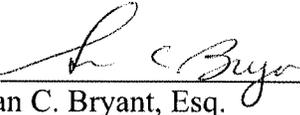
2. The total cost of this one-year contract is five thousand five hundred dollars (\$5,500). (The annual support fee is for 11 licenses x \$500/license.)
3. All other terms and conditions of the Maintenance Agreement and Extension Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties have hereunto executed this Extension as of the date set forth above.

WARREN COUNTY BOARD OF SUPERVISORS

By: _____
Rachel E. Seeber
Chairwoman

NEW YORK STATE DEFENDERS ASSOCIATION, INC.

By:  _____
Susan C. Bryant, Esq.
Executive Director

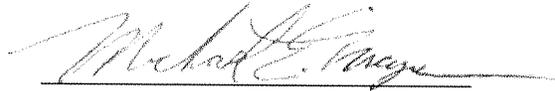
**STATE OF NEW YORK)
COUNTY OF WARREN) SS:**

On this _____ day of _____, in the year _____ before me, the subscriber, personally came **RACHEL E. SEEBER**, to me known, who being by me duly sworn did depose and say that she is the Chairwoman of the Board of Supervisors, and person described in and who executed the foregoing instrument in the name of the County of Warren, and she duly acknowledged to me that she executed the same as and for the act and deed of said Warren County Public Defender Office.

Notary Public

State of New York)
County of Albany) SS:

On the 4th day of March in the year 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared **SUSAN C. BRYANT**, to me known, who being by me duly sworn did depose and say that she is the Executive Director of the New York State Defenders Association, and person described in and who executed the foregoing instrument in the name of the New York State Defenders Association, and she duly acknowledged to me that she executed the same as and for the act and deed of said New York State Defenders Association.



Notary Public



Warren County Board of Supervisors

RESOLUTION NO. 311 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, LEGGETT, BEATY, DIAMOND, DRISCOLL, MCDEVITT AND SHEPLER

AUTHORIZING EXTENSION OF THE PUBLIC DEFENSE CASE MANAGEMENT SYSTEM MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT WITH NEW YORK STATE DEFENDERS ASSOCIATION, INC. FOR THE PUBLIC DEFENDER'S OFFICE

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute an extension of the Public Defense Case Management System Maintenance and Software Support Agreement with the New York State Defenders Association, Inc., 194 Washington Avenue, Suite 500, Albany, New York 12210-2314 (previously authorized by Resolution No. 111 of 2019), for a term commencing April 13, 2020 and terminating April 12, 2021, for an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500), in a form approved by the County Attorney, and be it further

RESOLVED, that future annual renewals of this agreement shall be automatic so long as the price does not exceed Three Thousand Dollars (\$3,000) annually, and be it further

RESOLVED, that the funds for this agreement shall be expended from Budget Code A.1171 470 Public Defender, Contract.