

CRIMINAL JUSTICE COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
JUNE 21, 2021

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

- 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 Request a New Contract with Various Transcriptionists
Rationale: To provide legal transcripts for the Public Defender's Office
 2. Request: To request to Create a New Position – Coordinating Assistant Public Defender – PT.
Rationale: To utilize ILS funding for a New Part Time Attorney Position in the Public Defender's Office. Positions such as this allow the Public Defender's Office to continue to receive ILS funding.
 3. Request: Notice of Intent to Fill – Coordinating Assistant Public Defender – PT.
Rationale: To allow the Public Defender's Office to post and interview potential candidates.
 4. Request: To request to Create a New Position – Assistant Public Defender – PT.
Rationale: To utilize ILS funding for a New Part Time Attorney Position in the Public Defender's Office. Positions such as this allow the Public Defender's Office to continue to receive ILS funding.
 5. Request: Notice of Intent to Fill – Assistant Public Defender – PT.
Rationale: To allow the Public Defender's Office to post and interview potential candidates.
- IV. Discussion Items:
 1. Update on 333 Glen Street Office Space
 2. Training (CLE)
 - a. Medication Assisted Treatment (MAT)/ Medication Supported Recovery
 - i. 6/1/2021: Dillon T. Swertner
 - b. Virtual Motivational Speaking
 - i. 6/8 – 6/9/2021: Dillon T. Swertner
 - c. Criminal Justice Summer Meeting: Court of Appeals & Search and Seizure Update
 - i. 6/10/2021: Carline M. Barnes, Esq.
 - d. Family Court Legislative update: Discussion of New Marijuana and State Central Registry Legislation
 - i. 6/11/2021: Marcy I. Flores, Esq.; Nellie R. Halloran, Esq.; Mary Kathleen Leahy, Esq.; Carline M. Barnes, Esq.
 - e. Understanding the Standards for Assignment of Counsel in Criminal and Family Court
 - i. 6/11/2021: Marcy I. Flores, Esq.; Erin S. Brothers
- V. Referrals/ Pending Items:
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 3: New Contract (Transcriptionists)
2. Resolution Request Form No. 11: Request to Create a New Position/ Notice of Intent to Fill (Coord. APD-PT)
3. Resolution Request Form No. 11: Request to Create a New Position/ Notice of Intent to Fill (APD-PT)

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Public Defender's Office

DATE: 6/21/2021

- (a) Is this a Result of a Bid or Request for Proposal? **no**
- (b) Purpose of Contract: **To enter into agreements with various transcribers to provide legal transcripts for the Public Defender's Office.**
- (c) Name of Contractor:
- (d) Address of Contractor:
- (e) Contractor's Contact Person and Telephone Number:
- (f) Has or will the Contract be provided, if so, please attach:
- (g) Commencement Date of Contract: **upon signed contract by both parties**
- (h) Termination Date of Contract: **auto renewal each year**
- (i) 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.
- (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: **A. 1171 440 Legal/ Transcript Fees****

**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

Warren County Board of Supervisors

RESOLUTION NO. 50 OF 2018

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

AUTHORIZING AGREEMENT WITH VARIOUS TRANSCRIBERS TO PROVIDE LEGAL TRANSCRIPTS FOR THE PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender has requested permission to enter into agreements with various transcribers to provide legal transcripts for the Public Defender's Office, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved the request, now therefore, be it

RESOLVED, that the Warren County Public Defender is authorized to negotiate rates for transcriber services in order to provide legal transcripts for the Public Defender's Office whenever the need arises, and be it further

RESOLVED, that the Warren County Public Defender be, and hereby is, authorized to execute said agreements as outlined above in compliance with applicable Federal, State and local laws and in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.1171 440 Public Defender, Legal/Transcript Fees.

SERVICE PROVIDER AGREEMENT

THIS AGREEMENT, by and between the COUNTY OF WARREN ("County"), a municipal corporation of the State of New York, having a principal place of business located at the Warren County Municipal Center, 1340 State Route 9, Lake George, New York 12845, and RUTH PETERSON d/b/a ADK TRANSCRIPTION SERVICES ("Provider"), 30 Old Schroon Road, Schroon Lake, NY 12870.

1. The County and the Provider agree that the Provider shall perform for the County transcription services.

2. In consideration of the services to be provided by the Provider, the County shall pay the Provider according to the terms and subject to the conditions at a rate agreed upon between the department head and the provider, not to exceed an aggregate amount of Two thousand Dollars (\$2,000) in any fiscal year. The County shall not be liable to the Provider for any additional work or other services and/or expenses unless otherwise agreed to in writing by the County. The County shall make payments within thirty (30) days after each time the services have been completed and an invoice has been received.

3. Relationship of the parties:

a. The relationship of the Provider to the County, individually, arising out of this Agreement shall be that of an independent contractor. The Provider, in accordance with its status as independent contractor, covenants and agrees that it will conduct itself in a manner consistent with such status, that neither Provider, nor any member thereof, or person, firm, company, agency, association, corporation, or organization engaged by Provider as expert, consultant, independent contractor, specialist, trainee, employee, servant or agent will hold himself out as, or claim to be, an officer or employee of the County by reason hereof, and that it will not by reason hereof, make any claim, demand or application for any right or privilege applicable to an officer or employee of the County including, but not limited to, workers' compensation coverage, disability coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.

b. All personnel of the Provider shall be within the employ of Provider, which alone shall be responsible for their work, direction and compensation. Nothing in this Agreement shall impose any liability or duty on the County on account of any acts, omissions, liabilities or obligations of the Provider or any person, firm, company, agency, association, corporation, or organization engaged by Provider as expert, consultant, independent contractor, specialist, trainee, employee, servant or agent, or for taxes of any nature, including, but not limited to,

unemployment insurance, disability coverage, and workers' compensation, and Provider hereby agrees to indemnify and hold individually harmless the County against any such liabilities.

4. Federal and State Requirements

a. The Provider shall comply with any required equal opportunity requirements of grants or state or federal law and with Article 15 of the Executive Law of the State of New York (also known as the Human Rights Law) and all other federal and state statutory and constitutional non-discrimination provisions.

b. The Provider represents that he has all necessary or required licenses required by Federal or State Law and is in compliance with any requirements thereof or will have such licenses and be in compliance before work shall commence under this agreement.

c. The Provider shall comply with all applicable labor laws including all wage and hour laws.

5. The Provider shall indemnify, defend and hold the County harmless from and against any claim, liability, loss or damage, including reasonable attorney's fees, arising by reason of the death or bodily injury of persons, injury to property or other loss or damage resulting or arising, without limitation, from Provider's providing the services described in Item 1 of this Agreement.

6. This Agreement shall commence upon execution by both parties and shall remain in force and in effect unless amended by mutual agreement of the parties or until terminated by either party with or without cause with thirty (30) days prior written notice. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

7. Compliance with Executive Order #38. The Provider is hereby advised of the existence of New York State Executive Order #38, If the Provider is a covered provider under Executive Order #38, Provider may be subject to certain financial reporting obligations with New York State under Executive Order #38 and regulations promulgated thereunder. Information about Executive Order # 38 can be obtained at <http://executiveorder38.ny.gov>."

8. Any notice given in connection with this Agreement shall be given in writing and shall be delivered either by hand to the party or by mail or overnight delivery to the party's address stated above.

With a copy (which shall not constitute notice) to:

Office of the County Attorney
Warren County Municipal Center

1340 State Route 9
Lake George, New York 12845

9. This is the entire Agreement of the parties and cannot be changed or modified except by mutual written agreement. If any part of this Agreement shall be held unenforceable, the rest of this Agreement will nevertheless remain in full force and effect. This Agreement may be executed in any number of counterparts. This Agreement may not be assigned, in whole or in part, by the Provider without prior approval by the County in writing. Any dispute under this Agreement or related to this Agreement shall be decided in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by the duly authorized officers of the respective parties.

Approved as to Form:

Mary Clayton Keim
Warren County Attorney

COUNTY OF WARREN
By: [Signature]
RONALD F. CONOVER, CHAIRMAN
Board of Supervisors
Date: 4-20-18

RUTH PETERSON
d/b/a ADK TRANSCRIPTION SERVICES
By: [Signature]
RUTH PETERSON
Date: 2-23-18

WITNESS: [Signature]
Print Name: David B. Peterson
Date: 2/23/18

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Public Defender's Office

DATE: 6/21/2021

- (a) Title of Requested Position: **Coordinating Assistant Public Defender (PT)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$34,944.00 (ILS FUNDED)**
- (c) Effective Date for New Position:* **8/1/2021 (approx. based on date contract is executed)**
*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
n/a
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:
A. 1171 130 Salaries - Part Time
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)
Yes
- (g) Is this a mandated position? If so, please explain:
No
- (h) Is there expected revenue from this position? If so, please explain:
No

Warren County Public Defender's Office has an opening for an attorney.

Please contact Public Defender Marcy Flores with a resume and a writing sample at:

floresm@warrencountyny.gov or at Warren County Public Defender's Office, 1340 State Route 9, Lake George, NY 12845. (518)761-6207. Fax number (518) 761-6208.

Part time Coordinating Assistant Public Defender

- Salary of \$34,944.
- Work involves representing clients assigned by the Public Defender in criminal court proceedings. This involves representation through all stages of the proceeding following arrest and at the initial court appearance. Work is performed under the general supervision of the Public Defender with wide leeway allowed for the exercise of independent judgment. The attorney does work related to the case as required. The cases involve filing demands, motions, preparing for hearings, conducting hearings, evaluation of the case and plea bargaining. The attorney would also conduct legal research, prepare for trials and conduct the trial. Will be supervising other attorneys filing demands, motions, preparing for hearings, conducting hearings, evaluation of the case and plea bargaining. The attorney would also supervise other attorneys conducting legal research, preparing for trials and conducting the trial. The attorney would also supervise the grant funding streams from ILS.
- Knowledge of criminal law and court proceedings would be necessary for the applicant.
- The ability to communicate effectively both orally and in writing is mandatory.
- The applicant must possess a NY State law license and have at least ten years of experience as an attorney in the fields of criminal law.
- The applicant must possess a valid NYS driver's license.
- The position is subject to the approval of the Board of Supervisors.

Warren County is an EOE/AA Employer

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No: 6.01 A.1171
Title of Position: Coordinating Assistant Public Defender (PT) Base Salary of Position: \$34,944.00 Grade: 4
Filling at Step # (If Known): _____
Budget code and title: A. 1171 130 Salaries - Part Time Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: _____ Date of Vacancy: _____
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal _____ % State 100 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.
- The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.
- The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

- The committee has no objection to the filling of the vacancy.
- The committee objects to the filling of the vacancy.
- In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
- In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

AUTHORITY FOR POLICY AND PROCEDURE

Resolution 155 of 2003, amended by Resolution Nos. 497 of 2006, 719 of 2006, 318 of 2007, 374 of 2011 and 259 of 2014, provides the policy and procedure for the establishment, filling and increasing or decreasing of salaries for positions within Warren County. Copies of the resolutions are available from the Clerk of the Board.

WHAT FORM TO USE

- For giving notice of intent to fill an existing vacant position, use this form.
- For creating a new position, complete Resolution Request Form No. 11.
- For increasing or decreasing salary of non-union position, complete Resolution Request Form No. 13.
- For reclassification of position, complete Resolution Request Form No. 14.

These forms are available from the Clerk of the Board.

HOW TO USE THIS FORM

Department heads must first file this notice of intent with the Human Resources Director/Personnel Officer for review and approval of position details. Once the form has been initialed by both the Human Resources Director and Personnel Officer, it should be forwarded on to the County Administrator for approval. The County Administrator shall furnish a copy of the notice to the Budget Officer. Once both the County Administrator and the Budget Officer have executed the form, a copy must be submitted by the Department Head to the Supervisory Committee with their regular agenda. Once signed by the Chair of the Supervisory Committee, the Notice of Intent shall be submitted to the Clerk of the Board, who shall report the action on the Personnel Committee agenda and forward the fully executed form to the Department Head.

OBJECTIONS

If either the County Administrator, Budget Officer or Supervisory Committee objects to the position being filled, each should affix their signature to this form indicating they have an objection. In this case, the department head is advised that the position may not be filled unless otherwise determined by the Board of Supervisors. All requests to fill vacant positions must be approved by the County Administrator, Budget Officer and a 2/3 majority vote of the Supervisory Committee or oversight Committee Chair approval as provided in the Rules of the Board.

NO OBJECTIONS

If the County Administrator, Budget Officer and Supervisory Committee have no objection to the position being filled, each should affix their signatures to this form indicating they have no objection.

PAPERWORK

To fill the position, complete the 426 Report of Personnel Change, attach the original of this form to the back of the 426, along with the Resolution approving same and submit to the Human Resources and Civil Service Department. Be certain to make a copy of both the 426 and this form for retention in your department files.

Department Heads are reminded that an oath of office must be filed in the Office of the County Clerk. Oaths of Office forms are available from the County Clerk.

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Public Defender's Office

DATE: 6/21/2021

- (a) Title of Requested Position: **Assistant Public Defender (PT)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$43,680.00 (ILS FUNDED)**
- (c) Effective Date for New Position:* **8/1/2021 (approx. based on date contract is executed)**
*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
n/a
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:
A. 1171 130 Salaries - Part Time
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)
Yes
- (g) Is this a mandated position? If so, please explain:
No
- (h) Is there expected revenue from this position? If so, please explain:
No

Warren County Public Defender's Office has an opening for a part time attorney.

Please contact Public Defender Marcy Flores with a resume and a writing sample at:

floresm@warrencountyny.gov or at Warren County Public Defender's Office, 1340 State Route 9, Lake George, NY 12845. (518)761-6207. Fax number (518) 761-6208.

Assistant Public Defender

- Salary – \$43,680 for 24 hours per week.
- Work involves representing clients assigned by the Public Defender in criminal court proceedings. This involves representation through all stages of the proceeding following arrest and at the initial court appearance. Work is performed under the general supervision of the Public Defender with wide leeway allowed for the exercise of independent judgment. The attorney does work related to the case as required. The cases involve filing demands, motions, preparing for hearings, conducting hearings, evaluation of the case and plea bargaining. The attorney would also conduct legal research, prepare for trials and conduct the trial.
- Knowledge of criminal law and court proceedings would be necessary for the applicant.
- The ability to communicate effectively both orally and in writing is mandatory.
- The applicant must possess a NY State law license and have at least two years of experience as an attorney in the field of criminal law.
- The applicant must possess a valid NYS driver's license.

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RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No: 6.01 A.1171

Title of Position: Assistant Public Defender (PT) Base Salary of Position: \$43,680.00 Grade: 4

Filling at Step # (If Known): _____

Budget code and title: A. 1171 130 Salaries - Part Time Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No./Last Name: _____ Date of Vacancy: _____

Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal _____ % State 100 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

AUTHORITY FOR POLICY AND PROCEDURE

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OBJECTIONS

If either the County Administrator, Budget Officer or Supervisory Committee objects to the position being filled, each should affix their signature to this form indicating they have an objection. In this case, the department head is advised that the position may not be filled unless otherwise determined by the Board of Supervisors. All requests to fill vacant positions must be approved by the County Administrator, Budget Officer and a 2/3 majority vote of the Supervisory Committee or oversight Committee Chair approval as provided in the Rules of the Board.

NO OBJECTIONS

If the County Administrator, Budget Officer and Supervisory Committee have no objection to the position being filled, each should affix their signatures to this form indicating they have no objection.

PAPERWORK

To fill the position, complete the 426 Report of Personnel Change, attach the original of this form to the back of the 426, along with the Resolution approving same and submit to the Human Resources and Civil Service Department. Be certain to make a copy of both the 426 and this form for retention in your department files.

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