

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING

PUBLIC DEFENDER AGENDA

July 18, 2022

COMMITTEE MEMBERS: Supervisors GERACI, Braymer, Seeber, Dickinson, Driscoll, McDevitt and Diamond - *Chair of the Board shall serve as an Ex-Officio member when needed in accordance with Section C (4) of the Rules of the Board*

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request: Notice of Intent to Fill Vacant Position – Assistant Public Defender (8)
Rationale: To fill the vacant position of Assistant Public Defender (8) after resignation
 2. Request: Request to Increase or Decrease Salary of Non-Union Position – Assistant Public Defender (8)
Rationale: To amend the table of organization and Warren County Salary and Compensation Plan
 3. Request: To Request a New Contract with Indigent Legal Services (ILS) for Distribution #13.
Rationale: To utilize available funding for the Warren County Public Defender’s Office and Assigned Counsel Program (continuation of Distributions #10/#7/#4)
- IV. Discussion Items:
- 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. 12 - Notice of Intent to Fill Vacant Position – APD8
2. Resolution Request Form No. 13 – Request to Increase/Decrease Salary of Non-Union Position - APD8
3. Resolution Request Form No. 3 – Request for New Contract – Distribution #13

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: Warren County Public Defender's Office Payroll Dept. No: 6.01 A.1171 4200 110
Title of Position: Assistant Public Defender (8) Base Salary of Position: \$71,988 Grade: _____
Filling at Step # (If Known): Entry
Budget code and title: A. 1171 4200 110 (Public Defender/CAFA Salary - Regular) Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: Rasmussen Date of Vacancy: 8/22/2022
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 _____

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender and First Assistant Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels' defendants at every stage of proceedings following arrest;
Initiates such proceedings as are necessary to protect the rights of the accused;
Assists the Public Defender in the preparation of various court proceedings;
Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
Investigates respondent's financial status in family court support matters;
Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State criminal law, New York family court act and court proceedings (both preferred but not necessary); good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: At the time of appointment, possession of a license to practice law in the State of New York. Salary range \$65,295 to \$71,988 (commensurate with experience).

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

WC: 2003, 2015, 2021

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 7/18/2022

(a) Employee Name, Title and Employee No.:

Assistant Public Defender (8)

(b) Current Annual Base Salary (and Grade if Applicable):

\$71,988

(c) Former Annual Base Salary (and Grade if Applicable):

\$74,089

(d) Effective Date for Salary Change*:

**Please do not backdate request unless the purpose is to correct an error*

8/22/2022

(e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:

n/a

(f) Is a Budget Transfer needed? YES NO

If yes, please complete Resolution Request Form No. 10 – Transfer of Funds

If no, please provide details on how the increase will be funded within the current budget:

(g) Is there expected revenue from this position? YES NO

If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue

(h) Justification of Request:

To amend the table of organization and Warren County Salary and Compensation Plan

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 7/18/2022

- (a) Is this a Result of a Bid or Request for Proposal? **no**
- (b) Purpose of Contract: **Distribution #13 will provide continued grant funding to the Warren County Public Defender's Office and Assigned Counsel Program for Indigent Legal Services. This Distribuiton is a continuation of Distribution #10/#7/#4.**
- (c) Name of Contractor: **NYS Office of Indigent Legal Services**
- (d) Address of Contractor: **A.E. Smith Building, 11th Floor
80 South Swan Street
Albany, NY 12210**
- (e) Contractor's Contact Person and Telephone Number: **Patricia J. Warth**
- (f) Has or will the Contract be provided, if so, please attach:
- (g) Commencement Date of Contract: **January 1, 2023**
- (h) Termination Date of Contract: **December 31, 2025**
- (i) Payment Provisions:
 - i) lump sum amount
 - ii) hourly rate amount
 - iii) total amount not to exceed **\$160,218.00**
 - 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:**

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

*as listed in budget and LOGOS

Office of Indigent Legal Services

Distribution #13

January 1, 2023 - December 31, 2025

CONTRACT #	COUNTY	1-YEAR AMOUNT	3-YEAR AMOUNT
C130001	Albany	\$262,243.00	\$786,729.00
C130002	Allegany	\$35,217.00	\$105,651.00
C130003	Broome	\$217,589.00	\$652,767.00
C130004	Cattaraugus	\$80,733.00	\$242,199.00
C130005	Cayuga	\$43,683.00	\$131,049.00
C130006	Chautauqua	\$89,973.00	\$269,919.00
C130007	Chemung	\$88,432.00	\$265,296.00
C130008	Chenango	\$29,718.00	\$89,154.00
C130009	Clinton	\$76,115.00	\$228,345.00
C130010	Columbia	\$50,581.00	\$151,743.00
C130011	Cortland	\$50,174.00	\$150,522.00
C130012	Delaware	\$34,957.00	\$104,871.00
C130013	Dutchess	\$273,907.00	\$821,721.00
C130014	Erie	\$485,043.00	\$1,455,129.00
C130015	Essex	\$31,916.00	\$95,748.00
C130016	Franklin	\$37,661.00	\$112,983.00
C130017	Fulton	\$36,708.00	\$110,124.00
C130018	Genesee	\$55,700.00	\$167,100.00
C130019	Greene	\$38,460.00	\$115,380.00
T130001	Hamilton	\$4,316.00	\$12,948.00
C130020	Herkimer	\$22,247.00	\$66,741.00
C130021	Jefferson	\$64,786.00	\$194,358.00
C130022	Lewis	\$18,988.00	\$56,964.00
C130023	Livingston	\$33,867.00	\$101,601.00
C130024	Madison	\$37,946.00	\$113,838.00
C130025	Monroe	\$530,793.00	\$1,592,379.00
C130026	Montgomery	\$37,128.00	\$111,384.00
C130027	Nassau	\$537,731.00	\$1,613,193.00
C130029	Niagara	\$109,763.00	\$329,289.00
C130030	Oneida	\$179,382.00	\$538,146.00
C130031	Onondaga	\$320,194.00	\$960,582.00
C130032	Ontario	\$90,637.00	\$271,911.00
C130033	Orange	\$220,792.00	\$662,376.00
C130034	Orleans	\$26,073.00	\$78,219.00
C130035	Oswego	\$91,487.00	\$274,461.00
C130036	Otsego	\$55,685.00	\$167,055.00
C130037	Putnam	\$47,282.00	\$141,846.00
C130038	Rensselaer	\$90,691.00	\$272,073.00
C130039	Rockland	\$207,452.00	\$622,356.00
C130040	Saratoga	\$70,534.00	\$211,602.00
C130041	Schenectady	\$154,422.00	\$463,266.00
C130042	Schoharie	\$22,830.00	\$68,490.00
C130043	Schuyler	\$18,592.00	\$55,776.00
C130044	Seneca	\$23,107.00	\$69,321.00
C130045	St. Lawrence	\$85,218.00	\$255,654.00

Office of Indigent Legal Services

Distribution #13

January 1, 2023 - December 31, 2025

CONTRACT #	COUNTY	1-YEAR AMOUNT	3-YEAR AMOUNT
C130046	Steuben	\$70,299.00	\$210,897.00
C130047	Suffolk	\$702,086.00	\$2,106,258.00
C130048	Sullivan	\$80,999.00	\$242,997.00
C130049	Tioga	\$20,634.00	\$61,902.00
C130050	Tompkins	\$89,829.00	\$269,487.00
C130051	Ulster	\$146,848.00	\$440,544.00
C130052	Warren	\$53,406.00	\$160,218.00
C130053	Washington	\$29,501.00	\$88,503.00
C130054	Wayne	\$82,571.00	\$247,713.00
C130055	Westchester	\$931,166.00	\$2,793,498.00
C130056	Wyoming	\$17,020.00	\$51,060.00
T130002	Yates	\$16,228.00	\$48,684.00
TOTAL		\$7,361,340.00	\$22,084,020.00

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: C100052</p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> Multi-Year Agreement</p> <p><input type="checkbox"/> Simplified Renewal Agreement</p> <p><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</p> <p><input type="checkbox"/> Renewal</p> <p><input type="checkbox"/> Amendment</p>
<p>CONTRACTOR DOS INCORPORATED NAME:</p>	<p>PROJECT NAME:</p> <p>Distribution #10</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</p> <p><input checked="" type="checkbox"/> Municipality, Code: 520100000000</p> <p><input type="checkbox"/> Tribal Nation</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>

Contract Number: C100052

Page 1 of 2

Master Grant Contract, Face Page

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>CURRENT CONTRACT TERM:</p> <p>From: January 1, 2020 To: December 31, 2022</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: \$160,218.00</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:

WARREN COUNTY

STATE AGENCY:

NYS Office of Indigent Legal Services

By:

Frank E Thomas

By:

William J Leahy

Frank Thomas

William J. Leahy

Printed Name

Printed Name

Title: Chairman of the Board

Title: Director -- Office of Indigent Legal Services

Date:

3/20/20

Date:

3/25/20

STATE OF NEW YORK

County of WARREN

On the 20th day of March, 2020, before me personally appeared Frank Thomas, to me known, who being by me duly sworn, did depose and say that he/she resides at Stony Creek, NY, that he/she is the Chairman of the Board of Supervisors, 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)

Mary Elunkin

MARY ELIZABETH KISSANE
Notary Public, State of New York
No. 02K16287162
Qualified in Warren County
Commission Expires August 5, 2024

ATTORNEY GENERAL'S SIGNATURE

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title:

Date:

APPROVED

DEPT. OF AUDIT & CONTROL

Printed Name

May 07 2020

Carmen Story

Title:

Date:

FOR THE STATE COMPTROLLER

ATTACHMENT B-1

BUDGET

**Office of Indigent Legal Services
DISTRIBUTION #10
January 1, 2020 - December 31, 2022**

COUNTY OF WARREN

Total Contract Amount: \$160,218.00

Budget Expenditure Item	Year 1 1/1/20 - 12/31/20	Year 2 1/1/21 - 12/31/21	Year 3 1/1/22 - 12/31/22
PUBLIC DEFENDER'S OFFICE			
PERSONNEL:			
Public Defender Office - Retention Salary Increases	\$20,850.00	\$20,850.00	\$20,850.00
Public Defender Office - Retention Fringe Increases	\$3,525.00	\$3,525.00	\$3,525.00
Public Defender Office - Subtotal Personnel	\$24,375.00	\$24,375.00	\$24,375.00
ASSIGNED COUNSEL PLAN			
PERSONNEL:			
Assigned Counsel Clerk (PT) - Salary	\$5,000.00	\$5,000.00	\$5,000.00
Assigned Counsel Clerk (PT) - Fringe Benefits	\$382.50	\$382.50	\$382.50
Assigned Counsel Plan - Subtotal Personnel	\$5,382.50	\$5,382.50	\$5,382.50
ASSIGNED COUNSEL PLAN			
OTPS:			
Office Cell Phones/Call Logs/Membership Dues/ CLE Trainings and Other Trainings/Office Equipment	\$8,648.50	\$8,648.50	\$8,648.50
Assigned Counsel Plan - Subtotal OTPS	\$8,648.50	\$8,648.50	\$8,648.50
Contracted/Consultant:			
Legal Aid Society of Northeastern NY - Paralegal and Staff Attorney with Fringe at 30%	\$15,000.00	\$15,000.00	\$15,000.00
Subtotal Contracted/Consultant	\$15,000.00	\$15,000.00	\$15,000.00
TOTAL	\$53,406.00	\$53,406.00	\$53,406.00
THREE-YEAR TOTAL	\$160,218.00		

ATTACHMENT C
WORK PLAN
OFFICE OF INDIGENT LEGAL SERVICES
DISTRIBUTION #10
JANUARY 1, 2020 – DECEMBER 31, 2022
COUNTY OF WARREN

Goal: To improve the quality of services provided under Article 18-B of the County Law.

PUBLIC DEFENDER’S OFFICE

Task #1

Provide funding of retention salary increase and fringe benefits for the Public Defender, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th Assistant Public Defenders, and the Assistant Public Defender within the Public Defender’s Office.

Performance Measure:

- Greater ability to retain skilled employees and alignment between job responsibilities and compensation
- Maintain a competitive work environment with ability to attract and retain qualified staff

Program Location:

- Office of the Public Defender, Warren County

ASSIGNED COUNSEL PLAN

Task #2

Provide funding salary and fringe benefits for a part-time Clerk/Office Assistant position to assist the Assigned Counsel Administrator with State and County filings and workload.

Performance Measure:

- Streamlined administrative and office processes that increase efficiency in workload
- Relieve current workload management of Assigned Counsel Administrator

Program Location:

- Assigned Counsel Plan, Warren County

Task #3

Provide funding for incidental and operational expenses associated with indigent defense services (e.g., call logs, office cell phones and associated data plans, membership dues and other professional organization fees, Continuing Legal Education (CLE) trainings and other trainings, office equipment and upgrades, office furniture).

Performance Measure:

- Improved client relations by providing speedier and more efficient legal services to clients by phone usage
- Better utilization of new technologies and existing resources to more efficiently handle increasing caseload
- Number of attorneys who attended CLE courses in subject areas related to the provision of Article 18-B services.
- Impact on case outcomes as a result of additional and ongoing training
- Enhanced professional, functional environment for clients, staff and visitors reflective of the importance of the services provided

Program Location:

- Assigned Counsel Plan, Warren County

LEGAL AID SOCIETY-NORTHEASTERN NEW YORK

Task #4

Provide funding for salary and fringe benefits for a Paralegal and a Staff Attorney to support the Conflict Family Court Defender at the Legal Aid Society of Northeastern New York.

Performance Measure:

- Number of indigent clients who receive case management support as a result of the creation of these positions
- Impact on outcome of Family Court cases where additional Staff Attorney services were received

Program Location:

- Legal Aid Society of Northeastern New York, 40 New Street, Saratoga Springs, NY