

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
January 23, 2024

COMMITTEE MEMBERS: Supervisors GERACI, Strainer, Maday, Conover, Gilligan, Driscoll and Etu - *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. Privilege of the floor and public comment
- IV. Action Agenda/New Business Items:
 1. Request: Request to Extend Existing Contract with NYSDA for PDCMS
Rationale: To maintain existing contract with New York State Defender's Association, Inc. for the Public Defense Case Management System (PDCMS)
 2. Request: Request to Increase or Decrease Salary of Non-Union Position – APD (3)
Rationale: To set the salary of the Assistant Public Defender (3) position for an existing Public Defender Law Intern who was admitted as a Licensed NYS Attorney
 3. Request: Request to Transfer Funds
Rationale: To transfer existing funding to support the salary increase for APD (3)
- V. Discussion Items:
- VI. Referrals/Pending Items:
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 4 – Request to Extend Existing Contract: NYSDA (PDCMS) & accompanying docs.
2. Resolution Request Form No. 13 – Request to Increase or Decrease Salary of Non-Union Position – APD (3)
3. Resolution Request Form No. 10 – Request to Transfer Funds

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 01/23/2024

- (a) Purpose of Contract Change:
To extend existing contract with New York State Defender's Association (NYSDA) for the Public Defender Case Management System (PDCMS)

- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract:

- (c) Name of Contractor:
New York State Defender's Association, Inc. (NYSDA)

- (d) Address of Contractor: **194 Washington Ave., Suite 500
Albany, NY 12210-2314**

- (e) Contractor's Contact Person and Telephone Number:
Susan C. Bryant, Esq.

- (f) Commencement Date of Extension: **04/13/2023**

- (g) Termination Date of Extension: **04/12/2024**

- (h) Payment Provisions:
 - i) lump sum amount **\$5,500.00**
 - 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 (\$2,625) & A.1171.4202 470 (\$2,875)**

**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

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 _____, 2023 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, 2024 unless otherwise extended for one additional year by written agreement of the parties.

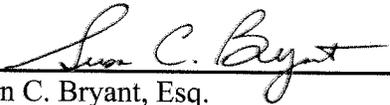
2. All other terms and conditions of the Maintenance Agreement and Extension Agreement shall remain unchanged.

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

WARREN COUNTY BOARD OF SUPERVISORS

By: _____
Kevin B. Geraghty
Chairman

NEW YORK STATE DEFENDERS ASSOCIATION, INC.

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



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

August 8, 2023

Gregory Canale
Warren County Public Defender Office
1340 State Route 9
Lake George, NY 12845

Re: Invoice # 080823-02

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) (04/13/2023 – 04/12/2024)	\$ 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.

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 01/23/2024

- (a) Employee Name, Title and Employee No.:
Assistant Public Defender (3)
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$80,521
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$74,865
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
02/19/2024
- (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:
A.1171 110 Public Defender Salaries - Regular \$5,656
- (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 set the salary of the Assistant Public Defender (3) position for an existing Public Defender Law Intern who passed the BAR Exam on October 19, 2023 and was admitted as a Licensed New York State Attorney on January 11, 2024.

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 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 and Federal criminal law, New York family court act and court proceedings; 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.

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. 10

Request for Transfer of Funds

TO: AMANDA ALLEN, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

DEPARTMENT NAME: Warren County Public Defender's Office

SIGNED:

DATE: 01/23/2024

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1171 130	Public Defender Salaries - Part Time	A.1171 110	Public Defender Salaries - Regular	\$5,656

Please state reason for transfers requested:

To support request to increase Assistant Public Defender (3) position with additional funding in A.1171 130 line.

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request:

Please file original request with Clerk of the Board and retain copy for your records.