

Authorizing The County Executive To Execute An Agreement With Dutchess County For The Provision Of Reciprocal Conflict Defense – Public Defender’s Office

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Belfiglio, Donaldson, R. Parete and Rodriguez), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman Kenneth J. Ronk, Jr. offers the following:

WHEREAS, this resolution has been submitted at the request of the Ulster County Executive; and

WHEREAS, pursuant to Resolution No. 8 dated January 22, 2013, Ulster County entered into an agreement with Dutchess County for the reciprocal representation in the event of a conflict of interest from the host County’s Public Defender’s Office and such office is disqualified from representing an individual due to a legal conflict; and

WHEREAS, such agreement provided for legal representation to indigent defendants in Ulster County Court, City of Kingston Court and Town of Ulster Court in Ulster County by a Dutchess County Assistant Public Defender, and Dutchess County Court, City of Poughkeepsie Court, in Dutchess County by an Ulster County Assistant Public Defender; and

WHEREAS, due to the success of such program, Ulster and Dutchess County’s Public Defender’s Offices have requested such agreement be expanded in scope to accommodate Ulster County Family Court and Town of Lloyd Court in Ulster County and Dutchess County Family Court and Town of Poughkeepsie Court in Dutchess County; and

WHEREAS, the full scope of such agreement provides for legal representation to indigent defendants in Ulster County Court, Ulster County Family Court, City of Kingston Court and Town of Ulster Court or Town of Lloyd Court in Ulster County by a Dutchess County Assistant Public Defender, and Dutchess County Court, City of Poughkeepsie Court, Town of Poughkeepsie Court or Dutchess County Family Court in Dutchess County by an Ulster County Assistant Public Defender; and

WHEREAS, this reciprocal representation will only be assumed when the host County’s Public Defender’s Office is disqualified from representing an individual due to a legal conflict; and

WHEREAS, the purposes of this is to enhance indigent legal services in an efficient and cost-effective manner; and

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WHEREAS, due to the anticipated increased caseload, the Public Defender has requested that an additional part-time Legal Aide position be created and funded; and

WHEREAS, the Ulster County Personnel Officer has reviewed the request and has by order and determination deemed the classification of a Legal Aide and allocates as such to the competitive class of civil service; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized to execute an agreement, and any amendments thereto, with Dutchess County for the purpose of providing reciprocal conflict defense for indigent defendants in Ulster and Dutchess Counties for the term beginning January 1, 2018 and ending December 31, 2018, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney; and, be it further

RESOLVED, that the 2018 Ulster County Budget is amended as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
1170-1209 (PL)	Legal Aide * Annual Salary \$22,400 Annual Benefits \$13,406 Total Salary and Benefits \$35,806	\$22,400*

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Bartels)

Passed Committee: Laws and Rules, Governmental Services on December 18, 2017

Passed Committee: Way and Means on December 19, 2017

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FINANCIAL IMPACT:

\$29,839 – BUDGETED COUNTY APPROPRIATIONS DOLLARS

\$29,839 – BUDGETED STATE REVENUE DOLLARS

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19th Day of December in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of December in the year Two Thousand and Seventeen.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
21st Day of December, 2017.

Approved by the County Executive this
28th Day of December, 2017.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Michael P. Hein
Michael P. Hein, County Executive