

Authorizing The County Executive To Execute An Agreement With Dutchess County For The Provision Of Reciprocal Conflict Defense - Creating One Full Time Position And Amending The 2013 Ulster County Budget – Public Defender’s Office

Referred to: The Law Enforcement and Public Safety Committee (Chairman Parete and Legislators Belfiglio, Ronk, Briggs, and Maio) and the Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez)

Chairman of the Law Enforcement and Public Safety Committee, Richard A. Parete, and Deputy Chairman Kenneth Ronk, offer the following:

WHEREAS, the Public Defender has requested that the County Executive be 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; and

WHEREAS, the agreement will provide for legal representation to indigent defendants in County Court, City of Kingston Court and Town of Ulster Court in Ulster County by a Dutchess County Assistant Public Defender, and County Court and City of Poughkeepsie 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, this type of representation is currently done through the use of an assigned counsel program consisting of private attorneys, which is a substantial cost for the County; and

WHEREAS, this agreement with Dutchess County will greatly reduce the cost of providing mandated legal representation to indigent defendants; and

WHEREAS, due to the anticipated increased caseload, the Public Defender has requested that an additional full-time Assistant Public Defender position be created and funded by a transfer of funds from the Assigned Counsel Services budget to the Public Defender’s budget; and

WHEREAS, the Ulster County Personnel Officer has reviewed the request and has by order and determination deemed the classification of Assistant Public Defender (management) and allocates as such to the non-competitive class of the classified civil service; now, therefore, be it

Resolution No. 8 January 22, 2013

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RESOLVED, that the County Executive **and the Chairman of the Legislature** are 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 ending December 31, 2013, 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 2013 Ulster County Budget is amended as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
0A-1170-0-1189 (PC#)	Assistant Public Defender (management) (full-time) *Annual Salary Annual Benefits \$41,040.00 (Effective February 1, 2013) (Salary to year end \$65,656.00) (Benefits to year end \$37,457.00)	up to \$72,000.00* up to \$70,000.00*

	<u>TRANSFER</u>	
<u>FROM</u>		<u>AMOUNT</u>
A4-1077-4400	Assigned Counsel Services	\$103,113.00
<u>TO</u>		
A4-1046-1005	Regular Pay	\$ 65,656.00
A4-1301-4419	Worker's Comp Insurance	\$ 2,265.00
A4-3800-8001	State Retirement	\$ 11,667.00
A4-3850-8002	Social Security	\$ 5,056.00
A4-4000-8060	Empire PPO (Health Insurance)	\$ 18,469.00

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and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Harris)
(Legislator Richard Parete arrived at 7:13 PM)

Defeated in Committee: Law Enforcement and Public Safety on January 8, 2013

Passed Committee: Ways and Means on January 15, 2013

FINANCIAL IMPACT:
\$0.00 – NET COUNTY DOLLARS

0109

Legislator Gerentine motioned, Seconded by Legislator Ronk, to change the amount of the annual salary of the newly created position from “up to \$72,000.00*” to “up to \$70,000.00*”

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 12 NOES: 10
(Noes: Legislators Bartels, Briggs, Donaldson, Gregorius, Loughran, John Parete, Robert Parete, Provenzano, Rodriguez and Wishnick)
(Absent: Legislator Harris)
(Legislator Richard Parete arrived at 7:13 PM)

