

# County of Albany

112 State Street  
Albany, NY 12207



## Meeting Agenda

Wednesday, June 24, 2020

5:00 PM

Held Remotely

**Law Committee**

**PREVIOUS BUSINESS:**

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET
3. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY
4. LOCAL LAW NO. "C" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

**CURRENT BUSINESS:**

5. A RESOLUTION AMENDING RESOLUTION 283 FOR 1992, AS SUBSEQUENTLY AMENDED, TO RESTORE THE COMMITTEE TO FILL VACANCIES IN RESPONSE TO THE COVID-19 RELATED HEALTH EMERGENCY AND UNCERTAINTY IN THE BUDGETARY REALITIES CAUSED BY THE CURRENT GLOBAL PANDEMIC.
6. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE COALITION AGAINST SEXUAL ASSAULT REGARDING THE SEXUAL ASSAULT SERVICES PROGRAM
7. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT AND AMENDING THE 2020 ALBANY COUNTY BUDGET

# County of Albany

112 State Street  
Albany, NY 12207



## Meeting Minutes

Wednesday, May 27, 2020

6:30 PM

Held Remotely

**Law Committee**

**PREVIOUS BUSINESS:**

**Present:** Legislator Victoria Plotsky, Legislator Joanne Cunningham, Dennis A. Feeney, David B. Mayo, Matthew T. Peter, Bill L. Ricard, Paul J. Burgdorf, Jennifer A. Whalen and Jeffrey D. Kuhn

**1. APPROVING PREVIOUS MEETING MINUTES**

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

**2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET**

This Local Law was tabled at the request of the sponsor.

**3. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY**

This Local Law was tabled at the request of the sponsor.

**CURRENT BUSINESS:**

**4. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2020**

A motion was made to amend the date of the Public Hearing to June 23, 2020. The motion carried by a unanimous vote.

A motion was made that this proposal as amended be moved out with a positive recommendation. The motion carried by a unanimous vote.

**5. LOCAL LAW "C" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019**

This Local Law was tabled at the request of the sponsor.



**LOCAL LAW NO. "A" FOR 2020**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET**

Introduced: 2/10/20

By Messrs. A. Joyce, O'Brien, Peter:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER

BE IT ENACTED by the Legislature of the County of Albany as follows:

SECTION 1. Section 603 (d) of the Albany County Charter is hereby amended to read as follows:

Elements of the tentative annual budget. Upon completion of her review, the Commissioner of the Department of Management and Budget shall prepare the tentative annual budget for the County Executive, which shall be filed with the Clerk on or before [October 10] September 15. Upon such filing, the tentative annual budget submission shall become a public record in the office of the Clerk, and copies of it shall be made available by the Clerk for distribution. Elements of the tentative annual budget submission shall be in compliance with the provisions of County law and include such material as the County Executive deems desirable, or the County Legislature may require. In addition, such submission shall include, but not be limited to: Legislative Intent and purpose.

SECTION 2. If any article, section, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 3. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

*Referred to Law and Audit and Finance Committees – 2/10/20*

## LOCAL LAW NO. "B" FOR 2020

### A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

Introduced: 2/10/20

By Messrs. Reinhardt, Miller, Mss. Cunningham, Plotsky, Messrs. Kuhn, A. Joyce, Ms. Chapman, Messrs. Bruschi, Clay, Cleary, Efekoro, Fein, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Reidy, Peter and Simpson:

#### Section 1: TITLE

This Local Law shall be known as the "Albany County Clean Air Law."

#### Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(11), the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

#### Section 3: INTENT

It is the intent of this Local Law to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

#### Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- A. NEW WASTE DISPOSAL FACILITY** shall mean any non-residential facility that, after the effective date of this Local Law:
- 1) disposes of Waste, uses Waste to heat an industrial process, or uses Waste to produce energy (heat, electricity, or a burnable fuel), and
  - 2) accomplishes this through the combustion of Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or by producing a solid, liquid and/or gaseous fuel product through conversion of Waste.
  - 3) A New Waste Disposal Facility does not include:
    - i. landfills,
    - ii. publicly owned treatment works,
    - iii. anaerobic digesters,
    - iv. facilities burning landfill gas or gas produced from anaerobic digestion, unless they are also burning Waste,

- v. systems used exclusively for on-site space heating purposes at a residential home,
- vi. manufacturing facilities that, on a consistent basis as part of their operations, have, prior to the effective date of this law, burned Waste generated on-site from their own manufacturing process, and plan to continue burning the same types of Waste, or
- vii. facilities that burned an average of at least 10 tons of Waste per day throughout calendar year 2019.

B. **RESPONSIBLE OFFICIAL** shall mean the natural person who is on file with the New York State Department of Environmental Conservation (DEC) as the Responsible Official, as defined in 6 NYCRR 201-2(b)(28). If no such individual properly meeting that definition is currently on file with DEC, the Responsible Official shall be the owner of the New Waste Disposal Facility. If the owner is a business entity, then the Responsible Official(s) shall be the person or persons sharing the highest level of decision-making power within the business entity.

C. **PERSON** shall mean any natural person, general or limited partnership, corporation, limited liability company, limited liability partnership, firm, association or organization, trust or other legal entity, or any combination thereof, and the agent(s) or employee(s) thereof.

D. **BURNING AND/OR PROCESSING** shall mean any type of combustion process involving any waste, including for use as a fuel in recovering useable energy.

E. **COMBUSTION** shall mean the thermal treatment of waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the waste. Examples of the combustion process include incineration, pyrolysis, and fluidized bed.

F. **WASTE** shall mean:

- i. all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; and
- ii. solid waste as defined by 6 NYCRR 360.2(a) and 42 USC 6903(27); and
- iii. biosolids; and
- iv. hazardous waste as defined by NY Environmental Conservation Law § 27-0901(3); and

- v. waste as defined by NY Environmental Conservation Law § 27-0901(11); and
- vi. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); and
- vii. automobile shredder residue; and
- viii. discarded automobiles; and
- ix. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); and
- x. plastics, or any material that has been source separated for recycling or composting purposes; and
- xi. pharmaceutical wastes or expired pharmaceuticals; and
- xii. disaster debris; and
- xiii. electronic wastes; and
- xiv. processed engineered fuel; and
- xv. refuse derived fuels; and
- xvi. any material determined by the U.S. Environmental Protection Agency or New York state agency to be a non-hazardous secondary material
- xvii. the solid residue of any air or water pollution control device.

**Section 5: PROHIBITION**

- A. No person shall be permitted to operate a New Waste Disposal Facility in Albany County.
- B. No person shall burn:
  - a. low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-0101(1);
  - b. high-level radioactive waste;
  - c. transuranic waste; or
  - d. aqueous film-forming foam that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS).

**Section 6: PENALTIES FOR OFFENSES**

- A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment of the Responsible Official for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to \$5,000 or imprisonment of the Responsible Official for a period of not more than 30 days, or both. All subsequent offenses shall be a misdemeanor punishable of a fine up to \$10,000 or imprisonment of the Responsible Official for a period of not more than 50 days, or both. For purposes of this subsection, each day of noncompliance with this Local Law

shall constitute a separate and distinct offense.

**B. Injunctions; concurrent remedies.**

- i. In addition to any other remedy provided herein, the County of Albany may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this article.
- ii. In addition, any officer enforcing this law may issue stop work orders or compliance notices relative to any violation of this Local Law.
- iii. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the County of Albany from exercising any other remedy provided herein or otherwise provided at law or equity.
- iv. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

- C. In the event the County desires or is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

**Section 7: ENFORCEMENT AND ADMINISTRATION**

Enforcement of this Local Law shall be the responsibility of the law enforcement agencies within the County.

**Section 8: SEVERABILITY**

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

**Section 9: EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.

## LOCAL LAW NO. “B” FOR 2020

### A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

Introduced: 2/10/20

By Messrs. Reinhardt, Miller, Mses. Cunningham, Plotsky, Mr. Kuhn

#### Section 1: TITLE

This Local Law shall be known as the “Albany County Clean Air Law.”

#### Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(11), the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

#### Section 3: INTENT

It is the intent of this Local Law to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

#### Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- A. NEW WASTE DISPOSAL FACILITY** shall mean any non-residential facility that, after the effective date of this Local Law:
- 1) disposes of Waste, uses Waste to heat an industrial process, or uses Waste to produce energy (heat, electricity, or a burnable fuel), and
  - 2) accomplishes this through the combustion of Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or by producing a solid, liquid and/or gaseous fuel product through conversion of Waste.
  - 3) A New Waste Disposal Facility does not include:
    - i. landfills,
    - ii. publicly owned treatment works,
    - iii. anaerobic digesters,
    - iv. facilities burning landfill gas or gas produced from anaerobic digestion, unless they are also burning Waste,
    - v. systems used exclusively for on-site space heating purposes at a residential home,

- vi. manufacturing facilities that, on a consistent basis as part of their operations, have, prior to the effective date of this law, burned Waste generated on-site from their own manufacturing process, and plan to continue burning the same types of Waste, or
- vii. facilities that burned an average of at least 10 tons of Waste per day throughout calendar year 2019.

B. **RESPONSIBLE OFFICIAL** shall mean the natural person who is on file with the New York State Department of Environmental Conservation (DEC) as the Responsible Official, as defined in 6 NYCRR 201-2(b)(28). If no such individual properly meeting that definition is currently on file with DEC, the Responsible Official shall be the owner of the New Waste Disposal Facility. If the owner is a business entity, then the Responsible Official(s) shall be the person or persons sharing the highest level of decision-making power within the business entity.

C. **PERSON** shall mean any natural person, general or limited partnership, corporation, limited liability company, limited liability partnership, firm, association or organization, trust or other legal entity, or any combination thereof, and the agent(s) or employee(s) thereof.

D. **BURNING AND/OR PROCESSING** shall mean any type of combustion process involving any waste, including for use as a fuel in recovering useable energy.

E. **COMBUSTION** shall mean the thermal treatment of waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the waste. Examples of the combustion process include incineration, pyrolysis, and fluidized bed.

F. **WASTE** shall mean:

- i. all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; and
- ii. solid waste as defined by 6 NYCRR 360.2(1) and 42 USC 6903(27); and
- iii. biosolids; and
- iv. hazardous waste as defined by NY Environmental Conservation Law § 27-0901(3); and
- v. waste as defined by NY Environmental Conservation Law § 27-0901(11); and
- vi. low-level radioactive waste as defined by N.Y. Environmental Conservation

- vii. Law § 29-0101(1), and high-level radioactive waste; and
- viii. transuranic waste; and
- ix. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); and
- x. automobile shredder residue; and
- xi. discarded automobiles; and
- xii. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); and
- xiii. plastics, or any material that has been source separated for recycling or composting purposes; and
- xiv. pharmaceutical wastes or expired pharmaceuticals; and
- xv. disaster debris; and
- xvi. electronic wastes; and
- xvii. processed engineered fuel; and
- xviii. refuse derived fuels; and
- xix. any material determined by the U.S. Environmental Protection Agency or New York state agency to be a non-hazardous secondary material
- xx. the solid residue of any air or water pollution control device; and
- xxi. Per- and polyfluoroalkyl substances (PFAS)

**Section 5: PROHIBITION**

No person shall be permitted to operate a New Waste Disposal Facility in Albany County.

**Section 6: PENALTIES FOR OFFENSES**

A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment of the Responsible Official for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to \$5,000 or imprisonment of the Responsible Official for a period of not more than 30 days, or both. All subsequent offenses shall be a misdemeanor punishable of a fine up to \$10,000 or imprisonment of the Responsible Official for a period of not more than 50 days, or both. For purposes of this subsection, each day of noncompliance with this Local Law shall constitute a separate and distinct offense.

B. Injunctions; concurrent remedies.

- i. In addition to any other remedy provided herein, the County of Albany may institute a suit in equity where unlawful conduct exists for an



- injunction to restrain a violation of this article.
- ii. In addition, any officer enforcing this law may issue stop work orders or compliance notices relative to any violation of this Local Law.
  - iii. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the County of Albany from exercising any other remedy provided herein or otherwise provided at law or equity.
  - iv. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.
- C. In the event the County desires or is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

#### **Section 7: ENFORCEMENT AND ADMINISTRATION**

Enforcement of this Local Law shall be the responsibility of the law enforcement agencies within the County.

#### **Section 8: SEVERABILITY**

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

#### **Section 9: EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.

## LOCAL LAW “C” FOR 2020

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

Introduced: 03/09/20  
By Ms. Cunningham:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Local Law No. 5 for 2019, entitled “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” is hereby amended to read as follows:

#### SECTION 1.

**Section 4 of Local Law No. 5 for 2019 is amended to read as follows:**

##### Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag the Establishment provides to customers. On the effective date, all covered stores shall indicate on the customer receipt the number of Paper Carryout Bags that are provided to customers and the fee at which they were charged for the use of such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law.

#### SECTION 2.

**Section 5 of Local Law No. 5 for 2019 is amended to read as follows:**

##### Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of

purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.

- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law.
- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

### **SECTION 3.**

**Section 8 (d) of Local law No. 5 for 2019 is amended to read as follows:**

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (e) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

### **SECTION 4.**

**Section 10 of Local Law No. 5 for 2019 is deleted in its entirety.**

### **SECTION 5.**

**Section 11 of Local Law No. 5 for 2019 renumbered to Section 10 and is amended to read as follows:**

Section 10. Effective Date.

The effective date of this local law will be September 1, 2020.

**RESOLUTION NO. 194**

**A RESOLUTION AMENDING RESOLUTION 283 FOR 1992, AS SUBSEQUENTLY AMENDED, TO RESTORE THE COMMITTEE TO FILL VACANCIES IN RESPONSE TO THE COVID-19 RELATED HEALTH EMERGENCY AND UNCERTAINTY IN THE BUDGETARY REALITIES CAUSED BY CURRENT THE GLOBAL PANDEMIC.**

Introduced: 5/11/20

By Messrs. A. Joyce, Peter and Ricard:

WHEREAS, By Resolution No. 283 for 1992, the Albany County Legislature created a Committee to Fill Vacancies, consisting of a representative from the County Executive's Office, County Comptroller's Office and Office of Employee Relations to determine whether vacant positions then existing or coming into existence should be filled while the County faced a substantial shortfall in revenues generated from local sales taxes due to a national recession, and

WHEREAS, Those same harrowing economic realities exist today as a result of the COVID-19 related global pandemic, and

WHEREAS, As recently as last year, the County and nation were on better economic footing, which caused the previous review of the Committee to Fill Vacancies to lapse, and

WHEREAS, At this critical time, this Honorable Body believes it necessary to take into consideration potential revenue shortfalls prior to the filling of any vacant County positions, and

WHEREAS, This Honorable Body recognizes the need to hire employees to fill critical and necessary positions, however, before a position is available to be filled, the decision to hire needs to be reviewed and approved by the Committee to Fill Vacancies for its approval, and

WHEREAS, Meaningful review of salary lines can occur without the need to place an official freeze on hiring within the County, and

WHEREAS, To sensibly effect such a review and approval process, the Committee to Fill Vacancies, as originally envisioned and set forth, needs to be expanded to include oversight so that the Legislature might perform its budgetary responsibilities to determine whether continued funding of vacant positions is appropriate, now, therefore, be it

RESOLVED, By the Albany County Legislature that the Committee to Fill Vacancies as established in Resolution No. 283 for 1992, and as subsequently amended, is hereby reestablished to include a representative from the County

Executive's Office, County Comptroller's Office and Office of Employee Relations, as voting members, in addition to the Chair of the Legislature and Chairs of the Personnel and Audit & Finance Committees of the Legislature (or their designees) as ex officio non-voting members, so that they may report to their respective bodies the fiscal impact of any vacant positions being filled within the County, and be it further

RESOLVED, That the Committee to Fill Vacancies shall be charged with the review of all County Employee line items, except those of the positions of Albany County Clerk, Coroner, District Attorney, County Executive, Legislator, and Sheriff, regardless of departmental budget location, and be it further

RESOLVED, That the Committee to Fill Vacancies shall take into consideration the fiscal consequences of filling any vacant position until the realities of this economic restlessness are able to be realized, and be it further

RESOLVED, That within sixty days of the adoption of this resolution, the Committee to Fill Vacancies be and hereby is requested to report to the County Legislature the steps taken to reduce the fiscal impact associated with filling vacant positions, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Personnel and Audit and Finance Committees – 5/11/20*

*Favorable Recommendation Personnel Committee – 5/28/20*

*Favorable Recommendation Audit and Finance Committee – 5/28/20*



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
CRIME VICTIM AND SEXUAL VIOLENCE CENTER  
112 STATE STREET, ROOM 1010  
ALBANY, NEW YORK 12207-2077  
(518) 447-7100 FAX: (518) 447-7102  
EMERGENCY: (518) 447-7716  
www.albanycounty.com  
e-mail: cvsvc@albanycounty.com

KAREN ZIEGLER  
DIRECTOR

Hon. Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Room 710  
Albany, NY 12207

June 1, 2020

Dear Chairman Joyce:

I am requesting permission to accept a federal grant opportunity for Sexual Assault Service Provider (SASP) funding provided by the NYS Coalition Against Sexual Assault. The grant award of \$9,040.43 will be utilized to provide clinical and court advocacy services at to victims of sexual assault with limited English proficiency, refugees and immigrants currently living in Albany County.

I appreciate your consideration this matter.

Respectfully Submitted,

Karen Ziegler  
Director

Cc: Dennis A. Feeney, Majority Leader  
Frank A. Mauriello, Minority Leader  
Kevin Cannizzaro, Esq., Majority Counsel  
Arnis Zilgme, Esq. Minority Counsel



Legislation Text

File #: TMP-1670, Version: 1

**REQUEST FOR LEGISLATIVE ACTION**

**Description (e.g., Contract Authorization for Information Services):**

Contract Authorization between NYSCASA and CVSVC

Date: May 20, 2020  
 Submitted By: Karen Ziegler  
 Department: Crime Victim and Sexual Violence Center  
 Title: Director  
 Phone: 518-447-7100  
 Department Rep.  
 Attending Meeting: Karen Ziegler

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Renewal

Submission Date Deadline 7/1/2020

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

**Party (Name/address):**

NYS Coalition Against Sexual Assault (NYSCASA)  
28 Essex Street  
Albany, NY 12206

**Additional Parties (Names/addresses):**

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$9,040.43

Scope of Services: The money will be used for providing direct services including interpretation services for sexual assault victims. People with limited English proficiency, refugees and immigrants will be provided clinical and court advocacy services.

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: Click or tap here to enter text.



Is there a Fiscal Impact: Yes  No   
Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: A4610 03497  
Revenue Amount: \$9,040.43

Appropriation Account and Line: A4610.1  
Appropriation Amount: \$9,040.43

Source of Funding - (Percentages)

Federal: 100%  
State: Click or tap here to enter text.  
County: Click or tap here to enter text.  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) July 1, 2020 - May 31, 2021  
Length of Contract: 11 months

Impact on Pending Litigation

If yes, explain: Yes  No   
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 316  
Date of Adoption: August 2019

**Justification:** (state briefly why legislative action is requested)

The request is to accept this grant award. Service providers in NYS are required to provide interpretation services to individuals with limited English proficiency. This grant will allow the Crime Victim and Sexual Violence Center to provide services to these sexual assault victims, better serving the Albany County community. The Sexual Assault Services Program (SASP) is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The SASP will support such services through the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

## RESOLUTION NO. 316

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE  
COALITION AGAINST SEXUAL ASSAULT REGARDING THE SEXUAL  
ASSAULT SERVICES PROGRAM

Introduced: 8/12/19  
By Law Committee:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the New York State Coalition Against Sexual Assault regarding the Sexual Assault Services Program in the amount of \$10,250 for the term commencing July 1, 2019 and ending May 31, 2020, and

WHEREAS, The Director indicated that the funding will be used to provide clinical and court advocacy services to victims of sexual assault residing in Albany County with limited English proficiency, including refugees and immigrants, as required by New York State, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the New York State Coalition Against Sexual Assault regarding the Sexual Assault Services Program in the amount of \$10,250 for the term commencing July 1, 2019 and ending May 31, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote – 8/12/19*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 12<sup>th</sup> day of August, 2019, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 12<sup>th</sup> day of August, 2019.

A handwritten signature in cursive script, appearing to read "Paul V. Deane".

---

Clerk, Albany County Legislature

**From:** [Articia Hill](#)  
**Cc:** [Joanne Zannoni](#); [Sandra Siciliano](#)  
**Subject:** SASP FUNDS - FY 2020-2021 AWARD AMOUNT - APPLICATION DUE 6/15/2020 (1)  
**Date:** Thursday, May 21, 2020 1:23:23 PM

---

Good Afternoon,

Thank you for showing your interest to apply for the Sexual Assault Services Formula Grant (SASP) funds for Fiscal Year 2020-2021.

Your Award Amount for SASP FY 2020-21 will be: **\$9,040.43**

Please use this Award Amount when completing your Application Budget excel file, attached to the previous email.

The Application Instructions provides details regarding the Category Definitions and what expenses should be included within in that category.

All Rape Crisis Programs must complete and **return the Application and related documents** by **5:00pm, Monday, June 15<sup>th</sup>**.

If you have any questions or concerns related to the Application process, while completing, please do not hesitate to contact me via email [ahill@nyscasa.org](mailto:ahill@nyscasa.org) or phone (518)-330-6889.

Articia S. Hill  
Grant Compliance Director

**New York State Coalition Against Sexual Assault, Inc.**  
**28 Essex Street**  
**Albany, NY 12206**  
**(518) 482-4222 x317**  
**[www.nyscasa.org](http://www.nyscasa.org)**



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
OFFICE OF THE EXECUTIVE  
112 STATE STREET, ROOM 1200  
ALBANY, NEW YORK 12207-2021  
(518) 447-7040 - FAX (518) 447-5589  
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.  
DEPUTY COUNTY EXECUTIVE

June 3, 2020

Honorable Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Room 710  
Albany, New York 12207

Dear Chairman Joyce:

On behalf of the Albany County Public Defender, Alternate Public Defender, and Assigned Counsel Program, I am requesting authorization to amend a contract with New York Office of Indigent Legal Services (ILS) for implementation of the Statewide Expansion of the Hurrell-Harring settlement. Since taking office I have been a strong advocate for reforms to the indigent legal services program and have pushed for Counties to receive additional funding from New York State. In 2017, NYS committed to expanding the Hurrell-Harring settlement to all counties in the state by providing \$250 million over five years to bring indigent defense services up to the standards set in the 2014 settlement. The key provisions of statewide expansion include ensuring defendants are represented by counsel at arraignments, establishing caseload standards for providers, and improving quality of representation via training, supervision, and access to experts.

To meet the standards established in Hurrell-Harring, Albany County will be receiving \$26,264,402.19, beginning with \$1,750,920.29 in 2019 and increasing on an annual basis. Funding is shared between the Public Defender, Alternate Public Defender, and Assigned Counsel Program based on caseload data submitted by each provider. Albany County's second year plan was recently approved by the NYS Office of Indigent Legal Services (ILS), and authorization is needed to amend our contract to reflect the finalized year two budget. The majority of the year two funding was included in the 2020 Albany County Adopted Budget. The attached budget amendments reflect the minor changes to each Department's Budget that were made while finalizing our proposal to NYSILS. Funding will support added personnel (attorneys, support staff, and experts), contractual expert services, onboarding expenses, training, mentoring, IT and software improvements, attorney resources, and other investments that help

the County meet the standards discussed above. Reimbursement for all expenses included in the County's annual work plans will be provided on a quarterly basis. Statewide Expansion is 100 percent state funded, there is no County share.

If you should have any questions, please do not hesitate to contact me.

Sincerely

A handwritten signature in cursive script that reads "Daniel P. McCoy". The signature is written in black ink and is positioned above the typed name.

Daniel P. McCoy  
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader  
Hon. Frank Mauriello, Minority Leader  
Kevin Cannizzaro, Majority Counsel  
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1690, Version: 1

**REQUEST FOR LEGISLATIVE ACTION**

**Description (e.g., Contract Authorization for Information Services):**

Contract and Budget Amendment - Year Two of Hurrell-Harring Statewide Implementation

Date: 5/29/2020  
 Submitted By: Lucas Rogers  
 Department: Office of the County Executive  
 Title: Senior Policy Analyst  
 Phone: 518-447-5566  
 Department Rep.  
 Attending Meeting: Lucas Rogers

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual
- Revenue

Increase Account/Line No.: 4071 Property Repair and Rental 4310 Second Chair Program 9935  
Law Intern Program 4306 Mentor Program 4046 Fess For Services 4300 Association Dues 4040  
Books/Transcripts/Subscripts 4300 Association Dues 4038 Travel-Mileage, Freight  
Source of Funds: NYSILS Statewide Implementation Grant Funding  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

**Party (Name/address):**

New York State Office of Indigent Legal Services  
Alfred E Smith Building  
80 South Swan Street  
11<sup>th</sup> Floor  
Albany, NY 12210

**Additional Parties (Names/addresses):**

Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.

Scope of Services: Funding to facilitate the implementation of programs focused on quality improvement of services, caseload relief, and counsel at arraignment as per the Hurrell-Harring settlement reforms.

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No



If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No

Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Please See Attached

Appropriation Amount: Please See Attached

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: 100%

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) April 1, 2018 - March 31, 2023

Length of Contract: 5 Years

Impact on Pending Litigation Yes  No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Resolution 151 for 2019

Date of Adoption: 4/8/2019

**Justification:** (state briefly why legislative action is requested)

On behalf of the Albany County Public Defender, Alternate Public Defender, and Assigned Counsel Program, I am requesting authorization to amend a contract with New York Office of Indigent Legal Services (ILS) for implementation of the Statewide Expansion of the Hurrell-Harring settlement. Since taking office I have been a strong advocate for reforms to the indigent legal services program and have pushed for Counties to receive additional funding from New York State. In 2017, NYS committed to expanding the Hurrell-Harring settlement to all counties in the state by providing \$250 million over five years to bring indigent defense services up to the standards set in the 2014 settlement. The key provisions of statewide expansion include ensuring defendants are represented by counsel at arraignments, establishing caseload standards for providers, and improving quality of representation via training, supervision, and access to experts.

To meet the standards established in Hurrell-Harring, Albany County will be receiving \$26,264,402.19, beginning with \$1,750,920.29 in 2019 and increasing on an annual basis. Funding is shared between the Public Defender, Alternate Public Defender, and Assigned Counsel Program based on caseload data submitted by each provider. Albany County's second year plan was recently approved by the NYS Office of Indigent Legal Services (ILS).and authorization is needed to amend our contract to reflect the finalized year two budget. The

majority of the year two funding was included in the 2020 Albany County Adopted Budget. The attached budget amendments reflect the minor changes to each Department's Budget that were came about while finalizing our proposal to NYSILS. Funding will support added personnel (attorneys, support staff, and experts), contractual expert services, onboarding expenses, training, mentoring, IT and software improvements, attorney resources, and other investments that help the County meet the standards discussed above. Reimbursement for all expenses included in the County's annual work plans will be provided on a quarterly basis. Statewide Expansion is 100 percent state funded, there is no County share.

APPROPRIATIONS		RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST
ACCOUNT NO.					
AA 1171	4	4046			60,817.00
AA 1171	4	4300	6,500.00	6,500.00	6,500.00
TOTAL APPROPRIATIONS			6,500.00	6,500.00	
ESTIMATED REVENUES		RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST
ACCOUNT NO.					
TOTAL ESTIMATED REVENUES			0.00	0.00	
GRAND TOTALS			6,500.00	6,500.00	

Template

DEPARTMENT NAME

DEPARTMENT NAME

APPROPRIATIONS		ACCOUNT NO.	RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST
AA 1172	4	4071	Property Repair and Rental		29,371.00	0.00
AA 1172	4	4310	Second Chair Program	29,371.00		29,371.00
AA 1172	1	9935	Law Intern Program		28,800.00	0.00
AA 1172	4	4306	Mentor Program	28,800.00		28,800.00
TOTAL APPROPRIATIONS				<u>58,171.00</u>	<u>58,171.00</u>	

ESTIMATED REVENUES		ACCOUNT NO.	RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST
TOTAL ESTIMATED REVENUES				<u>0.00</u>	<u>0.00</u>	
GRAND TOTALS				<u>58,171.00</u>	<u>58,171.00</u>	

DEPARTMENT NAME

DEPARTMENT NAME

APPROPRIATIONS		RESOLUTION DESCRIPTION	INCREASE	DECREASE	UNIT COST
ACCOUNT NO.					
AA 1170	4	4040			55,450.00
AA 1170	4	4300	5,000.00		5,000.00
AA 1170	4	4038		10,000.00	5,000.00
TOTAL APPROPRIATIONS			10,000.00	10,000.00	
ESTIMATED REVENUES		RESOLUTION DESCRIPTION	DECREASE	INCREASE	UNIT COST
ACCOUNT NO.					

TOTAL ESTIMATED REVENUES	0.00	0.00
GRAND TOTALS	10,000.00	10,000.00

DEPARTMENT NAME

DEPARTMENT NAME



**STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE**

<p>STATE AGENCY (Name &amp; Address):</p> <p><b>NYS Office of Indigent Legal Services</b>  <b>A. E. Smith Building, 11th Floor</b>  <b>80 South Swan Street</b>  <b>Albany, NY 12210</b></p>	<p>BUSINESS UNIT/DEPT. ID: <b>OLS01</b>  <b>1350200</b></p> <p><b>CONTRACT NUMBER: CSTWIDEHH01</b></p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> <b>Multi-Year Agreement</b>  <input type="checkbox"/> Simplified Renewal Agreement  <input type="checkbox"/> Fixed Term Agreement</p>
<p><b>CONTRACTOR SFS PAYEE NAME:</b></p> <p><b>Albany, County of</b></p>	<p>TRANSACTION TYPE:</p> <p><input type="checkbox"/> New  <input type="checkbox"/> Renewal  <input checked="" type="checkbox"/> <b>Amendment</b></p>
<p>CONTRACTOR DOS INCORPORATED NAME:</p>	<p>PROJECT NAME:</p> <p><b>Statewide Expansion of Hurrell-Harring</b></p>
<p>CONTRACTOR IDENTIFICATION NUMBERS:</p> <p><b>NYS Vendor ID Number: 1000002428</b>  <b>Federal Tax ID Number: 14-6002563</b>  DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER:</p> <p>CFDA NUMBER (Federally funded grants only):</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS:</p> <p>County of Albany  Public Defender's Office  60 South Pearl Street, 4th Floor  Albany, NY 12207</p> <p>CONTRACTOR PAYMENT ADDRESS:</p> <p><input type="checkbox"/> Check if same as primary mailing address</p> <p>County of Albany  Dept. of Management and Budget  112 State Street, Suite 900  Albany, NY 12207</p> <p>CONTRACTOR MAILING ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS:</p> <p><input type="checkbox"/> For Profit  <input checked="" type="checkbox"/> <b>Municipality, Code: 010100000000</b>  <input type="checkbox"/> Tribal Nation  <input type="checkbox"/> Individual  <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:   CSTWIDEHH01    
Page 1 of 3  
**Master Grant Contract, Face Page**



IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_ Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE AGENCY:

NYS Office of Indigent Legal Services

By: William J. Leahy

William J. Leahy  
Printed Name

Title: Director – Office of Indigent Legal Services

Date: 5/12/20

STATE OF NEW YORK

County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she resides at \_\_\_\_\_, that he/she is the \_\_\_\_\_ of the \_\_\_\_\_, 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) \_\_\_\_\_

ATTORNEY GENERAL'S SIGNATURE

N/A

\_\_\_\_\_ Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE COMPTROLLER'S SIGNATURE

N/A

\_\_\_\_\_ Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Contract Number: CSTWIDEHH01

Page 3 of 3

Master Grant Contract, Face Page

## ATTACHMENT A

### PROGRAM SPECIFIC TERMS AND CONDITIONS

#### STATEWIDE EXPANSION OF HURRELL-HARRING

##### **I. Notices**

All written notices made pursuant to this Agreement shall be delivered to the addresses set forth below.

Notification to the Office of Indigent Legal Services (ILS):

Office of Indigent Legal Services  
A. E. Smith Office Building, 11th Floor  
80 South Swan Street  
Albany, NY 12210

Notification to County and New York City (“County”):

Daniel P. McCoy  
Albany County Executive  
112 State Street, Suite 200  
Albany, NY 12207  
(518) 447-7040  
[Daniel.McCoy@albanycounty.com](mailto:Daniel.McCoy@albanycounty.com)

##### **II. Supplanting Funds.**

The amounts paid to County by ILS pursuant to this Agreement shall be used to supplement and not supplant any state or local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the County Law. In the event funds are used to supplant local funds, such funds actually provided by ILS shall be returned to ILS by County.

##### **III. Collect and Report Data.**

County will be required to collect and report data to ILS on an annual basis, or as otherwise specified by ILS, in written form, as determined by ILS, which data will be used to analyze and measure implementation, compliance and outcomes under the three statewide plans (counsel at arraignment, quality improvement and caseload relief).

##### **IV. Extensions.**

The terms of this Agreement may be extended only by mutual written consent of the parties and approval of the Office of the State Comptroller for a period of not more than 24 months.

## ATTACHMENT B-1

## BUDGET

**Office of Indigent Legal Services**  
**STATEWIDE EXPANSION OF HURRELL-HARRING**  
**April 1, 2018 - March 31, 2023**

## COUNTY OF ALBANY

**Total Contract Amount: \$26,264,402.19**

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
<b>PUBLIC DEFENDER'S OFFICE</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Local Court Supervisor	\$85,000.00	\$86,700.00			
Assistant Public Defender I	\$65,000.00	\$66,300.00			
Assistant Public Defender II	\$72,828.00	\$74,284.56			
Assistant Public Defender II	\$72,828.00	\$74,284.56			
Assistant Public Defender III	\$78,030.00	\$79,590.60			
Assistant Public Defender IV	\$83,232.00	\$84,896.64			
Assistant Public Defender V	\$90,000.00	\$91,800.00			
Paralegal	\$44,737.00	\$45,631.74			
Social Services Coordinator	\$55,000.00	\$56,100.00			
Legal Secretary	\$41,616.00	\$42,448.32			
Receptionist	\$35,000.00	\$35,700.00			
Assistant Public Defender II	\$0.00	\$74,284.00			
Assistant Public Defender II	\$0.00	\$74,284.00			
Assistant Public Defender III	\$0.00	\$79,590.00			
Assistant Public Defender III	\$0.00	\$79,590.00			
Assistant Public Defender III	\$0.00	\$79,590.00			
Assistant Public Defender IV	\$0.00	\$84,897.00			
Director of Training	\$0.00	\$85,000.00			
Felony Supervisor	\$0.00	\$85,000.00			
Clerk II	\$0.00	\$45,500.00			
Clerk II	\$0.00	\$45,500.00			
Legal Secretary	\$0.00	\$46,500.00			
Legal Secretary	\$0.00	\$46,500.00			
<b>Fringe Benefits:</b>					
For positions noted above @ 53%	\$383,334.00	\$842,340.00			
Data Officer (Stipend)	\$20,000.00	\$0.00			
<b>Subtotal Personnel</b>	<b>\$1,126,605.00</b>	<b>\$2,406,311.42</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>



Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
<b>OTPS:</b>					
Onboarding cost for new positions	\$46,200.00	\$50,400.00			
<b>Subtotal OTPS</b>	<b>\$46,200.00</b>	<b>\$50,400.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Caseload Relief - Subtotal</b>	<b>\$1,172,805.00</b>	<b>\$2,456,711.42</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>Personnel:</b>					
Salary Increase for entry level positions - Parity	\$74,688.48	\$37,344.24			
Salary Increase - Confidential Secretary	\$0.00	\$4,884.00			
Salary Increase - Criminal Investigator	\$0.00	\$8,238.00			
Salary Increase - Criminal Investigator	\$0.00	\$4,402.00			
CAFA Arraignment Attorney Salary Supplement	\$0.00	\$15,000.00			
Law Intern Program	\$0.00	\$10,000.00			
Fringe Benefits for positions noted above	\$0.00	\$37,030.17			
<b>Subtotal Personnel</b>	<b>\$74,688.48</b>	<b>\$116,898.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Contracted/Consultant:</b>					
Specialized Services (Expert Services)/ Transcription Services	\$26,702.67	\$35,000.00			
<b>Subtotal Contracted/Consultant</b>	<b>\$26,702.67</b>	<b>\$35,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTPS:</b>					
Computer Equipment	\$35,441.00	\$20,000.00			
Legal Reference Material/Books/Subscriptions	\$25,000.00	\$20,000.00			
Office Supplies	\$0.00	\$4,300.00			
Smartphones/Cell Phones (service fees/ software/hardware)	\$0.00	\$25,000.00			
Photocopier (leasing/maintenance)	\$0.00	\$5,000.00			
Professional/Organization Memberships	\$0.00	\$5,000.00			
Conferences/CLE Trainings/Trainings	\$0.00	\$20,000.00			
<b>Subtotal OTPS</b>	<b>\$60,441.00</b>	<b>\$99,300.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Quality Improvement - Subtotal</b>	<b>\$161,832.15</b>	<b>\$251,198.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>OTPS:</b>					
Tablets/Computer Software/Wi-Fi	\$23,068.00	\$2,500.00			
Mileage/Travel	\$0.00	\$5,000.00			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$23,068.00</b>	<b>\$7,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>PUBLIC DEFENDER'S OFFICE - TOTAL</b>	<b>\$1,357,705.15</b>	<b>\$2,715,409.83</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>CONFLICT DEFENDER'S OFFICE</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Supervision Administrator - Salary	\$45,000.00	\$45,900.00			
Supervision Administrator - Fringe	\$23,850.00	\$0.00			
Mitigation Specialist Attorney	\$0.00	\$73,370.00			
Legal Secretary	\$0.00	\$45,000.00			

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
Salary Increase for Staff Attorney	\$0.00	\$2,027.00			
Fringe Benefits for positions noted above	\$0.00	\$88,137.41			
<b>Subtotal Personnel</b>	<b>\$68,850.00</b>	<b>\$254,434.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Caseload Relief - Subtotal</b>	<b>\$68,850.00</b>	<b>\$254,434.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>Contracted/Consultant:</b>					
Investigator Services	\$32,319.00	\$25,819.00			
Specialized Services (Expert Services)/ Transcription Services	\$30,000.00	\$20,000.00			
<b>Subtotal Contracted/Consultant</b>	<b>\$62,319.00</b>	<b>\$45,819.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTPS:</b>					
Office Supplies/Computer Equipment	\$8,580.00	\$8,580.00			
Conferences/CLE Trainings/Trainings/Tuition	\$4,381.00	\$4,382.00			
Professional/Organization Memberships	\$0.00	\$6,500.00			
<b>Subtotal OTPS</b>	<b>\$12,961.00</b>	<b>\$19,462.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Quality Improvement - Subtotal</b>	<b>\$75,280.00</b>	<b>\$65,281.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>Personnel/Contracted/Consultant/OTPS:</b>					
	\$0.00	\$0.00			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>CONFLICT DEFENDER'S OFFICE - TOTAL</b>	<b>\$144,130.00</b>	<b>\$319,715.41</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**ASSIGNED COUNSEL PLAN**

<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Supervising Attorney - Salary	\$85,000.00	\$90,000.00			
Supervising Attorney - Fringe Benefits	\$45,050.00	\$0.00			
Secretary	\$0.00	\$45,000.00			
Data Officer/Grants Manager	\$0.00	\$60,000.00			
Fringe Benefits for positions noted above	\$0.00	\$103,350.00			
<b>Caseload Relief - Subtotal</b>	<b>\$130,050.00</b>	<b>\$298,350.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>Contracted/Consultant:</b>					
Mentoring Programs/Services	\$28,800.00	\$28,800.00			
Specialized Services (Expert Services)	\$50,000.00	\$50,000.00			
Second Chair Program	\$0.00	\$29,370.05			
<b>Subtotal Contracted/Consultant</b>	<b>\$78,800.00</b>	<b>\$108,170.05</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTPS:</b>					
Continuing Legal Education (CLE) Trgs/Trainings	\$30,000.00	\$30,000.00			
Office Supplies/Furniture	\$4,000.00	\$4,000.00			
Legal Reference Material/Books/Subscriptions	\$4,275.00	\$4,275.00			
Mileage/Travel for ACP staff	\$2,000.00	\$2,000.00			

<b>Budget Expenditure Item</b>	<b>Year 1 4/1/18 - 3/31/19</b>	<b>Year 2 4/1/19 - 3/31/20</b>	<b>Year 3 4/1/20 - 3/31/21</b>	<b>Year 4 4/1/21 - 3/31/22</b>	<b>Year 5 4/1/22 - 3/31/23</b>
Computer Equipment (hardware & software)	\$0.00	\$20,000.00			
<b>Subtotal OTPS</b>	<b>\$40,275.00</b>	<b>\$60,275.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Quality Improvement - Subtotal</b>	<b>\$119,075.00</b>	<b>\$168,445.05</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>COUNSEL AT FIRST APPEARANCE Personnel/Contracted/Consultant/OTPS:</b>					
	\$0.00	\$0.00			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>ASSIGNED COUNSEL PLAN - TOTAL</b>	<b>\$249,125.00</b>	<b>\$466,795.05</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$1,750,960.15</b>	<b>\$3,501,920.29</b>	<b>\$5,252,880.44</b>	<b>\$7,003,840.58</b>	<b>\$8,754,800.73</b>
<b>FIVE-YEAR TOTAL</b>	<b>\$26,264,402.19</b>				



## ATTACHMENT C

### WORK PLAN

#### OFFICE OF INDIGENT LEGAL SERVICES

#### STATEWIDE EXPANSION OF HURRELL-HARRING

APRIL 1, 2018 – MARCH 31, 2023

#### COUNTY OF ALBANY

### Goals, Objectives, and Performance Measures

On a semi-annual basis, each grantee/contractor shall provide the Office of Indigent Legal Services with a written progress report summarizing the work performed during each such semi-annual period. The reports shall detail the grantee/contractor's progress toward attaining the specific goals, objectives and key performance measures as outlined below along with any additional information that may be required by the Office. These program progress reports must be submitted October 31<sup>st</sup> for the period starting April 1<sup>st</sup> and ending September 30<sup>th</sup> and April 30<sup>th</sup> for the period starting October 1<sup>st</sup> and ending March 31<sup>st</sup>.

Program progress reports will continue until such time as the funds subject to this contract are no longer available, have been accounted for, and/or throughout the contract period. The first progress report may be waived if the final approval of the grantee/contractor's contract by the Office of the State Comptroller is within two months of the date such progress report would be due. **(See Attachment D ["Payment and Reporting Schedule"] for written progress report reporting requirements in their entirety.)**

#### Goal

Implement the provisions of Chapter 59 of the Laws of 2017, Part VVV, sections 11-13, providing that the Office of Indigent Legal Services shall implement a plan to extend statewide the benefits of the Hurrell-Harring settlement reforms.

#### First Objective

Ensure all eligible criminal defendants are represented by counsel at arraignment, provided that timely arraignment with counsel is not delayed pending a determination of a defendant's eligibility.

#### Key Performance Measures

1. The number of attorneys hired with this funding who provide representation at arraignment;
2. The number of arraignments handled by each attorney compensated with this funding; and
3. A brief description of all activities funded by this grant under this objective and how those activities have improved the provision of counsel at first appearance.

## **Second Objective**

Full compliance with the caseload standards issued by the Office of Indigent Legal Services.

### Key Performance Measures

1. The number of attorneys hired with this funding and the dates of such hires;
2. The number of new cases opened by attorneys compensated with this funding;
3. The number of non-attorneys hired with this funding and the dates of such hires;
4. The name, and date of appointment, of the Data Officer or a description of progress toward appointment of a Data Officer; and
5. A brief description of all activities funded by this grant under this objective and how those activities have reduced caseloads.

## **Third Objective**

Implement initiatives to improve the quality of indigent defense such that attorneys receive effective supervision and training, have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients, communicate effectively with their clients, have the necessary qualifications and experience, and, in the case of assigned counsel attorneys, are assigned to cases in accordance with article 18-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

### Key Performance Measures

1. The number of training events supported by this funding;
2. The number of attorneys whose attendance at training events was supported by this funding;
3. The number of cases in which expert services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services;
4. The number of cases where investigative services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services; and
5. A brief description of all activities funded by this grant under this objective and how those activities have improved the quality of representation provided to clients.

# YEAR 1 BUDGET

## Public Defender's Office

### Personnel:

- **Add a full-time Local Court Supervisor position.** This new position will be responsible for providing representation, supervising and mentoring attorneys, and providing training for trial development skills in criminal cases.
- **Add a full-time Assistant Public Defender I position.** This new, entry-level position will be responsible for handling misdemeanor cases in City Court.
- **Add two (2) full-time Assistant Public Defender II positions.** These new positions will be responsible for handling misdemeanor and felony cases.
- **Add a full-time Assistant Public Defender III position.** This new position will be responsible for handling misdemeanor and felony cases and have trial experience.
- **Add a full-time Assistant Public Defender IV position.** This new position will be responsible for handling misdemeanor and felony cases and have trial experience.
- **Add a full-time Assistant Public Defender V position.** This new position will be responsible for serious and violent felony cases.
- **Add a full-time Paralegal position.** This new position will be responsible for drafting motions and performing legal research in criminal cases.
- **Add a full-time Social Services Coordinator position.** This new position will be responsible for assisting clients in criminal cases with various needs, connecting with social workers and case managers, assisting with program eligibility, and other resources.
- **Add a full-time Legal Secretary position.** This new position will be responsible for assisting attorneys with administrative tasks, including opening and closing files, Case Management System data entry, among other tasks in criminal cases.
- **Add a full-time Receptionist position.** This new position will be responsible for addressing inquiries from clients, the court, and the general public in criminal cases.
- **Provide a salary increase for eight (8) attorney positions.** The salary increase will raise the lowest salaried attorney positions to the new entry-level amount of \$65,000.00 to be able to retain current employees and attract high-quality candidates.

- **Provide a stipend for the Data Officer position.** An existing employee will assume the additional responsibility of liaising with ILS on behalf of the County for all providers and operationalizing the data requirements; current responsibilities of this employee will be shifted to other staff.

**Contracted/Consultant:**

- **Enhance the availability of expert services.** Expert services at an hourly rate ranging from \$50-\$750, plus travel/mileage, will be used in criminal cases to improve the quality of representation.
- **Enhance the availability of transcription services.** Services will be provided a rate of \$1.75-\$7.50 per page.

**OTPS:**

- **Provide funding for incidental and operational expenses.** Onboarding expenses for 11 new positions include office furniture; computers, tablets, equipment and software; Wi-Fi internet connection; and legal reference material.

## **Conflict Defender's Office**

**Personnel:**

- **Add a full-time Supervising Administrator position.** This new position will support the criminal defense attorneys, open and close files, assist with data collection and perform data entry on behalf of the attorneys.

**Contracted/Consultant:**

- **Enhance availability of investigative and expert services.** These services will assist attorneys with criminal defense preparation. Investigative services will be provided at an hourly rate ranging from \$75-\$125. Expert services will be provided at an hourly rate ranging from \$250-\$750, plus travel/mileage.

**OTPS:**

- **Provide funding for incidental and operational expenses.** Expenses include computer equipment; office supplies; conferences, training, and tuition.

## Assigned Counsel Plan

### Personnel:

- **Add a full-time Supervising Attorney position.** This new position will be responsible for supervising and mentoring panel attorneys.

### Contracted/Consultant:

- **Provide funding for mentoring services for attorneys.** Experienced attorneys will provide mentoring services and second-chair programs at an hourly rate of \$150.00 to train less experienced attorneys to improve skills for criminal court representation.
- **Provide supplemental funding of specialized services.** Services will include experts at hourly rates of \$100-\$750, plus travel/mileage; investigators at hourly rates of \$50-\$150; interpreters at hourly rates of \$50-\$150; social workers at hourly rates of \$50-\$150; and transcription services at a rate of \$1.75-\$7.50 per page.

### OTPS:

- **Provide funding for incidental and operational expenses.** Expenses include supplies; computers; office furniture; Continuing Legal Education (CLE)/training; books, trial manuals, and Westlaw; and travel/mileage.

## YEAR 2 BUDGET

## Public Defender's Office

### Personnel:

- **Continue the full-time Local Court Supervisor position.** This position is responsible for providing representation, supervising and mentoring attorneys, and providing training for trial development skills in criminal cases.
- **Continue the full-time Assistant Public Defender I.** This entry-level position is responsible for handling misdemeanor cases in City Court.
- **Continue the two (2) full-time Assistant Public Defender II positions added in year 1 and add two (2) new Assistant Public Defender II positions in Year 2.** These positions will be responsible for handling misdemeanor and felony cases.

- **Continue the full-time Assistant Public Defender III position added in Year 1 and add three (3) new Assistant Public Defender III positions in Year 2.** These positions will be responsible for handling misdemeanor and felony cases and have trial experience.
- **Continue the full-time Assistant Public Defender IV position added in Year 1 and add one (1) new Assistant Public Defender IV position in Year 2.** These positions will be responsible for handling misdemeanor and felony cases and have trial experience.
- **Continue the full-time Assistant Public Defender V position.** This position is responsible for serious and violent felony cases.
- **Continue the full-time Paralegal position.** This position is responsible for drafting motions and performing legal research in criminal cases.
- **Continue the full-time Social Services Coordinator position.** This position is responsible for assisting clients in criminal cases with various needs, connecting with social workers and case managers, assisting with program eligibility, and other resources.
- **Continue the full-time Legal Secretary position added in Year 1 and add two (2) full-time Legal Secretary positions in Year 2.** These positions are responsible for assisting attorneys with administrative tasks, including opening and closing files, Case Management System data entry, among other tasks in criminal cases.
- **Continue the full-time Receptionist position.** This position is responsible for addressing inquiries from clients, the court, and the general public in criminal cases.
- **Continue the salary increase for the Assistant Public Defender I attorney positions.** The salary increase will raise the lowest salaried attorney positions to the new entry-level amount of \$65,000.00 to be able to retain current employees and attract high-quality candidates.
- **Data Officer position.** In Year 2, this will transition from a stipend position in the PD Office to a full-time position in the Assigned Counsel Program (see below).
- **Add a full-time Director of Training position.** This senior staff level position will be responsible for implementing the Public Defender Office’s plan to become a CLE certified agency, providing quality training programs to staff and others including the Alternate Public Defender and 18-b Assigned Counsel, delivering individual and group presentations, and providing “one-on-one” mentoring.
- **Add a full-time Felony Supervisor position.** This position will report directly to the Chief Assistant and Public Defender and will be responsible for supervising the attorneys handling felony-level cases.

- **Add two (2) full-time Clerk II positions.** These positions will assist attorneys in data collection, data entry, file management, and file maintenance, thereby allowing the attorneys to spend more time in case preparation, client communication, and other case-related activities.
- **Provide salary increases for the Confidential Secretary and two (2) Criminal Investigators.** These salary increases reflect the increased responsibilities for these positions, recognizes their experience and skills, and establishes salary parity, thereby promoting staff retention.
- **Provide funding to enhance the salary of the attorney who provides representation at first appearance (CAFA attorney).** This funding will enhance the \$50,000 in salary per year available in the ILS Counsel at First Appearance grant for a full-time attorney to provide CAFA representation. This salary is too low to recruit a qualified applicant. The salary will be increased by \$15,000, allowing the PD Office to hire a qualified entry-level attorney.
- **Provide funding for student interns.** This funding will bolster the PD Office’s current student intern program, which reduces the caseloads of PD Office attorneys and serves as a valuable recruitment mechanism for the PD Office. Student interns are paid \$15 to \$30 per hour, depending on their education experience and skills.

**Contracted/Consultant:**

- **Enhance the availability of experts and other specialized services.** This funding is used to retain experts and other non-attorney professionals, including social workers, interpreters, mitigation specialists, investigators, etc. These experts and specialized services are paid an hourly rate ranging from \$50-\$750 depending on the expert’s experience, specialty, and level of expertise. The funding includes travel/mileage reimbursement. The funding also includes transcription services (for court transcripts) which are provided a rate of \$1.75-\$7.50 per page.

**OTPS:**

- **Provide funding for incidental and operational expenses.** These expenses include the following:
  - Onboarding expenses for new positions, including office furniture, cubicles, desktop computers, and a water cooler for staff
  - Computer equipment/laptops
  - Legal reference materials, including print material, books, periodicals, and on-line legal research materials
  - Office Supplies
  - Smartphones and cell phones, including hardware, software, user fees/service agreements, and “hotspots” (i.e. Wi-Fi internet connection)
  - Photocopier (leasing, service agreement/maintenance, and cartridges/toner)

- Professional Organization/Association Membership dues/fees
  - Tablets/Cell phones, including all associated hardware and service fees
  - Mileage rate/travel expenses at the standard IRS rate for client meetings and to courts
- **Provide funding for Continuing Legal Education (CLE) Trainings and other professional trainings.** This funding will be used for the PD Office to host CLE's and other professional trainings (including refreshments, print materials, training space and travel expenses for speakers), as well as for PD Office staff to attend CLE trainings, other professional trainings, meetings, and convenings hosted by other organizations registration fees and travel expenses, including mileage, lodging, meals, etc.

## Conflict Defender's Office

### Personnel:

- **Continue the full-time Supervising Administrator position.** This position supports the criminal defense attorneys, open and close files, assist with data collection and perform data entry on behalf of the attorneys.
- **Add a full-time Mitigation Specialist Attorney position.** This position will engage in sentencing advocacy by conducting life-history investigations that identify clients' personal and mitigating circumstances and, where appropriate, also identify behavioral health needs and connect clients to services. This position will also handle post-sentencing matters, such a CPL 440 motions, CPL 180.85 hearings, restitution and probation resentencing proceedings, etc.
- **Add a full-time Legal Secretary position.** This position will support attorneys by handling legal documents, scheduling case-related matters in accord with statutory timeframes, drafting legal correspondence and templates, and conducting legal research.
- **Provide funding for a salary increase for the Alternate Assistant Public Defender.** The salary increase will establish parity between this position and other attorneys in the office and promote retention.

### Contracted/Consultant:

- **Enhance availability of investigative, expert, and specialized services.** These services will assist attorneys with criminal defense preparation. Investigative services will be provided at an hourly rate ranging from \$75-\$125. Experts and other specialized services are paid an hourly rate ranging from \$50-\$750, depending on the expert's experience, specialty, and level of expertise. The funding includes travel/mileage reimbursement. The funding can also be used for transcription services (for court transcripts) which are provided a rate of \$1.75-\$7.50 per page.



## OTPS:

- **Provide funding for incidental and operational expenses.** Expenses include:
  - Office Supplies
  - Computer Equipment
  - CLE Trainings, other professional trainings, meetings and convenings, including costs associated with the Conflict Defender Office hosting CLE Trainings and other trainings (refreshments, training space, and travel expenses for speakers), and for CD Office staff to attend CLE Trainings, other professional trainings, meetings, and convenings hosted by others (registration fees and associated travel expenses)
  - Professional Organization/Association Membership dues/fees

## **Assigned Counsel Plan**

### Personnel:

- **Continue the full-time Supervising Attorney position.** This position is responsible for supervising and mentoring panel attorneys. The increased salary is to attract a high-quality, experienced applicant.
- **Add a full-time Secretary position.** This position will perform administrative and secretary duties and will assist in processing panel attorney vouchers.
- **Add a full-time Data Officer/Grants Manager position.** This position will work closely with the three Albany County providers of mandated representation to ensure they are collecting, maintaining, and reporting on all ILS data requirements. This position will also assist in the fiscal management of ILS competitive and non-competitive grants.

### Contracted/Consultant:

- **Continue funding for mentoring services for attorneys.** Experienced attorneys will provide mentoring services at an hourly rate of \$150.00 to train less experienced attorneys to improve skills for criminal court representation.
- **Continue funding for specialized services.** Services will include experts at hourly rates of \$100-\$750, plus travel/mileage; investigators at hourly rates of \$50-\$150; interpreters at hourly rates of \$50-\$150; social workers at hourly rates of \$50-\$150; and transcription services at a rate of \$1.75-\$7.50 per page.
- **Provide funding for a Second Chair Program.** This funding will support the assignment of panel attorneys to serve as second-chairs in more complex cases or as a means of training for less experienced attorneys. Second chair attorneys will be paid the statutory rate (currently \$60/hr. for misdemeanors and \$75/hr. for felonies).

**OTPS:**

- **Provide funding for incidental and operational expenses.** Expenses include:
  - CLE Trainings, other professional trainings, meetings, convenings, and seminars (registration fees and associated travel expenses)
  - Office supplies and furniture
  - Legal reference materials, books, trial manuals, and on-line research materials (Westlaw and Lexis)
  - Travel/mileage reimbursement for ACP staff
  - Computers/equipment and smart devices for new staff, associated software and data plans/subscription fees (including specialized software for Data Officer)



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
OFFICE OF THE EXECUTIVE  
112 STATE STREET, ROOM 1200  
ALBANY, NEW YORK 12207-2021  
(518) 447-7040 - FAX (518) 447-5589  
WWW.AL.BANYCOUNTY.COM

PHILIP F. CALDERONE, ESQ.  
DEPUTY COUNTY EXECUTIVE

April 18, 2019

Hand Delivered

Honorable Paul T. Devane, Clerk  
Albany County Legislature  
112 State Street, Room 710  
Albany, New York 12207

Dear Mr. Devane:

Please be advised, that pursuant to Section 309(b)(i) of the Albany County Charter, I hereby approve Resolution No. 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, and 160 by the Albany County Legislature at its meeting held on April 8, 2019.

Sincerely,

*Daniel P. McCoy*  
Daniel P. McCoy  
Albany County Executive

DPM/kb

- cc: Honorable Andrew Joyce, Chairman, Albany County Legislature
- Honorable Michael F. Conners, II, Albany County Comptroller, Department of audit and Finance
- Kevin Cannizzaro, Esq., Majority Counsel, Albany County Legislature
- Arnis Zilgme, Esq., Minority Counsel, Albany County Legislature
- Daniel C. Lynch, Esq., County Attorney, Albany County Department of Law
- Edward L. Dott, Executive Deputy Comptroller, Albany County Department of Audit and Control
- David M. Latina, Commissioner, Albany County Department of General Services
- Anthony J. Fontanelli, Associate Operations Supervisor, Albany County Department of Audit and Control

Receiver Signature:  
Deliverer Signature:  
Date:  
Time:

*McDermott*  
*Betty*  
*4/18/19*  
*8:00am*

**RESOLUTION NO. 151****AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT AND AMENDING THE 2019 ALBANY COUNTY BUDGET**

Introduced: 4/8/19

By Audit and Finance and Law Committees:

WHEREAS, The County Executive and Albany County Public Defender have indicated that the State of New York has committed to expanding the Hurrell-Harring settlement on a statewide basis thereby increasing the availability of legal representation for indigent defendants in Albany County including ensuring the accessibility of counsel at arraignments, establishing caseload limits for counsel, and increasing the availability of experts, and

WHEREAS, the County Executive and Albany County Public Defender have further indicated that the Albany County Public Defender, Alternate Defender, and Assigned Counsel Program will directly benefit from this increased funding and it will be used to pay for added personnel, contractual expert services, training, mentoring, and other indigent defense resources, and

WHEREAS, The County Executive and Public Defender have requested authorization to enter into a five year agreement with the New York State Office of Indigent Legal Services regarding the aforementioned full statewide implementation Hurrell-Harring settlement in the amount of \$26,264,402 for the term commencing April 1, 2018 and ending on March 31, 2023, and

WHEREAS, The County Executive has further indicated that the County of Albany will be entitled to funds in the amount of \$1,750,920 for the 2019 calendar year, and

WHEREAS, This Honorable Body has already provided for funding to the Public Defender's Office through the Adopted 2019 County Budget, however a budget amendment is necessary to incorporate the additional funding that will be received from the state for 2019, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is hereby authorized to enter into an agreement with the New York State Offices of Indigent Legal Services regarding the statewide implementation of the Hurrell-Harring settlement in the amount of \$26,264,402 for the term commencing April 1, 2018 and ending March 31, 2023, and, be it further

RESOLVED, By the Albany County Legislature that the 2019 Budget is amended as follows:

Increase Revenue Account A3338 Statewide Implementation by \$249,125

Increase Appropriation Account A1172.1 by \$113,800 by creating and increasing the following Line Items:

Line Item A1172 1 2002 Supervising Attorney by \$85,000

Line Item A1172 1 9935 Law Intern Program by \$28,800

Increase Appropriation Account A1172.4 by \$90,275 by increasing the following Line Items:

Line Item A1172 4 4046 Fees For Services by \$50,000

Line Item A1172 4 4039 Conferences/Training/Tuition by \$30,000

Line Item A1172 4 4020 Office Supplies by \$4,000

Line Item A1172 4 4040 Books/Transcripts/Subscripts by \$4,275

Line Item A1172 4 4038 Travel-Mileage/Freight by \$2,000

Increase Appropriation Account A1172.8 by \$45,050 by creating and increasing the following Line Items:

Line Item A1172 8 9010 State Retirement by \$15,305

Line Item A1172 8 9030 Social Security by \$6,460

Line Item A1172 8 9060 Hospital and Medical Insurance by \$23,285

and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 4/8/19*