



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2220, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Request to Renew Partial Waiver of Albany County Residency Requirement for New Public Defender and Alternate Public Defender Employees

Date: 1/7/2021
Submitted By: Stephen Herrick
Department: Public Defender
Title: Public Defender
Phone: 518-447-7373
Department Rep.
Attending Meeting: Stephen Herrick

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) Request to Renew Partial Residency Waiver

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

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):
Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

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) 2/2/2021 - 2/15/2021

Length of Contract: ~One Year

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 42 for 2020

Date of Adoption: 2/10/2020

Justification: (state briefly why legislative action is requested)

I am requesting on behalf of the Albany County Public Defender's Office, an extension of Resolution No. 28 of 2019 adopted on February 11, 2019 (see attached), which allowed the consideration and hiring of attorneys to fill vacant Albany County Assistant Public Defender positions who do not currently reside in the county on the express condition that they establish residency and domicile in Albany County within one year of their start date. This resolution was renewed by the Legislature last year and is currently set to expire on February 1, 2021.

I am requesting that the Alternate Public Defender's Office also be included in the extension of this Resolution as both offices benefit from the Statewide Implementation Contract which provides funds to hire qualified attorneys to promote the effective representation of indigent persons charged with criminal offenses in Albany County. The statewide contract runs through March 31, 2023 and provides funds to increase the amount of staff attorneys in the offices by offering competitive salaries to attract experienced attorneys.

This office engages in continuous recruitment through the New York State Defender's Association, the New York State Office of Indigent Legal Services, the Albany Bar Association, Albany Law School and word of mouth which reaches attorneys throughout the state and country. Through our efforts over the last two years we have hired ten new attorneys of which six were from out of county and subsequently moved into the county.

Albany County receives funding from New York State for the effective assistance of counsel to those legally entitled to counsel but cannot afford an attorney to ensure the highest quality of legal representation for services that are mandated under County Law Section 18b. Over the course of the implementation, Albany County is set to receive in excess of 26 million dollars from New York State through the programs established by the Office of Indigent Legal Services and I anticipate this amount to increase beyond the initial period that runs through March 31, 2024.

This office currently has vacancies in Indigent Legal Services funded positions and is involved with continuous recruiting to ensure that we can hire attorneys that are not just qualified but also committed to the goals of indigent legal defense. The adoption of this resolution, permits us to recruit qualified candidates throughout New York State and compete with other counties that are also recruiting but do not have a requirement that all hires be current residents of that county. I thank the legislature for its continued support of this office and ask that this Resolution be extended for another year.

If you have any questions, or need further information, please contact Public Defender Stephen Herrick or me.