



# County of Albany

112 State Street  
Albany, NY 12207

## Legislation Text

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**File #:** TMP-1387, **Version:** 1

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### 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: 1/9/2020  
Submitted By: Stephen Herrick  
Department: Public Defender  
Title: Public Defender  
Phone: 518-447-7373  
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) Request for 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) 2/1/2020 - 3/31/2023

Length of Contract: Click or tap here to enter text.

**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: Click or tap here to enter text.

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

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

The Albany County Public Defender's Office requests the extension of Resolution No. 28, of 2019 adopted on 2/11/19 (copy attached), which resolved to allow the consideration and hiring of qualified applicants to fill vacant positions of Assistant Albany County Public Defenders who reside out of County, "on the condition that said employee(s) moves into Albany County within one year of their start date. Said resolution is set to expire on 2/01/20.

We are requesting that the Alternate Public Defender's Office be included in this request and that the Resolution for both offices be further extended for the term of the Statewide Implementation Contract, which runs through March 31, 2023. While it will continue to be our preference to hire qualified candidates who live in Albany County, we believe a longer waiver will be necessary to remain competitive. With each additional year of Statewide Implementation the number of attorney vacancies will increase in Albany County and throughout New York State. To keep our office competitive we need to be on a level playing field with Counties throughout the state.

Since the introduction of the Resolution a year ago, the Public Defender's Office has engaged in ongoing recruitment for attorneys in and beyond the geographic boundaries of Albany County. We have recruited by word of mouth, and more formally, through Albany Law School and the Albany County Bar Association. We have also participated in Career and Job Fairs in Buffalo, Syracuse and in Albany. Additionally, we have also recruited through a network of New York State law schools, online and through Albany County's Office of Affirmative Action. In that one year period, many applicants were interviewed and five new attorneys were hired, four of them from out of County. All four have long since relocated to and are now domiciled in Albany County.

