



PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE

September 1, 2016 – 9:15 a.m.

**Committee Members: Terri Ward, Chair; Mark McCarthy, Vice-Chair;
Catherine Owens, Nadia Rasjz, Alan Sorensen**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS: None

DISCUSSIONS: None

RESOLUTIONS:

1. Urging Governor Cuomo to Sign into Law Public Defense Mandate Relief Act (S.8114/ A.10706).
2. To approve the 2017 Stop DWI Plan and authorize the County Manager to sign any and all agreements necessary for the plan.

REPORTS:

- Update: Public Safety/Emergency Management **Richard Martinkovic, Commissioner**
 - Alex Rau **E-911**
- Update: Law Enforcement
 - District Attorney's Office **Jim Farrell, District Attorney**
 - Probation Department **Jeffrey Mulinelli, Director**
 - Sullivan County Sheriff's Office **Michael A. Schiff, Sheriff**
- Update: Emergency Medical Services **Gregory Tavormina, EMS Coordinator**
- Update: Sullivan County Coroner's Office

PUBLIC COMMENT

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Joshua Potosek, County Manager

Re: Request for Consideration of a Resolution: Urging the Governor Cuomo

Date: August 24, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

Resolution urging Governor Cuomo to sign into law Public Defense Mandate Relief Act (S.8114/ A.10706)

Is subject of Resolution mandated? Explain:

No

Does Resolution require expenditure of funds? Yes ___ No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ _____

Are funds already budgeted? Yes ___ No ___

If "Yes" specify appropriation code(s): _____

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County \$ _____ Grant(s) \$ _____

State \$ _____ Other \$ _____

Federal Government \$ _____ (Specify) _____

Verified by Budget Office:  _____

Does Resolution request Authority to Enter into a Contract? Yes ___ No

If "Yes", provide information requested on Pages 2 and 3.

Request for Authority to Enter into Contract with [_____] of
[_____]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

Not Applicable if

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. Director of Purchasing: *Kathy Jones* Date 8/31/16
- B. Management and Budget: *Janet Myer* Date 8/31/16
- C. Law Department: *[Signature]* Date 8/31/16
- D. County Manager: *[Signature]* Date 8/31/16
- E. Other as Required: _____ Date _____

Vetted in PS&LE Committee on 09/01/2016

**RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY & LAW ENFORCEMENT
COMMITTEE URGING GOVERNOR CUOMO TO SIGN INTO LAW PUBLIC
DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706)**

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State, and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter, and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832], and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010, and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State, and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation, and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly,

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of Sullivan County and the other counties of the State and New York City to fund this State mandate, and

BE IT FURTHER RESOLVED, that the Clerk to the Sullivan County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Charles E. Schumer, Senator Kirsten Gillibrand, Senator John J. Bonacic, Congressman Chris Gibson, Assemblywoman Aileen M. Gunther, Assemblywoman Claudia Tenney, the New York State Office of Indigent Legal Services, and the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Commissioner Richard Martinkovic

Re: Request for Consideration of a Resolution: To adopt 2017 STOP DWI Plan

Date:

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

The 2017 STOP DWI Plan needs to be submitted to the Governor's Traffic Safety Committee by October 1, 2016 and needs to be adopted by the Legislature.

Is subject of Resolution mandated? Explain:

No - provides for a STOP DWI Program in Sullivan Co. and provides funds for salaries and equipment for various agencies involved, as well as DWI patrols by police agencies.

Does Resolution require expenditure of funds? Yes No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ 262,000.00

Are funds already budgeted? Yes No

If "Yes" specify appropriation code(s): A3315

If "No", specify proposed source of funds: Through 2017 budget

Estimated Cost Breakdown by Source:

County	\$ _____	Grant(s)	\$ _____
State	\$ <u>262,000.00</u>	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office: 

Does Resolution request Authority to Enter into a Contract? Yes No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [NYS DMV, Gov. Traffic Sfty] of

Nature of Other Party to Contract: .

Other:

Duration of Contract: From 01/01/2017 To 12/31/2017

Is this a renewal of a prior Contract? Yes No _____

If "Yes" provide the following information:

Dates of prior contract(s): From 01/01/2016 To 12/31/2016

Amount authorized by prior contract(s): 262,000.00

Resolutions authorizing prior contracts (Resolution #s): 386-15

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Funding allows county to provide a Victim Impact Panel for court-sentenced DWI drivers and also provides for portions of an Asst. DA's salary and probation officer's salary on DWI cases, as well as overtime DWI patrols by local police agencies.

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): 262000

Efforts made to find Less Costly alternative:

N/A

Efforts made to share costs with another agency or governmental entity:

N/A

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

N/A 

Person(s) responsible for monitoring contract (Title): Commissioner Richard Martinkovic

Pre-Legislative Approvals:

- A. Director of Purchasing: Kathy Jones Date 8/31/16
- B. Management and Budget: Janet Myers Date 8/31/16
- C. Law Department: [Signature] Date 8/31/16
- D. County Manager: [Signature] Date 8/31/16
- E. Other as Required: _____ Date _____

Vetted in _____ Committee on _____

**RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY COMMITTEE TO
APPROVE THE 2017 STOP DWI PLAN AND AUTHORIZE THE COUNTY MANAGER
TO SIGN ANY AND ALL AGREEMENTS NECESSARY FOR THE PLAN**

WHEREAS, the 2017 STOP DWI Plan has been prepared and requires the signature of the County Manager prior to being approved by the New York State Department of Motor Vehicles, Governor's Traffic Safety Committee, and

WHEREAS, the 2017 STOP DWI budget is \$262,000, and

WHEREAS, a copy of the 2017 STOP DWI Plan is on file in the County Manager's Office.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to sign any and all agreements with the State of New York and all appropriate agencies to effect the 2017 STOP DWI Plan, said agreements to be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, **2016**