



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 2/28/2023      **In control:** County Legislature

**On agenda:** 3/16/2023      **Final action:** 3/16/2023

**Enactment date:** 3/16/2023      **Enactment #:** 99-23

**Title:** To execute all necessary agreements with Attorneys for the Counsel at First Appearance program and to authorize the stipends in accordance with therewith.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/16/2023	1	County Legislature	adopted	Pass
3/9/2023	1	Management & Budget Committee	carried at Committee	Pass

**Narrative of Resolution:**

To execute all necessary agreements with Attorneys for the Counsel at First Appearance program and to authorize the stipends in accordance with therewith.

**If Resolution requires expenditure of County Funds, provide the following information:**

**Amount to be authorized by Resolution:** State funding

**Are funds already budgeted?** Yes

**Specify Compliance with Procurement Procedures:**

N/A

**TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS WITH ATTORNEYS FOR THE COUNSEL AT FIRST APPEARANCE PROGRAM AND TO AUTHORIZE THE STIPENDS IN ACCORDANCE WITH THEREWITH**

**WHEREAS**, effective January 1, 2020, the County had established a Counsel at First Appearance program in accordance with the criminal justice reforms required by the Statewide Expansion of the Hurrell-Harring Settlement and Section 832(4) of the Executive Law of the State of New York the County; and

**WHEREAS**, this program consists of a panel of qualified criminal defense attorneys(hereinafter “CAFA Panel”) who are scheduled to be “primary on call” for one week (a week has been defined as anything form 6-8 days depending on the schedule) and “back up” for a second week and are paid a stipend for their scheduled rotation; and

**WHEREAS**, the County has been in negotiations with the State of New York Office of Indigent Legal Services (hereinafter “NYSOILS”) regarding this program which has resulted in NYSOILS agreeing to a modest increase in the Stipend from \$2,500.00 (Two Thousand Five Hundred Dollars) to \$2,975.00 (Two Thousand

Nine Hundred Seventy-Five Dollars); and

**WHEREAS**, as a result of a number of resignations from the CAFA Panel, Resolution No. 426-22 adopted by the Sullivan County Legislature on October 20, 2022, the Administrator was authorized to join the panel and be compensated in accordance with the Program; and

**WHEREAS**, it is anticipated that this program will continue to be funded by the NYSOILS.

**NOW, THEREFORE BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the County Manager to execute agreements with qualified attorneys to be “primary on-call” for one week and “back up” for a second week to provide legal service for persons arrested for a crime at their first appearance/arraignment for a total cost of \$2,975.00 (Two Thousand Nine Hundred Seventy-Five Dollars) for each two-week period; and

**BE IT FURTHERED RESOLVED**, that the form of such agreement be approved by the County Attorney; and

**BE IT FURTHER RESOLVED**, that Resolution No. 426-22 is hereby amended to increase the Stipend paid to the Administrator of Assigned Counsel for her participation on the CAFA Panel from \$2,500.00 (Two Thousand Five Hundred Dollars) to \$2,975.00(Two Thousand Nine Hundred Seventy-Five Dollars); and

**BE IT FURTHER RESOLVED**, the Administrator of Assigned Counsel may authorize the full stipend amount to be paid to an attorney who is only available to provide one week of primary coverage or may authorize the stipend to be divided amongst multiple attorneys who provide primary coverage on an emergency basis; and

**BE IT FURTHER RESOLVED**, that should the NYSOILS funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding; and

**BE IT FURTHER RESOLVED**, that the effective date of this Resolution shall be April 1, 2023.