

**Authorizing The County Executive To Execute An Agreement With Dutchess County For The Provision Of Reciprocal Conflict Defense – Public Defender’s Office**

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Hewitt, Maloney, McCollough and Walls), and The Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Chair of the Legislature, Peter J. Criswell, offers the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Public Defender; and

WHEREAS, pursuant to Resolution No. 527 dated December 19, 2017, Ulster County entered into an agreement with Dutchess County for the reciprocal representation in the event of a conflict of interest from the host County’s Public Defender’s Office and such office is disqualified from representing an individual due to a legal conflict; and

WHEREAS, the full scope of such agreement provides for legal representation to indigent defendants in Ulster County Court, City of Kingston Court, Town of Ulster Court and Town of Lloyd Court in Ulster County by a Dutchess County Assistant Public Defender, and Dutchess County Court, City of Poughkeepsie Court and Town of Poughkeepsie Court by an Ulster County Assistant Public Defender; and

WHEREAS, this reciprocal representation will only be assumed when the host County’s Public Defender’s Office is disqualified from representing an individual due to a legal conflict; and

WHEREAS, the purposes of this is to enhance indigent legal services in an efficient and cost-effective manner; and

WHEREAS, the program subject to the agreement has been successful and continues to save the County funds which would otherwise have been expended on the payment to assigned counsel under 18b law in the event of conflict; now therefore be it

RESOLVED, that the County Executive is hereby authorized to execute an agreement, and any amendments thereto, with Dutchess County for the purpose of providing reciprocal conflict defense for indigent defendants in Ulster and Dutchess Counties for the term beginning January 1, 2024 and ending December 31, 2024, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney,

**Resolution No. 223      May 14, 2024**

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22              NOES: 0  
(Absent: Legislator Kitchen)

Passed Committee: Law Enforcement and Public Safety on May 1, 2024

Passed Committee: Ways and Means on May 9, 2024

**FINANCIAL IMPACT:**

**\$146,848.00 - BUDGETED COUNTY APPROPRIATIONS DOLLARS**

**\$146,848.00 - BUDGETED STATE REVENUE DOLLARS**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 14<sup>th</sup> Day of May in the year Two Thousand Twenty-Four, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15<sup>th</sup> Day of May in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
15<sup>th</sup> Day of May 2024.

Approved by the County Executive this  
22<sup>nd</sup> Day of May 2024.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

[s] Jen Metzger  
Jen Metzger, County Executive