

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 Walter and Legislators Fabiano, Haynes, Heppner, and Parete)

Chairman of the Legislature David B. Donaldson offers the following:

WHEREAS, pursuant to Resolution No. 8 dated January 22, 2013, 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, such agreement provides for legal representation to indigent defendants in Ulster County Court, City of Kingston Court and Town of Ulster Court in Ulster County by a Dutchess County Assistant Public Defender, and Dutchess County Court, City of Poughkeepsie Court, in Dutchess County by an Ulster County Assistant Public Defender; and

WHEREAS, due to the success of such program, Ulster and Dutchess County’s Public Defender’s Offices have requested such agreement be expanded in scope to accommodate Ulster County and Dutchess County Family Court and Town of Poughkeepsie Court in Dutchess County; and

WHEREAS, the full scope of such agreement provides for legal representation to indigent defendants in the Ulster County Court, Ulster County Family Court, City of Kingston Court and Town of Ulster Court or Town of Lloyd Court in Ulster County by Dutchess County Assistant Public Defender, and Dutchess County Court, City of Poughkeepsie Court, Town of Poughkeepsie Court or Dutchess County Family Court in Dutchess County 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 and 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 Ulster and Dutchess County’s Public Defender’s Offices wish to extend the term of the existing agreement through December 31, 2021; now, therefore be it

Resolution No. 313 July 20, 2021

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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, 2020 and ending December 31, 2021, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0
(Absent: Legislators Archer and Fabiano)

Passed Committee: Law Enforcement and Public Safety on July 7, 2021

FINANCIAL IMPACT:
NONE

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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 20th Day of July in the year Two Thousand Twenty-One, 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 22nd Day of July in the year Two Thousand Twenty-One.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
22nd Day of July 2021.

Approved by the County Executive this
27th Day of July 2021.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive