

Amending The 2023 County Budget To Upgrade A Part-Time Family Court Assistant Public Defender Position To Full-Time And Raise The Pay Rate – Public Defender

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Bowen, Hewitt, Fabiano, and Uchitelle), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Criswell, Roberts, and Ronk)

Chairwoman of the Law Enforcement and Public Safety Committee, Gina Hansut, Deputy Chair Chris Hewitt offer the following:

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

WHEREAS, the Public Defender's Office provides legal representation to indigent legal defendants, including indigent legal defendants in custody, child support, neglect, and abuse cases as well as those alleged to have committed family offenses; and

WHEREAS, the position of Assistant Public Defender is responsible for representing indigent clients in family cases in Ulster County Family Court; and

WHEREAS, family court cases make up a significant number of cases assigned to the Ulster County Public Defender's Office. However, family court has been largely excluded from large-scale grant initiatives to bring down caseloads and improve representation quality; and

WHEREAS, the Public Defender's Office was awarded the Second Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction grant by the NYS Office of Indigent Legal Services (ILS). ILS has advised the Public Defender's Office to reduce the caseload of the supervising attorney created by the grant to allow this attorney to dedicate time to supervisory responsibilities and training; and

WHEREAS, the Public Defender's Office has had a vacant part time family court Assistant Public Defender position, position #1170-1171; and

WHEREAS, recruitment efforts have been unsuccessful, which essentially makes the ability to engage in private practice negligible or impossible; and

WHEREAS, the Public Defender's Office has been struggling to provide representation to family court clients with so few family court attorneys on staff; and

WHEREAS, these issues would be corrected by upgrading this Assistant Public Defender position to full-time with an annual salary of \$85,813.00, and

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WHEREAS, the Public Defender requests the 2023 Ulster County Budget be amended to upgrade this vacant Assistant Public Defender position to a full-time position using the unused funds in the budget line due to the incidental cost avoidance of being unable to fill the position as is; and

WHEREAS, in order to accomplish this, an amendment of the 2023 budget is necessary; now, therefore be it

RESOLVED, that the 2023 County Personnel Listing is hereby amended as follows:

AMEND

POSITION #	TITLE	AMOUNT
1170-1171 (PL#)	Assistant Public Defender (Change to Full-Time)	\$ 85,813.00*
*Annual Salary		
Annual Benefits \$42,950.00		
(F/T Salary to Year End Starting 7/2/23 - \$42,906.00)		
(Benefits to Year End Starting 7/2/23 - \$21,474.00)		

DECREASE

AMOUNT

AA.1170.1046-1400.1400 (App. #)	Part Time Pay	\$ 27,212.00
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INCREASE

AMOUNT

AA.1170.1046-1300.1300 (App. #)	Regular Pay	\$ 42,907.00
AA.1170.1046-8000.8000 (App.#)	Retirement	\$ 2,107.00
AA.1170.1046-8010.8010 (App.#)	Social Security	\$ 1,201.00
AA.9900.9900-3700.9990	Appropriated Fund Balance	\$ 19,003.00

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 1
(Noes: Legislator Gavaris)
(Legislator Lopez left at 9:01 PM)

Passed Committee: Law Enforcement and Public Safety on June 1, 2023

Passed Committee: Ways and Means on June 6, 2023

FINANCIAL IMPACT:

\$19,003.00 – 2023 ADDITIONAL BUDGET APPROPRIATIONS

\$19,003.00 – INCREASE IN APPROPRIATED FUND BALANCE

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 13th Day of June in the year Two Thousand Twenty-Three, 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 15th Day of June in the year Two Thousand Twenty-Three.

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

Submitted to the County Executive this
15th Day of June 2023.

Approved by the County Executive this
22nd Day of June 2023.

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

[s] Jen Metzger
Jen Metzger, County Executive