

Minutes

Public Safety Committee

June 19, 2019, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Niebel, Whitford, Vanstrom, Bankoski, Pavlock

Others: Tampio, Ames, Griffith, Dennison, Quattrone, O'Connell, Cresanti, Carrow, Abdella, Barone

Chairman Niebel called the meeting to order at 4:17 p.m.

Approval of Minutes (5/15//19)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford

*Unanimously Carried*

Privilege of the Floor

*No one chose to speak at this time.*

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Proposed Local Law Intro. 3-19 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees  
(Re: Assigned Counsel Administrator)

Mr. Abdella: I think this concept is familiar to many of you on the committee but developing over the last few years partially in conversation with the Office of Indigent Legal Services has been the idea of having a Assigned Counsel Administrator for our Assigned Counsel program. The State, as part of its grant funding to the County has agreed to pay 100% of the cost of this position for a period of time. I don't know Terry if we know that's two years or three years but it's definitely longer than just one year.

Chairman Niebel: It's multi-years. How many years, I'm not sure. We do have a resolution later to accept funds through 2020 or 2021, so, -

Clerk Tampio: This grant goes through 2023, it's a five year grant (*inaudible*) second year of that grant.

Mr. Abdella: So it's actually three to four years depending on when it gets started. But the purpose of the position would be to manage and supervise the Assigned Counsel program

which would entail this individual who would have to have a law degree and would have to have a certain minimum of experience in criminal defense work and be familiar with criminal law. They would be involved in supervising the panel of attorneys' who are appointed by the court to act as Assigned Counsel. They would also be reviewing and making recommendations to the courts regarding the invoices issued by those Assigned Counsel. In essence, oversee that program for the courts and for the County Legislature. At the same time, also, making sure the County, in its provision of defense for indigent clients, is providing a constitutionally sufficient defense that meets the requirements of the law. The person is going to have a broad based responsibility in terms of overseeing that program. The Local Law would set the salary range for this position as is done in any new position. HR was asked to do an analysis which they have done of the job description and the minimum requirements and have placed or recommending that it be placed in Range 10 of the Management Salary Plan. It's contemplated that this individual would be housed in the County Legislature in the empty office in the right corner as you come in the front door there of the legislative office. They would report to the County Legislature.

Chairman Niebel: So Human Resources determined the Range, did you have some input and perhaps Kathleen too, mainly Human Resources?

Mr. Abdella: Yes. They would perform that function.

Chairman Niebel: You guys had some input? Minimal?

Mr. Abdella: I don't think that I was specifically asked but I'm comfortable with that Range.

Chairman Niebel: Kathleen, you are too?

Mrs. Dennison: I just checked to make sure that the salary that we had budgeted for this position, it does fall within the stated range.

Chairman Niebel: Thank you. Any other questions?

Legislator Pavlock: Today, we are just o.k'ing the salary range, correct? It has nothing to do with the job description or requirements or anything to that nature?

Mr. Abdella: That is all that you are doing in this Local Law, yes. Although, I know a job description is being developed and I've seen a draft of it, yes.

Legislator Bankoski: Will that come before us once that's done?

Clerk Tampio: I believe that it was sent to all the Legislators.

Legislator Vanstrom: I think that only the Leadership got it.

Chairman Niebel: Kathy, we'll see something once it's finalized to –

Clerk Tampio: The job description that was developed was in conjunction with discussions with people from Indigent Legal Services in the State. They sent a sample job descriptions which we drew from. We developed it with a lot of input from Pierre Chagnon, Legislator Chagnon and then that description was sent back to the people we had contact with in Indigent Legal Services and they reviewed it and said that they were satisfied with it. So it was the Legislature that developed that job description.

Mr. Abdella: Depending on whether it's been sent out, I would recommend to go ahead and send out the current draft ahead of next week's meeting.

Chairman Niebel: So we can review it.

Mr. Abdella: Yes and that's typically what we do. That doesn't mean it can't be changed after that but, I think it's normal for you all to see that description as you are approving the local law to set the Range.

Chairman Niebel: Dan, we'll have something to look at as some point and time but for right now we're just approving the Range.

Legislator Pavlock: That is what my question was. If we approve the Range, that is one thing, but also, just really couldn't hire anyone until the job description was approved also.

Chairman Niebel: Correct. It hasn't been finalized yet but it's being worked on. Any other questions of Steve?

*Unanimously Carried*

Proposed Resolution - Confirm Re-Appointments – STOP DWI Advisory Board

Sheriff Quattrone: These are re-appointments. Ben Webb has been on the Advisory Board. Penny Hutton had been on. Her term had expired for several years but has shown re-interest in it and that's why we're submitting those names. We have one additional one that we need but we haven't found that individual yet.

Chairman Niebel: Next month or whenever. So these people have consented?

Sheriff Quattrone: That is correct.

Chairman Niebel: Any questions of the Sheriff?

*Unanimously Carried*

Proposed Resolution – Confirm Appointment & Re-Appointments – Chautauqua County Traffic Safety Board

Sheriff Quattrone: Again, these are all re-appointments. All four of the names. We also have one additional one that we'll be getting in the next month or so that represent the auto industry. Oh, sorry, Jessica Dayton is new. She will be replacing Terry Kindberg and Jessica is the Executive Director of the Safety Village.

Chairman Niebel: O.k, so Rodgers, Barmore, and Aget, are all incumbents?

Sheriff Quattrone: Yes, they have been there and they've all agreed to re-up?

Chairman Niebel: Any questions of the Sheriff on this resolution?

Legislator Pavlock: How often do these boards meet?

Sheriff Quattrone: Quarterly.

Legislator Vanstrom: That board meets quarterly?

Sheriff Quattrone: Right and the DWI hadn't been on a regular basis and we're trying to get that where we meet on a more regular basis.

Chairman Niebel: Any other questions?

*Unanimously Carried*

Proposed Resolution – Amend 2019 Budget for Office of the Sheriff

Ms. Cresanti: The first of these expenses, it's actually for a piece of equipment in the Jail. It's a floor cleaning machine was very used and we've continued to get it up and running and this time it just kind of died. So this is the cost of a replacement. It wasn't an anticipated expense so it wasn't budgeted so we need to add it to the budget. On a side note, it is a fully reimbursed expense actually. We get reimbursed out of the Commissary account. So this expense will be reimbursed fully. The second one is just grant equipment purchase for one of our grants. It was actually budgeted for the 2018 expenses. It didn't get used and now they are ready to make that purchase so we just need to add that to the grant account and that is also fully reimbursed.

Chairman Niebel: Is that the next resolution or is that the same one?

Ms. Cresanti: No, it's all part of the same one. There is two expense lines, the \$2,900 is the floor machine and the \$37,638 is grant equipment for the bomb grant.

Chairman Niebel: Any questions for the Sheriff Department?

*Unanimously Carried*

Proposed Resolution – Authorize Execution for New York State Office of Homeland Security Grant for State Law Enforcement Terrorism Prevention Program (SLETPP) FY 19

Sheriff Quattrone: This grant helps us with Matt Trusso's salary. Matt is the one that maintains our radio computer systems and it's a reoccurring grant.

Ms. Cresanti: Yes, each one is a three year grant and we apply and so far we have gotten for the last few years.

Chairman Niebel: Matt's been with you guys for -

Sheriff Quattrone: It's been over 30 years. I think he's probably the longest tenure within the Sheriff's office.

Chairman Niebel: No local funds?

Ms. Cresanti: Correct.

Chairman Niebel: Any questions of the Sheriff's Department on this resolution?

*Unanimously Carried*

Proposed Resolution – Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award

Mr. Griffith: This is our Homeland Security grant which we've gotten every year and this year instead of loading all the revenues up front for our grants, we load them as we take the money back out so we don't run short. So it's an in from the grant and an out from the grant to spend the money back out again. No local share. This is a grant that we have had for years. Federal Homeland Security monies administered through the State of New York.

Chairman Niebel: We've seen this one before a number of times. Any questions of John on this resolution?

*Unanimously Carried*

Proposed Resolution - Modify Capital Project Requests Related to Shared Storage Pole Barn

Mr. Griffith: The Sheriff and I, we almost inherited a project to build a shared pole barn and we just didn't have enough funds for it. The bids came in way higher than what we had and the Sheriff and I talked it over and we thought we could better use those funds in other places. The funds I have I would put toward replacing 39 AED's which are placed throughout the County, including DPF, these buildings that have been around since just after 911 and are getting to the end of their life and the maintenance is getting high. So we would put all new AED's in.

Sheriff Quattrone: We are going to use part of the funds for what is called a “Trunarc”? devise which narcotic analysis. It’s a hand held devise that will be primarily stationed up in Dunkirk, at the Drug Task Force office which enables us to test a narcotic without having to touch it. It’s also allows us to start the prosecution on a drug case before requiring to get the lab results back.

Chairman Niebel: What kind of narcotics? Marijuana, heroin?

Sheriff Quattrone: Primarily it’s used for the heroin, opioids. There is a list of about 21 or 22 different drug categories that is tested. They update the software periodically as they get different drugs that they realize they need to test.

Chairman Niebel: Did they use it on the guy that flipped his car just recently?

Sheriff Quattrone: They very well could have. Jamestown has one so it’s nice to be able to utilize one in the north end and one in the south end.

Chairman Niebel: The Sewer District backed out on your guys on this?

Mrs. Dennison: I guess that would be an appropriate way to phrase it. The Sewer District was originally scheduled to spend \$250,000 on this project but that expenditure would have been financed by the user fees from the sewer district. The District wasn’t getting any outside funding and did not feel that it could sustain that expenditure.

Chairman Niebel: So when they pulled out, it didn’t become feasible then for you guys?

Mr. Griffith: No, the original bid we had, was like \$170,000 and the original bid for the shell with no concert work inside of it, no tin work inside of it, and no doors in it was \$184,000. It’s prevailing wage of course. Two fifty on top of that, we could have finished it off and had it but we couldn’t do it.

Mrs. Dennison: The Sewer District was able to accommodate its needs in another facility, correct?

Mr. Griffith: Yes.

Mrs. Dennison: So it really didn’t have the funds and have a compelling need to spend them. So, part of the accounting language in the resolution is to remove that influx of funds from the Sewer District. So, take that back and return funds to the Sewer District’s fund balance. Then the other changes are, you will see in here that we are proposing to increase the use of fund balance for these two new projects but there will be a contribution to the reserve for capital with the existing project is cancelled. So the existing project is kind of in two pieces right now. The one piece is the funding from the Sewer District and the other piece was funding from the capital reserve. A \$170,000 from the capital reserve. So when the existing project is closed, that money will return to the capital reserve. We’re saying the estimated return to the reserve is \$167,500 because \$2,500 of the budget has already been spent, I believe, on a study.

Mr. Griffith: Drawings.

Mrs. Dennison: Drawings for the facility. So when the project is closed, the money will go back into the capital reserve and the proposal then is to withdraw some money from the capital reserve for the two new projects that the Sheriff and Director Griffith have described. This proposal was already presented to the Planning Board and received approval.

Chairman Niebel: Any further questions from the Committee?

*Unanimously Carried*

Proposed Resolution – Authorize Litigation Against Telecommunications Companies  
Regarding 911 Surcharges

Mr. Abdella: The resolution is fairly self-explanatory. We have received communications from the New York State Association of Counties regarding the discovery that there were these discrepancies across the State and actually across the country regarding the collection of these surcharges and their remitting to the counties. So NYSAC has coordinated the retention of a law firm to work on a contingency fee basis to represent counties in seeking to collect and get back these missing surcharges. So this resolution would authorize Chautauqua County to join that multi-county law suit being brought.

Legislator Vanstrom: How much is it going to cost us?

Mr. Abdella: It's being done on a contingent fee basis so there will be no cost to us other than –

Legislator Pavlock: What they recover?

Legislator Vanstrom: O.k., so it's kind of like a percentage?

Mr. Abdella: Right.

Legislator Vanstrom: Like a credit card company.

Mr. Abdella: Collections on it, you could say that or other types of contingent, personal injury type litigation.

Chairman Niebel: If these guys don't win –

Legislator Vanstrom: We get nothing.

Mr. Abdella: And we don't pay anything, that's right.

Chairman Niebel: Do we have any idea how much potentially Chautauqua County could realize?

Mr. Abdella: Not really at this stage, no.

Chairman Niebel: Not even a ball park?

Mr. Abdella: Not really.

Chairman Niebel: You think it's work pursuing?

Mr. Abdella: Yes.

Legislator Whitford: Would it be retroactive to when they were supposed to collect?

Mr. Abdella: As far back as they could go, yes.

Chairman Niebel: Sounds like a good idea. Any other questions of Steve?

*Unanimously Carried*

Other

Chairman Niebel: Folks, under "other", we have a number of proposed resolutions involving the Public Defender's office.

Proposed Resolution - Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2017 to December 31, 2019

Mr. Barone: That is the distributions seven and as the Committee may be aware of, we have a number of different distributions that we're awarded by New York State Indigent Legal Services –

Chairman Niebel: Under the Hurrell settlement?

Mr. Barone: Exactly. Regarding the enhancement of services for our office, Chautauqua County, that have again, quite frankly, enabled us to provide additional attorneys in the office, additional support staff, additional office space, things that the State and OILS, which is the Office of Indigent Legal Services has determined would help or be necessary in order for us to provide affective assistance counsel to our clients. So distribution seven and as the Committee probably is aware by now, OILS runs a little bit late in getting their distributions to us. It's not just Chautauqua County but it's with every other county as well. I have talked to other Public Defender's and they are always running behind. But, that being said, we finally have distribution seven and as you will see in a few moments we also have distribution eight finally come through as well. So this again are the funds we've relied on and ready to implement in our office to provide for some of the things we've find absolutely necessary in order to provide for assistance of counsel.



Chairman Niebel: So this is for January 1, 2017 through December 31, 2019, it's for \$269,919 and it's all State money.

Mr. Barone: Yes, all State money. There is no contributing or contribution on the part of the County regarding this distribution or this grant. Again, one of the questions that I know that has always come up in the past is, these particular grants that we have been receiving from OILS, with these grants we have been able to hire new attorneys for example. We've also been able to increase salaries for the Assistant Public Defenders and just as important if not more important our support staff has increased. As a matter of fact, we just hired two new clerical positions. Filled those in the last couple of weeks and we have a new clerical position starting tomorrow. Which is absolutely essential. We've hired new investigators, eligibility examiners, and one of the things that I do want to point out is that these grants or distributions are running through 2022/2023. If for some reason, OILS does not continue these grants or distributions, the County is not required in any way to continue with supporting the level of staffing that we're doing. That is part of the contracts that come through and end up actual in Steve's office for review. So that is one of the key essential elements. Just so the Committee is also aware, one of the things that OILS does is they gather from us a number of different data. We're constantly feeding them with data so that they can have updates and see where to direct the monies or redistribute the monies. If they feel that Chautauqua County for example, needs less money or more money, they can adjust those grants in the future.

Chairman Niebel: So this is just to accept this grant that runs January 1, 2017 to December 31, 2019 in the amount of just about \$270,000, all State money. Any other questions of Mr. Barone?

Legislator Whitford: Do you think that these will be continued based on outcomes? That is why all that data is being transferred back to the State? I mean, obviously if they aren't getting the bang for their buck, the probably won't be continuing, correct?

Mr. Barone: I think you are right to a great extent. When we first negotiated with OILS and discussed with them the monies that perhaps we needed or our figures and our caseloads, we kept pretty good records and they were able to determine maybe where to funnel the monies. In any type of defense situation it sometimes difficult to - let me put it this way, there is no win or loss a lot of times. To really be able to objectively determine how good of a job you are doing in representing your clients, it's not always that simple. That is why they do collect the data that you are referring to Paul. What will happen is, for example, they will be able to put their thumb on the exact number or increase or decrease in caseloads. Now, one of the things that you have talked about, for example, and they can see right now, is that we're averaging about 7,000 new cases a year and I've said this before and it's documented, you just go to OILS and they will tell you, Chautauqua County is one of the busiest if not the busiest County for the Public Defender's office outside the five boroughs. So that was a big part of how much they gave us. They will continue to monitor that and we're required. Every file we open, we have to report it. Now, they will take a look and they have already asked me, we've already given them a quarterly report and they wanted to know how many files were opened up, how many of those files were felonies, how many were misdemeanors, if their felonies, what level of felony, and the ultimate outcome. Were those charges dismissed, were they pled out and one of the things and you are right, they

will look on whether or not they are getting a bang for their buck. One of the things that they look at and it goes back to the settlement, is that they want to make sure that every Public Defender office in New York State is effectively representing their clients. How do they do that? One of the things they will look at is, our number of attorneys and the average caseload they are handling. So one of the things that they should be able to see, is even if our caseloads keep going up, because of these distributed funds, I can hire more attorneys which will lower their caseload average. The assumption is, with less cases, you'll be able to do a better job on representing the individuals. That is the argument. Not always necessarily true but it should be. They will take a look at that. One of the other things they look and I've said this and OILS told us this when they met with us and some of the other Legislators is that, my office has the highest rate of trials for all indigent defenders in New York State. Along with the highest acquittal rate. That is documented. So they see that our office is effective as far as trials go and what we're accomplishing by trying cases. As everyone probably knows, at least my theory is that if you are known to try cases and you try cases, you ultimately might accomplish getting better plea bargains as well because they know you try cases. So, it's hopefully going to continue that way.

Chairman Niebel: Any other questions of Mr. Barone?

*Unanimously Carried*

Proposed Resolution - Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2018 to December 31, 2020

Chairman Niebel: This is pretty much an extension of the first one? The amounts are different.

Mr. Barone: Yes, the amounts are different. One thing that I do want to add on distribution eight, these were monies that we really didn't anticipate getting. Some of them. I mean, we kind of found out about this but as you can see the amount is a larger amount and again, it's exactly like distribution seven as far as what we're using the monies for. The only other thing I want to point out very quickly and what is important is that, before these distributions are agreed upon or approved by New York State, they've already sat down with my office as well as with the Legislature, we did it in certain bits and pieces, but, OILS has a complete breakdown in detail what every dollar is being used for by our office. So for example, if we're hiring a new Assistant Public Defender as part of this distribution, it's listed specifically in that plan with OILS, "x" amount of dollars and that's delegated to the hiring of an Assistant Public Defender. In other words, once we get these monies, I just can't do what I want with them. It's already broken down and that's part of the reporting requirements to OILS as well. And that is part of the requirement is that we comply with whatever they have given us the money for. Part of the reporting process Paul, is not only to measure the effectiveness of the funds but it's also to make sure that they are giving us the monies and putting the monies where it's most needed. It could be a fluid situation. That is one of the things that I just want the Committee to be aware of and the Legislature is that these funds are just given to us and then we determine where they are going to go. It's already broken down and it's a give and take process. For example, I know that I was arguing with OILS on and off about how many attorneys I thought I needed. Increase in attorneys or enhancement. They said, look it, the number is pretty

much is saying this is the number you'll probably need but if it changes, we'll see as the situation arises. But, that is where those funds are going, whatever was agreed upon.

Chairman Niebel: Any other questions of Mr. Barone?

Legislator Pavlock: The funds that you have here and both of these have been back dated, how much of it is new money or money that you haven't spent or anticipated or have already used (*inaudible*)?

Mr. Barone: Good question. I wish I could tell you exactly. In these distributions, we've already spent – I mean some of these monies really have not been distributed so we actually haven't spent them. The monies that you are seeing us get through these distributions are for enhancement purposes. So, we've already created a budget through the County that has been affective, it hasn't been what we actually need to effectively represent the indigent clients. So these funds that you are seeing, we have been operating on barebones. For example like, because of the distributions that are now coming through, we just had one that came through not too long ago, that was approved, that provided for the hiring of three new Assistant Public Defenders in my office. We didn't do that until we had that distribution in and the monies were available. Kathleen can probably tell you much better than I can. So we really wait until, at least the way it's been explained to me is that, once OILS sends out the distribution, the contract, and then we get it to Steve's office, they will review it, they'll get it to the Legislature and once everything is approved, then we know it's there and the monies are available. So we kind of hold off until that point. If I may, the one thing that has been difficult to actually kind of incorporate into this and one of the things that hopefully they see and this goes back to what Paul asked about, is that, we have this centralized arraignment that we've worked with the Sheriff's Department on and the Magistrates Association. That is where my office provides 24/7 coverage for any arrangements in Chautauqua County. It's done at the Chautauqua County Jail. It's referred to as CAP, but, in addition to that, we also have separate weekend arraignments and coverage that my office provides for, in Jamestown City Court and Dunkirk City Court. So we have an attorney with every individual that's arrested in Chautauqua County, no matter what time of the day or night and provide for that coverage at the time they appear in front of a Magistrate or Judge. That is part of OCA, Office of Court Administration requirement. Now, the attorneys in our office, we haven't received anything from OCA to give to the attorneys including myself, for that CAP coverage or arraignment coverage. So one of the things that OILS has asked me about is the number of our arraignments so far this year and the kind of coverage we've provided so I would anticipate that these distributions will reflect that. I have asked them to consider giving us some type of grant to cover the increased workloads for the attorneys and staff. Also, we cover, Raise the Age. We have to provide the attorney for Raise the Age which is 24/7 and we haven't received any separate funds for that as well. Keep in mind, the District Attorney's office, for example, doesn't have to provide attorneys for either CAP, arraignments in either City court, or for Raise the Age. My department does. So, hopefully that's something that you'll see reflected in the near future. It's kind of a fluid situation.

Chairman Niebel: Thanks, sometime we'll have you back and talk about central arraignments. Not today. I heard some pros and cons.

Mr. Barone: Sure.

Chairman Niebel: Any other questions of Mr. Barone on this resolution?

*Unanimously Carried*

Proposed Resolution - Confirming 2019 Salary of Public Defender

Mr. Barone: Again, this is a - we initially supplemented the Public Defender's salary with OILS funds, grant monies going back to 2017 which I believe was the initial supplement to my base salary here in Chautauqua County. I remember, I think I was appointed in 2012, if I'm not mistaken, yes, January of 2012. My base salary at the time for the appointment was and that was on a part time basis was \$75,000. Subsequent to that, because of the push by OILS and one of the things that Office of Indigent Legal Services has attempted to do is to create paid parity between the Public Defender's in New York State and the prosecutors. Traditionally the prosecutors have always made more than the Public Defender's. Quite a bit more and if you look just in Chautauqua County, for example, the Assistant District Attorneys, just going back 5/6 years, their base salaries or their salaries were substantially more than Assistant Public Defenders or the Public Defender themselves. For example, right now, since my first appointment in 2012, it's been approximately 8 years, my base salary through Chautauqua County is up to a little over \$80,000. So my cost to the taxpayers actually has only been \$5,000 salary wise. My salary is \$80,000, the District Attorney in in this County, his base salary or his salary, I believe, which is set by New York, is approximately \$187,000. So it's double of that. Now, nothing for nothing but that's the way it's always been for years. So OILS, Office of Indigent Legal Services, said, in order to - their reasoning is, in order to create parity, we need to raise salaries for Public Defenders. Not just the Public Defender, but the Assistants. Their reasoning is, you'll be able to pull more qualified attorneys into representing the indigent, you'll get more people interested in getting into this type of work and it creates a better representation if you might, of certain indigent clients. So, in order to keep the cost to Chautauqua County down and this went back a couple of years, like I said, I think 2017, OILS agreed to, as well as the Legislature back then, to supplement my income through OIL funds and we use OIL funds right now for the increased salaries to the Assistant Public Defenders, which have gone up substantially since OILS came in. So our Assistant Public Defenders now are close to pay parity with the Assistant District Attorney's. Now even with this, obviously considerably lower than the District Attorney, but I have some comparable pay with the supplement than I do with just my base pay. That is why we're requesting and again, it should be at no cost to Chautauqua County. As you can see, the increase salary request or the supplemental salary request is at 100% funding by OILS. They actually even pay for any benefits that are associated with the increase salary as well. So there would be no benefit cost to the County as well. Again, the only unfortunate thing is, with the distributions being so late, I'm at the base salary until those distributions come through and are approved. I'm about six months, seven months behind but that is just the nature of the way OILS works. So, I'm asking that the Committee and the Legislature again, approve it for 2019. Again, it's up in 2020. It would be a whole another separate issue again to seek any type of supplement. But the whole idea was, if there was another funding source to go to rather than the County and the taxpayers, that is what it accomplishes. Actually the other thing that I just do want to point out is that, not only for myself but for every Assistant Public Defender with the increase salary,

it's all supplemented by OILS. So, it's at no cost to the taxpayers and that is one of the nice things about these grants and distributions.

Chairman Niebel: I'm all in favor of that as long as we have this money. If at some point we don't have that, we're going to have to take another look at everything.

Mr. Barone: Absolutely. That's the one of the understandings. It only goes through again, until the end of this year but it's something that has to be considered basically on a year to year basis to see where the distributions are. As long as OILS has the money and the increased funds, then obviously it's something that we'll look to make sure that we're on some pay parity with the District Attorney's office.

Chairman Niebel: Any questions of Mr. Barone?

Legislator Vanstrom: No, I think he covered it all.

Mrs. Dennison: If I could make a comment. I just wanted to add that the District Attorney's salary is set by the State but the County does get a grant and has for the last few years to pay for part of this salary.

Chairman Niebel: Do you know how much the grant is?

Mrs. Dennison: In 2019, that grant is \$72,189. It's been in that ballpark for the last several years.

Chairman Niebel: So we pick up about \$115,000 or there about?

Mrs. Dennison: No, that grant is just – it's not \$72,000 plus associated fringe, it's just \$72,189. So that is the total amount of the outside funding, if you will, for the District Attorney's compensation.

Chairman Niebel: Committee, any questions for Mr. Barone? Ned, I do have a couple of questions. Last year when we were talking about your budget, we, the Legislature, provided funds to go from part time, first and second Assistant Public Defenders to full time.

Mr. Barone: Right.

Chairman Niebel: Are you full time?

Mr. Barone: Yes.

Chairman Niebel: Do you have a small outside practice?

Mr. Barone: No. I don't maintain any private office other than if I get, for example, I may pick up one or two private cases through the year, if I can handle in addition to my full time position as Public Defender, I will do that.

Chairman Niebel: Well o.k., but this is doubling of your salary, so, I'm going to vote in favor of this resolution but I think if we're doubling your salary, o.k., I would like to see you not have any kind of outside practice, o.k., and devote all your attention to the Public Defenders. Just like we are with the other folks that are full time from your office. The reason I think that Ned is because there is going to be a lot more administration that you are going to have to do. There is going to be a lot more record keeping with these OILS grants. You are going to be hiring a lot more people, there is just going to be all kinds of more –

Legislator Bankoski: I think that he'd realize that if he's too busy, he's going to tell somebody no, I can't help you do your will today.

Chairman Niebel: Well, o.k., Bob, but what I am getting at is, last year we discussed this –

Legislator Bankoski: I don't know if we could put that into his job description and say, you can't do that. I think that he can realize what he can handle.

Chairman Niebel: He's already been appointed so we can. But I'm just saying that I would like him to consider that this is now, given the salary, a full time job.

Mr. Barone: I can say this. I've always considered this a full time job. Let me just add Terry and I respect what you are saying but let me just say, going back to 2012, when it was a part time job, do you know how many hours I worked in this job? I can document it. Over 70 hours a week.

Chairman Niebel: I'm sure.

Mr. Barone: And I still continue to work that. I never, ever, put Public Defender work behind anything else. Like I've indicated before, I do understand and appreciate the difference. I don't go out and actively collect cases, I don't solicit cases. If someone comes to me looking for help on something and if I can do that and help them without any type of conflict or type of infringement on my duties as Public Defender, I've done that. It really is minimal at best and as Bob indicated, I do understand my responsibilities as Public Defender and I've devoted. Anyone in that office will tell you, it's not just working here from during the day Terry, it's working evenings, weekends, when I'm in trial. It literally is night and day so my hours, my job hours to this job is Public Defender, are in excess of 60 to 70 hours a week. Now, if I can't find time to take an hour or two to do somebody's will or to help them out with a DWI because I've known them for years, I'm going to do that.

Legislator Vanstrom: Or a cell phone ticket.

Mr. Barone: I'm going to do that. Or if it's a speeding ticket or something else.

Chairman Niebel: O.k., Ned, those are exceptions. I'm just talking about an outside practice. Because with this grant, with the administration of it, there is going to be a lot more stuff that you are going to have to do in the office, a lot more.

Mr. Barone: Absolutely. I would be the first to admit that.

Chairman Niebel: I'm not questioning your commitment to the office. You are an outstanding Public Defender, o.k., I'm just saying with these additional things coming, I think that it is going to take up more of your time.

Mr. Barone: It already has. I've seen the increase in administrative responsibilities because of the increase in the size of the office. There is no question about it, absolutely, 100%. Like I said before, I'm not going to let and never have, anything outside of that office come or interfere with my responsibilities as the Public Defender, either in court or administratively. It hasn't happened before and it's not going to happen in the future. I understand my responsibilities.

Chairman Niebel: I think that we're on the same page.

Legislator Bankoski: O.k., then let it go, leave it alone.

Legislator Vanstrom: Thanks Ned.

Chairman Niebel: Any other questions?

*Unanimously Carried*

Chairman Niebel: Anything else?

Mr. Abdella: Very quickly, I will not be attending the full Legislature meeting next Wednesday and I just want to alert you that sitting back here is one of our First Assistance Allison Carrow. She will have the honor of sitting with Chairman PJ next Wednesday.

Chairman Niebel: Welcome Allison.

MOVED by Legislator Bankoski, SECONDED by Legislator Pavlock to adjourn.

*Unanimously Carried (5:10 p.m.)*

Respectfully submitted and transcribed,  
Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer