

July 8, 2013

Finance Committee: 6-24-2013

RESOLUTION NO. 175-2013

**ADOPTING PROPOSED LOCAL LAW C (NO. \_\_), "CREATING AND ESTABLISHING THE OFFICE OF THE PUBLIC DEFENDER IN ST. LAWRENCE COUNTY, AND AUTHORIZING THE PAYMENT OF COMPENSATION AND OTHER EXPENSES INCURRED IN THE OPERATION OF SAID OFFICE RETROACTIVE TO THE DATE OF A RESOLUTION ESTABLISHING SAID OFFICE"**

By Mr. Morrill, Chair, Finance Committee

**BE IT ENACTED** by the Board of Legislators of the St. Lawrence County as follows:

Section 1. Office of Public Defender.

There is hereby created and established the Office of the Public Defender in and for the St. Lawrence County, pursuant to Article 18-A of the County Law of the State of New York.

Section 2. Public Defender; Appointment and Qualifications.

The Public Defender shall be appointed by the Board of Legislators. The individual appointed shall be an attorney at law duly licensed to practice in the State of New York and a resident of the St. Lawrence County.

Section 3. Public Defender; Term of Office and Vacancies.

The Public Defender shall serve for the term for which the membership of the Board appointing the Public Defender was elected and until a successor is appointed and qualified. Vacancies in the Office of the Public Defender shall be filled by the Board of Legislators for the remainder of the unexpired term.

Section 4. Public Defender; Duties.

(a) The Public Defender shall have and exercise all powers and duties conferred upon a Public Defender pursuant to Article 18-A of the County Law, as such may be amended from time to time, and shall perform such other additional and related duties as may be now or hereafter prescribed by law.

(b) The Public Defender shall comply with all other provisions of law concerning the operations and duties of the Office.

Section 5. Deputy Public Defender and Other Employees.

The Public Defender may, subject to the approval of the Board of Legislators, appoint a Deputy Public Defender and as many assistant attorneys and other employees as the Public Defender may deem necessary and as shall be authorized by said Board of Legislators. Such other employees as may be authorized shall be appointed by the Public Defender in accordance with the Civil Service Commission. The Deputy Public Defender will be selected from the

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Assistant Public Defenders in the Office of the Public Defender. The Deputy Public Defender shall have the authority and perform all the duties of the Public Defender in the absence or temporary inability of the Public Defender to perform the duties of the Office.

Section 6. Compensation and other expenses.

The payment of all compensation and other expenses incurred in the operation of the Office of the Public Defender created by Resolution No. 184-90 and amended by Resolution No. 292-90 of the Board of Legislators of St. Lawrence County on August 13, 1990 and December 10, 1990, respectively to the date of the adoption of this local law is hereby authorized.

Compensation of the Public Defender shall be established by the St. Lawrence County Board of Legislators in the same manner as provided by law for other county officers appointed for a fixed term.

Section 7. Public Defender.

The Public Defender shall devote full time to the duties of the office and shall not engage in any other practice of criminal law.

Section 8. Annual Report.

The Public Defender shall make an annual report to the Board of Legislators reporting on the number and types of cases handled by the Office of the Public Defender during the preceding year, and providing such other information regarding the administration of the Office as the Board of Legislators may direct.

Section 9. Severability.

If any provisions of this local law or the application of such provisions to any person, body or circumstances shall be held void or invalid, by any court of appropriate jurisdiction, the remainder of this local law or the application of such provisions to other persons, bodies or circumstances shall not be affected thereby.

Section 10. Effective date.

This local law shall take effect immediately its adoption by the Board of Legislators and upon completion of filing requirements of New York State Department of State.

STATE OF NEW YORK                     )  
  ) ss:  
COUNTY OF ST. LAWRENCE             )

I, Kelly S. Pearson, Deputy Clerk of the St. Lawrence County Board of Legislators, DO HEREBY CERTIFY, that I have compared this Resolution No. 175-2013 entitled "Adopting Proposed Local Law C (No. \_\_\_), "Creating and Establishing the Office of the Public Defender in St. Lawrence County, and Authorizing the Payment of Compensation and Other Expenses Incurred in the Operation of Said Office Retroactive to the Date of a Resolution Establishing Said Office" ", Adopted July 8, 2013, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kelly S. Pearson  
Kelly S. Pearson, Deputy Clerk  
St. Lawrence County Board of Legislators  
July 9, 2013