

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Clinton

Local Law No. 3 of the Year 2018

A Local Law to Establish an Office of Public Defender

Be it enacted by the Clinton County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Clinton as follows:

Section 1 – It is the purpose of this Local Law to establish an Office of Public Defender pursuant to Article 18-A of the County Law.

Section 2 – There shall be established as of December 1, 2018, or upon the filing of this Local Law, whichever is sooner, an Office of Public Defender as follows:

a) The Office of Public Defender, which office has the responsibilities and duties of representation of persons pursuant to the Constitution of the State of New York and the United States and Article 18-A of the County Law.

The Office of Public Defender shall be primarily responsible for legal representation of indigents entitled to Assigned Counsel within Clinton County. Said office shall have such employees as the Clinton County Legislature shall designate.

Section 3 – In the event that the Office of Public Defender shall be unable to handle a case for which a person is entitled to have counsel pursuant to Law, an Assigned Counsel Program shall exist from members of the Clinton County Bar Association.

Section 4 – The Office of the Public Defender shall be separate and distinct from the Office of Indigent Defense (Assigned Counsel) and neither shall have authority over the other office.

Section 5 – The Clinton County Legislature may, by resolution, re-define the duties of each office as set forth in Section 2 above, provided that the assignment shall not conflict with the intentions to preserve each of the created offices as separate and distinct.

Section 6 – The Clinton County Legislature shall, by resolution, select the Public Defender and said Public Defender shall staff said office within the limitations of his/her appropriation. The Clinton County Legislature, by resolution, shall fix the salary and fringe benefits of the said staff. Any staff selected shall serve at the pleasure of the Public Defender except as otherwise required by Civil Service Law.

Section 7 – The Public Defender shall work in cooperation with the Administrator of Indigent Defense to determine the manner in which, and the specific cases which will be reassigned from the current Assigned Counsel Program to the Office of the Public Defender for legal representation.

Section 8 – The assignment of cases between the Public Defender shall be designated by the Administrator of Indigent Defense, in cooperation with the Public Defender.

Section 9 – Term of office for the Public Defender is five years except initial term starts December 1, 2018 and runs through December 31, 2023.

Section 10 – The Public Defender category and salary shall be established by appointment resolution.

Section 11 – Effective December 1, 2018.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2018 of the (County)(City)(Town)(Village) of Clinton was duly passed by the Clinton County Legislature on October 24, 2018 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

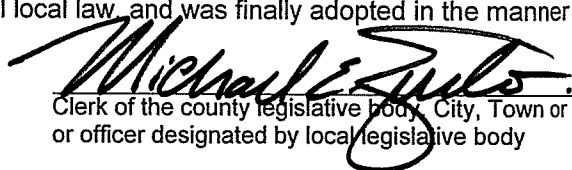
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: October 24, 2018