

Minutes
Budget Hearing
Public Safety Committee
Audit & Control Committee
Friday, October 4, 2019, 9:00 a.m., Rm #331/333
Mayville, N.Y.

Members Present: (P.S.) Niebel, Bankoski, Vanstrom, Pavlock, Whitford
(A.S.) Chagnon, Nazzaro, Gould, Muldowney

Others: Tampio, Dennison, Hansen, and various others listed

Chairman Niebel called the budget hearing to order. (9:00 a.m.)

Chairman Niebel: Kathleen, do you want to give us a quick overview.

Mrs. Dennison: For Audit & Control, this is the last time they have to hear the overview. I think we have at least one new Legislator who hasn't heard it before.

In your budget materials, the first part of your book is the tentative budget book which is the document released to the public. You will not really spend a bunch of time in this section for our review today, however, the opening tab does have a summary of all of the funds including the tax rate and use of fund balance and tax levy information. Behind the black tab are the details for each organization, including what we call their budget summary as well as line item detail. We've been asking the departments to go through their summary with us, pretty much skipping over the first page, the local share summary and then starting with their change in personnel and then going through the detail for each department. You also have provided to you, in the front of the binder, are the cash flow projections and fund balance projections to the year 2024. There is also the rolling 12 month actuals report which gives 12 months actual July 2018 through June of 19' and for each department (*inaudible*) that performance versus their 19' adopted budget and 20' proposed budget.

Just to give a couple of overall comments about the budget. As you know, there is no change in the tax rate. There is a use of general unobligated fund balance of just over a million dollars. The base pay for all departments include increases for settled contracts. The settled contracts being DSAC, the Sheriff's union, the Sheriff's Lieutenants union, and CSEA 6322 which is the part time Deputy's union. So those base pays are included and there is also a 2% increase for managers. There are no base pay increases for CSEA 6300 or for the Correction officers. However, for both of those unions, of course all personnel, all hourly personnel, there are step increments included as appropriate.

The health insurance. This year we are seeing approximately a 6% increase in health insurance premiums and that is leading to an increase of a million dollars in health insurance expenses for the "A", "D", and "DM" fund. That increase is due mostly to the change in the rates but also due to some migration of employees from the high deductible plan back to the PPO plan. Then there is also a large increase in the health insurance surcharge, almost a \$500,000. Again, that's all departments in the "A", "D", and "DM" fund and that increase is due primarily to increase cash outs for retirees. That's a big driver of that change. Then just in contrast, just to remind you that (*cross talk*) 2019 budget, from the 18' to 19' budget, there was actually a

\$700,000 decrease in health insurance premiums. So we're going from a \$700,000 decrease this year to a million dollar increase. Then just one other bookkeeping, kind of an accounting note in the benefits area, you'll see that retirement is now budgeted as one account rather than all the separate tiers and plans. So it looks a little bit different on the page but it will streamline our accounting going forward. We're going to record the actuals that way starting in 2020. So that is the overview.

Chairman Niebel: Thank you Kathleen. With that, we'll get into Unified Courts.

Unified Courts (*Dennison*)

Mrs. Dennison: Unified Courts, tab 2, and as I said, we will (*inaudible*) forward with the local share, operating, and also the second page which is the summary of all the departments. The first tab we're looking at is, department A.1162.1125. Indigent Services/Child Custody. This is a contract that the County has to provide indigent legal services for Family Court cases. That is that contract amount is provided by the County Attorney so he's projecting (*cross talk*) percent increase in that cost.

Moving onto the next page, this is the courts and this page combines Supreme, Family, Surrogate Courts and the Library. The only expense in these departments now is insurance. Starting in 19', we used to charge occupancy expenses for the courts to these departments. The occupancy charges are now all consolidated into Buildings & Grounds department. That is why you see a big change from the 2018 actual to the 19' budget. So just an increase in insurance cost which is developed by the Finance Department and then we do get a payment from New York State to cover the occupancy costs. I did budget a little bit less just because we have not been achieving the – we have not been getting the \$250,000 for the last couple of years so we are expecting a little bit of a drop in revenue there.

Legislator Bankoski: Is there a reason why?

Mrs. Dennison: I believe it's because – I mean, we do file claims for reimbursement which are based primarily on expenses at the facilities, different expenses so it could be because there is less expense. As I say, unfortunately, you can't see the direct correspondence to that here because those (*inaudible*) expenses and other expenses reside in the Buildings & Grounds department.

Chairman Niebel: Kathleen, is two fifty the max that we could apply for?

Mrs. Dennison: I actually don't know. I can check with Buildings & Grounds because they are the ones that actually do the claims for that. That's a good question so I'll try and find that out from them.

The last tab, Justices and Constables, this is fees that we are assessed by New York State felony fees that are paid to the towns and villages. This one probably is not a big dollar amount but it probably warrants a little investigation because I've asked our legal department if they know why we are charged this and nobody seems to know. But it's on the bill that we get from the New York Justice Courts.

Legislator Muldowney: The \$3,500, is that what you are talking about?

Legislator Whitford: How do they disburse the check?

Mrs. Dennison: The New York Justice Court sends us a quarterly statement and some of it is revenue. For example, the Justice Court disburses revenue for DWI fines and fees but then there is a small charge on that for (*inaudible*). I think what it is, is, the towns and villages pay this and then we have to reimburse them. But like I say, unfortunately, I can't get a lot of information on how that works.

Chairman Niebel: Kathleen, anything else on that?

Mrs. Dennison: Nothing that I can offer, no.

Chairman Niebel: Committee, any questions of Kathleen? Audit & Control, any questions? If not, thanks Kathleen.

Probation (*Narraway, Taylor*)

Mr. Narraway: I've been here a couple of times, you all know me but this is Gilbert Taylor. He's been officially appointed Deputy Director of the Probation Department.

Chairman Niebel: Tom, do you want to just – well, you just have one account and that's 1340, so do you just want to go over this briefly?

Mr. Narraway: The real story of our budget this year is State mandates that come from New York with Raise the Age changes and bail reform that's coming as of January 1, 2020. It ended where we ended up adding 3 FTE's to the department. It's kind of a long twisted story but for Raise the Age, New York State committed to covering all the expense, we submitted a plan, they approved the plan and now it's in the process of going through the contract stage. We submitted to add 3 Probation officers and a Probation officer Supervisor. That was approved. The other position that we proposed in this budget is an additional position for the work that we're going to incur through the bail reform. I'm not sure how aware everybody is with that but essentially very few people are going to be sent to jail upon arraignment and there is a high likelihood that many of them will be put on a pre-trial supervision which is something that the Probation department handles as well. So we added an FTE for that. Some of you may recall back in 2018, we were having discussions with the Department of Health & Human Services to come up with a MOU to get some funding for our staff, their staff, and that fell through. In those discussions we ended up talking about the possibility of just pushing the PINS diversion program to the Department of Health & Human Services. Across the State it's about split in half. Half of it is done by the Probation department and half of it is done by Social Services. The difference being is that we receive no extra funding for doing that whereas they would receive approximately 65% reimbursement for their staffing. So, that and the fact that many of these cases are based on abuse and neglect, it made sense to put that under one umbrella, in the Department of Health & Human Services. So we're in the process of doing that. Given that we would not be doing that work, it would be appropriate for us to lose approximately 2 positions.

So what we did was, instead of laying somebody off or losing them through attrition, we took two of the positions that the State is going to fund through Raise the Age and put those in that position. So, while we were looking to add 5 total positions, the net FTE increases is 3. For our personnel, there is a pretty significant increase. Most of that is funded and reimbursed through Raise the Age funding from the State as well as the benefits. Benefits that aren't reimbursed through Raise the Age are based on the increases in insurance rates and (*inaudible*) costs. As far as our contractual goes, we had a very small increase. Were it not for some costs that are related to Raise the Age in there, we probably would have had a reduction in our contractual costs. The increase plus significantly more is actually covered by reimbursement through Raise the Age. What you see as far as New York State reimbursement, the increase in that is about \$370,000. The majority of that is Raise the Age reimbursement. I should point out that the Raise the Age reimbursement is that amount, the actual amounts as we go through the year will be less. The only thing they are going to reimburse us for is money that we actually spent. So, I know it's been an issue in the past where revenue funds were put in at an amount and then not reached during the year. We'll likely not reach the full revenue on Raise the Age because we will not likely spend it all but we will get reimbursed for what we spend towards Raise the Age. I'm at a loss for anything more.

Legislator Bankoski: You were saying that we wouldn't reach our revenues as far as –

Mr. Narraway: For example, we budgeted to fill some positions in August and we haven't filled them yet because there hasn't been a need and because we're waiting for the transition of the PINS version program. So we can't bill them for positions that we haven't filled.

Chairman Niebel: O.k., any further questions of Tom?

Legislator Gould: What's Probation GIVE?

Mr. Narraway: GIVE is a joint effort between the Probation department, the D.A.'s office, the Sheriff's department, and the Jamestown Police for - it's actually Gun Involved Violence Elimination. We get about \$10,000 or whatever the exact amount is on there to work joint details in the City of Jamestown to divert and prevent crime. We use it to do a lot of home visits on high risk defenders within the City of Jamestown. It funds the D.A.'s salary and a Field Intelligence officer at the Sheriff's department as well as overtime for the Jamestown Police for these initiatives.

Legislator Gould: What do the initials stand for?

Mr. Narraway: Gun Involved Violence Elimination, I believe. I'm sure of the first three, not sure of the last one.

Legislator Gould: Thank you.

Legislator Chagnon: Tom, each one of your departmental income lines, revenue, has gone down. Could you speak to that?

Mr. Narraway: Absolutely. The first one, Alternatives to Incarceration is money that we are entitled to through a program, A13. It's a grant that we get for pretrial release work in the City of Jamestown. Because we do that work, we are entitled to money that is bail poundage throughout the County. Given the fact that we're not anticipating many cases being bailed out next year due to the bail reform, we thought it best just to zero that out and see what happens. Restitutions surcharge we reduced based on trends from 2017 and 2019. We aren't see quite as many court order restitution cases and so we thought it was appropriate to adjust that. DWI administration fees are supervision fees charged to individuals who are convicted of DWI and placed on probation. The good news is, that there are a lot less DWI arrest happening in the County and I believe the pressure that is being put on drunk driving is actually having an effect. There are less arrest and we're getting less people on probation for that, which is good news for the County but bad news for my reimbursement. The last one in that area is just an overall supervision fee that we charge to all of our probation defenders. We have adjusted that based on this year's trends and mainly I think – we charge a supervision fee based on supervision level. There's low, medium, and high risk of reoffending. The higher risk, the more we see them and more frequently we see them so we charge the higher risk offenders an increased rate. Through some of our, like our employment focused services program and a few other programs that we have been running with these people, we've seen a reduction in the high risk offenders to a moderate or low rate and we end up having to adjust their supervision fee to reflect that. I think that is part of the driver for the reduced collection we're seeing.

Legislator Chagnon: Lot's a good news in there even though your revenues are going down. The only other question that I had is, on your expense, you are now having a building rental lease expense in 2020 that you didn't have previously.

Mr. Narraway: Right. As part of Raise the Age, when 16, 17 year olds, as of October 1st, when they are arrested for a felony, they are brought immediately to the youth part of County court with Judge Cass. Part of Raise the Age program is to offer them probation services immediately to try and get a jump start on addressing their issues. In order to do that, we need to locate an office here in Mayville. In the wintertime it could be an hour before we get somebody here from Jamestown or Dunkirk. By then the arraignment is over and the people have left and we're not able to offer services. So through Raise the Age, we funded rent for an office in Mayville and that is what that is.

Legislator Chagnon: Thank you.

Chairman Niebel: Tom, the only other comment that I'll make is, where your Probation Supervisors, you have to have one Supervisor for every seven Probation officers. That's mandated by the State?

Mr. Narraway: That's the maximum, yes.

Chairman Niebel: Where we have Probation Supervisor, this one is going to be funded by Raise the Age?

Mr. Narraway: Correct.

Chairman Niebel: Any further questions of Tom or Gilbert? If not, thank you.

Emergency Services/Fire Coordinator (*Griffith, Hayes*)

Chairman Niebel: John, do you just want to give us some highlights of your budget?

Mr. Griffith: I think the budget that we put together this year is very fiscally responsible budget when you look at the things we've done and where we are at. This budget does include one big change and that is to add a 4th ALS intercept unit to the budget which is very much needed to balance out the number of calls between the north and south end of the County. We are running actually way more calls than I thought we would be running at this time and the service being set up, the system is working extremely well. It's making a big difference but we really need – (*at this time, recorder malfunctioned for his presentation and questions asked*)...

Legislator Nazzaro: Being a Jamestown Legislator, being a former City Councilman and all of that, we're going to have a change in administration in the City of Jamestown. Definitely going to happen. We're going to have a new Mayor. With that being said, to me, the hope would be that the County and the City will come to terms and I will do everything that I can as a Legislator and being close to the situation to try and help this to come up with an agreement where we could come with a collaborate effort for a solution. I'm not saying we shouldn't budget for this, but I just think – I don't want to jump in getting the 4th Fly Car until we see if we can work out a solution with the new administration. There is going to be a new administration.

Chairman Niebel: Chuck, I think that's something that we should discuss in Audit & Control. That's a policy thing.

Legislator Nazzaro: I agree.

Chairman Niebel: I'm leaning towards the same position that you are. John's responsibility is Emergency Services for any individual in the County. His is a little bit different from us, but I understand where you are coming from and quite frankly, I'm on the same page.

Legislator Pavlock: I'd like to speak to that. As past history has shown, if that is true, nothing will happen next year probably anyway before you actually start seeing the revenue. I mean, it's not going to – once there is new administration, now we can start billing. It's a conversation that could be three years out just in the way it works.

Chairman Niebel: Hopefully not.

Legislator Nazzaro: Hopefully not and just keep in mind, they could and I'm not getting – they don't have to go through the process, correct? They have an active CON?

Mr. Griffith: To start the billing Mr. Nazzaro, all you have to do is file the paperwork and start the billing. They have an active ambulance.

Legislator Nazzaro: That's all they have to do.

Legislator Pavlock: But you said in the City of Dunkirk they had that and you have been working since November and it only happened in August, right?

Mr. Griffith: That was the legal departments and the City of Dunkirk and the County of Chautauqua. Part of what happened, real quickly –

Legislator Chagnon: To that point, it could happen again with Jamestown. *(cross talk)*

Mr. Griffith: To move through, we changed attorneys half way through in the County and then we started all over.

Legislator Nazzaro: We'll talk about it more. I was just saying whoever is in there, an opportunity to try and fix this, to me would be a top priority in the administration.

Legislator Chagnon: Is any revenue included in the 2020 budget of Fly Car revenues in the City of Jamestown?

Mr. Griffith: Yes.

Legislator Chagnon: Fly Car.

Mr. Griffith: Fly Car.

Legislator Gould: How much?

Mr. Griffith: I'll have to go back and look at my notes Mr. Chagnon, I can't remember how much we did place in there but we did place some. Hopefully by the second half of the year we had some revenues.

Chairman Niebel: Could you get back to us on that?

Mr. Griffith: Yes.

Legislator Chagnon: Second question. Today you said that we cannot bill in the City of Jamestown because they do not bill for transport.

Mr. Griffith: That is correct.

Legislator Chagnon: Could you explain to us why that is?

Mr. Griffith: It's a New York State regulation because they are a City owned ambulance service. If they do not bill, no one else can bill to ride in the back of their ambulance. It's totally the opposite of a volunteer fire department because the volunteer fire department doesn't have the option to bill but if an ALS provider gets in the back of the ambulance, they can bill for the ALS intercept. This is a situation that comes about through the New York State Department of Health and their codes.

Legislator Chagnon: It's because the City has the ability and the option to charge for transport differently than the fire districts –

Mr. Griffith: Right.

Legislator Chagnon: Then because they chose not to then we can't get reimbursed for ALS intercept?

Mr. Griffith: That is exactly right. Whether or not the County can bill in the back of a Jamestown ambulance is strictly a decision to be made by the City of Jamestown. There is no other – it's just it. They decide to bill tomorrow, then the agreements are put in place and it can be billed.

Legislator Chagnon: I just want to have that thoroughly understood.

Mr. Griffith: One more statement. What's really unique is, right now, we're sending volunteer ambulance into the City of Jamestown to do transports on a regular basis. Sometimes three to four times a day. If our paramedic rides in the back of a volunteer ambulance, transporting in the City of Jamestown, we can bill for that service.

Legislator Nazzaro: John is right, this is all DOH.

Mr. Griffith: DOH and the City of Jamestown to make those decisions.

Mrs. Dennison: I just want to clarify with Director Griffith, my understanding of how the revenue budget was prepared, it is based on the plan that we would have four operating Fly Cars, based on the assumption that we can bill for transports in the City of Jamestown and the City of Dunkirk and it's based on the assumption that we would get revenue from Fly Car operations in the City of Jamestown.

Mr. Griffith: That's correct.

Mrs. Dennison: So that is why you see it is a big jump in revenue from where we are today but that increase, in my opinion, is soundly based on those assumptions. Those are changes in operations that are not in place now but the expectation is that they will be for 2020.

Legislator Nazzaro: Hence, why we need the detail of what the individual components are.

Legislator Pavlock: We had the same discussion last year with it coming up short.

Mr. Griffith: Just one more comment. The other thing is, we're projecting more calls as the system continues to grow. If you look at the growth from the first to the second year to the third year, the growth is, calls (*inaudible*) expenses are relatively flat as far as labor.

Chairman Niebel: O.k., anything else of John or Val? Thank you, we appreciate it. We're going to take a quick break and return for the Sheriff's office.

Sheriff - (*Quattrone, Cresanti, Braley*)

Chairman Niebel: O.k., if you would give us a brief overview.

Sheriff Quattrone: We're going to let Jennifer explain and then I'm going to learn as she goes through the budget. I guess I will start off saying I know the UnderSheriff and Jen worked hard on developing this budget. As we're going through, we do have some slight decreases in what you have in front of you, a couple of increases in some positions to help account for what we see as an increase in workload come with the new Discovery rules that are going into effect at the first of the year. That's the primary increases and decreases which is spread out throughout the budget.

Ms. Cresanti: So we're starting with Unified Courts? Is that where everybody wanted to start?

Chairman Niebel: Jen, actually, give us a quick overview of the FTE's. That is back a page or two. You guys are actually down 8.82. You want to address that briefly?

Ms. Cresanti: Sure. Well overall the primary focus that creates the decrease in FTE's is the Medivac program that has been taken over by UPMC. Nine point nine eight FTE decrease there. There are a couple of small increases. One is Unified Courts. We actually have a second Captain now. We used to only have one Captain and now we have two. The one Captain, his allocation is divided among three different departments to reflect the departments that he actually manages. A quarter of that is showing in the Unified Courts and it's a refunded expense as with the rest of the staff.

In the Sheriff's department, we, as you know, have added 3 full time SRO's. We have .5 of that Captain's position decrease because there is .25 in 2 other departments and we removed one part time Deputy that is now showing in the Jail account. The grants is simple, it's just a change in allocations based on our estimate of what we expect to spend in there this year. And in the Jail there is a couple of different changes. We decreased one allocation from one FTE to a .2 in a Data Analyst position. That's actually an I.T. person and we added that part time Deputy at a .48 from the 3110 to 3150.

Legislator Chagnon: Jennifer, we were told that as a result of centralized purchasing, there was one FTE reduction in the Sheriff's department.

Ms. Cresanti: There was one FTE reduction however, we also added an FTE because we added a second Operations Assistant. It's a little bit confusing. The Data Specialist position that was decreased to a .2, she is technically I.T.'s staff person but monetarily the decrease of that .2 offset that one increase of the Operations Assistant. Was how that came to pass. So since we added that Operations position, total wise, it looks like it evened it out.

Legislator Chagnon: What could you tell us about the Operation Assistant?

Sheriff Quattrone: The Operations Assistant is our record keeper. The FOIL request, the data input for us, doing the IBR reports, and there was a need. The reason we cut the Data Analyst is we weren't utilizing her the way we should have been and we need the extra help with the data input and record retrieving.

Mrs. Dennison: The department did eliminate one Account Clerk position in the Jail due to centralized purchasing. So there is one position that was completely eliminated due to the centralized purchasing but there are other movements within the department and that's why you don't clearly see the minus one here. Because as Jennifer indicated, they reduced the Account Clerk, they reduced the Data Specialist but then added an Operations Analyst position.

Chairman Niebel: One Account Clerk was eliminated?

Mrs. Dennison: Correct.

Ms. Cresanti: Are there any other questions on the FTE's?

Unified Courts:

Ms. Cresanti: The .1's and .8's are due to, largely, pay increases and then reimburse the staff that .25 FTE increase that you saw for the Captain. Obviously is part of that pay increase. Also part time Deputies are getting a pay increase that is reflected in this department. So we already have that change budgeted and accounted for. The .4's are going up minimally. The majority of our .4 increases across the board have largely been due to actual performance and actual need. So, they're fairly minimal in this case. On the revenue side, you see that there is court security, a slight increase to revenue for shared services for court security at County office buildings. Just primarily to commensurate with the necessary pay increases as to what that staff will cost. We also have the New York State aid increasing again to offset that reimbursable staff that we have. Any questions?

Consolidated Dispatching

Ms. Cresanti: Dispatching, we have one of our Captain's positions added to this account. In lieu of that, we also decreased one Lieutenant's position. So there is a difference there. Obviously there is the contractual pay increases accounted for also in the .1's and .8's in that line. We did add in a slight decrease of departmental income based on historic performance. We don't anticipate anything on that front to change so we decreased it to better match the actual anticipated numbers.

Public Safety Communications

Ms. Cresanti: Our E911, .4's, you'll notice an overall decrease there. This is largely due to our backup 911 center. There were extra expenses added into that account initially to build out that back up 911 center. That will be completed at the end of the year this year. So we have removed some of those expenses associated with that. Again, as we've seen in this account the last few years, the revenue is continuing to gradually decrease and we tried to build in an

estimate of that decrease based on the historic trend of how much on average it has decreased from year to year.

Legislator Chagnon: So you are saying it decreased because of revenue?

Ms. Cresanti: Yes.

Legislator Chagnon: Why are you seeing a decrease in revenue?

Ms. Cresanti: That is the E911 revenue. That is the landline fee that is charged and with fewer landlines, annually, we have seen a continued decrease in that. So that's where that decrease comes from.

Legislator Chagnon: Thanks Jen. I knew the answer, I just wanted hear her say it.

Ms. Cresanti: Thank you for testing me.

Legislator Chagnon: I have spent some time with this department. Jennifer, this E911 system that charged for communications, is going up substantially.

Ms. Cresanti: Yes. The communications line, we had originally estimated a significant decrease to that because we had been getting charged for lines at Windstream that we're not being used. So we built in an estimate of what we thought our savings would be once those were finally disconnected. It took a lot of work on our tech people side to keep the correct lines and eliminate the remainder. In actuality that \$17,400 that we had originally estimated, is slightly low so we increased that to \$25,000 to better reflect what we actually expect it to be due to this year's numbers. Because this year is the first year that those lines have been eliminated. So we are basically rightsizing that expense. Any other questions on the E911?

Public Safety

Ms. Cresanti: You see increases above in equipment and contractual. The equipment is grant related and that is part of the increase that you see down below in revenues to offset that increase. The contractual, there is a new communications contract as you all know, what was recently approved. That increases an expense in that line but that is also grant reimbursed so that is another portion of the revenue increase that you see down below. The second note here, added expense for towers. This is actually an adjustment that we would like to make a decrease in this department. We would like to decrease that tower expense line, account number, 4370. It's currently budgeted at \$28,000. We would like to remove \$22,600 from that expense line. This was actually a four part proposal for an upgrade to one of our systems. Account 4370 in this department, or, I'm sorry 4590. I've given you the wrong account number.

(Cross talk).....

Mrs. Dennison: It's on page 12 Jennifer.

Ms. Cresanti: I should have marked the pages. I'm sorry, yes, it is on page 12.

Legislator Chagnon: The account number is 4370?

Ms. Cresanti: The account is 4370, I was right the first time.

Legislator Nazzaro: Twenty thousand in the budget.

Ms. Cresanti: Yes, I was reading the wrong adjustment.

Mrs. Dennison: The changes in maintenance of \$20,000.

Ms. Cresanti: Yes.

Legislator Chagnon: You would like to eliminate that?

Ms. Cresanti: Yes, we would like to eliminate that. This year we had a couple of unanticipated tower repairs that came up. After talking with our tech people, these actually should also be reimbursable by grant funds completely. Since they are not something that you can really anticipate, we sought to remove that anticipated expenditure until its actually needed then we can do a budget amendment at that time to increase the expense and also increase revenue.

Chairman Niebel: So your overall budget expenses are going to increase by \$20,000?

Ms. Cresanti: Yes, by the \$20,000 in this department, correct.

Legislator Gould: You tearing down the tower?

Sheriff Quattrone: We hope to be tearing down the tower on Oak Hill.

Legislator Chagnon: We have money in the capital budget to do that?

Sheriff Quattrone: Hopefully it will stay up until we can do it safely.

Legislator Gould: There was one two years ago that was torn down for free.

Sheriff Quattrone: We tried to hire those people.

Ms. Cresanti: Are there any other questions on this particular department?

Tech Services

Ms. Cresanti: This one is very simple. The only increase that you will have are the .1's and .8's due to obviously health insurance rates going up and the contract required raises that will be taking place for that staff.

W911

Ms. Cresanti: You see a decrease in the contractual. As we had discussed, the E911 with those unused Windstream lines, we are also seeing a decrease in W911 on account of that. So, we've decreased the budget to match the actual expenditure that we will (*inaudible*).

Legislator Chagnon: Mr. Chairman, can I go back to Tech Services?

Chairman Niebel: Sure.

Legislator Chagnon: Jim, could you explain what those services are and who they are provided to?

Sheriff Quattrone: Yes. Our Tech Services, they do the work for all police agencies within the County as well as the fire service within the County. It's the radio installations in the actual cars or fire trucks. The ambulances as they are, but they also maintaining the towers and the sites as needed.

Ms. Cresanti: Are there any questions on the W911?

Sheriff's

Ms. Cresanti: The .1's and .8's are your typical contractual increases plus we've added the 3 funded SRO positions. Down below in the revenue, you see the shared services account line increasing also to reflect those additional SRO contracts. The other decrease that you really notice is the New York State aid. That is because we had a contract with Jamestown Drug Court that has since been discontinued. That actually stopped this year so we will no longer be realizing that revenue because we do not have that contract anymore.

Chairman Niebel: Here we had a \$66,900 reduction in other contractors, page 19 of our line item budget. I'm not complaining but, could somebody address that ? Maybe you or Jim.

Ms. Cresanti: Actually this is another account expense line that we would like to amend and actually decrease a little bit further. Originally this was budgeted for a vendor called Bergman Associates and they were the ones who established, I believe, is it GIS system. That is what this was originally budgeted for. That system has since been completed. The \$28,000 that we had budgeted was for upgrades and improvements associated with that system. After further review, it's a four part thing. Two of those upgrades are not necessary. One of them is minimal and is actually included as part of one of our capital projects so we would like to decrease this expense line to \$5,400, which is a decrease of \$22,600.

(*Cross talk*)...

Chairman Niebel: Anything else on that account?

Legislator Gould: You went down quite a bit in, in-house vehicle maintenance. On page 18 of 36, down at the bottom. Bottom line. Thirty one ten, four, four twenty.

Chairman Niebel: The very last item?

Legislator Gould: Yes. It went down in that and on the next page you went up \$12,000. Why is there, whatever the difference is?

Chairman Niebel: Why did they go from in-house to sub-contractor?

Legislator Gould: Yea, but there is a big difference in money too, I want to know why.

Ms. Cresanti: The UnderSheriff and I actually discussed adjusting those two accounts. Expense accounts. Would you like to give them detail on that?

UnderSheriff Braley: The contracts have changed a little bit, the method that we're working with DPF has changed. We actually have a payroll allocation back to an employee at DPF. He allocates a certain amount of time for Sheriff repairs. So the scope of the repairs that they are doing for us down there has changed. Also, because of the payroll allocation versus (*inaudible*) a budget line reimbursement for parts and labor hours, that's why I think you are seeing the difference (*inaudible*).

Mrs. Dennison: So some of the expenses has shifted into personnel and out of this –

Legislator Gould: Personnel went up and maintenance went down.

Mrs. Dennison: Yes.

Pistol Permit

Ms. Cresanti: Really the big one that gets your attention there is the revenue, licenses and permits. Unfortunately this is based on actual performance between last year and this year so that is where that decrease comes from.

Legislator Chagnon: Who sets the pistol permit fee level?

Chairman Niebel: Is it set by State or is it by you guys?

Sheriff Quattrone: The UnderSheriff handles our Pistol Permit office.

UnderSheriff Braley: I think it's the Legislature has to adopt those when (*inaudible*) to make those changes.

Ms. Cresanti: Is there a State established cap on the max that you can charge but it's set by the Legislature?

Chairman Niebel: There is a range that you can charge, isn't there Darryl?

UnderSheriff Braley: I think so but I think we addressed this maybe three years ago. I don't recall the details of it at the time but I thought that is what it was, the Legislature actually (*inaudible*)...

Chairman Niebel: Pierre, do you want somebody to check into that?

Legislator Chagnon: If it's not time to increase it then, that's o.k. but, -

Chairman Niebel: But if we can.

Legislator Chagnon: I'd like to have it checked.

Chairman Niebel: Darryl, would you check into that?

Sheriff Quattrone : One item we hope to be able to do in the near future is automate some of this where applicants as well as people who are registering guns will be able to get on-line and with that increase the cost. Pistols owners would be more appreciative because they don't have to drive up here but they could do something on line. Save them money, save us money so that's something that we're looking at. Judge Cass needs approval from some of his bosses within the State in order to move forward with that.

Chairman Niebel: As a pistol permit holder, I would appreciate that. Anything else on Pistol Permits, folks?

Sheriff Grants

Ms. Cresanti: The grant account is pretty simple. It's an estimate from one year to the next. We estimated fairly reasonably considering our current year's performance. Obviously if that needs to be changed or amended for any reason, if we see an increased need for expenses and revenue in there, we will adjust accordingly. But, we base it on the current year's performance so far. Any questions on that?

Jail

Ms. Cresanti: Actually this is the other department and the last department that we would like to make a couple of adjustments in. We would like to eliminate two additional part time positions. That decrease would be a .72 FTE between the two, it would be going down. The total cost would be \$27,259. In exchange for that, we would also like to add 1 FTE, total cost of around \$55,000 between salary and fringe.

Chairman Niebel: And what is the reason for that?

Sheriff Quattrone: That addition, that 1 FTE would be, we presume an Operations Assistant. After talking with HR, that would assist us in obtaining the correct records for the Discovery that's required for the cases.

Chairman Niebel: For the next department.

Sheriff Quattrone: That's for the next department but we're going to have – each case that we do takes hours to get the information. The DA, I'm sure will explain it but I think he gets 20% of the cases now –

Mr. Swanson: That's probably a high estimate.

Sheriff Quattrone: High estimate that he has to do Discovery. Come the first of the year, we'll have to do it on a 100% which will require our office, hopefully getting him the material within a week or so because he's only going to have 15 days. So we just don't have the staffing to do that.

Chairman Niebel: That's not only the physical paperwork but also the digital stuff as well?

Sheriff Quattrone: Yes, it's going to require obtaining any 911 calls, any radio transmissions, any video's, any photographs, (*cross talk*)..

Chairman Niebel: Vehicle and traffic reports.

Sheriff Quattrone: It will require vehicle and traffic to be, quite frank, we probably aren't going to focus a lot on vehicle and traffic discovery because that will be so time consuming, we want to focus on the public safety and the criminal charges that are going to be out there. With the traffic tickets, quite honestly we're hoping that the State will start to recognize a decrease in revenue from the traffic tickets because we're not going to be able to really keep up with those request for the Discovery.

Chairman Niebel: So a decrease of about \$27,000 but an increase of \$55,000. Overall increase of –

Ms. Cresanti: I have \$27,741. So taking that out of the –

Chairman Niebel: Forty two thousand, six hundred savings.

Ms. Cresanti: Yes.

Chairman Niebel: About \$15,000.

Ms. Cresanti: Yep, just shy of \$15,000. Fourteen thousand eight fifty nice in savings overall with the changes that we've made.

Unknown speak inaudible.

Ms. Cresanti: Those are part time so they are only .1's.

Mrs. Dennison: No there are some .8's as well because there are payroll taxes.

Legislator Nazzaro: So that \$55,000 (*inaudible*).

Mrs. Dennison: It does. The Office Assistant cost \$54,969 and then the savings on the other two positions \$27,132 for a net increase of \$27,837. Then the other two decreases would be a net decrease of \$14,763. Just a little bit of additional information. One of the part time positions that the Sheriff's office is proposing to eliminate, that is actually in the E911 sub-department. Then the other position is in the Jail. So if you opt for those changes, there will be changes to A.3020.E911 department, personal and fringe as well as in the Jail.

Chairman Niebel: So we get reimbursement on some of those positions that we're eliminating?

Sheriff Quattrone: We potentially could because the Operations Assistant that we want to put in there will be doing some work on our 911 system. I believe that we could submit for reimbursement.

Mrs. Dennison: That brings up a good point that the E911 expense of that position right now, we talked about this yesterday, that position – I mean, the E911 department is forced to have a local share of zero because any surplus or deficit is reimbursed from the reserve. So that position in the E911, eliminating it, now the local share basis actually will not save anything. Because we would take out the position but we'd also take out revenue. That amount of the expense just for the E911 position is \$8,259.

Legislator Chagnon: So the savings is not twenty seven.

Mrs. Dennison: So the savings would be \$6,504. The overall decrease in local share of \$6,504.

(Cross talk)

Legislator Chagnon: Removing the part time from the Jail was how much?

Mrs. Dennison: Removing the part time from the Jail is \$18,073.

Legislator Chagnon: Now the additional FTE that we're adding for Discovery, is that going to the Jail or into some other department?

Mrs. Dennison: The Operation Assistants right now are in the Jail. So I believe that that would be the appropriate place for that.

Chairman Niebel: Is that what you guys are thinking, Operation Assistant in the Jail?

Ms. Cresanti: That's what I had assumed.

Sheriff Quattrone: That is where we discussed it with HR, that that position would fit as the Operations Assistant to stay consistent.

Mrs. Dennison: That would be consistent with the other accounting and administrative positions at the Sheriff's organization. Those are almost all located in the Jail. I think all in the Jail, in the A.3150 department.

Chairman Niebel: Jen, anything else on the Jail?

Legislator Gould: I'll ask something easy. Your phone lines went up quite a bit, like \$11,000 or something. Are they getting more phones or are they charging you more in the Jail? Page 27 of 36, 3150.5910.

Ms. Cresanti: We're actually getting charged more because, I'm not sure how it was done before but, I guess they can get in to an actual breakdown of the expense by department now, where they couldn't before. Because of that, it's causing an increase in the expense line to property reflect the portion of phone use that belongs to the Jail.

Legislator Gould: It just seems like an awful lot.

Ms. Cresanti: Yes, it is a pretty significant jump. We did try to kind of argue it down a little but rightfully so, the expenses are ours.

Legislator Gould: (*Cross talk*), use a different phone company.

Sheriff Quattrone: The increase came from, I believe, some other departments were – they are trying to equal out and make it appropriate to which departments were doing it. So the same amount over through the County –

Legislator Chagnon: Jon DeAngelo explained to us that through the whole County the expense actually went down but when they properly allocated it to the departments, some went up and some went down.

Legislator Gould: I guess I wanted to hear that from you guys. Not our fault, Jon DeAngelo did it.

Mrs. Dennison: And he gets revenue for it too. He doesn't care who he charges because he still gets the revenue, just kidding.

Sheriff Quattrone: Share the revenue with us.

Ms. Cresanti: There is a new expense line as well, 3150.4880. There is actually the same expense, the 4880.3. The management physicals.

Legislator Gould: I saw that too. I was curious about that. You have nurses in the Jail don't you, can't they give the physicals?

Sheriff Quattrone: I wish.

Ms. Cresanti: Well, even in the nurses in the Jail, they are not our staff so the time that is spent by that medical department staff to do our physicals is now going to be charged back to us where it wasn't before. So that expense is actually split between the Jail account and the Sheriff's account. It's reflected in both places.

Mrs. Dennison: As you recall, there was a reduction in the cost (*inaudible*).., a reduction in the resources. It's bad news for the Jail.

Sheriff Quattrone: That's two departments, I.T. and H.R. They save and we get it.

Legislator Nazzaro: Even though, because of the bail reform, your comment here, the Federal inmates, so we're going to have less revenue even though you are going to have more room, because you are not going to be able to house more Federal prisoners because of the new bail reform? Maybe you could explain that to us.

Sheriff Quattrone: What has happened is, we've done well this year. I believe last year it was budgeted or for this year, it was budgeted to have approximately 30 Federal inmates. We've been averaging closer to 50 so we did, a couple of months ago, bump up our revenue by about \$500,000 but we didn't keep that at that number for next year because we are anticipating a lower number of Federal inmates. Primarily because we're going to have competition from other jails because with the bail reform, Sheriff's offices like Niagara County, Erie County, Wyoming County, who are much closer to the Buffalo Federal courts, are going to also open their doors now in trying to get more Federal prisoners.

Legislator Nazzaro: So what did you put into your – so for 2020, we budgeted 30, you were running 50, what's the magic number average per day in the 2020 budget?

Sheriff Quattrone: I believe it was 30 and – so 30 Federals and 3 immigration per day. Just slightly higher than what we did last year.

Chairman Niebel: You think that might be too high Chuck?

Legislator Nazzaro: No. I just wanted to understand because there are so many changes, moving parts. I wouldn't change it at this point.

Sheriff Quattrone: Unfortunately, I think as somebody says, we have moving targets here. We're really not sure what we're going to expect after the first of the year.

Legislator Nazzaro: If it does go up, then we can do what we did in 2019 and make an adjustment.

Sheriff Quattrone: We hope to be wrong on the estimate but I don't think we're going to be.

Legislator Chagnon: I have one detail question. Page 25 of 26, gas expense. Through the half year we are at \$3,500 and you're budgeting \$15,000.

Ms. Cresanti: I think there is like a 2 month lag there.

Mrs. Dennison: Buildings & Grounds department discovered that it has not been billing appropriately for this (*cross talk*)...

Ms. Cresanti: So again, we get the backlash.

Legislator Niebel: Mr. Chairman, I have a general question on the Jail. From a global perspective, your inmate population is dropping. From a global perspective, your personal services expense is going up in 2019. How do we reconcile that?

Sheriff Quattrone: The big part is, we are mandated by the State Commissioner of Corrections to have "x" amount of Correction Officers. Because of classification of inmates, we would like to be able to just like close a section of the Jail down but we have to classify the inmates and keep them, depending on where they are classified, in different sections of the Jail. So if we could just close part of the Jail down, then we could reduce our manpower but we are not able to close it down because of the classification and in anticipation that probably about mid-way through the year, we're going to start seeing our Jail population increase again. It's an anticipation that we have because those who we give appearance tickets to, the first part of the year, we're probably going to be serving warrants when they are not showing up for court and then bring them in. We also will anticipate having more sentenced inmates as the time goes on. Previously somebody would be in Jail presentenced when they were convicted or plea to a charge, now, they would get time served. There is not going to be that time served so we will see more people in our Jails with sentenced terms. Our big thing is that, we're concerned about – we may have some savings at the beginning of the year, we're not anticipating to keep those.

Legislator Chagnon: A new territory.

Sheriff Quattrone: It's very new territory and it has not been made clear to any of us what is going to happen with these and that is across the State. You have the Sheriff's Association coming up with one idea. The Chiefs of Police coming up with another, Magistrates coming up with their ideas and it's just not spelled out to anybody yet.

Chairman Niebel: Any other questions for the Jail? I have a question that has to do with the overtime at the Jail. Through the first 6 of this year, it looks like we've incurred \$275,00 in overtime, next year we're budgeting \$510,000, same as this year. If the current rate continues,

we'll be at \$550,000 for this year. You don't think we'll be \$40,000 short next year as far as overtime?

Sheriff Quattrone: We anticipate, this year we added some full time Correction officers to help reduce the overtime –

Chairman Niebel: Which will take effect in the second half of this year?

Sheriff Quattrone: We're hoping. The issue we have with that is, by increasing our full time, we decreased our part time and it's been very difficult to find staffing. Then the part timers we did have, the new employees that we brought in, they have been going through their training process. So, we're hoping to start to realize some of those savings by the end of this year towards the beginning parts of next year.

Chairman Niebel: You are o.k. with \$510,000 for next year?

Ms. Cresanti: Yes.

Sheriff Quattrone: Yes.

Chairman Niebel: Anything else on the Jail?

Navigation

Ms. Cresanti: Navigation is pretty straightforward. We've minimized the contractual expenses and then there is the usual .1 and .8 increases reflected in there as well.

Legislator Gould: I'm having a hard time hearing you.

Ms. Cresanti: I'm sorry Jay. I just said that we decreased some of our contractual expenses, we minimized those a little bit and then we have the typical .1 and .8 increases that are required.

Legislator Chagnon: I would just like to put in a plug to the Navigation because this past summer, Navigation personnel on Chautauqua Lake was very helpful in assisting in observation of the weeds on Chautauqua Lake, the changes in the weed densities. Those individuals are very knowledgeable, they are out there every day, year in and year out and they were very helpful in offering their perspectives and their advice and so for. So, thank you for that.

Chairman Niebel: Above and beyond.

Legislator Chagnon: Above and beyond, yes.

Snowmobile

Ms. Cresanti: Same thing in snowmobile. We've minimized our contractual exposure and we have the required .1 and .8 increases reflecting on the bottom line.

Medivac

Ms. Cresanti: Medivac is simple, there will be no more Medivac. As you know, they have been taken over by UPMC, so we've removed all of those expenses and revenues.

Chairman Niebel: Huge expense.

STOP DWI

Ms. Cresanti: You will notice that first, we significantly decreased the fines and forfeiture revenue line. We decreased that by \$100,000 to better match that actual amount of fines and fees that we actually collect. This has been a challenged department for us for several years and I know that everybody is well aware of that. But, we want to reflect a proper number on that bottom line so this is our first attempt in doing that. Personal services, you actually see a decrease. We decreased the DA staff allocation that we had there associated with our DWI's. It was a .5 and it's now a .3 FTE so there is a bit of a pay decrease there and that reflects on the .8's as well.

Mrs. Dennison: This is one area where the Sheriff is giving it back to another department.

Chairman Niebel: Any further questions of the Sheriff?

Legislator Chagnon: STOP DWI, contractual, other expenses, went down by \$25,000?

Chairman Niebel: Twenty six.

Legislator Chagnon: The other expenses line was \$25,000.

Ms. Cresanti: Yes, we did this to better reflect the actual amount that we have really been paying out which has been our trend the last couple of years. That particular expense account is where we charge the 40% that we owe other municipalities for their ticketing, basically, and the fines that they collect. They actually get 40% of that back. You'll notice in 17', we paid \$88,600 and in 2018, we paid \$91,009, so we figured it would be appropriate to decrease that overall.

Legislator Chagnon: Why is that decreasing?

Sheriff Quattrone: I think, when we see the decrease in the fine structure - what we are not getting is the fine money back and part of it is, if people aren't paying their fines, the State is really not going after them or when they do go after them to get the fine money, they are keeping their service fee, or I'm trying to think of the proper term for it, but what the State gets for that.

Legislator Chagnon: Surcharge.

Sheriff Quattrone: Yes, surcharge, thank you. Until they get their surcharge, they are not sending us the fine money. It's not always in – the courts don't necessarily get anything from that so they are not always being proactive in getting that fine money from the defendants that have been through the court system. I believe, I'm going to be estimating the number but we're about 488 (*inaudible*) arrest, 2018 and with the majority of those being reduced or found guilty of a less charge and then I don't know what is happening with the fines. My historical background was working DWI and the Judges don't always – generally will fine the minimum fines versus the maximum fines. Then there is no follow through with getting those.

Legislator Chagnon: So a portion of that is that the fines are not fully paid?

Sheriff Quattrone: Correct.

Legislator Chagnon: So the portion that comes to the County and then onto the municipalities, is not being paid.

Sheriff Quattrone: Not being sent. I believe, and Kathleen might be able to help, there was, a few years ago, one of our interns did a study on that and the fine money was over a million dollars that was owed to the County from the State.

Mrs. Dennison: At least a million dollars. It's an ongoing problem that there are fines that are – counties are assessed on the arrested parties but not collected. But your (*inaudible*) is correct, yea, less revenues coming in on the revenue line as Jennifer pointed out, and then only (*inaudible*) to municipalities what is received.

Legislator Chagnon: So, who's responsibility is it to collect the fines that are levied?

Sheriff Quattrone: I would say the courts. They have no – unfortunately, no incentive to do it because they are not getting the finances from that fine money and our town courts and village courts, are generally part time staffed. Most of them are in there one day a week. They can send letter but there is no meat on that to go after the defendants to get them.

Legislator Chagnon: So we share 40% of our fines with the municipalities. The municipalities are paying the Justice Courts and the Justice Courts are not collecting all of the fines so maybe we shouldn't be paying them 40%.

Legislator Pavlock: That's 40% of collected?

Mrs. Dennison: Collected, yes.

Legislator Chagnon: That's what we are doing but maybe if they are not going to collect the unpaid portion then maybe we shouldn't be paying them anything.

Legislator Gould: Withhold that.

Legislator Chagnon: Yes, right.

(Cross talk)

Mrs. Dennison: Jennifer asked if it was a requirement and to my knowledge is that we enter into contract with the municipalities but I don't believe we're required to. I mean, we do have existing contracts to make these payments but potentially when those contracts expire or they could be terminated.

Legislator Chagnon: Or we could change them now.

Mrs. Dennison: The contracts all have the termination clauses so it could be terminated.

Legislator Pavlock: How do they collect that money? Do they wait for the repeat offender to come back and say, oh, by the way, you owe us for this that you never came in for or could they issue warrants for those to collect.

Sheriff Quattrone: They wouldn't be issuing warrants. They would send letters and encouraging them to continue to pay and I don't know truly if they are tracking it. When you start looking at the study that was done, you just see over and over, they have, again, such a number that haven't paid. I personally feel that they are losing track of who's paid and not paid. Because they don't have that incentive because they are not being reimbursed, they are not looking at that. Pierre's point is well taken. If we can incentivize them to be able to be more focused on getting those fines paid, but I would also perceive that some of the courts make a ruling that the individuals are indigent and then waiving those fines which I've seen in the past also.

Mrs. Dennison: I think it should also be commented that the contracts that we have and the municipalities that we pay, it's only with the municipalities that have their own police forces. So, the other rationale for doing the reimbursement is to compensate those police forces for assisting in the enforcement effort.

Legislator Chagnon: Oh, that's *(inaudible)*.

Mrs. Dennison: Yes, it's just the ones that have their own police forces. Any other town, like the Town of Mina, we keep all the money. It's more to defray enforcement expenses.

Legislator Chagnon: So most of the Justice Courts get no reimbursement?

Sheriff Quattrone: Correct.

Legislator Chagnon: That puts a big hole in that idea.

Sheriff Quattrone: The police agencies that are getting that 40%, they are also hounding their courts to continue to do that. So we want to be able to keep that enforcement level up and keep the DWI's down .

Legislator Muldowney: Are the city courts any different than the Justice?

Sheriff Quattrone: You just have more because there are more arrests in the cities and the *(inaudible)* are the same.

Mrs. Dennison: The money sometimes is paid to the city and sometime the police department. It's kind of a mixed bag as far as which entity is actually getting the money. But the contracts are with the municipality that has the police department. So money is definitely not going to the court system per say. Either to the police department or the municipality.

Chairman Niebel: Anything else for the Sheriff's department? If not, Jim, Jen, Darryl, thank you.

District Attorney *(Swanson-Knear)*

Mr. Swanson: What I presented to County Executive Borrello was an increase of 2.57. I think if you remember me back here in July, what I indicated to you, I probably would be justified in asking for twice as many FTE's. I don't change that position but I'm also realistic. So, I gave something to George in hope that he's be o.k. with. But what I'm coming to you with is an increase of 1.57. Since we just talked about the STOP DWI program, .2 of that increase comes from that reallocation to us. Really, what I view the issue with the STOP DWI program is two-fold. One of them, I would suggest, is not an issue at all. Our DWI numbers continue to fall which is a good thing. It means less people, arguably less people are driving drunk. We're seeing less arrests made and I can tell you given what I know about the people out there and the enforcement actions of the Deputies and officers working in enforcement, they are not trying any less hard than they were 6 or 7 years ago but we continue to see those numbers fall because I believe, our drivers are making better decisions. So that is a positive thing.

Chairman Niebel: And education.

Mr. Swanson: Yea, they are making better choices. Uber is not really prevalent in this County but it is from time to time in the Jamestown and Dunkirk area and my hope is that our drivers continue to make those wise decisions. That all being said, the issue with the State remitting the funds that they should be remitting to us, still remains. There is a plethora of dollars sitting there were my belief is, they will not remit our fine money back to us in the amount we are due until surcharges are paid. There is a significant issue in getting our offenders to pay their surcharges after paying their fine. A lot of times our local courts will accept the fine and not do much further to ensure that they pay the surcharge. When that happens, the State will not remit the money back to us. So, that's kind of the issue with the money coming back from the State but also, it's because our DWI numbers continue to fall. They have as far as I looked back which was the last 7 years, every year, we decreased in both the number of misdemeanors and the number of felony arrests for DWI offenses so that is a positive.

The other 1.37 is to add a Narcotic Investigator which I think you are all aware that County Executive Borrello's Care Coordination Council has recommended that my office have a part time Narcotic Investigator. That Narcotic prosecutor that you allotted to me last year has worked well this year. We've worked closely with our partners in the Federal government. We

have a partnership agreement right now to investigate a package of opioid deaths and send to them. I'm aware of at least three right now that are pipelined with the hope that they get indicted, Federally, where they are looking at mandatory minimum of 20 years if they are convicted on those offenses. Our narcotic prosecutor is in the process of being cross-designated as an acting Assistant US Attorney so that he can assist in those prosecutions and by all measures, that position has been advantageous for both our office and the Task Force which lean on him for legal guidance that they need on a day to day basis. It has worked very well.

The other position that I have asked for is a full time ADA. You heard the Sheriff discuss the need for data manager, essentially. What the new law requires is far more expansive than what we're able to do right now. It really boils down to a simple arithmetic. With the number of hours in a day and the number of hours we pay our Assistant District Attorney's to work, which by the way, they work more than 35 hours that they are paid for now, and it becomes a math problem that is unsustainable. When you look at simple misdemeanor cases that have one, two, three hours of body cam footage because there are multiple officers that respond, just that alone, you start to add up the hours it's going to take to review the entirety of the file before we turn it over within those 15 days and the numbers just don't add up. Even adding one attorney, is not near enough. As you aware, I've informed you over the last couple of years that we sit as the highest caseload County in the State of 62. I have the data here in front of me. We had 3,433 arrests for crimes last year. That doesn't count violations. That doesn't count vehicle and traffic tickets. That counts for misdemeanors and felonies. We have 11 ½ attorneys counting myself which averages out to 299 cases per attorney. The lowest County in the State has 28, the middle County has 187. So, we already have a caseload that is higher than everyone else. Now you magnify that deficiency with the requirements that are coming. When I speak with groups about what our office is doing to prepare, I had the opportunity to testify in front of the State Senate Code's Committee to talk about that. Really what it boils down to is just having the resources to comply with this new law which the requirements are substantial. The Sheriff touched on some things that they have to do. We have to do that for every arrest in every county and that's after they (*inaudible*) it, that's after they get it to us. We put in place a mechanism to streamline that by offering them access to our digital evidence management system and our prosecuting case management system that we have where we will be all digital. We will not carry paper files just because we won't be able to make that many copies of everything. But they will have access to upload digital evidence to us and it's interesting, the Sheriff talked about radio (*inaudible*). Now that's not just arrest that his agency is making, that includes arrest from everywhere in this County. Which means if Westfield PD pulls someone over for vehicle and traffic offense, (*inaudible*) theoretically going to be able to comply with the Discovery obligations on a speeding ticket made in the Village of Westfield. The Sherriff's office, for us to comply, has to pull the radio runs from a speeding ticket. Which means, can you check the license. O.k., here's the license, not suspended, alright, check the registration. It's those things that this new law burdens us with that quite frankly have no bearing in the speeding ticket but we have to turn them over anyways. We've compiled a list for the District Attorney's Association and this is just for traffic tickets. This is the list of things that we have to look for and disclose on a vehicle and traffic offense. Right now the first two things are required. The ticket and the supporting deposition from the officer if there is one. So, that's on the 15,000 traffic tickets we have here per year and when you start talking about, what are the effects of not being able to comply? In 2018, Chautauqua County brought in \$4.1 million dollars in vehicle and traffic fines and expenses. That does not count Jamestown and Dunkirk. One point eight million of that went

to the local jurisdictions, \$162,000 of that went to the County. Now, that is money that if we can't keep up with the new regulations, that's money that will not be realized. Now, that all being said, the State took \$2.1 million dollars of that cut so they would stand to lose the most by not giving the funding to comply with the new law that they passed in their budget. It's interesting that the new changes came in the budget because there is a zero dollar figure attached. Which doesn't help you folks out when I come to you and ask for more resources, more money, so that we can comply with the law that was thrust upon us. But it doesn't change the situation that I sit in. Mr. Barone is up next and the State is throwing money at defense organizations and you know what, they have a lot of cases but, if his budget is passed which they have the money to do it because of the State, he'll have 45 employees. My office, if the budget is passed as I've asked, we'll have 22 ½. That's exactly half. Half as many people to prosecute the same number of cases and that's assuming that they got 100% of them. Now, we have the burden of proof, we have the burden of production now and I pulled this email that I got from the New York State Bar Association just because the language in their advertisement for DWI case was rather interesting. In it, it says, new Discovery laws dramatically change the way we practice criminal law in New York State. The shift the burden from the defense, the prosecution, to provide extensive discovery that far exceeded that which was previously required. That's how they advertise for their DWI training course. They know, the defense (*inaudible*) knows what we have to do. We are going to have trouble doing it. Which means this, how do we make wise decisions in a prosecutor's office? We have to allocate our resources to treat the most serious cases first. We then can allocate the resources to treat the cases that aren't as serious, second, and at some point you reach the bottom where you are leaving cases out. And quite frankly, it starts with traffic tickets. I've considered running a full diversion program which might alleviate some of the problem because it offers the driver a chance to get a dismissal if they do a traffic safety program. But those are programs that you need staffed to fund. So we have to make very hard decisions to continue to prosecute the cases in which we are doing right now. Because the time and the day is going to be the thing that prohibits us from complying because we don't have the staff numbers. I'm asking you to give me the things that I've asked for here. They are bare minimum if that. I'll take you through my budget but really those are the most pressing things. That is the most pressing issue. January 1st we'll see the enactment of the most sweeping criminal justice changes the State has ever seen. Sadly the State did not give us the resources for it. They didn't give us the time to really put the things in place that we need. I mean, three days ago, Raise the Age completed itself. We've been talking about that for the last three years. When they passed the Raise the Age legislation, they gave in a phase in period which makes sense. They gave us time to predict what was going to happen and it gave us time to ready ourselves for those predictions. Three days ago, 17 year olds no longer are prosecuted as adults in this State. What they have done to us with the new legislation, with Bail and Discovery, and speedy trial, they said, we're passing this in April and you are going to put it into effect on January 1st with no funding and no real ability to digest what is necessary and to prepare for it. You heard the Sheriff say, there are a lot of uncertainties and that's because there are. There are uncertainties with just what will happen to cases if we cannot get the information over within 15 days. When I spoke in front of the (*inaudible*), I told them very clearly, this is, one; we have to have the staff in our offices to review before we put this out because they are going to be things in the video, the body cam video, there are going to be social security numbers in these files, there are a lot of things that our attorneys will have to recognize and redact. That can't be done by anybody but an attorney because the attorney is the one putting their signature on the piece of paper that says,

we're ready for trial, we've complied with Discovery. So you can't delegate that to someone else. In addition to that, we are totally reliant on our law enforcement agency's ability to get us the required information that we have to have to turn over and sadly the State didn't provide local law enforcement agencies with the funding either. So, they are left having to find the staff and the resources to put these files together. That's why the Sheriff mentioned that number that I've tossed around with him, is 20%. Right now, up until this point and time, we probably provided 20% of full discovery on all of our cases. Which, you might think, well why? Well, a lot of our cases are in local courts where the ADA will show the defense counsel what is in our file. They will make the decision on a plea reduction or plea bargain and it will get done. Defense lawyers not pleading people guilty without knowing what is there, that would be outrageous but, the formal process of Discovery is probably happening 20% of the time because they are aware of what is in the file, there are conversations with defense and prosecutors about what we have and they are comfortable with that they've seen to move forward in the case. The new law does not contemplate that relationship. It requires us to turn it over automatically, even without request and it includes a lot more material than what is required under the current 240 statute of Discovery right now. So what we're looking at really is just a mandate that has us turning over more in a much smaller period of time which has every District Attorney in this State concerned. My understanding in Erie County is, they are adding 19 employees and their D.A.'s office. I spoke with John Flynn this morning and he believes that he is going to get those. He doesn't believe that that is enough. Nor do I for an office that size. I know Albany County asked for 35 employees. I'm asking for one and a half. I hope we can find a way to make it work and I just ask for your support so our constituents can continue to be protected in the way that they have come to enjoy over decades of criminal law that we will see sweeping changes come to in January.

Chairman Niebel: O.k., let's start with 1165.

Legislator Pavlock: Can I ask a question? I just want some clarity. Say I'm an offender, Mr. Sheriff has written me a ticket for speeding, so what are the ramifications of that? You are saying this is Discovery. As I'm the person who got the ticket, I could get off easy and you don't do all your Discovery or are you saying that you need to do that in order to collect the fines?

Mr. Swanson: All of what you just said. One; the new law contemplates us turning over full discovery on traffic ticket which means, ticket, supporting deposition, field notes, any notes the officer writes down, accident reports, any diagram, drawings, photographs, witnesses that may have seen this. In a DWI you have (*inaudible*), 7-10-30 notice, calibration on the radar guns 6 months before and 6 months after the ticket was written. Any maintenance and certifications of that radar equipment. These are all things we don't do right now and then you pile on body cam. O.k., so right now we are not doing that. Now the question you had was, what is going to happen to the case if we can't do that? That is uncertainty there because the law allows for a number of things. One; preclusion of evidence which could mean the radar gun test that said they were going 68 in a 55. It could be a sanction to the prosecutor saying you didn't turn this over when you were supposed to or could mean outright dismissal so there are a lot of things. The problem with how sweeping these changes are and how they are all happening at once is that there is no case law out there that we can lean on and say, alright, this is what the previous Court of Appeals said on this particular issue because it doesn't exist. There has been so much change

that what we have is, over the next five years, I anticipate a whole new level of case law surrounding this Discovery statute. So, that's the uncertainty. We don't know. But to get a conviction, we have to turn these things over, have a trial on that particular ticket or we work out some sort of agreement where we divert the ticket and they get a (*inaudible*) complying with whatever requirements we have but we could offer a plea bargain. There is a requirement now in the new law that makes us turn discovery over before plea or full discovery must be handed over before a plea. It's very clear in the new law, we cannot make a condition of our plea agreement on waiver of discovery. So, I can't say to a defense lawyer, yea, I'll give you a parking ticket on this but you have to waive the discovery. That says very clearly in the statute that we are not allowed to do that. In fact, I'm advising my assistance that it'd be unethical for them to do that. Now, defense counsel can waive it voluntarily but I've told my attorney's look, there can't even be the insinuation that they need to waive. Don't even say something like, ah, doing discovery on this is going to be very hard if you know what I mean, wink, wink. I'm telling you, no, we can't do any of those things. We have to make sure that we're doing this the right way which means if, they are asking for discovery, we need to get it to them with the idea that if we can't comply with all this – the potential is for dismissal of the case or other things. There is a number of sanctions laid out.

Chairman Niebel: O.k. but Patrick, on his V&T, you always have to provide information on the ticket and the discovery information, right?

Mr. Swanson: No, just supporting deposition.

Chairman Niebel: Oh, I'm sorry, supporting deposition. You always had to do that.

Mr. Swanson: Yes and that's as simple as the officer submitting that to the court and the court providing it to the offender. It's going to be very different.

Chairman Niebel: There is going to be more.

Mr. Swanson: A lot more.

Legislator Nazzaro: I was just going to say, so when somebody gets a ticket, they plead not guilty and they wanted the supporting deposition so now are the tickets going to be – are more people going to plead not guilty?

Mr. Swanson: I would expect so. I can tell you right now with tickets, we don't even get copies of them in our office. We don't know that a ticket has been written until our attorney goes to court and has their court night and handles these tickets. We don't keep files in our office of traffic tickets and quite frankly, we are one of the few counties in this western part of the State where the D.A.'s office handles the traffic tickets. I know that Busti has their own town prosecutor, Hanover does as well, but, you go over the Catt County and each locality employs their own town prosecutor to prosecute their tickets. We do that as a courtesy to our towns. That's an expense that all those towns over there are willing to incur which we don't have that luxury here. We prosecute for those towns, all of their tickets.

Chairman Niebel: Patrick, you can continue.

Mr. Swanson: Alright, you see the personal services line. The majority of that obviously is coming from adding 1 ½ and then there is the reallocation of the 20% of an employee from the STOP DWI. There is also, from my understanding a 2% management increase in there and that's I think in everybody's budget.

Going down to EX04, am I reading that off right? 1165.EX04, that's an increase on that line of \$17,000. I know over the last couple of years I've asked for money for our forensic investigation team and I say our because it's not one agency. It's every single police agency in this County that provides that group with officers and on their own dime, to respond to major incidents. That \$10,000 in there is for equipment for that group like tieback suits and various needs they have because quite frankly, no single agency in this County has any obligation to give that unit any money. They do fund raisers and gun raffles which brings me to another point. That might not exist soon but they raise money so that they have just the basic things they need to investigate homicides. We are the beneficiary of that so I'm asking for some money on that line for those. Now we also have scanners that we need, some new equipment that we need because we are going fully digital and we need to have the ability to digitize documents so that they are available, the attorney's on their computer when they are in court. We do not have any scanners at this point. We have one, but with the number of cases, we're going to be providing full discovery on and how fast we have to do it, there is a real need for those scanners. I'm using some crime forfeiture fund to pay for a backup server. I've been talking with Jon DeAngelo about getting a 6 terabyte backup server because when we digitize all our evidence, it will be managed securely by the New York State Prosecutors Training Institute and we have a need to back that up in the event that we don't have access to that system if they have a server flare of something of that nature. So, I'm utilizing some forfeiture funds for that but that is not in here because it's forfeiture money. Employee benefits, looking at the EX08, is going up because of the increase in our FTE's. Are there any questions on any of that?

Legislator Chagnon: Patrick, I'm not sure if this is a question for you or Kathleen but, earlier this year we saw an increase in the personal services line for a narcotics investigator but now we're projecting for 2019 expenses are actually going to go down by \$17,000.

Mrs. Dennison: The projection is based on annualizing the year to date salary results as of the end of June. So I believe there were some positions that were vacant for part of the year.

Chairman Niebel: People might have come in at a lower rate than people that left, possible as well.

Mr. Swanson: No, I don't think so. I think the rehire I made, I lost one of my attorneys to the Department of Health and there was a period of time that accounts for that \$70,000.

Chairman Niebel: And the discrepancy is vacancy as opposed to discrepancy in the salary?

Mr. Swanson: Yes. The salary figures I want to say were very close to being the same.

Legislator Chagnon: So then what I am hearing you saying is that you did add the part time narcotic investigator during 2019?

Mr. Swanson: We do not have the FTE's available.

Legislator Chagnon: You did not?

Mr. Swanson: No, we do not. I don't think that I have asked for formal approval of that.

Mrs. Dennison: District Attorney Swanson did request that when we were going through the budget or looking at the budget earlier this year but that was not and is not included.

Ms. Swanson: Yea, one part of my increase in FTE's accounts for adding that position.

Chairman Niebel: Last year Pierre, we added a drug prosecutor but not a narcotics investigator.

Mrs. Dennison: Mr. Swanson made the request but we did not include because it could not be funded in this year.

Mr. Swanson: O.k., so I'm down to R13, under revenue. We've been doing a traffic safety program that allows for a reduction if people take a traffic safety course. We have in-house administration of that where investigators spends time making sure the courts have the appropriate information so that the court can make a decision on a plea offer. That revenue is a little higher than we thought it would be. That being said, there is some uncertainty that surrounds what we are going to be able to accomplish with traffic tickets next year so we have not put in the 2020 budget the amount that we realized in 2019 out of an abundance of caution because we don't want to overstate what our revenue will be when there is really so much uncertainty surrounding traffic violations.

Our New York State aid, RE20, Our CARP grant has decreased but our GIVE grant has gone up. Just to reiterate the importance of grant funding in our office, that CARP grant does pay for an entire prosecutor as does the GIVE grant. So, we're very lucky to have those grants. The VOWEL(?) grant as well, on the next line, also pays for an entire prosecutor. So there of my ADA's are paid for by outside grant funding, which is phenomenal. That VOWEL grant is apparently going up. Is that right Rachel?

Ms. Kneer: *(Inaudible)*.

Mr. Swanson: O.k., Crime Victims. If you remember, you approved maybe two years ago, you approved by secretarial staff to go to 40 hours from 35.

Chairman Niebel: We actually approved another assistant ADA but you used it for salary, I think, two years ago?

Mr. Swanson: Yea, I didn't have the money to hire a full time ADA so we allocated it to hours for my staff but my Crime Victim services are going back to 35 so there is a decrease on

that line. My secretarial staff inside my office will be staying at 40. It's the Crime Victim's staff that is going to 35.

Chairman Niebel: Just 1169.

Mr. Swanson: 1169, yes. And our contractual grant, you'll see some pretty significant fluctuations under the 1169 account in contractual and that's because of the grant that we sponsored that allows Law New York to provide legal services on collateral matter for crime victims. So we manage that grant for them but we're essentially a pass through to them. I'm not sure whether they will realize that full amount of not but it's at no cost to the County. Employee benefits obviously, they are decreasing as well because of the decrease from 40 to 35 hours for my three victim (*inaudible*). Down at the bottom of 1169, those increases are a direct result of the Law New York legal services. Like I said, we're almost a pass through entity for those. They need to sponsor that grant so we took that and ran with it.

Chairman Niebel: Committee, any further questions of the District Attorney? I have a couple of questions. O.k., as far as this 15 day discovery, you mentioned that back in July and you mentioned that again today but actually can't you ask for an extension of up to 30 days from a defense attorney? The 15 days, in other words, isn't written in stone, is it? From what I've been able to garner from articles.

Mr. Swanson: That's an interesting take on it. But, from my position, we want to make sure that we're complying the very best we can. Now that 30 day extension is only in cases where we can say, this file is exceptionally voluminous.

Chairman Niebel: And it starts from the date of arraignment.

Mr. Swanson: From the date of arraignment. So, I guess I will take you through two possible scenarios. One scenario is, you have someone arrested at Wal-Mart for petty larceny. The new bail statute, they are going to get an appearance ticket. That appearance ticket has to be returnable within 20 days. When they come in and get arraigned, that 15 day clock starts. A petty larceny file probably isn't going to fall under the definition of exceptionally voluminous so really we don't have that option. That being said, say now we have a burglary in the second degree. Which compliments of our Legislature is also an offense that we cannot get bail on. Someone breaks into someone's house, we catch them, we take them in for arraignment because it's not an offense that you can give an appearance ticket for, there is no option for that. So they are being arraigned on that day. So just taking for example, the burglaries that we're charged (*cross talk*) Fredonia. They are arraigned, we have 15 days to provide discovery and complete to the defense counsel. Now, there is a number of issues that surround that, you have multiple defendants, you are going to have co-defendants, you are going to assigned counsel, they are going to have to go through the process to get approved for a free lawyer. We might not even know who the attorney is within the 15 days. That being said, a burglary in the 2nd degree, if you don't have a lot of witnesses and say there is no other offense committed, probably isn't going to fall into exceptionally voluminous either. So we're stuck. We can make the request but the reality is, we have to do the very best we can to act in good faith.

Chairman Niebel: Understood but you – o.k., let's talk about the Public Defender's office. If there's a case involved in the Public Defender's office, as far as discovery, if you feel you can't provide everything within 15 days, you can ask the Public Defender's office for an extension up to another 30 days. At least that is my reading -

Mr. Swanson: But my impression is, I don't even necessarily have to ask them. I think I notify them in the court that this particular case is exceptionally voluminous. Now, that remains to be seen what that definition is because they of course do not define it in the new law so we don't know what's the threshold. So we're kind of skating on thin ice if we start throwing these letters out saying we're taking 30 days, 30 days, 30 days, running the risk that it gets interpreted against us and maybe evidence is suppressed.

Chairman Niebel: O.k., so you need some interpretation on that. What I was getting at is, it doesn't appear that this 15 days is concrete. It looks like there is some leeway.

Mr. Swanson: I don't know. I think Mr. Barone would say no, I want my discovery in 15 days which the statute says.

Chairman Niebel: Well, I don't know. He's a pretty reasonable Public Defender, I'm not sure that he would.

Mr. Swanson: But I still have to believe in good faith that I can just send this letter because I'm going to be claiming that this is exceptionally voluminous and I have to do that.

Chairman Niebel: Alright.

Mr. Swanson: Just because we ran out of time doesn't mean I can say, oh, by the way, this is exceptionally voluminous, we're taking 30 more days. We have to do the best we can. We're officers of the court and we have to do the very best we can to comply with these rules.

Legislator Nazzaro: Even if you took the 30 days, it's just going to snowball right?

Mr. Swanson: Sure.

Legislator Bankoski: Eventually you are going to run out of time.

Legislator Nazzaro: Eventually you are going to have this backlog and you are just kicking it further down the road.

Chairman Niebel: But there isn't the urgency. I mean, you can spread it out a little bit more.

Mr. Swanson: That's a dangerous line to tow though because if we begin to lose evidence because we're just expecting that the courts going to side with us on this 30 day extension, -

Legislator Bankoski: After a while they are going to say no, we're not going to give it to you anymore.

Mr. Swanson: It is and that's a concern and the real concern Terry is, we don't know. It's very unpredictable what - we might be o.k.. The reality is, we might be saying in July, this wasn't as bad as we thought but when 62 D.A.'s all feel the same way, you can pretty much rest assure there will be some complications with this. But really, there is a lot of uncertainty because there is no case law in existence right now.

Chairman Niebel: It's all new, it's evolving. O.k., Patrick, earlier you mentioned comparison between your office and the Public Defender's office. You mentioned that now they are going to have twice as much staff as you are.

Mr. Swanson: Assuming you approve our budget.

Chairman Niebel: Well, it's all State aid so -

Mr. Swanson: Sure, I'm aware.

Chairman Niebel: Well, I'd be inclined to think that we would but really there is no comparison as far as the numbers, as far as District Attorney and Public Defender's, I don't think because as you know, the great equalizer here is the Sheriff's department. The Sheriff's department does a lot of the investigating for the District Attorney's office. They don't for the Public Defender's.

Mr. Swanson: That's true.

Chairman Niebel: They have to come up with their own investigators. The Sheriff's department comes up with all the paperwork, they do all the research, all the investigating, so I mean, that is a function that you guys in the District Attorney's office really don't have to do. So the comparison, I don't really buy the comparison, the numbers, as far as the District Attorney's and the Public Defender's office. I don't.

Mr. Swanson: I understand that but when you are looking at they have two bodies for every one of ours, at some point it becomes eyebrow raising.

Chairman Niebel: Well, you also have the Sheriff's department.

Mr. Swanson: Oh, I agree. I have local departments too but we still have the burden of proof. We have to prove our cases. We have to make sure our witnesses are available, that we have the right witnesses, we have the burden of discovery, we have to provide all this information to them where they don't have those obligations.

Chairman Niebel: The last comment that I would like to make is, historically we have been supportive of the District Attorney's office, we have granted you guys increases, in 2015, we had 17 ½ full time employees in the District Attorney's office. When you came in, in 2016,

you had about 19 ½ . Reason for that is, of course, your predecessor had been elected to another office, he was leaving a lot of experience there and then also he was taking somebody from the office to his new office. So, that went up two people. So now, with this increase, we are going to be up to 22 ½ people. Over just the course of the time that you been here, that is a 29% increase and if we even consider the person that we provided for you but you decided not to use –

Mr. Swanson: You know my position on that Terry.

Chairman Niebel: I do but we provided that –

Mr. Swanson: You provide the position but not the funding.

Chairman Niebel: O.k., well, \$67,000 which was unused for salaries and clerical reallocation.

Legislator Bankoski: What point are you trying to make? Ask him the question?

Chairman Niebel: No, wait a second Bob. The point I'm trying to make is that we have increased this budget 34% over the last four years.

Legislator Bankoski: It's not his fault that he gets stuck with State mandates and he's forced to do this.

Chairman Niebel: I'm not saying that it is. The point I'm making is that we have been supportive as far as personal increases in this department.

Mr. Swanson: I agree you have been. It still doesn't change and this isn't your fault, it doesn't change our caseloads. I mean, we've got now of our third year in a row, we've had a 1,000 felonies committed in this County and that's a real challenge. It takes staff members to handle the case numbers that we have and I have the information for you Mr. Niebel if you would like to see it but we do have the highest caseload of 62 District Attorney's offices in the State. That existed before I took over and the staff that you have given me, quite frankly, I view that as an accomplishment to add the staff that we have to have. We have to have these people to continue to provide our constituents with the end prosecution which is the result of our local police departments, cases they put together for us and to continue to protect public safety. We have to have these people but we continue to experience high caseloads. It would be derelict of me to not ask for the staff we need with the numbers we have.

Chairman Niebel: And Patrick, look, I appreciate the fact you were Albany here just recently asking for State funding for this. That may or may not come down the road.

Mr. Swanson: I wouldn't hold your breath.

Chairman Niebel: No, I wouldn't either. The point that I'm trying to make is this one point. One and a half increase is coming out of local share.

Mr. Swanson: I know and I would appreciate it if you could find it, I do. It means a lot to what we are doing.

Chairman Niebel: Understood.

Mr. Swanson: And it's very unpredictable. So hopefully I come in front of you for my July update and say to you, we handled this better than we anticipated. I hope that I am saying that but I appreciate any help you can give me. We have an important job to do and I know that's not lost on you folks so I do appreciate you hearing me out today.

Chairman Niebel: Any further questions of the District Attorney? If not, Patrick, thank you.

Public Defender - (*Barone – Beckerink*)

Chairman Niebel: Ned, if you want to address the increase in the FTE's to begin with and then you can jump right into account 1170 after that, but start off with the increase in your FTE's, if you would.

Mrs. Dennison: If I could interject here, in the adjustment to the Public Defender's budget that I believe needs to be made is, it ties to the local share so if I could have a minute to explain that, I would appreciate it.

Chairman Niebel: Sure.

Mrs. Dennison: The Public Defender's budget and Mr. Borrello and I talked about this before the meeting. With the new grant that his office has received, the requirement of the grant is that the local share stay at the level of the 2019 budget. In the final changes that the County Executive made, there were some reductions in expenses due to centralized purchasing and also to employee benefits. So when you look at the local share now, it's actually going down in 2020 and unfortunately that is not allowed. When we made those final changes we neglected to realize that we need to reduce the Public Defender's revenue so that his local share remains unchanged. So, I would like to propose to the committee that we would need to make a reduction in grant revenue of \$24,183. I apologize for that oversight. It's a new development with the Public Defender's office that their local share is essentially fixed and so it did immediately occur to us that expense savings would not be true savings to the County but they'll be countered with the reduction in request for reimbursement for the Hurrell Harrington grant.

Chairman Niebel: So Kathleen, would we need a motion to reduce the revenue by \$24,183. That will take us to zero as far as the local share?

Mrs. Dennison: Zero change.

Legislator Bankoski: I will make that motion.

Legislator Whitford: Second.

Chairman Niebel: All those in favor?

Unanimously Carried – amendment to reduce grant revenue of \$24,183

Mrs. Dennison: I don't have any other bad news to offer.

Mr. Barone: I thought that was good news well –

Mrs. Dennison: Well the good news is the expense went down, the bad news is New York State is going to pay us less now.

Mr. Barone: Thank you Mrs. Dennison. Mr. Niebel, just to cut to the chase here with our budget proposal for 2020, the FTE's as everyone can see, are projected to be 44 full time employees up from 29.49 from this past year. The increase without exception, is based on the Indigent Legal Services funding and the grant money that we received from them, from New York State, in order for us to comply their standards for representation of the indigent in New York State and for acceptable caseloads for each and every one of our attorneys. As the committees, I'm sure are aware by now, with each increase in attorney positions, also comes an increase in other support positions. For example, clerical, investigative, social workers, case workers, and those are all positions that have been recommended, if I may, by ILS to our department based on our numbers but also completely funded by ILS. Mr. Chagnon is fully aware of this, he's been involved from the very beginning concerning these grant funds so that's the reason for the increase in the FTE's.

I think when I met with Mr. Borrello previously and Mrs. Dennison, the local share was kept where it is and in part, and again, I hate to keep referring back to Mr. Chagnon, but he was privy to some of these discussions that we had with ILS and when the attorneys came in and met with us concerning the funding, one of the requirements is that the local share stay where they are because the funding from New York State is for enhancement purposes. It's not to substitute or replace the local share but just so that we can keep up with the New York State Office of Court Administration and their requirements for what they consider to be an effective representation of the indigent. It's all based, quite frankly for the most part, on the number of cases each attorney is handling. It's pursuant to the Hurrell settlement that was previously resolved a couple of years ago. So that is really what everything is based on. These numbers as the committees might be aware, I know that Terry, I have talked to him about this, is we're in a constant data collection in our office for every criminal case that's being opened up in the County and turned over to ILS for their review and consideration. What is going to happen is, even though they indicated they want these full time positions in my office, based on the data collection, that could change pursuant to ILS, next year or the following year. It just depends on what they see in the numbers. I'm not privy to what numbers or what is going on in the District Attorney's office and for me to try and guess what that is, would be ridiculous but I'm sure that based on my numbers, we have one of the highest amount of cases in New York State, outside of the five boroughs. We've been told that from the very beginning. Our caseload is as high as they can get. So that's why you see it, I believe, such a dramatic increase in the full time employees from where we were to where we are going to be or should be. There is no other question about that. And of course, if we're seeing it at this end, I'm sure the District Attorney is seeing it at his end because he has to prosecute those. So we have a tremendous increase in our caseloads and

we're going to be pushed, quite frankly, to make sure that we get these positions filled right away and I won't lie to the committees, we've got advertisements out in the Southern County Bar Association, Northern County Bar Association, Erie County Bar Association, UB Law School, Syracuse, Albany, University of Pittsburg, I've tried hit as many as I can –

Chairman Niebel: Cornell.

Mr. Barone: Cornell. We're having a difficult time getting applicants. They all come through the personnel department. They vet those applications and then send them onto me. We have a limited amount so we are struggling a little bit. I'm encouraged that over the next month or two, the new bar results will come out from this summer so they'll be, I think, a new pool of candidates so we should be o.k., but I'm hoping to get these positions all filled by the end of November, early December.

Legislator Nazzaro: Where are you putting them all?

Mr. Barone: That's a great question. (*Cross talk*) We anticipated that when we opened the Jamestown office and over here with our expansion, we did a little bit different with the office configurations and putting in some cubicles and partitions so we're able to take, for example, one larger office and put two attorney's in there or two investigators. We turned one larger office into an investigators office to put everybody. So we're o.k., right now believe it or not and in Jamestown, we've got extra space because I want to put – right now we have two attorneys, an investigator, and a full time clerical in Jamestown. Which by the way, could not be working out better. I want to thank the committee for your efforts on that. It's been a tremendous help with the caseloads out of there. Having that presence there every day of the week, it's working out tremendously well, so I still have some room there. In Dunkirk, I was there Tuesday and went to Dunkirk City Court and met with the attorney for Dunkirk, who showed us some office space there. We want to be right in the courthouse. They have, I don't think that I'm talking about of (*inaudible*), but they are apparently are buying the Sterns Building and so they are going to move the Public Facilities and the Engineering offices over to Sterns once their grant goes through and that's the office space that they want to give us. It's pretty reasonable but I'm going to hand it over to George or whoever else for the negotiations on the price. But I think that they have a pretty reasonable offer. It's less than I think, \$4. or \$5.00 per square foot or something. So, once we get that, I'm going to have two to three attorneys in that office to handle the entire north end. That will also include clerical and investigative. So they will be responsible for that whole north end. I'll have the south end covered and then we'll have our main office here.

Legislator Nazzaro: That's so much more efficient for everybody.

Mr. Barone: Yes. So far it's really working out well.

Legislator Chagnon: Before you leave the global perspective and you were doing such a good job of describing, I'd like to for the Legislators, put something in perspective. We heard from the District Attorney about the disparity in the number of attorneys in the two offices. I would like to point out for the Legislators that the local share cost for the Public Defender's

office is 21% lower than the local share cost for the District Attorney. So if there is a disparity in staffing, it's entirely because of New York State funding.

Mr. Barone: Absolutely, I would agree with that 100%. I mean for me to even comment about the District Attorney staffing or anything –

Legislator Chagnon: That's why I said it, I knew you couldn't/shouldn't.

Mr. Barone: I've learned a long time ago that responsibilities are different but that's completely because of the New York State grants.

Legislator Chagnon: The issue is, it's not locally, it's with New York State.

Mr. Barone: And we were fortunate. One thing that Mr. Swanson talked about with the change and everything and it goes back to what Pierre is talking about with the monies, it is transformational but this is for the defense, I mean, I see things differently but New York State as a whole, sees it all differently on defense and what should have happened years ago. We're catching up finally. What we were supposed to have was a level playing field and the disparity was unconscionable, quite frankly, between a Public Defender and a prosecutor. The offices, the amount of staff, the salaries, everything about it was just disproportionate which ultimately denied access to the justice system by every individual in this State, especially in this County. That's what it's about. Is there has to be equal access to that justice system and without a Public Defender's office, that's at the very least on a level playing field, you are not going to get it. That's what the transformation is about. I said this before and I may have mentioned it and I know it sound corny but it truly says it all. Justice isn't always cheap. The bottom line here is getting people what their entitled to, constitutionally. There is going to be some bumps and bruises and I don't doubt that what the District Attorney is going to have to deal with, with the new Discovery. It's going to be difficult. I can't project how it's going to work. I know that the New York State, the Governor, and the Legislature, have made every effort to try an anticipate some things but it's going to be a feeling out process. There are some provisions and I do disagree with Mr. Swanson's take on how it may affect things because what we are entitled to get under the new legislation is what we should have been getting all along. That has been in that constitutional right that each one of us enjoy. So it's nothing new that they are supposed to be getting this. It's just the process of how they are going to do it. I agree, I'm not sure, but, it's something that has to be worked through. It can be an added cost, it could require additional bodies. We're having somewhat of a difficult time just making sure that we're going to be able to handle the influx of new Discovery. At least on a digital basis but I've been talking to the Sheriff myself about how to do that. Look it, what is good for them is good for us. The other thing I might mentioned about that is, all the previous D.A.'s here that I've worked with and was familiar with, Paul King, John Ward, Jim Subject, Dave Civilette, for a very short time, Dave Foley, we all had great working relationships and everyone one of them told me, it's an open file policy. We have our files here, just come over and look. Whatever you want, you got. It's not the same with these cams and the digital enhancements and things, it's different, I get it but these are things that, look it, the way I look at it is, it's not easy for us either. It's a benefit to the defense, truly is. It's where we should have been a long time ago. Even if you look at some of the downstate district attorneys, they've been promoting an open file discovery for years now.

What's happening now, they've actually been doing. So this isn't something that happened overnight. We just got to figure out how to do it effectively. There is provisions in that statute. They don't even have to ask for extensions. They can get 30 to 45 days for what they believe might be voluminous type of information or material. There is exceptions for this 15 day rule. For DNA, for photographs and that rule applies specifically only to the materials the District Attorney does not have in his possession. So if he has something, it has to be turned over. If he doesn't, they can get extensions of time to get that material from the police to them and then to us. So, there is going to be some bumps and bruises. I went off on a tangent there but you are right Pierre. I took a look at our caseloads, Mr. Swanson's have gone up, I know that because ours have gone up and it increases every year. It's amazing the number of cases we can have.

One thing that I would like to point out and I said this before and I told George Borrello, our local share, when I first came in, I don't think that it's hardly gone up at all. That's in 7 or 8 years and our caseloads keep going up but our local share, we've tried to maintain right where it is and we've done that. New York State is just telling us, look it, you have to stay with your local share that you are at because the numbers they are giving us, is kind of a puzzle so they are saying, look it, based on the numbers you have and the money that Chautauqua County is giving your department, this is what we're going to have to give to you so that you can meet the standard you are required to meet. If the local share drops or the County doesn't give you what they've been giving, our numbers aren't going to work and that is true based on what they've got. So, that's why we are where we are. I couldn't have asked for more support from New York State and from the County that we've gotten. The County has always been good with my department, it truly has. They have been cooperative, we've been able to put together what I think is a really, an outstanding Public Defender office. Again, I still go to the numbers. Mr. Swanson's correct about something else too. It's these numbers that they keep and those numbers are pretty accurate. The one thing I'm still proud of is, even though the Public Defender maintains one of the highest client caseloads, we still maintain one of the highest trial rates and highest acquittal rates in New York State. That's one thing that I'm extremely proud of and this is what Hurrell is all about. It's taking each client as an individual and representing them to the best of our ability and to make sure that we zealously represent every person, whether it's on a petty larceny from a Wal-Mart in Dunkirk or a homicide in the south end of the County.

Legislator Nazzaro: So Ned, this is good for five years?

Mr. Barone: Yes, 2023 it runs through.

Legislator Nazzaro: In 2023, we'll deal with it then.

Mr. Barone: I don't know what is going to happen. The one thing that I know that Pierre, Terry, a lot of the Legislators have already talked to ILS about is, look it, if you don't give us the money to continue these positions, are we under some obligation? They say, absolutely not. It's a contract. If they drop the funds or whatever, we just go back to our local share. It's going to be a problem for New York State because they put us in this position. It's pretty much – these numbers they've put together, it's based on their evaluation, New York State, so these FTE's that you see, are based on what they have through the numbers we've provided. They've come in at the ground floor and this is what they believe. They have done this with every county in New York State.

Legislator Nazzaro: So does this put you now sort of , is the purpose of this, like, across the State of New York put all the counties sort of are on equal footing as far as caseloads so –

Mr. Barone: Absolutely, 100%. They are trying to get down to – they have a number in mind and those numbers are different for misdemeanor cases and felony cases. A misdemeanor case, they say that an attorney should not be handling more than 250 misdemeanors per year. Right now for example, in the City of Jamestown our attorneys handle 700 cases, each one. It's a lot. Jamestown is difficult but one of the amazing things and we're seeing this now just with the attorneys we've got, is that their town courts for example, typically, and I carry a caseload too. It's not just homicides. I've got a felony caseload as well. We've got, instead of in the past handling four, five, six town courts, each attorney, we're down to two or three town courts, so that is amazing, that really helps. Instead of running everywhere, each direction, three/four nights a week, you can kind of concentrate on just a few cases.

Legislator Nazzaro: Just one other very brief, if you are unable – it's going to be a challenge as you point out, to hire the attorneys, so if by some chance you are unable to hire in 2020 what you have outlined here, is there a carryover to the next year or is that like, gone? In other words, in 2020, you've been awarded, if you don't use it, you lose it, or is there some kind of -

Chairman Niebel: The Hurrell funding?

Legislator Nazzaro: Yes, for the Hurrell funding.

Mr. Barone: That's a good question too and I think that is something that we talked with Kathy about –

Legislator Nazzaro: You could be brief, they've all heard this.

Mr. Barone: It will roll over.

Legislator Chagnon: It's a five year grant and it can be spread with agreement with ILS.

Chairman Niebel: (*Cross talk*), the last couple of years.

Mr. Barone: Right and I wasn't sure and even I checked with them a few weeks ago about another cost, if for example we don't use, like there is a position that is in there for a caseworker which would be extremely helpful, but, if we find, for example, that maybe another investigator, just for the sake of argument, they are willing to switch funds from – they will take it but they have to do it. They've got to o.k. the switch from using funds for a caseworker perhaps, next year if we haven't filled it, go ahead and hire an investigator, let's say or an eligibility examiner or something like that. So they will do that and that's I think part of the number collection, the data collection. It's going to give them a better feel for where these monies are best spent to affectively reach that Hurrell settlement is what it is all about. Again, I said this a few years ago when they came to us bearing gifts, I said that, it's a double edge sword.

Yea, it's great but at the same time, don't forget that there are certain responsibilities. They've got their fingers in the pie, believe me.

Chairman Niebel: There are strings attached.

Mr. Barone: Yes, they've got their fingers in that pie.

Legislator Whitford: Just in retrospect, we could sit here and we talk about the difference between the District Attorney and the Public Defender and things coming forward and how they seem to be treated differently or how we perceive it but, this is kind of a new era. This is unchartered territory and we're fortunate enough as a County to work through this and establish case log to make sure that there is a balance. Like you said, there was a disparity and there was a new balance, so now rather than trying to predict how good it is or how bad it is, we have the opportunity as a County, with a high caseload, to work together to establish case log that actually works for all the residents. It's more of an exciting time than a depressing time, to me. I think.

Mr. Barone: I agree.

Legislator Chagnon: That's a really good point because not every county has gotten the Hurrell settlement yet. Chautauqua County was fortunate that we're one of the first –

Legislator Whitford: That's what I am saying, we should be excited.

Legislator Chagnon: That it rolled out to. Can you imagine if we didn't have the Hurrell settlement and we had all this Discovery issue with the Public Defender's office as well as the District Attorney's office.

Legislator Whitford: That's right, we're very fortunate.

Mr. Barone: That's right. We were one of first districts in New York State to receive the funding. Not only that but just imagine, we were required to do this centralized arraignment. We were one of the first P.D. offices to put together the centralized arraignment through the 8th Judicial District and we've got that up and running and the only way that we can do that is through the funding that we've received early enough. That was supposed to be up and running last year and we were doing that on a pilot basis out of Jamestown five years ago. So absolutely right and Paul, you couldn't have said it better. I've said it all along. I think this is an exciting time. It should be for Chautauqua County, especially given our situation economically, our situation with the opioid and the drug epidemics that we're facing in this County and everything else. It's giving us the ability and it's not about what the D.A. gets or what the P.D. gets or the Sheriff. It's really about working together, the agencies, to deal with these problems for the better of entire community. If I may, one thing that I do want to mention because Mr. Swanson talked about it, the opioid, do you know that Dunkirk City Court, when I was there yesterday, we've started an opioid court in Dunkirk City Court. It's out of the Buffalo District, Buffalo City Court is running it and the opioid court is kind of amazing. Depends on how you look at things but it's not really part of the drug court. But, anyone that is arrested that has an opioid addiction, and there is a list of opioid that they'll follow, the courts, if they are interested in getting

treatment, they will be sent over to Dunkirk City Court to see Ms. Lazzaroni, who's running the drug court there, and they will get treatment for that opioid the very next morning. So let's say we go over to the Jail tonight for our centralized arraignment. I go over there, I see someone is brought in and they are there for an assault and they indicate or they're obviously strung out and if they have an opioid addiction, I can fill out the form, the Judge can sign it, whoever's covering the camp, and have them report to that opioid court in Dunkirk City Court the very next morning and do you know their charges are held off, even the Discovery. Everything else is held, put on the stove for three months where they go every day and they get treatment. If they are successful at the end of the three months, they have completed their first part of the drug court and then go right into the final phase of the drug court and those original charges are disposed of. It's amazing and here's the really exciting thing and going back to what you were saying Paul, that opioid court that we're doing here in Chautauqua County, is the model for the entire State. It's going to be the model for the entire State and something else that people don't know. When we started the pilot program in Jamestown City Court for counsel of first appearance, over six/seven years ago, after I first came in, that's the basis for centralized arraignment. That was one of the first courts that we were doing counsel of first appearance. Realizing that counsel of first appearance is an important part of the representation of an individual. So, that as well and that really, truly is, it's transformational what's going on with things here in the County. So, it can be depressing and the numbers are depressing and when you're in the weeds dealing with this day in and day out, it can become overwhelming and a lot of times you don't know which way to turn. You don't. But at the same time, to be able to come to the Legislature and that's why I get excited about it, to be able to be in a position as a Public Defender, for the first time ever, to feel comfortable with my office and our abilities to truly effectively help people, is what it's all about and not have to ask this Legislature for more money and more money and more money. Not that I wouldn't mind but it truly is exciting. It's a great time to be in public defense right now. But anyway, that's why we're at the 44, kind of long roundabout way. Just the other thing like I said, there are some things in our tentative budget naturally like office expenses, mileage, those sorts of things, quite frankly that we see as an increase because of the increase in not only the staff. I apologize, Ms. Beckerink, Seneca Beckerink, she's our new Administrative Assistant and Seneca is kind of my right arm, she helps out with everything in the office and puts together these budget numbers and talks with Kathleen. When I don't understand something, I go to Seneca and say, instead of me bugging Kathleen, would you please call her and ask her or Kathy or something else.

But yea, we sat down and we tried to project as best we could some anticipated increase in some of the numbers. When you have additional attorneys and staff, you are going to have additional mileage, you are going to have additional office expenses, things that naturally increase with the increase in staff.

Chairman Niebel: Any further questions of Ned or Seneca? O.k. –

Mr. Barone: May I just add one other thing that may be for the Legislature's consideration. You were talking about with Mr. Swanson, I think Kathleen also talked about, was the uncollected fines and things. I was just listening and one thing that you know, this is just for your information, in Jamestown we see this quite a bit. Again, don't forget, Jamestown is 60/70% of the caseloads so the big chunk of your fines and surcharges are coming out of that south end. Judge Lamancuso for years has granted civil judgments for a lot of our clients that are

not able to pay the surcharges or fines. So what you see a lot out of there and that may be a reason why you are not getting some of those monies but there is a huge amount of civil judgments and if you know, then, they don't have to pay the fines or surcharges and they are just reduced to a civil judgment.

Legislator Nazzaro: Do they have to do public services?

Mr. Barone: No. It's just –

Legislator Bankoski: They cut them loose.

Mr. Barone: Again, it's a fine line because a lot of these people that are not in a position to – and I have to tell ya, some of these surcharges and fines have really gone way up over the years. Like I said, a lot of people are hard pressed. It's amazing how much these fines can be and you look at a lot of these kids, you don't even know how they come up with like \$2 or \$3,000 just to get their license back. It's crazy amounts. I just wanted to point that out, that is one of the reasons why you maybe not seeing a lot of that money collected. But they will issue warrants if they are not reduced and they are not paid. City Court is pretty quick at sending out warrants if they are not paid. They don't send a letter, they'll send a warrant and they will get picked up because a lot of the people we see there on weekends even, are for unpaid fines.

Legislator Nazzaro: Does Jamestown have a separate narcotics court? You said Dunkirk

Mr. Barone: Jamestown has a drug court.

Legislator Nazzaro: They both do.

Mr. Barone: South end and north end. Judge Larson runs the one in Jamestown and Judge Kuzdale runs the one in the north end and they are both run on the same idea. They are a little bit different. Judge Kuzdale's approach is a little different than Judge Larson's approach but for the most part, yea, there all out of there. The nice thing is though for the opioid court, it could be an incident out of Jamestown or Town of Hanover, it all goes to Dunkirk. Before if you have a crime in the south end of the County, you stay in the south end for drug court. North end crime, north end drug court, but not for opioid court. So anyway, and again, I would welcome anybody that wants to come over and take a walk through our offices. For all of you that are in Jamestown, I know Paul, and Chuck, take a stop in sometime. I think you would be really amazed at the offices. It worked out extremely well and in Dunkirk, hopefully is right around the corner.

Legislator Muldowney: Is there a lot of people in the opioid courts?

Mr. Barone: I don't know what our numbers are right now. We just started so I think we have right now seven and we've only been doing it for a couple of weeks. But it's pretty exciting.

Legislator Gould: You better call for an appointment before you go over there.

Mr. Barone: Where, to opioid court?

Legislator Gould: Your office.

Mr. Barone: Oh yes, I –

Legislator Gould: I've tried to get in there twice and couldn't get through the door.

Mr. Barone: Really? Oh, because it's security. Well that's only because of you Jay. Anyone else will get in.

(Cross talk)

Mr. Barone: We do appreciate all your help and if there is any other questions, please let me know.

Chairman Niebel: Ned, Seneca, thank you. Public Safety you're done.

Legislator Nazzaro: Doesn't Public Safety have to make some amendments?

Chairman Niebel: Kathleen, could you help me out?

Mrs. Dennison: If you would like me to recap the changes that were discussed and then you can decide if you would like to make a motion.

Chairman Niebel: We'll do them separately?

Mrs. Dennison: We can do them all together because they do all apply to the Sheriff's organization. That would be a decrease in appropriations in A.3020.ESEN.2 for \$20,000 reduction for the removal of tower expenses that will be added when a grant is approved to cover them. Also a reduction in A.3110.4, \$22,600 and that would be some of their contractual costs that will be applied to a capital project. A reduction in A.3020.E911.1, \$7,661, that's to remove a position number 1002300, reduction in A.3020E911.8, \$598.00 again to remove position 1002300 and then there is a reduction in A.3150 the Jail in personal services and employee benefits to remove position 1000077, but also an increase in the Jail, 3150, personal services and employee benefits to add Operations Assistant position. So that would be an increase in the personal services of \$17,781 and a net increase in employee benefits of \$18,315 and then lastly a reduction in revenues in A.3020.E911, a reduction of \$8,259. There would be in surcharge for emergency phone systems, it's revenue number R114.0000.

Chairman Niebel: So the overall impact is what?

Mrs. Dennison: Six thousand, five hundred and four.

Legislator Bankoski: I will make that motion.

Legislator Pavlock: Second.

Chairman Niebel: Those in favor?

Unanimously Carried

Chairman Niebel: Is there anything else folks? Is there a motion to adjourn?

Legislator Bankoski: So moved.

Legislator Pavlock: Second.

Unanimously Carried (1:00 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk/ Lori J. Foster, Sr. Stenographer