

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: AUGUST 27, 2009

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Kenny
VanNess
Taylor
Goodspeed

Others Present:

Kate Hogan, District Attorney
Frederick Monroe, Chairman
Hal Payne, Commissioner of Administrative & Fiscal
Services
Joan Sady, Clerk of the Board
Supervisor Strainer
Supervisor Thomas
Supervisor Pitkin
Supervisor Sheehan
Brian LaFlure, Director of the Office of Emergency
Services
Amy Manney, Deputy Director of the Office of
Emergency Services
Bud York, Sheriff
Joanne Collins, Legislative Office Specialist

Mr. Tessier called the meeting of the Criminal Justice Committee to order at 9:37 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Kenny and carried unanimously to approve the minutes of the July 23, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Kate Hogan, District Attorney (DA), who distributed copies of the agenda, a copy of which is on file with the minutes. Ms. Hogan announced that grant funding in the amount of \$104,680 for the Child Advocacy Center was forthcoming.

Ms. Hogan presented a resolution request to increase the salary of a Crime Victim Specialist, Employee No. 11293, from part-time, base salary of \$30,603, to full-time, base salary \$35,385. She noted the increase was fully funded by the three-year Crime Victim Assistance Grant award for the term commencing October 1, 2009.

Motion was made by Mr. Kenny, seconded by Mr. O'Connor and carried unanimously to increase the salary of the Crime Victim Specialist as outlined above, and to refer same to the Personnel Committee. *A copy of the Request to Increase the Salary of a Union Position is on file with the minutes.*

Relative to the 2010 Budget Request, Ms. Hogan stated that the DA Budget had been reduced from the prior year and funding for the Road To Recovery grant had been eliminated for all New York State DA's. She noted that the Budget Request was to be lower than the prior year and also account for lower revenues. She asserted that she wished to discuss revenues that had not been accounted for in the budget analysis process as the result of unintended consequences. She expressed to the Committee the risk of losing unrecognized or unreported budget revenue which was a direct result of staff efforts in the DA's Office.

Mr. Strainer entered the meeting at 9:42 a.m.

A discussion ensued regarding distribution of revenue from traffic fines and Ms. Hogan noted that revenue generated for Warren County from traffic fines last year was \$299,256, for which the same amount was received by New York State. She cited an agreement between the Glens Falls Police Department (GFPD), who made the arrests, and the DA's Office, who prosecuted the cases, whereby the revenue was split; however, she asserted, the DA received only \$65,000 from the STOP DWI Program. She added that the court fees were a separate issue and paid to the respective towns. In summary, she stated that due to efforts of the DA and law enforcement, \$150,000 in revenue was generated by the DA's Office for which only \$65,000 was received.

Mr. Kenny stated that the total County Budget shortfall was \$2.5 million. Ms. Hogan reiterated that her shortfall was \$48,600 due to a revenue loss whereby the DA would generate a revenue of at least \$123,000, or \$150,000, which was half the revenue for vehicle traffic fines.

A discussion ensued pertaining to revenue disbursement for the STOP-DWI Program.

Mr. Goodspeed asserted that if the DA lost the ability to prosecute vehicle traffic cases, the New York State Police would bring forth the written opinion of their Council Office which forbid them from negotiating vehicle traffic infractions as the Police were limited to trial work. This, he cautioned, would essentially move approximately 25,000 cases that would have otherwise been the subject of potential negotiated dispositions, to the Court system which would become overburdened without the authority to negotiate same.

Relative to the loss of funding from the Road To Recovery Grant, Ms. Hogan reiterated the sense of punishment derived from the recommendation to reduce staff and she underscored the fact that her Office had not hired additional staff in order to carry out the duties of the position, whereby significant revenue was generated for the County. A concerted effort, she said, went into the grant application and administration process which exceeded departmental expectations. Subsequently, she said, with the loss of the grant funding, she felt the effort to reduce the DA budget in this manner was unwarranted.

Mr. Goodspeed cautioned against using the term "revenue" to describe all additions to the budget. He expounded that there were several different types or classifications of revenue, and reductions must be preceded by careful analysis. He underscored the synergy between the Department of Social Services (DSS) which addressed fraud, and the District Attorney's Office, whereby their joint efforts resulted in cost savings. Lastly, he stated, another unintended ramification would be the loss of revenue in the next budget cycle.

From the perspective of the Traffic Safety Board, Mr. O'Connor questioned the logistical integrity of asking the DA's Office to take on extra work, only to have staff taken away. Ms. Hogan noted that the work involved in Vehicle & Traffic cases was labor intensive and many Counties had ceased prosecution activity as a result.

Mr. VanNess noted that police officers did not have the right to plea bargain, and therefore required the authority of the Assistant District Attorney. Otherwise, he stated, such cases would proceed to trial. Mr. Bentley reminded the Committee that if the reduction were made, local revenue would go to New York State and would no longer go to the towns.

Mr. Monroe acknowledged the challenges presented by Ms. Hogan and he asked the Committee to gain a perspective of the larger scope of the budgetary challenges. He apprised that with all budgets at net zero, there was a \$3 million shortfall, the need for a 9 to 10 percent tax increase, and 40 to 60 layoffs. Furthermore, he stated, many other department which also generated revenue will be impacted by the necessary and inevitable reductions.

Mr. Kenny also acknowledged Ms. Hogan's address and stated that the first staff reductions should be taken from budgets which were above zero. Mr. Pitkin said he felt that the elimination of revenue producing positions should be avoided and he recommended that Ms. Hogan review her budget once more in an effort to make reductions without sacrificing staff.

Hal Payne, Commissioner of Administrative & Fiscal Services, inquired about obtaining funds from the Traffic Safety Board. Amy Manney, Deputy Director of the Office of Emergency Services, stated that more revenue would be included in the budget in the last quarter of the year.

Mr. Kenny suggested a vote to increase the allotment from Traffic Safety. Ms. Hogan stated that she could call an emergency meeting of the Traffic Safety Board. In agreement, Mr. O'Connor stated that it was not judicious to eliminate a \$48,600 salary which generated \$123,000 in revenue. He agreed to advance funds from Traffic Safety and review the matter in one year. Mr. VanNess expressed his agreement for same.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to refer the request to increase revenue from STOP-DWI in the amount of \$35,000 for a total of \$100,000 for the District Attorney, and to refer same to the Traffic Safety Board.

Mr. Thomas expounded that demands for budget reductions were a matter of priority and were in no way intended to punish County Departments. He cautioned that the reality of the current fiscal situation significantly impacted County taxpayers.

Relative to budgetary concerns, Mr. Goodspeed recognized the Chairman's address and he conveyed the importance of the nature with which reductions were made across all departments. Categories of necessity or essential services, he said, must be identified and he cautioned that the Board of Supervisors must consider the central quality of life services relative to budget reductions.

Mr. Monroe stated that a special Board meeting would be called within the next two weeks to discuss further reductions to reach a 0% to 3% budget. He noted that due to deeper reductions at the State level, the revenue shortfall was \$4 million to reach a 0% budget or \$3 million to reach 3%. He said a decision would be made by the full Board and noted that the Labor Management Team would make recommendations within the next two weeks when requests to fill vacant positions would also be addressed.

It was the consensus of the Committee to recommend that the District Attorney review the Budget Request for further reductions for submission by September 4, 2009.

There being no further business to come before the Criminal Justice Committee, on motion by Mr. Kenny and seconded by Mr. VanNess, Mr. Tessier adjourned the meeting at 10:12 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist

