



AGENDA
NIAGARA COUNTY LEGISLATURE
December 10, 2019 – 7:00 P.M.

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS:
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION
12. ADJOURNMENT
13. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County


Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on January 7, 2020



AGENDA
NIAGARA COUNTY LEGISLATURE
December 10, 2019 – 7:00 P.M.

Resolution to be Rescinded:

- IL-031-19** Legislator Michael A. Hill and Economic Development, re Resolution in Support of the Equistar Through the Use of Casino Funding

Regular Meeting – December 10, 2019

- AD-030-19** Administration, re Resolution Setting Salary of Niagara County Clerk
- AD-031-19** Administration, re Resolution by the County Legislature Re-Appointing Richard E. Updegrove, Niagara County Manager
- AD-032-19** Administration, re Standard Work Day and Reporting Resolution for Elected and Appointed Officials
- AD-033-19** Administration, re Designation of Depository and Deposit Amount – Treasurer
- CSS-097-19** Community Safety & Security Committee, re Authorizing the Niagara County Legislature to Accept up to Four Laptops on Behalf of Niagara County Corners Office to AID in the Battle Against the Opioid Epidemic
- CW-024-19** Committee of the Whole, re Position Appointment Public Information Officer
- IL-075-19** Legislators Randy R. Bradt, David E. Godfrey, et al., re Resolution Asking for New York State to Repeal or Delay the Implementation of Changes to the Amendments to the Provision of Discovery Material to Criminal Defendants
- IL-076-19** Legislators Randy R. Bradt, David E. Godfrey, et al., re Imploring the State of New York to Immediately Repeal or Delay Implementation of Bail and Discovery Reform Laws that will Endanger the People of New York and Reverse Decades of Bipartisan Progress in reducing Crime

Mary Jo Tamburlin

Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.
The next meeting of the Legislature will be held on January 7, 2020

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/10/19 RESOLUTION # AD-030-19

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
AD - 12/10/19

LEGISLATIVE ACTION
Approved: Ayes Abs. Noes
Rejected: Ayes Abs. Noes
Referred:

RESOLUTION SETTING SALARY OF NIAGARA COUNTY CLERK

WHEREAS, the State of New York requires that the salary of the County Clerk shall be set for the period of the term (four years) prior to the start of that term, and

WHEREAS, the roles of the County Clerk in Niagara County cover a broad and diverse area of management including Clerk of Supreme and County Court, agent for the Commissioner of New York State Motor Vehicles, Records Management Officer, and administrative manager overseeing the operations of the Land Recording Office, Veterans Service Agency, Office of Historian, Pistol Permit and Passport Acceptance Agency, and

WHEREAS, the County Clerk has developed and implemented outreach programs partnering with public and private entities to the benefit of the public, and

WHEREAS, the County Clerk has strongly advocated for Niagara County taxpayers through opposition to "Green Light Law" legislation, and

WHEREAS, the County Clerk fought to reverse the NYS Department of Motor Vehicle plan to charge a \$25.00 mandatory fee to replace a license plate, and

WHEREAS, the County Clerk has held numerous "Town Hall" meetings to provide pistol permit holders with pertinent 2nd Amendment Rights and the changes that may take place, and

WHEREAS, the County Clerk has been instrumental in enhancing the office Electronic Document Management System to include preservation of important and historical maps, now, therefore, be it

RESOLVED, the salary of the County Clerk be set as follows, \$100,498.00 per year commencing January 1, 2020; \$102,508.00 per year commencing January 1, 2021; \$104,558.00 per year commencing January 1, 2022; \$106,649.00 per year commencing January 1, 2023.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/10/19 RESOLUTION # AD-031-19

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
AD - 12/10/19

LEGISLATIVE ACTION
Approved: Ayes Abs. Noes
Rejected: Ayes Abs. Noes
Referred:

RESOLUTION BY THE COUNTY LEGISLATURE RE-APPOINTING
RICHARD E. UPDEGROVE, NIAGARA COUNTY MANAGER

WHEREAS, the Niagara County Legislature has established the position of County Manager pursuant to Local Law No. 5 for the year 2002, establishing the Office of County Manager, adopted by Resolution No. IL-061-02 on August 6, 2002, and

WHEREAS, Richard Updegrove has performed the requisite duties of County Manager from April 1, 2016 to the present, pursuant to the Niagara County Administrative Code and pursuant to the terms of an Employment Agreement for County Manager, and

WHEREAS, said contract expires on April 1, 2020, and

WHEREAS, County Manager Updegrove has committed to serve a subsequent 4 year term, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby accepts and approves the recommendation of the Administration Committee of the County Legislature by appointing Richard E. Updegrove of Lockport, NY as County Manager for a four year term commencing on April 4, 2020, at a salary of \$126,183.00, contingent upon review and approval by the County Attorney's Office of an Employment Agreement between Mr. Updegrove and the County of Niagara.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/10/19 RESOLUTION # AD-032-19

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>AD - 12/10/19</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
--	---------------------------------------	---	--

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS (NEW TIME REPORTINGS)

RESOLVED, that the County of Niagara, hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Elected Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Participates in Employer's Time System	Record Activities Results	Not Submitted
Coroner		Laura Sweney-Goodlander	xxxx	62212543		01/01/18-12/31/21	No	20.2	
Legislator		Jesse P. Gooch	xxxx	62744727		01/02/19-12/31/19	No	23.5	
Treasurer		Kyle R. Andrews	xxx	40292112		01/01/19-12/31/22	No	30.7	

Appointed Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Participates in Employer's Time System	Record Activities Results	Not Submitted
Asst. Conflict Attorney	6	Rodney A. Giove	xxxx	42348334		01/01/18-12/31/19	No	22.06	
Asst. Conflict Attorney	6	Mario J. Gregori, Jr.	xxxx	62312384		03/11/18-12/31/19	No	23.10	
1 st Asst. County Attorney	6	John J. Ottaviano	xxxx	36131837		05/02/17-12/31/19	No	21.97	
Asst. County Attorney	6	David W. Koplas	xxxx	43589647		07/02/18-12/31/19	No	22.00	
Asst. County Attorney	6	John J. Sansone	xxxx	38661013		01/01/18-12/31/19	No	21.66	
Asst. District Attorney	6	Mary Jean Bowman	xxxx	4169154-4		01/01/17-12/31/20	No	25.55	
Asst. District Attorney	6	Sean S. Carberry	xxxx	62353024		04/23/18-12/31/20	No	25.30	
Asst. District Attorney	6	David J. Dechellis	xxxx	62411277		06/11/18-12/31/20	No	29.30	
Asst. District Attorney	6	Christine Savoia	xxxx	60115409		01/01/17-12/31/20	No	26.44	
Asst. District Attorney	6	Maria Stoelting	xxxx	4233818-6		01/01/19-12/31/20 01/01/17-12/31/18	No	24.20 12.72	
Asst. Public Defender	6	David E. Blackley	xxxx	3826164-0		01/01/18-12/31/19	No	23.83	
Asst. Public Defender	6	Joseph G. Frazier	xxxx	3805549-7		01/01/18-12/31/19	No	21.70	
Asst. Public Defender	6	Nicholas Robinson	xxxx	61803128		01/01/18-12/31/19	No	22.10	
Asst. Public Defender	6	Michael H. White, Jr.	xxxx	50043975		01/01/18-12/31/19	No	19.05	

ADMINISTRATION COMMITTEE

I Mary Jo Tamburlin, Clerk of the Niagara County Legislature, County of Niagara, State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such legislature, at a legally convened meeting held on the 10th day of December, 2019 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Niagara County Legislature on this _____ day of December, 2019.

MARY JO TAMBURLIN, Clerk of the
Niagara County Legislature

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/10/19 RESOLUTION # AD-033-19

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>AD - 12/10/19</u>	Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

DESIGNATION OF DEPOSITORY AND DEPOSIT AMOUNT

WHEREAS, pursuant to Section 212 of the County Law and Section 10 of the General Municipal Law, the Niagara County Legislature shall designate the depositories within the State of New York and the maximum which may be kept on deposit at any time in each depository, and

WHEREAS, the last designation by the County Legislature occurred on May 16, 2017, and

WHEREAS, since the last designation by the County Legislature, banks have changed due to mergers and acquisitions or expansion into the county marketplace, and

WHEREAS, it is beneficial to have numerous regional banks involved in the bidding process for investments and borrowings, now, therefore, be it

RESOLVED, that the maximum amounts to be deposited in the following bank depositories are as follows:

JP Morgan Chase Bank	\$90,000,000
Bank of America	\$90,000,000
Key Bank	\$90,000,000
M&T Bank	\$90,000,000
Evans Bank	\$90,000,000
Bank of Akron	\$90,000,000

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 12/10/19 RESOLUTION # CSS-097-19
Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CSS - 12/10/19</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**AUTHORIZING THE NIAGARA COUNTY LEGISLATURE TO ACCEPT UP TO FOUR LAPTOPS
ON BEHALF OF NIAGARA COUNTY CORNERS OFFICE TO AID IN THE BATTLE
AGAINST THE OPIOID EPIDEMIC**

WHEREAS, the Niagara County will continue to vigilantly fight the opioid epidemic to protect our resident's health and wellbeing, and

WHEREAS, one key in this fight is our County Coroner's ability to identify and track opioid related and other violent deaths, and

WHEREAS, providing our County Coroners with tools such as laptop computers they can take in the field will assist our county in the opioid fight as this will help County Coroners collect more accurate data, and

WHEREAS, Niagara County has been awarded up to four laptops equipped with software through a New York State Department of Health lead program in conjunction with the Centers for Disease Control and Prevention (CDC) at no cost to our county, and

WHEREAS, the software include in the computers will ease the burden of required Coroner reports for programs such as the NYS Department of Motor Vehicles Fatal Accident Reporting System (FARS), the NYSDOH National Violent Death Reporting System along with assisting in easily creating counts of specific types of deaths when requested, now, therefore, be it

RESOLVED, that the Legislature is hereby authorized to accept these tablets/laptops for Niagara County and provide them to the County Coroners in order to assist their vital work.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/10/19 RESOLUTION # CW-024-19

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>CW - 12/10/19</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
--------------------------	-------------------------	--	---

POSITION APPOINTMENT PUBLIC INFORMATION OFFICER

WHEREAS, a Search Committee was formed to conduct interviews to determine who best meets the qualifications for the position of Niagara County Public Information Officer for Niagara County and it is anticipated that the Search Committee will have completed its interviews and be able to make its recommendation at the December 10, 2019 meeting of the Niagara County Legislature, and

WHEREAS, that the Search Committee will makes its recommendation and name the candidate it deems most qualified by the Search Committee to fulfill the position of Niagara County Public Information Officer for the consideration, appointment and confirmation by the Niagara County Legislature, and

WHEREAS, the position of Niagara County Public Information Officer is fully funded for FY2020 in the Niagara County Legislature Office's budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature has considered the recommendation of the Search Committee and hereby appoints the most qualified candidate for the position of Niagara County Public Information Office, at FLSA Exempt, Flat Salary Grade 12, Step 5, at an annualized salary of \$79,003.00, effective January 1, 2020 with future step increases in accordance with the policy for flat salaried, non-union employees, and be it further

RESOLVED, that this Public Information appointment is based on the candidate deemed most qualified by the Search Committee following the consideration by the Niagara County Legislature and shall be subject to a fifty-two (52) week probationary period and that continued employment shall be contingent upon satisfactory work performance in meeting established standards.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, David E. Godfrey, DATE: 12/10/19 RESOLUTION # IL-075-19

et al.

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

RESOLUTION ASKING FOR NEW YORK STATE TO REPEAL OR DELAY THE IMPLEMENTATION OF CHANGES TO THE AMENDMENTS TO THE PROVISION OF DISCOVERY MATERIAL TO CRIMINAL DEFENDANTS

WHEREAS, the recently passed amendments to New York State law will, commencing January 1st, 2020, make significant changes to criminal procedure in the area discovery reform, and

WHEREAS, with discovery reform, prosecutors will be required to disclose evidence to the defense within 15 days of arraignment for an indictment or criminal charge or issuance of an appearance ticket, and

WHEREAS, the Niagara County District Attorney has previously implemented local policies and practices to work within an open file system, encourage speedy trial and provide criminal justice protections for defendants, and

WHEREAS, Niagara County has hired, and is attempting to hire, additional positions in the District Attorney's office and Sheriff's Office to handle the predicted increase in workload caused by said discovery reform, and

WHEREAS, Niagara County has implemented the use of some electronic systems to allow the collection, receipt, scanning, review, delivery, storage, and retrieval of evidence, but has not completed the analysis of internal process to determine where further efficiency improvements can be made, the review of available electronic systems, funding determinations, installation, training, that is all necessary to manage discovery materials in an improved manner, and

WHEREAS, the hiring and full training of new personnel, and the further transition of the District Attorney's Office and local police agencies to new coordinated electronic systems will not be accomplished by January 1, 2020, and

WHEREAS, the amendments to the discovery rules includes application to all vehicle and traffic infractions, in addition to violation, misdemeanor and felony level Vehicle and Traffic Law charges, and

WHEREAS, under common practice, in the local courts, a prosecutor does not see the paperwork on a vehicle and traffic infraction until the time of the court appearance. The application of the mandate to Vehicle and Traffic Law infractions drastically enlarges the scope of material that a prosecutor must review and deliver within fifteen days, and will change the established procedure for review prior to an initial court date, such that management of these cases will overwhelm the ability of the present staffs to prosecute those cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute such vehicle and traffic infractions in compliance with the new discovery provisions, and

WHEREAS, the office of New York State's chief law enforcement officer, Attorney General Letitia James, testified at a state legislative hearing on October 28, 2019, that there will be implementation difficulties because prosecutors across the state lack the resources required to fully comply with discovery mandates, and

WHEREAS, the Attorney General's office further testified that their own office, which carries a limited criminal caseload, lacks resources required to fully comply with discovery mandates and consequently needs an additional \$10 million in state funding, and

WHEREAS, the short time period between passage of the amendments to CPL Section 245, and implementation of the Law, seven months, has led to not just the New York State Attorney General, but almost every prosecutor's office

in the State attempting to hire attorneys, paralegals, investigators, and administrative staff, that have criminal law expertise, all at the same time and from a limited pool of qualified applicants, and

WHEREAS, even if District Attorneys have been able to get approval of the large budget increases that the new staffing requires, and can identify and hire suitable attorneys, paralegals, investigators, and administrative staff before the January 1, 2020 commencement date, these new employees need to undergo training within their new offices as well as with the new bail and discovery requirements, and

WHEREAS, complying with the new discovery mandates requires a careful review and amendment of the existing evidence handling procedures within each prosecutor's office to identify gaps where evidence is not being received and efficiently processed, and to determine where technology can be employed to facilitate compliance, with particular issues for counties that have not yet adopted electronic systems for scanning, managing, reviewing, delivering and storing, evidence, and

WHEREAS, the guidance and training provided by New York State to date has been inadequate to effectively provide training on discovery reform, and

WHEREAS, in making such a significant change to the management and delivery of discovery materials, speed of implementation should be balanced with appropriate budgetary concerns and an overall goal of sharing best practices among District Attorneys' Offices, with New York State taking the lead in identifying those best practice technologies and providing the technical assistance to install and operate them on a local level, and also providing training to local judges on the new management practices related to these discovery mandates, and

WHEREAS, if successful discovery reform is a New York State legislative goal, then the New York State Legislature should **fully fund the cost of the required changes** to internal procedures within District Attorney's Offices and police agencies necessary for the faster processing and management of evidence in criminal cases, and

WHEREAS, fifteen days is not practicable for the exchange of "automatic discovery" required by the new law, nor does it enhance fairness in the Criminal Justice System. A more realistic time frame could be agreed upon that would promote an efficient and thorough discovery process without the undue burden on prosecutor and law enforcement offices across the state, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby request that the New York State Legislature repeal the above referenced amendments to the Criminal Procedure Law, and be it further

RESOLVED, that in the event the New York state Legislature does not repeal the aforementioned amendments to the Criminal Procedure Law, the following improvements to these amendments be implemented as soon as possible:

1. Fund all costs associated with compliance with said amendments, including but not limited to all new positions, training of new personnel, technology upgrades and maintenance and any investment in criminal laboratory equipment and/or increased criminal laboratory fees required to meet the amended standards,
2. Provide judges with additional comprehensive guidance necessary for implementation of the new rules on the release of discovery materials to defendants as enumerated in this resolution;
3. Repeal the provision that makes the new discovery mandates applicable to Vehicle and Traffic Law infractions (excluding violations of Vehicle and Traffic Law Section 1192 and other Vehicle and Traffic Law misdemeanors);

RESOLVED, further, that copies of this resolution be provided to Attorney General Letitia James, Lieutenant Governor Kathy Hochul, Governor Andrew Cuomo, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York State Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and County Attorneys' Association of the State of New York.

LEGISLATOR RANDY R. BRADT

LEGISLATOR DAVID E. GODFREY

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR JESSE P. GOOCH

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, David E. Godfrey, DATE: 12/10/19 RESOLUTION # IL-076-19

et al.

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

IMPLOING THE STATE OF NEW YORK TO IMMEDIATELY REPEAL OR DELAY IMPLEMENTATION OF BAIL AND DISCOVERY REFORM LAWS THAT WILL ENDANGER THE PEOPLE OF NEW YORK AND REVERSE DECADES OF BIPARTISAN PROGRESS IN REDUCING CRIME

WHEREAS, the Niagara County Legislature recognizes the need for statewide bail reform, and

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children, and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect, and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s, and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes, and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public, and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families, and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody, and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community, and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody, and

WHEREAS, these crimes include Female Genital Mutilation; Stalking in the Second Degree; and Aggravated Harassment, resulting in those suspected of violating victims in this manner being returned to the community of those victims, and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals, and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals, and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people, and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting, and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law, and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution, and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020, and

WHEREAS, the State Commission of Corrections has NOT revised the minimum staffing requirement for each local correctional facility upon implementation of this legislation to adjust for expected reductions in local jail census, and

WHEREAS, these bail laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime, and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby implores the State of New York to immediately repeal or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019, and be it further

RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Lieutenant Governor Kathy Hochul, Governor Andrew Cuomo, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York State Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and County Attorneys' Association of the State of New York.

LEGISLATOR RANDY R. BRADT

LEGISLATOR DAVID E. GODFREY

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR JESSE P. GOOCH

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MICHAEL A. HILL