

Interaction of Town and Village Boards with Justice Courts

Jefferson Community College

March 26, 2015

Local
Government
Conference
3/26/2015

Town Board/Village Board

Interaction with Court

1. Establish Budget
 - Includes Salary and Benefits Judge and Clerk
2. Capital Purchases or Improvements
3. Use of Town Facilities – Courtroom-Dates and Times
4. Audits Court's Finances and Records
5. Establishes Local Laws
6. Directs Litigation on Violation of Local Laws
7. Assist in applying for grants (JCAP)

Highway Superintendent/DPW Superintendent Interaction with Court

1. Very limited
2. May be authorized to issue tickets for minor violations of Town/Village Laws regarding roads (Parking, etc.)

Town/Village Clerk Interaction with Court

1. Taking/Filing Oaths of Office
2. Can Post Hours of Court on Sign Board
3. Can be interface for Scheduling Use of Facilities for Court
4. Filing Resignations
5. Vouchering

Planning Board

Interaction with Court

1. Very Little – Not an Enforcement Board

Zoning Board of Appeals (ZBA)

Interaction with Court

1. No direct interaction – not an enforcement board
2. On case involving Zoning Law violation – defendant may want interpretation of Zoning Law. If so, will apply to ZBA – Stays Court case.

Zoning/Code Enforcement Officer (ZEO & CEO)

Interaction with Court

1. File appearance ticket – where authorized to do so
2. File accusatory instrument
3. Is prime witness as case goes through Court
4. Monitors ongoing compliance – on conditional discharge or ACD

Town/Village Attorney

Interaction with Court

1. Prosecutes local law violations when authorized by DA (VanSickle letter) to do so
2. The primary contact between Town/Village and Court on such violations for scheduling/appearances/trials, etc.

Problem Areas

Problem Areas

One-on-One Contact

- One-on-One contact with ZEO/CEO or Town official on a pending case
 - Same for One-on-One contact with a Defendant

Problem Areas

Scheduling

- Knowing dates and times, facilities available for Court
- Knowing dates and times, Town/Village attorney availability
- Who serves documents – Summons/Appearance Ticket
- Arraignments

Problem Areas

Understanding Local Law/Ordinance

- Be sure to have copy
- Clarity issue – use of ZBA
- Be aware of definitions
- Be aware of fine structures
- Continuing violations

Problem Areas

Budget Issues

- Making budget request
 - Equipment
 - Supplies
 - Salary & Benefits
 - Capital Improvements
- How to process vouchers
- Applying for grants (JCAP)

Problem Areas Audit Issues

- Annual Audit by Town/Village Board
 - Bail account
 - Fine account
 - Administrative account
- Monthly reports - Optional

Court Efficiencies

1. Village court dissolutions
2. Towns using one justice
3. UCJA
 - Shared justices
 - Shared facilities
 - Consolidated courts

Questions?

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