

*Monroe County
Clerk of the Legislature*

*Jamie L. Slocum
Clerk*



*Heather D. Halstead
Deputy Clerk*

*David Grant
Assistant Deputy Clerk*

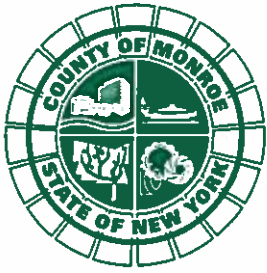
M E M O R A N D U M

TO: Legislators, Directors, Staff and Media
FROM: Jamie L. Slocum, Clerk of the Legislature *JS*
DATE: January 11, 2016
RE: Matters of Urgency – File Nos. 16-0003 and 16-0004

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- 16-0003** Amending Monroe County Code Chapter 357, Article XII, to Extend Residential-Commercial Urban Exemption (RESCUE) Program – As a Matter of Urgency – Legislator Tony Micciche
- 16-0004** Reappointment of the Public Defender – As a Matter of Urgency – President Anthony J. Daniele

Per President Anthony J. Daniele, the attached communications are declared to be Matters of Urgency pursuant to Section 545-24 (A) (3) of the Rules of the Monroe County Legislature and will be considered at the January 12, 2016 meeting of the Monroe County Legislature.

Attachments.



Monroe County Legislature

TONY MICCICHE
LEGISLATOR - DISTRICT 26

January 4, 2016

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Amending Monroe County Code Chapter 357, Article XII, to Extend Residential-Commercial Urban Exemption (RESCUE) Program

Honorable Legislators:

We recommend that this Honorable Body enact a Local Law to extend the Residential-Commercial Urban Exemption (RESCUE) Program for an additional three-year period from 2016 through 2018. We are in receipt of a letter from the County Executive certifying as to the necessity of the immediate passage of this proposed Local Law. The City of Rochester authorized its extension for another three-year period in December 2015. The County could not enact its Local Law until the City Council had adopted its legislation first. The City's taxable status date is February 1, 2016, therefore, it is necessary to adopt this Local Law by January 31, 2016.

The RESCUE program was adopted by the Monroe County Legislature on January 13, 2004 by Local Law No. 1 of 2004 and most recently extended by the Monroe County Legislature on January 8, 2013 by Local Law No. 1 of 2013. The program, a significant economic development and redevelopment tool, is set to expire unless extended by this Honorable Body.

Section 485-a of New York State Real Property Tax Law permits counties containing cities with populations of 50,000 to 1,000,000 that have adopted the RESCUE program to opt into the program, by local law. The intent of the program is to encourage the conversion of underutilized office, retail manufacturing and warehouse buildings to mixed residential-commercial uses in downtown areas of Upstate cities. Properties that are converted from non-residential to mixed residential-commercial use can receive partial exemptions from property taxes and special *ad valorem* levies for up to twelve (12) years. To qualify for the exemptions, the property must be located within the Center City District; owners must invest at least \$250,000 in converting the property; and must provide a minimum of 25% of the total developed space for residential purposes.

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No. <u>160003</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
URGENT -L

The specific legislative action required is to approve the attached proposed Local Law to extend the Residential-Commercial Urban Exemption (RESCUE) Program.

This Local Law will have no impact on the expenditures of the Monroe County budget and provides significant potential for increased revenues to the Monroe County budget upon expiration of the proposed exemptions.

Sincerely,

A handwritten signature in cursive script that reads "Tony Micciche".

**Tony Micciche
Monroe County Legislature
District 26**

By Legislators _____ and _____

Intro. No. ____

LOCAL LAW NO. ____ OF 2016

AMENDING MONROE COUNTY CODE CHAPTER 357, ARTICLE XII, TO EXTEND RESIDENTIAL-COMMERCIAL URBAN EXEMPTION (RESCUE) PROGRAM

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Chapter 357, Article XII of the Monroe County Code is hereby amended to read as follows:

ARTICLE XII, Residential-Commercial Urban Exemption Program

§357-46. Authorization for exemption.

Pursuant to §485-a of the Real Property Tax Law, and as provided under this section, this Body hereby authorizes an exemption from real property taxation and special ad valorem levies attributable to the increase in assessed value associated with the conversion to mixed residential-commercial use for properties eligible for said exemption.

§357-47. Eligibility.

An eligible real property must be located within the City of Rochester Center City Zoning District. The cost of the conversion to mixed-use residential-commercial shall have a minimum cost of two hundred fifty thousand dollars (\$250,000) and provided further that as a result of the conversion at least twenty-five percent (25%) of the total developed floor space is used for residential purposes.

This local law shall be in effect for the years of 2004 through ~~2018~~2015 assessment rolls. Any property that is granted an exemption on one of those rolls shall remain eligible for the additional years of exemption on that property, provided the property continues to meet the requirements of §485-a.

§357-48. Duration and computation of exemption.

The exemption is calculated as a percentage of the exemption base, which is the increase in assessed value attributable to the conversion. The base shall be determined for each year in which there is such an increase attributed to an eligible conversion. The exemption is to be calculated by the following method:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1 through 8	100% of Exemption Base
9	80% of Exemption Base
10	60% of Exemption Base
11	40% of Exemption Base
12	20% of Exemption Base

§357-49. Application for exemption.

Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribe in such forms and shall be filed in such Assessor's office at least 90 days before the date for filing the final assessment roll.

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Deleted language is ~~stricken~~
Added language is underlined

Matter of Urgency
File No. 16-0XXX.LL

ENACTED: Date: _____, 2016 Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____



Monroe County Legislature
Office of the President

ANTHONY J. DANIELE
PRESIDENT

January 11, 2016

To the Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. <u>16004</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
URGENT -L

RE: Reappointment of the Public Defender

Honorable Legislators:

I, Anthony J. Daniele, President of the Monroe County Legislature, do hereby submit to your Honorable Body for your confirmation the reappointment of Timothy P. Donaher as Public Defender, pursuant to Section C7-5 of the Monroe County Charter.

Mr. Donaher resides at 30 Pennicott Circle, Penfield, NY 14526 and has served the people of Monroe County as the Public Defender since January 2008. Attached is the Office of the Public Defender 2015 Annual Report and his resume.

The specific legislative action required is to appoint Mr. Timothy P. Donaher as Public Defender, for a two year term beginning January 1, 2016 and expiring December 31, 2017.

This resolution will have no fiscal impact on Monroe County's Budget.

Sincerely,

Anthony J. Daniele
President
Monroe County Legislature

TIMOTHY P. DONAHER

30 Pennicott Circle
Penfield, New York 14526

BUSINESS ADDRESS:

Monroe County Public Defender's Office
10 N. Fitzhugh Street
Rochester, New York 14614
Phone: (585) 753-4531 (work)
(585) 704-5893 (cell)

PERSONAL DATA:

Age: 47
Date of Birth: September 5, 1968
Place of Birth: Pittsburgh, Pennsylvania

EDUCATIONAL BACKGROUND:

SUNY Buffalo School of Law
309 O'Brian Hall Buffalo, NY 14260-1100
Received Juris Doctor Degree, 1993
Admitted NYS Bar, 1994

SUNY Binghamton
PO Box 6000 Binghamton, NY 13902-6000
Double Degree Program

Harpur College: Bachelor of Arts Degree in
English Literature, 1990
School of Management: Bachelor of Science Degree in
Accounting, 1990

LEGAL EXPERIENCE:

February 2008 to
Present

MONROE COUNTY PUBLIC DEFENDER
10 N. Fitzhugh Street, Rochester, New York 14614

Responsible for supervising an Office of 70 attorneys and 25 support staff, which provides legal services to indigent individuals. Oversee a budget of approximately \$8.8 million.

February 2000 to
February 2008

MONROE COUNTY PUBLIC DEFENDER'S OFFICE
Assistant Public Defender, Appeals Bureau

Responsible for perfecting appeals of felony convictions and Family Court matters to the Appellate Division, Fourth Department and the New York Court of Appeals, as well as misdemeanor appeals to the Monroe County Court, and parole denial appeals. Duties include reviewing trial records, researching relevant legal issues, filing motions, preparing briefs and records and orally arguing cases before the Appellate Division and the Court of Appeals. Perfected over 175 appeals to the Appellate Division, Fourth Department and New York Court of Appeals.

January 1996 to
January 2000: DOYLE & DONAHER, Times Square Building, Suite 625,
Rochester, New York 14614

Founder and Partner of law firm established in 1996 concentrating in civil litigation, criminal defense, and general corporate work. Represented clients in a variety of litigation, including personal injury, breach of contract, criminal defense, real estate, and professional discipline.

July 1994 to
January 1996: LAW OFFICES OF DANIEL J. DOYLE, 1150 University Avenue
Rochester, New York 14610

MEMBERSHIPS:

CHIEF DEFENDERS ASSOCIATION OF NEW YORK
President, 2014-2015

OFFICE OF COURT ADMINISTRATION COMMITTEE ON CRIMINAL JURY INSTRUCTIONS
Member, 2012 to 2015

UNITE ROCHESTER – JUSTICE COMMITTEE
Member

OFFICE OF COURT ADMINISTRATION ADVISORY COMMITTEE ON E-FILING IN CRIMINAL ACTIONS AND PROCEEDINGS
Member

NEW YORK STATE BAR ASSOCIATION TASK FORCE ON CRIMINAL DISCOVERY
Member

7TH JUDICIAL DISTRICT ADMINISTRATIVE JUDGE'S PLANNING TASK FORCE
Member

MONROE COMMUNITY COLLEGE
Paralegal Advisory Committee
Law & Criminal Justice Department Advisory Committee

RELATED EXPERIENCE:

SUNY AT BROCKPORT, 350 New Campus Drive, Brockport, New York 14420
Adjunct Lecturer, Department of Political Science and International Studies
Spring, 2001 through Fall, 2011. Taught courses in constitutional law, the court system,
and the death penalty.

KEUKA COLLEGE, Keuka Park, New York 14478
Adjunct Professor, Division of Business & Management.
Fall, 1998 through Spring, 1999. Taught courses in business law.

MONROE COUNTY BOARD OF ETHICS
Boardmember, Appointed 2007
Resigned August, 2008

COUNTY ATTORNEYS' ASSOCIATION OF THE STATE OF NEW YORK
Seminar Lecturer, "*Indigent Defense Options for New York Counties*", April 30, 2013

NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
Seminar Lecturer, "*Ignition Interlock Devices: Perils, Pitfalls...and Opportunities*", June 25,
2011

NEW YORK STATE DEFENDERS ASSOCIATION
Seminar Lecturer, "*Ignition Interlock Devices*", November 12, 2010

MONROE COUNTY BAR ASSOCIATION
Seminar Lecturer, "*Fourth Annual Criminal Justice Forum: Ethics*", February 12, 2010
Seminar Lecturer: "*Current Development in Ethics for Criminal Practitioners*", February 12,
2015

APPELLATE DIVISION, FOURTH DEPARTMENT
Assigned Counsel Family Court Appeals Mandatory Eligibility Training
Seminar Lecturer, November 17, 2007
"*Substantive and Procedural Issues on Appeal--Part II: Child Support, Paternity, Family
Offenses, Custody/Visitation/Adoption*"

JUDICIAL PROCESS COMMISSION, 121 N. Fitzhugh Street, Rochester, New York 14614
Lecturer, August 10, 2006
"*Collateral Employment Consequences of a Criminal Conviction*"

DISCOVERY-HUTHER DOYLE, 360 East Avenue, Rochester, New York 14604
Lecturer, October 12, 2005
"*Collateral Employment Consequences of a Criminal Conviction*"

UNITY HEALTH SYSTEMS, ATEP PROGRAM, 845 West Main Street, Rochester, New York 14611

Lecturer, August 30, 2005

“Collateral Employment Consequences of a Criminal Conviction”

ARTICLES & PUBLICATIONS:

“Trial by Reason and Not Surprise”, Timothy P. Donaher and Andrew Correia, *Atticus*, Winter 2011

PROFESSIONAL ASSOCIATIONS:

American Bar Association

National Association of Criminal Defense Lawyers

National Association for Public Defense

New York State Bar Association

Chief Defenders Association of New York (President, 2014-2015)

New York State Defenders Association

New York State Association of Criminal Defense Lawyers

Greater Rochester Association of Women Attorneys

References Available Upon Request

By Legislators _____ and _____

Intro. No. ____

RESOLUTION NO. ____ OF 2016

REAPPOINTMENT OF TIMOTHY P. DONAHER AS PUBLIC DEFENDER

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. In accordance with the provisions of Section C7-5 of the Monroe County Charter, Timothy P. Donaher is hereby reappointed as Public Defender, for a two-year term beginning January 1, 2016 and expiring December 31, 2017.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency
File No. 16-0XXX

ADOPTION: Date: _____ Vote: _____