

Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

21793

September 21, 2011

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan  
County Attorney

RE: Resolution authorizing the County of Westchester to enter into an Agreement with New York State Office of Indigent Legal Services for the receipt of \$409,340.00 to improve the quality of indigent legal services provided by the County for the period June 1, 2011 to May 31, 2012.

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Article 18-B of the County Law requires each County to establish a plan for providing counsel to certain indigent persons. Such a plan may be established by agreement with a legal aid society and/or bar association. The Legal Aid Society of Westchester County, Inc. ("The Legal Aid Society") and the Westchester County Bar Association have been providing these services for many years pursuant to agreements with the County.

Earlier this year, the New York State Office of Indigent Legal Services ("OILS") advised counties throughout the State that they could make an application for additional funding. The application had to contain a plan to use the additional funds to improve the delivery of legal services to indigent defendants. The Legal Aid Society provided such a plan to the County. Said plan was submitted by the County to the OILS. The State advised that it had approved the plan submitted by the County for the provision of additional services to improve the quality of legal services provided to indigent persons. The notice advised that the County had been awarded \$409,340. The County recently received a copy of the agreement with the State authorizing the award of these funds and the annexed resolution authorizes the County to enter into this agreement with OILS. These additional funds provided by OILS can only be used to supplement and not supplant any local funds which the County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to Article 18-B of the County Law. It should be noted that a resolution was approved on May 26, 2011 authorizing the County to amend its contract with the Legal Aid Society of Westchester, Inc. and the Westchester County

Bar Association to include the additional services. However, that amendment will not be fully executed until the attached resolution authorizing the agreement with OILS is approved.

These additional funds will be utilized by the Legal Aid Society to retain two additional staff attorneys to service the Special Problems Courts as mandated by the Office of Court Administration. Westchester County currently has five of these courts. Three additional attorneys would also be hired by The Legal Aid Society in an effort to comply with the standards of the Kaye Commission establishing standards for caseload size per attorney. Also, a portion of the additional funds would be utilized to fund defense experts and investigators and upgrades in defense computer hardware. New York State OILS requires that a report be filed in 60 days concerning how the money has been spent to improve legal services. The Legal Aid Society will be responsible for producing this report.

The agreement with OILS serves a public purpose in that it will enable the County to improve the quality of legal services provided to certain indigent persons. The goals and objectives are to provide the additional funds necessary to ensure that effective counsel is provided in a cost efficient manner. The cost effectiveness of The Legal Aid Society's performance under its agreement with the County is reviewed annually during the budget request process by both the Budget Department and my Office.

The agreement with OILS is exempt from the County's procurement policy pursuant to Section 3(a)iii thereof. No County funds will be expended for this purpose. Accordingly, approval of the attached resolution is recommended.

RFM/dm  
Attachment

APPROVED BOARD OF ACQUISITIONS & CONTRACTS - 10/13/2011 - JIMMY VERA, SECRETARY

**RESOLUTION**

Upon a communication from the County Attorney, be it

**RESOLVED**, that the County of Westchester be and is hereby authorized to enter into an agreement (the "Agreement") with New York State Office of Indigent Legal Services for the receipt of \$409,340.00 to improve the quality of indigent legal services provided by the County for the period June 1, 2011 to May 31, 2012; and be it further

**RESOLVED**, that the County Executive, or his duly authorized designee, is empowered to execute all documents necessary to effectuate the purposes thereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	52	1000	9734		\$409,340

Budget Funding Year(s) 2011-2012 Start Date 6/1/11 End Date 5/31/12  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid 100%  
\$ 409,340 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/13/2011 - JOMARY VEIRA, SECRETARY