

Office of the County Attorney

26715

May 4, 2012

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan
County Attorney

RE: Resolution authorizing the County of Westchester to extend an Agreement with the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association running from January 1, 2011 to December 31, 2011, for an additional fifteen months, through March 31, 2013

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. For 2011, pursuant to an agreement with the County (the "Agreement"), the Legal Aid Society of Westchester County, Inc. ("The Legal Aid Society") and the Westchester County Bar Association provided these services to the County. The current agreement among the parties expires on December 31, 2011.

On March 18, 2011, the New York State Office of Indigent Legal Services ("OILS") advised counties throughout the State that they could make an application by not later than March 25th 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. On April 29, 2011, 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 was been awarded \$409,340 (the "Additional Funds").

For these additional funds, the Legal Aid Society advised that it will 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. Pursuant to a resolution approved on May 26, 2011 (ID# 19167), the County amended the Agreement with the Legal Aid Society and the Westchester County Bar Association (which had a term commencing January 1, 2011 and terminating December 31, 2011) to include the additional services for the additional funds.

The Legal Aid Society recently notified the County that it was unable to expend all of the additional funds prior to the termination of the original contract term. The State has advised that it is willing to extend the grant term. Therefore, authority is requested to extend the term of the Agreement through March 31, 2013 to allow time for the expenditure of all of the additional funds.

This term extension will continue to serve a public purpose in that it will enable the County to fulfill its lawful obligation of providing counsel to certain indigent persons. The goals and objectives are to ensure that effective counsel is provided in a cost efficient manner. The cost effectiveness of The Legal Aid Society's performance under the agreement is reviewed annually during the budget request process by both the Budget Department and my Office.

Because these services are required by Article 18-B of the County Law, this amendment is exempt from the procurement policy pursuant to Section 3 (a) xi thereof.

Accordingly, attached herewith is a resolution authorizing an extension to the Agreement with The Legal Aid Society of Westchester County, Inc., and the Westchester County Bar Association through March 31, 2013 solely for the purpose of expending the Additional Funds. No County funds will be expended for this purpose.

RFM/dm
Attachment

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester be and is hereby authorized to extend an agreement (the "Agreement") for the provision of legal services (including ancillary administrative services) to persons entitled to counsel pursuant to Article 18-B of the County Law with the Legal Aid Society of Westchester, Inc., and the Westchester County Bar Association for the period January 1, 2011 through December 31, 2011, for an additional fifteen (15) months, through March 31, 2013 solely for the purpose of expending grant funds from the New York State Office of Indigent Legal Services ("OILS"); and be it further

RESOLVED, that the County shall have no financial liability to the Legal Aid Society of Westchester, Inc. for the services rendered during the extension period, other than to utilize any funds received from OILS for this purpose; and be it further

RESOLVED, that all other terms and conditions of the Agreement shall remain the same; 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.

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| Original Agreement | \$7,653,527.00 |
| First Amendment | 409,340.00 |
| This Extension | <u>-0-</u> |
| | \$8,062,867.00 |

| Account to be Charged/credited | Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|------|--|--------------------|---------------|---------|
| | | | | | | N/A |
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Budget Funding Year(s) 2011-2013 Start Date 1/1/11 End Date 3/31/13
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid X _____
 \$ N/A Federal Aid _____
 (must match resolution) Other _____