

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

29903

October 15, 2012

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 \$2,793,498.00 to improve the quality of indigent legal services provided by the County for the period June 1, 2012 to May 31, 2015

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 applications could be made 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 recently advised that it had approved the County's plan for the provision of additional services to improve the quality of legal services provided to indigent persons. The State notice advised that the County has been awarded an additional \$2,793,498 for a three year period commencing June 1, 2012. 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. A separate resolution will be submitted authorizing the County to enter into a new contract with the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association to include the additional services.

These additional funds will be utilized by the Legal Aid Society to retain additional staff attorneys and create new positions for a case manager, investigator, social worker and data entry clerk and obtain additional computer equipment and software, all in an effort to improve the quality of indigent legal services. Performance measures have been established to track the results of the new efforts.

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.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

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 enter into an agreement (the "Agreement") with New York State Office of Indigent Legal Services for the receipt of \$2,793,498.00 to improve the quality of indigent legal services provided by the County for the period June 1, 2012 to May 31, 2015; 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	2065	5100		\$2,793,498
	101	52	1000	9734		\$2,793,498

Budget Funding Year(s) 2012-2015 Start Date 6/1/12 End Date 5/31/15
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100%
\$2,793,498 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION CONTRACT - 11/15/2012 - JOMAR VERA, SECRETARY