

29905

October 17, 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 the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association to provide \$2,793,498 in State funds for the provision of additional services to improve the quality of legal services provided to Indigent Persons for the period June 1, 2012 to May 31, 2015

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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 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 a separate resolution submitted to your Board authorizes the County to enter into an 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.

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 in accordance with the plan submitted to OILS. Performance measures have been established to track the results of these new efforts.

This contract will continue to serve a public purpose in that it will enable the County to increase its effectiveness in 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 which I recommend for adoption authorizing a new contract with The Legal Aid Society of Westchester County, Inc., and the Westchester County Bar Association to provide additional state funding in the amount of \$2,793,498 for the provision of additional services to improve the quality of legal services provided to Indigent Persons within Westchester County. No County funds will be expended for this purpose.

RFM/dm  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/18 - JOMAR VIEIRA, 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 the Legal Aid Society of Westchester, Inc., and the Westchester County Bar Association to provide State funding in the amount of \$2,793,498 for the provision of additional legal services (including ancillary administrative services) to persons entitled to counsel pursuant to Article 18-B of the County Law for the period of June 1, 2012 through May 31, 2015 for the provision of additional services to improve the quality of legal services provided to Indigent Persons within Westchester County in accordance with the plan and budget prepared for the application for funding made to and approved by 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 pursuant to this agreement to the County, other than to utilize any funds received from OILS for this purpose; 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	2085	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 \_\_\_\_\_