

Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

**46371**

April 24, 2014

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan  
County Attorney

RE: Resolution authorizing the County of Westchester to enter into a Grant Agreement (for Upstate Quality Improvement and Caseload Reduction in the provision of mandated indigent legal services) with New York State Office of Indigent Legal Services for the receipt of \$258,344.00 (the "Grant") to improve the quality of mandated indigent legal services for the period January 1, 2014 through December 31, 2016 and to enter into an agreement with The Legal Aid Society of Westchester, Inc. for the period January 1, 2014 through December 31, 2016 to implement the workplan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$258,344.00.

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.

Last year, the New York State Office of Indigent Legal Services ("OILS") issued an RFP to counties throughout the State seeking proposals outlining a workplan for quality improvement and caseload reduction in connection with the delivery of mandated indigent legal services to eligible persons. The Legal Aid Society provided such a workplan to the County. Said workplan was submitted by the County to OILS. The State has advised that it approved the County's workplan to improve the quality of mandated indigent legal services for a three year period commencing January 1, 2014 with a grant award of \$258,344.00. The annexed resolution authorizes the County to enter into a grant agreement with OILS for the receipt of the grant funds. 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 mandated indigent legal services.

The attached resolution also authorizes the County to enter into a new contract with the Legal Aid Society of Westchester, Inc. to implement the workplan. Specifically, the workplan includes the following tasks; 1. Develop a case management system that will manage the assignment and rotation of 18-B counsel throughout Westchester County, handle on-line vouchering, processing and paying functions, data collection and report generating functions; 2. Hire new staff to assist the 18-B Administrator with functions relating to the administration and organization of the 18-B program, such as identifying issues with assignments, making necessary adjustments and other items related to 18-B cases; and 3. Collect and report data annually, in statistical and narrative form, to measure the impact of the Upstate Caseload Reduction and Quality Improvement Project, and analyze and evaluate project outcomes. The grant funds will be utilized by the Legal Aid Society to fund these additional services.

The contracts with OILS and the Legal Aid Society of Westchester, Inc. will serve a public purpose in that they will enable the County to increase its effectiveness in providing counsel to indigent persons. The goals and objectives of both contracts are 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. Since indigent legal services are required by Article 18-B of the County Law, the agreement with The Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association is exempt from the procurement policy pursuant to Section 3 (a) xi thereof. No additional County funds will be expended for this purpose.

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.

Accordingly, approval of the attached resolution is recommended.

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 a grant agreement with New York State Office of Indigent Legal Services (Upstate Quality Improvement and Caseload Reduction Grant) for the receipt of \$258,344.00 to improve the quality of mandated indigent legal services for the period January 1, 2014 to December 31, 2016; and be it further

**RESOLVED**, that the County of Westchester be and is hereby authorized to enter into an agreement with the Legal Aid Society of Westchester, Inc. to implement the County workplan under the Upstate Quality Improvement and Caseload Reduction Grant from the New York State Office of Indigent Legal Services in an amount not to exceed \$258,344 for the period of January 1, 2014 through December 31, 2016, payable pursuant to an approved budget; 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		\$258,344
	101	52	1000		9734	\$258,344

Budget Funding Year(s) 2014-2016 Start Date 1/1/14 End Date 12/31/16  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid 100%  
\$258,344.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_