

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

52818

September 21, 2016

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 a Regional Immigration Assistance Center Grant (Contract No. 000855) (the "Grant") with the New York State Office of Indigent Legal Services for the receipt of \$1,350,000.00 to improve the quality of mandated indigent legal services for the period November 1, 2015 through October 31, 2018 and to enter into an agreement with The Legal Aid Society of Westchester for the period November 1, 2015 through October 31, 2018 to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$1,350,000.00.

Article 18-B of the County Law requires each County in New York State (the "State") 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 ("The Legal Aid Society") and the Westchester County Bar Association have been providing these services for many years pursuant to agreements with the County.

On September 23, 2014, the New York State Office of Indigent Legal Services ("OILS") issued a Request for Proposals ("RFP") to counties throughout the State seeking proposals outlining a work plan for a Regional Immigration Center to support regional initiatives aimed at improving the quality of indigent legal services. The County, through The Legal Aid Society provided such a work plan to OILS in response to the RFP. The purpose of the Grant in connection with the RFP is the creation of Regional Immigration Assistance Centers throughout the State to ensure that providers of indigent legal services within each designated region have access to the training and legal support necessary to provide

competent advice to a noncitizen client as to potential immigration consequences of a criminal conviction in compliance with the legal obligations established by the Supreme Court in *Padilla v. Kentucky*, 130 S. Ct. 1474 (2010).

The State has advised that it approved the County's work plan for a Regional Immigration Assistance Center for the Hudson Valley Region which includes the counties of Westchester, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan and Ulster for the period commencing November 1, 2015 through October 31, 2018 with a grant award of \$1,350,000.00. In this regard, OILS provided the proposed grant agreement to the County on July 27, 2016 (the "Grant Agreement"). The annexed resolution authorizes the County to enter into the 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 agreement (the "Agreement") with The Legal Aid Society to implement the work plan in connection with the Grant Agreement. Specifically, the work plan includes the following tasks: 1) Establish a Regional Immigration Assistance Center ("Center") to provide immigration training, mentoring, and technical assistance to the indigent legal services providers in the nine (9) counties that make up the Hudson Valley Region; 2) The Center will hire two attorneys to provide, on a region wide basis, criminal immigration and family immigration legal assistance to providers of indigent defense; 3) The Center will partner with the New York State Defender's Association and other community-based organizations to provide region-wide continuing legal education and training; 4) The Center will provide training scholarships to a limited number of criminal and family law indigent defense legal service providers; 5) In addition to monthly visits to all counties in the Hudson Valley region, the outreach conducted by the Center will consist of "marketing to mandated providers" the availability of high quality education; 6) The Center will provide for the operation of a staffed telephone hotline to respond to questions and assist callers on a wide range of issues related to immigration law; and 7) Collect and report data annually, in written form, to measure the impact of the Regional Immigration Assistance Centers project and analyze and evaluate project outcomes. The grant funds will be utilized by The Legal Aid Society to fund these additional services.

The agreements with OILS and The Legal Aid Society will serve a public purpose in that they will enable the County to improve its effectiveness in providing counsel to indigent persons. The goals and objectives of both agreements 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. Further, contained in the Grant Agreement are performance measures required by OILS that The Legal Aid Society will need to satisfy.

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 is exempt from the procurement policy pursuant to Section 3(a)xi. It should be noted that Section 3(a)xiv of the procurement policy is applicable to the agreement with The Legal Aid Society as well. No County funds will be expended for these agreements.

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/lac
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/10/2016 - LISA MRIJAJ, 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 a grant agreement with New York State Office of Indigent Legal Services (Regional Immigration Assistance Center Contract No. C00085) (the "Regional Immigration Assistance Center Grant") for the receipt of \$1,350,000.00 to improve the quality of mandated indigent legal services by the creation of a Regional Immigration Assistance Center for the Hudson Valley Region for the period November 1, 2015 to October 31, 2018; 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 to implement the County work plan under the Regional Immigration Assistance Center Grant from the New York State Office of Indigent Legal Services in an amount not to exceed \$1,350,000.00 for the period of November 1, 2015 through October 31, 2018, 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
2016	101	52	2085	5100		\$450,000
2017	101	52	2085	5100		\$450,000
2018	101	52	2085	5100		\$450,000

Budget Funding Year(s) 2015-2018 Start Date 11/1/15 End Date 10/31/18
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100%
\$1,350,000 Federal Aid _____
 (must match resolution) Other _____