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DATE: April 28, 2020

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

RE: Resolution authorizing the County of Westchester to enter into a grant agreement for the Upstate Model Family Representation Office grant (Contract No. C01UMFRO) (“Grant”) with the New York State Office of Indigent Legal Services for the receipt of \$2,610,417 to establish a model Family Representation Office for the period October 1, 2019 through September 30, 2022 and to enter into an agreement with Legal Services of the Hudson Valley for the period October 1, 2019 through September 30, 2022 to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$2,610,417

Article 18-B of the County Law (“Article 18-B”) requires each county in New York State (the “State”) to establish a plan for providing counsel to certain indigent persons. The New York State Office of Indigent Legal Services (“ILS”) issued a Request for Proposals (“RFP”) to counties throughout the State seeking proposals outlining a work plan for the Upstate Model Family Representation Office grant (Contract No. C01UMFRO) (“Grant”) establish a model Family Representation Office to provide legal representation to parents in child protective proceedings under New York Family Court Act, Article 10, and termination of parental rights proceedings to improve the quality of services provided under Article 18-B. Westchester County (“County”), through Legal Services of the Hudson Valley (“LSHV”), provided such a work plan to ILS in response to the RFP.

The State, through ILS has advised that it approved the County’s work plan for the Grant for the period October 1, 2019 through September 30, 2022 in the amount of \$2,610,417. The annexed resolution authorizes the County to enter into the grant agreement with ILS for the receipt of the grant funds (“Grant Agreement”). These additional funds provided by ILS 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 an agreement (“Agreement”) with LSHV to implement the work plan in connection with the Grant Agreement. Specifically, the work plan includes the following tasks: 1) provide partial salary for an Attorney-In-Charge position; 2) provide salary for a full-time Supervising Attorney; 3) provide salary for two full-time Staff Attorney positions; 4) provide salary for two full-time Parent Advocate positions; 5) provide salary and fringe benefits for two full-time Social Workers; 6) provide funding to contract with an IT consulting firm; 7) provide funding for the model Family Representation Office to retain necessary various individual Non-Attorney Professionals, such as transcription services, interpreters, experts, investigators, case workers, supervised visits, etc.; 8) provide funding for office space and costs associated with housing the model Family Representation Office; 9) provide funding for office furniture and office supplies needed for the seven model Family Representation Office staff; 10) provide funding for the necessary technology equipment and service fees for the model Family Representation Office staff; 11) provide funding for legal and social science service research materials; 12) provide funding for model Family Representation Office staff travel and for necessary client travel; 13) provide funding for model Family Representation Office staff training; and 14) provide funding for LSHV administrative staff.

The agreements with ILS and LSHV will serve a public purpose in that they will enable the County to improve its effectiveness in providing counsel to indigent persons and specifically to provide legal representation to parents in child protective proceedings under the New York State Family Court Act, Article 10 and termination of parental rights proceedings. The goals and objectives of both agreements are to ensure that effective counsel is provided in a cost efficient manner. The cost effectiveness of LSHV’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 ILS that LSHV will need to satisfy.

The agreement with ILS 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 LSHV is exempt from the procurement policy pursuant to Sections 3(a)xi and 3(a)xiv. No County funds will be expended for these agreements.

Accordingly, approval by your Honorable Board of the attached resolution is respectfully requested.

JMN/LAC
Attachment

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester (the "County") be and is hereby authorized to enter into a grant agreement with the New York State Office of Indigent Legal Services for the Upstate Model Family Representation Office grant (Contract No. C01UMFRO) ("Grant") for the receipt of \$2,610,417 for a model Family Representation Office to provide legal representation to parents in child protective proceedings under the New York Family Court Act, Article 10, and termination of parental rights proceedings for the period October 1, 2019 through September 30, 2022; and be it further

RESOLVED, that the County be and is hereby authorized to enter into an agreement with Legal Services of the Hudson Valley to implement the County work plan under the Grant in an amount not to exceed \$2,610,417 for the period October 1, 2019 through September 20, 2022, 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
2019-2020	101	52	2085	5100		\$852,716.56
2020-2021	101	52	2085	5100		\$858,780.84
2021-2022	101	52	2085	5100		\$898,919.60

Budget Funding Year(s) 2019-2022 Start Date 10/1/19 End Date 9/30/22
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100% _____
\$2,610,417 Federal Aid _____
 (must match resolution) Other _____