

19167

May 13, 2011

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan  
County Attorney

RE: Resolution authorizing the County of Westchester to amend an Agreement with the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association for the period January 1, 2011 to December 31, 2011, to increase the amount of the contract by \$409,340 for the provision of additional services to improve the quality of legal services provided to Indigent Persons

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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. The current agreement among the parties expires on December 31, 2011.

On March 18, 2011, the New York State Office of Indigent Legal Services ("OILS") advised counties throughout the State that they could make an application by no later than March 25<sup>th</sup> 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. On April 29, 2011, the State advised that it had approved the plan submitted by the County for the provision of additional services to improve the quality of legal services provided to indigent persons. The notice advised that the County has been awarded \$409,340.

For these additional funds, the Legal Aid Society has advised that it will retain two additional staff attorneys to service the Special Problems Courts as mandated by the Office of Court Administration. Westchester County currently has five of these courts. Three additional attorneys would also be hired by The Legal Aid Society in an effort to comply with the standards of the Kaye Commission establishing standards for caseload size per attorney. Also, a portion of the additional funds would be utilized to fund defense experts and investigators and upgrades in defense computer hardware. New York State OILS requires that a report be filed in 60 days concerning how the money has been spent to improve legal services. The Legal Aid Society will be responsible for producing this report.

This amendment will continue to serve a public purpose in that it will enable the County to fulfill its lawful obligation of 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 an amendment to the contract with The Legal Aid Society of Westchester County, Inc., and the Westchester County Bar Association to increase funding by \$409,340 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 - 05/26/2014 - COUNTY CLERK, SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it

**RESOLVED**, that the County of Westchester be and is hereby authorized to amend an agreement (the "Agreement") for the provision of legal services (including ancillary administrative services) to persons entitled to counsel pursuant to Article 18-B of the County Law with the Legal Aid Society of Westchester, Inc., and the Westchester County Bar Association for the period of January 1, 2011 through December 31, 2011, to increase funding by \$409,340 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"), including the preparation of the 60-day report required by the 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 amendment to the Agreement, other than to utilize any funds received from OILS for this purpose; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain the same; 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.

Original Agreement	\$7,653,527.00
First Amendment	<u>409,340.00</u>
	<u>\$8,062,867.00</u>

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	52	2085	5100		\$409,340.00
	101	52	1000	9734		\$409,340.00

Budget Funding Year(s) 2011 Start Date 1/1/11 End Date 12/31/11  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid 100% \_\_\_\_\_  
\$409,340 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_