



Office of the County Attorney
26714

May 4, 2012

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan
County Attorney

RE: Resolution authorizing the County of Westchester to extend an Agreement with New York State Office of Indigent Legal Services for the receipt of \$409,340.00 to improve the quality of indigent legal services provided by the County through March 31, 2013

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”) advised counties throughout the State that they could make an application for additional funding. These additional funds provided by OILS could 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. 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 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 had been awarded \$409,340. Pursuant to a resolution approved on October 13, 2011 (ID# 21793), the County executed an agreement with the State to receive the additional funds (the “State Agreement”). The term of the Agreement runs through May 31, 2012.

The Legal Aid Society recently notified the County that it will not be able to expend all of the funds prior to the expiration of the term of the State Agreement. The State further advised that the State Agreement may be extended if necessary through March 31, 2013 to allow for the

expenditure of all of the additional funding. Therefore, the attached resolution authorizes the extension of the State Agreement through March 31, 2013, at no cost to the County.

A separate resolution will also be submitted requesting an authorization to extend the term of the agreement with the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association for the provision of the additional services.

The State Agreement serves a public purpose in that it will enable the County to continue to improve the quality of legal services provided to certain indigent persons. The goals and objectives are to provide the additional funds necessary 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. No County funds will be expended for this purpose. 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 extend an agreement with New York State Office of Indigent Legal Services (the "State Agreement") for the receipt of \$409,340.00 to improve the quality of indigent legal services provided by the County through March 31, 2013; and be it further

RESOLVED, that all other terms and conditions of the State 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.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						N/A

Budget Funding Year(s) 2011-2013 Start Date 6/1/11 End Date 3/31/13
 (must match resolution)

Funding Source Tax Dollars _____ N/A _____

State Aid _____

\$ N/A Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JOMAR VEIRA, SECRETARY