

Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

**37815**

January 15, 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 Counsel at First Appearance) with New York State Office of Indigent Legal Services for the receipt of \$621,230.00 to improve the quality of indigent legal services provided by the County for the period June 1, 2013 to May 31, 2016 and to enter into an agreement with The Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association for the period June 1, 2013 through May 31, 2016 to provide counsel for eligible persons at their first court appearance in an amount not to exceed \$621,230

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.

Earlier this year, the New York State Office of Indigent Legal Services ("OILS") issued an RFP to counties throughout the State seeking proposals outlining a plan to improve the delivery of indigent defense services to eligible persons at a defendant's first appearance before a judge. The Legal Aid Society provided such a plan to the County. Said plan was submitted by the County to OILS. The State recently advised that it had approved the County's plan for the provision of additional services to improve the quality of legal services provided to indigent persons. The State notice advised that the County has been awarded \$621,230.00 for a three year period commencing June 1, 2013. The County recently received a copy of the agreement with the State authorizing the award of these funds and the annexed resolution authorizes the County to enter into this agreement with OILS. 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 counsel and expert, investigative and other services pursuant to Article 18-B of the County Law.

The attached resolution also authorizes the County to enter into a new contract with the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association to include the additional services for counsel at first appearances. The grant funds will be utilized by the Legal Aid Society to fund staff time to provide these additional legal services.

The contracts with OILS and the Legal Aid Society of Westchester, Inc. and the Westchester County Bar Association will serve a public purpose in that it 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 an agreement with New York State Office of Indigent Legal Services for the receipt of \$621,230.00 to improve the quality of indigent legal services by providing counsel at first appearance to eligible persons for the period June 1, 2013 to May 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., and the Westchester County Bar Association to provide counsel for eligible persons at their first court appearance in an amount not to exceed \$621,230 for the period June 1, 2013 through May 31, 2016, payable pursuant to an approved budget, 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"); 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   | 1000                                   | 9734               |               | \$621,230 |
|                                | 101  | 52   | 2085                                   | 5100               |               | 621,230   |
|                                |      |      |  |                    |               |           |
|                                |      |      |  |                    |               |           |

Budget Funding Year(s) 2013-2016 Start Date 6/1/13 End Date 5/31/16  
 (must match resolution)

Funding Source                      Tax Dollars \_\_\_\_\_  
    State Aid 100% \_\_\_\_\_  
\$621,230.00                              Federal Aid \_\_\_\_\_  
 (must match resolution)            Other \_\_\_\_\_