

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

April 14, 2016

51800

TO: Honorable Board of Acquisition and Contract

FROM: Robert F. Meehan
County Attorney

RE: Resolution authorizing the County of Westchester to 1) amend an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association in an amount not to exceed \$8,053,543 for the period January 1, 2016 through December 31, 2016 to increase the not to exceed amount by \$1,862,341.61 to a new not to exceed amount of \$9,915,884.61 to include grant funds that are anticipated to be received from New York State for improvements to indigent services; and 2) execute agreements with The Legal Aid Society of Westchester County, Westchester County Bar Association and the State of New York, extending the term for the grant agreement for Distribution No. 2 as defined herein from 5/31/15 to 11/30/16

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 (“Legal Aid Society”) and the Westchester County Bar Association have been providing these services for many years pursuant to agreements with the County.

On January 7, 2016, your Honorable Board authorized the County to enter into an Agreement with the Legal Aid Society and the Westchester County Bar Association whereby the County would pay to the Legal Aid Society an amount equal to \$8,053,543, payable in monthly installments in advance upon receipt of appropriate vouchers for their services for a term commencing January 1, 2016 and ending December 31, 2016 for indigent defense services and related administrative duties (the “Agreement”). The Agreement was subsequently executed.

Currently, there are four Grant Agreements in place between the County and New York State (the "State"), by and through its Office of Indigent Legal Services ("OILS"), which have been authorized by your Honorable Board for grant funds that are paid on a reimbursement basis to improve the legal services provided to indigent persons as follows:

1. Distribution No. 2 Grant

State Contract No. C000255

Term: 6/1/12 – 5/31/15 (to be extended to 11/30/16)

Original Amount: \$2,793,498

Authorized: 11/15/12

2. Counsel at First Appearance Grant

State Contract No. C000455

Term: 6/1/13 - 5/31/16

Original Amount: \$621,230

Authorized: 2/20/14

3. Distribution No. 3 Grant

State Contract No. C000355

Term: 6/1/13 – 5/31/16

Original Amount: \$2,793,498

Authorized: 12/18/14

4. Upstate Quality Improvement and Caseload Reduction Grant

State Contract No. C000655

Term: 1/1/14 – 12/31/16

Original Amount: \$258,344

Authorized: 5/21/15

The Legal Aid Society has requested that the County advance on a monthly basis certain approved yet not received grant funds that are anticipated to be received during the calendar year 2016. The grant funds anticipated to be received from the State are often delayed which impacts the operations of the Legal Aid Society and its ability to provide these important services. The total amount anticipated to be received for 2016 is \$1,862,341.61. These funds would be advanced in monthly installments as approved by the County and within the not to exceed amount based upon documentation submitted by the Legal Aid Society. In no event would the funds exceed the not to exceed amount and any funds not received from the State would be repaid to the County by the Legal Aid Society.

The proposed amendment to the Agreement serves a public purpose in that it will enable the County to better fulfill its lawful obligation of providing counsel to indigent persons by assisting the Legal Aid Society in its financial operations and cash flow.

The goals and objectives of the amendment to the Agreement are to assist the Legal Aid Society in its financial operations and cash flow.

The Agreement as amended will be tracked and monitored by the Law and Budget Departments.

Further, the State, through OILS, has extended the term for the grant agreement for Distribution No. 2 from a termination date of May 31, 2015 to November 30, 2016. In this regard, authority is requested from your Honorable Board for the County to execute agreements with OILS and with the Legal Aid Society and the Westchester County Bar Association to extend the termination date from May 31, 2015 to November 30, 2016.

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

RFM/lac

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/21/2016 - MICHAEL JAJ, SECRETARY

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 an agreement with The Legal Aid Society of Westchester ("Legal Aid Society") and the Westchester County Bar Association to amend the agreement executed between the parties in an original not to exceed amount of \$8,053,543 to increase the not to exceed amount by an additional \$1,862,341.61 to \$9,915,884.61 for the term January 1, 2016 through December 31, 2016 to be advanced in monthly installments as approved by the County and within the not to exceed amount based upon documentation submitted by the Legal Aid Society, with any funds not received from the State to be repaid to the County by the Legal Aid Society; and be it further

RESOLVED, the County be and is hereby authorized to enter into agreements with the Legal Aid Society and the Westchester County Bar Association and the State of New York, by and through its Office of Indigent Legal Services, to extend the termination date of Distribution No. 2 from May 31, 2015 to December 31, 2016; 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 hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	101	52	1000	9734			\$1,862,341.61
	101	52	2085	5100			\$1,862,341.61

Budget Funding Year(s) 2016 Start Date 1/1/16 End Date 12/31/16
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100%
 Federal Aid _____
 Other _____

\$ \$1,862,341.61
 (must match resolution)