

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

52812

DATE: September 26, 2016

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 OILS Distribution #5; grant contract no. C000755) with New York State Office of Indigent Legal Services for the receipt of \$5,586,993.00 to improve the quality of indigent legal services provided by the County for the period January 1, 2015 to December 31, 2017 and to enter into an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the period January 1, 2015 through December 31, 2017 to implement the County's indigent legal services work plan approved by the State in an amount not to exceed \$5,586,993.00

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 ("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 New York State Office of Indigent Legal Services ("OILS") issued an RFP (for Distribution #5) to counties throughout the State seeking proposals outlining a work plan ("Work Plan") to improve the delivery of indigent legal services to eligible persons. The Legal Aid Society provided such a Work Plan to the County which was submitted by the County to OILS. The Work Plan contains certain tasks to be completed by the Legal Aid Society, including but not limited to, the hiring of two Senior Attorney positions and another Attorney to provide legal representation, hiring Social Workers to assist attorneys and their clients with access to services and maintaining compliance with court orders, hiring of a Data Entry Clerk to relieve current office staff workloads, hiring of a Paralegal to provide paralegal support to attorney staff and improve service delivery by freeing up attorney time for client representation, hiring of an 18-B Program Manager, 18-B Investigator, and an 18-B Social Worker to assist indigent clients, track and report the number of cases each attorney handles and provide quality of representation, the expansion

of access to internet research services for 18-B assigned counsel and The Legal Aid Society, access subscriptions, legal reference material, and specialty publications, acquisition of equipment and technology to aid investigative personnel and attorneys in the production and presentation of exhibits and data, hiring of counsel at arraignment at Mount Vernon and Yonkers City Court and other miscellaneous and operational expenses, obtain licensing fees for 18-B providers to access online legal research, acquisition of an 18-B Cloud based storage server to aid legal research access, and E Document Management by using a computer system and software to store, manage, and track electronic documents and electronic images of paper based information captured through the use of a document scanner.

The State recently advised that it had approved the County's Work Plan for the provision of additional services to improve the quality of legal services provided to indigent persons and advised that the County has been awarded \$5,586,993.00. The County has 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 agreement with the Legal Aid Society and the Westchester County Bar Association for the additional services to be provided in accordance with the Work Plan approved by the State. The grant funds will be utilized by the Legal Aid Society and the Westchester County Bar Association to implement the Work Plan.

The agreements with OILS and The Legal Aid Society and the Westchester County Bar Association will serve a public purpose in that these agreements will enable the County to increase its effectiveness in providing counsel to indigent persons. The goals and objectives of both agreements are to ensure that effective counsel is provided in a cost efficient manner. The cost effectiveness of the Legal Aid Society's and the Westchester County Bar Association's performance under the 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 and the Westchester County Bar Association is exempt from the procurement policy pursuant to Section 3 (a) xi thereof. Further, it should be noted that this agreement is also exempt from the procurement policy pursuant to Section 3 (a) xiv 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/lac
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 a grant agreement with New York State Office of Indigent Legal Services for the receipt of \$5,586,993.00 to improve the quality of indigent legal services by implementing the County's indigent legal services work plan (Distribution #5; grant contract no. C000755) approved by the State for the period January 1, 2015 to December 31, 2017; 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 and the Westchester County Bar Association to improve the quality of indigent legal services by implementing the County's indigent legal services work plan (Distribution #5) approved by the State for the period January 1, 2015 to December 31, 2017 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
2016	101	52	2085	5100		\$1,862,329.00
2017	101	52	2085	5100		\$3,724,664.00

Budget Funding Year(s) 2016-2017 Start Date 1/1/15 End Date 12/31/17
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100%
\$5,586,993.00 Federal Aid _____
 (must match resolution) Other _____