

George Latimer  
County Executive

John M. Nonna  
County Attorney

66126

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna  
County Attorney

DATE: November 12, 2018

RE: Resolution authorizing the County of Westchester to enter into a Grant Agreement for Second Counsel at First Appearance (Contract #CAFA255) with New York State Office of Indigent Legal Services for the receipt of \$723,326.40 (the "Grant") to improve the quality of mandated indigent legal services for the period January 1, 2017 through December 31, 2019 and to enter into an agreement with The Legal Aid Society of Westchester County for the period of January 1, 2017 through December 31, 2019 to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$723,326.40

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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 ("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 a Request for Proposals to counties throughout the State seeking proposals outlining a work plan to improve the provision of mandated indigent legal services to eligible persons for the Second Counsel at First Appearance (Contract #CAFA255). The Legal Aid Society provided such a work plan to the County. The plan was submitted by the County to OILS. The State has recently advised that it approved the County's work 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 \$723,326.40 for a three year period commencing January 1, 2017 and expiring on December 31, 2019. The County 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 to include the grant work plan provisions. The grant funds will be utilized by The Legal Aid Society to fund the provisions of 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 agreement with OILS is exempt from the County's procurement policy pursuant to Section 3(a)iii thereof. 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)xiv thereof. No 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.

JMN/lac  
Attachment

**RESOLUTION**

Upon a communication from the County Attorney, be it

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with New York State Office of Indigent Legal Services for the receipt of \$723,326.40 pursuant to the Second Counsel at First Appearance (the "Grant") to improve the provision of legal services to indigent persons pursuant to Article 18-B of the County Law for the period January 1, 2017 through December 31, 2019; and be it further

**RESOLVED**, that the County is hereby authorized to enter into an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the period January 1, 2017 through December 31, 2019, payable pursuant to an approved budget, in accordance with the work plan and budget prepared for the application for funding made to and approved by the New York State Office of Indigent Legal Services; 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		\$723,326.40

Budget Funding Year(s): 2017-2019 Start Date: 1/1/17 End Date: 12/31/19  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid 100%  
\$723,326.40 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_