

George Latimer
County Executive

John M. Nonna
County Attorney

73177

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: December 6, 2019

RE: Resolution authorizing the County of Westchester to enter into a first extension to the Grant Agreement for Second Counsel at First Appearance (Contract #CAFA255) with New York State Office of Indigent Legal Services to improve the quality of mandated indigent legal services to extend the termination date from December 31, 2019 to December 31, 2020 and to enter into a first amendment to an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association for the same purpose

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.

On December 13, 2018, your Honorable Board approved a resolution authorizing the County of Westchester (the “County”) to enter into a grant agreement with the New York State Office of Indigent Legal Services (“OILS”) for the Second Counsel at First Appearance grant (contract #CAFA255) in the amount of \$723,326.40 for a three year period commencing January 1, 2017 and terminating on December 31, 2019 to improve the provisions of mandated indigent legal services to indigent persons (the “Grant Agreement”). 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. On December 13, 2019, your Honorable Board further authorized the County to enter into an agreement (the “Agreement”) with the Legal

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Aid Society and the Westchester County Bar Association for the provision of the work plan in connection with the Grant Agreement.

The attached resolution authorizes the County to enter into a first amendment to the Grant Agreement and the Agreement to extend the termination date from December 31, 2019 to December 31, 2020.

The first amendments to 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 first amendment to the Grant 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.

Accordingly, approval of the attached resolution is recommended.

JMN/lac
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/19/2019 L. CAMPBELL, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a first amendment to a grant agreement with New York State Office of Indigent Legal Services 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 to extend the termination date from December 31, 2019 to December 31, 2020; and be it further

RESOLVED, that the County is hereby authorized to enter into a first amendment to the agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association to extend the termination date from December 31, 2019 to December 31, 2020; 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		0.00

Budget Funding Year(s) 2019 -2020 Start Date 1/1/19 End Date 12/31/20
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100% _____
\$0.00 Federal Aid _____
 (must match resolution) Other _____