

74312

January 22, 2019

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

RE: Resolution authorizing the County of Westchester to enter into a grant agreement for Distribution #8 (Contract No. C800055) (the "Grant") with the New York State Office of Indigent Legal Services for the receipt of \$5,585,993.00 to improve the quality of mandated indigent legal services for the period January 1, 2018 through December 31, 2020 and to enter into an agreement with The Legal Aid Society of Westchester for the period January 1, 2018 through December 31, 2020 to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$5,585,993.00

Article 18-B of the County Law ("Article 18-B") requires each County in New York State (the "State") 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 ("RFP") to counties throughout the State seeking proposals outlining a work plan for Distribution #8 (Contract No. C800055) (the "Grant") to improve the quality of services provided under Article 18-B. The County, through The Legal Aid Society provided such a work plan to OILS in response to the RFP.

The State, through OILS has advised that it approved the County's work plan for Distribution #8 for the period January 1, 2018 through December 31, 2020 with a grant award of \$5,585,993.00. The annexed resolution authorizes the County to enter into the grant agreement with OILS for the receipt of the grant funds (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 mandated indigent legal services.

The attached resolution also authorizes the County to enter into a new agreement (the "Agreement") with The Legal Aid Society to implement the work plan in connection with the Grant Agreement. Specifically, the work plan includes the following tasks: 1) provide one Senior Attorney position to provide legal representation for indigent clients; 2) provide one Senior Attorney and partial salary for a Staff Attorney, both to provide legal representation in cases of non-citizen defendant; 3) provide one Staff Attorney with expertise in the collateral consequences of a criminal conviction to provide legal representation and consult with and develop protocols for other attorneys to follow in the following matters; filing motions to seal convictions under New York's sealing statutes; representing clients at collateral hearings related to the case; litigating forfeiture, and identifying the need for and filing CPL 440 motions; 4) provide one Senior Attorney to provide legal representation in family court; 5) provide one Experienced Social Worker and a second less experienced Social Worker to provide evaluation and mitigation to clients in cases; 6) provide two Administrative Positions/Clerks that will relieve current office staff workloads; 7) provide an 18-B Program Manager to track 18-B attorney cases and requests for support services; 8) provide fringe benefits for all positions funded under Distribution #8, enhanced staff compensation to bring salaries closer to parity with the District Attorney's Office, bonuses for more experienced and higher quality staff as a means of decreasing number of staff members who leave for higher paying positions and increased employer contribution to the profit-sharing pension program as a means of increasing retention; 9) provide two Investigators, one more experienced and thus paid a higher salary, staff the Assigned Counsel Resource Center and provide investigative services to 18-B attorneys when a case needs investigation; 10) ensure that defendants arraigned in Mr. Vernon and Yonkers city Courts are represented by defense counsel at their arraignments and will include an on-call program, pursuant to which judges contact a designated "on-call" attorney for arraignments that occur outside of a regular court session and for attorneys who represent defendants at their arraignments conducted during the Saturday and Sunday court sessions in Mt. Vernon and Yonkers City Courts; 11) provide on a case-by-case basis experts, social workers, interpreters, and other non-attorney professional supports critical to quality representation; 12) provide expanded access to internet-based legal research services for 18-B assigned counsel and The Legal Aid Society; 13) provide subscriptions, legal reference material, and treatises/specialty publications; 14) provide bi-annual attorney registration fees and funding for professional licensing fees for other professional staff; and 15) provide reimbursement to attorneys for their travel/mileage to and from courts, client interviews, and other case-related activities so attorneys can effectively represent their clients at court.

The agreements with OILS and The Legal Aid Society will serve a public purpose in that they will enable the County to improve 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 performance under its agreement with the County is reviewed annually during the budget request process by both the Budget Department and my Office. Further, contained in the Grant Agreement are performance measures required by OILS that The Legal Aid Society will need to satisfy.

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 is exempt from the procurement policy pursuant to Section 3(a)xi. It should be noted that Section 3(a)xiv of the procurement policy is applicable to the agreement with The Legal Aid Society as well. No County funds will be expended for these agreements.

Accordingly, approval of the attached resolution is recommended.

JMN/lac
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/06/2020 - LISI MARIJAS STEFFANY

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 a grant agreement with New York State Office of Indigent Legal Services for Distribution #8 (Contract No. C800055) (the "Grant") for the receipt of \$5,586,993 to improve the quality of mandated indigent legal services for the period January 1, 2018 to December 31, 2020; and be it further

RESOLVED, that the County be and is hereby authorized to enter into an agreement with The Legal Aid Society of Westchester to implement the County work plan under the Grant from the New York State Office of Indigent Legal Services in an amount not to exceed \$5,586,993 for the period of January 1, 2018 through December 31, 2020, 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
2018	101	52	2085	5100		\$1,862,331
2019	101	52	2085	5100		\$1,862,331
2020	101	52	2085	5100		\$1,862,331

Budget Funding Year(s) 2018-2020 Start Date 1/1/18 End Date 12/31/20
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100%
\$5,586,993 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/06/2020 LISA MARIJAJ, SECRETARY