

74320

DATE: January 30, 2020

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 #9 (Contract No. C900055) (the "Grant") with the New York State Office of Indigent Legal Services for the receipt of \$2,793,498 to improve the quality of mandated indigent legal services for the period January 1, 2019 through December 31, 2021 and to enter into an agreement with The Legal Aid Society of Westchester County for the period January 1, 2019 through December 31, 2021 to implement the work plan under the Grant to improve the quality of mandated indigent legal services in an amount not to exceed \$2,793,498

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 #9 (Contract No. C900055) (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, 2019 through December 31, 2021 with a grant award of \$2,793,498. 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 an investigator for 18-B attorneys to use in assigned cases; 2) provide a Grants manager position to effectively manage grants and ensure compliance with grant requirements; 3) provide a Family Court Attorney; 4) provide for a Parent/client Advocate for Family Court matters; 5) provide fringe benefits and funding for salary increases for staff to decrease the gap in salary with the District Attorney's Office; 6) provide 18-B attorneys to retain on a case-by-case basis experts, social workers, interpreters, and other non-attorney professional supports critical to quality representation; 7) provide computer technology improvements and maintenance and licensing; 8) provide partial rent for the Assigned Counsel Resource Center in Westchester County; 9) provide partial rent for the Regional Immigration Resource Center in Westchester County; 10) provide staff development training, professional association engagement and community engagement; and 11) provide travel/mileage reimbursement for non-custodial parents to participate in court ordered supervised visitations with their children.

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

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 #9 (Contract No. C900055) (the "Grant") for the receipt of \$2,793,498 to improve the quality of mandated indigent legal services for the period January 1, 2019 to December 31, 2021; 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 \$2,793,498 for the period of January 1, 2019 through December 31, 2021, 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 |
|--------------------------------|------|------|--|--------------------|---------------|--------------|
| 2019 | 101 | 52 | 2085 | 5100 | | \$832,138.63 |
| 2020 | 101 | 52 | 2085 | 5100 | | \$976,354.89 |
| 2021 | 101 | 52 | 2085 | 5100 | | \$985,004.48 |
| | | | | | | |

Budget Funding Year(s) 2019-2021 Start Date 1/1/19 End Date 12/31/21
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid 100% _____
\$2,793,498 Federal Aid _____
 (must match resolution) Other _____