

85201

DATE: May 20, 2021

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 the Third counsel at First Appearance (Contract No. CAFA355) (the "Grant") with the New York State Office of Indigent Legal Services for the receipt of \$723,326.40 to improve the quality of mandated indigent legal services for the period January 1, 2020 through December 31, 2022 and to enter into an agreement with The Legal Aid Society of Westchester County for the period January 1, 2020 through December 31, 2022 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 ("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 ("ILS") issued a Request for Proposals ("RFP") to counties throughout the State seeking proposals outlining a work plan for the Third Counsel at First Appearance (Contract No. CAFA355) (the "Grant") to improve the quality of services provided under Article 18-B. The County provided such a work plan prepared by The Legal Aid Society in response to the RFP.

The State, through ILS has advised that it approved the County's work plan for the Third Counsel at First Appearance for the period January 1, 2020 through December 31, 2022 with a grant award of \$723,326.40. The annexed resolution authorizes the County to enter into the grant agreement with ILS for the receipt of the grant funds (the "Grant Agreement"). These additional funds provided by ILS 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 agreements with ILS 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 ILS that The Legal Aid Society will need to satisfy.

The agreement with ILS 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 also applicable to the agreement with The Legal Aid Society. 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 ADMINISTRATION  
LISA M. JASSE, SECRETARY

## 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 the Third Counsel at First Appearance (Contract No. CAFA355) (the "Grant") for the receipt of \$723,326.40 to improve the quality of mandated indigent legal services for the period January 1, 2020 to December 31, 2022; 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 \$723,326.40 for the period of January 1, 2020 through December 31, 2022, 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
2020	101	52	2085	5100		\$240,709.00
2021	101	52	2085	5100		\$241,908.40
2022	101	52	2085	5100		\$240,709.00

Budget Funding Year(s) 2020-2022 Start Date 1/1/20 End Date 12/31/22  
(must match resolution)

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