

George Latimer  
County Executive

John M. Nonna  
County Attorney

89266

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna  
County Attorney

DATE: December 1, 2021

RE: Resolution authorizing the County of Westchester to enter into a second extension to the grant agreement for the Second Upstate Quality Improvement and Caseload Reduction Grant (Contract #C2ND655) with New York State Office of Indigent Legal Services to improve the quality of mandated indigent legal services to extend the termination date from June 30, 2021 to June 30, 2022 and to enter into a second amendment to an agreement with The Legal Aid Society of Westchester County for the same purpose

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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.

On July 25, 2019, 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 ("ILS") for the Second Upstate Quality Improvement and Caseload Reduction Grant (Contract #C2ND655) in the amount of \$279,566 for a three-year period commencing on July 1, 2017 through June 30, 2020 to improve the provision of mandated indigent legal services to indigent persons (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 counsel and expert, investigative and other services pursuant to Article 18-B of the

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County Law. On July 25, 2019, your Honorable Board further authorized the County to enter into an agreement (the "Agreement") with The Legal Aid Society of Westchester County for the provision of the work plan in connection with the Grant Agreement. Both the Grant Agreement and the Agreement were subsequently executed

On August 19, 2020, your Honorable Board approved a resolution authorizing the County to enter into first amendments to the agreements to extend the termination date from June 30, 2020 to June 30, 2021 (the "First Amendments"). The First Amendments were subsequently executed.

The attached resolution authorizes the County to enter into a second amendment to the Grant Agreement and the Agreement to extend the termination date from June 30, 2021 to June 30, 2022.

The second amendments to the agreements with ILS and The Legal Aid Society of Westchester County 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 cost effectiveness of the agreements is reviewed annually during the budget review process by the Budget Department. Further, contained in the Grant Agreement are performance measures that will need to be satisfied.

The second amendment to the Grant Agreement with ILS is exempt from the County's procurement policy pursuant to Section 3(a)iii thereof. The second amendment to the agreement with The Legal Aid Society of Westchester 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 a second amendment to a grant agreement with New York State Office of Indigent Legal Services for the Second Upstate Quality Improvement and Caseload Reduction Grant (Contract #C2ND655) 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 June 30, 2021 to June 30, 2022; and be it further

**RESOLVED**, that the County is hereby further authorized to enter into a second amendment to the agreement with The Legal Aid Society of Westchester County to extend the termination date from June 30, 2021 to June 30, 2022; 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	Department	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	52	1000	9734		0.00

Budget Funding Year(s) 2021 -2022 Start Date 07/01/21 End Date 06/30/22  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$0.00 Federal Aid \_\_\_\_\_

(must match resolution) Other \_\_\_\_\_