

Westchester County

Office of the County Attorney

110284

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: January 13, 2025

RE: Resolution authorizing the County of Westchester to enter into an agreement with The Legal Aid Society of Westchester County commencing retroactively on January 1, 2025 through December 31, 2025, for the provision of legal services for indigent persons and certain grant advances in an aggregate amount not to exceed \$18,736,779

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into an agreement with The Legal Aid Society of Westchester County ("Legal Aid Society") in an aggregate amount not to exceed \$18,736,779 for the provision of legal services for indigent persons in accordance with Article 722 of the New York County Law, and for certain grant fund advances as described herein commencing retroactively on January 1, 2025 through December 31, 2025, subject to a sixty-day cancellation by either party (the "Agreement").

Under the terms of the Agreement, the County will pay the Legal Aid Society an amount not to exceed \$16,136,779 payable in monthly installments in advance, upon receipt of appropriate vouchers for the provision of legal services for indigent persons.

Further under the terms of the Agreement, the County will advance, on a monthly basis, certain approved, yet not received grant funds that are anticipated to be received by the County from the State of New York, by and through its Office of Indigent Legal Services ("ILS") during the calendar year 2025, under approved grant agreements, in an amount not-to-exceed \$2,600,000. The monthly requests shall require proper documentation and approval by the Departments of Budget and Finance. The reason for these monthly advances is that the grant funds approved and anticipated to be received from ILS are often delayed which then impacts the operations of the Legal Aid Society and its ability to provide the important services that are required under the grant agreements. A list of these grant agreements is attached hereto as Exhibit "A" (the Grant Agreements"). Under the terms of the proposed Agreement, any and all grant funds advanced by

the County to the Legal Aid Society that are not received by the County from ILS will be repaid by the Legal Aid Society to the County upon notice.

This Agreement will serve a public purpose in that it will enable the County to fulfill its lawful obligation of providing mandated legal services for indigent persons and to improve those services pursuant to the Grant Agreements. The goals and objectives are to ensure that effective and improved counsel is provided in a cost efficient manner. The cost effectiveness of the performance under the Agreement is reviewed on a recurring basis by the Department of Budget.

This Agreement is exempt from the County's procurement policy pursuant to Section 3(a)xi and 3(a)xiv thereto.

Approval of the attached resolution is respectfully requested.

JMN/LAC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/16/2025 - RAYMOND SCULKY, 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 an agreement for the provision of legal services for indigent persons entitled to counsel pursuant to Article 722 of the New York County Law with The Legal Aid Society of Westchester County (the “Legal Aid Society”) for the period commencing retroactively on January 1, 2025 through December 31, 2025, in an amount not to exceed \$16,136,779 payable to the Legal Aid Society, in monthly installments in advance upon receipt of the appropriate vouchers; and an amount not to exceed \$2,600,000, payable to the Legal Aid Society, pursuant to approved grant agreements with the State of New York, acting by and through its Office of Indigent Legal Services (as listed in Exhibit “A” attached hereto and made a part hereof), in monthly advances upon receipt of appropriate vouchers and approved by the Departments of Budget and Finance (the “Agreement”) for a total aggregate amount not to exceed \$18,736,779; and be it further

RESOLVED, that the Agreement may be cancelled upon sixty (60) days prior written notice; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice, 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 hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	52	2085	5100		\$ 16,136,779.00
	101	52	1000	9734		\$ 2,600,000.00

Budget Funding Year(s) 2025 Start Date 1/1/25 End Date 12/31/25
 (must match resolution) \$18,736,779
 Funding Source Tax Dollars \$16,136,779
 State Aid \$2,600,000.00
 Federal Aid _____

(must match resolution Other _____)

EXHIBIT "A"

List of Grant Agreements

Distribution #12 / #C120055

Distribution #13 / #C130055

Distribution #14 / #C140055

2nd Hurrell-Harring Contract / #CSTWIDE251

3rd Regional Immigration Assistance Center Contract / #C3RD855

4th Upstate Quality Improvement and Caseload Reduction / #C4TH655

2nd Upstate Family Defense Contract / #C2NDUDF55

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/16/2025 - RAYMOND SCULKY, SECRETARY