

Legislation Details (With Text)

File #: ID-4788 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 7/29/2022 **In control:** County Legislature
On agenda: 8/18/2022 **Final action:** 8/18/2022
Enactment date: 8/18/2022 **Enactment #:** 332-22
Title: TO AUTHORIZE PAYMENTS IN ACCORDANCE WITH THE IMPLEMENTATION OF THE HURRELL-HARRING SETTLEMENT AGREEMENT REFORMS.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/18/2022	1	County Legislature	adopted	Pass
8/11/2022	1	Management & Budget Committee	carried at Committee	Pass

Narrative of Resolution:

The County and NYSOILS are parties to a five-year agreement to implement and fund improvements to mandated criminal defense representation in accordance with the Statewide Expansion of the Hurrell-Harring Settlement Agreement Reforms, there is a need to authorize payment to non-attorney professionals who assist 18B Attorneys in criminal matters including travel/mileage reimbursement.

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$26,730

Are funds already budgeted? No

Specify Compliance with Procurement Procedures:

See Section 140-3.5 of the procurement policy. These costs are fully reimbursable by State grant funding.

WHEREAS, the County and the State of New York Office of Indigent Legal Services (hereinafter “NYSOILS” or “State”) are parties to a five-year agreement to implement and fund improvements to mandated criminal defense representation in accordance with the Statewide Expansion of the Hurrell-Harring Settlement Agreement Reforms, Contract Number CSTWIDEHH45 (hereinafter “Agreement”) for the contract term from April 1, 2018 through March 31, 2023; and

WHEREAS, the fully executed Agreement includes a B-1 attachment that sets forth the full contract amount totaling \$4,840,039.35 over the course of the five years of the Agreement as follows: Year 1, \$322,669.29; Year 2, \$645,338.58; Year 3, \$968,007.87; Year 4, \$1,290,677.16; and Year 5, \$1,613,346.45; and

WHEREAS, the B-1 attachment to the original agreement included a line item budget dictating how the money could be spent in Year 1 with the understanding that the line item budgets for future years would be developed

by NYSOILS in a collaborative process with the County and its providers, and

WHEREAS, the B-1 attachment has been updated each year with additional funding including a line item budget for Years 2, 3, and 4; and

WHEREAS, the County entered into a modification agreement with the State in June 2022 that contained a B-1 attachment that included a line item budget for Year 4 with additional funding in the amount of \$26,730.00 to allow for the payment of non-attorney professional services, including social workers, interpreters, mitigation specialists, investigators, etc. to assist 18B attorneys in criminal matters; and

WHEREAS, the non-attorney professionals are to be compensated by an hourly rate ranging from \$50.00 - \$750.00 depending on the expert's experience, specialty and level of expertise or on a flat fee basis of up to \$3,000.00 as approved by the Administrator of Assigned Counsel in accordance with the terms and conditions of the Year 4 workplan reflected in the Agreement with NYSOILS; and

WHEREAS, this funding also includes travel/mileage reimbursement at the standard IRS mileage rates and transcriptions services at a rate of up to \$5.25 per page.

NOW, THEREFORE BE IT RESOLVED, that the County is hereby authorized to pay non-attorney professionals who assist 18B Attorneys in criminal matters an hourly rate ranging from \$50.00 - \$750 depending on the expert's experience or on a flat fee basis of up to \$3,000; and

BE IT FURTHER RESOLVED, that the County is hereby authorized to pay the above referenced non-attorney professionals who assist 18B Attorneys in criminal matters travel/mileage reimbursement at the standard IRS mileage rates and transcription services at a rate of up to \$5.25; and

BE IT FURTHER RESOLVED, that all expenses will be authorized to be paid for non-attorney professionals that have been be preapproved by the Administer of Assigned Counsel in accordance with the Year 4 workplan reflected in the Agreement; and

BE IT FURTHER RESOLVED, that all vouchers submitted pursuant to this funding must be authorized by the Administrator of Assigned Counsel; and

BE IT FURTHER RESOVED, that amount expended on non-attorney professionals under this Agreement shall not exceed \$26,730.00 in the aggregate through March 31, 2023.