

Legislation Text

File #: ID-4534, **Version:** 1

Narrative of Resolution:

To authorize the County Manager to execute Modification Agreements with the New York State Office of indigent Legal Services; Sullivan Legal Aid Panel, Inc.; and Sullivan County Conflict Legal Aid, Inc. to authorize payments in accordance with the implementation of the Hurrell-Harring Settlement agreement reforms.

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

Amount to be authorized by Resolution: pass through from the State

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures: N/A

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 contract 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 ILS in a collaborative process with the county and its providers, and

WHEREAS, the County entered into a modification agreement with the State in

April of 2020 that contained a B-1 attachment that included a line item budget for Year 2 building on the Year 1 budget with the additional funding earmarked for Year 2; and

WHEREAS, the Count entered in a modification agreement with the State in August 2021 that contained a B-1 attachment that included a line item budget for Year 3 building on the Years 1 and 2 budget with additional funding earmarked for Year 3; and

WHEREAS, the County in conjunction with NYSOILS has developed a Year 4 budget which includes additional funding over and above the Year 1, 2 and 3 budgets, detailing how the additional monies could be spent in Year 3 and moving forward, and which has been finalized by the NYSOILS; and

WHEREAS, although the Year 5 budget has not yet been developed, the State has assured the County that since there is a fully executed contract, with the B-1 attachment that includes the total budget amount; the

amounts available for each year of the contract; and with the understanding that once created budget lines are expected to continue to be funded throughout the term of the agreement, they will continue to honor and pay claims in accordance with those established budget lines, unless modified by agreement; and

WHEREAS, the Sullivan Legal Aid Panel and the Sullivan County Conflict Legal Aid continues to incur expenses associated with the positions created under the Years 1, 2, 3 and 4 budgets and require modification agreements to authorize reimbursements of those costs into Year 5, and

NOW, THEREFORE BE IT RESOLVED, that the County Manager is hereby authorized to execute a Modification Agreement with the New York State Office of Indigent Legal Services incorporating the line item budget Year 4 of the Agreement; and

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to execute a Modification Agreement with the Sullivan Legal Aid Panel, Inc. for an amount not to exceed \$817,691.96 in Year 5 (April 1, 2022 through March 31, 2023) for services provided in accordance with the work plan and budget lines reflected in the Year 1, 2, 3 and 4 detailed line item budgets of the Agreement; and

BE IT FURTHERED RESOLVED, that the County Manager is hereby authorized to execute a Modification Agreement with the Sullivan County Conflict Legal Aid, for an amount not to exceed \$171,655.20 in Year 5 (April 1, 2022 through March 31, 2023) for services provided in accordance with the work plan and budget lines reflected in the Year 1, 2, 3 and 4 detailed line item budgets of the Agreement.