

## Legislation Text

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**File #:** ID-4788, **Version:** 1

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**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 \$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.