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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Indigent Legal Services Grant

Dear Honorable Members:

The attached resolution requests authorization to enter into a contract with the New York State Office of Indigent Legal Services to accept grant funding for a three year period in the amount of $1,455,129. The resolution also requests authorization to establish the first year of the grant in the amount of $485,043. Funds will be used to help improve the quality of representation to indigent defendants through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Office of the County Attorney. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jc

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Office of the County Attorney
RE: Indigent Legal Services Grant
DATE: September 17, 2012

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract with the New York State Office of Indigent Legal Services to accept grant funding in the amount of $1,455,129. In addition, the resolution requests authorization to establish a grant budget in the amount of $485,043 for the first year of the grant and to subcontract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully reimbursed through New York State in the amount of $485,043 in the first year of the grant. $242,521 of said funds will be utilized by the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo will receive $242,522.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into contract, establish grant budgets and enter into subcontracts with community agencies.

BACKGROUND INFORMATION

The New York State Office of Indigent Legal Services has made $485,043 available to Erie County to improve the quality of representation provided to indigent defendants. Erie County will utilize the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo who contract with Erie County to provide all mandate indigent defense services. These two agencies have provided said services for the County under contract for many years.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County.

STEPS FOLLOWING APPROVAL

Grant budgets will be established by the Division of Budget and Management. Contracts will be executed after final review by the Department of Law as to form.

A RESOLUTION SUBMITTED BY:
THE OFFICE OF THE COUNTY ATTORNEY

RE: Indigent Legal Services Grant

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling $1,455,129 to the County for the provision of indigent defense services, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of $1,455,129 over three years to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services in the first year; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
Grant Fund 281
June 1, 2012 to May 31, 2013

Revenue	Increase
Account 409000 - State Aid Revenue	$485,043

Appropriation	Increase
Account 516601 - Legal Aid Bureau	$242,522
Account 516602 - EC Bar Association	242,521
Total Appropriation	$485,043

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.