



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 13, 2014

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 \$592,541. The resolution also requests authorization to establish a grant budget for the same amount. Funds will be used to help improve the quality of representation to indigent defendants at first appearance through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society.

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/mc  
Enclosure

## **MEMORANDUM**

TO: Honorable Members of the Erie County Legislature  
FROM: Office of the County Attorney  
RE: Indigent Legal Services Grant  
DATE: January 13, 2014

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### **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 \$592,541. In addition, the resolution requests authorization to establish a grant budget in the amount of \$592,541 and to subcontract with the Erie County Bar Association's Aid to Indigent Prisoners Society 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 \$592,541.

### **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 \$592,541 available to Erie County to improve the quality of representation provided to indigent defendants at first appearance. Erie County will utilize the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society which contracts with Erie County to provide all mandate indigent defense services. This agency is one of two agencies that 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 \$592,541 to the County for the provision of indigent defense services at first appearance, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society 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 \$592,541 over three years to provide from June 1, 2013 to May 31, 2016 to provide enhanced representation to indigent defendants at first appearance; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a three year subcontract with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services from June 1, 2013 to May 31, 2016; 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, 2013 to May 31, 2016

Revenue	Increase
Account 409000 - State Aid Revenue	\$592,541
Appropriation	Increase
Account 516602 - EC Bar Association	\$592,541

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.