January 15, 2021

Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Indigent Legal Services Grant Amendment – ILS Counsel at First Appearance #2

Dear Honorable Members:

The attached resolution requests authorization to extend the term of a contract with the New York State Office of Indigent Legal Services for an additional one-year period. Funding is 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.

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 yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/map
Enclosure

cc: Michael A. Siragusa, County Attorney
MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Office of the County Attorney
Re: Indigent Legal Services Grant Amendment– ILS Counsel at First Appearance #2
Date: January 15, 2021

SUMMARY
It is recommended that the Legislature authorize the County Executive to enter into a contract amendment with the New York State Office of Indigent Legal Services to extend the contract term for an additional one-year period. In addition, the resolution requests authorization to extend the 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.

REASONS FOR RECOMMENDATION
Legislative approval is required for the County Executive to enter into contract amendment to extend the grant period and enter into an amendment to the subcontract with the agencies.

BACKGROUND INFORMATION
Your Honorable Body previously approved COMM 20E-14 (2017) authorizing the County to enter into a three-year contract with the New York State Office of Indigent Legal Services through which $750,000 was made available to Erie County to improve the quality of representation provided to indigent defendants at first appearance. Additionally, Your Honorable Body approved COMM 25E-15 (2019) extending the contract term for an additional one-year period. Erie County utilizes the funds to improve services through the Erie County Bar Association’s Aid to Indigent Prisoners Society who contracts with Erie County to provide mandated indigent defense services. At the request of the contract agency, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agency to complete the terms and conditions of the grant.

CONSEQUENCES OF NEGATIVE ACTION
Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County. The contract agency will be unable to realize full funding under the grant.

STEPS FOLLOWING APPROVAL
Grant period will be revised by the Division of Budget and Management. Contract amendments 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 Amendment– ILS Counsel at First Appearance #2

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling $750,000 to the County for the provision of indigent defense services at first appearance, and

WHEREAS, Erie County contracted with the Erie County Bar Association’s Aid to Indigent Prisoners Society to deliver the services required through the grant, and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agency to complete the terms and conditions of the grant;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an amendment to the subcontract with the Erie County Bar Association’s Aid to Indigent Prisoners Society extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160CAFA2ILS1719 in the County Attorney’s Office to December 31, 2021; 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.