



Legislation Text

File #: 24-5643, **Version:** 1

Department: Managed Assigned Counsel
Department Head/Elected Official: Kenneth Hardin

Regular or Supplemental RCA: Regular RCA
Type of Request: Grant

Project ID (if applicable): 100001000001497
Vendor/Entity Legal Name (if applicable):

MWDBE Contracted Goal (if applicable):
MWDBE Current Participation (if applicable):
Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request by the Office of Managed Assigned Counsel for approval to accept an amendment from the Texas Indigent Defense Commission for grant funds in the additional amount of \$82,345, with a required match of \$329,382, for the Managed Assigned Counsel (Misdemeanors) Y4 Program, and extend 19 associated positions to November 30, 2024 and reclassify one of those positions.

Background and Discussion:

This request covers the final two months of grant eligibility of a multi-year formulated grant for a misdemeanor managed assigned counsel program. TIDC is expected to cover \$82,345 (20%) with an estimated Harris County (HC) match of \$329,382 (80%) for only two months, effective 10/01/2024 - 11/30/24. TIDC funds will cover operational and salary funds related HC Office of Managed Assigned Counsel (MAC) misdemeanor program. If approved, aside from HC grant contribution a total of 19 grant would be impacted, and such salary and operational expenses would be assigned a new project number for the two months. Following the two months, the positions overhead costs would expend from the MAC's general fund as proposed for FY25.

On September 10, 2019, HC Commissioners Court (CC) accepted Texas Indigent Defense Commission (TIDC) grant #212-20-D06 for the creation of a misdemeanor managed assigned counsel program. HC is currently in its third year of a 4-year multi-year formulated TIDC grant with an escalating HC discretionary match requirement; with year 1's HC match requirement of 20%, year 2 requiring a HC match of 40%, an expected year 3 HC match of 60%, and 80% for year 4. The purpose of this grant is for MAC to continue work in the creation of a misdemeanor managed attorney appointment system that is a well-organized, consolidated, impartial representation model for defendants found to be indigent in HC. The appointment of counsel to qualified defendants will be administered by the MAC, independently of the judiciary in accordance with the first of ABA's Ten Principles of a Public Defense Delivery System. The MAC has worked with CC and HC Office of Management and Budget to ensure the ability to sustain the MAC after the grant period has ended such funding to continue outside of the grant is part of the HC FY25 proposed budget.

HC Commissioners Court approved on:

- 04/30/2019 the submittal of a TIDC grant application for a managed assigned counsel program.
- 09/10/2019 to accept TIDC Improvement Grant #212-20-D06 in the amount of \$2,172,855 for a misdemeanor

- managed assigned counsel program (Y1 Project ID #1000000444).
- 10/08/2019 a resolution honoring sixteen HC Criminal Courts at Law Judges for their support to establish managed assigned counsel program.
 - 08/11/2020 to extend TIDC's year-1 grant term to July 31, 2021.
 - 10/13/2020 the appointment of MAC's Executive Director, effective November 21, 2020.
 - 10/27/2020 the creation of the MAC department, a grant budget transfer from Office of Court Management, the creation of the executive director and administration officer positions, and for the HC Engineering Department and HC Universal Services to identify and ensure office space and develop a scope of technical support and its staff.
 - 01/05/2021 amending the position titles, descriptions, and salaries with no change to the grant award.
 - 01/26/2021 voted to realign salary and fringe benefit ratios within year-one grant and match budget allocations to reflect actual fringe benefits.
 - 08/24/2021 extended the year-one grant end date and its associated positions to November 30, 2021.
 - 10/26/2021 MAC year 2 TIDC misdemeanor managed assigned counsel program application submittal.
 - 01/04/2022, to accept \$1,228,000 TIDC grant, with a HC match of \$987,602 for a managed assigned counsel program and extend associated positions (Y2 Project ID #100001000001225).
 - 03/08/2022 the extension of the year-one limited contractual services budget of \$188,000 thru May 31, 2022, for the FY2020 grant #212-20-D06 (Y1 Project ID #1000000444).
 - 05/10/2022, approved the bylaws of the Harris County Office of Managed Assigned Counsel Board of Directors Bylaws, as recommended by the Texas Indigent Defense Commission.
 - 07/19/2022 MAC year 3 TIDC misdemeanor managed assigned counsel program intent application submittal.
 - 10/18/2022 to accept \$1,070,167 from TIDC grant, with a HC match of \$1,562,803, create a position and extend 18 associated positions for a managed assigned counsel program (Y3 Project ID #100001000001363).
 - 07/18/2023 MAC year 4 TIDC misdemeanor managed assigned counsel program intent application submittal.
 - 09/19/2023 to accept \$576,336 TIDC grant, with a HC match \$2,242,449.26 and extend 19 associated positions (Y4 Project ID #100001000001497).
 - 07/15/2023 MAC year 4 extension TIDC misdemeanor managed assigned counsel program intent application submittal.

Expected Impact:

If approved, aside from HC grant contribution a total of 19 grant would be impacted, and such salary and operational expenses would be assigned a new project number for the final two months of the grant eligibility. Following the two months, the positions overhead costs would expend from the MAC's general fund as proposed for FY25.

Alternative Options:

If the grant is not awarded, then HC MAC would use MAC's proposed FY25 general funds to complement the needs for a sustainable structure of HC's indigent defense managed assigned counsel program currently co-funded by TIDC and HC.

Alignment with Goal(s):

- X_ Justice and Safety
- _ Economic Opportunity
- _ Housing
- _ Public Health
- _ Transportation
- _ Flooding
- _ Environment
- _ Governance and Customer Service

Prior Court Action (if any):

Date	Agenda Item #	Action Taken
9/10/19 7/15/24	22.1 203	CC approved TIDC original grant; 10/18/22 for grant year 3 Approval to Apply for Amendment

Location:

Address (if applicable):
Precinct(s): Countywide

Fiscal and Personnel Summary			
Service Name	Managed Assigned Counsel (Misdemeanors) Y4		
	FY 23	FY 24	Next 3 FYs
Incremental Expenditures (do NOT write values in thousands or millions)			
Labor Expenditures	\$	\$404,233.34	\$
Non-Labor Expenditures	\$	\$7,494.00	\$
Total Incremental Expenditures	\$	\$411,727.34	\$
Funding Sources (do NOT write values in thousands or millions)			
Existing Budget			
1000 - General Fund	\$	\$329,382.00	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Current Budget	\$	\$329,382.00	\$
Additional Budget Requested			
Grant	\$	\$82,345.34	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Additional Budget Requested	\$	\$82,345.34	\$
Total Funding Sources	\$	\$411,727.34	\$
Personnel (Fill out section only if requesting new PCNs)			
Current Position Count for Service		-	-
Additional Positions Requested		-	-
Total Personnel		19-	-

Anticipated Court Date: 09/19/24

Anticipated Implementation Date (if different from Court date): 10/01/2024

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Kenneth Hardin, Executive Director

Attachments (if applicable): TIDC grant award documents, TIDC estimated funding narrative.