

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT WITH LEGAL AID SOCIETY OF SAN MATEO COUNTY TO CONTINUE TO PROVIDE REMOVAL DEFENSE LEGAL SERVICES SUPPORTING IMMIGRANT RESIDENTS OF SAN MATEO COUNTY, EXTENDING THE TERM EFFECTIVE JULY 1, 2023, AND THROUGH JUNE 30, 2025, AND INCREASING THE AMOUNT PAYABLE UNDER THE AGREEMENT BY \$1,737,725, FOR A NEW AMOUNT NOT TO EXCEED \$4,810,388, AND GRANTING A WAIVER OF THE COMPETITIVE BIDDING REQUIREMENT FOR ACQUISITION OF THESE SERVICES

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the Migration Policy Institute estimates that about 55,000 of San Mateo County immigrant residents are unauthorized residents and about sixty percent of them have lived in the United States for more than ten years; and

WHEREAS, as a response to the heightened immigration enforcement priority under the previous presidential administration, the County contracted with the Legal Aid Society of San Mateo County (“Legal Aid Society”) and subcontracted non-profit legal services agencies to provide legal representation of immigrants living in San Mateo County in removal actions; urgent legal assistance to individuals referred by the San Mateo County Rapid Response Hotline; and coordination of the San Mateo County Rapid Response Network, and this Board has authorized previous amendments to the agreement with the Legal Aid Society such that the agreement, as amended, is presently for the term of September 1, 2019 through June 30, 2023 and for an amount not to exceed \$3,072,663 (“Agreement”); and

WHEREAS, initial funding for removal defense work began in September 2018 under a separate agreement, the Legal Aid Society, working in coordination with partner subcontractor agencies, has represented 219 individuals in removal proceedings with 104 cases concluded thus far; and

WHEREAS, individuals represented live throughout the County and, of those represented, 62% are eighteen years of age or younger, roughly 64% of individuals sought asylum, and 23% filed for Special Immigrant Juvenile Status; and

WHEREAS, in conjunction with legal service representation, the Rapid Response Network has fielded more than 1,500 calls, participated in more than 750 events, and outreached to more than 16,000 people; and

WHEREAS, with the shift in deportation enforcement policies under the present federal administration and current assessment of need in the community, and in consideration of the legal needs of the remaining active cases undertaken pursuant to the Agreement to date, there remains a need for the legal services provided under the Agreement for the upcoming years; and

WHEREAS, the Legal Aid Society and its sub-contracted partner agencies have familiarity with the legal needs of San Mateo County residents, established experience working with these populations, and the ability to continue providing these services without interruption; and

WHEREAS, the Board has previously waived the competitive bidding process for services provided by the Legal Aid Society under the Agreement, and given the Legal Aid Society's unique experience working in and with affected San Mateo County

communities and their ability to provide legal services without interruption on active cases for additional years, the Board desires that the request for proposal process again be waived with respect to the services covered by the Fourth Amendment pursuant to Administrative Memorandum B-1, IV.B.1 (“Expert witnesses, legal defense, legal advice, or other legal services”) and San Mateo Ordinance Code Section 2.83.050(e) (providing the Board “may waive any of the provisions of this chapter which require competitive bidding in any situation where the Board of Supervisors determines that the best interests of the County would be served without the necessity of competitive bidding”).

WHEREAS, this Board has been presented for its consideration a fourth amendment to the Agreement under which the Legal Aid Society and its subcontracted partner agencies will continue to provide immigration removal legal defense for its current case load of immigrants who reside in San Mateo County and who could not otherwise afford such legal services, with the term of the Agreement to be extended, effective July 1, 2023, and through June 30, 2025, and the maximum amount payable under the agreement to be increased by \$1,737,725, for a revised amount not to exceed \$4,810,388 (“Fourth Amendment”); and

WHEREAS, the Board has considered the Fourth Amendment as to form and content, and desires to enter into it.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the requirement of a request for proposals is waived and the President of the Board of Supervisors be and is hereby authorized and directed to execute the Fourth Amendment for and on behalf of the County, and the Clerk of this Board shall attest the President's signature thereto.

BE IT FURTHER RESOLVED that the County Executive, or designee(s), is authorized to execute further amendments to the Agreement which modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

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