



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 22-475

Board Meeting Date: 6/28/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Executive Officer
Justin W. Mates, Deputy County Executive

Subject: Third Amendment to the Agreement with Legal Aid Society of San Mateo County For Removal Defense Legal Services

RECOMMENDATION:

Adopt a resolution approving a third amendment to the agreement with Legal Aid Society of San Mateo County (Legal Aid Society) to continue to provide removal defense legal services supporting immigrant residents of San Mateo County, extending the term through June 30, 2023 and increasing the amount payable under the agreement by \$819,200, to an amount not to exceed \$3,072,663.

BACKGROUND:

The Migration Policy Institute estimates that about 55,000 San Mateo County immigrant residents are unauthorized residents, and that about 60% of them have lived in the United States for more than 10 years. More than 70% of the adults are employed, and many have U.S. citizen children. These San Mateo County residents are part of the social, economic, and cultural fabric of our community.

In 2018, as a response to the heightened immigration enforcement priority under the previous presidential administration, the County of San Mateo contracted with the Legal Aid Society ("Agreement") to provide legal representation for 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. Legal Aid Society provided these services in collaboration with partner non-profit legal services agencies. The Agreement was entered into for an original term of September 1, 2019 through June 30, 2020, for an amount not to exceed \$662,783 and it was subsequently amended twice to extend the term through June 30, 2022, and to increase the total amount payable under the agreement to an amount not to exceed \$2,253,463.

DISCUSSION:

Since September 2018, the Legal Aid Society, in coordination with partner subcontractor agencies, has represented 207 individuals in removal proceedings pursuant to the Agreement, and 27 cases

have been closed. Of these 27 closed cases, there have been successful outcomes in 21 of the cases litigated, 5 cases moved to a client-hired attorney, and 1 case transferred out of county. There are 180 active cases remaining in progress. Individuals represented live throughout the County. Of those represented, 62% are 18 years of age or younger, about 64% of individuals have sought asylum, and almost 23% have filed for Special Immigrant Juvenile Status. In conjunction with legal service representation, the Rapid Response Network has fielded more than 1,200 calls, participated in more than 500 events, and outreached to more than 15,000 people.

With a shift in deportation enforcement policies under the current federal administration, staff is in the process of assessing future community need and identifying areas where support is most suitable, including thorough evaluation of the pending Immigrant Inclusion Survey results. While this analysis proceeds, in consideration of the legal needs of the 180 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 year.

Under these circumstances, staff recommends that the County further amend the existing agreement with the Legal Aid Society of San Mateo County to extend its term for one more year, through June 30, 2023 and to increase the maximum amount payable by \$819,200 for an amount not to exceed \$3,072,663. (As was the case for the agreement covering the preceding year, the Legal Aid Society will contract with the County and intends, in turn, to subcontract with partner non-profit legal services agencies for some of the services set forth in the agreement.) While active cases will continue, no new cases will be undertaken during this extension period.

Also, given their experience working in and with affected communities and their ability to provide legal services without interruption on active cases for an additional year, the Legal Aid Society and its partner agencies remain well positioned to continue to provide these services to County residents, and staff recommends that the request for proposal process be waived for an additional (and final) time with respect to the services covered by this amendment.

The amendment and resolution have been reviewed and approved by the County Attorney's Office as to form.

PERFORMANCE MEASURE:

Summary as of December 30, 2021: (Program Case Goals: 150)

- Total Cases Served: 207
- Active Cases (YTD): 180
- Cases Closed: 27

FISCAL IMPACT:

The term of the amended agreement is from July 1, 2022 through June 30, 2023, increasing the Agreement by \$819,200 for a new not to exceed amount of \$3,072,663. Appropriation for this Amendment has been included in the County Executive's Office FY 2022-23 Recommended Budget. This contract will be fully funded by **Measure K** Reserves.