



Committee: Directly to Council
Committee Review: N/A
Staff: Linda McMillan, Senior Legislative Analyst
Purpose: Final action – vote expected
Keywords:

AGENDA ITEM #5B
October 26, 2021
Introduction/Action

SUBJECT

Introduction/Action of Resolution to Amend Resolution 19-872, Approval and Appropriation for the FY 2022 Operating Budget of the Montgomery County Government, Budget Provision #67, Screening and Legal Representation in Deportation Cases; and, Section G, FY 2022 Designation of Entities for Non-Competitive Contract Award Status: Ayuda, Inc., HIAS, Inc., KIND, Inc. d/b/a/ Kids in Need of Defense, and Luminus Network, Inc. (formerly FIRN, Inc.)

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Introduction/Action.
- An amendment to an approved resolution can be introduced and acted upon in the same Council session and does not require the Council to waive its rules of procedure.

DESCRIPTION/ISSUE

Since Fiscal Year 2019, funds have been appropriated to provide eligibility screening and direct legal representation of low-income county residents in deportation and removal proceedings through contracts with non-profit organizations that provide these services. The currently approved language needs to be modified to reflect the Council's intent that legal representation may be necessary in front of Maryland Courts, or the United States Customs and Immigration Services and that there may be different ways for residents to find relief from deportation. This resolution amends the budget resolution in two places to make this clarification.

SUMMARY OF KEY DISCUSSION POINTS

- The organizations helping eligible county residents may determine that residents are eligible for relief through different methods, such as pursuing a U Visa, asylum, or Special Immigrant Juvenile classification, not just through a Department of Justice Immigration Court action.
- The Chief Administrative Officer recommends the amendments to Section G included in the resolution (a CAO recommendation is required to amend non-competitive contract awards).

Attached:

Resolution to amend Resolution 19-872

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Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

Subject: Amendment to Resolution 19-872, Approval of and Appropriation for the FY 2022 Operating Budget of the Montgomery County Government, Budget Provision #67, Screening and Legal Representation in Deportation Cases; and, Section G, Fiscal Year 2022 Designation of Entities for Non-Competitive Contract Award Status: Ayuda, Inc., HIAS, Inc., KIND, Inc. d/b/a/ Kids in Need of Defense, and Luminus Network, Inc. (formerly FIRN, Inc.)

Background

1. On May 27, 2021, the County Council adopted Resolution 19-872, Approval of and Appropriation for the FY 2022 Operating Budget of the Montgomery County Government.
2. Section 11B-14 (a)(4) of the Montgomery County Code states that “a contract may be awarded without competition if the Chief Administrative Officer makes a written determination that the contract award serves a public purpose and a proposed contractor has been identified in a grant or appropriation resolution approved by the Council.” Authorizations are included in Section G of Resolution 19-872, the Fiscal Year (FY) 2022 Designation of Entities for Non-Competitive Contract Award Status.
3. Since FY 2019, funds have been appropriated to provide eligibility screening and direct legal representation of low-income county residents in deportation and removal proceedings. The county contracts with non-profit organizations to provide these services. The services may include representation in a proceeding that takes place in the Department of Justice Immigration Court. However, residents may also find relief from deportation through pursuing a U Visa, asylum, Special Immigrant Juvenile classification, or other pathways. These may require work with the Maryland Courts or United States Customs and Immigration Services (USCIS).
4. It is the Council’s intent that legal representation in front of the Department of Justice, USCIS, and as may be necessary before the Maryland Courts, may be undertaken using county funds. As such the current resolution language should be amended to clarify this scope of representation.

5. The Chief Administrative Officer recommends that the purpose descriptions of the non-competitive authorizations in Resolution 19-872, Section G be amended to reflect this scope of services.

ACTION

The County Council for Montgomery County, Maryland, approves the following action:

Budget Provision #67 of Resolution 19-872 is amended to say: This resolution appropriates \$551,100 to the Department of Health and Human Services to provide legal representation to low-income county residents in deportation proceedings and eligibility screening for these services. Services may include work required to pursue a U Visa, asylum, Special Immigrant Juvenile Status or other pathway to prevent deportation and are not limited to Department of Justice proceedings. Contracts funded by this appropriation must comply with income eligibility and restrictions on post-conviction relief and certain final criminal convictions in Section H of Resolution 18-1114.

The Council approves an amendment to the designation of Entities for Non-Competitive Contract Award Status and thereby amends Resolution 19-872, Section G, FY 2022 Designation of Entities for Non-Competitive Contract Award. The Chief Administrative Officer has recommended this action and stated that it serves a public purpose and is in the public interest.

The FY 2022 Designation of Entities for Non-Competitive Contract Award Status resolution is amended to change the purpose clause for current contracts with Ayuda, Inc., HIAS, Inc., KIND, Inc. d/b/a Kids in Need of Defense, and Luminus Network Inc. (formerly FIRN, Inc.) for eligibility screening and legal representation services in deportation or removal proceedings to read:

Provides for eligibility screening and legal services, including direct representation, in deportation and removal proceedings and in pursuit of alternative resolution of cases including, but not limited to, obtaining U Visas, asylum, and Special Immigrant Juvenile classification.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council