

FEBRUARY 28, 2008

HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-2 (2008)
KEN-TON MEALS ON WHEELS: Submission of Budget, Per 2008 Budget Accountability Act (4-0)
 - b. COMM. 4M-5 (2008)
ECMCC: Minutes of Meeting Held on February 7, 2008 (4-0)
2. COMM. 3E-20 (2008)
COUNTY EXECUTIVE
WHEREAS, the Department has been awarded funding in the amount of \$24,693 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence under 200% of poverty only, and

WHEREAS, the funds must continue to be used for core or optional non-residential domestic violence services provided by an approved non-residential domestic violence program, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations, and

WHEREAS, as the funds must be awarded to an approved program/vendor and be expended by 6/30/08, and

WHEREAS, as the funds will sustain a partnership of non-residential domestic violence community providers upon loss of a federal grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to expanded the non-residential services to victims of domestic violence with Family Justice Center, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Family Justice Center	\$24,693
	Total Expenditures	<u>\$24,693</u>
414000	Federal Aid	\$24,693
	Total Revenues	<u>\$24,693</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.
(5-0)

3. COMM. 3E-21 (2008)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services has been notified by New York State of the approval of a plan to provide Cost of Living Allowance (COLA) payments in the total amount of \$347,888 to contracted providers of preventive services, and

WHEREAS, funds for this COLA are provided in the 2007/2008 State budget, and

WHEREAS, a survey of Erie County providers of Mandated Preventive Services and Community Optional Preventive Services was conducted and compiled for consideration by New York State Office of Children and Family Services, and

WHEREAS, funds are to be used by providers in a manner consistent with the attestation received from the Chief Executive Officer of each provider agency, and

WHEREAS, these funds are restricted by New York State for the purpose of awarding this COLA, and

WHEREAS, there is no local share and no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Community Agencies	<u>\$347,888</u>
	Total Expenditure	<u>\$347,888</u>
407650	State Aid Child Welfare Services	<u>\$347,888</u>
	Total Revenue	<u>\$347,888</u>

and be it further

RESOLVED, that the State budget for the period April 1, 2008 through March 31, 2009 as well as future years will likely contain a similar provision for a restricted preventive services COLA, the Department is authorized to amend appropriate budget detail and contracts and to make future year payments to providers based on required survey, provider attestation and State approval, and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and/or agreements for this program, and be it further

RESOLVED, that payments for Year 1 Carry Forward and Year 2 New COLA are to be made to the following providers, calculated based on the amount of their contract amounts:

Baker Victory Services	49,002
Be A Friend Program	2,774
Belle Center	1,662
Dr. Bennett Smith - Family Life Center	6,306
Hispanics United of Buffalo	5,243
Buffalo Urban League	50,813

Catholic Charities	93,107
Child & Adolescent Treatment Services	19,922
Child & Family Services	20,605
Community Action Organization	3,363
Community Services to the Dev. Disabled	5,465
Gateway Longview	23,970
Joan A Male	33,887
Life Transitions Center	3,531
Salvation Army	9,153
WNY United	5,735
YWCA of WNY	2,463
Every Person Influences Children (Epic)	83
International Institute	997
National Federation for Just Communities	1,330
Native American Community Services	4,637
Neighborhood Legal Services	1,793
United Way of Buffalo and Erie County	2,048

and be it further

RESOLVED, due to the immediate need to make payments and submit claims for reimbursement to New York State, the requirement for Request for Proposals is waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
(4-0)

4. **COMM. 3E-22 (2008)**
COUNTY EXECUTIVE

WHEREAS, the Children with Special Needs Division is responsible for the administration and operation of the Early Intervention and Preschool programs; and

WHEREAS, the Early Intervention and Preschool programs are mandated under Chapter 428 of the New York State Law of 1992 and New York State Education Law, Article 89, Section 4410; and

WHEREAS, in order to maximize performance and effectively manage the two programs as they continue to evolve has presented the need to reorganize several staff positions in order to reflect an expansion of duties and responsibilities; and

WHEREAS, the Erie County Department of Personnel has reviewed the reorganization and recommended position changes which better reflect the current duties and responsibilities; and

WHEREAS, the necessary funds to cover the cost of the position changes are currently available within line 500000 of the 2008 operating budget; and

WHEREAS, the position changes will not only maximize performance they will also result in a gross savings in the amount of \$18,190 in the 2008 operating budget; and

WHEREAS, this reorganization will utilize existing staff through current civil service lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one vacant full time position of Case Manager JG 7, position number 858, one vacant full time position of Senior Clerk Typist, JG 4, position number 1002636, and one vacant full time position of Clerk Typist, JG 1, position number 51004726, as indicated on B100# 3307, and the creation of one full time position of Sr. Case Manager, JG 9, Step 0, as indicated on B100# 3268 and one full time position of Chief Account Clerk, JG 7, Step 0, as indicated on B100# 3267; and be it further

RESOLVED, that the following personnel detail is hereby submitted:

TITLE: Sr. Case Manager FUNDING: 80% State 20% Local Funding
JG: 9 CIVIL SERVICE: Yes
STEP: 0 CIVIL SERVICE LIST: Promotional
ANNUAL SALARY: \$35,286 FRINGE BENEFITS: \$14,520
FISCAL IMPACT ON BUDGET FOR
REMAINING PORTION OF FISCAL YEAR: \$35,286

TITLE: Chief Account Clerk FUNDING: 80% State 20% Local Funding
JG: 7 CIVIL SERVICE: Yes
STEP: 0 CIVIL SERVICE LIST: Promotional
ANNUAL SALARY: \$ 30,587 FRINGE BENEFITS: \$12,587
FISCAL IMPACT ON BUDGET FOR
REMAINING PORTION OF FISCAL YEAR: \$30,587

and be it further

RESOLVED, that the following positions in the Children with Special Needs Division be deleted as indicated below:

Number	Job Title	Job Group	Annual 2008 Budget Amount
1	Case Manager	7	\$ 32,786
1	Senior Clerk Typist	4	\$ 26,890
1	Clerk Typist	1	\$ 24,387
<u>TOTAL :</u>			<u>\$ 84,063</u>

and be it further

RESOLVED, that the following positions are hereby created:

Number	Job Title	Job Group	Annual 2008 Budget Amount
1	Senior Case Manager	9	\$ 35,286
1	Chief Account Clerk	7	\$ 30,587
<u>TOTAL :</u>			<u>\$ 65,873</u>

This will result in a total savings of \$18,190 in 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0)

5. COMM. 3E-24 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 10/1/07 to 9/30/08 in the amount of \$9,060; and

WHEREAS, each beach will be tested by the Erie County Department of Health once a week throughout the bathing season; and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for *E.coli* bacteria using EPA methodologies (EPA/821/R-97/004); and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards; and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official; and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

**BEACH WATER QUALITY MONITORING PROGRAM
10/1/07 – 9/30/08**

SAP ACCOUNT	REVENUE	BUDGET
409000	State Aid	<u>\$9,060</u>
	TOTAL	<u>\$9,060</u>
	EXPENSES	
501000	Overtime	\$1,750
505000	Office Supplies	500
516020	Prof. Svc. Contract & Fees	2,392
912730	ID Health Lab Services	<u>4,418</u>

TOTAL \$9,060

PUBLIC HEALTH LAB DIVISION

Increase Account 505800 Medical Supplies \$4,418
Decrease Account 912730 ID Health Lab Services (\$4,418)

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
(4-0)

6. COMM. 3E-28 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Brenda Ward to the position of Commissioner of Senior Services.
(4-0)

7. COMM. 3E-29 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Philip R. Endress to the position of Commissioner of Mental Health.
(4-0)

8. COMM. 3E-36 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for professional and consulting services for the Long Term Care Point of Entry Program (POE, also called Erie County NY Connects), an initiative administered by the Departments of Senior Services and Social Services, for the period January 1, 2008 through December 31, 2008; and

WHEREAS, the Department of Senior Services has conducted a competitive process to solicit consultant services to assist the Long Term Care Council of Erie County NY Connects with the development of a strategic plan to accomplish its required review and direction-setting process (see attached Selection Process); and

WHEREAS, the competitive process resulted in the selection of Kenneth A. Rogers to provide consulting services to assist the Long Term Care Council of Erie County NY Connects to perform its required duty to analyze the long term care system in Erie County; and

WHEREAS, sufficient funds are already appropriated under Professional Fees and Services, in the Long Term Care POE cost center 1632080.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with Kenneth A. Rogers for the period March 1, 2008 to September 30, 2008, at an amount not to exceed \$15,225; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the County Attorney's Office, the Comptroller's Office, and the Departments of Senior Services and Social Services.
(4-0)

9. INTRO 4-2 (2008) **AS AMENDED**
KONST, MARINELLI, KENNEDY, MILLER-WILLIAMS, RANZENHOFER, GRANT, MAZUR, IANNELLO, LOUGHRAN AND RATH

WHEREAS, Individuals who are receiving Medicaid or Supplemental Security Income payments and are residents in a skilled nursing facilities receive a personal needs allowance; and

WHEREAS, Supplemental Security Income is a federal program, the personal needs allowance comes from state funds; and

WHEREAS, Many of these individuals are senior citizens who depend solely on social security and Supplemental Security Income or another form of assistance; and

WHEREAS, All of these individuals are on fixed incomes that depend on this allowance to pay for everything from their clothing, toiletries and hair care to the few luxuries they can allow themselves such as telephone services, newspaper or cable television service; and

WHEREAS, Since 1981 the personal needs allowance is \$50 dollars per month; and

WHEREAS, None of the Supplemental Security Income cost of living adjustment for the past 19 years has applied to the personal need allowance; and

WHEREAS, While Nursing homes have received increased funds for the services they provide to their residents, the residents have not received any adjustment in money available to them in 19 years; and

WHEREAS, the real dollar value of the allowance that these residents receive has dramatically decreased over the years; and

WHEREAS, Assembly Bill A08887 would increase the monthly personal needs allowance for residents of residential health care facilities receiving or eligible to receive SSI payment and or additional state payment by 5 dollars per year over a five year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon New York State Majority Leader Joseph Bruno, Speaker of the House Senate Sheldon Silver, Chair of the Senate Finance Committee Owen Johnson, Chair of Way and Means Herman Farrell Jr. and Governor Spitzer to amend the 2008 -2009 State Budget to include an increase of the personal needs allowance for residents of residential health care facilities by five dollars each year for a five year period beginning April 1, 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the W.N.Y. State Legislative Delegation, Assembly Member RoAnn M. Destito - LOB 621 Albany, NY 12248, New York State Majority Leader Joseph Bruno- Room 909 Legislative Office Building Albany, NY 12247, Speaker of the House Senate Sheldon Silver- LOB 932 Albany, NY 12248 , Chair of the Senate Finance Committee Owen Johnson- Room 913 Legislative Office Building Albany, NY 12247 , Chair of Way and Means Herman Farrell Jr.- LOB 923 Albany, NY 12248 and Governor Spitzer.
(4-0)

10. COMM. 4E-9 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Nutrition Dining Program (III-C-1) grant for the period January 1, 2008 to December 31, 2008, and

WHEREAS, the Department has reviewed its service objectives and positions as a result of recent vacancies and retirements and desires to delete the full time Senior Clerk Stenographer position, job group 4, in the III-C-1 grant and create an Outreach Aide position, job group 6, in the III-C-1 grant, all effective 3/1/08, (B-100 no. 3580), and

WHEREAS, sufficient funds are available in the personnel and fringe benefit accounts to cover this change, grant reimbursement will be maximized and overall departmental cost and operational efficiencies will be enhanced, and

WHEREAS, the dietetic technician relocated and will not renew the contract for 2008, and

WHEREAS, the Department desires to contract with another registered dietetic technician to provide the nutrition education and counseling services as mandated by the New York State Office for the Aging during the period March 1, 2008 to December 31 2008, as a result of the standard selection process (see attached), and

WHEREAS, sufficient funds are already appropriated under Professional Fees and Services, account 516020, in the III-C-1 grant.

NOW, THEREFORE, BE IT

RESOLVED, that the full time Senior Clerk Stenographer position be deleted and an Outreach Aide position be added to the III-C-1 grant, effective 3/1/08, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with a registered dietetic technician for the period March 1, 2008 to December 31, 2008, at an amount not to exceed \$15,000, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget and Management; the County Attorney's Office; the Comptroller's Office; and the Departments of Personnel and Senior Services.
(4-0)

11. COMM. 4E-10 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE), Expanded In-Home Services for the Elderly Program (EISEP) and Health Insurance Information, Counseling and Assistance Program (HIICAP) grants for the period April 1, 2007 to March 31, 2008, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that additional HIICAP funds have been awarded, and

WHEREAS, the Department regularly compares grant budgets with actual costs throughout the grant period, and

WHEREAS, the Department has identified CSE and EISEP funds that will not be spent as originally appropriated due to retirements and charge backs to other short-term grants, and

WHEREAS, the Department, in conjunction with the Cluster agencies, has identified CSE funds that some of the Cluster agencies will be unable to use prior to March 31, 2008, and

WHEREAS, the Department and the Cluster agencies desire that these funds be used for direct services for seniors, and

WHEREAS, the Department desires to use the EISEP funds for home care services and the case management system, and

WHEREAS, the Department desires to use the CSE funds for transportation services for the elderly and have identified three existing vehicles in the going places system that have high mileage, high repairs, and which replacement thereof will assist in maintaining the existing transportation fleet in a workable and safe condition for seniors, and

WHEREAS, the CSE, EISEP and HIICAP grant budgets need to be revised, and

WHEREAS, additional local match is not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional HIICAP funds from New York State Office for Aging, and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0708, be revised as follows:

	CURRENT		AMENDED
	BUDGET	CHANGES	BUDGET
APPROPRIATIONS			
500000 Full Time - Salaries	\$226,569	-\$27,000	\$199,569
502000 Fringe Benefits	96,735	-13,000	83,735
516010 BFNC	102,218	-8,600	93,618
516010 Community Concern of WNY	55,912	-750	55,162
516010 Lt. Col. Matt Urban	156,098	-3,862	152,236
516010 South Buffalo Community Services	109,251	-20,000	89,251
516010 Schiller Park Community Services	178,325	-10,000	168,325

561440	Motor Vehicles	0	<u>83,212</u>	83,212
	TOTAL APPROPRIATIONS		<u>\$0</u>	

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget and Management; the County Attorney's Office; the Comptroller's Office and the Department of Senior Services.
(4-0)

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0708, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET	
APPROPRIATIONS				
500000	Full Time-Salaries	\$491,697	-\$64,000	\$427,697
502000	Fringe Benefits	209,781	-29,000	180,781
516020	Home Care Services	1,966,780	80,000	2,046,780
516020	Personal Emergency Response Services	90,000	-7,000	83,000
516020	Software Modification & Support	95,000	<u>20,000</u>	115,000
	TOTAL APPROPRIATIONS		<u>\$0</u>	

THOMAS J. MAZUR
CHAIR

and be it further

RESOLVED, that the budget for the HIICAP grant, 163HIICAP0708, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET	
REVENUES				
Account	Description			
414000	Federal Aid	\$27,402	<u>\$500</u>	\$27,902
	TOTAL CHANGE		<u>\$500</u>	
APPROPRIATIONS				
510000	Local Mileage	\$1,000	<u>\$500</u>	\$1,500
	TOTAL CHANGE		<u>\$500</u>	

and be it further