

October 14, 2004

HUMAN SERVICES
COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items were hereby received and filed.

Item Page -2004 (Comm. 11E-5)
a. **DEBENEDETTI:** Copy of Letter to Social Services Commissioner Requesting Information
Pertaining to "Blueprint for Change".
(6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 19E-100)
b. **SMITH:** Letter to Social Services Re: Blueprint for Change Initiative.
(6-0) Chairman Holt present as Ex-Officio Member.

Item Page -2004 (Comm. 20M-4)
c. **BUFFALO & ERIE COUNTY FAMILY JUSTICE CENTER:** Budget Summary.
(6-0) Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 21E-27)

COUNTY EXECUTIVE

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of renewal of a grant award in the amount of \$299,908 for the Medicaid Managed Care program for the 2004-2005 State fiscal year, and

WHEREAS, the grant is used to fund salary expenses for the staff who process managed care enrollments and recertifications, as well as for related travel and other costs, and

WHEREAS, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

WHEREAS, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds, and

WHEREAS, six staff positions will be transferred to the grant fund. These position adjustments are reflected on B-100 position authorization forms, control numbers 394, 395 and 396, in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$299,908 for the Medicaid Managed Care Grant, and be it further

RESOLVED, that the following budget is hereby established in Fund 281, Department 120 for the Medicaid Managed Care Grant for the period April 1, 2004 through March 31, 2005:

Department of Social Services, Department 120, Fund 281

<u>Account</u>	<u>Description</u>	<u>Amount</u>
407540	State Revenue	\$149,954
411540	Federal Revenue	<u>149,954</u>
	Total Revenue	<u>\$299,908</u>

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personal Services	\$151,663
501000	Overtime	75,500
502000	Fringe Benefits	56,791
510100	Out of Area Travel	7,000
530000	Other Expenses	2,954
912000	Allocated Indirect Expenses	<u>6,000</u>
	Total Appropriation	<u>\$299,908</u>

and be it further

RESOLVED, that the following six staff positions are transferred to the grant fund:

- (1) Senior CHAP Health Aide
- (4) CHAP Health Aides
- (1) Clerk Typist

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Department of Social Services, the Office of the Comptroller and the Division of Budget, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

3. Item Page -2004 (Comm. 21E-29)

COUNTY EXECUTIVE

WHEREAS, the Reach Out Program of the Erie County Health Department is designed to comprehensively train adolescent peer educators regarding HIV/AIDS in order to help adolescents in Erie County protect themselves from contracting HIV and/or spreading the virus, and

WHEREAS, the American Red Cross, Buffalo Chapter, utilizes an approved HIV/AIDS curriculum to train peer educators, and

WHEREAS, the Health Department has received an additional one-time funding award in the amount of \$2,000 to fund the promotion of the Expanded Syringe Access Demonstration Program by performing outreach activities in the community, and

WHEREAS, the Health Department wishes to amend the contract with the American Red Cross from \$35,000 to \$37,000 to utilize this increased funding to implement the Expanded Syringe Access Demonstration Program, and

WHEREAS, funds are available in Account 516020, Professional Service Contracts & Fees, in the Western Regional Training Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended contract with the American Red Cross, Buffalo Chapter, in an amount not to exceed \$37,000, to provide peer educators and peer education leaders, 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 County Comptroller, the Division of Budget, Management & Finance and the Department of Law.

(6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 21E-30)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health a revised grant award which authorizes budgetary adjustments to maximize revenue for the Western Regional Training Grant, and

WHEREAS, the purpose of this grant is to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to furnish the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept a revised grant award from the New York State Department of Health to provide services which are budgeted as follows:

Western Regional Training Grant

7/1/03 – 6/30/04

SFG Project #871, SAP Cost Ctr. 1271230, SAP Title: 127WSTREGTRAIN0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid Other	\$ 106,600	\$ 0	\$ 106,600
	TOTAL	\$ 106,600	\$ 0	\$ 106,600
EXPENSES				
500000	Personal Services	\$ 61,309	\$ -438	\$ 60,871
502000	Fringe Benefits	22,843	372	23,215
505000	Office Supplies	500	0	500
505400	Food Supplies	71	0	71
505800	Medical Supplies	1,000	0	1,000
516020	Dues & Fees	400	0	400
510000	Travel & Mileage	500	0	500
501100	Out Of Area Travel	6,941	-1,235	5,706
530000	Other Expenses	9,929	-642	9,287
912700	Interfund-ECHD	1,907	2,012	3,919
980000	Interfund-DISS	1,200	-69	1,131
	TOTAL	\$ 106,600	\$ 0	\$ 106,600

and be it further

RESOLVED, that the following adjustments are made to the 2004 Health Department General Fund (#110) Budget:

Increase Account 912700 Interfund-Health Grants	\$2,012
Increase Account 516020 Professional Services Contracts & Fees	\$2,012

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.

(6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 21E-31)

COUNTY EXECUTIVE

WHEREAS, the purpose of the INHALE program is to improve the quality of life of children and others with asthma through education and reduced exposure to asthma triggers associated with the home environment, and

WHEREAS, the Erie County Department of Health has received a revised grant award from the United States Environmental Protection Agency (EPA) Indoor Environments Division for the IN-Home Asthma Literacy Education (INHALE) Program in the amount of \$151,215 which extends the grant year until 12/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised agreement with the United States Environmental Protection Agency (EPA) Indoor Environments Division which extends the grant year until 12/31/05, 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 Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
(6-0) Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 21E-42)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking authorization to receive and contract for a special State grant award in the amount of \$43,691 from the Division of Criminal Justice Services, and

WHEREAS, this award is to fund the extension of a current grant and an increase to an existing contract with the Boys and Girls Clubs of Buffalo, and

WHEREAS, the Boys and Girls Clubs is designated for the contract extension and increase by the State as the provider of the West Side Delinquency Prevention program, and

WHEREAS, this program is fully funded with a combination of State funds and in-kind services contributed by the Boys and Girls Club of Buffalo, and

WHEREAS, there is no local share, and there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into agreements with the New York State Division of Criminal Justice Services and the Boys and Girls Clubs of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Grant 120WSIDEDELINQ0304

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Boys and Girls Clubs of Buffalo	<u>\$43,691</u>
	Total Expenditures	<u>\$43,691</u>
409000	State Aid	<u>\$43,691</u>
	Total Revenues	<u>\$43,691</u>

and be it further

RESOLVED, that 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, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Intro. 21-9)
SWANICK

WHEREAS, during the summer of 2003, the NYS Legislature passed legislation, which was signed by Governor Pataki, banning smoking in most public places including restaurants, bars, bowling alleys and bingo parlors, and

WHEREAS, this legislation became effective on July 24, 2003, and

WHEREAS, the legislation passed by NYS contained a provision which allowed County Departments of Health to provide for waivers from the law to businesses if certain specific conditions were present, and

WHEREAS, the conditions required under the legislation were if compliance would cause undue financial hardship to the business or if other factors existed that would render compliance unreasonable as long as the waiver adhered to the spirit of the smoking ban by limiting exposure to second-hand smoke, and

WHEREAS, in December 2003, the NYS Department of Health offered guidance to County Departments of Health for dealing with waiver applications, and

WHEREAS, on or about January 23, 2004, the Erie County Department of Health, pursuant to a court order, finally promulgated and released its procedure for offering waivers to the NYS smoking ban for businesses in Erie County, and

WHEREAS, many of 'the businesses who applied for waivers under EC's waiver procedure have called the process very difficult and harsh, and

WHEREAS, to date, the EC Department of Health, under its current procedure, has only issued a limited number of smoking waivers to businesses in Erie County, and

WHEREAS, on April 2, 2004, Supreme Court Justice Rose H. Sconiers' issued a decision pursuant to litigation brought by an aggrieved business which: 1) characterized the EC Department of Health's waiver process as not in line with New York State's Clean Indoor Air Act (CIAA) and the guidance provided by the NYS Department of Health on waivers; and 2) found that the County's waiver process, as drafted, was beyond the power granted by the NYS Legislature to the County under the CIAA, and

WHEREAS, Erie County appealed the order and argued the matter before the Appellate Division, 4th Department on September 13, 2004, and

WHEREAS, on October 1, 2004, the Appellate Division, 4th Department confirmed the holding of Justice Sconiers by ordering that the EC Health Department reformulate its waiver process after finding it irrational and beyond the power granted to it by the NYS Legislature, and

WHEREAS, there has not yet been a decision by the EC Department of Health or EC Attorney as to whether to appeal the matter to the NY Court of Appeals, and

WHEREAS, the Erie County Legislature does hereby urge both the EC Department of Health and EC Attorney to forgo any further appeals of Erie County's smoking waiver procedures, and

WHEREAS, Erie County Legislature finds that it is clear from the Appellate Division's decision that the EC Department of Health needs to develop a new approach to the waiver process that is in line with the power granted to it by the NYS Legislature under the CIAA, and

WHEREAS, the new approach to the waiver process should lessen the significant economic pain suffered by to the restaurants, bars, taverns, bowling alleys, bingo halls, and billiard parlors of Erie County since the passage of the CIAA,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the EC Department of Health to reformulate and adopt a new waiver procedure as soon as possible that is fair, equitable and in line with the power granted to it by the NYS Legislature under the CIAA, and be it further

RESOLVED, that this Honorable Body does hereby urge both the EC Department of Health and the EC Attorney to forgo any further appeals of Erie County's current smoking waiver procedures, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Health Commissioner Billittier, County Attorney Wolf, and the NYS Department of Health.

FISCAL IMPACT: Positive for Erie County business.
(6-0) Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN