

June 3, 2004

HUMAN SERVICES  
COMMITTEE  
REPORT NO. 7

ALL LEGISLATORS PRESENT, EXCEPT LEGISLATOR CUSACK.

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

- a. Item Page -2004 (Comm. 7M-16)  
**COUNTY NURSING FACILITIES OF NY:** Request for Support of S.5854/A.10124 Re: State Reimbursement for Services in Nursing Homes.  
(4-0) Legislator Cusack absent.
- b. Item Page -2004 (Comm. 8D-9)  
**COUNTY ATTORNEY:** Legal Opinion on Smoking Waiver Application Fees.  
(4-0) Legislator Cusack absent.
- c. Item Page -2004 (Comm. 9E-9)  
**SWANICK & McCARVILLE:** Letter to County Attorney & Health Commissioner Re: Court Decision Regarding Jimmy Mac's Restaurant.  
(4-0) Legislator Cusack absent.
- d. Item Page -2004 (Comm. 9E-41)  
**COUNTY EXECUTIVE:** Health – Establishment of Fee-for-Service Rate - Reader.  
(4-0) Legislator Cusack absent.
- e. Item Page -2004 (Comm. 11M-10)  
**ALCOHOL & DRUG DEPENDENCY SERVICES:** 2003 Annual Report.  
(4-0) Legislator Cusack absent.

2. Item Page -2004 (Comm. 11E-13)

**COUNTY EXECUTIVE**

WHEREAS, the 2003 Capital Budget approved \$200,000 for the above mentioned project, and

WHEREAS, additional funding is required to complete the project, and

WHEREAS, the Erie County Medical Center has allocated \$200,000 of additional funding,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$200,000 be transferred from the Erie County Medical Center increasing the appropriations in the amount of \$200,000 in Project 437, Fund 511, and , be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(4-0) Legislator Cusack absent.

3. Item Page -2004 (Comm. 11E-20)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has undertaken a series of initiatives aimed at Medicaid cost containment, and one of the efforts will identify those clients for whom the cost of service related to a specific diagnosis reveals a pattern of repeated high cost emergency room and inpatient billings, and

WHEREAS, the Department is to explore alternatives for case management of these individuals to provide a more appropriate, less expensive and more successful care and treatment program, and

WHEREAS, New York State pays medical providers through the Medicaid Management Information System (MMIS), and the payment data related to specific clients and treatments is contained in a very large state database referred to as the data warehouse, and

WHEREAS, the expertise and experience needed to extract client specific payment and treatment information from the database is not currently available in the Department, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget as funds for this purpose were included in the Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into an agreement with John Rodat in an amount not to exceed \$9,500, and be it further

RESOLVED, that because these special services are in an amount less than \$10,000 the requirement in Section 19.08 for a Request for Proposals (RFP) is not applicable, 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) Legislator Cusack absent.

4. Item Page -2004 (Comm. 11E-29)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services is requesting authorization to amend the 2004 Adopted Budget by restoring funding to that amount provided in 2003 to the Olmsted Center for the Visually Impaired, and

WHEREAS, it is necessary to increase this budget amount to prevent severe impact to sight impaired individuals who would otherwise not have access to assistance from another service provider, and

WHEREAS, significant reductions in the levels of funding awarded to counties by New York State have made the planning and budgeting process considerably more complex, and a proposed cut of funding for the Olmsted Center was inadvertently included in the 2004 budget recommendation originally made to the Erie County Legislature, and

WHEREAS, a recent increase in State funding enables the Department to charge this contract increase to 100% Federal Title XX funds, and

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

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Center for the Visually Impaired	<u>\$20,000</u>
	Total Appropriations	<u>\$20,000</u>
411610	Federal Aid – Services for Recipients	<u>\$20,000</u>
	Total Revenue	<u>\$20,000</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.

(4-0) Legislator Cusack absent.

5. Item Page -2004 (Intro. 11-20)

**SMITH**

WHEREAS, the New York State Court of Appeals in Campaign for Fiscal Equity vs. State (CFE decision) established a statewide standard providing that all children are entitled under the state constitution to an opportunity for a “meaningful high school education,” thus mandating increased resources for all public school children attending school from pre-kindergarten through the 12<sup>th</sup> grade, and

WHEREAS, the court mandated that the state determine the actual cost of a meaningful high school education in New York City, and that such “costing-out and other mandates of the decision be fulfilled by July 30, 2004, and

WHEREAS, statewide school funding reform would be that only fair and just response to the CFE decision, given that: 1. many other school districts in the state have similar problems of inadequate resources that led the Court of Appeals to find a constitutional violation in regards to New York City and given that 2. it would be impractical to design a statutory remedy that only applies to New York City, and

WHEREAS, it would be unconscionable for the state to wait another year before addressing the issues highlighted in the CFE decision and to fail to direct resources where the most urgent needs exist, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature strongly supports the enactment of legislation before July 30, 2004 consistent with the “Criteria for a New Funding System” drafted by the Alliance for Quality Education and the Campaign for Fiscal Equity, which advocates that the new school funding system meet the following criteria: 1. Adequate funding for every school in the state, 2. accountability, 3. Sustained, stable, and predictable funding, 4. A simple and transparent system, and 5. An increased state share of education spending, and be it further

RESOLVED, that this Honorable Body supports the inclusion of \$2 billion as a “down payment” on implementation of the CFE decision providing for new and additional funding for school in t he 2004-5 state fiscal year to address the most urgent priorities of school and in order to begin a multi-year process of fulfilling the mandates of the Court of Appeals decision in Campaign for Fiscal Equity vs. State, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Alliance of Quality Education, 739 Main Street, Buffalo, New York 14203.

Fiscal Impact: Not known at this time.

(4-0) Legislator Cusack absent.

**DEMONE A. SMITH**  
**CHAIRMAN**