

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 4 - 2011

A LOCAL LAW TO AMEND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY, IN RELATION TO THE ESTABLISHMENT OF A DEPARTMENT OF HUMAN SERVICES

Passed by the Nassau County Legislature on June 6, 2011  
Voting: ayes: 16 nays: 0 abstained: 0

Became a law on June 14, 2011 with the approval of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

WHEREAS, the Department of Mental Health, Chemical Dependency and Developmental Disabilities Services, the Department of Senior Citizen Affairs, the Office of Physically Challenged, and the Youth Board currently function as separate entities advocating for their respective constituencies; and

WHEREAS, these agencies have developed expertise in the problems facing their respective constituencies; and

WHEREAS, many of these problems and issues are common to all the constituencies served by the agencies; and

WHEREAS, it will assist the County in serving these constituencies to consolidate the functions into a single agency that will create an environment that will encourage and facilitate the sharing

and exchange of expertise, skills and information to the extent permissible and appropriate; now, therefore,

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Article X, article X-A, section 2107, and section 2110 of the County Government Law of Nassau County are hereby REPEALED and a new Article X is enacted to read as follows:

**Article X. Department of Human Services.**

**§ 1001. Department established.** a. There shall be a Department of Human Services, the head of which shall be the Commissioner of Human Services, who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall appoint such other officers and employees of the department as he or she shall deem necessary within the appropriations provided therefor. The department shall advocate on behalf of, and work to address the needs of: youth; the physically challenged; the aging; and those in need of mental health and chemical dependency services. The Commissioner shall appoint Office Directors, subject to the provisions in subdivision b of this section, who shall have the authority to act for and in place of the Commissioner in their designated fields.

b. Within the Department of Human Services, there shall be an Office for the Aging; an Office of the Physically Challenged; and an Office of Mental Health, Chemical Dependency and Developmental Disabilities. Each office shall have the powers as set forth within this Article, and may also perform such additional duties as may be assigned to them by the County Executive or the Commissioner of Human Services, consistent with State and local law. The Commissioner may appoint Directors, who shall direct the various offices of the Department of Human Services, in addition to performing such other functions as may be assigned to them by the

Commissioner. Nothing herein shall prohibit a Director from being charged with directing more than one office within the Department of Human Services; nothing herein shall prevent the hiring of employees who may provide services to multiple offices within the Department.

c. There shall also be housed, within the Department, an Office of Youth Services. The Office of Youth Services shall not have a Director appointed by the Commissioner but, rather, shall consist of a twenty-member Youth Board, an Executive Director to the Youth Board, and any additional personnel hired by the Youth Board within appropriations therefor. Nothing herein shall bar the appointment of any employee of the Department of Human Services to the position of Executive Director of the Board. With the consent of the Commissioner, the Board may also utilize the services of any employee of the Department of Human Services.

**§1002. Office for the Aging.** Within the Department of Human Services, there shall be an Office for the Aging. Consistent with provision of the New York State Elder Law (“Elder Law”) and the federal Older Americans Act (“OAA”), as amended, the Office for the Aging will be the designated Area Agency on Aging (“AAA”) in Nassau County, and will function solely as a single purpose agency that has adequate and qualified staffing. A full time Director will be appointed to administer the AAA in fulfilling its designated roles and responsibilities as contained in the Elder Law and OAA, as amended, and other programs as required, the Director will be responsible for achieving the goals and implementing the services associated with the New York State approved Nassau County Four Year Plan and subsequent annual plans, to include adhering to all incorporated Standard Assurances.

In accordance with the Elder Law and the OAA, the Office for the Aging shall have the following powers and duties:

(a) Serve as the designated Area Agency on Aging for Nassau County for purposes of

- administering and providing for the services under the OAA and New York State Elder Law, and for the expenditure of funds pursuant to applicable requirements;
- (b) Serve as the designated Aging and Disability Resource Center (ADRC) for Nassau County;
  - (c) Advise and assist the County Executive in developing programs designed to help meet the needs of senior citizens; provide comments and advice on policies, programs, hearings, levies and community actions which will affect the elderly;
  - (d) Work to stimulate community interest in the problems of senior citizens;
  - (e) Promote public awareness of resources available to senior citizens and the physically challenged, and to refer the public to the appropriate departments and agencies of the state and federal governments for advice, assistance and available services in connection with particular problems;
  - (f) Cooperate with and assist cities, towns and villages within the county in the development of local programs for senior citizens and the physically challenged;
  - (g) Consult and cooperate with schools and universities, colleges and institutions in the county for the development of courses of study for persons engaged in public and private programs for senior citizens;
  - (h) Assess the need for services in its geographic area, evaluate the effectiveness of available services, and develop a plan for a comprehensive and coordinated service system for elderly people. The scope of area agency coordination extends beyond those services administered with OAA funds;
  - (i) Establish and implement an active outreach program to reach those eligible participants in greatest economic or social need with particular attention to low-

- income minority individuals, rural residents, older persons with limited English proficiency, Native Americans, those at risk of institutionalization and persons with disabilities (e.g., blind, deaf, visually and/or hearing impaired, etc.);
- (j) Serve as an advocate on behalf of, coordinate services to, and monitor and evaluate programs for elderly people;
  - (k) Monitor subcontractors to ensure compliance with applicable laws and regulations;
  - (l) Provide for a continuing program of public information specifically to assure that information about programs and activities carried out under the area agency plan are effectively and appropriately promulgated, including provision of information to the public upon request and, where feasible, in languages native to the client populations and in forms accessible to people with disabilities;
  - (m) Collect and report on required program and financial information on area agency services to the New York State Office for the Aging; and
  - (n) Establish an advisory council to continuously advise the area agency on: developing and administering the area plan; conducting public hearings; representing the interests of elderly people 60 and over; and reviewing and commenting on all community policies, programs and actions that affect elderly people age 60 and over.

**§1003. Office of Mental Health, Chemical Dependency and Developmental**

**Disabilities.** 1. Within the Department of Human Services, there shall be an Office of Mental Health, Chemical Dependency and Developmental Disabilities, which shall have the following powers and duties:

- (a) Review services and local facilities for the mentally disabled of the area which it serves and their relationship to local need; determine needs of the mentally disabled

of such area; and encourage programs of prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training, consultation, and public education of mental disabilities;

- (b) After consultation with the County Executive, develop a program of services for the County of Nassau, establish long range goals for the county; government in its program for the mentally disabled, and develop intermediate range plans and forecasts, listing priorities and estimated costs;
- (c) Plan with the Department of Mental Hygiene of the State of New York and its facilities for the delivery of services to the mentally disabled;
- (d) Seek to assure that under the goals and plans required pursuant to this subdivision: all population groups are adequately covered; that sufficient services are available for all the mentally disabled within its purview; that there is coordination and cooperation among county providers of services; that the County of Nassau program is coordinated and integrated with the programs of the Department of Mental Hygiene of the State of New York; and that there is continuity of care among all providers of services;
- (e) Submit annually to the Department of Mental Hygiene of the State of New York for its approval and subsequent state aid, a report of long range goals and specific intermediate range plans, as modified since the preceding report, along with either a local services plan or a unified services plan pursuant to article eleven of the mental hygiene law for the next fiscal year of the county government of Nassau County;
- (f) Have the power, upon the approval of the County Executive and the Legislature, to enter into contracts for the provision of services and the construction of facilities and

have the power, when necessary, to approve construction projects. Such powers shall be exercised pursuant to the County Government Law and Administrative Code of Nassau County;

- (g) Establish procedures for the execution of a local services plan or a unified services plan as approved by the County Executive and the Legislature and the Commissioner of Mental Hygiene of the State of New York, including regulations to guide the provision of services by all organizations and individuals within its program;
- (h) Make policy for and exercise general supervisory authority over or administer local services and facilities provided or supervised by it, whether directly or through agreements, including responsibility for the proper performance of the services provided by other facilities of the county government and by voluntary and private facilities which have been incorporated into its comprehensive program;
- (i) Further programs for special education and training, including career incentive and manpower and development; have the power to conduct or to contract, pursuant to the County Government Law of the County of Nassau, for such research as may be useful to discharge its administrative duties and for the promotion of scientific knowledge of the mental disabilities; to serve as a center for the promotion of community and public understanding of mental disabilities and of services necessary for their care and treatment; to seek the cooperation and to cooperate with other public health and social services agencies, public and private, in advancing the program of local or unified services;

- (j) Submit an annual report to the County Executive and the Legislature and the Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board;
- (k) Provide local or unified services and facilities directly, or to contract, pursuant to the county government law of the County of Nassau, for the provision of those services by another department, office, commission, council, board or subdivision of the county government of Nassau County, or by other units of local or state government, by voluntary agencies, or by professionally qualified individuals;
- (l) Develop and administer effective policies and programs for the prevention, control and treatment of chemical dependency, and the rehabilitation of alcoholics and drug addicts and make appropriate recommendations to the County Executive and the Legislature;
- (m) Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations for the purpose of actively implementing the stated purpose of this section;
- (n) Supplement and aid in coordinating the activities of public and private agencies devoted in whole or in part to the prevention of chemical dependency, and serve as a consultant to such agencies;
- (o) Develop programs, personnel and facilities, walk-in and residential treatment centers in conformity with and, in coordination with other county agencies having an interest in the field including, without limitation, the Mental Health Board, the Board of



Health, Nassau University Medical Center, the Police Department and the Department of Probation;

- (p) Perform research and develop a body of current information, statistics, records and data with regard to chemical dependency within the County of Nassau;
- (q) Develop and coordinate educational programs and stimulate countywide efforts to control chemical dependency;
- (r) Examine and to evaluate all existing and future activities, operations and programs conducted by all county agencies in the area of chemical dependency and serve as a clearing house for all county agencies in regard to their programs of education relating to chemical dependency and the prevention thereof;
- (s) Perform such other duties as may be assigned by the County Executive or the Commissioner of Human Services; and
- (t) The Office may, with the approval of the Legislature, establish rules and regulations for the administration of any walk-in center within its jurisdiction. For those able to pay for treatment received in these county facilities, the department may recommend to the Legislature the enactment of an ordinance establishing a fee schedule for such treatment.

**2. Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board.**

(a). A Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board is hereby established to advise the Director of Mental Health, Chemical Dependency and Developmental Disabilities Services and the Commissioner of Human Services on matters concerning mental health, developmental disabilities and chemical

dependency. The board shall consist of fifteen members, five to be appointed by the Majority, four by the Minority and six by the County Executive. Whenever practicable at least one member appointed by the County Executive shall be a licensed physician and one member shall be a certified psychologist; and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the mentally retarded, and developmentally disabled, and those suffering from chemical dependency. A member shall be designated by the County Executive as chair. The community services board shall have separate subcommittees for mental health, developmental disabilities and chemical dependency. Each separate subcommittee shall have no more than nine members, except that the subcommittee for mental health shall have no more than eleven members. All subcommittee members shall be appointed by the County Executive. Three members of each such subcommittee shall be members of the board. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such mentally disabled persons and community agencies serving the particular class of mentally disabled, except that each subcommittee for mental health shall include at least two members who are or were consumers of mental health services, and at least two members who are parents or relatives of persons with mental illness. Each separate subcommittee shall advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such

subcommittee. In addition, each subcommittee for mental health shall be authorized to annually evaluate the local services plan, and shall be authorized to report on the consistency of such plan with the needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances. Any such report shall be forwarded annually to the community services board and the director of community services and a copy shall also be sent to the commissioner prior to the submissions of the local services plan.

(b) A person's public office or employment shall not bar appointment as a member of the board or a subcommittee thereof, nor shall membership serve as a bar to other public office or employment; provided, however, that no employee of the Office or of an Office facility may hereafter be appointed as a member of the board or a subcommittee thereof.

(c) All terms shall be four years for members of the board and for members of subcommittees. Vacancies shall be filled for unexpired terms. No person may be appointed to serve as a member of the board or a subcommittee for more than two terms consecutively.

(d) The Legislature shall reimburse board members for the reasonable expenses incurred in the performance of their duties and may also provide by ordinance for per diem compensation, but only their reasonable expenses shall be reimbursed as an operating cost.

(e) The Legislature may remove a board or subcommittee member for cause, after written notice of charges and an opportunity for the member to be heard.

**§1004. Office of the Physically Challenged.** Within the Department of Human Services, there shall be an Office of the Physically Challenged, which shall have the following powers and duties:

(a) to advise and assist the County Executive in developing programs designed to help

meet the needs of the physically challenged;

(b) to promote public awareness of resources available to the physically challenged, and to refer the public to the appropriate departments and agencies of the state and federal governments for advice, assistance and available services in connection with particular problems; and

(c) to administer the handicapped parking program pursuant to the New York State Vehicle and Traffic Law.

**§1005. Office of Youth Services.** There shall be an Office of Youth Services devoted to the needs of persons under twenty-one years of age. The Office shall support the Nassau County Youth Board, which shall consist of twenty members to be appointed by the County Executive, subject to confirmation by the Legislature. One member of the Youth Board shall be designated as chairman by the County Executive. Each Board member shall be appointed for a term of three years. Vacancies on this Board shall be filled for the unexpired term in the same manner as original appointments. In addition to the foregoing, the senior judge of the Family Court, the County Attorney, the Director of Probation, the Executive Director of the Commission on Human Rights, the Commissioner of Labor Relations, the Commissioner of Police, the Commissioner of Human Services and the Deputy Commissioner of Public Works for Recreation and Parks shall be ex officio members of the Board without vote. The chairman and all members of the Board shall serve without salary or compensation but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article. The Legislature may appropriate sufficient sums to meet the capital and operating expenses of the Board. The County Executive shall appoint an executive director, subject to confirmation by the Legislature, who shall act as secretary of said Board and perform such other duties as

shall be assigned to him by the Board. The Board shall authorize the employment of such additional personnel as it deems necessary within appropriations. The Board shall have the following powers and duties:

- (a) Develop effective policies and programs for the prevention and control of delinquency and crimes by youths;
- (b) Supplement and aid in coordinating the activities of public, private and religious agencies devoted in whole or in part to the prevention of delinquency and youth crime and serve as a consultant to such agencies;
- (c) Encourage closer cooperation between employers, labor, schools, churches, recreation commissions, state and local employment bureaus, service clubs, and other public and private agencies so as to stimulate employment for youth and encourage sound youth programs on the basis of community planning;
- (d) Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations and establish reasonable bases for allocations of these funds to youth programs so as to serve most effectively the purpose of this article;
- (e) Devise, analyze, accept or reject plans for the creation or expansion of recreation and youth service projects or other youth programs as defined by laws of the State of New York and make appropriate recommendations to the County Executive and the Legislature;
- (f) Obtain, assemble and develop statistical records and data including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the county. Make necessary studies and recommendations for the guidance, treatment,

techniques of and facilities for rehabilitation of adjudicated juvenile delinquents, neglected children, youthful offenders, wayward minors, and youth convicted of crime and conduct public educational forums on youth problems and needs;

(g) Appoint such advisory groups and committees as may be necessary to carry out its powers and duties; and

(h) Submit an annual report to the County Executive and the Legislature.

§2. Construction. Any reference in the County Government Law of Nassau County, the Nassau County Administrative Code or any other law, ordinance, resolution, rule or regulation to the Department of Senior Citizen Affairs, the Department of Mental Health, Chemical Dependency and Developmental Disabilities, or the Office of the Physically Challenged shall be deemed to apply to the corresponding Office within the Department of Human Services and any reference to the heads of such agencies shall be deemed to apply to the Commissioner of Human Services. Any reference in the County Government Law of Nassau County, the Nassau County Administrative Code or any other law, ordinance, resolution, rule or regulation to the Youth Bureau shall be deemed to apply to the Office of Youth Services.

§3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment"), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4. Severability. If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

§5. Effective Date. This local law shall be effective immediately, provided that no existing Department shall be abolished nor functions transferred prior to compliance with the provisions regarding transfer of employees pursuant to section seventy of the Civil Service Law and the provisions of section three hundred seven of the Nassau County Charter regarding the transfer of appropriations to the Department of Human Services as established by section two of this local law. Further, the terms and status of Youth Board appointments, holdovers and vacancies existing on the effective date of this law shall continue without change, notwithstanding the placement of such Board within the Department of Human Services, such that seven terms shall expire on June 27, 2011, seven terms shall expire on June 27, 2012, and six terms shall expire on June 27, 2013. Further, the terms and status of appointments, holdovers and vacancies on the Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board existing on the effective date of this law shall continue without change, notwithstanding the placement of such Board within the Department of Human Services, provided that, on the date that at least eight appointments are made following the effective date of this local law, all prior appointments and holdovers shall be deemed terminated. Notwithstanding paragraph c of subdivision 2 of section 1003 of the County Government Law of Nassau County, as added by this local law, of the newly appointed Board: two members appointed by the majority, one member appointed by the minority and two members appointed

by the County Executive shall serve for terms expiring on December 31, 2015; two members appointed by the majority, one member appointed by the minority and two members appointed by the County Executive shall serve for terms expiring on December 31, 2014; and one member appointed by the majority, two members appointed by the minority, and two members appointed by the County Executive shall serve for a term expiring on December 31, 2013. After such initial terms, all members of such Board shall serve four year terms as prescribed in paragraph c of subdivision 2 of section 1003. Notwithstanding paragraph c of subdivision 2 of section 1003 of the County Government Law of Nassau County, as added by this local law, of the subcommittees of the newly appointed Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board: three members shall serve for a term expiring on December 31, 2015; three members shall serve for a term expiring on December 31, 2014; three members shall serve for a term expiring on December 31, 2013. After such initial terms, all members of such subcommittees shall serve four year terms as prescribed in paragraph c of subdivision 2 of section 1003.

**APPROVED**



**County Executive**

**DATE** June 14, 2011