

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 2 – 2012

A LOCAL LAW TO AMEND THE COUNTY CHARTER IN RELATION TO THE DEPARTMENT OF HUMAN SERVICES

Passed by the Nassau County Legislature on April 16, 2012
Voting: ayes: 15, nays: 0 abstained: 0
Became a law on April 23, 2012 with the approval of the
County Executive.

APPROVED AS A FORM

Deputy County Attorney

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Section 1001 of the County Government Law of Nassau County, as enacted by Local Law 4-2011, is hereby amended to read as follows:

§ 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, chemical dependency, and developmental disability services. The Commissioner shall appoint one (1) Deputy Commissioner solely to fulfill the functions previously performed

by the Commissioner of the Nassau County Department of Senior Citizen Affairs, and other such 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 for 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 shall appoint one (1) Deputy Commissioner to serve exclusively as the head of the Office of the Aging, solely performing the functions of the previous Commissioner of the Nassau County Department of Senior Citizen Affairs, and may appoint other such 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. However, notwithstanding any other provision of this article, the Deputy Commissioner of the Office for the Aging shall not perform any other functions except those previously performed by the Commissioner of the Nassau County Department of Senior Citizen Affairs. Nothing herein shall prevent the hiring of employees who may provide services to multiple offices within the Department, provided that a qualified full-time Deputy Commissioner and an adequate number of qualified staff are maintained in the Nassau County Department of Human Services' Office for the Aging.

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, provided that a qualified full-time Deputy Commissioner and an adequate number of qualified staff are maintained in the Nassau County Department of Human Services' Office for the Aging.

Section 2. Section 1002 of the County Government Law of Nassau County, as enacted by Local Law 4-2011, is hereby amended to read as follows:

§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 Deputy Commissioner acting exclusively as the head of the Office for the Aging and performing solely those functions previously performed by the Commissioner of the Nassau County Department of Senior Citizen Affairs shall be appointed by the Commissioner 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 Deputy Commissioner 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.

Section 3. Section 1004 of the County Government Law of Nassau County, as enacted by Local Law 4-2011, is hereby amended to read as follows:

§1004. Office for the Physically Challenged. Within the Department of Human

Services, there shall be an Office for the Physically Challenged, which shall have the following powers and duties:

Section 4. Section 2 of Local Law 4-2011 is hereby amended to read as follows:

§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] for 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, except the head of the Department of Senior Citizen Affairs which shall refer to the Deputy Commissioner of the Office for the Aging. 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.

Section 5. 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 a

Section 6. 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.

Section 7. Effective Date. This local law shall take effect immediately.

APPROVED



County Executive

DATE 4/23/12