

ERIE COUNTY CHARTER REVISION COMMISSION

Health, Education, Recreation and Culture Committee

final, 5/24/06

SUMMARY

The following charter revision language proposal affects **Articles XI and XVI**. It is the result of numerous discussions with involved county department heads and commissioners and reflects a path which will facilitate many of the key components of the 'Blueprint for Change' document distributed last year. It also defines certain organizational changes, reflecting recent operational initiatives between county departments.

With the adoption of these charter changes and the continued cooperation of county officials towards this common goal, Erie County will be able to deliver social services to its residents in a more efficient, effective and outcome-oriented manner.

A summary of current charter articles which are affected include:

Article XI Department of Social Welfare

Name change to Department of Human Services

Additions/ Changes/ Deletions of language to accommodate a consolidation of various departments providing human services.

Article XI-B Department of Mental Health

Article eliminated and department moved under Article XI (Dept of Human Services) as Sections 1104 and 1104(a) with language changes

Article XI-E Department of Senior Services

Article eliminated and department moved under Article XI (Dept. of Human Services) as Sections 1106 and 1106(a) with language changes

Article XI-F Department of Youth

Article eliminated and department moved under Article XI (Dept of Human Services) as Section 1104(b) with language changes

Article XVI Other Boards, Offices, ...

Language modified in Section 1606 (Dept of Probation & Youth Detention)

Article XVI-F Erie County Community Coordinating Council on Children and Families

Article eliminated and function moved under Article XI (Dept of Human Services) as Section 1104(c) with language changes

REVISED ERIE COUNTY CHARTER LANGUAGE

Bold New text

~~bold strikethrough~~ Deleted text

Bold italics Author's note

ARTICLE XI

~~DEPARTMENT OF SOCIAL WELFARE~~

DEPARTMENT OF HUMAN SERVICES

- Section 1101. Department of ~~social welfare~~ **human services**; commissioner; ~~county welfare act repealed~~
1102. Powers and duties of the commissioner.
1103. Welfare advisory board.
- 1104. Division of children and families**
- 1105. Division of self sufficiency**
- 1106. Division of senior & adult services.**

Section 1101. Department of ~~social welfare~~ **human services**; commissioner; ~~county welfare act repealed~~. There shall be a department of ~~social welfare~~ **human services** headed by a commissioner who shall be appointed by the county ~~executive manager~~ **subject to confirmation** by the county legislature. ~~The Erie county social welfare act, being chapter twenty eight of the laws of nineteen hundred thirty eight as amended, is hereby repealed as of January first, nineteen hundred sixty one.~~ The term and qualifications of such appointment shall be as required of a county commissioner of public welfare by social services law and regulation or other applicable law.

Section 1102. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of ~~social welfare~~ **human services** shall:

a. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.

~~—b. REPEALED by Local Law No. 9 1989.~~

~~—c. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.~~

~~—d. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency~~

~~telephone service shall be available on a twenty four hour basis for medical, psychiatric and non medical crises.~~

—e. **b.** Perform such additional and related duties as the county ~~executive manager~~ may prescribe.

~~Amended by Local Law No. 6 1975.~~

Section 1103. Welfare advisory board. There shall be in the department a welfare advisory board ~~of seven members~~ appointed by the **commissioner of human services. county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York.** The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department, ~~or to its duties under or involving~~ social welfare **law and regulation or other applicable law.**

Section 1104. Division of children and families; deputy commissioner. Within the department of human services there shall be a division of children & families, the head of which shall be a deputy commissioner, appointed by the commissioner of human services. The division constitutes the local governmental unit responsible for all behavioral health services, and the deputy commissioner shall have all the powers and perform all the duties conferred or imposed upon directors of community services by law, and shall meet those qualifications fixed by Title 14 of the New York State codes, rules and regulations for the state department of mental hygiene and in existence at the time of appointment. Within the appropriations made available, therefore, the deputy commissioner shall have oversight responsibility for a comprehensive continuum of services provided to children, youth and families, and perform additional and related duties as the commissioner of human services may prescribe.

Section 1104(a). Mental health community services board. The county manager shall appoint a mental health community services board (including disability specific subcommittees) which shall, at the request of the deputy commissioner of children and families, and may on its own initiative, advise on matters relating to an adequate array of behavioral health services in the county. The composition of such board and its subcommittees in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community services board.

Section 1104(b). Youth services board. There shall be established a youth services board to advise on matters related to youth. The makeup and operations of this board shall be subject to provisions, if any, set forth in state law.

Section 1104(c). Erie county community coordinating council on children & families; membership; chair. There shall be an Erie county community coordinating council on children and families, hereafter called council. The council shall act as a forum for community discussion of issues pertaining to services for children and families, and as a

liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.

Section 1104(d). Local early intervention coordinating council. There shall be established a local early intervention coordinating council, the makeup and operations of which are subject to provisions set forth in state law.

Section 1105. Division of self sufficiency; deputy commissioner. Within the department of human services there shall be a division of self sufficiency, headed by a deputy commissioner who shall be appointed by the commissioner of human services. The deputy commissioner shall have responsibility for social services benefit programs designed to address the emergency and long term economic needs of citizens in financial distress.

Section 1106. Division of senior and adult services; deputy commissioner. Within the department of human services there shall be a division of senior and adult services, the head of which shall be a deputy commissioner who shall be appointed by the commissioner of human services. The deputy commissioner shall be responsible for the coordination and delivery of services to adults, including adult protection and long term care services, and act as a local administrative officer for planning and coordination of services for senior citizens and other adults in cooperation with the commissioner of human services, the county manager and the county legislature.

Section 1106(a). Senior services advisory board. The county manager shall appoint persons to serve without compensation on an advisory board for the division of senior and adult services to advise on matters relating to services to citizens in the county sixty years of age or older. The makeup and operations of this board shall be subject to provisions, if any, set forth in state law.

ARTICLE 11-B

DEPARTMENT OF MENTAL HEALTH

~~Section 11-B-01. Department of mental health; commissioner.~~

~~11-B-02. Powers and duties.~~

~~11-B-03. Advisory board.~~

Language for mental health modified and moved under Sections 1104 and 1104(a)

~~—Section 11 B 01.— Department of mental health; commissioner. There shall be a department of mental health, the head of which shall be the commissioner of mental health. He shall be appointed by the county executive subject to confirmation by the county legislature. The commissioner shall meet those qualifications fixed by the state department of mental hygiene and in existence at the time of his appointment. Amended by Local Law No. 2 1988.~~

~~— Section 11 B 02. — Powers and duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the commissioner shall perform all duties with respect to child mental health services. He shall perform such additional and related duties as the county executive may prescribe.
Amended by Local Law No. 2 1989.~~

~~— Section 11 B 03. — Advisory board. The county executive shall appoint a mental health advisory board which shall, at the request of the commissioner, and may on its own initiative, advise on matters relating to an adequate program of mental health services in the county. The composition of such board in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community mental health board.
Amended by Local Law No. 4 1967
1967 Local Laws of Cities, Counties, Towns and Villages.~~

~~ARTICLE 11-E~~

~~DEPARTMENT OF SENIOR SERVICES~~

~~Section 11-E-01. Department of senior services; commissioner.~~

~~11-E-02. Powers and duties.~~

~~11-E-03. Advisory board.~~

Language for Senior Services modified and moved under Sections 1106 and 1106(a)

~~Section 11 E 01. — Department of senior services; commissioner. There shall be a department of senior services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. There shall be no deputy commissioner nor shall any position be created, by whatever title, providing for duties and emoluments which would be appurtenant in fact to the office of a deputy commissioner of the department.~~

~~— Section 11 E 02. — Powers and duties. The commissioner of the department shall:~~

~~— a. Act as a local administrative officer for planning and coordination of services for senior citizens in cooperation with the county executive and the county legislature;~~

~~— b. Serve as an advocate in order to make existing service systems more effective and accessible to senior citizens;~~

~~— c. Assess the future needs of senior citizens to insure the continuance of beneficial programs and to implement additional services according to need and demographics including handicapped and disabled senior citizens;~~

~~—d. Apply for such federal and state funds and grants as may be beneficial to senior citizen's programs;~~

~~—e. Function as a coordinator with the cities, towns and villages within the county for community based systems for senior citizens;~~

~~—f. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available to senior citizens;~~

~~—g. Initiate and monitor programs to preserve the safety of senior citizens with respect to transportation services and crime prevention;~~

~~—h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.~~

~~—Section 11 E 03.— Advisory board. There shall be established an advisory board to the department of senior services. Added by Local Law No. 5 1979.~~

ARTICLE 11-F *

DEPARTMENT OF YOUTH SERVICES

~~Section 11-F-01. Department of youth services; commissioner.~~

~~11-F-02. Powers and duties.~~

~~11-F-03. Youth services board.~~

Language for Youth Services modified and moved under Section 1104(b)

~~—Section 11-F-01.— Department of Youth Services; commissioner. There shall be a department of youth services, hereinafter to be known as the “Eric County Youth Bureau”, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. The commissioner may, within the appropriations provided therefore, appoint to serve at his pleasure, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties.~~

~~Amended by Local Law No. 6-2001.~~

~~—Section 11 F 02.— Powers and duties. The commissioner of the department shall:~~

~~—a. Act as a local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and county legislature;~~

~~Amended by Local Law No. 6-2001~~

~~—b. Serve as an advocate in order to make existing service systems more effective and accessible to youth;~~

~~—c. Assess the future needs of youth to insure the continuance of beneficial programs and to implement additional services according to need and demographics, including mentally and physically handicapped and disabled youth;~~

~~—d. Apply for such federal and state funds and grants as may be beneficial to youth;~~

~~—e. Improve coordination among county agencies and between cities towns, and villages within the county which are involved in the provision of services to youth, especially those youth who are at risk of involvement in the juvenile and criminal justice system, in order to assure more effective planning, program development, and administration of services which are provided on behalf of these youngsters;~~

~~—f. Gather and disseminate information relating to the needs of youth and inform the public of the services and facilities available to youth;~~

~~—g. Initiate and monitor programs to preserve the safety of youth with respect to handicapped youth transportation and education services, and juvenile delinquency prevention;~~

~~Amended by Local Law No. 2 1989.~~

~~—h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.~~

~~—Section 11 F 03. Youth services board. There shall be established a youth services board to the department of youth services.~~

~~Added by Local Law No. 3 1983.~~

~~* See also article XI F, Office for the Disabled, Added by Local Law No. 4 1983.~~

ARTICLE XVI

OTHER COUNTY BOARDS, OFFICERS, INSTITUTIONS AND FUNCTIONS

Section 1601. Board of elections.

1602. Erie county medical center; board of managers; chief executive officer; treasurer.

1603. County laboratory; director; advisory board.

1604. **REPEALED.**

1605. Traffic safety advisory board.

1606. Department of Probation **and Youth Detention.**

1607. Other boards; how appointed.

1608. Additional appointments by county executive.

1609. Miscellaneous administrative functions.

1610. Erie and Niagara counties regional planning board.

Erie county home commissioner.

1611. Support of public libraries.

1612. Support of public libraries.

Section 1606. Department of Probation ~~and Youth Detention~~. There shall be a Department of Probation ~~and Youth Detention~~ headed by a ~~director commissioner~~ who shall be appointed by the county ~~executive manager~~, subject to confirmation by the county legislature. ~~Within said department there shall be a Probation Division and a Youth Detention Division, each headed by a deputy director.~~

~~Amended by Local Law No. 6-2001.~~

~~Amended by Local Law No. 2 1987.~~

~~ARTICLE 16-F~~

~~ERIE COUNTY COMMUNITY COORDINATING COUNCIL ON CHILDREN AND FAMILIES~~

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|--------------------|--------------|---|
| Section | 1 | Legislative declaration of policy. |
| | 2 | Establishment, powers and duties. |
| | 3 | Membership, meetings. |
| | 4 | The county executive. |
| | 5 | Staff. |
| | 6 | Effective date. |

Language for Coordinating Council on Children and Families modified and moved under Section 1104(c)

~~— Section 1. — Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.~~

~~— To further this policy the Erie county government provides evaluation, treatment and preventative services to the children and families of Erie county.~~

~~— The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.~~

~~— The services system can be strengthened by:~~

~~— 1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.~~

~~—2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.~~

~~—3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.~~

~~—4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.~~

~~—Section 2.— Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:~~

~~—1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.~~

~~—2. Identify problems and deficiencies in existing services and recommend corrective action.~~

~~—3. Improve coordination of program and fiscal resources within the children's services system.~~

~~—4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.~~

~~—5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.~~

~~—6. Develop long range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.~~

~~—7. Act as a forum for community discussion of issues pertaining to services for children and families.~~

~~—8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.~~

~~—Section 3.— Membership; meetings. The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.~~

~~—The legislature shall appoint the eight community representatives and two representatives of the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two-year terms and five shall serve three-year terms. These members can only be reappointed once.~~

~~—The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and two representatives of the business community.~~

~~—The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty-four members previously stated.~~

~~—The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.~~

~~—The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report with the county legislature and the county executive.~~

~~—The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first report to the legislature before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.~~

~~—The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short term budget recommendations for the nineteen hundred ninety three budget.~~

~~—The council shall then make yearly budget recommendations and five-year service plans.~~

~~—Section 4.—The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.~~

~~—Section 5.—Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts.~~

~~—The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.~~

~~— Section 6. — Effective date. This law shall take effect immediately.
Amended by Local Law No. 3 1992.
Amended by Local Law No. 7 1990.
Added by Local Law No. 4 1988.~~