

DECEMBER 3, 2020 SESSION

LOCAL LAW

- a. A LOCAL LAW AMENDING THE ONONDAGA COUNTY CHARTER AND THE ONONDAGA COUNTY ADMINISTRATIVE CODE REGARDING THE TRANSFER OF MENTAL HEALTH SERVICES AND COMMUNITY SERVICES TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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ONONDAGA COUNTY  
LEGISLATURE

A LOCAL LAW AMENDING THE ONONDAGA COUNTY CHARTER AND THE ONONDAGA COUNTY ADMINISTRATIVE CODE REGARDING THE TRANSFER OF MENTAL HEALTH SERVICES AND COMMUNITY SERVICES TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. Findings.

The County of Onondaga provides residents with various human services, including mental health services. Through a series of legislative enactments since 2013, the County has restructured various functions and duties in order to reallocate resources and improve the ways in which human services are delivered and administered. This Legislature hereby finds that further reorganization and realignment of these services will enable the County to effectively and efficiently deliver quality human services to area residents.

Section 2. Intent.

Based upon the findings above, it is the desire and the intent of this Legislature to amend the Onondaga County Charter and Administrative Code to effect the reorganization of certain departments and allow for increased coordination of certain human services provided to Onondaga County residents. To that end, this local law provides for a redistribution of powers and duties among departments and officials within the Executive branch by transferring to the Department of Children and Family Services the powers and duties to provide mental health services to children, families and adults.

Section 3. Amendments to Charter and Administrative Code.

This Legislature hereby makes the following changes to the Onondaga County Charter (Local Law No. 1-1961, as previously amended, hereinafter referred to as "Charter") and the Onondaga County Administrative Code (being Local Law No. 1-1975, as previously amended, hereinafter referred to as "Administrative Code"), where such changes become effective January 1, 2021.

Section 4. The Charter is amended within Article XXIV (Department of Adult and Long Term Care Services) to strike in entirety Section 2404 "Community Services Advisory Board." The functions and duties of the Community Services Advisory Board hereby are transferred in entirety to the Department of Children and Family Services within Section 31.03(e)(3) of the Administrative Code.

Section 5. The Administrative Code is amended within Sections 11.02(a) to strike the words "mental illness" and within Section 11.02(b) and 11.02(c) to strike the words "mental health."

Section 6. The Administrative Code is amended to strike in entirety Section 11.03(e) (1) "Mental Health – Community Services District" and such functions and duties hereby are transferred in entirety to the Department of Children and Family Services within Section 31.03(e)(3) of the Administrative Code.

Section 7. The Administrative Code is amended within Section 11.04 to strike the words "at least two Deputy Commissioners of Adult Services" and to substitute therefore the words "at least one Deputy Commissioner of Adult Services."

Section 8. The Administrative Code is amended to strike Section 11.05 “Division of Community Services; Deputy Commissioner of Community Services; Powers and Duties” and such functions and duties hereby are transferred in entirety to the Onondaga County Department of Children and Family Services within Section 31.03(e)(3) of the Administrative Code.

Section 9. The Administrative Code is hereby amended to strike in entirety Section 11.07 “Division of Adult Mental Health Services” and such functions and duties hereby are transferred in entirety to the Onondaga County Department of Children and Family Services within Section 31.07 of the Administrative Code.

Section 10. The Administrative Code is amended within Section 31.03 to add a new Section 31.03(e)(3), to read as follows:

(3) Mental Health-Community Services District. The County of Onondaga shall be a local governmental unit, as such is defined by Mental Hygiene Law, as may be amended, for the purposes of planning, implementing, and otherwise administering such district to receive aid from the State of New York for community mental health services.

(i) There shall be a Director of Community Services, who shall serve as the chief executive official for such district. The Director of Community Services shall meet the minimum qualifications for such position as provided in the applicable state law and regulations. The County Executive shall designate an official to serve as the Director of Community Services, which official shall be confirmed by the County Legislature. The Director of Community Services shall be responsible to the County Executive for the purposes of administering the district and shall continue such responsibilities until the designation is revoked by the County Executive.

(ii) The Director of Community Services shall be empowered to:

a. encourage the development and expansion of programs for the prevention, rehabilitation and treatment of mental illness within the County under guidelines approved by the County Executive or the County Legislature or pursuant to administrative orders of funding authorities having the effect of law;

b. submit to the County Executive annually a plan for the delivery of mental health services under regulations of the County Executive, the County Legislature and the appropriate agencies at the state level;

c. initiate, investigate and process for consideration by the County Executive, within appropriations made therefor by the County Legislature, contracts for services to be rendered by other units of government or private organizations, and contracts for services by the appropriate departments within County government to other jurisdictions and, when such contracts are approved, monitor compliance therewith;

d. determine from time to time the availability and suitability of sources of funding for mental health facilities or services, recommend schedules of reimbursement by those capable of paying for such services and, when approved, collect and account therefor;

e. have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

(iii) There shall be within the Department of Children and Family Services a Community Services Advisory Board whose members shall be appointed by the County Executive, subject to confirmation by the County Legislature, in the manner and for the term provided in the Mental Hygiene Law for the appointment of community services boards. Such board shall select annually its own chairperson and otherwise organize

and reorganize itself in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the Director of Community Services or the chairperson of the Board. Vacancies in membership occurring other than by expiration of term shall be filled by appointment of the County Executive for the respective unexpired terms.

(iv) The Community Services Advisory Board shall:

a. consider matters relating to the mental health needs of the County and advise the Director of Community Services thereon, either at the request of the Director of Community Services or upon its own initiative, and from time to time make recommendations to the Director of Community Services thereupon;

b. submit to the Director of Community Services, the County Executive, and the Commissioner of Children and Family Services, on or before the first day of July of each year, a projection, or updated projection, or anticipated mental health needs for, and recommended facilities and services to be furnished to, the County for the ensuing six fiscal years;

c. recommend and suggest to the Director of Community Services a program of community mental health services and facilities, and rules and regulations concerning the rendition or operations of services and facilities in the community mental health program;

d. make recommendations and suggestions to the County Executive relative to the qualifications and appointment of the Director of Community Services and relative to the qualifications and duties of such officers or employees as may be related to providing or administering mental health services within the County.

e. have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

(v) Within appropriations therefor, the Community Services Advisory Board shall be furnished with such staff service as it may require in the performance of its duties.

Section 11. The Administrative Code is amended to add Section 31.07A, to read as follows:

#### Section 31.07A DIVISION OF COMMUNITY SERVICES

There shall be within the Department of Children and Family Services a Division of Community Services.

The Division of Community Services shall be empowered to:

(a) establish, operate and encourage the development of programs in the County of Onondaga for the provision of community services;

(b) ensure that the management and the services delivered for community services are in compliance with applicable laws and regulations; and

(c) coordinate and cooperate with other county officials regarding delivery of services, including developing agreements and contracts to provide and secure necessary services;

(d) administer such other and related programs and services, and perform such other and related duties as may be required by the Commissioner or the County Executive.

Section 12. The Administrative Code is amended to strike Section 31.07 “Division of Children’s Mental Health Services” and to substitute therefore “Division of Mental Health Services” and shall read as follows:

Section 31.07. DIVISION OF MENTAL HEALTH SERVICES FOR CHILDREN, FAMILIES AND ADULTS.

There may be within the Department of Children and Family Services a Division of Mental Health Services for Children, Families and Adults (referred to as the “Division of Mental Health Services”).

The Division of Mental Health Services may be organized to:

- (a) stimulate, review, and otherwise encourage the development of programs for the delivery of mental health services to children, families and adults in the County of Onondaga;
- (b) oversee the day-to-day operation of services rendered by contractors on behalf of the Division of Mental Health Services to county residents, verifying that such services are in compliance with applicable laws and regulations;
- (c) conduct research on the mental health needs of children, families and adults residing within the County of Onondaga and develop a strategy for meeting such needs;
- (d) administer from time to time certain mental health programs within the County for the benefit of its resident children, families and adults;
- (e) plan services to meet the mental health needs of children, families and adults through the evaluation of services and the identification of major problems affecting such populations;
- (f) provide information relative to programs and mental health services in the community and sources of support for such programs and services;
- (g) recommend to and cooperate with federal, state and local agencies in the development of public policy regarding mental health issues;
- (h) cooperate and maintain close liaison with various partner agencies, including both public and private entities providing mental health services to county residents; and
- (i) submit to the County Executive such reports, data and other information as may be required, or as may otherwise be appropriate from time to time, regarding policies, programs and services throughout the County related to mental health issues.

Section 13. Any previously enacted resolutions or local laws relating to the delivery of human services in Onondaga County hereby are amended to be consistent with this local law. Except as specifically amended herein, the Onondaga County Charter and Administrative Code remain in full force and effect.

Section 14. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the 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 in which the judgment shall have been rendered.

Section 15. This Local Law shall take effect on January 1, 2021, and shall be filed consistent with provisions of the Municipal Home Rule Law.

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