



MINUTES
SPECIAL LEGISLATURE MEETING
CAYUGA COUNTY LEGISLATURE
Thursday, November 18, 2021 to follow Special Ways
Live Link: <https://youtu.be/jX-7LBhIOCY>

CALL TO ORDER: Hon. Christopher Petrus, Vice Chair called the meeting to order at 6:56PM

ROLL CALL: Amanda Morgan, Deputy Clerk of the Legislature, all legislators present except Whitman, Didio, and McNabb-Coleman

RESOLUTION:

RESOLUTION NO. 323-21 11-18-21 COA LL Establish Commissioner DSS & DCS
FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW REPEALING LOCAL LAW NO. 5 OF 2014
AND ESTABLISHING THE POSITIONS OF COMMISSIONER OF DSS AND DIRECTOR OF COMMUNITY SERVICES

BY: Hon. Elane Daly, Chair, Health and Human Services Committee

WHEREAS, Local Law No. 5 of 2014 established the position of Director of Community Services with the responsibility of overseeing and administering the Departments of Social Services and Mental Health; and

WHEREAS, after considerable deliberation and assessment, the Cayuga County Legislature is of the opinion that such disparate departments will run more effectively and efficiently when oversight is focused within each department; and

WHEREAS, the Cayuga County Legislature finds that it is in the public interest to create and establish the position of Commissioner of Social Services to oversee and administer the provision of social services within Cayuga County; and

WHEREAS, the Cayuga County Legislature finds that it is in the public interest to create and establish the position of Director of Community Services to oversee and administer the provision of mental health services within Cayuga County; and

WHEREAS, there has been duly presented and introduced at a special meeting of this County Legislature held on November 18, 2021, a proposed local law entitled:

A LOCAL LAW REPEALING LOCAL LAW NO. 5 OF 2014 AND ESTABLISHING THE POSITIONS OF
COMMISSIONER OF SOCIAL SERVICES AND DIRECTOR OF COMMUNITY SERVICES

; now, therefore be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature at a special Legislative meeting to be held on Wednesday, December 1, 2021, at 6:30 P.M., or immediately following the Judicial & Public Safety Meeting, whichever occurs later, held electronically and broadcast live via YouTube at the following address:

https://youtu.be/_ToVOVaWFES, with members of the public directed to call in at 315-294-8051 to comment; and be it further

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

LOCAL LAW NO. ____ OF 2021

A LOCAL LAW REPEALING LOCAL LAW NO. 5 OF 2014 AND ESTABLISHING THE POSITIONS OF
COMMISSIONER OF SOCIAL SERVICES AND DIRECTOR OF COMMUNITY SERVICES

BE IT ENACTED by the County Legislature of Cayuga County, State of New York as follows:

SECTION 1: LEGISLATIVE FINDINGS AND INTENT:

Cayuga County is authorized by County Law § 400(4)(a) and the Municipal Home Rule Law § 10(1) to create and establish appointive positions, define their powers and duties, and fix their terms of office, so long as it is not inconsistent with the New York State Constitution or general law. Accordingly, the Cayuga County Legislature (“Legislature”) hereby finds as follows:

- A. Local Law No. 5 of 2014 established the position of Director of Community Services, which had management and administrative responsibility over the Departments of Social Services and Mental Health.
- B. Due to the increasingly complex operational and regulatory demands of these two departments, the Legislature finds that having separate, full-time administrative leadership would better serve the departments and their constituents.
- C. The Legislature further finds that it is in the public interest to set forth a transition process that involves the following steps:
 - 1) Create and establish the position of Commissioner of Social Services to oversee and administer the provision of social services within Cayuga County pursuant to the Social Services Law;
 - 2) Re-establish the position of Director of Community Services with a revised job description that limits the duties and responsibilities to oversight and administration of mental health services in Cayuga County pursuant to the Mental Hygiene Law;
 - 3) Repeal Local Law No. 5 of 2014 as obsolete.
- D. The Legislature intends this Local Law to authorize the Legislature to implement the above-described plan in a manner that is timely and effective and best meets the needs of the County.

SECTION 2: COMMISSIONER OF SOCIAL SERVICES

- A. The Legislature establishes the position of Cayuga County Commissioner of Social Services (“DSS Commissioner”) effective January 28, 2022, who shall be responsible for administering the public assistance and care for which the County public welfare district is responsible and shall have general supervision and care of persons in need within Cayuga County.
- B. The DSS Commissioner shall serve as the chief executive officer of the Cayuga County Department of Social Services, without bond, and shall have all the powers and duties as prescribed by Article 3 of the Social Services Law and such other and further duties as may be delegated by the Legislature.
- C. Appointment to the position of DSS Commissioner shall be in the non-competitive class and shall be for a term of five (5) years.
- D. No person shall be appointed to the position of DSS Commissioner who does not meet the minimum qualifications as established by the NYS Commissioner of Social Services (see, 18 NYCRR 679.1, *et seq.*) and the Cayuga County Civil Service Commission.
- E. The DSS Commissioner shall have the authority to appoint such deputies, who shall serve without bond, and such assistants and employees as may be authorized by the Legislature and shall have the power to remove the same.
- F. The compensation for the DSS Commissioner shall be set by the Cayuga County Legislature by resolution.
- G. The DSS Commissioner shall be subject to removal or sanction by the Cayuga County Legislature pursuant to Civil Service Law § 75 or by the State Commissioner of Social Services pursuant to § 34 of the Social Services Law.
- H. All delegation of powers, duties and responsibilities to the Commissioner of DSS shall be subject to Civil Service laws, rules and regulations and such other laws as may be applicable.

SECTION 4: DIRECTOR OF COMMUNITY SERVICES

- A. The Legislature hereby establishes the position of Director of Community Services (“DCS”), effective January 28, 2022, who shall serve as the chief executive officer of the Cayuga County Community Services Board (“CSB”) and the administrative head of the Cayuga County Mental Health Department.
- B. The DCS shall be appointed by the CSB in accordance with Mental Hygiene Law § 41.09(a). Because the position also serves as a department head under the County Legislature, the CSB shall include the Legislature or such delegate(s) as the Legislature may choose in the recruiting process, and shall make a good faith effort to obtain the Legislature’s concurrence regarding the candidate selected.
- C. Appointment to the position of DCS shall be in the non-competitive class and serve for an indefinite term.
- D. The DCS shall be vested with supervisory and administrative authority over the Mental Health Department and shall have the power and authority to appoint officers and employees as authorized and budgeted by the County Legislature and remove the same. Such powers and duties shall be exercised subject to the Civil Service Law, the Mental Hygiene Law and any other applicable statutes, rules or regulations. The DCS shall perform such duties as are required by law and such other duties as may be delegated by the County Legislature or the Community Services Board.
- E. No person shall be appointed to the position of Director of Community Services who does not meet the minimum qualifications as established by the NYS Department of Mental Hygiene (see, 14 NYCRR §102.6, *et seq.*) and the Cayuga County Civil Service Commission.
- F. The compensation for the Director of Community Services shall be set by the Cayuga County Legislature by resolution.
- G. Notwithstanding any other law, rule or regulation, the Community Services Board may dismiss the Director of Community Services for “cause”. Such “cause” being insubordination, immoral character, inefficiency, incompetency, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by law, subject to the following conditions:
 - 1) Upon determining sufficient “cause” exists, the Legislature shall adopt a resolution recommending to the Community Services Board that the Director be suspended, demoted, or discharged or such other discipline as may be deemed appropriate.
 - 2) The Community Services Board, upon the recommendation of the Legislature or upon its own initiative, shall adopt a resolution stating its intention to suspend, demote or remove the Director and the reasons therefore. Upon adoption of the resolution by the Community Services Board, the Legislature may suspend the Director without pay, pending the conduct of a hearing, if any, and a determination therefrom.
 - 3) A copy of the resolution shall be served upon the Director. The Director shall have eight (8) days in which to answer the charges and request a hearing.
 - 4) If the Director requests a hearing, the Community Services Board shall appoint a hearing officer to hold a hearing, in executive session, not less than ten (10) days nor more than twenty (20) days from the date of the demand. The hearing officer shall be empowered to issue subpoenas, take oaths, and receive sworn testimony from witnesses. After the hearing, the hearing officer shall recommend suspension of up to 60 days, demotion or termination of the Director. The Community Services Board may accept or reject the recommendation of the hearing officer provided it gives a reason for its determination. The decision of the Community Services Board shall be final and binding, subject to the right of appeal in accordance with law.
 - 5) If the Director does not request a hearing, the Community Services Board may dismiss the Director ten (10) days after service of a copy of the resolution upon the Director.
 - 6) In the event that the charges against the Director are not sustained after a hearing, or are not sustained after any appeal from the decision of the Community Services Board, the Director shall be entitled to be paid for the period of suspension.

SECTION 5: CONTINUING RECOGNITION OF THE PUBLIC HEALTH DEPARTMENT

- A. The continued existence of the Cayuga County Public Health Department is hereby recognized and acknowledged, to be overseen and managed by the Public Health Director.

SECTION 6: REPEALER.

Local Law No. 5 of 2014 is deemed repealed effective January 28, 2022.

SECTION 7: SAVINGS CLAUSE.

It is the intent of the Legislature that in the event that any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and that the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE.

This Local Law shall take effect upon filing with the New York State Secretary of State.

Motion by Batman, 2nd by Daly, all in favor.

Motion by Vitale to adjourn at 6:58PM, 2nd by Batman, all in favor.