

Agenda

Human Services Committee

March 21, 2018, 5:15 pm, Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/21/18)
- C. Privilege of the Floor
 - 1. Proposed Local Law Intro 5-18- A Local Law Declaring the Opioid Epidemic and its Effects On Chautauqua County a Public Nuisance and Further Establishing A Cost Recovery Procedure for the County's Expenditures Incurred in Providing Services Related to the Opioid Epidemic
 - 2. Proposed Resolution- Confirm Appointment - Chautauqua County Health Board
 - 3. Proposed Resolution- To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program
 - 4. Proposed Resolution – Accept National Association of County and City Health Officials Grant For Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health
 - 5. Proposed Resolution – Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County
 - 6. Proposed Resolution – Authorize Agreements for Early Intervention and Preschool Programs
 - 7. Other

LOCAL LAW
INTRODUCTORY NO. 5 - 18
CHAUTAUQUA COUNTY

A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON
CHAUTAUQUA COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A
COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED
IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC

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

Section 1. Purpose and Intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Chautauqua County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

Section 2. Definitions.

"Costs" means all expenditures related to the opioid epidemic that directly or indirectly arise from the County's response to a responsible party's action or inaction.

"Responsible party" means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

Section 3. Governmental Function Cost Recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a

responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

Section 4. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

Section 5. Public Nuisance.

The County hereby finds and declares the following:

- (1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- (2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years, which practice continues today;
- (3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- (4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- (5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- (6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- (7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- (8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

Section 6. Retroactive Application.

This Local Law applies retroactively.

Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

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

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

GMB 3/14/18

TITLE: Confirm Appointment - Chautauqua County Health Board

BY: Human Services Committee:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Health Board.

Legislator Elisabeth Rankin
4 Arlington Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/23

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO.**

CLS 03/06/18
KMW 3.7.18
SMA 03/7/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, The Chautauqua County Department of Health and Human Services is interested in participating in the New York State Environmental Facilities Corporation's Septic System Replacement Program (Program) for the period of March 1, 2018 through December 31, 2022; and

WHEREAS, by participating in this Program the County has access to up to \$150,000 in grant funds, to be issued to property owners for septic system projects; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into Program agreements with the New York State Environmental Facilities Corporation for so long as the County has the opportunity to participate in this Program; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal agencies and organizations as necessary to carry out the objectives and requirements of this grant program.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CLS 03/06/18
KMW 3.6.18
SMA 03/06/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: Accept National Association of County and City Health Officials Grant for Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the National Association of County and City Health Officials (NACCHO) has awarded a grant to the Chautauqua County Department of Health and Human Services for Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health, for the period of March 1, 2018 through June 30, 2018 and in the amount of \$15,000; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance - Unassigned Fund Balance \$ 3,831

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual- Public Health Admin \$10,000

INCREASE REVENUE ACCOUNT:

A.4010.----.R168.9000 Departmental Income--Oth Public Health Income \$15,000

DECREASE REVENUE ACCOUNT:

A.4010.PHSA .R340.1000 New York State Aid – Public Health Grant \$ 1,169

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CLS 03/06/18
KMW 3.6.18
SMA 3/6/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Univera Healthcare has awarded a grant for Expanding Lead Poisoning Prevention in Chautauqua County to the Chautauqua County Department of Health and Human Services, to support its lead poisoning prevention efforts for the period of January 1, 2018 through December 31, 2020, in the amount of \$90,000; and

WHEREAS, the grant funding has been established at \$30,000 per year; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----,----.917.0000	Unassigned Fund Balance—Unassigned	
	Fund Balance	\$10,495

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.2	Equipment- Other Public Health Progs,	
	Lead Testing	\$ 2,650
A.4189.LEAD.4	Contractual- Other Public Health Progs,	
	Lead Testing	<u>\$13,500</u>
	Total	\$16,150

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R168.9000	Departmental Income--Oth Public	
	Health Income	\$30,000

DECREASE REVENUE ACCOUNT:

A.4010.PHSA .R340.1000	New York State Aid--Public Health Grant	\$ 3,355
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CLS 03/12/18
KMW 3.13.18
SMA 3/14/18
KMD 3/14/18
KLC 3/14/18
GMB 3/15/18

TITLE: Authorize Agreements for Early Intervention and Preschool Programs

BY: Human Services Committee:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, pursuant to Article 25, Title II-A of New York State Public Health Law, the County is required to provide appropriate Early Intervention Services to eligible children and their families; and

WHEREAS, pursuant to the New York State Education Law Section 4410, the County is required to provide appropriate special education services to eligible preschool children, aged three through five, with handicapping conditions; and

WHEREAS, the State University of New York College at Fredonia, Jamestown Community College, BOCES, and Chautauqua County School Districts have in the past provided such services for eligible children, including transportation services; and

WHEREAS, Federal and State funding is available to cover some of the costs of these services; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal entities for the provision of services for so long as the County is mandated to provide program services.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date