



Onondaga County Legislature

JAMIE McNAMARA
Clerk

JAMES J. ROWLEY
Chairman

TAMMY BARBER
Deputy Clerk

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WAYS & MEANS COMMITTEE REVIEW OF THE 2024 TENTATIVE BUDGET BUDGET REVIEW DAY 6 – SEPTEMBER 22, 2023 BRIAN F. MAY, CHAIR

MEMBERS PRESENT: Mr. Ryan, Mr. Burtis, Ms. Abbott, Mr. Knapp, Mr. Kinne

MEMBERS ABSENT: Mrs. Ervin

ALSO ATTENDING: Chairman Rowley, also please see attached

Chair May called the meeting to order at 9:15 a.m.

DEPARTMENT OF CHILDREN & FAMILY SERVICES: Amy Cunningham, Commissioner

SECTION 1:

2023 INITIATIVES & ACCOMPLISHMENTS

- As of 2023, Onondaga County DCFS School Based Initiatives services are present in ALL school districts within the county. The nearly \$17 million County investment in students' mental health services continues to support ACCESS Liaisons, Promise Zone Specialists, and Family Support Specialists in schools to assist students and their families with challenges they may be experience. These funds also support School Based Mental Health Clinics that provide clinical services to students.
- DCFS has continued to work closely with community partners to implement the 911/988 Persons in Crisis (PIC) pilot program to divert Police responses from 911 calls to Mobile Crisis teams. In 2023 the pilot program moved into the full implementation phase. In conjunction with our partners in Law Enforcement, the City of Syracuse, Contact Community Services, St. Joseph's Hospital and Liberty Resources, Onondaga County is working to ensure that PIC calls made to 911/988 are responded to with trained mental health professionals and individuals with lived experience. The program has added two additional mobile crisis teams to the existing Crisis System in Onondaga County. In addition, the local Suicide Crisis Hotline at Contact Community Services (988) is now co-locating within the 911 during peak call hours.
- The Child Welfare Division continues to emphasize kin placement to keep children with family members when a removal from the home is necessary. Close to 50% of children placed in foster homes are now placed with kin.
- Through a targeted recruitment campaign, Child Welfare was able to recruit and retain 37 new caseworkers in 2023. The entire Child Welfare team has worked together to welcome, train, and mentor new staff as the begin their careers in DCFS.
- In 2023, Hillbrook reached full capacity for the first time since expanding the facility to accommodate 16 and 17 year old youth who would have been placed in adult facilities prior to Raise the Age legislation. Through staff recruitment and program expansion, the Department was able fully open all units of the facility.
- While at Hillbrook, twelve youth have obtained regents diplomas in the past two years. Hillbrook leadership also continues to participate in the state-wide education summit focused on improving the educational services within the facility and explore ways to improve.
- Our Juvenile Justice Division continues to reduce racial and ethnic disparities for African American youth across various system points. This reduction is attributed to the implementation of our Community Engagement Initiative

(Word II YOU): Percentage of African American Youth Detained at Hillbrook: 2016-80% 2022-57%. Percentage of African American Youth Placed: 2016-76% 2021-61%.

- The Syracuse/Onondaga County Youth Bureau again received and distributed Youth Sports and Education Opportunity Funding to community partners to support non-traditional sports programming in the community and worked closely with the community-wide summer youth employment collaborative.
- The Youth Bureau has also re-established the annual “Show and Tell” opportunity for DCFS staff and staff from community-based agencies to learn about youth development programs and services available to all youth in our community.

2023 BUDGET REVIEW

As a department, DCFS is projected to be within budget for 2023, with the exception of mandated programs where rates and case counts are resulting in increased costs.

SECTION 2:

2024 BUDGET OVERVIEW

The 2024 budget includes standard salary and wage increases consistent with the baseline budgeting approach. Also included in the base are increased costs in supplies, contract services and professional services due to inflation and contract escalators. Mandated Programs are also increased in the 2024 budget as result of increased Foster Care costs that are driven by OCFS rate increases and number of children in foster care.

SECTION 3:

2024 STRATEGIC PRIORITIES

- Continued engagement with school districts throughout the County to implement School Based Mental Health Services in all districts
 - Develop and implement a foster care prevention plan that centers family voice and provides accessible, effective services to families within their respective communities
 - Further develop the Adult Mental Health System to include adult ACCESS services, enhanced peer services, and system navigation supports
 - Recruit and retain staff who are committed to serving children and families so that all are successful in the home, school, and community
 - Support youth voice in youth development programming and strengthen the Youth Board
 - Facilitate planning for construction of a new educational building at Hillbrook Juvenile Detention Center
 - Expand contract monitoring and data collection and analysis in order to make informed decisions and improve outcomes for children and families
 - Collaborate with other Human Services Departments within the County to develop strategies to better serve children and families
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- DCFS has 5 different divisions
 - Child Welfare, Children & Adult Mental Health, Probate Initiatives, Juvenile Justice and Youth Bureau
 - Provide programs and services that support the success of children, youths, adults and families in their homes
 - Will be in budget for 2023, with exception of Foster Care Line
 - Slight increase in number of children in foster care and rate increases
 - 2024 budget includes standard salary rate increases consistent with baseline budget and approach
 - Added 7 detention home aids to the 101 line
 - Offset with the same reduction for the 103 line

- Employees work full time hours, 1:1 switch
- Allows for better management of shift scheduling at Hillbrook
- Fewer mandated overtime hours for staff
- Included funding in budget for additional Child Welfare Case Worker for the Raise the Age plan
- Added Program Coordinator to school (county and school services provided); no increase in mobile dollars
- Increase cost for supplies, contractual services and professional services due to inflation and contract escalators
- \$1.9M increase in contract line funded by state aid (Mental Health Division); no local dollars added to budget
- Mandated programs and services
 - Professional Services Budget Line increased \$276,000 for mandated aftercare services
 - Largest increase is in Foster care program
 - CFO working with outside entity to help identify pain points to fix and fill in gaps
 - 33 more children using care now than this time last year
 - Cost increase coming from increased rates from state
 - Based on class action law suit settled in 2022
 - Foster care rates increased 50% for regular rates and 36% for higher rates
 - In 2021, between \$7,500 and \$10,000 in regular foster care placement
 - Now between \$11,000 and \$14,000
 - Special rates \$17,000 two years ago, up to \$24,000 per child now
 - Or \$26,000 two years ago, up to \$36,000 now
 - Increases based on more aligned methodology than cost of caring for children
 - Class action law suits are not providing enough support for foster families
- CE's 2024 budget continues to provide \$1.5M in local direct support to Early Childhood Alliance
 - Funds \$5.5M of school base member health services to every district throughout the county

Questions/Comments from the committee:

- Do other state aid formulas tend to change? Do they try to shift the burden of funding mandated programs? What is Finance's experience?
 - Finance:
 - There is no doubt that when the states picture sours it impacts counties
 - Not going to solve problems
 - See direct impact in 2024 budget with Medicaid shift
 - One big concern is NYS's instability of fiscal position – state Comptroller saying tax receipts are way off
 - Other issues facing state are Medicaid program and its runaway costs
 - Amount of funds that state spends on education and Medicaid is 2/3 of general fund
 - Becoming more of an increasing share of that fund, no end in sight
 - Not questioning the validity of programs, questioning the cost of ability to manage those costs
 - e.g: states Safety Net Program
 - Mid 90's welfare reform happened at federal level
 - Started TANF (Temporary Assistance Needy Families)
 - Overhaul this program: if person is able to work, then they work; if not, limit federal assistance to 5 years
 - Those that cannot get off assistance in 5 years will go onto the Safety Net Program
 - When program started it was funded ½ state, ½ local
 - Drifted over the years, locals pay 70% range, NYS pays high 20's
 - e.g.: Mental health hospitalization for inmates being evaluated, whether to stand trial, etc.
 - State used to pay for ½ cost, do not pay anymore
 - County is an agent of the state, like other corporations, things get tight, push cost down
 - Biggest fear going forward is to control at the local level but not at state level
- Why are there 33 more foster kids?
 - Seeing more children and families for various reasons
 - Staffing crisis in the whole system
 - When judge places child in foster care, goal is to reunite kids with parents
 - Wait list; court orders to engage in services; attorney delays, kids are remaining in care longer
 - Looking at making this better with staffing in place, increase salaries, get services needed for families to return kids sooner

- Slight increase in numbers; positive sign for kinship placements
 - 5 years ago shift in way to search for kin to place children with relatives not familiar with
 - Prior to 4 or 5 years ago the judge would remove child from parent and place with relative
 - Relative would get more grantee funds from DSS budget
 - Less money than foster care funds, now certifying more kin for families to take children
 - Bump over the past years
- DOT changed titles to be more lucrative; is that a problem for DCFS?
 - Children and Family Services:
 - Moving in right direction
 - Had recruitment campaign launch for system childcare workers
 - Down 8 vacancies in case workers, 13 started this week, 39 case workers hired and working for department
 - Finance:
 - Tentative agreement from WMS committee approved for next session
 - Grade increase for case worker title ~ grade 9 to grade 10
 - Recognized the need to recruit into that title
 - Appreciate right sizing across county government
 - DCFS is very competitive to other counties
- Is that the corresponding cut to the 103 line? How does it correlate with a case? What is the long-term effect?
 - Long term, the number of positions will put DCFS in a great position in terms of case numbers
 - Ongoing process; takes time to learn doing job, experienced staff has been taking on a heavy burden
 - Transition taking longer; once fully staffed and can take on a good caseload, good within the next year
- Is there statistical data (i.e. past 10 years) on the federal and state cuts? How much is off-set by state grants for DCFS?
 - Finance:
 - There is a high level of state reimbursement for DCFS, local dollars is \$45M, does not cover everything
 - In Foster Care, state share is a block grant, which is set amount of money to support children in care
 - Federal money flows only if eligible – entire part of department is dedicated to eligibility
 - There is a level of federal and state aid, as the county is required to run these programs
 - Unfunded mandates means county administers program and pays for part of program cost, but the county does not control the policy of the program
 - If the county has to pay for it, the county should have some policy decision making ability
 - Same for Medicaid issue, with state intercepting enhanced federal aid meant to be shared with counties
 - State continues to expand eligibility of program and levels of benefits; county does not control it
 - During pandemic it was given away for free – state now re-determining eligibility for a lot of people and quite a few will no longer be eligible
 - Not denying the value of service
 - State is requiring counties in NYS to pay cost
 - Should have a say on how programs are operated from a policy perspective
 - State should let county be involved with structure of program and how it works
- If thresholds have gone down, how much more has it cost the county? How does it correlate to mandates for services?
 - Finance:
 - In fiscal summary of budget book, local dollar page identifies all local dollars county spends
 - Local dollars includes property taxes and sales tax
 - Next year's budget is set to be \$500M total with \$200M of local dollars going to mandated costs
 - Last year was \$18M less, mandates continue to take up bigger and bigger chunk of county budget
 - Mandates and public safety together leaves very little left for the rest of the county's operations
- Please clarify, as it looks like DCFS is down almost \$500K in local dollars
 - Finance:
 - One-time youth initiative effort for \$7M proposed and approved last year is coming off; not included in 2024
 - It is the only reason DCFS budget is going down; if it was not coming off, DCFS budget would be up \$7.5M
 - Part of the county's strategy – when in a solid fiscal position, instead of investing in initiatives or services that

- are legacy costs continuing on an annual basis, took approach to invest in one-time initiatives
- This year \$30M of one-time initiatives are coming off budget, which helps to fund baseline grow, union agreements, and initiatives put forth
- Please explain why contractual expenses are mostly driven by Mental Health
 - Mental Health contracts are OMH dollars that come from state
 - Services in community fully supported by state aid on annual basis
 - Funds are provided to DCFS without any local dollars to increase contracts

Chair May recessed the meeting at 9:48 a.m. The meeting reconvened at 9:53 a.m.

HEALTH DEPARTMENT: Dr. Katheryn Anderson, Commissioner

SECTION 1:

2023 INITIATIVES & ACCOMPLISHMENTS

Opioid Overdose Prevention Program (Mental Health and Substance Use Initiatives)

- Initiated mobile outreach program for drug user health and syringe exchange services
- Responding to worsening fentanyl epidemic, and emergence of xylazine, in our community by providing access to Narcan, fentanyl and xylazine test strips, and peer support services

Lead Poisoning Prevention

- Initiated mobile lead screening (the ‘lead van’), to facilitate community access to testing
- Received \$2.8M in county funding to support testing, window and door replacement, and relocation of impacted families

Tobacco Free Onondaga County

- Active in advocacy to limit tobacco sales near schools and to ban menthol and flavored tobacco products

Healthy Families

- Facilitated back-to-school vaccines for children at risk of exclusion from attendance
- Hosted the Syracuse Stroll at the Rosamond Gifford Zoo to celebrate clients’ children reaching the milestone of their first birthday.

Bureau of Disease Control

- Engaged in extensive community outreach and educational programming related to increased rates of sexually transmitted infections across NYS
- Developing an HIV awareness campaign in response to the rapid increase in local cases in 2023

Medical Examiner’s Office

- The MEO continues to play a vital role in determining cause and manner of death for Onondaga County residents, including provision of critical overdose-related data.
- Extensive renovations to Autopsy Suite x-ray room completed to implement new full-body x-ray digital imaging.
- The MEO’s toxicology lab passed their ANAB accreditation with a record of zero areas identified for improvement.

Forensic Laboratories

- Implemented new equipment to improve analysis and turn-around-time in the divisions of Firearms, DNA, and Digital Evidence
- The Labs continued to link putative perpetrators to crime scene evidence and among cases using and entering data in CODIS (DNA), SABIS (fingerprints), and NIBIN (ballistics).

2023 BUDGET REVIEW

The Health Department is operating well within the 2023 budget.

SECTION 2:

2024 BUDGET OVERVIEW

The 2024 budget includes standard salary and wage increases consistent with the baseline budgeting approach. Increased costs in professional services are needed for contracted pathologist and clinical coverage. This includes increased collaborations with Upstate physicians around STD and TB care. The 'all other expenses' line is also greater due to increased use and costs for security and janitorial service as well as to accommodate the additional implementation of the department's EMR in the immunization clinic. The 2024 budget includes minimal costs associated with restructuring and streamlining our health department lead initiatives, uniting home inspections, community outreach, and testing / case management under the same bureau. The Mental Health and Substance Use Initiatives received a grant to expand education and street-outreach to address the overdose crisis. Three new grant funded positions, two peer specialists and a peer supervisor, will engage with individuals at risk for drug overdose and connect them with services. Two new positions are included in the budget: a graphics technician II to support and enhance all public-facing health programming and a forensic attendant II to assist contract pathologist, evening, and weekend coverage.

SECTION 3:

2024 STRATEGIC PRIORITIES

- Lead
- Opioid
- Maternal-infant health
- Health Equity and Access to Services
 - Advancing mobile community outreach for multiple programs
 - Streamlining and integrating referrals and linkages to resources
 - Collaborating with partners and providers to meet the needs of our EI families
- Reaccreditation

ONONDAGA COUNTY
HEALTH DEPARTMENT

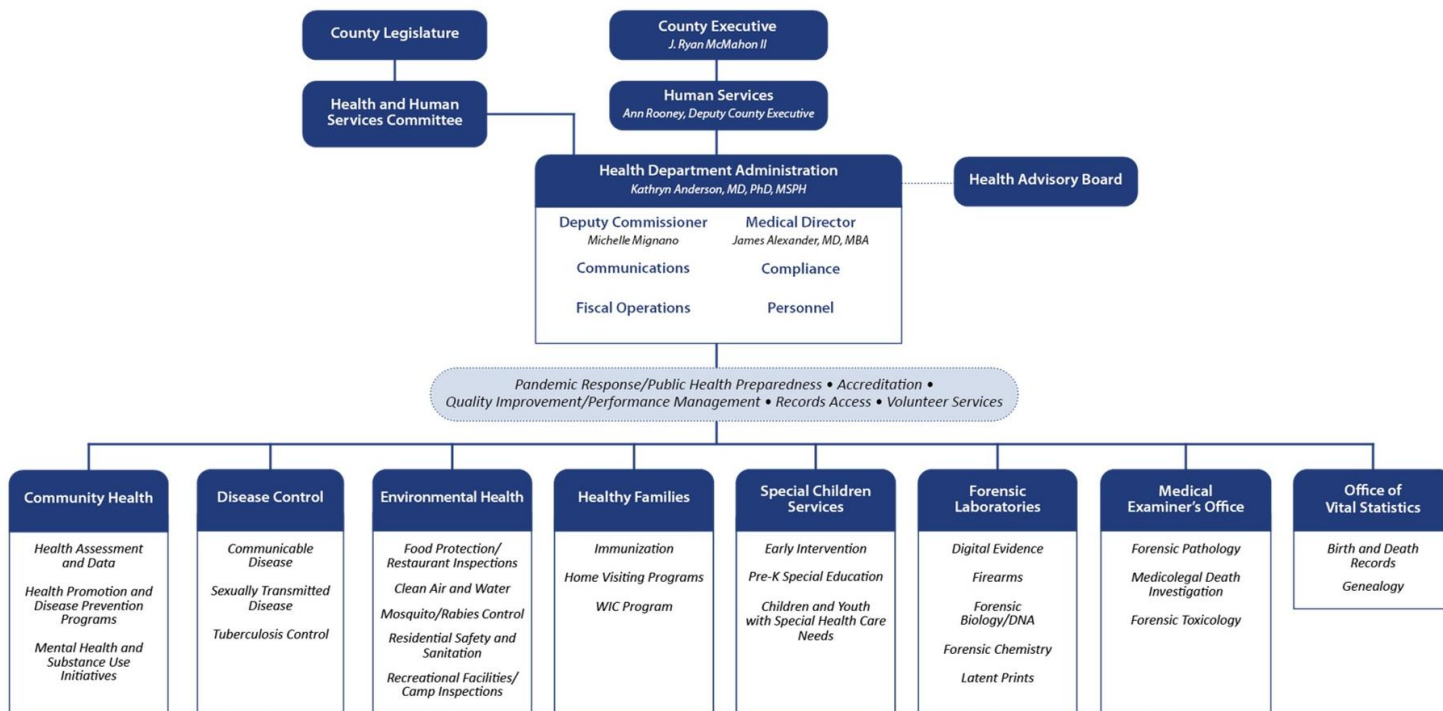


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Onondaga County
Health Department
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2024 Proposed Budget

Presented by
Kathryn Anderson, MD, PhD, MSPH, CtropMed®
Onondaga County Commissioner of Health

HEALTH DEPARTMENT ORGANIZATION

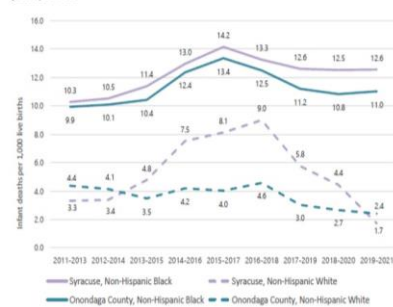


STRATEGIC PRIORITIES

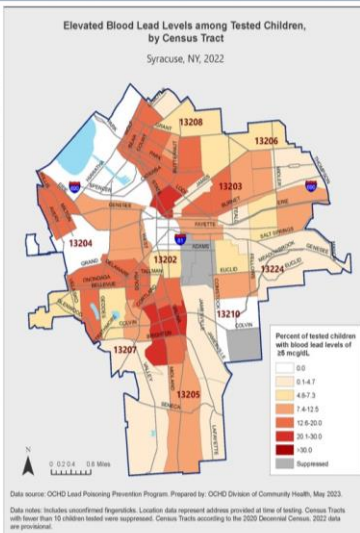
- Health equity and access to services
- Lead
- Drug user health / harm reduction
- Maternal-infant health
- Early Intervention
- Reaccreditation

HEALTH DISPARITIES

Figure 65. Infant Mortality Rate, 3-Year Rolling Average, by Race and Ethnicity, Onondaga County and Syracuse, 2011-2021



Sources: NYS Statewide Perinatal Data System (accessed by OCHD) and OCHD, Office of Vital Statistics. Note: Onondaga County data are inclusive of Syracuse. A 3-year rolling average is used to adjust for fluctuations in individual years. Data are provisional.



Data source: OCHD Lead Poisoning Prevention Program. Prepared by: OCHD Division of Community Health, May 2023. Data notes: Includes unconfirmed legends. Location data represent address provided at time of testing. Census Tracts with fewer than 10 children tested were suppressed. Census Tracts according to the 2020 Decennial Census. 2022 data are provisional.

Figure 30. Age-adjusted potentially preventable hospitalization rate per 10,000 adults, by race and ethnicity, Onondaga County, 2019

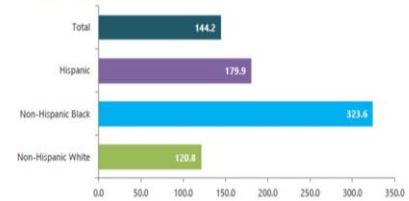
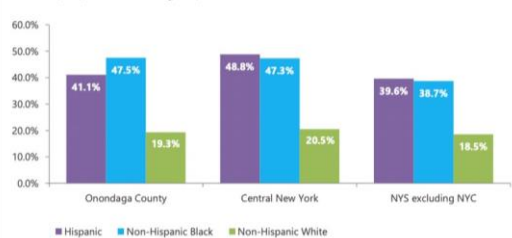


Figure 32. Percentage of premature death (before 65 years), by race and ethnicity, Onondaga County, Central New York (CNY), and NYS excluding NYC, 2019



Source: NYSDOH Vital Records, 2019. Retrieved 9/22/2022, from NYS Prevention Agenda Dashboard.

HEALTH EQUITY

Cuts across all programming and all activities

Addressing health disparities requires consideration of social determinants of health, such as access to care, access to transportation, access to culturally-informed services



LEAD POISONING PREVENTION

Activities:

- Coordinating lead testing, case management, home inspections, supporting resettlement and remediation

Highlights:

- Mobile lead testing
- Participation in multi-sectoral lead coalition



DRUG USER HEALTH

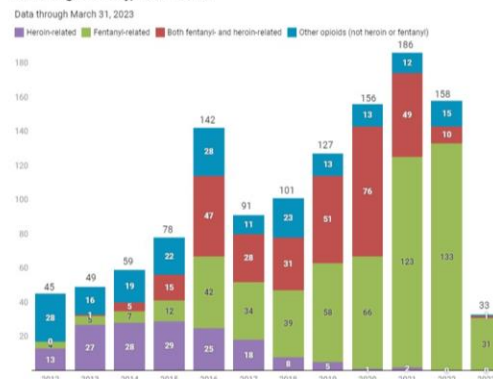
Activities:

- Harm reduction, peer supports, facilitating connections to treatment

Highlights:

- Mobile outreach vehicle, syringe exchange
- Expanding peer support programs and initiating single point of access (SPOA) for substance use supports
- Future goals: xylazine and wound care

Unintended Opioid Related Deaths
Onondaga County, 2012-2023



Heroin-related: Heroin alone or in combination with other drugs (non-fentanyl)
 Fentanyl-related: Fentanyl alone or in combination with other drugs (non-heroin)
 Both fentanyl- and heroin-related: Both fentanyl and heroin alone or in combination with other drugs
 Other opioids: Opioids other than heroin or fentanyl
 Chart includes Fentanyl analogs. Data are reported with a one quarter delay. Data are provisional.
 Chart: Onondaga County Health Department - Source: Onondaga County Medical Examiner's Office - Get the data - Download image - Created with Datawrapper

MATERNAL – INFANT HEALTH

Activities:

- WIC, home nursing, community outreach programs

Highlights:

- Increasing integration across county and community services and programs
- Strengthening community partnerships to improve impacts of programs
- WIC serving 97% of target population
- Future goals: expanding community health worker/ health navigator programs



EARLY INTERVENTION

Activities:

- Coordinating evaluation and connections to physical therapy, occupational therapy, speech therapy services for young children with developmental needs

Highlights:

- Collaborating with partners and providers to improve access to Early Intervention services
- Future goals: increase numbers of available providers for PT, OT, speech, with a priority focus on communities of highest need



RE-ACCREDITATION

The Health Department received accreditation in 2018 from the Public Health Accreditation Board (PHAB)

Strenuous procedure that demonstrates and requires commitment to continuous quality and process improvement

Re-accreditation in early 2024



Questions/Comments from the committee:

- Please provide background on Xylazine
 - Drugs being seen now are a mixture of things; rare that people do heroin or fentanyl
 - Xylazine is being mixed in as a cheap cutting agent
 - It is a vet tranquilizer that is not responsive to Narcan
 - It can lead to wounds
 - Epidemic is most pronounced in Philadelphia, and is now coming into this community
- Please give an update on what is happening with marijuana in the community
 - In Environmental Health there is some engagement with tobacco control programs through Adolescent Tobacco Use Prevention Act (ATUPA)
 - Program trying to get flavored vapes off shelves
 - Prevent sales of tobacco to underage residents
 - Health Department currently does not have a role in regulating or enforcing marijuana restrictions, that is state level
 - Medical Examiner's office engages with tracking substances circulating in community
 - Direct testing of drugs found on scene through Center for Forensic Sciences
 - Testing of people who are driving while intoxicated to identify what is in their system
 - Testing of people that have passed
 - Looking at what is contributing to people driving impaired – tends to be synthetic stimulants and fentanyl
 - In terms of marijuana, do not want to comment on how the state is rolling out the licensing and managing it
- What is in the Professional Services line?
 - Finance:
 - Health Department continues to struggle with hiring fulltime pathologists
 - Transfer coming over in October to effectuate a change this year to move money from 101 to contract line
 - Bump in line for 2024, with commiserate decrease in salary accounts for it
- Has the county made a decision to take the contractual route as opposed to trying to compete for people for those jobs?
 - Ideal situation would be to find someone to stay on permanently; unlikely to find in coming year
- How is the Forensics Lab doing?
 - Do great service for community and have same challenges as other departments with staffing
 - Challenge, because it takes long time to train people up to be qualified to do this work
 - Space continues to be an issue
 - Able to get very critical piece of X-Ray equipment this past year
- How is the Health Department going to get providers to service kids (Early Intervention)? What is the problem (i.e. money)? What is the solution?
 - Areas where they are seeing the greatest wait list for children, are areas where children need more services
 - Shortages of providers and challenges for providers to stay engaged with program due to reimbursement rates
 - Impacts who and how providers serve; state is aware of this
 - Role for advocacy for improved reimbursement, thinking out of box on how to get next generation of therapists engaged with EI
 - What groups are already out there they can partner with like parent groups or libraries, etc.
- In terms of early invention, there is a threshold for caseloads; is the threshold high?
 - Still working above threshold, but getting better
 - Helped by the HELP program, which is huge benefit
 - Working to restructure Early Intervention for streamlining
 - Caseload has gone down from 90 to 70, so it is decreasing
- Are people coming to the mobile lead van?
 - Yes, there is interest; the more it is out there and people see intent on being in community, the more interest

- Is the lead van going out to the suburbs?
 - It can; there is a process to request on the website
- Please clarify WIC
 - WIC's target enrollment is recommended to be set statewide at 50% of population who need services
 - Close to 100% of target means they are at about 50% of people who should be getting WIC
 - County is amongst 1 or 2 other counties across state close to hitting target
 - The need is there, and how will the department respond when it goes over 100%
- What are the effects and where does the county stand on the Fentanyl problem?
 - Problem is bad and getting worse
 - This is a program where momentum is appropriate for rate of epidemic evolving in the community
 - Rapid growth within department across community in terms of services provided
 - Graph on increased overdose deaths shows it went down in 2022 for first time (does not make trend), but may reflect harm reduction efforts doing in community
- Has there been any discussion on the roof replacement for the Forensic Center?
 - Finance:
 - Project in the Capital Plan to do improvements at the Forensic Center
 - Health:
 - There is a plan for renovations starting soon; cannot comment if it involves the roof; point taken
- When county tests someone for lead, is it reported? Is the house checked?
 - Couple of different ways looking for house with lead issue
 - Healthy Neighborhood Program – may not need to wait for signal of child having elevated blood lead levels
 - Going to homes, walking neighborhoods and trying to see where problems are, as well as educating people to refer them for inspections
 - If child tests positive for lead, it prompts inspection of home to see what the issues are, then linking to abatement and remediation services
 - Reported and managed within county, but city may also be engaged (overlap and collaboration)
- Please elaborate on the “Lead It Go” pilot; how can the County continue it and expand it?
 - Program intended to support children and families where the child has been found to have elevated blood lead levels, but do not meet criteria to be in Early Intervention
 - Preventive and anticipate
 - Discussion with community partners on how to bring into family groups and other things already in place
- Community Development & CNY Community Foundation brought in training from Albany to train contractors in removing lead; how is that going, and how often do they come?
 - Cannot comment
- Does NYS Public Health Law give the Health Department authority to fine landlords that do not take care of lead?
 - Yes, also partnering with Attorney General in NYS to go after landlords who are continual offenders
- Has the Health Department heard of other counties running TV ads to raise awareness amongst parents to get kids tested? Is it done here?
 - It is not a surprise, but not aware that the Health Department does that
- How many staff can follow up with families whose child tested positive for lead? How many families are there?
 - Currently the case management aspect is going smoothly
 - State talking about lowering limit from 5 to 3.5, which will change workload and how things are done
 - One area expected to improve is how it comes together
 - How is the child managed, how is the house managed, how do all the parties come together
 - New Director of Lead Operations will be very helpful in bringing together all the pieces across the county

- If a child has lead, how often is the child visited to ensure they are getting the services they need?
 - Do not remember exact interval of time, but when child found to have elevated blood lead levels, there is follow up
 - Intensive case management to know the families well with follow up inspection
 - If family still residing in house, there is discussion of possibly resettling to another home that is safe
- Please talk about the positions being added, and where they are going
 - The budget has a fair number of position adjustments; not creating new positions, but swapping one for another
 - e.g. Bringing together lead programs from Environmental Health and Community Health to be under one bureau
 - What is that leadership structure, and what staff is needed
 - Opioid related activities and positions reflected, which are grant funded
 - Advancing harm reduction programs, single point of access and pure programs
 - 2 positions that have local impact in the budget
 - Graphics Technician – goal to be out in community and more visible; want to portray Health Department more impactful across social media, TV, etc.
 - Forensic Tech – to expand and support Medical Examiner’s office on off hours and weekends
- What are the 2 grant funded positions, and what is the funding source?
 - Leads and Opioids
 - OASIS funding and Opioid settlement funds

ASSIGNED COUNSEL: Kathleen M. Dougherty, Esq., Executive Director



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Hon. Brian May
Ways & Means Committee
401 Montgomery Street, Room 407
Syracuse, New York 13202
September 14, 2023

Re: Proposed 2024 Budget for OCBA ACP, Inc.

Dear Chairman May,

Please accept this submittal as OCBA ACP's budget request for calendar year 2024. As explained below in detail, our funding requests for Operation, Conflict and Criminal budgets are necessarily increased from 2023 and total \$16,508,696.00.

As you are aware, the State budget passed this spring significantly increased the hourly rate from \$60/\$75 to \$158 for all 18-b attorneys who represent the indigent in criminal, family, and appellate practice. The new rate was made retroactive to April 1, 2023.

In the past, in accordance with the *Hurrell-Harring* Settlement Agreement, any additional funding for OCBA ACP's needs to support our infrastructure and criminal courts programming was derived primarily from State contracts and distributions, and therefore would not impact County funding levels. Per NYS Office of Indigent Legal Services (ILS), however, the *HurrellHarring* Stipulation is expected to expire later this year, as the major milestones have been met. With the Stipulation and related funding expiring, the amount of additional funding from the State in the new year remains undetermined. While we do not yet have a contract for services with ILS for 2024, our proposed budget presumes that the County will receive similar *Hurrell-Harring* level funding from ILS.

As explained below in more detail, and especially due to the increased hourly rates, OCBA ACP is anticipating a significantly greater need for funding in 2024 for our Criminal budget and our Conflict budget, specifically relating to our family court programming.

Administration/Operational:

1. Salary and benefits - OCBA ACP staffing saw some significant changes in 2023. One fulltime employee resigned in February and one of our part-time clerks was promoted into the position. In addition, upon the reorganization of the Center for Court Innovation (CCI) in May 2023, two full-time social workers, who had been performing under a contract between ACP and CCI since 2017, joined our office as full-time employees. Also in May 2023, the contract between Oneida County and ILS for the Regional Immigration Assistance Center for Region Two of New York State, a 16-county region, was reassigned

As a result, the three full-time employees who had previously been working as Oneida County employees joined the ACP Office to provide immigration advisals to our panel attorneys.

2. Computer hardware, software and programming - Working with IntelLinx, Inc., a software design company that specializes in indigent defense case management, we continually update and fine-tune our software to meet the growing vouchering and data reporting needs of our organization. In 2023, we had a major update installed to reflect the new hourly rates, while maintaining the old rates for any defense work done prior to April 1, 2023. Our programmers also installed a new feature to track total attorney hours in real time, which saves staff time in tracking billing costs, and assists with ILS reporting requirements. This feature keeps a closer eye on attorney billing, is a great benefit to the staff's efficiency, and streamlines our office processes.
3. Equipment and other needs - The expenditures under this category include standard office needs, such as IT security, office supplies, telephone, and copier expenses. In 2022, we installed a much-needed new telephone system, as our prior phone system was a holdover from the previous tenant.

We do not anticipate any noteworthy upgrades to our equipment or programming in 2024. With no significant increase in operational costs, our request is \$458,600.00.

Programming:

1. Family Court Conflict Cases - OCBA ACP is responsible for handling all family court cases that Hiscock Legal Aid Society determines are conflicts. Historically, OCBA ACP's conflicts caseload increases each year. In 2023, we continue to struggle with the increased caseload compounded by the "pandemic backlog," which created long-term issues, as cases linger on. Funding for conflict cases is derived from the County and is not covered by the *Hurrell-Harring* settlement. OCBA ACP has requested a considerable increase to our 2024 Conflict budget due to the following specific factors:

A) *Expanded eligibility enacted.* Effective October 2022, the Office of Court Administration instituted more expansive eligibility standards for family court cases, from 125% of the Federal Poverty Level to 250%. The standards were also modified by instituting presumptions of eligibility similar to those for criminal cases. Adoption of these new standards and presumptions has resulted in the number of family court clients significantly increasing in 2023, thereby resulting in an increase in attorney payments under the Conflict budget.

B) *Attorney hourly rate increase enacted.* Effective April 1, 2023, the attorney hourly rate of \$75 was statutorily increased. The County's financial obligation is \$158 per attorney hour for all family court work, including appeals. Due to the increase in current caseloads, a substantial rise in the number of eligible clients, and the significant increase in attorney hourly rates, we have requested a sizable increase to our 2024 Conflict budget. Our family court panel billed 14,642.8 hours in 2022. They are on track to bill similar or more hours in 2023 and 2024. Factoring in the new hourly rates, the County's obligation for Conflict cases will be approximately \$2,449,000.00.

2. Indigent Criminal Defense Program - In accordance with the directives of the *HurrellHarring* Settlement, OCBA ACP focuses on providing quality services to the indigent and enhancing the abilities of the defense panel. Our focus has resulted in an increase in the number of hours spent per case, expansion of the training of panel attorneys through continuing legal education seminars, and a ten-fold increase in the expert services provided. Due to the following factors, OCBA ACP has requested a significant increase to our Criminal budget:

A) *Statutory hourly rate increase.* For our Criminal budget, similar to our Conflict budget, the statutory increase to the attorney hourly rate is expected to have a direct impact on the County's financial obligation. The number of panel attorney hours spent on criminal cases in 2022, not including arraignments, was 76,392.8 hours. Applying the 2022 attorney hours, we calculate that attorney fees in 2022 would have been over \$12,000,000.00 if the new hourly rate of \$158 had been in effect.

B) *Increase in case numbers.* As stated, the cost calculations above are based on hours billed in 2022. We are seeing an increase in the number of defense hours in 2023 and anticipate an even greater number of cases and hours in 2024. This is demonstrated by a report issued by ILS which documents a nearly 8% increase in the number of felony cases that OCBA ACP handled over the last two years. This trend is expected to continue, necessitating a corresponding increase in the number of attorney hours and use of resources, all of which means an increase in costs, which we estimate to be \$12,326,696.00.

C) *Rising costs for arraignment programs.* The Criminal budget also includes OCBA ACP's six arraignment programs, the cost of which is on the rise. The ACP attorneys are paid a flat late, rather than hourly, to conduct arraignments. Due to the increase in hourly rates, the arraignment rates have had to be correspondingly raised for the programs to remain viable. The expected cost in 2024 for arraignments is \$900,000.00.

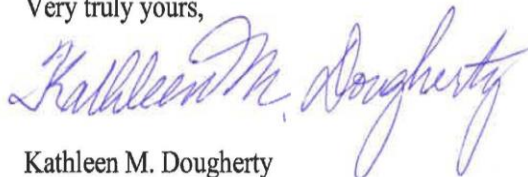
D) *City Court in-custody arraignment program.* In addition to the six arraignment programs, the County is solely responsible for the cost of in-person in-custody arraignments in City Court. The cost for that program is enhanced due to the more serious nature of the work. The expected cost in 2024 for City Court in-custody is \$374,400.

The combination of these four factors has greatly increased criminal defense costs. It is conservatively estimated that the County's obligation for OCBA ACP's 2024 Criminal budget is \$13,601,096.00.

Conclusion:

Thank you for the opportunity to submit this budget summary. I look forward to meeting with the Committee on September 22nd to answer any questions you may have.

Very truly yours,



Kathleen M. Dougherty
Executive Director

- State increased rate for assigned and indigent practicing attorneys from \$60 and \$75/hr. to \$158/hr.; more than double
- Puts onus on county to find funds to make happen
- Method by which county pays up front and can claim for some of it back
- Assigned Counsel falling behind in recruiting any attorney based on the low rates; no increase in 20 years
- New rates effective April 1, 2023; state passed budget and made it retroactive
- One drawback is the rate is a flat rate no matter what kind of work is being done (misdemeanors, Family Court, felonies)
- First hurdle for ACP, because felonies are more work, more stress and more difficult than misdemeanors
 - Attorney's not taking felony assignments, as they can do misdemeanors for same rate of pay
- Second hurdle is that there is a back log due to COVID

- Trial dates can be a year away on felony cases, which ties up attorneys – another hurdle on getting attorneys to take these types of cases
- General rule, ACP does not pay voucher until the end of a case
- Looked at 2022 numbers in terms of the kinds of cases handled at rate paid then vs. today
- Numbers are reflected in the budget for this year, because of large increase in cost of attorney fees
 - i.e. if in 2022, ACP paid \$700K for cases, would now be on the hook for almost \$2M
- Violent crime has surged, so case numbers are going up at the same time that the cost per hour has gone up
- Family court request
 - In last year, the state changed eligibility standards
 - 8 years ago, state changed eligibility for criminal cases from 125% of federal poverty level to 250%
 - Did not change family court eligibility as of the past year
- ACP caseload increased at same time as attorney hourly rate, which accounts for increase in 2024 budget request
- Operational budget
 - Added 5 new employees in 2023
 - 2 Social Workers employed by CCI (Center Court Innovation) and dedicated to ACP, are now in ACP's budget
- Oneida County had 3 employees that did regional immigration work for 16 counties
 - Went through changeover and the county decided they did not want the contract
 - Onondaga County is biggest recipient of services of Regional Immigration Assistance Center; biggest population of the 16 counties it represents
 - ACP's clients are 65% of all the clients that this center handles
 - Incorporated these 3 employees into ACP's office; completely funded by state – put in to renew contract for 3 years

Questions/Comments from the committee:

- How does a lawyer get associated with the ACP? Is there a list?
 - There is an application process, then the attorney goes through a training program
 - ACP will find out what cases the attorney wants to handle
 - Family & Criminal court panel broken down into levels of seriousness of cases
 - Based on prior experience or not, that is how cases are assigned
 - In Onondaga County, the judges do the assignments and not the program
 - ACP provides a master list of attorneys and what kind of cases they are eligible to take to each judge
 - Trying to advertise to attract attorneys
 - Most are interested in going to court daily, versus working remotely or hybrid (not a thing with criminal or Family Court cases)
- Is recruitment better?
 - Yes, had 9 people attend 2 week training
 - 7 of the 9 are ready to accept cases right away; one currently in Columbia and moving back
 - Highest number in training combined in 2.5 years
- How is the COVID backlog affecting the budget?
 - Have to look backwards at the ACP budget
 - i.e. Case prosecution started in 2021, but not going to trial in 2023, then voucher is paid in 2023, which is when they need the money
 - Big backlog of cases that are hitting now to be paid; going forward, expect the trend to continue
 - Will not pay increased rates for work done before April 1, 2023; keep track of hours pre-April 1st and after
- Does the state funding provide the offset for operational support?
 - Finance:
 - It is not full state funding – state set aside \$90M statewide to cover increased cost of pay rate change
 - County is counting on it covering 50% of county's increase, but no guarantee, as it depends on workloads for providers across the state
 - Look at page 4-2 in budget book, see local for program estimated to be \$7M more next year
 - \$4M estimation on the increased cost related to what wage increase is going to be
 - ACP:
 - State legislation reads that the state is splitting the \$158 at 50/50, but they are not

- County is on the hook for first \$75, and the difference of increase is split 50/50
- County pays \$116/hr, if the state has enough money to reimburse

Request: ACP to supply a report on case count and total hours billed year to year from 2020 to 2023

- Will there be new management challenges for ACP's office to move cases along (i.e. efficiency purposes)?
 - Real management problems, because attorney's are not ACP employees
 - Cannot compel them to do anything
 - Independent contractors working with ACP, because they are supposed to comply with the program by law
 - Persuasiveness and trying to encourage compliance and get attorneys to take cases
 - Same problems, but exacerbated
- What is the ACP aware of, as this is a game changer from an expense standpoint? Are these conversations coming up?
 - Yes, Oswego County cannot attract attorneys, who had an ACP like Onondaga County (smaller scale)
 - Oswego County still has an ACP, but they started a Public Defender's Office
 - Oswego has an ACP Program, like Onondaga; but much smaller, no attorney
 - Oswego had difficulty finding Public Defender and could not find anyone to staff the office
 - Not saying that the County should not look at other options
 - Can appreciate that the county has to look at dollars and cents being spent wisely
 - Not sure if (a Public Defender's Office) is the answer
 - 3rd option is having an Institutional Provider
 - It is not a county office, but they would have employees, where ACP has independent contractors
 - Always have to have some kind of Assigned Counsel Program, because there will always be conflicts

HISCOCK LEGAL AID: Gregory W. Dewan, Esq. – Executive Director



HISCOCK LEGAL AID SOCIETY

PROMOTING JUSTICE FOR ALL SINCE 1949

September 15, 2023

The Honorable Brian May
Chair, Ways and Means Committee
Onondaga County Legislature
421 Montgomery Street
Syracuse, New York 13202

Dear Majority Leader May:

Thank you for your consideration of our 2024 budget requests for the Frank H. Hiscock Legal Aid Society (HLA), which include both our Civil Programs and our Mandated Programs. Our Civil Programs include our domestic violence, divorce, housing, unemployment, and immigration work, and our Mandated Programs include our constitutionally mandated family court, appeals, parole, and extradition work. Compared to 2023 allocations, we requested level funding of \$283,000 annually for our Civil Programs and a \$400,000 increase to \$2,714,196 annually for our Mandated Programs, and the 2024 Executive Authorized Agency budget amounts are currently \$283,000 for our Civil Programs and \$2,514,196 for our Mandated Programs.

Both our Civil Programs and Mandated Programs have handled a large volume of cases so far in 2023, with our Civil Programs handling 3,484 cases and our Mandated Programs handling 3,721 cases as of the date of this letter. The practice area breakdown of the cases worked on in these programs is as follows:

Civil		Mandated	
Divorce/DV	922	Appeals	391
Landlord/Tenant	692	Parole	241
Foreclosure	248	Extradition	42
Unemployment	101	Custody/Visitation	1,201
Immigration	1,521	Abuse/Neglect	1,047
		Paternity	71
		Domestic Abuse	487
		Child Support	241
Total	3,484		3,721

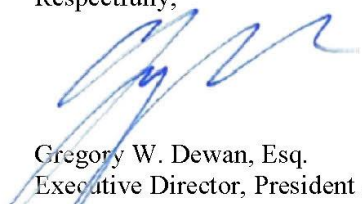
Onondaga County funding is a key part of both our Civil Programs and Mandated Programs, and most of our expenses are on the personnel needed to provide vital legal services. Through July 2023, the Civil Programs’ costs have been 82.2% personnel and the Mandated Programs’ costs have been 89.2% personnel, with the remaining costs being primarily client case expenses (translation/interpretation, experts, filing fees, etc.), equipment (computers, filing cabinets, pens, etc.), and occupancy/rent.

In 2024, most of our costs will again be personnel and we will handle a high volume of cases in both our Civil Programs and our Mandated Programs. Providing high-quality, high-volume legal services to people who cannot afford the high cost of a private attorney will always be our main priority in both Programs. Another 2024 priority is to expand the number of attorneys in our Mandated Programs to match the expansion of the Onondaga County Family Court, where two (2) new judges and one (1) new court attorney referee will be assigned to hear cases in 2024, bringing the total number of judges to five (5), the total number of court attorney referees to four (4), and the total number of support magistrates to four (4). This expansion of the number of courtrooms in Onondaga County Family Court in which we must appear at once from ten (10) to thirteen (13) increases the number of attorneys we must employ to avoid disrupting the Court’s schedule and delaying the resolution of cases. We currently have enough funding to employ ten (10) attorneys in our Family Court Program, and more are needed to meet the needs of the Court. Adding additional attorneys would also bring our high caseloads closer to being in line with the New York Office of Indigent Legal Services Caseload Standards. Along with adding spots for additional attorney staff, we must also raise our attorney salaries to recruit and retain lawyers capable of handling a high-volume of high stress cases, especially as our salaries fall further and further behind similarly situated entities.

We remain committed to providing free legal services to people in need from every part of Onondaga County, and greatly appreciate your support. Onondaga County is the primary source of funding for our Mandated Programs, and while Onondaga County only funds a portion of our Civil Programs this funding has been and remains essential to our ability to gain additional funding from New York State and other entities for our Civil Programs.

Thank you as always for your careful consideration and continued support, which makes it possible for the Hiscock Legal Aid Society to provide high quality representation to people who need help during some of the difficult times of their lives.

Respectfully,



Gregory W. Dewan, Esq.
Executive Director, President & CEO

- Onondaga County funding is essential to HLA’s mission to promote the fundamental right to every person to equal justice under the law
- Nonprofit law firm of ~100 employees, do not charge for services
- Financial eligibility varies, but most programs have financial eligibility of about 250% of federal poverty level
 - i.e. Family of 3 in Onondaga County can earn just over \$62,000 while remaining eligible for services
 - \$62,000 very close to median income, which means lots of residents are eligible for HLA’s services
 - Represent working class; those that cannot afford increasingly high cost of a private lawyer
- Receive two allocations from Onondaga County – one for Civil and one for mandated programs
- HLA leverages County funding to increase state funding; state likes to see the county invested in these services
- Recruiting and retaining attorneys still a challenge
- Indigent Criminal Defense receives substantial supplementary funding from NYS through Onondaga County, due to the Hurrell-Harring lawsuit/settlement
- Family Court not covered by lawsuit, so vast majority of obligation for funding representation (constitutionally mandated) falls on Onondaga County
 - Family Court in crisis at trial level (court attorney referees, judges) and in representation
 - Not enough lawyers at HLA and ACP to represent everyone that needs it
 - Part is because eligibility doubled last year (9/28/22) going from 125% to 250% poverty level
 - Greatly increased those eligible for free representation in Family Court
 - Onondaga Family Court intends to add at least 2 or 3 parts or court rooms to Family Court in 2024
 - Often have to appear in Family Court at the same time; need to add 2 or 3 new attorney positions to handle high volume of cases
- HLA is asking for an increase of \$400K, the tentative budget includes an increase of \$200K
- If given the full award, it will go almost exclusively to personnel costs largely for Family Court

Questions/Comments from the committee:

- How does the rate for ACP factor into Hiscock Legal Aid, as an independent public firm?
 - Makes job harder to recruit and retain attorney’s
 - No compensatory institutional increase to funding to align with ACP increase
 - Salaried employees with benefits, fulltime, paid 40 hours week
 - Attorneys have an obligation to work the amount of time as needed, usually exceeding 40 hours

The meeting was adjourned at 11:08 a.m.

Respectfully submitted,



DEBBIE KAMINSKI, Assistant Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: WAYS & MEANS BUDGET REVIEW – DAY 6

DATE: SEPTEMBER 22, 2023

NAME (Please Print)	DEPARTMENT/AGENCY
Jennifer Parmelee	DCFS
Amy Cunningham	DCFS
Whitney Shepard	DCFS
Ana Rosa	DCFS
Erin Gessini	DCFS
Lagen Rooney	DCFS
Kelly Varangian	DCFS
Dorinda Pratt	DCFS
Carl Hummel	Personnel
Andrea Stanfield	" "
Danna White	BDC Health
Josh Dougherty	Health
Tracy Marchant	ACP
Kathleen Dougherty	ACP
Gary Dewar	Household Legal Aid
Bill McHenry	Public
Kathy Rina	FIN OPS
Pete Heade	Comptroller
Rebecca Shultz	Health
Joe Walker	Health
MELANIE DROTWE	HEALTH
Marah I-Kelly	Health
Jessica Alder	Fin ops
Steve Smicol	Fin ops
Kate Anderson	DCFD