

**RESOLUTION NO. 381 - 2016**

**RESOLUTION INCREASING DISTRICT ATTORNEY SALARY PURSUANT TO 2016  
NEW YORK STATE BUDGET MANDATE AND JUDICIARY LAW**

Introduced by Legislator Jerry King, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increases to the salaries of state judges in 2016 and 2018. The recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000 in 2018, and placed County Court judges' salaries at 95% of a Supreme Court Judge's salary (\$183,350 in 2016 and \$192,850 in 2018); and

WHEREAS, State Judiciary Law 183-a links judicial salaries with full time county district attorneys' (DA) salaries. In Lewis County, the full time DA salary must be equal to the County Court Judge's salary; and

WHEREAS, on April 1, 2016, the State adopted a budget to include judicial salary increases recommended by the NYS Commission without addressing the effect of said increase for DA's upon the counties. This means the County is required to pay an increase in salary for the DA from \$152,500 to \$183,350 - an increase of \$30,850; and

WHEREAS, for over 50 years the State paid for every mandated DA salary increase through the State Budget. On April 1, 2016 the State adopted a budget and failed to include the approximately \$1.6 million cost to counties to fund the DA salary increases, once again shifting another unfunded mandated cost to the counties; and

WHEREAS, this additional unfunded mandated cost was not allocated by the County in its 2016 budget, and will negatively impact the County's allowable tax cap growth under the state-imposed 2% property tax cap in 2017 and the years to follow; and

WHEREAS, with this unfunded mandate, together with the expansion of eligible persons for legal services mandated by the State, Lewis County will be forced to spend all of its tax cap on these additional unfunded State costs; and

WHEREAS, the Board of Legislators recorded its opposition to the State's 2016 budget which included this unfunded mandate of a raise in the salary of the full-time DA, and renews its opposition to this mandatory salary increase burden upon the County. The Governor has been presented with a chapter amendment to the 2016-17 State Budget that would rectify this unfair directive and burden on the county; the amendment requires the State to reimburse the counties for the pay increase for full time DAs effective April 1, 2016, and further requires the State to pay the costs of any mandated increases in DA salaries in the future. The Governor can act upon his promise not to subject the counties to any unfunded mandates by signing this chapter amendment and thereby follow what the State has done in the prior 50 years - to pay for any increase to DA salaries; and

WHEREAS, the Board of Legislators opposes this unfunded mandate, and by the Governor's failure to properly act to rectify this matter, the Board is faced with an untenable situation to abide by the current obligations under State Judiciary Law §183-a until amended by the Governor and State Legislature.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby again records its disappointment with the Governor in passing another unfunded state mandate onto the local counties and taxpayers for the costs of the full time DA salary increases effective April 1, 2016; a cost the State has always paid and funded for over fifty (50) years. The Governor can rectify this matter by signing the chapter amendment (which has been forwarded to his office for action), which sets forth an amendment to the 2016-17 State Budget to require the State to pay the costs of mandated District Attorney pay increases as set forth in Judiciary Law § 183-a and which requires the State to reimburse the counties for any amounts it pays under the law effective and retroactive to April 1, 2016.

Section 2. That the Lewis County Board of Legislators hereby authorizes the State mandated increase in the Lewis County District Attorney's annual salary, retroactive to April 1, 2016, from \$152,500.00 to \$183,350.00; an increase of \$30,850.00, and directs that the Chairman of the Board of Legislators take any and all continued action for reimbursement from the State for this unfunded, mandated increase payment.

Section 3. That the Lewis County Board of Legislators directs the Treasurer to adjust the payroll and pay said increase from the contingency fund.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.