

RESOLUTION NO. 382 - 2016

**RESOLUTION CALLING ON THE STATE LEGISLATURE AND GOVERNOR TO
PASS A CHAPTER AMENDMENT TO THE 2016-17 STATE BUDGET TO REQUIRE
THE STATE TO PAY THE COSTS OF THE STATE MANDATED DISTRICT
ATTORNEY PAY INCREASE**

Introduced by Legislator Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

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. Without objection by the State, the recommendations became law on April 1, 2016; and

WHEREAS, State Judiciary law 183-a links judicial salaries with county district attorneys' (DA) salaries. For Lewis County, the full time DA salary must be equal to the County Court Judge's salary. Under the April 1, 2016 increase in the County Court Judge's salary to \$183,350, 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 has 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 mandate 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 its 2017 budget and the years thereafter, if not addressed by the Governor; and

WHEREAS, with this unfunded mandate, together with the expansion of eligible persons for legal services mandated by the State, Lewis County is already over its imposed tax cap which may cause additional taxes payable by the residents of the County; and

WHEREAS, this continued habit by the State to pass along *unfunded mandated* costs to the Counties, and in particular, its refusal to pay for DA raises as it has for over 50 years, is unconscionable. The Governor must immediately sign a chapter amendment to the 2016-17 State Budget that would require the state to pay the costs of mandated district attorney pay increases.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators again records its opposition to the State's 2016-17 State Budget which raised the salary of county elected full-time DAs effective April 1, 2016 and failed to fund the increase, thereby passing another unfunded state mandate onto the local counties and taxpayers for a cost the State has historically and always funded.

Section 2. The Lewis County Board of Legislators calls upon the Governor to act on the chapter amendment before him and abide by his promise not to pass along unfunded mandates to the counties; a chapter amendment to the 2016-17 State Budget that requires the State to reimburse the County for the pay increase for full time DAs effective April 1, 2016, and requires the State to pay the costs of this mandated increase in DA salaries going forward.

Section 3. That the Clerk is hereby directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo, NYS Senator Joseph Griffo, NYS Assemblyman Kenneth Blankenbush, John F. Flanagan, Temporary President of the NYS Senate, and Carl E. Heastie, Speaker of the NYS Assembly.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.