

RESOLUTION NO. 291 - 2016
RESOLUTION INCREASING DISTRICT ATTORNEY SALARY PURSUANT TO 2016
NEW YORK STATE BUDGET MANDATE AND JUDICIARY LAW

Introduced by Philip Hathway, Chairman of the Ways and Means 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; 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, without success; and

WHEREAS, the Board of Legislators seeks to comply with the obligation under State Judiciary Law §183-a to increase the DA's salary to equal that of the County Court Judge's increased salary.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby records its disappointment with the State Legislature and Governor in failing to include the funds in its 2016 budget for the

increased salary of county elected full-time DAs effective April 1, 2016, thereby passing another unfunded State mandate onto the local counties and taxpayers for a cost the State has historically funded.

Section 2. That the Lewis County Board of Legislators hereby approves and 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.

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 Chartrand, seconded by Legislator King.

Legislator Dolhof opposed the action, not due to lack of confidence with the District Attorney, but due to the State's lack of fiscal responsibility.

Chairman Tabolt stated the issue had been discussed at the last Inter-County meeting, and NYSAC urges Counties to continue lobbying the State to fund the imposed additional salary. The State Senate had passed the relative bill to assume the cost, but the Assembly had not. He would pose another resolution for consideration by the Board at the October meeting to urge State legislation to assume the respective cost.

The resolution was defeated by the following roll call vote:

YEAS: Chartrand, Hathway

NAYS: Brennan, Dolhof, King, Kulzer, Moroughan, Moser, Fawcett, Tabolt