

**RESOLUTION NO. 849-2011, AMENDING THE
2012 RECOMMENDED OPERATING BUDGET**

WHEREAS, the 2012 Recommended Operating Budget must comply with Local Laws 21-1983 and 29-1995; and

WHEREAS, Local Law 29-1995 established the simplified dual budgetary process requiring that separate Mandated and Discretionary portions of the budget be adopted; and

WHEREAS, by Resolution No. 46-2011, the County of Suffolk elected a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, effective June 1, 2011; and

WHEREAS, Resolution No. 46-2011 provided that for the purposes of calculating the cents per gallon rate of tax, such receipts for consideration would be limited to \$3.00 per gallon for either such fuel; and

WHEREAS, it is estimated by the Legislative Budget Review Office that repealing Resolution No. 46-2011, effective March 1, 2012, would generate approximately \$10.25 million in 2012, of which \$4,963,050 represents the mandated portion; and

WHEREAS, the 2012 Recommended Operating Budget proposes to chargeback the ten towns of Suffolk County for out-of-county tuition expenses; and

WHEREAS, it is inequitable to chargeback to the towns costs related to the education of community college students; and

WHEREAS, it is the desire of this Legislature that the 2012 Recommended Operating Budget be amended to include revenues generated by repealing Resolution No. 46-2011 and eliminating revenues from a chargeback of out-of-county tuition costs to the towns; and

WHEREAS, this Resolution contains such budgetary adjustments as shall be necessary to accomplish the explicitly stated single budgetary objective set forth in the budget note below; now, therefore, be it

RESOLVED, that the Mandated 2012 Recommended Operating Budget be and it hereby is amended as follows:

Revenues

| FD | DEPT | REV | REVENUE DESCRIPTION | 2011 Estimated | 2011 Revised Estimate | 2011 Difference Revised - Est | 2012 Recommended | 2012 Adopted | 2012 Diff Adopt - Rec | 2013 Forecast | D/M/O |
|-------|------|------|------------------------------|----------------|-----------------------|-------------------------------|------------------|---------------|-----------------------|---------------|-------|
| 001 | MSC | 2250 | Out Cty Tuition: Other Govts | \$0 | \$0 | \$0 | \$10,250,000 | \$0 | (\$10,250,000) | \$0 | M |
| 001 | FIN | 1110 | State Admin Sales & Use Tax | \$535,768,251 | \$535,768,251 | \$0 | \$556,943,529 | \$561,906,579 | \$4,963,050 | \$578,763,776 | S |
| TOTAL | | | | | | \$0 | | | (\$5,286,950) | | |

DATED: November 9, 2011

APPROVED BY:

VETOED

County Executive of Suffolk County

****VETO OVERRIDE NOT ADOPTED ON NOVEMBER 22, 2011****

Date: 11-21-11

This resolution is the mandated companion to the standalone resolution that addresses the discretionary portion of this budgetary objective. Taken together, these resolutions eliminate revenue from a chargeback to the ten towns of Suffolk County for out-of-county tuition expenses in the amount of \$10.25 million by including \$10.25 million in revenues generated by repealing the \$3 cap on the motor fuels portion of the sales tax (Resolution No. 46-2011). This resolution includes \$4,963,050 or 48.42% of the revenue generated by repealing Resolution No. 46-2011 and eliminates a like amount of revenues from the chargeback of out-of-county tuition costs to the towns.

**2012 PROPERTY TAX LEVY
FINANCIAL IMPACT OF EXECUTIVE VETOES AFTER ACTIONS TAKEN BY THE LEGISLATURE
BA #7**

GENERAL FUND

| | 2012 PROPERTY TAX LEVY | 2012 COST TO AVG TAXPAYER | 2012 AV TAX RATE PER \$100 | 2012 FEV TAX RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | -\$5,286,950 | -\$10.13 | | -\$0.020 |

POLICE DISTRICT AND DISTRICT COURT

| | 2012 PROPERTY TAX LEVY | 2012 COST TO AVG TAXPAYER | 2012 AV TAX RATE PER \$100 | 2012 FEV TAX RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | \$0 | \$0.00 | | \$0.000 |

COMBINED

| | 2012 PROPERTY TAX LEVY | 2012 COST TO AVG TAXPAYER | 2012 AV TAX RATE PER \$100 | 2012 FEV TAX RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | -\$5,286,950 | -\$10.13 | | -\$0.020 |

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 22, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. B.A.7

Res. No. 849

November 9, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|----|-------------------------------|-----|----|-----|----|---|
| 1 | Edward P. ROMAINE | | / | | | |
| 2 | Jay H. SCHNEIDERMAN | / | | | | |
| 3 | Kate M. BROWNING | / | | | | |
| 4 | Thomas MURATORE | | / | | | |
| 6 | Sarah S. ANKER | / | | | | |
| 7 | Jack EDDINGTON | | / | | | |
| 9 | Ricardo MONTANO | / | | | | |
| 10 | Thomas CILMI | | / | | | |
| 11 | Thomas F. BARRAGA | | / | | | |
| 12 | John M. KENNEDY, JR. | | / | | | |
| 13 | Lynne C. NOWICK | | / | | | |
| 14 | Wayne R. HORSLEY | / | | | | |
| 15 | DuWayne GREGORY | / | | | | |
| 16 | Steven H. STERN | / | | | | |
| 17 | Lou D'AMARO | / | | | | |
| 18 | Jon COOPER | / | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | / | | | | |
| 8 | William J. LINDSAY, P.O. | / | | | | |
| | Totals | 11 | 7 | | | |

| MOTION |
|---|
| <input checked="" type="checkbox"/> Approve |
| Table: _____ |
| Send To Committee _____ |
| Table Subject To Call _____ |
| Lay On The Table _____ |
| Discharge _____ |
| Take Out of Order _____ |
| Reconsider _____ |
| Waive Rule _____ |
| Override Veto _____ |
| Close _____ |
| Recess _____ |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____ |

| RESOLUTION DECLARED |
|---|
| <input checked="" type="checkbox"/> ADOPTED |
| NOT ADOPTED _____ |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. B.A. 7

Res. No. 849

November 22, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|--------|-------------------------------|-----|----|-----|----|---|
| 1 | Edward P. ROMAINE | | / | | | |
| 2 | Jay H. SCHNEIDERMAN | | / | | | |
| 3 | Kate M. BROWNING | | / | | | |
| 4 | Thomas MURATORE | | / | | | |
| 6 | Sarah S. ANKER | | / | | | |
| 7 | Jack EDDINGTON | | / | | | |
| 9 | Ricardo MONTANO | | / | | | |
| 10 | Thomas CILMI | | / | | | |
| 11 | Thomas F. BARRAGA | | / | | | |
| 12 | John M. KENNEDY, JR. | | / | | | |
| 13 | Lynne C. NOWICK | | / | | | |
| 14 | Wayne R. HORSLEY | | / | | | |
| 15 | DuWayne GREGORY | | / | | | |
| 16 | Steven H. STERN | | / | | | |
| 17 | Lou D'AMARO | | / | | | |
| 18 | Jon COOPER | | / | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | | / | | | |
| 8 | William J. LINDSAY, P.O. | | / | | | |
| Totals | | 2 | 16 | | | |

| MOTION |
|---|
| <input type="checkbox"/> Approve |
| <input type="checkbox"/> Table: _____ |
| <input type="checkbox"/> Send To Committee |
| <input type="checkbox"/> Table Subject To Call |
| <input type="checkbox"/> Lay On The Table |
| <input type="checkbox"/> Discharge |
| <input type="checkbox"/> Take Out of Order |
| <input type="checkbox"/> Reconsider |
| <input type="checkbox"/> Waive Rule _____ |
| <input checked="" type="checkbox"/> Override Veto |
| <input type="checkbox"/> Close |
| <input type="checkbox"/> Recess |
| APPROVED _____ FAILED <input checked="" type="checkbox"/> |
| No Motion _____ No Second _____ |

| RESOLUTION DECLARED |
|---|
| <input type="checkbox"/> ADOPTED |
| <input checked="" type="checkbox"/> NOT ADOPTED |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

Budget Amendment 7 – Res. 849-2011

November 21, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

Re: **RESOLUTION NO. 849 -2011, AMENDING THE 2012 RECOMMENDED OPERATING BUDGET, MANDATED BUDGET AMENDMENT 7-2011**

Dear Presiding Officer Lindsay and Members of the Suffolk County Legislature:

I am returning herein Resolution No. 849-2011 "Amending the 2012 Recommended Operating Budget; Mandatory Budget Amendment No. 7-2011" to increase the county sales tax on gasoline, **vetoed** in its entirety.

Back in the summer of 2010 when the Legislature approved the reduced sales tax on gasoline by an overwhelming majority vote of 15-3, its supporters touted the much needed tax relief they were providing to small business owners and families in Suffolk County. Now, just four months later, many of the same legislators who voted to reduce the tax are now voting to increase it. The Legislative Budget Review Office (BRO) grossly overestimated the revenue this tax increase would provide. During the November 15, 2011 meeting of the Budget and Finance Committee, BRO drastically reduced their estimated revenue projections of this tax increase by over 300%. Since this money was used to cover funding for the "out-of-county" tuition costs, the reduced estimate would create a deficit in this budget of approximately \$7 million.

Therefore, I urge you to sustain my veto.

Sincerely,

Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Gail E. Vizzini, Director, Budget Review Office
Tim Laube, Clerk of the Legislature