

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

December 1, 2010

RECEIVED  
2010 DEC - 1 P 2:53  
COUNTY LEGISLATURE  
SUFFOLK COUNTY, N.Y.  
HAUPPAUGE

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. 1060-2010 APPROVING THE RETURN OF THE FUND  
BALANCE OF THE GENERAL FUND, POLICE DISTRICT FUND AND DISTRICT  
COURT DISTRICT TO THE TAXPAYERS OF THE TOWNS OF SUFFOLK COUNTY.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 1060-2010; "Approving the Return of the Fund Balance of the General Fund, Police District Fund and District Court District to the Taxpayers of the Towns of Suffolk County"** vetoed in its entirety, solely because of a mathematical error.

The 4<sup>th</sup> Resolved clause allocates a drawdown of fund the balance of \$18,763,665. However, according to our Budget Office, that allocation should be \$10,497,197. This mathematical error can be attributed most likely to changes the Legislature made during the budget process to our 2010 General Fund estimates. These changes totaled \$4,133,279.

However, in the formula used by the Legislature's Budget Review Office and Clerk's Office to calculate this resolution, this \$4,133,279 was apparently added, and not subtracted as it should have been, causing an erroneous swing of \$8,266,468.

A similar mathematical error, in reverse, occurs in Resolution 1062, which I am also vetoing. Although these two errors offset each other in the aggregate, it is vitally important to ensure and maintain that proper process be followed.

For a County Executive to sign, or allow to stand, a series of improperly calculated fund balance and tax levy resolutions, even with the defense of a simple legislative scrivener's error, would place the county in a position of great liability if any of the ten towns, or any taxpayer in any one of the ten towns, were to challenge the process' legally.

The County Legislature has the time to correct the mathematical errors and adopt the proper resolutions via a Special Meeting, and I support the Presiding Officer calling such meeting as quickly as is feasible.

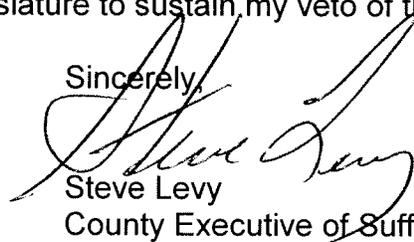
The fact that two fund balance and tax levy resolutions were presented to this office with miscalculations this year is the end product of a miserably dysfunctional process employed by the legislature this year. This year's budget process in the Legislature, more than any other in memory, was chaotic, veiled in secrecy, and laden with errors. Legislators voted twice on the same amendments which had already passed, until the vote total reached a certain "veto-proof" number. Confusion reigned as these passed amendments were verbally changed on the floor, without ample time for any voting legislator to truly determine what was contained in the amendments – and scrivener's or mathematical errors required subsequent re-votes on those matters already re-voted on.

Even the State Legislature, notorious for its nontransparent last minute budgets, never asked legislators to vote on a cover page, with the details to be filled in later. In fact, a line item was changed by as much as \$600,000 from the first and the second vote – without the Legislators knowing it.

Hopefully this year's process will serve as a low-water mark and encourage this body as a whole to adopt sweeping reforms to the process that will end this haphazard approach to budgeting. Omnibus budgeting should be curtailed; the entire budget amendment proposals shall be disclosed with adequate time for review and unspecified number item funds should be eliminated.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy  
County Executive of Suffolk County

cc: All Suffolk County Legislators  
Tim Laube, Clerk of the Legislature  
Christine Malafi, Esq., Suffolk County Attorney  
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney  
Christopher Kent, Chief Deputy County Executive  
Edward Dumas, Chief Deputy County Executive  
Connie Corso, Deputy County Executive for Finance and Management  
Ken Crannell, Deputy County Executive  
Ben Zwirn, County Executive Assistant  
Eric Naughton, Budget Director  
Dan Aug, Director of Communications  
Mark L. Smith, Deputy Director of Communications

**RESOLUTION NO. 1060 -2010, APPROVING THE RETURN OF THE FUND BALANCE OF THE GENERAL FUND, POLICE DISTRICT FUND, AND DISTRICT COURT DISTRICT TO THE TAXPAYERS OF THE TOWNS OF SUFFOLK COUNTY**

**WHEREAS**, the Legislature, by Resolution No. 936-1985, has determined the method of returning the fund balance to the General Fund, Police District Fund, and District Court District taxpayers; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County Taxpayer under Local Law No. 21-1983 for tax year 2010-2011, for the Suffolk County Operating Budget, shall be in direct proportion to his or her share of the total General Fund Real Property Taxes for the Suffolk County Operating Budget as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the County-wide real property tax levy for the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the County-wide real property tax levy for the Suffolk County Operating Budget collected from within that town for the tax year 2008-2009 shall bear to the total real property tax levy for the Suffolk County Operating Budget as should have been collected by the County from all 10 towns for tax year 2008-2009; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the allocation of the General Fund Balance for the County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations for 2008-2009 as established by the Legislature by Resolution No. 973-2008, be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	(2,827,040)
Brookhaven	(7,067,147)
East Hampton	(3,433,741)
Huntington	(4,792,504)
Islip	(4,930,358)
Riverhead	(805,260)
Shelter Island	(364,763)
Smithtown	(2,351,921)
Southampton	(5,535,814)
Southold	(1,120,219)
<b>TOTALS</b>	<b>(33,228,767)</b>

and be it further

**3<sup>rd</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County Taxpayer under Local Law No. 21-1983 for tax year 2010-2011 shall be in direct proportion to his or her share of the total General Fund Real Property Taxes for the Suffolk County Operating Budget as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the County-wide real property tax levy for the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the County-wide real property tax levy for the Suffolk County Operating Budget collected from within that town for tax year 2009-2010 shall bear to the total real property tax levy for the Suffolk County Operating Budget as should have been collected by the County from all ten towns for Tax Year 2009-2010; and be it further

**4<sup>th</sup>** **RESOLVED**, that the allocation of the general fund balance for the Suffolk County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations for 2009-2010 as established by the Legislature by Resolution No. 998-2009 be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	\$1,570,122
Brookhaven	3,985,414
East Hampton	1,745,440
Huntington	2,651,363
Islip	2,760,954
Riverhead	436,673
Shelter Island	218,339
Smithtown	1,306,378
Southampton	3,422,471
Southold	666,511
<b>TOTALS</b>	<b>\$18,763,665</b>

and be it further

**5<sup>th</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County Police District Taxpayer under Local Law No. 21-1983 for the tax year 2010-2011 shall be in direct proportion to his or her share of the total Police District Fund Real Property Taxes for the Suffolk County Operating Budget as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the Police District-wide real property tax levy for the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the Police District-wide real property tax levy collected from within that town for Tax Year 2008-2009 shall bear to the total real property tax levy for the Suffolk County Operating Budget as should have been collected by the County from all five towns within the Police District for tax year 2008-2009; and be it further

**6<sup>th</sup>** **RESOLVED**, that the allocation of the police district fund balance for the Suffolk County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations

for 2008-2009 as established by the Legislature by Resolution No. 973-2008, be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	(\$3,012,636)
Brookhaven	(7,978,733)
Huntington	(4,901,841)
Islip	(5,451,435)
Smithtown	(2,511,649)
<b>TOTALS</b>	<b>(\$23,856,294)</b>

and be it further

**7<sup>th</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County Police District taxpayer under Local Law No. 21-1983 for the tax year 2010-2011 shall be in direct proportion to his or her share of the total Police District Fund Real Property Taxes for the Suffolk County Operating Budget as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the Police District-wide real property tax levy for the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the Police District-wide real property tax levy for the Suffolk County Operating Budget collected from within that town for tax year 2009-2010 shall bear to the total real property tax levy for the County Operating Budget as should have been collected by the County from all five towns within the Police District for tax year 2009-2010; and be it further

**8<sup>th</sup>** **RESOLVED**, that the allocation of the police district fund balance for the Suffolk County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations for 2009-2010 as established by the Legislature by Resolution No. 998-2009, be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	\$2,906,120
Brookhaven	7,819,952
Huntington	4,709,219
Islip	5,304,028
Smithtown	2,424,524
<b>TOTALS</b>	<b>\$23,163,843</b>

and be it further

**9<sup>th</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County District Court District Taxpayer under Local Law No. 21-1983 for the tax year 2010-2011 shall be in

direct proportion to his or her share of the total District Court District Fund real property taxes as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the District Court District-wide real property tax levy for the portion of the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the District Court District-wide real property tax levy for the portion of the Suffolk County Operating Budget collected from within that town for tax year 2008-2009 shall bear to the total real property tax levy portion of the Suffolk County Operating Budget as should have been collected by the County from all five towns within the District Court District for tax year 2008-2009; and be it further

**10<sup>th</sup>** **RESOLVED**, that the allocation of the District Court District fund balance for the portion of the Suffolk County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations for 2008-2009 as established by the Legislature by Resolution No. 973-2008, be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	\$174,171
Brookhaven	435,400
Huntington	295,262
Islip	303,755
Smithtown	144,900
<b>TOTALS</b>	<b>\$1,353,488</b>

and be it further

**11<sup>th</sup>** **RESOLVED**, that the amount of money to be returned to a Suffolk County District Court District taxpayer under Local Law No. 21-1983 for the Tax Year 2010-2011 shall be in direct proportion to his share of the total District Court District Fund real property taxes as should have been paid to the County of Suffolk which share shall be calculated as the individual's pro rata share of the District Court District-wide real property tax levy for the portion of the Suffolk County Operating Budget as should have been collected from within said individual's town determined as the same proportion which the District Court District-wide real property tax levy for the portion of the Suffolk County Operating Budget collected from within that town for Tax Year 2009-2010 shall bear to the total real property tax levy for the portion of the Suffolk County Operating Budget as should have been collected by the County from all five towns within the District Court District for tax year 2009-2010, and be it further

**12<sup>th</sup>** **RESOLVED**, that the allocation of the District Court District fund balance for the portion of the Suffolk County Operating Budget to Suffolk County Taxpayers, based upon the equalized full valuations for 2009-2010 as established by the Legislature by Resolution No. 998-2009, be and hereby is fixed as follows:

<b>Towns</b>	<b>Amount</b>
Babylon	(\$71,221)
Brookhaven	(180,778)
Huntington	(120,266)
Islip	(125,237)
Smithtown	(59,257)
<b>TOTALS</b>	<b>(\$556,759)</b>

DATED:

APPROVED BY:

**VETOED**

County Executive of Suffolk County

Date: *December 15th 2010*

Intro. Res.

2112

Res. No.

1060

November 16, 2010

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
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	Daniel P. LOSQUADRO					
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	17	-		11	-

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 1