

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

August 12, 2011

2011 AUG 15 P 12:15
SUFFOLK COUNTY
RECEIVED

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. 569 – 2011, ADOPTING 2011-2012 OPERATING BUDGET TOTAL FOR SUFFOLK COUNTY COMMUNITY COLLEGE.

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 569 – 2011, ADOPTING 2011-2012 OPERATING BUDGET TOTAL FOR SUFFOLK COUNTY COMMUNITY COLLEGE** vetoed in its entirety.

At a time when we face great fiscal uncertainty, this resolution unnecessarily increases the county's operating budget share of community college funding by \$386,030 in 2011. Furthermore, as the county is prohibited from giving the college less money than a previous year, this resolution also commits an additional \$386,030 from the county taxpayers in 2012. Thus, this resolution has a two-year budgetary impact of \$772,060 -- funding that will not be available for positions in health care, public safety or other core services as we develop what will be a very tight and lean 2012 Operating Budget.

The Legislature through this resolution has expressed its desire to keep SCCC tuition at under \$4,000, and I agree. However, that can be easily attained without impacting the operating budget if the college were to utilize a small portion of its record-level \$15.6 million surplus.

During debate and lobbying on this resolution, it was said repeatedly that if the College were to utilize a portion of its surplus to mitigate tuition increases, there would be negative consequences to its accreditation from the Middle States Commission on Higher Education. There is no evidence to support this statement.

1. The Middle States policy recommendation on surplus reserves is just that: a recommendation. In its March 2007 report it was stated by Middle States: "The college should guard against use of the unrestricted fund balance to balance its operating budget." **Please remember, this was written at a time when the college's fund balance was far less than today's \$15.6 million, and the phrase 'guard against' can hardly be taken as an absolute restriction.** The statement refers to use of the reserve to balance the operating budget. Here, the issue is not balancing the college's operating budget – the issue is utilizing a small percentage of the healthy reserve in order to mitigate tuition increases.
2. Neighboring Nassau County Community College, in developing its 2011-2012 college budget, utilized \$1 million of its surplus -- which was just \$5 million -- to mitigate tuition increases; and it had utilized \$5 million in surplus in 2010-2011. All of these actions occurred without impacting NCCC's Middle States accreditation.

The Suffolk County Community College has developed a healthy surplus over the last several years in large part due to the increased enrollment, resulting in increased, unanticipated state aid. This is a good trend.

Utilizing a small percentage of its surplus will enable us to attain the stated desire of keeping yearly tuition at under \$4,000 in a manner least painful to all Suffolk taxpayers.

Given that our 2011 budget suffered a \$20 million state cut to health services, and that the 2012 budget will likely include layoffs, every dollar we can save will lead to the preservation of somebody's job. A legislative override of this veto would result in additional layoffs equivalent to this \$772,060. Why would we cavalierly spend that money from the general fund when it is sitting in the college's surplus?

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
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark L. Smith, Deputy Director of Communications

Intro. Res.

1711

Res. No. 569

August 2, 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 | 16 | 2 | | | |

| MOTION |
|---|
| <input checked="" type="checkbox"/> Approve |
| 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 type="checkbox"/> Override Veto |
| <input type="checkbox"/> Close |
| <input type="checkbox"/> Recess |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____ |

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

**RESOLUTION NO. 569 -2011, ADOPTING 2011-2012
OPERATING BUDGET TOTAL FOR SUFFOLK COUNTY
COMMUNITY COLLEGE**

WHEREAS, the Board of Trustees of Suffolk Community College submitted their 2011-2012 Operating Budget request to the County Executive and the County Legislature on April 14, 2011; and

WHEREAS, the budget request submitted by the Community College's Board of Trustees proposed an increase in the County Contribution of 4% and a total budget of \$195,209,482; and

WHEREAS, Local Law 26-2009, section A4-3 (2) authorizes the Suffolk County Executive to recommend a budget total and County contribution; and

WHEREAS, the Suffolk County Executive submitted to this Legislature a Recommended 2011-2012 Suffolk County Community College Operating Budget, which included a zero increase in the County Contribution; and

WHEREAS, the Budget Review Office issued a Review of the Recommended 2011-2012 Suffolk Community College Operating Budget on June 13, 2011; and

WHEREAS, the Suffolk County Legislature held public hearings on the Community College's Recommended Budget on June 7, 2011 and June 21, 2011; and

WHEREAS, Local Law No. 26-2009, section A4-3 (4) authorizes the County Legislature to approve an operating budget total and County Contribution for the Community College no later than August 15th; now, therefore be it

1st **RESOLVED**, that all Whereas clauses and all Resolved clauses denominated 1st through 4th inclusive, contained in the Suffolk Community College Recommended Budget 2011-2012 on pages 5-6, are hereby stricken and not approved, and shall not appear in the printed 2011-2012 Suffolk County Community College Adopted Operating Budget; and be it further

2nd **RESOLVED**, that this Legislature hereby approves an Operating Budget Total of \$195,209,482 for the Suffolk County Community College during fiscal year September 1, 2011 to August 31, 2012; and be it further

3rd **RESOLVED**, that this Legislature approves a total contribution by the County of Suffolk ("local sponsor share") in the amount of \$38,988,987; which is comprised of \$34,593,772 County contribution and a Discretionary Tax Levy in the amount of \$4,405,215; and be it further

4th **RESOLVED**, that it is the Legislature's desire that the increase in the County's Contribution to the College should allow the College to decrease the financial burden on its students by proportionately adjusting its tuition.

DATED: August 2, 2011

APPROVED BY:
VETOED

County Executive of Suffolk County

Date: 8-12-11