

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

October 25, 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. 805 – 2011, AMENDING THE 2011 OPERATING BUDGET TO TRANSFER FUNDS TO THE SUFFOLK COUNTY ASSIGNED COUNSEL DEFENDER PLAN

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 805 – 2011, AMENDING THE 2011 OPERATING BUDGET TO TRANSFER FUNDS TO THE SUFFOLK COUNTY ASSIGNED COUNSEL DEFENDER PLAN**; vetoed in its entirety.

This resolution transfers \$500,000 in appropriations from the Department of Public Works to pay for costs associated with the Suffolk County Assigned Counsel Defender Plan, often referred to as the 18-b program. The need for these funds was created by Legislative action in the 2011 Operating Budget process, whereby the Legislature used the recommended funding provided for the 18-b program as an offset for a Legislative spending initiative, which resulted in a rolling program deficit.

The County Attorney had warned the Legislature not to reduce the line item. The Legislature insisted that the Executive had miscalculated the amount needed to fully fund the program and they took this needed money to fund legislature projects - thereby creating a hole in the budget. Now that the Legislature concedes that it overdrew those funds, it is seeking to replenish the line by taking money from the red light camera line that is slated to help balance the 2012 budget.

Enactment of this resolution will create a half-million dollar hole in the 2012 Operating Budget, as the appropriations which are being transferred from Public Works are shown as not being spent in 2011 in the 2012 Recommended Budget. This helps create the projected 2011 General Fund fund balance which rolls to 2012 and contributes to a General Fund tax freeze next year.

It is fiscally irresponsible for the Legislature to create a budget hole like this to address prior Legislative budget actions. If the Legislature desires to add \$500,000 to the Assigned Defender Program in 2011, its members should identify specific spending cuts from Legislative projects that were paid for out of the raiding of this legal fund in 2011.

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

An override of this veto will in essence increase spending at a time the Legislature is claiming the budget is out of balance.

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
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 Smith, Deputy Director of Communications

Intro. Res.

1838

Res. No.

805

October 11, 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	1	-	1	-

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

**RESOLUTION NO. 805 -2011, AMENDING THE 2011
OPERATING BUDGET TO TRANSFER FUNDS TO THE
SUFFOLK COUNTY ASSIGNED COUNSEL DEFENDER
PLAN**

WHEREAS, Suffolk County is obligated to provide counsel to persons charged with a crime or who are entitled to counsel pursuant to certain sections of the Family Court Act, the Corrections Law, the Surrogate's Court Procedure Act and the Mental Hygiene Law; and

WHEREAS, the County contracts with the Suffolk County Bar Association, which administers the Suffolk County Assigned Counsel Defender Plan to provide legal services pursuant to County Law Article 18-B; and

WHEREAS, the 2011 Adopted Operating Budget does not include sufficient funds to pay the attorneys that perform this mandated function; and

WHEREAS, it is the desire of this Legislature to provide an additional \$500,000 for the Suffolk County Assigned Counsel Defender Plan; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

1st **RESOLVED**, that the 2011 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT</u>	<u>AMOUNT</u>
001	DPW	1496	0000	4560	Red Light Cameras	-\$500,000

TO:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT</u>	<u>AMOUNT</u>
001	LAW	1171	0000	4770	Bar Assn Indigent Defendants	+\$500,000

and be it further

2nd **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding the Suffolk County Assigned Counsel Defender Plan.

DATED: October 11, 2011

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 10-26-11