

BUDGET AND FINANCE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Budget and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, March 15, 2016.

Members Present:

Legislator Lou D'Amaro - Chairman
Legislator Monica Martinez - Vice-Chair
Legislator Leslie Kennedy
Legislator Steve Stern

Members Excused:

Legislator Tom Barraga
Legislator Kate Browning

Also In Attendance:

Amy Ellis - Deputy Clerk of the Legislature
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Justin Littell - Aide to Legislator D'Amaro
Ali Nazir - Aide to Legislator Kennedy
Debbie Harris - Aide to Legislator Stern
Katie Horst - County Executive's Office
Michael Crowell - Director, Budget Review Office
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken and Transcribed By:

Gabrielle Severs - Court Stenographer

(*The meeting was called to order at 9:32 a.m.)

CHAIRMAN D'AMARO:

Good morning. Welcome to the Budget and Finance Committee. Please rise and join the committee in the Pledge of Allegiance led by Legislator Monica Martinez.

(*Salutation*)

Thank you. Note for the record that both Legislator Barraga and Legislator Browning have an excused absence from attending today's committee. We'll turn to the agenda. To the clerk, are there any cards this morning?

MS. ELLIS:

No, we do not have any cards.

CHAIRMAN D'AMARO:

Thank you. No one's requested to speak. Is there anyone present in the auditorium who would like to address the Budget and Finance Committee this morning? For the record, there is no response. No presentations for today. We'll turn to tabled resolutions.

The first is resolution number **1052 of 2016, Amending the 2016 Operating Budget to provide funding for L.I. Against Domestic Violence, Inc. (County Executive)**. As per the sponsor's request, I'll offer a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 4-0-0-2, Not Present: Browning, Barraga)**

Resolution **1095 of 2016, Adopting Local Law No. -2016, A Local Law to waive contract agency requirement in 2016 (Gregory)**. This is the requirement that not less than \$5,000 go to any one contract agency. We're waiving that requirement because, due to budget cuts, some the agencies have been brought below that threshold, so we need to legalize that, in effect. I'll offer a motion to approve.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 4-0-0-2, Not Present: Browning, Barraga)**.

Resolution 1100-2016, Adopting Local Law No - 2016, A Charter Law requiring joint certification of County Operating Budget (Pres. Off). I would like to ask the Budget Review Office if they could give us a brief explanation.

MR. CROWELL:

My understanding of this is that the main change in this resolution is that it takes the responsibility on the legislature's side for approval of the budget formally away from the clerk and gives it to the director of budget review.

CHAIRMAN D'AMARO:

And what's the policy reason supporting that?

MR. NOLAN:

If I might, Legislator D'Amaro.

CHAIRMAN D'AMARO:

George, sure.

MR. NOLAN:

The thinking was it's been this policy and practice now the clerk of the legislature served by the budget where the two budget offices are much better -- they have the expertise necessary to certify the budget and make sure the budget is certified in accordance with what the county executive proposed and the legislature amended, so they have the professional expertise. It makes a lot more sense for the two budget offices to do this task. I would also add that this resolution -- or local law require that that certified operating budget be published online each year by April 15, which is a new requirement. It was just -- and, frankly, the clerk of the legislature, when he certified the budget in past year, he would go to the budget review office and really work with them, and Budget Review would work with the budget office to come to an agreement on a certified budget, so this is really just codifying what is the real practice.

CHAIRMAN D'AMARO:

So the clerk never really made an independent evaluation of whether or not to certify the budget because the clerk's office doesn't have that expertise.

MR. NOLAN:

Right. He relied on the budget offices.

CHAIRMAN D'AMARO:

Legislator Stern.

LEG. STERN:

George, what's the purpose of the certification? Is it to certify the substance and the proper format of the budget, or is the certification for notification purposes?

MR. NOLAN:

I think the certification is -- and I would defer to the budget people -- but it's just to ensure that what is certified reflects the actions that were actually taken by the county executive and the legislature in adopting the budget. I'm sure Dr. Lipp could speak more to that.

LEG. STERN:

From that explanation, it sounds like the act of certification is one of approving the substance of what is -- and that's essentially what you're saying is that the proper format is there, that the substance is truly is reflective of the deliberations and the decisions that were arrived at.

MR. LIPP:

Correct. So, very briefly, there are sometimes either mistakes that the executive's budget office will pick up on or we will because there's thousands of line items, or there's a difference in perspective or philosophy as to how to present certain things, and then there's a back and forth between the exec's budget office and us as to what to agree as to what should be in there. Basically, we tell the clerk, Okay, now you can sign it.

CHAIRMAN D'AMARO:

Well, did the existing law set any standards for certification by the clerk, or did it just say "The clerk

shall certify...?"

MR. LIPP:

It's basically the clerk will come to us and say --

CHAIRMAN D'AMARO:

No, no. That's not my question.

MR. NOLAN:

I can -- frankly, there is nothing in the law setting standards or even -- I think it was an old charter provision that predates our current charter that put the responsibility on the clerk of the legislature, so it's not even in our current charter or administrative code talking about the clerk having this responsibility. It certainly doesn't set forth any standards.

CHAIRMAN D'AMARO:

Right; because certification could also go to this, just that procedurally the budget was properly enacted according to all procedure as opposed to the clerk certainly, in certifying the budget, can't take accountability for the content of the budget, I would think.

MR. NOLAN:

Right. I don't think the clerk, his certification, doesn't have anything to do with whether or not we follow the proper procedures in adopting the budget. I really think the certification is trying to come to an agreement, an understanding of what should be in the adoptive operating budget. I think I know what you might be thinking: Why is there any room for disagreement? But apparently there are issues every year after we're done with our process as to how the operating budget, as adopted, should be presented.

CHAIRMAN D'AMARO:

So, George, you don't think that that leaving it with the clerk, then, would at least put more of an independent third party between the two parties that are maybe taking different presentations positions within the budget?

MR. NOLAN:

I just don't think the clerk has -- it would be like asking me to do that. I don't have the expertise to say who's right or who's wrong. I think the two budget offices are in the best position to go over the issues and resolve them, and I think they do it every year, and it's just, like I said, this just really conforms with what the practice is now.

CHAIRMAN D'AMARO:

Okay. Any other questions? There is a motion -- is there a motion to approve?

MS. ELLIS:

No.

CHAIRMAN D'AMARO:

I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 4-0-0-2, Not Present: Barraga, Browning).**

Thank you, Dr. Lipp.

Next section are introductory resolutions. The first is **1162 of 2016, To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 1020-2016) (County Executive)**. Motion to approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved/Consent (VOTE: 4-0-0-2, Not Present: Barraga, Browning)**.

Resolution 1163 of 2016, Approving County funding for a contract agency (Three Village Historical Society) (Hahn). It approves \$11,000 for this group. They had previously missed the deadline to submit their audited financial statements, but they are now in compliance as per the comptroller's office. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? **Approved (VOTE: 4-0-0-2, Not Present: Barraga, Browning)**.

And the final resolution is resolution 1228 of 2016, Approving County funding for a contract agency (Eastville Historical Society) (Fleming).

This approves 5,000 in funding. Again, a deadline had been missed for audited financials, but the comptroller has stated that this organization is now in compliance. Motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 4-0-0-2, Not Present: Barraga, Browning)**.

Hold on one second. I'm going to offer a motion to reconsider **1052 of 2016, Amending the 2016 Operating Budget to provide funding for L.I. Against Domestic Violence, Inc. (Hahn)**, and bring that back before the committee based on the sponsor's request, who has communicated with my office. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries.

Resolution 1052 of 2016 is now before the committee. I'll offer a motion to discharge without recommendation so that if there's any further discussion to be had or changes, they can all take place before our meeting on Tuesday. Second by Legislator Martinez. All in favor? Opposed? Abstentions? Motion carries. That bill is **discharged without recommendation. (VOTE: 4-0-0-2, Not Present: Barraga, Browning)**.

There's no further business before the committee. We are adjourned. Thank you.

(The meeting was adjourned at 9:42 a.m.)