

# ALLEGANY COUNTY BOARD OF LEGISLATORS

COUNTY OFFICE BUILDING \* 7 COURT STREET  
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*Curtis W. Crandall*  
Chairman

*Brenda Rigby Riehle*  
Clerk of the Board

**2012**  
**REGULAR SESSION**  
**Allegany County Legislative Meeting**  
**Monday, April 9, 2012 – 2:00 p.m.**  
**Legislative Chambers – Belmont, New York**

**NOTICE IS HEREBY GIVEN**, that in accordance with the Board Rules of the Allegany County Board of Legislators, the first regular scheduled monthly meeting of the Board will be held on Monday, April 9, 2012 at 2:00 p.m. in the Legislative Chambers, County Office Building, 7 Court Street, Belmont, New York 14813.

## PROPOSED RESOLUTIONS

**BOARD MEETING** - **April 9, 2012**

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**TITLE: INCREASE IN SALARY OF FULL-TIME DISTRICT ATTORNEY DUE TO STATE MANDATE**

Offered by: Ways and Means Committee

Pursuant to Judiciary Law 183-a and Chapter 567 of the 2010 Laws of New York

**WHEREAS**, State law mandates that because the Allegany County District Attorney is full-time, his salary must be the same as a County Judge, and

**WHEREAS**, pursuant to the "Final Report of the Special Commission on Judicial Compensation," the twelve-month salary paid a County Judge in Allegany County is to increase to \$140,300 for the period April 1, 2012, through March 31, 2013, now, therefore, be it

**RESOLVED:**

1. That the twelve-month salary of the Allegany County District Attorney is hereby increased to \$140,300 effective April 1, 2012, through March 31, 2013.
2. That budget adjustments addressing the salary increase and any anticipated state aid will be made at such time as the amount of anticipated state aid is known.
3. This resolution shall take effect retroactive to April 1, 2012.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Dated at Belmont, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

*Clerk, Board of Legislators, Allegany County*

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Voice \_\_\_\_\_

## **Relationship between Judicial Salaries and County District Attorney Salaries 2012-13 State Budget Impact**

### **Background**

The primary implication of the judicial pay raise for counties is the state law that links judicial salaries with county district attorneys' salaries (See Judicial Law 183-a). In the past the state has picked up the cost of these DA salary increases, but the most recently announced judicial pay raise is proposed under a different set of laws and methodology, that is overlaid on existing statutory requirements related to judicial salaries, the link to DA salaries and state funding requirements for such.

In short, a variety of factors have influenced the outcome.

1. Legislation passed two years ago set up a Judicial Compensation Commission that was tasked with reviewing statewide judicial salaries and make recommendations on new salary levels.
  - a. The Commission recommended a 27 percent increase from current salary levels to be implemented over a 4-year period. The Office of Court Administration (OCA) released its budget for 2012-2013 and it included sufficient funding (\$27 million) to support the first year of judicial pay raises. The schedule for Supreme Court judicial salaries would follow the schedule below over the next four years. Average county judicial salaries are in the range of \$126,000 (see Appendix A as these salaries differ county by county) today and they will follow a similar (but slightly higher growth rate) schedule topping out around \$165,300 in 2015-16.

<b>State Supreme Court Judge Pay Raise Schedule</b>				
<b>Current Salary</b>	<b>SFY 2012-13</b>	<b>SFY 2013-14</b>	<b>SFY 2014-15</b>	<b>SFY 2015-16</b>
<b>\$136,000</b>	<b>\$156,000</b>	<b>\$162,000</b>	<b>168,000</b>	<b>174,000</b>
<b>Percent Change →</b>	<b>14.7%</b>	<b>3.8%</b>	<b>3.7%</b>	<b>3.6%</b>

2. The State Legislature had the authority to set aside the judicial pay raises but this would have required them to enact a state law stopping the increase from happening. The Legislature did not choose this option and the judicial pay raises went into effect on April 1, 2012.
3. Currently the State pays approximately 41% of any given County DA salary. Under the above schedule, it is expected that County DA salaries will increase by \$1.4 million statewide this year. In SFY 2012-13 the State would have to pick up 41% of the cost of that increase.

### **County DA Salary Increase in 2012-13 State Budget**

In order to calculate what your County's DA's expected salary increase will be you must first figure out to which judicial salary your County DA is statutorily tied. Depending on the population of a county, certain District Attorney salaries are tied to the April 1, 2012 increase of judicial (State) salaries. Under Judicial Law § 183-a, if after the last federal census a County has a population of 500,000 or higher, that county's District Attorney's salary must be equal to or greater than the County's Supreme Court Judge (see the chart above). If a County has a population between 40,000 and 500,000 the county's District Attorney's salary must be equal to or greater than the County Court Judge (see Appendix A).

In the 2012-13 State Budget, the legislature recognized any increase to a judge's state salary will be a mandate on counties forcing, in some cases, to increase their budgeted District Attorney salary. With this recognition, the State Budget allows for \$2.812 million to counties in order to cover 41% of the expected DA salary increases over a four year period; and an additional \$700,000 in 2012 to offset 100% of the DA salary increase for this budgeted year.

It is important to note that Judicial Law § 183-a requires DA salaries to be at least as high as the stated judge in your county (Supreme or County); however the law leaves the ability for a county to increase your DA's salary above said judge's salary. Accordingly, it is possible that even with the current increase to the judge's salary pay scale your County DA's salary may already match this level. Please contact your County Attorney to advise if your county will be reimbursed by the state under the scenario where your county matches the judicial increase rate and this increase pushes the DA's total salary above the judge's total.

## Appendix A

<b>Current Annual Salary (pre 2012 raise) County Court Judge</b>				
<b>County</b>	<b>Salary</b>		<b>County</b>	<b>Salary</b>
Albany	\$ 131,400		Oneida	\$ 119,800
Allegany	\$ 119,800		Onondaga	\$ 125,600
Broome	\$ 119,800		Ontario	\$ 119,800
Cattaraugus	\$ 119,800		Orange	\$ 125,600
Cayuga	\$ 122,700		Orleans	\$ 119,800
Chautauqua	\$ 119,800		Oswego	\$ 119,800
Chemung	\$ 119,800		Otsego	\$ 119,800
Chenango	\$ 119,800		Putnam	\$ 131,400
Clinton	\$ 121,200		Rensselaer	\$ 119,800
Columbia	\$ 119,800		Rockland	\$ 125,600
Cortland	\$ 119,800		St. Lawrence	\$ 119,800
Delaware	\$ 119,800		Saratoga	\$ 119,800
Dutchess	\$ 125,600		Schenectady	\$ 119,800
Erie	\$ 125,600		Schoharie	\$ 119,800
Essex	\$ 119,800		Schuyler	\$ 119,800
Franklin	\$ 119,800		Seneca	\$ 119,800
Fulton	\$ 119,800		Steuben	\$ 119,800
Genesee	\$ 119,800		Suffolk	\$ 136,700
Greene	\$ 119,800		Sullivan	\$ 127,000
Hamilton	\$ 119,800		Tioga	\$ 119,800
Herkimer	\$ 119,800		Tompkins	\$ 122,700
Jefferson	\$ 119,800		Ulster	\$ 131,400
Lewis	\$ 119,800		Warren	\$ 119,800
Livingston	\$ 119,800		Washington	\$ 119,800
Madison	\$ 119,800		Wayne	\$ 119,800
Monroe	\$ 125,600		Westchester	\$ 136,700
Montgomery	\$ 119,800		Wyoming	\$ 119,800
Nassau	\$ 136,700		Yates	\$ 119,800
Niagara	\$ 119,800			

**TITLE: TRANSFER OF FUNDS FROM RECORDS MANAGEMENT RESERVE ACCOUNT TO RECORDS STORAGE BUILDING ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$30,000 is transferred from the Records Management Reserve Account No. A889.0001 (Records Management Reserve) to Capital Account No. H7510.200 (Records Storage Building), for the purchase of security fencing for the records storage building at the County Landfill.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ Dated at Belmont, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_   
 *Clerk, Board of Legislators, Allegany County*

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Voice \_\_\_\_\_

Tabled @ 03/26/12 Board mtg.

Intro. No. 55 - 12

**RESOLUTION NO.** \_\_\_\_\_

Page 1 of 1 pages

County Attorney Tim

**TITLE: REAPPROPRIATION OF CALENDAR YEAR 2011 UNEXPENDED FUNDS TO COMPLETE PAYMENTS FOR THE CONSTRUCTION AND PURCHASE OF A COMMUNICATIONS TOWER ON PINGREY HILL ROAD IN THE TOWN OF ANDOVER**

Offered by: Ways and Means Committee

**WHEREAS**, by Resolution No. 74-2011 funds were appropriated to pay for a communication tower on Pingrey Hill Road in the Town of Andover, and

**WHEREAS**, it is necessary to re-appropriate unexpended calendar year 2011 funds in the amount of \$116,800 to complete the cost for such construction and purchase of said tower, now, therefore, be it

**RESOLVED:**

1. That the unexpended calendar year 2011 funds for such project in the amount of \$116,800 is reappropriated to Account No. A3640.2 (Emergency Services – Equipment) with a like sum placed in Account No. A15.599.00 (Appropriated Fund Balance).

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ Dated at Belmont, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

*Clerk, Board of Legislators, Allegany County*

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Voice \_\_\_\_\_

# MEMORANDUM OF EXPLANATION

## For RE-APPROPRIATION of FUNDS

INTRODUCTION NO: 55-12

(Clerk's use only)

Committee of Jurisdiction: Ways & Means Date: March 12, 2012

### Explanation of Grant:

Per Resolution #74-11 money was appropriated to pay for a communication tower on Pingrey Hill in Andover built by SAIA Communications. At the end of 2011 there were funds left that need to be re-appropriated to 2012 in order to complete payments on this project. The appropriation and budget adjustment are as follows: .

Appropriations (\$_116,800.00_____)			
A 3640.201	Emergency Services - Equipment	\$	116,800.00
Revenues (\$_116,800.00_____)			
A 15.599.00	Appropriated Fund Balance	\$	116,800.00

**FISCAL IMPACT:** \$ 116,800.00 from fund balance – balance of budget from 2011 per Res # 74-11

Department Head Signature \_\_\_\_\_