

RESOLUTION NO. 218 – 2019

**RESOLUTION INCREASING DISTRICT ATTORNEY SALARY PURSUANT TO
NEW YORK STATE BUDGET MANDATE AND JUDICIARY LAW**

Introduced by Jerry King, Chairman of the General Services Committee and Bryan Moser, Chair of the Finance and Rules Committee.

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increases to the salaries of state judges in 2016 and 2018, and to place New York State Supreme Court justice salaries on par with those of federal district court judges by March 31, 2018. NYS has confirmed that the annual salary for a NYS Supreme Court Justice as of April 1, 2019 is \$210,900 (an increase from \$208,000 in 2018) based upon a Cost of Living Adjustment granted to Federal Court District Judges to which NYS Supreme Court Justices salaries are tied. County Court Judges' salaries are set at 95% of a Supreme Court Justice's salary (\$200,355 in 2019); and

WHEREAS, State Judiciary Law 183-a links judicial salaries with full-time county district attorneys' (DA) salaries. In Lewis County, the effect of this law results in the full-time DA salary being equal to the County Court Judge's salary; and

WHEREAS, for over 50 years in prior times, the State paid for every mandated DA salary increase through the State Budget. On April 1, 2016 the State adopted a budget and failed to include the costs to counties to fund these significant DA salary increases, once again shifting another unfunded, mandated cost to the counties. Since 2014, the State has reimbursed the County only \$72,189 toward the DA salary increases; and

WHEREAS, since this unfunded mandated increase in 2016, the County has incurred \$47,855 in increases to the DA salary (over a 31% increase), while the State kept the annual reimbursement amount at \$72,189:

<u>Budgeted Salary</u>	<u>Mandated Salary as of April 1</u>	<u>Increase</u>
2016: \$152,500	\$183,350	\$30,850
2017: \$183,350	\$185,200	\$ 1,850
2018: \$185,200	\$197,600	\$12,400
2019: \$197,600	\$200,355	\$ 2,755

; and

WHEREAS, these unfunded mandated increases to the DA salary negatively impact the County's allowable tax cap growth under the state-imposed 2% property tax cap year after year; and

WHEREAS, in 2016, 2017 and 2018, the Lewis County Board of Legislators recorded its opposition to the State's budgets which included this unfunded mandate of a raise in the salary of the full-time DA without a chapter amendment to the State budget to rectify this unfair financial

burden to the County; and again renews its opposition to this mandatory salary increase burden; and

WHEREAS, the Governor can rectify this unfunded, mandated expense to the County by approving a chapter amendment to the budget for the State to reimburse the counties for any pay increases, effective and retroactive to April, 2016 and thereafter. The Governor's failure to do so will show, once again, that he has reneged on numerous promises made not to subject the counties to any unfunded mandates; and

WHEREAS, the Board of Legislators renews its opposition to this unfunded, mandated additional increase to the DA salary effective April 1, 2019. By the Governor's failure to properly act to rectify this matter, the Board is again placed in an untenable position of being forced to abide by the current obligations under State Judiciary Law §183-a, unless and until amended by the Governor and State Legislature to provide this specific financial relief to the counties.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby records its continued opposition and disappointment with the Governor and the State Legislature in allowing this on-going unfunded state mandated financial burden to be placed upon the County and its taxpayers for the additional increase to the full-time DA salary effective April 1, 2019; a cost the State had always previously paid and funded for over fifty (50) years. The Board of Legislators reminds the Governor that he can rectify this matter by signing a chapter amendment to the State Budget to require the State to pay the costs of mandated District Attorney pay increases as set forth in Judiciary Law § 183-a; and require the State to reimburse the counties for any amounts it pays and has paid under the law effective and retroactive to April 1, 2016.

Section 2. That the Lewis County Board of Legislators reluctantly authorizes the State mandated District Attorney annual salary of \$200,355 (an increase from \$197,600), effective April 1, 2019, and directs that the Chairman of the Board of Legislators take any and all continued action to secure reimbursement from the State for this unfunded, mandated increase payment.

Section 3. That the Lewis County Board of Legislators directs the Treasurer to adjust the payroll and pay any unbudgeted amount for this increase from the contingency fund.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____, and adopted.