

**Office of the Broome County Executive**  
**Barbara J. Fiala, County Executive**



November 12, 2009

Eric S. Denk, Legislative Clerk  
Broome County Legislature  
Broome County Office Building  
44 Hawley Street  
Binghamton NY 13902

Dear Mr. Denk:

On September 24, 2009 I submitted a detailed tentative budget to the Legislature. The Legislature then worked diligently to review the budget, and on November 9, 2009 it adopted fifteen (15) specific line item amendments. I have reviewed these changes. Unfortunately the Legislature has exceeded its authority. Consequently, this letter contains five vetoes.

I believe that the tentative budget with filed supplements contains accurate revenue and appropriation estimates. I also believe the figures are responsive to the residents of Broome County. I recognize, however, that the Legislature and my office have some honest differences of opinion. While I am willing in the spirit of compromise to defer to the Legislature on substantive legal changes, I cannot extend that deference to amendments which usurp power from the executive.

The most significant compromise pertains to estimated revenues. My tentative budget contains various revenue estimates including fees, grants, investment interest, real property income and sales tax. We utilized various resources to develop these estimates including department heads, independent consultants, independent research, historical reference and of course the budget office.

The Legislature, however, disagrees with our conclusions. Budget Amendment number 2 reduces the estimated sales tax revenues for 2010. The Broome County Charter Section C-607(A) gives the Legislature the power to reduce revenues or appropriations. As stated, in the spirit of compromise, I will not issue a veto on this amendment.

While the Legislature does have the power to reduce items, it does not have the power to increase revenues or appropriations. On these items, I must issue vetoes.

Section C-607(A) of the Broome County Charter states:

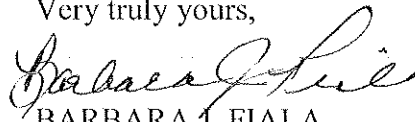
After the conclusion of the public hearing, the County Legislature may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for that service. It may change items in such budget, provided that such changes are stated separately and distinctly.

The language in the Broome County Charter is very explicit. It has always been my position, and it will continue to be my position, that the Legislature does not have the power to increase revenues and appropriations in the Executive's tentative budget. This opinion has been supported continuously by past and present County Attorneys.

I am returning a veto statement of the changes to which I object and the reasons I object.

Please present this letter and the enclosed veto statement to the Broome County Legislature for reconsideration.

Very truly yours,



BARBARA J. FIALA  
Broome County Executive

#### VETO STATEMENT OF OBJECTIONS

##### Objection No. 1

I object to the following Legislative initiative:

Budget Amendment No. 1: Increase revenue passport photo fee \$7.00 - \$10.00.  
Increase revenues associated with oil and gas leases expected in 2010.

This budget amendment increases revenues by \$76,950.00. Pursuant to Section C-607(A) of the Broome County Charter, the Legislature does not have the power during the budget process to increase revenues.

## Objection No. 2

I object to the following Legislative initiative:

Budget Amendment No. 5: Restore Deputy County Clerk position. Increase State Retirement (11.1%). Increase FICA (7.65%). Increase Health Insurance. Reduce Building and Land Rental for a records center. Reduce DMV part-timers. Reduce DMV over-time Supervisors. Reduce DMV State Retirement. Reduce DMV FICA.

This budget amendment increases expenses by \$57,410.00. Pursuant to Section C-607(A) of the Broome County Charter, the Legislature does not have the power during the budget process to increase expenses.

As I indicated in my attached veto letter, when there are substantive changes that do not usurp the power of the executive branch, I am willing to compromise. Two of the budget amendments that I will not veto are amendments 6 and 7. These changes reinstated positions in the District Attorney's Office and the Public Defender's Office. In both of these cases, the respective Department Heads covered the costs of reinstated positions by reducing other expenditures. Consequently, they have shown a willingness to work with the Administration and the Legislature.

The budget amendment for the County Clerk, however, is different. The County Clerk suggested that revenues be increased in order to fund partially a reinstated position. That is not a compromise, and I cannot support that action.

## Objection No. 3

I object to the following Legislative amendment:

Budget Amendment No. 11: Increase BC Cooperative Extension Association.

My tentative budget and related message contained many initiatives designed to control government expenses. Some of these initiatives included elimination of positions, retirement incentives, reorganization of government operations, cancellation of expected raises, collective bargaining initiatives and reduced grants to contract agencies. The grant contributions to all contract agencies were reduced by 12 ½ %. All of these agencies perform a vital service to the residents of Broome County. I believe it is unconscionable to curry favor with some agencies to the exclusion of others.

This budget amendment increased expenses by \$33,463.00. Pursuant to Section C-607(A) of the Broome County Charter, the Legislature does not have the power during the budget process to increase appropriations.

#### Objection No. 4

I object to the following Legislative amendment:

Budget Amendment No. 13: Restore Youth Services Specialist (18 CSEA). Increase State Retirement. Increase FICA. Increase Life Insurance. Increase Disability.

My tentative budget eliminated a position in the Youth Bureau. The Administration, however, did not intend to eliminate all previously provided services. Instead, I expected that Executive staff would be able to complement some of these services. Essentially, this represents a small but meaningful effort of government reorganization. Instead of respecting this cost saving measure, the Legislature has chosen to increase expenses by reinstating a position.

Pursuant to Section C-607(A) of the Broome County Charter, the Legislature does not have the power during the budget process to increase appropriations.

#### Objection No. 5

I object to the following Legislative amendment:

Budget Amendment No. 15: Increase Soil Conservation service.

My tentative budget and related message contained many initiatives designed to control government expenses. Some of these proposals included elimination of positions, retirement incentives, reorganization of government operations, cancellation of expected raises, collective bargaining initiatives and reduced grants to contract agencies. The grant contributions to all contract agencies were reduced by 12 ½ %. All of these agencies perform a vital service to the residents of Broome County. I believe it is unconscionable to curry favor with some agencies to the exclusion of others.

This budget amendment increased expenses by \$6,575. Pursuant to Section C-607(A) of the Broome County Charter, the Legislature does not have the power during the budget process to increase appropriations.