



## MONROE COUNTY LEGISLATURE

December 10, 2020 5:15 PM

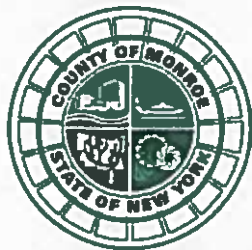
### **AGENDA - Day 26**

- A. Call to Order
- B. Suspension of the Rules
- C. Moment of Silent Prayer
- D. Pledge of Allegiance Led by Legislator Frank Allkofer
- E. Announcements
- F. Public Forum
- G. Consideration of Motions, Resolutions and Notices
  - 1. 20-0336  
Brew & DiFlorio  
Providing that the Amendment (Motion No. 123 of 2020) Made to the 2021 Monroe County Budget that was Objected to by the County Executive, Be Reconsidered and Approved
  - 2. 20-0336  
Flagler-Mitchell & LaMar  
Providing that the Amendment (Motion No. 124 of 2020) Made to the 2021 Monroe County Budget that was Objected to by the County Executive, Be Reconsidered and Approved
- H. Unfinished Business
- I. Adjournment



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R20-0336.pdf</b>	<b>Referral Letter</b>
▣	<b>Motion</b>	<b>ITEM_1.pdf</b>	<b>Backup Material</b>
▣	<b>Motion</b>	<b>20-0336_Amendment_1.pdf</b>	<b>Backup Material</b>
▣	<b>Veto Message</b>	<b>R20-0432.pdf</b>	<b>Backup Material</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

November 5, 2020

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

Honorable Legislators:

I am submitting for your consideration and approval the proposed 2021 operating budget for Monroe County.

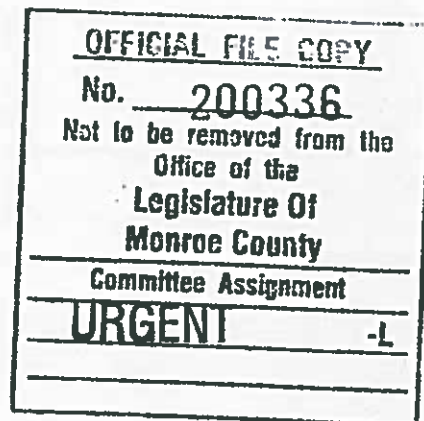
This is the first budget that I am submitting as Monroe County Executive, and one that is presented amidst the COVID-19 pandemic and all the challenges that continue to confront our community. Nevertheless, we have put together a responsible, realistic budget that tackles our financial issues head-on, is responsive to lingering uncertainties and positions us better for our future. The budget complies with the Monroe County Taxpayer Protection Act and the New York State property tax cap.

Overall, the 2021 proposed budget calls for \$1.237 billion in spending, an increase of just \$4.7 million or 0.4% over the adopted 2020 budget, well below the 1.4% rate of inflation. Additionally, the proposed budget reduces the tax rate by \$0.26 to \$8.53 per \$1,000 assessed value, which is the largest decrease in the County tax rate in almost 20 years.

We have done all this while also changing budgetary tactics used by previous administrations. We will no longer include the "Snow Tax," a below-the-line fee that removed the cost for snow and ice removal on County roads, from the general levy. Instead, it has been returned to the tax levy where it belongs. Additionally, we are phasing out the sale of delinquent tax liens, which were once used to bolster revenue during difficult budget years but worsened problems with vacant homes in neighborhoods throughout Monroe County.

The 2021 County budget makes new and critical investments in vital County services and programs while remaining mindful of the lingering effects of COVID-19. Many of our priorities in this year's spending plan were outlined in the Monroe County Transition Report. Released on February 11, 2020, the Transition Report was the first community-stakeholder driven effort for County government in over 30 years. It represents the input of over 130 committee members who helped to identify critical issues for my administration to confront and features 235 recommended strategies to address those issues.

As part of my commitment to creating a more equitable and diverse County government, the proposed budget fully funds the newly created Department of Diversity, Equity and Inclusion, which will be led by a Chief Diversity Officer. This department will assist all other County departments and offices with recruitment and retention of employees from historically underrepresented communities. It will also work to improve our MWBE selection procedures, and investigate internal complaints of discrimination, harassment, hostile work environment, and unequal treatment.



We are also making a significant investment in our efforts to combat the opioid crisis and addiction services throughout Monroe County. We recently hired Monroe County's first ever Addiction Services Director to lead the Improving Addiction and Coordination Team (IMPACT). The eight-member IMPACT team will operate out of the Monroe County Department of Public Health, and will coordinate services and care for this multi-faceted program.

Lastly, we are ensuring that our children and families have the resources they need to succeed in our community. We have expanded the Early Intervention services program staff to provide more support for children with special needs, improved transportation services for pre-school special education students and fully funded all child protective service staff positions.

We remain mindful of the continued effects the COVID-19 pandemic will have on our local economy in 2021. The proposed budget appropriates \$11.6 million in fund balance to help cover some of the anticipated revenue losses for next year, with the anticipation that revenue sources like sales tax and state aid will rebound.

As you can see, the 2021 County budget will serve as our blueprint as we continue to respond and recover from the COVID-19 pandemic, while also responding to the call of action from the Monroe County Transition Report. While being mindful of our uncertainties, we have still been able to make new and critical investments in vital County services and programs.

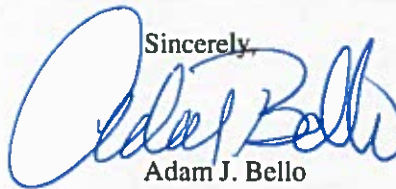
I am incredibly proud of the work my administration has done in the face of uncertainty. The 2021 proposed Monroe County budget not only embraces fiscal discipline, it also puts the needs and priorities of our community at the forefront. I am confident that our community will be stronger and better as we continue to respond to and recover from the COVID-19 pandemic and the impact it has had on our entire community.

**The specific legislative actions required are:**

1. Pursuant to Section C4-3 of the Monroe County Charter, schedule a public hearing on the 2021 Monroe County Budget and direct the Clerk of the Legislature to cause notice of said public hearing to be published at least once in one or more daily newspapers of general circulation in the County at least five (5) days before the date of said hearing and to cause a summary of said budget, as attached hereto, to be published with said notice.
2. Pursuant to Section C4-4 of the Monroe County Charter, adopt the Monroe County 2021 Budget after said public hearing having been held.
3. Establish the 2021 Classification, Compensation and Salary Schedule for employees of the County of Monroe, as contained in the 2021 Monroe County Budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello  
Monroe County Executive

AJB/db

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2020

**ADOPTION OF 2021 MONROE COUNTY BUDGET AND ESTABLISHING 2021 CLASSIFICATION, COMPENSATION AND SALARY SCHEDULE FOR MONROE COUNTY EMPLOYEES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. A public hearing, pursuant to Section C4-3 of the Monroe County Charter having been held on December \_\_, 2020, this Legislature, pursuant to Section C4-4 of the Charter, hereby adopts the Annual Budget for the fiscal year 2021, beginning January 1, 2021, together with all fees, charges and amendments or revisions to fees and charges, set forth therein, as submitted by Adam J. Bello, County Executive, under File No. 20-0\_\_\_\_, and as set forth in the attached financial summaries.

Section 2. There be and hereby is established a 2021 Classification, Compensation and Salary Schedule for Monroe County employees, as described and contained in the 2021 Monroe County Budget, and as follows:

Authorized Positions by Department  
Job Titles Listed Alphabetically  
Job Titles by Salary Group  
Salary Schedules

- Elected Officials
- Daily, Flat and Hourly Rates
- Management/Professional Personnel
- Collective Bargaining Units
  - Civil Service Employees Association
  - Federation of Social Workers
  - Deputy Sheriff's Association
  - Operating Engineers
  - Airport Firefighters

Section 3. This resolution shall take effect in accordance with Section C4-4 of the Monroe County Charter.

Matter of Urgency  
File No. 20-0

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

**2021 BUDGET SUMMARY BY ELECTED OFFICIAL**

<b>OPERATING BUDGET</b>			
	<b>Appropriations</b>	<b>Revenues</b>	<b>Net County Cost</b>
COUNTY CLERK	\$ 8,289,786	\$ 11,500,000	\$ (3,210,214)
COUNTY LEGISLATURE	2,055,329	0	2,055,329
DISTRICT ATTORNEY	16,372,444	746,353	15,626,091
SHERIFF	158,668,002	17,553,021	141,114,981
COUNTY EXECUTIVE	1,051,936,234	792,140,191	259,796,043
<b>TOTAL</b>	<b>\$ 1,237,321,795</b>	<b>\$ 821,939,565</b>	<b>\$ 415,382,230</b>
<b>TOTAL REAL PROPERTY TAX LEVY</b>			<b>\$ 415,382,230</b>

2021 BUDGET SUMMARY BY DEPARTMENT

BUDGET

Department	Appropriations	Revenues	Net County Cost
AVIATION	\$ 24,261,953	\$ 24,261,953	\$ 0
BOARD OF ELECTIONS	10,450,342	10,450,342	0
COMMUNICATIONS	365,667	13,896	351,771
COUNTY CLERK	8,289,786	11,500,000	(3,210,214)
COUNTY EXECUTIVE	747,572	30,136	717,436
COUNTY LEGISLATURE	2,055,329	0	2,055,329
CULTURAL & EDUCATIONAL SERVICES	50,141,503	40,682,834	9,458,669
DISTRICT ATTORNEY	16,372,444	746,353	15,626,091
DIVERSITY, EQUITY & INCLUSION	474,881	0	474,881
ENVIRONMENTAL SERVICES	94,423,596	90,994,286	3,429,310
FINANCE	6,971,086	3,445,652	3,525,434
FINANCE - UNALLOCATED	18,948,139	191,653,007	(172,704,868)
HUMAN RESOURCES	2,493,598	255,183	2,238,415
HUMAN SERVICES	539,036,172	273,373,830	265,662,342
INFORMATION SERVICES	34,907	34,907	0
LAW	2,705,711	103,786	2,601,925
MONROE COMMUNITY HOSPITAL	86,315,281	82,815,281	3,500,000
OFFICE OF PUBLIC INTEGRITY	551,850	0	551,850
PARKS	21,382,539	7,426,807	13,955,732
PLANNING AND DEVELOPMENT	2,573,136	1,280,833	1,292,303
PUBLIC DEFENDER	8,246,980	38,000	8,208,980
PUBLIC HEALTH	63,332,445	30,849,104	32,483,341
PUBLIC SAFETY	75,892,801	16,958,126	58,934,675
SHERIFF	158,668,002	17,553,021	141,114,981
TRANSPORTATION	41,541,276	17,085,969	24,455,307
VETERANS SERVICE AGENCY	1,044,799	386,259	658,540
<b>TOTAL</b>	<b>\$ 1,237,321,795</b>	<b>\$ 821,939,565</b>	<b>\$ 415,382,230</b>
<b>TOTAL REAL PROPERTY TAX LEVY</b>			<b>\$ 415,382,230</b>

APPROPRIATIONS SUMMARY BY DEPARTMENT

Department	Total				Appropriations Before Chargebacks	Less ** Service Chargebacks	Operating Budget 2020
	Actual For 2019	Amended Budget 2020	Department Request 2021	Chargebacks			
AVIATION	\$ 28,641,418	\$ 24,788,768	\$ 24,261,953	\$ 24,676,057	\$ (414,104)	\$ 24,261,953	
BOARD OF ELECTIONS	6,622,425	11,084,681	10,450,342	10,450,342	0	10,450,342	
COMMUNICATIONS	305,758	373,411	365,667	741,525	(375,858)	365,667	
COUNTY CLERK	7,519,237	8,140,928	8,289,786	8,289,786	0	8,289,786	
COUNTY EXECUTIVE	661,990	743,719	747,572	1,088,656	(341,084)	747,572	
COUNTY LEGISLATURE	1,999,475	2,055,329	2,055,329	2,182,329	(127,000)	2,055,329	
CULTURAL & EDUCATIONAL SERVICES	50,323,932	44,238,826	50,141,503	50,141,503	0	50,141,503	
DISTRICT ATTORNEY	15,600,145	16,380,440	16,372,444	16,432,444	(60,000)	16,372,444	
DIVERSITY, EQUITY & INCLUSION	0	0	474,881	474,881	0	474,881	
ENVIRONMENTAL SERVICES	112,059,057	96,103,560	94,423,596	164,651,697	(70,228,101)	94,423,596	
FINANCE	6,742,030	7,206,739	6,971,086	9,678,217	(2,707,131)	6,971,086	
FINANCE - UNALLOCATED	27,162,143	146,716,140	18,948,139	109,340,813	(90,392,674)	18,948,139	
HUMAN RESOURCES	2,150,710	2,432,445	2,493,598	3,093,868	(600,270)	2,493,598	
HUMAN SERVICES	491,904,635	542,236,584	539,036,172	540,607,772	(1,571,600)	539,036,172	
INFORMATION SERVICES	447,042	71,240	34,907	15,328,701	(15,293,794)	34,907	
LAW	2,347,654	2,620,948	2,705,711	7,813,580	(5,107,869)	2,705,711	
MONROE COMMUNITY HOSPITAL	84,893,024	88,987,437	86,315,281	86,315,281	0	86,315,281	
OFFICE OF PUBLIC INTEGRITY	500,436	549,739	551,850	551,850	0	551,850	
PARKS	22,387,517	24,183,357	21,382,539	21,409,239	(26,700)	21,382,539	
PLANNING AND DEVELOPMENT	2,271,180	2,812,856	2,573,136	2,782,136	(209,000)	2,573,136	
PUBLIC DEFENDER	10,977,004	13,095,760	8,246,980	8,246,980	0	8,246,980	
PUBLIC HEALTH	66,378,219	70,049,154	63,332,445	63,357,639	(25,194)	63,332,445	
PUBLIC SAFETY	78,506,063	80,143,578	75,892,801	80,442,632	(4,549,831)	75,892,801	
SHERIFF	154,910,505	157,377,782	158,668,002	162,660,922	(3,992,920)	158,668,002	
TRANSPORTATION	54,422,468	39,098,434	41,541,276	42,548,276	(1,007,000)	41,541,276	
VETERANS SERVICE AGENCY	865,221	1,001,992	1,044,799	1,044,799	0	1,044,799	
<b>TOTAL</b>	<b>\$ 1,230,599,288</b>	<b>\$ 1,382,493,847</b>	<b>\$ 1,237,321,795</b>	<b>\$ 1,434,351,925</b>	<b>\$ (197,030,130)</b>	<b>\$ 1,237,321,795</b>	

\*\* Non-Mandated Service Chargebacks \$ 81,840,165

\*\* Mandated Service Chargebacks \$ 115,189,965



REVENUES SUMMARY BY DEPARTMENT

Department	Actual For 2019	Total		Operating Budget 2021
		Amended Budget 2020	Department Request 2021	
AVIATION	\$ 28,431,743	\$ 24,788,768	\$ 24,261,953	\$ 24,261,953
BOARD OF ELECTIONS	6,664,101	11,084,681	10,450,342	10,450,342
COMMUNICATIONS	14,455	14,464	13,896	13,896
COUNTY CLERK	11,912,173	11,500,000	11,500,000	11,500,000
COUNTY EXECUTIVE	39,975	30,665	30,136	30,136
COUNTY LEGISLATURE	100	0	0	0
CULTURAL & EDUCATIONAL SERVICES	33,893,251	31,175,061	40,682,834	40,682,834
DISTRICT ATTORNEY	1,708,112	792,642	746,353	746,353
DIVERSITY, EQUITY & INCLUSION	0	0	0	0
ENVIRONMENTAL SERVICES	102,542,045	92,973,702	90,994,286	90,994,286
FINANCE	3,529,167	3,583,767	3,445,652	3,445,652
FINANCE - UNALLOCATED	232,241,913	322,399,845	191,653,007	191,653,007
HUMAN RESOURCES	259,248	190,208	255,183	255,183
HUMAN SERVICES	249,503,173	275,652,871	273,373,830	273,373,830
INFORMATION SERVICES	143,490	71,240	34,907	34,907
LAW	119,308	118,620	103,786	103,786
MONROE COMMUNITY HOSPITAL	80,915,073	86,487,437	82,815,281	82,815,281
OFFICE OF PUBLIC INTEGRITY	133	0	0	0
PARKS	8,735,661	11,134,676	7,426,807	7,426,807
PLANNING AND DEVELOPMENT	1,002,241	1,468,184	1,280,833	1,280,833
PUBLIC DEFENDER	3,251,704	4,970,277	38,000	38,000
PUBLIC HEALTH	35,733,258	39,198,949	30,849,104	30,849,104
PUBLIC SAFETY	24,902,887	22,337,321	16,958,126	16,958,126
SHERIFF	16,855,421	18,483,582	17,553,021	17,553,021
TRANSPORTATION	21,685,843	19,718,398	17,085,969	17,085,969
VETERANS SERVICE AGENCY	325,043	386,259	386,259	386,259
<b>TOTAL</b>	<b>\$ 864,409,518</b>	<b>\$ 978,561,617</b>	<b>\$ 821,939,565</b>	<b>\$ 821,939,565</b>

## FUND SUMMARY AND TAX LEVY COMPUTATION 2021 BUDGET

This schedule presents appropriations and revenues by fund. A fund is a self-balancing group of accounts. For fund accounting purposes the entire real estate tax levy is received into the General Fund. The "Transfer From Other Funds" column includes the amounts required from the General Fund to support other funds. The Pure Waters Fund is supported by unit charges to users.

Operating Budget	Col. A Appropriations	+ Col. B Transfers to Other Funds	- Col. C Transfers From Other Funds	- Col. D Other Revenues	- Col. E Revenues, Unit Charges	= Col. F Real Estate Levy
General Fund	\$952,079,015	\$52,781,801		\$589,478,586		\$415,382,230
Road Fund	\$23,117,221		\$9,230,407	\$13,886,814		
Library Fund	\$11,468,967		\$7,065,000	\$4,403,967		
Pure Waters Fund	\$77,507,252			\$21,321,968	\$56,185,284	
Solid Waste Fund	\$11,721,980		2,000,000	\$9,721,980		
Airport Fund	\$24,261,953			\$24,261,953		
Hospital Fund	\$86,315,281		3,500,000	\$82,815,281		
Internal Service Fund	\$10,859,961			\$10,859,961		
Debt Service Fund	\$39,990,165		\$30,986,394	\$9,003,771		
<b>Total Operating Budget</b>	<b>\$1,237,321,795</b>	<b>\$52,781,801</b>	<b>\$52,781,801</b>	<b>\$765,754,281</b>	<b>\$56,185,284</b>	<b>\$415,382,230</b>

Estimated Full Valuation  
Estimated Tax Rate per \$1,000 Full Value    \$8.53

\$48,689,416,273

By Legislators Brew and DiFlorio

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2020

**PROVIDING THAT THE AMENDMENT (MOTION NO. 123 of 2020) MADE TO THE 2021 MONROE COUNTY BUDGET THAT WAS OBJECTED TO BY THE COUNTY EXECUTIVE, BE RECONSIDERED AND APPROVED**

BE IT MOVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FIFTHS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1: The Amendment (Motion No. 123 of 2020) made to the 2021 Monroe County Budget (file no. 20-0336) that was objected to by the County Executive is hereby reconsidered and approved.

File No. 20-0336

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

1.

By Legislators Brew and DiFlorio

Intro. No. 480

MOTION NO. 123 OF 2020

**PROVIDING THAT INTRO. NO. 421 OF 2020 BE AMENDED**

Be It Moved, that Intro. No. 421 of 2020, be amended as follows:

Section 1. Appropriations are decreased by a total of \$50,000 across various departments, general fund 9001, various funds centers as attached, account 504005, Travel, as detailed in the attached Schedule A.

Section 2. Appropriations are decreased by a total of \$100,000 across various departments, general fund 9001, various funds centers as attached, account 504505, Cellular Telephone, as detailed in the attached Schedule A.

Section 3. Appropriations are decreased by a total of \$1,650,000 across various departments, general fund 9001, various funds centers as attached, account 501000, Salaries, as detailed in the attached Schedule A.

Section 4. Appropriated Fund Balance is increased by \$700,000 in the Department of Finance-Unallocated, general fund 9001, funds center 1209020000, County General, account FBAL, Fund Balance.

Section 5. Appropriations are increased by \$2,500,000 in Legislature, general fund 9001, fund center 1001020000, Community Contingency Fund.

File No. 20-0336

ADOPTION: Date: December 8, 2020

Vote: 20-9

*(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)*



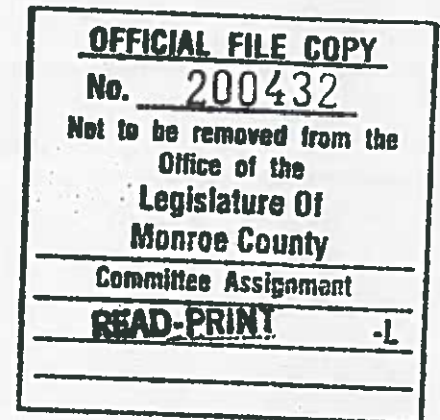
# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

December 10, 2020

Mr. Jack Moffitt  
Clerk of the Legislature  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614



Dear Mr. Moffitt:

I received your letter certifying that the Legislature approved certain changes to the 2021 Monroe County budget at its meeting on December 8, 2020. Pursuant to § C4-4(C) of the Monroe County Charter, I am hereby notifying you of my objections to the changes to the budget and returning the budget changes to you.

The amendment purporting to change the list of authorized positions for the Board of Elections is unlawful. Section 3-300 of the New York State Election Law provides that it is the duty of the Board of Elections, not the County Legislature, to set the number of BOE employees, assign their duties, and establish their titles and salaries. New York's highest court, the Court of Appeals, has confirmed that Election Law § 3-300 vests local Boards of Elections "with complete and exclusive control of their personnel and the performance of their duties." *County of Erie v. CSEA Local 815*, 19 N.Y.3d 1070, 1071 (2012) (quoting *County of Chautauqua v. Chautauqua Co. Employees Unit 6300*, 181 A.D.2d 1052 (4th Dep't 1992)). Based on this exclusive control, courts have rejected claims that a County Legislature has the authority to set the number of positions or salaries for the Board of Elections. *Mohr v. Giambra*, 7 Misc.3d 723 (Sup. Ct. Erie Co. 2005), *affirmed* 27 A.D.3d 1185 (4th Dep't 2006). In short, the County Legislature is tasked with appropriating funds for the Board of Elections, but has no role with respect to the assignment of its personnel. A copy of an opinion from counsel to the New York State Board of Elections confirming the flaws in this amendment is enclosed.

This year more than ever we have seen the importance of the work done by our Board of Elections. The passage of an eleventh-hour amendment, introduced with no notice to the Election Commissioners and subject only to a truncated debate, does not do justice to the Board's efforts. It is reckless and irresponsible for the Legislature to interfere with the staffing needs identified by the Election Commissioners, and such interference threatens the bipartisan and independent nature of the Board of Elections.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

Mr. Jack Moffitt  
Clerk of the Legislature  
December 10, 2020

I also object to the amendment creating a \$2.5 million contingency fund within the County Legislature's budget. First, this amendment is not necessary to respond to the pandemic. The County is capable of making adjustments to the budget throughout the year to respond to changing circumstances, as demonstrated this year, and I will work with the Legislature to do so as needed. Second, I do not think the creation of such a large fund without a specific purpose is consistent with sound budgeting practice or provides the transparency to which taxpayers are entitled.

For these reasons, pursuant to § C4-4(C) of the Monroe County Charter, I object to both changes to the 2021 Monroe County Budget, Motion No. 123 and Motion No. 124 of 2020.

Sincerely,



Adam J. Bello  
Monroe County Executive

Enc.

## Bringewatt, John P

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**From:** Quail, Brian (ELECTIONS) <Brian.Quail@elections.ny.gov>  
**Sent:** Wednesday, December 9, 2020 2:45 PM  
**To:** Bringewatt, John P  
**Subject:** RE: Monroe County Budget Amendment

CAUTION: This email originated from outside Monroe County systems. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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The New York State Constitution and the Election Law provide for an independent, bi-partisan board of elections. Exercises of managerial direction and discretion with respect to personnel rest exclusively with the board of elections. Any other construct abrogates the bipartisan and independent nature of the agency.

Construing § 3-300 of the Election Law applicable to county boards of Elections, the Court of Appeals observed with respect to that section, for which § 3-100 that: "[b]y enacting [section 3-300], the Legislature furthered the constitutional mandate of bipartisan participation in the functions of boards of elections and vested [them] with complete and exclusive control of their personnel and the performance of their duties in that highly sensitive governmental area" Matter of County of Erie v Civil Service Employees Association Local 815, 19 NY3d 1070 [2012] quoting County of Chautauqua v Chautauqua County Employees' Unit 6300 of Local 807 of Civ. Serv. Employees' Assn., Local 1000, AFSCME, AFL-CIO [4th Dept 1992] [citation omitted].

In *Mohr v. Giambra*, 7 Misc.3d 723 [2005], Erie County Supreme Court rejected the contention that the county legislature had personnel line item control over the Erie County Board of Election: "Broad public policy concerns and a clear reading of the applicable statutory law and New York State Constitution, article II, § 8[2] compel this court to uphold **the unfettered authority of the Board of Elections to fix the number of its employees and establish their salaries within the amounts appropriated by the County.** Therefore, petitioners' application is granted and respondents' motions are denied for the reasons that follow."

"To put the argument in simplest terms, the county respondents claim that County Law § 205 is the controlling authority in this dispute, rather than Election Law § 3-300, as urged by petitioners. Thus, the county respondents contend that the county legislature has the authority to control both the number of election employees and their individual salaries. To adopt the position of the county respondents would render part of section 3-300 of the Election Law meaningless, an interpretation that must be avoided [citations omitted] and one which this court refuses to entertain."  
Id at 724.

In sum, the county legislature cannot impose on the board of elections a staffing structure or even specific salaries for specific positions. Within the amount appropriated for staff, the board has exclusive authority to set titles and salaries.

---

**From:** Bringewatt, John P <JohnBringewatt@monroecounty.gov>  
**Sent:** Wednesday, December 9, 2020 2:36 PM  
**To:** Quail, Brian (ELECTIONS) <Brian.Quail@elections.ny.gov>  
**Subject:** Monroe County Budget Amendment

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Brian,

Here is a copy of the budget amendment passed by the Monroe County Legislature last night concerning BOE staffing.

Thanks,  
John

John P. Bringewatt  
Monroe County Attorney  
Monroe County Law Department  
307 County Office Building  
39 W. Main Street  
Rochester, NY 14614  
Tel: 585-753-1402

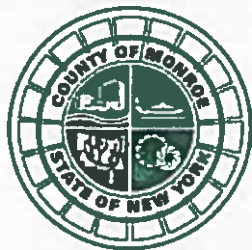
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**ATTACHMENTS:**

|   | <b>Description</b>  | <b>File Name</b>               | <b>Type</b>            |
|---|---------------------|--------------------------------|------------------------|
| ▣ | <b>Referral</b>     | <b>R20-0336.pdf</b>            | <b>Referral Letter</b> |
| ▣ | <b>Motion</b>       | <b>ITEM_2.pdf</b>              | <b>Backup Material</b> |
| ▣ | <b>Motion</b>       | <b>20-0336_Amendment_2.pdf</b> | <b>Backup Material</b> |
| ▣ | <b>Veto Message</b> | <b>R20-0432.pdf</b>            | <b>Backup Material</b> |



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

November 5, 2020

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

Honorable Legislators:

I am submitting for your consideration and approval the proposed 2021 operating budget for Monroe County.

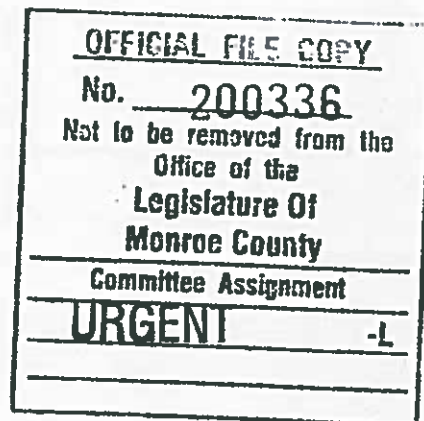
This is the first budget that I am submitting as Monroe County Executive, and one that is presented amidst the COVID-19 pandemic and all the challenges that continue to confront our community. Nevertheless, we have put together a responsible, realistic budget that tackles our financial issues head-on, is responsive to lingering uncertainties and positions us better for our future. The budget complies with the Monroe County Taxpayer Protection Act and the New York State property tax cap.

Overall, the 2021 proposed budget calls for \$1.237 billion in spending, an increase of just \$4.7 million or 0.4% over the adopted 2020 budget, well below the 1.4% rate of inflation. Additionally, the proposed budget reduces the tax rate by \$0.26 to \$8.53 per \$1,000 assessed value, which is the largest decrease in the County tax rate in almost 20 years.

We have done all this while also changing budgetary tactics used by previous administrations. We will no longer include the "Snow Tax," a below-the-line fee that removed the cost for snow and ice removal on County roads, from the general levy. Instead, it has been returned to the tax levy where it belongs. Additionally, we are phasing out the sale of delinquent tax liens, which were once used to bolster revenue during difficult budget years but worsened problems with vacant homes in neighborhoods throughout Monroe County.

The 2021 County budget makes new and critical investments in vital County services and programs while remaining mindful of the lingering effects of COVID-19. Many of our priorities in this year's spending plan were outlined in the Monroe County Transition Report. Released on February 11, 2020, the Transition Report was the first community-stakeholder driven effort for County government in over 30 years. It represents the input of over 130 committee members who helped to identify critical issues for my administration to confront and features 235 recommended strategies to address those issues.

As part of my commitment to creating a more equitable and diverse County government, the proposed budget fully funds the newly created Department of Diversity, Equity and Inclusion, which will be led by a Chief Diversity Officer. This department will assist all other County departments and offices with recruitment and retention of employees from historically underrepresented communities. It will also work to improve our MWBE selection procedures, and investigate internal complaints of discrimination, harassment, hostile work environment, and unequal treatment.



We are also making a significant investment in our efforts to combat the opioid crisis and addiction services throughout Monroe County. We recently hired Monroe County's first ever Addiction Services Director to lead the Improving Addiction and Coordination Team (IMPACT). The eight-member IMPACT team will operate out of the Monroe County Department of Public Health, and will coordinate services and care for this multi-faceted program.

Lastly, we are ensuring that our children and families have the resources they need to succeed in our community. We have expanded the Early Intervention services program staff to provide more support for children with special needs, improved transportation services for pre-school special education students and fully funded all child protective service staff positions.

We remain mindful of the continued effects the COVID-19 pandemic will have on our local economy in 2021. The proposed budget appropriates \$11.6 million in fund balance to help cover some of the anticipated revenue losses for next year, with the anticipation that revenue sources like sales tax and state aid will rebound.

As you can see, the 2021 County budget will serve as our blueprint as we continue to respond and recover from the COVID-19 pandemic, while also responding to the call of action from the Monroe County Transition Report. While being mindful of our uncertainties, we have still been able to make new and critical investments in vital County services and programs.

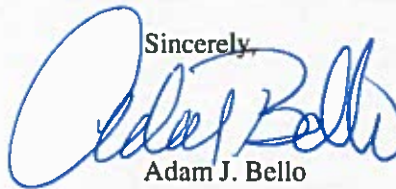
I am incredibly proud of the work my administration has done in the face of uncertainty. The 2021 proposed Monroe County budget not only embraces fiscal discipline, it also puts the needs and priorities of our community at the forefront. I am confident that our community will be stronger and better as we continue to respond to and recover from the COVID-19 pandemic and the impact it has had on our entire community.

**The specific legislative actions required are:**

1. Pursuant to Section C4-3 of the Monroe County Charter, schedule a public hearing on the 2021 Monroe County Budget and direct the Clerk of the Legislature to cause notice of said public hearing to be published at least once in one or more daily newspapers of general circulation in the County at least five (5) days before the date of said hearing and to cause a summary of said budget, as attached hereto, to be published with said notice.
2. Pursuant to Section C4-4 of the Monroe County Charter, adopt the Monroe County 2021 Budget after said public hearing having been held.
3. Establish the 2021 Classification, Compensation and Salary Schedule for employees of the County of Monroe, as contained in the 2021 Monroe County Budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello  
Monroe County Executive

AJB/db

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2020

**ADOPTION OF 2021 MONROE COUNTY BUDGET AND ESTABLISHING 2021 CLASSIFICATION, COMPENSATION AND SALARY SCHEDULE FOR MONROE COUNTY EMPLOYEES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. A public hearing, pursuant to Section C4-3 of the Monroe County Charter having been held on December \_\_, 2020, this Legislature, pursuant to Section C4-4 of the Charter, hereby adopts the Annual Budget for the fiscal year 2021, beginning January 1, 2021, together with all fees, charges and amendments or revisions to fees and charges, set forth therein, as submitted by Adam J. Bello, County Executive, under File No. 20-0\_\_\_\_, and as set forth in the attached financial summaries.

Section 2. There be and hereby is established a 2021 Classification, Compensation and Salary Schedule for Monroe County employees, as described and contained in the 2021 Monroe County Budget, and as follows:

Authorized Positions by Department  
Job Titles Listed Alphabetically  
Job Titles by Salary Group  
Salary Schedules

- Elected Officials
- Daily, Flat and Hourly Rates
- Management/Professional Personnel
- Collective Bargaining Units
  - Civil Service Employees Association
  - Federation of Social Workers
  - Deputy Sheriff's Association
  - Operating Engineers
  - Airport Firefighters

Section 3. This resolution shall take effect in accordance with Section C4-4 of the Monroe County Charter.

Matter of Urgency  
File No. 20-0

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

**2021 BUDGET SUMMARY BY ELECTED OFFICIAL**

| <b>OPERATING BUDGET</b>             |                         |                       |                        |
|-------------------------------------|-------------------------|-----------------------|------------------------|
|                                     | <b>Appropriations</b>   | <b>Revenues</b>       | <b>Net County Cost</b> |
| COUNTY CLERK                        | \$ 8,289,786            | \$ 11,500,000         | \$ (3,210,214)         |
| COUNTY LEGISLATURE                  | 2,055,329               | 0                     | 2,055,329              |
| DISTRICT ATTORNEY                   | 16,372,444              | 746,353               | 15,626,091             |
| SHERIFF                             | 158,668,002             | 17,553,021            | 141,114,981            |
| COUNTY EXECUTIVE                    | 1,051,936,234           | 792,140,191           | 259,796,043            |
| <b>TOTAL</b>                        | <b>\$ 1,237,321,795</b> | <b>\$ 821,939,565</b> | <b>\$ 415,382,230</b>  |
| <b>TOTAL REAL PROPERTY TAX LEVY</b> |                         |                       | <b>\$ 415,382,230</b>  |

2021 BUDGET SUMMARY BY DEPARTMENT

BUDGET

| Department                          | Appropriations          | Revenues              | Net County Cost       |
|-------------------------------------|-------------------------|-----------------------|-----------------------|
| AVIATION                            | \$ 24,261,953           | \$ 24,261,953         | \$ 0                  |
| BOARD OF ELECTIONS                  | 10,450,342              | 10,450,342            | 0                     |
| COMMUNICATIONS                      | 365,667                 | 13,896                | 351,771               |
| COUNTY CLERK                        | 8,289,786               | 11,500,000            | (3,210,214)           |
| COUNTY EXECUTIVE                    | 747,572                 | 30,136                | 717,436               |
| COUNTY LEGISLATURE                  | 2,055,329               | 0                     | 2,055,329             |
| CULTURAL & EDUCATIONAL SERVICES     | 50,141,503              | 40,682,834            | 9,458,669             |
| DISTRICT ATTORNEY                   | 16,372,444              | 746,353               | 15,626,091            |
| DIVERSITY, EQUITY & INCLUSION       | 474,881                 | 0                     | 474,881               |
| ENVIRONMENTAL SERVICES              | 94,423,596              | 90,994,286            | 3,429,310             |
| FINANCE                             | 6,971,086               | 3,445,652             | 3,525,434             |
| FINANCE - UNALLOCATED               | 18,948,139              | 191,653,007           | (172,704,868)         |
| HUMAN RESOURCES                     | 2,493,598               | 255,183               | 2,238,415             |
| HUMAN SERVICES                      | 539,036,172             | 273,373,830           | 265,662,342           |
| INFORMATION SERVICES                | 34,907                  | 34,907                | 0                     |
| LAW                                 | 2,705,711               | 103,786               | 2,601,925             |
| MONROE COMMUNITY HOSPITAL           | 86,315,281              | 82,815,281            | 3,500,000             |
| OFFICE OF PUBLIC INTEGRITY          | 551,850                 | 0                     | 551,850               |
| PARKS                               | 21,382,539              | 7,426,807             | 13,955,732            |
| PLANNING AND DEVELOPMENT            | 2,573,136               | 1,280,833             | 1,292,303             |
| PUBLIC DEFENDER                     | 8,246,980               | 38,000                | 8,208,980             |
| PUBLIC HEALTH                       | 63,332,445              | 30,849,104            | 32,483,341            |
| PUBLIC SAFETY                       | 75,892,801              | 16,958,126            | 58,934,675            |
| SHERIFF                             | 158,668,002             | 17,553,021            | 141,114,981           |
| TRANSPORTATION                      | 41,541,276              | 17,085,969            | 24,455,307            |
| VETERANS SERVICE AGENCY             | 1,044,799               | 386,259               | 658,540               |
| <b>TOTAL</b>                        | <b>\$ 1,237,321,795</b> | <b>\$ 821,939,565</b> | <b>\$ 415,382,230</b> |
| <b>TOTAL REAL PROPERTY TAX LEVY</b> |                         |                       | <b>\$ 415,382,230</b> |

APPROPRIATIONS SUMMARY BY DEPARTMENT

| Department                      | Total                   |                         |                         |                         | Appropriations Before Chargebacks | Less ** Service Chargebacks | Operating Budget 2020   |
|---------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------------------------|-----------------------------|-------------------------|
|                                 | Actual For 2019         | Amended Budget 2020     | Department Request 2021 | Operating Budget 2020   |                                   |                             |                         |
| AVIATION                        | \$ 28,641,418           | \$ 24,788,768           | \$ 24,261,953           | \$ 24,261,953           | \$ 24,676,057                     | \$ (414,104)                | \$ 24,261,953           |
| BOARD OF ELECTIONS              | 6,622,425               | 11,084,681              | 10,450,342              | 10,450,342              | 10,450,342                        | 0                           | 10,450,342              |
| COMMUNICATIONS                  | 305,758                 | 373,411                 | 365,667                 | 365,667                 | 741,525                           | (375,858)                   | 365,667                 |
| COUNTY CLERK                    | 7,519,237               | 8,140,928               | 8,289,786               | 8,289,786               | 8,289,786                         | 0                           | 8,289,786               |
| COUNTY EXECUTIVE                | 661,990                 | 743,719                 | 747,572                 | 747,572                 | 1,088,656                         | (341,084)                   | 747,572                 |
| COUNTY LEGISLATURE              | 1,999,475               | 2,055,329               | 2,055,329               | 2,055,329               | 2,182,329                         | (127,000)                   | 2,055,329               |
| CULTURAL & EDUCATIONAL SERVICES | 50,323,932              | 44,238,826              | 50,141,503              | 50,141,503              | 50,141,503                        | 0                           | 50,141,503              |
| DISTRICT ATTORNEY               | 15,600,145              | 16,380,440              | 16,372,444              | 16,372,444              | 16,432,444                        | (60,000)                    | 16,372,444              |
| DIVERSITY, EQUITY & INCLUSION   | 0                       | 0                       | 474,881                 | 474,881                 | 474,881                           | 0                           | 474,881                 |
| ENVIRONMENTAL SERVICES          | 112,059,057             | 96,103,560              | 94,423,596              | 94,423,596              | 164,651,697                       | (70,228,101)                | 94,423,596              |
| FINANCE                         | 6,742,030               | 7,206,739               | 6,971,086               | 6,971,086               | 9,678,217                         | (2,707,131)                 | 6,971,086               |
| FINANCE - UNALLOCATED           | 27,162,143              | 146,716,140             | 18,948,139              | 18,948,139              | 109,340,813                       | (90,392,674)                | 18,948,139              |
| HUMAN RESOURCES                 | 2,150,710               | 2,432,445               | 2,493,598               | 2,493,598               | 3,093,868                         | (600,270)                   | 2,493,598               |
| HUMAN SERVICES                  | 491,904,635             | 542,236,584             | 539,036,172             | 539,036,172             | 540,607,772                       | (1,571,600)                 | 539,036,172             |
| INFORMATION SERVICES            | 447,042                 | 71,240                  | 34,907                  | 34,907                  | 15,328,701                        | (15,293,794)                | 34,907                  |
| LAW                             | 2,347,654               | 2,620,948               | 2,705,711               | 2,705,711               | 7,813,580                         | (5,107,869)                 | 2,705,711               |
| MONROE COMMUNITY HOSPITAL       | 84,893,024              | 88,987,437              | 86,315,281              | 86,315,281              | 86,315,281                        | 0                           | 86,315,281              |
| OFFICE OF PUBLIC INTEGRITY      | 500,436                 | 549,739                 | 551,850                 | 551,850                 | 551,850                           | 0                           | 551,850                 |
| PARKS                           | 22,387,517              | 24,183,357              | 21,382,539              | 21,382,539              | 21,409,239                        | (26,700)                    | 21,382,539              |
| PLANNING AND DEVELOPMENT        | 2,271,180               | 2,812,856               | 2,573,136               | 2,573,136               | 2,782,136                         | (209,000)                   | 2,573,136               |
| PUBLIC DEFENDER                 | 10,977,004              | 13,095,760              | 8,246,980               | 8,246,980               | 8,246,980                         | 0                           | 8,246,980               |
| PUBLIC HEALTH                   | 66,378,219              | 70,049,154              | 63,332,445              | 63,332,445              | 63,357,639                        | (25,194)                    | 63,332,445              |
| PUBLIC SAFETY                   | 78,506,063              | 80,143,578              | 75,892,801              | 75,892,801              | 80,442,632                        | (4,549,831)                 | 75,892,801              |
| SHERIFF                         | 154,910,505             | 157,377,782             | 158,668,002             | 158,668,002             | 162,660,922                       | (3,992,920)                 | 158,668,002             |
| TRANSPORTATION                  | 54,422,468              | 39,098,434              | 41,541,276              | 41,541,276              | 42,548,276                        | (1,007,000)                 | 41,541,276              |
| VETERANS SERVICE AGENCY         | 865,221                 | 1,001,992               | 1,044,799               | 1,044,799               | 1,044,799                         | 0                           | 1,044,799               |
| <b>TOTAL</b>                    | <b>\$ 1,230,599,288</b> | <b>\$ 1,382,493,847</b> | <b>\$ 1,237,321,795</b> | <b>\$ 1,237,321,795</b> | <b>\$ 1,434,351,925</b>           | <b>\$ (197,030,130)</b>     | <b>\$ 1,237,321,795</b> |

\*\* Non-Mandated Service Chargebacks \$ 81,840,165

\*\* Mandated Service Chargebacks \$ 115,189,965

REVENUES SUMMARY BY DEPARTMENT

| Department                      | Actual For 2019       | Total                 |                         | Operating Budget 2021 |
|---------------------------------|-----------------------|-----------------------|-------------------------|-----------------------|
|                                 |                       | Amended Budget 2020   | Department Request 2021 |                       |
| AVIATION                        | \$ 28,431,743         | \$ 24,788,768         | \$ 24,261,953           | \$ 24,261,953         |
| BOARD OF ELECTIONS              | 6,664,101             | 11,084,681            | 10,450,342              | 10,450,342            |
| COMMUNICATIONS                  | 14,455                | 14,464                | 13,896                  | 13,896                |
| COUNTY CLERK                    | 11,912,173            | 11,500,000            | 11,500,000              | 11,500,000            |
| COUNTY EXECUTIVE                | 39,975                | 30,665                | 30,136                  | 30,136                |
| COUNTY LEGISLATURE              | 100                   | 0                     | 0                       | 0                     |
| CULTURAL & EDUCATIONAL SERVICES | 33,893,251            | 31,175,061            | 40,682,834              | 40,682,834            |
| DISTRICT ATTORNEY               | 1,708,112             | 792,642               | 746,353                 | 746,353               |
| DIVERSITY, EQUITY & INCLUSION   | 0                     | 0                     | 0                       | 0                     |
| ENVIRONMENTAL SERVICES          | 102,542,045           | 92,973,702            | 90,994,286              | 90,994,286            |
| FINANCE                         | 3,529,167             | 3,583,767             | 3,445,652               | 3,445,652             |
| FINANCE - UNALLOCATED           | 232,241,913           | 322,399,845           | 191,653,007             | 191,653,007           |
| HUMAN RESOURCES                 | 259,248               | 190,208               | 255,183                 | 255,183               |
| HUMAN SERVICES                  | 249,503,173           | 275,652,871           | 273,373,830             | 273,373,830           |
| INFORMATION SERVICES            | 143,490               | 71,240                | 34,907                  | 34,907                |
| LAW                             | 119,308               | 118,620               | 103,786                 | 103,786               |
| MONROE COMMUNITY HOSPITAL       | 80,915,073            | 86,487,437            | 82,815,281              | 82,815,281            |
| OFFICE OF PUBLIC INTEGRITY      | 133                   | 0                     | 0                       | 0                     |
| PARKS                           | 8,735,661             | 11,134,676            | 7,426,807               | 7,426,807             |
| PLANNING AND DEVELOPMENT        | 1,002,241             | 1,468,184             | 1,280,833               | 1,280,833             |
| PUBLIC DEFENDER                 | 3,251,704             | 4,970,277             | 38,000                  | 38,000                |
| PUBLIC HEALTH                   | 35,733,258            | 39,198,949            | 30,849,104              | 30,849,104            |
| PUBLIC SAFETY                   | 24,902,887            | 22,337,321            | 16,958,126              | 16,958,126            |
| SHERIFF                         | 16,855,421            | 18,483,582            | 17,553,021              | 17,553,021            |
| TRANSPORTATION                  | 21,685,843            | 19,718,398            | 17,085,969              | 17,085,969            |
| VETERANS SERVICE AGENCY         | 325,043               | 386,259               | 386,259                 | 386,259               |
| <b>TOTAL</b>                    | <b>\$ 864,409,518</b> | <b>\$ 978,561,617</b> | <b>\$ 821,939,565</b>   | <b>\$ 821,939,565</b> |



## FUND SUMMARY AND TAX LEVY COMPUTATION 2021 BUDGET

This schedule presents appropriations and revenues by fund. A fund is a self-balancing group of accounts. For fund accounting purposes the entire real estate tax levy is received into the General Fund. The "Transfer From Other Funds" column includes the amounts required from the General Fund to support other funds. The Pure Waters Fund is supported by unit charges to users.

| Operating Budget              | Col. A                 | + Col. B                 | - Col. C                   | - Col. D             | - Col. E               | = Col. F             |
|-------------------------------|------------------------|--------------------------|----------------------------|----------------------|------------------------|----------------------|
|                               | Appropriations         | Transfers to Other Funds | Transfers From Other Funds | Other Revenues       | Revenues, Unit Charges |                      |
| General Fund                  | \$952,079,015          | \$52,781,801             |                            | \$589,478,586        |                        | \$415,382,230        |
| Road Fund                     | \$23,117,221           |                          | \$9,230,407                | \$13,886,814         |                        |                      |
| Library Fund                  | \$11,468,967           |                          | \$7,065,000                | \$4,403,967          |                        |                      |
| Pure Waters Fund              | \$77,507,252           |                          |                            | \$21,321,968         | \$56,185,284           |                      |
| Solid Waste Fund              | \$11,721,980           |                          | 2,000,000                  | \$9,721,980          |                        |                      |
| Airport Fund                  | \$24,261,953           |                          |                            | \$24,261,953         |                        |                      |
| Hospital Fund                 | \$86,315,281           |                          | 3,500,000                  | \$82,815,281         |                        |                      |
| Internal Service Fund         | \$10,859,961           |                          |                            | \$10,859,961         |                        |                      |
| Debt Service Fund             | \$39,990,165           |                          | \$30,986,394               | \$9,003,771          |                        |                      |
| <b>Total Operating Budget</b> | <b>\$1,237,321,795</b> | <b>\$52,781,801</b>      | <b>\$52,781,801</b>        | <b>\$765,754,281</b> | <b>\$56,185,284</b>    | <b>\$415,382,230</b> |

Estimated Full Valuation  
Estimated Tax Rate per \$1,000 Full Value \$8.53

\$48,689,416,273

2.

By Legislators Flagler-Mitchell and LaMar

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2020

**PROVIDING THAT THE AMENDMENT (MOTION NO. 124 of 2020) MADE TO THE 2021 MONROE COUNTY BUDGET THAT WAS OBJECTED TO BY THE COUNTY EXECUTIVE, BE RECONSIDERED AND APPROVED**

**BE IT MOVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FIFTHS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:**

Section 1: The Amendment (Motion No. 124 of 2020) made to the 2021 Monroe County Budget (file no. 20-0336) that was objected to by the County Executive is hereby reconsidered and approved.

File No. 20-0336

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

By Legislators Flagler-Mitchell and LaMar

Intro. No. 481

MOTION NO. 124 OF 2020

**PROVIDING THAT INTRO. NO. 421 OF 2020 BE AMENDED**

Be It Moved, that Intro. No. 421 of 2020, be amended as follows:

Section 1. The listing of authorized positions for the Board of Election listed on page 705 is hereby amended to read as follows:

BOARD OF ELECTIONS

| Total                 | Title                                                            | Group         |
|-----------------------|------------------------------------------------------------------|---------------|
| <del>2</del>          | <del>Commissioner of Elections-</del>                            | <del>25</del> |
| <u>1</u>              | <u>Commissioner of Elections - Republican</u>                    | <u>25</u>     |
| <u>1</u>              | <u>Commissioner of Elections - Democrat</u>                      | <u>25</u>     |
| <del>2</del>          | <del>Deputy Commissioner of Elections</del>                      | <del>22</del> |
| <u>1</u>              | <u>Deputy Commissioner of Elections - Republican</u>             | <u>22</u>     |
| <u>1</u>              | <u>Deputy Commissioner of Elections – Democrat</u>               | <u>22</u>     |
| <del>4</del>          | <del>Assistant Deputy Commissioner – BOE-</del>                  | <del>20</del> |
| <u>1</u>              | <u>Assistant Deputy Commissioner – Republican</u>                | <u>20</u>     |
| <u>1</u>              | <u>Assistant Deputy Commissioner – Democrat</u>                  | <u>20</u>     |
| <u>1</u>              | <u>Senior Financial Analyst - BOE-Republican</u>                 | <u>18</u>     |
| <del>2</del>          | <del>Election Information Coordinator – BOE</del>                | <del>46</del> |
| <u>1</u>              | <u>Election Information Coordinator – Republican</u>             | <u>16</u>     |
| <del>4</del>          | <del>Finance Analyst – BOE</del>                                 | <del>46</del> |
| <u>1</u>              | <u>Supervisor of Training and Recruitment - BOE-Republican</u>   | <u>16</u>     |
| <u>1</u>              | <u>Election Information Assistant - BOE-Republican</u>           | <u>15</u>     |
| <del>2</del> <u>1</u> | <u>Operations Manager - Central Office - BOE-Republican</u>      | <u>15</u>     |
| <u>1</u>              | <u>Operations Manager - Central Office - BOE Democrat</u>        | <u>15</u>     |
| <u>1</u>              | <u>Operations Manager - Service Center - BOE-Republican</u>      | <u>15</u>     |
| <del>4</del>          | <del>Supervisor of Training – BOE-</del>                         | <del>45</del> |
| <u>1</u>              | <u>Supervisor of Information Services – Democrat</u>             | <u>15</u>     |
| <u>1</u>              | <u>Operations Manager I - Service Center - BOE Democrat</u>      | <u>44 13</u>  |
| <u>1</u>              | <u>Senior Voting Machine Technician - BOE-Republican</u>         | <u>12</u>     |
| <u>1</u>              | <u>Supervisor of Absentee Voting - BOE-Republican</u>            | <u>12</u>     |
| <u>1</u>              | <u>Election Information Service Specialist I - BOE Democrat</u>  | <u>43 12</u>  |
| <u>1</u>              | <u>Election Information Service Specialist II - BOE Democrat</u> | <u>42 11</u>  |
| <u>1</u>              | <u>Information Services Lead - BOE-Democrat</u>                  | <u>45 11</u>  |
| <u>1</u>              | <u>Election Information Coordinator – Democrat</u>               | <u>10</u>     |
| <u>1</u>              | <u>Commissioner's Secretary - BOE-Republican</u>                 | <u>10</u>     |
| <u>1</u>              | <u>Senior Absentee Clerk - BOE-Republican</u>                    | <u>10</u>     |
| <del>3</del> <u>2</u> | <u>Senior Trainer - BOE Republican</u>                           | <u>10</u>     |
| <u>1</u>              | <u>Senior Trainer – Democrat</u>                                 | <u>10</u>     |
| <u>1</u>              | <u>Senior Voter Registration Clerk - BOE-Republican</u>          | <u>10</u>     |

|                         |                                                                         |          |
|-------------------------|-------------------------------------------------------------------------|----------|
| <u>1</u>                | <u>Supervising Control Clerk – Democrat</u>                             | <u>9</u> |
| 1                       | Commissioner's Secretary - Bilingual - <del>BOE</del> <u>Democrat</u>   | 9        |
| 2                       | Voting Machine Technician - <del>BOE</del> <u>Democrat</u>              | 9        |
| <del>4</del> <u>1</u>   | <del>Absentee Clerk - BOE</del> <u>Republican</u>                       | 8        |
| <u>3</u>                | <u>Absentee Clerk - Democrat</u>                                        | 8        |
| <u>1</u>                | <u>Trainer I - <del>BOE</del> <u>Democrat</u></u>                       | 8        |
| 3                       | Voter Registration Clerk - <del>BOE</del> <u>Democrat</u>               | 8        |
| 2                       | Election Clerk - <del>BOE</del> <u>Republican</u>                       | 7        |
| 1                       | Election Clerk - Bilingual - <del>BOE</del> <u>Republican</u>           | 7        |
| 1                       | Voter Relations Specialist - <del>BOE</del> <u>Democrat</u>             | 7        |
| 1                       | Voter Relations Specialist - Bilingual - <del>BOE</del> <u>Democrat</u> | 7        |
| 1                       | Clerk III - <del>BOE</del> <u>Republican</u>                            | 5        |
| 3                       | Laborer Light – BOE, PT                                                 | 3        |
| <u>8*</u>               | Clerk – Seasonal – BOE                                                  | Hourly   |
| <del>55</del> <u>56</u> |                                                                         |          |

File No. 20-0336

Added language is underlined.

Deleted language is stricken.

\* Underline is original to document text

ADOPTION: Date: December 8, 2020

Vote: 20-9

*(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)*



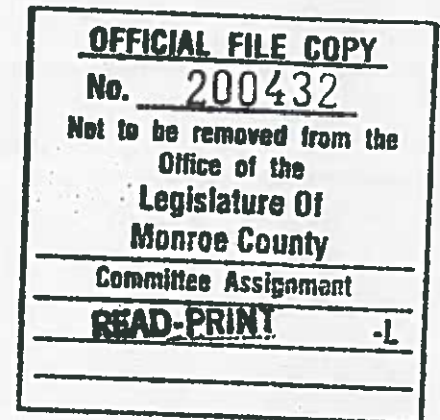
# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

December 10, 2020

Mr. Jack Moffitt  
Clerk of the Legislature  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614



Dear Mr. Moffitt:

I received your letter certifying that the Legislature approved certain changes to the 2021 Monroe County budget at its meeting on December 8, 2020. Pursuant to § C4-4(C) of the Monroe County Charter, I am hereby notifying you of my objections to the changes to the budget and returning the budget changes to you.

The amendment purporting to change the list of authorized positions for the Board of Elections is unlawful. Section 3-300 of the New York State Election Law provides that it is the duty of the Board of Elections, not the County Legislature, to set the number of BOE employees, assign their duties, and establish their titles and salaries. New York's highest court, the Court of Appeals, has confirmed that Election Law § 3-300 vests local Boards of Elections "with complete and exclusive control of their personnel and the performance of their duties." *County of Erie v. CSEA Local 815*, 19 N.Y.3d 1070, 1071 (2012) (quoting *County of Chautauqua v. Chautauqua Co. Employees Unit 6300*, 181 A.D.2d 1052 (4th Dep't 1992)). Based on this exclusive control, courts have rejected claims that a County Legislature has the authority to set the number of positions or salaries for the Board of Elections. *Mohr v. Giambra*, 7 Misc.3d 723 (Sup. Ct. Erie Co. 2005), *affirmed* 27 A.D.3d 1185 (4th Dep't 2006). In short, the County Legislature is tasked with appropriating funds for the Board of Elections, but has no role with respect to the assignment of its personnel. A copy of an opinion from counsel to the New York State Board of Elections confirming the flaws in this amendment is enclosed.

This year more than ever we have seen the importance of the work done by our Board of Elections. The passage of an eleventh-hour amendment, introduced with no notice to the Election Commissioners and subject only to a truncated debate, does not do justice to the Board's efforts. It is reckless and irresponsible for the Legislature to interfere with the staffing needs identified by the Election Commissioners, and such interference threatens the bipartisan and independent nature of the Board of Elections.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

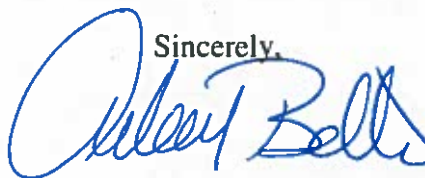
(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

Mr. Jack Moffitt  
Clerk of the Legislature  
December 10, 2020

I also object to the amendment creating a \$2.5 million contingency fund within the County Legislature's budget. First, this amendment is not necessary to respond to the pandemic. The County is capable of making adjustments to the budget throughout the year to respond to changing circumstances, as demonstrated this year, and I will work with the Legislature to do so as needed. Second, I do not think the creation of such a large fund without a specific purpose is consistent with sound budgeting practice or provides the transparency to which taxpayers are entitled.

For these reasons, pursuant to § C4-4(C) of the Monroe County Charter, I object to both changes to the 2021 Monroe County Budget, Motion No. 123 and Motion No. 124 of 2020.

Sincerely,



Adam J. Bello  
Monroe County Executive

Enc.

## Bringewatt, John P

---

**From:** Quail, Brian (ELECTIONS) <Brian.Quail@elections.ny.gov>  
**Sent:** Wednesday, December 9, 2020 2:45 PM  
**To:** Bringewatt, John P  
**Subject:** RE: Monroe County Budget Amendment

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The New York State Constitution and the Election Law provide for an independent, bi-partisan board of elections. Exercises of managerial direction and discretion with respect to personnel rest exclusively with the board of elections. Any other construct abrogates the bipartisan and independent nature of the agency.

Construing § 3-300 of the Election Law applicable to county boards of Elections, the Court of Appeals observed with respect to that section, for which § 3-100 that: "[b]y enacting [section 3-300], the Legislature furthered the constitutional mandate of bipartisan participation in the functions of boards of elections and vested [them] with complete and exclusive control of their personnel and the performance of their duties in that highly sensitive governmental area" Matter of County of Erie v Civil Service Employees Association Local 815, 19 NY3d 1070 [2012] quoting County of Chautauqua v Chautauqua County Employees' Unit 6300 of Local 807 of Civ. Serv. Employees' Assn., Local 1000, AFSCME, AFL-CIO [4th Dept 1992] [citation omitted].

In *Mohr v. Giambra*, 7 Misc.3d 723 [2005], Erie County Supreme Court rejected the contention that the county legislature had personnel line item control over the Erie County Board of Election: "Broad public policy concerns and a clear reading of the applicable statutory law and New York State Constitution, article II, § 8[2] compel this court to uphold **the unfettered authority of the Board of Elections to fix the number of its employees and establish their salaries within the amounts appropriated by the County.** Therefore, petitioners' application is granted and respondents' motions are denied for the reasons that follow."

"To put the argument in simplest terms, the county respondents claim that County Law § 205 is the controlling authority in this dispute, rather than Election Law § 3-300, as urged by petitioners. Thus, the county respondents contend that the county legislature has the authority to control both the number of election employees and their individual salaries. To adopt the position of the county respondents would render part of section 3-300 of the Election Law meaningless, an interpretation that must be avoided [citations omitted] and one which this court refuses to entertain."  
Id at 724.

In sum, the county legislature cannot impose on the board of elections a staffing structure or even specific salaries for specific positions. Within the amount appropriated for staff, the board has exclusive authority to set titles and salaries.

---

**From:** Bringewatt, John P <JohnBringewatt@monroecounty.gov>  
**Sent:** Wednesday, December 9, 2020 2:36 PM  
**To:** Quail, Brian (ELECTIONS) <Brian.Quail@elections.ny.gov>  
**Subject:** Monroe County Budget Amendment

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Brian,

Here is a copy of the budget amendment passed by the Monroe County Legislature last night concerning BOE staffing.

Thanks,  
John

John P. Bringewatt  
Monroe County Attorney  
Monroe County Law Department  
307 County Office Building  
39 W. Main Street  
Rochester, NY 14614  
Tel: 585-753-1402

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