



Inclusion Through Diversity

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## **FOR IMMEDIATE RELEASE**

### Highlights of the **October 4, 2011** meeting of the Tompkins County Legislature

#### **Legislature Preserves Tax Cap Override Option**

The Tompkins County Legislature has retained the option of considering an override the State property tax cap, if it so desires, when the time comes to adopt the 2012 Tompkins County Budget. After nearly an hour of thoughtful discussion, the Legislature, by a 9-6 vote, approved a Local Law that authorizes the Legislature to exceed the cap for the 2012 fiscal year, if it decides that is appropriate. (Legislators Kathy Luz Herrera, Pam Mackesey, Leslyn McBean-Clairborne, David McKenna, Frank Proto, and Peter Stein voted no.) The nine-member majority was the minimum margin needed to meet the support level required under the State's tax cap law, which authorizes the Legislature to override the levy limit by adoption of a local law approved by 60% of the Legislature.

The action preserves the Legislature's option to override the cap, but does not bind the Legislature to necessarily exceed the cap, which has been locally calculated (with permitted adjustments) to a 2.92% tax levy increase. County Administrator Joe Mareane's Recommended Budget, currently before the Legislature, would increase the levy by 5.4%, consistent with the Legislature's 2012 tax levy goal.

Much discussion concerned whether the Legislature should act on the law now, rather than later, if it is needed. Administrator Mareane advised that October 25 would be the last day the Legislature could pass a local law to waive the cap, when considering the County's budget process. Maintaining that more time is needed to consider the complexities of the budget and restrictions of the cap, Legislator Peter Stein proposed that action be delayed until the Legislature's next meeting October 18 (the last regular Legislature meeting before the 25<sup>th</sup>). Stein said the Legislature's action should be consistent with its reluctance to override the cap and that the extra time is needed to determine how best to keep the tax levy as low as possible. But Legislator Brian Robison said the issue is a matter of law, and there was no reason to delay. Robison was among a number of Legislators who stressed that how he voted on the law to waive the cap does not necessarily indicate how they will vote in the future. The motion to delay failed by a 4-11 vote, Legislators Stein, Mackesey, Proto, and McKenna voting in favor.

Legislature Chair Martha Robertson said the information needed is in hand, and the Legislature already knows what the impact of a "cap" budget would be, since the County Administrator has included that as a basis for the budget, and she pointed out that approving the law could amount to a "safety issue," should the State come back at a later time and claim that the County's calculation of the cap is not correct. Legislator Mike Lane stressed that the local law is a procedure provided by the State and does not mean support of a 5.4% levy increase—the increase, he said, should be much smaller, and that he's confident the Legislature can achieve that.

Both Legislators Frank Proto and Leslyn McBean-Clairborne said they could not support waiving the cap at this time. Proto said a number of people have urged that the Legislature be sensitive to the cap, and McBean-Clairborne, acknowledging that the action is just a tool, said it's too early in the budget process to make such a decision now. Legislator McKenna expressed concern that putting the waiver in place "makes it far too easy to raise the tax levy." Budget chair Jim Dennis stressed that he is "neither reluctant nor eager" to waive the cap,

that the timeline makes sense in light of the County's budget process, and that all Legislators should have all options at the table, as the budget process moves forward.

*Contact: James Dennis, Chair, Budget, Capital and Personnel Committee, 387-4058.*

### **Budget Hearing Set for November 9**

The Legislature, without dissent, scheduled the formal public hearing on the 2012 County Budget and the 2012-2016 Capital Program for Wednesday, November 9, beginning at 7:00 p.m. The hearing will take place at Legislative Chambers, located on the second floor of the County Courthouse, 320 N. Tioga Street, Ithaca.

*Contact: James Dennis, Chair, Budget, Capital and Personnel Committee, 387-4058.*

### **Legislature Mourns the Passing of Long-Time Legislator and Chair Harris Dates**

Legislature Chair Martha Robertson paid tribute to former legislator and legislative chair Harris B. Dates, who died September 26, after a short illness. Mr. Dates served 29 years on the Tompkins County Board of Supervisors and the Tompkins County Board of Representatives (both predecessors to the current County Legislature), between 1957 and 1985, and as Chair of the Board of Representatives for nine years. He was the Board of Representatives' first chair, in 1970 and 1971, then returned to the chairmanship in 1979, and continued as Chair through 1985. Legislator Frank Proto is the only current member of the Legislature who served under Mr. Dates' leadership.

Chair Martha Robertson noted that Mr. Dates was an important member of the body and chair, and that the Legislature is preparing a formal resolution of achievements that will be voted on at the Legislature's next meeting.

*Contact: Legislator Frank Proto, 277-4875; Martha Robertson, Chair of the Legislature, 274-5434 or 272-0584.*

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