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Erie County Executive Chris Collins announces his vetoes of amendments to the county budget designed to restore money for cultural organizations, during a press conference in downtown Buffalo Monday.

Charles Lewis / Buffalo News

Democrats need a GOP crossover for override

## Collins vetoes all extra spending

### **Defies county lawmakers in rejecting 154 items, even some of their cuts, to force a budget showdown**

By Matthew Spina

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Erie County Executive Chris Collins made good on his promise Monday by vetoing extra spending that the Legislature added to the 2011 budget -- 154 separate items.

Further, he said he will not even honor their assorted cuts in spending because certain technicalities allow him to declare those cuts "null and void."

"I know what I'm doing," Collins said, and, referring to lawmakers, "they don't."

Legislature Democrats, tired of being dismissed by Collins, might head to court today on their belief that he has again gone too far.

"The legislators believe the county executive exceeded his lawful authority in declaring their actions null and void and believe judicial intervention may be necessary," said Jennifer C. Persico, lawyer for Legislature Democrats.

She said that if the lawmakers go to court, they will seek a temporary restraining order delaying today's "override session" -- scheduled for 2 p.m. -- until the court rules.

As for the vetoes, Collins, as expected, rejected:

- The \$1.2 million that lawmakers restored to dozens of museums, theaters, galleries and performing arts venues, such as the Irish Classical Theatre, the Buffalo Arts Studio and the Buffalo City Ballet. Collins wrote them out of his budget for 2011 because, to him, just 10 large attractions deserve county support, including the Buffalo Zoo and Albright-Knox Art Gallery.
- The approximately \$800,000 that lawmakers restored to the County Comptroller's Office to save the jobs that Collins cut from the staff of his potential political rival, County Comptroller Mark C. Poloncarz. Even some Republicans and Erie County's state-appointed control board wanted Collins to save at least three internal auditors who keep an eye on government waste. But he refused.
- The \$4 million that Republicans and Democrats unanimously restored to the Buffalo & Erie County Public Library. However, under a deal struck with the Legislature's six-member Republican bloc, Collins will allow \$3 million more for the libraries next year under a separate mechanism, if the Republicans don't override any of his vetoes.

If that arrangement remains fast, then Collins' vetoes are safe. The nine Democrats need a Republican to cross over to create the two-thirds majority required to override a veto in the 15-member Legislature. Monday, the Republicans appeared united.

Over the weekend, the Republicans sounded as though Collins convinced them that the Democratic-driven budget amendments did not balance out and that because of the Legislature's "irresponsible" work, he would have to raise property taxes -- the third rail for any county leader going into the 2011 elections.

The Legislature had rearranged about \$8 million to provide more money for libraries and the arts, and to save about two dozen county jobs -- without raising taxes.

However, Collins argued in recent days -- in messages driven home in radio spots and "robo" phone calls -- that the Legislature's additional spending was not balanced with appropriate cuts elsewhere.

Collins never likes it when the Legislature messes with his budget and has threatened property taxes in past years. For 2009, he argued in court that he would have to raise taxes because lawmakers moved a revenue line from one page of his budget book to another; he lost on that point.

This year, the Democrats insist that their rearrangements actually cut spending

slightly in the more than \$1 billion budget. Regardless, their changes do not balance out if Collins, citing assorted technicalities, declares those spending cuts null and void.

For example, Collins said the Legislature took \$2.8 million from funds reserved for employee fringe benefits without cutting the number of employees, so he cannot honor that change. Democratic lawmakers, and Poloncarz, say Collins is hiding extra money in fringe-benefit accounts.

"I am disappointed, but not surprised, at the county executive's actions," Poloncarz said late Monday. "Once again, Chris Collins fails to recognize that there are checks and balances in county government."

County executives are given authority to veto a Legislature's additional spending. But they aren't, under county law, allowed to veto a Legislature's cuts in spending.

Lawmakers rearranged a total \$8.2 million by cutting various accounts and adding the money elsewhere. Under Collins' arguments, he need not even abide by the simplest spending cuts. Those include the Legislature's decision to cut the county attorney's salary by \$50,000, to about \$100,000, and to delete the job of his director of real estate and asset management, a \$130,000 post the state-appointed control board no longer wanted to cover, so Collins put Michelle A. Mazzone's job in his budget.

In declaring even those simple cuts null and void, Collins says the Legislature approved many of the cuts as a package budget amendment when their package had not been proposed to the Legislature at least 48 hours before its vote. Therefore, under the County Charter, each cut had to be voted on separately, Collins says.

"The Charter is so crystal clear on this," he said Monday.

However, the Democrats presented proof that their package had been clocked in to the Legislature at 1:01 p.m. Nov. 23 -- certainly more than 48 hours before the Legislature met Nov. 30 to adopt a budget.

"As county executive, I understand the Legislature's desire to fully fund all programs, organizations and agencies that have a history of receiving county support," he told reporters Monday. "But as elected leaders tasked with the financial stewardship of precious county tax dollars, we have an obligation to look beyond our desires and make decisions that are responsible.

"Unfortunately, the Legislature amended the proposed budget in a way that can be described as anything but responsible."

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