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Erie County Culturals show their support during the County Legislature meeting on Tuesday.

Harry Scull Jr. / Buffalo News

County budget whirlwind settles in accord

GOP 'stood with the taxpayers,' Collins says

By Matthew Spina

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Nearly all the people connected to Erie County's 2011 budget might find some solace in Tuesday's rumpus in Old County Hall, where lawmakers completed most of their work on next year's package.

Consider:

- Taxpayers can expect no increase in the property tax rate, and there's an outside shot at a small tax cut, depending on how a court case plays out.
- Supporters of the arts can find some comfort in knowing that a newfound \$500,000 will help dozens of small- and medium-size venues make it through another year of operations.
- The popular library system will keep its operating hours essentially unchanged as \$3 million of a \$4 million cut will be restored.

"So we saved the libraries. We saved the cultural. And we are going to deliver a tax cut at the end of the day," said Legislator Raymond W. Walter of Amherst, a member of the six-member Republican caucus that proved pivotal in this year's ugly budget process.

But there's more:

- Legislature Democrats tired of the County Executive Chris Collins' abuse won a swiftly prepared court argument: State Supreme Court Justice Joseph R. Glowonia ruled that Collins improperly declared the Democrats' spending cuts "null and void" and unworthy of implementation.

Collins had cited some arcane technicalities to insist that he should not have to accept the Democrats' cuts, which they were using to finance new spending elsewhere. Glowonia said he went too far; Collins promised to appeal.

- As for Collins, his 2011 budget remains much like the version he proposed in October. His 154 legal vetoes of the Legislature's extra spending held fast. No Republican would join the nine Democrats to create the two-thirds majority required to override a veto. The Democrats lost through 154 party-line votes that stretched into the evening.
- While County Comptroller Mark C. Poloncarz's staff would still be gutted by about 36 percent, Poloncarz might now revive a lawsuit that was rejected recently because the Legislature had yet to adopt a budget. Or he might ask the state-appointed financial control board for money to add more internal auditors to track government waste.

Collins, who dislikes Poloncarz and sees him as a rival, cut the County Comptroller's Office far more than he cut any county department run by an elected official.

"The county executive does not like independent oversight," Poloncarz said Tuesday.

As for the more than 200 county employees targeted for layoffs, they have no lifeboats except for the union right to bump into other jobs for which they qualify. Dozens of employees will start receiving layoff notices today.

In October, Collins proposed that county government spend about \$1.1 billion next year running the expensive social programs required by the state and federal governments, fixing roads and bridges, maintaining parks and feeding the bureaucracy.

However, fearing the lingering effects of the recession, and longing for a healthy ledger during his upcoming election year, Collins cut spending in areas he can control.

Two cuts stirred the most controversy:

- He reduced the county's main contribution to the library system to \$18 million, from the \$22 million he had promised.

- He also decided that a couple of dozen arts venues, which were sharing \$600,000 this year, should receive no county support. Collins reasoned that just 10 large attractions, including the Albright-Knox Art Gallery, the Burchfield Penney Art Center, the Buffalo Zoo and the Darwin Martin House, deserve county support because they best draw visitors from outside Erie County.

As the protests grew, Republican lawmakers, who usually side with the county executive, grew uncomfortable. They eventually supported a full \$4 million restoration for the libraries, and a few Republicans voted to support a smattering of arts groups and to restore some internal auditors.

Collins then turned up the pressure by saying the Legislature's extra spending would raise taxes because the spending cuts were sloppy. He never provided the financial analysis to prove his vague claim. But his radio advertising and "robo" phone calls dented the Republican line.

The Republicans agreed to abide by all Collins' vetoes as he assured the libraries at least \$3 million more in a separate mechanism later. The money will come from a category of federal stimulus aid that is delivering more than expected to Erie County this year.

Monday, Collins confidently announced he had vetoed the Legislature's extra spending, which he can do under the County Charter. The Charter, however, does not let county executives veto spending decreases, and Collins found some of the Legislature's cuts tough to live with.

For example, they did away with his director of real estate and asset management, a job that pays \$130,000 a year. They also cut the salary of his soon-to-be-named county attorney from the \$150,000 Collins wanted to about \$100,000, and used the freed-up money to finance new spending.

Collins argued that those cuts violated other laws or government provisions he must follow and therefore are null and void. In one of his fussier his objections, he said the Legislature should have voted on most of the spending cuts line-by-line Nov. 30, rather than as a package, because the package had not aged for at least 48 hours before the Legislature's session.

"The Charter is so crystal clear on this," Collins said Monday, stressing that he's confident he would win in court and that Legislature Democrats don't know what they are doing. In court Tuesday, Glowonia agreed that the Democrats had indeed proposed their amendments more than 48 hours before the Legislature's vote -- a full week before, in fact. For that reason and others, Glowonia ruled that the Charter did not let Collins declare spending reductions null and void. His ruling put some \$8 million back in play, but only if the Republicans were going to override the vetoes to restore spending a second time.

Collins' chief of staff, Christopher M. Grant said the courts have held that public officials cannot be ordered to carry out an illegal act. To the Collins team, that's what he had be doing if forced to follow the Legislature's cuts.

If the cuts are found valid after an appeal, Erie County could then spend a few-million dollars less than Collins proposed for 2011, justifying a small cut to the current property tax rate of \$5.03 for every \$1,000 of assessed value.

The Glownia ruling could have freed some of the swing Republicans to join with the Democrats to override vetoes, because it was no longer certain that veto overrides would raise taxes, as Collins contended.

That's when the Republicans announced they had patched together \$500,000 for cultural groups.

The arrangement had been discussed weeks earlier but, for some reason, dropped. Collins agreed Tuesday that county government would contribute \$100,000 for the arts, again from 2010 stimulus money, and the Oishei Foundation would provide \$400,000, said Minority Leader John J. Mills, R-Orchard Park.

When final details are worked out, the \$500,000 will be distributed next year through the Community Foundation's Fund for the Arts. With that pot of money for the arts, the Republicans saw no reason to override Collins.

Those urging that Collins spend more for the arts next year were not overwhelmed.

"I don't think they are really listening to the people of this community," said Randall Kramer of the Greater Buffalo Cultural Alliance. "I'm appreciative for the restoration of those funds. But the fact is that the people of this community support a larger government participation in the arts -- as has been done in the past -- that does not require a tax increase."

Kramer was among a group of about 20 in the gallery who stood to raise signs bearing the names of arts venues -- MusicalFare Theatre, the African American Cultural Center -- as Republicans upheld the Collins vetoes for the arts and summer youth programs, among other things. With the first vote upholding a cultural veto, they tore up their signs.

Legislator Kevin R. Hardwick of the City of Tonawanda was one of those Republicans who Democrats thought might help them override vetoes.

But the Glownia ruling did not sway him. He said a tax hike could still happen.

"Everybody knows that it is going to be appealed, and who knows where that's going to end up," he said.

"I'm afraid that any vote to override today will be a vote to raise taxes."

Hardwick, Mills and Walter voted with Republicans Edward A. Rath III of Amherst, Dino J. Fudoli of Lancaster and Lynne M. Dixon of Hamburg to uphold the Collins vetoes.

"Boy, it was noisy," Collins said late Tuesday. "Call it a food fight. But at the end of

the day, the Republicans stood with the taxpayers. ... I'm proud to call them colleagues."

The Gusto Blog: [Hardwick discusses his views on the budget](#)

Video: [County Legislature Democrats discuss Tuesday's budget developments](#)

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"This is what compromise and bipartisanship is all about. Each side gave some and a deal was cut that was in the middle. As the old saying goes, you know there is compromise when neither side gets what ... "

Now, if we could just get the "boys" in Washington to show the same compromising approach to legislating, we would all be better served. Hate to say this about my Republican Party, but the last two years of NO PARTY foolishness has been downright dumb and will eventually result in the Dems taking over the House and Senate ala 2006 adn 2008.

PHILIP WIGGLE, AMHERST, NY on Wed Dec 15, 2010 at 06:47 PM

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This is what compromise and bipartisanship is all about. Each side gave some and a deal was cut that was in the middle. As the old saying goes, you know there is compromise when neither side gets what it wants.

THOMAS STEVENSON, NORTH TONAWANDA, NY on Wed Dec 15, 2010 at 09:10 AM

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