

NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION

TESTIMONY

**MARY JO O'HAGAN, VICE PRESIDENT
NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION**

NASSAU COUNTY LEGISLATURE

OCTOBER 29, 2010

**IN THE MATTER OF
ITEM # 591-10 (CE)
Proposal for Elimination of the County Guarantee
for Costs of Errors in its Assessment Procedures**

**Theodore Roosevelt Executive & Legislative Building
1550 Franklin Avenue
Mineola, N.Y.**

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Chairman Schmitt and Members of the Nassau County Legislature:

I am Mary Jo O'Hagan, Vice President of the Nassau-Suffolk School Boards Association. I stand here, once again, representing Nassau's boards of education, upon whose property taxpayers it appears you intend to off-load multi-millions of dollars of the County's lawful obligations.

Our Association has presented to you an extensive and comprehensive packet of documents pertaining to the County Guarantee.

In so doing, we wished to assure the public that as today's vote is taken, each and every one of their County Legislators has been made fully aware of the impact abandonment of the County Guarantee would have on Nassau's schools and local property taxpayers.

I can find no more knowledgeable prediction of that impact than what is found in the document entitled "History of the County Guaranty".

In June 1976, then County Attorney, James Catterson, in a letter to Governor Hugh Carey, lauded the County Guarantee and its benefit to school districts, and said:

"Under the County Guaranty any deficiency existing or created from a decrease in an assessmentIS A COUNTY CHARGE. A DEPARTURE FROM THIS PROCEDURE WOULD PROVE TO BE AN ADMINISTRATIVE AND FINANCIAL NIGHTMARE TO [MANY OF] THE SCHOOL DISTRICTS AND SPECIAL DISTRICTS IN THE COUNTY OF NASSAU."

In March 1948, in support of State Legislation requested by the County to align the County's power to make assessments with the responsibility to make refunds, Assemblyman Frank J. Becker said:

"..... all deficits arising from illegal or erroneous assessments, reductions in valuations, waivers of interest or penalties SHOULD BY STATUTE BE MADE A COUNTY CHARGE."

By New York State statute, numerous Court decisions and the County's own affirmation, the linkage between the County's sole assessing authority and the responsibility for the costs of its errors has been repeatedly confirmed.

Perhaps some of you believe that case law can be ignored.

Perhaps some of you have chosen not to listen to the data and testimony from the schools within your districts.

Perhaps some of you prefer to believe the delusion that shifting the County's costs to school districts would actually result in "no property tax increase".

Perhaps some of you have decided not to heed the warnings that the dollars the County would save for itself under this deception would grow exponentially in tax impact when transferred on to the local property tax.

Perhaps some of you believe that the way out of a budget crisis is to foist your obligations on to other governments.

Perhaps some of you believe that you have the authority to do so.

Perhaps ALL of you will be prepared to face your communities and defend your vote.