

Resolution No 2003-04: 456

By Member of the Board Bowers

Resolution Calling for Veto and Reconsideration of Proposed County Budget

Whereas, the proposed 2004 Monroe County Budget, as amended by a majority of the County Legislature would drastically reduce and imperil the provision of school nurses by the County Health Department to the Rochester City School District, and

Whereas, the proposed 2004 Monroe County Budget presents a situation of irreparable harm to the children of the Rochester City Schools, as well as visiting upon those children a grossly disproportionate share of the overall reduction in County services; and

Whereas, the proposed 2004 Monroe County Budget appears to constitute a unilateral repudiation of the intermunicipal understandings adopted by the County of Monroe, the City of Rochester and a majority of towns in 1958 when, as a culmination of the deliberations of the Joint City-County Planning Committee begun in 1953, the County Health Department was created and the duties of the local health districts devolved to the County; and

Whereas, during a forty-eight hour window beginning from the submission of the proposed budget, as amended, is tendered to him, the Monroe County Executive has the authority to exercise a line item veto of any amendment, and to return the vetoed document to the Monroe County Legislature for further debate and action, it is

Resolved, that the Board of Education urges the Monroe County Executive to veto that portion of the proposed 2004 Monroe County Budget relating the funding of nursing services for the Rochester City School District and return the matter to the Monroe County Legislature for further debate and action; and it is

Further resolved, that the Board of Education calls upon the members of the Monroe County Legislature to restore and fully fund the Department of Health's budget for school nursing services for the Rochester City School District for 2004 and until such time as the County is formally relieved of such duty by operation of New York State law, or by the re-establishment of a municipal health department by the City of Rochester in the manner authorized by §C6-12(D) of the Monroe County Charter.

Seconded by Member of the Board Porter

Adopted 6-0 with Commissioner Cook absent

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Authorization to Conduct Litigation

Whereas, the proposed 2004 Monroe County Budget, as amended by a majority of the County Legislature would drastically reduce and imperil the provision of school nurses by the County Health Department to the Rochester City School District, and

Whereas, the proposed 2004 Monroe County Budget presents a situation of irreparable harm to the children of the Rochester City Schools, as well as visiting upon those children a grossly disproportionate share of the overall reduction in County services; and

Whereas, the proposed 2004 Monroe County Budget appears to constitute a unilateral repudiation of the intermunicipal understandings adopted by the County of Monroe, the City of Rochester and a majority of towns in 1958 when, as a culmination of the deliberations of the Joint City-County Planning Committee begun in 1953, the County Health Department was created and the duties of the local health districts devolved to the County; and

Whereas, the proposed 2004 Monroe County Budget will create irreparable harm to the District itself, separate and distinct from the harm visited upon children, in terms of financial incapacity of a fiscally dependent school district to fund an adequate nursing program even if it were legally authorized to do so; of legal incapacity to recruit, staff and administer a nursing program under Article 19 of the Education Law; of loss of potential reimbursement for medical services under current Medicaid regulations (a subject for which the Board of Education endorsed litigation by the Council of the Great City Schools in November 2003); of potential loss of State subsidy for nursing services currently available to the County; and of the practical incapacity to enlist and train staff on a short time line, and then to create an internal supervisory staff for a professional nursing cadre, it is

Resolved, that the Board of Education authorizes the Superintendent of Schools, through the Department of Law or, as the Superintendent in consultation with the District's General Counsel deems appropriate, through a professional services agreement with outside counsel, to commence and continue litigation in a State or federal court of competent jurisdiction, intended to seek preliminary and permanent injunctive relief; a declaration of County duties and responsibility for school nursing services; and to recover a judgment for any economic loss which the District has or may sustain, and for such other and further relief as may be warranted; and further authorizes the Superintendent, to allocate such funds as may be necessary to fund such litigation from existing authorized budget lines or to seek a budget amendment if necessary.

Seconded by Member of the Board Porter

Adopted 6-0 with Commissioner Cook absent