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I N A S S E M B L Y

April 23, 2010

Introduced by M. of A. TEDISCO, McKEVITT -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, FINCH, FITZPATRICK, HAYES, KOLB, McDONOUGH, J. MILLER, MOLINARO, OAKS, O'MARA, QUINN, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, SCOZZAFAVA, THIELE, TOWNSEND -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to establishing a municipal cooperation program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general municipal law is amended by adding a new article 2-A to read as follows:

3 ARTICLE 2-A

4 MUNICIPAL COOPERATION PROGRAM

5 SECTION 25. MUNICIPAL COOPERATION PROGRAM.

6 S 25. MUNICIPAL COOPERATION PROGRAM. 1. ESTABLISHMENT. THERE ARE
7 HEREBY ESTABLISHED A STATE CONFERENCE ON MUNICIPAL COOPERATION AND EIGHT
8 REGIONAL COMMISSIONS ON MUNICIPAL COOPERATION. THE REGIONAL COMMISSIONS
9 SHALL BE AS FOLLOWS AND SHALL CONSIST OF THE FOLLOWING COUNTIES:

10 (A) LONG ISLAND - NEW YORK: BRONX, KINGS, NASSAU, NEW YORK, QUEENS,
11 RICHMOND AND SUFFOLK.

12 (B) HUDSON VALLEY: DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN,
13 ULSTER AND WESTCHESTER.

14 (C) CAPITAL: COLUMBIA, GREENE, ALBANY, SCHOHARIE, RENSSELAER, SCHENEC-
15 TADY, MONTGOMERY, FULTON, SARATOGA AND WASHINGTON.

16 (D) NORTH COUNTRY: WARREN, ESSEX, CLINTON, FRANKLIN, HAMILTON, SAINT
17 LAWRENCE, LEWIS, OSWEGO AND JEFFERSON.

18 (E) CENTRAL - MOHAWK VALLEY: OTSEGO, HERKIMER, ONEIDA, MADISON, CORT-
19 LAND, ONONDAGA AND CAYUGA.

20 (F) SOUTHERN TIER: DELAWARE, BROOME, CHENANGO, TIOGA, TOMPKINS,
21 SCHUYLER, CHEMUNG, ALLEGANY AND STEUBEN.

22 (G) FINGER LAKES: WAYNE, SENECA, YATES, ONTARIO, LIVINGSTON AND
23 MONROE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 (H) WESTERN: CATTARAUGUS, CHAUTAUQUA, ERIE, WYOMING, GENESEE, ORLEANS
2 AND NIAGARA.

3 2. STATE CONFERENCE ON MUNICIPAL COOPERATION MEMBERSHIP. (A) THE
4 STATE CONFERENCE ON MUNICIPAL COOPERATION SHALL CONSIST OF NINE MEMBERS.
5 THE SECRETARY OF STATE SHALL BE A MEMBER OF THE CONFERENCE AND SHALL
6 SERVE AS ITS CHAIR. THE VICE CHAIR OF EACH REGIONAL COMMISSION SHALL
7 SERVE AS A MEMBER OF THE STATE CONFERENCE ON MUNICIPAL COOPERATION.

8 (B) THE STATE CONFERENCE SHALL ALLOCATE FUNDS PURSUANT TO THIS SECTION
9 TO EACH REGIONAL COMMISSION. THE STATE CONFERENCE SHALL PROMULGATE ANY
10 RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
11 SECTION; HOWEVER SUCH RULES AND REGULATIONS, AND ANY CHANGES THERETO
12 SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY VOTE OF THE GOVERNOR,
13 TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY
14 LEADER OF THE SENATE AND MINORITY LEADER OF THE ASSEMBLY.

15 3. REGIONAL COMMISSIONS MEMBERSHIP. (A) EACH REGIONAL COMMISSION
16 SHALL CONSIST OF NINE MEMBERS, APPOINTED AS FOLLOWS:

17 (I) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL
18 BE THE CHAIR OF THE REGIONAL COMMISSION AND THE OTHER SHALL SERVE AS
19 VICE CHAIR;

20 (II) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
21 SENATE;

22 (III) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

23 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
24 SENATE;

25 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
26 BLY; AND

27 (VI) ONE MEMBER SHALL BE APPOINTED BY THE STATE COMPTROLLER.

28 (B) EACH REGIONAL COMMISSION MAY CONDUCT BUSINESS WITH A QUORUM OF
29 MEMBERS IN OFFICE AT THE TIME.

30 (C) EACH MEMBER OF A REGIONAL COMMISSION SHALL SERVE AT THE PLEASURE
31 OF HIS OR HER APPOINTING AUTHORITY.

32 (D) MEMBERS OF REGIONAL COMMISSIONS SHALL RECEIVE NO COMPENSATION FOR
33 THEIR SERVICE BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
34 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

35 (E) EVERY MEMBER OF A REGIONAL COMMISSION SHALL RESIDE WITHIN THE
36 REGION REGULATED BY THE REGIONAL COMMISSION UPON WHICH HE OR SHE SERVES.

37 (F) EVERY MEMBER OF A REGIONAL COMMISSION WHO IS AN ELECTED OFFICIAL
38 SHALL RECUSE HIMSELF OR HERSELF FROM ANY MEETING OF THE COMMISSION DEAL-
39 ING DIRECTLY WITH AN ISSUE IMPACTING UPON THE MUNICIPALITY WHICH ELECTED
40 SUCH MEMBER.

41 (G) A TWO-THIRDS MAJORITY OF EACH REGIONAL COMMISSION SHALL APPOINT AN
42 EXECUTIVE DIRECTOR, WHO SHALL CONDUCT THE BUSINESS OF SUCH REGIONAL
43 COMMISSION UNDER THE SUPERVISION OF THE REGIONAL COMMISSION. THE EXECU-
44 TIVE DIRECTOR SHALL ALSO BE AUTHORIZED TO HIRE SUCH ADDITIONAL STAFF AS
45 NECESSARY TO EXECUTE THE WORK OF THE REGIONAL COMMISSION. THE EXECUTIVE
46 DIRECTOR MAY BE REMOVED ONLY BY A THREE-QUARTERS VOTE OF THE MEMBERS OF
47 THE REGIONAL COMMISSION.

48 (H) THE PURPOSE OF THE REGIONAL COMMISSIONS SHALL BE TO:

49 (I) INCREASE COMMUNICATION BETWEEN LOCAL GOVERNMENTS TO DISCUSS SHARED
50 SERVICES, CONSOLIDATION, AND THE MERGER OF LOCAL GOVERNMENTS;

51 (II) PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE AND TRAINING TO LOCAL
52 GOVERNMENTS; AND

53 (III) IDENTIFY STATE AND LOCAL LAWS WHICH MUST BE CHANGED TO ACHIEVE
54 BUDGETARY AND PROPERTY TAX SAVINGS THROUGH SHARING ARRANGEMENTS.

55 (I) THE REGIONAL COMMISSIONS MAY AWARD GRANTS TO LOCAL GOVERNMENTS
56 WHICH SEEK TO WORK TOGETHER TO ACHIEVE SAVINGS. EACH REGIONAL COMMISSION

1 SHALL PROVIDE GRANTS IN THE FOLLOWING MANNER: TWENTY PERCENT OF ALL
2 FUNDS AVAILABLE FOR THE PROVISION OF GRANTS SHALL BE USED FOR RESEARCH
3 GRANTS, TEN PERCENT FOR IMPLEMENTATION GRANTS, AND SEVENTY PERCENT FOR
4 COOPERATION REWARD GRANTS. A REGIONAL COMMISSION MAY ALTER THIS ALLO-
5 CATION WITH THE APPROVAL OF AT LEAST TWO-THIRDS OF ITS MEMBERS.

6 4. RESEARCH GRANTS. EACH REGIONAL COMMISSION SHALL SEEK TO PROVIDE THE
7 ASSISTANCE NECESSARY TO RESEARCH THE EFFICACY OF COOPERATIVE EFFORTS
8 BETWEEN LOCALITIES. IF SUCH RESEARCH IS BEYOND THE SCOPE OF THE COMMIS-
9 SION, THEN THE LOCALITIES MAY SEEK A FIFTY PERCENT MATCHING GRANT FROM
10 THE REGIONAL COMMISSION TO HIRE A PUBLIC, PRIVATE OR ACADEMIC ENTITY TO
11 CONDUCT SUCH RESEARCH. THE PROVISION OF ANY RESEARCH GRANT, AND THE
12 ENTITY WHICH SHALL CONDUCT THE RESEARCH, SHALL BE SUBJECT TO APPROVAL BY
13 THE REGIONAL COMMISSION.

14 5. IMPLEMENTATION GRANTS. MUNICIPALITIES WHICH HAVE CHOSEN TO EXECUTE
15 THE COOPERATIVE EFFORT, SHALL IDENTIFY COSTS OF IMPLEMENTING THE EFFORT
16 AND REQUEST A GRANT FROM THE REGIONAL COMMISSION. COSTS ELIGIBLE FOR
17 GRANTS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO: EARLY RETIREMENT OR
18 RESIGNATION INCENTIVES; PURCHASES OF BUILDINGS OR EQUIPMENT; OR HIRING
19 OF TEMPORARY EMPLOYEES TO ASSIST IN CONSOLIDATION. SUCH GRANTS SHALL BE
20 SUBJECT TO APPROVAL BY THE REGIONAL COMMISSION. IMPLEMENTATION GRANTS
21 SHALL BE AWARDED IN THE FOLLOWING MANNER:

22 (A) GRANTS TO FUND THE CONSOLIDATION OF SERVICES BETWEEN MUNICI-
23 PALITIES OR THE PROVISION OF SERVICES FROM ONE MUNICIPALITY TO ANOTHER.
24 SUCH GRANTS SHALL EQUAL FIFTY PERCENT OF THE COSTS ASSOCIATED WITH SUCH
25 MERGER OR CONSOLIDATION; AND

26 (B) GRANTS TO FUND MERGERS BETWEEN MUNICIPALITIES. SUCH GRANTS SHALL
27 NOT EXCEED ONE HUNDRED PERCENT OF THE COSTS ASSOCIATED WITH SUCH MERGER.

28 6. COOPERATION REWARD GRANTS. (A) THE REGIONAL COMMISSION MAY AWARD
29 GRANTS TO MUNICIPALITIES WHICH HAVE ELECTED TO EXECUTE A COOPERATIVE
30 EFFORT. MUNICIPALITIES WHICH HAVE ELECTED TO EXECUTE A COOPERATIVE
31 EFFORT SHALL IDENTIFY ONE OF THE PARTICIPATING MUNICIPALITIES, WHICH
32 SHALL ACT AS A LEAD AGENT, WHICH SHALL IDENTIFY THE SAVINGS WHICH ARE
33 EXPECTED TO ACCRUE TO THE MUNICIPALITIES AND REQUEST A GRANT IN THE
34 AMOUNT DETERMINED PURSUANT TO THIS SUBDIVISION, AND SUBMIT A REPORT TO
35 THEIR REGIONAL COMMISSION, WHICH SHALL BE REVIEWED AND ADJUSTED ACCORD-
36 INGLY BY THE REGIONAL COMMISSION. AT THAT TIME, THE REGIONAL COMMISSION
37 MAY APPROVE OR REJECT THE GRANT APPLICATION ACCORDING TO APPLICABLE
38 PROVISIONS OF THIS SECTION AND ANY APPLICABLE RULES OR REGULATIONS WHICH
39 MAY BE PROMULGATED BY THE STATE CONFERENCE AND APPROVED BY MAJORITY VOTE
40 OF THE GOVERNOR AND LEGISLATIVE LEADERS.

41 (B) IF APPROVED, AFTER THE END OF THE FIRST YEAR OF THE CONSOLIDATION,
42 THE LEAD AGENT SHALL PRODUCE A REPORT WHICH SHALL STATE THE SAVINGS
43 WHICH THE MUNICIPALITIES HAVE EXPERIENCED DURING THE YEAR. THAT REPORT
44 SHALL BE SUBMITTED TO THEIR REGIONAL COMMISSION, WHICH SHALL VALIDATE
45 THE SAVINGS WHICH HAVE ACCRUED TO THE LOCALITIES. SUCH SAVINGS WILL BE
46 CALCULATED BY COMPARING THE TOTAL AMOUNT SPENT FOR SERVICES WHICH HAVE
47 BEEN CONSOLIDATED WITH THE PROJECTED COST OF THE SERVICES WHICH HAVE
48 BEEN CONSOLIDATED IF THE CONSOLIDATION HAD NOT OCCURRED, IN THE CASE OF
49 FUNCTIONAL CONSOLIDATIONS; OR THE COMBINED BUDGETS OF THE MERGED MUNICI-
50 PALITY, WITH THE COMBINED BUDGETS OF THE MUNICIPALITIES WHICH HAVE BEEN
51 MERGED IF THE MERGER HAD NOT OCCURRED, IN THE CASE OF MERGERS.

52 (C) THE REGIONAL COMMISSION SHALL CERTIFY THE VALIDITY OF THE SAVINGS
53 IDENTIFIED BY THE LEAD AGENT. REGIONAL COMMISSIONS MAY REQUEST THE
54 ASSISTANCE OF THE STATE COMPTROLLER TO VALIDATE THE SAVINGS. AFTER SUCH
55 SAVINGS ARE VALIDATED, THE GRANT MAY BE REWARDED TO THE MUNICIPALITIES
56 IN AN AMOUNT DETERMINED PURSUANT TO THIS SUBDIVISION.

1 (D) SUCH PROCESS SHALL BE REPEATED EACH YEAR, FOR A PERIOD OF FIVE
2 YEARS IN THE CASE OF FUNCTIONAL CONSOLIDATIONS AND SEVEN YEARS IN THE
3 CASE OF MERGERS.

4 (E) COOPERATION REWARD GRANTS SHALL BE DETERMINED ON THE FOLLOWING
5 BASIS:

6 (I) GRANTS TO REWARD FUNCTIONAL CONSOLIDATION, I.E., CONSOLIDATION OF
7 SERVICES BETWEEN MUNICIPALITIES. SUCH GRANTS SHALL EQUAL FIFTY PERCENT
8 OF THE IDENTIFIED AND VALIDATED SAVINGS ASSOCIATED WITH SUCH CONSOL-
9 IDATION; AND

10 (II) GRANTS TO REWARD MERGERS BETWEEN MUNICIPALITIES. SUCH GRANTS
11 SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE IDENTIFIED AND VALIDATED
12 SAVINGS ASSOCIATED WITH SUCH MERGER.

13 7. COOPERATION EFFORTS. NO PROVISION OF THIS SECTION SHALL PRECLUDE A
14 SCHOOL DISTRICT OR SPECIAL TAX DISTRICT FROM PARTICIPATING IN CONSOL-
15 IDATION OR MERGER EFFORTS OR ACTIVITIES.

16 S 2. This act shall take effect on the first of January next succeed-
17 ing the date on which it shall have become a law.