

5661

2009-2010 Regular Sessions

I N S E N A T E

May 26, 2009

Introduced by Sens. STEWART-COUSINS, LITTLE, BONACIC, DeFRANCISCO, ESPADA, FOLEY, HASSELL-THOMPSON, KLEIN, KRUEGER, McDONALD, MONTGOMERY, PADAVAN, PERKINS, SAMPSON, STACHOWSKI, VALESKY -- (at request of the Attorney General) -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the municipal home rule law, the town law, the village law and the local finance law, in relation to the requirements for consolidating or dissolving certain local government entities, and to repeal certain provisions of the town law and the village law relating thereto

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

1 Section 1. Short Title. The act shall be known and may be cited as the
2 "New N.Y. Government Reorganization and Citizen Empowerment Act".

3 S 2. The general municipal law is amended by adding a new article 17-A
4 to read as follows:

5 ARTICLE 17-A

6 CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT

7 TITLE 1. DEFINITIONS (S 750)

8 2. CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES (SS 751-772)

9 3. DISSOLUTION OF LOCAL GOVERNMENT ENTITIES (SS 773-790)

10 4. MISCELLANEOUS PROVISIONS (SS 791-793)

11 TITLE 1

12 DEFINITIONS

13 SECTION 750. DEFINITIONS.

14 S 750. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS
15 SHALL HAVE THE FOLLOWING MEANINGS:

16 1. "COMPONENT LOCAL GOVERNMENT ENTITY" SHALL MEAN A LOCAL GOVERNMENT
17 ENTITY THAT, AS A RESULT OF SUCCESSFUL CONSOLIDATION PROCEEDINGS, IS
18 COMBINED INTO A CONSOLIDATED LOCAL GOVERNMENT ENTITY.

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

LBD11984-04-9

1 2. "CONSOLIDATION" SHALL MEAN EITHER (A) THE COMBINATION OF TWO OR
2 MORE LOCAL GOVERNMENT ENTITIES RESULTING IN THE TERMINATION OF THE
3 EXISTENCE OF EACH OF THE ENTITIES TO BE CONSOLIDATED AND THE CREATION OF
4 A NEW ENTITY WHICH ASSUMES JURISDICTION OVER ALL OF THE TERMINATED ENTI-
5 TIES, OR (B) THE COMBINATION OF TWO OR MORE LOCAL GOVERNMENT ENTITIES
6 RESULTING IN THE TERMINATION OF THE EXISTENCE OF ALL BUT ONE OF THE
7 ENTITIES WHICH SHALL ABSORB THE TERMINATED ENTITY OR ENTITIES.

8 3. "CONSOLIDATED LOCAL GOVERNMENT ENTITY" SHALL MEAN A LOCAL GOVERN-
9 MENT ENTITY RESULTING FROM SUCCESSFUL CONSOLIDATION PROCEEDINGS
10 CONDUCTED PURSUANT TO THIS ARTICLE.

11 4. "CONTIGUOUS" SHALL MEAN WHEN A PORTION OF A TOWN OR VILLAGE ABUTS
12 THE BOUNDARY OF ANOTHER TOWN OR VILLAGE, INCLUDING A TOWN OR VILLAGE
13 SEPARATED FROM THE EXACT BOUNDARY OF ANOTHER TOWN OR VILLAGE BY A
14 STREET, ROAD, RAILROAD, HIGHWAY, RIVER OR OTHER NATURAL OR ARTIFICIAL
15 STREAM OR BODY OF WATER.

16 5. "DISSOLUTION" SHALL MEAN THE TERMINATION OF THE EXISTENCE OF A
17 LOCAL GOVERNMENT ENTITY.

18 6. "DISSOLUTION PLAN" SHALL MEAN A WRITTEN DOCUMENT THAT CONTAINS
19 TERMS AND INFORMATION REGARDING THE DISSOLUTION OF A LOCAL GOVERNMENT
20 ENTITY AND THAT HAS BEEN FINALIZED AND APPROVED BY SUCH ENTITY'S GOVERN-
21 ING BODY PURSUANT TO THIS ARTICLE.

22 7. "ELECTOR" SHALL MEAN A REGISTERED VOTER OF THIS STATE REGISTERED TO
23 VOTE IN THE LOCAL GOVERNMENT ENTITY SUBJECT TO CONSOLIDATION OR DISSOL-
24 UTION PROCEEDINGS CONDUCTED PURSUANT TO THIS ARTICLE.

25 8. "ELECTOR INITIATED CONSOLIDATION PLAN" SHALL MEAN A WRITTEN DOCU-
26 MENT THAT CONTAINS TERMS AND INFORMATION REGARDING THE CONSOLIDATION OF
27 TWO OR MORE LOCAL GOVERNMENT ENTITIES, A MAJORITY OF WHOSE ELECTORS HAVE
28 VOTED TO CONSOLIDATE, AND THAT HAS BEEN FINALIZED AND APPROVED BY THE
29 GOVERNING BODY OR BODIES OF SUCH ENTITIES OR A JUDICIAL HEARING OFFICER
30 PURSUANT TO THIS ARTICLE.

31 9. "ELECTOR INITIATED DISSOLUTION PLAN" SHALL MEAN A WRITTEN DOCUMENT
32 THAT CONTAINS TERMS AND INFORMATION REGARDING THE DISSOLUTION OF A LOCAL
33 GOVERNMENT ENTITY, A MAJORITY OF WHOSE ELECTORS HAVE VOTED TO DISSOLVE,
34 THAT HAS BEEN FINALIZED AND APPROVED BY SUCH ENTITY'S GOVERNING BODY OR
35 A JUDICIAL HEARING OFFICER PURSUANT TO THIS ARTICLE.

36 10. "GOVERNING BODY" SHALL MEAN THE BODY IN WHICH THE GENERAL LEGISLA-
37 TIVE, GOVERNMENTAL AND/OR PUBLIC POWERS OF A LOCAL GOVERNMENT ENTITY ARE
38 VESTED AND BY AUTHORITY OF WHICH THE OFFICIAL BUSINESS OF SUCH ENTITY IS
39 CONDUCTED.

40 11. "INITIATIVE" SHALL MEAN THE FILING OF THE PETITION CONTAINING A
41 PROPOSAL FOR A REFERENDUM TO BE PLACED ON THE BALLOT FOR AN ELECTION.

42 12. "JOINT CONSOLIDATION AGREEMENT" SHALL MEAN A WRITTEN DOCUMENT THAT
43 CONTAINS TERMS AND INFORMATION REGARDING THE CONSOLIDATION OF TWO OR
44 MORE LOCAL GOVERNMENT ENTITIES AND THAT HAS BEEN FINALIZED AND APPROVED
45 BY THE GOVERNING BODY OR BODIES OF SUCH ENTITIES PURSUANT TO THIS ARTI-
46 CLE.

47 13. "LOCAL GOVERNMENT ENTITY" OR "ENTITY" SHALL MEAN A TOWN, VILLAGE,
48 DISTRICT, SPECIAL IMPROVEMENT DISTRICT OR OTHER IMPROVEMENT DISTRICT,
49 INCLUDING, BUT NOT LIMITED TO, SPECIAL DISTRICTS CREATED PURSUANT TO
50 ARTICLES ELEVEN, TWELVE, TWELVE-A OR THIRTEEN OF THE TOWN LAW, LIBRARY
51 DISTRICTS, AND OTHER DISTRICTS CREATED BY LAW; PROVIDED, HOWEVER, THAT A
52 LOCAL GOVERNMENT ENTITY SHALL NOT INCLUDE SCHOOL DISTRICTS, CITY
53 DISTRICTS OR SPECIAL PURPOSE DISTRICTS CREATED BY COUNTIES UNDER COUNTY
54 LAW.

55 14. "PROPOSED DISSOLUTION PLAN" SHALL MEAN A WRITTEN DOCUMENT THAT
56 CONTAINS TERMS AND INFORMATION REGARDING THE DISSOLUTION OF A LOCAL

GOVERNMENT ENTITY, AND THAT HAS BEEN PROPOSED, BUT NOT YET FINALIZED AND APPROVED, BY SUCH ENTITY'S GOVERNING BODY PURSUANT TO THIS ARTICLE.

15. "PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN" SHALL MEAN A WRITTEN DOCUMENT THAT CONTAINS TERMS AND INFORMATION REGARDING THE CONSOLIDATION OF TWO OR MORE LOCAL GOVERNMENT ENTITIES, A MAJORITY OF WHOSE RESPECTIVE ELECTORS HAVE VOTED TO CONSOLIDATE SUCH ENTITIES, THAT HAS BEEN PROPOSED, BUT NOT YET FINALIZED AND APPROVED, BY THE GOVERNING BODY OR BODIES OF SUCH ENTITIES PURSUANT TO THIS ARTICLE.

16. "PROPOSED ELECTOR INITIATED DISSOLUTION PLAN" SHALL MEAN A WRITTEN DOCUMENT THAT CONTAINS TERMS AND INFORMATION REGARDING THE DISSOLUTION OF A LOCAL GOVERNMENT ENTITY, A MAJORITY OF WHOSE ELECTORS HAVE VOTED TO DISSOLVE SUCH ENTITY, AND THAT HAS BEEN PROPOSED, BUT NOT YET FINALIZED AND APPROVED, BY SUCH ENTITY'S GOVERNING BODY PURSUANT TO THIS ARTICLE.

17. "PROPOSED JOINT CONSOLIDATION AGREEMENT" SHALL MEAN A WRITTEN DOCUMENT THAT CONTAINS TERMS AND INFORMATION REGARDING THE CONSOLIDATION OF TWO OR MORE LOCAL GOVERNMENT ENTITIES AND THAT HAS BEEN PROPOSED, BUT NOT YET FINALIZED AND APPROVED, BY SUCH ENTITIES' GOVERNING BODY OR BODIES PURSUANT TO THIS ARTICLE.

18. "REFERENDUM" SHALL MEAN A VOTE SEEKING APPROVAL BY A MAJORITY OF ELECTORS OF A LOCAL GOVERNMENT ENTITY OR ENTITIES VOTING ON A QUESTION OF CONSOLIDATION OR DISSOLUTION PLACED ON THE BALLOT BY INITIATIVE.

TITLE 2

CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES

SECTION 751. COMMENCING THE PROCEEDING.

752. PROPOSED JOINT CONSOLIDATION AGREEMENT.

753. PUBLICATION OF PROPOSED JOINT CONSOLIDATION AGREEMENT.

754. PUBLIC HEARINGS ON PROPOSED JOINT CONSOLIDATION AGREEMENT.

755. REFERENDUM RESOLUTION FOR CONSOLIDATION OF TOWNS OR VILLAGES.

756. EFFECTIVE DATE OF JOINT CONSOLIDATION AGREEMENT.

757. INITIATIVE OF ELECTORS SEEKING CONSOLIDATION.

758. CONDUCT OF REFERENDUM.

759. CANVASSING OF VOTE; MORATORIUM ON FURTHER REFERENDUM.

760. DUTY TO APPROVE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.

761. PUBLICATION OF PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.

762. PUBLIC HEARINGS ON PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.

763. EFFECTIVE DATE OF ELECTOR INITIATED CONSOLIDATION PLAN; PERMISSIVE REFERENDUM.

764. COURT-ORDERED CONSOLIDATION; MEDIATION; JUDICIAL HEARING OFFICER.

765. GENERAL EFFECT OF CONSOLIDATION.

766. ELECTION AND APPOINTMENT OF OFFICIALS.

767. EFFECT OF TRANSITION ON EMPLOYEES.

768. DEBTS, LIABILITIES AND OBLIGATIONS.

769. EFFECT ON EXISTING LAWS; TRANSITION PERIOD.

770. EFFECT ON ACTIONS AND PROCEEDINGS.

771. REGISTRATION OF ELECTORS.

772. DETERMINATION OF RIGHTS.

S 751. COMMENCING THE PROCEEDING. 1. TWO OR MORE LOCAL GOVERNMENT ENTITIES, WHETHER WITHIN THE SAME COUNTY OR DIFFERENT COUNTIES, MAY BE CONSOLIDATED INTO A SINGLE LOCAL GOVERNMENT ENTITY IF EACH OF THE LOCAL GOVERNMENT ENTITIES IS CONTIGUOUS TO AT LEAST ONE OF THE OTHER CONSOLIDATING LOCAL GOVERNMENT ENTITIES AND IF TOGETHER THE LOCAL GOVERNMENT

ENTITIES WOULD FORM A CONSOLIDATED LOCAL GOVERNMENT ENTITY OF A KIND OR CLASS THAT IS AUTHORIZED UNDER THE LAWS OF THE STATE OF NEW YORK. THE REQUIREMENT THAT LOCAL GOVERNMENT ENTITIES BE CONTIGUOUS TO CONSOLIDATE DOES NOT APPLY TO ENTITIES OTHER THAN TOWNS AND VILLAGES.

2. CONSOLIDATION PROCEEDINGS MAY BE COMMENCED BY EITHER:

(A) A JOINT RESOLUTION BY THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED ENDORSING A PROPOSED JOINT CONSOLIDATION AGREEMENT; OR

(B) ELECTOR INITIATIVE.

S 752. PROPOSED JOINT CONSOLIDATION AGREEMENT. 1. THE GOVERNING BODY OR BODIES OF TWO OR MORE LOCAL GOVERNMENT ENTITIES MAY, BY JOINT RESOLUTION, ENDORSE A PROPOSED JOINT CONSOLIDATION AGREEMENT FOR THE PURPOSE OF COMMENCING CONSOLIDATION PROCEEDINGS UNDER THIS ARTICLE.

2. THE PROPOSED JOINT CONSOLIDATION AGREEMENT SHALL SPECIFY:

(A) THE NAME OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED;

(B) THE NAME OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY, WHICH NAME SHALL BE SUCH AS TO DISTINGUISH IT FROM THE NAME OF ANY OTHER LIKE UNIT OF GOVERNMENT IN THE STATE OF NEW YORK (EXCEPT THE NAME OF ANY ONE OF THE ENTITIES TO BE CONSOLIDATED);

(C) THE RIGHTS, DUTIES AND OBLIGATIONS OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY;

(D) THE TERRITORIAL BOUNDARIES OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY;

(E) THE TYPE AND/OR CLASS OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY;

(F) THE GOVERNMENTAL ORGANIZATION OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY INsofar AS IT CONCERNS ELECTED AND APPOINTED OFFICIALS AND PUBLIC EMPLOYEES, ALONG WITH A TRANSITIONAL PLAN AND SCHEDULE FOR ELECTIONS AND APPOINTMENTS OF OFFICIALS;

(G) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED FROM CONSOLIDATION;

(H) EACH ENTITY'S ASSETS, INCLUDING, BUT NOT LIMITED TO, REAL AND PERSONAL PROPERTY, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

(I) EACH ENTITY'S LIABILITIES AND INDEBTEDNESS, BONDED AND OTHERWISE, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

(J) TERMS FOR THE DISPOSITION OF EXISTING ASSETS, LIABILITIES AND INDEBTEDNESS OF EACH LOCAL GOVERNMENT ENTITY, EITHER JOINTLY, SEPARATELY OR IN CERTAIN DEFINED PROPORTIONS;

(K) TERMS FOR THE COMMON ADMINISTRATION AND UNIFORM ENFORCEMENT OF LOCAL LAWS, ORDINANCES, RESOLUTIONS, ORDERS AND THE LIKE, WITHIN THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY, CONSISTENT WITH SECTION SEVEN HUNDRED SIXTY-NINE OF THIS TITLE;

(L) THE EFFECTIVE DATE OF THE PROPOSED CONSOLIDATION; AND

(M) THE TIME AND PLACE OR PLACES FOR THE PUBLIC HEARING OR HEARINGS ON SUCH PROPOSED JOINT CONSOLIDATION AGREEMENT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FOUR OF THIS TITLE.

S 753. PUBLICATION OF PROPOSED JOINT CONSOLIDATION AGREEMENT. NO LATER THAN FIVE BUSINESS DAYS AFTER COMMENCEMENT OF CONSOLIDATION PROCEEDINGS PURSUANT TO SECTION SEVEN HUNDRED FIFTY-TWO OF THIS TITLE, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL:

1. CAUSE A COPY OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR PLACES WITHIN EACH ENTITY;

2. CAUSE THE PROPOSED JOINT CONSOLIDATION AGREEMENT, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN EACH ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE DISPLAYED ON A WEBSITE MAINTAINED BY EACH ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTITIES ARE LOCATED; AND

3. ARRANGE TO BE PUBLISHED A DESCRIPTIVE SUMMARY OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITIES WHERE A COPY THEREOF MAY BE EXAMINED, AT LEAST ONCE EACH WEEK FOR FOUR SUCCESSIVE WEEKS, IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN EACH ENTITY.

S 754. PUBLIC HEARINGS ON PROPOSED JOINT CONSOLIDATION AGREEMENT. 1. THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL SET A TIME AND PLACE OR PLACES FOR ONE OR MORE PUBLIC HEARINGS ON THE PROPOSED JOINT CONSOLIDATION AGREEMENT. THE HEARING OR HEARINGS SHALL BE HELD NO LESS THAN THIRTY-FIVE DAYS AND NO MORE THAN NINETY DAYS AFTER COMMENCEMENT OF CONSOLIDATION PROCEEDINGS PURSUANT TO SECTION SEVEN HUNDRED FIFTY-TWO OF THIS TITLE. THE HEARING OR HEARINGS MAY BE HELD JOINTLY OR SEPARATELY BY THE GOVERNING BODY OR BODIES OF THE ENTITIES. ANY INTERESTED PERSON SHALL BE GIVEN A REASONABLE OPPORTUNITY TO BE HEARD ON ANY ASPECT OF THE PROPOSED CONSOLIDATION.

2. THE PUBLIC HEARING OR HEARINGS SHALL BE HELD ON NOTICE OF AT LEAST TEN DAYS, BUT NOT MORE THAN TWENTY DAYS, PUBLISHED IN A NEWSPAPER OR NEWSPAPERS HAVING GENERAL CIRCULATION WITHIN EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED AND DISPLAYED ON A WEBSITE MAINTAINED BY EACH ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTITIES ARE LOCATED. THE NOTICE OF THE HEARING OR HEARINGS SHALL PROVIDE A DESCRIPTIVE SUMMARY OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITIES WHERE A COPY OF SUCH AGREEMENT MAY BE EXAMINED.

3. AFTER COMPLETION OF THE FINAL HEARING, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED MAY AMEND THE PROPOSED JOINT CONSOLIDATION AGREEMENT, PROVIDED THAT THE AMENDED VERSION COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED FIFTY-TWO OF THIS TITLE AND IS PUBLICIZED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, AND/OR APPROVE A FINAL VERSION OF THE JOINT CONSOLIDATION AGREEMENT, OR DECLINE TO PROCEED FURTHER WITH CONSOLIDATION PROCEEDINGS. ANY APPROVAL BY THE ENTITIES' GOVERNING BODY OR BODIES OF THE FINAL VERSION OF THE JOINT CONSOLIDATION AGREEMENT MUST OCCUR WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH FINAL HEARING.

4. NO LATER THAN FIVE BUSINESS DAYS AFTER AMENDING THE PROPOSED JOINT CONSOLIDATION AGREEMENT, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL:

(A) CAUSE A COPY OF THE AMENDED VERSION OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR PLACES WITHIN EACH ENTITY; AND

(B) CAUSE THE AMENDED VERSION OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN EACH SUCH ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE DISPLAYED ON A WEBSITE MAINTAINED BY EACH ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTITIES ARE LOCATED.

S 755. REFERENDUM RESOLUTION FOR CONSOLIDATION OF TOWNS OR VILLAGES. 1. IF A JOINT CONSOLIDATION AGREEMENT CALLS FOR THE CONSOLIDATION OF TWO OR MORE TOWNS, TWO OR MORE VILLAGES OR ONE OR MORE TOWNS AND VILLAGES,

1 THEN CONTEMPORANEOUS WITH THE FINAL APPROVAL OF THE JOINT CONSOLIDATION
2 AGREEMENT PURSUANT TO SUBDIVISION THREE OF SECTION SEVEN HUNDRED FIFTY-
3 FOUR OF THIS TITLE, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT
4 ENTITIES TO BE CONSOLIDATED SHALL ENACT A RESOLUTION CALLING FOR A
5 REFERENDUM ON THE PROPOSED CONSOLIDATION BY THE ELECTORS IN EACH OF THE
6 ENTITIES.

7 2. THE RESOLUTION CALLING FOR THE REFERENDUM ON THE PROPOSED CONSOL-
8 IDATION SHALL:

9 (A) PROVIDE (I) THE NAME OF EACH OF THE TOWNS AND/OR VILLAGES PROPOSED
10 TO BE CONSOLIDATED, (II) A STATEMENT FULLY DESCRIBING THE TERRITORY TO
11 BE INCLUDED WITHIN THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY,
12 (III) THE NAME OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY, AND
13 (IV) THE DATE FOR THE REFERENDUM, IN ACCORDANCE WITH SUBDIVISION ONE OF
14 SECTION SEVEN HUNDRED FIFTY-EIGHT OF THIS TITLE;

15 (B) STATE THE SUBSTANCE OF THE QUESTION TO BE SUBMITTED TO THE ELEC-
16 TORS; AND

17 (C) SET FORTH SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE
18 FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT
19 THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

20 3. THE RESOLUTION CALLING FOR A REFERENDUM ON THE PROPOSED CONSOL-
21 IDATION SHALL HAVE ATTACHED TO IT THE FINAL APPROVED VERSION OF THE
22 JOINT CONSOLIDATION AGREEMENT.

23 S 756. EFFECTIVE DATE OF JOINT CONSOLIDATION AGREEMENT. LOCAL GOVERN-
24 MENT ENTITIES CONSOLIDATED PURSUANT TO A JOINT CONSOLIDATION AGREEMENT
25 SHALL CONTINUE TO BE GOVERNED AS BEFORE CONSOLIDATION UNTIL THE EFFEC-
26 TIVE DATE OF THE CONSOLIDATION SPECIFIED IN THE JOINT CONSOLIDATION
27 AGREEMENT; PROVIDED, HOWEVER, THAT NO JOINT CONSOLIDATION AGREEMENT
28 CONSOLIDATING TWO OR MORE TOWNS, TWO OR MORE VILLAGES OR ONE OR MORE
29 TOWNS AND VILLAGES SHALL TAKE EFFECT UNLESS APPROVED BY A MAJORITY OF
30 ELECTORS IN EACH SUCH TOWN AND/OR VILLAGE AT A REFERENDUM CALLED THROUGH
31 A RESOLUTION ENACTED PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FIVE OF
32 THIS TITLE.

33 S 757. INITIATIVE OF ELECTORS SEEKING CONSOLIDATION. 1. THE ELECTORS
34 OF TWO OR MORE LOCAL GOVERNMENT ENTITIES MAY COMMENCE A CONSOLIDATION
35 PROCEEDING BY FILING AN ORIGINAL PETITION, CONTAINING NOT LESS THAN THE
36 NUMBER OF SIGNATURES PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION AND
37 IN THE FORM PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, WITH THE
38 CLERK OF THE TOWN IN WHICH THE ENTITIES OR THE GREATER PORTION OF THEIR
39 TERRITORY ARE LOCATED, EXCEPT THAT IF ONE OR MORE OF THE ENTITIES TO BE
40 CONSOLIDATED IS A VILLAGE THE ORIGINAL PETITION OF ELECTORS FROM THE
41 VILLAGE SHALL BE FILED WITH THE CLERK OF THE VILLAGE. ACCOMPANYING THE
42 FILED PETITION SHALL BE A COVER SHEET CONTAINING THE NAME, ADDRESS AND
43 TELEPHONE NUMBER OF AN INDIVIDUAL WHO SIGNED THE PETITION AND WHO WILL
44 SERVE AS A CONTACT PERSON.

45 2. THE PETITION SHALL CONTAIN THE SIGNATURES OF AT LEAST TEN PERCENT
46 OF THE NUMBER OF ELECTORS OR FIVE THOUSAND ELECTORS, WHICHEVER IS LESS,
47 IN EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED; PROVIDED, HOWEVER,
48 THAT WHERE THE LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED CONTAINS FIVE
49 HUNDRED OR FEWER ELECTORS, THE PETITION SHALL CONTAIN THE SIGNATURES OF
50 AT LEAST TWENTY PERCENT OF THE NUMBER OF ELECTORS. NO SIGNATURE ON A
51 PETITION IS VALID UNLESS IT IS THE ORIGINAL SIGNATURE OF AN ELECTOR.

52 3. THE PETITION SHALL SUBSTANTIALLY COMPLY WITH, AND BE CIRCULATED IN,
53 THE FOLLOWING FORM:

54 PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

55 WE, THE UNDERSIGNED ELECTORS AND LEGAL VOTERS OF (INSERT TYPE OF LOCAL
56 GOVERNMENT ENTITY - E.G., TOWN, VILLAGE OR DISTRICT) OF (INSERT NAME OF

LOCAL GOVERNMENT ENTITY), NEW YORK, QUALIFIED TO VOTE AT THE NEXT GENERAL OR SPECIAL ELECTION, RESPECTFULLY PETITION THAT THERE BE SUBMITTED TO THE ELECTORS AND LEGAL VOTERS OF (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITIES PROPOSED TO BE CONSOLIDATED), FOR THEIR APPROVAL OR REJECTION AT A REFERENDUM HELD FOR THAT PURPOSE, A PROPOSAL TO CONSOLIDATE (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY) WITH (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY OR ENTITIES).

IN WITNESS WHEREOF, WE HAVE SIGNED OUR NAMES ON THE DATES INDICATED NEXT TO OUR SIGNATURES.

	DATE	NAME - PRINT NAME UNDER SIGNATURE	HOME ADDRESS
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

(ON THE BOTTOM OF EACH PAGE OF THE PETITION, AFTER ALL OF THE NUMBERED SIGNATURES, INSERT A SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED ELECTOR OF THE STATE OF NEW YORK. SUCH A STATEMENT SHALL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME PENALTIES AS IF HE OR SHE HAS BEEN DULY SWORN. THE FORM OF SUCH STATEMENT SHALL BE SUBSTANTIALLY AS FOLLOWS:

I, (INSERT NAME OF WITNESS), STATE THAT I AM A DULY QUALIFIED VOTER OF THE STATE OF NEW YORK. EACH OF THE PERSONS THAT HAVE SIGNED THIS PETITION SHEET CONTAINING (INSERT NUMBER) SIGNATURES HAVE SIGNED THEIR NAMES IN MY PRESENCE ON THE DATES INDICATED ABOVE AND IDENTIFIED THEMSELVES TO BE THE SAME PERSON WHO SIGNED THE SHEET. I UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIALLY FALSE STATEMENT, SHALL SUBJECT ME TO THE PENALTIES OF PERJURY.

DATE	SIGNATURE OF WITNESS)
(IN LIEU OF THE SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED VOTER OF THE STATE OF NEW YORK, THE FOLLOWING STATEMENT SIGNED BY A NOTARY PUBLIC OR A COMMISSIONER OF DEEDS SHALL BE ACCEPTED:	
ON THE DATE INDICATED ABOVE BEFORE ME PERSONALLY CAME EACH OF THE ELECTORS AND LEGAL VOTERS WHOSE SIGNATURES APPEAR ON THIS PETITION SHEET CONTAINING (INSERT NUMBER) SIGNATURES, WHO SIGNED THE PETITION IN MY PRESENCE AND WHO, BEING BY ME DULY SWORN, EACH FOR HIMSELF OR HERSELF, IDENTIFIED HIMSELF OR HERSELF AS THE ONE AND SAME PERSON WHO SIGNED THE PETITION AND THAT THE FOREGOING INFORMATION THEY PROVIDED WAS TRUE.	

DATE	NOTARY PUBLIC OR COMMISSIONER OF DEEDS)
4. AN ALTERATION OR CORRECTION OF INFORMATION APPEARING ON A PETITION'S SIGNATURE LINE, OTHER THAN AN UN-INITIALED SIGNATURE AND DATE, SHALL NOT INVALIDATE SUCH SIGNATURE.	
5. IN MATTERS OF FORM, THIS SECTION SHALL BE LIBERALLY CONSTRUED, NOT INCONSISTENT WITH SUBSTANTIAL COMPLIANCE THERETO AND THE PREVENTION OF FRAUD.	

6. WITHIN TEN DAYS OF THE FILING OF THE PETITION SEEKING CONSOLIDATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE CLERK WITH WHOM THE PETITION WAS FILED SHALL MAKE A FINAL DETERMINATION REGARDING THE SUFFICIENCY OF THE NUMBER OF SIGNATURES ON THE PETITION AND PROVIDE TIMELY WRITTEN NOTICE OF SUCH DETERMINATION TO THE CONTACT PERSON NAMED IN THE COVER SHEET ACCOMPANYING THE PETITION. THE CONTACT PERSON OR ANY INDIVIDUAL WHO SIGNED THE PETITION MAY SEEK JUDICIAL REVIEW OF SUCH DETERMINATION IN A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAWS AND RULES.

7. UPON THE CLERK'S DETERMINATION THAT THE PETITION CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES OF ELECTORS REQUIRED IN SUBDIVISION TWO OF THIS SECTION, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL, NO LATER THAN THIRTY DAYS THEREAFTER, ENACT A RESOLUTION IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION SEVEN HUNDRED FIFTY-FIVE OF THIS TITLE CALLING FOR A REFERENDUM ON THE PROPOSED CONSOLIDATION BY THE ELECTORS IN EACH OF THE ENTITIES AND SET A DATE FOR SUCH REFERENDUM.

S 758. CONDUCT OF REFERENDUM. 1. A REFERENDUM REQUIRED BY SECTIONS SEVEN HUNDRED FIFTY-FIVE OR SEVEN HUNDRED FIFTY-SEVEN OF THIS TITLE SHALL BE PLACED BEFORE THE ELECTORS OF EACH OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED AT A SPECIAL ELECTION TO BE HELD NOT LESS THAN SIXTY OR MORE THAN NINETY DAYS AFTER THE ENACTMENT OF A RESOLUTION CALLING FOR SUCH REFERENDUM, PROVIDED, HOWEVER, THAT IN CASES WHERE A TOWN OR VILLAGE GENERAL ELECTION FALLS WITHIN SUCH PERIOD, THE QUESTION MAY BE CONSIDERED DURING A TOWN OR VILLAGE GENERAL ELECTION.

2. THE REFERENDUM MAY BE HELD IN EACH LOCAL GOVERNMENT ENTITY ON THE SAME DAY, OR ON DIFFERENT DAYS, HOWEVER, NOT MORE THAN TWENTY DAYS APART.

3. NOTICE OF THE REFERENDUM SHALL BE GIVEN TO THE ELECTORS OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE BOUNDARIES OF EACH ENTITY AT LEAST ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IMMEDIATELY PRIOR TO THE REFERENDUM. THE NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) A SUMMARY OF THE CONTENTS OF THE RESOLUTION AND JOINT CONSOLIDATION AGREEMENT OR PETITION FOR CONSOLIDATION, AS THE CASE MAY BE;

(B) A STATEMENT AS TO WHERE MAY BE EXAMINED A COPY OF THE RESOLUTION AND JOINT CONSOLIDATION AGREEMENT OR PETITION FOR CONSOLIDATION, AS THE CASE MAY BE;

(C) THE NAMES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED AND A DESCRIPTION OF THEIR TERRITORY;

(D) WITH RESPECT TO A RESOLUTION CALLING FOR A REFERENDUM UNDER SECTION SEVEN HUNDRED FIFTY-FIVE OF THIS TITLE ONLY, THE NAME OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY;

(E) THE TIME AND PLACE OR PLACES AT WHICH THE REFERENDUM WILL BE HELD; AND

(F) SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

4. THE REFERENDUM QUESTION PLACED BEFORE THE ELECTORS OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED SHALL BE IN A FORM READING SUBSTANTIALLY AS FOLLOWS:

"SHALL (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY) BE CONSOLIDATED WITH (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY OR ENTITIES)?

YES _____

NO _____"

5. IN ANY REFERENDUM HELD PURSUANT TO THIS TITLE, EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED SHALL BEAR ONLY THE COSTS OF HOLDING SUCH REFERENDUM IN ITS RESPECTIVE ENTITY AND SHALL NOT BE REQUIRED TO BEAR THE COSTS OF A REFERENDUM HELD IN ANY OTHER ENTITY.

6. IN ANY REFERENDUM HELD PURSUANT TO THIS TITLE, AND EXCEPT AS OTHERWISE SPECIFIED HEREIN, THE REFERENDUM SHALL BE CONDUCTED IN THE SAME MANNER AS OTHER MUNICIPAL ELECTIONS OR REFERENDUMS FOR THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED.

1 S 759. CANVASSING OF VOTE; MORATORIUM ON FURTHER REFERENDUM. 1. IN
2 ANY REFERENDUM HELD PURSUANT TO THIS TITLE, THE BALLOTS CAST SHALL BE
3 COUNTED, RETURNS MADE AND CANVASSED AND RESULTS CERTIFIED IN THE SAME
4 MANNER AS OTHER MUNICIPAL ELECTIONS OR REFERENDUMS FOR THE LOCAL GOVERN-
5 MENT ENTITIES TO BE CONSOLIDATED.

6 2. CONSOLIDATION SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE ELEC-
7 TORS VOTING IN EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED VOTE IN
8 FAVOR OF CONSOLIDATION. IF IN ANY ONE OF THE ENTITIES SUCH A MAJORITY
9 VOTE DOES NOT RESULT, THE REFERENDUM SHALL FAIL AND CONSOLIDATION SHALL
10 NOT TAKE EFFECT.

11 3. IF CONSOLIDATION IS APPROVED BY A MAJORITY OF THE ELECTORS VOTING
12 IN EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED, CERTIFICATES OF SUCH
13 RESULT SHALL BE IMMEDIATELY FILED WITH THE SECRETARY OF STATE AND WITH
14 THE CLERKS OF THE ENTITIES AND COUNTY IN WHICH ANY PART OF THE ENTITIES
15 IS SITUATED.

16 4. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED
17 BY THIS TITLE SHALL NOT BE INITIATED FOR THE SAME PURPOSE WITHIN FOUR
18 YEARS OF THE DATE OF SUCH REFERENDUM. THIS SUBDIVISION, HOWEVER, DOES
19 NOT APPLY TO A PERMISSIVE REFERENDUM CONDUCTED PURSUANT TO SECTION SEVEN
20 HUNDRED SIXTY-THREE OF THIS TITLE.

21 S 760. DUTY TO APPROVE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.
22 1. IN THE CASE OF A PROPOSED CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES
23 PROPERLY INITIATED BY PETITION OF ELECTORS PURSUANT TO SECTION SEVEN
24 HUNDRED FIFTY-SEVEN OF THIS TITLE, IF A MAJORITY OF THE ELECTORS VOTING
25 IN A REFERENDUM HELD IN EACH OF THE LOCAL GOVERNMENT ENTITIES TO BE
26 CONSOLIDATED VOTE IN FAVOR OF CONSOLIDATION, THE ENTITIES' GOVERNING
27 BODY OR BODIES SHALL MEET WITHIN THIRTY DAYS AFTER CERTIFICATION OF THE
28 FAVORABLE VOTE AND, WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH MEETING,
29 PREPARE AND APPROVE BY RESOLUTION A PROPOSED ELECTOR INITIATED CONSOL-
30 IDATION PLAN.

31 2. THE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN SHALL INCLUDE:

32 (A) THE NAME OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED;

33 (B) THE NAME OF WHAT WILL BE THE CONSOLIDATED LOCAL GOVERNMENT ENTITY,
34 WHICH NAME SHALL BE SUCH AS TO DISTINGUISH IT FROM THE NAME OF ANY OTHER
35 LIKE UNIT OF GOVERNMENT IN THE STATE OF NEW YORK (EXCEPT THE NAME OF ANY
36 ONE OF THE ENTITIES TO BE CONSOLIDATED);

37 (C) THE RIGHTS, DUTIES AND OBLIGATIONS OF THE CONSOLIDATED LOCAL
38 GOVERNMENT ENTITY;

39 (D) THE TERRITORIAL BOUNDARIES OF THE CONSOLIDATED LOCAL GOVERNMENT
40 ENTITY;

41 (E) THE TYPE AND/OR CLASS OF THE CONSOLIDATED LOCAL GOVERNMENT ENTI-
42 TY;

43 (F) THE GOVERNMENTAL ORGANIZATION OF THE CONSOLIDATED LOCAL GOVERNMENT
44 ENTITY INSOFAR AS IT CONCERNS ELECTED AND APPOINTED OFFICIALS AND PUBLIC
45 EMPLOYEES, ALONG WITH A TRANSITIONAL PLAN AND SCHEDULE FOR ELECTIONS AND
46 APPOINTMENTS OF OFFICIALS;

47 (G) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REAL-
48 IZED FROM CONSOLIDATION;

49 (H) EACH ENTITY'S ASSETS, INCLUDING, BUT NOT LIMITED TO, REAL AND
50 PERSONAL PROPERTY, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE
51 UNITED STATES;

52 (I) EACH ENTITY'S LIABILITIES AND INDEBTEDNESS, BONDED AND OTHERWISE,
53 AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

54 (J) TERMS FOR THE DISPOSITION OF EXISTING ASSETS, LIABILITIES AND
55 INDEBTEDNESS OF EACH LOCAL GOVERNMENT ENTITY, EITHER JOINTLY, SEPARATELY
56 OR IN CERTAIN DEFINED PROPORTIONS;

1 (K) TERMS FOR THE COMMON ADMINISTRATION AND UNIFORM ENFORCEMENT OF
2 LOCAL LAWS, ORDINANCES, RESOLUTIONS, ORDERS AND THE LIKE, WITHIN THE
3 CONSOLIDATED LOCAL GOVERNMENT ENTITY, CONSISTENT WITH SECTION SEVEN
4 HUNDRED SIXTY-NINE OF THIS TITLE;

5 (L) THE EFFECTIVE DATE OF THE CONSOLIDATION; AND

6 (M) THE TIME AND PLACE OR PLACES FOR THE PUBLIC HEARING OR HEARINGS ON
7 SUCH PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN PURSUANT TO SECTION
8 SEVEN HUNDRED SIXTY-TWO OF THIS TITLE.

9 S 761. PUBLICATION OF PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.
10 NO LATER THAN FIVE BUSINESS DAYS AFTER APPROVING A PROPOSED ELECTOR
11 INITIATED CONSOLIDATION PLAN PURSUANT TO SECTION SEVEN HUNDRED SIXTY OF
12 THIS TITLE, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTI-
13 TIES TO BE CONSOLIDATED SHALL:

14 1. CAUSE A COPY OF THE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN,
15 ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND READILY
16 ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR PLACES
17 WITHIN EACH ENTITY;

18 2. CAUSE THE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN, ALONG WITH
19 A DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE OR
20 PLACES WITHIN EACH ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE
21 DISPLAYED ON A WEBSITE MAINTAINED BY EACH ENTITY OR OTHERWISE ON A
22 WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTI-
23 TIES ARE LOCATED; AND

24 3. ARRANGE TO BE PUBLISHED A DESCRIPTIVE SUMMARY OF THE PROPOSED ELEC-
25 TOR INITIATED CONSOLIDATION PLAN AND A REFERENCE TO THE PUBLIC PLACE OR
26 PLACES WITHIN THE ENTITIES WHERE A COPY THEREOF MAY BE EXAMINED, AT
27 LEAST ONCE EACH WEEK FOR FOUR SUCCESSIVE WEEKS, IN A NEWSPAPER HAVING A
28 GENERAL CIRCULATION WITHIN EACH ENTITY.

29 S 762. PUBLIC HEARINGS ON PROPOSED ELECTOR INITIATED CONSOLIDATION
30 PLAN. 1. THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES
31 TO BE CONSOLIDATED SHALL SET A TIME AND PLACE OR PLACES FOR ONE OR MORE
32 PUBLIC HEARINGS ON THE PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN.
33 THE HEARING OR HEARINGS SHALL BE HELD NO LESS THAN THIRTY-FIVE DAYS AND
34 NO MORE THAN NINETY DAYS AFTER THE PROPOSED ELECTOR INITIATED CONSOL-
35 IDATION PLAN IS APPROVED PURSUANT TO SECTION SEVEN HUNDRED SIXTY OF THIS
36 TITLE. THE HEARING OR HEARINGS MAY BE HELD JOINTLY OR SEPARATELY BY THE
37 GOVERNING BODY OR BODIES OF THE ENTITIES. ANY INTERESTED PERSON SHALL
38 BE GIVEN A REASONABLE OPPORTUNITY TO BE HEARD ON ANY ASPECT OF THE
39 PROPOSED CONSOLIDATION.

40 2. THE PUBLIC HEARING OR HEARINGS SHALL BE HELD ON NOTICE OF AT LEAST
41 TEN DAYS, BUT NOT MORE THAN TWENTY DAYS, PUBLISHED IN A NEWSPAPER OR
42 NEWSPAPERS HAVING GENERAL CIRCULATION WITHIN EACH LOCAL GOVERNMENT ENTI-
43 TY TO BE CONSOLIDATED AND DISPLAYED ON A WEBSITE MAINTAINED BY EACH
44 ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR
45 COUNTY IN WHICH THE ENTITIES ARE LOCATED. THE NOTICE OF THE HEARING OR
46 HEARINGS SHALL PROVIDE A DESCRIPTIVE SUMMARY OF THE PROPOSED ELECTOR
47 INITIATED CONSOLIDATION PLAN AND A REFERENCE TO THE PUBLIC PLACE OR
48 PLACES WITHIN THE ENTITIES WHERE A COPY OF SUCH AGREEMENT MAY BE EXAM-
49 INED.

50 3. AFTER COMPLETION OF THE FINAL HEARING, THE GOVERNING BODY OR
51 BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED MAY AMEND THE
52 PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN, PROVIDED THAT THE AMENDED
53 VERSION COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN
54 HUNDRED SIXTY OF THIS TITLE AND IS PUBLICIZED PURSUANT TO SUBDIVISION
55 FOUR OF THIS SECTION. THE ENTITIES' GOVERNING BODY OR BODIES MUST

1 APPROVE A FINAL VERSION OF THE ELECTOR INITIATED CONSOLIDATION PLAN
2 WITHIN SIXTY DAYS OF SUCH FINAL HEARING.

3 4. NO LATER THAN FIVE BUSINESS DAYS AFTER AMENDING THE PROPOSED ELEC-
4 TOR INITIATED CONSOLIDATION PLAN, THE GOVERNING BODY OR BODIES OF THE
5 LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL:

6 (A) CAUSE A COPY OF THE AMENDED VERSION OF THE PROPOSED ELECTOR
7 INITIATED CONSOLIDATION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF,
8 TO BE DISPLAYED AND READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A
9 PUBLIC PLACE OR PLACES WITHIN EACH ENTITY; AND

10 (B) CAUSE THE AMENDED VERSION OF THE PROPOSED ELECTOR INITIATED
11 CONSOLIDATION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF AND A
12 REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN EACH ENTITY WHERE A COPY
13 THEREOF MAY BE EXAMINED, TO BE DISPLAYED ON A WEBSITE MAINTAINED BY EACH
14 ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR
15 COUNTY IN WHICH THE ENTITIES ARE LOCATED.

16 S 763. EFFECTIVE DATE OF ELECTOR INITIATED CONSOLIDATION PLAN; PERMIS-
17 SIVE REFERENDUM. 1. LOCAL GOVERNMENT ENTITIES CONSOLIDATED PURSUANT TO
18 AN ELECTOR INITIATED CONSOLIDATED PLAN SHALL CONTINUE TO BE GOVERNED AS
19 BEFORE CONSOLIDATION UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION SPEC-
20 IFIED IN SUCH PLAN, WHICH DATE SHALL BE NO LESS THAN FORTY-FIVE DAYS
21 AFTER FINAL APPROVAL OF SUCH PLAN PURSUANT TO SUBDIVISION THREE OF
22 SECTION SEVEN HUNDRED SIXTY-TWO OR SUBDIVISION FOUR OF SECTION SEVEN
23 HUNDRED SIXTY-FOUR OF THIS TITLE.

24 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE ELECTOR INITI-
25 ATED CONSOLIDATION PLAN SHALL NOT TAKE EFFECT IF, NO LATER THAN
26 FORTY-FIVE DAYS AFTER FINAL APPROVAL THEREOF PURSUANT TO SUBDIVISION
27 THREE OF SECTION SEVEN HUNDRED SIXTY-TWO OR SUBDIVISION FOUR OF SECTION
28 SEVEN HUNDRED SIXTY-FOUR OF THIS TITLE, ELECTORS OF A LOCAL GOVERNMENT
29 ENTITY TO BE CONSOLIDATED PURSUANT TO SUCH PLAN SHALL:

30 (A) FILE AN ORIGINAL PETITION, CONTAINING NOT LESS THAN THE NUMBER OF
31 SIGNATURES PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, SEEKING A
32 REFERENDUM ON THE QUESTION WHETHER THE ELECTOR INITIATED CONSOLIDATION
33 PLAN SHALL TAKE EFFECT, WITH THE CLERK OF THE TOWN IN WHICH THE ENTITY
34 OR THE GREATER PORTION OF ITS TERRITORY IS LOCATED, EXCEPT THAT IF THE
35 ENTITY IS A VILLAGE THE ORIGINAL PETITION OF ELECTORS FROM THE VILLAGE
36 SHALL BE FILED WITH THE CLERK OF THE VILLAGE; AND

37 (B) THEREAFTER LESS THAN A MAJORITY OF THE ELECTORS IN THE ENTITY VOTE
38 IN THE AFFIRMATIVE ON SUCH QUESTION AT A REFERENDUM.

39 3. THE PETITION SHALL BE CIRCULATED, SIGNED AND AUTHENTICATED IN
40 SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF SECTION SEVEN HUNDRED
41 FIFTY-SEVEN OF THIS TITLE, SHALL CONTAIN THE SIGNATURES OF AT LEAST
42 TWENTY-FIVE PERCENT OF THE NUMBER OF ELECTORS OR FIFTEEN THOUSAND ELEC-
43 TORS, WHICHEVER IS LESS, IN THE LOCAL GOVERNMENT ENTITY TO BE CONSOL-
44 IDATED, AND SHALL BE ACCOMPANIED BY A COVER SHEET CONTAINING THE NAME,
45 ADDRESS AND TELEPHONE NUMBER OF AN INDIVIDUAL WHO SIGNED THE PETITION
46 AND WHO WILL SERVE AS A CONTACT PERSON.

47 4. WITHIN TEN DAYS OF THE FILING OF THE PETITION SEEKING A REFERENDUM
48 ON WHETHER THE ELECTOR INITIATED DISSOLUTION PLAN SHALL TAKE EFFECT, THE
49 CLERK WITH WHOM THE PETITION WAS FILED SHALL MAKE A FINAL DETERMINATION
50 REGARDING THE SUFFICIENCY OF THE NUMBER OF SIGNATURES ON THE PETITION
51 AND PROVIDE TIMELY WRITTEN NOTICE OF SUCH DETERMINATION TO THE CONTACT
52 PERSON NAMED IN THE COVER SHEET ACCOMPANYING THE PETITION. THE CONTACT
53 PERSON OR ANY INDIVIDUAL WHO SIGNED THE PETITION MAY SEEK JUDICIAL
54 REVIEW OF SUCH DETERMINATION IN A PROCEEDING PURSUANT TO ARTICLE SEVEN-
55 TY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. UPON THE CLERK'S DETERMI-
56 NATION THAT THE PETITION CONTAINS NO LESS THAN THE REQUIRED NUMBER OF

1 SIGNATURES, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO WHICH
2 SUCH PETITION APPLIES SHALL WITHIN THIRTY DAYS ENACT A RESOLUTION CALL-
3 ING FOR A REFERENDUM BY THE ELECTORS OF SUCH ENTITY ON THE QUESTION
4 WHETHER TO APPROVE THE ELECTOR INITIATED CONSOLIDATION PLAN AND SET A
5 DATE FOR SUCH REFERENDUM IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS
6 SECTION.

7 5. THE REFERENDUM ON THE QUESTION WHETHER THE ELECTOR INITIATED
8 CONSOLIDATION PLAN SHALL TAKE EFFECT SHALL BE SUBMITTED AT A SPECIAL
9 ELECTION TO BE HELD NOT LESS THAN SIXTY OR MORE THAN NINETY DAYS AFTER
10 ENACTMENT OF A RESOLUTION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION,
11 PROVIDED, HOWEVER, THAT IN CASES WHERE A TOWN OR VILLAGE GENERAL
12 ELECTION FALLS WITHIN SUCH PERIOD, THE REFERENDUM QUESTION MAY BE
13 CONSIDERED DURING A TOWN OR VILLAGE GENERAL ELECTION.

14 6. NOTICE OF THE REFERENDUM SHALL BE GIVEN TO THE ELECTORS OF THE
15 LOCAL GOVERNMENT ENTITY TO WHICH THE PETITION APPLIES BY PUBLICATION IN
16 A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE
17 ENTITY AT LEAST ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IMMEDIATELY PRIOR
18 TO THE REFERENDUM. THE NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO:

19 (A) A SUMMARY OF THE CONTENTS OF THE RESOLUTION AND ELECTOR INITIATED
20 CONSOLIDATION PLAN;

21 (B) A STATEMENT AS TO WHERE MAY BE EXAMINED A COPY OF THE RESOLUTION
22 AND ELECTOR INITIATED CONSOLIDATION PLAN;

23 (C) THE TIME AND PLACE OR PLACES AT WHICH THE REFERENDUM WILL BE
24 HELD, IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION; AND

25 (D) SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE FOR AND
26 GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT THEREOF AND
27 THE CANVASS OF THE RETURNS THEREUPON.

28 7. IN A REFERENDUM HELD PURSUANT TO THIS SECTION, THE REFERENDUM QUES-
29 TION SHALL BE PLACED BEFORE THE ELECTORS OF THE LOCAL GOVERNMENT ENTITY
30 TO WHICH THE PETITION APPLIES IN A FORM READING SUBSTANTIALLY AS
31 FOLLOWS:

32 "THE VOTERS OF THE (INSERT TYPE AND NAME OF EACH LOCAL GOVERNMENT
33 ENTITY TO WHICH THE CONSOLIDATION PLAN APPLIES) HAVING PREVIOUSLY VOTED
34 TO CONSOLIDATE, SHALL THE ELECTOR INITIATED CONSOLIDATION PLAN TAKE
35 EFFECT?

36 YES _____
37 NO _____"

38 8. THE ELECTOR INITIATED CONSOLIDATION PLAN SHALL NOT TAKE EFFECT
39 UNLESS A MAJORITY OF THE ELECTORS VOTING IN THE LOCAL GOVERNMENT ENTITY
40 TO WHICH THE PETITION APPLIES VOTE IN FAVOR OF SUCH PLAN TAKING EFFECT.
41 IF SUCH A MAJORITY VOTE DOES NOT RESULT, THE REFERENDUM SHALL FAIL AND
42 CONSOLIDATION SHALL NOT TAKE EFFECT.

43 S 764. COURT-ORDERED CONSOLIDATION; MEDIATION; JUDICIAL HEARING OFFI-
44 CER. 1. IF THE GOVERNING BODY OR BODIES OF LOCAL GOVERNMENT ENTITIES
45 WITH A DUTY TO PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOL-
46 IDATION PLAN PURSUANT TO SECTION SEVEN HUNDRED SIXTY OF THIS TITLE FAIL
47 TO PREPARE AND APPROVE SUCH PLAN OR ARE OTHERWISE UNABLE OR UNWILLING TO
48 ACCOMPLISH AND COMPLETE THE CONSOLIDATION PURSUANT TO THE PROVISIONS OF
49 THIS TITLE, THEN ANY FIVE ELECTORS WHO SIGNED THE PETITION SEEKING
50 CONSOLIDATION MAY COMMENCE A SPECIAL PROCEEDING AGAINST THE ENTITIES
51 PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES,
52 IN THE SUPREME COURT WITHIN THE JUDICIAL DISTRICT IN WHICH THE CONSOL-
53 IDATED LOCAL GOVERNMENT ENTITY OR THE GREATER PORTION OF ITS TERRITORY
54 WILL BE LOCATED, TO COMPEL COMPLIANCE WITH THE PROVISIONS OF THIS ARTI-
55 CLE.

1 2. IF THE COURT FINDS THAT THE GOVERNING BODY OR BODIES ATTEMPTED IN
2 GOOD FAITH TO PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOL-
3 IDATION PLAN BUT WERE NEVERTHELESS UNSUCCESSFUL, THEN THE COURT MAY
4 REFER SUCH MATTER TO MEDIATION PURSUANT TO LAW, WITH COSTS OF SUCH MEDI-
5 ATION TO BE BORNE BY THE ENTITIES IN SUCH PROPORTION AS THE COURT SHALL
6 DETERMINE BASED ON APPROPRIATE FACTORS INCLUDING POPULATION AND THE GOOD
7 FAITH EFFORTS OF THE RESPECTIVE ENTITIES. IF THE GOVERNING BODY OR
8 BODIES THEREUPON PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED
9 CONSOLIDATION PLAN CONFORMING TO THE REQUIREMENTS OF SUBDIVISION TWO OF
10 SECTION SEVEN HUNDRED SIXTY OF THIS TITLE, THEN THE PROVISIONS OF
11 SECTIONS SEVEN HUNDRED SIXTY-ONE, SEVEN HUNDRED SIXTY-TWO AND SEVEN
12 HUNDRED SIXTY-THREE OF THIS TITLE SHALL APPLY AS IF THE GOVERNING BODY
13 OR BODIES HAD PROPOSED SUCH PLAN WITHOUT THE BENEFIT OF COURT-ORDERED
14 MEDIATION.

15 3. IN ALL OTHER CASES, IF THE PETITIONERS IN SUCH SPECIAL PROCEEDING
16 SHALL SUBSTANTIALLY PREVAIL, THEN THE COURT SHALL ISSUE AN INJUNCTION
17 ORDERING THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES
18 TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE. IF THE GOVERN-
19 ING BODY OR BODIES SHALL VIOLATE THE INJUNCTION, THEN THE COURT SHALL
20 APPOINT A JUDICIAL HEARING OFFICER PURSUANT TO ARTICLE FORTY-THREE OF
21 THE CIVIL PRACTICE LAW AND RULES TO HEAR AND DETERMINE AN ELECTOR INITI-
22 ATED CONSOLIDATION PLAN FOR THE ENTITIES THAT COMPLIES WITH THE
23 PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED SIXTY OF THIS
24 TITLE.

25 4. THE FINAL DETERMINATION OF THE JUDICIAL HEARING OFFICER SHALL
26 CONSTITUTE FINAL APPROVAL OF THE ELECTOR INITIATED CONSOLIDATION PLAN
27 AND PROVIDE SUCH PLAN TAKES EFFECT FORTY FIVE DAYS AFTER THE FILING OF
28 SUCH DETERMINATION WITH THE CLERK OF THE COURT, UNLESS A PETITION FOR A
29 PERMISSIVE REFERENDUM IS PROPERLY FILED PURSUANT TO SECTION SEVEN
30 HUNDRED SIXTY-THREE OF THIS TITLE.

31 5. IN ANY PROCEEDING PURSUANT TO THIS SECTION IN WHICH THE PETITIONERS
32 SUBSTANTIALLY PREVAIL, THE COSTS OF SUCH PROCEEDING, INCLUDING THE COSTS
33 OF ANY JUDICIAL HEARING OFFICER APPOINTED PURSUANT TO SUBDIVISION THREE
34 OF THIS SECTION, SHALL BE BORNE BY THE LOCAL GOVERNMENT ENTITIES PROPOR-
35 TIONATELY, AT THE RATE PROVIDED FOR IN ARTICLE TWENTY-TWO OF THE JUDICI-
36 ARY LAW AND REGULATIONS PROMULGATED PURSUANT THERETO BASED ON APPROPRI-
37 ATE FACTORS, INCLUDING, BUT NOT LIMITED TO, POPULATION AND THE COURT'S
38 FINDINGS REGARDING THE GOOD FAITH EFFORTS OF THE RESPECTIVE ENTITIES.

39 S 765. GENERAL EFFECT OF CONSOLIDATION. 1. ON AND AFTER THE EFFECTIVE
40 DATE OF A CONSOLIDATION, THE CONSOLIDATING LOCAL GOVERNMENT ENTITIES
41 SHALL BE TREATED AND CONSIDERED FOR ALL PURPOSES AS ONE LOCAL GOVERNMENT
42 ENTITY, UNDER THE NAME AND ON THE TERMS AND CONDITIONS SET FORTH IN THE
43 JOINT CONSOLIDATION AGREEMENT OR THE ELECTOR INITIATED CONSOLIDATION
44 PLAN, AS THE CASE MAY BE.

45 2. ALL RIGHTS, PRIVILEGES AND FRANCHISES OF EACH COMPONENT LOCAL
46 GOVERNMENT ENTITY AND ALL ASSETS, REAL AND PERSONAL PROPERTY, BOOKS,
47 RECORDS, PAPERS, SEALS AND EQUIPMENT, AS WELL AS OTHER THINGS IN ACTION,
48 BELONGING TO EACH COMPONENT LOCAL GOVERNMENT ENTITY SHALL BE DEEMED AS
49 TRANSFERRED TO AND VESTED IN THE CONSOLIDATED LOCAL GOVERNMENT ENTITY
50 WITHOUT FURTHER ACT OR DEED.

51 3. ALL PROPERTY, RIGHTS-OF-WAY AND OTHER INTERESTS SHALL BE AS EFFEC-
52 TIVELY THE PROPERTY OF THE CONSOLIDATED LOCAL GOVERNMENT ENTITY AS THEY
53 WERE OF THE COMPONENT LOCAL GOVERNMENT ENTITIES PRIOR TO THEIR CONSOL-
54 IDATION. THE TITLE TO REAL ESTATE, EITHER BY DEED OR OTHERWISE, UNDER
55 THE LAWS OF THE STATE OF NEW YORK VESTED IN ANY OF THE COMPONENT LOCAL

1 GOVERNMENT ENTITIES SHALL NOT BE DEEMED TO REVERT OR BE IN ANY WAY
2 IMPAIRED BY REASON OF THE CONSOLIDATION.

3 4. THE CONSOLIDATED LOCAL GOVERNMENT ENTITY SHALL IN ALL RESPECTS BE
4 SUBJECT TO ALL THE OBLIGATIONS AND LIABILITIES IMPOSED AND SHALL POSSESS
5 ALL THE RIGHTS, POWERS, AND PRIVILEGES VESTED BY LAW IN OTHER SIMILAR
6 ENTITIES.

7 5. UPON THE EFFECTIVE DATE OF THE CONSOLIDATION, THE JOINT CONSOL-
8 IDATION AGREEMENT OR THE ELECTOR INITIATED CONSOLIDATION PLAN, AS THE
9 CASE MAY BE, SHALL BE SUBORDINATE IN ALL RESPECTS TO THE CONTRACT RIGHTS
10 OF ALL HOLDERS OF ANY SECURITIES OR OBLIGATIONS OF THE LOCAL GOVERNMENT
11 ENTITIES OUTSTANDING AT THE EFFECTIVE DATE OF THE CONSOLIDATION.

12 6. IF A JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED CONSOL-
13 IDATION PLAN PROVIDES FOR THE DISSOLUTION OF A LOCAL JUSTICE COURT, ALL
14 COURT RECORDS OF SUCH COURT SHALL BE DEPOSITED WITH A JUSTICE COURT
15 JUDGE TO BE DESIGNATED BY THE ADMINISTRATIVE JUDGE OF THE JUDICIAL
16 DISTRICT WITHIN WHICH THE DISSOLVING JUSTICE COURT IS LOCATED. THE
17 DESIGNATED JUSTICE COURT JUDGE SHALL HAVE AUTHORITY TO EXECUTE AND
18 COMPLETE ALL UNFINISHED BUSINESS.

19 S 766. ELECTION AND APPOINTMENT OF OFFICIALS. NEW OFFICIALS OF THE
20 CONSOLIDATED LOCAL GOVERNMENT ENTITY REQUIRED TO BE ELECTED SHALL TAKE
21 OFFICE ON THE FIRST MONDAY OF JANUARY FOLLOWING THE ELECTION DESIGNATED
22 IN THE JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED CONSOLIDATION
23 PLAN, AS THE CASE MAY BE. AT SUCH ELECTION, THE NECESSARY OFFICIALS OF
24 THE CONSOLIDATED LOCAL GOVERNMENT ENTITY SHALL BE ELECTED IN ACCORDANCE
25 WITH THE TERMS OF THE GENERAL LAW AFFECTING ENTITIES OF THE KIND OR
26 CLASS OF THE CONSOLIDATED LOCAL GOVERNMENT ENTITY. EXCEPT AS OTHERWISE
27 SPECIFIED IN THE JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED
28 CONSOLIDATION PLAN, ALL APPOINTIVE OFFICIALS OF THE CONSOLIDATED LOCAL
29 GOVERNMENT ENTITY THEREAFTER SHALL BE APPOINTED BY THE INDIVIDUAL OR
30 ENTITY UPON WHOM THE POWER TO APPOINT SUCH OFFICIALS IS CONFERRED BY THE
31 TERMS OF THE GENERAL LAW AFFECTING ENTITIES OF THE KIND OR CLASS OF THE
32 CONSOLIDATED LOCAL GOVERNMENT ENTITY. SUCCESSORS IN OFFICE FOR SUCH
33 ELECTED OR APPOINTED POSITIONS SHALL THEREAFTER BE ELECTED OR APPOINTED
34 AT THE TIME, IN THE MANNER AND FOR THE TERMS PROVIDED BY THE GENERAL LAW
35 AFFECTING ENTITIES OF THE KIND OR CLASS OF THE CONSOLIDATED LOCAL
36 GOVERNMENT ENTITY.

37 S 767. EFFECT OF TRANSITION ON EMPLOYEES. EXCEPT AS OTHERWISE
38 PROVIDED BY LAW AND EXCEPT FOR THOSE OFFICIALS AND EMPLOYEES PROTECTED
39 BY TENURE OF OFFICE, CIVIL SERVICE PROVISIONS OR COLLECTIVE BARGAINING
40 AGREEMENT, UPON THE EFFECTIVE DATE OF CONSOLIDATION, ALL APPOINTIVE
41 OFFICES AND POSITIONS THEN EXISTING IN ALL COMPONENT LOCAL GOVERNMENT
42 ENTITIES INVOLVED IN THE CONSOLIDATION SHALL BE SUBJECT TO THE TERMS OF
43 THE JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED CONSOLIDATION
44 PLAN, AS THE CASE MAY BE. SUCH AGREEMENT OR PLAN MAY PROVIDE FOR
45 INSTANCES IN WHICH THERE IS DUPLICATION OF POSITIONS AND FOR OTHER
46 MATTERS SUCH AS VARYING LENGTH OF EMPLOYEE CONTRACTS, DIFFERENT CIVIL
47 SERVICE REGULATIONS IN THE CONSTITUENT ENTITIES AND DIFFERING RANKS AND
48 POSITION CLASSIFICATIONS FOR SIMILAR POSITIONS.

49 S 768. DEBTS, LIABILITIES AND OBLIGATIONS. 1. ALL VALID AND LAWFUL
50 DEBTS AND LIABILITIES EXISTING AGAINST A CONSOLIDATED LOCAL GOVERNMENT
51 ENTITY, OR WHICH MAY THEREAFTER ARISE OR ACCRUE AGAINST THE CONSOLIDATED
52 LOCAL GOVERNMENT ENTITY, WHICH BUT FOR CONSOLIDATION WOULD BE VALID AND
53 LAWFUL DEBTS OR LIABILITIES AGAINST ONE OR MORE OF THE COMPONENT LOCAL
54 GOVERNMENT ENTITIES, SHALL BE DEEMED AND TAKEN TO BE LIKE DEBTS AGAINST
55 OR LIABILITIES OF THE CONSOLIDATED LOCAL GOVERNMENT ENTITY AND SHALL
56 ACCORDINGLY BE DEFRAIDED AND ANSWERED TO BY IT TO THE SAME EXTENT, AND NO

1 FURTHER THAN, THE COMPONENT LOCAL GOVERNMENT ENTITIES WOULD HAVE BEEN
2 BOUND IF NO CONSOLIDATION HAD TAKEN PLACE.

3 2. THE RIGHTS OF CREDITORS AND ALL LIENS UPON THE PROPERTY OF ANY OF
4 THE COMPONENT LOCAL GOVERNMENT ENTITIES OF A CONSOLIDATION SHALL BE
5 PRESERVED UNIMPAIRED. THE RESPECTIVE COMPONENT ENTITIES SHALL BE DEEMED
6 TO CONTINUE IN EXISTENCE TO PRESERVE SUCH RIGHTS AND LIENS, AND ALL
7 DEBTS, LIABILITIES AND DUTIES OF ANY OF THE COMPONENT ENTITIES SHALL
8 THENCEFORTH ATTACH TO THE CONSOLIDATED LOCAL GOVERNMENT ENTITY AND BE
9 ENFORCED AGAINST IT TO THE SAME EXTENT AS IF SUCH DEBTS, LIABILITIES AND
10 DUTIES HAD BEEN INCURRED OR CONTRACTED BY THE CONSOLIDATED LOCAL GOVERN-
11 MENT ENTITY.

12 3. ALL BONDS, CONTRACTS AND OBLIGATIONS OF THE COMPONENT ENTITIES
13 WHICH EXIST AS LEGAL OBLIGATIONS SHALL BE DEEMED LIKE OBLIGATIONS OF THE
14 CONSOLIDATED LOCAL GOVERNMENT ENTITY, AND ALL SUCH OBLIGATIONS AS ARE
15 AUTHORIZED OR REQUIRED TO BE ISSUED OR ENTERED INTO SHALL BE ISSUED OR
16 ENTERED INTO BY AND IN THE NAME OF THE CONSOLIDATED LOCAL GOVERNMENT
17 ENTITY.

18 S 769. EFFECT ON EXISTING LAWS; TRANSITION PERIOD. SUBJECT TO THE
19 PROVISIONS OF THE JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED
20 CONSOLIDATION PLAN, AS THE CASE MAY BE, PERTAINING TO THE COMMON ADMIN-
21 ISTRATION AND UNIFORM ENFORCEMENT OF LAWS IN THE CONSOLIDATED LOCAL
22 GOVERNMENT ENTITY, ALL LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF
23 THE COMPONENT LOCAL GOVERNMENT ENTITIES IN EFFECT ON THE EFFECTIVE DATE
24 OF CONSOLIDATION SHALL REMAIN IN FULL FORCE AND EFFECT WITHIN THE
25 RESPECTIVE AREAS OF THE COMPONENT LOCAL GOVERNMENT ENTITIES THAT EXISTED
26 PRIOR TO CONSOLIDATION, INsofar AS THE LOCAL LAWS, ORDINANCES, RULES OR
27 REGULATIONS ARE NOT REPUGNANT TO LAW, UNTIL REPEALED OR AMENDED. AS
28 SOON AS PRACTICABLE BUT NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE
29 DATE OF CONSOLIDATION, THE GOVERNING BODY OF THE CONSOLIDATED LOCAL
30 GOVERNMENT ENTITY SHALL ADOPT NEW LOCAL LAWS, ORDINANCES, RULES AND
31 REGULATIONS AS NECESSARY TO REDRESS CONFLICTS AND OTHERWISE REDRESS
32 AMBIGUITIES ARISING AMONG THE THEN-EXISTING LAWS, ORDINANCES, RULES OR
33 REGULATIONS FOR THE COMMON ADMINISTRATION AND UNIFORM GOVERNANCE OF THE
34 CONSOLIDATED LOCAL GOVERNMENT ENTITY.

35 S 770. EFFECT ON ACTIONS AND PROCEEDINGS. 1. SUITS MAY BE BROUGHT AND
36 MAINTAINED AGAINST A CONSOLIDATED LOCAL GOVERNMENT ENTITY IN ANY OF THE
37 COURTS OF THE STATE IN THE SAME MANNER AS AGAINST ANY OTHER LOCAL
38 GOVERNMENT ENTITY.

39 2. IN ANY ACTION OR PROCEEDING PENDING ON THE EFFECTIVE DATE OF
40 CONSOLIDATION TO WHICH ANY COMPONENT LOCAL GOVERNMENT ENTITY IS A PARTY,
41 THE CONSOLIDATED LOCAL GOVERNMENT ENTITY MAY BE SUBSTITUTED IN ITS PLACE
42 AND THE ACTION OR PROCEEDING MAY BE PROSECUTED TO JUDGMENT AS IF CONSOL-
43 IDATION HAD NOT TAKEN PLACE.

44 S 771. REGISTRATION OF ELECTORS. NO NEW REGISTRATION OF ELECTORS
45 SHALL BE NECESSARY IN CASE OF CONSOLIDATION, BUT ALL ELECTOR REGISTRA-
46 TIONS OF THE COMPONENT LOCAL GOVERNMENT ENTITIES SHALL BE TRANSFERRED TO
47 THE PROPER REGISTRATION BOOKS OF THE CONSOLIDATED LOCAL GOVERNMENT ENTI-
48 TY, AND NEW REGISTRATIONS SHALL BE MADE AS PROVIDED BY LAW AS IF NO
49 CONSOLIDATION HAD TAKEN PLACE.

50 S 772. DETERMINATION OF RIGHTS. IF ANY RIGHT, TITLE, INTEREST OR
51 CLAIM SHALL ARISE OUT OF ANY CONSOLIDATION OR BY REASON THEREOF THAT IS
52 NOT DETERMINABLE BY REFERENCE TO THE PROVISIONS OF THIS ARTICLE, BY THE
53 JOINT CONSOLIDATION AGREEMENT OR ELECTOR INITIATED CONSOLIDATION PLAN,
54 AS THE CASE MAY BE, OR OTHERWISE UNDER THE LAWS OF THIS STATE, THEN THE
55 GOVERNING BODY OF THE CONSOLIDATED LOCAL GOVERNMENT ENTITY MAY PROVIDE
56 THEREFORE IN A MANNER CONFORMING TO LAW.

TITLE 3

DISSOLUTION OF LOCAL GOVERNMENT ENTITIES

SECTION 773. COMMENCING THE PROCEEDING.

774. PROPOSED DISSOLUTION PLAN.

775. PUBLICATION OF PROPOSED DISSOLUTION PLAN.

776. PUBLIC HEARINGS ON PROPOSED DISSOLUTION PLAN.

777. REFERENDUM RESOLUTION FOR DISSOLUTION OF VILLAGES.

778. EFFECTIVE DATE OF DISSOLUTION PLAN.

779. INITIATIVE OF ELECTORS SEEKING DISSOLUTION.

780. CONDUCT OF REFERENDUM.

781. CANVASSING OF VOTE; MORATORIUM ON FURTHER REFERENDUM.

782. DUTY TO APPROVE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.

783. PUBLICATION OF PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.

784. PUBLIC HEARINGS ON PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.

785. EFFECTIVE DATE OF ELECTOR INITIATED DISSOLUTION PLAN; PERMISSIVE REFERENDUM.

786. COURT-ORDERED DISSOLUTION; JUDICIAL HEARING OFFICER.

787. WINDING DOWN THE AFFAIRS OF A DISSOLVED LOCAL GOVERNMENT ENTITY.

788. EFFECT ON ACTIONS AND PROCEEDINGS; DISPOSITION OF RECORDS, BOOKS AND PAPERS.

789. EFFECT ON EXISTING LAWS OF VILLAGE.

790. DEBTS, LIABILITIES AND OBLIGATIONS.

S 773. COMMENCING THE PROCEEDING. 1. A LOCAL GOVERNMENT ENTITY OTHER THAN A TOWN MAY BE DISSOLVED AND TERMINATED BY THE PROCEDURE DESCRIBED IN THIS TITLE.

2. DISSOLUTION PROCEEDINGS MAY BE COMMENCED BY:

(A) A RESOLUTION OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED ENDORSING A PROPOSED DISSOLUTION PLAN; OR

(B) ELECTOR INITIATIVE.

S 774. PROPOSED DISSOLUTION PLAN. 1. THE GOVERNING BODY OF A LOCAL GOVERNMENT ENTITY MAY, BY RESOLUTION, ENDORSE A PROPOSED DISSOLUTION PLAN FOR THE PURPOSE OF COMMENCING DISSOLUTION PROCEEDINGS UNDER THIS ARTICLE.

2. THE PROPOSED DISSOLUTION PLAN SHALL SPECIFY:

(A) THE NAME OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;

(B) THE TERRITORIAL BOUNDARIES OF THE ENTITY;

(C) THE TYPE AND/OR CLASS OF THE ENTITY;

(D) A FISCAL ESTIMATE OF THE COST OF DISSOLUTION;

(E) ANY PLAN FOR THE TRANSFER OR ELIMINATION OF PUBLIC EMPLOYEES;

(F) THE ENTITY'S ASSETS, INCLUDING BUT NOT LIMITED TO REAL AND PERSONAL PROPERTY, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

(G) THE ENTITY'S LIABILITIES AND INDEBTEDNESS, BONDED AND OTHERWISE, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

(H) ANY AGREEMENTS ENTERED INTO WITH THE TOWN OR TOWNS IN WHICH THE ENTITY IS SITUATED IN ORDER TO CARRY OUT THE DISSOLUTION;

(I) THE MANNER AND MEANS BY WHICH THE RESIDENTS OF THE ENTITY WILL CONTINUE TO BE FURNISHED MUNICIPAL SERVICES FOLLOWING THE ENTITY'S DISSOLUTION;

(J) TERMS FOR THE DISPOSITION OF THE ENTITY'S ASSETS AND THE DISPOSITION OF ITS LIABILITIES AND INDEBTEDNESS, INCLUDING THE LEVY AND COLLECTION OF THE NECESSARY TAXES AND ASSESSMENTS THEREFOR;

(K) FINDINGS AS TO WHETHER ANY LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF THE ENTITY SHALL REMAIN IN EFFECT AFTER THE EFFECTIVE DATE OF THE DISSOLUTION OR SHALL REMAIN IN EFFECT FOR A PERIOD OF TIME OTHER THAN AS PROVIDED BY SECTION SEVEN HUNDRED EIGHTY-NINE OF THIS TITLE;

(L) THE EFFECTIVE DATE OF THE PROPOSED DISSOLUTION;

(M) THE TIME AND PLACE OR PLACES FOR A PUBLIC HEARING OR HEARINGS ON THE PROPOSED DISSOLUTION PLAN PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-SIX OF THIS TITLE; AND

(N) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE DISSOLUTION.

S 775. PUBLICATION OF PROPOSED DISSOLUTION PLAN. NO LATER THAN FIVE BUSINESS DAYS AFTER COMMENCEMENT OF DISSOLUTION PROCEEDINGS PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-FOUR OF THIS TITLE, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED SHALL:

1. CAUSE A COPY OF THE PROPOSED DISSOLUTION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR PLACES WITHIN THE ENTITY;

2. CAUSE THE PROPOSED DISSOLUTION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTITY IS LOCATED;

3. ARRANGE TO BE PUBLISHED A DESCRIPTIVE SUMMARY OF THE PROPOSED DISSOLUTION PLAN AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, AT LEAST ONCE EACH WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE ENTITY; AND

4. IN THE CASE OF A PROPOSED DISSOLUTION OF A VILLAGE, THE GOVERNING BODY OF THE VILLAGE SHALL CAUSE THE PROPOSED DISSOLUTION PLAN TO BE MAILED BY CERTIFIED OR REGISTERED MAIL TO THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE VILLAGE IS SITUATED.

S 776. PUBLIC HEARINGS ON PROPOSED DISSOLUTION PLAN. 1. THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED SHALL SET A TIME AND PLACE OR PLACES FOR ONE OR MORE PUBLIC HEARINGS ON THE PROPOSED DISSOLUTION PLAN. THE HEARING OR HEARINGS SHALL BE HELD NO LESS THAN THIRTY-FIVE DAYS AND NO MORE THAN NINETY DAYS AFTER COMMENCEMENT OF DISSOLUTION PROCEEDINGS PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-FOUR OF THIS TITLE. ANY INTERESTED PERSON SHALL BE GIVEN A REASONABLE OPPORTUNITY TO BE HEARD ON ANY ASPECT OF THE PROPOSED DISSOLUTION.

2. THE PUBLIC HEARING OR HEARINGS SHALL BE HELD ON NOTICE OF AT LEAST TEN DAYS, BUT NOT MORE THAN TWENTY DAYS, PUBLISHED IN A NEWSPAPER OR NEWSPAPERS HAVING GENERAL CIRCULATION WITHIN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED AND DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTITY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTITY IS LOCATED. THE NOTICE OF THE HEARING OR HEARINGS SHALL PROVIDE A DESCRIPTIVE SUMMARY OF THE PROPOSED DISSOLUTION PLAN AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITY WHERE A COPY OF SUCH PLAN MAY BE EXAMINED.

3. AFTER COMPLETION OF THE FINAL HEARING, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED MAY AMEND THE PROPOSED DISSOLUTION PLAN, PROVIDED THAT THE AMENDED VERSION COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED SEVENTY-FOUR OF THIS TITLE AND IS PUBLICIZED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, AND/OR APPROVE A FINAL VERSION OF THE DISSOLUTION PLAN, OR DECLINE TO PROCEED FURTHER WITH DISSOLUTION PROCEEDINGS. ANY APPROVAL

1 BY THE GOVERNING BODY OF A FINAL VERSION OF THE DISSOLUTION PLAN MUST
2 OCCUR WITHIN ONE HUNDRED EIGHTY DAYS OF THE FINAL HEARING.

3 4. NO LATER THAN FIVE BUSINESS DAYS AFTER AMENDING THE PROPOSED
4 DISSOLUTION PLAN, THE GOVERNING BODY OF THE ENTITY TO BE DISSOLVED
5 SHALL:

6 (A) CAUSE A COPY OF THE AMENDED VERSION OF THE PROPOSED DISSOLUTION
7 PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND
8 READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR
9 PLACES WITHIN THE ENTITY; AND

10 (B) CAUSE THE AMENDED VERSION OF THE PROPOSED DISSOLUTION PLAN, ALONG
11 WITH A DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE
12 OR PLACES WITHIN THE ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE
13 DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTITY OR OTHERWISE ON A
14 WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTI-
15 TY IS LOCATED.

16 S 777. REFERENDUM RESOLUTION FOR DISSOLUTION OF VILLAGES. 1. IF A
17 DISSOLUTION PLAN CALLS FOR THE DISSOLUTION OF A VILLAGE, THEN CONTEMPO-
18 RANEOUS WITH THE FINAL APPROVAL OF THE DISSOLUTION PLAN PURSUANT TO
19 SUBDIVISION THREE OF SECTION SEVEN HUNDRED SEVENTY-SIX OF THIS TITLE,
20 THE GOVERNING BODY OF THE VILLAGE SHALL ENACT A RESOLUTION CALLING FOR A
21 REFERENDUM ON THE PROPOSED DISSOLUTION BY THE ELECTORS IN THE VILLAGE.

22 2. THE RESOLUTION CALLING FOR THE REFERENDUM ON THE PROPOSED DISSOL-
23 UTION SHALL:

24 (A) PROVIDE (I) THE NAME OF THE VILLAGE TO BE DISSOLVED; AND (II) THE
25 DATE FOR THE REFERENDUM, IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION
26 SEVEN HUNDRED EIGHTY OF THIS TITLE;

27 (B) STATE THE SUBSTANCE OF THE QUESTION TO BE SUBMITTED TO THE ELEC-
28 TORS; AND

29 (C) SET FORTH SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE
30 FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT
31 THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

32 3. THE RESOLUTION CALLING FOR THE REFERENDUM ON THE PROPOSED DISSOL-
33 UTION SHALL HAVE ATTACHED TO IT THE FINAL APPROVED VERSION OF THE
34 DISSOLUTION PLAN.

35 S 778. EFFECTIVE DATE OF DISSOLUTION PLAN. A LOCAL GOVERNMENT ENTITY
36 DISSOLVED PURSUANT TO A DISSOLUTION PLAN SHALL CONTINUE TO BE GOVERNED
37 AS BEFORE DISSOLUTION UNTIL THE EFFECTIVE DATE OF THE DISSOLUTION SPECI-
38 FIED IN THE DISSOLUTION PLAN; PROVIDED, HOWEVER, THAT NO DISSOLUTION
39 PLAN FOR A VILLAGE SHALL TAKE EFFECT UNLESS APPROVED BY A MAJORITY OF
40 ELECTORS OF THE VILLAGE AT A REFERENDUM CALLED THROUGH A RESOLUTION
41 ENACTED PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-SEVEN OF THIS TITLE.

42 S 779. INITIATIVE OF ELECTORS SEEKING DISSOLUTION. 1. THE ELECTORS OF
43 A LOCAL GOVERNMENT ENTITY MAY COMMENCE A DISSOLUTION PROCEEDING BY
44 FILING AN ORIGINAL PETITION, CONTAINING NOT LESS THAN THE NUMBER OF
45 SIGNATURES PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION AND IN THE
46 FORM PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, WITH THE CLERK
47 OF THE TOWN IN WHICH THE ENTITY OR THE GREATER PORTION OF ITS TERRITORY
48 IS LOCATED, EXCEPT THAT IF THE ENTITY IS A VILLAGE THE ORIGINAL PETITION
49 OF ELECTORS FROM THE VILLAGE SHALL BE FILED WITH THE CLERK OF THE
50 VILLAGE. ACCOMPANYING THE FILED PETITION SHALL BE A COVER SHEET CONTAIN-
51 ING THE NAME, ADDRESS AND TELEPHONE NUMBER OF AN INDIVIDUAL WHO SIGNED
52 THE PETITION AND WHO WILL SERVE AS A CONTACT PERSON.

53 2. THE PETITION SHALL CONTAIN THE SIGNATURES OF AT LEAST TEN PERCENT
54 OF THE NUMBER OF ELECTORS OR FIVE THOUSAND ELECTORS, WHICHEVER IS LESS,
55 IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED; PROVIDED, HOWEVER, THAT
56 WHERE THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED CONTAINS FIVE HUNDRED

OR FEWER ELECTORS, THE PETITION SHALL CONTAIN THE SIGNATURES OF AT LEAST TWENTY PERCENT OF THE NUMBER OF ELECTORS. NO SIGNATURE ON A PETITION IS VALID UNLESS IT IS AN ORIGINAL SIGNATURE OF AN ELECTOR.

3. THE PETITION SHALL SUBSTANTIALLY COMPLY WITH, AND BE CIRCULATED IN, THE FOLLOWING FORM:

PETITION FOR LOCAL GOVERNMENT DISSOLUTION

WE, THE UNDERSIGNED, ELECTORS AND LEGAL VOTERS OF (INSERT TYPE OF LOCAL GOVERNMENT ENTITY -- E.G., TOWN, VILLAGE OR DISTRICT) OF (INSERT NAME OF LOCAL GOVERNMENT ENTITY), NEW YORK, QUALIFIED TO VOTE AT THE NEXT GENERAL OR SPECIAL ELECTION, RESPECTFULLY PETITION THAT THERE BE SUBMITTED TO THE ELECTORS OF (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY PROPOSED TO BE DISSOLVED), FOR THEIR APPROVAL OR REJECTION AT A REFERENDUM HELD FOR THAT PURPOSE, A PROPOSAL TO DISSOLVE AND TERMINATE (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY).

IN WITNESS WHEREOF, WE HAVE SIGNED OUR NAMES ON THE DATES INDICATED NEXT TO OUR SIGNATURES.

DATE	NAME - PRINT NAME UNDER SIGNATURE	HOME ADDRESS
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1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

(ON THE BOTTOM OF EACH PAGE OF THE PETITION, AFTER ALL OF THE NUMBERED SIGNATURES, INSERT A SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED ELECTOR OF THE STATE OF NEW YORK. SUCH A STATEMENT SHALL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME PENALTIES AS IF HE OR SHE HAS BEEN DULY SWORN. THE FORM OF SUCH STATEMENT SHALL BE SUBSTANTIALLY AS FOLLOWS:

I, (INSERT NAME OF WITNESS), STATE THAT I AM A DULY QUALIFIED VOTER OF THE STATE OF NEW YORK. EACH OF THE PERSONS THAT HAVE SIGNED THIS PETITION SHEET CONTAINING (INSERT NUMBER) SIGNATURES, HAVE SIGNED THEIR NAMES IN MY PRESENCE ON THE DATES INDICATED ABOVE AND IDENTIFIED THEMSELVES TO BE THE SAME PERSON WHO SIGNED THE SHEET. I UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERIALLY FALSE STATEMENT, SHALL SUBJECT ME TO THE PENALTIES OF PERJURY.

DATE	SIGNATURE OF WITNESS)
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(IN LIEU OF THE SIGNED STATEMENT OF A WITNESS WHO IS A DULY QUALIFIED VOTER OF THE STATE OF NEW YORK, THE FOLLOWING STATEMENT SIGNED BY A NOTARY PUBLIC OR A COMMISSIONER OF DEEDS SHALL BE ACCEPTED:

ON THE DATE INDICATED ABOVE BEFORE ME PERSONALLY CAME EACH OF THE ELECTORS AND LEGAL VOTERS WHOSE SIGNATURES APPEAR ON THIS PETITION SHEET CONTAINING (INSERT NUMBER) SIGNATURES, WHO SIGNED THE PETITION IN MY PRESENCE AND WHO, BEING BY ME DULY SWORN, EACH FOR HIMSELF OR HERSELF, IDENTIFIED HIMSELF OR HERSELF AS THE ONE AND SAME PERSON WHO SIGNED THE PETITION AND THAT THE FOREGOING INFORMATION THEY PROVIDED WAS TRUE.

DATE	NOTARY PUBLIC OR COMMISSIONER OF DEEDS)
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4. AN ALTERATION OR CORRECTION OF INFORMATION APPEARING ON A PETITION'S SIGNATURE LINE, OTHER THAN AN UN-INITIALED SIGNATURE AND DATE, SHALL NOT INVALIDATE SUCH SIGNATURE.

5. IN MATTERS OF FORM, THIS SECTION SHALL BE LIBERALLY CONSTRUED, NOT INCONSISTENT WITH SUBSTANTIAL COMPLIANCE THERETO AND THE PREVENTION OF FRAUD.

6. WITHIN TEN DAYS OF THE FILING OF THE PETITION SEEKING DISSOLUTION PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE CLERK WITH WHOM THE

PETITION WAS FILED SHALL MAKE A FINAL DETERMINATION REGARDING THE SUFFICIENCY OF THE SIGNATURES ON THE PETITION AND PROVIDE TIMELY WRITTEN NOTICE OF SUCH DETERMINATION TO THE CONTACT PERSON NAMED IN THE COVER SHEET ACCOMPANYING THE PETITION. THE CONTACT PERSON OR ANY INDIVIDUAL WHO SIGNED THE PETITION MAY SEEK JUDICIAL REVIEW OF SUCH DETERMINATION IN A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

7. UPON THE CLERK'S DETERMINATION THAT THE PETITION CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES OF ELECTORS REQUIRED IN SUBDIVISION TWO OF THIS SECTION, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED SHALL, NO LATER THAN THIRTY DAYS THEREAFTER, ENACT A RESOLUTION IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION SEVEN HUNDRED SEVENTY-SEVEN OF THIS TITLE CALLING FOR A REFERENDUM ON THE PROPOSED DISSOLUTION BY THE ELECTORS IN THE ENTITY AND SET A DATE FOR SUCH REFERENDUM.

S 780. CONDUCT OF REFERENDUM. 1. A REFERENDUM ON A PROPOSED DISSOLUTION REQUIRED BY SECTIONS SEVEN HUNDRED SEVENTY-SEVEN OR SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE SHALL BE PLACED BEFORE THE ELECTORS IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED AT A SPECIAL ELECTION TO BE HELD NOT LESS THAN SIXTY OR MORE THAN NINETY DAYS AFTER THE ENACTMENT OF A RESOLUTION CALLING FOR THE REFERENDUM, PROVIDED, HOWEVER, THAT IN CASES WHERE A TOWN OR VILLAGE GENERAL ELECTION FALLS WITHIN SUCH PERIOD, THE REFERENDUM QUESTION MAY BE CONSIDERED DURING A TOWN OR VILLAGE GENERAL ELECTION.

2. NOTICE OF THE REFERENDUM SHALL BE GIVEN TO THE ELECTORS OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE ENTITY AT LEAST ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IMMEDIATELY PRIOR TO THE REFERENDUM. THE NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) A SUMMARY OF THE CONTENTS OF THE RESOLUTION AND DISSOLUTION PLAN OR PETITION FOR DISSOLUTION, AS THE CASE MAY BE;

(B) A STATEMENT AS TO WHERE MAY BE EXAMINED COPIES OF THE RESOLUTION AND DISSOLUTION PLAN OR PETITION FOR DISSOLUTION, AS THE CASE MAY BE;

(C) THE NAME OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED AND A STATEMENT FULLY DESCRIBING ITS TERRITORY;

(D) THE TIME AND PLACE OR PLACES AT WHICH THE REFERENDUM WILL BE HELD; AND

(E) SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

3. THE REFERENDUM QUESTION PLACED BEFORE THE ELECTORS OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED SHALL BE IN A FORM READING SUBSTANTIALLY AS FOLLOWS:

"SHALL (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY) BE DISSOLVED?

YES _____

NO _____"

4. IN ANY REFERENDUM HELD PURSUANT TO THIS TITLE, THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED SHALL BEAR THE COSTS ASSOCIATED WITH THE CONDUCT OF SUCH REFERENDUM.

5. IN ANY REFERENDUM HELD PURSUANT TO THIS TITLE, AND EXCEPT AS OTHERWISE SPECIFIED HEREIN, THE REFERENDUM SHALL BE CONDUCTED IN THE SAME MANNER AS OTHER MUNICIPAL ELECTIONS OR REFERENDUMS FOR THE LOCAL GOVERNMENT ENTITY AFFECTED BY THE PROPOSED DISSOLUTION.

S 781. CANVASSING OF VOTE; MORATORIUM ON FURTHER REFERENDUM. 1. IN ANY REFERENDUM HELD PURSUANT TO THIS TITLE, THE BALLOTS CAST SHALL BE COUNTED, RETURNS MADE AND CANVASSED AND RESULTS CERTIFIED IN THE SAME

1 MANNER AS OTHER MUNICIPAL ELECTIONS OR REFERENDUMS FOR THE LOCAL GOVERN-
2 MENT ENTITY AFFECTED BY THE PROPOSED DISSOLUTION.

3 2. DISSOLUTION SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE ELECTORS
4 VOTING IN THE LOCAL GOVERNMENT ENTITY IN WHICH THE REFERENDUM IS HELD
5 VOTE IN FAVOR OF DISSOLUTION. IF SUCH A MAJORITY VOTE DOES NOT RESULT,
6 THE REFERENDUM SHALL FAIL AND DISSOLUTION SHALL NOT TAKE EFFECT.

7 3. IF DISSOLUTION IS APPROVED BY A MAJORITY OF THE ELECTORS VOTING IN
8 THE LOCAL GOVERNMENT ENTITY IN WHICH THE REFERENDUM IS HELD, CERTIF-
9 ICATES OF SUCH RESULT IMMEDIATELY SHALL BE FILED WITH THE SECRETARY OF
10 STATE AND WITH THE CLERKS OF THE LOCAL GOVERNMENT ENTITY OR ENTITIES AND
11 COUNTY IN WHICH IS SITUATED ANY PART OF THE ENTITY TO BE DISSOLVED.

12 4. IF THE REFERENDUM SHALL FAIL, THE DISSOLUTION PROCESS SPECIFIED BY
13 THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITY WITHIN
14 FOUR YEARS OF THE DATE OF SUCH REFERENDUM. THIS SUBDIVISION, HOWEVER,
15 DOES NOT APPLY TO A PERMISSIVE REFERENDUM CONDUCTED PURSUANT TO SECTION
16 SEVEN HUNDRED EIGHTY-FIVE OF THIS TITLE.

17 S 782. DUTY TO APPROVE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.
18 1. IN THE CASE OF A PROPOSED DISSOLUTION OF A LOCAL GOVERNMENT ENTITY
19 PROPERLY INITIATED BY PETITION OF ELECTORS PURSUANT TO SECTION SEVEN
20 HUNDRED SEVENTY-NINE OF THIS TITLE, IF A MAJORITY OF THE ELECTORS VOTING
21 AT A REFERENDUM VOTE IN FAVOR OF DISSOLUTION, THE ENTITY'S GOVERNING
22 BODY SHALL MEET WITHIN THIRTY DAYS AFTER CERTIFICATION OF THE FAVORABLE
23 VOTE AND, WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH MEETING, PREPARE AND
24 APPROVE A PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.

25 2. THE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN SHALL SPECIFY:

26 (A) THE NAME OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
27 (B) THE TERRITORIAL BOUNDARIES OF THE ENTITY;
28 (C) THE TYPE AND/OR CLASS OF THE ENTITY;
29 (D) A FISCAL ESTIMATE OF THE COST OF DISSOLUTION;
30 (E) ANY PLAN FOR THE TRANSFER OR ELIMINATION OF PUBLIC EMPLOYEES;
31 (F) THE ENTITY'S ASSETS, INCLUDING BUT NOT LIMITED TO REAL AND
32 PERSONAL PROPERTY, AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE
33 UNITED STATES;

34 (G) THE ENTITY'S LIABILITIES AND INDEBTEDNESS, BONDED AND OTHERWISE,
35 AND THE FAIR VALUE THEREOF IN CURRENT MONEY OF THE UNITED STATES;

36 (H) ANY AGREEMENTS ENTERED INTO WITH THE TOWN OR TOWNS IN WHICH THE
37 ENTITY IS SITUATED IN ORDER TO CARRY OUT THE DISSOLUTION;

38 (I) THE MANNER AND MEANS BY WHICH THE RESIDENTS OF THE ENTITY WILL
39 CONTINUE TO BE FURNISHED MUNICIPAL SERVICES FOLLOWING THE ENTITY'S
40 DISSOLUTION;

41 (J) TERMS FOR THE DISPOSITION OF THE ENTITY'S ASSETS AND THE DISPOSI-
42 TION OF ITS LIABILITIES AND INDEBTEDNESS, INCLUDING THE LEVY AND
43 COLLECTION OF THE NECESSARY TAXES AND ASSESSMENTS THEREFOR;

44 (K) FINDINGS AS TO WHETHER ANY LOCAL LAWS, ORDINANCES, RULES OR REGU-
45 LATIONS OF THE ENTITY SHALL REMAIN IN EFFECT AFTER THE EFFECTIVE DATE OF
46 THE DISSOLUTION OR SHALL REMAIN IN EFFECT FOR A PERIOD OF TIME OTHER
47 THAN AS PROVIDED BY SECTION SEVEN HUNDRED EIGHTY-NINE OF THIS TITLE;

48 (L) THE EFFECTIVE DATE OF THE DISSOLUTION;

49 (M) THE TIME AND PLACE OR PLACES FOR A PUBLIC HEARING OR HEARINGS ON
50 SUCH PROPOSED DISSOLUTION PLAN PURSUANT TO SECTION SEVEN HUNDRED EIGHT-
51 Y-FOUR OF THIS TITLE; AND

52 (N) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE DISSOL-
53 UTION.

54 S 783. PUBLICATION OF PROPOSED ELECTOR INITIATED DISSOLUTION PLAN. NO
55 LATER THAN FIVE BUSINESS DAYS AFTER APPROVING AN ELECTOR INITIATED
56 DISSOLUTION PLAN PURSUANT TO SECTION SEVEN HUNDRED EIGHTY-TWO OF THIS

1 TITLE, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED
2 SHALL:

3 1. CAUSE A COPY OF THE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN,
4 ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE DISPLAYED AND READILY
5 ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A PUBLIC PLACE OR PLACES
6 WITHIN THE ENTITY;

7 2. CAUSE THE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN, ALONG WITH A
8 DESCRIPTIVE SUMMARY THEREOF AND A REFERENCE TO THE PUBLIC PLACE OR PLAC-
9 ES WITHIN THE ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, TO BE
10 DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTITY OR OTHERWISE ON A
11 WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN WHICH THE ENTI-
12 TY IS LOCATED; AND

13 3. ARRANGE TO BE PUBLISHED A DESCRIPTIVE SUMMARY OF THE PROPOSED ELEC-
14 TOR INITIATED DISSOLUTION PLAN AND A REFERENCE TO THE PUBLIC PLACE OR
15 PLACES WITHIN THE ENTITY WHERE A COPY THEREOF MAY BE EXAMINED, AT LEAST
16 ONCE EACH WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER HAVING A GENERAL
17 CIRCULATION WITHIN THE ENTITY; AND

18 4. IN THE CASE OF A PROPOSED DISSOLUTION OF A VILLAGE, THE GOVERNING
19 BODY OF THE VILLAGE SHALL CAUSE THE PROPOSED ELECTOR INITIATED DISSOL-
20 UTION PLAN TO BE MAILED BY CERTIFIED OR REGISTERED MAIL TO THE SUPERVI-
21 SOR OF THE TOWN OR TOWNS IN WHICH THE VILLAGE IS SITUATED.

22 S 784. PUBLIC HEARINGS ON PROPOSED ELECTOR INITIATED DISSOLUTION PLAN.

23 1. THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED
24 SHALL SET A TIME AND PLACE OR PLACES FOR ONE OR MORE PUBLIC HEARINGS ON
25 THE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN. THE HEARING OR HEARINGS
26 SHALL BE HELD NO LESS THAN THIRTY-FIVE DAYS AND NO MORE THAN NINETY DAYS
27 AFTER THE PROPOSED ELECTOR INITIATED DISSOLUTION PLAN IS APPROVED PURSU-
28 ANT TO SECTION SEVEN HUNDRED EIGHTY-TWO OF THIS TITLE. ANY INTERESTED
29 PERSON SHALL BE GIVEN A REASONABLE OPPORTUNITY TO BE HEARD ON ANY ASPECT
30 OF THE PROPOSED DISSOLUTION.

31 2. THE PUBLIC HEARING OR HEARINGS SHALL BE HELD ON NOTICE OF AT LEAST
32 TEN DAYS, BUT NOT MORE THAN TWENTY DAYS, PUBLISHED IN A NEWSPAPER OR
33 NEWSPAPERS HAVING GENERAL CIRCULATION WITHIN THE LOCAL GOVERNMENT ENTITY
34 TO BE DISSOLVED AND DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTITY OR
35 OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR COUNTY IN
36 WHICH THE ENTITY IS LOCATED. THE NOTICE OF THE HEARING OR HEARINGS SHALL
37 PROVIDE A DESCRIPTIVE SUMMARY OF THE PROPOSED ELECTOR INITIATED DISSOL-
38 UTION PLAN, AND A REFERENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE
39 ENTITY WHERE A COPY OF SUCH PLAN MAY BE EXAMINED.

40 3. AFTER COMPLETION OF THE FINAL HEARING, THE GOVERNING BODY OF THE
41 LOCAL GOVERNMENT ENTITY TO BE DISSOLVED MAY AMEND THE PROPOSED ELECTOR
42 INITIATED DISSOLUTION PLAN, PROVIDED THAT THE AMENDED VERSION COMPLIES
43 WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED EIGHTY-
44 TWO OF THIS TITLE AND IS PUBLICIZED PURSUANT TO SUBDIVISION FOUR OF THIS
45 SECTION. THE GOVERNING BODY MUST APPROVE A FINAL VERSION OF THE ELECTOR
46 INITIATED DISSOLUTION PLAN WITHIN SIXTY DAYS OF SUCH FINAL HEARING.

47 4. NO LATER THAN FIVE BUSINESS DAYS AFTER AMENDING THE PROPOSED ELEC-
48 TOR INITIATED DISSOLUTION PLAN, THE GOVERNING BODY OF THE LOCAL GOVERN-
49 MENT ENTITY TO BE DISSOLVED SHALL:

50 (A) CAUSE A COPY OF THE AMENDED VERSION OF THE PROPOSED ELECTOR INITI-
51 ATED DISSOLUTION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF, TO BE
52 DISPLAYED AND READILY ACCESSIBLE TO THE PUBLIC FOR INSPECTION IN A
53 PUBLIC PLACE OR PLACES WITHIN THE ENTITY; AND

54 (B) CAUSE THE AMENDED VERSION OF THE PROPOSED ELECTOR INITIATED
55 DISSOLUTION PLAN, ALONG WITH A DESCRIPTIVE SUMMARY THEREOF AND A REFER-
56 ENCE TO THE PUBLIC PLACE OR PLACES WITHIN THE ENTITY WHERE A COPY THERE-

1 OF MAY BE EXAMINED, TO BE DISPLAYED ON A WEBSITE MAINTAINED BY THE ENTI-
2 TY OR OTHERWISE ON A WEBSITE MAINTAINED BY THE VILLAGE, TOWN AND/OR
3 COUNTY IN WHICH THE ENTITY IS LOCATED.

4 S 785. EFFECTIVE DATE OF ELECTOR INITIATED DISSOLUTION PLAN; PERMIS-
5 SIVE REFERENDUM. 1. A LOCAL GOVERNMENT ENTITY DISSOLVED PURSUANT TO AN
6 ELECTOR INITIATED DISSOLUTION PLAN SHALL CONTINUE TO BE GOVERNED AS
7 BEFORE DISSOLUTION UNTIL THE EFFECTIVE DATE OF THE DISSOLUTION SPECIFIED
8 IN THE ELECTOR INITIATED DISSOLUTION PLAN, WHICH DATE SHALL BE NO LESS
9 THAN FORTY-FIVE DAYS AFTER FINAL APPROVAL OF SUCH PLAN PURSUANT TO
10 SUBDIVISION THREE OF SECTION SEVEN HUNDRED EIGHTY-FOUR OR SUBDIVISION
11 THREE OF SECTION SEVEN HUNDRED EIGHTY-SIX OF THIS TITLE.

12 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE ELECTOR INITI-
13 ATED DISSOLUTION PLAN SHALL NOT TAKE EFFECT IF, NO LATER THAN FORTY-FIVE
14 DAYS AFTER FINAL APPROVAL OF SUCH PLAN PURSUANT TO SUBDIVISION THREE OF
15 SECTION SEVEN HUNDRED EIGHTY-FOUR OR SUBDIVISION THREE OF SECTION SEVEN
16 HUNDRED EIGHTY-SIX OF THIS TITLE, ELECTORS OF THE LOCAL GOVERNMENT ENTI-
17 TY TO BE DISSOLVED SHALL:

18 (A) FILE AN ORIGINAL PETITION, CONTAINING NOT LESS THAN THE NUMBER OF
19 SIGNATURES PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, SEEKING A
20 REFERENDUM ON THE QUESTION WHETHER THE ELECTOR INITIATED DISSOLUTION
21 PLAN SHALL TAKE EFFECT, WITH THE CLERK OF THE TOWN IN WHICH THE ENTITY
22 OR THE GREATER PORTION OF ITS TERRITORY IS LOCATED, EXCEPT THAT IF THE
23 ENTITY IS A VILLAGE THE ORIGINAL PETITION OF ELECTORS FROM THE VILLAGE
24 SHALL BE FILED WITH THE CLERK OF THE VILLAGE; AND

25 (B) THEREAFTER LESS THAN A MAJORITY OF THE ELECTORS VOTE IN THE AFFIR-
26 MATIVE ON SUCH QUESTION AT A REFERENDUM.

27 3. THE PETITION SHALL BE CIRCULATED, SIGNED AND AUTHENTICATED IN
28 SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF SECTION SEVEN HUNDRED
29 SEVENTY-NINE OF THIS TITLE, SHALL CONTAIN THE SIGNATURES OF AT LEAST
30 TWENTY-FIVE PERCENT OF THE NUMBER OF ELECTORS OR FIFTEEN THOUSAND ELEC-
31 TORS, WHICHEVER IS LESS, IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED,
32 AND SHALL BE ACCOMPANIED BY A COVER SHEET CONTAINING THE NAME, ADDRESS
33 AND TELEPHONE NUMBER OF AN INDIVIDUAL WHO SIGNED THE PETITION AND WHO
34 WILL SERVE AS A CONTACT PERSON.

35 4. WITHIN TEN DAYS OF THE FILING OF THE PETITION SEEKING A REFERENDUM
36 ON WHETHER THE ELECTOR INITIATED DISSOLUTION PLAN SHALL TAKE EFFECT, THE
37 CLERK WITH WHOM THE PETITION WAS FILED SHALL MAKE A FINAL DETERMINATION
38 REGARDING THE SUFFICIENCY OF THE NUMBER OF SIGNATURES ON THE PETITION
39 AND PROVIDE TIMELY WRITTEN NOTICE OF SUCH DETERMINATION TO THE CONTACT
40 PERSON NAMED IN THE COVER SHEET ACCOMPANYING THE PETITION. THE CONTACT
41 PERSON OR ANY INDIVIDUAL WHO SIGNED THE PETITION MAY SEEK JUDICIAL
42 REVIEW OF SUCH DETERMINATION IN A PROCEEDING PURSUANT TO ARTICLE SEVEN-
43 TY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. UPON THE CLERK'S DETERMI-
44 NATION THAT THE PETITION CONTAINS NO LESS THAN THE REQUIRED NUMBER OF
45 SIGNATURES, THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO BE
46 DISSOLVED SHALL WITHIN THIRTY DAYS ENACT A RESOLUTION CALLING FOR A
47 REFERENDUM BY THE ELECTORS ON THE QUESTION WHETHER THE ELECTOR INITIATED
48 DISSOLUTION PLAN SHALL TAKE EFFECT AND SET A DATE FOR SUCH REFERENDUM IN
49 ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION.

50 5. THE REFERENDUM ON THE QUESTION WHETHER THE ELECTOR INITIATED
51 DISSOLUTION PLAN SHALL TAKE EFFECT SHALL BE SUBMITTED AT A SPECIAL
52 ELECTION TO BE HELD NOT LESS THAN SIXTY OR MORE THAN NINETY DAYS AFTER
53 ENACTMENT OF A RESOLUTION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION,
54 PROVIDED, HOWEVER, THAT IN CASES WHERE A TOWN OR VILLAGE GENERAL
55 ELECTION FALLS WITHIN SUCH PERIOD, THE REFERENDUM QUESTION MAY BE
56 CONSIDERED DURING A TOWN OR VILLAGE GENERAL ELECTION.

6. NOTICE OF THE REFERENDUM SHALL BE GIVEN TO THE ELECTORS OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE ENTITY AT LEAST ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IMMEDIATELY PRIOR TO THE REFERENDUM. THE NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) A SUMMARY OF THE CONTENTS OF THE RESOLUTION AND ELECTOR INITIATED DISSOLUTION PLAN;

(B) A STATEMENT AS TO WHERE MAY BE EXAMINED A COPY OF THE RESOLUTION AND ELECTOR INITIATED DISSOLUTION PLAN;

(C) THE TIME AND PLACE OR PLACES AT WHICH THE REFERENDUM WILL BE HELD, IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION; AND

(D) SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

7. IN A REFERENDUM HELD PURSUANT TO THIS SECTION, THE REFERENDUM QUESTION SHALL BE PLACED BEFORE THE ELECTORS OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED IN A FORM READING SUBSTANTIALLY AS FOLLOWS:

"THE VOTERS OF THE (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY TO BE DISSOLVED) HAVING PREVIOUSLY VOTED TO DISSOLVE, SHALL THE ELECTOR INITIATED DISSOLUTION PLAN TAKE EFFECT?

YES _____
NO _____"

8. THE ELECTOR INITIATED DISSOLUTION PLAN SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE ELECTORS VOTING IN THE LOCAL GOVERNMENT ENTITY TO WHICH THE PETITION APPLIES VOTES IN FAVOR OF DISSOLUTION. IF SUCH A MAJORITY VOTE DOES NOT RESULT, THE REFERENDUM SHALL FAIL AND DISSOLUTION SHALL NOT TAKE EFFECT.

S 786. COURT-ORDERED DISSOLUTION; JUDICIAL HEARING OFFICER. 1. IF THE GOVERNING BODY OF A LOCAL GOVERNMENT ENTITY WITH A DUTY TO PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED DISSOLUTION PLAN PURSUANT TO SECTION SEVEN HUNDRED EIGHTY-TWO OF THIS TITLE FAILS TO PREPARE AND APPROVE SUCH PLAN OR IS OTHERWISE UNABLE OR UNWILLING TO ACCOMPLISH AND COMPLETE THE DISSOLUTION PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THEN ANY FIVE ELECTORS WHO SIGNED THE PETITION SEEKING DISSOLUTION MAY COMMENCE A SPECIAL PROCEEDING AGAINST THE ENTITY PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, IN THE SUPREME COURT WITHIN THE JUDICIAL DISTRICT IN WHICH THE ENTITY OR THE GREATER PORTION OF ITS TERRITORY IS LOCATED, TO COMPEL COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

2. IF THE PETITIONERS IN SUCH SPECIAL PROCEEDING SHALL SUBSTANTIALLY PREVAIL, THEN THE COURT SHALL ISSUE AN INJUNCTION ORDERING THE GOVERNING BODY TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE. IF THE GOVERNING BODY VIOLATES THE INJUNCTION, THE COURT SHALL APPOINT A HEARING OFFICER PURSUANT TO ARTICLE FORTY-THREE OF THE CIVIL PRACTICE LAW AND RULES TO HEAR AND DETERMINE AN ELECTOR INITIATED DISSOLUTION PLAN FOR THE ENTITY THAT COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED EIGHTY-TWO OF THIS TITLE.

3. THE FINAL DETERMINATION OF THE JUDICIAL HEARING OFFICER SHALL CONSTITUTE THE FINAL APPROVAL OF THE ELECTOR INITIATED DISSOLUTION PLAN AND PROVIDE THAT SUCH PLAN TAKES EFFECT FORTY-FIVE DAYS AFTER THE FILING OF SUCH DETERMINATION, UNLESS A PETITION FOR A PERMISSIVE REFERENDUM IS PROPERLY FILED PURSUANT TO SECTION SEVEN HUNDRED EIGHTY-FIVE OF THIS TITLE.

4. IN ANY PROCEEDING PURSUANT TO THIS SECTION IN WHICH THE PETITIONERS SUBSTANTIALLY PREVAIL, THE COSTS OF SUCH PROCEEDING, INCLUDING THE COSTS OF ANY JUDICIAL HEARING OFFICER APPOINTED PURSUANT TO SUBDIVISION

1 TWO OF THIS SECTION, SHALL BE BORNE BY THE LOCAL GOVERNMENT ENTITY AT
2 THE RATE PROVIDED FOR IN ARTICLE TWENTY-TWO OF THE JUDICIARY LAW AND
3 REGULATIONS PROMULGATED PURSUANT THERETO.

4 S 787. WINDING DOWN THE AFFAIRS OF A DISSOLVED LOCAL GOVERNMENT ENTI-
5 TY. 1. UPON THE SUCCESSFUL COMPLETION OF DISSOLUTION PROCEEDINGS PURSU-
6 ANT TO THIS TITLE, THE GOVERNING BODY OF THE DISSOLVING LOCAL GOVERNMENT
7 ENTITY SHALL WIND DOWN THE AFFAIRS THEREOF, DISPOSE OF ITS PROPERTY AS
8 PROVIDED BY LAW, MAKE PROVISIONS FOR THE PAYMENT OF ALL INDEBTEDNESS
9 THEREOF AND FOR THE PERFORMANCE OF ITS CONTRACTS AND OBLIGATIONS, AND,
10 IF APPLICABLE AND APPROPRIATE UNDER LAW, LEVY TAXES AND ASSESSMENTS AS
11 NECESSARY TO ACCOMPLISH THE DISSOLUTION.

12 2. IN FURTHERANCE OF ITS DUTY TO WIND DOWN THE AFFAIRS OF THE LOCAL
13 GOVERNMENT ENTITY, THE GOVERNING BODY SHALL CAUSE NOTICE TO BE GIVEN, IN
14 THE SAME MANNER AS NOTICE FOR A PROPOSED DISSOLUTION PLAN PURSUANT TO
15 SECTION SEVEN HUNDRED SEVENTY-FIVE OF THIS TITLE, REQUIRING ALL CLAIMS
16 AGAINST THE DISSOLVING LOCAL GOVERNMENT ENTITY, EXCLUDING ANY OF ITS
17 OUTSTANDING SECURITIES, TO BE FILED WITHIN A TIME FIXED IN THE NOTICE,
18 BUT NOT LESS THAN THREE MONTHS OR MORE THAN SIX MONTHS, AND ALL CLAIMS
19 NOT SO FILED SHALL BE FOREVER BARRED. AT THE EXPIRATION OF SUCH TIME THE
20 GOVERNING BODY SHALL ADJUDICATE CLAIMS SO FILED, AND ANY RESIDENT OF THE
21 ENTITY AT THE TIME OF THE EFFECTIVE DATE OF THE DISSOLUTION MAY APPEAR
22 AND DEFEND AGAINST ANY CLAIM SO FILED, OR THE GOVERNING BODY MAY IN ITS
23 DISCRETION APPOINT SOME PERSON FOR THAT PURPOSE.

24 S 788. EFFECT ON ACTIONS AND PROCEEDINGS; DISPOSITION OF RECORDS,
25 BOOKS AND PAPERS. 1. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS TITLE,
26 NO ACTION FOR OR AGAINST THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED
27 SHALL ABATE, NOR SHALL ANY CLAIM FOR OR AGAINST IT BE AFFECTED BY REASON
28 OF ITS DISSOLUTION.

29 2. UPON THE DISSOLUTION OF A LOCAL GOVERNMENT ENTITY, ALL ITS RECORDS,
30 BOOKS AND PAPERS SHALL BE DEPOSITED WITH THE TOWN CLERK OF THE TOWN IN
31 WHICH THE PRINCIPAL PORTION OF SUCH ENTITY IS SITUATED, AND THEY SHALL
32 THEREUPON BECOME A PART OF THE RECORDS OF THE TOWN.

33 3. UPON THE DISSOLUTION OF A LOCAL JUSTICE COURT, ALL COURT RECORDS OF
34 SUCH COURT SHALL BE DEPOSITED WITH A JUSTICE COURT JUDGE TO BE DESIG-
35 NATED BY THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT WITHIN WHICH
36 THE DISSOLVING JUSTICE COURT IS LOCATED. THE DESIGNATED JUSTICE COURT
37 JUDGE SHALL HAVE AUTHORITY TO EXECUTE AND COMPLETE ALL UNFINISHED BUSI-
38 NESS.

39 S 789. EFFECT ON EXISTING LAWS OF VILLAGE. 1. EXCEPT AS OTHERWISE
40 PROVIDED IN THE DISSOLUTION PLAN OR ELECTOR INITIATED DISSOLUTION PLAN,
41 AS THE CASE MAY BE, ALL LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS OF
42 A VILLAGE IN EFFECT ON THE DATE OF THE DISSOLUTION OF SUCH VILLAGE,
43 INCLUDING BUT NOT LIMITED TO ZONING ORDINANCES, SHALL REMAIN IN EFFECT
44 FOR A PERIOD OF TWO YEARS FOLLOWING DISSOLUTION, AS IF SAME HAD BEEN
45 DULY ADOPTED BY THE TOWN BOARD AND SHALL BE ENFORCED BY THE TOWN WITHIN
46 THE LIMITS OF THE DISSOLVED VILLAGE, EXCEPT THAT THE TOWN BOARD SHALL
47 HAVE THE POWER AT ANY TIME TO AMEND OR REPEAL SUCH LOCAL LAWS, ORDI-
48 NANCES, RULES OR REGULATIONS IN THE MANNER AS OTHER LOCAL LAWS, ORDI-
49 NANCES, RULES OR REGULATIONS OF THE TOWN.

50 2. IF THE VILLAGE HAS A ZONING BOARD OF APPEALS, OR A PLANNING BOARD,
51 OR BOTH, AND THE TOWN DOES NOT, THEN UPON DISSOLUTION THE TOWN BOARD
52 SHALL ACT IN PLACE OF SUCH BOARD OR BOARDS UNTIL THE TOWN BOARD SHALL
53 HAVE APPOINTED SUCH BOARD OR BOARDS FOR THE TOWN IN ACCORDANCE WITH THE
54 PROVISIONS OF THE TOWN LAW. SUCH APPOINTMENTS MAY BE MADE PRIOR TO
55 DISSOLUTION, TO BECOME EFFECTIVE UPON THE EFFECTIVE DATE OF DISSOLUTION.

1 S 790. DEBTS, LIABILITIES AND OBLIGATIONS. THE OUTSTANDING DEBTS,
2 LIABILITIES AND OBLIGATIONS OF THE DISSOLVED LOCAL GOVERNMENT ENTITY
3 SHALL BE ASSUMED BY THE TOWN IN WHICH THE DISSOLVED ENTITY WAS SITUATED
4 AND SHALL BE A CHARGE UPON THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE
5 DISSOLVED ENTITY, COLLECTED IN THE SAME MANNER AS TOWN TAXES. THE TOWN
6 BOARD SHALL HAVE ALL POWERS WITH RESPECT TO THE DEBTS, LIABILITIES AND
7 OBLIGATIONS AS THE GOVERNING BODY OF THE DISSOLVED ENTITY POSSESSED
8 PRIOR TO ITS DISSOLUTION, INCLUDING THE POWER TO ISSUE TOWN BONDS TO
9 REDEEM BOND ANTICIPATION NOTES ISSUED BY THE DISSOLVED ENTITY.

10 TITLE 4

11 MISCELLANEOUS PROVISIONS

12 SECTION 791. LIABILITY OF OFFICIALS AND EMPLOYEES.

13 792. SUPERSESSION.

14 793. SEPARABILITY.

15 S 791. LIABILITY OF OFFICIALS AND EMPLOYEES. IN THE ABSENCE OF FRAUD,
16 GROSS NEGLIGENCE OR WILLFUL MISFEASANCE, NO OFFICER OR EMPLOYEE OF A
17 LOCAL GOVERNMENT ENTITY SHALL BE HELD PERSONALLY LIABLE UPON ANY CLAIM
18 ARISING FROM THE CONSOLIDATION OR DISSOLUTION OF A LOCAL GOVERNMENT
19 ENTITY PURSUANT TO THIS ARTICLE OR ANY CIRCUMSTANCES CONNECTED WITH SUCH
20 CONSOLIDATION OR DISSOLUTION.

21 S 792. SUPERSESSION. THIS ARTICLE SHALL SUPERSEDE AND REPLACE ALL
22 OTHER STATE AND LOCAL LAWS RELATING TO THE PROCEDURES AND REQUIREMENTS
23 FOR THE CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT ENTITIES TO
24 THE EXTENT SUCH LAWS ARE NOT CONSISTENT WITH THIS ARTICLE, PROVIDED,
25 HOWEVER, THAT THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW NOW IN
26 EFFECT OR HEREAFTER ENACTED THAT ARE LESS RESTRICTIVE OR BURDENSOME THAN
27 THOSE PROVIDED IN THIS CHAPTER SHALL GOVERN DURING THE PERIOD IN WHICH
28 SUCH PROVISIONS ARE IN EFFECT. A STATE OR LOCAL LAW THAT IMPOSES PROCE-
29 DURES AND REQUIREMENTS FOR CONSOLIDATION AND DISSOLUTION NOT ADDRESSED
30 BY THIS ARTICLE IS DEEMED INCONSISTENT.

31 S 793. SEPARABILITY. IF ANY TITLE, SECTION, SUBDIVISION, PARAGRAPH OR
32 OTHER PART OF THIS ARTICLE SHALL BE ADJUDGED INVALID BY ANY COURT OF
33 COMPETENT JURISDICTION, SUCH JUDGMENT SHALL NOT INVALIDATE THE REMAINDER
34 THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE PART DIRECTLY
35 INVOLVED IN THE CONTROVERSY WHEREIN SUCH JUDGMENT SHALL HAVE BEEN
36 RENDERED.

37 S 3. Section 33-a of the municipal home rule law, as added by chapter
38 708 of the laws of 1970, is amended to read as follows:

39 S 33-a. Transfer of functions or duties of local governments and
40 districts. 1. Subject to restrictions in the constitution, in this
41 article or in any other applicable law, the board of supervisors of any
42 county may, by local law, transfer functions or duties of the county or
43 of the cities, towns, villages, districts or other units of government
44 wholly contained in such county to each other, or for the abolition of
45 one or more [offices, departments or agencies of such units of govern-
46 ment when all their functions or duties are so transferred] UNITS OF
47 GOVERNMENT, INCLUDING BUT NOT LIMITED TO OFFICES, DEPARTMENTS OR AGEN-
48 CIES THEREOF, WHEN THE LEVEL AND QUALITY OF ONGOING SERVICES OF ALL
49 THEIR FUNCTIONS OR DUTIES ARE TRANSFERRED.

50 2. Any such local law, or an amendment or repeal of one or more
51 provisions thereof which would have the effect of transferring OR ABOL-
52 ISHING a function or duty of the county or of the cities, towns,
53 villages, districts or other units of government wholly contained in the
54 county, shall not become operative unless and until it is approved at a
55 general election or at a special election, held in the county by receiv-
56 ing a majority of the total votes cast thereon: (a) in the area of the

1 county outside of cities and (b) in the area of cities of the county, if
2 any, considered as one unit, and if it provides for the transfer of any
3 function or duty to or from any village or for the abolition of any
4 office, department, agency or unit of government of a village wholly
5 contained in the county, it shall not take effect unless it shall also
6 receive a majority of all the votes cast thereon in all the villages so
7 affected considered as one unit. Such a local law, amendment or repeal
8 thereof, shall provide for its submission to the electors of the county
9 at the next general election or at a special election, occurring not
10 less than sixty days after the adoption thereof by the board of supervi-
11 sors.

12 S 4. Subdivision 2 of section 57 of the town law is REPEALED and
13 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
14 6 and 7.

15 S 5. Paragraph (e) of subdivision 1 of section 81 of the town law is
16 REPEALED, paragraphs (f) and (g) of such subdivision are relettered
17 paragraphs (e) and (f) and a new subdivision 5 is added to read as
18 follows:

19 5. A PROPOSITION FOR THE CONSOLIDATION OR DISSOLUTION OF A TOWN OR
20 DISTRICT SHALL BE NOTICED, CONDUCTED, CANVASSED AND OTHERWISE HELD
21 PURSUANT TO, AND IN ACCORDANCE WITH, THE PROVISIONS OF ARTICLE SEVEN-
22 TEEN-A OF THE GENERAL MUNICIPAL LAW; AND A PETITION TO CONSOLIDATE OR
23 DISSOLVE A TOWN OR DISTRICT SHALL BE SUBSCRIBED, AUTHENTICATED AND
24 OTHERWISE GOVERNED PURSUANT TO, AND IN ACCORDANCE WITH, THAT ARTICLE.

25 S 6. Subdivisions 1 and 2 of section 174 of the town law, subdivision
26 1 as amended by chapter 451 of the laws of 1937, paragraph a of subdivi-
27 sion 1 as amended by chapter 511 of the laws of 1974 and subdivision 2
28 as amended by chapter 77 of the laws of 1997, are amended to read as
29 follows:

30 1. [(a)] Whenever a fire district shall be established, within ten
31 days thereafter the town board of the town in which such district is
32 located or, in the case of a district including territory in two or more
33 towns, the town boards of such towns acting jointly by a majority vote
34 of the members of each of such town boards, shall appoint five fire
35 district commissioners and a treasurer for such district who shall hold
36 their respective offices until the thirty-first day of December next
37 succeeding; provided, however, that if such district be established
38 subsequent to the first day of October in any year, the officers so
39 appointed by the town board shall hold office until the thirty-first day
40 of December of the next succeeding calendar year. A person so appointed
41 as fire district commissioner shall not serve as chief or assistant
42 chief of the fire district fire department after taking his oath of
43 office as such commissioner and during the time he serves as such
44 commissioner pursuant to such appointment. The town clerk shall imme-
45 diately notify the appointees of their appointment and of the time and
46 place which he shall fix for the organization meeting of the board of
47 fire commissioners, which meeting shall be held not later than ten days
48 after the appointment of said officers. At such organization meeting,
49 the treasurer shall preside until such time as a chairman of the board
50 of fire commissioners shall be chosen, but such treasurer shall not be
51 entitled to a vote at such meeting. The board of fire commissioners
52 shall appoint a secretary who shall hold office until the thirty-first
53 day of December following the first election of fire district officers.

54 [(b)] Whenever two or more fire districts shall have been consolidated,
55 pursuant to this article, the several commissioners of each of such
56 districts shall constitute the board of fire commissioners thereof and

1 the several treasurers of such districts shall serve jointly as the
2 treasurers of such consolidated district, until the thirty-first day of
3 December next succeeding the first election of fire district commission-
4 ers and a treasurer for such consolidated district, held pursuant to
5 subdivision two of this section. The terms of office of such fire
6 district officers of the several districts so consolidated shall termi-
7 nate on said thirty-first day of December next succeeding such
8 election.]

9 2. The first election of fire district officers shall be held on the
10 second Tuesday in December next succeeding the establishment or consol-
11 idation of such fire district; provided, however, that if such district
12 be established [or consolidated] at a time subsequent to the first day
13 of October in any year, the first election of fire district officers
14 shall be held on the second Tuesday in the month of December of the next
15 succeeding calendar year. At the first annual election of fire district
16 officers, five district commissioners shall be elected and a treasurer.
17 The person receiving the greatest number of votes for the office of fire
18 commissioner shall be elected for a term of five years; the person
19 receiving the second highest number of votes shall be elected for a term
20 of four years; the person receiving the third highest number of votes
21 shall be elected for a term of three years; the person receiving the
22 fourth highest number of votes shall be elected for a term of two years
23 and the person receiving the fifth highest number of votes shall be
24 elected for a term of one year. In the event that two persons shall
25 receive the same number of votes the terms of office shall be decided by
26 lot. At each subsequent election of fire district officers a commission-
27 er shall be elected for the full term of five years. In the event that
28 two or more persons receive the same number of votes thereat, a special
29 election between the tying parties receiving the highest number of votes
30 to fill the vacancy shall be held within forty-five days after such
31 election. The fire district treasurer shall be elected for a term of
32 three years. The fire district secretary shall be appointed by the fire
33 district commissioners and shall serve for a period of one year. The
34 fire district secretary in office at the time such election is held
35 shall immediately notify the officers elected of their election and that
36 an organization meeting will be held on the day specified in said
37 notice, which shall not be later than the fifteenth day of January next
38 ensuing. At such organization meeting, the treasurer shall preside until
39 such time as a chairman of the board of fire commissioners shall be
40 chosen, but such treasurer shall not be entitled to a vote at such meet-
41 ing.

42 S 7. Subdivision 1 of section 176 of the town law, as amended by chap-
43 ter 94 of the laws of 1966, is amended to read as follows:

44 1. Shall elect one of their members as chairman at the first meeting
45 of fire commissioners after such district shall have been established
46 [or consolidated] and annually thereafter at the first meeting thereof
47 following each election of fire district officers. Such chairman, when
48 present, shall preside at the meetings of the board of fire commission-
49 ers. In the absence of the chairman the other members may designate one
50 of their members to act as temporary chairman.

51 S 8. Section 189-e of the town law, as added by chapter 241 of the
52 laws of 1988, is amended to read as follows:

53 S 189-e. Management of affairs of joint fire districts. Subject to the
54 restrictions hereinafter established, the property and affairs of joint
55 fire districts shall be under the management and control and in charge
56 of a board of not less than three and not more than seven commissioners,

1 appointed by the town board of the town or the town boards of the towns
2 and the board of trustees of the village or the boards of trustees of
3 the villages in joint session as hereinafter provided, or elected as
4 provided in article eleven of this chapter, as may be determined by
5 resolution adopted at the meeting for the establishment of the district
6 in the same manner as the resolution for the establishment of the
7 district is adopted; OR AS MAY BE DETERMINED BY A JOINT CONSOLIDATION
8 AGREEMENT OR ELECTOR INITIATED CONSOLIDATION PLAN IN ACCORDANCE WITH
9 ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW. In case it is deter-
10 mined that the commissioners shall be selected in the manner provided by
11 article eleven of this chapter, the appointments as provided for in
12 subdivision one of section one hundred seventy-four of this chapter
13 shall be made by the town board, or, if the district includes territory
14 in more than one town, by the town board of all of the towns at a joint
15 session held at one location within the district and thereafter
16 elections shall be held as provided in article eleven of this chapter
17 except that the terms of the commissioners shall be as hereinafter
18 provided. They shall be residents of such district and in case selection
19 is made as provided in article eleven of this chapter there shall be no
20 other residential requirement, but otherwise if there are an even number
21 of commissioners not more than half at any time shall be residents of
22 such village or villages and if there are an odd number, the number that
23 are residents of such village or villages shall not exceed the number
24 that are residents of such town or towns by more than one. First
25 appointments hereunder shall be made in the following manner: If there
26 be three commissioners, the term of one shall expire one year, of anothe-
27 er two years and of the other three years from the then next ensuing
28 thirty-first day of December, and thereafter one shall be appointed
29 annually for a term of three years from the date of the expiration of
30 the term of his predecessor. If there be four commissioners, the term of
31 one shall expire one year, of another two years, of another three years,
32 and of the other four years from the then next ensuing thirty-first day
33 of December, and thereafter one shall be appointed annually for a term
34 of four years from the date of the expiration of the term of his prede-
35 cessor. If there be five commissioners, the term of one shall expire one
36 year, of another two years, of another three years, of another four
37 years, and of the other five years from the then next ensuing thirty-
38 first day of December, and thereafter one shall be appointed annually
39 for a term of five years from the date of the expiration of a term of
40 his predecessor. If there be six commissioners, the term of one shall
41 expire one year, of another two years, of another three years, of anothe-
42 er four years, and of the remaining two, five years from the then next
43 ensuing thirty-first day of December, and thereafter appointments shall
44 be made for a term of five years from the date of the expiration of the
45 term of each commissioner. If there be seven commissioners, the term of
46 one shall expire one year, of another two years, of another three years,
47 and of two of the others four years, and of the remaining two, five
48 years from the then next ensuing thirty-first day of December, and ther-
49 eafter appointments shall be made for a term of five years from the date
50 of the expiration of the term of each commissioner. Such board of
51 commissioners may employ necessary labor and assistants, at a compen-
52 sation approved by such boards in joint session. Such commissioners
53 shall receive no compensation for their services, but they and their
54 employees shall be allowed and paid their necessary expenses, payable as
55 expenses of the district.

1 S 9. Subdivision 1 of section 195 of the town law, as amended by chap-
2 ter 522 of the laws of 1954, is amended to read as follows:

3 1. The town clerk shall cause a certified copy of the determination or
4 order of the town board adopted pursuant to the provisions of this arti-
5 cle, OR ADOPTED PURSUANT TO THE PROVISIONS OF ARTICLE SEVENTEEN-A OF THE
6 GENERAL MUNICIPAL LAW, establishing, extending, dissolving or diminish-
7 ing any district, consolidating districts or increasing the maximum
8 amount proposed to be expended for the improvement in any district or
9 extension thereof, or determining to construct any improvement author-
10 ized by this article, to be duly recorded in the office of the clerk of
11 the county in which the town is located, within ten days after the
12 adoption of such order or determination by the town board, and when so
13 recorded such determination or order shall be presumptive evidence of
14 the regularity of the proceedings for the establishment, extension,
15 dissolution or diminution of such district, of the proceedings insti-
16 tuted for the construction of such improvement and of all other action
17 taken by said town board in relation thereto.

18 Within ten days after the adoption of a determination or order by the
19 town board establishing, extending, dissolving or diminishing a
20 district, or consolidating districts, the town clerk shall cause a
21 certified copy thereof to be filed in the office of the state department
22 of audit and control at Albany, New York.

23 S 10. Subdivision 1 of section 202-c of the town law, as amended by
24 chapter 37 of the laws of 2000, is amended to read as follows:

25 1. [Upon a petition, as hereinafter provided, the] THE town board of
26 any town may dissolve and discontinue [any lighting, snow removal, water
27 supply, or refuse and garbage district or a sewer district in which no
28 sewer system has been constructed, provided that there be no indebt-
29 edness, outstanding and unpaid, incurred to accomplish any of the
30 purposes of such district] THOSE DISTRICTS DESCRIBED HEREINAFTER PURSU-
31 ANT EITHER TO THE PROVISIONS OF ARTICLE SEVENTEEN-A OF THE GENERAL
32 MUNICIPAL LAW OR THE PROCEDURES PROVIDED IN THIS SECTION.

33 1-A. UPON A PETITION, THE TOWN BOARD OF ANY TOWN MAY DISSOLVE AND
34 DISCONTINUE ANY LIGHTING, SNOW REMOVAL, WATER SUPPLY, OR REFUSE AND
35 GARBAGE DISTRICT OR A SEWER DISTRICT IN WHICH NO SEWER SYSTEM HAS BEEN
36 CONSTRUCTED, PROVIDED THAT THERE BE NO INDEBTEDNESS, OUTSTANDING AND
37 UNPAID, INCURRED TO ACCOMPLISH ANY OF THE PURPOSES OF SUCH DISTRICT.
38 Such petition shall be signed by [resident owners of taxable real prop-
39 erty aggregating at least one-half of all the taxable real property of
40 the district owned by resident owners according to the latest completed
41 assessment roll of the town, and acknowledged or proved in the same
42 manner as a deed to be recorded, or] AT LEAST TEN PERCENT OR FIVE THOU-
43 SAND, WHICHEVER IS LESS, OF THE REGISTERED VOTERS IN THIS STATE REGIS-
44 TERED TO VOTE IN SUCH DISTRICT AND authenticated in the manner provided
45 by the election law for the authentication of nominating petitions.
46 When any such petition containing the required signatures shall have
47 been presented, the town board shall adopt an order and enter the same
48 in the minutes of its proceedings, reciting in general terms the filing
49 of the petition, and specifying the purpose thereof, the name and bound-
50 aries of the district and the time when and place where said board will
51 meet to consider the petition and to hear all persons interested in the
52 subject thereof concerning the same. If the petition shall propose that
53 the area of the district be diminished, the order shall also describe
54 the portion of the district to be eliminated. The board shall cause a
55 copy of such order, certified by the town clerk, to be published at
56 least once in the official paper, the first publication thereof to be

1 not less than ten nor more than twenty days before the day set therein
2 for the hearing as aforesaid, and shall cause a copy thereof to be post-
3 ed on the sign board of the town maintained pursuant to subdivision six
4 of section thirty of this chapter not less than ten nor more than twenty
5 days before the day designated for the hearing as aforesaid. If the town
6 board shall determine, after such hearing and upon the evidence given
7 thereat, that it is in the public interest to dissolve the district or
8 to diminish the area thereof, the town board shall adopt an order
9 accordingly dissolving the district or diminishing its area. If there
10 are any contracts to accomplish the purpose of such district in force
11 and effect, the town board shall not dissolve such district, nor dimin-
12 ish the area thereof, prior to the expiration of such contracts. If the
13 district dissolved be wholly within a village incorporated since said
14 district was formed and prior to April first, nineteen hundred sixty-
15 five, all of the property of such district shall be and become the prop-
16 erty of such village and such village upon delivery thereof, shall
17 assume and pay all of the debts of such district. If the district shall
18 not be wholly included within the limits of any village incorporated
19 since said district was formed, all the property of such district shall
20 become the property of the town and such town upon delivery thereof,
21 shall assume and pay all the debts of such district.

22 S 11. Subdivision 2 of section 208-b of the town law is REPEALED, and
23 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
24 6 and 7.

25 S 12. Subdivision 2-a of section 2-254 of the village law is amended
26 to read as follows:

27 2-a. If the limits of a village incorporated prior to the first day of
28 April, nineteen hundred sixty-five are coterminous with the limits of,
29 or wholly include the territory of, a district, the board of trustees of
30 the village, by local law OR PURSUANT TO THE PROVISIONS OF ARTICLE
31 SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW, may abolish any such district.
32 In addition to any other notice required in connection with the adoption
33 of such local law generally, thirty days' written notice of the hearing
34 to be held in connection with such local law shall be given to the
35 governing body of any such district and to the town clerk. A certified
36 copy of any such local law shall be served upon or mailed to such
37 governing body and clerk within five days following the adoption there-
38 of. Except as otherwise provided in this section, the powers and duties
39 of the governing body of a district so abolished and of all the officers
40 of the district in connection therewith shall cease and determine upon
41 the effective date of such local law and any board of commissioners, any
42 office of commissioner and any other office of any such district shall
43 also cease to exist at such time. No such local law shall become effec-
44 tive except on the last day of a fiscal year of the town or district, as
45 the case may be.

46 S 13. Paragraph (c) of subdivision 2 and subdivision 3 of section
47 9-912 of the village law are REPEALED, paragraphs (d) and (e) of subdivi-
48 sion 2 are relettered paragraphs (c) and (d), and subdivision 4, as
49 renumbered by chapter 434 of the laws of 1977, is renumbered subdivision
50 3 and amended to read as follows:

51 3. A special election for submission of a proposition shall be
52 noticed, conducted, canvassed and otherwise held in the same manner as a
53 general village election; PROVIDED, HOWEVER, THAT A PROPOSITION FOR THE
54 CONSOLIDATION OR DISSOLUTION OF A VILLAGE SHALL BE NOTICED, CONDUCTED,
55 CANVASSED AND OTHERWISE HELD PURSUANT TO, AND IN ACCORDANCE WITH, THE
56 PROVISIONS OF ARTICLE SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW.

1 S 14. Article 5-B and sections 172, 172-b, 172-d, 185, 189-c, 206,
2 206-a and 209-r of the town law, and sections 18-1806, 18-1808, 18-1810,
3 18-1812, 18-1814, 18-1816 and 18-1818 and article 19 of the village law
4 are REPEALED.

5 S 15. Subdivision 21-a of section 2.00 of the local finance law, as
6 added by chapter 778 of the laws of 1957, is amended to read as follows:

7 21-a. The term "full valuation", when used in relation to real proper-
8 ty subject to taxation by a fire district, shall mean the valuation
9 which is derived by dividing the assessed valuation of the real property
10 concerned, as shown by the last completed assessment roll for the fire
11 district, by the town equalization rate established by the authorized
12 state officer or agency for such roll. Where, in the case of a newly-
13 created fire district, there is no completed assessment roll for such
14 fire district, full valuation shall be determined from the last
15 completed [assesment] ASSESSMENT roll upon which the real property
16 included within the district was assessed for town purposes prior to
17 such creation. Where, after the boundaries of a fire district shall
18 have been changed so that real property subject to taxation for fire
19 district purposes shall have been thereby added to or subtracted from
20 the area of the fire district, there is no completed assessment roll for
21 the fire district as so changed, full valuation shall be determined from
22 the last completed assessment roll upon which the real property included
23 in the fire district after such change was assessed prior to such change
24 for town or fire district purposes, as the case may be. For the purpose
25 of contracting indebtedness or for the purpose of preparing debt state-
26 ments, the assessment rolls referred to in this subdivision shall mean
27 such assessment rolls as completed, verified and filed by the assessors.
28 Where two or more fire districts consolidate to form one fire district
29 [pursuant to section one hundred seventy-two of the town law,] the
30 consolidated fire district, for the purpose of this subdivision, shall
31 not be deemed a newly-created fire district, but shall be deemed an
32 existing fire district and its full valuation shall be determined
33 accordingly.

34 S 16. Subdivision 2 of paragraph d of section 24.00 of the local
35 finance law, as amended by chapter 735 of the laws of 1954, is amended
36 to read as follows:

37 2. In the case of the establishment of any improvement district of a
38 county or of a town, which is to be financed by taxes or assessments
39 levied upon an ad valorem or benefit basis, or in the case of the
40 consolidation of special improvement districts [pursuant to section two
41 hundred six of the town law], prior to the first levy in which such
42 taxes or assessments are to be levied for such district or consolidated
43 district the county or town, as the case may be, may issue tax antic-
44 ipation notes for the necessary expenses incidental to the creation of
45 such district or consolidation of such districts, and the other neces-
46 sary expenses incurred or to be incurred for such district or consol-
47 idated district prior to such levy.

48 S 17. Paragraphs (d) and (e) of subdivision 6 of section 209-q of the
49 town law, as added by chapter 567 of the laws of 1973, are amended to
50 read as follows:

51 (d) The town clerk shall cause a certified copy of any resolution or
52 order adopted pursuant to paragraph (c) of this subdivision, subdivision
53 five or paragraph (c) of subdivision eight of this section[, or section
54 two hundred nine-r of this chapter] to be duly recorded in the office of
55 the clerk of the county in which the town is located within ten days
56 after the adoption of such resolution, or within ten days of the receipt

1 of notification of the approval of the state comptroller where such
2 approval is required by subdivision five or subdivision thirteen of this
3 section. When so recorded, such resolution shall be presumptive evidence
4 of the regularity of the proceedings and actions taken by the town board
5 in relation thereto.

6 (e) Any interested person aggrieved by any resolution or order adopted
7 pursuant to paragraph (c) of this subdivision, subdivision five or para-
8 graph (c) of subdivision eight of this section[, or section two hundred
9 nine-r of this chapter] may review the same by a proceeding pursuant to
10 article seventy-eight of the civil practice law and rules provided such
11 proceeding is commenced within thirty days from the date of the record-
12 ing of the certified copy of the resolution or order in the office of
13 the county clerk. Any such resolution or order shall be final and
14 conclusive unless a proceeding pursuant to article seventy-eight of the
15 civil practice law and rules has been commenced within thirty days from
16 the date of recording thereof. No review shall be had unless at the time
17 the proceeding is commenced the interested person seeking the review
18 shall give an undertaking approved by the supreme court, or a justice
19 thereof, as to form, amount and sufficiency of sureties, that, in the
20 event of failure to modify such resolution or order he or they will pay
21 to the town board all costs and expenses as are incurred by it on
22 account of the said proceeding as shall be determined by the court. In
23 the event that upon such review there shall be any modification by the
24 court of such resolution the court shall direct the modification thereof
25 by order which shall be final and conclusive and such town board shall
26 cause such order to be recorded and filed in the same place and manner
27 as was the resolution or order appealed from.

28 S 18. Savings clause. Notwithstanding the repeal or amendment of any
29 law by this act, nothing in this act shall be construed to impair the
30 consolidation or dissolution of any local government entity pursuant to
31 any such repealed or amended law if there was commenced in or for such
32 local government entity prior to the effective date of this act a
33 consolidation or dissolution proceeding pursuant to such law, in which
34 event the provisions of such former law shall govern such proceeding as
35 though such former law had not been repealed hereby.

36 S 19. This act shall take effect on the two hundred seventieth day
37 after it shall have become a law.