S T A T E O F N E W Y O R K

7238

I N S E N A T E

March 25, 2010

Introduced by Sens. C. JOHNSON, FOLEY -- 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 and the municipal home rule law, in relation to the requirements for consolidating or dissolving certain local government entities

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

Section 1. Subdivision 2 of section 752 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

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, INCLUDING BUT NOT LIMITED TO:

(I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;

(II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH CONSOLIDATION;

(III) THE ELIMINATION OF ELECTED OFFICES;

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

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(IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; AND

(V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;

(h) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;

(I) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS ARTICLE;

(J) 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)] (K) each entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;

[(j)] (L) terms for the disposition of existing assets, liabilities and indebtedness of each local government entity, either jointly, separately or in certain defined proportions;

[(k)] (M) 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)] (N) the effective date of the proposed consolidation; and

[(m)] (O) 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 2. Section 755 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

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, then contemporaneous] CONTEMPORANEOUS with the final approval of the joint consolidation agreement pursuant to subdivision three of section seven hundred fifty-four of this title, the governing body or bodies of the local government entities to be consolidated shall enact a resolution calling for a referendum on the proposed consolidation by the electors in each of the entities.

2. The resolution calling for the referendum on the proposed consolidation shall:

(a) provide (i) the name of each [of the towns and/or villages] LOCAL GOVERNMENT ENTITY proposed to be consolidated, (ii) a statement fully describing the territory to be included within the proposed consolidated local government entity, (iii) the name of the proposed consolidated local government entity, and (iv) the date for the referendum, in accordance with subdivision one of section seven hundred fifty-eight of this title;

(b) state the substance of the question to be submitted to the electors; and

(c) set forth 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 resolution calling for a referendum on the proposed consolidation shall have attached to it the final approved version of the joint consolidation agreement.

S 3. Subdivision 2 of section 757 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

2. The petition shall contain [the] signatures [of] EQUAL TO at least ten percent of the number of electors AT THE LAST GENERAL ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors], whichever is less, in each local government entity to be consolidated; provided, however, that where the local government entity to be consolidated contains five hundred or fewer electors, the petition shall contain [the] signatures [of] EQUAL TO at least twenty percent of the number of electors AT THE LAST GENERAL ELECTION OF THE LOCAL GOVERNMENT ENTITY. No signature on a petition is valid unless it is the original signature of an elector AND SIGNED WITHIN SIXTY DAYS OF THE PETITION BEING FILED WITH THE CLERK.

S 4. Section 760 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 760. Duty to approve proposed elector initiated consolidation plan. 1. In the case of a proposed consolidation of local government entities properly initiated by petition of electors pursuant to section seven hundred fifty-seven of this title, if a majority of the electors voting in a referendum held in each of the local government entities to be consolidated vote in favor of consolidation, the entities' governing body or bodies shall meet within thirty days after certification of the favorable vote [and, within one hundred eighty days of such meeting, prepare and approve by resolution a proposed elector initiated consolidation plan].

2. WITHIN TWELVE MONTHS OF A MEETING OF THE LOCAL GOVERNING BODY OR BODIES PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE LOCAL GOVERNING BODY OR BODIES MUST PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOLIDATION PLAN. THE LOCAL GOVERNING BODY OR BODIES MAY EXTEND THE TIME TO COMPLETE THE CONSOLIDATION PLAN BY NINETY-DAY INTERVALS FOR UP TO ONE ADDITIONAL YEAR.

3. The proposed elector initiated consolidation plan shall include:

(a) the name of each local government entity to be consolidated;

(b) the name of what will be the 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 consolidated local government entity;

(d) the territorial boundaries of the consolidated local government entity;

(e) the type and/or class of the consolidated local government entity;

(f) the governmental organization of the 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, INCLUDING BUT NOT LIMITED TO:

(I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;

(II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH CONSOLIDATION;

(III) THE ELIMINATION OF ELECTED OFFICES;

(IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; AND

(V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;

(h) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;

(I) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS ARTICLE;

(J) 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)] (K) each entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;

[(j)] (L) terms for the disposition of existing assets, liabilities and indebtedness of each local government entity, either jointly, separately or in certain defined proportions;

[(k)] (M) terms for the common administration and uniform enforcement of local laws, ordinances, resolutions, orders and the like, within the consolidated local government entity, consistent with section seven hundred sixty-nine of this title;

[(l)] (N) the effective date of the consolidation; and

[(m)] (O) the time and place or places for the public hearing or hearings on such proposed elector initiated consolidation plan pursuant to section seven hundred sixty-two of this title.

S 5. Section 763 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 763. [Effective date of] REFERENDUM ON THE elector initiated consolidation plan[; permissive referendum]. 1. [Local government entities consolidated pursuant to an elector initiated consolidated plan shall continue to be governed as before consolidation until the effective date of the consolidation specified in such plan, which date shall be no less than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred sixty-two or subdivision four of section seven hundred sixty-four of this title.

2. Notwithstanding subdivision one of this section, the] THE elector initiated consolidation plan shall not take effect [if, no later than forty-five days after final approval thereof pursuant to subdivision three of section seven hundred sixty-two or subdivision four of section seven hundred sixty-four of this title, electors of a local government entity to be consolidated pursuant to such plan shall:

(a) file an original petition, containing not less than the number of signatures provided for in subdivision three of this section, seeking a referendum on the question whether the elector initiated consolidation plan shall take effect, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village; and

(b) thereafter less than] UNLESS a majority of the electors in [the] EACH entity vote in the affirmative on such question at a referendum.

[3. The petition shall be circulated, signed and authenticated in substantial compliance with the provisions of section seven hundred fifty-seven of this title, shall contain the signatures of at least twenty-five percent of the number of electors or fifteen thousand electors, whichever is less, in the local government entity to be consolidated, and shall be accompanied by a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

4. Within ten days of the filing of the petition seeking a referendum on whether the elector initiated dissolution plan shall take effect, 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 law and rules. Upon the clerk's determination that the petition contains no less than the required number of signatures, the governing body of the local government entity to which such petition applies shall within thirty days enact a resolution calling for a referendum by the electors of such entity on the question whether to approve the elector initiated consolidation plan and set a date for such referendum in accordance with subdivision five of this section.

5.] 2. The referendum on the question OF whether the elector initiated consolidation plan shall take effect shall be submitted at [a special election to be held not less than sixty or more than ninety] THE LOCAL GOVERNMENT ENTITY'S NEXT GENERAL ELECTION OR AT THE NEXT ELECTION TO FILL A VACANCY IN OFFICE FOR A LOCAL ELECTED OFFICIAL OF THE LOCAL GOVERNMENT ENTITY, WHICHEVER IS SOONER, BUT IN NO CASE MAY THE REFERENDUM BE HELD SOONER THAN FORTY-FIVE days after enactment of a resolution pursuant to subdivision [four] THREE of this section[, 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].

[6.] 3. Notice of the referendum shall be given to the electors of the local government entity to which the petition applies 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 consolidation plan;

(b) a statement as to where may be examined a copy of the resolution and elector initiated consolidation 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.] 4. In a referendum held pursuant to this section, the referendum question shall be placed before the electors of the local government entity to which the petition applies in a form reading substantially as follows:

"The voters of the (insert type and name of each local government entity to which the consolidation plan applies) having previously voted to consolidate, shall the elector initiated consolidation plan take effect?

YES _____

NO _____"

[8.] 5. The elector initiated consolidation plan shall not take effect unless a majority of the electors voting in the local government entity to which the petition applies vote in favor of such plan taking effect. If such a majority vote does not result, the referendum shall fail and consolidation shall not take effect.

6. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITIES BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM.

S 6. Paragraph (a) of subdivision 2 of section 773 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

(a) a resolution of the governing body of the local government entity to be dissolved [endorsing a proposed dissolution plan]; or

S 7. Section 774 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

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] INITIATE A DISSOLUTION PROCEEDING BY FORMING A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMENDATIONS REGARDING THE DISSOLUTION AND TERMINATION OF A LOCAL GOVERNMENT ENTITY.

2. THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER THAT ARE SUBJECT TO THE GOVERNING BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (OR IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMISSIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERNMENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF THE GOVERNING BODY (OR IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE LOCAL GOVERNMENT ENTITY IS LOCATED.

3. THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY FORUMS AND PUBLIC HEARINGS DEEMED NECESSARY TO DEVELOP A DISSOLUTION PLAN. IT SHALL BE A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE COMMISSION SHALL BE A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE COMMISSION ARE REQUIRED TO FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY.

4. WITHIN TWELVE MONTHS OF THE FORMATION OF A COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COMMISSION SHALL PREPARE AND APPROVE A PROPOSED DISSOLUTION PLAN. THE LOCAL GOVERNING BODY MAY EXTEND THE TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY-DAY INTERVALS FOR UP TO ONE ADDITIONAL YEAR UPON THE REQUEST OF THE COMMISSION.

5. 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) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
(O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
(P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
(I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;
(II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH DISSOLUTION;
(III) THE ELIMINATION OF ELECTED OFFICES;
(IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; AND
(V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;
(Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS ARTICLE; AND
(R) any other matter desirable or necessary to carry out the dissolution.
6. A PUBLIC HEARING SHALL BE HELD ON THE FINALIZED PLAN AFTER AT LEAST SEVEN DAYS NOTICE, PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL GOVERNMENT ENTITY. AFTER CONDUCTING SUCH PUBLIC HEARING, THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MUST FILE A FINALIZED DISSOLUTION PLAN AND THE COMMISSION'S RECOMMENDATIONS ON WHETHER TO DISSOLVE THE LOCAL GOVERNMENT ENTITY WITH THE CLERK OF SUCH LOCAL GOVERNMENT ENTITY WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT ENTITY'S GOVERNING BODY.
S 8. The opening paragraph of section 775 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:
No later than five business days after [commencement of dissolution proceedings] THE DELIVERY OF THE DISSOLUTION PLAN AND RECOMMENDATION pursuant to section seven hundred seventy-four of this title, the governing body of the local government entity to be dissolved shall:
S 9. Subdivisions 1 and 3 of section 776 of the general municipal law, as added by chapter 74 of the laws of 2009, are amended to read as follows:
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] RECEIVING THE DISSOLUTION PLAN RECOMMENDATIONS 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.

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] FIVE 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 by the governing body of a final version of the dissolution plan must occur within one hundred eighty days of the final hearing.

S 10. Section 777 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 777. Referendum resolution for dissolution [of villages]. 1. [If a dissolution plan calls for the dissolution of a village, then contemporaneous] CONTEMPORANEOUS with the final approval of the dissolution plan pursuant to subdivision three of section seven hundred seventy-six of this title, the governing body of the [village] LOCAL GOVERNMENT ENTITY shall enact a resolution calling for a referendum on the proposed dissolution by the electors in the [village] LOCAL GOVERNMENT ENTITY.

2. The resolution calling for the referendum on the proposed dissolution shall:

(a) provide (i) the name of the [village] LOCAL GOVERNMENT ENTITY to be dissolved; and (ii) the date for the referendum, in accordance with subdivision one of section seven hundred eighty of this title;

(b) state the substance of the question to be submitted to the electors; and

(c) set forth 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 resolution calling for the referendum on the proposed dissolution shall have attached to it the final approved version of the dissolution plan.

4. IF THE REFERENDUM SHALL FAIL, THE DISSOLUTION PROCESS SPECIFIED BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITY BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM.

S 11. Subdivisions 1 and 2 of section 779 of the general municipal law, as added by chapter 74 of the laws of 2009, are amended to read as follows:

1. The electors of a local government entity may commence a dissolution proceeding by filing an original petition, containing not less than the number of signatures provided for in subdivision two of this section and in the form provided for in subdivision three of this section, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village. Accompanying the filed petition shall be a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person. A PETITION MAY NOT BE SUBMITTED PURSUANT TO THIS SECTION IF A RESOLUTION INITIATING THE DISSOLUTION PROCESS HAS BEEN ADOPTED PURSUANT

TO SECTION SEVEN HUNDRED SEVENTY-FOUR OF THIS TITLE UNTIL SUCH PROCESS HAS BEEN COMPLETED.

2. The petition shall contain [the] signatures [of] EQUAL TO at least ten percent of the number of electors AT THE LAST GENERAL ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors], whichever is less, in the local government entity to be dissolved; provided, however, that where the local government entity to be dissolved contains five hundred or fewer electors, the petition shall contain [the] signatures [of] EQUAL TO at least twenty percent of the number of electors AT THE LAST GENERAL ELECTION OF THE LOCAL GOVERNMENT ENTITY. No signature on a petition is valid unless it is an original signature of an elector AND SIGNED WITHIN SIXTY DAYS OF THE PETITION BEING FILED WITH THE CLERK.

S 12. Section 782 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 782. Duty to approve proposed elector initiated dissolution plan. 1. In the case of a proposed dissolution of a local government entity properly initiated by petition of electors pursuant to section seven hundred seventy-nine of this title, if a majority of the electors voting at a referendum vote in favor of dissolution, the entity's governing body shall meet within thirty days after certification of the favorable vote and[, within one hundred eighty days of such meeting,] FORM A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMENDATIONS REGARDING THE DISSOLUTION AND TERMINATION OF A LOCAL GOVERNMENT ENTITY.

2. THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERNING BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMISSIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERNMENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF THE GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE LOCAL GOVERNMENT ENTITY IS LOCATED.

3. THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY FORUMS AND PUBLIC HEARINGS DEEMED NECESSARY TO DEVELOP A DISSOLUTION PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE COMMISSION SHALL BE A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE COMMISSION ARE REQUIRED TO FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY.

4. WITHIN TWELVE MONTHS OF THE FORMATION OF A COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COMMISSION SHALL prepare and approve a proposed elector initiated dissolution plan. THE LOCAL GOVERNING BODY MAY EXTEND THE TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY-DAY INTERVALS FOR UP TO ONE ADDITIONAL YEAR UPON THE REQUEST OF THE COMMISSION.

[2.] 5. The proposed elector initiated 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 dissolution;
(m) the time and place or places for a public hearing or hearings on such proposed dissolution plan pursuant to section seven hundred eighty-four of this title; [and]
(n) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
(O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
(P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
(I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;
(II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH DISSOLUTION;
(III) THE ELIMINATION OF ELECTED OFFICES;
(IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; AND
(V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;
(Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS ARTICLE; AND
(R) any other matter desirable or necessary to carry out the dissolution.
6. A PUBLIC HEARING SHALL BE HELD ON THE FINALIZED PLAN AFTER AT LEAST SEVEN DAYS NOTICE, PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL GOVERNMENT ENTITY. AFTER CONDUCTING SUCH PUBLIC HEARING, THE COMMISSION FORMED PURSUANT TO SUBDIVISION ONE OF THIS SECTION MUST FILE A FINALIZED DISSOLUTION PLAN AND THE COMMISSION'S RECOMMENDATIONS ON WHETHER TO DISSOLVE THE LOCAL GOVERNMENT ENTITY WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT ENTITY'S GOVERNING BODY.
S 13. Subdivision 1 of section 784 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:
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 elector initiated dissolution plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days

after [the proposed elector initiated dissolution plan is approved] RECEIVING THE DISSOLUTION PLAN RECOMMENDATIONS pursuant to section seven hundred eighty-two of this title. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed dissolution.

S 14. Section 785 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 785. [Effective date of] REFERENDUM ON THE elector initiated dissolution plan[; permissive referendum]. 1. [A local government entity dissolved pursuant to an elector initiated dissolution plan shall continue to be governed as before dissolution until the effective date of the dissolution specified in the elector initiated dissolution plan, which date shall be no less than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred eighty-four or subdivision three of section seven hundred eighty-six of this title.

2. Notwithstanding subdivision one of this section, the] THE elector initiated dissolution plan shall not take effect [if, no later than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred eighty-four or subdivision three of section seven hundred eighty-six of this title, electors of the local government entity to be dissolved shall:

(a) file an original petition, containing not less than the number of signatures provided for in subdivision three of this section, seeking a referendum on the question whether the elector initiated dissolution plan shall take effect, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village; and

(b) thereafter less than] UNLESS a majority of the electors vote in the affirmative on such question at a referendum.

[3. The petition shall be circulated, signed and authenticated in substantial compliance with the provisions of section seven hundred seventy-nine of this title, shall contain the signatures of at least twenty-five percent of the number of electors or fifteen thousand electors, whichever is less, in the local government entity to be dissolved, and shall be accompanied by a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

4. Within ten days of the filing of the petition seeking a referendum on whether the elector initiated dissolution plan shall take effect, 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 law and rules. Upon the clerk's determination that the petition contains no less than the required number of signatures, the governing body of the local government entity to be dissolved shall within thirty days enact a resolution calling for a referendum by the electors on the question whether the elector initiated dissolution plan shall take effect and set a date for such referendum in accordance with subdivision five of this section.

5.] 2. The referendum on the question OF whether the elector initiated dissolution plan shall take effect shall be submitted at [a special

election to be held not less than sixty or more than ninety] THE LOCAL GOVERNMENT ENTITY'S NEXT GENERAL ELECTION OR AT THE NEXT ELECTION TO FILL A VACANCY IN OFFICE FOR A LOCAL ELECTED OFFICIAL OF THE LOCAL GOVERNMENT ENTITY, WHICHEVER IS SOONER, BUT IN NO CASE MAY THE REFERENDUM BE HELD SOONER THAN FORTY-FIVE days after enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR INITIATED DISSOLUTION PLAN pursuant to subdivision [four] THREE of [this section, 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] SECTION SEVEN HUNDRED EIGHTY-FOUR OF THIS TITLE.

[6.] 3. 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.] 4. 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.] 5. 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.

6. IF THE REFERENDUM SHALL FAIL, THE DISSOLUTION PROCESS SPECIFIED BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITY BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM.

S 15. Subdivision 2 of section 33-a of the municipal home rule law, as amended by chapter 74 of the laws of 2009, is amended to read as follows:

2. Any such local law, or an amendment or repeal of one or more provisions thereof which would have the effect of transferring or abolishing a function or duty of the county or of the cities, towns, villages, districts or other units of government wholly contained in the county, shall not become operative unless and until it is approved at a general election or at a special election, held in the county by receiving a majority of the total votes cast thereon: (a) in the area of the county outside of cities and (b) in the area of cities of the county, if any, considered as one unit, and if it provides for the transfer of any function or duty to or from any village or for the abolition of any office, department, agency or unit of government of a village wholly

contained in the county, it shall not take effect unless it shall also receive a majority of [all] the votes cast thereon in [all] EACH OF the villages OR LOCAL UNITS OF GOVERNMENT so affected [considered as one unit]. Such a local law, amendment or repeal thereof, shall provide for its submission to the electors of the county at the next general election or at a special election, occurring not less than sixty days after the adoption thereof by the board of supervisors.

S 16. This act shall take effect immediately.