

1824--A

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and to repeal sections 758, 759, 780 and 781 of the general municipal law relating thereto

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

- 1 Section 1. Subdivision 2 of section 752 of the general municipal law,
2 as added by chapter 74 of the laws of 2009, is amended to read as
3 follows:
4 2. The proposed joint consolidation agreement shall specify:
5 (a) the name of each local government entity to be consolidated;
6 (b) the name of the proposed consolidated local government entity,
7 which name shall be such as to distinguish it from the name of any other
8 like unit of government in the state of New York (except the name of any
9 one of the entities to be consolidated);
10 (c) the rights, duties and obligations of the proposed consolidated
11 local government entity;
12 (d) the territorial boundaries of the proposed consolidated local
13 government entity;
14 (e) the type and/or class of the proposed consolidated local govern-
15 ment entity;
16 (f) the governmental organization of the proposed consolidated local
17 government entity insofar as it concerns elected and appointed officials
18 and public employees, along with a transitional plan and schedule for
19 elections and appointments of officials;

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

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(g) a fiscal estimate of the cost of and savings which may be realized from consolidation[;], 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 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;

[(h)] (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.

4. 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. THIS MORATORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT COMBINATION OF LOCAL GOVERNMENT ENTITIES.

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

S 757. Initiative of electors seeking consolidation. 1. The electors of two or more local government entities may commence a consolidation 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 entities or the greater portion of their territory are located, except that if one or more of the entities to be consolidated 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.

2. The petition shall contain [the] signatures [of] EQUAL TO at least [ten] TWENTY-FIVE 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 at least twenty percent of the number of electors]. No signature on a petition is valid unless it is the original signature of an elector. FOR A SIGNATURE TO BE VALID, IT MUST BE SIGNED WITHIN ONE HUNDRED TWENTY DAYS OF THE PETITION BEING FILED WITH THE CLERK.

3. The petition shall substantially comply with, and be circulated in, the following form:

PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

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 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) PURSUANT TO A CONSOLIDATION PLAN DEVELOPED AND PRESENTED TO THE PUBLIC PRIOR TO THE REFERENDUM.

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. _____	_____	_____
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2. _____	_____	_____
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1 3.

2 (On the bottom of each page of the petition, after all of the numbered
3 signatures, insert a signed statement of a witness who is a duly quali-
4 fied elector of the state of New York. Such a statement shall be
5 accepted for all purposes as the equivalent of an affidavit, and if it
6 contains a material false statement, shall subject the person signing it
7 to the same penalties as if he or she has been duly sworn. The form of
8 such statement shall be substantially as follows:

9 I, (insert name of witness), state that I am a duly qualified voter of
10 the state of New York. Each of the persons that have signed this peti-
11 tion sheet containing (insert number) signatures have signed their names
12 in my presence on the dates indicated above and identified themselves to
13 be the same person who signed the sheet. I understand that this state-
14 ment will be accepted for all purposes as the equivalent of an affida-
15 vit, and if it contains a materially false statement, shall subject me
16 to the penalties of perjury.

17
18 Date

Signature of Witness)

19 (In lieu of the signed statement of a witness who is a duly qualified
20 voter of the state of New York, the following statement signed by a
21 notary public or a commissioner of deeds shall be accepted:

22 On the date indicated above before me personally came each of the
23 electors and legal voters whose signatures appear on this petition sheet
24 containing (insert number) signatures, who signed the petition in my
25 presence and who, being by me duly sworn, each for himself or herself,
26 identified himself or herself as the one and same person who signed the
27 petition and that the foregoing information they provided was true.

28
29 Date

Notary Public or Commissioner of Deeds)

30 4. An alteration or correction of information appearing on a
31 petition's signature line, other than an un-initialed signature and
32 date, shall not invalidate such signature.

33 5. In matters of form, this section shall be liberally construed, not
34 inconsistent with substantial compliance thereto and the prevention of
35 fraud.

36 6. Within ten days of the filing of the petition seeking consolidation
37 pursuant to subdivision one of this section, the clerk with whom the
38 petition was filed shall make a final determination regarding the suffi-
39 ciency of the number of signatures on the petition and provide timely
40 written notice of such determination to the contact person named in the
41 cover sheet accompanying the petition. The contact person or any indi-
42 vidual who signed the petition may seek judicial review of such determi-
43 nation in a proceeding pursuant to article seventy-eight of the civil
44 practice [laws] LAW and rules.

45 [7. Upon the clerk's determination that the petition contains not less
46 than the number of signatures of electors required in subdivision two of
47 this section, the governing body or bodies of the local government enti-
48 ties to be consolidated shall, no later than thirty days thereafter,
49 enact a resolution in accordance with subdivision two of section seven
50 hundred fifty-five of this title calling for a referendum on the
51 proposed consolidation by the electors in each of the entities and set a
52 date for such referendum.]

53 S 4. Sections 758 and 759 of the general municipal law are REPEALED.

54 S 5. Section 760 of the general municipal law, as added by chapter 74
55 of the laws of 2009, is amended to read as follows:

1 S 760. [Duty to approve proposed elector initiated] STUDY COMMISSION
2 AND DEVELOPMENT OF PROPOSED consolidation plan. 1. [In the case of a
3 proposed consolidation of local government entities properly initiated
4 by petition of electors pursuant to section seven hundred fifty-seven of
5 this title, if a majority of the electors voting in a referendum held in
6 each of the local government entities to be consolidated vote in favor
7 of consolidation] UPON THE CLERK OF EACH LOCAL GOVERNMENT ENTITY DETER-
8 MINING THAT THE PETITION CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES
9 OF ELECTORS REQUIRED IN SUBDIVISION TWO OF SECTION SEVEN HUNDRED FIFTY-
10 SEVEN OF THIS TITLE, the entities' governing body or bodies [shall] MUST
11 meet within thirty days after certification of the [favorable vote and,
12 within one hundred eighty days of such meeting, prepare and approve by
13 resolution a proposed elector initiated consolidation plan] PETITION TO
14 FORM A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMENDA-
15 TIONS REGARDING THE CONSOLIDATION OF (INSERT TYPE AND NAME OF LOCAL
16 GOVERNMENT ENTITIES).

17 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
18 GOVERNING BODIES DETERMINE TO BE BENEFICIAL FOR DEVELOPING A CONSOL-
19 IDATION PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION
20 TO APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERN-
21 ING BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF
22 A SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF
23 COMMISSIONERS) OF EACH LOCAL GOVERNMENT ENTITY, ONE MEMBER OF EACH LOCAL
24 GOVERNMENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
25 THE GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT,
26 THE BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
27 REPRESENTATIVE). EACH LOCAL GOVERNMENT ENTITY MUST HAVE EQUAL REPRESENTATION ON THE COMMISSION.

28 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
29 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A CONSOLIDATION
30 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODIES TO APPRO-
31 PRIATE MONEY FOR NECESSARY EXPENSES RELATED TO STUDYING THE PROPOSED
32 CONSOLIDATION AND DEVELOPING A CONSOLIDATION PLAN. THE STUDY COMMISSION
33 IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE HUNDRED TWO OF THE
34 PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION WHO ARE NOT ALREADY
35 PUBLIC OFFICERS MUST FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL
36 GOVERNMENT ENTITY.

37 4. WITHIN TWO HUNDRED AND SEVENTY DAYS OF ITS FORMATION, THE STUDY
38 COMMISSION MUST PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOL-
39 IDATION PLAN. UPON THE REQUEST OF THE STUDY COMMISSION, THE LOCAL
40 GOVERNING BODIES MAY EXTEND THE TIME TO COMPLETE THE CONSOLIDATION PLAN
41 BY NINETY DAYS.

42 [2.] 5. The proposed elector initiated consolidation plan shall
43 include:

- 44 (a) the name of each local government entity to be consolidated;
- 45 (b) the name of what will be the consolidated local government entity,
46 which name shall be such as to distinguish it from the name of any other
47 like unit of government in the state of New York (except the name of any
48 one of the entities to be consolidated);
- 49 (c) the rights, duties and obligations of the consolidated local
50 government entity;
- 51 (d) the territorial boundaries of the consolidated local government
52 entity;
- 53 (e) the type and/or class of the consolidated local government entity;
- 54 (f) the governmental organization of the consolidated local government
55 entity insofar as it concerns elected and appointed officials and public
56

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 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 elector initiated consolidation plan pursuant to section seven hundred sixty-two of this title[.];

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

(O) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED FROM CONSOLIDATION, 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 CONSOLIDATION; (III) THE ELIMINATION OF ELECTED OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;

(P) 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; AND

(Q) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE CONSOLIDATION.

6. DELIVERY OF THE PLAN TO THE GOVERNING BODIES. AFTER CONDUCTING A PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER OR NEWSPAPERS WITH GENERAL CIRCULATION IN THE LOCAL GOVERNMENT ENTITIES, THE CONSOLIDATION STUDY COMMISSION MUST FILE A FINALIZED CONSOLIDATION PLAN AND ITS RECOMMENDATIONS ON WHETHER TO CONSOLIDATE WITH THE CLERKS OF THE LOCAL GOVERNMENT ENTITIES WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT ENTITIES' GOVERNING BODIES.

S 6. The opening paragraph of section 761 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 [approving] RECEIVING a proposed elector initiated consolidation plan pursuant to section seven hundred sixty of this title, the governing body or bodies of the local government entities to be consolidated shall:

S 7. Subdivision 1 of section 762 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 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 elector initiated consolidation plan. The

1 hearing or hearings shall be held no less than thirty-five days and no
2 more than ninety days after RECEIVING the proposed elector initiated
3 consolidation plan [is approved] DEVELOPED pursuant to section seven
4 hundred sixty of this title. The hearing or hearings may be held jointly
5 or separately by the governing body or bodies of the entities. Any
6 interested person shall be given a reasonable opportunity to be heard on
7 any aspect of the proposed consolidation.

8 S 8. Section 763 of the general municipal law, as added by chapter 74
9 of the laws of 2009, is amended to read as follows:

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

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

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

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

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

41 4. Within ten days of the filing of the petition seeking a referendum
42 on whether the elector initiated dissolution plan shall take effect, the
43 clerk with whom the petition was filed shall make a final determination
44 regarding the sufficiency of the number of signatures on the petition
45 and provide timely written notice of such determination to the contact
46 person named in the cover sheet accompanying the petition. The contact
47 person or any individual who signed the petition may seek judicial
48 review of such determination in a proceeding pursuant to article seven-
49 ty-eight of the civil practice law and rules. Upon the clerk's determi-
50 nation that the petition contains no less than the required number of
51 signatures, the governing body of the local government entity to which
52 such petition applies shall within thirty days enact a resolution call-
53 ing for a referendum by the electors of such entity on the question
54 whether to approve the elector initiated consolidation plan and set a
55 date for such referendum in accordance with subdivision five of this
56 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 days after enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR INITIATED CONSOLIDATION PLAN pursuant to subdivision [four] THREE of [this] section SEVEN HUNDRED SIXTY-TWO OF THIS TITLE, provided, however, that in cases where a town or village general election falls within such period, the referendum question may be considered during [a] THAT 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] TWO 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?"] "SHALL (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITIES) BE CONSOLIDATED?

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. THIS MORATORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT COMBINATION OF LOCAL GOVERNMENT ENTITIES.

S 9. Section 773 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

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

1 S 774. [Proposed] GOVERNING BODY-INITIATED dissolution [plan]. 1. The
2 governing body of a local government entity may, by resolution, [endorse
3 a proposed dissolution plan for the purpose of commencing dissolution
4 proceedings under this article] INITIATE A DISSOLUTION PROCEEDING BY
5 FORMING A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMEN-
6 DATIONS REGARDING THE DISSOLUTION AND TERMINATION OF THE LOCAL GOVERN-
7 MENT ENTITY. THE RESOLUTION MAY ONLY BE ADOPTED AFTER CONDUCTING A
8 PUBLIC HEARING ON THE PROPOSAL, SUCH HEARING HELD ON AT LEAST SEVEN DAYS
9 NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL
10 GOVERNMENT ENTITY.

11 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
12 GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION
13 PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO
14 APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERNING
15 BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF A
16 SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMIS-
17 SIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERN-
18 MENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
19 GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE
20 BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
21 REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE
22 LOCAL GOVERNMENT ENTITY IS LOCATED.

23 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
24 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION
25 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL
26 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO
27 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE
28 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE
29 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION
30 ARE REQUIRED TO FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL
31 GOVERNMENT ENTITY.

32 4. WITHIN TWO HUNDRED SEVENTY DAYS OF ITS FORMATION, THE STUDY COMMIS-
33 SION MUST PREPARE AND APPROVE A PROPOSED DISSOLUTION PLAN. UPON THE
34 REQUEST OF THE STUDY COMMISSION, THE LOCAL GOVERNING BODY MAY EXTEND THE
35 TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY DAYS.

36 [2.] 5. The proposed dissolution plan shall specify:

- 37 (a) the name of the local government entity to be dissolved;
- 38 (b) the territorial boundaries of the entity;
- 39 (c) the type and/or class of the entity;
- 40 (d) a fiscal estimate of the cost of dissolution;
- 41 (e) any plan for the transfer or elimination of public employees;
- 42 (f) the entity's assets, including but not limited to real and
43 personal property, and the fair value thereof in current money of the
44 United States;
- 45 (g) the entity's liabilities and indebtedness, bonded and otherwise,
46 and the fair value thereof in current money of the United States;
- 47 (h) any agreements entered into with the town or towns in which the
48 entity is situated in order to carry out the dissolution;
- 49 (i) the manner and means by which the residents of the entity will
50 continue to be furnished municipal services following the entity's
51 dissolution;
- 52 (j) terms for the disposition of the entity's assets and the disposi-
53 tion of its liabilities and indebtedness, including the levy and
54 collection of the necessary taxes and assessments therefor;
- 55 (k) findings as to whether any local laws, ordinances, rules or regu-
56 lations of the entity shall remain in effect after the effective date of

1 the dissolution or shall remain in effect for a period of time other
2 than as provided by section seven hundred eighty-nine of this title;

3 (l) the effective date of the proposed dissolution;

4 (m) the time and place or places for a public hearing or hearings on
5 the proposed dissolution plan pursuant to section seven hundred seven-
6 ty-six of this title; [and]

7 (N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
8 LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;

9 (O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
10 OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;

11 (P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED
12 FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I)
13 INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCON-
14 TINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND
15 THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY
16 ONLY BE ACHIEVED THROUGH DISSOLUTION; (III) THE ELIMINATION OF ELECTED
17 OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL
18 GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE
19 PROVIDED THROUGH THE USE OF VOLUNTEERS;

20 (Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE
21 IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS
22 ARTICLE; AND

23 [(n)] (R) any other matter desirable or necessary to carry out the
24 dissolution.

25 6. DELIVERY OF THE PLAN TO THE GOVERNING BODY. AFTER CONDUCTING A
26 PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST
27 SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN
28 THE LOCAL GOVERNMENT ENTITY, THE DISSOLUTION STUDY COMMISSION MUST FILE
29 A FINALIZED DISSOLUTION PLAN AND ITS RECOMMENDATIONS ON WHETHER TO
30 DISSOLVE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY WHO MUST IMME-
31 DIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT
32 ENTITY'S GOVERNING BODY.

33 S 11. The opening paragraph of section 775 of the general municipal
34 law, as added by chapter 74 of the laws of 2009, is amended to read as
35 follows:

36 No later than five business days after [commencement of dissolution
37 proceedings] THE DELIVERY OF THE DISSOLUTION PLAN AND RECOMMENDATIONS
38 pursuant to section seven hundred seventy-four of this title, the
39 governing body of the local government entity to be dissolved shall:

40 S 12. Subdivisions 1 and 3 of section 776 of the general municipal
41 law, as added by chapter 74 of the laws of 2009, are amended to read as
42 follows:

43 1. The governing body of the local government entity to be dissolved
44 shall set a time and place or places for one or more public hearings on
45 the proposed dissolution plan. The hearing or hearings shall be held no
46 less than thirty-five days and no more than ninety days after [commence-
47 ment of dissolution proceedings] RECEIVING THE DISSOLUTION PLAN RECOM-
48 MENDATIONS pursuant to section seven hundred seventy-four of this title.
49 Any interested person shall be given a reasonable opportunity to be
50 heard on any aspect of the proposed dissolution.

51 3. After completion of the final hearing, the governing body of the
52 local government entity to be dissolved may amend the proposed dissol-
53 ution plan, provided that the amended version complies with the
54 provisions of subdivision [two] FOUR of section seven hundred seventy-
55 four of this title and is publicized pursuant to subdivision four of
56 this section, [and/or] OR approve a final version of the dissolution

1 plan[, or decline to proceed further with dissolution proceedings]. Any
2 approval by the governing body of a final version of the dissolution
3 plan must occur within one hundred eighty days of the final hearing.

4 S 13. Section 777 of the general municipal law, as added by chapter 74
5 of the laws of 2009, is amended to read as follows:

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

13 2. The resolution calling for the referendum on the proposed dissol-
14 ution shall:

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

18 (b) state the substance of the question to be submitted to the elec-
19 tors; and

20 (c) set forth such other matters as may be necessary to call, provide
21 for and give notice of the referendum and to provide for the conduct
22 thereof and the canvass of the returns thereupon.

23 3. The resolution calling for the referendum on the proposed dissol-
24 ution shall have attached to it the final approved version of the
25 dissolution plan.

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

30 S 14. Section 779 of the general municipal law, as added by chapter 74
31 of the laws of 2009, is amended to read as follows:

32 S 779. Initiative of electors seeking dissolution. 1. The electors of
33 a local government entity may commence a dissolution proceeding by
34 filing an original petition, containing not less than the number of
35 signatures provided for in subdivision two of this section and in the
36 form provided for in subdivision three of this section, with the clerk
37 of the town in which the entity or the greater portion of its territory
38 is located, except that if the entity is a village the original petition
39 of electors from the village shall be filed with the clerk of the
40 village. Accompanying the filed petition shall be a cover sheet contain-
41 ing the name, address and telephone number of an individual who signed
42 the petition and who will serve as a contact person. A PETITION MAY NOT
43 BE SUBMITTED PURSUANT TO THIS SECTION IF A RESOLUTION INITIATING THE
44 DISSOLUTION PROCESS HAS BEEN ADOPTED PURSUANT TO SECTION SEVEN HUNDRED
45 SEVENTY-FOUR OF THIS TITLE, UNTIL THE PROCESS THEREUNDER, INCLUDING THE
46 CONDUCTING OF THE REFERENDUM PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-
47 SEVEN OF THIS TITLE, HAS BEEN COMPLETED.

48 2. The petition shall contain [the] signatures [of] EQUAL TO at least
49 [ten] TWENTY-FIVE percent of the number of electors AT THE LAST GENERAL
50 ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors],
51 whichever is less, in the local government entity to be dissolved[;
52 provided, however, that where the local government entity to be
53 dissolved contains five hundred or fewer electors, the petition shall
54 contain the signatures of at least twenty percent of the number of elec-
55 tors]. No signature on a petition is valid unless it is an original
56 signature of an elector. FOR A SIGNATURE TO BE VALID, IT MUST BE SIGNED

1 WITHIN ONE HUNDRED TWENTY DAYS OF THE PETITION BEING FILED WITH THE
2 CLERK.

3 3. The petition shall substantially comply with, and be circulated in,
4 the following form:

5 PETITION FOR LOCAL GOVERNMENT DISSOLUTION

6 We, the undersigned, electors and legal voters of (insert type of
7 local government entity -- e.g., town, village or district) of (insert
8 name of local government entity), New York, qualified to vote at the
9 next general or special election, respectfully petition that there be
10 submitted to the electors of (insert type and name of local government
11 entity proposed to be dissolved), for their approval or rejection at a
12 referendum held for that purpose, a proposal to dissolve and terminate
13 (insert type and name of local government entity) PURSUANT TO A DISSOL-
14 UTION PLAN DEVELOPED AND PRESENTED TO THE PUBLIC PRIOR TO THE
15 REFERENDUM.

16 In witness whereof, we have signed our names on the dates indicated
17 next to our signatures.

18 Date Name - print name under signature Home Address

19 1. _____
20 2. _____
21 3. _____

22 (On the bottom of each page of the petition, after all of the numbered
23 signatures, insert a signed statement of a witness who is a duly quali-
24 fied elector of the state of New York. Such a statement shall be
25 accepted for all purposes as the equivalent of an affidavit, and if it
26 contains a material false statement, shall subject the person signing it
27 to the same penalties as if he or she has been duly sworn. The form of
28 such statement shall be substantially as follows:

29 I, (insert name of witness), state that I am a duly qualified voter of
30 the state of New York. Each of the persons that have signed this peti-
31 tion sheet containing (insert number) signatures, have signed their
32 names in my presence on the dates indicated above and identified them-
33 selves to be the same person who signed the sheet. I understand that
34 this statement will be accepted for all purposes as the equivalent of an
35 affidavit, and if it contains a materially false statement, shall
36 subject me to the penalties of perjury.

37 _____
38 Date Signature of Witness)

39 (In lieu of the signed statement of a witness who is a duly qualified
40 voter of the state of New York, the following statement signed by a
41 notary public or a commissioner of deeds shall be accepted:

42 On the date indicated above before me personally came each of the
43 electors and legal voters whose signatures appear on this petition sheet
44 containing (insert number) signatures, who signed the petition in my
45 presence and who, being by me duly sworn, each for himself or herself,
46 identified himself or herself as the one and same person who signed the
47 petition and that the foregoing information they provided was true.

48 _____
49 Date Notary Public or Commissioner of Deeds)

50 4. An alteration or correction of information appearing on a
51 petition's signature line, other than an un-initialed signature and
52 date, shall not invalidate such signature.

53 5. In matters of form, this section shall be liberally construed, not
54 inconsistent with substantial compliance thereto and the prevention of
55 fraud.

1 6. Within ten days of the filing of the petition seeking dissolution
2 pursuant to subdivision one of this section, the clerk with whom the
3 petition was filed shall make a final determination regarding the suffi-
4 ciency of the signatures on the petition and provide timely written
5 notice of such determination to the contact person named in the cover
6 sheet accompanying the petition. The contact person or any individual
7 who signed the petition may seek judicial review of such determination
8 in a proceeding pursuant to article seventy-eight of the civil practice
9 law and rules.

10 [7. Upon the clerk's determination that the petition contains not less
11 than the number of signatures of electors required in subdivision two of
12 this section, the governing body of the local government entity to be
13 dissolved shall, no later than thirty days thereafter, enact a resol-
14 ution in accordance with subdivision two of section seven hundred seven-
15 ty-seven of this title calling for a referendum on the proposed dissol-
16 ution by the electors in the entity and set a date for such referendum.]

17 S 15. Sections 780 and 781 of the general municipal law are REPEALED.

18 S 16. Section 782 of the general municipal law, as added by chapter 74
19 of the laws of 2009, is amended to read as follows:

20 S 782. [Duty to approve proposed elector initiated] STUDY COMMISSION
21 AND DEVELOPMENT OF PROPOSED dissolution plan. 1. [In the case of a
22 proposed dissolution of a local government entity properly initiated by
23 petition of electors pursuant to section seven hundred seventy-nine of
24 this title, if a majority of the electors voting at a referendum vote in
25 favor of dissolution] UPON THE CLERK'S DETERMINATION THAT THE PETITION
26 CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES OF ELECTORS REQUIRED IN
27 SUBDIVISION TWO OF SECTION SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE, the
28 entity's governing body [shall] MUST meet within thirty days after
29 CLERK'S certification [of the favorable vote] and[, within one hundred
30 eighty days of such meeting,] FORM A COMMISSION TO STUDY, FORMULATE A
31 PLAN FOR, AND MAKE RECOMMENDATIONS REGARDING THE DISSOLUTION AND TERMI-
32 NATION OF THE LOCAL GOVERNMENT ENTITY.

33 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
34 GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION
35 PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO
36 APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERNING
37 BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF A
38 SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMIS-
39 SIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERN-
40 MENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
41 GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE
42 BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
43 REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE
44 LOCAL GOVERNMENT ENTITY IS LOCATED.

45 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
46 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION
47 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL
48 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO
49 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE
50 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE
51 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION
52 WHO ARE NOT ALREADY PUBLIC OFFICERS MUST FILE AN OATH OF OFFICE WITH THE
53 CLERK OF THE LOCAL GOVERNMENT ENTITY.

54 4. WITHIN TWO HUNDRED SEVENTY DAYS OF ITS FORMATION, THE STUDY COMMIS-
55 SION MUST prepare and approve a proposed elector initiated dissolution
56 plan. UPON THE REQUEST OF THE STUDY COMMISSION, THE LOCAL GOVERNING

1 BODY MAY EXTEND THE TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY
2 DAYS.

3 [2.] 5. The proposed elector initiated dissolution plan shall specify:
4 (a) the name of the local government entity to be dissolved;
5 (b) the territorial boundaries of the entity;
6 (c) the type and/or class of the entity;
7 (d) a fiscal estimate of the cost of dissolution;
8 (e) any plan for the transfer or elimination of public employees;
9 (f) the entity's assets, including but not limited to real and
10 personal property, and the fair value thereof in current money of the
11 United States;
12 (g) the entity's liabilities and indebtedness, bonded and otherwise,
13 and the fair value thereof in current money of the United States;
14 (h) any agreements entered into with the town or towns in which the
15 entity is situated in order to carry out the dissolution;
16 (i) the manner and means by which the residents of the entity will
17 continue to be furnished municipal services following the entity's
18 dissolution;
19 (j) terms for the disposition of the entity's assets and the disposi-
20 tion of its liabilities and indebtedness, including the levy and
21 collection of the necessary taxes and assessments therefor;
22 (k) findings as to whether any local laws, ordinances, rules or regu-
23 lations of the entity shall remain in effect after the effective date of
24 the dissolution or shall remain in effect for a period of time other
25 than as provided by section seven hundred eighty-nine of this title;
26 (l) the effective date of the dissolution;
27 (m) the time and place or places for a public hearing or hearings on
28 such proposed dissolution plan pursuant to section seven hundred eight-
29 y-four of this title; [and]
30 (N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
31 LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
32 (O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
33 OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
34 (P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED
35 FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I)
36 INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCON-
37 TINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND
38 THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY
39 ONLY BE ACHIEVED THROUGH DISSOLUTION; (III) THE ELIMINATION OF ELECTED
40 OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL
41 GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE
42 PROVIDED THROUGH THE USE OF VOLUNTEERS;
43 (Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE
44 IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS
45 ARTICLE; AND
46 [(n)] (R) any other matter desirable or necessary to carry out the
47 dissolution.

48 6. DELIVERY OF THE PLAN TO THE GOVERNING BODY. AFTER CONDUCTING A
49 PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST
50 SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN
51 THE LOCAL GOVERNMENT ENTITY, THE DISSOLUTION STUDY COMMISSION MUST FILE
52 A FINALIZED DISSOLUTION PLAN AND ITS RECOMMENDATIONS ON WHETHER TO
53 DISSOLVE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY WHO MUST IMME-
54 DIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT
55 ENTITY'S GOVERNING BODY.

1 S 17. The opening paragraph of section 783 of the general municipal
2 law, as added by chapter 74 of the laws of 2009, is amended to read as
3 follows:

4 No later than five business days after [approving an] RECEIVING A
5 PROPOSED elector initiated dissolution plan pursuant to section seven
6 hundred eighty-two of this title, the governing body of the local
7 government entity to be dissolved shall:

8 S 18. Subdivision 1 of section 784 of the general municipal law, as
9 added by chapter 74 of the laws of 2009, is amended to read as follows:

10 1. The governing body of the local government entity to be dissolved
11 shall set a time and place or places for one or more public hearings on
12 the proposed elector initiated dissolution plan. The hearing or hearings
13 shall be held no less than thirty-five days and no more than ninety days
14 after RECEIVING the proposed elector initiated dissolution plan [is
15 approved] DEVELOPED pursuant to section seven hundred eighty-two of this
16 title. Any interested person shall be given a reasonable opportunity to
17 be heard on any aspect of the proposed dissolution.

18 S 19. Section 785 of the general municipal law, as added by chapter 74
19 of the laws of 2009, is amended to read as follows:

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

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

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

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

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

52 4. Within ten days of the filing of the petition seeking a referendum
53 on whether the elector initiated dissolution plan shall take effect, the
54 clerk with whom the petition was filed shall make a final determination
55 regarding the sufficiency of the number of signatures on the petition
56 and provide timely written notice of such determination to the contact

1 person named in the cover sheet accompanying the petition. The contact
2 person or any individual who signed the petition may seek judicial
3 review of such determination in a proceeding pursuant to article seven-
4 ty-eight of the civil practice law and rules. Upon the clerk's determi-
5 nation that the petition contains no less than the required number of
6 signatures, the governing body of the local government entity to be
7 dissolved shall within thirty days enact a resolution calling for a
8 referendum by the electors on the question whether the elector initiated
9 dissolution plan shall take effect and set a date for such referendum in
10 accordance with subdivision five of this section.

11 5.] 2. The referendum on the question whether the elector initiated
12 dissolution plan shall take effect shall be submitted at a special
13 election to be held not less than sixty or more than ninety days after
14 enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR
15 INITIATED DISSOLUTION PLAN pursuant to subdivision [four] THREE of
16 [this] section SEVEN HUNDRED EIGHTY-FOUR OF THIS TITLE, provided, howev-
17 er, that in cases where a town or village general election falls within
18 such period, the referendum question may be considered during [a] THAT
19 town or village general election.

20 [6.] 3. Notice of the referendum shall be given to the electors of the
21 local government entity to be dissolved by publication in a newspaper
22 having a general circulation within the boundaries of the entity at
23 least once a week for four consecutive weeks immediately prior to the
24 referendum. The notice shall include, but not be limited to:

25 (a) a summary of the contents of the resolution and elector initiated
26 dissolution plan;

27 (b) a statement as to where may be examined a copy of the resolution
28 and elector initiated dissolution plan;

29 (c) the time and place or places at which the referendum will be held,
30 in accordance with subdivision [five] TWO of this section; and

31 (d) such other matters as may be necessary to call, provide for and
32 give notice of the referendum and to provide for the conduct thereof and
33 the canvass of the returns thereupon.

34 [7.] 4. In a referendum held pursuant to this section, the referendum
35 question shall be placed before the electors of the local government
36 entity to be dissolved in a form reading substantially as follows:

37 ["The voters of the (insert type and name of local government entity
38 to be dissolved) having previously voted to dissolve, shall the elector
39 initiated dissolution plan take effect?] "SHALL (INSERT TYPE AND NAME OF
40 LOCAL GOVERNMENT ENTITY) BE DISSOLVED?

41 YES _____

42 NO _____"

43 [8.] 5. The elector initiated dissolution plan shall not take effect
44 unless a majority of the electors voting in the local government entity
45 to which the petition applies votes in favor of dissolution. If such a
46 majority vote does not result, the referendum shall fail and dissolution
47 shall not take effect.

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

52 S 20. Subdivision 2 of section 33-a of the municipal home rule law, as
53 amended by chapter 74 of the laws of 2009, is amended to read as
54 follows:

55 2. Any such local law, or an amendment or repeal of one or more
56 provisions thereof which would have the effect of transferring or abol-

1 ishing a function or duty of the county or of the cities, towns,
2 villages, districts or other units of government wholly contained in the
3 county, shall not become operative unless and until it is approved at a
4 general election or at a special election, held in the county by receiv-
5 ing a majority of the total votes cast thereon: (a) in the area of the
6 county outside of cities and (b) in the area of cities of the county, if
7 any, considered as one unit, and if it provides for the transfer of any
8 function or duty to or from any village or for the abolition of any
9 office, department, agency or unit of government of a village wholly
10 contained in the county, it shall not take effect unless it shall also
11 receive a majority of [all] the votes cast thereon in [all] EACH OF the
12 villages OR LOCAL UNITS OF GOVERNMENT so affected [considered as one
13 unit]. Such a local law, amendment or repeal thereof, shall provide for
14 its submission to the electors of the county at the next general
15 election or at a special election, occurring not less than sixty days
16 after the adoption thereof by the board of supervisors.
17 S 21. This act shall take effect immediately.