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

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2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. TEDISCO, McKEVITT -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CROUCH, FINCH, FITZPATRICK, KOLB, McDONOUGH, MILLER, OAKS, RABBITT, RAIA, REILICH, SALADINO, THIELE -- read once and referred to the Committee on Local Governments

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

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

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

ARTICLE 2-A

MUNICIPAL COOPERATION PROGRAM

SECTION 25. MUNICIPAL COOPERATION PROGRAM.

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

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

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

(C) CAPITAL: COLUMBIA, GREENE, ALBANY, SCHOHARIE, RENSSELAER, SCHENECTADY, MONTGOMERY, FULTON, SARATOGA AND WASHINGTON.

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

(E) CENTRAL - MOHAWK VALLEY: OTSEGO, HERKIMER, ONEIDA, MADISON, CORTLAND, ONONDAGA AND CAYUGA.

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

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

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

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

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

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

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

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

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

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

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

(V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) GRANTS TO FUND THE CONSOLIDATION OF SERVICES BETWEEN MUNICIPALITIES OR THE PROVISION OF SERVICES FROM ONE MUNICIPALITY TO ANOTHER. SUCH GRANTS SHALL EQUAL FIFTY PERCENT OF THE COSTS ASSOCIATED WITH SUCH MERGER OR CONSOLIDATION; AND

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

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

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

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

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

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

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

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

7. COOPERATION EFFORTS. NO PROVISION OF THIS SECTION SHALL PRECLUDE A SCHOOL DISTRICT OR SPECIAL TAX DISTRICT FROM PARTICIPATING IN CONSOLIDATION OR MERGER EFFORTS OR ACTIVITIES.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.