

STATE OF NEW YORK

6824

2017-2018 Regular Sessions

IN SENATE

June 21, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to the merger of counties and cities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new arti-
2 cle 17-B to read as follows:

ARTICLE 17-B

MERGER OF A COUNTY AND CITY

3 Section 795-a. Commencing the proceeding.

4 795-b. Proposed merger plan.

5 795-c. Publication of proposed merger plan.

6 795-d. Public hearings on proposed merger plan.

7 795-e. Referendum resolution for merger.

8 795-f. Effective date of merger plan.

9 795-g. Initiative of electors seeking merger.

10 795-h. Conduct of referendum.

11 795-i. Canvassing of vote; moratorium on further referendum.

12 795-j. Duty to approve proposed elector initiated merger plan.

13 795-k. Publication of proposed elector initiated merger plan.

14 795-l. Public hearings on proposed elector initiated merger
15 plan.

16 795-m. Effective date of elector initiated merger plan; permis-
17 sive referendum.

18 795-n. Court-ordered merger; judicial hearing officer.

19 795-o. Winding down the affairs of a merged county and city.

20 795-p. Effect on actions and proceedings; disposition of
21 records, books and papers.

22 795-q. Effect on existing laws.

23 795-r. Debts, liabilities and obligations.

24
25
EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13052-07-7

1 795-s. Liability of officials and employees.

2 795-t. Laws governing merged entities.

3 795-u. Separability.

4 § 795-a. Commencing the proceeding. 1. A city may be merged with the
5 county in which it lies by the procedure described in this article to
6 create a merged entity.

7 2. The merger proceedings may be commenced by:

8 (a) a joint resolution of the governing body of the county and the
9 city to be merged endorsing a proposed merger plan; or

10 (b) elector initiative.

11 § 795-b. Proposed merger plan. 1. The governing body of a county and
12 a city may, by joint resolution, endorse a proposed merger plan for the
13 purpose of commencing merger proceedings under this article.

14 2. The proposed merger plan shall specify:

15 (a) the name of the county and city to be merged;

16 (b) the territorial boundaries of the merging county and city;

17 (c) the type and/or class of the county and city;

18 (d) a fiscal estimate of the cost of the merger;

19 (e) any plan for the transfer or elimination of public employees;

20 (f) the county's and city's assets, including but not limited to real
21 and personal property, and the fair value thereof in current money of
22 the United States;

23 (g) the county's and city's liabilities and indebtedness, bonded and
24 otherwise, and the fair value thereof in current money of the United
25 States;

26 (h) any agreements entered into with the county to be merged by other
27 municipalities within such county in order to carry out the merger;

28 (i) the manner and means by which the residents of the county and city
29 will continue to be furnished municipal services by the merged entity
30 following the merger;

31 (j) terms for the disposition of the county's and city's assets and
32 the disposition of their liabilities and indebtedness, including the
33 levy and collection of the necessary taxes and assessments therefor;

34 (k) findings as to whether any local laws, ordinances, rules or regu-
35 lations of the county or city shall remain in effect after the effective
36 date of the merger or shall remain in effect for a period of time other
37 than as provided by section seven hundred ninety-five-q of this article;

38 (l) the effective date of the proposed merger;

39 (m) the time and place or places for a public hearing or hearings on
40 the proposed merger plan pursuant to section seven hundred ninety-five-d
41 of this article; and

42 (n) any other matter desirable or necessary to carry out the merger.

43 § 795-c. Publication of proposed merger plan. No later than five
44 business days after commencement of merger proceedings pursuant to
45 section seven hundred ninety-five-b of this article, the governing body
46 of the merging county and city shall:

47 1. cause a copy of the proposed merger plan, along with a descriptive
48 summary thereof, to be displayed and readily accessible to the public
49 for inspection in a public place or places within the city;

50 2. cause the proposed merger plan, along with a descriptive summary
51 thereof and a reference to the public place or places within the city
52 where a copy thereof may be examined, to be displayed on a website main-
53 tained by the city and on a website maintained by the county to be
54 merged;

55 3. arrange to be published a descriptive summary of the proposed merg-
56 er plan and a reference to the public place or places within the city

1 where a copy thereof may be examined, at least once each week for four
2 successive weeks in a newspaper having a general circulation within the
3 county and city; and

4 4. cause the proposed merger plan to be mailed by certified or regis-
5 tered mail to the governing body of the county to be merged.

6 § 795-d. Public hearings on proposed merger plan. 1. The governing
7 body of the county and city to be merged shall set a time and place or
8 places for one or more public hearings on the proposed merger plan. The
9 hearing or hearings shall be held no less than thirty-five days and no
10 more than ninety days after commencement of merger proceedings pursuant
11 to section seven hundred ninety-five-b of this article. Any interested
12 person shall be given a reasonable opportunity to be heard on any aspect
13 of the proposed merger.

14 2. The public hearing or hearings shall be held on notice of at least
15 ten days, but not more than twenty days, published in a newspaper or
16 newspapers having general circulation within the county and city to be
17 merged and displayed on a website maintained by the city and on a
18 website maintained by the county to be merged. The notice of the hearing
19 or hearings shall provide a descriptive summary of the proposed merger
20 plan and a reference to the public place or places within the city where
21 a copy of such plan may be examined.

22 3. After completion of the final hearing, the governing body of the
23 county and city to be merged may amend the proposed merger plan,
24 provided that the amended version complies with the provisions of subdivi-
25 sion two of section seven hundred ninety-five-b of this article and is
26 publicized pursuant to subdivision four of this section, and/or approve
27 a final version of the merger plan, or decline to proceed further with
28 merger proceedings. Any approval by a governing body of a final version
29 of the merger plan must occur within one hundred eighty days of the
30 final hearing.

31 4. No later than five business days after amending the proposed merger
32 plan, the governing bodies of the county and city to be merged shall:

33 (a) cause a copy of the amended version of the proposed merger plan,
34 along with a descriptive summary thereof, to be displayed and readily
35 accessible to the public for inspection in a public place or places
36 within the city; and

37 (b) cause the amended version of the proposed merger plan, along with
38 a descriptive summary thereof and a reference to the public place or
39 places within the city where a copy thereof may be examined, to be
40 displayed on a website maintained by the city and on a website main-
41 tained by the county to be merged.

42 § 795-e. Referendum resolution for merger. 1. Contemporaneous with
43 the final approval of the merger plan pursuant to subdivision three of
44 section seven hundred ninety-five-d of this article, the governing
45 bodies of the county and city shall enact a joint resolution calling for
46 a referendum on the proposed merger by the electors in the county and
47 city.

48 2. The resolution calling for the referendum on the proposed merger
49 shall:

50 (a) provide (i) the name of the county and city to be merged; and (ii)
51 the date for the referendums, in accordance with subdivision one of
52 section seven hundred ninety-five-h of this article;

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

1 (c) set forth such other matters as may be necessary to call, provide
2 for and give notice of the referendums and to provide for the conduct
3 thereof and the canvass of the returns thereupon.

4 3. The joint resolution calling for the referendums on the proposed
5 merger shall have attached to it the final approved version of the merg-
6 er plan.

7 § 795-f. Effective date of merger plan. A county and city merged
8 pursuant to a merger plan shall continue to be governed as before being
9 merged until the effective date of the merger specified in the merger
10 plan; provided, however, that no merger plan shall take effect unless
11 approved by a majority of electors of both the county and the city at
12 referendums called through a joint resolution enacted pursuant to
13 section seven hundred ninety-five-e of this article.

14 § 795-g. Initiative of electors seeking merger. 1. The electors of a
15 county or city may commence a merger proceeding by filing an original
16 petition, containing not less than the number of signatures provided for
17 in subdivision two of this section and in the form provided for in
18 subdivision three of this section with the the county clerk. Accompany-
19 ing the filed petition shall be a cover sheet containing the name,
20 address and telephone number of an individual who signed the petition
21 and who will serve as a contact person.

22 2. The petition shall contain the signatures of at least ten percent
23 of the number of electors or ten thousand electors, whichever is less,
24 in the county to be merged; provided, however, that where the county to
25 be merged contains fifty thousand or fewer electors, the petition shall
26 contain the signatures of at least twenty percent of the number of elec-
27 tors. Additionally, at least thirty percent of the required number of
28 signatures on the petition must be from electors in the city to be
29 merged. No signature on a petition is valid unless it is an original
30 signature of an elector.

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

33 PETITION FOR COUNTY AND CITY MERGER

34 We, the undersigned, electors and legal voters of the county of
35 (insert name of the county), New York, qualified to vote at the next
36 general or special election, respectfully petition that there be submit-
37 ted to the electors of the county of (name of the county proposed to be
38 merged), for their approval or rejection at a referendum held for that
39 purpose, a proposal to merge the county of (name of the county) with the
40 city of (name of the city).

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

43 Date _____ Name - print name under signature _____ Home Address _____

- 44 1. _____
- 45 2. _____
- 46 3. _____

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

54 I, (insert name of witness), state that I am a duly qualified voter of
55 the state of New York. Each of the persons that have signed this peti-
56 tion sheet containing (insert number) signatures, have signed their

1 names in my presence on the dates indicated above and identified them-
 2 selves to be the same person who signed the sheet. I understand that
 3 this statement will be accepted for all purposes as the equivalent of an
 4 affidavit, and if it contains a materially false statement, shall
 5 subject me to the penalties of perjury.

6 _____
 7 Date _____ Signature of Witness)

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

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

17 _____
 18 Date _____ Notary Public or Commissioner of Deeds)

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

22 5. In matters of form, this section shall be liberally construed, not
 23 inconsistent with substantial compliance thereto and the prevention of
 24 fraud.

25 6. Within ten days of the filing of the petition seeking merger
 26 pursuant to subdivision one of this section, the clerk with whom the
 27 petition was filed shall make a final determination regarding the suffi-
 28 ciency of the signatures on the petition and provide timely written
 29 notice of such determination to the contact person named in the cover
 30 sheet accompanying the petition. The contact person or any individual
 31 who signed the petition may seek judicial review of such determination
 32 in a proceeding pursuant to article seventy-eight of the civil practice
 33 law and rules.

34 7. Upon the clerk's determination that the petition contains not less
 35 than the number of signatures of electors required in subdivision two of
 36 this section, the governing body of the county and city to be merged
 37 shall, no later than thirty days thereafter, enact a joint resolution in
 38 accordance with subdivision two of section seven hundred ninety-five-e
 39 of this article calling for a referendum on the proposed merger by the
 40 electors in the county and the city and set a date for such referendum.

41 § 795-h. Conduct of referendum. 1. A referendum on a proposed merger
 42 required by sections seven hundred ninety-five-e and seven hundred nine-
 43 ty-five-g of this article shall be placed before the electors in the
 44 county and the city to be merged at a special election to be held not
 45 less than sixty or more than ninety days after the enactment of a joint
 46 resolution calling for the referendum, provided, however, that in cases
 47 where a county or city general election falls within such period, the
 48 referendum question may be considered during a city general election.

49 2. Notice of the referendum shall be given to the electors of the
 50 county and city to be merged by publication in a newspaper having a
 51 general circulation within the boundaries of the county at least once a
 52 week for four consecutive weeks immediately prior to the referendum. The
 53 notice shall include, but not be limited to:

54 (a) a summary of the contents of the joint resolution and merger plan
 55 or petition for merger, as the case may be;

1 (b) a statement as to where may be examined copies of the joint resolu-
2 tion and merger plan or petition for merger, as the case may be;

3 (c) the name of the county and city to be merged and a statement fully
4 describing their territory;

5 (d) the time and place or places at which the referendum will be held;
6 and

7 (e) such other matters as may be necessary to call, provide for and
8 give notice of the referendum and to provide for the conduct thereof and
9 the canvass of the returns thereupon.

10 3. The referendum question placed before the electors of the county
11 and the city to be merged shall be in a form reading substantially as
12 follows:

13 "Shall (insert name of the county and the name of the city) be merged?

14 YES _____

15 NO _____"

16 4. In any referendum held pursuant to this title, the county or the
17 city to be merged holding the referendum shall bear the costs associated
18 with the conduct of such referendum.

19 5. In any referendum held pursuant to this article, and except as
20 otherwise specified herein, the referendum shall be conducted in the
21 same manner as other municipal elections or referendums for the county
22 or city conducting the referendum.

23 § 795-i. Canvassing of vote; moratorium on further referendum. 1. In
24 any referendum held pursuant to this article, the ballots cast shall be
25 counted, returns made and canvassed and results certified in the same
26 manner as other municipal elections or referendums for the county or
27 city conducting the referendum.

28 2. The merger shall not take effect unless a majority of the electors
29 voting in both the county and the city in which the referendums are held
30 vote in favor of merger. If such a majority vote does not result from
31 either referendum, the referendums shall fail and merger shall not take
32 effect.

33 3. If merger is approved by a majority of the electors voting in both
34 the county and the city referendums, certificates of such results imme-
35 diately shall be filed with the secretary of state and with the clerks
36 of the city and county in which the merger is to occur.

37 4. If either referendum shall fail, the merger process specified by
38 this article shall not be initiated for the county or city within four
39 years of the date of such referendum. This subdivision, however, does
40 not apply to a permissive referendum conducted pursuant to section seven
41 hundred ninety-five-m of this article.

42 § 795-j. Duty to approve proposed elector initiated merger plan. 1.
43 In the case of a proposed merger of a county and a city properly initi-
44 ated by petition of electors pursuant to section seven hundred ninety-
45 five-g of this article, if a majority of the electors voting at each
46 referendum vote in favor of merger, the county's and city's governing
47 bodies shall meet within thirty days after certification of the favora-
48 ble vote and, within one hundred eighty days of such meeting, prepare
49 and approve a proposed elector initiated merger plan.

50 2. The proposed elector initiated merger plan shall specify:

51 (a) the name of the county and city to be merged;

52 (b) the territorial boundaries of the county and city;

53 (c) the type and/or class of the county and city;

54 (d) a fiscal estimate of the cost of merger;

55 (e) any plan for the transfer or elimination of public employees;

1 (f) the county's and city's assets, including but not limited to real
2 and personal property, and the fair value thereof in current money of
3 the United States;

4 (g) the county's and city's liabilities and indebtedness, bonded and
5 otherwise, and the fair value thereof in current money of the United
6 States;

7 (h) any agreements entered into by other municipalities the county to
8 be merged in order to carry out the merger;

9 (i) the manner and means by which the residents of the county and city
10 will continue to be furnished municipal services by the merged entity
11 following the merger;

12 (j) terms for the disposition of the county's and city's assets and
13 the disposition of their liabilities and indebtedness, including the
14 levy and collection of the necessary taxes and assessments therefor;

15 (k) findings as to whether any local laws, ordinances, rules or regu-
16 lations of the county or city shall remain in effect after the effective
17 date of the merger or shall remain in effect for a period of time other
18 than as provided by section seven hundred ninety-five-q of this article;

19 (l) the effective date of the merger;

20 (m) the time and place or places for a public hearing or hearings on
21 such proposed merger plan pursuant to section seven hundred
22 ninety-five-l of this article; and

23 (n) any other matter desirable or necessary to carry out the merger.

24 § 795-k. Publication of proposed elector initiated merger plan. No
25 later than five business days after approving an elector initiated merg-
26 er plan pursuant to section seven hundred ninety-five-j of this article,
27 the governing bodies of the county and city to be merged shall:

28 1. cause a copy of the proposed elector initiated merger plan, along
29 with a descriptive summary thereof, to be displayed and readily accessi-
30 ble to the public for inspection in a public place or places within the
31 city;

32 2. cause the proposed elector initiated merger plan, along with a
33 descriptive summary thereof and a reference to the public place or plac-
34 es within the city where a copy thereof may be examined, to be displayed
35 on a website maintained by the city and on a website maintained by the
36 county to be merged; and

37 3. arrange to be published a descriptive summary of the proposed elec-
38 tor initiated merger plan and a reference to the public place or places
39 within the city where a copy thereof may be examined, at least once each
40 week for four successive weeks in a newspaper having a general circula-
41 tion within the county; and

42 4. cause the proposed elector initiated merger plan to be mailed by
43 certified or registered mail to the governing body of the county in
44 which the city is situated.

45 § 795-l. Public hearings on proposed elector initiated merger plan.

46 1. The governing bodies of the county and city to be merged shall set a
47 time and place or places for one or more public hearings on the proposed
48 elector initiated merger plan. The hearing or hearings shall be held no
49 less than thirty-five days and no more than ninety days after the
50 proposed elector initiated merger plan is approved pursuant to section
51 seven hundred ninety-five-j of this article. Any interested person shall
52 be given a reasonable opportunity to be heard on any aspect of the
53 proposed merger.

54 2. The public hearing or hearings shall be held on notice of at least
55 ten days, but not more than twenty days, published in a newspaper or
56 newspapers having general circulation within the county and city to be

1 merged and displayed on a website maintained by the city and on a
2 website maintained by the county to be merged. The notice of the hearing
3 or hearings shall provide a descriptive summary of the proposed elector
4 initiated merger plan, and a reference to the public place or places
5 within the city where a copy of such plan may be examined.

6 3. After completion of the final hearing, the governing body of the
7 county and city to be merged may amend the proposed elector initiated
8 merger plan, provided that the amended version complies with the
9 provisions of subdivision two of section seven hundred ninety-five-j of
10 this article and is publicized pursuant to subdivision four of this
11 section. The governing bodies must approve a final version of the elec-
12 tor initiated merger plan within sixty days of such final hearing.

13 4. No later than five business days after amending the proposed elec-
14 tor initiated merger plan, the governing body of the county and city to
15 be merged shall:

16 (a) cause a copy of the amended version of the proposed elector initi-
17 ated merger plan, along with a descriptive summary thereof, to be
18 displayed and readily accessible to the public for inspection in a
19 public place or places within the city; and

20 (b) cause the amended version of the proposed elector initiated merger
21 plan, along with a descriptive summary thereof and a reference to the
22 public place or places within the city where a copy thereof may be exam-
23 ined, to be displayed on a website maintained by the city and on a
24 website maintained by the county to be merged.

25 § 795-m. Effective date of elector initiated merger plan; permissive
26 referendum. 1. A county and city merged pursuant to an elector initi-
27 ated merger plan shall continue to be governed as before the merger
28 until the effective date of the merger specified in the elector initi-
29 ated merger plan, which date shall be no less than forty-five days after
30 final approval of such plan pursuant to subdivision three of section
31 seven hundred ninety-five-l or subdivision three of section seven
32 hundred ninety-five-n of this article.

33 2. Notwithstanding subdivision one of this section, the elector initi-
34 ated merger plan shall not take effect if, no later than forty-five days
35 after final approval of such plan pursuant to subdivision three of
36 section seven hundred ninety-five-l or subdivision three of section
37 seven hundred ninety-five-n of this article, electors of the county and
38 the city to be merged shall:

39 (a) file an original petition, containing not less than the number of
40 signatures provided for in subdivision three of this section, seeking a
41 referendum on the question whether the elector initiated merger plan
42 shall take effect, with the county clerk; and

43 (b) thereafter less than a majority of the electors vote in the affir-
44 mative on such question at a referendum.

45 3. The petition shall be circulated, signed and authenticated in
46 substantial compliance with the provisions of section seven hundred
47 ninety-five-g of this article, shall contain the signatures of at least
48 twenty percent of the number of electors or fifteen thousand electors,
49 whichever is less, in the county to be merged, and shall be accompanied
50 by a cover sheet containing the name, address and telephone number of an
51 individual who signed the petition and who will serve as a contact
52 person.

53 4. Within ten days of the filing of the petition seeking a referendum
54 on whether the elector initiated merger plan shall take effect, the
55 clerk with whom the petition was filed shall make a final determination
56 regarding the sufficiency of the number of signatures on the petition

1 and provide timely written notice of such determination to the contact
2 person named in the cover sheet accompanying the petition. The contact
3 person or any individual who signed the petition may seek judicial
4 review of such determination in a proceeding pursuant to article seven-
5 ty-eight of the civil practice law and rules. Upon the clerk's determi-
6 nation that the petition contains no less than the required number of
7 signatures, the governing bodies of the county and the city to be merged
8 shall within thirty days enact a joint resolution calling for referen-
9 dums by the electors on the question whether the elector initiated merg-
10 er plan shall take effect and set a date for such referendums in accord-
11 ance with subdivision five of this section.

12 5. The referendums on the question whether the elector initiated merg-
13 er plan shall take effect shall be submitted at a special election to be
14 held not less than sixty or more than ninety days after enactment of a
15 joint resolution pursuant to subdivision four of this section, provided,
16 however, that in cases where a county or a city general election falls
17 within such period, the referendum question may be considered during a
18 county or a city general election.

19 6. Notice of the referendums shall be given to the electors of the
20 county and the city to be merged by publication in a newspaper having a
21 general circulation within the boundaries of the county at least once a
22 week for four consecutive weeks immediately prior to the referendums.
23 The notice shall include, but not be limited to:

24 (a) a summary of the contents of the joint resolution and elector
25 initiated merger plan;

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

28 (c) the time and place or places at which the referendums will be
29 held, in accordance with subdivision five of this section; and

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

33 7. In a referendum held pursuant to this section, the referendum
34 question shall be placed before the electors of the county or the city
35 to be merged in a form reading substantially as follows:

36 "The voters of the county/city of (name of county/city to be merged)
37 having previously voted to merge with the city/county of (name of
38 city/county to be merged), shall the elector initiated merger plan take
39 effect?

40 YES _____

41 NO _____"

42 8. The elector initiated merger plan shall not take effect unless a
43 majority of the electors voting in the county and the city to which the
44 petition applies votes in favor of merger. If such a majority vote does
45 not result in either referendum, the referendums shall fail and merger
46 shall not take effect.

47 § 795-n. Court-ordered merger; judicial hearing officer. 1. If the
48 governing body of a county or a city with a duty to prepare and approve
49 a proposed elector initiated merger plan pursuant to section seven
50 hundred ninety-five-j of this article fails to prepare and approve such
51 plan or is otherwise unable or unwilling to accomplish and complete the
52 merger pursuant to the provisions of this article, then any five elec-
53 tors who signed the petition seeking merger may commence a special
54 proceeding against the county or city pursuant to article seventy-eight
55 of the civil practice law and rules, in the supreme court within the
56 judicial district in which the county or the city or the greater portion

1 of its territory is located, to compel compliance with the provisions of
2 this article.

3 2. If the petitioners in such special proceeding shall substantially
4 prevail, then the court shall issue an injunction ordering the governing
5 body to comply with the applicable provisions of this article. If the
6 governing body violates the injunction, the court shall appoint a hear-
7 ing officer pursuant to article forty-three of the civil practice law
8 and rules to hear and determine an elector initiated merger plan for the
9 city that complies with the provisions of subdivision two of section
10 seven hundred ninety-five-j of this article.

11 3. The final determination of the judicial hearing officer shall
12 constitute the final approval of the elector initiated merger plan and
13 provide that such plan takes effect forty-five days after the filing of
14 such determination, unless a petition for a permissive referendum is
15 properly filed pursuant to section seven hundred ninety-five-m of this
16 article.

17 4. In any proceeding pursuant to this section in which the petitioners
18 substantially prevail, the costs of such proceeding, including the costs
19 of any judicial hearing officer appointed pursuant to subdivision two of
20 this section, shall be borne by the county or the city at the rate
21 provided for in article twenty-two of the judiciary law and regulations
22 promulgated pursuant thereto.

23 § 795-o. Winding down the affairs of a merged county and city. 1.
24 Upon the successful completion of merger proceedings pursuant to this
25 article, the governing bodies of the merging county and city shall wind
26 down the affairs thereof, dispose of their property as provided by law,
27 make provisions for the payment of all indebtedness thereof and for the
28 performance of their contracts and obligations, and, if applicable and
29 appropriate under law, levy taxes and assessments as necessary to accom-
30 plish the merger.

31 2. In furtherance of its duty to wind down the affairs of the county
32 or city, the governing body shall cause notice to be given, in the same
33 manner as notice for a proposed merger plan pursuant to section seven
34 hundred ninety-five-c of this article, requiring all claims against the
35 merging county or city, excluding any of its outstanding securities, to
36 be filed within a time fixed in the notice, but not less than three
37 months or more than six months, and all claims not so filed shall be
38 forever barred. At the expiration of such time the governing body shall
39 adjudicate claims so filed, and any resident of the county or city at
40 the time of the effective date of the merger may appear and defend
41 against any claim so filed, or the governing body may in its discretion
42 appoint some person for that purpose.

43 § 795-p. Effect on actions and proceedings; disposition of records,
44 books and papers. 1. Except as otherwise provided for in this article,
45 no action for or against the county or city to be merged shall abate,
46 nor shall any claim for or against it be affected by reason of their
47 merger.

48 2. Upon the merger of a county and a city, all their records, books
49 and papers shall be deposited with the clerk of the merged entity, and
50 they shall thereupon become a part of the records of the merged entity.

51 3. Upon the merger of local justice courts, all court records of such
52 court shall be deposited with a justice court judge to be designated by
53 the administrative judge of the judicial district within which the merg-
54 ing justice court is located. The designated justice court judge shall
55 have authority to execute and complete all unfinished business.

1 § 795-g. Effect on existing laws. 1. Except as otherwise provided in
2 the merger plan or elector initiated merger plan, as the case may be,
3 all local laws, ordinances, rules and regulations of a county or a city
4 in effect on the date of the merger of such county or city, including
5 but not limited to zoning ordinances, shall remain in effect for a peri-
6 od of two years following merger, as if same had been duly adopted by
7 the merged entity and shall be enforced by the merged entity within the
8 limits of the merged county or city, except that the merged entity shall
9 have the power at any time to amend or repeal such local laws, ordi-
10 nances, rules or regulations in the manner as other local laws, ordi-
11 nances, rules or regulations of the merged entity.

12 2. If the county or city has a zoning board of appeals, or a planning
13 board, or both, and the merged entity does not, then upon merger the
14 merged entity shall act in place of such board or boards until the
15 merged entity shall have appointed such board or boards for the merged
16 entity in accordance with the provisions of the county law. Such
17 appointments may be made prior to merger, to become effective upon the
18 effective date of merger.

19 § 795-r. Debts, liabilities and obligations. The outstanding debts,
20 liabilities and obligations of the merged county and city shall be
21 assumed by the merged entity in which the merged county and city was
22 situated and shall be a charge upon the taxable property within the
23 limits of the merged county and city, collected in the same manner as
24 county taxes. The merged entity shall have all powers with respect to
25 the debts, liabilities and obligations as the governing body of the
26 merged county and city possessed prior to their merger, including the
27 power to issue county bonds to redeem bond anticipation notes issued by
28 the merged county and city.

29 § 795-s. Liability of officials and employees. In the absence of
30 fraud, gross negligence or willful misfeasance, no officer or employee
31 of a county or city shall be held personally liable upon any claim aris-
32 ing from the merger of a county and a city pursuant to this article or
33 any circumstances connected with such merger.

34 § 795-t. Laws governing merged entities. Any merged entity created
35 under this article shall be considered both a city and a county and
36 shall be governed by the county law.

37 § 795-u. Separability. If any section, subdivision, paragraph or other
38 part of this article shall be adjudged invalid by any court of competent
39 jurisdiction, such judgment shall not invalidate the remainder thereof,
40 but shall be confined in its operation to the section, subdivision,
41 paragraph or other part directly involved in the controversy wherein
42 such judgment shall have been rendered.

43 § 2. This act shall take effect immediately.