STATE OF NEW YORK

7701

IN SENATE

February 9, 2018

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to intermunicipal cooperation for the purposes of shared services; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 119-u of the general municipal law is renumbered section 119-z, and five new sections 199-u, 119-v, 119-w, 119-x and 119-y are added to read as follows:

§ 119-u. Intermunicipal cooperation and shared services pilot program. 1. Legislative intent. The legislature finds and determines that local governments provide many important and indispensable services and programs to the people of the state of New York. The legislature further finds and determines that frequently the provision of services and programs can be made more affordable, efficient, effective and constituent friendly by means of intermunicipal cooperation and/or the sharing of such services and programs. The legislature additionally finds and determines, that to facilitate such intermunicipal cooperation and/or the sharing of such services and programs, where doing such would make the delivery of such services and programs more affordable, efficient, effective and constituent friendly, changes need to be made in state law, to expressly authorize the intermunicipal cooperation and/or the sharing of such services. It shall be the intent of this article to establish a pilot program, to make such necessary changes in state law, and to provide for the reporting of the results of these changes over a defined period of time.

2. Program established. Notwithstanding any other provision of law to the contrary, there is hereby established an intermunicipal cooperation and shared services pilot program. It shall be the intent of this program to facilitate the ability of sharing entities to cooperate and/or share services and programs, so as to deliver such services and programs in a more affordable, efficient, effective and constituent friendly manner. The extent and limitations of the authorization of

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

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cooperation and shared services under this article shall be in accordance with section one hundred nineteen-w of this article.

§ 119-v. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Local government" shall mean and include any county, town, city or village, except the city of New York or the counties contained therein.

2. "Sharing entity" shall mean and include any local government, school district, board of cooperative educational services, fire district, library district or special district, except any such sharing entity included or contained within the city of New York.

3. "Special district" shall mean and include any district created pursuant to article twelve or twelve-A of the town law, or governed by article thirteen of the town law, or created pursuant to article five-A, five-B or five-D of the county law, chapter five hundred sixteen of the laws of nineteen hundred twenty-eight, or chapter two hundred seventy-three of the laws of nineteen hundred thirty-nine, and shall include town improvements provided pursuant to articles three-A and twelve-C of the town law, but shall not include any special district within the city of New York or the counties contained therein.

4. "Authorized signatory" shall mean a person who has the legal authority to sign contracts on behalf of the sharing entity.

5. "Governing body" shall mean a county legislature or county board of supervisors for a county; a town board for a town; a city council for a city; a village board of trustees for a village; the board of education for a school district; the board of education for a board of cooperative educational services; the board of fire commissioners for a fire district; the board of trustees for a library district; and the body of persons designated by law to govern the district for a special district; or where such bodies have a different name or structure, the equivalent thereof.

§ 119-w. Cooperation and shared services programs. In addition to any other authorization for intermunicipal cooperation and shared services, contained in any other provision of law, and notwithstanding any other provision of law to the contrary, any sharing entity is hereby empowered and authorized to contract for intergovernmental cooperation and/or shared services, as follows:

1. Jurisdictional limitations. For purposes of this subdivision, a sharing entity may contract for an intermunicipal cooperation and/or shared services agreement with any other sharing entity within the following jurisdictional limitations:

a. A county may contract with any other adjoining county, or with any other sharing entity within the county, or with the authorization of the adjoining county with any other sharing entity within the adjoining county.

b. A city, town, or village may contract with the county in which they reside, or with any other sharing entity within the county, or with the authorization of the adjoining county with any other sharing entity within the adjoining county.

c. A school district, board of cooperative educational services, fire district, library district or special district may contract with the county in which they reside, or with any other sharing entity within the county, or with the authorization of the adjoining county with any other sharing entity within the adjoining county.

2. Areas of cooperation and shared services. For purposes of this subdivision, and within the jurisdictional limitations provided for by subdivision one of this section, a sharing entity may contract for the

following types and areas of intermunicipal cooperation and/or shared services:

a. Transportation maintenance and construction services, including paving; patching; roadway painting; snow removal; roadway barrier and/or guiderail construction, repair and/or installation; bridge and/or tunnel maintenance, repair, and/or construction; or any other transportation maintenance and construction services which have customarily been provided by the sharing entity.

b. Water, sanitary sewer and storm sewer system maintenance and construction services, including repair, construction and maintenance of pipes, culverts, aqueducts, and/or any other water, sanitary sewer or storm sewer infrastructure; or any other water, sanitary sewer or storm sewer maintenance and construction services which have customarily been provided by the sharing entity.

c. Governmental administrative services, including joint purchasing; joint legal services; joint accounting services; joint record management services; joint information technology, telecommunication, network and cyber security services; joint payroll services; joint personnel training, benefit and administration services, including the establishment of joint health insurance consortiums, established in accordance with the provisions of article forty-seven of the insurance law; and any other governmental administrative services which have customarily been provided by the sharing entity.

d. Justice services, including merged or shared town justice courts; joint arraignment agreements; joint prisoner transportation agreements; merged or shared county jail or juvenile detention facility agreements; or merged or shared E-911 dispatch services.

e. Tax collection and assessment services, including merged or shared receivers of taxes; or merged or shared assessors, or other assessment evaluation and/or management services.

f. Planning services, including joint or regional planning services.

g. Environmental services, including merged or shared solid waste collection, transport, disposal, incineration, or landfill services; and any other environmental services which have customarily been provided by the sharing entity.

h. Recreational services, including recreational facility construction, maintenance and/or operation and programs related to such facilities; playground and athletic field construction, maintenance and/or operation; waterfront, park, beach or pool construction, maintenance and/or operation, or programs related to such waterfronts, parks, beaches or pools; sports or arena facility construction, maintenance and/or operation, or programs related to such sports or arena facilities; and any other recreational services which have customarily been provided by the sharing entity.

i. Buildings and grounds services, including joint building and grounds services to provide construction, maintenance, and operation of governmental buildings, including painting, repair, construction, remodeling, design, redesign, and restoration of facilities and grounds; joint lawn care, gardening, and landscaping services; and any other building and grounds services which have customarily been provided by the sharing entity.

3. Procedure. a. To establish an intermunicipal cooperation or shared services agreement in accordance with this article, an authorized signatory of every sharing entity participating in the agreement, must sign a written agreement detailing:

(i) The area or areas of intermunicipal cooperation or shared services to be performed in the agreement;

(ii) The terms, duration and designated responsibilities of the intermunicipal cooperation or shared services to be performed in the agreement; and

(iii) The amount, and designation of the parties for, any financial responsibility of the intermunicipal cooperation or shared services to be performed in the agreement.

b. No intermunicipal cooperation or shared services agreement, authorized and empowered under this article, shall take effect unless:

(i) The written agreement is signed by an authorized signatory of every sharing entity participating in the agreement;

(ii) The signed, written agreement has been approved in written resolution, adopted by a majority vote of the governing body of every sharing entity participating in the agreement; and

(iii) The governing body of every sharing entity participating in the agreement, has held a public hearing prior to its vote to approve the written resolution, required in subparagraph (ii) of this paragraph.

c. Other than the requirements provided in this article, and other than the requirements provided in the written agreement detailing the intermunicipal cooperation or shared services agreement itself, no sharing entity shall be required to take any additional action to establish an intermunicipal cooperation or shared services agreement, established pursuant to, and authorized and empowered by, the provisions of this article. Accordingly, any intermunicipal cooperation or shared services agreement, established pursuant to, and authorized or empowered by, this article shall not require any referendum by the voters of the sharing entity or any further action of the state legislature, in order to ratify or otherwise make effective or approve the intermunicipal cooperation or shared services agreement.

4. School district and board of cooperative educational services participation in an intermunicipal cooperation and/or shared services agreement under the intermunicipal cooperation and shared services pilot program. Notwithstanding any provision of the education law, or any other provision of law, rule or regulation to the contrary, any school district or board of cooperative educational services may participate in an intermunicipal cooperation and/or shared services agreement established pursuant to the provisions of this article.

§ 119-x. State assistance. The department of state, department of taxation and finance, department of audit and control, department of law, department of environmental conservation, and any other state department, division, office, agency or public authority, shall respond to requests for assistance from any sharing entity with respect to such entity's efforts to cooperate and/or share services and programs, in accordance with the provisions of this article.

§ 119-y. Reports. Each sharing entity that formalizes a legal agreement to cooperate with another sharing entity, or that shares any service with another sharing entity, in accordance with the provisions of this article, shall make a report to the secretary of state, in the form and manner, and within the time, provided by the secretary of state. Such report shall detail the terms, benefits, duration, and savings resulting from such cooperation or shared service. The secretary of state shall annually make a report to the governor, the temporary president of the senate, and the speaker of the assembly, on or before the first day of January, detailing all the cooperation and shared services activities of sharing entities under the intermunicipal

cooperation and shared services pilot program, which occurred and were reported to the secretary of state, during the previous year, pursuant to this article.

§ 2. This act shall take effect January 1, 2019, and shall expire and be deemed repealed January 1, 2024; provided, however that any agreement entered into by sharing entities pursuant to this act shall remain in full force and effect after such expiration and repeal.