STATE OF NEW YORK

4663

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to county-wide shared services panels; and to amend the state finance law, in relation to establishing the municipal efficiency fund

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

Section 1. Section 239-bb of the general municipal law, as added by section 1 of part EE of chapter 55 of the laws of 2018, subdivision 8 as amended by chapter 717 of the laws of 2022, subdivisons 9 and 11 as amended by chapter 294 of the laws of 2021 and subdivison 12 as added by chapter 577 of the laws of 2021, is amended to read as follows:

§ 239-bb. County-wide shared services panels. 1. Definitions. The following terms shall have the following meanings for the purposes of this article:

a. "County" shall mean any county not wholly contained within a city.

b. "County CEO" shall mean the county executive, county manager or other chief executive of the county, or, where none, the chair of the county legislative body.

c. **"Library district" as the term is used in this section shall mean any public library established pursuant to the provisions of article five of the education law.**

d. "Panel" shall mean a county-wide shared services panel established pursuant to subdivision two of this section.

[~~d.~~] **e.** "Plan" shall mean a county-wide shared services property tax savings plan.

2. County-wide shared services panels. [~~a.~~] There shall be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county**, as well as each school district, board of cooperative educational service, fire district, fire protection district, public library**

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

LBD09378-01-3

district, and special improvement district in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, [~~or shall be the~~] a supervisor, if a town, or a designated representative for each school district, board of cooperative educational service, fire district, fire protection district, public library district or special improvement district. The county CEO shall serve as chair. All panels established in each county pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen, and prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided [~~that the county CEO may alter~~] the membership of the panel shall be altered as necessary to be consistent with [~~paragraph b of~~] this subdivision.

[~~b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. Such school district, board of cooperative educational services, fire district, fire protection district or other special district shall maintain such representation until the panel either approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, board of cooperative educational services, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.~~]

3. a. Each county CEO shall, after satisfying the requirements of part BBB of chapter fifty-nine of the laws of two thousand seventeen, annually convene the panel and shall undertake to revise and update a previously approved plan or alternatively develop a new plan [~~through December thirty-first, two thousand twenty-one~~]. Such plans shall contain new, recurring property tax savings resulting from actions such as, but not limited to, the elimination of duplicative services; shared services arrangements including, joint purchasing, shared highway equipment, shared storage facilities, shared plowing services and energy and insurance purchasing cooperatives; reducing back office and administrative overhead; and better coordinating services. The secretary of state may provide advice and/or recommendations on the form and structure of such plans.

b. After having convened at least two meetings in a calendar year, a panel may, by majority vote, determine that it is not in the best interest of the taxpayers to revise and update a previously approved plan or to develop a new plan in such year. The county CEO of such panel shall then comply with the provisions of paragraph (d) of subdivision seven of this section.

4. While revising or updating a previously approved plan, or while developing a new plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit [~~of any participating~~] for each school district, board of cooperative educational services,

fire district, fire protection district, [~~or~~] **public library district, and** special improvement district.

5. The county CEO, the county legislative body and a panel shall accept input from the public, civic, business, labor and community leaders on any proposed plan. The county CEO shall cause to be conducted a minimum of three public hearings prior to submission of a plan to a vote of a panel. All such public hearings shall be conducted within the county, and public notice of all such hearings shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law. Civic, business, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.

6. a. The county CEO shall submit each plan, accompanied by a certification as to the accuracy of the savings contained therein, to the county legislative body at least forty-five days prior to a vote by the panel.

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

7. a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of the panel. Each member of a panel may, prior to the panel-wide vote, cause to be removed from a plan any proposed action affecting the [~~unit of government~~] **entity** represented by the respective member. Written notice of such removal shall be provided to the county CEO prior to a panel-wide vote on a plan.

b. Plans approved by a panel shall be transmitted to the secretary of state no later than thirty days from the date of approval by a panel accompanied by a certification as to the accuracy of the savings accompanied therein, and shall be publicly disseminated to residents of the county in a concise, clear, and coherent manner using words with common and everyday meaning.

c. The county CEO shall conduct a public presentation of any approved plan no later than thirty days from the date of approval by a panel. Public notice of such presentation shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law.

d. Beginning in two thousand twenty, by January fifteenth following any calendar year during which a panel did not approve a plan and transmit such plan to the secretary of state pursuant to paragraph b of this subdivision, the county CEO of such panel shall release to the public and transmit to the secretary of state a statement explaining why the panel did not approve a plan that year, including, for each vote on a plan, the vote taken by each panel member and an explanation by each panel member of their vote.

8. **(a)** For each county, new shared services actions in an approved and submitted plan pursuant to this section or part BBB of chapter fifty-nine of the laws of two thousand seventeen, may be eligible for funding to match savings from such action, subject to available appropriation. Savings that are actually and demonstrably realized by the participating local governments are eligible for matching funding. For actions that are part of an approved plan transmitted to the secretary of state in accordance with paragraph b of subdivision seven of this section,

savings achieved during either: (i) January first through December thirty-first from new actions implemented on or after January first through December thirty-first of the year immediately following an approved and transmitted plan, or (ii) July first of the year immediately following an approved and transmitted plan through June thirtieth of the subsequent year from new actions implemented July first of the year immediately following an approved plan through June thirtieth of the subsequent year may be eligible for matching funding. Only net savings between local governments for each action would be eligible for matching funding. Savings from internal efficiencies or any other action taken by a local government without the participation of another local government are not eligible for matching funding. Each county and all of the local governments within the county that are part of any action to be implemented as part of an approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding.

(b) Applications for matching funds shall be made to the secretary of state. Upon approval by the secretary of state, certification of the matching funds to be paid to the county pursuant to said application shall be forwarded to the New York state comptroller for payment of such monies to the county from the municipal efficiency fund established by section ninety-nine-qq of the state finance law.

9. The department of state shall prepare a report to the governor, the temporary president of the senate and the speaker of the assembly on the county-wide shared services plans approved by the county-wide shared services panels created pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen and this article and shall post the report on the department's website. Such report shall be provided **annually** on or before June thirtieth, [~~two thousand twenty-five~~] and shall include, but not be limited to, the following:

a. a detailed summary of projects included in county-wide shared services plans by category, such as:

(1) public health and insurance;

(2) emergency services;

(3) sewer, water, and waste management systems;

(4) energy procurement and efficiency;

(5) parks and recreation;

(6) education and workforce training;

(7) law and courts;

(8) shared equipment, personnel, and services;

(9) joint purchasing;

(10) governmental reorganization;

(11) transportation and highway departments; and

(12) records management and administrative functions.

b. for each of the counties the following information:

(1) a detailed summary of each of the savings plans, including revisions and updates submitted each year or the statement explaining why the county did not approve a plan in any year;

(2) the anticipated savings for each plan;

(3) the number of cities, towns and villages in the county;

(4) [~~the number of cities, towns and villages that participated in a panel, as reported in a plan;~~

~~(5) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts in the county; and~~

~~(6) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan~~] the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, public library districts, and other special improvement districts located within the county; and

(5) the number and name of any cities, towns, villages, school districts, boards of cooperative educational services, fire districts, fire protection districts, public library districts, and any other special improvement district that refused to participate in a panel.

10. The secretary of state may solicit, and the panels may provide at her or his request, advice and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice or recommendations by a vote of the majority of the members present at such meeting.

11. [~~The authority granted by this article to a county CEO to convene a panel for the purpose of revising or updating a previously approved plan, or developing a new plan, or to provide the secretary of state information pursuant to subdivision ten of this section, shall cease on December thirty-first, two thousand twenty-four.~~

~~12.~~] Notwithstanding any other provision of law to the contrary, the entity created pursuant to title five-A of article five of the public authorities law shall be eligible for one million dollars in each state fiscal year beginning with state fiscal year two thousand twenty-one--two thousand twenty-two; provided, however, that such monies shall be derived from the appropriation dedicated to the matching funds program pursuant to subdivision eight of this section and provided further, that such funding for such entity shall not be subject to the requirements of subdivision eight of this section related to savings.

§ 2. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. Municipal efficiency fund. 1. There is hereby established in the custody of the state comptroller and the department of taxation and finance a special fund to be known as the municipal efficiency fund.

2. Such fund shall consist of all moneys appropriated for the purpose of such fund, all other moneys required to be paid into, transferred or credited to such fund, and all moneys received by the fund or donated to it.

3. Moneys of the municipal efficiency fund shall be solely available, following appropriation by the legislature and in accordance with law to provide counties with awards of matching funds upon certification by the department of state of compliance with section two hundred thirty-nine-bb of the general municipal law where county-wide shared services panels have approved a plan resulting in savings to the county and various political subdivisions therein.

§ 3. This act shall take effect immediately.