§ 786. Court-ordered dissolution; judicial hearing officer. 1. If the governing body of a local government entity with a duty to prepare and approve a proposed elector initiated dissolution plan pursuant to section seven hundred eighty-two of this title fails to prepare and approve such plan or is otherwise unable or unwilling to accomplish and complete the dissolution pursuant to the provisions of this article, then any five electors who signed the petition seeking dissolution may commence a special proceeding against the entity pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the entity or the greater portion of its territory is located, to compel compliance with the provisions of this article.

2. If the petitioners in such special proceeding shall substantially prevail, then the court shall issue an injunction ordering the governing body to comply with the applicable provisions of this article. If the governing body violates the injunction, the court shall appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to hear and determine an elector initiated dissolution plan for the entity that complies with the provisions of subdivision two of section seven hundred eighty-two of this title.

3. The final determination of the judicial hearing officer shall constitute the final approval of the elector initiated dissolution plan and provide that such plan takes effect forty-five days after the filing of such determination, unless a petition for a permissive referendum is properly filed pursuant to section seven hundred eighty-five of this title.

4. In any proceeding pursuant to this section in which the petitioners substantially prevail, the costs of such proceeding, including the costs of any judicial hearing officer appointed pursuant to subdivision two of this section, shall be borne by the local government entity at the rate provided for in article twenty-two of the judiciary law and regulations promulgated pursuant thereto.