

IN SENATE

Senate introducer's signature

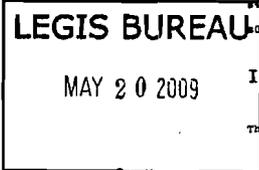
The senators whose names are circled below wish to join me in the sponsorship of this proposal

S. _____
Senate

a20 Adams	a01 Foley	a24 Lanza	a12 Onorato	a09 Skelos
a15 Addabbo	a08 Puschillo	a39 Larkin	a37 Oppenheimer	a14 Smith
a55 Alessi	a22 Golden	a01 LaValle	a11 Padavan	a25 Squadron
a48 Aubertine	a47 Griffo	a40 Leibell	a21 Parker	a58 Stachowski
a42 Bonacic	a06 Nannon	a52 Libous	a30 Perkins	a16 Stavisky
a46 Breslin	a36 Nassell-	a43 Little	a61 Ransenhofer	a35 Stewart-
a50 DeFrancisco	Thompson	a05 Marcellino	a56 Robach	Cousina
a32 Diaz	a10 Huntley	a62 Maviara	a41 Seland	a60 Thompson
a17 Dilan	a07 Johnson, C.	a43 McDonald	a19 Sampson	a29 Valesky
a29 Duane	a04 Johnson, O.	a13 Monserrate	a23 Savino	a59 Volker
a33 Kapade	a34 Klein	a18 Montgomery	a31 Schneidman	a53 Winner
a21 Farley	a26 Krueger	a38 Mozahan	a28 Serrano	a57 Young
a28 Flanagan	a27 Krugar	a54 Nozzolio	a51 Geward	

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on



----- A.
Assembly

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a047 Colton	a148 Hayes	a104 McEneny	a067 Rosenthal
a001 Alessi	a010 Conte	a092 Haestle	a017 McKevitt	a118 Russell
a021 Alfano	a032 Cook	a028 Hevesi	a022 Meng	a012 Saladino
a105 Amadore	a142 Corwin	a049 Hiskind	a102 Millar	a113 Sayward
a084 Arroyo	a107 Crouch	a018 Hooper	a052 Millman	a029 Scarsborough
a035 Aubry	a063 Cusick	a144 Hoyt	a103 Molinaro	a016 Schmal
a136 Baccalle	a045 Cymbrowitz	a060 Hyer-Spencer	a132 Morella	a140 Schwiminger
a099 Ball	a138 DelMonte	a042 Jacobs	a037 Nolan	a145 Schroeder
a124 Barclay	a034 DenDekker	a095 Jaffee	a128 Oake	a122 Scorsafava
a014 Barra	a114 Destito	a057 Jaffrias	a069 O'Donnell	a038 Semnerio
a040 Barron	a081 Dinovits	a131 John	a137 O'Mara	a044 Silver
a092 Benedetto	a114 Duprey	a112 Jordan	a051 Ortiz	a100 Skartadze
a079 Benjamin	a003 Eddington	a074 Kavanagh	a150 Parment	a093 Spano
a073 Bing	a004 Englebright	a065 Kallner	a088 Faullio	a121 Sticpe
a055 Boyland	a130 Errigo	a129 Kolb	a141 Peoples	a011 Sweeney
a008 Boyle	a072 Sepalliat	a135 Koon	a039 Peralta	a110 Tedesco
a089 Bradley	a071 Farrell	a025 Lancman	a058 Perry	a002 Thiele
a044 Brennan	a005 Floide	a091 Letimer	a021 Pheffer	a061 Titone
a092 Brodsky	a123 Finch	a013 Lavine	a068 Powell	a031 Titus
a046 Brook-Krasny	a007 Fitzpatrick	a050 Lentol	a087 Fratlow	a062 Tobacco
a147 Burling	a143 Gabryszak	a125 Lifton	a146 Quinn	a054 Towns
a117 Butler	a090 Galef	a127 Lopez, F.	a097 Rabbitt	a115 Townsend
a101 Cahill	a133 Gantt	a053 Lopez, V.	a009 Raia	a015 Walker
a096 Calhoun	a036 Gianeris	a126 Lupardo	a006 Ramo	a041 Weinstein
a043 Camera	a149 Giglio	a111 Magee	a134 Reilich	a020 Weisenberg
a106 Canestrari	a064 Glick	a120 Magnarelli	a109 Reilly	a024 Weprin
a026 Cerrozza	a108 Gordon	a039 Maisel	a078 Rivers, J.	a070 Wright
a086 Castro	a075 Gottfried	a030 Markey	a080 Rivers, N.	a094 Zabrowski
a119 Christensen	a098 Gunther	a027 Mayersohn	a076 Rivers, P.	a077
a033 Clark	a139 Hawley	a019 McDonough	a054 Robinson	a085

with M. of A. as co-sponsors

Attorney General Andrew Cuomo

--read once and referred to the
Committee on

GENEMULA
(Enacts the NY government reorgan-
ization and citizen empowerment act;
repealer)

Gen Mun. consolad diss local govt

AN ACT

to amend the general municipal law,
the municipal home rule law, the
town law, the village law and the
local finance law, in relation to
the requirements for consolidating
or dissolving certain local govern-
ment entities, and to repeal certain
provisions of the town law and the
village law relating thereto

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

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill). Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).



1 Section 1. Short Title. The act shall be known and may be cited as the
2 "New N.Y. Government Reorganization and Citizen Empowerment Act".
3 § 2. The general municipal law is amended by adding a new article 17-A
4 to read as follows:

5 ARTICLE 17-A

6 CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT

7 Title 1. Definitions (§ 750)

- 8 2. Consolidation of local government entities (§§ 751-772)
9 3. Dissolution of local government entities (§§ 773-790)
10 4. Miscellaneous provisions (§§ 791-793)

11 TITLE 1

12 DEFINITIONS

13 Section 750. Definitions.

14 § 750. Definitions. As used in this article, the following terms
15 shall have the following meanings:

16 1. "Component local government entity" shall mean a local government
17 entity that, as a result of successful consolidation proceedings, is
18 combined into a consolidated local government entity.

19 2. "Consolidation" shall mean either (a) the combination of two or
20 more local government entities resulting in the termination of the
21 existence of each of the entities to be consolidated and the creation of
22 a new entity which assumes jurisdiction over all of the terminated enti-
23 ties, or (b) the combination of two or more local government entities
24 resulting in the termination of the existence of all but one of the
25 entities which shall absorb the terminated entity or entities.

1 3. "Consolidated local government entity" shall mean a local govern-
2 ment entity resulting from successful consolidation proceedings
3 conducted pursuant to this article.

4 4. "Contiguous" shall mean when a portion of a town or village abuts
5 the boundary of another town or village, including a town or village
6 separated from the exact boundary of another town or village by a
7 street, road, railroad, highway, river or other natural or artificial
8 stream or body of water.

9 5. "Dissolution" shall mean the termination of the existence of a
10 local government entity.

11 6. "Dissolution plan" shall mean a written document that contains
12 terms and information regarding the dissolution of a local government
13 entity and that has been finalized and approved by such entity's govern-
14 ing body pursuant to this article.

15 7. "Elector" shall mean a registered voter of this state registered to
16 vote in the local government entity subject to consolidation or dissol-
17 ution proceedings conducted pursuant to this article.

18 8. "Elector initiated consolidation plan" shall mean a written docu-
19 ment that contains terms and information regarding the consolidation of
20 two or more local government entities, a majority of whose electors have
21 voted to consolidate, and that has been finalized and approved by the
22 governing body or bodies of such entities or a judicial hearing officer
23 pursuant to this article.

24 9. "Elector initiated dissolution plan" shall mean a written document
25 that contains terms and information regarding the dissolution of a local
26 government entity, a majority of whose electors have voted to dissolve,
27 that has been finalized and approved by such entity's governing body or
28 a judicial hearing officer pursuant to this article.

1 10. "Governing body" shall mean the body in which the general legisla-
2 tive, governmental and/or public powers of a local government entity are
3 vested and by authority of which the official business of such entity is
4 conducted.

5 11. "Initiative" shall mean the filing of the petition containing a
6 proposal for a referendum to be placed on the ballot for an election.

7 12. "Joint consolidation agreement" shall mean a written document that
8 contains terms and information regarding the consolidation of two or
9 more local government entities and that has been finalized and approved
10 by the governing body or bodies of such entities pursuant to this arti-
11 cle.

12 13. "Local government entity" or "entity" shall mean a town, village,
13 district, special improvement district or other improvement district,
14 including, but not limited to, special districts created pursuant to
15 articles eleven, twelve, twelve-A or thirteen of the town law, library
16 districts, and other districts created by law; provided, however, that a
17 local government entity shall not include school districts, city
18 districts or special purpose districts created by counties under county
19 law.

20 14. "Proposed dissolution plan" shall mean a written document that
21 contains terms and information regarding the dissolution of a local
22 government entity, and that has been proposed, but not yet finalized and
23 approved, by such entity's governing body pursuant to this article.

24 15. "Proposed elector initiated consolidation plan" shall mean a writ-
25 ten document that contains terms and information regarding the consol-
26 idation of two or more local government entities, a majority of whose
27 respective electors have voted to consolidate such entities, that has

1 been proposed, but not yet finalized and approved, by the governing body
2 or bodies of such entities pursuant to this article.

3 16. "Proposed elector initiated dissolution plan" shall mean a written
4 document that contains terms and information regarding the dissolution
5 of a local government entity, a majority of whose electors have voted to
6 dissolve such entity, and that has been proposed, but not yet finalized
7 and approved, by such entity's governing body pursuant to this article.

8 17. "Proposed joint consolidation agreement" shall mean a written
9 document that contains terms and information regarding the consolidation
10 of two or more local government entities and that has been proposed, but
11 not yet finalized and approved, by such entities' governing body or
12 bodies pursuant to this article.

13 18. "Referendum" shall mean a vote seeking approval by a majority of
14 electors of a local government entity or entities voting on a question
15 of consolidation or dissolution placed on the ballot by initiative.

16 TITLE 2

17 CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES

18 Section 751. Commencing the proceeding.

19 752. Proposed joint consolidation agreement.

20 753. Publication of proposed joint consolidation agreement.

21 754. Public hearings on proposed joint consolidation agreement.

22 755. Referendum resolution for consolidation of towns or
23 villages.

24 756. Effective date of joint consolidation agreement.

25 757. Initiative of electors seeking consolidation.

26 758. Conduct of referendum.

27 759. Canvassing of vote; moratorium on further referendum.

- 1 760. Duty to approve proposed elector initiated consolidation
2 plan.
- 3 761. Publication of proposed elector initiated consolidation
4 plan.
- 5 762. Public hearings on proposed elector initiated consolidation
6 plan.
- 7 763. Effective date of elector initiated consolidation plan;
8 permissive referendum.
- 9 764. Court-ordered consolidation; mediation; judicial hearing
10 officer.
- 11 765. General effect of consolidation.
- 12 766. Election and appointment of officials.
- 13 767. Effect of transition on employees.
- 14 768. Debts, liabilities and obligations.
- 15 769. Effect on existing laws; transition period.
- 16 770. Effect on actions and proceedings.
- 17 771. Registration of electors.
- 18 772. Determination of rights.
- 19 § 751. Commencing the proceeding. 1. Two or more local government
20 entities, whether within the same county or different counties, may be
21 consolidated into a single local government entity if each of the local
22 government entities is contiguous to at least one of the other consol-
23 idating local government entities and if together the local government
24 entities would form a consolidated local government entity of a kind or
25 class that is authorized under the laws of the state of New York. The
26 requirement that local government entities be contiguous to consolidate
27 does not apply to entities other than towns and villages.
- 28 2. Consolidation proceedings may be commenced by either:

1 (a) a joint resolution by the governing body or bodies of the local
2 government entities to be consolidated endorsing a proposed joint
3 consolidation agreement; or

4 (b) elector initiative.

5 § 752. Proposed joint consolidation agreement. 1. The governing body
6 or bodies of two or more local government entities may, by joint resol-
7 ution, endorse a proposed joint consolidation agreement for the purpose
8 of commencing consolidation proceedings under this article.

9 2. The proposed joint consolidation agreement shall specify:

10 (a) the name of each local government entity to be consolidated;

11 (b) the name of the proposed consolidated local government entity,
12 which name shall be such as to distinguish it from the name of any other
13 like unit of government in the state of New York (except the name of any
14 one of the entities to be consolidated);

15 (c) the rights, duties and obligations of the proposed consolidated
16 local government entity;

17 (d) the territorial boundaries of the proposed consolidated local
18 government entity;

19 (e) the type and/or class of the proposed consolidated local govern-
20 ment entity;

21 (f) the governmental organization of the proposed consolidated local
22 government entity insofar as it concerns elected and appointed officials
23 and public employees, along with a transitional plan and schedule for
24 elections and appointments of officials;

25 (g) a fiscal estimate of the cost of and savings which may be realized
26 from consolidation;

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

4 (i) each entity's liabilities and indebtedness, bonded and otherwise,
5 and the fair value thereof in current money of the United States;

6 (j) terms for the disposition of existing assets, liabilities and
7 indebtedness of each local government entity, either jointly, separately
8 or in certain defined proportions;

9 (k) terms for the common administration and uniform enforcement of
10 local laws, ordinances, resolutions, orders and the like, within the
11 proposed consolidated local government entity, consistent with section
12 seven hundred sixty-nine of this title;

13 (l) the effective date of the proposed consolidation; and

14 (m) the time and place or places for the public hearing or hearings on
15 such proposed joint consolidation agreement pursuant to section seven
16 hundred fifty-four of this title.

17 § 753. Publication of proposed joint consolidation agreement. No
18 later than five business days after commencement of consolidation
19 proceedings pursuant to section seven hundred fifty-two of this title,
20 the governing body or bodies of the local government entities to be
21 consolidated shall:

22 1. cause a copy of the proposed joint consolidation agreement, along
23 with a descriptive summary thereof, to be displayed and readily accessi-
24 ble to the public for inspection in a public place or places within each
25 entity;

26 2. cause the proposed joint consolidation agreement, along with a
27 descriptive summary thereof and a reference to the public place or plac-
28 es within each entity where a copy thereof may be examined, to be

1 displayed on a website maintained by each entity or otherwise on a
2 website maintained by the village, town and/or county in which the enti-
3 ties are located; and

4 3. arrange to be published a descriptive summary of the proposed joint
5 consolidation agreement and a reference to the public place or places
6 within the entities where a copy thereof may be examined, at least once
7 each week for four successive weeks, in a newspaper having a general
8 circulation within each entity.

9 § 754. Public hearings on proposed joint consolidation agreement. 1.
10 The governing body or bodies of the local government entities to be
11 consolidated shall set a time and place or places for one or more public
12 hearings on the proposed joint consolidation agreement. The hearing or
13 hearings shall be held no less than thirty-five days and no more than
14 ninety days after commencement of consolidation proceedings pursuant to
15 section seven hundred fifty-two of this title. The hearing or hearings
16 may be held jointly or separately by the governing body or bodies of the
17 entities. Any interested person shall be given a reasonable opportunity
18 to be heard on any aspect of the proposed consolidation.

19 2. The public hearing or hearings shall be held on notice of at least
20 ten days, but not more than twenty days, published in a newspaper or
21 newspapers having general circulation within each local government enti-
22 ty to be consolidated and displayed on a website maintained by each
23 entity or otherwise on a website maintained by the village, town and/or
24 county in which the entities are located. The notice of the hearing or
25 hearings shall provide a descriptive summary of the proposed joint
26 consolidation agreement and a reference to the public place or places
27 within the entities where a copy of such agreement may be examined.

1 3. After completion of the final hearing, the governing body or bodies
2 of the local government entities to be consolidated may amend the
3 proposed joint consolidation agreement, provided that the amended
4 version complies with the provisions of subdivision two of section seven
5 hundred fifty-two of this title and is publicized pursuant to subdivi-
6 sion four of this section, and/or approve a final version of the joint
7 consolidation agreement, or decline to proceed further with consol-
8 idation proceedings. Any approval by the entities' governing body or
9 bodies of the final version of the joint consolidation agreement must
10 occur within one hundred eighty days of such final hearing.

11 4. No later than five business days after amending the proposed joint
12 consolidation agreement, the governing body or bodies of the local
13 government entities to be consolidated shall:

14 (a) cause a copy of the amended version of the proposed joint consol-
15 idation agreement, along with a descriptive summary thereof, to be
16 displayed and readily accessible to the public for inspection in a
17 public place or places within each entity; and

18 (b) cause the amended version of the proposed joint consolidation
19 agreement, along with a descriptive summary thereof and a reference to
20 the public place or places within each such entity where a copy thereof
21 may be examined, to be displayed on a website maintained by each entity
22 or otherwise on a website maintained by the village, town and/or county
23 in which the entities are located.

24 § 755. Referendum resolution for consolidation of towns or villages.

25 1. If a joint consolidation agreement calls for the consolidation of two
26 or more towns, two or more villages or one or more towns and villages,
27 then contemporaneous with the final approval of the joint consolidation
28 agreement pursuant to subdivision three of section seven hundred fifty-

1 four of this title, the governing body or bodies of the local government
2 entities to be consolidated shall enact a resolution calling for a
3 referendum on the proposed consolidation by the electors in each of the
4 entities.

5 2. The resolution calling for the referendum on the proposed consol-
6 idation shall:

7 (a) provide (i) the name of each of the towns and/or villages proposed
8 to be consolidated, (ii) a statement fully describing the territory to
9 be included within the proposed consolidated local government entity,
10 (iii) the name of the proposed consolidated local government entity, and
11 (iv) the date for the referendum, in accordance with subdivision one of
12 section seven hundred fifty-eight of this title;

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

15 (c) set forth such other matters as may be necessary to call, provide
16 for and give notice of the referendum and to provide for the conduct
17 thereof and the canvass of the returns thereupon.

18 3. The resolution calling for a referendum on the proposed consol-
19 idation shall have attached to it the final approved version of the
20 joint consolidation agreement.

21 § 756. Effective date of joint consolidation agreement. Local govern-
22 ment entities consolidated pursuant to a joint consolidation agreement
23 shall continue to be governed as before consolidation until the effec-
24 tive date of the consolidation specified in the joint consolidation
25 agreement; provided, however, that no joint consolidation agreement
26 consolidating two or more towns, two or more villages or one or more
27 towns and villages shall take effect unless approved by a majority of
28 electors in each such town and/or village at a referendum called through

1 a resolution enacted pursuant to section seven hundred fifty-five of
2 this title.

3 § 757. Initiative of electors seeking consolidation. 1. The electors
4 of two or more local government entities may commence a consolidation
5 proceeding by filing an original petition, containing not less than the
6 number of signatures provided for in subdivision two of this section and
7 in the form provided for in subdivision three of this section, with the
8 clerk of the town in which the entities or the greater portion of their
9 territory are located, except that if one or more of the entities to be
10 consolidated is a village the original petition of electors from the
11 village shall be filed with the clerk of the village. Accompanying the
12 filed petition shall be a cover sheet containing the name, address and
13 telephone number of an individual who signed the petition and who will
14 serve as a contact person.

15 2. The petition shall contain the signatures of at least ten percent
16 of the number of electors or five thousand electors, whichever is less,
17 in each local government entity to be consolidated; provided, however,
18 that where the local government entity to be consolidated contains five
19 hundred or fewer electors, the petition shall contain the signatures of
20 at least twenty percent of the number of electors. No signature on a
21 petition is valid unless it is the original signature of an elector.

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

24 PETITION FOR LOCAL GOVERNMENT CONSOLIDATION
25 We, the undersigned electors and legal voters of (insert type of local
26 government entity - e.g., town, village or district) of (insert name of
27 local government entity), New York, qualified to vote at the next gener-
28 al or special election, respectfully petition that there be submitted to

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

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

10 _____

11 Date _____ Notary Public or Commissioner of Deeds)

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

15 5. In matters of form, this section shall be liberally construed, not
16 inconsistent with substantial compliance thereto and the prevention of
17 fraud.

18 6. Within ten days of the filing of the petition seeking consolidation
19 pursuant to subdivision one of this section, the clerk with whom the
20 petition was filed shall make a final determination regarding the suffi-
21 ciency of the number of signatures on the petition and provide timely
22 written notice of such determination to the contact person named in the
23 cover sheet accompanying the petition. The contact person or any indi-
24 vidual who signed the petition may seek judicial review of such determi-
25 nation in a proceeding pursuant to article seventy-eight of the civil
26 practice laws and rules.

27 7. Upon the clerk's determination that the petition contains not less
28 than the number of signatures of electors required in subdivision two of

1 this section, the governing body or bodies of the local government enti-
2 ties to be consolidated shall, no later than thirty days thereafter,
3 enact a resolution in accordance with subdivision two of section seven
4 hundred fifty-five of this title calling for a referendum on the
5 proposed consolidation by the electors in each of the entities and set a
6 date for such referendum.

7 § 758. Conduct of referendum. 1. A referendum required by sections
8 seven hundred fifty-five or seven hundred fifty-seven of this title
9 shall be placed before the electors of each of the local government
10 entities to be consolidated at a special election to be held not less
11 than sixty or more than ninety days after the enactment of a resolution
12 calling for such referendum, provided, however, that in cases where a
13 town or village general election falls within such period, the question
14 may be considered during a town or village general election.

15 2. The referendum may be held in each local government entity on the
16 same day, or on different days, however, not more than twenty days
17 apart.

18 3. Notice of the referendum shall be given to the electors of each
19 local government entity to be consolidated by publication in a newspaper
20 having a general circulation within the boundaries of each entity at
21 least once a week for four consecutive weeks immediately prior to the
22 referendum. The notice shall include, but not be limited to:

23 (a) a summary of the contents of the resolution and joint consol-
24 idation agreement or petition for consolidation, as the case may be;

25 (b) a statement as to where may be examined a copy of the resolution
26 and joint consolidation agreement or petition for consolidation, as the
27 case may be;

1 (c) the names of the local government entities to be consolidated and
2 a description of their territory;

3 (d) with respect to a resolution calling for a referendum under
4 section seven hundred fifty-five of this title only, the name of the
5 proposed consolidated local government entity;

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

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

11 4. The referendum question placed before the electors of each local
12 government entity to be consolidated shall be in a form reading substan-
13 tially as follows:

14 "Shall (insert type and name of local government entity) be consol-
15 idated with (insert type and name of local government entity or enti-
16 ties)?

17 YES _____

18 NO _____ "

19 5. In any referendum held pursuant to this title, each local govern-
20 ment entity to be consolidated shall bear only the costs of holding such
21 referendum in its respective entity and shall not be required to bear
22 the costs of a referendum held in any other entity.

23 6. In any referendum held pursuant to this title, and except as
24 otherwise specified herein, the referendum shall be conducted in the
25 same manner as other municipal elections or referendums for the local
26 government entities to be consolidated.

27 § 759. Canvassing of vote; moratorium on further referendum. 1. In
28 any referendum held pursuant to this title, the ballots cast shall be

1 counted, returns made and canvassed and results certified in the same
2 manner as other municipal elections or referendums for the local govern-
3 ment entities to be consolidated.

4 2. Consolidation shall not take effect unless a majority of the elec-
5 tors voting in each local government entity to be consolidated vote in
6 favor of consolidation. If in any one of the entities such a majority
7 vote does not result, the referendum shall fail and consolidation shall
8 not take effect.

9 3. If consolidation is approved by a majority of the electors voting
10 in each local government entity to be consolidated, certificates of such
11 result shall be immediately filed with the secretary of state and with
12 the clerks of the entities and county in which any part of the entities
13 is situated.

14 4. If the referendum shall fail, the consolidation process specified
15 by this title shall not be initiated for the same purpose within four
16 years of the date of such referendum. This subdivision, however, does
17 not apply to a permissive referendum conducted pursuant to section seven
18 hundred sixty-three of this title.

19 § 760. Duty to approve proposed elector initiated consolidation plan.
20 1. In the case of a proposed consolidation of local government entities
21 properly initiated by petition of electors pursuant to section seven
22 hundred fifty-seven of this title, if a majority of the electors voting
23 in a referendum held in each of the local government entities to be
24 consolidated vote in favor of consolidation, the entities' governing
25 body or bodies shall meet within thirty days after certification of the
26 favorable vote and, within one hundred eighty days of such meeting,
27 prepare and approve by resolution a proposed elector initiated consol-
28 idation plan.

- 1 2. The proposed elector initiated consolidation plan shall include:
- 2 (a) the name of each local government entity to be consolidated;
- 3 (b) the name of what will be the consolidated local government entity,
4 which name shall be such as to distinguish it from the name of any other
5 like unit of government in the state of New York (except the name of any
6 one of the entities to be consolidated);
- 7 (c) the rights, duties and obligations of the consolidated local
8 government entity;
- 9 (d) the territorial boundaries of the consolidated local government
10 entity;
- 11 (e) the type and/or class of the consolidated local government enti-
12 ty;
- 13 (f) the governmental organization of the consolidated local government
14 entity insofar as it concerns elected and appointed officials and public
15 employees, along with a transitional plan and schedule for elections and
16 appointments of officials;
- 17 (g) a fiscal estimate of the cost of and savings which may be real-
18 ized from consolidation;
- 19 (h) each entity's assets, including, but not limited to, real and
20 personal property, and the fair value thereof in current money of the
21 United States;
- 22 (i) each entity's liabilities and indebtedness, bonded and otherwise,
23 and the fair value thereof in current money of the United States;
- 24 (j) terms for the disposition of existing assets, liabilities and
25 indebtedness of each local government entity, either jointly, separately
26 or in certain defined proportions;
- 27 (k) terms for the common administration and uniform enforcement of
28 local laws, ordinances, resolutions, orders and the like, within the

1 consolidated local government entity, consistent with section seven
2 hundred sixty-nine of this title;

3 (l) the effective date of the consolidation; and

4 (m) the time and place or places for the public hearing or hearings on
5 such proposed elector initiated consolidation plan pursuant to section
6 seven hundred sixty-two of this title.

7 § 761. Publication of proposed elector initiated consolidation plan.

8 No later than five business days after approving a proposed elector
9 initiated consolidation plan pursuant to section seven hundred sixty of
10 this title, the governing body or bodies of the local government enti-
11 ties to be consolidated shall:

12 1. cause a copy of the proposed elector initiated consolidation plan,
13 along with a descriptive summary thereof, to be displayed and readily
14 accessible to the public for inspection in a public place or places
15 within each entity;

16 2. cause the proposed elector initiated consolidation plan, along with
17 a descriptive summary thereof and a reference to the public place or
18 places within each entity where a copy thereof may be examined, to be
19 displayed on a website maintained by each entity or otherwise on a
20 website maintained by the village, town and/or county in which the enti-
21 ties are located; and

22 3. arrange to be published a descriptive summary of the proposed elec-
23 tor initiated consolidation plan and a reference to the public place or
24 places within the entities where a copy thereof may be examined, at
25 least once each week for four successive weeks, in a newspaper having a
26 general circulation within each entity.

27 § 762. Public hearings on proposed elector initiated consolidation
28 plan. 1. The governing body or bodies of the local government entities

1 to be consolidated shall set a time and place or places for one or more
2 public hearings on the proposed elector initiated consolidation plan.
3 The hearing or hearings shall be held no less than thirty-five days and
4 no more than ninety days after the proposed elector initiated consol-
5 idation plan is approved pursuant to section seven hundred sixty of this
6 title. The hearing or hearings may be held jointly or separately by the
7 governing body or bodies of the entities. Any interested person shall
8 be given a reasonable opportunity to be heard on any aspect of the
9 proposed consolidation.

10 2. The public hearing or hearings shall be held on notice of at least
11 ten days, but not more than twenty days, published in a newspaper or
12 newspapers having general circulation within each local government enti-
13 ty to be consolidated and displayed on a website maintained by each
14 entity or otherwise on a website maintained by the village, town and/or
15 county in which the entities are located. The notice of the hearing or
16 hearings shall provide a descriptive summary of the proposed elector
17 initiated consolidation plan and a reference to the public place or
18 places within the entities where a copy of such agreement may be exam-
19 ined.

20 3. After completion of the final hearing, the governing body or
21 bodies of the local government entities to be consolidated may amend the
22 proposed elector initiated consolidation plan, provided that the amended
23 version complies with the provisions of subdivision two of section seven
24 hundred sixty of this title and is publicized pursuant to subdivision
25 four of this section. The entities' governing body or bodies must
26 approve a final version of the elector initiated consolidation plan
27 within sixty days of such final hearing.

1 4. No later than five business days after amending the proposed elec-
2 tor initiated consolidation plan, the governing body or bodies of the
3 local government entities to be consolidated shall:

4 (a) cause a copy of the amended version of the proposed elector
5 initiated consolidation plan, along with a descriptive summary thereof,
6 to be displayed and readily accessible to the public for inspection in a
7 public place or places within each entity; and

8 (b) cause the amended version of the proposed elector initiated
9 consolidation plan, along with a descriptive summary thereof and a
10 reference to the public place or places within each entity where a copy
11 thereof may be examined, to be displayed on a website maintained by each
12 entity or otherwise on a website maintained by the village, town and/or
13 county in which the entities are located.

14 § 763. Effective date of elector initiated consolidation plan; permis-
15 sive referendum. 1. Local government entities consolidated pursuant to
16 an elector initiated consolidated plan shall continue to be governed as
17 before consolidation until the effective date of the consolidation spec-
18 ified in such plan, which date shall be no less than forty-five days
19 after final approval of such plan pursuant to subdivision three of
20 section seven hundred sixty-two or subdivision four of section seven
21 hundred sixty-four of this title.

22 2. Notwithstanding subdivision one of this section, the elector initi-
23 ated consolidation plan shall not take effect if, no later than forty-
24 five days after final approval thereof pursuant to subdivision three of
25 section seven hundred sixty-two or subdivision four of section seven
26 hundred sixty-four of this title, electors of a local government entity
27 to be consolidated pursuant to such plan shall:

1 (a) file an original petition, containing not less than the number of
2 signatures provided for in subdivision three of this section, seeking a
3 referendum on the question whether the elector initiated consolidation
4 plan shall take effect, with the clerk of the town in which the entity
5 or the greater portion of its territory is located, except that if the
6 entity is a village the original petition of electors from the village
7 shall be filed with the clerk of the village; and

8 (b) thereafter less than a majority of the electors in the entity vote
9 in the affirmative on such question at a referendum.

10 3. The petition shall be circulated, signed and authenticated in
11 substantial compliance with the provisions of section seven hundred
12 fifty-seven of this title, shall contain the signatures of at least
13 twenty-five percent of the number of electors or fifteen thousand elec-
14 tors, whichever is less, in the local government entity to be consol-
15 idated, and shall be accompanied by a cover sheet containing the name,
16 address and telephone number of an individual who signed the petition
17 and who will serve as a contact person.

18 4. Within ten days of the filing of the petition seeking a referendum
19 on whether the elector initiated dissolution plan shall take effect, the
20 clerk with whom the petition was filed shall make a final determination
21 regarding the sufficiency of the number of signatures on the petition
22 and provide timely written notice of such determination to the contact
23 person named in the cover sheet accompanying the petition. The contact
24 person or any individual who signed the petition may seek judicial
25 review of such determination in a proceeding pursuant to article seven-
26 ty-eight of the civil practice law and rules. Upon the clerk's determi-
27 nation that the petition contains no less than the required number of
28 signatures, the governing body of the local government entity to which

1 such petition applies shall within thirty days enact a resolution call-
2 ing for a referendum by the electors of such entity on the question
3 whether to approve the elector initiated consolidation plan and set a
4 date for such referendum in accordance with subdivision five of this
5 section.

6 5. The referendum on the question whether the elector initiated
7 consolidation plan shall take effect shall be submitted at a special
8 election to be held not less than sixty or more than ninety days after
9 enactment of a resolution pursuant to subdivision four of this section,
10 provided, however, that in cases where a town or village general
11 election falls within such period, the referendum question may be
12 considered during a town or village general election.

13 6. Notice of the referendum shall be given to the electors of the
14 local government entity to which the petition applies by publication in
15 a newspaper having a general circulation within the boundaries of the
16 entity at least once a week for four consecutive weeks immediately prior
17 to the referendum. The notice shall include, but not be limited to:

18 (a) a summary of the contents of the resolution and elector initiated
19 consolidation plan;

20 (b) a statement as to where may be examined a copy of the resolution
21 and elector initiated consolidation plan;

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

24 (d) such other matters as may be necessary to call, provide for and
25 give notice of the referendum and to provide for the conduct thereof and
26 the canvass of the returns thereupon.

27 7. In a referendum held pursuant to this section, the referendum ques-
28 tion shall be placed before the electors of the local government entity

1 to which the petition applies in a form reading substantially as
2 follows:

3 "The voters of the (insert type and name of each local government
4 entity to which the consolidation plan applies) having previously voted
5 to consolidate, shall the elector initiated consolidation plan take
6 effect?

7 YES _____

8 NO _____ "

9 8. The elector initiated consolidation plan shall not take effect
10 unless a majority of the electors voting in the local government entity
11 to which the petition applies vote in favor of such plan taking effect.
12 If such a majority vote does not result, the referendum shall fail and
13 consolidation shall not take effect.

14 § 764. Court-ordered consolidation; mediation; judicial hearing offi-
15 cer. 1. If the governing body or bodies of local government entities
16 with a duty to prepare and approve a proposed elector initiated consol-
17 idation plan pursuant to section seven hundred sixty of this title fail
18 to prepare and approve such plan or are otherwise unable or unwilling to
19 accomplish and complete the consolidation pursuant to the provisions of
20 this title, then any five electors who signed the petition seeking
21 consolidation may commence a special proceeding against the entities
22 pursuant to article seventy-eight of the civil practice law and rules,
23 in the supreme court within the judicial district in which the consol-
24 idated local government entity or the greater portion of its territory
25 will be located, to compel compliance with the provisions of this arti-
26 cle.

27 2. If the court finds that the governing body or bodies attempted in
28 good faith to prepare and approve a proposed elector initiated consol-

1 idation plan but were nevertheless unsuccessful, then the court may
2 refer such matter to mediation pursuant to law, with costs of such medi-
3 ation to be borne by the entities in such proportion as the court shall
4 determine based on appropriate factors including population and the good
5 faith efforts of the respective entities. If the governing body or
6 bodies thereupon prepare and approve a proposed elector initiated
7 consolidation plan conforming to the requirements of subdivision two of
8 section seven hundred sixty of this title, then the provisions of
9 sections seven hundred sixty-one, seven hundred sixty-two and seven
10 hundred sixty-three of this title shall apply as if the governing body
11 or bodies had proposed such plan without the benefit of court-ordered
12 mediation.

13 3. In all other cases, if the petitioners in such special proceeding
14 shall substantially prevail, then the court shall issue an injunction
15 ordering the governing body or bodies of the local government entities
16 to comply with the applicable provisions of this article. If the govern-
17 ing body or bodies shall violate the injunction, then the court shall
18 appoint a judicial hearing officer pursuant to article forty-three of
19 the civil practice law and rules to hear and determine an elector initi-
20 ated consolidation plan for the entities that complies with the
21 provisions of subdivision two of section seven hundred sixty of this
22 title.

23 4. The final determination of the judicial hearing officer shall
24 constitute final approval of the elector initiated consolidation plan
25 and provide such plan takes effect forty five days after the filing of
26 such determination with the clerk of the court, unless a petition for a
27 permissive referendum is properly filed pursuant to section seven
28 hundred sixty-three of this title.

1 5. In any proceeding pursuant to this section in which the petitioners
2 substantially prevail, the costs of such proceeding, including the costs
3 of any judicial hearing officer appointed pursuant to subdivision three
4 of this section, shall be borne by the local government entities propor-
5 tionately, at the rate provided for in article twenty-two of the judici-
6 ary law and regulations promulgated pursuant thereto based on appropri-
7 ate factors, including, but not limited to, population and the court's
8 findings regarding the good faith efforts of the respective entities.

9 § 765. General effect of consolidation. 1. On and after the effective
10 date of a consolidation, the consolidating local government entities
11 shall be treated and considered for all purposes as one local government
12 entity, under the name and on the terms and conditions set forth in the
13 joint consolidation agreement or the elector initiated consolidation
14 plan, as the case may be.

15 2. All rights, privileges and franchises of each component local
16 government entity and all assets, real and personal property, books,
17 records, papers, seals and equipment, as well as other things in action,
18 belonging to each component local government entity shall be deemed as
19 transferred to and vested in the consolidated local government entity
20 without further act or deed.

21 3. All property, rights-of-way and other interests shall be as effec-
22 tually the property of the consolidated local government entity as they
23 were of the component local government entities prior to their consol-
24 idation. The title to real estate, either by deed or otherwise, under
25 the laws of the state of New York vested in any of the component local
26 government entities shall not be deemed to revert or be in any way
27 impaired by reason of the consolidation.

1 4. The consolidated local government entity shall in all respects be
2 subject to all the obligations and liabilities imposed and shall possess
3 all the rights, powers, and privileges vested by law in other similar
4 entities.

5 5. Upon the effective date of the consolidation, the joint consol-
6 idation agreement or the elector initiated consolidation plan, as the
7 case may be, shall be subordinate in all respects to the contract rights
8 of all holders of any securities or obligations of the local government
9 entities outstanding at the effective date of the consolidation.

10 6. If a joint consolidation agreement or elector initiated consol-
11 idation plan provides for the dissolution of a local justice court, all
12 court records of such court shall be deposited with a justice court
13 judge to be designated by the administrative judge of the judicial
14 district within which the dissolving justice court is located. The
15 designated justice court judge shall have authority to execute and
16 complete all unfinished business.

17 § 766. Election and appointment of officials. New officials of the
18 consolidated local government entity required to be elected shall take
19 office on the first Monday of January following the election designated
20 in the joint consolidation agreement or elector initiated consolidation
21 plan, as the case may be. At such election, the necessary officials of
22 the consolidated local government entity shall be elected in accordance
23 with the terms of the general law affecting entities of the kind or
24 class of the consolidated local government entity. Except as otherwise
25 specified in the joint consolidation agreement or elector initiated
26 consolidation plan, all appointive officials of the consolidated local
27 government entity thereafter shall be appointed by the individual or
28 entity upon whom the power to appoint such officials is conferred by the

1 terms of the general law affecting entities of the kind or class of the
2 consolidated local government entity. Successors in office for such
3 elected or appointed positions shall thereafter be elected or appointed
4 at the time, in the manner and for the terms provided by the general law
5 affecting entities of the kind or class of the consolidated local
6 government entity.

7 § 767. Effect of transition on employees. Except as otherwise
8 provided by law and except for those officials and employees protected
9 by tenure of office, civil service provisions or collective bargaining
10 agreement, upon the effective date of consolidation, all appointive
11 offices and positions then existing in all component local government
12 entities involved in the consolidation shall be subject to the terms of
13 the joint consolidation agreement or elector initiated consolidation
14 plan, as the case may be. Such agreement or plan may provide for
15 instances in which there is duplication of positions and for other
16 matters such as varying length of employee contracts, different civil
17 service regulations in the constituent entities and differing ranks and
18 position classifications for similar positions.

19 § 768. Debts, liabilities and obligations. 1. All valid and lawful
20 debts and liabilities existing against a consolidated local government
21 entity, or which may thereafter arise or accrue against the consolidated
22 local government entity, which but for consolidation would be valid and
23 lawful debts or liabilities against one or more of the component local
24 government entities, shall be deemed and taken to be like debts against
25 or liabilities of the consolidated local government entity and shall
26 accordingly be defrayed and answered to by it to the same extent, and no
27 further than, the component local government entities would have been
28 bound if no consolidation had taken place.

1 2. The rights of creditors and all liens upon the property of any of
2 the component local government entities of a consolidation shall be
3 preserved unimpaired. The respective component entities shall be deemed
4 to continue in existence to preserve such rights and liens, and all
5 debts, liabilities and duties of any of the component entities shall
6 thenceforth attach to the consolidated local government entity and be
7 enforced against it to the same extent as if such debts, liabilities and
8 duties had been incurred or contracted by the consolidated local govern-
9 ment entity.

10 3. All bonds, contracts and obligations of the component entities
11 which exist as legal obligations shall be deemed like obligations of the
12 consolidated local government entity, and all such obligations as are
13 authorized or required to be issued or entered into shall be issued or
14 entered into by and in the name of the consolidated local government
15 entity.

16 § 769. Effect on existing laws; transition period. Subject to the
17 provisions of the joint consolidation agreement or elector initiated
18 consolidation plan, as the case may be, pertaining to the common admin-
19 istration and uniform enforcement of laws in the consolidated local
20 government entity, all local laws, ordinances, rules or regulations of
21 the component local government entities in effect on the effective date
22 of consolidation shall remain in full force and effect within the
23 respective areas of the component local government entities that existed
24 prior to consolidation, insofar as the local laws, ordinances, rules or
25 regulations are not repugnant to law, until repealed or amended. As
26 soon as practicable but not later than two years after the effective
27 date of consolidation, the governing body of the consolidated local
28 government entity shall adopt new local laws, ordinances, rules and

1 regulations as necessary to redress conflicts and otherwise redress
2 ambiguities arising among the then-existing laws, ordinances, rules or
3 regulations for the common administration and uniform governance of the
4 consolidated local government entity.

5 § 770. Effect on actions and proceedings. 1. Suits may be brought and
6 maintained against a consolidated local government entity in any of the
7 courts of the state in the same manner as against any other local
8 government entity.

9 2. In any action or proceeding pending on the effective date of
10 consolidation to which any component local government entity is a party,
11 the consolidated local government entity may be substituted in its place
12 and the action or proceeding may be prosecuted to judgment as if consol-
13 idation had not taken place.

14 § 771. Registration of electors. No new registration of electors
15 shall be necessary in case of consolidation, but all elector registra-
16 tions of the component local government entities shall be transferred to
17 the proper registration books of the consolidated local government enti-
18 ty, and new registrations shall be made as provided by law as if no
19 consolidation had taken place.

20 § 772. Determination of rights. If any right, title, interest or
21 claim shall arise out of any consolidation or by reason thereof that is
22 not determinable by reference to the provisions of this article, by the
23 joint consolidation agreement or elector initiated consolidation plan,
24 as the case may be, or otherwise under the laws of this state, then the
25 governing body of the consolidated local government entity may provide
26 therefore in a manner conforming to law.

27 TITLE 3

28 DISSOLUTION OF LOCAL GOVERNMENT ENTITIES

- 1 Section 773. Commencing the proceeding.
- 2 774. Proposed dissolution plan.
- 3 775. Publication of proposed dissolution plan.
- 4 776. Public hearings on proposed dissolution plan.
- 5 777. Referendum resolution for dissolution of villages.
- 6 778. Effective date of dissolution plan.
- 7 779. Initiative of electors seeking dissolution.
- 8 780. Conduct of referendum.
- 9 781. Canvassing of vote; moratorium on further referendum.
- 10 782. Duty to approve proposed elector initiated dissolution
- 11 plan.
- 12 783. Publication of proposed elector initiated dissolution plan.
- 13 784. Public hearings on proposed elector initiated dissolution
- 14 plan.
- 15 785. Effective date of elector initiated dissolution plan;
- 16 permissive referendum.
- 17 786. Court-ordered dissolution; judicial hearing officer.
- 18 787. Winding down the affairs of a dissolved local government
- 19 entity.
- 20 788. Effect on actions and proceedings; disposition of records,
- 21 books and papers.
- 22 789. Effect on existing laws of village.
- 23 790. Debts, liabilities and obligations.
- 24 § 773. Commencing the proceeding. 1. A local government entity other
- 25 than a town may be dissolved and terminated by the procedure described
- 26 in this title.
- 27 2. Dissolution proceedings may be commenced by:

1 (a) a resolution of the governing body of the local government entity
2 to be dissolved endorsing a proposed dissolution plan; or

3 (b) elector initiative.

4 § 774. Proposed dissolution plan. 1. The governing body of a local
5 government entity may, by resolution, endorse a proposed dissolution
6 plan for the purpose of commencing dissolution proceedings under this
7 article.

8 2. The proposed dissolution plan shall specify:

9 (a) the name of the local government entity to be dissolved;

10 (b) the territorial boundaries of the entity;

11 (c) the type and/or class of the entity;

12 (d) a fiscal estimate of the cost of dissolution;

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

14 (f) the entity's assets, including but not limited to real and
15 personal property, and the fair value thereof in current money of the

16 United States;

17 (g) the entity's liabilities and indebtedness, bonded and otherwise,
18 and the fair value thereof in current money of the United States;

19 (h) any agreements entered into with the town or towns in which the
20 entity is situated in order to carry out the dissolution;

21 (i) the manner and means by which the residents of the entity will
22 continue to be furnished municipal services following the entity's
23 dissolution;

24 (j) terms for the disposition of the entity's assets and the disposi-
25 tion of its liabilities and indebtedness, including the levy and
26 collection of the necessary taxes and assessments therefor;

27 (k) findings as to whether any local laws, ordinances, rules or regu-
28 lations of the entity shall remain in effect after the effective date of

1 the dissolution or shall remain in effect for a period of time other
2 than as provided by section seven hundred eighty-nine of this title;

3 (l) the effective date of the proposed dissolution;

4 (m) the time and place or places for a public hearing or hearings on
5 the proposed dissolution plan pursuant to section seven hundred seven-
6 ty-six of this title; and

7 (n) any other matter desirable or necessary to carry out the dissol-
8 ution.

9 § 775. Publication of proposed dissolution plan. No later than five
10 business days after commencement of dissolution proceedings pursuant to
11 section seven hundred seventy-four of this title, the governing body of
12 the local government entity to be dissolved shall:

13 1. cause a copy of the proposed dissolution plan, along with a
14 descriptive summary thereof, to be displayed and readily accessible to
15 the public for inspection in a public place or places within the entity;

16 2. cause the proposed dissolution plan, along with a descriptive
17 summary thereof and a reference to the public place or places within the
18 entity where a copy thereof may be examined, to be displayed on a
19 website maintained by the entity or otherwise on a website maintained by
20 the village, town and/or county in which the entity is located;

21 3. arrange to be published a descriptive summary of the proposed
22 dissolution plan and a reference to the public place or places within
23 the entity where a copy thereof may be examined, at least once each week
24 for four successive weeks in a newspaper having a general circulation
25 within the entity; and

26 4. in the case of a proposed dissolution of a village, the governing
27 body of the village shall cause the proposed dissolution plan to be

1 mailed by certified or registered mail to the supervisor of the town or
2 towns in which the village is situated.

3 § 776. Public hearings on proposed dissolution plan. 1. The governing
4 body of the local government entity to be dissolved shall set a time and
5 place or places for one or more public hearings on the proposed dissol-
6 ution plan. The hearing or hearings shall be held no less than thirty-
7 five days and no more than ninety days after commencement of dissolution
8 proceedings pursuant to section seven hundred seventy-four of this
9 title. Any interested person shall be given a reasonable opportunity to
10 be heard on any aspect of the proposed dissolution.

11 2. The public hearing or hearings shall be held on notice of at least
12 ten days, but not more than twenty days, published in a newspaper or
13 newspapers having general circulation within the local government entity
14 to be dissolved and displayed on a website maintained by the entity or
15 otherwise on a website maintained by the village, town and/or county in
16 which the entity is located. The notice of the hearing or hearings shall
17 provide a descriptive summary of the proposed dissolution plan and a
18 reference to the public place or places within the entity where a copy
19 of such plan may be examined.

20 3. After completion of the final hearing, the governing body of the
21 local government entity to be dissolved may amend the proposed dissol-
22 ution plan, provided that the amended version complies with the
23 provisions of subdivision two of section seven hundred seventy-four of
24 this title and is publicized pursuant to subdivision four of this
25 section, and/or approve a final version of the dissolution plan, or
26 decline to proceed further with dissolution proceedings. Any approval
27 by the governing body of a final version of the dissolution plan must
28 occur within one hundred eighty days of the final hearing.

1 4. No later than five business days after amending the proposed
2 dissolution plan, the governing body of the entity to be dissolved
3 shall:

4 (a) cause a copy of the amended version of the proposed dissolution
5 plan, along with a descriptive summary thereof, to be displayed and
6 readily accessible to the public for inspection in a public place or
7 places within the entity; and

8 (b) cause the amended version of the proposed dissolution plan, along
9 with a descriptive summary thereof and a reference to the public place
10 or places within the entity where a copy thereof may be examined, to be
11 displayed on a website maintained by the entity or otherwise on a
12 website maintained by the village, town and/or county in which the enti-
13 ty is located.

14 § 777. Referendum resolution for dissolution of villages. 1. If a
15 dissolution plan calls for the dissolution of a village, then contempo-
16 raneous with the final approval of the dissolution plan pursuant to
17 subdivision three of section seven hundred seventy-six of this title,
18 the governing body of the village shall enact a resolution calling for a
19 referendum on the proposed dissolution by the electors in the village.

20 2. The resolution calling for the referendum on the proposed dissol-
21 ution shall:

22 (a) provide (i) the name of the village to be dissolved; and (ii) the
23 date for the referendum, in accordance with subdivision one of section
24 seven hundred eighty of this title;

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

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

4 3. The resolution calling for the referendum on the proposed dissol-
5 ution shall have attached to it the final approved version of the
6 dissolution plan.

7 § 778. Effective date of dissolution plan. A local government entity
8 dissolved pursuant to a dissolution plan shall continue to be governed
9 as before dissolution until the effective date of the dissolution speci-
10 fied in the dissolution plan; provided, however, that no dissolution
11 plan for a village shall take effect unless approved by a majority of
12 electors of the village at a referendum called through a resolution
13 enacted pursuant to section seven hundred seventy-seven of this title.

14 § 779. Initiative of electors seeking dissolution. 1. The electors of
15 a local government entity may commence a dissolution proceeding by
16 filing an original petition, containing not less than the number of
17 signatures provided for in subdivision two of this section and in the
18 form provided for in subdivision three of this section, with the clerk
19 of the town in which the entity or the greater portion of its territory
20 is located, except that if the entity is a village the original petition
21 of electors from the village shall be filed with the clerk of the
22 village. Accompanying the filed petition shall be a cover sheet contain-
23 ing the name, address and telephone number of an individual who signed
24 the petition and who will serve as a contact person.

25 2. The petition shall contain the signatures of at least ten percent
26 of the number of electors or five thousand electors, whichever is less,
27 in the local government entity to be dissolved; provided, however, that
28 where the local government entity to be dissolved contains five hundred

1 or fewer electors, the petition shall contain the signatures of at least
2 twenty percent of the number of electors. No signature on a petition is
3 valid unless it is an original signature of an elector.

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

6 PETITION FOR LOCAL GOVERNMENT DISSOLUTION

7 We, the undersigned, electors and legal voters of (insert type of
8 local government entity -- e.g., town, village or district) of (insert
9 name of local government entity), New York, qualified to vote at the
10 next general or special election, respectfully petition that there be
11 submitted to the electors of (insert type and name of local government
12 entity proposed to be dissolved), for their approval or rejection at a
13 referendum held for that purpose, a proposal to dissolve and terminate
14 (insert type and name of local government entity).

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

	<u>Date</u>	<u>Name - print name under signature</u>	<u>Home Address</u>
18	<u>1.</u>	_____	_____
19	<u>2.</u>	_____	_____
20	<u>3.</u>	_____	_____

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

1 I, (insert name of witness), state that I am a duly qualified voter of
 2 the state of New York. Each of the persons that have signed this peti-
 3 tion sheet containing (insert number) signatures, have signed their
 4 names in my presence on the dates indicated above and identified them-
 5 selves to be the same person who signed the sheet. I understand that
 6 this statement will be accepted for all purposes as the equivalent of an
 7 affidavit, and if it contains a materially false statement, shall
 8 subject me to the penalties of perjury.

9 _____

10 Date _____ Signature of Witness)

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

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

20 _____

21 Date _____ Notary Public or Commissioner of Deeds)

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

25 5. In matters of form, this section shall be liberally construed, not
 26 inconsistent with substantial compliance thereto and the prevention of
 27 fraud.

1 6. Within ten days of the filing of the petition seeking dissolution
2 pursuant to subdivision one of this section, the clerk with whom the
3 petition was filed shall make a final determination regarding the suffi-
4 ciency of the signatures on the petition and provide timely written
5 notice of such determination to the contact person named in the cover
6 sheet accompanying the petition. The contact person or any individual
7 who signed the petition may seek judicial review of such determination
8 in a proceeding pursuant to article seventy-eight of the civil practice
9 law and rules.

10 7. Upon the clerk's determination that the petition contains not less
11 than the number of signatures of electors required in subdivision two of
12 this section, the governing body of the local government entity to be
13 dissolved shall, no later than thirty days thereafter, enact a resol-
14 ution in accordance with subdivision two of section seven hundred seven-
15 ty-seven of this title calling for a referendum on the proposed dissol-
16 ution by the electors in the entity and set a date for such referendum.

17 § 780. Conduct of referendum. 1. A referendum on a proposed dissol-
18 ution required by sections seven hundred seventy-seven or seven hundred
19 seventy-nine of this title shall be placed before the electors in the
20 local government entity to be dissolved at a special election to be held
21 not less than sixty or more than ninety days after the enactment of a
22 resolution calling for the referendum, provided, however, that in cases
23 where a town or village general election falls within such period, the
24 referendum question may be considered during a town or village general
25 election.

26 2. Notice of the referendum shall be given to the electors of the
27 local government entity to be dissolved by publication in a newspaper
28 having a general circulation within the boundaries of the entity at

1 least once a week for four consecutive weeks immediately prior to the
2 referendum. The notice shall include, but not be limited to:

3 (a) a summary of the contents of the resolution and dissolution plan
4 or petition for dissolution, as the case may be;

5 (b) a statement as to where may be examined copies of the resolution
6 and dissolution plan or petition for dissolution, as the case may be;

7 (c) the name of the local government entity to be dissolved and a
8 statement fully describing its territory;

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

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

14 3. The referendum question placed before the electors of the local
15 government entity to be dissolved shall be in a form reading substan-
16 tially as follows:

17 "Shall (insert type and name of local government entity) be dissolved?

18 YES _____

19 NO _____"

20 4. In any referendum held pursuant to this title, the local government
21 entity to be dissolved shall bear the costs associated with the conduct
22 of such referendum.

23 5. In any referendum held pursuant to this title, and except as other-
24 wise specified herein, the referendum shall be conducted in the same
25 manner as other municipal elections or referendums for the local govern-
26 ment entity affected by the proposed dissolution.

27 § 781. Canvassing of vote; moratorium on further referendum. 1. In
28 any referendum held pursuant to this title, the ballots cast shall be

1 counted, returns made and canvassed and results certified in the same
2 manner as other municipal elections or referendums for the local govern-
3 ment entity affected by the proposed dissolution.

4 2. Dissolution shall not take effect unless a majority of the electors
5 voting in the local government entity in which the referendum is held
6 vote in favor of dissolution. If such a majority vote does not result,
7 the referendum shall fail and dissolution shall not take effect.

8 3. If dissolution is approved by a majority of the electors voting in
9 the local government entity in which the referendum is held, certifi-
10 icates of such result immediately shall be filed with the secretary of
11 state and with the clerks of the local government entity or entities and
12 county in which is situated any part of the entity to be dissolved.

13 4. If the referendum shall fail, the dissolution process specified by
14 this title shall not be initiated for the local government entity within
15 four years of the date of such referendum. This subdivision, however,
16 does not apply to a permissive referendum conducted pursuant to section
17 seven hundred eighty-five of this title.

18 § 782. Duty to approve proposed elector initiated dissolution plan.

19 1. In the case of a proposed dissolution of a local government entity
20 properly initiated by petition of electors pursuant to section seven
21 hundred seventy-nine of this title, if a majority of the electors voting
22 at a referendum vote in favor of dissolution, the entity's governing
23 body shall meet within thirty days after certification of the favorable
24 vote and, within one hundred eighty days of such meeting, prepare and
25 approve a proposed elector initiated dissolution plan.

26 2. The proposed elector initiated dissolution plan shall specify:

27 (a) the name of the local government entity to be dissolved;

28 (b) the territorial boundaries of the entity;

- 1 (c) the type and/or class of the entity;
2 (d) a fiscal estimate of the cost of dissolution;
3 (e) any plan for the transfer or elimination of public employees;
4 (f) the entity's assets, including but not limited to real and
5 personal property, and the fair value thereof in current money of the
6 United States;
7 (g) the entity's liabilities and indebtedness, bonded and otherwise,
8 and the fair value thereof in current money of the United States;
9 (h) any agreements entered into with the town or towns in which the
10 entity is situated in order to carry out the dissolution;
11 (i) the manner and means by which the residents of the entity will
12 continue to be furnished municipal services following the entity's
13 dissolution;
14 (j) terms for the disposition of the entity's assets and the disposi-
15 tion of its liabilities and indebtedness, including the levy and
16 collection of the necessary taxes and assessments therefor;
17 (k) findings as to whether any local laws, ordinances, rules or regu-
18 lations of the entity shall remain in effect after the effective date of
19 the dissolution or shall remain in effect for a period of time other
20 than as provided by section seven hundred eighty-nine of this title;
21 (l) the effective date of the dissolution;
22 (m) the time and place or places for a public hearing or hearings on
23 such proposed dissolution plan pursuant to section seven hundred eight-
24 y-four of this title; and
25 (n) any other matter desirable or necessary to carry out the dissol-
26 ution.
27 § 783. Publication of proposed elector initiated dissolution plan. No
28 later than five business days after approving an elector initiated

1 dissolution plan pursuant to section seven hundred eighty-two of this
2 title, the governing body of the local government entity to be dissolved
3 shall:

4 1. cause a copy of the proposed elector initiated dissolution plan,
5 along with a descriptive summary thereof, to be displayed and readily
6 accessible to the public for inspection in a public place or places
7 within the entity;

8 2. cause the proposed elector initiated dissolution plan, along with a
9 descriptive summary thereof and a reference to the public place or plac-
10 es within the entity where a copy thereof may be examined, to be
11 displayed on a website maintained by the entity or otherwise on a
12 website maintained by the village, town and/or county in which the enti-
13 ty is located; and

14 3. arrange to be published a descriptive summary of the proposed elec-
15 tor initiated dissolution plan and a reference to the public place or
16 places within the entity where a copy thereof may be examined, at least
17 once each week for four successive weeks in a newspaper having a general
18 circulation within the entity; and

19 4. in the case of a proposed dissolution of a village, the governing
20 body of the village shall cause the proposed elector initiated dissol-
21 ution plan to be mailed by certified or registered mail to the supervi-
22 sor of the town or towns in which the village is situated.

23 § 784. Public hearings on proposed elector initiated dissolution plan.

24 1. The governing body of the local government entity to be dissolved
25 shall set a time and place or places for one or more public hearings on
26 the proposed elector initiated dissolution plan. The hearing or hearings
27 shall be held no less than thirty-five days and no more than ninety days
28 after the proposed elector initiated dissolution plan is approved pursu-

1 ant to section seven hundred eighty-two of this title. Any interested
2 person shall be given a reasonable opportunity to be heard on any aspect
3 of the proposed dissolution.

4 2. The public hearing or hearings shall be held on notice of at least
5 ten days, but not more than twenty days, published in a newspaper or
6 newspapers having general circulation within the local government entity
7 to be dissolved and displayed on a website maintained by the entity or
8 otherwise on a website maintained by the village, town and/or county in
9 which the entity is located. The notice of the hearing or hearings shall
10 provide a descriptive summary of the proposed elector initiated dissol-
11 ution plan, and a reference to the public place or places within the
12 entity where a copy of such plan may be examined.

13 3. After completion of the final hearing, the governing body of the
14 local government entity to be dissolved may amend the proposed elector
15 initiated dissolution plan, provided that the amended version complies
16 with the provisions of subdivision two of section seven hundred eighty-
17 two of this title and is publicized pursuant to subdivision four of this
18 section. The governing body must approve a final version of the elector
19 initiated dissolution plan within sixty days of such final hearing.

20 4. No later than five business days after amending the proposed elec-
21 tor initiated dissolution plan, the governing body of the local govern-
22 ment entity to be dissolved shall:

23 (a) cause a copy of the amended version of the proposed elector initi-
24 ated dissolution plan, along with a descriptive summary thereof, to be
25 displayed and readily accessible to the public for inspection in a
26 public place or places within the entity; and

27 (b) cause the amended version of the proposed elector initiated
28 dissolution plan, along with a descriptive summary thereof and a refer-

1 ence to the public place or places within the entity where a copy there-
2 of may be examined, to be displayed on a website maintained by the enti-
3 ty or otherwise on a website maintained by the village, town and/or
4 county in which the entity is located.

5 § 785. Effective date of elector initiated dissolution plan; permis-
6 sive referendum. 1. A local government entity dissolved pursuant to an
7 elector initiated dissolution plan shall continue to be governed as
8 before dissolution until the effective date of the dissolution specified
9 in the elector initiated dissolution plan, which date shall be no less
10 than forty-five days after final approval of such plan pursuant to
11 subdivision three of section seven hundred eighty-four or subdivision
12 three of section seven hundred eighty-six of this title.

13 2. Notwithstanding subdivision one of this section, the elector initi-
14 ated dissolution plan shall not take effect if, no later than forty-five
15 days after final approval of such plan pursuant to subdivision three of
16 section seven hundred eighty-four or subdivision three of section seven
17 hundred eighty-six of this title, electors of the local government enti-
18 ty to be dissolved shall:

19 (a) file an original petition, containing not less than the number of
20 signatures provided for in subdivision three of this section, seeking a
21 referendum on the question whether the elector initiated dissolution
22 plan shall take effect, with the clerk of the town in which the entity
23 or the greater portion of its territory is located, except that if the
24 entity is a village the original petition of electors from the village
25 shall be filed with the clerk of the village; and

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

1 3. The petition shall be circulated, signed and authenticated in
2 substantial compliance with the provisions of section seven hundred
3 seventy-nine of this title, shall contain the signatures of at least
4 twenty-five percent of the number of electors or fifteen thousand elec-
5 tors, whichever is less, in the local government entity to be dissolved,
6 and shall be accompanied by a cover sheet containing the name, address
7 and telephone number of an individual who signed the petition and who
8 will serve as a contact person.

9 4. Within ten days of the filing of the petition seeking a referendum
10 on whether the elector initiated dissolution plan shall take effect, the
11 clerk with whom the petition was filed shall make a final determination
12 regarding the sufficiency of the number of signatures on the petition
13 and provide timely written notice of such determination to the contact
14 person named in the cover sheet accompanying the petition. The contact
15 person or any individual who signed the petition may seek judicial
16 review of such determination in a proceeding pursuant to article seven-
17 ty-eight of the civil practice law and rules. Upon the clerk's determi-
18 nation that the petition contains no less than the required number of
19 signatures, the governing body of the local government entity to be
20 dissolved shall within thirty days enact a resolution calling for a
21 referendum by the electors on the question whether the elector initiated
22 dissolution plan shall take effect and set a date for such referendum in
23 accordance with subdivision five of this section.

24 5. The referendum on the question whether the elector initiated
25 dissolution plan shall take effect shall be submitted at a special
26 election to be held not less than sixty or more than ninety days after
27 enactment of a resolution pursuant to subdivision four of this section,
28 provided, however, that in cases where a town or village general

1 election falls within such period, the referendum question may be
2 considered during a town or village general election.

3 6. Notice of the referendum shall be given to the electors of the
4 local government entity to be dissolved by publication in a newspaper
5 having a general circulation within the boundaries of the entity at
6 least once a week for four consecutive weeks immediately prior to the
7 referendum. The notice shall include, but not be limited to:

8 (a) a summary of the contents of the resolution and elector initiated
9 dissolution plan;

10 (b) a statement as to where may be examined a copy of the resolution
11 and elector initiated dissolution plan;

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

14 (d) such other matters as may be necessary to call, provide for and
15 give notice of the referendum and to provide for the conduct thereof and
16 the canvass of the returns thereupon.

17 7. In a referendum held pursuant to this section, the referendum
18 question shall be placed before the electors of the local government
19 entity to be dissolved in a form reading substantially as follows:

20 "The voters of the (insert type and name of local government entity to
21 be dissolved) having previously voted to dissolve, shall the elector
22 initiated dissolution plan take effect?

23 YES _____

24 NO _____"

25 8. The elector initiated dissolution plan shall not take effect
26 unless a majority of the electors voting in the local government entity
27 to which the petition applies votes in favor of dissolution. If such a

1 majority vote does not result, the referendum shall fail and dissolution
2 shall not take effect.

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

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

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

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

7 § 787. Winding down the affairs of a dissolved local government enti-
8 ty. 1. Upon the successful completion of dissolution proceedings pursu-
9 ant to this title, the governing body of the dissolving local government
10 entity shall wind down the affairs thereof, dispose of its property as
11 provided by law, make provisions for the payment of all indebtedness
12 thereof and for the performance of its contracts and obligations, and,
13 if applicable and appropriate under law, levy taxes and assessments as
14 necessary to accomplish the dissolution.

15 2. In furtherance of its duty to wind down the affairs of the local
16 government entity, the governing body shall cause notice to be given, in
17 the same manner as notice for a proposed dissolution plan pursuant to
18 section seven hundred seventy-five of this title, requiring all claims
19 against the dissolving local government entity, excluding any of its
20 outstanding securities, to be filed within a time fixed in the notice,
21 but not less than three months or more than six months, and all claims
22 not so filed shall be forever barred. At the expiration of such time the
23 governing body shall adjudicate claims so filed, and any resident of the
24 entity at the time of the effective date of the dissolution may appear
25 and defend against any claim so filed, or the governing body may in its
26 discretion appoint some person for that purpose.

27 § 788. Effect on actions and proceedings; disposition of records,
28 books and papers. 1. Except as otherwise provided for in this title,

1 no action for or against the local government entity to be dissolved
2 shall abate, nor shall any claim for or against it be affected by reason
3 of its dissolution.

4 2. Upon the dissolution of a local government entity, all its records,
5 books and papers shall be deposited with the town clerk of the town in
6 which the principal portion of such entity is situated, and they shall
7 thereupon become a part of the records of the town.

8 3. Upon the dissolution of a local justice court, all court records of
9 such court shall be deposited with a justice court judge to be desig-
10 nated by the administrative judge of the judicial district within which
11 the dissolving justice court is located. The designated justice court
12 judge shall have authority to execute and complete all unfinished busi-
13 ness.

14 § 789. Effect on existing laws of village. 1. Except as otherwise
15 provided in the dissolution plan or elector initiated dissolution plan,
16 as the case may be, all local laws, ordinances, rules and regulations of
17 a village in effect on the date of the dissolution of such village,
18 including but not limited to zoning ordinances, shall remain in effect
19 for a period of two years following dissolution, as if same had been
20 duly adopted by the town board and shall be enforced by the town within
21 the limits of the dissolved village, except that the town board shall
22 have the power at any time to amend or repeal such local laws, ordi-
23 nances, rules or regulations in the manner as other local laws, ordi-
24 nances, rules or regulations of the town.

25 2. If the village has a zoning board of appeals, or a planning board,
26 or both, and the town does not, then upon dissolution the town board
27 shall act in place of such board or boards until the town board shall
28 have appointed such board or boards for the town in accordance with the

1 provisions of the town law. Such appointments may be made prior to
2 dissolution, to become effective upon the effective date of dissolution.

3 § 790. Debts, liabilities and obligations. The outstanding debts,
4 liabilities and obligations of the dissolved local government entity
5 shall be assumed by the town in which the dissolved entity was situated
6 and shall be a charge upon the taxable property within the limits of the
7 dissolved entity, collected in the same manner as town taxes. The town
8 board shall have all powers with respect to the debts, liabilities and
9 obligations as the governing body of the dissolved entity possessed
10 prior to its dissolution, including the power to issue town bonds to
11 redeem bond anticipation notes issued by the dissolved entity.

12 TITLE 4

13 MISCELLANEOUS PROVISIONS

14 Section 791. Liability of officials and employees.

15 792. Supersession.

16 793. Separability.

17 § 791. Liability of officials and employees. In the absence of fraud,
18 gross negligence or willful misfeasance, no officer or employee of a
19 local government entity shall be held personally liable upon any claim
20 arising from the consolidation or dissolution of a local government
21 entity pursuant to this article or any circumstances connected with such
22 consolidation or dissolution.

23 § 792. Supersession. This article shall supersede and replace all
24 other state and local laws relating to the procedures and requirements
25 for the consolidation and dissolution of local government entities to
26 the extent such laws are not consistent with this article, provided,
27 however, that the provisions of any other state or local law now in
28 effect or hereafter enacted that are less restrictive or burdensome than

1 those provided in this chapter shall govern during the period in which
2 such provisions are in effect. A state or local law that imposes proce-
3 dures and requirements for consolidation and dissolution not addressed
4 by this article is deemed inconsistent.

5 § 793. Separability. If any title, section, subdivision, paragraph or
6 other part of this article shall be adjudged invalid by any court of
7 competent jurisdiction, such judgment shall not invalidate the remainder
8 thereof, but shall be confined in its operation to the part directly
9 involved in the controversy wherein such judgment shall have been
10 rendered.

11 § 3. Section 33-a of the municipal home rule law, as added by chapter
12 708 of the laws of 1970, is amended to read as follows:

13 § 33-a. Transfer of functions or duties of local governments and
14 districts. 1. Subject to restrictions in the constitution, in this
15 article or in any other applicable law, the board of supervisors of any
16 county may, by local law, transfer functions or duties of the county or
17 of the cities, towns, villages, districts or other units of government
18 wholly contained in such county to each other, or for the abolition of
19 one or more [offices, departments or agencies of such units of govern-
20 ment when all their functions or duties are so transferred] units of
21 government, including but not limited to offices, departments or agen-
22 cies thereof, when the level and quality of ongoing services of all
23 their functions or duties are transferred.

24 2. Any such local law, or an amendment or repeal of one or more
25 provisions thereof which would have the effect of transferring or abol-
26 ishing a function or duty of the county or of the cities, towns,
27 villages, districts or other units of government wholly contained in the
28 county, shall not become operative unless and until it is approved at a

1 general election or at a special election, held in the county by receiv-
2 ing a majority of the total votes cast thereon: (a) in the area of the
3 county outside of cities and (b) in the area of cities of the county, if
4 any, considered as one unit, and if it provides for the transfer of any
5 function or duty to or from any village or for the abolition of any
6 office, department, agency or unit of government of a village wholly
7 contained in the county, it shall not take effect unless it shall also
8 receive a majority of all the votes cast thereon in all the villages so
9 affected considered as one unit. Such a local law, amendment or repeal
10 thereof, shall provide for its submission to the electors of the county
11 at the next general election or at a special election, occurring not
12 less than sixty days after the adoption thereof by the board of supervi-
13 sors.

14 § 4. Subdivision 2 of section 57 of the town law is REPEALED and
15 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
16 6 and 7.

17 § 5. Paragraph (e) of subdivision 1 of section 81 of the town law is
18 REPEALED, paragraphs (f) and (g) of such subdivision are relettered
19 paragraphs (e) and (f) and a new subdivision 5 is added to read as
20 follows:

21 5. A proposition for the consolidation or dissolution of a town or
22 district shall be noticed, conducted, canvassed and otherwise held
23 pursuant to, and in accordance with, the provisions of article seven-
24 teen-A of the general municipal law; and a petition to consolidate or
25 dissolve a town or district shall be subscribed, authenticated and
26 otherwise governed pursuant to, and in accordance with, that article.

27 § 6. Subdivisions 1 and 2 of section 174 of the town law, subdivision
28 1 as amended by chapter 451 of the laws of 1937, paragraph a of subdivi-

1 sion 1 as amended by chapter 511 of the laws of 1974 and subdivision 2
2 as amended by chapter 77 of the laws of 1997, are amended to read as
3 follows:

4 1. [(a)] Whenever a fire district shall be established, within ten
5 days thereafter the town board of the town in which such district is
6 located or, in the case of a district including territory in two or more
7 towns, the town boards of such towns acting jointly by a majority vote
8 of the members of each of such town boards, shall appoint five fire
9 district commissioners and a treasurer for such district who shall hold
10 their respective offices until the thirty-first day of December next
11 succeeding; provided, however, that if such district be established
12 subsequent to the first day of October in any year, the officers so
13 appointed by the town board shall hold office until the thirty-first day
14 of December of the next succeeding calendar year. A person so appointed
15 as fire district commissioner shall not serve as chief or assistant
16 chief of the fire district fire department after taking his oath of
17 office as such commissioner and during the time he serves as such
18 commissioner pursuant to such appointment. The town clerk shall imme-
19 diately notify the appointees of their appointment and of the time and
20 place which he shall fix for the organization meeting of the board of
21 fire commissioners, which meeting shall be held not later than ten days
22 after the appointment of said officers. At such organization meeting,
23 the treasurer shall preside until such time as a chairman of the board
24 of fire commissioners shall be chosen, but such treasurer shall not be
25 entitled to a vote at such meeting. The board of fire commissioners
26 shall appoint a secretary who shall hold office until the thirty-first
27 day of December following the first election of fire district officers.

1 [(b) Whenever two or more fire districts shall have been consolidated,
2 pursuant to this article, the several commissioners of each of such
3 districts shall constitute the board of fire commissioners thereof and
4 the several treasurers of such districts shall serve jointly as the
5 treasurers of such consolidated district, until the thirty-first day of
6 December next succeeding the first election of fire district commission-
7 ers and a treasurer for such consolidated district, held pursuant to
8 subdivision two of this section. The terms of office of such fire
9 district officers of the several districts so consolidated shall termi-
10 nate on said thirty-first day of December next succeeding such
11 election.]

12 2. The first election of fire district officers shall be held on the
13 second Tuesday in December next succeeding the establishment or consol-
14 idation of such fire district; provided, however, that if such district
15 be established [or consolidated] at a time subsequent to the first day
16 of October in any year, the first election of fire district officers
17 shall be held on the second Tuesday in the month of December of the next
18 succeeding calendar year. At the first annual election of fire district
19 officers, five district commissioners shall be elected and a treasurer.
20 The person receiving the greatest number of votes for the office of fire
21 commissioner shall be elected for a term of five years; the person
22 receiving the second highest number of votes shall be elected for a term
23 of four years; the person receiving the third highest number of votes
24 shall be elected for a term of three years; the person receiving the
25 fourth highest number of votes shall be elected for a term of two years
26 and the person receiving the fifth highest number of votes shall be
27 elected for a term of one year. In the event that two persons shall
28 receive the same number of votes the terms of office shall be decided by

1 lot. At each subsequent election of fire district officers a commission-
2 er shall be elected for the full term of five years. In the event that
3 two or more persons receive the same number of votes thereat, a special
4 election between the tying parties receiving the highest number of votes
5 to fill the vacancy shall be held within forty-five days after such
6 election. The fire district treasurer shall be elected for a term of
7 three years. The fire district secretary shall be appointed by the fire
8 district commissioners and shall serve for a period of one year. The
9 fire district secretary in office at the time such election is held
10 shall immediately notify the officers elected of their election and that
11 an organization meeting will be held on the day specified in said
12 notice, which shall not be later than the fifteenth day of January next
13 ensuing. At such organization meeting, the treasurer shall preside until
14 such time as a chairman of the board of fire commissioners shall be
15 chosen, but such treasurer shall not be entitled to a vote at such meet-
16 ing.

17 § 7. Subdivision 1 of section 176 of the town law, as amended by chap-
18 ter 94 of the laws of 1966, is amended to read as follows:

19 1. Shall elect one of their members as chairman at the first meeting
20 of fire commissioners after such district shall have been established
21 [or consolidated] and annually thereafter at the first meeting thereof
22 following each election of fire district officers. Such chairman, when
23 present, shall preside at the meetings of the board of fire commission-
24 ers. In the absence of the chairman the other members may designate one
25 of their members to act as temporary chairman.

26 § 8. Section 189-e of the town law, as added by chapter 241 of the
27 laws of 1988, is amended to read as follows:

1 § 189-e. Management of affairs of joint fire districts. Subject to the
2 restrictions hereinafter established, the property and affairs of joint
3 fire districts shall be under the management and control and in charge
4 of a board of not less than three and not more than seven commissioners,
5 appointed by the town board of the town or the town boards of the towns
6 and the board of trustees of the village or the boards of trustees of
7 the villages in joint session as hereinafter provided, or elected as
8 provided in article eleven of this chapter, as may be determined by
9 resolution adopted at the meeting for the establishment of the district
10 in the same manner as the resolution for the establishment of the
11 district is adopted; or as may be determined by a joint consolidation
12 agreement or elector initiated consolidation plan in accordance with
13 article seventeen-A of the general municipal law. In case it is deter-
14 mined that the commissioners shall be selected in the manner provided by
15 article eleven of this chapter, the appointments as provided for in
16 subdivision one of section one hundred seventy-four of this chapter
17 shall be made by the town board, or, if the district includes territory
18 in more than one town, by the town board of all of the towns at a joint
19 session held at one location within the district and thereafter
20 elections shall be held as provided in article eleven of this chapter
21 except that the terms of the commissioners shall be as hereinafter
22 provided. They shall be residents of such district and in case selection
23 is made as provided in article eleven of this chapter there shall be no
24 other residential requirement, but otherwise if there are an even number
25 of commissioners not more than half at any time shall be residents of
26 such village or villages and if there are an odd number, the number that
27 are residents of such village or villages shall not exceed the number
28 that are residents of such town or towns by more than one. First

1 appointments hereunder shall be made in the following manner: If there
2 be three commissioners, the term of one shall expire one year, of another
3 er two years and of the other three years from the then next ensuing
4 thirty-first day of December, and thereafter one shall be appointed
5 annually for a term of three years from the date of the expiration of
6 the term of his predecessor. If there be four commissioners, the term of
7 one shall expire one year, of another two years, of another three years,
8 and of the other four years from the then next ensuing thirty-first day
9 of December, and thereafter one shall be appointed annually for a term
10 of four years from the date of the expiration of the term of his prede-
11 cessor. If there be five commissioners, the term of one shall expire one
12 year, of another two years, of another three years, of another four
13 years, and of the other five years from the then next ensuing thirty-
14 first day of December, and thereafter one shall be appointed annually
15 for a term of five years from the date of the expiration of a term of
16 his predecessor. If there be six commissioners, the term of one shall
17 expire one year, of another two years, of another three years, of another
18 er four years, and of the remaining two, five years from the then next
19 ensuing thirty-first day of December, and thereafter appointments shall
20 be made for a term of five years from the date of the expiration of the
21 term of each commissioner. If there be seven commissioners, the term of
22 one shall expire one year, of another two years, of another three years,
23 and of two of the others four years, and of the remaining two, five
24 years from the then next ensuing thirty-first day of December, and there-
25 eafter appointments shall be made for a term of five years from the date
26 of the expiration of the term of each commissioner. Such board of
27 commissioners may employ necessary labor and assistants, at a compen-
28 sation approved by such boards in joint session. Such commissioners

1 shall receive no compensation for their services, but they and their
2 employees shall be allowed and paid their necessary expenses, payable as
3 expenses of the district.

4 § 9. Subdivision 1 of section 195 of the town law, as amended by chap-
5 ter 522 of the laws of 1954, is amended to read as follows:

6 1. The town clerk shall cause a certified copy of the determination or
7 order of the town board adopted pursuant to the provisions of this arti-
8 cle, or adopted pursuant to the provisions of article seventeen-A of the
9 general municipal law, establishing, extending, dissolving or diminish-
10 ing any district, consolidating districts or increasing the maximum
11 amount proposed to be expended for the improvement in any district or
12 extension thereof, or determining to construct any improvement author-
13 ized by this article, to be duly recorded in the office of the clerk of
14 the county in which the town is located, within ten days after the
15 adoption of such order or determination by the town board, and when so
16 recorded such determination or order shall be presumptive evidence of
17 the regularity of the proceedings for the establishment, extension,
18 dissolution or diminution of such district, of the proceedings insti-
19 tuted for the construction of such improvement and of all other action
20 taken by said town board in relation thereto.

21 Within ten days after the adoption of a determination or order by the
22 town board establishing, extending, dissolving or diminishing a
23 district, or consolidating districts, the town clerk shall cause a
24 certified copy thereof to be filed in the office of the state department
25 of audit and control at Albany, New York.

26 § 10. Subdivision 1 of section 202-c of the town law, as amended by
27 chapter 37 of the laws of 2000, is amended to read as follows:

1 1. [Upon a petition, as hereinafter provided, the] The town board of
2 any town may dissolve and discontinue [any lighting, snow removal, water
3 supply, or refuse and garbage district or a sewer district in which no
4 sewer system has been constructed, provided that there be no indebt-
5 edness, outstanding and unpaid, incurred to accomplish any of the
6 purposes of such district] those districts described hereinafter pursu-
7 ant either to the provisions of article seventeen-A of the general
8 municipal law or the procedures provided in this section.

9 1-a. Upon a petition, the town board of any town may dissolve and
10 discontinue any lighting, snow removal, water supply, or refuse and
11 garbage district or a sewer district in which no sewer system has been
12 constructed, provided that there be no indebtedness, outstanding and
13 unpaid, incurred to accomplish any of the purposes of such district.

14 Such petition shall be signed by [resident owners of taxable real prop-
15 erty aggregating at least one-half of all the taxable real property of
16 the district owned by resident owners according to the latest completed
17 assessment roll of the town, and acknowledged or proved in the same
18 manner as a deed to be recorded, or] at least ten percent or five thou-
19 sand, whichever is less, of the registered voters in this state regis-
20 tered to vote in such district and authenticated in the manner provided
21 by the election law for the authentication of nominating petitions.
22 When any such petition containing the required signatures shall have
23 been presented, the town board shall adopt an order and enter the same
24 in the minutes of its proceedings, reciting in general terms the filing
25 of the petition, and specifying the purpose thereof, the name and bound-
26 aries of the district and the time when and place where said board will
27 meet to consider the petition and to hear all persons interested in the
28 subject thereof concerning the same. If the petition shall propose that

1 the area of the district be diminished, the order shall also describe
2 the portion of the district to be eliminated. The board shall cause a
3 copy of such order, certified by the town clerk, to be published at
4 least once in the official paper, the first publication thereof to be
5 not less than ten nor more than twenty days before the day set therein
6 for the hearing as aforesaid, and shall cause a copy thereof to be post-
7 ed on the sign board of the town maintained pursuant to subdivision six
8 of section thirty of this chapter not less than ten nor more than twenty
9 days before the day designated for the hearing as aforesaid. If the town
10 board shall determine, after such hearing and upon the evidence given
11 thereat, that it is in the public interest to dissolve the district or
12 to diminish the area thereof, the town board shall adopt an order
13 accordingly dissolving the district or diminishing its area. If there
14 are any contracts to accomplish the purpose of such district in force
15 and effect, the town board shall not dissolve such district, nor dimin-
16 ish the area thereof, prior to the expiration of such contracts. If the
17 district dissolved be wholly within a village incorporated since said
18 district was formed and prior to April first, nineteen hundred sixty-
19 five, all of the property of such district shall be and become the prop-
20 erty of such village and such village upon delivery thereof, shall
21 assume and pay all of the debts of such district. If the district shall
22 not be wholly included within the limits of any village incorporated
23 since said district was formed, all the property of such district shall
24 become the property of the town and such town upon delivery thereof,
25 shall assume and pay all the debts of such district.

26 § 11. Subdivision 2 of section 208-b of the town law is REPEALED, and
27 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
28 6 and 7.

1 § 12. Subdivision 2-a of section 2-254 of the village law is amended
2 to read as follows:

3 2-a. If the limits of a village incorporated prior to the first day of
4 April, nineteen hundred sixty-five are coterminous with the limits of,
5 or wholly include the territory of, a district, the board of trustees of
6 the village, by local law or pursuant to the provisions of article
7 seventeen-A of the general municipal law, may abolish any such district.
8 In addition to any other notice required in connection with the adoption
9 of such local law generally, thirty days' written notice of the hearing
10 to be held in connection with such local law shall be given to the
11 governing body of any such district and to the town clerk. A certified
12 copy of any such local law shall be served upon or mailed to such
13 governing body and clerk within five days following the adoption there-
14 of. Except as otherwise provided in this section, the powers and duties
15 of the governing body of a district so abolished and of all the officers
16 of the district in connection therewith shall cease and determine upon
17 the effective date of such local law and any board of commissioners, any
18 office of commissioner and any other office of any such district shall
19 also cease to exist at such time. No such local law shall become effec-
20 tive except on the last day of a fiscal year of the town or district, as
21 the case may be.

22 § 13. Paragraph (c) of subdivision 2 and subdivision 3 of section
23 9-912 of the village law are REPEALED, paragraphs (d) and (e) of subdivi-
24 sion 2 are relettered paragraphs (c) and (d), and subdivision 4, as
25 renumbered by chapter 434 of the laws of 1977, is renumbered subdivision
26 3 and amended to read as follows:

27 3. A special election for submission of a proposition shall be
28 noticed, conducted, canvassed and otherwise held in the same manner as a

1 general village election; provided, however, that a proposition for the
2 consolidation or dissolution of a village shall be noticed, conducted,
3 canvassed and otherwise held pursuant to, and in accordance with, the
4 provisions of article seventeen-A of the general municipal law.

5 § 14. Article 5-B and sections 172, 172-b, 172-d, 185, 189-c, 206,
6 206-a and 209-r of the town law, and sections 18-1806, 18-1808, 18-1810,
7 18-1812, 18-1814, 18-1816 and 18-1818 and article 19 of the village law
8 are REPEALED.

9 § 15. Subdivision 21-a of section 2.00 of the local finance law, as
10 added by chapter 778 of the laws of 1957, is amended to read as follows:

11 21-a. The term "full valuation", when used in relation to real proper-
12 ty subject to taxation by a fire district, shall mean the valuation
13 which is derived by dividing the assessed valuation of the real property
14 concerned, as shown by the last completed assessment roll for the fire
15 district, by the town equalization rate established by the authorized
16 state officer or agency for such roll. Where, in the case of a newly-
17 created fire district, there is no completed assessment roll for such
18 fire district, full valuation shall be determined from the last
19 completed [assessment] assessment roll upon which the real property
20 included within the district was assessed for town purposes prior to
21 such creation. Where, after the boundaries of a fire district shall
22 have been changed so that real property subject to taxation for fire
23 district purposes shall have been thereby added to or subtracted from
24 the area of the fire district, there is no completed assessment roll for
25 the fire district as so changed, full valuation shall be determined from
26 the last completed assessment roll upon which the real property included
27 in the fire district after such change was assessed prior to such change
28 for town or fire district purposes, as the case may be. For the purpose

1 of contracting indebtedness or for the purpose of preparing debt state-
2 ments, the assessment rolls referred to in this subdivision shall mean
3 such assessment rolls as completed, verified and filed by the assessors.
4 Where two or more fire districts consolidate to form one fire district
5 [pursuant to section one hundred seventy-two of the town law,] the
6 consolidated fire district, for the purpose of this subdivision, shall
7 not be deemed a newly-created fire district, but shall be deemed an
8 existing fire district and its full valuation shall be determined
9 accordingly.

10 § 16. Subdivision 2 of paragraph d of section 24.00 of the local
11 finance law, as amended by chapter 735 of the laws of 1954, is amended
12 to read as follows:

13 2. In the case of the establishment of any improvement district of a
14 county or of a town, which is to be financed by taxes or assessments
15 levied upon an ad valorem or benefit basis, or in the case of the
16 consolidation of special improvement districts [pursuant to section two
17 hundred six of the town law], prior to the first levy in which such
18 taxes or assessments are to be levied for such district or consolidated
19 district the county or town, as the case may be, may issue tax antic-
20 ipation notes for the necessary expenses incidental to the creation of
21 such district or consolidation of such districts, and the other neces-
22 sary expenses incurred or to be incurred for such district or consol-
23 idated district prior to such levy.

24 § 17. Paragraphs (d) and (e) of subdivision 6 of section 209-q of the
25 town law, as added by chapter 567 of the laws of 1973, are amended to
26 read as follows:

27 (d) The town clerk shall cause a certified copy of any resolution or
28 order adopted pursuant to paragraph (c) of this subdivision, subdivision

1 five or paragraph (c) of subdivision eight of this section[, or section
2 two hundred nine-r of this chapter] to be duly recorded in the office of
3 the clerk of the county in which the town is located within ten days
4 after the adoption of such resolution, or within ten days of the receipt
5 of notification of the approval of the state comptroller where such
6 approval is required by subdivision five or subdivision thirteen of this
7 section. When so recorded, such resolution shall be presumptive evidence
8 of the regularity of the proceedings and actions taken by the town board
9 in relation thereto.

10 (e) Any interested person aggrieved by any resolution or order adopted
11 pursuant to paragraph (c) of this subdivision, subdivision five or para-
12 graph (c) of subdivision eight of this section[, or section two hundred
13 nine-r of this chapter] may review the same by a proceeding pursuant to
14 article seventy-eight of the civil practice law and rules provided such
15 proceeding is commenced within thirty days from the date of the record-
16 ing of the certified copy of the resolution or order in the office of
17 the county clerk. Any such resolution or order shall be final and
18 conclusive unless a proceeding pursuant to article seventy-eight of the
19 civil practice law and rules has been commenced within thirty days from
20 the date of recording thereof. No review shall be had unless at the time
21 the proceeding is commenced the interested person seeking the review
22 shall give an undertaking approved by the supreme court, or a justice
23 thereof, as to form, amount and sufficiency of sureties, that, in the
24 event of failure to modify such resolution or order he or they will pay
25 to the town board all costs and expenses as are incurred by it on
26 account of the said proceeding as shall be determined by the court. In
27 the event that upon such review there shall be any modification by the
28 court of such resolution the court shall direct the modification thereof

1 by order which shall be final and conclusive and such town board shall
2 cause such order to be recorded and filed in the same place and manner
3 as was the resolution or order appealed from.

4 § 18. Savings clause. Notwithstanding the repeal or amendment of any
5 law by this act, nothing in this act shall be construed to impair the
6 consolidation or dissolution of any local government entity pursuant to
7 any such repealed or amended law if there was commenced in or for such
8 local government entity prior to the effective date of this act a
9 consolidation or dissolution proceeding pursuant to such law, in which
10 event the provisions of such former law shall govern such proceeding as
11 though such former law had not been repealed hereby.

12 § 19. This act shall take effect on the two hundred seventieth day
13 after it shall have become a law.