

# THE NEW N.Y. GOVERNMENT REORGANIZATION AND CITIZEN EMPOWERMENT ACT

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# The New N.Y. Government Reorganization and Citizen Empowerment Act

The “New N.Y. Government Reorganization and Citizen Empowerment Act” establishes uniform procedures for the consolidation or dissolution of local government. The new procedures apply to the consolidation and dissolution of towns, villages, fire districts, fire protection districts, fire alarm districts, special improvement districts or other improvement districts, library districts, and other districts created by law. It does not include school districts, city districts or special purpose districts created by counties under county law.

This publication presents the new and amended sections of law in one convenient place. Some of the amended sections have been reordered or retitled for the convenience of the reader. For the official text of the law, consult the public information websites of the New York State Legislature.

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# AMENDMENTS TO GENERAL MUNICIPAL LAW

A new Article 17-A has been added to General Municipal Law.

## ARTICLE 17-A CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT

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|--------------|---|
| <b>Title</b> | <b>1. Definitions (§ 750)</b>                                     |
|              | <b>2. Consolidation of local government entities (§§ 751-772)</b> |
|              | <b>3. Dissolution of local government entities (§§ 773-790)</b>   |
|              | <b>4. Miscellaneous provisions (§§ 791-793)</b>                   |

### TITLE 1 DEFINITIONS

#### Section 750. Definitions.

#### § 750. Definitions.

As used in this article, the following terms shall have the following meanings:

1. "Component local government entity" shall mean a local government entity that, as a result of successful consolidation proceedings, is combined into a consolidated local government entity.
2. "Consolidation" shall mean either (a) the combination of two or more local government entities resulting in the termination of the existence of each of the entities to be consolidated and the creation of a new entity which assumes jurisdiction over all of the terminated entities, or (b) the combination of two or more local government entities resulting in the termination of the existence of all but one of the entities which shall absorb the terminated entity or entities.
3. "Consolidated local government entity" shall mean a local government entity resulting from successful consolidation proceedings conducted pursuant to this article.
4. "Contiguous" shall mean when a portion of a town or village abuts the boundary of another town or village, including a town or village separated from the exact boundary of another town or village by a street, road, railroad, highway, river or other natural or artificial stream or body of water.
5. "Dissolution" shall mean the termination of the existence of a local government entity.
6. "Dissolution plan" shall mean a written document that contains terms and information regarding the dissolution of a local government entity and that has been finalized and approved by such entity's governing body pursuant to this article.
7. "Elector" shall mean a registered voter of this state registered to vote in the local government entity subject to consolidation or dissolution proceedings conducted pursuant to this article.
8. "Elector initiated consolidation plan" shall mean a written document that contains terms and information regarding the consolidation of two or more local government entities, a majority of

whose electors have voted to consolidate, and that has been finalized and approved by the governing body or bodies of such entities or a judicial hearing officer pursuant to this article.

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

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

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

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

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

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

15. "Proposed elector initiated consolidation plan" shall mean a written document that contains terms and information regarding the consolidation of two or more local government entities, a majority of whose respective electors have voted to consolidate such entities, that has been proposed, but not yet finalized and approved, by the governing body or bodies of such entities pursuant to this article.

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

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

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

## **TITLE 2**

### **CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES**

- Section 751. Commencing the proceeding.**  
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#### **§ 751. Commencing the proceeding.**

1. Two or more local government entities, whether within the same county or different counties, may be consolidated into a single local government entity if each of the local government entities is contiguous to at least one of the other consolidating local government entities and if together the local government entities would form a consolidated local government entity of a kind or class that is authorized under the laws of the state of New York. The requirement that local government entities be contiguous to consolidate does not apply to entities other than towns and villages.

2. Consolidation proceedings may be commenced by either:

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

(b) elector initiative.

#### **§ 752. Proposed joint consolidation agreement.**

1. The governing body or bodies of two or more local government entities may, by joint resolution, endorse a proposed joint consolidation agreement for the purpose of commencing consolidation proceedings under this article.

2. The proposed joint consolidation agreement shall specify:

- (a) the name of each local government entity to be consolidated;
- (b) the name of the proposed consolidated local government entity, which name shall be such as to distinguish it from the name of any other like unit of government in the state of New York (except the name of any one of the entities to be consolidated);
- (c) the rights, duties and obligations of the proposed consolidated local government entity;
- (d) the territorial boundaries of the proposed consolidated local government entity;
- (e) the type and/or class of the proposed consolidated local government entity;
- (f) the governmental organization of the proposed consolidated local government entity insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;
- (g) a fiscal estimate of the cost of and savings which may be realized from consolidation;
- (h) each entity's assets, including, but not limited to, real and personal property, and the fair value thereof in current money of the United States;
- (i) each entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;
- (j) terms for the disposition of existing assets, liabilities and indebtedness of each local government entity, either jointly, separately or in certain defined proportions;
- (k) terms for the common administration and uniform enforcement of local laws, ordinances, resolutions, orders and the like, within the proposed consolidated local government entity, consistent with section seven hundred sixty-nine of this title;
- (l) the effective date of the proposed consolidation; and
- (m) the time and place or places for the public hearing or hearings on such proposed joint consolidation agreement pursuant to section seven hundred fifty-four of this title.

**§ 753. Publication of proposed joint consolidation agreement.**

No later than five business days after commencement of consolidation proceedings pursuant to section seven hundred fifty-two of this title, the governing body or bodies of the local government entities to be consolidated shall:

1. cause a copy of the proposed joint consolidation agreement, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within each entity;
2. cause the proposed joint consolidation agreement, along with a descriptive summary thereof and a reference to the public place or places within each entity where a copy thereof may be

examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located; and

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

**§ 754. Public hearings on proposed joint consolidation agreement.**

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

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

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

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

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

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



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

1. If a joint consolidation agreement calls for the consolidation of two or more towns, two or more villages or one or more towns and villages, then contemporaneous with the final approval of the joint consolidation agreement pursuant to subdivision three of section seven hundred fifty-four of this title, the governing body or bodies of the local government entities to be consolidated shall enact a resolution calling for a referendum on the proposed consolidation by the electors in each of the entities.

2. The resolution calling for the referendum on the proposed consolidation shall:

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

(b) state the substance of the question to be submitted to the electors; and

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

3. The resolution calling for a referendum on the proposed consolidation shall have attached to it the final approved version of the joint consolidation agreement.

**§ 756. Effective date of joint consolidation agreement.**

Local government entities consolidated pursuant to a joint consolidation agreement shall continue to be governed as before consolidation until the effective date of the consolidation specified in the joint consolidation agreement; provided, however, that no joint consolidation agreement consolidating two or more towns, two or more villages or one or more towns and villages shall take effect unless approved by a majority of electors in each such town and/or village at a referendum called through a resolution enacted pursuant to section seven hundred fifty-five of this title.

**§ 757. Initiative of electors seeking consolidation.**

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

2. The petition shall contain the signatures of at least ten percent of the number of electors or five thousand electors, whichever is less, in each local government entity to be consolidated; provided, however, that where the local government entity to be consolidated contains five hundred or fewer electors, the petition shall contain the signatures of at least twenty percent of

the number of electors. No signature on a petition is valid unless it is the original signature of an elector.

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

PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

We, the undersigned electors and legal voters of (insert type of local government entity - e.g., town, village or district) of (insert name of local government entity), New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of (insert type and name of local government entities proposed to be consolidated), for their approval or rejection at a referendum held for that purpose, a proposal to consolidate (insert type and name of local government entity) with (insert type and name of local government entity or entities).

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

Date	Name - print name under signature	Home Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

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

\_\_\_\_\_  
Date Signature of Witness)

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

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

\_\_\_\_\_  
Date Notary Public or Commissioner of Deeds)

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

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

6. Within ten days of the filing of the petition seeking consolidation pursuant to subdivision one of this section, the clerk with whom the petition was filed shall make a final determination regarding the sufficiency of the number of signatures on the petition and provide timely written notice of such determination to the contact person named in the cover sheet accompanying the petition. The contact person or any individual who signed the petition may seek judicial review of such determination in a proceeding pursuant to article seventy-eight of the civil practice laws and rules.

7. Upon the clerk's determination that the petition contains not less than the number of signatures of electors required in subdivision two of this section, the governing body or bodies of the local government entities to be consolidated shall, no later than thirty days thereafter, enact a resolution in accordance with subdivision two of section seven hundred fifty-five of this title calling for a referendum on the proposed consolidation by the electors in each of the entities and set a date for such referendum.

#### **§ 758. Conduct of referendum.**

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

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

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

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

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

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

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

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

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

4. The referendum question placed before the electors of each local government entity to be consolidated shall be in a form reading substantially as follows:

"Shall (insert type and name of local government entity) be consolidated with (insert type and name of local government entity or entities)?

YES \_\_\_\_\_  
NO \_\_\_\_\_"

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

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

**§ 759. Canvassing of vote; moratorium on further referendum.**

1. In any referendum held pursuant to this title, the ballots cast shall be counted, returns made and canvassed and results certified in the same manner as other municipal elections or referendums for the local government entities to be consolidated.

2. Consolidation shall not take effect unless a majority of the electors voting in each local government entity to be consolidated vote in favor of consolidation. If in any one of the entities such a majority vote does not result, the referendum shall fail and consolidation shall not take effect.

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

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

**§ 760. Duty to approve proposed elector initiated consolidation plan.**

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

2. The proposed elector initiated consolidation plan shall include:

- (a) the name of each local government entity to be consolidated;
- (b) the name of what will be the consolidated local government entity, which name shall be such as to distinguish it from the name of any other like unit of government in the state of New York (except the name of any one of the entities to be consolidated);
- (c) the rights, duties and obligations of the consolidated local government entity;
- (d) the territorial boundaries of the consolidated local government entity;
- (e) the type and/or class of the consolidated local government entity;
- (f) the governmental organization of the consolidated local government entity insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;
- (g) a fiscal estimate of the cost of and savings which may be realized from consolidation;
- (h) each entity's assets, including, but not limited to, real and personal property, and the fair value thereof in current money of the United States;
- (i) each entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;
- (j) terms for the disposition of existing assets, liabilities and indebtedness of each local government entity, either jointly, separately or in certain defined proportions;
- (k) terms for the common administration and uniform enforcement of local laws, ordinances, resolutions, orders and the like, within the consolidated local government entity, consistent with section seven hundred sixty-nine of this title;
- (l) the effective date of the consolidation; and
- (m) the time and place or places for the public hearing or hearings on such proposed elector initiated consolidation plan pursuant to section seven hundred sixty-two of this title.

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

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

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

may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located; and

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

### **§ 762. Public hearings on proposed elector initiated consolidation plan.**

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

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

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

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

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

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

### **§ 763. Effective date of elector initiated consolidation plan; permissive referendum.**

1. Local government entities consolidated pursuant to an elector initiated consolidated plan shall continue to be governed as before consolidation until the effective date of the consolidation specified in such plan, which date shall be no less than forty-five days after final approval of

such plan pursuant to subdivision three of section seven hundred sixty-two or subdivision four of section seven hundred sixty-four of this title.

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

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

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

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

4. Within ten days of the filing of the petition seeking a referendum on whether the elector initiated dissolution plan shall take effect, the clerk with whom the petition was filed shall make a final determination regarding the sufficiency of the number of signatures on the petition and provide timely written notice of such determination to the contact person named in the cover sheet accompanying the petition. The contact person or any individual who signed the petition may seek judicial review of such determination in a proceeding pursuant to article seventy-eight of the civil practice law and rules. Upon the clerk's determination that the petition contains no less than the required number of signatures, the governing body of the local government entity to which such petition applies shall within thirty days enact a resolution calling for a referendum by the electors of such entity on the question whether to approve the elector initiated consolidation plan and set a date for such referendum in accordance with subdivision five of this section.

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

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

- (a) a summary of the contents of the resolution and elector initiated consolidation plan;
- (b) a statement as to where may be examined a copy of the resolution and elector initiated consolidation plan;
- (c) the time and place or places at which the referendum will be held, in accordance with subdivision five of this section; and
- (d) such other matters as may be necessary to call, provide for and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns thereupon.

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

"The voters of the (insert type and name of each local government entity to which the consolidation plan applies) having previously voted to consolidate, shall the elector initiated consolidation plan take effect?  
 YES \_\_\_\_\_  
 NO \_\_\_\_\_"

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

**§ 764. Court-ordered consolidation; mediation; judicial hearing officer.**

1. If the governing body or bodies of local government entities with a duty to prepare and approve a proposed elector initiated consolidation plan pursuant to section seven hundred sixty of this title fail to prepare and approve such plan or are otherwise unable or unwilling to accomplish and complete the consolidation pursuant to the provisions of this title, then any five electors who signed the petition seeking consolidation may commence a special proceeding against the entities pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the consolidated local government entity or the greater portion of its territory will be located, to compel compliance with the provisions of this article.

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



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

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

5. In any proceeding pursuant to this section in which the petitioners substantially prevail, the costs of such proceeding, including the costs of any judicial hearing officer appointed pursuant to subdivision three of this section, shall be borne by the local government entities proportionately, at the rate provided for in article twenty-two of the judiciary law and regulations promulgated pursuant thereto based on appropriate factors, including, but not limited to, population and the court's findings regarding the good faith efforts of the respective entities.

#### **§ 765. General effect of consolidation.**

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

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

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

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

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

6. If a joint consolidation agreement or elector initiated consolidation plan provides for the dissolution of a local justice court, all court records of such court shall be deposited with a justice court judge to be designated by the administrative judge of the judicial district within

which the dissolving justice court is located. The designated justice court judge shall have authority to execute and complete all unfinished business.

**§ 766. Election and appointment of officials.**

New officials of the consolidated local government entity required to be elected shall take office on the first Monday of January following the election designated in the joint consolidation agreement or elector initiated consolidation plan, as the case may be. At such election, the necessary officials of the consolidated local government entity shall be elected in accordance with the terms of the general law affecting entities of the kind or class of the consolidated local government entity. Except as otherwise specified in the joint consolidation agreement or elector initiated consolidation plan, all appointive officials of the consolidated local government entity thereafter shall be appointed by the individual or entity upon whom the power to appoint such officials is conferred by the terms of the general law affecting entities of the kind or class of the consolidated local government entity. Successors in office for such elected or appointed positions shall thereafter be elected or appointed at the time, in the manner and for the terms provided by the general law affecting entities of the kind or class of the consolidated local government entity.

**§ 767. Effect of transition on employees.**

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

**§ 768. Debts, liabilities and obligations.**

1. All valid and lawful debts and liabilities existing against a consolidated local government entity, or which may thereafter arise or accrue against the consolidated local government entity, which but for consolidation would be valid and lawful debts or liabilities against one or more of the component local government entities, shall be deemed and taken to be like debts against or liabilities of the consolidated local government entity and shall accordingly be defrayed and answered to by it to the same extent, and no further than, the component local government entities would have been bound if no consolidation had taken place.

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

3. All bonds, contracts and obligations of the component entities which exist as legal obligations shall be deemed like obligations of the consolidated local government entity, and all such

obligations as are authorized or required to be issued or entered into shall be issued or entered into by and in the name of the consolidated local government entity.

**§ 769. Effect on existing laws; transition period.**

Subject to the provisions of the joint consolidation agreement or elector initiated consolidation plan, as the case may be, pertaining to the common administration and uniform enforcement of laws in the consolidated local government entity, all local laws, ordinances, rules or regulations of the component local government entities in effect on the effective date of consolidation shall remain in full force and effect within the respective areas of the component local government entities that existed prior to consolidation, insofar as the local laws, ordinances, rules or regulations are not repugnant to law, until repealed or amended. As soon as practicable but not later than two years after the effective date of consolidation, the governing body of the consolidated local government entity shall adopt new local laws, ordinances, rules and regulations as necessary to redress conflicts and otherwise redress ambiguities arising among the then-existing laws, ordinances, rules or regulations for the common administration and uniform governance of the consolidated local government entity.

**§ 770. Effect on actions and proceedings.**

1. Suits may be brought and maintained against a consolidated local government entity in any of the courts of the state in the same manner as against any other local government entity.
2. In any action or proceeding pending on the effective date of consolidation to which any component local government entity is a party, the consolidated local government entity may be substituted in its place and the action or proceeding may be prosecuted to judgment as if consolidation had not taken place.

**§ 771. Registration of electors.**

No new registration of electors shall be necessary in case of consolidation, but all elector registrations of the component local government entities shall be transferred to the proper registration books of the consolidated local government entity, and new registrations shall be made as provided by law as if no consolidation had taken place.

**§ 772. Determination of rights.**

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

## **TITLE 3**

### **DISSOLUTION OF LOCAL GOVERNMENT ENTITIES**

**Section 773. Commencing the proceeding.**

**774. Proposed dissolution plan.**

**775. Publication of proposed dissolution plan.**

**776. Public hearings on proposed dissolution plan.**

**777. Referendum resolution for dissolution of villages.**

**778. Effective date of dissolution plan.**

**779. Initiative of electors seeking dissolution.**

**780. Conduct of referendum.**

**781. Canvassing of vote; moratorium on further referendum.**

**782. Duty to approve proposed elector initiated dissolution plan.**

**783. Publication of proposed elector initiated dissolution plan.**

**784. Public hearings on proposed elector initiated dissolution plan.**

**785. Effective date of elector initiated dissolution plan; permissive referendum.**

**786. Court-ordered dissolution; judicial hearing officer.**

**787. Winding down the affairs of a dissolved local government entity.**

**788. Effect on actions and proceedings; disposition of records, books and papers.**

**789. Effect on existing laws of village.**

**790. Debts, liabilities and obligations.**

**§ 773. Commencing the proceeding.**

1. A local government entity other than a town may be dissolved and terminated by the procedure described in this title.

2. Dissolution proceedings may be commenced by:

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

(b) elector initiative.

**§ 774. Proposed dissolution plan.**

1. The governing body of a local government entity may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under this article.

2. The proposed dissolution plan shall specify:

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

(b) the territorial boundaries of the entity;

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

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

- (e) any plan for the transfer or elimination of public employees;
- (f) the entity's assets, including but not limited to real and personal property, and the fair value thereof in current money of the United States;
- (g) the entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;
- (h) any agreements entered into with the town or towns in which the entity is situated in order to carry out the dissolution;
- (i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution;
- (j) terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;
- (k) findings as to whether any local laws, ordinances, rules or regulations of the entity shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;
- (l) the effective date of the proposed dissolution;
- (m) the time and place or places for a public hearing or hearings on the proposed dissolution plan pursuant to section seven hundred seventy-six of this title; and
- (n) any other matter desirable or necessary to carry out the dissolution.

**§ 775. Publication of proposed dissolution plan.**

No later than five business days after commencement of dissolution proceedings pursuant to section seven hundred seventy-four of this title, the governing body of the local government entity to be dissolved shall:

1. cause a copy of the proposed dissolution plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the entity;
2. cause the proposed dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located;
3. arrange to be published a descriptive summary of the proposed dissolution plan and a reference to the public place or places within the entity where a copy thereof may be examined, at least once each week for four successive weeks in a newspaper having a general circulation within the entity; and

4. in the case of a proposed dissolution of a village, the governing body of the village shall cause the proposed dissolution plan to be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated.

**§ 776. Public hearings on proposed dissolution plan.**

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

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

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

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

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

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

**§ 777. Referendum resolution for dissolution of villages.**

1. If a dissolution plan calls for the dissolution of a village, then contemporaneous with the final approval of the dissolution plan pursuant to subdivision three of section seven hundred seventy-six of this title, the governing body of the village shall enact a resolution calling for a referendum on the proposed dissolution by the electors in the village.

2. The resolution calling for the referendum on the proposed dissolution shall:

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

(b) state the substance of the question to be submitted to the electors; and

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

3. The resolution calling for the referendum on the proposed dissolution shall have attached to it the final approved version of the dissolution plan.

**§ 778. Effective date of dissolution plan.**

A local government entity dissolved pursuant to a dissolution plan shall continue to be governed as before dissolution until the effective date of the dissolution specified in the dissolution plan; provided, however, that no dissolution plan for a village shall take effect unless approved by a majority of electors of the village at a referendum called through a resolution enacted pursuant to section seven hundred seventy-seven of this title.

**§ 779. Initiative of electors seeking dissolution.**

1. The electors of a local government entity may commence a dissolution proceeding by filing an original petition, containing not less than the number of signatures provided for in subdivision two of this section and in the form provided for in subdivision three of this section, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village. Accompanying the filed petition shall be a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

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

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

PETITION FOR LOCAL GOVERNMENT DISSOLUTION

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

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

Date	Name - print name under signature	Home Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

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

\_\_\_\_\_  
Date Signature of Witness)

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

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

\_\_\_\_\_  
Date Notary Public or Commissioner of Deeds)

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

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

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



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

**§ 780. Conduct of referendum.**

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

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

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

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

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

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

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

3. The referendum question placed before the electors of the local government entity to be dissolved shall be in a form reading substantially as follows:

"Shall (insert type and name of local government entity) be dissolved?  
YES \_\_\_\_  
NO \_\_\_\_"

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

5. In any referendum held pursuant to this title, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the local government entity affected by the proposed dissolution.

**§ 781. Canvassing of vote; moratorium on further referendum.**

1. In any referendum held pursuant to this title, the ballots cast shall be counted, returns made and canvassed and results certified in the same manner as other municipal elections or referendums for the local government entity affected by the proposed dissolution.
2. Dissolution shall not take effect unless a majority of the electors voting in the local government entity in which the referendum is held vote in favor of dissolution. If such a majority vote does not result, the referendum shall fail and dissolution shall not take effect.
3. If dissolution is approved by a majority of the electors voting in the local government entity in which the referendum is held, certificates of such result immediately shall be filed with the secretary of state and with the clerks of the local government entity or entities and county in which is situated any part of the entity to be dissolved.
4. If the referendum shall fail, the dissolution process specified by this title shall not be initiated for the local government entity within four years of the date of such referendum. This subdivision, however, does not apply to a permissive referendum conducted pursuant to section seven hundred eighty-five of this title.

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

1. In the case of a proposed dissolution of a local government entity properly initiated by petition of electors pursuant to section seven hundred seventy-nine of this title, if a majority of the electors voting at a referendum vote in favor of dissolution, the entity's governing body shall meet within thirty days after certification of the favorable vote and, within one hundred eighty days of such meeting, prepare and approve a proposed elector initiated dissolution plan.
2. The proposed elector initiated dissolution plan shall specify:
  - (a) the name of the local government entity to be dissolved;
  - (b) the territorial boundaries of the entity;
  - (c) the type and/or class of the entity;
  - (d) a fiscal estimate of the cost of dissolution;
  - (e) any plan for the transfer or elimination of public employees;
  - (f) the entity's assets, including but not limited to real and personal property, and the fair value thereof in current money of the United States;
  - (g) the entity's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;
  - (h) any agreements entered into with the town or towns in which the entity is situated in order to carry out the dissolution;
  - (i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution;

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

(k) findings as to whether any local laws, ordinances, rules or regulations of the entity shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) the effective date of the dissolution;

(m) the time and place or places for a public hearing or hearings on such proposed dissolution plan pursuant to section seven hundred eighty-four of this title; and

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

### **§ 783. Publication of proposed elector initiated dissolution plan.**

No later than five business days after approving an elector initiated dissolution plan pursuant to section seven hundred eighty-two of this title, the governing body of the local government entity to be dissolved shall:

1. cause a copy of the proposed elector initiated dissolution plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the entity;
2. cause the proposed elector initiated dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located; and
3. arrange to be published a descriptive summary of the proposed elector initiated dissolution plan and a reference to the public place or places within the entity where a copy thereof may be examined, at least once each week for four successive weeks in a newspaper having a general circulation within the entity; and
4. in the case of a proposed dissolution of a village, the governing body of the village shall cause the proposed elector initiated dissolution plan to be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated.

### **§ 784. Public hearings on proposed elector initiated dissolution plan.**

1. The governing body of the local government entity to be dissolved shall set a time and place or places for one or more public hearings on the proposed elector initiated dissolution plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after the proposed elector initiated dissolution plan is approved pursuant to section seven hundred eighty-two of this title. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed dissolution.
2. The public hearing or hearings shall be held on notice of at least ten days, but not more than twenty days, published in a newspaper or newspapers having general circulation within the local government entity to be dissolved and displayed on a website maintained by the entity or

otherwise on a website maintained by the village, town and/or county in which the entity is located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed elector initiated dissolution plan, and a reference to the public place or places within the entity where a copy of such plan may be examined.

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

4. No later than five business days after amending the proposed elector initiated dissolution plan, the governing body of the local government entity to be dissolved shall:

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

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

#### **§ 785. Effective date of elector initiated dissolution plan; permissive referendum.**

1. A local government entity dissolved pursuant to an elector initiated dissolution plan shall continue to be governed as before dissolution until the effective date of the dissolution specified in the elector initiated dissolution plan, which date shall be no less than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred eighty-four or subdivision three of section seven hundred eighty-six of this title.

2. Notwithstanding subdivision one of this section, the elector initiated dissolution plan shall not take effect if, no later than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred eighty-four or subdivision three of section seven hundred eighty-six of this title, electors of the local government entity to be dissolved shall:

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

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

3. The petition shall be circulated, signed and authenticated in substantial compliance with the provisions of section seven hundred seventy-nine of this title, shall contain the signatures of at least twenty-five percent of the number of electors or fifteen thousand electors, whichever is

less, in the local government entity to be dissolved, and shall be accompanied by a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

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

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

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

- (a) a summary of the contents of the resolution and elector initiated dissolution plan;
- (b) a statement as to where may be examined a copy of the resolution and elector initiated dissolution plan;
- (c) the time and place or places at which the referendum will be held, in accordance with subdivision five of this section; and
- (d) such other matters as may be necessary to call, provide for and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns thereupon.

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

"The voters of the (insert type and name of local government entity to be dissolved) having previously voted to dissolve, shall the elector initiated dissolution plan take effect?  
YES \_\_\_\_\_  
NO \_\_\_\_\_"

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

such a majority vote does not result, the referendum shall fail and dissolution shall not take effect.

**§ 786. Court-ordered dissolution; judicial hearing officer.**

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

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

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

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

**§ 787. Winding down the affairs of a dissolved local government entity.**

1. Upon the successful completion of dissolution proceedings pursuant to this title, the governing body of the dissolving local government entity shall wind down the affairs thereof, dispose of its property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and, if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution.

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

**§ 788. Effect on actions and proceedings; disposition of records, books and papers.**

1. Except as otherwise provided for in this title, no action for or against the local government entity to be dissolved shall abate, nor shall any claim for or against it be affected by reason of its dissolution.
2. Upon the dissolution of a local government entity, all its records, books and papers shall be deposited with the town clerk of the town in which the principal portion of such entity is situated, and they shall thereupon become a part of the records of the town.
3. Upon the dissolution of a local justice court, all court records of such court shall be deposited with a justice court judge to be designated by the administrative judge of the judicial district within which the dissolving justice court is located. The designated justice court judge shall have authority to execute and complete all unfinished business.

**§ 789. Effect on existing laws of village.**

1. Except as otherwise provided in the dissolution plan or elector initiated dissolution plan, as the case may be, all local laws, ordinances, rules and regulations of a village in effect on the date of the dissolution of such village, including but not limited to zoning ordinances, shall remain in effect for a period of two years following dissolution, as if same had been duly adopted by the town board and shall be enforced by the town within the limits of the dissolved village, except that the town board shall have the power at any time to amend or repeal such local laws, ordinances, rules or regulations in the manner as other local laws, ordinances, rules or regulations of the town.
2. If the village has a zoning board of appeals, or a planning board, or both, and the town does not, then upon dissolution the town board shall act in place of such board or boards until the town board shall have appointed such board or boards for the town in accordance with the provisions of the town law. Such appointments may be made prior to dissolution, to become effective upon the effective date of dissolution.

**§ 790. Debts, liabilities and obligations.**

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

## **TITLE 4 MISCELLANEOUS PROVISIONS**

**Section 791. Liability of officials and employees.**

**792. Supersession.**

**793. Separability.**

### **§ 791. Liability of officials and employees.**

In the absence of fraud, gross negligence or willful misfeasance, no officer or employee of a local government entity shall be held personally liable upon any claim arising from the consolidation or dissolution of a local government entity pursuant to this article or any circumstances connected with such consolidation or dissolution.

### **§ 792. Supersession.**

This article shall supersede and replace all other state and local laws relating to the procedures and requirements for the consolidation and dissolution of local government entities to the extent such laws are not consistent with this article, provided, however, that the provisions of any other state or local law now in effect or hereafter enacted that are less restrictive or burdensome than those provided in this chapter shall govern during the period in which such provisions are in effect. A state or local law that imposes procedures and requirements for consolidation and dissolution not addressed by this article is deemed inconsistent.

### **§ 793. Separability.**

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



## AMENDMENTS TO MUNICIPAL HOME RULE LAW

Section 33-a of the County Charter Law, contained within Municipal Home Rule Law, was amended to allow counties to abolish units of government. The new language is underlined, deletions are shown as italic text in brackets.

### § 33-a. Transfer of functions or duties of local governments and districts.

1. Subject to restrictions in the constitution, in this article or in any other applicable law, the board of supervisors of any county may, by local law, transfer functions or duties of the county or of the cities, towns, villages, districts or other units of government wholly contained in such county to each other, or for the abolition of one or more *[offices, departments or agencies of such units of government when all their functions or duties are so transferred]* units of government, including but not limited to offices, departments or agencies thereof, when the level and quality of ongoing services of all their functions or duties are transferred.

2. Any such local law, or an amendment or repeal of one or more provisions thereof which would have the effect of transferring or abolishing a function or duty of the county or of the cities, towns, villages, districts or other units of government wholly contained in the county, shall not become operative unless and until it is approved at a general election or at a special election, held in the county by receiving a majority of the total votes cast thereon: (a) in the area of the county outside of cities and (b) in the area of cities of the county, if any, considered as one unit, and if it provides for the transfer of any function or duty to or from any village or for the abolition of any office, department, agency or unit of government of a village wholly contained in the county, it shall not take effect unless it shall also receive a majority of all the votes cast thereon in all the villages so affected considered as one unit. Such a local law, amendment or repeal thereof, shall provide for its submission to the electors of the county at the next general election or at a special election, occurring not less than sixty days after the adoption thereof by the board of supervisors.

# AMENDMENTS TO TOWN LAW

## **§ 57. Dissolution of special improvement districts.**

Subdivision 2 of this section, relating to the dissolution of special improvement districts, was repealed and subdivisions 3, 4, 5, 6, 7 and 8 were renumbered subdivisions 2, 3, 4, 5, 6 and 7.

## **Article 5-B Consolidation of Towns**

This article, relating to the consolidation of towns and containing sections 79-b through 79-o, was repealed.

## **§ 81. Election upon proposition.**

This section relates to the types of propositions that may be submitted for mandatory referendum. Paragraph (e) of subdivision 1 was repealed, removing the ability to have a referendum on the creation of a new town out of one or more existing towns. Paragraphs (f) and (g) were relettered paragraphs (e) and (f) and a new subdivision 5 was added. The new language is underlined

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

## **§ 172. Consolidation of fire districts.**

This section relating to the consolidation of fire districts was repealed.

## **§ 172-b. Consolidation of fire protection districts.**

This section relating to the consolidation of fire protection districts was repealed.

## **§ 172-d. Dissolution or alteration of boundaries of fire protection district when added to an adjoining fire district.**

This section relating to the dissolution of fire protection districts was repealed.

## **§ 174. Fire district officers.**

Subdivisions 1 and 2 were amended to remove references to consolidation of fire districts. The deletions are shown as italic text in brackets.

1. *[(a)]* Whenever a fire district shall be established, within ten days thereafter the town board of the town in which such district is located or, in the case of a district including territory in two or more towns, the town boards of such towns acting jointly by a majority vote of the members of each of such town boards, shall appoint five fire district commissioners and a treasurer for such district who shall hold their respective offices until the thirty-first day of December next succeeding; provided, however, that if such district be established subsequent to the first day of October in any year, the officers so appointed by the town board shall hold office until the thirty-first day of December of the next succeeding calendar year. A person so appointed as fire district commissioner shall not serve as chief or assistant chief of the fire district fire department after taking his oath of office as such commissioner and during the time he serves as such commissioner pursuant to such appointment. The town clerk shall immediately notify the appointees of their appointment and of the time and place which he shall fix for the organization meeting of the board of fire commissioners, which meeting shall be held not later than ten days

after the appointment of said officers. At such organization meeting, the treasurer shall preside until such time as a chairman of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting. The board of fire commissioners shall appoint a secretary who shall hold office until the thirty-first day of December following the first election of fire district officers.

*[(b) Whenever two or more fire districts shall have been consolidated, pursuant to this article, the several commissioners of each of such districts shall constitute the board of fire commissioners thereof and the several treasurers of such districts shall serve jointly as the treasurers of such consolidated district, until the thirty-first day of December next succeeding the first election of fire district commissioners and a treasurer for such consolidated district, held pursuant to subdivision two of this section. The terms of office of such fire district officers of the several districts so consolidated shall terminate on said thirty-first day of December next succeeding such election.]*

2. The first election of fire district officers shall be held on the second Tuesday in December next succeeding the establishment or consolidation of such fire district; provided, however, that if such district be established *[or consolidated]* at a time subsequent to the first day of October in any year, the first election of fire district officers shall be held on the second Tuesday in the month of December of the next succeeding calendar year. At the first annual election of fire district officers, five district commissioners shall be elected and a treasurer. The person receiving the greatest number of votes for the office of fire commissioner shall be elected for a term of five years; the person receiving the second highest number of votes shall be elected for a term of four years; the person receiving the third highest number of votes shall be elected for a term of three years; the person receiving the fourth highest number of votes shall be elected for a term of two years and the person receiving the fifth highest number of votes shall be elected for a term of one year. In the event that two persons shall receive the same number of votes the terms of office shall be decided by lot. At each subsequent election of fire district officers a commissioner shall be elected for the full term of five years. In the event that two or more persons receive the same number of votes thereat, a special election between the tying parties receiving the highest number of votes to fill the vacancy shall be held within forty-five days after such election. The fire district treasurer shall be elected for a term of three years. The fire district secretary shall be appointed by the fire district commissioners and shall serve for a period of one year. The fire district secretary in office at the time such election is held shall immediately notify the officers elected of their election and that an organization meeting will be held on the day specified in said notice, which shall not be later than the fifteenth day of January next ensuing. At such organization meeting, the treasurer shall preside until such time as a chairman of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting.

**§ 176. Powers and duties of fire district commissioners.**

Subdivision 1 was amended to eliminate a reference to consolidation. The deletions are shown as italic text in brackets.

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

**§ 185. Dissolution of fire, fire alarm and fire protection districts.**

This section, relating to fire, fire alarm and fire protection districts, was repealed.

**§ 189-c. Dissolution of existing district.**

This section, relating to joint fire districts, was repealed.

**§ 189-e. Management of affairs of joint fire districts.**

The section was amended to refer to the new Article 17-A of General Municipal Law. The new language is underlined.

§ 189-e. Management of affairs of joint fire districts. Subject to the restrictions hereinafter established, the property and affairs of joint fire districts shall be under the management and control and in charge of a board of not less than three and not more than seven commissioners, appointed by the town board of the town or the town boards of the towns and the board of trustees of the village or the boards of trustees of the villages in joint session as hereinafter provided, or elected as provided in article eleven of this chapter, as may be determined by resolution adopted at the meeting for the establishment of the district in the same manner as the resolution for the establishment of the district is adopted; or as may be determined by a joint consolidation agreement or elector initiated consolidation plan in accordance with article seventeen-A of the general municipal law. In case it is determined that the commissioners shall be selected in the manner provided by article eleven of this chapter, the appointments as provided for in subdivision one of section one hundred seventy-four of this chapter shall be made by the town board, or, if the district includes territory in more than one town, by the town board of all of the towns at a joint session held at one location within the district and thereafter elections shall be held as provided in article eleven of this chapter except that the terms of the commissioners shall be as hereinafter provided. They shall be residents of such district and in case selection is made as provided in article eleven of this chapter there shall be no other residential requirement, but otherwise if there are an even number of commissioners not more than half at any time shall be residents of such village or villages and if there are an odd number, the number that are residents of such village or villages shall not exceed the number that are residents of such town or towns by more than one. First appointments hereunder shall be made in the following manner: If there be three commissioners, the term of one shall expire one year, of another two years and of the other three years from the then next ensuing thirty-first day of December, and thereafter one shall be appointed annually for a term of three years from the date of the expiration of the term of his predecessor. If there be four commissioners, the term of one shall expire one year, of another two years, of another three years, and of the other four years from the then next ensuing thirty-first day of December, and thereafter one shall be appointed annually for a term of four years from the date of the expiration of the term of his predecessor. If there be five commissioners, the term of one shall expire one year, of another two years, of another three years, of another four years, and of the other five years from the then next ensuing thirty-first day of December, and thereafter one shall be appointed annually for a term of five years from the date of the expiration of a term of his predecessor. If there be six commissioners, the term of one shall expire one year, of another two years, of another three years, of another four years, and of the remaining two, five years from the then next ensuing thirty-first day of December, and thereafter appointments shall be made for a term of five years from the date of the expiration of the term of each commissioner. If there be seven commissioners, the term of one shall expire one year, of another two years, of another three years, and of two of the others four years, and of the remaining two, five years from the then next ensuing thirty-first day of December, and thereafter appointments shall be made for a term of five years from the date of the expiration of the term of each commissioner. Such board of commissioners may employ necessary labor and assistants, at a compensation approved by

such boards in joint session. Such commissioners shall receive no compensation for their services, but they and their employees shall be allowed and paid their necessary expenses, payable as expenses of the district.

**§ 195. Recording of determination; review by certiorari.**

This section of law relates to special districts and special improvement districts. Subdivision 1 was amended to refer to the new Article 17-A of General Municipal Law. The new language is underlined.

1. The town clerk shall cause a certified copy of the determination or order of the town board adopted pursuant to the provisions of this article, or adopted pursuant to the provisions of article seventeen-A of the general municipal law, establishing, extending, dissolving or diminishing any district, consolidating districts or increasing the maximum amount proposed to be expended for the improvement in any district or extension thereof, or determining to construct any improvement authorized by this article, to be duly recorded in the office of the clerk of the county in which the town is located, within ten days after the adoption of such order or determination by the town board, and when so recorded such determination or order shall be presumptive evidence of the regularity of the proceedings for the establishment, extension, dissolution or diminution of such district, of the proceedings instituted for the construction of such improvement and of all other action taken by said town board in relation thereto. Within ten days after the adoption of a determination or order by the town board establishing, extending, dissolving or diminishing a district, or consolidating districts, the town clerk shall cause a certified copy thereof to be filed in the office of the state department of audit and control at Albany, New York.

**§ 202-c. Dissolution and diminishing area of certain districts.**

This section of law relates to special districts and special improvement districts. Subdivision 1 was amended to refer to the new Article 17-A of General Municipal Law, and additional language changing the petition signature requirement from one requiring signatures of resident owners of taxable real property to one requiring signatures of resident registered voters was added in a new subdivision 1-a. The new language is underlined, deletions are shown as italic text in brackets.

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

1-a. Upon a petition, the town board of any town may dissolve and discontinue any lighting, snow removal, water supply, or refuse and garbage district or a sewer district in which no sewer system has been constructed, provided that there be no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of such district. Such petition shall be signed by *[resident owners of taxable real property aggregating at least one-half of all the taxable real property of the district owned by resident owners according to the latest completed assessment roll of the town, and acknowledged or proved in the same manner as a deed to be recorded, or]* at least ten percent or five thousand, whichever is less, of the registered voters in this state registered to vote in such district and authenticated in the manner provided by the election law for the authentication of nominating petitions. When any such petition containing the required signatures shall have been presented, the town board shall adopt an order and

enter the same in the minutes of its proceedings, reciting in general terms the filing of the petition, and specifying the purpose thereof, the name and boundaries of the district and the time when and place where said board will meet to consider the petition and to hear all persons interested in the subject thereof concerning the same. If the petition shall propose that the area of the district be diminished, the order shall also describe the portion of the district to be eliminated. The board shall cause a copy of such order, certified by the town clerk, to be published at least once in the official paper, the first publication thereof to be not less than ten nor more than twenty days before the day set therein for the hearing as aforesaid, and shall cause a copy thereof to be posted on the sign board of the town maintained pursuant to subdivision six of section thirty of this chapter not less than ten nor more than twenty days before the day designated for the hearing as aforesaid. If the town board shall determine, after such hearing and upon the evidence given thereat, that it is in the public interest to dissolve the district or to diminish the area thereof, the town board shall adopt an order accordingly dissolving the district or diminishing its area. If there are any contracts to accomplish the purpose of such district in force and effect, the town board shall not dissolve such district, nor diminish the area thereof, prior to the expiration of such contracts. If the district dissolved be wholly within a village incorporated since said district was formed and prior to April first, nineteen hundred sixty-five, all of the property of such district shall be and become the property of such village and such village upon delivery thereof, shall assume and pay all of the debts of such district. If the district shall not be wholly included within the limits of any village incorporated since said district was formed, all the property of such district shall become the property of the town and such town upon delivery thereof, shall assume and pay all the debts of such district.

**§ 206. Consolidation of special districts and abolition of offices of commissioners by the town board.**

This section, relating to special districts and special improvement districts, was repealed.

**§ 206-a. Consolidation of the district and its extensions.**

This section, relating to special districts and special improvement districts, was repealed.

**§ 208-b. Dissolution of lighting or public parking districts; town of Oyster Bay.**

Subdivision 2 relating to the dissolution of districts was REPEALED, and subdivisions 3, 4, 5, 6, 7 and 8 were renumbered subdivisions 2, 3, 4, 5, 6 and 7.

**§ 209-q. Sewer, drainage or water improvements.**

Paragraphs (d) and (e) of subdivision 6 were amended to remove a reference to Town Law section 209-r, which was repealed by this Act. The deletions are shown as italic text in brackets.

(d) The town clerk shall cause a certified copy of any resolution or order adopted pursuant to paragraph (c) of this subdivision, subdivision five or paragraph (c) of subdivision eight of this section [*, or section two hundred nine-r of this chapter*] to be duly recorded in the office of the clerk of the county in which the town is located within ten days after the adoption of such resolution, or within ten days of the receipt of notification of the approval of the state comptroller where such approval is required by subdivision five or subdivision thirteen of this section. When so recorded, such resolution shall be presumptive evidence of the regularity of the proceedings and actions taken by the town board in relation thereto.

(e) Any interested person aggrieved by any resolution or order adopted pursuant to paragraph (c) of this subdivision, subdivision five or paragraph (c) of subdivision eight of this section [*, or*

*section two hundred nine-r of this chapter]* may review the same by a proceeding pursuant to article seventy-eight of the civil practice law and rules provided such proceeding is commenced within thirty days from the date of the recording of the certified copy of the resolution or order in the office of the county clerk. Any such resolution or order shall be final and conclusive unless a proceeding pursuant to article seventy-eight of the civil practice law and rules has been commenced within thirty days from the date of recording thereof. No review shall be had unless at the time the proceeding is commenced the interested person seeking the review shall give an undertaking approved by the supreme court, or a justice thereof, as to form, amount and sufficiency of sureties, that, in the event of failure to modify such resolution or order he or they will pay to the town board all costs and expenses as are incurred by it on account of the said proceeding as shall be determined by the court. In the event that upon such review there shall be any modification by the court of such resolution the court shall direct the modification thereof by order which shall be final and conclusive and such town board shall cause such order to be recorded and filed in the same place and manner as was the resolution or order appealed from.

**§ 209-r. Dissolution of special sewer, drainage or water improvement districts.**

This section, relating to the dissolution of certain special districts, was repealed.

## **AMENDMENTS TO VILLAGE LAW**

**§ 2-254 Effect of incorporation on all districts entirely within village.**

Subdivision 2-a was amended to refer to the new Article 17-A of General Municipal Law. The new language is underlined.

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

**§ 9-912 Propositions--submission and special election.**

This section relates to the types of propositions that may be submitted for permissive referendum. Paragraph (c) of subdivision 2 and subdivision 3 were repealed, removing the ability to have a permissive referendum on village consolidation or dissolution under this provision of law. Paragraphs (d) and (e) of subdivision 2 were relettered paragraphs (c) and (d). Subdivision 4 was renumbered subdivision 3 and amended to refer to the new Article 17-A of General Municipal Law. The new language is underlined.

3. A special election for submission of a proposition shall be noticed, conducted, canvassed and otherwise held in the same manner as a general village election; provided, however, that a proposition for the consolidation or dissolution of a village shall be noticed, conducted,

canvassed and otherwise held pursuant to, and in accordance with, the provisions of article seventeen-A of the general municipal law.

**§ 18-1806 Consolidation of villages.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1808 Filing certificates.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1810 Effect of consolidation.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1812 Appointment of clerk.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1814 First election in consolidating village.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1816 Transfer of property to new village.**

This section, relating to the consolidation of villages, was repealed.

**§ 18-1818 Reports of treasurers.**

This section, relating to the consolidation of villages, was repealed.

**Article 19 Dissolution of Villages**

This article, relating to the dissolution of villages and containing sections 19-1900 through 19-1924, was repealed.

## **AMENDMENTS TO LOCAL FINANCE LAW**

**§ 2.00 Definitions.**

Subdivision 21-a was amended to correct the spelling of “assessment” and to remove a reference to Town Law section 172, which was repealed by this Act. The new language is underlined, deletions are shown as italic text in brackets.

21-a. The term "full valuation", when used in relation to real property subject to taxation by a fire district, shall mean the valuation which is derived by dividing the assessed valuation of the real property concerned, as shown by the last completed assessment roll for the fire district, by the town equalization rate established by the authorized state officer or agency for such roll. Where, in the case of a newly-created fire district, there is no completed assessment roll for such fire district, full valuation shall be determined from the last completed *[assesment]* **assessment** roll upon which the real property included within the district was assessed for town purposes prior to such creation. Where, after the boundaries of a fire district shall have been changed so that real property subject to taxation for fire district purposes shall have been thereby added to or subtracted from the area of the fire district, there is no completed assessment roll for the fire district as so changed, full valuation shall be determined from the last completed assessment roll upon which the real property included in the fire district after such change was assessed prior to such change for town or fire district purposes, as the case may be. For the purpose of contracting indebtedness or for the purpose of preparing debt statements, the assessment rolls referred to in this subdivision shall mean such assessment rolls as completed, verified and filed



by the assessors. Where two or more fire districts consolidate to form one fire district *[pursuant to section one hundred seventy-two of the town law,]* the consolidated fire district, for the purpose of this subdivision, shall not be deemed a newly-created fire district, but shall be deemed an existing fire district and its full valuation shall be determined accordingly.

**§ 24.00 Tax anticipation notes.**

Subdivision 2 of paragraph d was amended to remove a reference to Town Law section 276, which was repealed by this Act. The deletions are shown as italic text in brackets.

2. In the case of the establishment of any improvement district of a county or of a town, which is to be financed by taxes or assessments levied upon an ad valorem or benefit basis, or in the case of the consolidation of special improvement districts *[pursuant to section two hundred six of the town law]*, prior to the first levy in which such taxes or assessments are to be levied for such district or consolidated district the county or town, as the case may be, may issue tax anticipation notes for the necessary expenses incidental to the creation of such district or consolidation of such districts, and the other necessary expenses incurred or to be incurred for such district or consolidated district prior to such levy.

## **SAVINGS CLAUSE**

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

## **EFFECTIVE DATE**

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