



Memorandum in SUPPORT

April 13, 2010

A.10432, by M. of A. Schimel

S.7238, by Sen. C. Johnson

AN ACT to amend the general municipal law and the municipal home rule law, in relation to the requirements for consolidating or dissolving certain local government entities

The Conference of Mayors has reviewed this legislation and recommends that it be approved by the State Legislature. This bill would strengthen the citizen participation provisions of the New N.Y. Government Reorganization and Citizen Empowerment Act (Chapter 74 of the Laws of 2009), which went into effect on March 21, 2010, and which provides the legal framework for consolidating towns, villages and districts, as well as dissolving villages and districts.

Importantly, this legislation would leave unchanged the most significant aspect of Chapter 74 -- the reduction in the dissolution/consolidation petition signature threshold from 33% to 10% of registered voters. The bill, however, would provide several procedural and technical amendments, including:

- require a mandatory referendum on a petition-initiated consolidation or dissolution plan (currently, such a referendum would only be allowed via petition);
- require the creation of a study committee, with town representation, to develop a dissolution plan (currently, it is the sole responsibility of the village or district governing body);
- establish a 60-day time period for the gathering of signatures to initiate a consolidation or dissolution via petition (currently, there is no time limit);
- ensure that a referendum on a consolidation or dissolution plan be held at the same time that the local government entity normally holds its election (currently, the referendum could take place at any time during the year);
- provide a one-year time period for development of a consolidation or dissolution plan, with the local option to increase the time limit to two years (currently, the law only allows 180 days to develop these complex plans);
- clarify that in a county-initiated dissolution of villages or special districts, no such entity shall be dissolved unless approved by the entity's residents.

Abolishing a local government, either through consolidation or dissolution, is a complex matter with far-reaching tax and service impacts for property owners. The process for enacting government restructuring must ensure informed citizen participation in a deliberative fashion. While Chapter 74 achieved significant reforms in this regard, the procedural and technical amendments included in this bill are clearly necessary to enable communities to thoughtfully consider government reorganization proposals. NYCOM, therefore, strongly recommends approval of this legislation.