NEW YORK STATE OF OPPORTUNITY. | Division of Local Government Services

# The Reorganization of Local Government:

## A Summary of the Government Reorganization Processes

General Municipal Law Article 17-A provides a unified process for the consolidation and dissolution of local government entities. The process is applicable to towns, villages, fire and fire protection districts, special improvement districts, other improvement districts created pursuant to Articles 11, 12, 12-a or 13 of Town Law, and other districts created by law. **It excludes school districts, city districts, or special purpose districts created by counties under County Law.**

Under Article 17-A of General Municipal Law there are two different methods for local governments to consider: Board-Initiated or Citizen-Initiated. The process for either consolidation or dissolution is the same. The following is a brief outline of the processes found in Article 17-A.

Procedural details may be found in the Department of State publications:

- *The New N.Y. Government Reorganization and Citizen Empowerment Act*
- *The New N.Y. Government Reorganization and Citizen Empowerment Act: A Summary of the Process for Consolidation and Dissolution*

**A Division of the New York Department of State**

**Andrew M. Cuomo**
*Governor*

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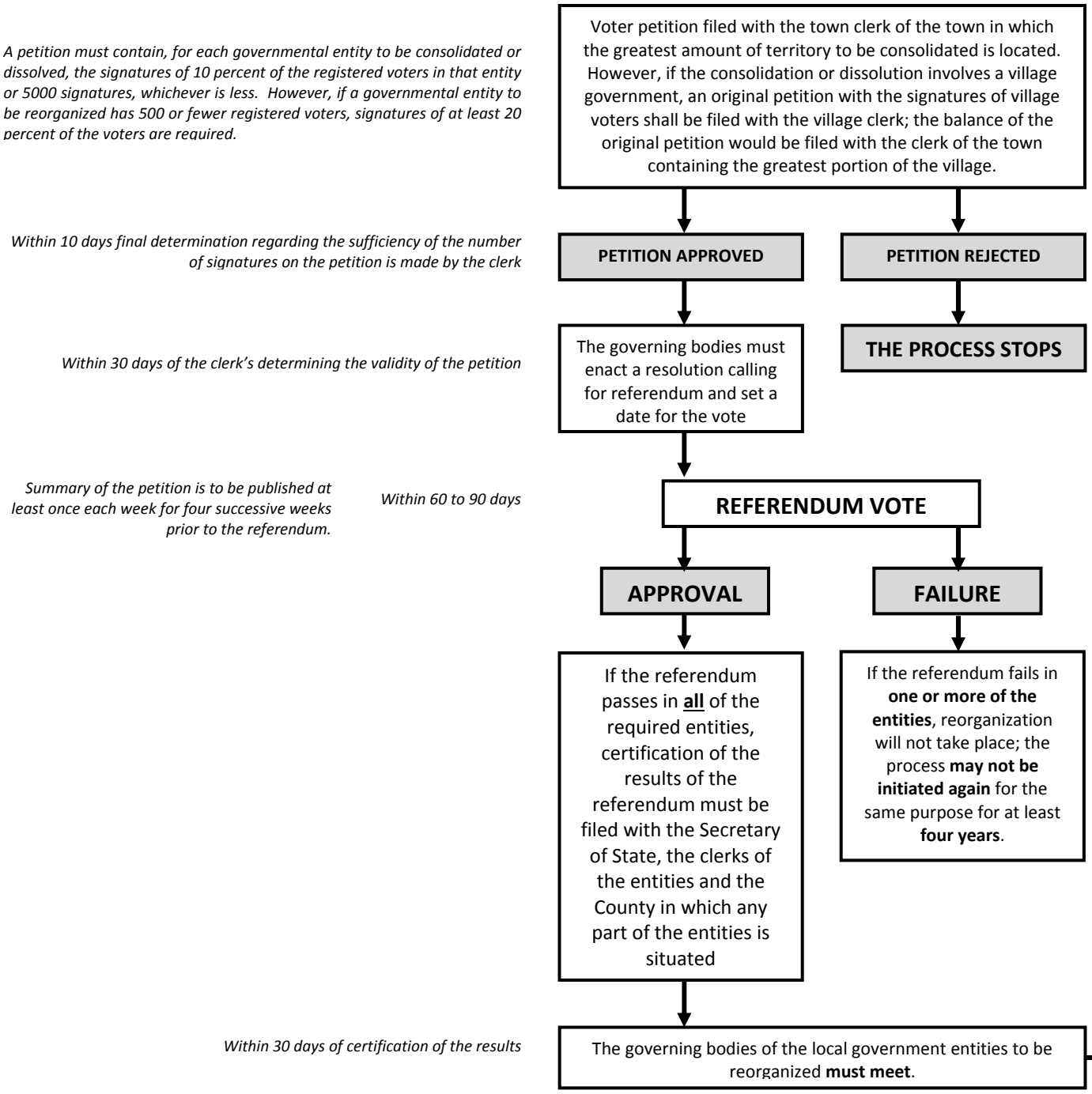
*Acting Secretary of State*

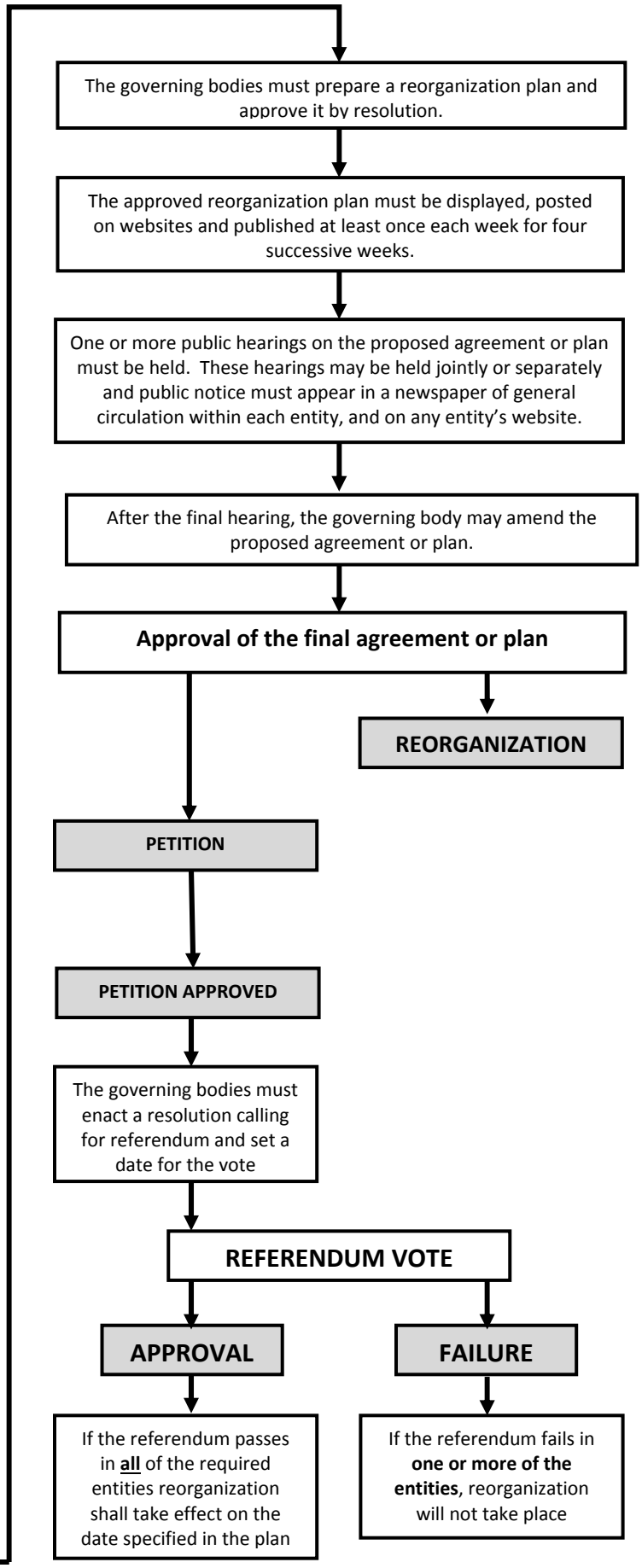
## VOTER- INITIATED REORGANIZATION

Article 17-A of General Municipal Law provides a process for voters to petition for a public vote on consolidating or dissolving their local government. Only voters registered in the local government entity may sign consolidation petitions, or serve as the contact person for the petition [§757(3)].

Unlike a board-initiated reorganization, in a voter-initiated process the consolidation agreement or dissolution plan will not be developed until after the referendum on whether to consolidate or dissolve passes. The plan must contain the same information as one prepared in a board-initiated process. Once a proposed plan is prepared by the governing bodies, voters have the opportunity to conduct another petition drive to require a second referendum, this time on the plan itself. If that drive is successful and another referendum is held, it too must pass in order for the reorganization to take effect.

If the governing bodies are unable or unwilling to prepare and approve a reorganization plan, five voters who signed the original petition may bring a C.P.L.R. Article 78 action in state Supreme Court. Depending on its findings, the court may refer the matter to mediation or issue an injunction compelling the governing bodies to act. If the governing bodies still fail to act, the court may appoint a judicial hearing officer to develop and approve a plan [§764].






*Within 180 days*

*No later than 5 business days after the plan is approved*

*Within 35 to 90 days after the plan is approved*

*No later than 5 business days after the plan is amended, a summary and copy of the plan must be displayed within each entity and posted on a*

*Within 60 days from the close of the last public hearing*

*The date specified in the plan for the local government entities to reorganize must be a minimum of 45 days after the approval date of the final plan*

*Within 45 days after the governing body approves the final plan, the voters may file a petition, with the clerk of the town where the entity is located or where the greater portion of its territory is located, requiring a referendum on the reorganization plan. If the entity is a village the original petition must be filed with the village clerk. This petition must contain the signatures of at least 25 percent of the voters in the entity, or 15,000 signatures, whichever is less.*

*Within 10 days final determination regarding the sufficiency of the number of signatures on the petition is made by the clerk*

*Within 30 days of the clerk's determining the validity of the petition*

*Within 60 to 90 days*

*Summary of the plan is to be published at least once each week for four successive weeks prior to the referendum.*

## BOARD-INITIATED REORGANIZATION

The statutory process, when initiated by the governing body of the participating local government entities, begins with a resolution by the governing bodies endorsing a proposed joint consolidation agreement or dissolution plan.

However, the process of reorganization may start many months before the statutory process begins. With a board initiated reorganization process the board(s) may conduct a study to determine the possible impacts associated with reorganization. As outlined in the previous section, by taking the time to study the impacts of reorganization, both the governing body and the public will be able to evaluate the impacts of reorganization before making the decision to reorganize.

*Once a proposed joint consolidation agreement or dissolution plan is adopted by the local government entities involved, the board-initiated consolidation proceeds as follows:*

The proposed joint consolidation agreement or dissolution plan is adopted by the local government entities

*Within 5 business days after the proposed joint consolidation agreement or proposed dissolution plan is adopted*

The proposed joint agreement must be displayed

*Within 35 to 90 days after the proposed joint consolidation agreement or proposed dissolution plan is adopted.*

One or more public hearings on the proposed agreement or plan must be held. These hearings may be held jointly or separately and public notice must appear in a newspaper of general circulation within each entity, and on any entity's website.

*After the final hearing on the proposed joint consolidation agreement or proposed dissolution.*

**The governing body may amend the proposed agreement**

**The governing body may decline to proceed further**

*Within 180 days from the close of the last public hearing.*

**Approval of the final agreement or plan**

**THE PROCESS STOPS**

*Within 60 to 90 days, or if a general election falls within such period, the referendum may be held at the general election.*

**REORGANIZATION OF A TOWN OR VILLAGE,** a referendum must be held. The referendum may be held on different days in the entities, but may not be held more than 20 days apart.

**CONSOLIDATION OF SPECIAL DISTRICTS,** the agreement will take effect without referendum on the date specified in the proposed joint consolidation agreement

*Notice of the referendum is to be published at least once each week for four successive weeks prior to the referendum.*

**REFERENDUM VOTE**

**APPROVAL**

**If the referendum passes in <u>ALL</u> of the required entities, the agreement or plan will become effective on the date specified in the agreement or plan.**

**FAILURE**

If the referendum fails in **one or more of the entities**, reorganization will not take place; the process **may not be initiated again** for the same purpose for at least **four years**.