

CONSOLIDATION BILL SUMMARY

Title 1: Definitions:

Title 2: Summary of Consolidation of Local Gov't Entities

Consolidation Initiated by Two Local Government Entities (Section 751 - 756)

1. Local governments must develop a joint consolidation agreement / plan.
2. Publish the agreement.
3. Hold public hearings on the consolidation plan.
4. After the final public hearing, they may amend the agreement. If they amend the agreement, they must re-publicize the amended agreement. In either case, the final agreement must be publicized.
5. If the agreement involves the consolidation of two or more towns, two or more villages or one or more towns and villages, then the governing bodies must call for a referendum.
6. Majority rules.

Initiative by Elector (Section 757 - 764)

1. Must file an original petition with the clerk of the town (where the greater portion of their territory is located) (except for village consolidation).
 - a. Accompanying the filed petition, there shall be a cover sheet containing the name, address and the telephone number of an individual who signed the petition and who will serve as the contact person.
2. Petition shall contain signatures of at least 10% of the registered voters or five thousand, whichever is less in each of the local government entities to be consolidated. If there are 500 or fewer registered voters, then the petitions must contain 20% of the registered voters.
3. Within 10 days from the date the petition was filed, the Clerk shall make final determination of the number of signatures on the petition and provide timely written notice of that determination to the contact person.
4. No later than 30 days after the Clerk determines there is sufficient number of signatures, each local government body must call for a referendum on the proposed consolidation and set a date for the vote.
5. A special election must be held no less than 60 day and no more than 90 days after the enactment of the local government resolution. The vote can be held on a town or village general election day as long as it falls within the 60 and 90 days.
6. A majority vote is required in both entities to initiate the consolidation.
7. If the vote fails, there is a 4-year moratorium on future referendums.

8. If a majority of both entities vote to consolidate, then the local government bodies must meet within 30 days of the vote certification. In 180 days, the government bodies must approve a consolidation plan.
9. Five business days after the approving the plan, the governing body or bodies must make the plan available to the public (hard copy and website) and publish a description and the location of the plan documents in a newspaper of general circulation (once a week for four weeks)
10. One or more public hearings must be held no less than 35 days and no more than 90 days after the consolidation plan is approved. The public hearings must be announced and publicized at least 10 days, but no more than 20 days in advance of the public meeting.
11. After the final meeting, the governing body may amend the final consolidation plan and approve it within 60 days of the final hearing.
12. Five days after amending the consolidation plan, the governing body must make the information available to the public (hard copy and website)
13. The consolidation will take effect after 45 days from the approval of the final consolidation plan, UNLESS enough signatures are collected to call for another referendum on implementation of the consolidation plan.

Court Ordered Consolidation (Section 764)

1. If the local government entities fail to follow the provisions of this law, any 5 electors who signed the petition to consolidation may file suit in the supreme court with local jurisdiction.
2. If the court rules that the local government entities were acting in good faith, then the court may refer the matter to mediation.
3. In any other case, the court may issue an injunction compelling the local government entities to act.
4. Petitioners may be awarded court costs if they substantially prevail.

General Effect of Consolidation (Section 765 – 772)

1. These sections relate to the transition of employees, the transfer of assets and liabilities, the election of the new governing body and other implementation issues.

Title 3: Summary of Dissolution of Local Gov't Entities

Note: towns may not be dissolved by initiative.

Dissolution Initiated by Local Government Entity (Section 773 - 778)

1. Local government must develop a dissolution plan.
2. Publish the plan.
3. Hold public hearings on the dissolution plan.

4. After the final public hearing, they may amend the plan. If they amend it, they must re-publicize it. In either case, the final plan must be publicized.
5. The dissolution becomes effective upon the date specified in the plan.

Initiative by Elector (Section 779 - 785)

1. Must file an original petition with the clerk of the town (where the greater portion of their territory is located) (except for village dissolution).
 - b. Accompanying the filed petition, there shall be a cover sheet containing the name, address and the telephone number of an individual who signed the petition and who will serve as the contact person.
2. Petition shall contain signatures of at least 10% of the registered voters or five thousand, whichever is less in each of the local government entities to be dissolved. If there are 500 or fewer registered voters, then the petitions must contain 20% of the registered voters.
3. Within 10 days from the date the petition was filed, the Clerk shall make final determination of the number of signatures on the petition and provide timely written notice of that determination to the contact person.
4. No later than 30 days after the Clerk determines there is sufficient number of signatures, each local government body must call for a referendum on the proposed dissolution and set a date for the vote.
5. A special election must be held no less than 60 day and no more than 90 days after the enactment of the local government resolution. The vote can be held on a town or village general election day as long as it falls within the 60 and 90 days.
6. Notice of the referendum must be posted in a newspaper of general circulation once each week for four weeks prior to the referendum.
7. If the vote fails, there is a 4-year moratorium on future referendums.
8. If a majority of the registered voters agree to dissolve the entity, then the local government body must meet within 30 days of the vote certification. In 180 days, the government bodies must approve a dissolution plan.
9. Five business days after the approving the plan, the governing body or bodies must make the plan available to the public (hard copy and website) and publish a description and the location of the plan documents in a newspaper of general circulation (once a week for four weeks)
10. One or more public hearings must be held no less than 35 days and no more than 90 days after the dissolution plan is approved. The public hearings must be announced and publicized at least 10 days, but no more than 20 days in advance of the public meeting.
11. After the final meeting, the governing body may amend the final dissolution plan and approve it within 60 days of the final hearing.
12. Five days after amending the dissolution plan, the governing body must make the information available to the public (hard copy and website)
13. The dissolution will take effect after 45 days from the approval of the final consolidation plan, UNLESS enough signatures are collected to call for another referendum on implementation of the consolidation plan.

Court Ordered Dissolution (Section 764)

1. If the local government entity fails to follow the provisions of this law, any 5 electors who signed the petition to consolidation may file suit in the supreme court with local jurisdiction..
2. The court may issue an injunction compelling the local government entities to act. If the local government violates the injunction, the court may appoint a hearing officer. The final determination of the hearing officer shall constitute the final approval of the dissolution plan.
3. Petitioners may be awarded court costs if they substantially prevail.

Title 4: Miscellaneous Provisions

Section 3: Authorizes Counties to Abolish Units of Local Government (subject to a county-wide referendum with special majority requirements)

1. The Board of Supervisors (County Legislature) may transfer functions or duties of the cities, towns, villages, districts, or other units of government.
2. Transfers or abolition of duties or units of government must be approved at a county-wide general or special election.
3. If the transfer involved a the transfer of duties from a village or the abolition of a village, the voters of the village must approve the measure in addition the county-wide vote

March 1 – Effective Date

10 Days to Certify – March 10

30 Days to call referendum – April 10

60 to 90 Days to hold election – May 10th to June 10th

April 1 – Effective Date

10 Days to Certify – April 10

30 Days to call referendum – May 10

60 to 90 Days to hold election – June 10th to July 10th