



*New York State Assembly, Sheldon Silver, Speaker
Legislative Commission on State-Local Relations
Assemblymember Tim Gordon, Chair*

Consolidation of Local Governments

Statutory Authority

Towns, Villages, Fire Districts, Special Improvement Districts or other Improvement Districts, Library Districts and other districts created by law except School Districts, City Districts and County Districts

Effective March 21, 2010, new provisions for consolidating local governments are provided in General Municipal Law article 17-A, Consolidation and Dissolution of Local Government, as summarized below:

Two or more local government entities, 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.

Local Governments entities may consolidate:

(1) Upon joint resolution of the governing body or bodies endorsing a proposed joint consolidation agreement. The governing body or bodies must conduct one or more public hearings with prior published notice on the proposed agreement and approve a final version of the joint consolidation agreement. In the case of the consolidation of towns or villages, a referendum must be conducted; or

(2) Upon petition proposing consolidation by 10% of electors or 5,000 electors, whichever is less, in each local government entity to be consolidated. The governing body or bodies must conduct a referendum, prepare and approve a proposed elector initiated consolidation plan, conduct one or more public hearings with prior published notice, and approve the final version of the elector initiated consolidation plan. Twenty-five percent of electors or 15,000 electors, whichever is less, in each local government entity to be consolidated, may petition the governing body or bodies to conduct a referendum on the final elector initiated consolidation plan.

Special Districts

School Districts – See: *Guide to the Reorganization of School Districts in New York State*, available on the website of the NYS Education Department, http://www.emsc.nysed.gov/mgt/serv/sch_dist_org/GuideToReorganizationOfSchoolDistricts.htm

Two or more common school districts may be consolidated and created as one common school district, or two or more union free school districts may be consolidated and created as one union free school district, or one or more common school districts may be consolidated with one or more union free school districts and created as a union free school district, by a vote of the qualified electors. [Education Law § 1510].

District superintendent may organize a new school district out of territory of one or more school districts wholly within the geographic area served by BOCES, if the educational interests of community require it. [Education Law § 1504.1].

District superintendents of two or more adjoining supervisory districts, when public interests require it, may form a joint school district out of the adjoining portions of their respective districts. [Education Law § 1504.2].

A city, town or village situated wholly within one central or union free school district but whose boundaries are not coterminous with the boundaries of the school district may organize a new union free school district that will consist of entire territory of the municipality if the educational interests of the community require it. Enrollment levels and approval process, including voting by residents, are provided in statute. [Education Law § 1504.3].

District superintendent by order may dissolve one or more districts to form from the territory a new district, and by order may also unite all or a part of the territory to any adjoining school district including a union free school district with a population of forty-five thousand or more and employing a superintendent of schools, except a city school district. [Education Law § 1505].

School districts can consolidate based on a meeting to adopt a resolution to consolidate such districts, “if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present.” If the majority of the electors vote in favor of such resolution it shall be declared adopted. [Education Law §§ 1512-1515]

Consolidation between an enlarged city school district and a contiguous district discussed in detail. [Education Law §§ 1524-1526]

School districts not included in an original central high school district may join the district by vote of the electors of the district upon consent of the board of education of the central high school district and the order of the Commissioner of Education. [Education Law § 1902]

In Suffolk County, a central high school district may be formed by the combination of two or more contiguous central, union free or common school districts. [Education Law § 1912]

Joint Fire Districts – A Town Board and the Village Board of Trustees may establish a Joint Fire District. [Town Law Article 11-A]

County Districts – Districts created under Article 5-A, County Law may be consolidated by resolution of the town board or upon petition of property owners. [County Law §§ 274-a, 274-b] There are no provisions for consolidation of districts created under County Law Article 5-B or Article 5-D.

Selected Court Cases

Brittain v. Village of Liverpool, 1997, 172 Misc.2d 201, 657 N.Y.S.2d 298, appeal dismissed 248 A.D.2d 1031, 679 N.Y.S.2d 784. Municipal Home Rule Law requiring that local law be subject to mandatory referendums if it abolishes, transfers or curtails power of elected officer was not applicable where village police force was subsumed into neighboring city's police force through contractual merger as only specific action taken by village board was to pass a motion authorizing mayor to enter into contract with neighboring city for police services and did not constitute a "local law".

Opinions of the Comptroller and Attorney General

Attorney General Opinion [2006-11](#): Municipal Home Rule Law §§ 10, 10(1) (ii) 91) 91); General Municipal Law Art. 5-G, §§ 119-n(1), 119-n(c), 119-o, 119-o(1), 121-1; N. Y. const. Art. IX §§ 2(c), 2(c)(I), 2(c)(ii), 3(d)(2). General Municipal Law Article 5-G, not Municipal Home Rule Law §10, authorizes the consolidation of the police services of two towns in contiguous counties.