

## LWVH Voter, January-February 2010

### NEW COMMITTEE TO STUDY GOVERNMENT CONSOLIDATION

An ad hoc committee has formed to explore opportunities to reform local government through consolidation of entities and/or shared services. The goal is to realize improved efficiency, less redundancy and lower expenses for the resulting entities. Next steps will be to study materials provided by the state League of Women Voters (and other sources) and then share information with League members. Later, the committee will use consensus questions developed by the state League to interview local public officials in search of reforms here in the Hamptons.

***The following is a compilation of written material from LWVNY Government Consolidation Study***

New York State faces major problems as trends reflecting anemic economic growth, population losses and some of the highest taxes in the nation continue to raise concern. A series of commissions studied the problems and recommended reforms, but few recommendations were ever implemented.

The Lundine Commission is the most recent to address government efficiency. Its report, issued in April 2008, includes direct recommendations to consolidate entities and/or reduce costs. Recognizing that a blanket mandate for change would be inappropriate, it recommended that local governments examine areas where more efficiency or lower costs could be achieved.

The following year, the New York Government Reorganization and Citizen Empowerment Act of 2009 was passed. The act, effective March 2010, facilitates:

- Consolidation of towns, villages or districts, including but not limited to, special-improvement districts and library districts (“government entities”)
- Dissolution of villages and certain districts

- Giving counties additional powers to initiate dissolution  
The Act excludes school districts, city districts or special-purpose districts created by counties under county law.

***LWVNY takes on consolidation issue at a statewide level***

Although the cost of New York State government threatens its effectiveness, the League had never studied, at a statewide level, whether it should encourage government consolidations/dissolutions or shared services and, if so, what criteria should be applied in evaluating various proposals. At the LWVNY 2009 Convention, a new state study on local government consolidation and shared services was approved.

The question of increasing efficiency of local government through consolidation or dissolution of entities and/or their services is complicated. It is unlikely that a consensus for a single statewide course of action can be reached. The state study committee has decided to devote the first portion of the study to exploration of consensus in these areas:

- Agreement on the standards that the state League should apply in assessing changes to state law that would facilitate the consolidation/dissolution process and/or the expansion of shared services
- Agreement on standards local Leagues should apply in assessing proposals for consolidation/dissolution/ shared services in their service area.

***Locally, we will follow suit***

The LWVH Government Committee will study this issue and share information through articles in *The Voter*. Interested? For information, go to [lwvny.org](http://lwvny.org); click Programs and Studies, then Consolidation/Shared Services Studies.

**Naomi Epstein and Judy Samuelson**

## OVERVIEW OF CURRENT GOVERNMENTAL STRUCTURE

The last *Voter* explained why a LWVH committee to explore opportunities to reform local government was formed, to participate in the LWVNY consensus study. This background article gives an abbreviated overview of current governmental structure. (For the full version of the article, go to the state League website, [www.lwvny.org/consolidation\\_sss.htm](http://www.lwvny.org/consolidation_sss.htm).)

New York has 1,607 general-purpose local governments, including 57 counties, 932 towns, 62 cities, 556 villages—all with power to tax and issue debt and with home rule protections under the state constitution—and 14 Native American reservations. The cities and towns completely cover all the territory of the counties, leaving no unincorporated areas. No city or town crosses county borders and with one exception, cities and towns do not overlap. All the villages reside within towns and 76 villages cross town boundaries. New York City operates as both a city and a county (the five boroughs are technically counties but operate under city government). This structure leads to a complex layering of local governments. Village residents have three layers: village, town and county; town residents have two: town and county. Cities outside New York City also have two layers: city and county. Only New York City and Native American reservations have one.

The vast majority of these general-purpose governments were established prior to 1920, when the state was primarily rural. Very little change has occurred in the number of cities and towns since. Villages, the only form of municipal government that can be incorporated or dissolved solely by local action, have seen more change, with 125 villages created since 1925 and 37 dissolved as of 2007, with more changes occurring even today.

The state has seen tremendous changes in population size, economic activity, transportation systems, communication technology, and settlement patterns since 1920, but the municipal classifications, boundaries, and laws under which these entities operate do not reflect this change.

Cities were traditionally the more populous and urban. But ten towns in the state have populations greater than 100,000 whereas among the state's cities, only the "Big Five" are that populous. Most of the state's cities (35 out of 62) have populations under 25,000 while 60 towns and six villages have populations greater than that level. The Town of Hempstead is the largest municipality outside New York City in terms of population.

### Why does this matter?

It matters because cities, towns and villages have very different governing structures, revenue structures, tax and debt limits, access to revenue sharing, and other forms of state aid and access to county and state services, grants and programs. For example, cities tend to receive more state aid than towns and villages with similar problems. Despite differences under state law, the functions and services provided by the different classes of government are converging, making old designations outdated. Cities tend to receive more aid from the state, yet many towns and some villages are larger than our cities, with the same problems that population brings.

### There's more

New York state government also includes districts and other special government entities, such as 1,811 special-purpose districts (school, fire, library and other districts, plus commissioner-run districts like parks, water, sewer and solid waste). Each has an elected board and the ability to impose taxes and/or issue debt directly or through the local government. Boundaries often cross town, village, city and even county borders, creating issues of administration, taxing, and coordination with multiple local governments. Many operate outside of citizen and local press oversight and hold elections outside of the General, Village or School District elections, resulting in low voter interest and turnout.

### And more districts!

New York has 1,302 local government entities with independent boards. These boards are usually appointed but can also be elected by a select group of individuals. They can impose costs and/or issue debt with little local control. A few examples of this type of entity are BOCES (Board of Cooperative Educational Services), community colleges, consolidated health districts, housing authorities, sewer and utility authorities. Their scope of powers ranges from local to regional and vary in the degree to which they are independent of the local government oversight.

Reasons for lack of change in municipal boundaries and/or classifications and rules include (in addition to simple inertia and sentimental attachment to what exists):

- Lack of unincorporated land, making expansion of cities extremely difficult.
- State laws such as the "Selkirk Law" (1961) that require representatives of all affected areas to agree

*continued on page 3*

to a city annexation of land, as well as a formal referendum of city and town residents and a special act of the legislature. In 1963 the Selkirk law was extended to villages.

- Home-rule protections for all local governments in the state constitution limit the state legislature's ability to pass a law affecting a specific local government without a request from the local government itself.
- Patterns of state aid to local governments based on traditional legal categories rather than more appropriate criteria.
- Stake of local officials in the current structure.

Because definitions have changed so little over the past 90 years, it is important to keep in mind that what a municipality is called is an artifact of the past and not a true reflection of its size or urbanization. This uncertainty is one factor in recommending that initiatives to consolidate local government entities remember that "one-size-does-not-fit-all" and that the analysis should not be influenced by terminology but evaluated on the facts.

For a summary of Suffolk's local governmental entities, go to the Attorney General's website, [www.oag.state.ny.us](http://www.oag.state.ny.us).

## LWVH Voter, April 2010

### CONSENSUS MEETING — MAY 10, 2010

The January/February issue of *The Voter* informed members that a LWVH committee had formed to explore streamlining local government through consolidation of entities and/or shared services. Included was a compilation of written material from the LWVNY Government Consolidation Committee on the rationale for formation of a statewide study.

Presently, the League has no comprehensive position that would enable it to lobby for or against recommendations to consolidate governmental entities or services, or to comment on current or future state legislation impacting consolidation or dissolution of governmental entities, and/or pursuit of major shared-services proposals. The delegates at the 53rd biennial convention of the LWVNY in 2009 approved a two-year study to deal with such issues at both state and local levels. The League must reach some understanding of what common standards should be employed by state and local Leagues in assessing the wisdom of various initiatives to rearrange how governmental services are provided. Because the state is so diverse, it seemed unlikely that a consensus that proposes one course of action for the entire state could be reached. Therefore, the State League decided to devote the first portion of the study to an exploration of consensus in only two areas:

1. What standards should apply when the League evaluates current and future legislation or constitutional

amendments that apply to dissolution/consolidation of governmental units or pursuit of major shared services?

2. What standards should apply when local Leagues evaluate a specific consolidation or dissolution of a governmental entity or major shared services proposal?

Our consensus meeting on May 10 will deal with these two standards only. The purpose is to come to consensus on the questions developed by the state League's Government Modernization Committee. Remember that consensus is not a vote, not a percentage of members, but a "sense of group" member agreement. Please mark this important meeting date your calendar. Your participation is essential to setting policy for your League.

In preparation for the Consensus Meeting, the March issue of *The Voter* gave an overview of current New York State governmental structure and included a website for further information. Members should also visit the Hampton League website and read the posted nine-page article on "Consolidating Local Government." Members will have the opportunity to familiarize themselves with the consensus questions to be asked at the meeting beforehand. Consensus questions will be sent to all members before the May meeting. Depending on your previous requested preference, these will be sent either by mail or e-mail. Be sure to watch for them.

**Naomi Epstein, Chair**

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