



*Ohio Commission on  
Local Government Reform  
and Collaboration*

**Report on Progress on Government Reform and  
Collaboration Across the Nation  
November 2009**

*The Ohio State University - John Glenn Public Affairs*

## Report on Progress on Government Reform and Collaboration Across the Nation

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*The following report was compiled for the Ohio Commission on Local Government Reform and Collaboration. Its purpose is to summarize State commissions on local government that had a similar focus to that of the Ohio Commission. This report considered State commissions that were completed within the past five years. Based on these criteria, five states were analyzed. This analysis included a summary of the reports. Three State Commissions provided recommendations in a way that could be investigated for updates (New Jersey, Indiana, and New York). Following the description of these three state commission's work is a chart listing the specific recommendations and progress towards implementation.*

Annotated Bibliography

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## Local Government Collaboration Incentives

Identification of options for encouraging and incentivizing local governments to collaborate

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# Report on Progress on Government Reform and Collaboration Across the Nation

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## West Virginia Commission on Governing in the 21st Century (2005)

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In 2004, West Virginia Governor Bob Wise created the Commission on Governing in the 21<sup>st</sup> Century to investigate ways for local governments to “improve their economic viability and capacity to provide services to citizens and businesses.” The main focus of the Commission was to look at whether or not local governments units should be reorganized, and if so, how. The Commission concluded that consolidation was necessary, but that such efforts needed to be directed at the local level rather than implemented from above. The Commission’s report emphasized the tangible economies of scale benefit existed, and ability to attract business entities by developing major markets. The report developed processes for three consolidation scenarios: municipality consolidation, municipality and county consolidation (metro government), and county consolidation.

In 2005, Senate Bill 159 was introduced to establish the consolidation process. After clearing the Senate by a margin of one, it died in the House. In 2006, the legislation was reintroduced as SB 245 and it was eventually enacted into law. The Act indicated that proceedings could begin either with 25 percent of electors from each entity signing a petition, or a resolution from the Governing bodies of each affected resolution. After petition is approved by the respective county commission, a charter review board is created to study and plan the possible consolidation. The law excludes school, library, fire, special taxing, and public service districts.

### **Summary of Recommendations and Conclusions**

#### **Economics of Consolidation**

The Commission found that the economies of scale to be achieved through outright local government mergers are not abstract and are demonstrable under prevailing conditions. They also found that consolidation of urban counties could make them more attractive business locations. In addition, the Commission concluded that fiscal constraints make local government reorganization necessary.

#### **Legislative Need**

The Commission concluded that change can be and should be incremental. Also, to provide guidance and to conform to the West Virginia constitutional requirements, enabling legislation must be passed by the Legislature.

#### **Effect on Local Government**

The Commission found that beyond constitutional considerations, the most basic democratic principles demand that local government reorganization initiatives must originate at the local level.

## Maine GrowSmart Initiative (2005)

<http://www.brookings.edu/~media/Files/rc/reports/2006/10cities/maine.pdf>

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The Maine GrowSmart Initiative was established in 2005 as a statewide, non-profit citizen's organization. Its mission was to promote sustainable prosperity and to protect the state's distinctive character and quality places. The initiative funded the October 2006 Brookings Institution Report, "Charting Maine's Future." A major part of the report focused on streamlining government to cut taxes and reinvest in Maine's economy while creating a "binding government efficiency commission." Economic constraints have kept such a commission from being created, however it is still a large part of the agenda being followed by the Maine GrowSmart Initiative. Legislation following the "Charting Maine's Future" report has focused mainly on job and economic opportunities.

One part of the report looks at the need for Maine to seize the opportunity to make urgent investments in its future that would enhance its distinctive strengths. An action plan was created with a number of recommendations and initiatives.

### Summary of Recommendations and Initiatives

#### Place-Based Economy

This section of the plan looked at ways to foster economic growth which included the concept of industrial clusters and cooperatives.

#### School District Reform

In this section, the authors looked to cut costs in order to fund economic initiatives and/or reduce taxes. Among the recommendations were the establishment of a Maine Government Efficiency Commission that could eliminate structural redundancies and excess administrative overhead. The report also looked at enlarging the Fund for the Efficient Delivery of Education Services to promote voluntary collaborations between schools and districts. Appointing a high-level school district reorganization committee to substantially reduce the number of school administrative units was also recommended. The report also called for the

development of the state's first-ever state school capital plan to ensure that the state's future investments in construction and renovation would be made rationally.

#### Service Delivery

The report recommends fully funding and enlarging the Fund for the Efficient Delivery of Local and Regional Services to promote voluntary collaborations to reduce service costs. It also looks to support major pilots in regionalized service delivery to explore and showcase far-reaching efforts at multi-municipal reorganization and cost reduction.

#### Regionalism

The report looks at how Maine could foster more regional planning by providing grants from the Community Enhancement Fund to groups of towns that agree to plan together. The report says even bolder collaboration could be encouraged by offering even stronger incentives for towns to actually implement regional growth-management plans. Incentives discussed include increasing aid to towns engaged in cross-boundary planning and awarding authority for a local-option sales tax to towns that implement truly regional plans.

Legislation stemming from the GrowSmart Initiative has focused on education reform. In 2007, Governor John Baldacci pushed ahead a plan entitled "Local Schools, Regional Support", which focused on increased administrative efficiency of schools. A central part of that plan was reorganization of school districts (In Maine, referred to as school administrative units). The bills LD 499 (2007) and LD 2323 (2008) encompassed the final plan for consolidation. The goal was to consolidate 290 school districts into 80 school administrative units. The forms of these consolidated districts would be called "regional school units" or an "alternative organizational structures". Districts were given several months to find other districts to

consolidate with and submit final plans to the Department of Education as to how the consolidation would be accomplished by December 2007. Exceptions were written into the bill for high performing districts, island schools, and for districts whose efforts at consolidation were rejected by neighboring districts. In any event, the aim was to have school administrative districts with student populations at a minimum of 2,500, with an absolute bare minimum of 1,200 if such barriers such as geography or demographics limited districts ability to achieve the 2,500 threshold. A vote on approving of consolidation plans in each district was required to be held on or before January 30, 2009. Reduction of state aid, increases in required local millage rates, and less favorable consideration of school construction were all put in place to compel compliance for not meeting requirements.

However, such penalties have not been enough for voters in some school districts to reorganize. As of June 30, 2009, 127, mostly rural districts, have failed to successfully complete reorganization procedures. Ninety-eight districts have moved forward, consolidating down into 26 units. Sixty-five districts have not been subject to reorganization due to meeting some defined exemption. In June 2009, LD 285 was enacted to delay such penalties for non-compliance for one year. The districts which have consolidated began official operations July 1, 2009. However, efforts are in motion to repeal the consolidation legislation altogether. Currently, the November ballot for 2009 is scheduled to have the question presented to Maine voters as to whether or not the school consolidation laws should be repealed. An attempt in the legislature to repeal the school reorganization laws failed.

## New Jersey Government Consolidation and Shared Services Committee (2006)

[http://www.njleg.state.nj.us/PropertyTaxSession/OPI/jcgo\\_final\\_report.pdf](http://www.njleg.state.nj.us/PropertyTaxSession/OPI/jcgo_final_report.pdf)

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In 2006, The State of New Jersey confronted what it perceived as a property tax “crisis”. The New Jersey General Assembly State Legislature held a special joint session to develop solutions in order to lower the property tax burden within the state, which some entities cited as the highest in the United States. The legislature created four joint legislative committees to investigate four particular areas related to property tax. One of those committees was charged with investigating government consolidation and shared services. In December of 2006, the Joint Legislative Committee on Government Consolidation and Shared Services report was released with eighteen recommendations, fifteen of which pertained to local government.

### Summary of Recommendations

The Joint Legislative Committee on Government Consolidation and Shared Services expressed their belief that the 566 municipalities within the State were simply too many. However, it highlighted that there was an inherent lack of political will by State elected officials to consolidate local government units. Therefore, the Committee recommended a model based off of the Base Realignment and Closure (BRAC) Process used by the federal government to facilitate the closure of US military bases. The process entailed the creation of a bipartisan body which would be given board authority to recommend consolidation or the sharing of services amongst local government units. The body would also engage in investigation and research into how services and local government could best be structured to achieve maximum efficiency.

The Committee also reported that the processes outlined in statute for municipality consolidation was overly complex and outdated. Testimony heard by the Committee at several public meetings indicated that such efforts were hampered tremendously because statutes in place were confusing, inadequate, and constricting. The Committee did not outline exactly how current state statutes should be “streamlined”. However, it did advocate in its recommendations for an “alternative route” to be developed, where municipal governments or electors could propose consolidation action to the Local Finance Board, an entity

with New Jersey’s Department of Community Affairs. It also advocated for the development of an “employee reconciliation plan” for shared service and consolidation efforts, in instance where local governmental units had differences in their use of civil service.

The Committee also addressed consolidation and shared services for its 616 school districts. Its proposal to facilitate action was to strengthen the power of county superintendents to oversee school district operations. These “super” county superintendents would be appointed by the Governor. The Committee advocated for broad powers to be delegated to the position, including power over school district budgets, and oversight over the hiring of school superintendents. The position would also facilitate shared services and cooperative purchasing arrangements. In addition to strengthening the county superintendent position, the Committee also called for the authorization of a pilot program to gauge the effectiveness of the administration of schools at the county level.

The Committee also addressed consolidation of the state’s 911 Public Safety Answer Points. It highlighted the potential need for such consolidation action to combat costs and become more efficient as 911 communications switch from landline to wireless devices. It felt that the State 911 Commission should be given authority to move forward with consolidation and collaborative efforts as part of its overall duties in revamping the emergency communications system in the state. The Committee recommended granting coercive powers for the 911 Commission to achieve such success.

Further recommendations were made in the area of shared services and purchasing. The committee called for amendments to law which would allow municipalities and school districts to jointly provide health and life insurance. The committee also proposed recommendations with regard to purchasing. It felt purchases of fire equipment by local government entities should be subjected to review by the Local Finance Board, if the purchase exceeded a particular threshold amount. It advocated that purchases of this nature should be rejected if they did not meet regional needs, which the different local units would agree to beforehand.

The report also included a minority report, which included its own set of recommendations with regard to local government consolidation and collaboration.<sup>1</sup>

In the aftermath of the Special Joint Session of the New Jersey Legislature, several of the Joint Legislative Committee on Government Consolidation and Shared Services recommendations were in fact enacted via legislation in 2007.

Bill A4 was enacted which facilitated a number of the recommendations within the report. The bill allowed municipal governments and citizens to appeal directly to the Local Finance Board to either 1) approve a consolidation plan or 2) create a Municipal Consolidation Study Commission. It also broadened the scope of power for the County Superintendent to facilitate consolidation and shared services of school districts.

Bill A15 was enacted which created a nine-member, bipartisan Local Unit Realignment, Reorganization, and Consolidation Commission (LURACC). LURACC was charged with developing specific criteria to use in recommending consolidation or shared services for local units after performing research on the issue. The body was invested with the ability to recommend the consolidation of municipalities, which would then be placed on the respective ballots of the municipalities recommended for consolidation. LURACC would have to present its recommendations for consolidation by May 1<sup>st</sup>, if such actions were to be voted on by the electors during the general election in the same year. The legislature could prevent a proposal from appearing on a ballot if they were to pass a concurrent resolution against it. A LURACC proposal for consolidation would include not only the form of government that would be established, but also details regarding the elections of officials, and the distribution of debt. Under the plan, consolidation of local units would occur within 14 month of voter approval. The municipalities that consolidated would not be able to break away or form a new municipality for a period of ten years. LURACC was also assigned with the task of investigating the structure and efficiency of municipal and county governments, service delivery, etc. It was charged with submitting a report of its findings to the legislature within two years of its creation, which it did in March of 2009.

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<sup>1</sup> The Minority Statement was crafted by Senator Joseph Kyriilos and Assemblyman Joseph Malone. It contains 20 recommendations and can be found within the Committee's Final Report.

## New Jersey Government Consolidation and Shared Services Committee (2006)

<u>Report Recommendations</u>	<u>Actions Pursued in State</u>
1. Create a permanent local unit reorganization and consolidation commission to facilitate municipal mergers and shared services.	A15 (06-07) - The bill creates the Municipal Efficiency Promotion Aid Program to reward municipalities that meet State-established performance measures to promote cost savings in the delivery of services by municipal governments. <b>Proposed, pending in current session.</b>
2. Streamline the existing process for sharing services and municipal consolidation, remove barriers and introduce flexibility for municipalities to design their own procedure.	A4 (06-07) - Provides methods for resolving Civil Service barriers to shared services and consolidation in situations where some participating local units have adopted Civil Service and some have not. Codifies the SHARE program that provides financial incentives for local units to investigate shared services opportunities and also empowers residents to promote shared service and consolidation opportunities. <b>Proposed, pending in current session.</b>
3. Create a modern, county-based system of property tax assessment.	S39 (06-07) - Reforms the property tax assessment structure to reduce or eliminate the inefficiencies and inequities inherent in the current assessment structure. <b>Proposed, pending in current session.</b>
4. Tie State aid to efficient local government operation.	A15 (06-07) - The bill supports tying State aid to efficiency by establishing the current \$34.825 million in Legislative Initiative Municipal Block Grant funds. <b>Proposed, pending in current session.</b>
5. Move fire district elections to November to encourage greater voter turnout and eliminate the need for a budget vote.	A4 (06-07) – supports moving the fire district and school board elections to the date of the November general election, beginning for the 2008 elections. <b>Proposed but not enacted.</b>
6. Provide for coordination of capital purchasing by municipalities to help avoid redundancies and duplication.	Administrative Action Needed.
7. Expand powers of 21 “Executive County” superintendents to oversee local district administrative spending.	A4 (06-07) - Changes the title of the county superintendent of schools to the executive county superintendent of schools, revises the terms of employment and the duties of the superintendent, and provides for the appointment of the superintendent by the Governor, upon the recommendation of the Commissioner of Education and with the advice and consent of the Senate. <b>Proposed, pending in current session.</b>

8. Move school board elections to November and eliminate the April budget vote except for budgets that exceed the cap.	Legislative Action Needed.
9. Require adoption of “user-friendly” county, municipal and school district budgets.	A4 (06-07) - Requires “user-friendly” budgets and increased public notice and awareness, including the use of Internet posting, when salaries are established or modified. <b>Proposed, pending in current session.</b>
10. Expand options for local units to jointly insure and self-insure for expanded range of life, health, and liability coverage.	S46 (06-07) - Authorizes individual boards of education to self insure for certain insurance; removes current prohibitions. <b>Enacted.</b>
11. Promote shared municipal courts.	A11 (06-07) - Permits the appointment of joint municipal court judges by agreement of affected municipalities. <b>Proposed, pending in current session.</b>
12. Consolidate public safety answering points consistent with State 9-1-1 Commission recommendations.	S45 (06-07) - Establishes a Division of Risk Management in the Department of the Treasury; reorganizes the Office of Information Technology; requires consolidation of enhanced 9-1-1 public safety local answering points. <b>Enacted.</b>
13. Permit the county assumption of State road maintenance in certain circumstances.	S5 (06-07) - Clarifies authority of the Department of Transportation to enter certain agreements with local governments. <b>Enacted.</b>
14. Centralize State risk management.	Administrative and/or Legislative Action Needed.
15. Streamline information technology service by codifying recommendations of the GEAR Commission.	Legislative Action Needed.
16. Eliminate defunct State boards and commissions.	Legislative Action Needed.
17. Authorize a pilot program for the county administration of school districts.	A8 (06-07) - Establishes a pilot program in the Department of Education for the organization of a county administrative school district. <b>Proposed, pending in current session.</b>
18. Abolish the New Jersey Commerce, Economic Growth and Tourism Commission and transfer certain functions to other State entities.	Administrative Action Needed.

## Indiana Commission on Local Government Reform (2007)

[http://indianalocalgovreform.iu.edu/assets/docs/Report\\_12-10-07.pdf](http://indianalocalgovreform.iu.edu/assets/docs/Report_12-10-07.pdf)

Current Indiana Governor Mitch Daniels made local government reform a priority for his administration. In 2007, he created the Indiana Commission on Local Government Reform, a seven member commission charged with investigating ways to improve and streamline local government. The theme of the Commission was “Streamlining Local Government: We can’t keep governing like this.” It was chaired by Joseph Kernan, former Governor, and Randall Shepard, Chief Justice of the Supreme Court of Indiana. Their mission was to develop recommendations to reform and restructure local government in Indiana in order to increase the efficiency and effectiveness of its operations and reduce its costs to taxpayers. Some of the Commission’s efforts included: consulting previous local government reform studies, holding six public forums across the state, and gathering public input via the internet. In December 2007, the Commission released its report with 27 recommendations. A number of the Commission’s recommendations have been suggested in previous state and third-party studies.

In the time that has passed since the release of the recommendations, Governor Daniels and members of the Commission have been actively promoting the recommendations. A portion of them have been implemented. But, several of the recommendations, particularly those involving the restructuring of local government, have not been implemented. Many of the recommendations have been introduced in legislative bills, with the majority of them dying in committee. In 2009, local government reform efforts were overshadowed by the financial crisis, which led to significant time focused on the state budget. However, Governor Daniels has indicated his intentions to continue pushing the local government reform agenda outlined by the Commission into the 2010 legislative session.

### Summary of Recommendations<sup>2</sup>

<sup>2</sup> Note: Many of the reforms that were recommended in Indiana involve county government. However, Marion County in Indiana is a unified government with the City of Indianapolis. Therefore, many of the recommendations and actions that have been made within the State do not have the same impact on Marion County as they do on the other 91 counties in the State. For purposes of brevity, the exceptions that related specifically to Marion County are not included in this analysis.

### County Governance<sup>3</sup>

The Commission focused on improving the efficiency of the county government structure. The Commission recommended that state legislation be enacted to alter the county governance system, where all county governments would have a clear separation between executive and legislative functions. Indiana’s county governance is unique in that it contains a county council, with primarily fiscal oversight duties, and a board of commissioners that has legislative and executive functions. It should be noted that counties in Indiana could voluntarily alter their governance structure to delegate legislative functions to the council and allow the board of commissioners to assume purely executive functions. Two counties in Indiana have in fact shifted to such a structure.

The Commission also felt that a board of commissioners for county executive governance was inefficient. It recommended that counties adopt a single county executive. Indiana counties are not allowed by statute to shift to a single county executive.

Legislation has been introduced to implement such a restructuring of county governance. Some bills mandate that counties alter their governance structure; while others devise a referendum process giving the electors of each county a choice on whether to change. A few of the county reorganization bills also included the elimination of both entities in favor of establishing a board of supervisors that would have all the responsibilities contained within one entity. As of the date of this report, none of the bills have passed.

### County Personnel

The Commission recommended that those county officials whose positions are administrative in nature should be appointed by the county executive, rather than elected. The county positions cited by the Commission include: auditor, treasurer, recorder, assessor, surveyor, sheriff and

<sup>3</sup> A number of the subsequent recommendations made by the Commission implicitly held that the recommendations within this section would be implemented. Namely, that a single county executive would be established.

coroner. The Commission also made recommendation as to how the administrative offices should be arranged. In addition, the Commission called for the instilling of minimum professional standards and benchmarking for county administrative positions.

Governor Daniels did not fully endorse the recommendations of the Commission in this area. He indicated his belief that the position of auditor, clerk, and sheriff should remain elected officials. He felt all three needed to be held accountable directly to electors.

As of the date of this report, legislation has not been adopted altering how these positions are selected, nor has legislation been enacted altering the organization of these positions within the county. However, professional standards and training requirements have been enacted for county personnel such as assessors, surveyors, and recorders.

### **Consolidation to County Level**

The Commission delivered several recommendations calling for different local government functions to be shifted to a county or multi-county level. The Commission recommended counties' assume administrative control of public safety dispatch, municipal health departments, and libraries. The Commission also recommended the creation of a countywide oversight board of local public safety services; to spur collaborative efforts, set public safety performance standards, and oversee public safety service and revenue areas. Legislation was enacted in 2008 effectively consolidating public safety dispatch by county. As of the date of this report, the other recommended actions have not been implemented.

### **School District Consolidation**

The Commission recommended that consolidation of its 293 school districts should occur via a countywide process already outlined in Indiana statute. It recommended school districts have a minimum of 2,000 students. Governor Daniels offered a slightly different recommendation, indicating that districts with 1,000 or less students should consolidate, unless the district was a countywide district. As of the date of this report, neither recommendation as stated has actually been introduced in a bill. Legislation has been introduced for compulsory consolidation of districts with lower student population thresholds, but they have not been enacted.

### **Townships**

The Commission recommended all township functions be assumed by the county, citing cost-efficiency and the need to reduce complexity in the State's overall local government system. Bills have been brought before

the General Assembly for such action. As of the date of this report, townships have not been eliminated in Indiana.<sup>4</sup>

However, township assessment functions have been shifted to the county level. The Commission indicated that such a move would help improve assessment uniformity and quality. The General Assembly and Governor agreed. Via legislation, 965 townships were immediately stripped of their assessment duties as of July 1, 2008. Townships with over 15,000 parcels held on to their duties, subject to a vote in the 2008 November general election. Electors in 30 of 43 townships voted to eliminate their assessor. In July 2009, The Indiana Court of Appeals rebuffed a challenge to the constitutionality of the law.

### **Fiscal Oversight of Special Districts**

The Commission indicated taxpayer frustration with the borrowing powers of special districts. The Commission advocated that bond issuances by special districts be approved "by the fiscal body of the municipal or county government containing the greatest proportion of assessed value [within that unit]". The Commission also recommended such approval for budgets of special districts, excluding school districts.

Legislation was enacted in 2008 to address the issue. Law now requires a municipal or county fiscal body to approve bond issues and budgets for a local unit when the majority of their governing board is not elected. In the case of school districts, the legislature instituted particular capital project thresholds that would trigger an automatic referendum before such activity could move forward.

### **Collective Purchasing and Shared Service Arrangements**

The commission in three separate recommendations advocated for greater support of joint purchasing arrangements. One of the recommendations focused specifically on school districts. Indiana had recently passed legislation in 2006 (HEA 1006), granting authority to school districts to participate in greater collaborative efforts with each other. However, the Commission emphasized its belief that the collaborative efforts in purchasing and shared services amongst school districts were too few, referring to the findings of a 2007 State Board of Education report on the subject. The Commission advocated that a school district should be mandated to enter into a joint purchasing

<sup>4</sup> The Indiana Township Association has officially responded to the efforts of the Commission. It released a report in February 2009 rebuking the Commission's recommendations. The main themes of the township report were that 1) the focus of the Commission was on how to consolidate government and not on improving efficiency, 2) the assumptions made by the Commission on the nature of local government in Indiana were faulty, and 3) the data does not support the Commission's claims that consolidating governments would improve efficiency.

arrangement, unless the district could show that it was able to independently achieve greater cost savings. The report also specifically called for continued improvements in state facilitation of joint purchasing and shared service opportunities for libraries.

As of the date of this report, no legislation has been enacted on this issue. However, Governor Daniels indicated that many mechanisms for collective arrangements are in fact already in place, with several State programs functioning to facilitate collective purchasing.

### **Consolidation Statutes**

The Commission also addressed the statute in place for government reorganization, recently enacted in 2006.<sup>5</sup> The government reorganization statute already allows local governments and their electors to initiate consolidation proceedings. The Commission recommended that the power of voters be strengthened to allow for them to compel consolidation. A 2009 Indiana Advisory Commission on Intergovernmental Relations report sheds additional light on issues that have prevented the statute from facilitating consolidation. As of January 2009, the IACIR report cited only one successful consolidation effort via the statute's guidelines. As of the date of this report, legislation altering these statutes has not been enacted.

### **State Funding**

The Commission also pushed for full State funding of what it saw as State responsibilities, namely the trial court system and child welfare services. It felt that both could be improved and provided in a more uniform, equitable fashion if such functions were financed from the State level, rather than supported by local taxes. In 2008, Indiana did in fact shift funding responsibility for child welfare to the State. However, as of the date of this report, the funding of the court system still lies with the county governments.

### **Elections**

The Commission also addressed local government elections, making two recommendations. In response to low turnout and its desire to reduce unnecessary costs, the Commission advocated that municipal elections be shifted from odd to even years, so that they were not held separately from when other elections occurred. The Commission also advocated that non-partisan school district elections not be allowed in May, but rather be restricted to the November general election in even years. As of the date of this report, legislation has been introduced on both issues, but has not been enacted.

### **State Support for Local Government Reform**

The Commission repeatedly emphasized the need for additional technical and financial assistance to be provided from the State to local governments to assist with efforts that would increase their efficiency. In pursuit of that objective, it called for the creation of an office of technical assistance to local government; to be created in the Indiana's Office of Management and Budget. As of the date of this report, such an office has not been created.

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5 (IC 36-1.5) (2006 HEA 1362).

## Indiana Commission on Local Government Reform (2007)

<u>Report Recommendations</u>	<u>Actions Pursued in State</u>
<p>1. Require 91 of 92 counties to shift from board of commissioners to single elected chief executive by 2010.</p> <p>2. Establish a single, unified legislative body for county government. Expand legislative membership to either 7, 9, or 11 seat council with 3 at-large positions to ensure representation.</p>	<p>SB 312 (2008) – Permits, but does not require reorganization of county executive structure. Need county executive ordinance, and approval of voters to change structure. Bill released from Conference Committee, Passed in Senate 38-8. No Vote in House.</p> <p>SB 0264 (2008) – Provides that in counties other than Marion County, the boards of county commissioners are eliminated effective January 1, 2013, the county executive is a single elected chief executive officer, and the county council is the county legislative body as well as the county fiscal body. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>HB 1336 (2008) – Requires county election boards in counties not having a consolidated city to place a public question on the ballot at the November 2008 general election to allow the voters of each county to determine type of county government. Introduced in House, referred to Committee on Rules and Legislative Procedures.</p> <p>SB 0333 (2008) – Provides that in counties other than Marion County, the boards of county commissioners are eliminated effective January 1, 2011, the county executive is a single elected chief executive officer, and the county council is the county legislative body as well as the county fiscal body. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>HB 1234 (2009) – Permits a county to reorganize its executive and legislative structure and powers so that all executive authority is exercised by a single elected county executive and all legislative and fiscal powers are exercised by the county council. Introduced in House, referred to Committee on Government and Regulatory Reform.</p> <p>SB 0506 (2009) – Provides that in counties other than Marion County and Lake County, the county executive body shall after October 31, 2009, and before November 15, 2009 adopt a resolution specifying that the voters of the county shall select a form of governance. Passed Senate 30-19, referred to House Committee on Government Regulatory Reform.</p> <p>SB 0379 (2009) – Permit County Government Restructuring. Introduced in Senate, referred to Senate Committee on Local Government.</p>

<p>3. Transfer the responsibility for administering the duties of the county auditor, treasurer, recorder, assessor, surveyor, sheriff and coroner to the county executive, remove election of positions.</p> <ul style="list-style-type: none"> <li>- Give broad authority to county executive to structure administrative offices.</li> <li>- Establish new fiscal officer for county.</li> <li>- Transfer the varied duties of the clerk to the courts, to the county election board and to the county executive.</li> <li>- Responsibilities of coroner should be assigned to medical examiner, provided on multi-county arrangement.</li> <li>- Establish objective minimum professional qualifications and standards for certain county administrative functions.</li> <li>- Remove strict statutory residency requirements, but allow counties to have flexibility in establishing them.</li> <li>- Establish minimum objective professional and performance standards for administrative positions within county.</li> <li>- Recommend assessor duties be transferred immediately; all other changes recommended to occur by January 2011.</li> </ul>	<p>HB 1336 (2008) – Requires county election boards in counties not having a consolidated city to place a public question on the ballot at the November 2008 general election to allow the voters of each county to determine if county auditor, treasurer and assessor should be transferred to a newly created county finance department. Introduced in House, referred to House Committee on Rules and Legislative Procedures.</p> <p>SJR 004 (2008) – Removes from the Constitution of the State of Indiana provisions requiring the election of coroners and limiting a coroner to no more than eight years in office in any twelve year period. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>SJR 0022 (2008) – Removing certain offices from the Constitution. Removes the offices of circuit court clerk, county recorder, county treasurer, county coroner, and county surveyor from the Constitution. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>HB 1243 (2009) – Requires an individual elected to the office of county surveyor and recorder to complete certain training requirements. Law <b>Enacted</b> May 15, 2009.</p> <p>HB 1638 (2009) – Training of county government officials. Introduced in House, referred to House Ways and Means.</p> <p>SJR 0007 (2009) – County officers. Removes the offices of county recorder, county treasurer, county coroner, and county surveyor from the Constitution of the State of Indiana. This proposed amendment has not been previously agreed to by a general assembly. Introduced in Senate, referred to Senate Committee on Local Government.</p>
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<p>4. Retain a local government role for property tax assessment under a county assessor who is required to meet professional qualifications and appointed by the county executive.</p> <ul style="list-style-type: none"> <li>- Advise placing responsibility for the assessment of residential and small commercial properties with counties, and for large industrial, commercial and other specialized properties with the State.</li> </ul>	<p>HEA 1001 (2008) – Transfer assessment duties from township to county. Elections held November, 2008 to retain townships assessors with 15,000 parcels or more. Establishes minimum qualifications for assessors. Law <b>Enacted.</b></p> <p>SB 0016 (2008) – Transfer of Property Tax assessing duties from township to counties. Passed Senate 29-18. Referred to House Committee on Ways and Means.</p>
<p>5. Create a countywide body to oversee the provision of all public safety services, chaired by county executive.</p> <ul style="list-style-type: none"> <li>- Recommend that this new entity be chaired and administered by the county executive and that the membership include the county executive, the mayors of any city within the county and a representative of each additional unit providing any of the included public safety services.</li> <li>- Recommend that each oversight body be required to produce local service standards and a plan for public safety services within 18 months.</li> <li>- The plan should preclude any increase in public safety levies for the included units, and that the State Police and Department of Homeland Security prepare the plan for any county that has not adopted a plan after three years.</li> </ul>	<p>SB 0333 (2008) – Contains multiple recommendations from Commission. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p>

<p>6. Consolidate emergency public safety dispatch by county or multi-county region.</p> <ul style="list-style-type: none"> <li>- Require that new, local emergency communications systems be compatible with the Project Hoosier SAFE-T statewide 800 MHz communications system.</li> <li>- Establish grant funding to offset significant technology costs.</li> <li>- The responsibility for consolidation should be assigned to the county oversight body for inclusion in the public safety planning recommended above.</li> </ul>	<p>HB 1204 (2008) – Provides that after December 31, 2014, a county may not contain more than two PSAPs. Provides that a county may have more than two PSAPs if any additional PSAPs are operated by a state educational institution or by an airport authority established for a county having a consolidated city. Law <b>Enacted</b>.</p> <p>SB 0359 (2008) – Enhanced 911 systems, Provides that after January 1, 2012, a county may not contain more than one PSAP. Requires each political subdivision or agency that operates a PSAP in a county containing more than one PSAP to enter, not later than January 1, 2012, into an interlocal agreement with every other political subdivision or agency that operates a PSAP in the same county. Bill passed Senate 39-9, referred to House Committee on Interstate and International Cooperation.</p> <p>HB 1298 (2008) – Communications and public safety answering points. Requires local governments to consolidate public safety answering points (PSAPs) so that each county contains no more than one PSAP by July 1, 2011. Introduced in House, referred to House Committee on Veterans Affairs and Public Safety.</p> <p>SB 0184 (2009) – Consolidation of dispatch centers. Provides that a public safety agency located in a county that has consolidated public safety answering points (PSAPs) as required by law may not duplicate an emergency dispatch function performed by the remaining PSAPs located in the county. Introduced in Senate, referred to Senate Committee on Local Government.</p>
<p>7. Transfer the responsibility for all funding of the state’s trial court system to the state, including public defenders and probation.</p> <ul style="list-style-type: none"> <li>- Should be a multi-year project.</li> </ul>	<p>Legislative and/or Comprehensive Study Needed.</p>
<p>8. Move the funding of child welfare from counties to the state.</p>	<p>HEA 1001 (2008) – Provides for the assumption by the state of the costs of child welfare services and incarcerating delinquent children in a department of correction facility. Eliminates levies to pay for particular welfare services. Law <b>Enacted</b>.</p> <p>HB 1296 (2008) – State Funding of Child Welfare Services. Introduced in House, referred to House Committee on Ways and Means.</p> <p>HB 1333 (2008) – State reimbursement of Child Services Cost. Introduced in House, referred to House Committee on Ways and Means.</p>

<p>9. Transfer the responsibility for administering the duties of township government for assessment, poor relief, fire protection, emergency medical services (EMS), cemeteries and any other remaining responsibilities to the county executive. Establish a countywide poor relief levy.</p> <ul style="list-style-type: none"> <li>- The county executive should be given significant flexibility in establishing service districts within the county for fire protection and emergency medical services.</li> </ul>	<p>SB 309 (2008) – Transfer township duties and abolish townships offices. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>SB 0333 (2008) – Contains multiple recommendations from Commission. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>HB 1406 (2009) – Elimination of townships outside Marion County. Introduced in House, referred to Committee on Government and Regulatory Reform.</p> <p>HB 1015 (2009 ss1) – Elimination of townships outside Marion County. Introduced in House, referred to Rules and Legislative Procedures.</p>
<p>10. Transfer the responsibilities of the township small claims courts in Marion County to superior courts. Only county that has township small claims courts.</p>	<p>SB 280 (2008) – Included such a provision and passed the Senate; it did not receive pass out of committee in the House.</p>
<p>11. Reorganize school districts to achieve a minimum student population of 2,000. Establish state standards and a county-based planning process similar to that established in 1959 legislation.</p> <ul style="list-style-type: none"> <li>- Recommend requiring reorganization in counties with multiple school districts, encourage reorganization across multiple counties when prudent.</li> </ul>	<p>HB 1001 (2009) - Requires a school corporation with an ADM on June 30, 2009, of less than 100 students to reorganize by consolidating with an adjacent school corporation under the school consolidation provisions. Amended versions passed in both houses, referred to Conference committee. Senate approved conference committee report, House rejected. HB 1001 [Budget Bill] went to Special Session of Legislature. Provision not included in Final Bill.</p> <p>SB 0521 - School corporation reorganization. Requires school corporations with an average daily membership (ADM) of less than 500 students to merge with another school corporation or school corporations. Introduced in Senate, referred to Committee on Education and Career Development.</p>
<p>12. Require that school corporation bonds be approved by the fiscal body of the municipal or county government containing the greatest proportion of assessed value in the school district.</p>	<p>HEA 1001 (2008) – Establishes standards with which school corporation capital projects are subject to voter approval. Law <b>Enacted</b>.</p>
<p>13. Prompt joint purchasing by schools. Require districts to purchase certain goods jointly. Encourage use of state QPA system.</p>	<p>SB 525 (2009) – Requires a political subdivision, if a procurement is \$150,000 or more, to consult at least two purchasing cooperatives (if at least two purchasing cooperatives exist), before purchasing a service, supply, or item of equipment, and to maintain records of the consultations. Passed Senate 49-1, referred to House, Failed on House Floor Vote 47-48.</p>

<p>14. Conduct all non-partisan school elections during November in even years, eliminating May option.</p>	<p>HB 1373 (2008) – Require School Board Elections at General Election Time. Introduced in House. Referred to House Committee on Local Elections and Apportionment.</p> <p>SB 0002 (2008) – School Board Elections required to be held at General Election Time. Passed Senate 34-13, referred to House Committee on Local Elections and Apportionment.</p> <p>SB 0333 (2008) – Contains multiple recommendations from Commission. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>SB 0028 (2009) - School board elections at general election time. Requires that school board members selected by election must be elected at general elections. Repeals superseded statutes. Introduced in Senate, referred to Committee on Elections.</p> <p>SB 0452 (2009) – Provides that school board members selected by election must be elected at general elections beginning in 2010, Passed Senate 32-18. Referred to House Committee on Government and Regulatory Reform.</p> <p>HB 1359 (2009) - School board elections at general election time. Provides that school board members selected by election must be elected at general elections. Introduced in House, referred to Committee on Elections and Apportionment.</p> <p>HB 1516 (2009) – School Board Elections at General Election. Introduced in House, referred to Committee on Elections and Apportionment.</p>
<p>15. Allow the city council to appoint the city clerk in second-class cities.</p>	<p>SB 0333 (2008) – Provides that the legislative body of a second class city appoints the city clerk. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p>

<p>16. Move all municipal elections from odd to an even year cycle.</p>	<p>SB 102 (2008) - Provides that individuals elected to a local office at the 2011 municipal election take office January 1, 2013. Requires that successors of these individuals be elected at the 2016 general election. Requires the legislative services agency to prepare legislation to amend Indiana election law to provide that all municipal elections be held in even-numbered years. Introduced in Senate, reassigned to Senate Committee on Local Government and Elections.</p> <p>SB 0333 (2008) – Provides that individuals elected to a local office at the 2011 municipal election take office January 1, 2013. Requires that successors of these individuals be elected at the 2016 general election. Requires the legislative services agency to prepare legislation to amend Indiana election law to provide that all municipal elections be held in even-numbered years. Introduced in Senate, referred to Senate Committee on Local Government and Elections.</p> <p>SB 0452 (2009) – Moves elections of municipal officers to even-numbered years. Passed Senate 32-18. Referred to House Committee on Government and Regulatory Reform.</p> <p>HB 1496 (2009) - Municipal elections. Moves elections of city and town officers to even-numbered years. Introduced in House, referred to Committee on Elections and Apportionment.</p>
<p>17. Transfer the responsibilities of municipal health departments to the county health department. (Only three municipalities in Indiana have health authorities.)</p>	<p>Legislative Action Needed.</p>
<p>18. Reorganize library systems by county, with option of multi-county districts; and provide permanent library service for all citizens.</p> <p>Assigned library functions to county executive.</p> <p>Recommend establishment of grant funding to offset costs associated with merging/converting of tech systems.</p>	<p>SB 0348 (2009) - Library services planning for counties outside of Marion County. Requires the Indiana library and historical board to adopt emergency rules not later than July 1, 2009, establishing statewide library standards for the delivery of library service to every resident of Indiana...etc. Passed Senate 36-13, referred to House Committee on Government and Regulatory Reform.</p>

<p>19. Require that the budgets and bonds of library and all other special districts be approved by the fiscal body of the municipal or county government containing the greatest proportion of assessed value in the unit seeking approval.</p>	<p>HEA 1001 (2008) - Provides that in the case of a taxing unit's governing body that does not consist of a majority of officials who are elected, the governing body may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body or the county fiscal body. <b>Law Enacted.</b></p>
<p>20. Strengthen the current joint purchasing infrastructure for libraries. State Library should continue to expand Statewide purchasing, service arrangements.</p>	<p>Administrative Action Needed</p>

<p>21. Expand voluntary coordination and consolidation of units and services.</p> <ul style="list-style-type: none"> <li>- Recommend technical assistance to encourage communities to undertake reforms using this tool.</li>   <li>- Strengthen the power of voters to compel consolidation.</li> </ul>	<p>HB 1286 (2008) - Allows a library services authority to merge with another authority, a nonprofit corporation, or both, to create a nonprofit corporation. Amended versions passed by both houses. Referred to Conference Committee.</p> <p>HB 1372 (2009) - Allows a library services authority to merge with another authority or a nonprofit corporation, or both, to create a nonprofit corporation. Law <b>Enacted</b>.</p> <p>HB 1491 (2009) - Allows a city or town that has not established a city or town court or an ordinance violations bureau to enter into an interlocal agreement with a city, town, or other municipal corporation that has established: (1) a city or town court; or (2) an ordinance violations bureau; to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a city or town court or an ordinance violations bureau established by the city or town.</p> <p>HB 1703 (2009) - Allows a city or town that has not established a city or town court or an ordinance violations bureau to enter into an interlocal agreement with a city, town, or other municipal corporation that has established: (1) a city or town court; or (2) an ordinance violations bureau; to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a city or town court or an ordinance violations bureau established by the city or town. Passed House 90-0. Referred to Senate Committee on Judiciary. Reported out favorably. No Vote on Senate floor.</p> <p>HB 1358 (2009) - Amends the provisions authorizing political subdivisions to borrow the money necessary to finance a public work project from a financial institution to allow political subdivisions to also borrow to finance an eligible efficiency project that costs not more than \$3,000,000. Defines “eligible efficiency project” as a project that is necessary or useful to: (1) carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; or (2) the consolidation of local government services.</p>
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<p>22. Allow local governments to establish service districts with differentiated levels of service and corresponding tax rates.</p>	<p>SB 0479 (2009) - Regional transportation districts. Permits counties to establish a regional transportation district to plan, design, acquire, construct, enlarge, improve, renovate, maintain, equip, finance, operate, and support public transportation systems. Introduced in Senate, Referred to Senate Committee on Homeland Security and Transportation &amp; Veterans Affairs.</p> <p>SB 374 (2009) - Permits counties to establish a regional transportation district to plan, design, acquire, construct, enlarge, improve, renovate, maintain, equip, finance, operate, and support public transportation systems. Amended Versions Passed Both Houses, referred to Conference Committee.</p> <p>HB 1607 (2009) - Provides for the creation of the transportation district January 1, 2011, if, in at least two counties, the voters favor creating the district. Amended versions passed both houses, referred to Conference Committee.</p> <p>HB 1660 (2009) - Permits counties to establish a regional transportation district to plan, design, acquire, construct, enlarge, improve, renovate, maintain, equip, finance, operate, and support public transportation systems. Passed House, referred to Senate Committee on Tax and Fiscal Policy.</p>
<p>23. Prohibit employees of a local government unit from serving as elected officials within the same local government unit.</p>	<p>SB 0452 (2009) – Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision’s legislative body. Passed Senate 32-18. Referred to House Committee on Government and Regulatory Reform.</p> <p>HB 1373 (2009) - Employees of political subdivisions holding office. Provides that an individual may not be a candidate to be elected to or fill a vacancy on the legislative body of a political subdivision that employs the individual. Introduced in House, referred to Committee on Government and Regulatory Reform.</p> <p>HB 1425 (2009) - Prohibits a county, city, or town employee from being a candidate for or serving on the legislative or fiscal body of the county, city, or town that employs the employee. Introduced in House, referred to Committee on Government and Regulatory Reform.</p>

<p>24. Assign the Indiana Advisory Commission on Intergovernmental Relations to monitor progress toward these recommendations and conduct additional research as needed. Produce an annual report on progress through 2011.</p>	<p>HB 1130 (2008) - Establishes an interim study committee to evaluate the Kernan-Shepard report of the Blue Ribbon Commission on Local Government Reform and to report the study committee's recommendations to the general assembly (NOT IACIR). Introduced in House, referred to House Committee on Rules and Legislative Procedures.</p> <p>SB 0506 (2009) – Requires IACIR to monitor recommendations. Passed Senate 30-19, referred to House Committee on Government Regulatory Reform.</p>
<p>25. Facilitate local improvement efforts using best management and business practices. State should support technical assistance, enhanced state management infrastructure. Strengthen state mechanisms that support these activities, particularly for collective purchasing.</p> <p>26. Designate a state office to provide technical assistance to local government within Office of Management and Budget to direct provision of training and technical assistance of local government.</p>	<p>SB 0506 (2009) – Requires the office of management and budget to establish an office of local technical assistance. Passed Senate 30-19, referred to House Committee on Government Regulatory Reform.</p> <p>Governor indicated best practices and technical support could be done via administrative action. However, it did advocate creation of office of local technical assistance.</p>

## New York Commission on Local Government Efficiency and Competitiveness (2008)

[http://www.nyslocalgov.org/pdf/LGEC\\_Final\\_Report.pdf](http://www.nyslocalgov.org/pdf/LGEC_Final_Report.pdf)

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In 2007, Governor Eliot Spitzer established a 15-member New York State Commission on Local Government Efficiency and Competitiveness. It was chaired by Stan Lundine, former Lieutenant Governor, Congressman, and Mayor. The Commission received over 300 suggestions through its website and four public hearings across the state. Their mission was to examine ways to strengthen and streamline local government, reduce costs and improve effectiveness, maximize informed participation in local elections, and facilitate shared services, consolidation and regional governance. Their report was issued in April 2008 and included over 70 recommendations. Several recommendations of the Commission appeared in Governor David Paterson's 2009-2010 Executive Budget.<sup>6</sup> Many other recommendations will require statutory or constitutional change.

The 2008 New York State Local Government Commission on Local Government Efficiency and Competitiveness found in their opinion that the process of consolidation of local government units was archaic and overly burdensome. It found that the law did not allow for a group of local governments to enter into a cooperative relationship unless each entity involved has the power to perform that particular service. It stated that the statutes lacked a clear process for the consolidation of towns or villages within them. It advocated for a statute to be created to allow as few as two municipalities to be able to enter into joint property tax revenue sharing agreements. A major problem identified in the report is that the actual procedures for citizens to initiate consolidation/dissolution action were not uniform or clear.

### Summary of Recommendations

#### Regional Services

The Commission recommended that many services

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<sup>6</sup> Detailed technical information on the LGEC recommendations in the Executive Budget is available in the Public Protection and General Government Article 7 Bill Memo (Part NN) or the bill itself (S56/A156).

at the county level, including assessing tax collection, emergency dispatch, and records, could be centralized. They also hoped to expand local governments' ability to share services and provide more flexibility for counties to share jail facilities. Another important recommendation was to allow renegotiation of collective bargaining agreements when consolidations do occur. The Commission also encouraged justice court consolidation and law to enable multiple counties to share functions like weights and measures and health directors.

Highlights from the 2009-2010 New York State Executive Budget include the following: Residency requirements for certain public officers make it difficult to provide functions across county lines, which may be desirable for smaller counties. These changes allow counties to share the positions of Director of Weights and Measures, as well as Public Health Director, and Board of Health.

#### Modern Municipal Structures

The Commission focused several recommendations toward changing modern municipal structures at county and local levels. This included easing procedures for consolidation, citizen petitions, and coterminous town-villages. They also recommended examining the concept of reclassifying some cities, towns and villages and to reconsider the powers for each class. In addition, they recommended strengthening home rule by prohibiting the judicial doctrine of "implied preemption." The Commission also wants to allow local governments to make property tax sharing agreements and require town-wide approval for new villages and local reconsideration of small villages as well as require local consideration of county-level management for fire protection.

Highlights from the 2009-2010 New York State Executive Budget include the following: Reforms would ease the path for locally initiated municipal consolidations and dissolutions, with clarified uniform procedures for

towns and villages. A simpler citizen petition process to dissolve villages and fire districts would also be provided, ensuring that citizen initiatives are not stymied by unclear and complex requirements.

### **School District Restructuring**

The Commission recommended empowering the Commissioner of Education to order consolidation of schools and to facilitate consolidation of back office services and regional high schools. They also recommended setting up local schools restructuring committees to examine service sharing and consolidation and to authorize regional collective bargaining contracts for new hires.

### **Informed & Active Voters**

The Commission recommended reducing the number of elective offices by converting certain positions to be appointed. They also recommended providing better information for voters and improving local financial data for benchmarking. In addition, the Commission hoped to simplify voting by holding all local elections on November or May dates.

Highlights from the 2009-2010 New York State Executive Budget include the following: prior to 1974 towns had the authority to change the elective office of clerk, superintendent of highways, or receiver of taxes and assessments to appointive offices upon passage of a local law subject to a permissive referendum. This proposal would return that authority, and also allow town boards to abolish or convert elected highway superintendents to appointed commissioners of public works. These changes empower town boards and help pave the way for combined local offices and shared services.

### **Aid & Incentives**

The Commission would like to encourage regional solutions, cooperative services and consolidation by funding additional Local Government Efficiency Grants and 21st Century Demonstration Projects. They also recommend increasing aid for efficient assessing using modern professional standards.

Highlights from the 2009-2010 New York State Executive Budget include the following: Local Government Efficiency Grants (previously SMSI) enable local governments to consider and implement a variety of consolidated and shared services, as well as municipal mergers. The LGE grant program would be preserved and over \$11.5 million available for grants, and new noncompetitive planning grants and 21st Century Demonstration Grants will continue to be offered to encourage transformative efforts.

### **Addressing Cost Drivers**

The Commission recommended several ways to reduce spending which included new requirements for minimum employee contributions for health insurance and a review of public employee pension benefit options. They also recommended reforming the Wicks law and easing municipal cooperative health plan rules.

Highlights from the 2009-2010 New York State Executive Budget include the following: Intermunicipal health insurance plans are under consideration in many counties, which have identified needed reforms. Changes would ease provisions for municipal cooperatives, require insurers to provide claims experience to facilitate studies of such cooperatives, and re-evaluate requirements for local governments with fewer than 50 employees. Measures supported by LGEC include creating a Tier 5 retirement plan for new employees, Wicks exemptions for school districts, and making local procurement more flexible by increasing existing bidding thresholds, allowing “best value” contracting, and piggybacking on existing contracts. Other mandate relief measures are also provided, including “collateral source” reform to help lower local litigation costs.

### **Sustaining Local Efficiency**

The Commission recommended maintaining a long-term focus on local efficiency at the state level, using existing state agency resources organized through a Center for Local Government Efficiency that would support local initiatives, promote cost-savings and follow through on Commission recommendations.

The recommendations in conjunction with the Executive State Budget were intentionally omitted in the amendment process prior to the passage of the Enacted State Budget in June, 2009 in a common process of thinning the budget bill for passage.<sup>7</sup> Those recommendations negotiated out of the budget bill could potentially be introduced and passed in ordinary bills. In addition, several recommendations will require statutory or constitutional change at the State level.

Attorney General Andrew Cuomo recently established a bill similar to the work of the New York State Commission. On June 24, 2009, Governor Paterson signed into law “The New N.Y. Government Reorganization and Citizen Empowerment Act” (Bill A8501). The act made several alterations to the state statute on consolidating local government in an effort to give “citizens, local officials, and counties a readable map to follow.” The act provides

<sup>7</sup> Text of Senate Bill 56B that shows part NN as intentionally omitted can be found at: <http://assembly.state.ny.us/leg/?bn=A00156&sh=t>

instructions for how a governing body of a local government unit or the electors within that unit can initiate a consolidation or dissolution proceedings. Electors within each given unit can initiate the process with the lesser of either 10 percent or 5,000 of the units electors signing a petition. Units with 500 or less electors would need to meet a 20 percent threshold to initiate the process. The bill eliminated property requirements that had affected previously petitions to consolidate local government units such as fire districts. If the majority of voters in each entity vote to approve a merger, the governing bodies of each of the respective local government units would have to come together and develop a plan. The Act opens the door for the judiciary to order local government entities to proceed with consolidation proceedings if for some reason they resist. Once a final plan is developed, consolidation would proceed unless citizens petition for a referendum on the implementation of the plan. The bill also extended the authority to the county to reassign or eliminate entire units of local government. However, the bill establishes referendum requirements before the county can complete reorganization actions. The bill excludes city districts, school districts, and special purpose districts created by counties from the language of the bill.

## New York Commission on Local Government Efficiency and Competitiveness (2008)

<u>Report Recommendations</u>	<u>Actions Pursued in State</u>
1. Move property tax assessing and collection to counties for administration, providing reasonable phase-in provisions.	Legislative Action Needed.
2. End duplicative city and village assessing.	Legislative Action Needed.
3. Eliminate state statutory requirements for school district collections that prevent functional consolidation.	Legislative Action Needed.
4. Require all E-911 calls and police, fire and emergency medical services dispatch to be done at the county level.	Legislative Action Needed.
5. Vital records registration districts should be consolidated at the county level.	Legislative Action Needed.
6. Require a state study of how the current system of health districts, health directors, health boards, local health officers, and other related entities may more efficiently provide local public health services (i.e. County System).	Comprehensive Study Needed.
7. Dissolve municipal civil service commissions (or functions) in cities or towns with populations under 100,000. A city or town greater than 100,000 in population would be permitted to maintain an existing civil service function if so desired, but an affirmative referendum would be required.	Legislative Action Needed.
8. To ensure adequate care of inmates in a cost-effective manner, provide the State Commission of Correction (SCOC) with the authority and obligation to facilitate transfer of inmates between county jails.	Legislative Action Needed.
9. Allow multiple counties to jointly provide for care and housing of their inmates in a regional jail instead of requiring each to maintain a jail.	Legislative Action Needed.
10. Eliminate all mandated classifications in county jails, except male/female and minor/adult, to allow facility administrators to separate inmates based on the threat they present to safety and security.	Legislative Action Needed.

11. Clarify statutory provisions to indicate that the State Commission of Correction (SCOC) shall have authority to approve jail plans and specifications based upon current population capacity needs and not projected higher future needs.	Legislative Action Needed.
12. Move toward a single statewide jail system, managed by the Department of Corrections, which would be phased in pursuant to a long-range plan.	Comprehensive Study Needed.
13. Allow for multi-county weights and measures operations by allowing multiple counties to employ the same person as the “Director of Weights and Measures” under an agreement provided that person is a resident of one of the participating counties.	Senate Bill 56 (2009-10) - Sections 8 and 9 amend the Agriculture and Markets Law to allow multiple counties to share one Director of Weights and Measures pursuant to an intermunicipal agreement. <b>Intentionally omitted from final bill.</b>
14. Consolidate the State’s 116 industrial development agencies (IDAs) into a smaller number of regional or county-level entities with accountability and transparency reforms, as well as additional state oversight to ensure economic development incentives are consistent with state goals such as promoting smart growth.	Legislative Action Needed.
<p>15. To facilitate local ability to consolidate or dissolve smaller justice courts, the State should eliminate statutory barriers, provide funding for studies and consider other incentives.</p> <ul style="list-style-type: none"> <li>- Town and village boards should be allowed to merge two or more justice courts in a contiguous geographic area.</li> <li>- The Office of Court Administration should establish triggers for a required consolidation review when the size or activity of a particular justice court falls below set thresholds.</li> <li>- The current statutory fee and fine distribution system should also be examined to eliminate disincentives to consolidating justice courts.</li> </ul>	<p>Senate Bill 56 (2009-10) - Sections 18 through 25 add a new Article to the General Municipal Law and amend the Town and Village Law to create a unified merger process for towns and villages as well as a unified petition process for fire districts and fire protection districts. Specifically, it allows for an action by the governing board or a petition from 10 percent of residents of the jurisdiction to initiate the merger process in towns and villages and the consolidation process in fire districts and fire protection districts. It also repeals the many different town and village consolidation and dissolution processes and creates a single merger process in a new article of the general municipal law. <b>Intentionally omitted from final bill.</b></p> <p>Bill A8501 - The New N.Y. Government Reorganization and Citizen Empowerment Act made several alterations to the state statute on consolidating local government in an effort to give “citizens, local officials, and counties a readable map to follow.” The act provides instructions for how a governing body of a local government unit or the electors within that unit can initiate a consolidation or dissolution proceedings. <b>Enacted (June 2009).</b></p>
16. Provide that when municipalities consolidate operations collective bargaining agreements shall be subject to renegotiation with the newly created entity taking over the consolidated function.	Legislative Action Needed.

17. Recommend that the state carry out a series of studies analyzing the potential for efficiencies through reclassification or consolidation of various local governments.	Comprehensive Study Needed.
18. Establish a clear process for towns to consolidate with each other or with their villages.	Legislative Action Needed.
19. Develop a simple petition process and petition form for use by citizens wishing to dissolve or consolidate towns, villages, fire districts, or special districts.	Senate Bill 56 (2009-10) - Sections 18 through 25 add a new Article to the General Municipal Law and amend the Town and Village Law to create a unified merger process for towns and villages as well as a unified petition process for fire districts and fire protection districts. Specifically, it allows for an action by the governing board or a petition from 10 percent of residents of the jurisdiction to initiate the merger process in towns and villages and the consolidation process in fire districts and fire protection districts. It also repeals the many different town and village consolidation and dissolution processes and creates a single merger process in a new article of the general municipal law. <b>Intentionally omitted from final bill.</b>
20. New villages should be created through a referendum of the entire town (or towns) affected, rather than only by the area to be incorporated.	Legislative Action Needed.
21. Where a village's population as of the last census is below 500, require an affirmative referendum to be held on the general election date in November for the area to continue as a village.	Legislative Action Needed.
22. Require villages, with assistance from the State, to conform their fiscal year to the calendar year, as town governments do.	Legislative Action Needed.
23. Ease procedures for creation of a coterminous town-village that would be a unified entity under one governing board. For existing villages, a townwide referendum would be required rather than the more cumbersome annexation procedures.	Legislative Action Needed.

<p>24. The potential for moving to countywide management for fire protection and/or emergency medical services (EMS) should be reviewed in each county, with the goals of improving efficiency and service as well as preserving the volunteer system.</p> <ul style="list-style-type: none"> <li>- If county leaders decide that some level of management for fire protection, EMS, or both would be appropriate at the county level, they may promulgate a plan which would be subject to voter approval through referendum prior to implementation.</li> <li>- If approved by the voters, the county would have broad powers to coordinate services and review equipment and coverage decisions made by local service providers.</li> <li>- If desired, and approved by the voters, the county plan may include transfer of paid (career) fire or EMS employees to the county at the option of the municipalities with the paid or mostly paid staff.</li> </ul>	Legislative Action Needed.
<p>25. Allow towns to directly provide fire protection through the creation of a town-run fire department.</p>	Legislative Action Needed.
<p>26. Require that contracts with fire protection districts list categories of expenses so that officials and the public will have a better understanding of the costs for fire protection.</p>	Legislative Action Needed.
<p>27. Require local governments to annually disseminate information on the costs for local fire protection, including the names and locations of fire districts and fire companies, their annual budget, and debt.</p>	Legislative Action Needed.
<p>28. Require a state study of how fire protection is provided, including the numbers and types of entities providing protection, the geographic size and demography of service areas, response rates, costs, numbers of volunteer and career firefighters, and training received.</p>	Administrative Action and/or Comprehensive Study Needed.

29. Address volunteer recruitment and retention by providing new incentives more likely to appeal to young firefighters, such as college loan reimbursement, community college tuition assistance, or vocational training reimbursement.	Legislative Action Needed.
<p>30. Require an affirmative referendum to continue commissioner-run special districts (other than fire districts and police districts).</p> <ul style="list-style-type: none"> <li>- If the referendum fails, responsibility for maintaining the district would be assumed by the town (for special districts completely within a town);</li> <li>- To provide time for local efforts to restructure these districts, the referendum will be required within five year.</li> </ul>	Legislative Action Needed.
31. In conformance with rules for school board members and fire district commissioners, eliminate compensation, benefits and perquisites for special district commissioners.	Senate Bill 56 (2009-10) - Section 15 amends the Town Law to prohibit special district commissioners from receiving compensation for their services. <b>Intentionally omitted from final bill.</b>
32. Provide towns with the responsibility for managing sanitary collection services currently organized under independent special districts, with the service provided by the town either directly or through a contract.	Senate Bill 56 (2009-10) - Sections 16 and 17 amend the Town Law to address the wide variation in special district sanitation collection costs. The bill transfers to town boards most of management responsibilities for town special districts providing sanitary, refuse, or garbage services, but allows elected special district commissioners to continue to hold referenda on whether the level of services provided to district residents should be changed. <b>Intentionally omitted from final bill.</b>
33. Allow any two or group of local governments to share a function if at least one of the governments has the power to perform it.	Constitutional Action Needed.
34. Provide statutory authorization for municipalities to enter into a property tax base sharing agreement wherein they will share a portion of the property tax revenues from future economic growth in a defined area.	Legislative Action Needed.

<p>35. Strengthen and clarify home rule by prohibiting the judicial application of implied preemption. An amendment to prevent such interpretations from being made in the future would allow local governments to act except where state law has expressly declared state authority in the area to be exclusive or has specifically limited local governments' ability to act in that area or field.</p>	<p>Constitutional Action Needed.</p>
<p>36. The State should study rationalizing the tax and debt limits that currently apply differentially to counties, cities, villages, towns, and school districts.</p>	<p>Constitutional Action and/or Comprehensive Study Needed.</p>
<p>37. Give the Commissioner of Education discretionary authority to order consolidation of school districts based on reviews triggered by objective standards.</p> <ul style="list-style-type: none"> <li>- The Commissioner's order in each case would require a thorough review, the approval of the Board of Regents, and a public hearing in the area affected by the consolidation.</li> </ul>	<p>Legislative Action Needed.</p>
<p>38. In each BOCES region convene a committee representing parents, school administrators, school board members, teachers and other citizens to review current school district operations and to evaluate potential restructuring opportunities, including consolidation and other options.</p>	<p>Legislative Action Needed.</p>
<p>39. For school districts identified for potential reorganization, either by a BOCES school district restructuring committee or by the Commissioner of Education, school building aid for new projects should be temporarily suspended.</p>	<p>Legislative Action Needed.</p>
<p>40. Provide for a regional collective bargaining contract negotiated by BOCES, to which school districts could opt in. These regional contracts would be phased in as current contracts expire and would initially apply only to new hires, with existing employees "grandfathered" for some term.</p>	<p>Legislative Action Needed.</p>
<p>41. To encourage the use of BOCES for back-office school district operations like payroll and purchasing, the state should facilitate a demonstration project that will serve as a model for school districts in other BOCES regions.</p>	<p>Comprehensive Study Needed.</p>

<p>42. To reduce the cost of transporting non-public school students within a BOCES region, school districts could jointly provide transportation for students crossing district lines.</p> <ul style="list-style-type: none"> <li>- The State should facilitate a demonstration project or projects to determine the effectiveness of this approach and whether it should be adopted for state-wide use.</li> </ul>	Comprehensive Study Needed.
<p>43. Amend state law to allow for the creation of central high schools or regional high school districts containing more than one high school. These high schools could be managed by BOCES, and funded on a regional basis.</p>	Legislative Action Needed.
<p>44. Cities with populations over 125,000 should be eligible for membership in BOCES (New York City excepted).</p>	Legislative Action Needed.
<p>45. Amend state law to conform treatment and remove anachronistic distinctions between union free, central and city school districts.</p>	Legislative Action Needed.
<p>46. State school aid should include a significant incentive to encourage school districts to consolidate.</p>	Legislative Action and/or Comprehensive Study Needed.
<p>47. When technically feasible, all city, town, village, school district, fire district, special district, and library district elections should take place on one of two dates – the general election date in November or a spring date.</p>	Legislative Action Needed.
<p>48. County boards of elections should administer all general elections.</p>	Legislative Action Needed.
<p>49. The role of boards of elections in administering state and local elections should be eliminated from the State Constitution, which would allow the system to be modernized through legislative amendment to existing statutory provisions addressing boards of elections.</p>	Constitutional Action Needed.

<p>50. The following administrative positions should be converted from elected to appointive offices by statute: town highway superintendent; town clerk; assessor; town tax receiver and collector; and county coroners. In the case of a county coroner, county legislative bodies should be given the option to convert the appointed office of coroner to a medical examiner, with provisions to allow for them to serve multiple counties.</p>	<p>Senate Bill 56 (2009-10) - Sections 26 through 28 amend the Town Law to allow a town board to convert the positions of town clerk, town highway superintendent, and town receiver of taxes and assessments from elected to appointed, subject to permissive referendum. It also amends town law to allow first class towns to consolidate the positions of town receiver of taxes and assessments and the town clerk. It also amends the town law to allow a town board to consolidate the positions of public works commissioner and town highway superintendent, subject to permissive referendum. These amendments provide towns additional flexibility in how their government is structured. <b>Intentionally omitted from final bill.</b></p>
<p>51. Allow county legislative bodies to convert the office of elected county treasurer to appointive commissioner of finance without a referendum.</p>	<p>Legislative Action Needed.</p>
<p>52. Counties should be allowed to convert the offices of county sheriff and county clerk from elected to appointed, or abolish the positions.</p>	<p>Constitutional Action Needed.</p>
<p>53. Require each fire district to mail cards indicating the proper polling place for each voter to persons in the district who have registered with the board of elections.</p>	<p>Legislative Action Needed.</p>
<p>54. Improve state requirements for local government financial reporting to facilitate local studies, benchmarking and comparison of costs for services such as police, fire and highway operations.</p>	<p>Legislative Action Needed.</p>
<p>55. Require special districts to report unit cost data to the State Comptroller.</p>	<p>Legislative Action Needed.</p>
<p>56. Provide the State Comptroller with statutory authority to audit Local Development Corporations affiliated with, sponsored by, or created by a county, city, town or village government.</p>	<p>Legislative Action Needed.</p>

<p>57. Significantly increase funding for consolidated and shared services provided through an enhanced, redirected and re-branded program of Local Government Efficiency Grants.</p> <ul style="list-style-type: none"> <li>- Include an evaluation component, improved technical assistance to local governments, new state agency services for local governments, enhancements to prior consolidation incentives, and a new component promoting transformative 21st Century Demonstration Projects.</li> </ul>	<p>Senate Bill 56 (2009-10) - Local Government Efficiency Grants (previously SMSI) enable local governments to consider and implement a variety of consolidated and shared services, as well as municipal mergers. The LGE grant program would be preserved and over \$11.5 million available for grants, and new noncompetitive planning grants and 21st Century Demonstration Grants will continue to be offered to encourage transformative efforts. <b>Intentionally omitted from final bill.</b></p>
<p>58. The following principles should be applied in making recommendations for aid to local governments:</p> <ul style="list-style-type: none"> <li>- Provide positive aid incentives for consolidation of services or local government entities.</li> <li>- Consolidation of local services should not result in a reduction in state aid streams.</li> <li>- Where appropriate, state funding should be distributed to groups of municipalities who will design regional solutions to providing services, using the federal transportation funding practices as a model.</li> <li>- Aid formulas for cities, towns and villages should be class-neutral, not based on a designation as a city, town or village. (Size and density, among other characteristics, may be suitable substitutes.)</li> </ul>	<p>Senate Bill 56 (2009-10) - When a village dissolves, or two or more municipalities otherwise merge, their Aid and Incentives for Municipalities (AIM) payments are preserved and paid to the remaining municipality. In addition, a continuing incentive is paid through AIM, equal to 15 percent of the combined property tax levy of the merged governments (capped at \$1 million annually). These incentives would continue under the proposed Executive Budget. <b>Intentionally omitted from final bill.</b></p>
<p>59. Moving certain functions to the county level should be encouraged by strong aid incentives.</p>	<p>Administrative and/or Legislative Action Needed.</p>
<p>60. Study ways to base highway funding on factors that reflect local conditions, support sound maintenance practices and smart growth.</p>	<p>Administrative Action and/or Comprehensive Study Needed.</p>
<p>61. Remove disincentives to consolidated highway maintenance, and provide transitional aid for major county-level functional consolidation.</p>	<p>Legislative Action Needed.</p>

<p>62. Permit greater cooperation between the state and localities for routine highway maintenance, snow &amp; ice conditions, and under emergency conditions.</p>	<p>Legislative Action Needed.</p>
<p>63. Fund studies of consolidated or coordinated property tax assessing and collection.</p>	<p>Administrative Action Needed.</p>
<p>64. Increase state aid for assessment above certain efficiency standards for areas that assess uniformly countywide using acceptable professional standards including periodic revaluation.</p>	<p>Legislative Action Needed.</p>
<p>65. Alter state-funded training for assessment to ensure that consolidated assessing offices do not receive less training as a result of consolidation.</p>	<p>Legislative Action Needed.</p>
<p>66. Require local government and school district employees to contribute, at a minimum, 10 percent (for individual coverage) and 25 percent (for dependent coverage) toward the cost of health insurance.</p> <ul style="list-style-type: none"> <li>- Local governments would be free to negotiate higher employee contributions.</li> <li>- Would be phased in over five years as collective bargaining agreements expire.</li> </ul>	<p>Legislative Action Needed.</p>

<p>67. Ease provisions relating to municipal cooperative health benefit plans to base reserve requirements upon actuarial assessments and to allow for a transition period to build up reserves; reduce the required number of participating municipal corporations from five to three; require insurers to provide specific claims experience to municipalities analyzing the feasibility of forming a cooperative.</p>	<p>Senate Bill 56 (2009-10) - Sections 1 through 7 amend the Insurance Law to relax the requirements for forming a municipal cooperative health benefit plan pursuant to Article 47 of the Insurance Law as follows:</p> <ul style="list-style-type: none"> <li>- Require insurers to provide up to three years of claims experience to a municipal corporation when it requests such information for the purposes of forming or joining such a cooperative;</li> <li>- Reduce the minimum number of municipal corporations needed to establish such a cooperative from five to three;</li> <li>- Provide flexibility in the reserve requirements for such cooperatives by allowing a qualified actuary to determine the amount of reserves each individual cooperative needs, and by allowing new cooperatives to amass these reserves over a five-year transition period. All such cooperatives are currently held to the same reserve requirements, regardless of the characteristics of their covered population, and are currently obligated to meet this requirement at the time of their formation. <b>Intentionally omitted from final bill.</b></li> </ul>
<p>68. The Insurance Superintendent should be granted authority to make exceptions to community rating requirements which would allow municipalities with 50 or fewer employees to join multiple employer trusts that are experience-rated.</p>	<p>Senate Bill 56 (2009-10) - Direct the Insurance Department to order a study, to be completed by September 1, 2010, of the impact on the community-rated health insurance market of allowing municipalities with 50 or fewer employees to join with larger municipalities to purchase experience-rated policies. <b>Intentionally omitted from final bill.</b></p>
<p>69. The State should convene a study of public employee pension benefit options, including evaluation of a potential Tier 5, which would reinstate lifetime employee contributions, and possibly either convert to a defined contribution system or provide for employee option. The provisions for benefit determination under all three systems should also be reviewed.</p>	<p>Comprehensive Study Needed.</p>

<p>70. The State should eliminate the Wicks Law or, in the absence of that, dramatically increase its thresholds.</p>	<p>Senate Bill 56 (2009-10) - To assist New York City in achieving essential capital cost savings during the current economic downturn, the Wicks Law threshold governing multiple bidding requirements will be raised from the \$3 million level established earlier this year to \$10 million for a five-year period. In addition, consistent with the recent recommendations of the Governor's Commission on Property Tax Relief, all school districts will be provided with a full Wicks exemption for a five-year period. <b>Enacted in Executive Budget (June 2009).</b></p>
<p>71. Facilitate cost-effective local purchasing by increasing thresholds for competitive bid requirements.</p>	<p>Legislative Action Needed.</p>
<p>72. The Commission's mission should be sustained through an Executive-level Center for Local Government Efficiency that will provide a gateway to state government for citizens and local officials pursuing this goal.</p> <ul style="list-style-type: none"> <li>- It will extend the local initiatives process and work of the Interagency Task Force currently coordinated under the Commission.</li> <li>- It will facilitate coordination of state agencies and resources supporting shared services and consolidation.</li> <li>- Technical assistance for local governments would be provided with information on best practices, how-to manuals, agency referrals, and a website directing local officials and citizens to resources.</li> <li>- Lead continuing research and policy development relating to local governments and the services they provide.</li> </ul>	<p>Senate Bill 56 (2009-10) - Sections 10 through 13 amends the General Municipal Law and the Highway Law to facilitate shared services agreements among municipalities and between municipalities and State agencies. These amendments will:</p> <ul style="list-style-type: none"> <li>- Expand the list of services that can be the subject of shared service contracts;</li> <li>- Authorize non-monetary exchanges of goods and services;</li> <li>- Allow the State Department of Transportation (DOT) to contract with municipalities for terms of up to five years; and</li> <li>- Broaden the range of emergency situations for which the Department of Transportation can provide assistance, and allow municipalities to similarly assist the State. <b>Intentionally omitted from final bill.</b></li> </ul>

<p>73. Amend Public Health Law to allow counties to jointly employ a single public health director who would supervise separate county health districts and a joint board of health for the combined district.</p>	<p>Senate Bill 56 (2009-10) - Section 14 amends the Public Health Law to allow certain county and part-county health districts to share the same commissioner/director and, under these circumstances, to also have common district board members, subject to the approval of the State Department of Health (DOH). Residency requirements currently prohibit such sharing of board members. DOH will be required to periodically review approved director- and board-sharing arrangements to verify that such joint membership continues to serve the interest of public health. This change will allow small county or part-county health districts to reduce their administrative expenses without lowering the quality of the services they provide. Some counties have explored this option. <b>Intentionally omitted from final bill.</b></p>
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