

Proposal for State Study May 2009

I. INTRODUCTION

Few areas are more ripe for reform, difficult to understand, or emotional in the opposition they evoke than government consolidation. New York State has among the highest local property taxes in the nation and among the largest number of governmental units. It has also had numerous commissions and other bodies appointed to study the issue, most of which have supported consolidation of one degree or another. The Commission on Local Government Efficiency and Competitiveness (Lundine Commission) was established in April 2007 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. Last year, it issued its final report, which concluded that major efficiencies could be recognized by consolidation of certain governmental units and consolidation of services on a multi-governmental basis.

While consolidation is not and cannot be the magic bullet that does away with all local taxes, when entered in a thoughtful manner, it has the potential to make government more efficient and effective. Much as we hope for messianic measures in coming to grips with the cost of contemporary government, the reality may be that much more can be achieved by the quiet tinkering around the edges that can result in minor savings here and there.

In its introduction, the Lundine Commission noted:

The vast majority of our municipalities were established and their boundaries set during the horse-and-buggy era. There are also outdated laws and offices for which no modern rationale exists. Over the years we have added to this outdated system, but rarely simplified, and today we have nearly 5,000 local government entities.

While the constant review of what works and what does not is the hallmark of a well-run entity, New York State has major constitutional and legislative impediments that makes change difficult or impossible to implement.

The following memo lays out existing League positions and proposes a study and related activities to educate both League members and the public at large about consolidation.

II. OUR CURRENT POSITIONS

A review of LWVUS and LWVNY Impact on Issues indicates that, although we have some principles and positions that would support limited action with respect to government consolidation, we have never attempted to come up with a comprehensive study and position that would support major advocacy efforts in this area. Article XII of the LWVUS bylaws provides that League principles provide authorization for adoption of national, state, and local program and as a basis for taking action at the national, state, and local levels. The LWVUS Public Policy Position on Representative Government

provides, ““The League of Women Voters believes that responsible government should . . . promote a sound economy. . . .” However, Leagues are advised to exercise care when relying on national positions alone to support program.

Although the League has no over weaning position on governmental consolidation, it has the following positions that do or might allow it to take action of a more limited nature.

A. It supports a unified court system, with town and village courts being folded into county-wide district courts (N Y Impact, p. 7, 76-88).

B. It supports, “Reform of the real property tax system and administration (of) real property assessment requires that it be: 1. Equitable in its distribution of the tax burden; 2. Based on uniform standards; 3. State assisted, monitored, and enforced; 4. Easily understandable and accessible to taxpayers; and 5. Kept current by periodic reassessments. “ (N Y Impact, p. 8, 133-134, 141-143).

C. In the education arena, the League supports, “implementation of educational efficiencies in the provision of a sound basic education, provided that the efficiencies do not affect adequacy of education. State aid policies should promote cost-effective measures such as consolidation of services, shared services, shared resources and other management efficiencies.” (N Y Impact, p. 133).

D. As part of its real property taxation narrative, the League is “firmly opposed to any further legislative or constitutional tax or expenditure limitations, but urge(s) that efficiency, productivity, and prudence in government at all levels be encouraged.” (N Y Impact, p. 143).

E. As part of its Land Use and Urban Sprawl positions, the League supports the strengthening county and multi-county regional planning bodies and use of regional commissions to represent larger than local interests and manage unique natural resources within state. Get State and Local Governments-Partnering for a better New York, issued on January 31, 2001 by the Quality Communities Interagency Task Force. Task Force on Local Governmental Reform created July, 2002. Interim report but no final. (N Y Impact, p. 117-121).

III. ACTION UNDER CURRENT POSITIONS

Although the scope of action permissible under our current positions is by no means clear, it is my belief they would support the following action:

A. Total reform of the property tax assessment system.

B. Consolidation of Justice and Village Courts into county-wide District Courts.

C. Support for consolidation of smaller school districts, provided that educational quality does not suffer.

D. Provision for regional planning and land-use bodies.

IV. PROPOSED STUDY

As the review of positions indicates, the League has no comprehensive consolidation position that would enable it to lobby for or against recommendations contained in the Lundine report. Moreover, many local Leagues have studied or are currently studying various aspects of local consolidation, with the hope of arriving at local positions that would permit lobbying. We believe a statewide study is necessary for 2 reasons:

Consolidation is a catchword for rearrangement of a series of legal relationships between and among governmental units. The Lundine Commission proposed action at a statewide level with respect to some of those issues; it recommended further study at the local level with respect to others. While the League is an ideal organization to deal with the interplay of state and local issues, to do so effectively and efficiently, it must first reach some understanding of where different issues are best handled and what, if any, core principles should be employed in assessing the wisdom of various forms of consolidation;

Without an attempt to articulate a statewide position on consolidation, there is a danger that local Leagues will adopt conflicting positions and seek to lobby at cross purposes with each other.

V. POSSIBLE MATERIALS

A. Lundine and Suozzi Reports

B. Prior Studies

C. Constitutional and Legislative Impediments to Consolidation

D. Proposed Legislative and Constitutional Changes

1. Paterson

2. Cuomo

E. Materials in Opposition to Consolidation are beginning to appear. A major, although largely unarticulated, argument against consolidation is that for every consolidation, there are likely to be some winners and some losers, especially when one is consolidating wealthier units into poorer units. This harkens back to the inherent problem that New York State is one of the economically diverse states in the nation, with incredible economic balkanization occurring as the result of economic segregation within our communities.

VI. POSSIBLE QUESTIONS

Our thoughts in this area are very preliminary and would await the appointment of a study coordinator and committee to be fleshed out. The following is an indication of the types of questions the study might attempt to answer:

- A. Should the League support elimination of state constitutional and legislative barriers to consolidation of governmental units?
- B. Should the League support elimination of state constitutional barriers to the sharing of governmental services?
- C. Should the League support consolidation of governmental units/shared services when such consolidation would lead to increased efficiency and/or economy?
- D. Should the League support mandating consolidation of certain local governmental units/ services?
- E. Should the state encourage consolidation of certain governmental units/services by adopting a series of incentives or disincentives to consolidation?