

No. 11

EXECUTIVE ORDER

**ESTABLISHING THE NEW YORK STATE COMMISSION ON
LOCAL GOVERNMENT EFFICIENCY AND COMPETITIVENESS**

WHEREAS, New York's local governments are established and operate under New York's Constitution, statutes and regulations and receive financial and governance support from the State; and

WHEREAS, local governments, including counties, towns, cities, villages and special purpose districts, such as school and fire districts, provide many of the public services which determine whether New York's residents and businesses live and conduct commerce safely, healthily, productively and happily; and

WHEREAS, New York's local governments, including more than 4200 taxing jurisdictions, have evolved over centuries, and in many cases reflect circumstances, population concentrations and needs which have changed significantly or no longer exist; and

WHEREAS, the sheer number of such taxing jurisdictions and their overlapping and multi-layered nature cause public services to be excessively expensive, and provided in a manner that is inefficient and reduces the competitiveness of New York's localities and the job and business opportunities for New Yorkers; and

WHEREAS, many New Yorkers are unaware of the boundaries and very existence of many taxing jurisdictions and special districts, and this results in an extraordinarily low level of participation in many local government elections; and

WHEREAS, the opportunities for smart growth and regionalization of the delivery of certain public services such as public transportation, waste management, information technology and water supply are often inhibited by New York's fragmented local government structure; and

WHEREAS, New York's local tax burden is the highest in the United States and negatively impacts competitiveness and the quality of life; and

WHEREAS, New York's laws, regulations and programs have been only minimally effective in assisting local governments to partner in the efficient delivery of public services, to merge, consolidate or regionalize local government, to adopt smart growth practices, and otherwise improve the living environment for New Yorkers; and

WHEREAS, a comprehensive analysis is needed:

(1) to identify the barriers which inhibit more efficient local government, the merger, consolidation or regionalization of local government, partnering among local governments to more efficiently provide public services, adoption of smart growth practices, and the procurement and construction of regional transportation and other infrastructure which improves the efficiency, competitiveness and quality of life of New York's localities; and

(2) to guide the formulation and development of tools to assist local governments to pursue and achieve these objectives;

NOW THEREFORE, I, Eliot Spitzer, Governor of the State Of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York do hereby order as follows:

1. There is hereby established the New York State Commission on Local Government Efficiency and Competitiveness ("Commission").
2. The Commission shall consist of fifteen members appointed by the Governor, including one member appointed upon the recommendation of the Comptroller, one upon the recommendation of the Speaker of the Assembly, one upon the recommendation of the Majority Leader of the Senate, one upon the recommendation of the Minority Leader of the Assembly, one upon the recommendation of the Minority Leader of the Senate, at least one individual representing a member of the New York State Association of Counties, at least one individual representing a member of the New York State Association of Towns, and at least one individual representing a member of the New York Conference of Mayors and Municipal Officials.
3. The Governor shall select a chair of the Commission from among the members. A majority of the members of the Commission shall constitute a quorum, and all recommendations of the Commission shall require approval of a majority of the total members of the Commission.
4. The Governor shall appoint an Executive Director of the Commission, who shall be an employee of one of the executive branch agencies herein directed by the Governor to render assistance to the Commission.
5. The Commission shall conduct a review and analysis of New York's local government structure and operations, and to the maximum extent possible shall consider, and where appropriate incorporate, the expertise and learning of prior commissions, studies and academic institutions engaged in local government studies, and state agencies with responsibility for assisting local government, including but not limited to the Department of State, the Office of Real Property Services, the Urban Development Corporation, the Department of Economic Development, the Division of the Budget, the Governor's Office of Regulatory Reform, the Office of State Comptroller and the State Education Department.
6. The Commission shall make recommendations on ways to consolidate and eliminate taxing jurisdictions, special districts, and other local government entities where doing so would improve the effectiveness and efficiency of local government.

7. The Commission's review shall include an analysis of:

(a) the number and types of local government jurisdictions in New York State, the basis for their creation, and the opportunities and barriers to their restructuring, merger, consolidation or partnership to deliver public services;

(b) the nature and extent of services delivered by various types of local governments;

(c) the services which lend themselves most logically, efficiently and easily to merger, consolidation or partnership initiatives;

(d) opportunities and barriers to the regionalization of local government functions and services and the extent to which "smart growth" practices can improve the performance of local government and the delivery of public services and enhance New York's competitiveness;

(e) the procedures for and effectiveness of local government elections, including the percentage of eligible and registered voters who participate in such elections, and the utilization of common election dates and procedures by local governments which serve a substantially common electorate;

(f) the degree to which local government electorates are presented periodically with the option of dissolving the local government or reaffirming the local government's continuation; and

(g) the effectiveness of existing state laws and programs designed to assist local government efficiency, consolidation, merger, partnership in government operations and service delivery, smart growth, and the procurement and construction of regional transportation and other instrumentalities and infrastructure.

8. In undertaking this review and analysis the Commission may request documents, conduct public hearings, take the testimony of witnesses in the form and manner which it deems most efficient, and take all other actions necessary to carry out its functions.

9. The Commission shall make recommendations which it deems necessary or advisable for:

(a) strengthening and streamlining the structure and operations of local governments;

(b) reducing the costs of and improving the effectiveness of local government operations and services;

(c) facilitating the merger, consolidation and partnering in the delivery of services by and between local governments;

(d) promoting and facilitating regional government and the regionalized delivery of public services; and

(e) reforming election laws and procedures to increase and maximize the awareness of local governments among the electorate and maximize participation in local government elections and proceedings.

10. The Commission shall issue a report of its findings and recommendations on or before April 15, 2008. The report shall be submitted to the Governor, the Comptroller, the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate, and the Minority Leader of the Assembly.

11. No member of the Commission shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder. Members of the Commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder. All members of the Commission shall serve at the pleasure of the Governor and vacancies shall be filled in the same manner as original appointments.

12. Every agency department, office, division or public authority of this state shall cooperate with the Commission and furnish such information and assistance as the Commission determines is reasonably necessary to accomplish its purpose.

GIVEN under my hand and the Privy Seal
of the State this _____ day of
April in the year two thousand seven.

BY THE GOVERNOR

Secretary to the Governor