

Bond Case Briefs

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REFERENDA - NEW YORK

Rochester City School District v. City of Rochester

Supreme Court, Appellate Division, Fourth Department, New York - September 4, 2019 - N.Y.S.3d - 2019 WL 4196039 - 2019 N.Y. Slip Op. 06449

In hybrid article 78 proceeding and declaratory judgment action, seeking declaration that a local law was invalid and that a referendum was void as advisory, as well as a permanent injunction barring the referendum from being placed on the ballot, the Supreme Court, Monroe County, entered judgment granting the relief sought.

City, mayor, and city council appealed.

The Supreme Court, Appellate Division, held that the referendum on local law, which removed provisions governing commissioners of schools from city charter, was impermissibly advisory, and thus invalid where the referendum's effectiveness was conditioned on subsequent action by state legislature, and state had preempted local action in field of public education.