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I N  S E N A T E

May 5, 2010

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, in relation to allowing the town or village board to make changes to the proposed annual fire district budget and requiring a public vote before appropriations made to capital reserve fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (b) of subdivision 3 of section 181 of the town law, as amended by chapter 555 of the laws of 2007, are amended to read as follows:

(a) The board of commissioners of each fire district shall hold a public hearing on the third Tuesday in October to discuss the contents of the proposed budget, AND SHALL PRESENT ANY PROPOSED APPROPRIATIONS TO BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND AND TO BE VOTED ON AT SUCH HEARING. The hearing AND THE PUBLIC VOTE shall be conducted and scheduled in a manner that maximizes participation. Notice of such public hearing AND PUBLIC VOTE shall be published at least once in the official newspaper, or if no official newspaper has been designated, in any newspaper having general circulation in the district. At least five days shall elapse between the date of the first publication of the notice and the date specified for the hearing AND PUBLIC VOTE. The notice of hearing AND PUBLIC VOTE shall state the time when and the place where the public hearing AND THE PUBLIC VOTE will be held, the purpose thereof and that a copy of the proposed budget AND THE PROPOSED APPROPRIATIONS TO BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND [is] ARE available at the office of the town clerk or clerks and fire district secretary where [it] THEY may be inspected by any interested person during office hours. In the case of a fire district that maintains an internet website, the notice of hearing AND PUBLIC VOTE shall also state that the proposed budget AND PROPOSED APPROPRIATIONS TO BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND [is] ARE posted on the fire district's website. The town clerk or clerks shall cause a copy of the notice to be posted on the signboard of the town or towns, main-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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tained pursuant to subdivision six of section thirty of this chapter, not later than five days before the day designated for such hearing AND PUBLIC VOTE. The notice shall also be posted on the municipal and/or fire district website or websites, if one exists. At such hearing, any person may be heard in favor of or against the proposed budget as compiled, or for or against any item or items therein contained. AT SUCH HEARING, THE PUBLIC SHALL REVIEW THE PROPOSED APPROPRIATIONS TO BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND AND SHALL VOTE IN FAVOR OR AGAINST SUCH APPROPRIATIONS. IF IT IS DETERMINED THAT SUCH PROPOSED APPROPRIATIONS TO SUCH CAPITAL RESERVE FUND ARE NOT SATISFACTORY, THE BOARD OF FIRE COMMISSIONERS SHALL TAKE SUCH DETERMINATION INTO CONSIDERATION WHEN CHANGING, ALTERING OR REVISING SUCH PROPOSED BUDGET.

(b) After the public hearing, THE TOWN OR VILLAGE BOARD MAY MAKE CHANGES TO THE PROPOSED BUDGET AND SUBMIT SUCH CHANGES TO the board of fire commissioners. THE BOARD OF FIRE COMMISSIONERS SHALL REVIEW AND CONSIDER SUCH PROPOSED CHANGES AND ANY DETERMINATIONS MADE AS A RESULT OF A PUBLIC VOTE CONCERNING PROPOSED APPROPRIATIONS TO BE MADE TO THE CAPITAL RESERVE FUND, AND may adopt SUCH changes, alterations and revisions to the proposed budget subject to the requirements of paragraph (a) of subdivision two of this section, except that the board of fire commissioners shall not add or increase an appropriation to a capital reserve fund. On or before the fourth day of November, the board of fire commissioners shall adopt as the annual budget of the fire district either the proposed budget or the proposed budget as changed, altered or revised after the public hearing. In the event that the board of fire commissioners fails to adopt the annual budget by such date, the proposed budget with such changes, alterations and revisions as shall have been adopted by the board of fire commissioners by that date shall constitute the annual budget of the fire district.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.