§ 216. Authorization to establish service award programs for volunteer firefighters of political subdivisions of the state and for volunteer firefighters other than of political subdivisions of the state. 1. a. A service award program may be adopted only by resolution of the governing board of a political subdivision, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision having control of the fire departments and fire companies, and the approval of a mandatory referendum authorizing the adopting of the program by the eligible voters within such political subdivision.

b. The resolution authorizing the adoption of a service award program shall state:

(i) the name of each fire company having volunteer firefighters who are potential participants in the program;

(ii) whether the program will be administered by the political subdivision or the state;

(iii) the entitlement age under the program;

(iv) the estimated annual cost of program, including the estimated annual administration fee;

(v) the number of years of fire service required to obtain a nonforfeitable right to a service award;

(vi) the activities for which points shall be granted toward a year of fire service;

(vii) the amount of the contribution to the program to be made on behalf of each participant credited with a year of fire service;

(viii) the extent to which the program provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program;

(ix) in the case of a service award program which provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program, the timing and method of financing such contributions;

(x) the date as of which the program shall take effect; in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of fire service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January;

and

(xi) the date on which the proposition authorizing the adoption of the program shall be submitted to referendum.

2. Upon the affirmative vote of at least sixty percent of the governing board of the political subdivision, which political subdivision has contracted with volunteer fire departments or fire companies located in a fire protection district of such political subdivision, there shall be held a mandatory referendum of the eligible voters residing within such fire protection districts to determine whether such governing board shall establish a service award program for the volunteer firefighters of such volunteer fire departments or fire companies.

3. (a) The referendum described in subdivision one or two of this section shall state the type of service award program selected, whether a defined contribution program described in section two hundred eighteen or a defined benefit program described in section two hundred nineteen of this article.

(b) The referendum described in subdivision one or two of this section shall state the estimated annual cost of the service award program, including the estimated annual administration fee, the projected monthly award to be paid to eligible volunteer firefighters and the estimated annual cost per covered participant.

(c) The referendum described in subdivision one or two of this section shall state whether the service award program will be administered by the political subdivision or the state of New York.

(d) Payments under the service award program if adopted, shall not impair any rights of the volunteer firefighters under the volunteer firefighters' benefit law or any other law.

(e) Except as otherwise provided in this paragraph once a service award program has been established, it may be abolished or amended in the same manner as it was created in accordance with the provisions of this article by following the procedures set forth in subdivision one or two of this section. The point system adopted by the governing board of the sponsor of a service award program pursuant to subdivision (c) of section two hundred seventeen of this article may be amended by the

affirmative vote of at least sixty percent of such governing board, without referendum, provided, that, consistent with the provisions of subdivision (c) of section two hundred seventeen, the only effect of the amendment is to decrease the number of points granted for the performance of an activity, increase the amount of an activity required to earn the points granted for the performance of the activity, or both. Any amendment to a service award program shall only take effect as of the first day of January next succeeding completion of the proceedings required for adoption of the amendment and shall only apply prospectively.

4. Within thirty days of voter approval of the referendum described in subdivisions one and two of this section, the governing board of the political subdivision shall notify the state comptroller of the adoption of the service award program, whether such service award program will be a defined contribution plan or a defined benefit plan, and whether the plan will be administered by the political subdivision or the state of New York.

5. Notwithstanding any inconsistent provision of law, no member of the governing board of a political subdivision of the state is prohibited by virtue of being a member of a volunteer fire company or department from voting upon a resolution authorizing a referendum on the establishment of a service award program if more than forty percent of the governing board would otherwise be prohibited from voting upon such resolution. Any member of such governing board voting upon such a resolution who serves as a member of a volunteer fire company or department shall publicly disclose in writing to the governing board such status. Such written disclosure shall be part of and set forth in the official record of the proceedings of such governing board.