§ 216-a. Authorization to establish service award programs for special fire companies and departments. 1. The political subdivisions which contract to receive fire protection services from a special fire company or department may jointly establish a service award program for the volunteer firefighters of such special fire company or department, provided, however, that no such service award program shall be established unless each and every political subdivision which contracts to receive fire protection services from the special fire company or department joins in establishing the program.

2. A service award program for the volunteer firefighters of a special fire company or department shall be jointly established by the political subdivisions which contract to receive fire protection services from such fire company or department only if:

(a) the governing board of each and every such political subdivision approves an agreement to jointly sponsor the program by an affirmative vote of at least sixty percent of the governing board; and

(b) the eligible voters of each and every such political subdivision separately approve a proposition authorizing their political subdivision to jointly sponsor the program to be administered by the political subdivision or the state of New York.

3. An agreement between or among political subdivisions to jointly sponsor a service award program for a special fire company or department may contain any provision which could be included in an agreement entered into pursuant to article five-G of this chapter and shall contain provisions specifying the following:

(a) the manner in which the several political subdivisions shall exercise and perform the powers and duties that are conferred by other sections of this article on the governing board of a single political subdivision that individually establishes and sponsors a service award program;

(b) the effect of the addition of other political subdivisions as parties to the agreement;

(c) the effect of the withdrawal of political subdivisions from the agreement;

(d) the entitlement age under the program;

(e) the age and length of service requirements to participate in the service award program;

(f) the number of years of firefighting service required to obtain a nonforfeitable right to a service award;

(g) the activities for which points will be granted toward a year of firefighting service;

(h) the extent to which the program provides credit for years of firefighting service rendered during one or more of the five calendar years immediately preceding the establishment of the program;

(i) in the case of a defined contribution plan,

(i) the amount of the contribution to be made on behalf of each participant credited with a year of firefighting service, and

(ii) the amount of any additional disability or death benefit;

(j) in the case of a defined benefit plan,

(i) the amount of the monthly payment to be made to each participant for each year of firefighting service credited to the participant, and

(ii) if the plan is to provide for payment of benefits prior to the tenth anniversary of the establishment of the plan, the date on which the plan is to provide for the payment of benefits;

(k) the date as of which the service award program shall take effect which shall be either the first day of January next succeeding the date of the last voter approval required to establish the program or, if sufficient funds are or will be available to each political subdivision to fund the program, the first day of January next preceding such last voter approval; and

(l) whether the service award program is to be administered by the political subdivision or the state of New York; and

(m) any other provisions as may be necessary for the implementation, operation, administration and funding of the program.

4. A proposition authorizing a political subdivision to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to approve the agreement to jointly sponsor the program. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official

newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political subdivision. The referendum shall be conducted in the same manner as other referenda held by the political subdivision and the cost thereof shall be charged to the political subdivision.

5. A proposition authorizing a political subdivision to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department shall state:

(a) whether the service award program to be established is a defined contribution plan or a defined benefit plan;

(b) whether the service award program is to be administered by the political subdivision or the state of New York;

(c) the estimated annual cost of the service award program, including the estimated annual administration fee, and the estimated annual cost per participant, for all the political subdivisions establishing the program and for the political subdivision submitting the proposition to referendum;

(d) the extent to which the program provides credit for years of firefighting service rendered during one or more of the five calendar years immediately preceding the establishment of the program;

(e) in the case of a defined contribution plan, the amount of any additional disability or death benefit; and

(f) in the case of a defined benefit plan,

(i) the projected monthly award to be paid to participants, and

(ii) if the plan is to provide for the payment of benefits prior to the tenth anniversary of the establishment of the plan, the date on which payment of benefits shall begin.

6. Upon the last voter approval required to jointly establish a service award program for the volunteer firefighters of a special fire company or department, the agreement to jointly sponsor the service award program shall take effect and the program shall take effect as set forth in the agreement.

7. Within thirty days after the last voter approval required to

jointly establish a service award program for the volunteer firefighters of a special fire company or department, the governing boards of the political subdivisions which established the program shall notify the state comptroller of the adoption of the service award program and 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.

8. Within sixty days after the last voter approval required to jointly establish a service award program for the volunteer firefighters of a special fire company or department, the governing boards of the political subdivisions which established the program shall jointly adopt a program document. The program document shall be consistent with the provisions of this article and the agreement to jointly sponsor the service award program, as amended, and shall set forth the obligations and rights of the sponsors, the special fire company or department, and the volunteer firefighters for whom the program is established, and establish standards and procedures for the administration of the program provided, however, that in the case of a state-administered program the procedures for administration shall be consistent with the rules and regulations governing the state program.

9. Except as otherwise provided in this subdivision, any provision of an agreement to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department may be amended upon the affirmative vote of at least sixty percent of the governing board of each political subdivision which is a party to the agreement without referendum. Amendments to the provisions of the agreement required by paragraphs (h), (i) and (j) of subdivision three of this section shall only be made upon the affirmative vote of at least sixty percent of the governing board of each such political subdivision, subject to a mandatory referendum of the eligible voters within each such political subdivision.

10. In the event that the governing board of a political subdivision which is a party to an agreement to jointly sponsor a service award program for the volunteer firefighters of a special fire company or

department ceases to contract to receive fire protection services from the special fire company or department, the political subdivision shall cease to be a sponsor of the service award program and shall be deemed to have withdrawn from the agreement in accordance with the terms of the agreement without further action by the governing board or voters of any political subdivision.

11. A service award program for the volunteer firefighters of a special fire company or department shall remain in effect until terminated by the political subdivisions which are parties to the agreement to jointly sponsor the program. The service award program shall be terminated only if:

(a) the governing board of each and every such political subdivision approves a resolution to terminate the program by an affirmative vote of at least sixty percent of the governing board; and

(b) the eligible voters of each and every such political subdivision separately approve a proposition to terminate the program.