


Fire Protection Considerations in the Village and Town of Oakfield

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**Prepared for:
Oakfield Fire Department, Inc.**


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Introduction and Overview


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Who Can Deliver Fire Protection in NYS?

- Cities
- Towns
- Villages
- Fire Districts

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Who Can Deliver Fire Protection in NYS?

- Cities
- Towns
 - Taxes collected through a "fire protection district"
 - Town contracts for fire protection services
 - Fire company located in town, or
 - a village a city, a fire district, another town
 - Cannot operate a fire department directly
- Villages
- Fire Districts

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Who Can Deliver Fire Protection in NYS?

- Cities
- Towns
- Villages
 - Department of the village
 - Expenses paid by "general fund" taxes
 - May contract for services within village
 - May deliver services outside village
- Fire Districts

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Who Can Deliver Fire Protection in NYS?

- Cities
- Towns
- Villages
- Fire Districts
 - Separate municipal entity
 - Levies taxes within Fire District
 - May contract for services within District
 - But not with District's fire department
 - May deliver services outside District

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Current Fire Protection

- Village
 - Operates fire department
 - A "department" of village
 - Owns apparatus and equipment
 - Oakfield Fire Department, Inc. provides personnel
 - Contracts services to Town
- Town
 - Fire protection district established
 - Authority of town to collect fire tax
 - Contracts with Village
 - Village FD provides protection

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Current Fire Protection

- Oakfield Fire Department, Inc.
 - Membership organization
 - Non-profit "fire corporation"
 - Owns the building and ballfield
 - Provides the personnel to the Village
 - Village "employees" when "on-duty"
 - Village is legally responsible for FD personnel

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Current Issues

- Adequate funding
- What are options?
 - Fire Protection District
 - Fire District
 - Stay the same

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9



I. What is a Fire Protection District?

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10

Fire Protection District

- A geographic area for taxation
 - Allows the Town to tax for fire protection and emergency services
- NOT a municipal entity
 - Not like a town, village, city or fire district
 - Just a taxing district or area
- Town Law 184 contract
 - A fire company within the town
 - A village, city or fire district
 - Or another town

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Fire Protection District

- Two options:
 - Oakfield FD, Inc. "locates" within Town
 - Town taxes fire protection district in town
 - Contracts with Town directly
 - Town contracts with Village (FD "consents")

OR

- By act of State Legislature
 - Fire protection district extended into village
 - No village involvement in fire protection
 - Town taxes whole fire protection district

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Fire Protection District

- Challenges:
 - Transfer of apparatus and equipment from Village to Oakfield FD, Inc.
 - Must be at "fair market value"
 - Taxpayers paying for same stuff twice
 - Locating the FD, Inc. to within the Town
 - A second station, which becomes "headquarters"
 - Amending certificate of incorporation
 - Dealing with state legislature (Option 2)
 - Town becomes the "AHJ"
 - Authority having jurisdiction
 - Legal responsibility shifts to Town

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Options

- Fire Protection District
- Fire District
- Stay the same

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II. What is a Fire District?

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What is a Fire District?

- A fire district is a political subdivision of the state
 - Town Law 174(7)
- Same as a town, village or city
- District becomes the municipal entity
 - responsible for fire protection
 - instead of Village

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What is a Fire District?

- New municipal entity
- Boundaries are
 - the whole of
 - the Village of Oakfield
 - Town of Oakfield
- Taxes are levied on whole district equally for fire protection

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What is a Fire District?


- Currently
 - Village operates fire service
 - Towns contract with Village
 - "Oakfield Fire *Protection* District"
 - Oakfield Fire Department, Inc. provides personnel

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What Happens with a Fire District?


- New Fire District operates fire service
- All users pay equalized amount for service
- "Oakfield Fire Department, Inc." continues to provide personnel
 - Nothing changes for Fire Department

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 **Oakfield Fire Department, Inc.**

- **Nothing** changes for Fire Department:
 - organizational structure remains the same
 - still a membership organization
 - FD fundraising remains the same
 - Maintain traditions and history
- The only change is the authority over the Fire Department:
 - From the Village to the Fire District
 - Village "gets out" of the fire business

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 **What is a *Joint* Fire District?**

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 **III. Fire District Responsibilities**

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Fire District Responsibilities

- Provides fire service
 - within the Village and the Town
 - Town and Village out of fire protection business
- Legal responsibility for:
 - The Fire Department, Inc. when on duty
 - The "Authority Having Jurisdiction"
 - Liability of operations
- Separate legal entity from Fire Department.

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Fire District Responsibilities


- Mandatory *public* budget process
 - Just like Village and Town currently
 - Public budget hearing annually
- Statutory cap on budget
- *Mandatory* bond vote for any borrowing
 - "bonding"
 - Unlike Village or Town

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Fire District Responsibilities


- Must use low bid process
- Annual elections
- Open meetings
- Annual financial report required
 - Filed with Town and NYS Comptroller
- Annual outside audit required*
 - Filed with Town and NYS Comptroller

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IV. Fire District Operations


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Fire District Operations

- The Fire District is operated by a
 - "Board of Fire Commissioners"
 - Equivalent to Town or Village Board
 - Sole purpose is fire protection
- Completely separate and distinct entity
 - *Not* part of the Fire Department
 - Becomes solely responsible for fire protection


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Fire District Officers

- Commissioners
 - Publically elected municipal officials
- Treasurer
 - Publically elected municipal official
- Secretary
 - Appointed municipal official


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Commissioner Qualifications

- Resident of Fire District
- 18 years of age
- Not a Chief in FD
- No arson convictions
- May be FD member


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Initial Commissioners

- Initial five commissioners appointed
 - Serve until December 31, 2018
 - Treasurer also appointed
- First elections
 - December 11, 2018
 - Take office January 1, 2019
 - Staggered terms, based on votes

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Fire District Assets

- Village fire assets transferred to District
 - For \$1
- District assumes responsibility for existing Village FD debt
 - Lease from village to fire district
 - Transfer to fire district when paid

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V. Fire District Finances

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Fire District Taxes

- Separate tax, across whole Fire District
- Based on taxable real property in District
- Based on Fire District Budget:


Budget ÷ Assessed Valuation = Tax Rate

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District Expenses – Main Budget Points


Equipment	\$
Operations	
Apparatus Maintenance	
Building	
Utilities	
Other Expenses	
Reserves	_____
Fire District Budget	\$

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 **Fire District Taxes**

Budget ÷ Assessed Valuation = Tax Rate

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 **VI. Formation Process**

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 **Formation Process-Overview**

- **Step 1: Initial "joint" meeting of**
 - Village and Town Board
 - One Purpose:
 - schedule Joint Public Hearing
 - within 30 days
- **Step 2: Second Joint Meeting:**
 - Village and Town Board
 - Joint Public Hearing

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Formation Process

- After public hearing, Boards determine:
 - *Whether it is in the public interest to form a joint fire district*
- If so, resolutions adopted to form joint fire district
- Filings required
 - Town, Village, County and OSC
- Subject to "permissive referendum"

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Permissive Referendum

- No public vote generally
- Except: within 30 days of resolution adopted after public hearing
 - Petition for mandatory referendum filed, signed by:
 - In Town, 5% of those who voted in last gubernatorial elections
 - In Village, 20% of registered voters

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VII. Benefits and Challenges of Fire District Formation

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Benefits

- Everyone pays same rates for service
 - Whether in town or village
 - Assures adequate funding, regulatory & legal compliance
- Single purpose entity
 - Sole purpose is public safety
- Direct Voter Approval
 - commissioner elections
 - all borrowing
- Open Budget Process.

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Challenges

- Tax changes
- Voter involvement
- Separate governmental agency
- Requires dissolution of Town fire protection district

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Questions?

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