

Fire District Secretary Training Webinar Series

Association of Fire Districts of the State of New York





Presenter

❖ **Amy Speach**

- ❖ District Secretary, Belgium Cold Springs Fire District
- ❖ Vice President, Central Region Fire District Association
- ❖ AFDSNY Training Presenter

❖ **Donna Marano**

- ❖ District Secretary, Copiague Fire District
- ❖ AFDSNY Training Presenter



Requirements to Hold Office

- ❖ Appointed annually by BoFC at Organizational Meeting
- ❖ Compensation determined by BoFC (Town Law § 174)
- ❖ Same person can be Secretary and Treasurer, however:
 - ❖ *A Commissioner MAY be Secretary*
 - ❖ *A Commissioner MAY NOT be Treasurer*
- ❖ District resident unless no one is available
- ❖ Must take and file oath of office annually.



Secretary's Duties

- ❖ *Town Law § 178*
 - ❖ Attend all meetings of the BoFC
 - ❖ Act as Clerk of the BoFC
 - ❖ Responsible for keeping an accurate record of all propositions, rules, regulations adopted by the BoFC
 - ❖ Shall have such additional powers and perform such additional duties as determined by BoFC, not inconsistent with law

- ❖ *Arts and Cultural Affairs Law §57.19*
 - ❖ You are the RMO – Records Management Officer



What it Means to be “Clerk” of the Fire District

- ❖ Responsible for all district records except those in the care of the Treasurer
- ❖ Records Management Officer
- ❖ Makes proposed budget available to public
- ❖ Provides copy of budget to Town Clerk(s)
- ❖ Arranges publication of legal notices
- ❖ Arranges posting and publication of Open Meetings Law notices.



Additional Responsibilities Conferred by Board

- ❖ Handle Paperwork and Correspondence
 - ❖ Insurance
 - ❖ Fire Reports
 - ❖ General Office/Business Items
 - ❖ Personnel Matters
- ❖ Coordinate Annual Physicals
- ❖ Coordinate for maintenance of equipment and apparatus
- ❖ Distribute District Policies and Procedures
- ❖ Maintain Website
- ❖ Administration of LOSAP
- ❖ Purchasing



Purchasing

- ❖ **What is the process for purchases for the fire district? Is there a policy in place?**
- ❖ **Who is authorized to make purchases on behalf of the fire district?**
 - ❖ Utilize your PO (purchase order) to track approvals
 - ❖ The PO can also be used to document quotes received.

Follow the Procurement Policy!



Committee on Open Government

- ❖ Responsible for overseeing:
 - ❖ Freedom of Information Law (FOIL)
 - Public Officers Law §§ 84-90
 - Governs rights of access to government records
 - ❖ Open Meetings Law
 - ❖ Public Officers Law §§ 100-111
 - ❖ Concerns the conduct of meetings of public bodies and the right to attend those meetings.
- ❖ Offer advice & guidance
- ❖ Issue written legal advisory opinions
<https://www.dos.ny.gov/coog/index.html>



FOIL (Freedom of Information Law)

- ❖ All records are subject to FOIL
 - ❖ Can be in any physical form
 - ❖ NOT required to create requested record
 - ❖ 11 categories of deniable records
- ❖ Maintain “Subject Matter List”
- ❖ Adopt written Policy
- ❖ Designate RAO (Records Access Officer)
- ❖ Request must “reasonably describe” requested record
- ❖ If able, must accept requests, transmit requested records via email



FOIL (Freedom of Information Law)

❖ Procedure

- ❖ Within 5 business days of the receipt of a written request for a record reasonably described, the agency must:
 - ❖ make the record available, **OR**
 - ❖ deny access in writing giving the reasons for denial, **OR**
 - ❖ furnish written acknowledgment of receipt of request and approximate date when request will be granted or denied.
 - ❖ Should not exceed 20 business days from the date of the acknowledgment of the receipt of a request.
 - ❖ If >20 business days, acknowledgment must explain the reason and provide a specific date the request will be granted
 - ❖ Failure to abide by time requirements constitutes a denial, and may then be appealed.



FOIL (Freedom of Information Law)

❖ Fees

- ❖ May not charge for inspection, certification or search
- ❖ 25¢ per page for photocopies up to 9x14
- ❖ Fees for copies of other records are based upon the actual cost of reproduction.
- ❖ No charge for records transmitted electronically
 - ❖ May be able to charge for employee time spent preparing the electronic data.

❖ Denial & Appeal

- ❖ Requestor may appeal within 30 days of denial
- ❖ Governing body has 10 business days to further deny or give access
- ❖ Requestor may seek judicial review of final agency denial Article 78 of the Civil Practice Law and Rules.



Meetings

Subject to Public Officers Law, Article 7

Public Officers Law §102(1) defines a meeting as:

“the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of a public body”.

Every meeting of a public body shall be open to the general public, except executive session.

Whether or not there is an intent to take action, and regardless of the manner in which a gathering may be characterized, it is still a MEETING and open to the general public.



Open Meetings Law

- ❖ Broadcasting of the Meeting (Public Officers Law § 103)
 - ❖ Public has right to photograph, take video and/or audio
 - ❖ Adopt rules!
- ❖ Notice Requirements (Public Officers Law § 104)
 - ❖ Public Notice vs. Legal Notice
 - ❖ Post conspicuously (and on website if you have one!)
- ❖ Videoconferencing (Public Officers Law § 104)
 - ❖ Notice of meeting must indicate use
 - ❖ Locations
 - ❖ Public's right to attend



Meeting Agenda

- ❖ Every meeting needs an agenda
- ❖ Preparation of Resolutions
- ❖ Topics of Discussion
- ❖ Timing of Input from Others
- ❖ Posting/Amendments to Agenda
- ❖ Planning for next meeting



Minutes – When Taken

NY Public Officers Law § 106

- ❖ Shall be taken at all open meetings of a public body
- ❖ Shall consist of:
 - ❖ a record or summary of all motions;
 - ❖ proposals;
 - ❖ resolutions; and
 - ❖ any other matter formally voted upon,
 - ❖ as well as the outcome of the vote.

Minutes should be a true representation of meeting!



Open Meetings Law Executive Session

❖ (Public Officers Law Article 7 Section § 105)

- ❖ May do so by a majority vote of the Board taken in an open meeting
- ❖ 8 Criterion
 - ❖ “Personnel Matter” **NOT** in criteria!



Minutes of Executive Session

NY Public Officers Law § 106

- ❖ Any action that is taken by formal vote while in executive session
 - ❖ A record or summary of the final determination of such action, and the date and outcome of vote
 - ❖ Minutes of Executive Session do not include any matter not required to be made public by FOIL.

Consider taking action in public session



Recording of Actions Taken

- ❖ What was voted on
- ❖ How each board member voted
 - ❖ In favor
 - ❖ Against
 - ❖ Abstained
 - ❖ Recused
- ❖ Outcome of Vote

Motion by *Commissioner A* with a second by *Commissioner B* to approve Secretary's attendance at AFDSNY annual meeting/workshops. Following a brief discussion, *Commissioners A, B, C, and D* voted in favor; *Commissioner E* voted against. *Motion Passed.*

Motion vs. Resolution?



Minutes When Available to Public

NY Public Officers Law § 106

- ❖ Minutes of meetings of all public bodies shall be available to the public within **two weeks** from the date of the meeting
- ❖ Minutes of executive session within **one week** from the date of the executive session.



Approval of Minutes

- ❖ Provide draft of minutes to Board prior to next meeting (where vote on previous minutes will occur)
- ❖ Method for corrections to minutes
- ❖ Distribution of approved minutes



QUESTIONS



Thank you for joining us!

Feel free to contact me:

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FAQs, resources and training opportunities:

Association of Fire Districts of the State of New York

<https://afdsny.org/>