

LFN 2022-20

October 19, 2022

Local Finance Notice

Philip D. Murphy
Governor

Lt. Governor Sheila Y. Oliver
Commissioner

Jacquelyn A. Suárez
Director

Contact Information

Website

www.nj.gov/dca/divisions/dlgs

E-mail

dlgs@dca.nj.gov

Phone

609.292.6613

Mail and Delivery

101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803

2023 Fire District Budget & Elections Guidance

This Notice addresses the CY 2023 fire district budget process, including the budget submission process and other key updates.

Submission of 2023 Fire District Budgets

Fire districts will submit their FY 2023 budgets through the Financial Automation Submission & Tracking (FAST) Solution. All fire districts are required to enter their budget data into the Division's standardized Excel budget template. Upon completion of the fire district budget workbook, each fire district shall upload and submit the completed and certified document to the Division through that fire district's FAST portal budget record.

The Division's fire district budget workbook must be used exclusively. No user-generated Excel workbooks will be accepted. The workbook contains formulas and codes that are standardized and secured within the workbook to assure complete and accurate transmission through FAST.

Data input is restricted to the yellow and grey highlighted workbook cells. Data entered into these cells will carry throughout the remainder of the workbook. Do not attempt to enter data into non-highlighted cells, attempt to change any formulas in the workbook, or attempt to override the workbook's protection.

The fire district budget workbook provides the ability to expand sections of the budget, allowing for direct data entry of explanations or detail. Additional budget information must not be uploaded to FAST as separate documents unless specifically stated in the workbook. Supplemental information that will be entered directly into the fire district budget workbook includes, but is not limited to: vehicle lists, revenue and appropriation details, and clarification of questionnaire responses.

Distribution

Fire District Officials
Municipal CFOs
Municipal Clerks
Auditors

Only designated fire district officials may obtain FAST login credentials to upload and submit the introduced and adopted fire district budgets in FAST. Designated officials include the secretary to the board of fire commissioners, treasurer of the board of fire commissioners, and an administrative officer who is an employee of the fire district and responsible for day-to-day operations, including completion and execution of the budget. Contracted preparers may access the fire district budget workbook for completion on behalf of the fire district. Upon completion, the workbook must be returned to the designated official(s) for uploading and submission through FAST. Preparers that do not qualify as designated officials as defined herein may not access a fire district account in FAST. Designated officials with existing FAST accounts may use these credentials to access the 2023 budget record for their fire district. New designated officials should register for a FAST account and request access to their fire district at: <https://njdca.dynamics365portals.us/Account/Login/Register>.

Users are required to save the introduced and adopted fire district budgets as <<municode>>_introbudget_2023 and <<municode>>_adoptbudget_2023, respectively. A list of fire district muni codes, a six-digit identifier, is available on the Division's dedicated [FAST webpage](#).

Prior to submission, users are required to upload the completed budget document and all supporting documentation and other related and annually transmitted forms through FAST. This includes contracts, shared services agreements, special meeting documentation, and grant agreements. **Upload of the document alone does not constitute submission; users must navigate to the "Submit for Review" tab and click the "Submit" button to formally transmit their budget package to the Division.** Upon successful submission, the designated official will receive an email confirmation acknowledging transmission of the budget package to the Division.

After February 18, 2023 (the third Saturday in February), election results for fire districts with February elections, or any fire district with capital, levy cap, or restricted fund balance referendums taking place on the third Saturday in February, must be reported through the FAST portal using the "Elections" tab within the adopted fire district budget module.

Instructions governing completion of the fire district budget workbook are contained within the excel workbook and are available on the Division's dedicated [FAST webpage](#).

Municipal Approval of Elected Commissioner Compensation

If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election before the district can adopt its annual budget. The fire district must seek annual approval of elected commissioner compensation from the municipal governing body **regardless of whether the Board is modifying the amount of compensation.** Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981). In order for a fire district to authorize its elected commissioners to receive compensation, the Board of Fire Commissioners must adopt a

resolution establishing the level of compensation. The 2023 fire district budget will contain a question verifying fire district compliance with the above-referenced requirements.

Emergency Appropriations

N.J.S.A. 40A:14-78.11 through 40A:14-78.15 establish standard requirements and procedures for emergency appropriations by fire districts. The 2023 fire district budget will contain a question verifying fire district compliance with the requirements detailed below.

In the event of a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare, a fire district may make emergency appropriations post-budget adoption for purposes unforeseen at the time of budget adoption, or for which adequate provision was not made. A fire district's total emergency appropriations for one year shall not exceed three percent (3%) of the total of current operating appropriations in that year's adopted budget.

No less than two-thirds (2/3) of a Board of Fire Commissioners' full membership must adopt a resolution declaring that an emergency exists requiring a supplemental emergency appropriation. The resolution shall be in the form and content prescribed by the municipal governing body and shall set out the nature of the emergency in full. A copy of the resolution shall be filed immediately with the municipal governing body. Prior to adoption, the fire district should consult with the municipal clerk and other appropriate officials on the appropriate form and content for the resolution. The resolution shall not take effect until the municipal governing body shall, by a vote of not less than two-thirds (2/3) of the governing body's full membership, approve the emergency appropriation and certify its approval to the fire district.

The total amount of all emergency appropriations shall be provided in full by the fire district as a deferred charge in the budget of the next succeeding fiscal year. For fire districts with annual commissioner elections in February, if the voters do not approve the district budget, that deferred charge shall remain in the fire district budget adopted by the municipal governing body. A fire district may finance any emergency appropriation from the district's available surplus funds or may, subject to Local Finance Board review, borrow money for a period of time not to exceed one year.

N.J.S.A. 40A:4-45.45.b authorizes an exclusion to the fire district tax levy cap for "extraordinary costs" related to a declared emergency. The term "extraordinary costs" means expenditures incurred for the immediate preparation, response, recovery, and restoration of public services due to extreme weather conditions or other catastrophic events that are the subject of a gubernatorial emergency declaration, and only for that portion of costs exceeding the cost of providing services under non-emergency conditions. Pursuant to N.J.A.C. 5:31-2.10, such funds can be treated as one-time (non-permanent) property tax levy cap exclusions upon submission and review of certifications describing the expenditures to the Director of the Division of Local Government Services and may be subject to adjustment to account for the receipt of any State or Federal reimbursements.

2010 Levy Cap Compliance

A fire district's introduced budget must be balanced and be at or under the levy cap established pursuant to the 2010 levy cap law (N.J.S.A. 40A:4-45.45). The budget message on Page N-1 must indicate if the district plans to put a levy cap increase question before the voters. An introduced budget requiring referendum questions must include separate line-item appropriations that the referendum proposes to fund by the tax levy increase. For the health insurance cost increase exception, the State Health Benefits Programs (SHBP) rate increase in 2023 is 21.6%.

Please note that any cancelled or unexpended referendum line items (if a levy cap referendum was successful in the prior budget year), and unexpended line items relating to levy cap exclusions, will be deducted from the adjusted levy based on the audit report or as noted in the budget message. Any referendum line-item funds left unexpended at the end of the fiscal year must be cancelled at year end unless the Division approves retaining reserves. If unauthorized balances are found during review of the following year's budget, the Division will order cancellation of those balances and the levy cap will be adjusted accordingly.

Capital Appropriations

Non-financed capital appropriations must be approved at an annual election or special meeting. Financed capital appropriations must first be put before voters as a public question either at the annual election or a special election. Subsequent to the vote, the district must apply to the Local Finance Board for issuance of positive findings. The forms used to certify the results of a special meeting or public question are available on the Division web page.

Please note that capital appropriations listed on Page F-5 of the Fire District Budget Excel workbook require:

- The date of the voter election;
- The percentage of affirmative votes for each capital item;
- The date of Local Finance Board issuance of findings (if financing required); and
- Restricted, unrestricted and/or grant revenue utilized for capital purposes, as all are considered in calculating the levy cap.

The District must state in the budget message whether it plans to utilize unrestricted or grant revenue to purchase capital items.

Grants

For grants awarded prior to budget introduction, include the anticipated grant revenue in the budget along with the corresponding grant appropriations. Grants awarded after budget introduction will be processed as a budget amendment either at the public hearing or at any time after final adoption as allowed by N.J.S.A. 40A:14-78.5(e).

Transmittal of Budget to Director; Budget Adoption

Each fire district shall transmit a copy of the introduced annual budget to the Division of Local Government Services at least sixty (60) days prior to February 18, 2023 (the third Saturday in February) through FAST. All required budget documentation must be consistent with the introduced budget. **Due to the large number of fire district budgets submitted concurrently, the Division strongly recommends that fire districts submit their introduced budgets as early as possible, rather than waiting until the statutory due date.**

The chairperson of the board of fire commissioners is required to prepare a synopsis of the audit and publish it at least once in a newspaper circulating in the fire district; the district must file a copy of the synopsis (and proof of publication) with the Division within 10 days after publication. N.J.S.A. 40A:5A-16. Within 45 days of receiving the annual audit, the board of fire commissioners must certify by resolution that each member has personally reviewed the audit report, and, by a majority vote of the board's full membership, sign an affidavit accepting the audit. If the audit report includes findings, a corrective action plan is also required. The resolution, group affidavit, and any corrective action plan must be submitted to the Division within 45 days after receipt of the audit. For those fire districts that have yet to comply with the statutory obligation to submit their 2021 annual audit to the Division, all documents related to the audit must be submitted to the Division prior to submission of the 2023 Introduced Budget.

Post-Budget Adoption – Successful Levy Cap Referendum

Following voter approval of a levy cap referendum, transfers to or from referendum line-item appropriations are not permitted at any time. Referendum line items are only expended after the base line-item amount is depleted. Any referendum line-item funds left unexpended at the end of the fiscal year must be cancelled at year end unless the Division approves retaining reserves. The Division will order the cancellation of balances identified during the following year's budget review, and the levy cap will be adjusted accordingly.

Post-Adoption Budget Amendments – Special Items of Revenue

N.J.S.A. 40A:14-78.5, as implemented by [N.J.A.C. 5:31-2.17](#), establishes a process for fire districts to seek Director approval to insert special items of revenue into their budgets after the budget is adopted. While the new revenue item may have been made available by any private or public funding source, the amount of the corresponding appropriation cannot exceed the amount of the revenue received.

Accounting for Use of Municipal Appropriations to Fire District

N.J.S.A. 40A:14-34 requires the Director to adjust the annual cap on funds a municipality may appropriate for use by its volunteer fire companies or boards of fire commissioners for inflation every two years in accordance with the Cost-of-Living Adjustment promulgated for the 1977 cap law (N.J.S.A. 40A:4-45.1a). A COLA adjustment of three and one-half percent (3.5%) has been applied for CY 2023/SFY2024 and CY2024/SFY2025 municipal budgets. This 3.5% adjustment yields a maximum annual contribution of \$161,526. In any municipality with more than three such companies or boards, the governing body may annually appropriate an additional \$50,000 for each additional volunteer fire company or fire district. N.J.S.A. 40A:14-34 require a fire district

receiving municipal appropriations to provide the municipal governing body an annual accounting of the use of all funds appropriated.

Fire District Website/Webpage Requirement

N.J.S.A. 40A:14-70.2 requires all fire districts to maintain a website or a webpage on their municipality's website that contains certain information set forth in the statute. A review of the statute is recommended to determine that all required content is displayed on the fire district's website or webpage. N.J.A.C. 5:31-2.4(u) requires an authorized officer of the fire district to certify on the budget document that the fire district's website or webpage complies with the minimum statutory requirements of N.J.S.A. 40A:14-70.2. **No fire district budget will be approved without a completed website certification.**

GovConnect

N.J.A.C. 5:30-16.5(c)(7) requires all fire districts to register at least one official in GovConnect network to receive Division and other State government information via e-mail. This network uses the State's "myNewJersey" portal. District leadership is responsible for ensuring that an appropriate individual is enrolled. To enroll in GovConnect, contact the GovConnect Helpdesk at EGG@dca.nj.gov.

Approved: Jacquelyn A. Suárez, Director

Document	Internet Address
FAST Portal Registration	https://njdca.dynamics365portals.us/Account/Login/Register
Fire District Muni Codes	https://www.nj.gov/dca/divisions/dlgs/pdf/Fire%20District%20MuniCodes.pdf
FAST Fire District Instructions	https://www.nj.gov/dca/divisions/dlgs/pdf/FAST%20Fire%20Budget%20User%20Guide.pdf
Local Finance Notice 2021-10	https://www.nj.gov/dca/divisions/dlgs/lfns/21/2021-10.pdf
N.J.A.C. 5:31-2.17	https://www.nj.gov/dca/divisions/dlgs/resources/rules_docs/5_31/njac_5312.pdf