



Hanover Fire Protection District

13325 Old Pueblo Road

Fountain, CO 80817

(719)382-1900

DISTRICT BOARD BY-LAWS



Section 1. Authority.

Hanover Fire Protection District ("District") is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi-municipal corporation which are specifically authorized by, and in compliance with, § 32- 1-101 et seq., C.R.S.

Section 2. Purpose.

It is hereby declared that the By-Laws hereinafter set forth will serve a public purpose.

Section 3. Policies of the Board.

It shall be the policy of the Board of Directors ("Board") of the District, consistent with the availability of revenues, personnel and equipment, to use the Board's best efforts to provide Hanover Fire Protection District services as authorized under the District Service Plan or by law.

Section 4. Board of Directors.

All powers, privileges and duties vested in, or imposed upon, the District by law shall be exercised and performed by and through a five (5) member Board of Directors, whether set forth specifically or impliedly in these By-Laws. The Board may delegate to officers, employees, and agents of the District any or all administrative and ministerial powers. Without restricting the general powers conferred by these By-Laws, it is hereby expressly declared that the Board shall have the following powers and duties:

(a) To confer upon any appointed officer of the District the power to choose, remove or suspend employees or agents upon such terms and conditions as may seem fair and just and in the best interests of the District.

(b) To determine and designate, except as otherwise provided by law or these By - Laws, who shall be authorized to make purchases, negotiate leases for office space, and sign receipts, endorsements, checks, releases and other documents.



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(c) To create standing or special committees and to delegate such power and authority thereto as the Board deems necessary and proper for the performance of such committee's functions and obligations.

(d) To prepare financial reports covering each year's fiscal activities, and such reports, if requested, shall be submitted to the Board and made available for inspection by the public.

Section 5. Office.

(a) Business Office.

The principal business office of District shall be at 13325 Old Pueblo Rd, Fountain, Colorado 80817 unless and until otherwise designated by the Board.

(b) Establishing Other Offices and Relocation.

The Board, by resolution, may from time to time, designate, locate and relocate the Board's executive and business office and such other offices as, in the Board's judgment, is necessary to conduct the business of the District.

Section 6. Meetings.

(a) Regular Meetings.

Regular meetings of the Board shall be conducted on the second Tuesday of each month and held at the business office, unless otherwise noticed and posted in accordance with § 32-1-903(1) C.R.S.

(b) Public Meeting.

All meetings of the Board, other than executive sessions, shall be open to the public. Open meeting requirements do not apply to chance meetings or social gatherings at which discussion of public business is not the central purpose. § 24-6-402 (2) (E) C.R.S.

(c) Notice of Regular Meetings.

The District shall post all regular meetings for the entire calendar year on the District's website. The District shall also provide a copy to the office of the county clerk and recorder in the county or counties in which the special district is located. § 32-1-903(2) C.R.S.



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(d) Emergency Meetings.

An "emergency" is defined as "an unforeseen combination of circumstances or the resulting state that calls for immediate action" *Lewis V. Town of Nederland*, 934P.2d 848 (Colo. App. 1996), *cert. den.* (March 17, 1997). "Thus an emergency necessarily presents a situation in which public notice, and likewise, a public forum, would be either impractical or impossible." *Id.* Because no posting or notice of the meeting will be provided, any action taken during an emergency Board meeting should be ratified in open session at the next Regular or Special Board meeting. The options for holding an emergency Board Meeting are as follows:

(a) Meet in person.

All Special and Regular meetings of the Board shall be held at locations which are within the boundaries of the District or which are within the boundaries of any county in which the District is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the district boundaries. § 32-1-903(1) C.R.S accordingly, the Board has great flexibility in selecting an appropriate meeting place.

(b) Meet by Telephone Conference

Directors may participate in a Regular or Special Meeting when he or she is unable to be physically present because of illness, weather or family emergency or is out of town. However, a Director may participate only if he or she has a complete copy of the agenda and any attachments with them at the time and is able to hear and be heard at all times during the meeting.

(c) Take a Straw Poll

If the Board elects to take a straw poll, any action taken should be ratified at the next Regular or Special Board meeting.

(d) Emergency Vote

Then those Directors available at the time may undertake whatever action is considered necessary and may so instruct the District's employees, agents and contractors. Such actions shall later be ratified by the Board.



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(e) Executive Sessions.

An executive or "closed" session of the Board may only be called at a Regular or Special meeting of the Board. An Executive Session may NOT be called at a study session. Executive Sessions must be called by an affirmative vote of two-thirds of the quorum present at a public meeting. The public is not permitted in an executive session. All members of the Board may attend all Executive Sessions. In order to maintain the confidentiality of the executive session, only those individuals that are necessary for the topic(s) being discussed during the Executive Session should be permitted to attend the Executive Session.

(a) Calling the Executive Session.

Executive Sessions should be noted on the agenda for all meetings whenever possible. Before going into an Executive Session, the Chairperson of the Board must announce, and the minutes reflect, the specific citation(s) to the portion(s) of the open meetings law that allows the Board to meet in an Executive Session § 24-6-402 (4) C.R.S.

1. **§ 24-6-402 (4) (a) C.R.S.** Discuss the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest.
2. **§ 24-6-402 (4) (b) C.R.S.** Receive advice of Legal Counsel (specific legal question(s)).
3. **§ 24-6-402 (4) (c) C.R.S.** Discuss a matter required to be kept confidential by the following State or Federal law, rule or regulation: (must cite specific statute or rule).
4. **§ 24-6-402 (4) (d) C.R.S.** Discuss specialized details of security arrangements or investigations.
5. **§ 24-6-402 (4) (e) C.R.S.** Determine the District's position on matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.
6. **§ 24-6-402 (4) (f) C.R.S.** Discuss personnel matters.



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- a. Exception: If the employee who is the subject of the executive session has requested an open meeting (if the personnel matter involves more than one employee, all of the employees must request an open meeting).
- b. Exception: Personnel matters do not include discussions concerning Board members.
- c. Exception: Personnel matters do not include general personnel policies such as Rules and Regulations, SOP's etc.

7. **§ 24-6-402 (4) (g) C.R.S.** Consider documents protected by the mandatory nondisclosure provisions of the "Public Records Act".

8. **§ 24-6-402 (4) C.R.S.** Review, Approve or Amend the Minutes of an Executive Session.

(b) **Conducting the Executive Session.**

No adoption of any proposed policy, position, resolution, rule, regulation, or form action, except the review, approval, and amendment of the minutes of an Execution Session recorded shall be taken while in Executive Session. The discussion in an Executive Session shall be limited to the reason(s) for which the Executive Session was called. All discussions in Executive Session shall be held in strict confidence by every individual attending the Executive Session, and shall not be disclosed to any third person or entity without the affirmative majority vote of a quorum of the Board members at a properly noticed meeting, except when required by law.

(c) **Documentation of the Executive Session.**

Each Executive Session shall be electronically recorded, unless the District's legal counsel states on the record that an Executive Session, or portion of the Executive Session, constitutes an attorney-client communication, in which case the portion of the Executive Session constituting an attorney shall not be recorded.



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(d) After Executive Session.

The record of any executive session shall be retained by the District for ninety days (90) and then destroyed or erased, unless an affirmative majority vote of a quorum of the Board members at a properly noticed meeting directs otherwise.

(f) Adjournment and Continuance of Meetings.

When a Regular or Special meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place of such meeting are announced at the meeting at which the continuance is taken, except as required by law. At the continued meeting, any business may be transacted which could have been transacted at the original meeting.

Section 7. Conduct of Business.

(a) Quorum.

All official business of the District shall be transacted at a Regular, Special or Emergency meeting at which a quorum (more than half of the number of Directors serving on the Board) are present. § 32-1-103 (16) and 32-1- 903 (2) C.R.S.

(b) Vote Requirements.

Any action of the Board shall require the vote of a majority of a quorum of the Board present and voting.

(c) Order of Business.

The business of all regular meetings of the Board shall be transacted, as far as practicable, in the following order:

1. Call to Order/Roll Call
2. Approval / Changes / Postponements of Agenda
3. Public Comment
4. Approval of Minutes
5. Treasurer's Report
6. Chief Report
7. Deputy's Chief Report
8. Old Business
9. New Business
10. Other Business



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11. Future Agenda Items
12. Board Comments
13. Executive Session Request
14. Adjournment

(d) Motions and Resolutions.

Official action of the Board may be taken through the adoption of a resolution or a motion made and passed by a majority vote of a quorum of the Board present in accordance with Article 1 of Title 32, C.R.S.

(e) Meeting Minutes Book.

All resolutions, motions and minutes of Board meetings shall be recorded in a book kept for that purpose and shall be attested by the Secretary. Minutes of regular sessions shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion by the Board. Minutes of Executive Sessions shall be kept separate from minutes of Regular sessions as described in Section 6(f)2 of these By-Laws and shall not be open to the public except as required by law.

Section 8. Directors, Officers and Personnel.

(a) Director Qualifications and Terms.

Directors shall be an elector of the District and either a resident of the District for not less than 30 days, the owner (or spouse of the owner) of taxable real or personal property situated in the District, or a person obligated to pay taxes under contract to purchase property. The term of each Director shall be determined by relevant statutory provisions with elections held in even numbered years and conducted in the manner prescribed by Articles 1 through 13, Title 1, and Part 8, Article 1, Title 32, C.R.S. Title 32-1-902(3)(b). No director shall receive compensation as an employee of the District, other than that provided in this section, and any Director shall disqualify himself or herself from voting on any issue in which the Director has a conflict of interest unless the Director has disclosed such conflict of interest in compliance with § 18-8-308, C.R.S. Reimbursement of actual expenses for Directors shall not be considered compensation. No Director receiving workers' compensation benefits awarded in the line of duty as a volunteer firefighter or pension payments to retired firefighters shall be allowed to vote on issues involving the Director's disability or pension payments.



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(b) Director's Performance of Duties.

Each Director shall sign an oath of office and, at the expense of the District, furnish a faithful performance surety bond in a sum of not less than \$1,000 except the Treasurer who must furnish a faithful performance surety bond in a sum of not less than \$5,000. The Director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by persons and groups listed in subparagraphs 1, 2 and 3 of this subsection (b). Those programs and groups upon whose information, opinions, reports, and statements a Director is entitled to rely are:

1. Employees of the District whom the Director reasonably believes to be reliable and competent in the matters presented;
2. Officers and members of the volunteer firefighters whom the Director reasonably believes to be reliable and competent in the matters presented;
3. Counsel, public accountants, or other persons as to matters which the Director reasonably believes to be within such persons' professional knowledge or expertise;

(c) Oath of Office.

Each member of the Board, before assuming the responsibilities of his office, shall take and subscribe an oath of office within 30 days in the form prescribed by law.

(d) Selecting Officers.

The Board of Directors shall elect a President, Secretary, Treasurer, Vice President and Director. The officers shall be selected by a majority of the quorum of Directors present at the meeting. The selection of the officers shall be conducted biennially at the first regular meeting of the Board following the regular biennial election of the Directors held in May of even numbered years. Each officer shall serve for a term of two years and at which time their term shall expire upon the selection of their successor or upon their re-election to that office.



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(e) Director Vacancies.

1. Director Position is deemed vacant if any of the following occurs:

- (a) Failure to meet the qualifications of Director;
- (b) Failure to satisfy the oath and bond requirements;
- (c) Written resignation;
- (d) Failure to remain qualified for the office;
- (e) Conviction of a felony;
- (f) Removal from office or voidance of election by court (subject to appeal);
- (g) Failure to attend three consecutive regular Board meetings, unless approval of the absence is entered in the minutes, or the absence is excused by mental or physical disability or illness;
- (h) Death.

2. Any vacancy occurring on the Board shall be filled by a majority vote of the remaining Directors, as prescribed by law. The appointed individual must meet the statutorily prescribed qualifications for Directors and shall serve until the next regular election. Articles 1 through 13, Title 1, and Part 8, Article 1, Title 32, C.R.S.

(f) Term Limits

1. The Colorado Constitution prohibits a Director from serving more than two consecutive terms of office. Term limits apply only to elected Four-year terms, not to interim terms that arise by appointment to fill a vacancy or to elected two-year terms created due to a vacancy. The Colorado Constitution allows the voters to remove Director term limits.



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2. The voters' approved to remove Directors term limits in the Nov. 1995 election.

(g) Signature of documents.

Board President may sign construction contracts, Loans or lease purchase agreements, on behalf of the District after Board of Director approval.

District Manager may sign vehicle titles, vehicle registrations, District insurance policies, insurance claims, workman's compensation, volunteer retirement years of service and other document's that the District Board may authorize the District Manager to sign on its behalf.

(h) President.

The President shall chair all meetings at which he or she is present. The President shall represent the District at public events and other official functions deemed in the best interest of the District to be attended and represented unless the Board delegates the responsibility to another Board member.

(i) Vice President.

In the absence of the President, the Vice President shall chair all meetings and carry out the President's duties and responsibilities.

(j) Secretary.

The Secretary shall be responsible for the records of the District Board; may act as Secretary at meetings of the Board and record all votes; shall be responsible for composing a record of the proceedings of the Board in a meeting minutes book kept for that purpose, which shall be an official record of the Board; and shall perform all duties incident to that office. The Secretary shall be the holder and the custodian of the Seal of the District.

(k) Treasurer.

The Treasurer shall be chair of the Audit Committee. The Treasurer shall keep or cause to be kept strict and accurate accounts of all money received by and disbursed for and on behalf of District in permanent records. The Treasurer shall file with the Clerk of the El Paso County Court, at the expense of the District, a corporate fidelity bond in an amount determined by the Board of not less than \$5,000, conditioned on the faithful performance of the duties of the Treasurer's office.



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(l) **Director.**

The Director will perform any duty that the officers deem necessary.

(m) **Additional Duties.**

All Board members shall perform other duties and functions from time to time as required by the Board.

(n) **District Manager.**

The District Manager shall be responsible for the administrative operations of the District, which includes but not limited to the supervision over the District Chief, Deputy Chief and sign any documents as required by the District Board. The District Manager shall be involved with the hiring and discharging of employees and the management of District properties. District Manager will be responsible to prepare and execute the District budget.

(o) **Fire Chief.**

The Board shall appoint a Fire Chief. The Fire Chief shall be responsible for the daily Fire and EMS operations, which include supervision over the paid and volunteer firefighters of the District and shall be involved with the hiring and discharging of employees.

Section 9. Financial Administration.

(a) **Fiscal Year.**

The fiscal year of the District shall commence on January 1 of each year and end on December 31.

(b) **Budget.**

On or before August 10th of each year, the District Manager shall be appointed to prepare the proposed budget for the ensuing fiscal year. The District Manager shall submit to the Board a proposed budget prior to the October Board meeting in a digital format.

(c) **Notice of Budgets.**

Upon receipt of the proposed budget, the Board shall published a notice that the proposed budget is open for inspection by the public at the business office; that the Board will consider the adoption of the proposed budget at a public hearing on a certain date; and that any interested elector may inspect the proposed budget and file or register any



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objections thereto at any time prior to its final adoption. Notice shall be posted or published in substantial compliance with law.

(d) Adoption of Budget.

At the December board meeting, the Board shall adopt the budget setting forth the expenditures to be made in the next fiscal year. The Board shall provide for sufficient revenues to finance expenditures in the budget with special consideration given to the proposed property tax levy.

(e) Supplemental Budget.

The District is required to file a supplemental budget with the Division of Local Government in the State Department of Local Affairs, when the District receives additional funds that it plans on spending in the current budget year.

(f) Levy and Collection of Taxes.

At the December board meeting, the Board shall certify to the Board of County Commissioners of the County or Counties that the District collect taxes in. The Board of County Commissioners of the County or Counties will establish and set the mill levy for the district for the ensuing fiscal year, Commissioners will levy such tax upon the assessed valuation of all taxable property within District boundaries.

(g) Filing of Budget.

On or before January 1st of each year, the Board shall submit a certified copy of the budget to be filed with the Division of Local Government in the State Department of Local Affairs.

(h) Appropriating Resolution.

1. At the time of adoption of the budget, the Board shall enact a resolution authorizing appropriations for the ensuing fiscal year.

2. The income of the District, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.

3. The Board shall adopt resolution for the District Manager to administer the budget and allow them allocate matching funds from any budget line item towards grants as needed.



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(i) Annual Audit Exemption-Financial Statement.

The Board shall file an annual financial report (audit exemption and financial statement) to be made at the end of each fiscal year of all financial affairs of the District through December 31st of such fiscal year. In all events, the report must be submitted to the Board no later than February's Regular Monthly Board Meeting. The type of financial report required at the end of the fiscal year shall be determined based upon the District's budget and Colorado law, specifically C.R.S. § 29-1- 603, 604, 605, and 606. A copy of the financial report (audit exemption and/or financial statement) shall be maintained by the District as a public record for public inspection at reasonable times. Copies of the financial report shall be forwarded to the appropriate State and County officials pursuant to statutory requirements.

(j) Banking.

1. Online Banking

At the discretion of the current Treasurer, all banking transactions to include Payroll, Bill Pay, and Fund Transfers between the District Accounts may be conducted using online services provided by the Bank holding District accounts.

2. Check Writing and Manual Bank Transactions

All manual checks will require two (2) signatures. Manual bank transfers between the District accounts will require one (1) signature. Manual bank transfers to other accounts besides the District accounts will require two (2) signatures and Board approval.

(k) District Credit Card.

1. Fuel Cards

Fuel cards will be issued by the District Manager to the Fire Chief. The Fire Chief will issue them to members of the department that will be available to fill the department's equipment in a timely manner as needed. Fuel usage and charges is monitored by the fire chief monthly and reported to the District Manager.

2. Credit cards



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Visa cards are issued to the Board Treasurer and to the District Manager. All receipts are turned in at the end of the month to the Board Treasurer to be reconciled against the credit card bills and to be filed with those month's' bills. Receipts will annotate on what budget line item that these charges should be deducted from.

Section 10. Mandatory Filings.

Directors are responsible for assuring that mandatory filings are made and actions are taken. (Please see Appendix A for a listing and dates.)

Section 11. Corporate Seal.

The Seal of the District shall be a circle containing the name of the District and the Secretary shall have custody of the seal and shall be responsible for its safe keeping and care.

Section 12. Disclosure of Conflict of Interest.

A potential conflict of interest of any Director shall be disclosed in accordance with State law, particularly Article 18 of Title 24, C.R.S., and § 32-1-902(3) and 18-8-308, C.R.S.

Section 13. Compensation.

Each Director can receive \$100 per attended meeting up to \$1,600 annually. No Director shall receive compensation as an employee of the District, except as provided by statute. If the Board votes to receive compensation they will allocate funds in the next fiscal year. No compensation will begin in mid-year or without funding being allocated.

Section 14. Indemnification of Directors and Employees.

The District shall defend, hold harmless and indemnify any Director, officer, agent, or employee, whether elective or appointive, against any tort or liability, claim or demand, without limitation, arising out of any alleged act or omission occurring during the performance of official duty, as more fully defined by law or by an indemnification resolution. The provisions of this Section shall be supplemental and subject to and, to the extent of any inconsistency therewith, shall be modified by the provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S.



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Section 15. Bidding and Contracting Procedures.

The District will receive a minimum of three (3) bids on all expenditures of \$25,000 or more. The Board may reject any and all bids. The only exception is when purchasing used Fire and EMS equipment. The District will set the requirements for the equipment and base them off of the needs of the District. The District can complete a sole source purchase of the equipment as long as they meet the District's criteria and it contacts Division of Local Government in the State Department of Local Affairs to ensure all documentation is complete.

A notice shall be published in a newspaper of general circulation and Colorado bids for bids on all construction contracts for work or material, or both, involving an expense of \$25,000 or more. The Board may reject any and all bids, and if it appears that the District can perform the work or secure material for less than the lowest bid, it may proceed to do so in accordance with law. All other statutory requirements relating to performance bonds, retainage, and similar matters shall also be complied with.

Section 16. Legal Counsel.

Legal counsel is a necessary and expensive function to conduct the District's business and in the event that it is required, majority Board of Director consent is needed for any member to contact the District's legal counsel.

The District Manager may use legal counsel to file on behalf of the District any properties that are wishing to be annexed into the district or that have been annexed into the city limits and is requesting to be de-annexed from the District.

Section 17. Modification of By-Laws.

These By-Laws may be altered, amended or repealed by a majority vote of a quorum of the Board present for the vote. To become effective the Board will read the recommended portion to be added, altered, amended or repealed. If the Board approves the changes it will be put on the following month's agenda for a second reading. If the Board approves the 2nd reading then the changes will become effective immediately or at a subsequent date that the Board approves.



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Appendix A Mandatory Fillings

The following schedule includes the primary actions:

ACTION	OFFICE	DEADLINE
A current, accurate map of the District boundaries 32-1-306, C.R.S.	Division of Local Government, County Assessor	1- January-20XX
Resolution designating where the District's agenda notice posting place shall be 24-6-402(2)(c), C.R.S	None	First meeting of the Board of Directors of each year
Post Notice of meetings of a quorum of the Board: Regular meeting: 32-1-903(2). C.R.S	County Clerk and Recorder, three public locations within District boundaries	Seventy two (72) hours prior to meetings throughout the year. We recommend once at the beginning of each year.
Special meetings 32-1-903(2) C.R.S.	County Clerk and Recorder, three public locations within District boundaries	Seventy two (72) hours prior to any special meeting
Certified Copy of adopted budget 29-1-113(1), C.R.S.	Division of Local Government	No later than January 31 (enact Resolution adopting budget by December 15, if certifying mill levy)
Update information list of all contracts in effect with other political subdivisions 29-1-205, C.R.S.	Division of Local Government	February 1, 20XX
Report of outstanding non-rated public securities as of the end of the fiscal year 11-58-105, C.R.S	Division of Local Government	March 1, 20XX
Application for audit exemption (if applicable) 29-1-604, C.R.S	State Auditor	March 31, 20XX



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Audit Report 29-1-606, C.R.S	State Auditor	30 days after report is received, but not later than July 31, 20XX
Certificate of Election results 1-11-103, C.R.S	Division of Local Government. File with Division of Securities and Board of County Commissioners if debt authorization election	Within 30 days after election day
Certification of mill levy 39-5-128(1), C.R.S.	Board of County Commissioners	December 15, 20XX
Resolution Appropriating Sums of Money 29-1-108(2), C.R.S.	None Required, but recommend filing with Division of Local Government	Adopt prior to Certification of mill levies (December 15)