

**RESTATED BY-LAWS  
OF  
THE ROCKY FORD RURAL FIRE PROTECTION DISTRICT  
(Including all amendments adopted through July 17, 2017)**

**Adopted July 17, 2017, to be effective immediately.**

**ARTICLE I: INTRODUCTION**

Section 1.1 Name. The name of this organization is The Rocky Ford Rural Fire Protection District (the "District").

Section 1.2 Organization and Creation. The District was first duly organized and created by way of petition and Decree of the District Court in and for the County of Otero, State of Colorado, such Decree and organization occurring September 18, 1944 and incorporated herein by reference.

Section 1.3 Bylaws. The following constitute the official Bylaws of the District and the Board of Directors.

Section 1.4 Fiscal Year. The fiscal year of the District shall coincide with the fiscal year of the City of Rocky Ford, Colorado ("Rocky Ford").

Section 1.5 Business Offices. The principal office of the District shall be located at 203 S. 9th Street, Rocky Ford, CO 81067, and may be changed from time to time by the Board of Directors or by the officers of the District.

Section 1.6 Declaration and Efficacy. These bylaws, through their adoption, hereby act to revoke, supplant, and supersede any previous version of bylaws that are or might be in effect as of the date of this adoption. These bylaws hereby govern the procedure and business of the District until and unless such time as they are further amended by the Board of Directors.

**ARTICLE II: PURPOSES**

Section 2.1 Purposes and Formation. The Rocky Ford Rural Fire Protection District is a Special District organized pursuant to C.R.S. § 32-1-101 *et seq.*, and governed by that Act per C.R.S. § 32-1-308, is a public, and independent legal entity whose purpose is to ensure the proper and effective control of fire-related and non-fire-related emergencies in

its area of jurisdiction within Otero County, Colorado. For and on behalf of the special district the board has the following powers:

- A. To have perpetual existence;
- B. To have and use a corporate seal;
- C. To sue and be sued and to be a party to suits, actions, and proceedings;
- D. To enter into contracts and agreements affecting the affairs of the District, including contracts with the United States and any of its agencies or instrumentalities.
- E. To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, and to issue bonds, including revenue bonds, and to invest any moneys of the special district in accordance with part 6 of article 75 of title 24, C.R.S. and to refund any bond indebtedness;
- F. To acquire, dispose of, and encumber real and personal property including, without limitation, rights and interests in property, leases, and easements necessary to the functions or the operation of the District; except that the Board shall not pay more than fair market value and reasonable settlement costs for any interest in real property and shall not pay for any interest in real property which must otherwise be dedicated for public use or the special district's use in accordance with any governmental ordinance, regulation, or law;
- G. To have the management, control, and supervision of all the business and affairs of the District and all construction, installation, operation, and maintenance of District improvements;
- H. To appoint, hire, and retain agents, employees, engineers, and attorneys;
- I. To fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the special district.
- K. To furnish services and facilities without the boundaries of the District and to establish fees, rates, tolls, penalties, or charges for such services and facilities;
- L. To accept, on behalf of the special district, real or personal property for the use of the District and to accept gifts and conveyances made to the District upon such terms or conditions as the board may approve;

M. To adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the board and of the District;

N. To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to special districts by this C.R.S. § 32-1-101 *et seq.*

O. To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records.

P. To acquire, dispose of, or encumber fire stations, fire protection and fire-fighting equipment, and any interest therein, including leases and easements;

Q. To have and exercise the power of eminent domain and dominant eminent domain and, in the manner provided by article 1 of title 38, C.R.S., to take any property necessary to the exercise of the powers granted, both within and without the special district;

R. To undertake and to operate as a part of the duties of the District an ambulance service, an emergency medical service, a rescue unit, and a diving and grappling service;

S. To adopt and enforce fire codes, as the board deems necessary, but no such code shall apply within any municipality or the unincorporated portion of any county unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries;

T. To fix and from time to time increase or decrease fees and charges as follows, and the board may pledge such revenue for the payment of any indebtedness of the District;

U. In areas of the District where the county or municipality has rejected the adoption of a fire code submitted by the District, to compel the owners of premises, whenever necessary for the protection of public safety, to install fire escapes, fire installations, fireproofing, automatic or other fire alarm apparatus, fire extinguishing equipment, and other safety devices.

V. To create and maintain a paid firefighters' pension fund, under the provisions of parts 2 and 4 of article 30.5 of title 31, C.R.S., subject to the provisions of

article 31 of said title, and a volunteer firefighter pension fund under part 11 of article 30 of title 31, C.R.S.;

W. To establish, in its discretion, a system of civil service in District to cover its paid employees who are directly employed by the District as full-time paid firefighters.

### **ARTICLE III: BOARD OF DIRECTORS**

Section 3.1 Board. The management of affairs of the powers of the District set forth in Section II above shall be vested in the District Board of Directors.

Section 3.2 Number and Type of Board Members. There shall be five (5) regular voting members of the Board of Directors.

Section 3.3 Terms of Office. The term of office for Directors shall be for four (4) years. The board shall be appointed for four (4) year terms and in such a manner so that the tenure is staggered. Each director so appointed shall hold office until such director's term expires and thereafter until such director's successor shall have been appointed and qualified, or until such director's earlier death, resignation or removal. A member may serve successive terms without term limits except as prescribed by law. For the purposes of those board members currently serving, each Director's term of service and any successive term of service shall be calculated to have begun in the January of the year in which they first served. For the purposes of board members serving after the adoption of these bylaws, each board member's term of service shall begin in January of the year following their election in a coordinated November general election.

Section 3.4 Appointments and Vacancies. New Board Members shall be appointed to either new terms or existing vacancies upon a majority vote, as defined in these Bylaws, of the regular voting members of the Board of Directors. Terms of appointment, if new, shall be for the entire term of that appointment. Vacancies shall be for the time remaining in the vacant positions.

Section 3.5 Resignations and Removal of Board Members.

Section 3.5.1 Resignations. Any Board Member may resign at any time by providing written notice to the President or Secretary of the Board of Directors. Such resignations shall take effect at the time specified in the written notice, but if a time is

not specified, the effective date of resignation shall be upon receipt of the written resignation by either the Board President or Secretary.

Section 3.5.2      Removal.      Any Board Member may be removed from office for cause upon a two-thirds (2/3) favorable vote of all regular voting members of the Board of Directors (6). For cause grounds may include but is not limited to the following:

- i.    Absence from more than two (2) consecutive regular Board Meetings without a valid excuse;
- ii.   Inability or refusal to perform any of the Board's duties and obligations as defined in these Bylaws;
- iii.  Unethical or illegal conduct impacting the District;

Section 3.5.3      Removal Procedure. If a Board Member has been asked to resign and has declined to do so or fails to respond, the matter can be placed for hearing on the agenda of any regular or special meeting of the Board of Directors upon written consent of three (3) regular voting Board Members. The Board Member being asked to resign must be notified in writing by certified mail of the action ten (10) days prior to the date of the Board Meeting ("Certified Notice"). The Certified Notice shall include the date, time, and place of the Board Meeting, as well as the reasons that the resignation is being sought. At the scheduled meeting a board member may be removed from office upon a two-thirds vote of the board members voting in favor of removal.

Section 3.6    Regular Meetings.    Regular meetings of the Board of Directors shall be held at least monthly for the transaction of such business as may come before the Board. The Board of Directors may, at the beginning of the calendar year, provide by resolution the time and place for the holding of regular meetings. The agenda for all regular and special meetings shall be posted to the public.

Section 3.7    Special Meetings.    Special meetings of the Board of Directors may be called either by:

- i.    The President of the Board at any time; or
- ii.   Upon written request by a minimum of three (3) voting Board Members.

In either case, written notice of the special meeting and the agenda of the special meeting must be provided to the Board Members at least forty-eight hours prior to the date of the special board meeting, in accordance with Colorado law and these Bylaws.

Section 3.8 Presumption of Assent. A Board Member who is present at a meeting of the Board of Directors at which action on any Board matter is taken shall be presumed to have assented to the action taken unless:

- i. Such Board Member dissents, in which case the dissent shall be entered in the minutes of the meeting;

Such right to dissent shall not apply to a Board Member who voted in favor of such action.

Section 3.9 Quorum and Voting. One half plus one of the voting members shall constitute a quorum for the transaction of any and all business of the District at any meeting of the Board of Directors. If less than a quorum is present at a meeting, a majority of the Board Members present may adjourn the meeting from time to time without further notice other than an announcement at the meeting, until a quorum shall be present. No Board Member may vote or act by proxy at any meeting of the Board of Directors.

Section 3.10 Meetings by Telephone. Members of the Board of Directors may participate in a meeting of the Board via telephone or similar communications equipment provided all persons participating in the meeting can hear each other at the same time, including members of the public attending such meeting. Such participation shall constitute presence in person at the meeting.

Section 3.11 No Compensation. The Board of Directors shall not be entitled to any compensation for the volunteer work undertaken consistent with their terms and responsibilities as established by the Board. Board Members may be paid their reasonable expenses incurred in connection with attendance at Board or Committee meetings or to fulfill Board responsibilities but only upon written Board approval.

**ARTICLE IV: OPEN MEETINGS LAW, PUBLIC RECORDS ACT, AND  
NONDISCRIMINATION POLICY**

Section 4.1 Open Meetings Law. The Board of Directors acknowledges and agrees that it and that District is subject to the provisions of the Colorado Open Meetings Law, Colorado Revised Statutes, § 24-6-401 et seq. and that it will make every effort to fully comply with the provisions of such law in connection with all of its activities.

Section 4.2 Executive Sessions. In accordance with the Colorado Open Meetings Law, all annual, regular and special meetings of the Board of Directors shall be open to the

public, except that, upon a two-thirds (2/3) vote of the Board Members present, an executive session may be held to discuss any one or more of the following:

- i. Legal matters;
- ii. Acquisitions or sales of property;
- iii. Contract proposals or negotiations;
- iv. Confidential personnel matters;
- v. Any other matters permitted by law.

The motion requesting the executive session shall state the nature of the matter to be discussed. Only those persons invited by the Board of Directors may be present during the executive session. The Board of Directors shall not make final policy decisions, nor shall any resolution, rule, regulation, or formal action or any action approving a contract or calling for the payment of money be adopted or approved at any session which is closed to the general public. Matters discussed during executive sessions shall remain confidential among those attending. The Secretary of the Board of Directors shall maintain minutes of all executive sessions pursuant to the Colorado law.

Section 4.3 Nondiscrimination Policy. The Board of Directors is committed to a policy of nondiscrimination. The Board of Directors shall comply with all applicable federal, state, and local laws, rules and regulations prohibiting discrimination including on the basis of age, race, sex, sexual orientation, ethnicity, national origin, religion, disability, military status or other basis prohibited by law.

## **ARTICLE V: OFFICERS AND ADMINISTRATION**

Section 5.1 Officers. The officers of the Board shall be a chairman, a vice-chairman, a secretary, and treasurer. Officers shall serve as the executive committee of the Board.

Section 5.2 Election and Term of Office. The officers shall be elected or reelected as per the terms of their four-year term of office. Pursuant to C.R.S. § 32-1-901 each Director shall within thirty days after his or her election or appointment appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the Constitution of the United States, the Constitution of the state of Colorado, and the laws

made pursuant thereto. Each election for Directors shall take place in the November coordinated election, with two members being elected in the year 2017, and every four years thereafter, and three members being elected in the year 2020, and every four years thereafter. Each officer shall hold office until his successor becomes duly elected and qualified for the office.

Section 5.3 Vacancies. A vacancy in any office occurring between elections shall be filled by majority vote of the Board.

Section 5.4 Chairman. The chairman shall be the principal officer of the Board and shall have supervision and control of the business and affairs of the Board. He shall preside at meetings of the Board and may, together with the secretary or treasurer, sign any deeds, mortgages, contracts, bonds or other instruments which the Board has authorized and which do not conflict with the statutes of the State of Colorado, or the United States

Section 5.5 Vice-Chairman. In the absence of the chairman or in the event of the chairman's inability to act, the vice-chairman shall perform the duties of the chairman, and while so acting, shall have the powers and authority of the chairman.

Section 5.6 Secretary. The secretary shall be responsible for maintaining the minutes of the meetings and, in general, perform all duties incident to the office of secretary and such other duties as the chairman may from time to time assign.

Section 5.7 Treasurer. The Treasurer and the Budget Committee together shall be responsible for insuring proper accounting for both receipts and expenditures of all funds due and payable by the Board and see that proper disposition is made of same.

## **ARTICLE VI: ELECTIONS**

Section 6.1 Applicability. All elections shall be held C.R.S. Title 1 to Title 13 unless otherwise specified.

Section 6.2 Combined Election. The Board shall govern the conduct of all regular and special elections of the District by Resolution and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of the elections. The Board in its discretion, but no more frequently than every four years, may establish or reestablish the boundaries of director districts created pursuant to C.R.S. § 32-



1-301(2)(f) so that the director districts have, as nearly as possible, the same number of eligible electors.

#### **ARTICLE VII: BUDGET AND FINANCES**

Section 7.1 Recording and Reporting. The Board shall provide for systematic and continuous recordation of its financial affairs and transactions and shall obtain an audit of its financial transactions and expenditures.

Section 7.2 Budget. For each fiscal year a proposed budget shall be prepared. The proposed budget, as well as the budget ultimately adopted by the Board, shall set forth the specific source of all revenues of the Board and all expenditures. Expenditures shall be detailed and set forth amounts for each separate work program of the Board, which shall be detailed as to personnel costs, operating costs, capital costs, if any, and all other expenses. The proposed and adopted budget shall identify all personnel positions and the salaries therefore. The Board shall approve the Budget by resolution and thereafter no expenditure shall be made except in accordance with the adopted Budget or an approved amendment thereto. Nothing in this paragraph shall be deemed to restrict the Board from subsequently amending the Budget at any duly called regular meeting.

#### **ARTICLE VIII: AMENDMENTS**

These Bylaws may be amended at regular or special meetings of the Board provided that a written notice shall be sent to each member at least two (2) days prior to the meeting setting forth the proposed amendments. A majority of the entire Board is necessary for passage of the amendments.

#### **ARTICLE IX: TIME OF TAKING EFFECT**

These Bylaws and any amendment hereto shall be effective upon adoption by the Board.

**ADOPTED BY THE PUEBLO ROCKY FORD RURAL FIRE PROTECTION DISTRICT ON  
JULY 17, 2017.**

ROCKY FORD RURAL FIRE PROTECTION DISTRICT

By: \_\_\_\_\_  
Larry Johnson, Interim Board Chairperson

ATTEST:

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Wade Kurtz, Board Secretary