

**BYLAWS
OF
ELK CREEK FIRE PROTECTION DISTRICT**

**ARTICLE I.
Offices**

1.1 Principal Office.

The principal office of the Elk Creek Fire Protection District (the "District") shall be located at **11993 Blackfoot Road, Conifer, Colorado 80433 or at such other location within the service area of the District in the State of Colorado**, as may be designated by resolution of the Board of Directors. The District may have other offices and places of business within its service area as shall be determined by the Board of Directors.

**ARTICLE II.
Elections**

2.1 Time for Holding Elections

Regular special district elections for the position of Director, and for such other issues as the Board of Directors may deem appropriate, shall be held on the Tuesday following the first Monday of May in every even-numbered year. Special elections may be held on the first Tuesday after the first Monday in February, May, October or December, in November of even numbered years, or on the first Tuesday in November of odd numbered years. Under circumstances of impossibility or impracticability, a court may order a special election to be conducted on a different election date. Ballot issue elections, may be held only in a State general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.

2.2 Persons Entitled to Vote at Special District Elections

No person shall be permitted to vote in an election unless that person is an eligible elector as defined in Section 32-1-103(5)(a), C.R.S.

2.3 Conduct of Elections

All November elections in which eligible electors are the same or boundaries overlap with those of other jurisdictions shall be coordinated elections, unless the election is to be conducted by an independent mail ballot election. Regular biennial elections, special elections, and court ordered elections conducted other than in November may also be conducted as coordinated elections, if there is an overlap of electors or boundaries, and the County Clerk and Recorder, the District, or other jurisdictions agree. For all coordinated elections, the County Clerk and Recorder shall be the coordinated election official. At least 60 days prior to the scheduled coordinated election, the District shall enter into an Intergovernmental Agreement with the County Clerk and Recorder for the conduct of the election.

The Board shall appoint a designated election official to conduct non-coordinated elections and assist in the conduct of coordinated elections. The District may conduct an election by mail ballot after first obtaining approval from the Secretary of State of a written plan on conducting a mail ballot election. The election official shall not be a member of the Board in any election at which such member is a candidate.

Except where the Board has contracted with the clerk and recorder to perform all or part of the required duties in conducting an election, the Board shall govern the conduct of all regular and special elections of the District and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of the elections. All powers and authority to conduct regular and special elections may be exercised in the absence of the Board by the designated election official or if none, by Secretary.

2.4 Election and Recall of Directors.

Directors shall be elected by eligible electors at any regular or special district election. Any Director elected to the Board of the District who has held office for at least six (6) months during his or her current term may be recalled from office by the eligible electors of the District. A petition signed by the lessor of 300 eligible electors or 40% of the eligible electors demanding the recall of any Director named in the petition shall be filed in the District Court for Jefferson County. Any recall shall be governed by the provisions of Part 1 of Article 12 of Title 1, C.R.S.

ARTICLE III. **Organization of the Board**

3.1 Board of Directors.

The Board of Directors is the governing authority for the Elk Creek Fire Protection District, and shall be responsible for all aspects of the administration, operations, finances and policies of the District. A director shall not commit the District to any policy, act, agreement or expenditure without specific Board authority and direction.

3.2 Director Conduct

In order to foster a cooperative environment and to further the District's goal of providing quality, cost-effective services, Board members shall observe the following code of ethical conduct during their term of office:

- a. The dignity, style, values and opinions of each Director shall be respected;**
- b. Directors shall endeavor to be responsive and attentive in communications with other Directors and the public;**
- c. Meeting the needs of the District's constituents should be the primary purpose of each Director;**

- d. The primary responsibility of the Board of Directors is the formulation and evaluation of policy for the District; day-to-day operations of the District should be left to the Fire Chief;
- e. Directors should avoid double talk, hidden agendas, backbiting and other negative forms of interaction.
- f. Directors should focus on issues, not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- g. Different points of view are healthy in the decision-making process and are encouraged.
- h. Once the Board has voted on an issue, the Directors shall not take any actions which would create barriers or other wise impede the District's ability to implement the Board's decision;
- i. The smooth working of the District is a team effort. All individuals should work together in a collaborative process to assist each other in conducting the affairs of the District. The Board functions as whole, and individual Directors have no authority to speak on behalf of the Board or the District, or to bind the District through their individual actions or statements.; and,
- j. Directors shall at all times conduct themselves with courtesy to each other, to staff and to the public present at Board meetings.

3.3 Oath and Bond of Directors

Each Director within thirty (30) days after his or her election, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of the office as required by law and will support the Constitution of the United States, the Constitution of the State of Colorado and all other laws of the United States and the State of Colorado. The oath may be administered by the County Clerk and Recorder, the Clerk of the Court, by a person authorized to administer oaths in the State of Colorado, or by the Chairman of the Board and shall be filed with the Clerk of the Court and the Division of Local Government. At the time of filing the oath, there also shall be filed for each Director an individual, schedule, or blanket surety bond, at the expense of the District, in an amount determined by the Board of not less than \$1,000 each, conditioned upon the faithful performance of the Director's duties. If any Director fails to take the oath or furnish the requisite bond in the period allowed, except for good cause shown, his or her office shall be deemed vacant, and the vacancy created shall be filled in the same manner as other vacancies in the office of Director.

3.4 Number

The Board of Directors shall consist of five (5) regular members.

3.5 Term

The term of office for a Director shall be four (4) years; **excepting the term of a Director appointed to fill a vacancy shall run only until the next regular election, at which time the vacancy shall be filled by election.**

3.6 Qualifications

- a. To qualify as a Director of a special district, a person must be an elector, defined as a registered voter of Colorado 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 taxable property.
- b. Neither Directors nor spouses of Directors may serve as paid employees or volunteers of the Fire District while serving as Director. If any employee or volunteer is elected to the Board, they will be removed from their employment or volunteer position immediately upon completing the oath of office. Directors who have a spouse that is either an employee or a volunteer of the District shall file a conflict disclosure with the Colorado Secretary of State within thirty (30) days of taking the oath of office and shall not vote nor influence other Board members on any matter which impacts the Director's spouse unless the vote is needed to make a quorum.

3.7 Performance of Duties.

A Director shall perform his or her duties as a Director, including his or her duties as a member of any committee of the Board of Directors upon which he or she may serve, in good faith, in a manner he or she reasonably believes to be in the best interests of the District and with such care as an ordinarily prudent person in a like position would use under similar circumstances. **A Director is prohibited from taking personal advantage of a situation to benefit himself or herself or prejudice the District.**

3.8 Powers of the Board.

The business and affairs of the District shall be managed by the Board of Directors. For and on behalf of the District, the Board of Directors shall have 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 on behalf of the District;**
- d) **(1) To enter into contracts and agreements effecting the affairs of the District, including contracts with the United States and any of its agencies or instrumentalities. Except in cases in which the District will receive aid from a**

governmental agency or purchase through the State purchasing program, a notice shall be published for bids on all construction contracts for work or materials, or both, involving an expense of \$25,000 or more of public moneys. The Board may reject any and all bids, and if it appears that the District can perform the work or secure material directly or from another source for less than the lowest bid, the Board may proceed to do so;

(2) No contract for work or material, including a contract for services, regardless of the amount, shall be entered into between the District and a member of the Board of Directors or between the District and the owner of 25% or more of the territory within the District unless a notice has been published for bids and such member or owner submits the lowest responsible and responsive bid;

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 District in accordance with Part 6 of Article 75 of Title 24, C.R.S.;

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 District's use in accordance with any governmental ordinance, regulation, or law;

g) To refund any bonded indebtedness as provided in Part 13 of Article 32, or Article 54 or 56 of Title 11, C.R.S.;

h) To manage, control and supervise all of the business and affairs of the District as defined in the Special District Act directly or through a manager and/or an administrative staff as the Board deems appropriate in its sole discretion, including all construction, installation, operation, and maintenance of District improvements;

i) To appoint, hire, and retain agents, employees, engineers, accountants, advisors, consultants and attorneys;

j) 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 as allowed by law;

k) To accept or dispose of, on behalf of the District, title to real or personal property, and to accept gifts and conveyances made to the District upon such terms and conditions as the Board may approve;

l) To adopt, amend and enforce bylaws, standard operating procedures and rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying out on the business, objects, and affairs of the Board and the District;

m) To acquire, dispose of, or encumber fire stations, fire protection and firefighting equipment, and any interest therein, including leases and easements;

n) 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 District;

o) To undertake and operate as a part of the duties of the District an ambulance service, an emergency medical service, a rescue unit, a hazardous materials response unit and a diving and grappling service, including contracting or combining with other entities to provide such services as allowed by law;

p) To adopt, amend 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 District's boundaries;

q) To fix and from time to time increase or decrease fees and charges within its jurisdiction as follows, and the Board may pledge such revenue for the payment of any indebtedness of the District:

(1) Ambulance or emergency medical services; and,

(2) Requested or mandated inspections, including plan reviews;

(3) Hazardous incident responses; and,

(4) Services provided outside the jurisdiction of the District to the extent allowed by law.

r) In areas of the District where a 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, fire proofing, automatic or other fire alarm apparatus, fire extinguishing equipment or other safety devices to the extent allowed by law;

s) To create and maintain one or more paid firefighters' pension fund(s), 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 Title 31, and one or more volunteer firefighter pension fund(s) under Part 11 of Article 30 of Title 31, C.R.S.; and,

t) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article 71.3 of title 24, C.R.S.; and,

u) To have and exercise all rights and powers necessary or incidental or implied from the specific powers granted to the District by the Special District Act. Such specific powers should not be considered as a limitation on any power necessary or appropriate to carry out the purposes and intent of the Special District Act;

3.9 Resignations.

Any Director may resign at any time by giving written notice to the Board of the Directors. Such resignation shall take effect at the time specified therein; the acceptance of such resignation shall not be necessary for the resignation to become effective.

3.10 Vacancies.

A Director's office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

- a) If, for any reason, a properly qualified person is not elected to a Director's office by the electors as required at a regular election;**
- b) If a person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office or to furnish a bond in accordance with the Special District Act;**
- c) If a person who was duly elected or appointed submits a written resignation to the Board, upon the effective date of said resignation;**
- d) If the person who was duly elected or appointed ceases to be qualified for the office to which he was elected;**
- e) If a person who was duly elected or appointed is convicted of a felony;**
- f) If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his or her right to appeal has been waived or exhausted;**
- g) If the person who was duly elected or appointed fails to attend three (3) consecutive regular meetings of the Board without the Board having entered upon its minutes an approval for an additional absence or absences; except that such additional absence or absences shall be excused for temporary mental or physical disability or illness; or**
- h) If the person who was duly elected or appointed dies during the term of office.**

Any vacancy on the Board shall be filled by appointment by majority vote of the remaining Director or Directors, the appointee to serve until the next regular election, at which time the vacancy shall be filled by election for any remaining unexpired portion of the term. If, within sixty (60) days of the occurrence of any vacancy, the Board fails, neglects, or refuses to appoint a director from the pool of duly qualified, willing candidates,

the Board of County Commissioners may appoint a Director to fill such vacancy. The remaining Director or Directors shall not lose their authority to make the appointment to fill any vacancy unless or until the Board of County Commissioners has actually made an appointment to fill that vacancy. All appointments shall be evidenced by an appropriate entry in the minutes of the meeting, and the Board shall cause a notice of appointment to be delivered to the person so appointed. A duplicate of each notice of appointment, together with the mailing address of the person so appointed, shall be forwarded to the State Division of Local Government.

3.11 Compensation.

Directors shall receive compensation for service not in excess of \$1,200 per annum, payable not to exceed \$75 per meeting attended. Said amount may be changed from time to time by resolution, subject to limitations set forth at §32-1-902(3)(a)(I) & (II), C.R.S., Payments on behalf of a Director, and reimbursement of actual expenses reasonably related to the business of the District, shall not be considered compensation.

3.12 Conflict of Interest.

A 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. No Director receiving worker's 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. If a Director owns undeveloped land which constitutes at least 20% of the territory included in the District, the District shall disclose this fact in accordance with §18-8-308, C.R.S., before each meeting of the Board, and the fact of such disclosure shall be entered in the minutes of such meeting. The term "undeveloped land" shall mean real property which has not been subdivided or which has no improvements, excluding real property dedicated for park, recreation or open space purposes.

ARTICLE IV. Meetings of the Board

4.1 Place of Meetings.

The Board shall meet regularly at a time and in a place or places to be designated by the Board, and no change shall be made to regular meeting schedule or location unless a proposed change appears on the agenda of a meeting, and a resolution is adopted stating the reason for the change in time or place. Special meetings may be held as often as the needs of the District may require, upon notice to each Director. 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 (20) miles from the District's boundaries. All official business of the Board shall be conducted only during duly posted regular or special meetings at which a quorum is present.

4.2 Notice of Meetings.

Notice of the time and place designated for regular meetings shall be posted in at least three (3) public places within the District's boundaries, and, in addition, one such notice shall be posted in the office of the Clerk and Recorder in the County or Counties in which the District is located. Such notices shall remain posted and shall be changed in the event that the time or place of such regular meetings is changed. Special meetings may be called by any Director by informing the other Directors of the date, time, and place of such special meeting, and the purpose for which it is called, and by posting a notice in the manner provided in this Section 4.2 at least three (3) days prior to the meeting.

Special notice must be included in the three-day notice posting for the undertaking of any of the following acts:

- a. A final determination to issue or refund general obligation indebtedness;
- b. Consolidation of the District;
- c. Dissolution of the District;
- d. Filing a plan for adjustment of debt under federal bankruptcy law;
- e. Entering a private contract with a Director; or
- f. Not making a scheduled bond payment.

In addition to the notice requirements for regular and special Board meetings, notice also shall be given of all meetings of a quorum of the Board at which any public business is discussed. This notice must be posted in a designated public place within the District no less than 24 hours prior to the meeting and include specific agenda information when possible.

The District shall keep a list of all persons requesting notice of meetings, and provide reasonable advance notice to such persons. A person requesting such notice shall remain on the list for two years.

4.3 Waiver of Meetings.

Meeting notices shall be mailed to each Director when the same are publicly posted. A Director may in writing waive such notice of any meeting of the Board of Directors or any committee, either before, at, or after the meeting; and his or her waiver shall be deemed the equivalent of giving notice. The attendance of a Director at a meeting shall constitute waiver of notice of that meeting unless he or she attends for the express purpose of objecting to the transaction of business because the meeting has not been lawfully called or convened. Notwithstanding the foregoing, however, Directors may not waive the public posting of the notice of a regular or special meeting.

4.4 Public Meetings.

Regular and special meetings of the Board, and any committee meetings of the Board, where public business is discussed or at which formal action may be taken shall be open to the public and subject to the Colorado Sunshine Act of 1972, pursuant to §24-6-401 et seq., as may be amended from time to time. By an affirmative vote of two-thirds of the quorum present, the Board may recess a public meeting to an executive session to discuss contract negotiations, personnel matters, receive advice of legal counsel and/or for any other purpose allowed by the Colorado Sunshine Act, but the Board shall in no case take action on any matter during the executive session

4.5 Quorum.

A “quorum” means more than one-half (1/2) of the number of Directors serving on the Board of Directors. Vacancies shall not be counted for purpose of determining whether a quorum is present.

4.6 Committees.

The Board of Directors may from time to time, by resolution adopted by a majority of the full Board of Directors, designate not less than two (2) of its members to constitute one or more committees as will serve the interests of the District. The Board of Directors shall define the purpose and scope of each such committee. No committee shall act independently of or in lieu of the Board of Directors. Unless authority to perform a duty is expressly delegated by the Board to a Committee, Committee motions and recommendations shall be advisory to the Board and shall not commit the District to any policy, act or expenditure; nor may any Committee direct Administrative Staff to perform specific duties unless authorized by the Board. The Committee Chair is authorized to schedule Committee meetings as deemed necessary and to preside at any such meeting.

4.7 Record of Meetings.

The Secretary of the Board shall maintain in the District’s records written minutes of all of the proceedings of the Board and all committees thereof, and shall indicate the presence or absence of each member of the Board and a record of the vote, or of a failure or abstention to vote, of each member of the Board on every motion.

4.8 Procedure.

In the absence of a rule governing a point of procedure, the rule of procedure set forth in the most recent edition of Robert’s Rules of Order shall govern. However, failure of the Board to abide by any provision of Roberts Rules of Order shall not invalidate any Board action otherwise taken in compliance with statute.

ARTICLE V. Officers

5.1 Officers.

The officers of the District shall consist of a Chairperson/President, a Vice-President, a Secretary, and a Treasurer. The Secretary and the Treasurer may be one person.

5.2 Election.

The election of officers shall be held, at the first regular meeting at the Board of Directors following the regular May election of directors. In the event of a permanent vacation of any office of the Board of Directors, an election to complete the unexpired term shall be held at the first regular meeting following the meeting at which that vacancy is filled. If the election of officers is not held at such meeting, such election shall take place as soon thereafter as a meeting shall conveniently be held. Any member of the Board of Directors may nominate any member of the Board of Directors, including themselves. Any nominee may decline a nomination. Upon nomination, each office shall be filled either by secret ballot of the members of the Board of Directors or by voice vote. The Chief, with the assistance of another person who is not a member of the Board of Directors, shall count and announce the vote. Until one person has received the vote of a majority of all members of the Board, successive ballots will be taken. After election of the Chairperson, the Chairperson will preside, but the Fire Chief will continue to count and announce the votes.

5.3 Terms of Officers.

Any Director elected as an officer of the Board shall serve a two (2) year term, unless he or she is sooner removed from office, dies, or resigns. No Director shall serve more than two (2) consecutive two (2) year terms in the same office. Any Director, however, who is elected to fill an unexpired term of an officer shall be permitted to serve two (2) consecutive two (2) year terms in addition to the unexpired term of office.

5.4 Qualifications.

All officers of the Board shall be Directors of the District. Neither the District election official nor the recording secretary are officers of the Board.

5.5 Responsibility of Chairperson/President.

The Chairperson shall perform the statutory duties of the "President" of the District and shall be the presiding officer of the Board of Directors. Unless otherwise specified at the time of approval of any contract by the Board, the Chairperson shall execute all contracts or agreements on behalf of the District. Contracts or agreements also may be signed by other officers delegated that responsibility by the Board. The Chairperson also shall perform such other duties as may be necessary incident to performing the responsibilities of his or her office and as delegated by the Board from time to time.

5.6 Responsibility of Vice President.

In the event the Chairperson/President resigns, or is removed, absent or disabled, the Vice President shall perform the Chairperson/President's duties. When the Chairperson/President disqualifies himself or herself from participating in an agenda item, the Vice President shall perform the duties of the presiding officer. The Vice President shall also perform such other duties as may be necessary incident to performing the responsibilities of his or her office and as delegated by the Board from time to time.

5.7 Responsibility of Secretary.

The Board shall adopt a seal, and the Secretary shall keep, in a well-bound book, a record of all of its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts which shall be open to inspection of all electors, as well as to all other interested parties. The Secretary may delegate the ministerial portion of these functions to a recording secretary who shall be directly responsible to the Secretary of the Board and the Secretary of the Board shall retain ultimate responsibility for these functions notwithstanding any such delegation. The Secretary also shall attest to all contracts or agreements signed by the Chairperson, other officers or the Fire Chief of the District, except routine purchase orders which need no attestation. The Secretary shall perform all other duties incident to the offices of Secretary, or as may be delegated by the Chairperson, and, upon request of the Board, shall make such reports to it as may be required by the Board.

5.8 Responsibilities of Treasurer.

The Treasurer shall keep strict and accurate accounts of all money received by and disbursed on behalf of the District in permanent records. The Treasurer shall file with the Clerk of the Court, at the expense of the District, a corporate fidelity bond in an amount determined by the Board, but not less than \$5,000 or such amount as may be required by §32-1-902(2), C.R.S., conditional on the faithful performance of the duties of the Treasurer's office. The Treasurer shall be the principal financial officer of the District, and may call upon the Administrative Staff or utilize the services of the District's accountants and/or bookkeeper to assist with the Treasurer's responsibility to perform his or her duties. The Treasurer shall perform all other duties incident to the office of Treasurer or as may be delegated by the Chairperson and, upon request of the Board, shall make such reports to it as may be required by the Board.

5.9 Acting Officers.

One or more members of the Board may be selected to serve in an acting position for any other officer who is temporarily unable to serve. An acting officer shall perform the duties of officer to which the appointment is made and such other and further duties as may be ordered by the Board of Directors.

5.10 Legal Counsel.

The Board of Directors shall appoint an attorney to advise the District. The attorney shall attend such meetings as requested by the Board of Directors.

5.11 Accountant.

The Board of Directors may appoint an accountant to advise the District. The accountant shall attend such meetings as requested by the Board of Directors.

ARTICLE VI.
Employees of the District

6.1 General Duties.

All officers, employees and agents of the District, as between themselves and the District, shall have such authority and shall perform such duties in the management of the District as may be provided in these Bylaws or as may be determined by official action of the Board of Directors not inconsistent with these Bylaws. In all cases where the duties of any officer, agent or employee are not prescribed by the Bylaws or by the Board of Directors, such officer, employee or agent shall follow the orders and instructions of the Fire Chief.

6.2 Fire Chief.

The Board of Directors shall appoint a Fire Chief of the District who shall serve at the pleasure and direction of the Board of Directors. The Board may retain the services of the Fire Chief with or without a written contract. The Fire Chief shall supervise the administrative and business affairs of the District, and shall have the power:

- (a) To supervise, hire, fire, promote, demote and discipline all paid and volunteer personnel of the District pursuant to the provisions of any collective bargaining agreement negotiated by the District, the Rules and Regulations and any Standard Operating Procedures of the District;
- (b) To enter into and execute contracts after approval by the Board in connection with the planning, design and construction, and maintenance and operation of any buildings or facilities and any additions or improvements to facilities owned by the District;
- (c) To enter into and execute contracts after approval by the Board with respect to the purchase or sale of equipment and other personal property and services;
- (d) To collect and, with prior Board approval, to expend funds as provided in the approved budget and to make transfers between line items within funds. (Transfers between funds shall also be subject to Board approval and a Supplemental Budget, as appropriate);
- (e) To annually prepare and submit to the Board a proposed, balanced budget for the next fiscal year in sufficient time to meet the budget deadlines and

requirements of the District and Colorado law, and to perform all other budgeting and financial planning tasks of the District;

(f) To adopt operating procedures, including operating policies and inspection policies, as the Fire Chief deems appropriate to implement the Rules and Regulations of the District; however, the (adoption and amendment of the Rules and Regulations and polices of the District not related to the day-to-day operation of the District are reserved to the Board of Directors);

(g) To implement and enforce the Uniform Fire Code or International Fire Code of the District and each City, County, School District and other local jurisdiction served by the District to the extent allowed by law;

(h) To exercise the authority of a fire chief as set forth at §32-1-1002(3), C.R.S., and,

(i) To perform such other duties as directed by the Board and report to the Board at such times and on such matters as the Board may direct.

6.3 Removal.

The Fire Chief or other agents or employees of the District may be removed by the Board of Directors whenever in its judgment the best interests of the District may be served thereby.

6.4 Vacancies.

When a vacancy occurs in the office of Fire Chief by reason of death, resignation, or otherwise, it shall be filled by a resolution of the Board of Directors.

ARTICLE VII. Certain Financial and Other Matters

7.1 Fiscal Year.

The fiscal year of the District shall begin on the first day of January and end on the last day of December of each year.

7.2 Bank Accounts.

The moneys of the District shall be deposited in the name of the District in such bank or banks or trust company or trust companies as are authorized by law to hold public funds and as the Board of Directors shall designate, and may be drawn out only on checks signed in the name of the District by such person or persons as the Board of Directors, by appropriate resolution, may direct. Notes and commercial paper, when authorized by the Board of Directors, shall be signed in the name of the District by such officer or officers or agent or agents as shall thereunto be authorized from time to time.

7.3 Books and Records.

The District shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Board of Directors and any committees thereof. The District shall keep, at its principal place of business, a record of the names and addresses of the members of the Board of Directors. All such books and records of the District may be inspected upon reasonable notice during normal business hours.

7.4 Rules and Regulations and Standard Operating Procedures.

The District shall have Rules and Regulations and to the extent deemed appropriate; and Standard Operating Procedures, relating to personnel policies, practices and procedures. The Rules and Regulations may be modified, amended or restated at any meeting of the Board of Directors called for that purpose upon the affirmative vote of a majority of the Board of Directors. The Fire Chief may adopt, without Board approval, Standard Operating Procedures, to the extent the Standard Operating Procedures relate to the day-to-day operations of the District, not personnel policies, practices or procedures.

ARTICLE VIII. Amendments

A majority of the entire Board of Directors may amend, supplement, restate, or repeal these Bylaws or adopt new Bylaws. Any such amended, supplemented or restated Bylaws shall be submitted in writing to the Board of Directors at least five (5) days before the meeting at which they are proposed to be considered for adoption, shall be placed on the agenda for such meeting, and shall be considered for adoption at the next regular meeting.

ARTICLE IX. Indemnification

The District shall indemnify its Directors, officers, members and employees to the extent required under the Colorado Governmental Immunity Act, §24-10-101 et seq., C.R.S. After thorough evaluation and upon a finding that indemnification is appropriate and in the best interests of the District, the Board may adopt a written resolution whereby it agrees to provide indemnification beyond the requirements of the Colorado Governmental Immunity Act.

ARTICLE X. Miscellaneous

10.1 Gender.

Whenever required by the context, the singular shall include the plural, the plural the singular, and one gender shall include all genders.

10.2 Invalid Provision.

The invalidity or unenforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision was omitted.

10.3 Governing Law.

These Bylaws shall be governed by and construed in accordance with the laws of the State of Colorado. Reference to a specific statute shall include any amendments thereto.

VERIFICATION

The undersigned, being the Chairperson and Secretary of the District verify that the foregoing is a true and accurate copy of the Bylaws of the District which were adopted at a meeting of the Board of Directors of the District held on the 12th day of April, 2018.

ATTEST:

**ELK CREEK FIRE PROTECTION
DISTRICT:**


Alec Schwartz, Secretary


Greg Branch, Chairperson

