

YARNELL FIRE DISTRICT

BYLAWS

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YARNELL FIRE DISTRICT BYLAWS

ADOPTED BY THE BOARD ON APRIL 16, 2002

The Board of the Yarnell Fire District, in accordance with the provisions of Title 48, Chapter 5 of the Arizona Statutes, hereby adopts the following Bylaws for the regulation and governing of the District. These Bylaws shall not supersede the Arizona Revised Statutes governing Fire Districts.

Article I Name

The name of the District shall be the Yarnell Fire District, located in and adjacent to the community of Yarnell, Arizona.

Article II Purpose and Mission Statement

Purpose: The purpose of the Yarnell Fire District shall be to provide fire protection, rescue, and emergency medical service for the protection of persons and property within the defined boundaries of the Fire District as approved by the Board of Supervisors of Yavapai County.

Mission statement: It is the goal of the Yarnell Fire District Board to provide the citizens of Yarnell a Fire District that will maximize the fire and emergency medical services available to the community within available tax based revenues.

Article III Board Of The District

Section 1. Members

Members of the Fire District Board shall be those individuals elected or appointed pursuant to A.R.S. 48-802, 48-803, and 48-805. Those elected at a November General Election shall assume office on December 1 after the results of the balloting are canvassed by the Yarnell Fire District Board. There shall be five members who shall serve 4 (four) year terms. Two (2) members shall be elected in one General Election year and three (3) members shall be elected in the General Election year two years later. If a vacancy occurs on the Board, other than from the expiration of a term, the members of the Board remaining shall fill the vacancy by the appointment of an interim member to serve out the vacancy (A.R.S. 48-803.B). An Employee (including volunteers) of the Yarnell Fire District shall not be a member of the Yarnell Fire District Board and conversely, a member of the Fire District Board shall not be an Employee (including volunteer) of the Yarnell Fire District.

Section 2. Meetings

Regular public meetings shall be held at least once a month on such day(s) and at such time(s) as the Board may from time to time determine. Special Meetings and Executive Sessions shall be held at the call of the Chairperson or upon the request of two members of the Board. Should the Secretary (Clerk) be unavailable for any meeting of the Board, a quorum of the Board shall elect a temporary Secretary.

Notices of all meetings listing agenda items shall be posted at least twenty-four hours in advance of the time scheduled for said meeting.

The District Board shall adopt Rules of Procedure for governing conduct of business at District Board Meetings. The Rules of Procedure may be amended from time to time. Amendments to the Rules of Procedure may be proposed in writing at any regular or special meeting of the Board and shall be acted upon at the next public meeting. Approval of Amendments to the Rules of Procedure require that all Board Members be present at the meeting at which Amendments to the Rules of Procedure are to be acted upon, and a super-majority of four (4) votes is required to amend the Rules of Procedure. The Chairman may cast the fourth vote.

Section 3. Quorum

The presence of at least three members of the Board shall constitute a quorum for the transaction of any business at any meeting of the Board. At any meeting where less than a quorum is present, the Board Members present may adjourn or recess such meeting of the Board from time to time until a quorum is present.

Section 4. Voting

The Chair of the Board may not vote except in cases of a tie vote or as indicated elsewhere in these Bylaws.

Except as indicated elsewhere in these Bylaws, approval of motions requires that three Board members vote in favor of the motion; this shall be the case even when there is a quorum of three Board Members. The Chair may cast the third vote when there is a quorum of three.

Section 5. Powers

The Board is responsible for the public business, property, and affairs of the Yarnell Fire District and shall have, and may exercise, all the powers of the District as provided by Arizona law.

Section 6. Policies

The Board shall, from time to time, approve Policies intended to assist the District, the Fire Chief, and other personnel to perform their tasks and meet their responsibilities. Policies, or Amendments to Policies, may be proposed in writing at any regular or special meeting of the Board and shall be acted upon at the next public meeting. Approval of Policies or Amendments to Policies requires that all Board Members be present at the meeting at which new Policies or Amendments to Policies are to be acted upon, and a super-majority of four (4) votes is required to amend Policies; the Chairman may cast the fourth vote.

Section 7. Remuneration

Members of the Board shall not receive any salary or other compensation for services as Members of the Board. However, members may be reimbursed for their actual expenses incurred in the performance of duties required by law [A.R.S. 48-803.c].

Article IV Officers of the Board

Section 1. Officers

The Officers of the District Board shall be

- a) Chairperson, who shall be Chief Executive Officer;
- b) Secretary of the Board, who shall serve as the Clerk of the Board, shall keep the minutes of the Board, all correspondence and records of the District, and shall be the Executive Officer in the absence of the Chairperson;
- c) Treasurer, who shall keep all financial records of the District.

All such Officers shall have general authority to perform, within the policies established by the Board, all acts necessary or advisable in connection with the activity and responsibilities of the operations of the District.

Section 2. Fire Chief and Assistant Fire Chief

The Board shall appoint a Fire Chief who shall be the Chief Administrator and Operations Officer and who shall be responsible for all fire fighting, rescue, and emergency medical activity. The Fire Chief shall sign an Employment Contract with the District and may be paid a salary and may receive a stipend. The Fire Chief shall appoint an Assistant Fire Chief subject to approval by the Board. The Assistant Fire Chief shall act on behalf of the Fire Chief in the Fire Chief's absence.

Section 3. Duties of the Board and Fire Chief

The Board and the Fire Chief shall perform the duties and exercise the powers generally associated with the positions held by them and/or such other duties and powers as may be deemed necessary by the Board.

Section 4. Elections and Terms of Office

After the General Election in November, and as soon as the results of balloting are canvassed by the Yarnell Fire District Board, the newly constituted Board shall, within 10 working days, hold an organizational meeting for the purpose of: (1) reviewing the District Board *Bylaws*, *Rules of Procedure*, and *Policies* to assure that all new Board members are familiar with District Board organizational documents and (2) electing a Chairperson, a Secretary (Clerk), and a Treasurer. No District business may be conducted at this meeting since the newly constituted Board holds no statutory responsibility for the District until December 1 following the General Election. The newly constituted Board and the officers elected at this organizational meeting shall assume office on December 1 following the General Election.

Election of Board Officers in non-election years will be held at the regular November Board meeting and those elected will assume office on December 1.

Board Officers shall serve for one year and may be re-elected in subsequent years.

An Officer of the Board may be removed in the following manner: at least two (2) Board Members must propose the removal of any Officer. In order for an Officer to be removed from office, at least three (3) members of the Board must vote for such removal. An Officer may resign at any time by giving the Board written notice of his/her resignation. Upon the death of an Officer the office shall be deemed to be vacant as of the date of death. When a vacancy occurs there shall be a re-election of all Officers of the Board.

Article V The Committees of the Board

Section 1. Standing Committees

All Board Members, including the Chairman, shall serve on at least one Standing Committee. The Chairperson shall appoint, each year, subject to ratification by the Board, members to the Standing Committees. Each Standing Committee shall have one Board member, unless otherwise indicated in this section, and may have additional Board members as deemed appropriate by the Chairman with approval from the Board: The Standing Committees shall be:

- a) Finance and Budget
- b) Risk Management, Legal, and Insurance Committee
- c) Fire District Operations Committee

All Committees may, from time to time, include volunteers from the community who may bring special expertise and insight to the Committee function. Volunteers from the community shall serve in an advisory capacity only; the Committee Members may dismiss volunteers at any time. Such volunteers will have no power to expend funds, establish policies, nor have rights associated with the position of a Board Member.

All Committees and subcommittees appointed under this article, regardless of the number of Board members appointed, are subject to Open Meeting Laws, including posting requirements, agendas, and minutes.

a) The **Finance and Budget Committee** shall consist of the Fire Chief or the Chief's designated staff representative and at least three Board members, one of whom shall be the Treasurer.

The Committee shall, no later than April 1 of each year, consolidate all budget requests prepared by this Committee, other Standing Committees, and/or the Fire Chief. Subsequently, the Committee will present an Annual Budget covering all operations of the District for the following Fiscal Year to the entire Board. When, after public hearings, the Budget is adopted by the Board, it shall be final [Ref A.R.S. 48-805 d, 48-806, 48-807].

The Committee shall provide for the approval and payment of all District Capital and Operating expenses by issuing warrants on the County Treasurer signed by two members of the Board in accordance with the procedures outlined below:

(1) The Fire Chief or the Chief's designated representative shall receive invoices then review, approve, attach appropriate purchase orders to those invoices, and submit those invoices to the Committee Member described in step (2) below. The Fire Chief or the Chief's designated representative shall also receive all cash and checks for deposit and shall give them to the Committee Member described in step (3) below.

(2) One Committee Member shall receive the invoices and shall have "Custody of the Assets" (the checkbook) and shall have partial "Warrant Authorization" (signature authority). This Committee Member shall prepare and sign warrants for the invoices, add identifying information to the warrant such as invoice number, account number, date, etc., and shall provide the warrants, invoices, and any supporting materials to a second Committee Member.

(3) A second Committee Member shall have the authority to "Record Transactions (data entry) and partial Warranty Authorization" authority. This Committee member shall confirm the invoice, add an object code and any other identifying information to the warrant, provide a second signature, record the warrant in the check register, mail the warrant, and retain the second copy of the warrant and the documentation. This Committee member shall also submit and "Record" all deposits and retain a copy of the deposit and associated documentation.

(4) A third Committee member shall receive the statements and cancelled warrants from the County Treasurer and shall review the cancelled warrants to confirm that all warrants have two signatures and confirm that all warrants listed in the statement have been received and are appropriate warrants. After this review the Committee Member shall provide the statement and cancelled warrants to the second Committee Member.

(5) The second Committee member [see also number (3) above] shall have "Reconciliation Authority". This Committee Member shall "Reconcile" the County Treasurer's statement with the District's records. After completing the reconciliation this Committee Member shall return all of the documentation retained in step (2) above to the Fire Chief or the Chief's designated staff member for filing.

(6) The Fire Chief or the Chief's designated staff member shall file all of the cancelled warrants and related documentation in the District files.

It is recommended, but not required, that the Treasurer serve as the "second Committee Member" in the process outlined above.

The Committee may hire an outside contractor to provide the services described in (4) and/or (5) above.

The Committee shall arrange for an independent annual financial review, which shall include a review of the Pension and Relief Fund.

The Committee shall also conduct an annual inventory of the property owned by the District.

The Board may establish Purchase Order Policies for the purchase of capital and operating expenses. If such policies have been established, purchase orders will comply with those policies.

b) The **Risk Management Committee** shall consist of at least one member of the Board. The Committee shall be responsible for legal, legislative, and insurance matters and shall recommend legal counsel as deemed necessary. The Committee shall also work closely with the Fire Chief concerning the following areas

- (1) fire prevention programs
- (2) public relations and media
- (3) emergency management coordination with Yavapai County
- (4) disaster plan implementation
- (5) civil defense

c) The **Fire District Operations Committee** shall consist of at least one Board member and shall work closely with the Fire Chief concerning the following areas:

- (1) fire suppression
- (2) emergency medical service
- (3) personnel
- (4) reports and records
- (5) communications and dispatch
- (6) water supplies
- (7) mutual aid
- (8) training and education
- (9) grounds and equipment
- (10) maintenance, operation, and upkeep of the District Fire Station, real property, apparatus and equipment

Section 2: Special Committees

The Chairperson may appoint, with Board approval, other Committees, as the Chairperson may deem necessary. The Committees so appointed, shall serve until their purpose is complete or until the next election.

Article VI Financial Policy

Section 1: Fiscal Year

The Fiscal Year of the District shall be a twelve-month period beginning on July 1 and ending on June 30 of the following year.

Section 2: The Budget

The Budget is to be prepared by the Finance and Budget Committee for each fiscal year and shall be reviewed and approved by the Board. Publication of the Proposed Budget shall be by:

- (a) posting in three (3) places;
- (b) posting in the press 30 days prior to Public Hearings to be held at a meeting called by the Board for the purpose of adopting the Budget.
- (c) making copies available to District residents upon written request with a self addressed envelope attached.

Following the Public Hearing the Board may amend and shall adopt the Budget at a public meeting of the Board. The Budget must be completed and filed in the County by July 11 of each year.

Section 3: Annual Report

The Board shall cause the annual financial records and affairs (including the records of the Pension and Relief Board of Trustees) to be independently reviewed each year by a CPA and filed with the Annual Financial Report. The Annual Financial Report shall be prepared using the Form(s) required by the State of Arizona. The Treasurer shall submit the Annual Reports in accordance with A.R.S. 48-251 and A.R.S. 48-253.

Section 4: Fire District Firefighters Pension and Relief Fund

Financial management of the District Firefighters Pension and Relief Fund shall be the responsibility of the Board of Trustees of said Fund in accordance with A.R.S. 9-951 and 9-952. The Board of Trustees shall consist of a District Board Member, Fire Chief, four members elected from the Membership of the Fire Department and one lay member appointed by the District Board.

The Board of Trustees shall elect a President and Secretary. The Pension and Relief Fund is currently managed by the Yavapai County Treasurer; therefore, the County Treasurer is the statutory Treasurer of the Board of Trustees. However, the Fund may be managed by the Trustees, in which case the Trustees shall elect a Treasurer from the membership of the Board of Trustees. The Board of Trustees shall meet at least once each fiscal year and shall prepare minutes of the meeting.

The Board of Trustees shall provide the records required for the annual financial report to the Yarnell Fire District Board Treasurer. The Treasurer shall submit the Annual Report in accordance A.R.S. 9-951 and 9-952.

Article VII Amendments

Amendments to these Bylaws may be proposed in writing at any regular or special meeting of the Board and shall be acted upon at the **next** public meeting. Approval of Amendments to these Bylaws requires that all Board Members be present at the meeting at which Bylaw Amendments are to be acted upon, and a super-majority of four (4) votes is required to Amend these Bylaws; the Chairman may cast the fourth vote. All Bylaws adopted shall conform to Arizona State Law. Any Bylaw not in such conformity shall be invalid and state law shall take precedence.