

**BLUE RIDGE FIRE DISTRICT
GOVERNING BOARD
BY-LAWS/RULES OF PROCEDURE**

I BY-LAWS

ARTICLE I – NAME

The name of the District shall be BLUE RIDGE FIRE DISTRICT located in Coconino County, Arizona.

ARTICLE II – PURPOSE

The purpose of Blue Ridge Fire District shall be to provide fire and EMS protection to persons and property within the defined and response areas of the District as approved by the Board of Supervisors of Coconino County and the Arizona Department of Health Services.

ARTICLE III – POWERS

The public business, property and affairs of Blue Ridge Fire District shall be managed by the Board which shall have and may exercise all powers of the District as provided by Arizona Law.

ARTICLE IV – FIRE CHIEF

The Board shall appoint a Fire Chief who shall be the Chief Administrative and Operations Officer and who shall be responsible for all firefighting and EMS activities. The Fire Chief shall hold his position at the pleasure of the Board and may be removed, with or without cause, unless a contract is entered into which qualifies said relationship. The position of Assistant Chief and the other officers of the District shall be in accordance with the District Policies and Procedures, subject to the approval of the Board. In addition to the duties and responsibilities of the Fire Chief described in the District's Rules of Procedure, the Fire Chief will be responsible for the day to day operations of the District, hiring and management of personnel (including discipline), reporting and assisting the Board in the development of a District budget, obtaining quotes on purchases such as construction projects and vehicles, and reporting to the Board on a regular basis as to the activities of the District. In addition to the duties and responsibilities of the Fire Chief described in the District's Policies and Procedures, specifically Policy C102.1, Organizational Structure, Duties and Responsibilities.

ARTICLE V - THE COMMITTEES OF THE BOARD

- A. The Chairperson may appoint, subject to ratification and approval by the Board, Members to the following committees:
 - i. Budget and Finance Committee
 - ii. Special Committees
- B. The Budget and Finance Committee shall consist of at least two (2) members plus the Fire Chief. It shall present and Annual Budget covering all operations of the District for the following fiscal year to the entire Board no later than April 1st of each year. When the Budget is adopted by the Board, it shall be final and shall serve as a guide to the District's financial activities and to limit the District's expenditures. The District may not operate at a deficit or incur indebtedness except as a permitted by law.
- C. The Committee shall, through conventionally recognized accounting and control procedures, provide for the approval and payment of all District Capital and Operating expenses by either issuing warrants on the Coconino County Treasurer or through another approved account at a Financial Institution. Warrant signing shall be by two (2) members of the Board and all other payments shall be made via the procedure set by the Board as a whole and adopted by resolution. The committee shall recommend to the Board a Certified Public Accountant to perform and annual audit/review of the District's books and create an annual financial statement for the District.
- D. The Chairperson may appoint such other Committee or Committees as may be deemed necessary or expedient for the proper conduct of the affairs of the District and may invest such groups with such powers and duties as the Chair or Board deems advisable. The Committee shall serve until the purpose for which they were created has been accomplished.

ARTICLE VI - FINANCIAL POLICY

Section 1 – Fiscal Year

The fiscal year of the District shall be a twelve (12) 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 Budget and Finance Committee for each fiscal year and shall be reviewed and considered by the Board at a regular or special meeting. Publication of the proposed Budget shall be by posting in the designated three (3) public places and in a newspaper of general circulation within the community thirty (30) days prior to a public hearing at a regular or special meeting called by the Board to ratify the Budget. The various Standing and Special Committees may not disperse any funds in excess of the amount allocated under the budget without the express authority of the Board.

Section 3 – Annual Report

The Board shall cause the annual records and affairs of the District for each fiscal year to be audited by a firm of certified public accountants.

ARTICLE VIII – AMENDMENTS

Amendments to these By-Laws and Rules of Procedure may be proposed in writing at any regular or special public meeting of the Board. Such proposed amendments shall be acted upon at the next regular public meeting or at a special public meeting called for that purpose. Amendments shall be adopted by an affirmative vote of a majority of the Board. Notice of intention to present amendments to these By-Laws for adoption shall be contained in the notice of the meeting.

II RULES OF PROCEDURE

The Governing Board of the District has adopted the following Rules of Procedure. These rules are intended to provide general direction to the Members of the Governing Board, and to describe some of the procedures, duties and privileges associated therewith.

SECTION I – GENERAL PROVISIONS

Rule 1 Board Meeting – Location

The Governing Board shall meet in such locations and at such times as established by the Chairperson, from time to time. All Board meetings are traditionally held at the Fire Station #1, 5023 Enchanted Lane, in the community of the Blue Ridge, Arizona. The Board Chairperson may direct that the meeting be held at a different location, at the Chairperson’s discretion.

Rule 2 Board Meeting – Time

The Chairperson of the Governing Board shall designate the time for regular and special meetings, at the Board Chairperson’s discretion.

Rule 3 Board Members

Members of the Board shall be those persons elected or appointed pursuant to Arizona law. Elected Members of the Governing Board of the District shall serve a four (4) year term. Election terms shall be staggered with three (3) terms expiring at one time and two (2) terms expiring at another time in even numbered election years. If a vacancy occurs on the Board, other than upon the expiration of a Board Member’s term, the remaining Members of the Board shall fill the vacancy by appointment. Appointments to the office may be made for the balance of the vacated term or until the next general election.

Rule 4 Election of Officers and Terms of Office

- A. At the first meeting in December following an election of new Board Members, Members of the Governing Board of the District shall select a Chairperson, who shall be the Chief Executive Office, from amongst their numbers. The Members of the Governing Board shall also select from amongst their numbers a Clerk of the Board, who shall keep the Minutes of the Board. In non-election years, the election of Board Officers shall occur at the November regular meeting of the board and Officers will assume office on December 2 of the year.
- B. Board Officers 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 vacant as of the date of the death. If a vacancy occurs in the office of the Chairperson or Clerk, there shall be an election of all of the Officers of the Board at the Boards next regular meeting.

In addition to the powers conferred upon the Chairperson and Clerk, that person shall continue to have all the rights, privileges, and immunities of a Member of the Board.

An Officer of the Board may be removed from office if at least two (2) members of the Governing Board vote for such removal.

- C. Board Officers shall serve a term of one year and may be re-elected.

Rule 5 Presiding Officer – Conduct of Meetings

The Chairperson shall preside at all meetings of the Governing Board of the District, and shall be recognized as the head of the Board for all ceremonial purposes. In the event of the Chairperson’s absence, or if so directed by the Chairperson or remaining Board Members, the Clerk shall act as Chairperson. In the event both the Chairperson and Clerk are unavailable, a temporary Chairperson shall be selected by the Members of the Board to act during such absence. In the case of the absence of the Chairperson and the Clerk, the senior Member shall call the Board to order. If a quorum is found present, the Board shall proceed to elect, by a majority vote of those present, a Chairperson of the meeting.

The Presiding Officer shall serve as Board Parliamentarian and shall preserve decorum and decide all questions of order, subject to appeal of the Board.

- A. During Board meetings, Board members shall preserve order and decorum and shall not delay or interrupt that proceedings or refuse to obey the orders of the Presiding Officer or the rules of the Board. Every Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself to the questions under debate and shall avoid all offensive or indecorous language. A Board Member once recognized shall not be interrupted while speaking unless called to order by the Presiding Officer or unless a point of order or other privileged motion is raised by another Board Member. If a Board Member is called to order, while speaking, he shall cease speaking immediately until the question of order is determined. If ruled to be in order, he may be permitted to proceed. If ruled not to be in order, he shall remain silent or shall alter his remarks so as to comply with the rules of the Board. A Board Member,

with permission of the Presiding Officer, my address questions to the Fire Chief or staff or Members of the audience but he shall confine his questions to the particular issues before the Board. If a point of order is raised and the Presiding Officer fails to act, any Member of the Board may move to require him to enforce the rules and the affirmative vote of the majority of the Board shall require the Presiding Officer to act.

- B. The Presiding Officer shall have the authority to preserve decorum in meetings as far as the audience, staff members and employees are concerned. The Fire Chief shall also be responsible for the orderly conduct and decorum of all District employees under his direction and control. Any remarks shall be addressed to the Chair and to any or all Members of the Board. No Member of the staff or audience shall enter into any discussion, either directly or indirectly, without having first obtained the floor by permission of the Presiding Officer.
- C. Citizens of the District and any other members of the public attending Board meetings shall also observe the same rules of conduct, propriety, decorum and good applicable to Members of the Board. Any member of the public desiring to address the Board must first be recognized by the Chair, shall state his name and address in an audible tone for the record, and shall limit his remarks to the question under question. Any remarks shall be addressed to the Chair and to any or all Members of the Board.

Rule 6 Clerk of the Board

The Clerk of the Governing Board shall ultimately be responsible for maintaining the records of the Board, and may delegate to department staff the responsibility of keeping minutes or performing such other and further duties in the meeting as may be required by the Board, the Presiding Officer, or Fire Chief.

Rule 7 Fire Chief

The Fire Chief of the District, or the Chief's designee, shall attend all meetings of the Governing Board, unless excused by the Chairperson. The Fire Chief may take part in the Board's discussion on all matters on the agenda, except when prevented from doing so by reason of a conflict of interest for ethical reasons, or if excluded by the Board Chair. The Fire Chief shall also present to the Governing Board a Fire Chief's Report, intended to update the Governing Board on current and future activities of the District. Other reports may also be made. In the event that the Fire Chief is unable to attend a Board meeting, the Fire Chief shall appoint another qualified staff member to attend the meeting on behalf of the District

SECTION II – BOARD PROCEDURES

Rule 8 Regular Meetings

Regular meetings of the Governing Board of the District shall be held each month, at such place and time as designated by the Chairperson unless otherwise determined by a vote of the Board. All reasonable efforts shall be made to establish a uniform date and time for the regular monthly meeting, in order to permit the members of the public and Governing Board to anticipate and prepare for those meetings. Special meetings, executive sessions, and workshop meetings will be held at the discretion of the Chairperson, or upon the request of any Members of the Governing Board.

Rule 9 Quorum

The presence of at least three (3) members of the Board shall constitute a quorum for the transaction of any business at any meeting of the Board, the act of a majority of such quorum shall be deemed an act of the Board.

Rule 10 Open Meeting Rules

A. Notice and Posting of Meetings.

1. **Notice to Members of the Governing Board.** Notice of all meetings, including executive sessions, must be given to the members of the Governing Board at least twenty-four (24) hours prior to the meeting. This requirement is met by postal mailing, e-mailing or hand-delivering a copy of the notice to each member.
2. **Notice to the Public.** Notice of all meetings, including executive sessions, must be given to the public, as follows.
 - a. **Disclosure Statement.** The governing Board shall file with the Clerk of the Board of Supervisors a Disclosure Statement, stating where all public notices will be posted and shall give such additional notice as is reasonable and practicable as to all meetings. If the Board intends to meet for a specified calendar period on a regular day or date during the calendar period, and at a regular place and time, the Board may post with the Clerk of the Board of Supervisors a public notice of such meetings at the beginning of such period and need not post with the Clerk of the Board of Supervisors additional notices for each meeting. However, a separate agenda for each and every meeting must still be posted.
 - b. **Posting Notice.** The Board must also give notice of all meetings to the public by posting a copy of the notice (or agenda) in the public place identified in the Disclosure Statement and by giving “such additional public notice as is reasonable and practicable as to all meetings.” If a notice is used instead of an agenda, it must disclose how the public can obtain an agenda.

- c. **Time.** Except as otherwise described below, meetings of the Governing Board shall not be held without first posting notice to the general public at least Twenty-four (24) hours prior to the meeting.
- d. **Agendas.** The agendas must be available to the public at least twenty-four (24) hours prior to the meeting, except in the case of an emergency meeting.
- e. **Emergency Meetings.** If an emergency session is conducted without the requisite twenty-four (24) hours' notice, the District must give as much notice as possible, and after the emergency meeting, post a public notice within twenty-four (24) hour declaring that an emergency session has been held and setting forth a general description of the matters discussed.
- f. **Executive Session.** If an executive session will be held, the agenda shall state the specific provision of law authorizing the executive session. If the Board is uncertain whether a legal question may arise requiring an executive session, a statement may be included in the agenda stating that an item on the agenda may be discussed in executive session for the purpose of obtaining legal advice pursuant to A.R.S. §38-431.03(A)(3).
- g. **Ratification.** When the Board intends to ratify a decision, (usually done when the meeting law has been violated) the Board must give the public at least seventy-two (72) hours' notice.
- h. **Employment Matters.** If the Board intends to discuss an employee during executive session, the Board is required to give that employee written notice at least twenty-four (24) hours prior to the meeting. The employee once noticed, may reject the Executive session and request the session by a Public Session.

B. Agendas

An Agenda shall be prepared for each Board meeting, together with supporting documents.

1. **Regular Meetings/Agenda.** Either incorporated in the Notice of Meeting or as a separate document, each meeting must have a written agenda. If the agenda is separate and apart from the Notice, then the agenda should also contain the place, date and time of the meeting. The agenda shall also contain a listing of the specific matters to be discussed, considered or decided at the meeting. It is the Chairperson's responsibility to make sure all items placed on the agenda are discussed at the meeting. The Governing Board may only discuss, consider or make decisions on matters listed on the agenda. Items cannot be generic or vague, such as "Personnel Matter", but must contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. If a specific item is to be discussed in executive session, then the agenda must so disclose.

(In the case of an actual emergency, a matter may be discussed and considered at a public meeting where the matter was not listed on the agenda, provided that statement setting forth

the reasons necessitating such discussion, consideration and decision is place is the minutes of the meeting and it is publicly announced at the meeting)

2. **Executive Sessions/Agenda.** A separate agenda item is required for executive sessions. The agenda must contain a general description of the matters to be considered in executive session. However, the agenda should not contain any information which would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee, or compromise the attorney-client privilege. It is the Chairperson's responsibility to make sure all items placed on the agenda are discussed at the meeting.

In the case of an emergency executive session, the reason for the emergency measures shall be announced publicly immediately prior to the executive session (and noted in the minutes).

3. **Distribution of Agendas.** Agendas may be made available to the public by including it as part of the public notice or by stating in the public notice how the public may obtain a copy of the agenda, and then distributing the agenda in the manner prescribed. (It is preferable to simply incorporate the agenda into the public notice and post as set forth above).
4. **Consent Agenda.** The Governing Board may use "consent agenda" so long as certain requirements are met. Consent agendas are typically used as a time-saving device when there are certain items on the agenda which are unlikely to generate controversy and are ministerial in nature. The Governing Board often takes one vote to approve the consent agenda as a whole. When using a consent agenda format for some items of the items on a meeting agenda, the Board should fully describe the matters on the agenda and inform the public where more information can be obtained. An item shall be removed from the consent agenda at the request of any member of the Board.
5. **Signed Agenda.** If the form of Agenda is intended to be signed by the Clerk or other officer of the Board, be sure the signature and date are procured.

C. Minutes

Minutes must be taken of all public meetings and executive sessions. (Minutes need not be taken for meetings conducted by subcommittees and advisory committees). Minutes may be taken in writing or may be recorded by a tape recorder or video tape recorder.

Minutes (or an audiotape) of a public meeting must be available for public inspection within three (3) working days after the meeting. If the Governing Board is concerned about distributing minutes before they have been officially approved at a subsequent meeting the clerk should mark the minutes "draft" or "unapproved" and make them available within three (3) working days of the meeting.

MINUTES OF AN EXECUTIVE SESSION ARE CONFIDENTIAL and may not be disclosed to anyone except certain authorized persons. To ensure confidentiality, minutes of executive sessions

must be stored separately from regular session minutes to avoid inadvertent disclosure. In addition, any materials distributed in an executive session are likewise confidential. These materials should be distributed and collected by the secretary or clerk of the Governing Board at the end of the executive session, and attached to the minutes of the executive session as an exhibit.

NOTE: All or any part of the public meeting of the Governing Board may be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction, provided that there is no interference with the conduct of the meeting.

1. Contents of Minutes – Regular Meetings

- a. Minutes shall contain the date, time and place of the meeting. The members of the Governing Board shall be recorded as either present or absent.
- b. A general description of the matters discussed or considered. Minutes must contain information regarding matters considered or discussed at the meeting even though no formal action or vote was taken with respect to the matter.
- c. An accurate description of all legal actions proposed, discussed or taken, and the names of the persons who proposed each motion. As a practical matter, the names of each person proposing a motion, seconding a motion, and the names of those voting in favor or against each matter should be recorded. (Or note that vote was “unanimous”.)
- d. The name of each person making statements or presenting material to the Governing Board and a specific reference to the legal action to which the statement or presentation relates.
- e. If the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information to permit the public to investigate further the background or specific facts of the decision.
- f. If matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency.
- g. If a prior act was ratified, the minutes shall include a written description of the ratification taken.
- h. Minutes should be properly approved, signed and dated.

2. Contents of Minutes – Executive Session.

- a. Minutes shall contain the date, time and place of the meeting. The members of the Governing Board shall be recorded as either present or absent.
- b. A general description of the matters considered.
- c. An accurate description of all instructions given to attorneys or designated representatives pursuant to A.R.S. §38-431.03(A) (4), (5) and (7).
- d. If an emergency occurs regarding a matter not on the Agenda, the Minutes must include a statement for the emergency consideration.

- e. Minutes of an executive session and all discussions that take place at an executive session are confidential and may not be disclosed to anyone except for the following: 1) Any member of the Governing Board in attendance at the meeting; 2) Any officer, appointee or employee who was the subject of discussion at an executive session, may see those portions of the minutes directly pertaining to the minutes of the executive session; 4) The attorney for the Governing Board to the extent necessary for the attorney to represent the Governing Board; 5) The auditor General in connection with the lawful performance of its duty to audit the finances or performance of the Governing Board; 6) The Attorney General or County Attorney when investigating alleged violations of the Open Meeting Law; and 7) The Court, for purposes of a confidential inspection.
- f. Minutes should be properly approved, signed and dated.

D. Executive Session

The Governing Board may hold an executive session but only for the purpose of discussion or consideration of, (1) employment matters including but not be limited to assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of a public officer, appointee or employee; (2) records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law, (3) for consultation with legal counsel; (4) to consider the Governing Board's position and/or instruct legal counsel on matters regarding labor negotiations, contracts that are the subject of negotiations, pending litigation or settlement matters, international and interstate negotiations; and negotiations for the sale, lease or purchase of real estate property.

The Governing Board shall instruct all persons present in executive session of the confidentiality requirements. Disclosure of executive session information pursuant to Arizona law does not constitute a waiver of any privilege, including attorney-client privilege. Any person receiving executive session information shall not disclose that information except to the attorney general or county attorney, or by agreement with the Governing Board.

Legal action involving a final vote or decision shall not be taken at an executive session, except that the Governing Board may instruct counsel or its agent in the course of a litigation or negotiation.

No matters shall be discussed in executive sessions that are not identified in the notice of executive session. The Agenda must list the statutory citation for the specific reason to meet in executive session.

E. Ratification

The Governing Board may ratify legal action within thirty (30) days after the discovery of a violation of the Open Meeting laws, or after such discovery should have been made through the exercise of reasonable diligence. Notice for the meeting shall include a description of the action to be ratified, a clear statement that the Governing Board proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified. The Governing Board shall make available to the public a detailed written description of the action to be ratified *and all deliberations, consultations and decisions by Members of the Board* that preceded and that were related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.

The Governing Board shall make available to the public the notice and detailed written description required by Arizona law at least seventy-two (72) hours in advance of the public meeting at which the ratification is taken.

F. Emergency Meetings

In case of an emergency, a meeting, including an executive session, may be held upon such notice as is appropriate to the circumstances, and a notice of such emergency meeting shall be posted within twenty-four (24) hours after of the meeting.

Rule 11 Conflict of Interest

Generally speaking, a Member of the Governing Board of the District should not participate in or take action on any item in which the Board Member, a Board Member's business or a Board Member's family has a financial interest or a "substantial interest" (as defined by statutes).

In the event that it is determined that a Board Member has a conflict of interest, that conflict of interest will be disclosed in writing and placed in the permanent records of the District. The Board Member shall also declare on the record the existence of the conflict, and refrain from participation in Board consideration, discussion or action as it relates to that subject matter involving the conflict of interest. There are rare circumstances in which a Member of the Governing Board may participate, even though a conflict of interest exists. This is generally referred to as the "rule of impossibility". This generally refers to situations where the Board is incapable of taking action by reason of the declared conflict of interest. In those circumstances the Board Member with the conflict shall declare the conflict, make it part of the record, and then continue to participate.

Members of the Governing Board of the District may not participate, except under very limited circumstances, in any action item or in the consideration of any item which involves the hiring of a person related to a Board Member.

A Member of the Governing Board of the District may not, except under circumstances narrowly defined under Arizona Law, enter into a contract to provide services, materials or equipment to the District for compensation.

Rule 12 Powers

The Governing Board of the District shall be entitled to exercise all authority as provided to them under the laws of the State of Arizona, shall establish the mission of the District and adopt the approved policies and procedures for the operation for the department. The Governing Board may delegate such responsibilities and duties to the Fire Chief as the Board determines appropriate from time-to-time. The Governing Board may hire legal counsel, and shall set the budget for the District.

Rule 13 Order of Business

The business of the Governing Board of the District shall be transacted as follows, provided, however, that the Chairperson may, during a Board meeting, cause an item to be taken out of order so that the business of the Board may be conducted most expeditiously:

1. Call to Order
2. Roll Call
3. Recognition of Guests
4. Approval of Minutes
5. Call to Public
6. Budget and Finance Report
7. Purchase Request
8. Chief and Departmental Report
9. Old Business
10. New Business
11. Agenda Items for Next Month
12. Adjournment

The Board may, by motion, enter into executive session to discuss matters arising under Arizona Revised Statute 38-431.03.

On all items of public interest, the Presiding Officer shall, after a motion is made and seconded, and prior to a vote by the Board, allow the public to speak on the item under consideration, subject to Rule 13 of this document.

A. Matters to be placed on the Agenda

Staff, or public may ask the Chairperson to place a matter on the Agenda for consideration, discussion or possible action. If the Board Chairperson determines that a topic is appropriate for discussion or possible action, the Board Chairperson shall cause the same to be placed on an agenda at the earliest reasonable opportunity. Any matter requested to be on the Agenda but declined by the Board Chairperson shall be disclosed in writing by the Board Chairperson to the other members of the Governing Board.

The Board Chairperson shall place on the Agenda, at the Board’s earliest reasonable opportunity, any topic requested by a Board Member.

B. Recesses

A meeting may be recessed and resumed with less than twenty-four (24) hours notice only if public notice of the initial session of the meeting was given as required by Arizona law.

In the event a Board Meeting continues beyond 10:30 p.m. (for a night meeting), the Board Chair may declare a recess, stating on the record the date, time, and place for the Board hearing to be reconvened within twenty-four (24) hours. In the alternative, the new twenty-four (24) hours' notice may be posted for the new meeting date.

C. Voting

The vote on any question shall be taken by Ayes and Nays and may be taken simultaneously. If the Presiding Officer is unable to accurately determine the result of a simultaneous voice vote, he may, or at the request of any Board Member shall, call for a roll call vote to be taken by lot. It shall be out of order for Members to explain their vote during the roll call. There shall be no additional debates or speaking on the subject after the vote is taken.

The votes during all meetings of the Board shall be transacted as follows:

1. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Board Member, a roll call vote shall be taken.
2. In case of a tie in votes on any proposal, the proposal shall be considered lost.
3. Every Board Member who was in the Board Chambers when the question was put forth, shall give their vote unless the Board Member abstains, declares a conflict of interest or is otherwise prevented by law from participating. If any Board member declines to vote "aye" or "nay," their vote will be treated as an abstention and shall be counted as a vote in support of the majority vote.
4. The passage of any motion or resolution shall require the affirmative vote of at least a majority of a quorum.

D. Permission Required to Address the Board

Persons other than Board members and management shall be permitted to address the Board upon recognition and introduction by the Chairperson or the chair of the appropriate Board Committee.

E. Reconsideration

Any previous action of the Board, (excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, any affirmative vote to lay on the table or take from the table), shall be subject to a motion to reconsider. Such motion shall be made by a member of the prevailing side of the original action.

F. Public Attendance and Participation.

A meeting of the Governing Board of Fire District is generally defined as a quorum of the Board Members where Fire District business is discussed, considered or action taken. Deliberation and actions of the Governing Board should be conducted openly, and all persons are allowed to attend unless their conduct becomes disruptive to the meeting, or unless otherwise excluded by law (such as executive sessions). The public may record meetings of the Governing Board. While the Governing Board is not obliged to permit participation or take input from the public during the meeting or the Governing Board, it is encouraged to do so, in recognition of the interest of the public in the decisions being made by the Governing Board and the expenditure of funds being made and incurred by the Governing Board.

G. Call to the Public

The Governing Board may make an open call to the public to allow individuals to address the public body on any issue within the jurisdiction of the District. Members of the Governing Board may not discuss or take action on matters raised during the call to the public that are not specifically identified on the Agenda. Members may, however, respond to criticism made by those who have addressed the public body, ask staff to review a matter raised, or ask that a matter be put on a future agenda.

H. Actions for a Public Hearing (vs. “Call to the Public”)

Public hearings are sometimes required by law (such as to consider annexation, adopt budgets, etc.). The procedures for a public hearing are as follows:

1. The Chairperson introduces the Agenda item, opens the public hearing, and may announce all or any portion of the following Rules of Order:
 - a. “Any individual making comments shall first give their name. This is required because an official record of the public hearing is being made.”
 - b. “It is not necessary to be a proponent or opponent in order to speak.”
 - c. “Anyone disrupting the proceedings may be subject to removal from the meeting.”
 - d. “These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard.”
2. The Chairperson now calls on those who requested the opportunity to speak.
3. The Chairperson inquires as to whether any Board Members have any questions to ask the proponents, opponents, speakers, or administration. If any Board Member has questions, the appropriate individual will be recalled to the podium.
4. The Chairperson closes the public hearing.

5. As to each Agenda item requiring action, the Chairperson inquires if there is a motion by any Board Member. If a motion is made, it shall be in the form of an affirmative motion. Following the motions and its second, discussion occurs among Board Members. The Chairperson may call on individual Board members in the discussion.
6. The Chairperson inquires if there is any further discussion by the Board Members.
7. The Chairperson inquires if there are any final comments or recommendations from administration.
8. The Chairperson inquires of the Board Members as to whether they are ready for the question.
9. A vote may be had verbally, or the Clerk may conduct a roll call vote.
10. The Chairperson directs administration to prepare findings consistent with the action.

The failure to follow the procedures set forth herein shall not invalidate any action taken by the Board.

Rule 14 Rules of Order

The rules of order for conduct of a board meeting are not specified by statute. Unless otherwise directed by the Board Chairperson, the Governing Board of the District shall conduct themselves in accordance with Robert's Rules of Order. The Board Chair, the District Attorney, the Fire Chief or Chief's designee shall serve as parliamentarian and advise the Chairperson as to the correct rules of procedure or questions of specific rule application. The Board's failure to follow or comply with Robert's Rules of Order or the Rules provided herein shall not invalidate any action otherwise lawfully taken by the Board.

Rule 15 Motion to Suspend Rules

A motion to suspend the rules set forth herein shall be in order unless it pertains to rules mandated by the laws of the State of Arizona. A motion to suspend the rules, requires previous notice, must be seconded, it is not debatable (except that the reason for the motion may be briefly explained by the mover) and requires a majority vote of the Members of the Board present at the meeting. The suspended rule is automatically reinstated after the vote or conclusion of that particular item of business.

Rule 16 **Motions**

All ordinances, resolutions, contracts, and items of business that require Board approval prior to the expenditure of funds shall be in the form of an affirmative motion or resolution. When a motion is made and seconded, it shall so be stated by the Chairperson or, at his or her direction, by the Board Clerk, before debate commences.

Rule 17 **Board Relations with Boards, Commissions, and Advisory Committees**

All statutory boards and commissions and advisory bodies are governed by the Open Meeting Rules, and shall provide the Board with copies of any Minutes taken of meetings and shall communicate to the Board the results of the deliberation of the Committee. Communications from such boards, commissions, and bodies to the Fire Department shall be received by the District Governing Board and be recorded in the Minutes as follows:

Any such communication shall be officially acknowledged by the Board and receipt noted in the Minutes. The procedure for acknowledging such receipt shall be that the Fire Chief or any Member of the Board may bring such communication to the Chairperson's attention under an appropriately agendized item (such as reports, correspondence or a Chief's reports, etc.). The Chairperson shall acknowledge the receipt of that communication on the record, and an appropriate notation shall be made in the minutes. Should any Member of the Board determine that any such communication needs to be responded to by the Board, the Chairperson shall add the matter to the agenda of a subsequent meeting.

Rule 18 **Citizen Concerns and Suggestions**

When citizen concerns or suggestions are brought before the Board, other than for items already on the Agenda, the Chairperson shall determine whether the issue is legislative or administrative in nature and the:

- A. If legislative, and a complaint about the letter or intent of legislative acts or suggestion for changes to such act, and if the Board finds such complaint suggests a change to a directive or resolution of the Fire District, the Board may refer the matter to a committee, administration, to the Board of whole for study and recommendation.

- B. If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the Fire Chief, the Chairperson should then refer the complaint directly to the Fire Chief for his/her review if said complaint has not been so reviewed. The Board may direct that the Fire Chief brief or report to the Board when the Chief's response is ready.

Rule 19 **Filling Board Vacancies**

If a vacancy occurs in the office of a Board Member, the Board will follow the procedures outlined in the State statute for filling vacancies. In order to fill the vacancy with the most qualified person available until an election is held, and the Board will distribute and publish a notice of the vacancy, the procedure, and any application form. The Board may draw up an application form which contains relevant information to answer set questions proposed by the Board. The application forms may be used in conjunction with an interview of each candidate to aid the Board's selection of the new Board member.

Rule 20 **E-mails to Board Members**

In all e-mails to Board Members, the following should be included:

To ensure compliance with the open meeting law, recipients of this message should not forward it to other Board Members. Board Members may reply to a staff member regarding this message but they should not send a copy of the reply to other District Board Members.

Board Members (or advisor board members) who respond to a staff member should include the following in their e-mail:

To ensure compliance with the open meeting law, this e-mail is sent to a staff member only, and recipients of this message should not forward it to other Board Members. In addition, Board Members should not reply to this message.

Rule 21 **Compensation of Board Members**

Board Members shall not receive any compensation or salary for services as members of the Board. Members may be reimbursed for their actual expenses incurred in the performance of their official duties.

Rule 22 **Departmental Regulations**

The Governing Board of the Fire District is responsible for the approval of District policies. The Fire Chief may issue and establish such Standard Operating Procedures (SOP's), and Standard Operating Guidelines (SOG's) and rules and regulations concerning fire operations and activities as he/she may deem necessary, to include equipment operations, training standards, fire scene and EMS protocol, command, structure, and duties of the personnel of the department, consistent with the policies of the District, Arizona law, or otherwise directed by the District Governing Board.

Rule 23 **By-Laws Adoption and Amendments**

These rules and regulations and several parts thereof are hereby declared to be severable. If any section, sub-section, sentence, clause, word, or phrase of these By-Laws, Rules and regulations is for any reason held to be legally invalid, such holdings shall not affect the validity of the remaining portions of these Rules and regulations.

Rule 24 Use of District Attorney

The Chief or designee, the Governing Board Chair or any member of the Fire District Board, may contact the District Attorney, as determined appropriate, from time to time. However, any contact with the District Attorney on behalf of the District shall be reported to the Board Chairperson or the Board collectively, on a monthly basis.

These By-Laws/Rules of Procedure are adopted as of the 6th day of August, 2011.

Revised by Amendment on _____ day of _____, 2017.

CHAIRPERSON: _____

CLERK: _____