



FIRE BOARD HANDBOOK





FIRE BOARD HANDBOOK

Revisions approved by the
Highlands Fire District
Board of Directors
on January 21, 2014



Contents

TAB 1 MISSION	
HFD Mission & Vision	1
HFD Values	2
TAB 2 FIRE BOARD GUIDELINES	
Introduction	5
First Official Acts	5
Orientation	5
Code of Conduct	5
Responsibilities	6
Commitments	7
Conflict of Interest	8
Voting	8
Job Descriptions	9
Delegation to Chair	9
Officer Elections	9
Board to Staff Linkage	10
Board Committees	10
Staff Committees Participation	11
Appointment Process	11
Agendas	12
Board Packets	12
Meetings	12
Travel	13
TAB 3 BY-LAWS	
Article I Name	15
Article II Purpose	15
Article III Board of the District	15
Article IV Officers of the Board	16
Article V Fire Chief & Board	17
Article VI Financial Policy	17
Article VII Amendments	18
TAB 4 APPENDIX	
Open Meeting Law 101	21
FORMS	
Contact Information	27
Oath of Office	28
Personal Auto Insurance Verification	29
Guideline Acknowledgment	30
Conflict of Interest Disclosure	31
Travel Reimbursement Request	32

Our Mission

The Highlands Fire District is dedicated to providing a cost effective and community oriented department that delivers prompt, professional, and superior emergency service to the communities within the District during their time of need.



Our Vision

The Highlands Fire District will be a leader in the formation of partnerships supporting functional regionalization of emergency service in the greater Flagstaff area.

Our Values

Preparedness

- We value preparedness through education, training, physical and mental readiness, and the health and safety of our members.
- We are committed to personal and team development through education and training.
- We constantly improve our physical and mental preparedness to better execute our mission.

Respect

- We value respect, demonstrating sound character, integrity, honesty, and accountability.
- We hold ourselves and others accountable.
- We take pride and ownership in the organization and in the service we deliver.

Initiative

- We value initiative through leadership, expertise, and personal courage.
- Good leaders know when to lead, when to follow, and when to be part of the team.
- We value the expertise and leadership of all members of the organization.

Duty

- We value duty, service before self, and commitment and loyalty to teamwork.
- The needs of our customers and teammates always come before our own.
- We are loyal to our customers and the organization.
- We accomplish everything as a team.

Empathy

- We are compassionate and considerate to our customers and teammates.



Fire Board Guidelines

Introduction

Fire Boards of the Highlands Fire District (Fire District) have approved this handbook to enforce upon themselves and future Fire Boards guidelines that are needed to govern with excellence. This handbook has also been established as a guide to help new members of the Highlands Fire Board of Directors (Directors) understand their roles and expectations relating to their performance and participation on the Fire Board. Many sources such as the Arizona Revised Statutes (A.R.S.), Arizona Fire District Association (AFDA) publications and educational seminars, and other related sources were consulted to establish these guidelines.

First Official Acts

As one of your first official acts, Directors shall complete required paperwork. Pursuant to A.R.S. § 38-232, Directors are required to affirm and sign an *Oath of Office* at least one day before the commencement of their term of office and each subsequent term.

In addition, Directors shall complete a *Director Contact Information* form; a *Confirmation of Personal Auto Insurance* form to comply with the Fire District's insurance provider's requirements and to ensure coverage when a personal vehicle is used while on Fire District business; annually sign a *Conflict of Interest Disclosure* form to declare any potential conflicts of interest; and an *Acknowledgement of Fire Board Guidelines* form shall be signed subsequent to reading and understanding the guidelines discussed in this handbook. The forms are available in the Appendix of this handbook.

Orientation

Directors will be invited to go through an orientation session to provide them a basic understanding of the Fire District. The orientation session will be administered by the Fire Chief.

The following topics may be discussed:

- Familiarization and introduction of staff
- Explanation of how and why volunteers are incorporated into the Department
- Chain of command
- Explanation of Arizona Revised Statutes
- Whom the Fire District serves
- Description of response areas
- Tour of the Fire District and fire stations
- Tour, explanation, and demonstration of various apparatus and equipment
- Explanation of the Arizona Fire District Association

After the orientation, new Directors will be provided an *AFDA Fire District Handbook* and will be issued select item/s of clothing identifying the Director as a member of the Fire Board.

Code of Conduct

Directors should have a broad perspective and possess a willingness to search out effective solutions to complex problems. It is not in the best interest of the Fire District for Directors to focus on a single issue or have a bias point of view. Directors shall always place the Fire District's best interest above their own personal interests.

Directors should keep on task and not be unduly influenced by those who have more dominant personalities. Every Director represents the interests of the Fire District equally. Directors are obligated to operate within the parameters that the Fire Board sets for itself.

Directors should not interpret opposing votes to the majority as a personal issue. In turn, all Directors need to realize that the will of the majority prevails.

The "prudent person" legal doctrine applies to individual Directors as well as the Fire Board as a collective body. The level of the Fire Board competency will be compared to what a similar prudent Fire Board or Director should do. Directors are expected to act and conduct themselves professionally when representing the Fire District.

Directors shall not use their position, or information obtained as a Fire Board member, for personal gain or for the financial benefit of themselves or members of their family.

The focus of the Fire Board should be policy decisions, its implementation, and the finances of the Fire District. Directors should not become involved in the day to day operations of the Fire Department.

Responsibilities

Directors are legally and ethically accountable for the operation of the Fire District and are responsible for acting on behalf of the Fire District's service recipients, taxpayers, and Fire Department staff to ensure smooth and efficient operation of the Fire District.

There are a multitude of state laws that substantially affect the manner in which the Fire District must conduct business. A summary of what a Fire District **SHALL DO**, **MAY DO**, and **SHALL NOT DO** from the *AFDA Fire District Handbook* is listed below.

The Fire District **shall**:

- Hold public meeting at least once each calendar month
- Prepare an annual budget containing detailed estimated expenditures for each fiscal year
- Determine the compensation payable to Fire District personnel
- Require probationary firefighters to submit a full set of fingerprints to the Fire District for the purposes of obtaining a state and federal criminal records check
- Hire a Fire Chief
- Elect from its members a Chairperson and Clerk
- Fill vacancies on the Fire Board
- Publish a financial report.

The Fire District **may**:

- Employ personnel and provide services deemed necessary for fire protection, for preservation

of life, and for carrying out its other powers and duties

- Acquire apparatus, equipment, lands, buildings, and furnishings to house equipment and personnel necessary to carry out the Fire District's mission.
- Issue bonds to finance the acquisition of property
- Adopt a fire code with approval of the Fire District's voters; enforce the fire code adopted by the Fire District; amend the adopted fire code
- Procure fire protection services from a private fire protection company or fire department of a neighboring city, town, or district
- Contract for fire protection services
- Retain a certified public accountant to perform an annual audit of the Fire District books
- Retain private legal counsel
- Accept gifts, contributions, bequests, and grants and comply with any requirement of such
- Pay membership dues to Arizona Fire District Association
- Adopt fee schedules for fire protection services
- Adopt schedules for financial reimbursement to taxpayers for installment of certain fire protection systems
- Change the Fire District's name
- Enter into intergovernmental agreements or contracts per regulations established

The Fire District **shall not** incur debt or liability in excess of taxes levied and to be collected and the money actually available and unencumbered at the time on the fund, except as provided in A.R.S. §48-805.D.

In addition, the following responsibilities have been established by past Fire District Boards.

- Establish the mission and vision of the Fire District; ensure an effective organizational strategic plan
- Provide support and guidance for the Fire Chief; evaluate the Chief's performance annually
- Ensure the organization produces economically justifiable decisions; ensure financial solvency,

- integrity, and performance of the Fire District
- Enhance public image and be an advocate for the Fire District
- Ensure the funding for adequate resources establishing the Fire District's tax rate annually
- Approve all major contracts and agreements necessary to the Fire District's mission
- Approve expenditures over the Fire Board established limit
- Approve the disposition/disposal of surplus property
- Co-sign warrants
- Approve an insurance policy to cover the Fire District's assets, personnel, and Fire Board. Directors are covered under the Fire District's General Liability, Management Liability, and Umbrella Liability Insurance policies as "insureds" while they are acting on the Fire District's behalf
- Institute fair human resource policies and guidelines to manage personnel
- Consult legal counsel as deemed necessary; determine procedures to follow and approve final disposition of legal issues
- Review the Fire Board's own performance; taking steps to improve performance
- Keep disagreements impersonal
- Work to accomplish the mission of the Fire District; unite for a common cause; respect the opinions of fellow Directors and Fire District staff; refrain from being publicly critical of fellow Director's opinions
- Exercise independent judgment on decisions that come before the Fire Board
- Be loyal to the Fire District, its staff, and other Directors
- Confidential proceedings of the Fire Board shall not be discussed outside the Fire Board meetings
- Accept, respect, and support majority decisions of the Fire Board; recognize authority is vested in the Fire Board as a group and not in individuals
- Recognize that the Fire Board's job is to ensure that the Fire Department is well managed, not to manage the Fire Department
- Avoid interfering with the duties of the Fire Chief or undermining the Chief's authority; recognize chain of command
- Declare any conflicts of interest between the member's personal life and their Fire Board position; avoid voting on issues that are or are perceived to be a conflict of interest

Commitments

Directors shall be committed to the following practices to accomplish their responsibilities to the best of their ability:

- Attend and actively participate at Fire Board meetings, work sessions, public hearings, and special events
- Review Fire Board Packets prior to each meeting in order to arrive prepared; ensure adequate and current information is obtained to make informed decisions; keep informed of developments relevant to issues before the Fire Board

- The Fire Board position shall not be used for personal advantage or the advantage of family or friends
- Regularly attend AFDA conferences to learn more about the position and responsibilities
- Work with Fire District staff, the Fire Board, and the community to ensure smooth, efficient, and responsible operation of the Fire District
- Call to the attention of the Fire Board any issues that will have an adverse effect on the organization
- Refer constituent and staff complaints to the proper level on the chain of command
- Self-evaluate; the Fire Board should evaluate its own effectiveness to assure fulfillment of responsibilities and to maintain a strong organization

Conflict of Interest

The Fire Board of Directors occupy positions of public trust. They shall strictly adhere to the spirit and letter of the laws of the State of Arizona, including situations pertaining to conflicts of interest. A conflict of interest, actual or perceived, may be potentially damaging to the Fire District. Conflict of interest relates to ethical behavior as well as personal gain. A conflict of interest exists when a personal or professional concern of a Director affects his/her ability to put the welfare of the organization before personal benefit. Directors shall conduct their personal affairs in such a manner as to avoid any possible conflict of interest with their duties and responsibilities as Directors of the Fire Board.

Conflict of interest guidelines shall be applied to transactions between the Fire District and interested persons and shall apply to the sale, lease, or exchange of property to or from interested persons and the Fire District, the lending or borrowing of monies to or from interested persons by the Fire District or the payment of compensation by the Fire District for services provided by interested persons. A potential conflict of interest arises when a Director holds a financial interest in or may receive any personal benefit from a business entity furnishing services, materials, or supplies to the Fire District.

Financial interest shall include, but not be limited to, any position of a Director or a member of his or her family (including spouses, parents, siblings, children and their spouses), as an owner, officer, board member, partner, trustee, controlling shareholder, member, employee or beneficiary. If the amount of business transacted with any publicly-held company has no material effect on the total results of such company, ownership of shares in such company shall not be deemed a financial interest by any Director.

Directors shall be required to file a statement with the Fire Board stating that the disclosure guidelines have been reviewed, which shall include a list of all potential conflicts of interest (see attached form at the Appendix of this handbook). Any actual or potential conflict of interest on the

part of any Director that arises subsequent to the filing of such a statement shall be disclosed promptly to the Fire Board by such member. The disclosure statement shall be filed unless it is determined for good cause that such disclosure statement should be kept confidential. Any decision to keep confidential any such disclosure statement shall be approved by legal counsel for the Fire Board.

Directors who have an actual or potential conflict of interest shall not participate in consideration or discussion of a proposed matter in which such Director has a potential or actual financial or personal interest (unless for special reasons the Fire Board by a vote of a majority of its disinterested members requests information or interpretation) or vote on the matter.

A Director with a potential or actual conflict of interest in a matter before the Fire Board may be counted in determining the presence of a quorum at any meeting during which such matter may or will be considered by the Fire Board. The provisions of A.R.S. § 10-2550, or any successor statute, shall apply to any situation, contract, or transaction in which a Director may have an actual or potential interest.

A Director shall not use or disclose confidential information received while serving the Fire District, especially if the personal use of such information would be detrimental to the Fire District.

Voting

Each Director, including the Chairperson, has one vote. The vote on any question shall be taken by ayes and nays. If the Chairperson is unable to accurately determine the result of a voice vote, a roll call vote may be taken. It shall be out of order for Directors to explain their vote during a roll call.

A majority vote is considered as the majority of votes cast, disregarding abstentions. A majority vote is required for the adoption of any motion.

Officer Descriptions

The function of the Fire Board Officers is to assist the Fire Board do its job, and not as powers unto themselves. Officers are responsible for the integrity and functioning of the Fire Board and for ensuring the integrity of related documentation.

Officers of the Fire Board are in the service of the Fire Board and are bound by Fire Board's desires and by the limits of their authority. Officers may not act in place of the Fire Board except when specifically delegated by the Fire Board as a whole.

BOARD CHAIRPERSON

- Leads meetings of the Fire Board
- Assist staff in developing agendas for Fire Board meetings
- Co-sign warrants
- Provides signature on contracts or other instruments pertaining to Fire District business
- Creates and maintains a spirit of unity amongst diverse people on the Fire Board
- Facilitates the group process
- Ensures the Fire Board works effectively and ethically with the Fire Chief and staff
- Maintains Fire Board discipline by adhering to Fire Board agreed upon conduct
- Contact and consult legal counsel and insurance representatives as deemed necessary

BOARD CLERK

- Performs the duties of the Chairperson in his or her absence
- Co-sign warrants
- Participate as a vital part of the Fire Board's leadership
- Serves as Chairperson of the Public Safety Retirement System (PSPRS) Local Board and/or Volunteer Pension Board

Delegation to Chair

At times it may be necessary for certain tasks and decisions to be delegated to the Fire Board Chairperson. This may only be done for specific items that cannot wait until the next Fire Board meeting for a decision. The Chairperson will authorize the final decision, and the decision will be promptly communicated at the next Fire Board meeting for action by the Fire Board.

Officer Elections

A nominating committee consisting of the Fire Chief and a member selected by the Fire Board will be appointed at the regular October Fire Board meeting. This committee will contact each Director to inquire if they are interested in holding an officer position on the Fire Board. The Nominating Committee will announce the interested candidates at the regular November meeting; other nominations may be made at this time. After nominations are accepted, the Fire Board will hold an election.

ELECTIONS

Elections will be held annually for officers at the regular November Board meeting or the meeting at which the Fire Board canvasses the results of the general election.

TERMS OF OFFICE

Elected officers shall assume office on the first of December, and they shall serve a term of one year. Terms may be limited to two consecutive terms unless otherwise approved by at least three members of the Fire Board.

REMOVAL FROM OFFICE

An officer may be removed, if at least two Directors propose the removal of the officer and at least three Directors vote for such removal.

Directors who propose the removal of an officer must follow the established procedures to place

this item on a meeting agenda. A formal motion must be made and seconded, and the motion must be approved by at least three Directors to successfully remove the officer.

RESIGNATION

An officer may resign by giving the Fire Board written notice of his or her resignation. The Fire Board must officially accept this resignation by placing the item on the agenda and holding a formal vote. No election may be held to replace an officer until the resigning officer's resignation is officially accepted.

ELECTION FOR VACANT OFFICES

When a vacancy occurs, a special election will be held to fill the vacant position. This election can be held at the same meeting that the officer was successfully removed, if a written notice of resignation is accepted. In the case of an officer's death, the election will be held at the next meeting of the Fire Board. The newly elected officer will serve the remainder of the one year term.

Fire Board Committees

Fire Board committees may be established to review issues and make constructive recommendations to facilitate Fire Board decisions. Board committees are to be established to help carry out the Fire Board's responsibilities, not to help with staff level issues. They should aid in the process of governance, not management. Board committees will only be used when other methods have been deemed inadequate as they may interfere with the wholeness of the Fire Board's job. If these committees are not handled properly, the one voice governance and integrity of the Fire Board/Fire Chief delegation process may be threatened. Care should be taken to preserve the Fire Chief's role and the holism of the Fire Board.

Board committees should only be established when absolutely necessary and clearly needed to assist the Fire Board in their decision making. Written statements of the committee's responsibilities, guidelines, goals, and an established time line

should be prepared by the Fire Board prior to the committee's establishment. Board committees will be responsible for reporting to the Fire Board at regular monthly board meetings, or more frequently if needed, on their progress and findings.

Each member of a committee must make a serious commitment to actively participate in the work of the committee. If necessary, an appropriate staff member may be assigned to work with a committee as well.

All committees will be responsible for adhering to legal requirements. State Open Meeting Law requires the posting of agendas and the production of appropriate minutes.

Board committees may not speak or act for the Fire Board except when formally given such authority for specific and time related purposes.

Board to Staff Linkage

The Fire Board shall hire a Fire Chief who shall be the Chief Administrator and Operations Officer responsible for all administrative functions and emergency services. The Fire Chief shall make hiring recommendations for the position of Deputy Chief subject to the approval by the Fire Board. The Fire Board should be careful not to micro manage the Fire District themselves but should ensure that acceptable standards of prudence and ethics of operations are being met. The Fire Board should be sure to avoid usurping the Fire Chief's responsibilities for management decisions as this could impede progress rather than enhance it. The Fire Board should set limits rather than becoming directly involved. They must believe in the Fire Chief and his staff and trust that day to day decisions will be consistent with the purpose of the organization.

The Fire Board's challenge is to be reasonably certain that nothing goes awry and at the same time, to grant as much unimpeded latitude as possible to staff members with the skills and talents to get the work done. Staff members need freedom from the Fire Boards friendly intrusions to do their work efficiently. The Fire Board should oversee the general performance and fulfillment of the mission by doing their job, not the job of staff.

The Fire Board should realize that staff members will be stronger knowing that the Fire Board supports them and understands their needs. A good working relationship between the Fire Board and staff will produce the desired results. The relationship between the Fire Board and the Fire Chief is one of the most important in the Fire District. The Fire Chief becomes the Fire Board's bridge to the staff.

An effective Fire Board is absolutely essential to an effective organization. The enthusiasm and participation of the Fire Board contributes to the effectiveness of the whole organization.

The Fire Chief is accountable to the Fire Board as a whole for the Fire District's performance and not to the officers, board committees, or individual members. Only the Fire Board, by majority vote, has authority over the Fire Chief. This does not prevent interaction between these entities as long as the Fire Chief is instructed by the Fire Board as a whole. Information may be requested by a Director or member of a committee. If in the Fire Chief's judgment the request requires a substantial amount of staff time, it may be refused.

The Fire Chief has the right to expect the Fire Board to be clear about the rules and then play by them, to speak with one voice, and to get their job done. The Fire Board has the right to expect the Fire Chief to keep them informed by presenting a report at each regular Fire Board meeting and corresponding with them when necessary. The insights of the Fire Chief on the day to day operations of the Fire District are essential to Fire Board decision making.

Board Participation on Staff Committees

Staff committees may be established to assist with staff work and issues. When Directors join staff work/issue related committees, the question as to who staff members are working for may arise and confuse the Fire Board/Fire Chief role. The Fire Board may then be delegating through more than one channel. Director's advice to these committees should not be confused with Fire Board authority. Directors should only participate on staff committees when they are working on board level issues.

Appointment Process

In accordance with A.R.S. §38-291, Fire Board position shall be deemed vacant before the expiration of a term of office after the occurrence of any of the following events:

- Death of the person holding the office.
- Insanity of the person holding the office, when judicially determined.
- Resignation of the person holding the office and the lawful acceptance of the resignation.
- Removal from office of the person holding the office.
- The person holding the office ceases to be a resident of the Fire District.
- Absence from the state by the person holding the office beyond the period of three consecutive months.
- The person holding the office ceasing to discharge the duties of office for a period of three consecutive months.
- Conviction of the person holding the office of a felony or an offense involving a violation of official duties.
- Failure of the person elected or appointed to such office to file the official oath of office at least one day prior to the commencement of office.
- Decision of a competent tribunal declaring void the election or appointment of the person elected or appointed to the office.
- Failure of the person to be elected or appointed to the office.
- Violation of A.R.S. §38-296 by the person holding the office.

When a vacancy occurs, Directors shall attempt to fill the position with the best qualified candidate. An individual must be over the age of 18 and be a registered voter living within the Fire District. Candidates should have the ability to make significant contributions to the work of the Fire Board and the organization.

Characteristics to consider will be their ability to listen, analyze, think clearly and creatively, work well with people individually and in a group. They should be willing to prepare for and attend Fire Board meetings, ask questions, take responsibility and follow through on given assignments, and evaluate themselves. They should possess honesty, sensitivity and tolerance to differing views, community building skills, personal integrity, and a sense of humor.

To search for the best qualified candidate to fill the position the Fire Board may send out a Fire District wide mailing to the registered voters, post announcements at public access areas in the district, place an ad in the local paper, advertise in water bills, etc., informing them of the vacancy and encouraging them to apply. This vacancy announcement will list the responsibilities of Directors where and when applications can be picked up, and the time and date of the application closing.

After the closing date, the applications will be reviewed by the Fire Board. The top candidates will be asked to attend a work session of the Fire Board for the purpose of conducting interviews. Directors will appoint, by majority vote, a candidate to fill the remainder of the vacant term. The Chairperson shall notify the candidate of their appointment.

Agendas

State law requires that public notice of the time, date and place of Fire Board meetings be posted and agendas are available at least 24 hours in advance of a meeting.

Law also requires that the agenda list the specific matters to be discussed, considered and/or decided at the meeting. This does not permit agenda non-specific items to be discussed.

The agenda must significantly describe information reasonably necessary to inform the public of the matters to be discussed and/or decided.

Submitting Agenda Items

Directors who wish to have an item included on an agenda shall submit the item to the Chairperson one week prior to the scheduled meeting. Staff shall prepare a draft agenda for the Chairperson's approval. This schedule will ensure that agendas will be posted and available to the public and the Fire Board as required by law.

Board Packets

Staff will produce a Fire Board Packet relative to each meeting and place them in each Director's mailbox by 5:00 PM on the Friday preceding the scheduled meeting. Fire Board Packets will consist of information pertaining to the items to be addressed at the meeting. Packets are made available prior to the meeting so Directors have the time to review the data in order to be informed. Directors will be notified of any modifications to this format.

Meetings

State law requires that Fire Board meetings be held a minimum of once a month. The Highlands Fire District Board of Directors normally hold regular monthly meetings on the third Tuesday of each month. In accordance with A.R.S. §38-431.01, all meetings are to be conducted openly and all persons so desiring shall be permitted to attend. In addition, communication between Directors shall take place in public. To ensure compliance with the Open Meeting Law, Directors shall not correspond through e-mail to a quorum of members.

The Fire Board shall adhere to Open Meeting Laws as set forth by Article 3.1 of A.R.S. regarding public meetings and procedures. Basic information pertaining to Open Meeting Law may be referenced in the Appendix of this handbook. Additional information is available in Chapter 3 of the *AFDA Fire District Handbook*.

Board Travel

Directors traveling off-district for training or business purposes shall be reimbursed their actual cost for travel expenses. Upon returning from an event, Directors shall complete a *Board Travel Reimbursement Request* form and attach itemized receipts for meals and lodging. Directors shall not be reimbursed for alcohol nor extraneous expenses on lodging and meal receipts.

The use of Department vehicles may be requested for use; although, vehicles may not always be available. When a Director uses their personal vehicle, mileage will be paid at the IRS approved mileage rate or the amount paid per fuel receipts.



Fire Board By-laws

BY-LAWS
of the
Highlands Fire District
Board of Directors

The Board of the Highlands Fire District, considering the provision of Title 48, Chapter 5 of the Arizona Revised Statutes, hereby adopts the following By-laws for the regulation and governing of the Fire District. These By-laws shall not supersede the Arizona Revised Statutes governing Fire Districts.

ARTICLE I - NAME

The name of the District shall be the Highlands Fire District servicing the areas in and adjacent to the communities of Forest Highlands, Kachina Village, Mountaineer, Pine Del and other unincorporated areas of Coconino County that are within the Fire District boundaries.

ARTICLE II - PURPOSE

The purpose of the Highlands Fire District shall be to provide emergency services for the protection of persons, property, and values within the defined boundaries of the Fire District.

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. The number of such members shall be five and each shall serve terms as designated in A.R.S. § 48-803. If a vacancy occurs on the Board other than from the expiration of a term (as defined in A.R.S. § 38-291), the remaining Members of the Board shall fill the vacancy, in accordance with Board Policy, by the appointment of an interim member to serve out the term (A.R.S. § 48-803.B).

A member of the Fire District Board shall not be an employee of the Fire District (A.R.S. § 48-805.B.)

SECTION 2. MEETINGS

Regular monthly public meetings shall normally be held on the third Tuesday of each month at 5:00 pm, but may occasionally be scheduled for other days or times when necessary. Notification of changes will be given to all Board members in a timely manner. Special Meetings, Executive Sessions, and Work Sessions shall be held at the call of the Chairperson or upon the request of two members of the Board. The Chairperson shall give at least two days notice of all meetings to all members of the Board. In the absence of the Chairperson and Clerk at a meeting, a quorum of the Board shall elect, by majority vote of those present, a Chairperson for that meeting. Action by the Board shall be by majority vote of those members present.

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

Robert's Rules of Order (newly revised) shall be used as a guide to the conduct of Board meetings. District Board Policy shall be referenced for correct procedures for Board responsibilities.

In accordance with A.R.S. 38-431.01, all meetings are to be conducted openly and all persons so desiring shall be permitted to attend. In addition, communication between Board members shall take place in public. To ensure compliance with the Open Meeting Law, Board members shall not correspond through e-mail to a quorum of members.

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. The act of a majority of such quorum shall be deemed an act of the Board.

SECTION 4. MOTIONS AND VOTING

To make a motion, a Board member states, "I move that..." and then clearly describes the proposal. It is important to say precisely what the words of the motion are to be. The group votes on exact language, not on a vague idea. When a motion is made, it must be seconded in order to be considered by the group. Once a motion is seconded, it is then before the Board for debate and action. After the discussion is complete, the Chair shall call for a vote. Each Board member, including the chair, has one vote.

The vote on any question shall be taken by ayes and nays. If the Chair is unable to accurately determine the result of a voice vote, he/she may, or at the request of any Board member shall, call for a roll call vote. It shall be out of order for member to explain their vote during a roll call.

A majority vote is considered as the majority of votes cast, disregarding abstentions. A majority vote is required for the adoption of any motion.

Board members who have an actual or potential conflict of interest should not participate in discussion or vote on these matters.

SECTION 5. POWERS

The public business, property, and affairs of the Highlands Fire District shall be managed by the Board which shall have and may exercise all the powers of the District as provided by Arizona Law, and to do all such lawful acts and things that are not defined by law or by these By-laws that may be directed or required to be done by the electorate.

SECTION 6 REMUNERATION

Members of the Board shall serve without compensation but may be reimbursed for 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. BOARD OFFICERS

The officers of the District Board shall be the Chairperson, who shall be the Executive Officer, and the Clerk, who shall be the Executive Officer in the absence of the Chairperson. All such officers shall have general authority to perform within the policies set by the Board and to perform all acts necessary or advisable in connection with the activities and responsibilities of the Board for the operations of the District.

SECTION 2. ELECTION AND TERMS OF OFFICE

At the October meeting of the Board, a nominating committee consisting of the Fire Chief and selected Board member will be appointed. This committee will contact each member of the Board to inquire if they are interested in holding an Office on the Board. At the regular November meeting the Nominating Committee will announce the interested candidates for each position. Other nominations may also be made at this meeting.

The Board Officers shall be elected at the regular November meeting or the meeting at which a canvass of election results is preformed. Elected Board Officers shall assume office on December 1 and serve for a term of one year.

Term limits for the Officers of the Board may be limited to two consecutive terms unless otherwise approved by at least three members of the Board.

An officer of the board may be removed if at least two Board members propose the removal of the officer and at least three members of the Board 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 an election to fill the vacant office on the board. This election shall be held at the meeting where the officer was successfully removed, when a written notice of resignation is accepted, or in the case of an officer's death, at the next meeting of the Board. The newly elected officer will serve the remainder of the one year term.

ARTICLE V - FIRE CHIEF AND BOARD

SECTION 1. FIRE CHIEF AND DEPUTY CHIEF

The Board shall hire a Fire Chief who shall be the Chief Administrator and Operations Officer responsible for all administrative functions and emergency services. The Employee Policy Manual approved by the Fire Board shall constitute the Fire Chief's conditions of employment.

The Fire Chief shall make hiring recommendations for the position of Deputy Chief subject to the approval by the Board.

SECTION 2. DUTIES OF THE BOARD AND FIRE CHIEF

The Board and the Fire Chief shall perform duties and exercise powers in compliance with their positions. The Board shall develop a mission for the District and the Fire Chief shall be responsible for carrying out this mission by managing the District's resources.

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 Fire Chief and staff shall prepare the fiscal year budget to be reviewed and considered by the Board. The proposed budget shall be (a) posted in three public places, (b) published in a newspaper of general circulation in the District 30 days prior to a public hearing called by the Board to adopt the budget, and (c) made available to Fire District residents upon written request to the District. The Board shall adopt the budget at a public meeting of the Board (A.R.S. § 48-805.1).

SECTION 3. ANNUAL FINANCIAL AUDIT

The Board shall retain a certified public accountant to perform an annual audit of the District's books (A.R.S. § 48-253).

SECTION 4. SPECIAL DISTRICT ANNUAL REPORT

The Special District Annual Report, in the form prescribed by the State Auditor General, will be submitted within 180 days of the close of the District's fiscal year. The report will be sent to the County Board of Supervisors, the County Treasurer and the State Treasurer (A.R.S. § 48-251).

ARTICLE VII - AMENDMENTS

Amendments to the By-laws may be proposed in writing at any regular meeting of the Board. Such proposed amendments shall be acted upon at the next regular meeting of the Board or at a special meeting called for that purpose. An affirmative vote of the majority of Board members present shall constitute adoption of the amendments. Notice of intent to present amendments to the Bylaws for adoption shall be contained in the notice of the meeting.

All By-laws adopted shall conform to Arizona State law. Any By-law not in such conformity shall be invalid and State Law shall replace same.

Adopted by the Board of Directors on November 5, 1998. Last revisions approved December 21, 2010.


Peter Kloeber, Chairperson



Appendix

OPEN MEETING LAW 101

Arizona's Open Meeting Law in a Nutshell

Information compiled by:
Liz Hill, Assistant Ombudsman – Public Access
Last revised August 2010

Two core concepts

“All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.” A.R.S. § 38-431.01(A).

“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided.” A.R.S. § 38-431.09.

Why do we have an Open Meeting Law?

1. To protect the public.
 - a. To avoid decision-making in secret.
 - b. To promote accountability by encouraging public officials to act responsively and responsibly.
2. To protect public officials.
 - a. To avoid being excluded (notice).
 - b. To prepare and avoid being blindsided (agenda).
 - c. To accurately memorialize what happened (minutes).
3. Maintain Integrity of government.
4. Better informed citizenry.
5. Build trust between government and citizenry.

What constitutes a meeting?

A meeting is a gathering, in person or through technological devices of a quorum of a public body at which they discuss, propose or take legal action, including deliberations. A.R.S. § 38-431(4). This includes telephone and e-mail communications.

Who must comply with Open Meeting Law?

Public bodies. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. A.R.S. § 38-431(6).

"Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body. A.R.S. § 38-431(1).

The Secretary of State, Clerk of the County Board of Supervisors, and City and Town Clerks must conspicuously post open meeting law materials prepared and approved by the Arizona Attorney General's Office on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office. A.R.S. § 38-431.01(G)

What is Required under the Open Meeting Law?

1. Notice

Public bodies must post a disclosure statement on their website or file a disclosure statement as provided for by statute. The disclosure statement states where the public body will post individual meeting notices. A.R.S. § 38-431.02(A)(1) through (4).

The open meeting law requires at least 24 hours notice of meetings to the members of the public body and the general public. A.R.S. § 38-431.02(C).

Notice must be posted on the public body's website, unless otherwise permitted by statute. Notice must also be posted at any other electronic or physical locations identified in the disclosure statement and by giving additional notice as is reasonable and practicable. A.R.S. § 38-431.02(A)(1) through (4).

2. Agenda

Agendas must contain information reasonably necessary to inform the public of the matters to be discussed or decided. A.R.S. § 38-431.09. Agendas must be available at least 24 hours before the meeting. A.R.S. § 38-431.02(G).

3. Public's Rights

The public has a right to:

- Attend
- Listen
- Tape record
- Videotape

The public has no right to:

- Speak
- Disrupt

4. Calls to the Public

An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body's jurisdiction, even though the topic is not specifically included on the agenda. Ariz. Att'y Gen. Op. 199-006.

Although the Open Meeting Law permits the public to attend public meetings, it does not require public participation in the public body's discussions and deliberations and does not require a public body to include an open call to the public on the agenda. *See* Ariz. Att'y Gen. Op. No. 178-001.

An individual public officer may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda, but he or she may *not* dialogue with the presenter or collectively discuss, consider, or decide an item that is not listed on the agenda. A.R.S. § 38-431.01(H); Ariz. Att'y Gen. Op. 199-006. Note that individual members of the public body may respond to criticism by individuals who addressed the public body during the call to the public, but the public body may not collectively discuss or take action on the complaint unless the matter is specifically listed on the agenda. A.R.S. § 38-431.01(H).

Public bodies may impose reasonable time, place, and manner restrictions on speakers. Restrictions must be narrowly tailored to affect a compelling state interest and may not be content based. Ariz. Att’y Gen. Op. 199-006.

A member of the public body may not knowingly direct a staff member to communicate in violation of the Open Meeting Law. A.R.S. 38-431.01(I).

In sum:

- *Calls to the public are permitted, but not required.*
- *Should be added as an agenda item.*
- *Public body may limit speaker’s time.*
- *Public body may require speakers on the same side with no new comments to select spokesperson*
- *Public body may set ground rules:*
 - *civility*
 - *language*
 - *treat everyone the same*

5. Executive Sessions

Public bodies may hold private executive sessions under a few limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the public body is not permitted to take final action. A.R.S. § 38-431.03(D).

Members of the public body may not vote or take a poll in executive sessions. A.R.S. § 38-431.03(D).

There are seven authorized topics for executive sessions:

- Personnel (must provide 24 hours written notice to employee).
- Discussion or consideration of records exempt by law from public inspection.
- Legal advice – with public body’s own lawyer(s).
- Discussion or consultation with public body’s lawyer(s) to consider pending or contemplated litigation, settlement discussions, negotiated contracts.
- Discuss and instruct its representative regarding labor negotiations.
- Discuss international, interstate, and tribal negotiations.
- Discuss the purchase, sale, or lease of real property.

Notice and Agenda: Agendas for executive sessions may describe the matters to be discussed more generally than agendas for public meetings in order to preserve confidentiality or to prevent compromising the attorney-client privilege. A.R.S. § 38-431.02(I). Nonetheless, the agenda must provide more than a recital of the statute that authorizes the executive session.

6. Minutes (A.R.S. §§ 38-431.01(B), (C), (D) and -431.03(B))

Public bodies must take meeting minutes of all meetings, including executive sessions. May be recorded or written, keeping in mind that permanent records must be on paper.

Public session meeting minutes must include:

- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered; and
- An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

Executive session minutes must include:

- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered;
- An accurate description of all instructions given; and
- Such other matters as may be deemed appropriate by the public body.

The minutes or a recording of the public session must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01(D).

Cities and towns with a population of more than 2,500 persons must post approved city and town council minutes on its website within two working days following approval. A.R.S. § 38-431.01(E)(2).

Minutes of executive sessions must be kept confidential except from certain individuals. A.R.S. § 38-431.03(B).

How long meeting minutes are maintained is determined by the public body’s record retention and destruction schedule authorized by Arizona State Library and Archives.

Persons in attendance may record any portion of a public meeting, as long as the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01(F).

7. Where to turn for help

Resources available:

- Arizona Fire District Association (AFDA) – Fire District Handbook, Chapter 3 Open Meeting Law
- The Arizona Ombudsman – Citizens’ Aide Handbook – The Arizona Open Meeting Law (available on line at www.azoca.gov under open meetings/publication)
- The Arizona Ombudsman’s website, www.azoca.gov
- Arizona Agency Handbook, Chapter 7, www.azag.gov – Quick Links
- Attorney General Opinions – www.azag.gov – Quick Links

Questions/File a complaint:

- Arizona Ombudsman-Citizen’s Aide (602) 277-7292

File a complaint/Enforcement authority

- Attorney General’s Open Meeting Law Enforcement Team (602) 542-5025
- County Attorney’s Office



FIRE BOARD FORMS

DIRECTOR CONTACT INFORMATION

NAME: _____

ADDRESS: _____

DAYTIME PHONE: _____ EVENING PHONE: _____

OTHER PHONE NUMBERS (please specify what they are): _____

EMAIL : _____

BEST TIME TO BE REACHED: _____ WHERE?: _____

EMPLOYER'S NAME: _____

EMPLOYER'S ADDRESS: _____

EMERGENCY CONTACT:

NAME: _____

ADDRESS: _____

DAYTIME PHONE: _____ EVENING PHONE: _____

RELATIONSHIP: _____

OTHER BOARD MEMBERSHIPS: _____

SPECIAL INTERESTS: _____

SIGNATURE: _____ DATE: _____

OATH OF OFFICE

STATE OF ARIZONA,
COUNTY OF COCONINO

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of the Fire Board of the Highlands Fire District according to the best of my ability, so help me God (so I affirm).

Signature

Subscribed and sworn before me this _____ day of _____, _____.

Notary Public

My commission expires: _____

CONFIRMATION OF PERSONAL AUTO INSURANCE

I, _____, verify that I will maintain legal minimum limits of automobile liability insurance on any personal vehicle used during my affiliation with the Highlands Fire District, and that my insurance coverage shall be the primary coverage for any and all liability for personal injury or property damage incurred by me to third parties and that I shall also be responsible for collision coverage for my personal vehicle while using the vehicle as a condition of affiliation with the Highlands Fire District.

Signature

Date

ACKNOWLEDGMENT OF FIRE BOARD GUIDELINES

I, _____, acknowledge that I have read and become familiar with the Highlands Fire District Board Member Handbook and By-laws.

I understand that the guidelines are intended to provide me with general information concerning my position on the Highlands Fire District Board. I understand that this Handbook is not an employment contract.

I understand that in order to maintain flexibility in the administration of policies, a majority vote of Fire District Board Members can change, revise, or eliminate any of the guidelines described in the Handbook, or can add supplemental information as needed. A majority vote of the Fire District Board Members, may also, in the event of a financial catastrophe, eliminate any financial obligations expressed even if budget appropriations have been made.

I further understand that in the event the actual terms and provisions of policies and procedures appear to be in conflict with any information given in the Handbook, the majority of the Fire District Board Member's interpretation thereof, will govern.

By signing this form I acknowledge the above information and agree to adhere to the terms and conditions of the Handbook and By-laws.

Signature

Date

CONFLICT OF INTEREST DISCLOSURE

Each Member of the Board of Directors of the Highlands Fire District is required to disclose any outside activities or interests that present a potential or actual conflict with the interests of the Highlands Fire District.

I have read the guidelines on conflicts of interest adopted by the Highlands Fire District Board of Directors and agree to comply with the terms. I affirm that to the best of my knowledge and belief I am not involved in any activity and have no interest or relationship that conflicts or suggests a potential conflict with the interests of the Fire District, as defined in the guidelines, except as disclosed below.

During my term as a member of the Board of Directors of the Highlands Fire District, I agree to disclose promptly to the Board of Directors of the Highlands Fire District any future situation that might involve or appear to involve me in any conflict of interest with the Highlands Fire District. Disclosure may be made to the Chairperson of the Board of Directors of the Highlands Fire District.

Signature

Date

Please list and describe any interests or relationships that may present a potential or actual conflict of interest or from which you may derive a potential or actual benefit:

BOARD TRAVEL REIMBURSEMENT REQUEST

MEMBER'S NAME: _____ DATE: _____

PURPOSE OF EVENT: _____

PLACE: _____

EVENT DATES FROM: _____ TO: _____

DID YOU UTILIZE A DEPARTMENT VEHICLE? YES _____ NO _____

REIMBURSEMENT REQUEST:

TRANSPORATION

MILEAGE _____ x MILEAGE RATE \$ _____ OR FUEL RECEIPTS.

TOTAL \$ _____

MEALS

ACTUAL COSTS FOR MEALS WILL BE REIMBURSED, PLEASE PROVIDE RECEIPTS.

TOTAL \$ _____

LODGING

ACTUAL COSTS FOR LODGING WILL BE REIMBURSED, PLEASE PROVIDE RECEIPTS.

TOTAL \$ _____



