



Higgins Area Fire Protection District

BYLAWS

of the

Board of Directors

Amended November 15, 2017

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ARTICLE I

THE DISTRICT

1.1 NAME OF THE DISTRICT

The name of the District shall be "Higgins Area Fire Protection District."

1.2 FORMATION: OPERATIVE LAW

The District is established and shall operate under the provisions of the Fire Protection District Law of 1987, Section 13800 et. Seq. of the California State Health and Safety Code.

1.3 BUSINESS OFFICES

The business offices of the District shall be in such locations in the District, county of Nevada, State of California, or as may be designated from time to time by resolution or motion of the Board. The Principal business office of the District shall be located at 10106 Combie Road Auburn, CA. 95602

ARTICLE II

DEFINITIONS

2.1 BOARD

Shall Mean the Board of Directors of the District

2.2 CHAIN OF COMMAND

Shall mean the organizational structure implemented for the operation of the District to fulfill the Mission of the Fire District. (see exhibit A pg 10)

2.3 DISTRICT

Shall mean the Higgins Area Fire Protection District.

2.4 CHAIRPERSON

Shall mean the Chairperson of the Board as provided in Article 5 these Bylaws.

2.5 STAFF

Shall mean all paid permanent or permanent-intermittent employees

2.6 PAID CALL FIREFIGHTER

Shall mean a person who is on the District Roster of Paid Call Firefighters (volunteer) firefighters.

2.7 RECOGNIZED SUPPORT ORGANIZATIONS

Shall mean those organizations recognized by the Board whose function is to provide

support to the activities of the District, and which include the following:

- (a) Higgins Firefighter's Association
- (b) Higgins Fire Auxiliary.
- (c) All employee labor groups

ARTICLE III

BOARD OF DIRECTORS

3.1 FORMATIONS

(a) The Board of Directors shall consist of five (5) Directors, each of whom shall be elected for a period of four years.

3.2 GENERAL POWERS AND DUTIES

- (a) The Board shall have such power and duties as set forth in the Fire Protection Law of 1987, Sections 13800 et. Seq. of the California Health and Safety Code.
- (b) The Board has the responsibility to establish the overall policies of the District regarding the scope and level of service to be provided.

3.3 BOARD COMPENSATION

The Board may reimburse each Director for that Director's actual and necessary expenditures incurred in the discharge of his/her duties, and pay such other compensation as authorized by section 13844 of the Health and Safety Code, and resolution of the Board.

3.4 FISCAL YEAR BUDGET

The board shall provide a budget for the next fiscal year by June of every year.

3.5 MISSION STATEMENT

"The mission of Higgins Fire District is to provide the highest level of service to our community by valuing our members, promoting positive leadership, and dedicating ourselves to excellence"

ARTICLE IV

MEETINGS

4.1 REGULAR MEETINGS

(a) Regular meetings of the Board of Directors shall be held on the 3rd Wednesday of each month, commencing at 7:00 P.M. unless otherwise ordered by the Board of Directors. At the conclusion of any regular meeting, the Board of Directors may designate a location other than 10106 Combie Road Auburn, CA. as the location for the next regular meeting, provided that regular meetings shall be held within the jurisdictional boundaries of the District unless otherwise required or permitted by California law.

4.2 SPECIAL MEETINGS

A special meeting may be called at any time by the Chairperson. Upon the written

request of three (3) Board members, a special meeting shall be called. Written notice and agenda shall be delivered personally, by e-mail or by mail to each Board member and to each entity entitled to receive such notices. Such notice must be delivered personally, by e-mail, or by mail and be received at least twenty-four (24) hours prior to the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any who are actually present at the time it convenes.

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4.3 EMERGENCY MEETINGS

(a) In case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, or imminent danger to the public's health and safety, the Board may hold an emergency meeting without complying with the twenty-four (24) hour notice requirement of section 4.2.

(b) For purposes of this action, "emergency situation" includes, but is not limited to the following:

(1) Crippling disaster which severely impairs public health, safety, or both as determined by a majority of the board.

(2) Notwithstanding the provision of Section 54957 of the Government Code, the Board shall not meet in closed session during a meeting called pursuant to the section.

4.4 MEETINGS TO BE OPEN AND PUBLIC

All meetings of three (3) or more Board members or of any permanent standing committee of the Board to take action or to deliberate concerning District business and its conduct shall be open and public. All persons shall be permitted to attend any such meetings, except as otherwise provided, permitted by law or by these bylaws.

4.5 PUBLIC REQUEST OF THE BOARD

(a) The Public Members of the public may request that an item be placed on the Regular meeting agenda for consideration by the Board. Any such request must be in writing, and submitted to the Board Secretary at least ten (10) days prior to the date of the meeting at which consideration is requested. the request shall be reviewed by the Chairperson of the Board for propriety and time availability. If proper and adequate time is available, the matter will be set at the next regular meeting.

(b) District Officers of the Board of Directors may also request items to be placed on the agenda for any regular or special meeting. Any such request shall be communicated to the Chairperson at least ten (10) days before the meeting, and if proper and time available, it will be agendized.

4.6 CLOSED SESSIONS

Nothing contained in these Bylaws shall be construed to prevent the Board from holding a closed session during a regular or special meeting concerning any matter, permitted by law, to be considered in a closed session.

4.7 PUBLIC HEARINGS

All public hearings held by the Board shall be held during regular or special meetings of the Board.

4.8 NOTICE OF PUBLIC HEARINGS

Notice of the time and place of a public hearing shall include a general explanation of the purpose of the hearing and shall be published in the Union or other local paper of general circulation at least ten (10) calendar days before the date of the hearing. In addition, notice shall be sent by first-class mail to any person who has requested such notice in writing, if the person provides a stamped, self-addressed envelope or pays a reasonable sum in advance, for the cost of mailing such notices.

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4.9 QUORUM

Three (3) members of the Board shall constitute a quorum for the purpose of conducting its business, exercising its powers, and for all other purposes, except that a smaller number of Board members may continue or adjourn a meeting from time to time until a quorum is present.

4.10 ORDER OF BUSINESS

(a) The following shall be the general order of business at Board Meetings:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Introduction of Staff or Guests
5. Approval of Minutes
6. Financial Reports
7. Reports/Informational Items
8. Public Comment on matters not on Agenda
9. Personnel
10. Closed Session if required
11. Continuing Business
12. New Business
13. Announcements. Good of the Order
14. Adjournment

(b) The order of business may be altered by the Chair prior to issuance of the agenda or at the meeting, if determined to be appropriate to facilitate the business of the meeting.

(c) The Board proceedings shall be conducted in accordance with these Bylaws and District ordinances and resolutions, otherwise by the most recent edition of Robert's Rules of Order.

4.11 TRANSACTIONS OF THE BOARD

(a) The Board shall act only by ordinance, resolution of motion. Every act done or decision made by at least three (3) Directors at a duly held meeting of the Board is the act of the Board.

(d) By majority vote, and for good cause shown, the Board of Directors may

approve a variance from the strict application of District ordinances, resolutions, and policies.

4.12 CONDUCT OF THE MEETINGS

(a) The Chairperson of the Board or in his/her absence, the Vice Chairperson, or if both are absent, any Treasurer will be the Acting Chairperson Pro Tem, shall preside at meetings of the Board. The Board Secretary, or in the Secretary's absence, such other individual selected by the present Directors, to act as the Acting Secretary shall perform the duties of the Secretary at the meeting.

(b) Where necessary for the orderly operation of the meeting, the Chair may limit public comment during the public comment period or public hearing to no more than 5 minutes per individual.

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4.13 ATTENDANCE AT MEETINGS

(a) Members of the Board should attend all regular and special meetings of the Board unless there is good cause for absence.

(b) A vacancy shall occur if a Director becomes disqualified from holding office upon conviction of felony crime(s) as specified in the Constitution and laws of the State.

(c) A Director shall notify the Board Secretary, 24 hours prior to any board meetings if the Director is unable to attend.

4.14 INDEMNIFICATION OF THE BOARD MEMBERS

To the extent permitted by law, the District shall indemnify and defend any Board member in any pending or completed action, whether civil, criminal, administrative, or investigative against any expense, judgment, or fine arising out of the performance of his/her duties.

4.15 DIRECTORS PROHIBITED FROM ACTING AS FIREFIGHTERS

No Director of the Board of Directors of the District shall engage in the duties of firefighter within the District or any duties on behalf of the District relating to fire suppression or fire prevention while serving as a member of the Board of Directors of the District.

4.16 DEFENSE OF ACTION

The District, upon request of any staff, PCF (volunteer or former volunteer), shall provide for the defense of any civil action or proceeding brought against him/her in his/her individual capacity, or both, on account of an act or omission in scope of his/her employment (Reference: Government Code).

4.17 CODE OF ETHICS

The Board is committed to providing excellence in leadership that results in the provision of the quality to its constituents. In order to assist in the government of the behavior between and among members of the Board, the following rules should be observed.

- (a) The dignity, style, values and opinions of each Director should be respected.
- (b) Responsiveness and attentive listening in communication is encouraged.
- (c) The needs of the District's constituents should be the priority of the Board.
- (d) The primary responsibility of the Board is the formulation and evaluation of policy.
- (e) Operational aspects of the District are to be delegated to professional staff members of the District.
- (f) Directors should commit themselves emphasizing the positive, avoiding double standards, hidden agendas, gossip, and other forms of negative forms of interaction.
- (g) Directors should commit to focusing on issues not personalities.
- (h) Differing viewpoints are healthy in the decision-making process, as long as it does not become confrontational.
- (i) The work of the District is a team effort. Directors should function as a part of the whole.
- (j) Directors should develop a working relationship with the Fire Chief wherein issues, concerns and District projects can be discussed comfortably and openly.

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ARTICLE V

OFFICERS OF THE BOARD

5.1 DESIGNATION OF OFFICERS

- (a) The officers of the Board shall be the Chairperson, Vice Chairperson and Treasurer.

5.2 TERMS OF BOARD OFFICERS

- (a) The Chairperson, Vice Chairperson, and Treasurer serve for one (1) year, unless modified by the Board of Directors. From January through the following December 31, or for the portion thereof remaining after election of office.
- (b) Each Director shall serve, in succession as Treasurer, Vice Chairperson and Chairperson in sequence.

5.3 DUTIES OF BOARD OFFICERS

- (a) The Chairperson - The Chairperson shall preside over the Board meetings and generally perform such other duties as directed by the Board.
- (b) The Vice Chairperson - The Vice Chairperson, in the absence or incapacity of the Chairperson, shall perform the duties of the Chairperson. Should the office of the Chairperson become vacant; the Vice Chairperson shall perform the duties of the Chairperson.
- (c) The Treasurer - The Treasurer, in the absence or incapacity of the Vice Chairperson, shall perform the duties of the Chairperson. Should the office of the Chairperson become vacant; the Vice Chairperson shall perform the duties of the Chairperson.

5.4 SECRETARY TO THE BOARD

The Secretary duties shall include, but not be limited to, keeping and maintaining records of the Board and the recording and keeping of the minutes of the Board meetings. The Secretary shall

provide a copy of digital recorded minutes by any computer process, to any individual requesting said minutes as soon as available. The Secretary shall produce summary minutes, from the digital recordings to be included with the next regularly scheduled Board of Directors meeting's agenda. Once the minutes have been approved the digital recording will be maintained for one year. The Secretary will give notice of Board meetings whenever such notices are required per law.

5.5 COMMITTEES

It shall be the responsibility of each member of a Committee, appointed by the Board, To be fully informed concerning the business assigned to it by the Board. Each committee shall promptly perform tasks assigned to it and report such information and recommendations as she=all be necessary or proper. The Board Chairperson shall appoint standing and Ad Hoc Committees as deemed necessary.

- (a) Membership: the Board Chairperson will appoint those members necessary to carry out the goals and objectives of the specific Committee. This may consist of any combination of [parties in accordance with the Brown Ac. It is recommended that Directors serve on no more than on committee.
- (b) Duration: Terms of membership of standing committees shall be for at least one year. There is no maximum term. Membership on Ad Hoc Committees shall be for the duration of the Committee. Standing Committees shall publish their agenda and provide notice in the same manner as the regular Board Meetings.

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(c) Function: Committees shall act on behalf of the regular Board as a whole and shall make recommendations and regular reports to inform the Board as well as receive direction from the Board.

5.6 BOARD OF DIRECTOR'S GOALS AND OBJECTIVES

The Board shall, from time to time, but not less than annually review and approve Board goals and objectives for the calendar year.

ARTICLE VI

DISTRICT OFFICERS, EMPLOYEES and ORGANIZATION

6.1 DESIGNATION

There shall be, in addition to the Board of Directors, the following positions within the Fire District, according to discretionary operational need:

- | | |
|-------------------------|----------------------------|
| 1. Fire Chief | 6. Lieutenant |
| 2. Asst./Division Chief | 7. Fire Apparatus Engineer |
| 3. Battalion Chief | 8. Firefighter/Operator |
| 4. Business Manager | 9. Firefighter |
| 5. Captain | |

6.2 APPOINTMENT OF CHIEF

The Board shall select and appoint or terminate the individual to the position of Chief.

- (a) The Chief shall select and appoint, or terminate any employee of the District and these actions shall be subject to all policies and procedures. When the position of District Chief is vacant the Board shall appoint an interim Chief.

6.3 DUTIES OF THE FIRE CHIEF

- (a) The Chief shall serve at the will and pleasure of the Board.
- (b) The Chief has responsibility for the overall management of all operations of the District.
- (c) The Chief, or his/her designee, shall carry out and enforce of ordinances and policies of the District.
- (d) The Chief, or his/her designee, shall provide for suitable trainings covering the operations and handling of all equipment essential for the efficient and safe operation of the Fire District.
- (e) The Chief or his/her designee shall provide the Fiscal Adhoc committee, with a projection of the needs and direction of the Fire District for the upcoming fiscal year in May of each year.

6.4 LEGAL COUNSEL

The District Board may contract for legal services and said counsel shall represent the District Board. The Chairman of the Board may authorize a Board member to use the services of the District's legal counsel when warranted action is necessary to represent said member in concerns pertaining to District's business.

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6.5 PERSONNEL

- (a) The District shall not discriminate in appointments on the basis of race, sex, age, religion, or national origin or any other protected classes.
- (b) In accordance with the Personnel Policy of the District, the Chief is authorized to suspend, discipline, or remove from service any employee.
- (c) All employees appointed by the Chief shall serve within the Chain of Command. The Chief's designee per the chain of command, who is temporarily acting in the Chief's absence as the person in command, shall be directly responsible to the Board of Directors.

6.6 ADMINISTRATION AND PERSONNEL RULES

- (a) The Board shall establish Policies and Procedures by resolution for the administration of the District as required.
- (b) These policies will take effect on Board approval.
- (c) Said policies, when adopted may be amended from time to time by the Board of Directors.
- (d) Authority has been delegated to the Fire Chief to ensure all standard operating procedures (SOP), standard operating guidelines (SOG) and issue temporary directives are observed and adhere to. All policies, procedures, guidelines and temporary directives will be made available to all employees.
- (e) The policies, procedures, and directives are not expected to provide a solution to every situation or problem, which may arise in an organization established to render emergency service, nor are they intended to limit any member in the exercise of judgment or initiative in taking the action a reasonable person would take in extraordinary situations. They are expected,

however, to cover specifically or generally the obligations and duties of the members of the Fire District.

6.7 CHAIN OF COMMAND

- (a) Directors and District personnel shall respect and follow the chain of command.
- (b) While District personnel are not prohibited from directly discussing District affairs with Directors, it is professionally expected that they will normally first attempt to resolve any specific concern through their immediate supervisor and up through the chain of command. Only where resolution through the normal chain of command would be impractical or ineffective, should the initial contact be directly with a member of the Board of Directors.

6.8 DISTRICT ORGANIZATION

- (a) The Higgins Fire District consists of a Board of Directors, paid fulltime staff, paid call firefighters, and three support associations.
- (b) The District also contracts for emergency response services from Cal Fire.
- (c) The District is organized into three functional divisions:
 - (1) Administration – Consists of the business, financial affairs, and the personnel/office management of the District.
 - (2) Operations – Is comprised of fire/Rescue, training, Fire Prevention, Safety, supply and Maintenance.
 - (3) Support – Consists of the Fire auxiliary, Firefighters Association, Employee labor groups, each governed by their by-laws. **(Org. Chart see page 11)**

ARTICLE VII

GENERAL

7.1 AUTHORITIES TO BIND DISTRICT

No member of the Board, officer or agent, of the District shall have any authority to bind the District by any contract, to pledge its credits, or to execute any instrument on behalf of the Board, except as pre-authorized by fiscal budgets or as authorized by the Board.

7.2 CONTRACTS, DEEDS AND OTHER DOCUMENTS

- (a) The Chief, designated by the Board, or the designee of the Chief, shall execute on behalf of the District all contracts, deeds and other documents and instruments as authorized by the Board.
- (b) Nothing herein shall prohibit or construed to prohibit the Board or Chief from authorizing any other officer or employee of the District to so execute such instruments and other documents.

7.3 PAYMENT OF MONEY, NOTES, OR OTHER INDEBTEDNESS

All payments or purchases shall be made only in compliance with Policies and Procedures established by the Board.

7.4 STATEMENTS BY BOARD MEMBER AND DISTRICT PERSONNEL

In all cases, a Board member, the Fire Chief, or any District personnel shall use discretion in expressing personal opinions (especially if a Board action is in dispute or in the appeal process or has the potential for litigation). One should recognize that such opinions, statements, and

suppositions may be misunderstood, misused, or could reflect in a negative manner on the Fire Chief, the employees, or District Board of Directors.

ARTICLE VIII

AMENDMENT OF THE BYLAWS

8.1 AMENDMENTS TO THE BYLAWS

The Bylaws may only be amended as follows:

- (a) The full text of any proposed amendment shall be provided to the Board members at least seven (7) days prior to the first consideration of the amendment.
- (b) The proposed amendment shall be read once and then shall be read a second time at the next regular meeting at least thirty (30) days thereafter.
- (c) Prior to adoption modifications may be made in the text at either reading.
- (d) Subsequent to the second reading and at the same regular the amendment may then be approved by a vote of at least three (3) members of the Board, and shall go into effect immediately.

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The above Bylaws were passed and adopted by the Board of Directors of the Higgins Area Fire Protection District 10106 Combie Road Auburn, CA. 95602 at a meeting of said Board, _____.

John Boykin, Chairman
Board of Directors
Higgins Fire District

Attested to by,
Danette Austin, Board Secretary