

**BYLAWS
OF
CONCORD FIRE PROTECTION DISTRICT**

Approved: 2/13/2017

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BYLAWS
OF
CONCORD FIRE PROTECTION DISTRICT

PREAMBLE

The Concord Fire Protection District is established pursuant to KRS, Chapter 75, to operate the Fire Department for the purpose of providing fire protection and fire prevention services to the Fire Protection District. These Bylaws shall control the management and operation of the business and affairs of the Fire Protection District.

Article I

CONCORD FIRE PROTECTION DISTRICT

Section 1. NAME

CONCORD FIRE PROTECTION DISTRICT shall be referred to in these Bylaws as “Fire Protection District.”

Section 2. DEPARTMENT

CONCORD FIRE DEPARTMENT refers to Firefighters, officers, and employees that are part of the Fire Department within the Fire Protection District. [KRS 75.100(4); KRS 75.150 to KRS 75.180]

Section 3. PRINCIPAL FIREHOUSE

The principal firehouse of the Fire Protection District where elections shall take place is located at:

5265 ENTERPRISE DRIVE

PADUCAH, KY 42001

[KRS 75.031(2); KRS 75.130(2)]

Section 4. ADMINISTRATIVE HEADQUARTERS

The administrative headquarters and principal place of business of the Fire Protection District where most public records are located and public meetings take place is located at:

5265 ENTERPRISE DRIVE

PADUCAH, KY 42001

[KRS 61.820; KRS 61.835; KRS 61.872(5); KRS 61.876(1)(a)]

Section 5. MAILING

The mailing address for the Fire Protection District is:

5265 ENTERPRISE DRIVE

PADUCAH, KY 42001

Section 6. BUSINESS PHONE

The business telephone for the Fire Protection District is:

(270) 442-2496

Section 7. FAX & EMAIL

The fax and email addresses for the Fire Protection District are:

(270) 443-8954

chief@concordfire.net

Section 8. BOUNDARIES

The district boundaries and names/addresses of Chief and members of the Board of Trustees of the Fire Protection District are contained in the annual Registration & Board Reporting filed with the Kentucky Department of Local Government and available for public inspection in the DLG website. [KRS 65A.090; 109 KAR 16 Section 1]

Article II

CONCORD FIRE PROTECTION DISTRICT AND MEMBERS

Section 1. BOARD OPERATES

The Board of Trustees of the Fire Protection District operates the Fire Department within the Fire Protection District. [KRS 75.040]

Section 2. FIRE DEPARTMENT

The Fire Department refers to the officers, including the chief and assistant chief, Firefighters, and the clerical or maintenance employees of the Fire Protection District. [KRS 75.100(4); KRS 75.150 to KRS 75.180]

Section 3. TAX LEVY

The Board of Trustees of the Fire Protection District is authorized to levy a tax upon the property in the district provided that the property is subject to county tax, and not exceeding ten cents (\$.10) per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance and operation of the Fire Department. [KRS 75.040]

Section 4. CONTRACTS

The Board of Trustees of the Fire Protection District may make and enter into contracts with another Fire Protection District in the Fire Protection District area for the furnishing or receiving of fire protection services for all property within the confines of the area included in and covered by any contract. [KRS 75.050]

Section 5. GOVERNMENTAL FUNCTION

The personnel and equipment of the Fire District in going to or returning from a fire, or in answering and responding to a false fire alarm or call, and while endeavoring to extinguish fires within the Fire Protection District area or area covered any contract, are deemed and declared to be engaged in the exercise of a governmental function of the Fire Protection District. [KRS 75.050]

Section 6. REGULAR DUTY

All Fire Protection District Firefighters, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the limits of the Fire Protection District shall be considered as serving in their regular line of duty as fully as if they were serving within the Fire District. [KRS 75.060]

Section 7. GOVERNMENTAL PROTECTION

The Fire Protection District and its personnel while answering any fire alarms, or performing fire prevention services, or other authorized emergency services inside and outside of the Fire Protection District shall be considered agents of the Commonwealth of Kentucky, and acting solely and alone in a governmental

capacity. The Fire Protection District shall not be liable in damages for any omission or act of commission or negligence while answering an alarm, performing fire prevention services, or other duly authorized emergency services. [KRS 75.070]

Article III

OPERATION OF THE FIRE DEPARTMENT

Section 1. BOARD CONTROLS

The Board of Trustees of the Fire Protection District shall control the Fire Department and its property and equipment. [KRS 75.120]

Section 2. BOARD APPOINTS CHIEF

The Board of Trustees shall appoint a chief of the Fire Department and all subordinates, and, in the Board's sole discretion determine the number of members in the Fire Department. [KRS 75.120]

Section 3. BOARD DETERMINES EMPLOYEES

The Board shall, by resolution, determine the salaries of all employees of the Fire Department, and provide for the payment of the salaries and other expenses of the Fire Protection District. [KRS 75.120]

Section 4. BOARD APPOINTS VOLUNTEERS

The Board of Trustees may, in its sole discretion, appoint volunteer Firefighters, and determine by resolution and pay for the expenses reimbursement for volunteer Firefighters. [KRS 75.120]

Section 5. BOARD REDUCE EMPLOYEES

The Board may reduce the number of employees of the Fire District as long as its action is not capricious or arbitrary. [KRS 75.120]

Section 6. CHAIRPERSON APPOINT SPECIAL FIREFIGHTERS

The Chairperson of the Board of Trustees may, if in his/her discretion there is a need, appoint special Firefighters to perform special duties anywhere within the fire district, on terms the Chairperson deems proper. [KRS 75.110]

Section 7. SPECIAL FIREFIGHTER POWERS

Special Firefighters appointed by the Chairperson shall be governed by the rules established by the Board of Trustees, and may be given powers as determined within the discretion of the Board of Trustees, including the powers enumerated in KRS 75.160. If rules are not provided, the special Firefighters shall be deemed to have the powers and duties of regular Firefighters. [KRS 75.110]

Article IV

CHIEF OF THE FIRE DEPARTMENT

Section 1. CHIEF ATTENDS BOARD MEETINGS

The Chief of the Fire Department shall attend all sessions of the Board of Trustees and shall execute all orders of the Board of Trustees. [KRS 75.160]

Section 2. CHIEF DIRECTS OPERATIONS

The Chief of the Fire Department shall direct and control the operation of the Fire Department and control its members in the discharge of their duties. [KRS 75.180]

Section 3. INVESTIGATE FIRES

The Chief, Assistant Chief, or highest officer present at the fires answered by the Fire Department, shall investigate their causes, examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence, and make arrests. [KRS 75.160]

Section 4. FIRE INSPECTIONS

The Chief may enter any building at all reasonable times for the purpose of examining the building if, in the Chief's opinion the building is in danger of fire, and shall report the findings, when requested, to the Board of Trustees and the State Fire Marshal. [KRS 75.180]

Section 5. WATER ACCESS

The Chief and members of the Fire Department shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons, for the purpose of extinguishing fires; and, shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. [KRS 75.180]

Section 6. CHIEF DUTIES PRESCRIBED BY BOARD

The Chief shall have control of all hose, building, engines and other equipment provided for the Fire Department under direction of the Board of Trustees or those authorized by the Board of Trustees to exercise this direction, and shall perform such other duties prescribed by the Board of Trustees not inconsistent with law. [KRS 75.180]

Article V

MEMBERS OF THE FIRE DEPARTMENT

Section 1. FIREFIGHTER OATH

Each member of the Fire Department shall, before entering upon the discharge of his/her various duties, take an oath to faithfully discharge his/her duties and the oath shall be subscribed by the person taking it and filed in the minute book kept by the Secretary of the Board of Trustees. [KRS 75.170]

Section 2. FIREFIGHTER BOND

Each member of the Fire Department shall give such bond as the Board of Trustees may designate and with such surety as required by the Board conditioned upon faithful performance of the member's duties. [KRS 75.170]

Section 3. COMMAND AUTHORITY

Under the strict command and control of the Chief of the Fire Protection District and subject at all times to the orders of the County Judge/Executive, regular members of the Fire Department, except volunteer firemen, have the same powers of arrest as now given by law to sheriffs of the Commonwealth of Kentucky and are conservators of the public peace whose duties, in addition to their other duties, are to conserve the peace, enforce all laws and preserve order. [KRS 75.160]

Section 4. SUBPOENAS

Members of the Fire Protection District shall not have power to serve subpoenas, summons and notices in civil cases and shall receive no fees for performing any of the duties pertaining to powers of law enforcement. [KRS 75.160]

Section 5. DISCIPLINE

No member of the Fire Protection District shall be dismissed, suspended or reduced in grade or pay for any political opinion. [KRS 75.150]

Section 6. POLITICAL ACTIVITIES

Members of the Fire Protection District, while off duty and out of uniform, shall be entitled to:

- A.** Place political bumper stickers on their privately-owned vehicles;
- B.** Wear political buttons;
- C.** Contribute money to political parties, political candidates and political groups of their choice;
- D.** Work at the polls on election days;
- E.** Aid in registration or purgation of voters;
- F.** Become members of political groups; and
- G.** Hold office in political groups and carry out the mandates of that group. [KRS 75.150]

Article VI

FISCAL MATTERS

Section 1. JULY-JUNE FISCAL YEAR

The fiscal year for the Board of Trustees shall begin on July 1 and end on June 30 of each year. [Kentucky Constitution §169]

Section 2. DLG REGISTRATION & FEE BY JULY 15

The Board of Trustees shall no later than July 15 annually complete the Special Purpose Governmental Entity (SPGE) Registration & Board Reporting Form, Form SPGE 100, on the Department of Local Government Public Portal. [KRS 65A.090; 109 KAR 16, Section 2]

Section 3. BUDGET BY JUNE 30 TO DLG BY JULY 15

The Board of Trustees shall annually adopt a budget conforming with the requirements established under [KRS 65A.020] prior to the start of the fiscal year and in conformity with county budgets, including but not limited to: (a) General expenses of the Fire Protection District; (b) Protection to persons and property; (c) Transportation facilities and services; (d) Debt service; (e) Administration and miscellaneous; and such other budget units as required by the activities of the Fire Protection District, and, post it electronically on Form SPGE 101, Column 1, on the DLG online Public Portal. [KRS 65A.080(1); KRS 65A.020(2)(a)2; 109 KAR 16, Section 4]

Section 4. AMENDED BUDGET

The Board of Trustees may amend its budget as necessary during the Fiscal Year and shall post the amendments on Form SPGE 101, Column 2, on the DLG online Public Portal. [KRS 65A.020(2); 109 KAR 16, Section 4]

Section 5. FINAL BUDGET YEAR END ACTUALS

The Board of Trustees must post the final Budget with Year End Actuals on Form SPGE 101, Column 3, by September 1, electronically on the DLG online Public Portal by September 1 shall amend its budget as necessary during the Fiscal Year and post the amendments on the DLG online Public Portal. [KRS 65A020(2); 109R 16, Section 4]

Section 6. BUDGET CONTROLS ANY SPENDING

The Board of Trustees shall not expend any funds from any sources except in accordance with the budget filed on Form SPGE 101 on the DLG online Public Portal. [KRS 65A020(2); 109 R 16, Section 4]

Section 7. MONTHLY FINANCIAL CALENDAR

The Board of Trustees shall use the monthly Financial Legal Calendar in eFIRE Legal Handbook, #8, January #6(8)1 to December #6(8)12, as amended and updated from time to time, to ensure compliance with the financial and legal requirements for [KRS 75]

Section 8. ANNUAL FINANCIAL STATEMENT BY SEPTEMBER 1

The Board of Trustees shall by September 1 prepare, or have prepared by a Certified Public Accountant, by Financial Statement for the prior July 1 to June 30 Fiscal Year. [KRS 65A.080(2)]

Section 9. NEWSPAPER ADVERTISEMENT OF FINANCIAL RECORDS

The Board of Trustees shall publish in the newspaper the location of: (1) annual financial statement (#8 above); (2) budget (#3, #4, #5, above); (3) audit or attestation (#11 below). [KRS 65A.080(2)]

Section 10. INDEPENDENT AUDIT FILED WITH DLG

[\$100,000 to \$499,999] INDEPENDENT AUDIT EVERY 4 YEARS FILED DLG:

Because the Fire Protection District receives from \$100,000 to \$500,000 annual income, the Board of Trustees shall annually prepare a financial statement and once every four (4) years have an independent Certified Public Account perform an audit in accordance with generally accepted governmental auditing standards to be completed no later than 12 months after the close of the Fiscal Year and filed within 15 days of receipt with DLG electronically on the DLG online public portal. [KRS 65A.030; 109 KR 16 Section 5]

Section 11. FIRE DISTRICT ETHICS ORDINANCE

The Board of Trustees is subject to the Code of Ethics of the County Fiscal Court which has been made available to each Trustee. [KRS 65A.070]

Section 12. SIGNATURES

All checks, payments, property transfers or legal documents of the Fire Protection District shall be signed by at least one of the following officers of the Board of Directors: Chairperson or Treasurer.

Section 13. PROFESSIONAL RELIANCE

Individual members of the Board of Trustees shall discharge their duties as Trustee in good faith, on an informed basis, and in the best interest of the Fire Protection District, and may rely upon financial, legal or accounting professionals who are reliable and competent. [KRS 273.215]

Article VII

BOARD OF TRUSTEES

Section 1. BOARD OF TRUSTEES

The affairs of the Fire Protection District shall be conducted by a seven (7) member Board of Trustees selected as follows:

A. FIREFIGHTER/DISTRICT MEMBERS

Two (2) members of the Board of Trustees shall be [KRS 75.100(7)] “members” of the District” which includes all Firefighters, officers, and non-Firefighter employees, and shall be elected by the active Firefighters of the Fire District for terms of four (4) years each. The terms of the Firefighter/District Member Trustees shall be staggered

with elections conducted every other year on the even numbered years. An “active Firefighter” is defined as a Firefighter of the Fire Protection District that is in good standing and does not include a Firefighter on a leave of absence except: (i) approved medical leave; (ii) approved personal leave for less than eighteen (18) months. [KRS 75.031(1)(a)]

B. PROPERTY OWNERS

Two (2) members of the Board of Trustees shall be [KRS 75.031(1)(a)] property owners who own property and reside in the District and are not active Firefighters and shall be elected by the property owners of the Fire District for terms of four (4) years each. The terms of the Property Owner Trustees shall be staggered with elections conducted every other year on the odd numbered years. [KRS 75.031(1)(a)]

C. APPOINTED

Three (3) members of the Board of Trustees shall be appointed for terms of three (3) years each by the County Judge/Executive, with the approval of the County Fiscal Court. One of the three (3) appointed members is appointed each year. [KRS 75.031(1)(a); KRS 67C.101 and 67C.137]

Section 2. VACANCY

In the event of a vacancy in the term of any Trustees, whether elected or appointed, the County Judge/Executive, with the approval of the County Fiscal Court, shall appoint a person qualified for the vacant position as Trustee for the remainder of the term. [KRS 75.031(1)(a)]

Section 3. REMOVAL OF APPOINTED TRUSTEE

An appointed Trustee may be removed from office by the County Judge/Executive, for inefficiency, neglect of duty, malfeasance or conflict of interest, subject to the approval of the County Fiscal Court. [KRS 75.031(1)(b); KRS 65.007]

Section 4. REMOVAL OF FIREFIGHTER/DISTRICT MEMBER TRUSTEE

An elected Firefighter/District Member may be removed from office by the County Judge/Executive for inefficiency, neglect of duty, malfeasance or conflict of interest, subject to the approval of the County Fiscal Court. [KRS 75.031(1)(d)]

Section 5. REMOVAL OF PROPERTY OWNER TRUSTEE

An elected Property Owner Trustee may be removed from office by the Kentucky Attorney General for inefficiency, neglect of duty, malfeasance or conflict of interest. [KRS 415.010 to 415.080]

Section 6. DISCIPLINE FOR TRUSTEE MISCONDUCT

Based upon the adoption of Robert's Rules of Order in Article IX, §18, the Board of Trustees may discipline a member for misconduct as follows:

A. Notice

Verbal notice to Trustee by the Chairperson of the requirements of KRS or Bylaws requirements.

B. Call Member to Order

Verbal or written notice to Trustee that he/she was out of order and engaged in prohibited conduct.

C. Name the Offender

The Chairperson instructs the Secretary to record the misconduct which, in essence, prefers charges against the Trustee.

D. Penalties

Chairperson cannot impose a penalty for misconduct, only the Board of Trustees can after a proper motion, including:

- (1) Motion that Trustee must apologize;
- (2) Motion to remove from room for the rest of the meeting;
- (3) Motion to censure the Trustee;

(4) Motion to suspend Trustee's rights for a designated period of time.

(5) Motion to expel the Trustee from the Board of Trustees.

E. Closed

Member may be required to leave the session by motion and vote.

F. Censure

Reprimand to member warning to him/her that if a certain behavior continues, the next step is suspension or expulsion.

G. Misconduct

Board of Trustees by a majority vote can censure a Trustee for misconduct, violating confidentiality, absenteeism, fraud, lying, disloyalty, or violating Bylaws or Kentucky Revised Statutes.

H. Officer

Board or Committee officer or member can be censured for misconduct, activities beyond the Bylaws or assignment, etc.

I. Removal from Office

Charges, notice, hearing, majority vote.

J. Removal from Board

Trustee can be removed from the Board of Trustee for: "inefficiency, neglect of duty, malfeasance or conflict of interest."

(1) Firefighter/District Member: County Judge/Executive hearing. [KRS 75.031(1)(d)]

(2) Appointed: County Judge/Executive hearing. [KRS 75.031(1)(b)/KRS 65.007]

(3) Property Owner Trustee: Attorney General. [KRS 415.030]

K. Removal

Hearing under Robert's Rules can precede final action under "J."

L. Criminal Misconduct

Can be prosecuted under [KRS 522.020; KRS 522.030]

Article VIII

ELECTION OF TRUSTEES

Section 1. RESPONSIBILITY OF BOARD

[KRS 75.031] requires that "the affairs of the (Fire Protection) District shall be conducted by the Board of Trustees consisting of seven (7) members, four (4) to be elected and three (3) to be appointed by County Judge/Executive.

Section 2. ELECTION DATE

The election of the Property Owners and Firefighter/District Members Trustees shall be held each year on the fourth Saturday of June between the hours of 11:00 a.m. and 2:00 p.m. [KRS 75.031(2)]

Section 3. LOCATION OF POLLS

[KRS 75.031(2)] requires that the polls for the election shall be located at the principal fire house in the Fire District which is located at 5265 Enterprise Drive, Paducah Kentucky.

Section 4. TRUSTEE COMMITTEE

At the July meeting of the Board of Trustees, the Chairperson shall appoint three (3) Trustees, none of whom are candidates for election, to a Trustee Committee which will be responsible to: (a) solicit nominations; (b) accept nominations; (c) advertise the election at least thirty (30) days prior to the election date; (d) prepare for election; and, (E) conduct election for Board of Trustees in accordance with these Bylaws.

***eFIRE (3#C) APPOINTMENT OF TRUSTEE COMMITTEE shall be used.

Section 5. PUBLIC ANNOUNCEMENT OF TRUSTEE ELECTION

At the February meeting, the Board shall order that a public announcement with qualifications for candidates, be prepared and submitted by March 1, to: (a) Paducah Sun and any other local newspapers requesting a public service announcement without charge; (b) Civic, community and other organizations in the Fire District seeking candidates for Trustee; (c) Associations of Financial Advisors, Bankers, Accountants, and other business organizations with members in the Fire District seeking fiscal experts as candidates; (d) Posting at the Headquarters and each Fire Station of the Fire District seeking experience and leadership candidates.

Section 6. NOMINATIONS FOR PROPERTY OWNER TRUSTEE

Nominations for Property Owner Trustee shall be submitted in written form to the Trustee Committee before May 1st, and contain the following information:

- A. Full legal name of the candidate;
- B. Address of candidate's personal residence in the Fire Protection District;
- C. Identification and location of real or personal property subject to fire tax located within boundaries of the District and owned by the candidate;
- D. Affirmation that the candidate is not an active Firefighter;
- E. Statement that the candidate is a citizen of Kentucky;
- F. Affirmation that the candidate is at least twenty-one (21) years old.
- G. Affirmation or notarized signature of the candidate.

***eFIRE (3#E) NOMINATION FOR ELECTED TRUSTEE shall be used.

Section 7. FIREFIGHTER/DISTRICT MEMBER TRUSTEE NOMINATIONS

Nominations for the Firefighter/District Member Trustee shall be submitted in writing to Trustee Committee before May 1st, and contain the following information:

- A. Full legal name of the candidate;

- B.** Affirmation that the candidate is an active volunteer Firefighter, an active paid Firefighter, or a non-firefighter employee, of the Fire Protection District;
- C.** Statement that the candidate is a citizen of Kentucky;
- D.** Affirmation that the candidate is at least twenty-one (21) years old.
- E.** Affirmation or notarized signature of the candidate.

***eFIRE (3#E) NOMINATION FOR ELECTED TRUSTEE shall be used.

Section 8. AUTHORIZATION FOR RECORDS CHECK

Each Nominee for Property Owner Trustee and Firefighter/District Member shall complete an authorization for records check which will be conducted after the election on the successful candidates.

***eFIRE (3#F) RECORDS CHECK AUTHORIZATION shall be used.

Section 9. NOMINATIONS REVIEWED BY TRUSTEE COMMITTEE

The Trustee Committee shall open and review all nominations received for Property Owner Trustee and Firefighter/District Member Trustee, and make a report at the May Board meeting.

***eFIRE (3#G) REPORT TO BOARD ON NOMINATIONS shall be used.

Section 10. NEWSPAPER ADVERTISEMENT OF ELECTION

The (a) date, (b) time, and (c) place of the election, and the (d) name and (e) address of each candidate for Property Owner Trustee and/or Firefighter/District Member Trustee must be advertised in the newspaper in accordance with [KRS 424.120], before May 26.

***eFIRE (3#H) ADVERTISEMENT OF TRUSTEE ELECTION, shall be used.

Section 11. JOINT ELECTION ADVERTISEMENT

The Newspaper Advertisement of Election (required by Section 10 immediately above) may be published together with other Fire Districts. [KRS 75.031(2)]

***eFIRE (3#H) ADVERTISEMENT OF TRUSTEE ELECTION shall be used.

Section 12. USPS MAILING TO FIREFIGHTERS

Instead of the newspaper advertisement (required by Section 10 above), the Board of Trustees may vote to provide the required election information be sent by first-class mail to the residence of each Firefighter member of the Fire District by May 26.

***eFIRE (3#H) ADVERTISEMENT OF TRUSTEE ELECTION shall be used.

Section 13. POSTING OF CANDIDATES, DATE & TIME

The Newspaper Advertisement of Election, required by Subsection 9. above shall also be posted at Headquarters and each Fire Station of the Fire District by May 26.

***eFIRE (3#H) ADVERTISEMENT OF TRUSTEE ELECTION shall be used.

Section 14. FIREFIGHTER MEMBERS

Only “members of the Firefighters of the District” as defined in the RESOLUTION ON DEFINITION OF FIREFIGHTER MEMBER shall be allowed to vote for the Firefighter/District Member Trustee.

***eFIRE (3#I) DEFINITION OF FIREFIGHTER MEMBER shall be used.

Section 15. CERTIFICATION OF FIREFIGHTER MEMBERS

The Chairperson of the Board of Trustees of the Fire District shall present to the Trustee Committee, at least two (2) days before the election, a written certification containing: (a) Full legal name; (b) home address; (c) date of birth; of each

Firefighter Member qualified to vote in the election of the Firefighter/District Member election.

***eFIRE (3#J) CERTIFICATION OF FIREFIGHTER VOTERS shall be used.

Section 16. VOTER REGISTRATION ON ELECTION DATE

Each person wishing to vote shall complete prior to voting a VOTER REGISTRATION form with sufficient information to confirm that the person meets the qualifications to vote for a Property Owner Trustee or the Firefighter/District Member Trustee.

***eFIRE (3#K) VOTER REGISTRATION IN TRUSTEE ELECTION shall be used.

Section 17. BALLOT FOR TRUSTEE ELECTION

Qualified voters will be allowed to vote by secret, paper ballot for one candidate, and the voter shall be allowed to fold the ballot and place it with all other ballots in a container or box that can be secured.

***eFIRE (3#L) BALLOT FOR ELECTION OF TRUSTEE shall be used.

Section 18. NO ABSENTEE BALLOTS

Board of Trustees of Fire Protection District has decided that absentee will not be allowed in the elections of Property Owner Trustee or Firefighter/District Member Trustee. [KRS 75.031(2)]

Section 19. NO WRITE-IN BALLOTS

Board of Trustees of Fire Protection District has decided that write-in ballots will not be allowed in the elections of Property Owner Trustee or Firefighter/District Member Trustee. [KRS 75.031(2)]

Section 20. COMMITTEE SUPERVISION OF ELECTION

The Trustee Committee is responsible for a fair and impartial election by the Property Owners and Firefighters of the Fire District. In the event there is only one candidate nominated for Property Owner Trustee and there are no write-in votes allowed by these Bylaws, the Trustee Committee may, but it is not required, after at least six (6) votes are cast, arrange for those ballots to be taken and secured. Then the Committee may arrange for the ballot container or box to be placed in a secured location at the voting location during the remainder of the voting time between 11:00 a.m. and 2:00 p.m. without personal supervision of the Trustee Committee.

Section 21. CHALLENGE TO VOTER QUALIFICATIONS

Any person may challenge the qualifications of a voter before the voter casts a ballot by certifying under oath or affirmation that the challenger has good reason to believe the challenged voter is not qualified. All challenged voters shall be allowed to place the ballot in a separate envelope which shall be numbered on the outside to correspond with the challenge number and remain sealed until a final determination by the Board.

***eFIRE (3#O) CHALLENGE TO VOTER QUALIFICATIONS shall be used.

Section 22. VERIFICATION OF PROPERTY OWNER QUALIFICATIONS

Whenever a Property Owner Voter is challenged or the Trustee Committee has questions, the voter will be asked to verify under oath of affirmation information and/or documentation to prove: (a) Identification and location of real or personal property subject to fire tax located within boundaries of the District and owned by the voter; (b) Voter is a citizen of Kentucky; (c) Voter is at least eighteen (18) years old. All challenged voters shall be allowed to place the ballot in a separate, plain envelope which shall be numbered on the outside to correspond with the challenge number and remain sealed until a final determination by the Board of Trustees.

***eFIRE (3#P) COMMITTEE DECISION ON CHALLENGES shall be used.

Section 23. COMMITTEE RECOMMENDATION ON CHALLENGES

Prior to the next Board of Trustees meeting following the Trustee election, the Trustee Committee shall meet to consider and make a recommendation on all challenges to Property Owner and Firefighter voters for a decision by the Board of Trustees

Section 24. COUNTING OF THE BALLOTS

After 2:00 p.m. on Election Day, the Trustee Committee shall collect, safeguard, and count the ballots and prepare a report to the Board with the result of the election. The counting of ballots shall be open to any candidate, qualified voter, Fire District resident, or the public.

Section 25. TRUSTEE COMMITTEE REPORT

After consideration of all nominations, advertisements, voter registration, ballots, challenges, and results, the Trustee Committee shall present a full report to the Board of Trustees.

***eFIRE (3#Q) COMMITTEE REPORT TO BOARD shall be used.

Section 26. BOARD DECISION ON CHALLENGES & IRREGULARITIES

After full and complete consideration of Report of Trustee Committee, and after any necessary further investigation, the Board of Trustees shall rule on any challenges to voter qualifications and any other alleged election irregularities.

***eFIRE (3#R) BOARD CERTIFICATION OF ELECTION shall be used.

Section 27. CERTIFICATION OF ELECTION BY BOARD

At its July meeting, the Board of Trustees, excluding any candidates for election, shall re-count the ballots and certify the results of the election. The Board shall be the final judge of the validity of all ballots cast.

***eFIRE (3#R) BOARD CERTIFICATION OF ELECTION shall be used.

Section 28. REPORT OF VACANCY OF ELECTED TRUSTEE

If an election of a Property Owner or Firefighter/District Member Trustee cannot be verified because of election irregularities or the resignation, disqualification, or removal of an elected Property Owner or Firefighter/District Member Trustee, the Board of Trustees shall certify the vacancy and notify the County Judge/Executive that an appointment is required.

***eFIRE (3#S) REPORT VACANCY ELECTED TRUSTEE shall be used.

Section 29. STRAW VOTE FOR VACANCY RECOMMENDATION

Many Fire Protection Districts have made it a practice of conducting a “straw vote” or “survey” of Firefighters or Property Owners in order to obtain an endorsement or recommendation for submitting to the County Judge/Executive for appointment as Trustee to a vacancy. Because the Trustee appointments by a County Judge are strictly political appointments, the recommendations, even with a “straw vote” or “survey,” do not legally have to be followed. The practice is a policy decision for the Board in light of any expenses.

Section 30. OATH OF OFFICE OF ELECTED TRUSTEE

At the July meeting of the Board of Trustees, or as early as July 1 if the election results are certified by the Board, each new Trustee elected at the June election is required by law to take an oath of office before a notary public, or the County Judge/Executive, to faithfully discharge the duties of Trustee. The oath is required by law to be subscribed by the person taking it and filed in the Fire Protection District minute book kept by the Secretary of the Board of Trustees. [KRS 75.170]

***eFIRE (3#T) OATH OF OFFICE OF TRUSTEE shall be used.

Article IX

BOARD MEETINGS

Section 1. MONTHLY MEETING

Board of Trustees of the Fire Protection District shall hold its regular monthly meeting on the second (2nd) Monday of each month beginning at 6 p.m. at 5265 Enterprise Drive, Paducah Kentucky 42001. [KRS 76.260; KRS 61.812]

Section 2. OFFICERS

At the July meeting each year, the Board of Trustees shall elect the following officers: (a) Chairperson, (b) Secretary, (c) Treasurer. [KRS 75.031(3)]

Section 3. TREASURER BOND

The Treasurer shall give bond in an amount determined by the County Judge/Executive, conditioned upon the faithful discharge of the Treasurer's duties and the faithful accounting for all funds received by the Treasurer. The bond premium shall be paid from District funds. [KRS 75.031(3)]

Section 4. MINUTE BOOK

The Secretary of the Board of Trustees shall keep a minute book with accurate minutes of all action taken at any meeting, including all votes and decisions, together with all resolutions, tax levies, and other important materials. After approval by the Board, the minutes shall be promptly filed with the County Clerk and open for public inspection. [KRS 75.240]

Section 5. IMPORTANT DOCUMENTS

All important material required to be kept by the Secretary must also be filed with the County Clerk, unless the minute's state that in addition to the minutes and financial statements filed with the County Clerk all other important records and

materials are maintained by the Fire Protection District for inspection under Open Records Law. [KRS 61.870; KRS 75.240]

Section 6. QUORUM

Four (4) Trustees must be physically present to make a quorum required by law to take any valid action. Action by less than quorum is not binding on the Board or the Fire Protection District

Section 7. PERSONAL LIABILITY FOR ACTION WITHOUT QUORUM

Any action requiring Board approval which is taken by an individual or individuals less than a quorum of the Board of Trustees makes that individual or those individuals personally liable for such action or expenses.

Section 8. ROBERT'S RULES OF ORDER

Robert's Rules of Order, as revised, which are not contrary to or inconsistent with these Bylaws, shall govern the proceedings of the meetings of the Board of Trustees of the Fire Protection District. [KRS 424.260]

Section 9. PUBLIC MEETING

All meetings of the Board of Trustees are public meetings, open to the public at all times, except for closed sessions to discuss (a) appointment, discipline or dismissal of an employee or District member; (b) proposed or pending litigation against or for the District, or other exempt matters. [KRS 61.800 and 61.810]

Section 10. SPECIAL MEETINGS

The Chairperson or four (4) Trustees may call a special meeting of the Board of Trustees at any time by delivering personally or by mail written notice of the (a) date; (b) time; (c) place; (d) agenda; (e) purpose; of the meeting to each Board member and to any newspaper, news service, radio station and television station that previously filed a request to be notified of special meetings. Notice must be

calculated to be received at least 24 hours prior to the special meeting. If not, notice must be given that is reasonable under the circumstances and calculated to inform the public. Discussion shall be limited to the purpose of the emergency meeting. [KRS 61.823]

Section 11. CLOSED SESSIONS

Prior to any closed session of the Board, it is mandatory that: (1) Notice be given in the regular open meeting of the general nature of the business to be discussed in closed session and the reason for the closed session; (2) Closed session may be held only after a motion is made and carried by a majority vote in open session; (3) No final action may be taken at a closed session; (4) No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session. [KRS 61.815]

Section 12. NO CONDITIONS ON PUBLIC

No condition other than requirements for the maintenance of order shall apply to members of the public at any meeting of the Fire Protection District. No person shall be required to identify themselves to attend a meeting. News media coverage, including radio and television, shall be permitted. [KRS 61.840]

Section 13. VOIDABLE ACTION

Any decision or payment by the Board without substantial compliance with open meetings law is voidable by the Court. [KRS 61.848(5)]

Section 14. LEGAL COUNSEL

Board of Trustees may employ legal counsel to advise it on all matters related to their duties and responsibilities, and has the discretion to delegate such authority to the attorney not forbidden by law. The attorney shall attend meetings of the Board when requested and advise the Board on all legal matters requested. The Board shall fix the compensation of the attorney. [KRS 61.848(5)]

Section 15. TRUSTEES PAYMENTS

Board may pay its Trustee members on a per meeting basis not to exceed \$25.00 for one (1) meeting per month. [KRS 75.260(1)]

Article X

ADMINISTRATIVE AND DISCIPLINARY PROCEDURES

Section 1. DISCIPLINE OF MEMBERS

No member of the Fire Protection District shall receive a disciplinary reprimand, or, be dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law, these Bylaws or other rules and regulations adopted by the Board of Trustees, and only after charges are preferred and a hearing. [KRS 75.130]

Section 2. [Revised Discipline Narrative Will Be Distributed When Completed]

Section 3. DISCIPLINE FORMS (#9A) TO (#9R)

#9A COMPLAINT FORM (#9A).

#9B WITNESS INTERVIEW FORM (#9B).

#9C INTERVIEW OF ACCUSED FORM (#9C).

#9D INVESTIGATION REPORT (#9D).

#9E COUNSELING AND/OR CORRECTIVE TRAINING RECORD (#9E).

#9F ORAL OR WRITTEN WARNING RECORD (#9F).

#9G REMEDIAL ACTION RECORD (#9G).

- #9H DISCIPLINARY CHARGES (#9H).
- #9I PRESS RELEASE ON CHARGES (#9I).
- #9J APPOINTMENT OF COMMITTEE TO HEAR CHARGES (#9J).
- #9K NOTICE OF HEARING ON DISCIPLINARY CHARGES (#9K).
- #9L WAIVER OF SERVICE & DEMAND FOR TRIAL (#9L).
- #9M SUBPOENA FOR DISCIPLINARY HEARING (#9M).
- #9N AGREEMENT CONCERNING CHARGES (#9N).
- #9O SUMMARY DISCIPLINE AGREEMENT (#9O).
- #9P PROCEDURES FOR HEARING ON CHARGES (#9P).
- #9Q DECISION ON CHARGES (#9Q).
- #9R IMMEDIATE SUSPENSION (#9R).

Article XI

AMENDMENT OF BYLAWS

These Bylaws may be amended by a resolution approved by the Board of Trustees at any regular or special meeting, provided that notice and a copy of the proposed amendments are mailed to or personally delivered to each Trustee at least thirty (30) days before the scheduled date for voting on the amendments.

ADOPTED BY THE Board OF Trustees OF THE CONCORD FIRE PROTECTION DISTRICT at its regular scheduled meeting on this ____ day of _____, 20__.

SECRETARY