

NICHOLS FIRE DISTRICT

Proposed By-Laws

BY-LAWS

ARTICLE I.

The name of this organization shall be Nichols Fire District, hereinafter called “the Fire District.”

ARTICLE II.

The Fire District was organized in 1917 under the provisions of the General Statutes of the State of Connecticut. The Fire District is considered a “TAX DISTRICT” under the Statutes of Connecticut and as such a “Municipality” within the Town of Trumbull, Connecticut. The territorial limits of the Fire District shall be kept on file with the Town Clerk of the Town of Trumbull and the Secretary of the Fire District. If the boundaries of the Fire District require changes, such changes shall be made in accordance with the provisions of the Statutes of the State of Connecticut.

ARTICLE III.

Section 1. Purpose. The Fire District is established to perform any of the purposes set forth in Connecticut General Statute §7-326, and by all applicable State of Connecticut Statutes governing Fire and Tax Districts, including without limitation the following:

The Fire District shall have as its purpose the protection of the life and property of the residents and visitors from loss or destruction by fire and such other perils as are consistent with the aims and goals of a fire department.

To further this stated purpose, the Fire District shall have full power and authority to organize and continue within its limits to provide fire protection and safety services, as it deems necessary, and to purchase and procure suitable fire apparatus and related equipment and supplies for extinguishing fires, provide suitable buildings and places for keeping the same, provide training and other appropriate management support for the Chief of the Nichols Fire Department and the Nichols Fire Department members to maintain operations, and to perform any other act or procedure reasonably necessary to or associated with the purpose of the Fire District.

Moreover, the Fire District shall exercise such powers necessary to accomplish these purposes, including the power to levy and collect taxes as a tax District within the State of Connecticut, borrow money, and appoint a Chief of the Nichols Fire Department.

ARTICLE IV.

The Fire District Board of Fire Commissioners:

Section 1. Composition of the Board of Fire Commissioners. The Board of Fire Commissioners shall consist of three (3) Commissioners hereinafter called “the Commission” who shall be in good standing with the Fire District to be elected pursuant to Section 3 set forth below at the Annual Meeting of the Fire District. Of the three (3) Commissioners comprising the Board of the Fire Commissioners only one (1) member can, at any given period of time, be certified as a “FIRE FIGHTER”, as defined in the By-Laws and/or Standard Operating Procedures (SOPs) and/or Standard Operating Guidelines (SOGs) of the Nichols Fire Department. Active “Line Officers”, as defined in the By-Laws and/or Standard Operating Procedures (SOPs) and/or Standard Operating Guidelines (SOGs) of the Nichols Fire Department are not eligible to run. No two Commissioners can be related by blood or by marriage.

Section 2. Qualifications as Commissioner. Any Trumbull registered voter residing in and owning real estate within the geographical limits of the Fire District shall be qualified to be a Commissioner of the Fire District. However, said person shall not have any membership with the other two (Long Hill and Trumbull Center) Fire Districts and/or Fire Departments within the Town of Trumbull, Connecticut. Further, said person shall not have any membership with the Fire Departments that provide “Mutual Aid” assistance to any of the three (Long Hill, Trumbull Center, Nichols) Fire Departments within the Town of Trumbull, Connecticut. It is further provided that if an elected Commissioner ceases to reside in the Town of Trumbull, Connecticut during the term of office, said Commissioner shall be deemed resigned. If said Commissioner moves out of the Fire District but remains in the Town of Trumbull and so chooses to continue to hold office of Commissioner, and with the approval of the other two (2) Commissioners, said Commissioner shall continue in that office for the remainder of the unexpired term. If said Commissioner moves out of the Fire District but remains in the Town of Trumbull, said Commissioner cannot be a Commissioner or Member of another Town of Trumbull Fire District (Long Hill, Trumbull Center).

If the said Commissioner decides not to be considered for nomination to an uninterrupted subsequent elected term, the said Commissioner must give the remaining Board of Commissioners ninety (90) days notice before the Annual Meeting of the intent to vacate the position at the end of the current term in office.

If the incumbent dies, resigns or is removed for cause during the term of office, the office of said Commissioner shall become vacant and the unexpired term of said Commissioner shall be filled by the unanimous vote of the remaining two Commissioners, until the next Annual Meeting when an election will be held to fill the Commissioner vacancy according to the election guidelines established in Section 3. If the said Commissioner resigns from the position for the remainder of the unexpired term, the said Commissioner must give the remaining Board of Commissioners ninety (90) days notice before vacating the position.

Section 3. Election. At the Annual Meeting of the registered voters in the Town of Trumbull, residing in and/or owning real estate within the geographical limits of the Fire District, and at each Annual Meeting thereafter duly called for said purpose, one (1) Commissioner shall be elected for a term of three (3) years, with the said terms to commence on the first day of July after the Annual Meeting. Fire District elections shall be by secret vote of those voters present at the Annual Meeting.

The candidate with a plurality of the ballots cast shall be the successful candidate for Commissioner.

If there is no opposition for a Commissioner, a member of the Commission, not being considered for a vacancy, can make a motion to cast a single ballot for the incumbent to succeed himself/herself.

If multiple vacancies exist in the Commission membership, and as such, there shall be more than one Commissioner elected, then and in that event, the candidate with the highest number of votes shall be elected to fill the longest Commissioner term available, and the candidate for Commissioner with the next highest number of votes cast shall be elected to fill the next longest Commissioner term available, and so forth, until all vacancies have been filled in the Commission membership. The procedure to be followed in the election of Commissioners shall be that as adopted by the Commission, except that the Commission shall adhere to the following rules:

1. The Commission shall cause notice of the nomination procedure to be given by publicly advertising the same in a newspaper having a primary circulation within the limits of the Fire District one time per Connecticut State Statute §7-327a, with said publication to occur thirty (30) or more days before the April Commissioners Monthly Meeting. The notice will also be posted with the Town Clerk's office thirty (30) or more days before the April Commissioners Monthly Meeting.
2. Those individuals, who desire their names to be placed in nomination as candidates for Commissioner shall submit in writing, by mail or hand delivered to the Chairman, Commission, their desire to run at least fifteen (15) calendar days before the April Commissioners Monthly Meeting.

3. Individuals who intend to run must be present at the April Commissioners Monthly meeting, must be nominated and that nomination must have a second.
4. Each candidate for Commissioner shall designate to the Fire District an individual, other than the candidate, who shall act as an election official with the duty of validating voters, counting all votes cast by the voters, tallying the votes cast by the voters, and reporting the results to the Fire District at the Annual Meeting.
5. Fifteen voters of the Fire District shall constitute a quorum for the transaction of business at the Annual Meeting; and if fifteen voters are not present at such meeting, the Chairman, Board of Fire Commissioners or, in his/her absence, another Commissioner may adjourn such meeting from time to time, until at least fifteen voters are present. Also, at all Annual Meetings, where a quorum is present, a meeting may be adjourned from time to time by a vote of a majority of the voters related to a specific question or issue. The use of absentee ballots is prohibited.
6. For an Annual Meeting to be valid, at least two (2) Commissioners must be available and attend the meeting.
7. If only one (1) or no Commissioners are available to attend the Annual Meeting, this meeting will be rescheduled and every effort will be made to communicate the change to the voters through the process outlined in Rule 1 above.

Section 4. Powers and Duties. The Commission shall have full power and authority to manage the business and affairs of the Fire District. The grant of the powers conferred upon the Commission shall be considered to be broad and sweeping so as to effectuate the purpose of the Fire District and provide for orderly management of Fire District affairs.

Commissioners & Duties

1. Commissioners shall have the power to hire, retain and appoint such personnel, as it desires, to fulfill the purposes of the Fire District and to pay said personnel compensation. Officers of the Commission are paid positions.
2. Commissioners shall designate, in writing, the job description and responsibilities of all personnel of the Fire District and shall make such rules and regulations governing the hiring, conduct and employment of personnel of the Fire District, as said Commissioners deem appropriate for the proper management of the Fire District, including background investigations, credit & criminal checks and bonding.

3. Commissioners shall be in charge of all assets of the Fire District and shall maintain adequate records of the same.
4. Commissioners will review and modify the annual budget proposal prepared by the Chief of the Fire Department and shall recommend approval of the annual budget presented at the Annual Meeting according to standard accounting principles.
5. Commissioners shall supervise and audit the collection of any taxes levied by the voters and shall account for the same at the Annual Meeting.
6. Commissioners shall ensure that the Secretary records, maintains and keeps written records of the proceedings and meetings of the Fire District.
7. When a Commissioner reaches the third year of the three (3) year term, the said Commissioner shall have the option to serve as the Chairperson, Commission, for the final year of the term. If the said Commissioner chooses not to accept this role, the current Commissioner, serving as Chairperson, will continue in this role.

Officers and Duties:

1. Secretary. The Board of Fire Commissioners shall appoint a Secretary to serve at the pleasure of the Commission with no limit on term, unless otherwise specified by resolution adopted by the Board of Fire Commissioners. The Secretary may be removed by the Commission at any time with or without cause and with or without notice by resolution adopted by the Board of Fire Commissioners.

The Secretary shall (1) maintain and preserve a record of the minutes of all of the meetings of the Fire District; (2) post notices of all Fire District meetings, according to Connecticut General Statutes; and (3) maintain all records of Fire District business documents and related proceedings.

2. Treasurer. The Commission shall appoint a Treasurer to serve at the pleasure of the Board of Fire Commissioners with no limit on term, unless otherwise specified by resolution adopted by the Commission. The Treasurer may be removed by the Commission at any time with or without cause and with or without notice by resolution adopted by the Commission.

The Treasurer shall be responsible to receive and disburse all monies of the Fire District. In this respect, the Treasurer shall: Under such rules and regulations and instructions, as may be prescribed by the Commissioners; (1) provide assistance for the Chief of the Fire Department to prepare the annual budget, which after review by the Commissioners, shall be transmitted with the comments and recommendations of said Commissioners to the Annual Meeting for approval and adoption by the voters of the Fire District, and (2) provide administrative assistance to the Tax Collector.

3. Tax Collector. The Commission shall appoint a Tax Collector to serve at the pleasure of the Board of Fire Commissioners with no limit on term, unless otherwise specified by resolution adopted by the Commission. The Tax Collector may be removed by the Commission at any time with or without cause and with or without notice by resolution adopted by the Commission.

The Tax Collector shall (1) maintain an updated list of voters in the Fire District, (2) maintain a list of District property owners liable to the Fire District for taxes assessed on the last completed Grand List of the Fire District; (3) prepare the fire tax rate bill, based on the Town of Trumbull's Grand List, apportioning to each property owner the proportionate share of fire taxes, (4) deliver the fire tax rate bill to each property owner to collect said taxes according to Connecticut General Statutes, (5) enforce the payment of taxes, and (6) answer requests from lending institutions to provide tax documentation for identified district property owners.

ARTICLE V.

Fiscal Year:

The Fire District shall have as the beginning of its fiscal year July 1st of each year. The Fire District's fiscal year shall close on June 30th of each year, and the Commission shall have a written accounting prepared of the fiscal affairs of the Fire District for each said fiscal year. Written accounting shall be presented at the next Annual Meeting following the close of the fiscal year.

ARTICLE VI.

Taxation:

The Fire District shall levy and collect fire taxes for such purposes and objectives as authorized in Article 3 Section 1 of the By-Laws. The voters of the Fire District shall have the sole and exclusive authority to vote on the levying of taxes upon the taxable property located within the limits of the Fire District. The most current Grand List of the Town of Trumbull, as prepared by the Assessor of said Town, shall be used as the assessment value for property located within the limits of the Fire District, which is to be levied upon by the Fire District. The Commissioners shall present a written budget proposal to the voters for the levying of taxes. Unless the Commissioners shall vote otherwise, the vote of the voters to levy taxes shall occur on the date of the Annual Meeting. The manner and procedure for voting on the levying of taxes shall be the responsibility of the Commissioners and controlled by them. The results of voting shall be publicly declared and certified by the Commissioners after voting has been concluded.

ARTICLE VII.

Meetings:

Section 1. Annual Meeting. The Annual Meeting shall be held on the second Tuesday of May in each year and at such place and hour as may be designated in the notice of said meeting. The Commission shall cause notice to be given by publicly advertising the call, hour and place of said meeting in a newspaper having a primary circulation within the limits of the Fire District one time per Connecticut State Statute §7-327a, said notice shall be placed ten (10) or more days before the Annual Meeting. The notice will also be posted with the Town Clerk's office ten (10) or more days before the Annual Meeting, and this notice shall designate the time and place of such meeting and the business to be transacted at the meeting.

Fifteen (15) voters present at such meeting shall constitute a quorum for the transaction of such business that may come before the meeting and a majority vote of those present shall be necessary for action.

If fifteen voters are not present at such meeting, the Chairman, Commission or, in his/her absence, another Commissioner may adjourn such meeting from time to time, until at least fifteen voters are present; and all meetings of the Fire District where a quorum is present may be adjourned from time to time by a vote of a majority of the voters considering a question or issue.

Section 2. Special Meetings. Special meetings of the Fire District may be called at the petition of no less than fifteen (15) voters, qualified to vote in the meeting of a District, or by the Chairman, Board of Fire Commissioners or two commissioners upon giving notice as provided below. Any special meeting called on the application of the voters shall be held within twenty-one (21) days after receiving such application.

Fifteen (15) voters present at such meeting shall constitute a quorum for the transaction of such business that may come before the meeting and a majority vote of those present shall be necessary for action

Notice of the holding all special meetings shall be given by publication of a notice of such meetings in a newspaper having a general circulation in such District one time per Connecticut State Statute §7-327a, at least ten (10) days before the day of such meetings, signed by the Chairman, Commission, which notice shall designate the time and place of such meetings and the business to be transacted at the meeting. The notice will also be posted with the Town Clerk's office ten (10) or more days before the Special Meeting.

ARTICLE VIII.

Final Authority:

Any questions that may arise, which are not covered by these By-Laws shall be submitted to the Commission, whose decision shall be final in all such matters unless changed by a vote at the Annual Meeting.

ARTICLE X.

Amendments:

These By-Laws may be amended by two-thirds of the voters present at any Annual Meeting, provided that notice of the proposed amendment is set forth and advertised in a newspaper having a primary circulation within the limits of the Fire District, with said publication to occur ten or more (10) days before the Annual Meeting. The notice will also be posted with the Town Clerk's office ten (10) or more days before the Annual Meeting.

This document supersedes all prior publications.

Proposed By-Laws April 4, 2022

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