

# **NICHOLS FIRE DISTRICT**

## **BY-LAWS**

### **ARTICLE I.**

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

### **ARTICLE II.**

The territorial limits of the Fire District shall be kept on file with the Town Clerk of Trumbull and the Secretary of the Nichols Fire District.

### **ARTICLE III.**

**Section 1. Purpose.** The Fire District is established to perform any of the purposes set forth in Connecticut General Statute §7-326, 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 Fire Chief and the 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, borrow money, and appoint a Chief of the Fire Department.

### **ARTICLE IV.**

#### **The Fire District Commission:**

**Section 1. Composition of the Commission.** The Commission shall consist of six (6) members – three (3) Commissioners [Board of Fire Commissioners] and three (3) officers [Secretary, Tax Collector and Treasurer], to be elected pursuant to Section 3 set forth below at the Annual Meeting of the Fire District.

**Section 2. Qualifications as Commissioner.** Any registered voter residing in and owning real estate within the geographical limits of the Nichols Fire District shall be qualified to be a Commissioner of the Fire District.

It is further provided that if an elected Commissioner ceases to reside in and own real estate within the geographical limits of the Fire District, during the term of office, the office shall continue to be held by the said Commissioner, for the unexpired term of the said Commissioner and additional uninterrupted subsequent terms, if elected by the registered voters at the Annual Meeting.

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 expires, 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 appointment of an Acting Commissioner, made by the remaining Fire District 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 2A -- Qualifications as Officer [Tax Collector, Treasurer or Secretary]**

Any registered voter, in the Town of Trumbull, shall qualify to be elected to an officer position of Tax Collector, Treasurer or Secretary for the Fire District Commission. If no registered voter, in the Town of Trumbull, decides to be considered for nomination to an officer position, then any registered voter in the State of Connecticut shall qualify to be elected to an officer position of Tax Collector, Treasurer or Secretary for the Fire District Commission.

It is further provided that if an elected Tax Collector, Treasurer or Secretary and cannot effectively perform the duties of the position, the office held by said Tax Collector, Treasurer or Secretary shall become vacant and the unexpired term shall be filled by the appointment of an Acting Tax Collector, Treasurer or Secretary, made by the Fire District Commissioners, until the next Annual Meeting when an election will be held to fill the position vacancy according to the election guidelines established in Section 3.

If the said Tax Collector, Treasurer or Secretary decides not to be considered for nomination to an uninterrupted subsequent elected term, the said Tax Collector, Treasurer or Secretary must give the 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 said Tax Collector, Treasurer or Secretary expires, dies, resigns or is removed for cause during his/her term of office, the office held by said incumbent shall become vacant and the unexpired term shall be filled by the appointment of an Acting Tax Collector, Treasurer or Secretary, made by the Fire District Commissioners, until the next Annual Meeting when an election will be held to fill

the position vacancy according to the election guidelines established in Section 3. If the said Tax Collector, Treasurer or Secretary resigns for the remainder of the unexpired term, the said Tax Collector, Treasurer or Secretary must give the 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 and one (1) officer -- the Tax Collector, Treasurer or Secretary 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. The candidate for Tax Collector, Treasurer or Secretary with a plurality of the ballots cast shall be the successful candidate for the vacant position.

If there is no opposition for a Commissioner or Officer vacancy, 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, with said publication to occur 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.
- (2) Those individuals, who desire their names to be placed in nomination as candidates for Commissioner, Tax Collector, Treasurer or Secretary shall submit in writing, by mail or hand delivered to the Chairman, Board of Fire Commissioners, their nomination at least nine (9) calendar days before the Annual Meeting.

- (3) Each candidate for Commissioner, Tax Collector, Treasurer or Secretary 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. If there is no opposition for an Officer vacancy, 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.
- (4) Not fewer than fifteen voters of the District shall constitute a quorum for the transaction of business at any District 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 District 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.
- (5) For an Annual Meeting to be valid, at least two (2) Commissioners must be available and attend the meeting.
- (6) If 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. Elected 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 ensure that any elected Officer -- Secretary, Treasurer or Tax Collector, shall be sworn to a faithful discharge of the duties of such office and before entering upon their duties, give Bond with surety to the acceptance of the Commissioners, conditioned for the faithful discharge of the duties of their offices.
6. Commissioners shall supervise and audit the collection of any taxes levied by the voters and shall account for the same at the Annual Meeting.
7. Commissioners shall ensure that the Secretary records, maintains and keeps written records of the proceedings and meetings of the Fire District.
8. 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, Board of Fire Commissioners, 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:**

**Section 1. Secretary.** A Secretary shall serve a three-year term and (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.

**Section 2. Treasurer.** A Treasurer shall serve a three-year term and 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.

**Section 3. Tax Collector.** A Tax Collector shall serve a three-year term and 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 of 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 1<sup>st</sup> of each year. The Fire District's fiscal year shall close on June 30<sup>th</sup> of each year, and the Commission shall prepare a written accounting of the fiscal affairs of the Fire District for each said fiscal year, which accounting shall be presented at the next Annual Meeting following the close of the fiscal year.

## **ARTICLE VI.**

### **Taxation:**

The Nichols Fire District shall levy and collect fire taxes for such purposes and objectives as authorized by the Commission. The voters of the Nichols 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, 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.

No less than 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, 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; and all meetings of the 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 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.

No less than fifteen (15) voters, qualified to vote in the meeting of the District, may petition the Secretary of such District, in writing, at least twenty-four (24) hours before any such meeting. Any item or items, requested on the call of such meeting, must be submitted to the voters in such meeting not more than fourteen (14) days after a date has been set by the District voters for a vote by paper ballots. The Board of Fire Commissioners will set the meeting date for a vote by paper ballots.

Paper ballots for voting shall be provided by the Secretary. When such a petition has been filed with the Secretary, the Chairman, Board of Fire Commissioners, after completion of other business and after reasonable discussion, shall adjourn such meeting and order such vote on such item or items according to the petition; and any item, so voted, may be rescinded in the same manner. The Secretary shall phrase such item or items in a form suitable for printing on paper ballots.



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 at least ten (10) days before the day of such meetings, signed by the Chairman, Board of Fire Commissioners, which notice shall designate the time and place of such meetings and the business to be transacted at the 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.**

**April 2, 2008**