

**BOARD OF TRUSTEES  
FIRE PROTECTION DISTRICTS  
SECTION B**

**OPERATIONAL MANUAL AND LEGAL FORMS COMPENDIUM**

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**("B#2")**

**BY-LAWS  
FOR THE  
\_\_\_\_\_ FIRE PROTECTION DISTRICT**

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**FIRE PROTECTION DISTRICT**

# Bylaws

## PREAMBLE

The 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 By-Laws shall control the management and operation of the business and affairs of the Fire Protection District.

## Article I

### Fire Protection District

1. The name of this district is the FIRE PROTECTION DISTRICT.
2. The principal fire station and place of business of the Fire Protection District where all meetings and elections shall take place is:  
  
\_\_\_\_\_
3. The mailing address for the Fire Protection District is:  
  
\_\_\_\_\_
4. The business telephone number for the Fire Protection District is:  
  
(\_\_\_\_\_) \_\_\_\_\_
5. The fax and email addresses for the Fire Protection District are:  
  
\_\_\_\_\_
6. The district boundaries for the Fire Protection District are described in an exhibit attached to these By-Laws.

## Article II

### Fire Protection District and Members as agents of the Commonwealth of Kentucky

1. The Board of Trustees of the Fire Protection District operate the Fire Department within the Fire Protection District. KRS 75.040.
2. 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)
3. 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
4. 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,
5. The personnel and equipment of the Fire Protection 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
6. 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,
7. 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. pursuant to KRS 75.070,

## Article III

### Operation of the Fire Department

1. The Board of Trustees of the Fire Protection District shall control the Fire Department and its property and equipment. KRS 75.120.
2. 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.
3. The Board of Trustees 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.
4. 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.
5. The Board of Trustees may reduce the number of employees of the Fire District as long as its action is not capricious or arbitrary. KRS 75.120.
6. The Chairperson of the Board of Trustees may, if in the Chair's discretion there is a need, appoint special firefighters to perform special duties anywhere within the fire district, on terms the Chair deems proper. KRS 75.110.
7. 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

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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

1. 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.
2. 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.
3. 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.
4. 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.
5. Under the strict command and control of the Chief, members of the Fire Department constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies. KRS 75.150 to 75.170.
6. No member of the Fire Protection District shall be dismissed, suspended or reduced in grade or pay for any political opinion. KRS 75.150.
7. 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

1. The fiscal year for the Fire Protection District shall begin on July 1 and end on June 30 of each year. Kentucky Constitution §169.
2. Board of Trustees shall annually prepare a budget and shall classify budget units in the same fashion as 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. KRS 68.240(2) to (5).
3. Board of Trustees shall consider the standard budget forms prepared by the state local finance officer for use by fire protection districts which have been furnished to the Jefferson County Clerk for distribution to district officers. KRS 65.065(1).
4. Board of Trustees shall file the budget with the Jefferson Fiscal Court by June 1 prior to the start of the July 1 fiscal year and shall not expend any funds under the budget prior to filling it. KRS 65.065.
5. Board of Trustees shall not expend any funds from any sources except in accordance with the budget filed with Fiscal Court. KRS 65.065(1).
6. Board of Trustees shall employ an independent certified public accountant to perform an annual audit in conformity with generally accepted governmental auditing standards for governmental organizations issued by the Comptroller General of the United States. KRS 65.065(4)(a).
7. Board of Trustees shall within thirty (30) days of receipt of the completed audit submit it to Jefferson Fiscal Court for review. KRS 65.070(2).
8. By July 29 each year, Board of Trustees shall:
  - (a) File with the Jefferson County Clerk a certification showing the following information that has changed since the last filing by the Fire Protection District:
    1. Name of the District,
    2. A map or general description of the service area,
    3. Statutory authority under which it was created, and
    4. Names, addresses and date of expiration of terms of office of members of Board of Trustees and Chief of Fire Department. KRS 65.070(1)(a);
  - (b)\*Publish in Courier-Journal Neighborhood Section the following information:
    - (i) Names and addresses of Board of Trustees and Fire Chief;
    - (ii) Summary financial statement with location of supporting documents open to examination by public. KRS 65.070(1)(c).

\*Or within thirty (30) days of receipt of completed audit. KRS 65.070(2).

9. Board of Trustees shall complete and file by May 1 following the close of the fiscal year a Uniform Financial Information Report with the Kentucky Department for Local Government. KRS 65.905.
10. 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, Secretary, or Treasurer.
11. The Chief of the Fire Department may sign a check to transact business for the Fire Protection District for less than \$1,500.00 without the prior approval of the Board. All other checks must receive the prior approval of the Board of Trustees.

## Article VII

### Board of Trustees

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. FIREFIGHTERS: Two (2) members of the Board of Trustees shall be active firefighters of the Fire District and elected by the other active firefighters of the District for terms of four (4) years each. Presently, one term began in 2000 and the other term began in 2002. An "active firefighter" is defined as a firefighter of the Fire 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.
  - b. PROPERTY OWNERS: Two (2) members of the Board of Trustees shall be property owners who own property and reside in the District and are not active firefighters and shall be elected for four year terms by similar property owners age 18 years or older. Presently, one term began in 1999 and the other term began in 2001. KRS 75.031.
  - c. APPOINTED: Three (3) members of the Board of Trustees shall be appointed for terms of three (3) years each by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the appointment process to be adopted). The appointed Trustees shall reside within the boundaries of the Louisville & Jefferson County Metro Government. One of the three (3) appointed members is appointed each year. KRS 75.031; KRS 67C.101 and 67C.137.
2. VACANCY: In the event of a vacancy in the term of any of the Trustees, the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the appointment process to be adopted) shall appoint a person qualified for the vacant position as Trustee for the remainder of the term. KRS 75.031(1)(a).
3. REMOVAL OF APPOINTED TRUSTEE: An appointed Trustee may be removed from office for inefficiency, neglect of duty, malfeasance or conflict of interest, by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted). KRS 75.031(b); KRS 65.007.
4. REMOVAL OF FIREFIGHTER TRUSTEE: An elected firefighter Trustee may be removed from office for inefficiency, neglect of duty, malfeasance or conflict of interest, by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted). KRS 75.031(d); KRS 65.007.
5. REMOVE PROPERTY OWNER TRUSTEE: An elected property owner Trustee may be removed from office for inefficiency, neglect of duty, malfeasance or conflict of interest, by the Kentucky Attorney General. KRS 415.010 to 415.080.

## Article VIII

### ELECTION OF TRUSTEES

1. **RESPONSIBILITY OF BOARD:** Kentucky law states 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 by the members of the district and three (3) to be appointed by the county judge/executive." KRS 75.031(1)(a).
2. **ELECTION DATE:** Election of members of the Board of 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. The nominations for candidates for trustees both representing the firefighters and the property owners residing in the district shall be made in accordance with the Bylaws of the department. KRS 75.031(2).
3. **LOCATION OF POLLS:** The polls for the election shall be held at the principal fire house located at \_\_\_\_\_, Kentucky. KRS 75.031(2).
4. **ELECTION COMMITTEE:** The Board of Trustees, the Chairperson shall appoint three (3) Trustees, none of whom are candidates for election, to an Election Committee which will be responsible to: (a) accept nominations; (b) advertise the election at least thirty (30) days prior to the election date; (c) prepare for election; and, (d) conduct election for Board of Trustees in accordance with these By-Laws.
5. **NOMINATIONS FOR PROPERTY OWNER TRUSTEE:** Nominations for a Property Owner Trustee shall be submitted in writing to the Election Committee before May 1, and contain the following information:
  - A. Full 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 of the Fire District;
  - E. Statement that the candidate is a citizen of Kentucky;
  - F. Affirmation that the candidate is at least twenty-one (21) years old.
  - G. Expiration date of term for which the candidate is applying; and
  - H. The notarized signature of the candidate.\*\*\*See Forms: FPD NOMINATION ELECTION FORM (C#1).
6. **NOMINATIONS FOR FIREFIGHTER TRUSTEE:** Nominations for the Firefighter Trustee shall be submitted in writing to Election Committee before May 1, and contain the following information:
  - A. Full name of the candidate;
  - B. Address of candidate's resident;
  - C. Affirmation that the candidate is an active firefighter of the Fire District;
  - D. Whether candidate is a paid or a volunteer firefighter of the Fire District; [No more than one of two firefighter Trustees may be District employee].

- E. Statement that the candidate is a citizen of Kentucky;
- F. Affirmation that the candidate is at least twenty-one (21) years old.
- G. Expiration date of term for which the candidate is applying; and
- H. The notarized signature of the candidate.

\*\*\*See Forms: FPD NOMINATION ELECTION FORM (C#1).

7. ELECTION COMMITTEE REPORT TO BOARD: The Election Committee shall open and review all nominations received for the Property Owner Trustee and Firefighter Trustee, and make a report at the May Board of Trustees meeting.
8. 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 the Property Owner Trustee or the Firefighter Trustee shall be advertised in the zoned edition of the Courier-Journal newspaper by May 23. The Fire District may agree to have the information on its election of Trustees to be published together with other Jefferson County Fire Protection Districts in the Courier-Journal through the Jefferson County Fire Trustees Association. KRS 75.031(2).  
\*\*\*See Forms: FPD ADVERTISEMENT ELECTION FORMS (C#2) and (C#2B).
9. OPTION TO MAIL NOTICE TO FIREFIGHTERS: Board of Trustees may, instead of the newspaper advertisement, send by May 23, written notice of all information required to be advertised in the newspaper concerning the Firefighter Trustee by first-class mail to the residence of each firefighter member of the Fire Protection District. KRS 75.031(2).
10. VOTER REGISTRATION ON ELECTION DATE: Each person wishing to vote shall complete on election day 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 Trustee.  
\*\*\*See Forms: FPD VOTER REGISTRATION - ELECTION FORM (C#3).
11. SECRET BALLOTS: Qualified voters will be allow to vote by secret, paper ballot for one candidate, and the voter shall be allowed to fold the ballot and place it in a container or box for all ballots.  
\*\*\*See Forms: FPD BALLOT FOR VOTES - ELECTION FORM (C#4).
12. NO WRITE-IN AND NO ABSENTEE BALLOTS: The Board of Trustees of the Fire Protection District has decided that write-in ballots and absentee ballots will not be allowed in the elections of Property Owner or Firefighter members of the Board of Trustees KRS 75.031(2).
13. CHALLENGES TO VOTES: Any qualified candidate for a Trustee position or any Trustee may challenge the qualifications of a voter before the voter casts a ballot by certifying under oath or by affirmation that the person has good reason to believe that the challenged voter is not qualified. All challenges will be determined by a majority of the Election Committee at the time the challenge is made.  
\*\*\*See Forms: FPD CHALLENGE - ELECTION FORM (C#5).

14. COUNTING OF BALLOTS: After 2:00 p.m. on Election day, a member of the Election Committee shall be responsible to collect and safeguard the ballots for the Committee to count and prepare a report to the Board of Trustees with the result of the election. The counting of ballots shall be open to a candidate, qualified voter, or other person.  
\*\*\*See Forms: FPD REPORT & CERTIFICATION - ELECTION FORM (C#6).
15. CERTIFICATION OF ELECTED TRUSTEES: 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.  
\*\*\*See Forms: FPD REPORT & CERTIFICATION - ELECTION FORM (C#6).
16. CERTIFICATION OF APPOINTED TRUSTEES: The Board of Trustees should review and make a part of the public record the recognition of a Trustee appointed by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted) [See: Article VII Board of Trustees].  
\*\*\*See Forms: FPD APPOINTMENT CERTIFICATION - ELECTION FORM (C#7).
17. OATH OF OFFICE: At the July meeting of the Board of Trustees, each new Trustee, elected at the June election, or appointed by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted), 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 Trustees. 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.  
\*\*\*See Forms: FPD OATH TRUSTEE ELECTION FORM (C#8).
18. NOTICE OF EXPIRATION OF TERM: Kentucky law requires a Fire Protection District to notify by May 1 the Mayor of the Louisville & Jefferson County Metro Government of the expiration of the term of office of an appointed Trustee before the expiration of the Appointed Trustee's term of office on June 30. KRS 65.008.  
\*\*\*See Forms: FPD NOTICE METRO MAYOR ELECTION FORM (C#9).
19. FAILURE TO APPOINT TRUSTEE: A Trustee appointed by the Mayor of the Louisville & Jefferson County Metro Government or the Jefferson County Judge/Executive continues to serve as a Trustee until a successor Trustee is appointed. If the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted), fails to appoint a Trustee by August 29th following the expiration of the term, then the Trustee as a matter of law shall serve another three (3) year term of office as an Appointed Trustee. KRS 65.008.
20. RECOMMENDATIONS TO MAYOR: At its May meeting, the Board of Trustees shall decide whether to recommend a person for appointment by the Mayor of the Louisville & Jefferson County Metro Government (in accordance with the process to be adopted), to the Board of Trustees of the Fire Protection District.
21. VACANCIES: In the event of any vacancy on the Board of Trustee, whether Property Owner, Firefighter, or Appointed Trustee, the Mayor of the Louisville & Jefferson County

Metro Government (in accordance with the process to be adopted), shall appoint a person with the qualifications of the vacant Trustee position for the remainder of the term. KRS 75.031(1)(a).

22. REMOVAL OF TRUSTEES: See: Article VII Board of trustees.

## Article IX

### Board Meetings

1. MONTHLY MEETING: Board of Trustees shall hold its regular monthly meeting on the first Monday of each month beginning at 19:00 hours at the principal place of business of the Fire District located at \_\_\_\_\_, Kentucky. KRS 75.260; KRS 61.812.
2. NEW TRUSTEES: At the July meeting the first order of business shall be for any Trustee appointed by the Mayor of the Louisville & Jefferson County Metro Government to take an oath of office, followed by the certification of the results of the June Trustee election, and the oath of office of any newly elected Trustees. KRS 75.170.
3. OFFICERS: At the July meeting the Board of Trustees shall elect the following officers: (a) Chairperson, (b) Secretary, (c) Treasurer. KRS 75.031(3).
4. TREASURER BOND: Treasurer shall give bond in an amount determined by the Mayor of the Louisville & Jefferson County Metro Government, 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).
5. MINUTE BOOK: 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 Jefferson County Clerk and open for public inspection. All material required to be kept by the Secretary shall also be filed with the Jefferson County Clerk. KRS 75.240.
6. QUORUM: Four (4) Trustees must be physically present to make a quorum required to take any valid action. Action by less than quorum is not binding on the Board or District.
7. EXPENSES: All expenditures over \$1,500.00 require approval by the Board of Trustees.
8. \$20,000 ADVERTISEMENT: No contract, lease, or other purchase of materials, supplies, equipment, or contractual services, except professional, for over \$20,000.00 shall be made without prior newspaper advertisement for bids. In case of an emergency, the Board must certify the emergency and file the certificate with Treasurer of the Fire Protection District. KRS 424.260.
9. ADVERTISEMENT: Newspaper advertisement for bids (§9) must be published at least seven days but not more than 21 days before time for accepting bids. KRS 424.260.
10. BID DESCRIPTION: Newspaper advertisement for bids (§9) must describe the bid requested, time and place for receipt of bids, and any special bid terms. KRS 424.260.
11. 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.

12. **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.  
\*\*\*See Forms: FPD MEETINGS (D#1 and D#2).
13. **CLOSED MEETING:** Prior to any closed meeting of the Board, it is mandatory that:
  - A. 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;
  - B. Closed session may be held only after a motion is made and carried by a majority vote in open session;
  - C. No final action may be taken at a closed session;
  - D. No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session. KRS 61.815.\*\*\*See Form: FPD MEETINGS (D#3).
14. **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.
15. **VOIDABLE ACTION:** Any decision or payment by the Board without substantial compliance with open meetings law (§12-§15) is voidable by the Court. KRS 61.848(5).
16. **LEGAL COUNSEL:** Board of Trustees may employ legal counsel to advise it on all matters pertaining 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 shall advise the Board on all legal matters requested. The Board shall fix the compensation of the attorney in its discretion. KRS 75.250.
17. **PAYMENTS TO TRUSTEES:** 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).
18. **ROBERT'S RULES:** 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.

## Article X

### ADMINISTRATIVE AND DISCIPLINARY PROCEDURES

1. Discipline of members.
2. Complaints.
3. Fact-Finding Committee.
4. Investigations by Fact-Finding Committee.
5. Administrative Action.
6. Disciplinary Action.
7. Charges.
8. Hearing On Charges Before Board of Trustees.
9. Temporary Change of Status.
10. Immediate Suspension.
11. Appeal.

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.

2. COMPLAINTS.

A. WRITTEN COMPLAINT: Any person may file a complaint against a member or employee of the Fire Department by filing a written complaint with the Chief or the Secretary of the Board of Trustees stating the facts and circumstances to support the complaint. The date and time received should be marked on the complaint.

\*\*\*See Forms: FPD "COMPLAINT FORM" ("I-1") is available but not required.

B. INVESTIGATION: If the written complaint does not contain sufficient evidence to support disciplinary action, the Chief or Secretary may refer the complaint either to the Fact-Finding Committee for investigation or to the Chief for administrative action.

C. SUFFICIENT EVIDENCE: If the complaint presents sufficient evidence to support disciplinary charges, the complaint shall be given to the Board Secretary who shall within seven (7) days of receipt mail or deliver a copy of the complaint to each Board member.

D. CHAIR REVIEW: Chairperson of the Board may conduct any investigation or inquiry necessary before determining if probable cause exists to support disciplinary action.

E. NO PROBABLE CAUSE: If the Chair determines the complaint does not offer probable cause for disciplinary action, Chair may refer it for administrative action or dismiss it.

F. PROBABLE CAUSE: If the Chair determines that the evidence presents probable cause for disciplinary action, the Chairperson shall initiate disciplinary action as outlined below.

3. FACT-FINDING COMMITTEE. The Fact-Finding Committee shall consist of five members of the Fire Department with at least two years of active service, selected as follows:
  - A. Two (2) members shall be elected by volunteer firefighters for three year terms;
  - B. Two (2) members shall be elected by the paid firefighters for two year terms;
  - C. One (1) member shall be appointed by the Chief for a three (3) year term.

No Firefighter or other member of the Board shall serve on the Fact-Finding Committee.

4. INVESTIGATIONS BY THE FACT-FINDING COMMITTEE.

- A. REFERRAL: Complaints against any member of the Fire District may be referred to the Fact-Finding Committee by the Chief, Secretary, or, Chairperson, of the Board. The Chief or Secretary shall be notified of any complaints that require immediate action.

- B. INVESTIGATION: Fact-Finding Committee shall conduct any investigation necessary to determine the facts, circumstances and witnesses related to the complaint, including interviewing witnesses, taking sworn statements, and collecting documents.

- C. TEN DAYS: Fact-Finding Committee shall complete its investigation within ten (10) calendar days of receipt of complaint, or as determined by Chief or Secretary of Board.

- D. WRITTEN REPORT: The Fact-Finding Committee shall prepare a written report with the factual results of its investigation but shall not make any recommendation concerning the disposition of the complaint.

\*\*\*See Forms: FPD "REPORT OF FACT-FINDING COMMITTEE" ("I-2") for format.

- E. REPORT TO CHIEF & SECRETARY: The investigation report of the Committee shall be immediately given to the Chief and Board Secretary for consideration of administrative action, discipline, or dismissal. A complaint against the Chief shall be given only to the Secretary.

5. ADMINISTRATIVE ACTION.

- A. COUNSELING AND/OR CORRECTIVE TRAINING CONCERNING MINOR JOB DEFICIENCIES.

- (1) INSTRUCTIONS/COUNSELING: The operation of the Fire Department may require that a member receive instructions or counseling about marginally incorrect or minor job deficiencies. The officer in charge should work with the member to correct the deficiencies. This does not involve disciplinary action. KRS 75.130.

- (2) RECORD: Information on any counseling or corrective training shall be written on the FPD "COUNSELING AND/OR CORRECTIVE TRAINING RECORD" ("I-3"), signed by the member and officer in charge, and placed in the member's file. If no further counseling or corrective training occurs during the next twelve (12) months, the RECORD ("I-3") shall be removed from the member's file and destroyed.

## B. ORAL OR WRITTEN WARNINGS

(1) ORAL & WRITTEN WARNINGS: If the nature of the situation requires more than instructions or counseling, a member may be given an oral warning. The officer in charge should inform the member of the reasons for the oral warning and give the member an opportunity to correct the deficiency. If the oral warning is disregarded or the infraction is more serious, a written warning may be given. Oral or written warnings do not involve disciplinary action under KRS 75.130.

(2) RECORD: Information on any warning shall be written on the FPD "ORAL OR WRITTEN WARNING RECORD" ("I-4"), signed by the member and officer in charge, and placed in the member's file. If warnings occur during the following twelve (12) months, the RECORD ("I-4") shall be removed from the member's file and destroyed.

## 6. DISCIPLINARY ACTION.

A. DISCIPLINE: Members of the Fire District may be reprimanded, dismissed, suspended or reduced in grade or pay for inefficiency, misconduct, insubordination or violation of law, these Bylaws or other rules and regulations adopted by the Board of Trustees.

B. POTENTIAL MEMBER EVALUATION: These disciplinary procedures apply to all sworn members and employees of the Fire Protection District, but not the probation period of applicants for membership established in the rules and regulations adopted by the Board as a legislative directive establishing an initial process for evaluation of potential members. Those potential members are not covered by these disciplinary procedures.

## 7. CHARGES.

A. PROBABLE CAUSE: If the Chairperson determines probable cause exists to support the complaint that the accused member is guilty of conduct justifying disciplinary action, the Chairperson shall prefer charges against the member to the Board of Trustees by filing written charges with the Secretary who shall immediately mail or deliver a copy of the charges to each member of the Board of Trustees. "Probable cause" can be described as "facts and circumstances that would cause a reasonable person to believe that the accused member has engaged in the conduct for which he is accused".

B. WRITTEN CHARGES: Written charges should be a clear and definite statement alleging inefficiency, misconduct, insubordination or violation of law, these Bylaws or other rules or regulations adopted by the Board of Trustees. Charges should be prepared on the format presented in FPD "DISCIPLINARY CHARGES" ("I-5").

## 8. HEARING ON CHARGES BEFORE BOARD OF TRUSTEES.

A. BOARD OR THREE TRUSTEES: The Board of Trustees or a committee of at least three (3) Trustees [FPD "APPOINTMENT OF COMMITTEE TO HEAR CHARGES" ("I-6")] shall conduct a hearing on the charges within forty-five (45) days after the charges have been preferred by the Chairperson to the Board of Trustees.

B. SERVICE ON MEMBER: At least ten (10) days before the hearing, the person accused must be served personally or by registered mail with: (1) a copy of the charges; and, (2) notice of the date, place, and hour of the hearing on the charges [FPD "NOTICE OF HEARING ON DISCIPLINARY CHARGES" ("I-7")].

C. WAIVE SERVICE: The accused person may waive in writing the service of charges and demand trial within thirty (30) days after the charges are filed with the Secretary of the Board of Trustees [FPD "WAIVER OF SERVICE & DEMAND FOR TRIAL" ("I-8")].

D. SUBPOENA: The Board of Trustees may summon and compel attendance of witnesses at hearings by subpoena, issued by the Secretary of the Board of Trustees and served upon the witnesses by any officer authorized to serve court subpoenas. The person accused may have subpoenaed any witnesses desired by furnishing their names to the Secretary [FPD "SUBPOENA" ("I-9")].

E. COMPEL WITNESSES: If any witness fails to appear in response to a subpoena or refuses to testify about a matter the person may lawfully be interrogated, any district court judge on application of the Board of Trustees may compel obedience by action for contempt as in the case of disobedience of a subpoena issued from the district court.

F. WITHDRAWAL: The person who filed the complaint or the Chairperson of the Board preferring the charges may withdraw the charges at any time prior to the conclusion of the hearing and the charges may thereupon be dismissed.

G. AGREEMENT: The accused person may sign an agreement admitting the charges or amended charges and agreeing to corrective or disciplinary action subject to the approval of the Board and thereby waiving his right to notice and a hearing before the imposition of any disciplinary action [FPD "AGREEMENT CONCERNING CHARGES" ("I-10")].

H. INFORMAL HEARING: The hearing on the charges shall be informal, with the sole objective of determining if the preponderance of the evidence supports the charges, and shall not be bound by the Kentucky Rules of Civil Procedure. The Board may adopt its own procedures that are not as formal as those of a court [FPD PROCEDURES ("I-11")].

I. RECORDING: The hearing shall be recorded by electronic recorder and/or by shorthand to allow a transcript of the complete hearing to be prepared if necessary.

J. DELIBERATIONS: After hearing all of the evidence, the Board of Trustees may meet in closed session to discuss the charges and evidence and determine if the preponderance of the evidence supports the charges or not.

K. GUILTY/SENTENCE: If a determination is made that a member is guilty of the charges, the Board of Trustees shall by resolution fix the punishment by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two or more of those punishments, or by dismissal from the Fire Protection District.

L. **WRITTEN DECISION:** The decision of the Board must be reduced to writing, and if found guilty of the charges, contain a statement of the evidence to support the charges, and filed with the official records of the Board of Trustees [FPD DECISION ("I-12")].

M. **DISMISSAL:** If a determination is made that the preponderance of the evidence at the hearing does not support the charges, the Board shall dismiss the charges.

9. **TEMPORARY CHANGE OF STATUS:** A supervisory officer may order a temporary change of status of a member by removing the member from an assignment temporarily in order to allow an orderly decision making process to identify appropriate administrative action. The supervisory officer shall obtain the necessary information from the member and either direct a specific action or take no further action in the matter.

10. **IMMEDIATE SUSPENSION:** When the Board of Trustees or the Chief of the Fire Protection District has probable cause to believe a member has been guilty of conduct justifying dismissal or punishment, the Board or the Chief may suspend the member from duty or from both pay and duty, pending a hearing, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused. [FPD SUSPENSION ("I-13")].

11. **APPEAL.**

A. **JEFFERSON CIRCUIT COURT:** Any member found guilty by the Board of any charge, may appeal to the Jefferson Circuit Court, but the enforcement of the judgment of the Board of Trustees shall not be suspended pending the appeal.

B. **NOTICE:** The notice of the appeal shall be filed not later than thirty (30) days after the date the Board of Trustees makes its determination on the charges.

C. **CERTIFIED RECORD:** Upon the request of the accused member, the Secretary of the Board of Trustees shall file a certified copy of the charges and the judgment of the Board of Trustees in the Jefferson Circuit Court. When the transcript of the case is filed, the case will be docketed in Jefferson Circuit Court and tried as an original action. The appeal shall have precedence over other business, and be determined speedily.

D. If the Secretary fails to certify the transcript within seven (7) days, the member accused may file an affidavit stating the charges, the time of the hearing, the judgment, and a demand for the transcript. The Court may compel the filing of the transcript by the Secretary of the Board of Trustees by contempt proceedings.

**Article XI**

**Standard Operating Procedures**

The Chief of the Fire Department is authorized to adopt Standard Operating Procedures related to the operation of the Fire Department, including Rules of Conduct, which are not contrary to or inconsistent with these By-Laws of the Fire Protection District and the laws of the Commonwealth of Kentucky.

**Article XII**

**Amendment of By-Laws**

These By-Laws 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 FIRE PROTECTION DISTRICT at its regular scheduled meeting on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
SECRETARY