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## ELECTIONS & APPOINTMENTS TRUSTEES FIRE PROTECTION DISTRICTS

### SECTION C OPERATIONAL MANUAL AND LEGAL FORMS COMPENDIUM

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### INDEX

- I MEMBERS OF THE BOARD OF TRUSTEES (page 3)**
  - 1. Board of Trustees
  - 2. Non-firefighter Property Owner Trustees
  - 3. Firefighter Trustees
  - 4. Kentucky Resident & Age 21 Requirements
  - 5. Appointed Trustees
  - 6. Vacancy in any Trustee Position
  
- II ELECTIONS OF TRUSTEES (page 3)**
  - 1. Elections
  - 2. Nominations
  - 3. Newspaper Advertisement
  - 4. Option To Mail Election Notice to Firefighters
  - 5. Required Qualification for Firefighter Voters
  - 6. Required Qualifications for Property Owner Voters
  - 7. Combined Advertisement of Trustees' Election
  
- III NOMINATION AND ELECTION PROCEDURES (page 5)**
  - 1. By-Laws of Fire District
  - 2. Election Calendar
  - 3. Write-In & Absentee Ballots
  - 4. Form for Fire District By-Laws
  
- IV. APPOINTED TRUSTEES (page 7)**

1. Appointed Trustees Qualifications
2. Procedures for Appointment of Trustees
3. Role of Metro Council to be Determined
4. Certification of Appointed Trustees
5. Notice of Expiration of Term
6. Recommendations to Metro Mayor
7. Failure to Appoint Trustee

**V. VACANCY IN ANY TRUSTEE POSITION (page 8)**

**VI RESPONSIBILITIES OF BOARD FOR ELECTIONS (page 7)**

1. Legal Responsibility of Board
2. Sworn Statement by Applicant
3. Certification by Board
4. Personal Liability
5. Oath of Office
6. Election of Officers.

**VII CHANGES IN BOARD OF TRUSTEES STATUTE (page 9)**

1. History of Board of Trustees
2. 1996 Legislation

**VIII JEFFERSON COUNTY FIRE TRUSTEES ASSOCIATION (page 9)**

1. Executive Fire Administrator
2. Most Asked Election Questions

**IX. KRS & ELECTION STATUTE (page 11)**

**XI ELECTION FORMS (page 13)**

- (C#1) Nomination for Board of Trustees of Fire Protection District.
- (C#2) Advertisement for Election of Firefighter and/or Property Owner Trustee.
- (C#2B) Fax to Courier-Journal with Election Advertisement.
- (C#3) Voter registration for Election of Trustee.
- (C#4) Ballot for Election of Trustee.
- (C#5) Challenge to Qualification of Voter in Election of Trustee.
- (C#6) Certification of Elected Trustee by Election Committee and Board.
- (C#7) Certification of Appointed Trustee by Metro Mayor.
- (C#8) Oath of Office of Trustee of Fire Protection District.
- (C#9) Notice of Term Expiration of Appointed Trustee to Metro Mayor.
- (C#10) Absentee Ballot for Election of Trustee of Fire Protection District.
- (C#11) Procedure for Filling Fire Board Appointments
- (C#12) Appointee Biography Jefferson County Board and Commissions

**I MEMBERS OF THE BOARD OF TRUSTEES**

1. BOARD OF TRUSTEES: KRS, Chapter 75 requires that a seven (7) member Board of Trustees conduct the affairs of the Fire Protection District, including controlling the Fire Department and all of its property and equipment. The Board of Trustees has sole authority to appoint the chief, increase or decrease the number of firefighters, and pay expenses of the Fire District. KRS 75.120. Four (4) Trustees are elected, two (2) by the firefighters and two (2) by property owners in the Fire District, and three (3) Trustees are appointed by the Mayor of the Louisville & Jefferson County Metro Government in accordance with the adopted appointment process. The appointment process in the 119 Counties outside of Jefferson County is for Trustee appointments to be made by the county judge/executive of the county in which the greater part of the Fire District is located, with the approval of the fiscal court. KRS 75.031.

2. NON-FIREFIGHTER PROPERTY OWNER TRUSTEES: Two (2) members of the Board of Trustees shall be property owners who own real or personal property subject to Fire Protection District taxes, who personally reside in the District, and who are not active firefighters, and shall be elected by property owners in the District. Since 2001, active District firefighters who own property and live in the District are eligible to vote for the "non-firefighter property owner" Trustees who are elected for a four (4) year term. Non-firefighter property owner Trustees are elected by District property owners, including firefighter property owners. KRS 75.031(1)(a).

3. FIREFIGHTER TRUSTEES: Two (2) members of the Board of Trustees shall be active firefighter members of the Fire District and shall be elected for a four (4) year term by the other firefighters in the District. KRS 75.031(1)(a). Prior to July 13, 2004, "no more than one (1) of the two (2) firefighter Trustees may be an employee of the Fire District." After July 13, 2004, each firefighter Trustee may be either a District volunteer or employee. KRS 75.031(1)(a).

4. KENTUCKY RESIDENT & AGE 18 REQUIREMENTS: A Fire Protection District Trustee is an officer in the Commonwealth of Kentucky and is required to be "a citizen thereof." Kentucky, Constitution, §228 and §234. Property owner voters are required by statute to at least eighteen (18) years of age. KRS 75.031(1)(a). A person under the age of eighteen (18) is considered a minor and cannot legally exercise the right to vote. KRS 2.015; Nunnally v. Doty, 210 Ky.642, 276 S.W. 152 (1952); OAG 78-409; OAG 77-209. The Kentucky Constitution establishes the age of eighteen (18) as the minimum age to vote. Kentucky Constitution §145.

5. APPOINTED TRUSTEES: The Mayor of Louisville Metro Government shall, in accordance with the appointment process adopted by the Metro Council, appoint three (3) members of the Board of Trustees. KRS 67C.139. See APPOINTED TRUSTEES below in Section IV.

## II ELECTIONS OF TRUSTEES

1. ELECTIONS: The elective offices of the two (2) property owners Trustees and two (2) firefighter Trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 A.M. and 2:00 P.M. The polls shall be located at the principal firehouse in the Fire District, and the date, time and place of the election shall be advertised in accordance with KRS 424.120. KRS 75.031(2).

2. NOMINATIONS: Nominations for candidates for property owners Trustee or firefighter Trustee shall be made in accordance with KRS 75 and the bylaws of the Fire District. KRS

75.031(2). \*\*\*See: Form (C#1), NOMINATION FOR BOARD OF TRUSTEES OF THE FIRE PROTECTION DISTRICT, lists the qualifications for a property owner and a firefighter and is found at the end of this Section C of the Compendium.

3. NEWSPAPER ADVERTISEMENT: The date, time and place of the election shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of Trustee. Thirty (30) days before the election would be the Thursday before the last Saturday of April. KRS 75.031(2) \*\*\*See: Form (C#2), ADVERTISEMENT OF ELECTION OF FIREFIGHTER AND/OR PROPERTY OWNER TRUSTEE, and, Form (C#3), FAX TO COURIER-JOURNAL WITH ELECTION ADVERTISEMENT, at the end of this Section C of the Compendium.

4. OPTION TO MAIL ELECTION NOTICE TO FIREFIGHTERS: Instead of a newspaper advertisement, the Board may mail written notice of the (a) name and (b) address of each firefighter candidate; and, the (c) date, (d) time, and, (e) place, of the firefighter election; to the residence of each firefighter at least thirty (30) days prior to the election date. KRS 75.031(2).

5. REQUIRED QUALIFICATION FOR FIREFIGHTER VOTERS: Any active firefighter member of the Fire Protection District is eligible to vote for the firefighter Trustee. Although the firefighter Trustee can be a "Member" of a Fire District that includes the chief, the officers, all firefighters, whether volunteer, paid, regular, or special firefighters, and all employees, the election of the firefighter Trustee is restricted to "members of the firefighters" as opposed to non-firefighter members. KRS 75.031(1)(a); KRS 75.100(7). The firefighter Trustee must be at least twenty-one (21) years old, while firefighter voters must only be eighteen (18) years old. A minor cannot vote, and under Kentucky law a person is considered an adult at the age of eighteen (18). \*\*\*See: Form (C#4), VOTER REGISTRATION FOR ELECTION OF TRUSTEE at the end of this Section C of the Compendium.

6. REQUIRED QUALIFICATIONS FOR PROPERTY OWNER VOTERS: The property owner Trustees are elected by "property owners of the District" with the following qualifications: (a) owner of real or personal property taxable by Fire Protection District; (b) resides in the District; (c) at least age eighteen (18). Property owner Trustees must be over twenty-one (21) while property owner voters must be over eighteen (18). KRS 75.031(1)(a) and (1)(c). \*\*\*See: Form (C#4), VOTER REGISTRATION FOR ELECTION OF TRUSTEE at the end of this Section C.

7. COMBINED ADVERTISEMENT OF TRUSTEES' ELECTIONS: Since 1992, Jefferson County Fire Trustees Association has published a common advertisement pursuant to KRS 424.120 for the Trustees elections. The combined notice provides greater publicity, notice, and information to the public about the elections. In response to the request of legal counsel for Fire Trustees Association, the Kentucky Attorney General issued a legal opinion stating:

- (a) "Two or more Fire Districts may combine their published notices of elections so long as the notice for each Fire District clearly states the date, time and place of that specific Fire District's election as well as the names and addresses of the candidates to be voted on for each trustee position in that particular Fire District."
- (b) "Since KRS 75.031 requires notification of the election by publication in the newspaper, the election notice must be so published no matter how many of the eligible voters were notified by other means."
- (c) "KRS 75.031(2) deals with the elective offices of members of the board of trustees. The statute provides in part that the date, time, and place of the election shall be

advertised in accordance with KRS 424.120. The notice must be advertised at least thirty days prior to the election date and shall include the names and addresses for the candidates to be voted on for each position of trustees. Under KRS 424.130(1)(d) a newspaper advertisement for the purpose of informing the public or the members of any class of persons of the holding of an election shall be published at least once but may be published two or more times. Clearly only one publication date is mandated." March 24, 1993, Opinion of Attorney General Chris Gorman.

### III NOMINATION AND ELECTION PROCEDURES

1. BY-LAWS OF FIRE DISTRICT: KRS, Chapter 75, states that 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 Fire Protection District. \*\*\*See: Subsection A., BYLAWS ARE LAWS OF FIRE DISTRICT, and B., BYLAWS FORMS FOR FIRE DISTRICT ("B#2"), in SECTION B, BOARD OF TRUSTEES, of this Compendium.
2. ELECTION CALENDAR: Each Board of Trustees of a Fire Protection District should adopt an election calendar that includes the following dates and obligations:
  - A. January Trustee Meeting: Determine if there are going to be any changes in the election by-laws, including regulations of absentee ballots, write-ins, or other election laws. If by-laws changes are going to be made, thirty (30) days written notice to each member of the board of Trustees are normally required by most Fire District by-laws. \*\*See: Subsection A., BYLAWS ARE LAWS OF FIRE DISTRICT, and B., BYLAWS FORMS FOR FIRE DISTRICT ("B-1"), in SECTION B, BOARD OF TRUSTEES, of this Compendium.
  - B. February Trustee Meeting: Vote on any proposed by-laws changes discussed at the prior meeting and properly served according to the by-laws.
  - C. March Trustee Meeting: Appoint Election Committee to (a) accept nominations; (b) advertise election; (c) prepare ballots; (d) conduct election; according to by-laws.
  - D. April Trustee Meeting:
    - (1) Approve written notification to Mayor of Louisville and Jefferson County Metro Government of the expiration of the term of office of the appointed Trustee whose term expires on June 30 [Notice must be received by May 1].
    - (2) Confirm last day for receiving nominations [May 1<sup>st</sup> under BYLAWS FORMS].
  - E. May Trustees Meeting:
    - (1) Election Committee Report; Consider and approval election procedures.
    - (2) Nominations: Consider and approval qualifications for election.
    - (3) Decide to pay for separate newspaper advertisement or participate at no cost in the joint advertisement of the Jefferson County Fire Trustees Association.
    - (4) Decide whether or not to recommend a person to be appointed by the Metro Mayor to the appointed Trustee position to become vacant on July 1.
  - F. June Trustee Meeting: Review Election Calendar to insure compliance.
  - G. July Trustee Meeting:
    - (1) Election Committee report to Board of Trustees: Consider and approve.
    - (2) Constitutional oath of office of elected Trustee.
    - (3) Constitutional oath of office of appointed Trustee.
  - H. August Trustee Meeting: Confirm appointment of a Trustee by the Metro Mayor for the expired appointed Trustee position or the appointed Trustee whose term expired on

June 30 is by law automatically appointed for another three (3) years.

3. WRITE-IN & ABSENTEE BALLOTS: Fire Protection District elections are local in character and do not come under the regular or general election laws. The responsibility for conducting elections required by KRS, Chapter 75, rests with the Board of Trustees of the Fire Protection District. Such matters as nomination forms, voting procedures, type of ballot, write-in ballots, absentee ballots, and other election procedures are determined by the by-laws of the Fire Protection District. OAG 73-635; OAG 74-520; OAG 81-245; Informal OAG July 6, 1990. \*\*\*See: (C#10), ABSENTEE BALLOT for voting in Trustee Election at the end of this Section C of the Compendium.

4. FORM FOR FIRE DISTRICT BY-LAWS: Section B, BOARD OF TRUSTEES, contains as ("B-1") BY-LAWS FORMS for Fire Districts, including Article VIII, Election of Trustees, covering:

1. RESPONSIBILITY OF BOARD
2. ELECTION DATE
3. LOCATION OF POLLS
4. ELECTION COMMITTEE
5. NOMINATIONS FOR PROPERTY OWNER TRUSTEE
6. NOMINATIONS FOR FIREFIGHTER TRUSTEE
7. ELECTION COMMITTEE REPORT TO BOARD
8. NEWSPAPER ADVERTISEMENT OF ELECTION
9. OPTION TO MAIL NOTICE TO FIREFIGHTERS
10. VOTER REGISTRATION ON ELECTION DATE
11. SECRET BALLOTS
12. NO WRITE-IN AND NO ABSENTEE BALLOTS
13. CHALLENGES TO VOTES
14. COUNTING OF BALLOTS
15. CERTIFICATION OF ELECTED TRUSTEES
16. CERTIFICATION OF APPOINTED TRUSTEES
17. OATH OF OFFICE
18. NOTICE OF EXPIRATION OF TERM
19. FAILURE TO APPOINT TRUSTEE
20. RECOMMENDATIONS TO MAYOR
21. VACANCIES
22. REMOVAL OF TRUSTEES

#### **IV. APPOINTED TRUSTEES**

1. APPOINTED TRUSTEES QUALIFICATIONS: The Mayor of the Louisville & Jefferson County Metro Government shall in accordance with the adopted appointment process appoint three (3) members of the Board of Trustees. Trustees appointed by the Metro Mayor must reside within the boundaries of the consolidated local government. In the other 119 counties of the Commonwealth of Kentucky, the county judge/executive of the county in which the greater part of the District is located shall, with the approval of the fiscal court, appoint three (3) members of the Board of Trustees. KRS 75.031(1)(a). Appointed Jefferson County Trustees must reflect the diversity of the population with Jefferson County, Kentucky. KRS 67C.139.

2. PROCEDURES FOR APPOINTMENT OF TRUSTEES : Each administration responsible for appointment of persons to Board of Trustees usually has standardized procedures and forms. \*\*\*See: Form (C#11) Procedures for Filling Fire Board Appointments; Form (C#12) Appointee Biography for Jefferson County Boards and Commission; (both forms in effect on 12-18-02).

3. METRO COUNCIL: Louisville Metro Government and the Metro Council have adopted procedures for appointments by the Mayor to the Fire Protection District Board of Trustees.

4. CERTIFICATION OF APPOINTED TRUSTEES: The Board should state in the public record that a Trustee has been appointed. \*\*\*See: Form (C#7), CERTIFICATION of Appointed Trustee by Metro Mayor, at the end of this Section C of the Compendium.

5. NOTICE OF EXPIRATION OF TERM: Kentucky law requires a Fire District to notify the Metro Mayor of Louisville & Jefferson County of the expiration of the term of office of an appointed Trustee at least sixty (60) days before the expiration of that Appointed Trustee's term of office on June 30. KRS 65.008(1) \*\*\*See: Form (C#9), NOTICE OF TERM EXPIRATION OF APPOINTED TRUSTEE to Metro Mayor at the end of this Section C of the Compendium.

6. RECOMMENDATIONS TO METRO MAYOR: The Board of Trustees may, but is not required, to recommend a person for appointment by the Metro Mayor to the Board of Trustees.

7. FAILURE TO APPOINT TRUSTEE: An Appointed Trustee continues to serve as a Trustee until a successor Trustee is appointed. If the Mayor of Metro Louisville fails to appoint a Trustee by August 29th (within sixty days following the expiration of the term), then that Trustee is automatically appointed as a matter of law to serve another complete term of three (3) years as an Appointed Trustee. KRS 65.008(2).

## **V. VACANCY IN ANY TRUSTEE POSITION**

VACANCY IN ANY TRUSTEE POSITION: In the event of any vacancy in any Trustee position, whether property owner, firefighter, or appointed trustee, the Metro Mayor in accordance with the procedures adopted by the Metro Council shall appoint a person qualified for the vacant position to serve for the remainder of that term. It is essential that the person appointed by the Metro Mayor to serve out the unexpired term of a vacancy have the qualifications necessary for that position, whether it be firefighter, property owner, or appointed. KRS 75.031(1)(a).

## **VI RESPONSIBILITY OF BOARD FOR ELECTIONS**

1. LEGAL RESPONSIBILITY OF BOARD: KRS, Chapter 75, makes the Board of Trustees responsible for conducting the affairs of a Fire Protection District, including the nomination procedures and conducting the elections of Trustees. The Board of Trustees is responsible to accept nominations and advertise the election only for candidates that qualify for a election and are able to qualify to take office as a Trustee. The provisions in KRS 75.031 that relate to "citizenship" and "age" specifically relate to the time of the election. The other qualification is not expressly related to the time of election, and, thus, relate to the time of holding office.

2. SWORN STATEMENT BY APPLICANT: Form (C#1), NOMINATION FOR BOARD OF TRUSTEES for Firefighter & Property Owner Trustee at the end of this Section C of the Compendium contains the information necessary to make a determination if the person is eligible under KRS 75.031 to be qualified as a Property Owner Trustee or a Firefighter Trustee, and is followed by:

"I SOLEMNLY AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE."

3. CERTIFICATION BY BOARD: Form (C#6), CERTIFICATION OF ELECTED TRUSTEE BY FIRE PROTECTION DISTRICT at the end of this Section C of the Compendium states that the Board of Trustees has inspected the nominations, voter registrations, ballots, and any challenges, and the activities of the Election Committee in conducting the election, and it appears that the elected Trustee (a) has the qualification required by KRS 75.031 to serve as a Trustee; (b) was elected in accordance with the procedures required by KRS 75.031 and the By-Laws of the Fire Protection District; and, (c) has taken oath of office as Trustee as prescribed by Section 228 of the Kentucky Constitution and KRS, Chapter 75.

4. PERSONAL LIABILITY: An individual member of the Board of Trustees may be personally liable if the certification by the Board of Trustees is not accurate. Actual knowledge that a person is not qualified to be a Trustee may bring additional liability. \*\*\*See: Form (C#6), CERTIFICATION OF ELECTED TRUSTEE BY FIRE PROTECTION DISTRICT at the end of this Section C of the Compendium.

5. OATH OF OFFICE: Each new Trustee, whether elected or appointed, is required to take an oath of office before a notary public, or the County Judge/Executive, to faithfully discharge the duties of Trustee. The oath must be subscribed by the person taking it and filed in the Fire District minute book kept by the Secretary of the Board of Trustees. \*\*\*See: Form (C#8), OATH OF OFFICE AS TRUSTEE, at the end of this Section C of the Compendium.

## VII STATUTORY CHANGES IN BOARD OF TRUSTEES

1. HISTORY OF BOARD OF TRUSTEES: In 1944, the General Assembly established the first Fire Protection Districts in Kentucky, which were operated by three Trustees elected by "resident taxpayer and voters" of the district on the "first Saturday of May" (sic). Twelve years later, KRS 75.030 was amended to give the County Judge the authority to appoint all three Trustees, instead of being elected by the residents of the district. In 1966, the present composition of the Board of Trustees became law when the General Assembly provided for two firefighters, two property owners, and three appointments by the County Judge, on the Board of Trustees of each Fire Protection District. The 1990, the General Assembly established the HCR 75 Task Force that conducted hearings throughout Kentucky regarding various proposals to change KRS, Chapter 75. No action followed.

2. 1996 LEGISLATION: In 1991, the Jefferson County Fire Trustees Association approved and recommended to the Kentucky Legislature thirteen specific changes to KRS, Chapter 75, including procedural and clarification changes to the election process. No action was taken during the 1992 and 1994 General Assembly. Then, in 1996, the Kentucky General Assembly, under the leadership of Senator Larry L. Saunders, made the substantial changes recommended by the Jefferson County Fire Trustees Association, including it recommended changes to the process for the election of Trustees.

## **VIII JEFFERSON COUNTY FIRE TRUSTEES ASSOCIATION**

1. EXECUTIVE FIRE ADMINISTRATOR: MS. TERRI LIVERS is EXECUTIVE FIRE ADMINISTRATOR of the Jefferson County Fire Trustees Association and her office is located at 410 S. Fifth Street, Room #200, Louisville, KY 40202; Telephone Number: 502-574-5646; Fax: #502-574-4606; email: Terri.Livers@louisvilleky.gov. Ms. Livers administers the coordination of the eighteen (18) Fire Protection Districts in Jefferson County, Kentucky, and is available to assist with questions related to requirements and procedures for Trustees elections.

### 2. MOST ASKED ELECTION QUESTIONS:

Q#1: Property owner must reside and own property in the fire district? TRUE.  
See: Section I, 2., NON-FIREFIGHTER PROPERTY OWNER TRUSTEES;  
Section II, 2. NOMINATIONS;  
NOMINATION FOR BOARD OF TRUSTEES, ELECTION FORM (C#1).

Q#2: Both of the firefighter trustees can be paid firefighters?  
Before July 13, 2004: FALSE.  
After July 13, 2004: TRUE  
See: Section I, 3., FIREFIGHTER TRUSTEES;  
Section II, 2. NOMINATIONS;  
NOMINATION FOR BOARD OF TRUSTEES, ELECTION FORM (C#1).

Q#3: Fire District can conduct an election to fill a firefighter Trustee vacancy? FALSE.  
See: Section V, VACANCY IN ANY TRUSTEE POSITION  
KRS 75.031 Mayor of Louisville Metro Government.

Q#4: All property owners can vote in the property owner election? FALSE.  
See: Section II, 6. REQUIRED QUALIFICATIONS PROPERTY OWNER TRUSTEES.

- Q#5: Qualified property owner voters can never vote by absentee ballots? FALSE.  
 See: Section III, 3. WRITE-IN & ABSENTEE BALLOTS;  
 Compendium Section B, (B#2) BY-LAWS FORM FOR FIRE DISTRICTS;
- Q#6: Fire Protection District should have by-laws to govern trustee elections? TRUE.  
 See: Section III, 1. BY-LAWS OF FIRE DISTRICT;
- Q#7: Fire District nominees and voters should sign sworn affirmation of their qualifications to serve as a trustee and vote in a trustee election? TRUE.  
 See: Section III, 1. BY-LAWS OF FIRE DISTRICT;  
 Compendium Section B, (B#2) BY-LAWS FORM FOR FIRE DISTRICTS;  
 NOMINATION FOR BOARD OF TRUSTEES, ELECTION FORM (C#1).  
 VOTER REGISTRATION ELECTION OF TRUSTEES, ELECTION FORM (C#3).
- C#8: Firefighter election can be advertised by public announcement to all firefighters, personal notice to each firefighter, or posting on the bulletin board? FALSE.  
 See: Section II, 4. OPTION TO MAIL ELECTION NOTICE TO FIREFIGHTERS.
- C#9: Qualified firefighter in a Jefferson County Fire District living in Oldham County qualifies to serve as a Firefighter Trustee? TRUE.  
 See: Section I, 4. KENTUCKY RESIDENT & AGE 18 REQUIREMENTS.
- C#10: Qualified firefighter in a Jefferson County Fire District living in Indiana qualifies to serve as a Trustees? FALSE.  
 See: Section I, 4. KENTUCKY RESIDENT & AGE 18 REQUIREMENTS.

## IX. KRS 75 ELECTION STATUTE

**75.031 Trustees, elections, terms; vacancies; elections for part of trustees; officers**

- (1) (a) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the 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 as hereinafter set out and three (3) to be appointed by the county judge/executive or mayor in a consolidated local government pursuant to the provisions of KRS 67C.139. Two (2) members of the board of trustees shall be elected by the members of the firefighters of the district and shall be members of the district. Two (2) members of the board of trustees shall be property owners who own real or personal property which is subject to the fire protection district tax pursuant to KRS 75.040, who personally reside in the district, and who are not active firefighters, and shall be elected by the property owners of the district. Property owners voting to select representatives to the board of trustees shall have attained the age of eighteen (18). The county judge/executive of the county in which the greater part of the district is located shall, with the approval of the fiscal court, appoint three (3) members of the board of trustees. In counties containing a city of the first class trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that country. In counties governed by a consolidated local government, trustees appointed by the mayor to serve in volunteer fire prevention districts shall reside within the boundaries of the consolidated local government. At the first election held after the district is formed, one (1) firefighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years and one (1) nonfirefighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four (4) years. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms the successors to each shall be appointed for a term of three (3) years. Upon the establishment of a consolidated local government, incumbent members shall continue to serve until the expiration of their current term of office. In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall appoint with the approval of the fiscal court a trustee for the remainder of the term, except in a county containing a consolidated local government. In a county containing a consolidated local government, the mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for the remainder of the term.
- (b) An appointed trustee may be removed from office as provided by KRS 65.007.
- (c) No person shall be an elected trustee who, at the time of his election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).
- (d) Unless otherwise provided by law, an elected firefighter trustee may be removed from office by the mayor of a consolidated local government, or in a county not containing a consolidated local government, by the county judge/executive of the county in which the greater part of the district is located. An elected firefighter trustee may be removed after a hearing with notice as required by KRS 424, for inefficiency, neglect of duty, malfeasance or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive of a county or the mayor of a consolidated local government, who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The person proposed to be removed may

employ counsel to represent him or her. A record of the hearing shall be made by the county judge\executive or mayor respectively.

- (e) The removal of an elected firefighter trustee of a fire protection district shall be subject to the approval of the fiscal court of the county in which the greater part of the district is located in those counties not containing a consolidated local government or the legislative council in a county containing a consolidated local government.
  - (f) An elected firefighter trustee removed pursuant to paragraphs (c) and (d) of this subsection may appeal, within ten (10) days of the rendering of the decision of the fiscal court or legislative council, respectively, to the Circuit Court of the county in which the greater part of the district is located. The scope of the appeal shall be limited to whether the county judge\executive, mayor, legislative council, or the fiscal court respectively, abused their discretion in removing the trustee.
- (2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 A.M. and 2:00 P.M. The polls shall be a date determined by the department. The polls shall be located at the principal firehouse in the district. The date, time and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. In lieu of the published notice for the election of the firefighter trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member of the firefighters of the fire protection district or volunteer fire department district, addressed to the firefighter at his or her residence, at least thirty (30) days prior to the election date. The nominations for candidates for trustees both representing the fire fighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive or mayor shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966 all departments organized prior to June 16, 1966 shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.
- (3) The trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located or the mayor in a consolidated local government, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as the treasurer. The premiums on the bonds shall be paid out of the funds of the district.

HISTORY: 2004 c 92, §1, eff. 7-13-04; 2002 c 346, §76, eff. 7-15-02; 2000 c 348, §1, eff. 7-14-00; 1996 c 127, § 2, c 136, § 1, eff. 7-15-96; 1980 c 18, § 5, eff. 7-15-80; 1978 c 384, § 20, c 175, § 1; 1976 ex s, c 20, § 6; 1976 c 336, § 1; 1966 c 97, § 2.

## **X ELECTION FORMS**

- (C#1) Nomination for Board of Trustees of Fire Protection District.
- (C#2) Advertisement for Election of Firefighter and/or Property Owner Trustee.

- (C#2B) Fax to Courier-Journal with Election Advertisement.
- (C#3) Voter registration for Election of Trustee.
- (C#4) Ballot for Election of Trustee.
- (C#5) Challenge to Qualification of Voter in Election of Trustee.
- (C#6) Certification of Elected Trustee by Election Committee and Board.
- (C#7) Certification of Appointed Trustee by Metro Mayor.
- (C#8) Oath of Office of Trustee of Fire Protection District.
- (C#9) Notice of Term Expiration of Appointed trustee to Metro Mayor.
- (C#10) Absentee Ballot for Election of Trustee of Fire Protection District.
- (C#11) Procedure for Filling Fire Board Appointments
- (C#12) Appointee Biography Jefferson County Board and Commissions