

## ARTICLE 1: PURPOSE

The policy of the Board of Directors of the Rio Rico Fire District recognizes that one of its major functions is to serve as the policy-making body of the District, and to govern the activities and shape the future of the District. At the same time, the Board preserves for the Fire Chief and the professional staff the responsibility of the day-to-day administration and operations of the District in a manner consistent with the policies and rules of the Board.

It is therefore the intent of the Board of the District to set forth a series of policies and rules to govern the conduct and deliberations of the business conducted by the Board and to serve as a guide for the professional staff in carrying out the daily functions of the District.

For purposes of this manual, the use of gender specific pronouns has been avoided whenever possible. Where such avoidance would lead to awkward or cumbersome language, the masculine pronoun may be used. This use shall be considered to refer to both genders.

### **DEFINITIONS:**

The following definitions shall apply to these board policies:

- A. Board - Board shall mean the governing body of the Rio Rico Fire District.
- B. Board Policy – Board Policy shall mean any decision, resolution or ordinance made by the Board of Directors through due process and in accordance with Rio Rico Fire District Board By Laws and Arizona Revised Statutes.
- C. Board Rule – Board Rule shall mean any statement agreed upon by the Board of Directors to govern the conduct and business of the Rio Rico Fire District Board of Directors.
- D. District - District shall refer to the Rio Rico Fire District
- E. Executive Management Staff– Executive Management Staff refers to the Fire Chief, Assistant Chief, and Administrative Manager
- F. Senior Management Staff – Senior staff refers to the Executive Staff along with the Battalion Chiefs
- G. Administrative Staff – Administrative staff refers to those employees who work in a clerical or non-suppression role
- H. Suppression Staff – Suppression staff are those employees who are fire fighters specifically trained in fire and emergency services and who are active members of the Arizona Public Safety Personnel Retirement System (PSPRS).

## **ARTICLE 2: FIRE DISTRICT BOARD**

### **2.1 Basis of Authority**

Per A.R.S.§48-803, In a district which the County Board of Supervisors has estimated that the population is four thousand or more inhabitants, the district board shall consist of five members. The Rio Rico Fire District is defined in accordance with the provisions of the Arizona Revised Statutes. The Fire District includes territories lying in Rio Rico and certain unincorporated areas of Santa Cruz County. The Fire Board by policy carries out its responsibilities and the will of the people of these areas in keeping with state and federal constitutions, statutes, rules, interpretations of the courts, and all the powers and responsibilities they provide.

Thus, the Fire Board is a five-member board and acts as the unit of authority within the District. Apart from normal function as a part of this unit; Board Members have no individual authority. As individuals, Board Members may not commit the District to any policy, act or expenditure. Board Members do not represent any fractional segment of the community, but are rather, a part of the body which represents and acts for the community as a whole.

Fire Board members serve four-year, staggered terms and shall be residents of the District as well as being registered voters over 18 years of age. The election of the Board members shall be conducted as provided by Arizona Revised Statutes.

### **2.2 Job Description**

The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the supervisory body for the Fire Chief. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

The majority of the members of the Board set the official policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with law.

The Board is entitled to enter into all contracts on behalf of the District as are within the scope of its authority and in the line of duty, and Board members are not personally liable thereon unless it is clear by the terms of the contract that the Board members intended to bind themselves personally. However, any contracts which exceed the authority given to the Board may subject the Board members to personal liability for the amounts due there under.

Board members are expected to be familiar with the rules of the Arizona Revised Statutes (ARS §38-431) regarding open meetings, required notice therefore, and the requirements for entering into Executive Session. All Board members should be aware of any issue of self-dealing and should abstain from voting on any questions in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits.

### **2.3 Code of Ethics**

The Board of the Rio Rico Fire District is committed to providing excellence in leadership that results in the provision of the highest quality of service to its constituents. In order to assist in the government of the behavior between and among members of the Board, the following rules shall be observed:

- The dignity, style, values and opinions of each Board Member shall be respected at all times
- Responsiveness and attentive listening in communication are highly encouraged
- The needs of the District's constituents, employees and volunteers should be the priority of the Board.

The primary responsibility of the Board is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District should be delegated to the Fire Chief and his Executive Management Staff.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Nothing in this policy shall be construed to prohibit a Board member from speaking publicly against a decision, but once the Board takes action, Board Members shall not create barriers to the implementation of said action.

The Board is responsible for evaluating the Fire Chief's performance at regular intervals in order to approve, extend or terminate his contract as appropriate. In doing so, they also carefully monitor his progress in attaining District goals and objectives while pursuing its mission.

Board members should employ the following practices:

- Approach the Fire Chief or appropriate Executive Management Staff member directly to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- Refer concerns or complaints from residents and property owners of the District directly to the Fire Chief.
- Respond to constituent requests and concerns in a courteous, positive manner and route their questions through appropriate channels and to responsible Executive Management Staff member.
- Direct clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, to the Fire Chief or the appropriate Executive Management Staff member available.
  - Issues related to finances, risk management, board support or administration should be directed to the Fire Chief or Administrative Manager for assistance
  - Issues related to operations, concerns for safety, or hazards should be reported to a member of the Executive Management Staff as available following the chain of command:
    - (1) Fire Chief
    - (2) Battalion Chief on Duty
    - (3) District Safety Officer
- Refrain from directly discussing operational or personnel issues with employees as this may compromise the chain of command and put the Board Member in a difficult position in making District recommendations or decisions.
- Direct inquiries from District personnel regarding specific District policy to the appropriate staff supervisor, if known or up the chain of command. The Executive Management Staff should also be made aware of any personnel concerns.
- Immediately seek appropriate assistance in an emergency situation.

The effectiveness and success of the District depends on a *team effort*. Everyone is expected to work together in the collaborative process, assisting each other in conducting the affairs of the District. Board members should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

Board Members are expected to serve on ad hoc committees as established. These committee assignments can

have a maximum of two (2) board members and are established for the purpose of fact finding and making recommendations to the full Board on modifications to current policies and related Fire District business.

#### **2.4 Attendance at meetings**

Board members are required to attend all regular and special meetings of the Board unless there is prior notification or good cause for absence except as noted by Arizona Revised Statute below.

Pursuant to Arizona State Statute (ARS §38-291) a vacancy shall occur if any member ceases to discharge the duty of his /her office for the following reasons:

1. The death of the incumbent.
2. Insanity of the incumbent when judicially determined.
3. Resignation and the lawful acceptance of the resignation of the incumbent.
4. Removal from office of the incumbent.
5. If the office is elective and the incumbent ceasing to be a resident of the District
6. Absence from the state by the incumbent without the permission of the legislature beyond the period of three (3) consecutive months.
7. The incumbent ceasing to discharge the duties of office for the period of three (3) consecutive months.
8. A conviction of the incumbent of a felony or an offense involving a violation of his official duties.
9. Failure of the person elected to file his required oath within the time prescribed by law.
10. The decision of a competent tribunal declaring void the election or appointment of the person elected or appointed to the office.
11. Failure of a person to be elected to the office.
12. A violation of Section 38-296 by the incumbent.

#### **2.5 Board Orientation**

The Board Chairperson, Fire Chief and Administrative Manager are responsible for the appropriate orientation and training of new Board members.

The Administrative Chief, in cooperation with the Fire Chief and new Board member(s), shall schedule a work session for new Board members to acquaint them with the facilities, equipment, and personnel and to provide copies of an overview of:

1. Fire Board Policies
2. Board Member Bylaws
3. Statements of Policy, Standard Operating Guidelines (SOGs), and Financial Policy
4. Federal Health Insurance Portability and Accountability Act (HIPAA) requirements and training
5. District territory, boundaries and facilities
6. District Personnel Policies
7. Major contracts and Intergovernmental Agreements (IGAs)

8. Arizona Revised Statutes pertaining to Special Taxing Districts (Title 48) and Public Officers and Employees (Title 38) with emphasis on Open Meeting Laws
9. Conflict of Interest

## **2.6 Training, Education and Conferences**

Members of the Board are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

The District encourages Board development and excellence of performance by reimbursing member expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. When at all possible, notification should be provided to the Board for meetings, travel and conferences outside of the District. In the absence of time, approval may be deferred to the Board Chairperson.

The Administrative Manager is responsible for making arrangements for Board Members for conference and registration expenses. All expenses for which reimbursement is requested by a Board Member shall be submitted to the Administrative Manager together with validated receipts.

Expenses for Board Member training, education and conferences should be kept to a minimum by using the recommendations for transportation and housing accommodations put forth by the Fire Chief or his designee and by the adopted budget amounts.

1. Board Members should use hotel(s) recommended by the event sponsor in order to obtain discounted rates, travel together whenever feasible and economically beneficial, and request reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
2. A Board Member should not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board.
3. Board Members who do not attend a scheduled conference or training event that was prepaid by the District are responsible for 50% of the expense associated with that conference unless there is an emergency that precludes them from attending as scheduled.
4. Board Members who miss more than one scheduled conference or training event within two years will not receive reimbursement for expenses for any further conferences or events in the next year unless excused by the Board Chairperson. If it is the Chairperson, it must be excused by the Board Clerk and one other board member.
5. Upon returning from seminars, workshops, conferences, etc. for which expenses are routinely reimbursed by the District, Board Members will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the sessions that will be of benefit to the District. Materials from the sessions may be delivered to the District office to be included in the District library for the future use of other Board Members and staff.

## **2.7 Board Member Reimbursement**

The District will reimburse Board Members for reasonable expenses actually incurred while on Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members (i.e. travel, lodging and meals), and shall not include recompense for a spouse's or companion's costs. The purchase of any alcoholic beverages is not included in reimbursable expenses. Each Board member shall present a statement supported by appropriate receipts/documentation before reimbursement is made.

## **2.8 Board Vacancies**

Filling Board Member vacancies shall be in accordance with Arizona Revised Statutes and the current board bylaws.

## **2.9 Board Elections**

When an election is to be held for the purpose of electing members to the District Board, the Board Clerk shall direct the Administrative Staff to publish the Board vacancy in accordance with Arizona Revised Statutes (ARS §48-802) including the following information:

1. The date of the Election;
2. The Board positions to be voted upon;
3. The latest date candidates may file for office.

Elections will be conducted per Arizona Revised Statutes and overseen by the Santa Cruz County Board of Elections or any other election authority that may supersede the county.

## **ARTICLE 3: OFFICERS OF THE BOARD**

It shall be a policy of the Board to elect Officers of the Board at the first meeting in the month of December. The Chairperson and Board Clerk will then be seated at that meeting. The term of office shall be calculated from the date of that meeting. Officers may be reelected at the end of any term and the Fire Board shall also elect Officers to fill any vacancies.

### **3.1 Election of Officers**

All officers shall be elected for twelve (12) months, with no officer serving more than four (4) consecutive terms in any one office unless there is no one interested in serving in that office. Officers elected to fill an unexpired term shall serve until the end of their predecessor's term.

### **3.2 Chairperson**

The Board Chairperson shall preside at all meetings of the Board and shall have the right to offer motions and amendments and to vote on motions put before the Board for action. The Chairperson is responsible for ensuring that the business of the public meetings is transacted in the proper order and is reasonably expedited observing appropriate procedure and decorum. The Chairperson shall sign on behalf of the Board such documents as may be required.

### **3.3 Board Clerk**

The Board Clerk shall perform all the duties of the Board Chairperson when acting in that capacity. The Clerk shall have at every meeting of the District the minutes of the previous meeting and all other minutes that have not been approved, the bylaws of the District and all other rules pertaining to the District, a list of all the committees and the order of business or list of business to come before the meeting. The Clerk is the official custodian of all of the records of the District. The Clerk must ensure that all committees have such documents as they require for the performance of their duties. The Clerk, in the event of the Chairperson's absence or inability to act, shall have all the authority of the Chairperson. The Clerk shall be prepared to sign on behalf of the District such documents that require

two (2) signatures or as requested by the Chairperson

### **3.4 Local Pension Board**

The Board Clerk is designated as the Chairperson of the District Pension Board upon confirmation as the Fire Board Clerk each March, or at any time the Clerk of the Board changes. As such, the Clerk is tasked to oversee the Pension board including regular meetings and conforming to the state standards for the Arizona Public Safety Personnel Retirement System (PSPRS).

## **ARTICLE 4: POWERS AND DUTIES OF THE BOARD**

It is the policy of the Board to exercise those powers granted to it by Arizona Revised Statutes and to carry out those duties assigned to it as may best meet the fire and life-safety needs of the District.

### **4.1 Policy and Strategic Planning**

One of the primary roles of the Fire Board is the formulation of policies and strategic direction regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative and executive functions to the Fire Chief. The Fire Board should actively participate in the Strategic Planning process along with the Fire Chief and his designees in order to present a larger community perspective in the District planning processes.

### **4.2 Meeting Attendance & Participation**

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and will be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members including the Chairperson are expected to participate fully in deliberation and voting.

It is understood that Board Members will not always agree. It is the policy of the Board that members respect the authority of the majority. If a member cannot support a decision made by the majority that member's actions should remain neutral and not work against the decision of the majority.

Board Members, individually and collectively, act as representatives of the citizens of the Fire District in maintaining and promoting fire and life-safety needs of the District.

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

### **4.3 Code of Conduct**

Board Members shall observe a Code of Conduct to carry out their responsibilities:

#### **Board Member Code of Conduct**

- Understand that the Board's basic function is "policy" and not "administration"
- Refuse to make commitments on any matter that should come before the Board as a

- whole
- Refuse to participate in secret meetings or other irregular meetings that are not official and that all members do not have the opportunity to attend;
- Recognize that he has no legal status to act for the Board outside of official meetings;
- Respect the right of District constituents to be heard at official meetings within established parameters and guidelines for public testimony;
- Make decisions only after available facts bearing on a question have been presented and discussed
- Accept the principle of "majority rule" in Board decisions;
- Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies;
- Recognize that the Fire Chief or designee is the technical advisor to the Board;
- Present personal criticisms, complaints or problems regarding Fire District operations or personnel directly to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution;
- Declare conflicts of interest into the public record;
- Conduct all Fire District business in an ethical manner;
- Refuse to use his position on the Fire Board in any way, whatsoever, for personal gain
- Give staff and contemporaries the respect and consideration due skilled professional personnel.

#### **4.4 Committees**

At any posted Board Meeting, a Board Member may request that a committee be established. A motion to establish the committee must be approved by a majority vote of the Board. A committee may be appointed for purposes as outlined in the District bylaws or any other purpose deemed reasonable by the Chairperson.

The Board Chairperson or designee shall outline the duties and responsibilities for committee members at the time of appointment and address the District staffing and resources needed for that committee prior to final approval of the committee. No more than two (2) Board members shall serve on a committee at any one time. Minutes and other reports from Board committees shall then be maintained and submitted to the board by the appointed committee chairperson at regular board meetings. Committees shall be considered dissolved upon submission of a final report, unless their standing is continued by a vote of the majority of Board members.

Occasionally, the Board may direct the Fire Chief to form a committee to study any issue and report the findings to the board. Any such committee may be formed and shall conduct its business under the direction of the Fire Chief or his designee. Minutes and official reports for Chief's committees will be at the discretion of the Chief and are not required.

#### **4.5 Outside Education**

Fire Board members are encouraged to participate in organizations such as the Arizona Fire District Association (AFDA) and others with similar benefit to the District. Membership fees shall be paid by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be paid by the Fire District.

## **ARTICLE 5: DELEGATION OF BOARD AUTHORITY**

The Board has the primary responsibility for the approval of District plans and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the Fire Chief for the implementation of the programs and services of the District.

1. The Board will approve a position description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of his employment.
2. The Fire Chief shall serve as the Executive Officer of the Fire District. Responsibilities of the Fire Chief may include, but are not limited to:
  - a. Preparing the agenda for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required,
  - b. Bringing matters requiring Board consideration to its attention,
  - c. Reporting periodically to the Board on the progress of programs in the District,
  - d. Addressing personnel, financial and capital improvement matters under the direction of the Board,
  - e. Reporting appointments, demotions, transfers, and dismissals as appropriate to the Board
3. The Board delegates to the Fire Chief the authority to recommend and carry out required actions for Fire District operations. Administrative and operational policies and guidelines will detail the actual methodology for District function.
4. When action must be taken within the Fire District and the Board has provided no guidelines for such action, the Fire Chief shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Fire Chief to inform the Board promptly of such action and of the possible need for policy or rule.

## **ARTICLE 6: BOARD POLICIES**

It is the intent of the Board to be governed by a set of policies. The policies shall be adopted by the Board and made available as public documents.

The policies of the Board shall be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the constituents of the District within the limitations of the District's ability to support it.

The Board, as the governing body representing the residents of the District, determines all questions of policy to be employed in the operation of the District.

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, an amendment to the applicable policy, as a Board rule, shall clearly specify the intent

of the Board in interpreting the policy.

Board policies may also be based on pertinent statutes. In this context they are designed to explain, detail, or otherwise organize the application of a policy consistent with the statutes. Board rules may also be applied to remind the Board, staff, and public of the existence of applicable statutes.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

#### **ARTICLE 7: POLICY ADOPTION, CHANGES, DELETIONS, ADDITIONS, REPEAL AND REVIEW**

In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place at least biannually at a regularly scheduled Board meeting on a date or dates selected by the Board, and shall appear as an agenda item. It is also recognized that District board bylaws closely follow policy and therefore, should be reviewed at the same time to ensure consistency, stability and integrity to District function. Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

Adoption, changes, additions to and deletions from or repeal of the established policies shall be accomplished by a majority vote of the Board. A two-step action, with steps separated by no less than fourteen (14) days, is required. Introduction, discussion and deliberation shall constitute the first step. A ratification vote shall be required at a second meeting.

In the event that it is agreed to by a majority of the Board that it is in the best interest of the District and welfare of its members, a policy can be changed, suspended, added to, or deleted from in the course of a single meeting.

The Board Manual as assembled shall include Board By-Laws, policies and other information needed as a reference instrument for conducting the business of the Board.

## **ARTICLE 8: METHODS OF OPERATION OF BOARD MEETINGS**

It is the policy of the Board that all meetings be conducted in accordance with Arizona Revised and Federal Statutes and rules, the decisions of the courts, and with proper regard to "due process" procedures. In so doing, the Board will seek information from staff and other sources as appropriate, before decisions are made on policy and procedural matters.

### **8.1 Meeting Location**

Regular meetings of the Board shall be held at the Rio Rico Fire District Administrative Building, 822 Pendleton Drive, Rio Rico, AZ on the last Tuesday of each month at 17:30 pm, unless by specific action of the Board a different meeting place or time is selected.

The Chairperson and the Fire Chief shall insure that appropriate information is available for the audience at meetings of the Board, and that physical facilities for said meetings are functional and appropriate. Reasonable accommodations will be made for the hearing/physically impaired upon at least a 24-hour prior notification to the Administrative Manager.

### **8.2 Posting of the Agenda**

The agendas for all meetings shall be posted at least twenty-four (24) hours before the meeting in all of the seven (3) regular posting locations including:

1. **All District Fire Stations**
  - a. Station 1 – 1194 Pendleton Drive
  - b. Station 2 – 957 Calle Calabasas
  - c. Station 3 – 822 Pendleton Drive
2. **US Post Office, Rio Rico Branch** – 1163 W. Frontage Road

### **8.3 Regular Meetings**

At least twenty-four (24) hours prior to the time of all meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review per A.R.S. §38-431.

All regular meetings are open to the public per statute as above except as provided for Executive Sessions (A.R.S. §38-431.03). Notice of all meetings and a copy of the proposed agenda shall be posted according to statute. A nominal fee may be charged for copies of public records in accordance with the administrative fee schedule established by the Board.

It shall be the policy of the Board to recognize itself as a policy-making body that deliberates at regularly scheduled meetings and each Board member shall make a diligent effort to be present and participate fully. In addition, it is the intent of the Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

#### **8.4 Special or Emergency Meetings**

Any Special or Emergency meetings are open to the public as above and shall have at least a 24-hour advance notice except in the case of a designated emergency. Notices of Special or Emergency meetings shall be posted at the regular locations as noted in 9.2 and the district's website.

Special meetings of the Board may be called by the Board Chairperson at any time by giving the notice required by law and posting an agenda for the special meeting. At the written request of two (2) board members, the Chairperson shall call a special meeting giving the appropriate notification required by law. In the event the Chairperson fails to call the special meeting, at the written request of two (2) board members, the Board Clerk shall call a special board meeting.

In a designated emergency as determined by the Chairperson, Board Clerk or Fire Chief, a board meeting can be convened with less than twenty-four hours notice, however the following three requirements must be met:

1. An announcement must be made at the meeting of the reasons necessitating the emergency meeting
2. A statement must be made in the minutes setting forth those reasons as well
3. Within twenty-four hours after the meeting, a public notice must be posted declaring an emergency session has been held and setting forth the agenda discussed and any action taken

#### **8.5 Executive Session**

Upon and only upon a public majority vote of sufficient members to constitute a quorum, an Executive Session may be held only for the purposes specified by Arizona Revised Statute (ARS §38-431.01(B1-4)). Minutes of Executive Sessions shall include: date, time and place of the meeting, members present or absent, a *general description* of matters considered, an accurate description of all instructions regarding contract negotiations, discussions involving litigation, labor negotiations, or the purchase, sale or lease of real property and any other matters deemed appropriate by the public body. While minutes of public meeting are open to the public within three (3) days per statute, minutes of executive session must be kept confidential and may not be disclosed except to the Attorney General, the County Attorney and the Court for purposes of enforcement. The Chairperson or other person(s) conducting the executive session in the absence of the Chairperson is required to advise all persons present of the confidential nature of Executive Sessions and anyone found to have violated the confidentiality of Executive Session may be subject to civil penalties [\$500 for each violation per ARS §38-431.07(A)].

*The law specifies the following purposes for which an executive session may be called according to 38-431.03(A):*

1. Personnel Matters -- The discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of a public officer, appointee or employee of the District. With the exception of salary discussions, an officer, appointee or employee may demand that this discussion take place at a public meeting. If such a demand is made, the officer, appointee or employee must be provided with at least twenty-four (24) hour notice of the executive session. The Board shall provide the officer, appointee, or employee such notice of the executive

session as is appropriate, but not less than twenty-four (24) hours for the individual to determine whether such discussion or consideration should occur in a public meeting. The Board may *permit the officer, employee or appointee discussed to attend the executive session, but the employee does not have a right to attend except if he demands that the discussion take place in a public meeting.*

2. Confidential Records -- *An executive session may be held when the Board is considering or discussing records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. The record being considered need not be expressly made confidential by statute.*
3. Legal Advice -- *An executive session may be held for the discussion or consultation for legal advice with the attorney(s) of the District. The only person allowed to attend this executive session are the members of the Board and such officers, personnel, and appointees permitted by the Board, with a view to preserving the attorney/client privilege.*
4. Litigation Matters -- *An executive session may be held for the discussion or consultation to consider the District's position and instructing counsel concerning the District's position in impending or contemplated litigation.*
5. Employee Negotiations -- *An executive session may be held for the discussion or consultation with designated representatives of the District to consider the District's position and instruct its representatives regarding negotiations with employee representatives regarding their salaries, salary schedules or compensation paid in the form of fringe benefits for personnel of the District.*
6. International and Interstate Negotiations -- *An executive session may be held for the discussions of international and interstate negotiations between the District and another party or parties.*
7. Purchase, Sale or Lease of Real Property -- *An executive session may be held for discussion and consultations with designated representatives of the District to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.*

**No Action At Executive Session**

*No executive session may be held for the purpose of taking any legal action involving a final vote or decision.*

**Procedures**

*Before the Board goes into executive session, a majority of the members constituting a quorum must vote in the public meeting to hold such an executive session. The vote may permit the holding of an executive session during or immediately following the public meeting or at some later specified date. The Chairperson shall announce to the public and remind the Board members that all matters discussed in executive session are confidential pursuant to Arizona law and the announcement shall be reflected in the minutes.*

**Limitation on Conduct in Executive Session**

*The District may not take an informal or preliminary vote or a final vote or make a final decision*

*in the executive session; such action must be taken at a public meeting convened for that purpose. At any public meeting after an executive session addressing a matter which was the subject of an executive session, sufficient information must be given to the public to apprise the public of the basic subject matter of the action to be taken. Caution must be exercised in not revealing any discussion which occurred during the executive session.*

**Notice**

*If an executive session is to be held, notice shall be given to the members of the Board and to the general public stating the specific provisions of law authorizing the executive session.*

**Agenda**

*The agenda for an executive session shall include only a general description of the matters to be considered and shall not contain information that would defeat the purpose of the executive session.*

**Minutes**

*Written minutes of the executive session shall be taken by a Board member in attendance. Minutes of an executive session are confidential and shall be maintained in a manner that secures their confidential nature.*

**Emergency Executive Session**

*An emergency executive session may be called provided that*

- ◆ *The reason for the emergency session is announced publicly immediately prior to the executive session; and*
- ◆ *Within twenty-four (24) hours after the emergency executive session, an agenda is posted setting forth the information required.*

**8.6 Quorum**

A majority of the members of the Board shall constitute a quorum. The affirmative vote of at least three (3) members present at any meeting having a quorum shall be considered sufficient for action, except for actions required otherwise by law or these policies. If only three (3) members are present, constituting a quorum, a unanimous vote is required to approve a motion. Should the board membership present at the meeting fall below the required number for a quorum then the meeting may be reconvened at a later time and date when a quorum is present

**8.7 Matters for the Agenda**

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board. The request may be made during the public comment portion of any Board meeting, but as noted in Arizona Revised Statutes (ARS §38-431.01), the agenda item may only be added to a future meeting agenda. If the request is made outside of a Board meeting, the procedure is as follows:

1. The request must be submitted in writing to the Fire Chief one week prior to the Board meeting.
2. The Fire Chief upon consultation with the Board Chairperson will determine whether the public request is a "matter directly related to District business" and if so, it may be placed on the Board's next scheduled meeting agenda.

The Fire Chief, in cooperation with the Chairperson, shall prepare an agenda for each regular and special meeting of the Board. Any Board Member may contact the Fire Chief and request any item to be placed on the agenda one week prior to the Board Meeting.

### **8.8 Ratification of a Prior Act**

The notice requirement for ratification of a prior act taken in violation of Arizona law is seventy-two (72) hours. Ratification must take place within thirty (30) days after the discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.

### **8.9 Call to the Public**

The Board will permit audience comments relative to a specific motion prior to the final vote of the Board. The degree of audience participation will depend upon time available and the significance of the matter under discussion. The Chairperson may set a time limit for individual comments on a given issue.

The Board shall provide in the agenda of its regular meeting a specific time to hear the comments, concerns, and suggestions from its citizens or from visitors with interests in the District.

In order to accomplish the tasks of the Board in an orderly and expeditious manner, the Board will attempt to limit repetitious testimony and discussion whenever possible so as not to inconvenience those persons bringing business before the Board to no more than five (5) minutes.

Any person may address the Board on any subject pertaining to District business not listed on the agenda during the Call to the Public section of the meeting. Each person desiring to speak shall sign in on the provided sheet including name, address and phone number. The public will be limited to three (3) minutes unless extended by the Chairperson. Any public comments on items listed on the agenda should be addressed at the time the agenda item is up.

This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

### **8.10 Board Meeting Conduct**

Meetings of the Board shall be conducted by the Chairperson in a manner consistent with the policies of the District and Arizona Revised Statutes. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

The conduct of meetings shall, to the fullest possible extent, enable Board Members to:

1. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and, receive, consider and take any needed action with respect to reports of accomplishment of District operations.
2. Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at regular meeting on any subject that lies within the jurisdiction of the Board, shall be as follows:
  - a. Willful disruption of any of the meetings of the Board shall not be permitted. If the

Chairperson finds that there is in fact willful disruption of any meeting of the Board, the Chairperson may order the room cleared to subsequently conduct the Board's business. In such an event, only matters appearing on the agenda may be considered in such a session. After clearing the room, the Chairperson may permit those persons who, in his opinion, were not responsible for the willful disruption to re-enter the meeting room. Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to stay for the remainder of the meeting.

- b. Law Enforcement shall be summoned for security reasons should tensions arise that could potentially bring harm to the public, Board Members or staff.

### **8.11 Adjourned Meetings**

A majority vote by the Board may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Board Members are present at any regular or adjourned regular meeting, the Fire Chief may declare the meeting adjourned to a stated time and place, and he/she, shall cause a written notice of adjournment to be given to those specified above.

## **ARTICLE 9: MEETING MINUTES, PUBLIC RECORDS**

### **9.1 Meeting Minutes**

1. The minutes of the meetings of the Board shall be maintained by the District staff and should be available for public review 72 hours after the meeting. Minutes can be reviewed during regular business hours and upon twenty-four (24) hour-notice to the Administrative Manager. If copies are requested there is a nominal charge for same per the Board approved Administrative Fee Schedule.
2. A staff member designated by the Administrative Manager shall record in writing and on tape all proceedings of the Board meetings and submit these to the Board Clerk for review within 48 business hours of the meeting. The same staff member will file these in chronological order in a book provided for that purpose and maintain said book according to the District document management plan. While minutes must be preserved indefinitely, the tape recording is intended merely as a backup for the transcription of the minutes and need not be preserved except for the convenience of the administrative staff.
3. The official records of the meetings will be in typed format, reviewed, approved by the board and signed by the Board Clerk. The official minutes of the regular and special meetings and any Board committees shall be kept in a secured office with easy access for the public review during normal business hours. Copies of the previous meeting(s) shall be made for distribution to Board Members with the agenda for the next regular Board meeting.
4. Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year (e.g. Resolution 2018-10).

5. Minutes of Board meetings shall include the following:
  - a. Date, place and type of each meeting;
  - b. Board Members present and absent by name;
  - c. Call to order and Pledge of Allegiance;
  - d. Arrival of tardy Board Members by name;
  - e. Pre-adjournment departure of Board Members by name, or if absence takes place when any agenda items are acted upon; adjournment of the meeting; record of written notice of special meetings; and, record of items to be considered at special meetings.
  - f. All Actions taken by the Board as in number 6 below.
  
6. Board Actions: include the following:
  - a. Complete information as to each subject of the Board's deliberation;
  - b. Approval or amended approval of the minutes of preceding meetings;
  - c. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
  - d. All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
  - e. A record of all contracts entered into;
  - f. All employment's and resignations or terminations of employment within the district;
  - g. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
  - h. A record of all warrants taken with Santa County Treasurer's office;
  - i. Adoption of the annual budget;
  - j. Financial reports, including revenues, expenses, fixed assets, disposals or sales of District property shall be presented to the Board every month;
  - k. A record of all important correspondence;
  - l. A record of the Fire Chief's report to the Board;
  - m. Approval of all policies and Board-adopted regulations; and
  - n. A record of all visitors and delegations appearing before the Board.

## **9.2 Public Records**

The Fire District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by Arizona Revised Statutes. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files or by a staff member designated by the Administrative Manager. Copies of these records may be made and there will be a nominal charge per the Rio Rico Fire District Administrative Fee Schedule.

The following records may not be included in the category of records to which the right of access may be granted by the Fire District per ARS §38-431.03(A)(2):

- Criminal history records
- Unemployment insurance tax reports
- DHS records
- Executive session minutes
- Auditor General audit material
- Preliminary Unfair Unemployment Practice reports

- In matters which might lead to an invasion of privacy
- Where the statute otherwise designates records as confidential

Where the effectiveness of the public body would be seriously impaired, the Board or Fire Chief may exercise its discretion to decline access to a record. (In effect, the record has thus been deemed confidential). Any access denied will be documented in writing and the requestor will be notified by the Fire Chief.

## **ARTICLE 10: RULES OF ORDER DURING MEETINGS**

The Board Chairperson is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board Chairperson and all questions and remarks shall be addressed to the Chairperson.

### **10.1 Points of Order**

The Board Chairperson shall determine all Points or Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board Chairperson be sustained?" In which event a majority vote shall govern and conclusively determine such question of order.

### **10.2 Decorum and Order - Board Members**

Any Board Member desiring to speak shall address the Chairperson and, upon recognition by the Chairperson, shall confine himself/herself to the question under debate.

1. A Board Member desiring to question the staff shall address his question to the Fire Chief who shall either answer the inquiry himself or to designate some member of his staff for that purpose.
2. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Chairperson, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
3. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.
4. Board Members shall at all times conduct themselves with courtesy to each other to staff and to members of the audience present at Board meetings and public sessions.
5. Any Board member may invite any members of the Public to speak at a Board meeting during the period reserved for public comment.

### **10.3 Decorum and Order - Employees**

Members of the administrative staff and employees of the District shall observe the same rules of

procedure and decorum applicable to Board Members.

#### **10.4 Conferencing via Technological Devices**

Board Members may attend a meeting through technological devices per ARS §38-431 (4) however, the following procedure should be followed:

1. Indicate in the agenda that telephone or video communication might be used
2. Be sure that the public can observe and hear all telephone or video communications
3. Develop a procedure for identifying all members participating by telephone or video communications
4. The minutes should identify the members who participate by telephone or video communications

#### **10.5 Public Recording**

People in attendance may record proceedings (unless the activity interferes with the conduct of the meeting) per ARS §38-431.01(E).

#### **10.6 Conflict of Interest**

All Board Members are subject to all provisions of Arizona Revised Statutes relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any Board Member prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Board Member may choose to leave the Board chambers during debated and voting on issue.

#### **10.7 Limitation of Debate**

Board Members normally should not speak more than once upon anyone subject until every other member choosing to speak thereon has spoken. No member shall speak for more than five (5) minutes each time he has the floor, without the approval of a majority vote of the Board.

#### **10.8 Dissents, Protests, and Comments**

Any member shall have the right to express dissent from or protest to or comment upon any action of the Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason. . .".

#### **10:9 Rulings of Chair Final Unless Overruled**

In presiding over meetings, the Board Chairperson, Board Clerk or temporary Chairperson shall decide all questions or interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective

(even though clearly erroneous) for purposes of the matter under consideration.

#### **10.10 Actions Not Invalidated**

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

#### **10.11 Actions**

The Board may act only by resolution or motion. For example: Board actions setting rules for District business and administrative matters are accomplished by "resolutions."

The "motion" (assuming it was one which passed) is a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless a minute order is requested).

#### **10.12 Processing of Motions**

When a motion is made and seconded, it shall be stated by the Board Chairperson before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

#### **10.13 Motions Out of Order**

The Board Chairperson may at any time, by majority consent of the Board, permit a member to introduce a resolution, or motion out of the regular agenda order.

#### **10.14 Division of Question**

If the question contains two or more divisional propositions, the Board Chairperson may upon request of a member divide the same.

#### **10.15 Precedence of Motions**

When a motion is before the Board, no action shall be entertained except the following, which have precedence in the following order:

1. Adjourn
2. Fix hour of adjournment
3. Table
4. Limit or terminate discussion
5. Substitute
6. Reconsider
7. Amend
8. Postpone

A description of each of the actions above follows along with direction regarding whether or not the action is debatable or not. These descriptions are only meant as a guideline for board action.

##### **10.15.1 Motion to Adjourn - Not debatable**

1. A motion to adjourn shall be in order at any time, except as follows:
  - a. When repeated without intervening business or discussion
  - b. When made as an interruption of a Member
  - c. When discussion has been ended and vote on motion is pending
  - d. When a vote is being taken a motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

#### **10.15.2 Motion to Fix Hour of Adjournment - Not debatable**

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

#### **10.16.3 Motion to Table - Not debatable**

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

#### **10.16.4 Motion to Limit or Terminate Discussion - Not debatable**

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

#### **10.16.5 Motion to Amend - Debatable**

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

#### **10.16.6 Motion to Continue - Debatable**

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

#### **10.16.7 Reconsideration - Debatable**

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent to the Board.

#### **10.16.8 Voting Procedure**

In acting upon every motion, the vote shall be taken by voice or roll call or any other

method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The Clerk shall call the names of all members seated when a roll call vote is ordered or required. The order of voting shall be alphabetical with the Board Chairperson voting last. Members shall respond `aye' or `no' or `abstain.' If the Chairperson is unsure of the vote, the Chairperson shall ask the individual directly to clarify his vote.

#### **10.16.9 Tie Votes**

Tie votes shall be considered a no vote or denial.

### **ARTICLE 11: PROCEDURE FOR ADOPTING A RESOLUTION**

Actions of the Board on matters of policy or procedure of a less formal nature than the subject of an ordinance is taken by resolution, which are effective upon adoption. Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

- A. Motion
- B. Second
- C. Discussion
- D. Vote, pursuant to the methods set out for motions
- E. Result declared

When a resolution has not been prepared in advance, it may, if the Board approves, be adopted by title, but in that case the general counsel or staff shall prepare the form of the resolution for presentation at the next meeting.

### **ARTICLE 13: FIRE DISTRICT LEGAL COUNSEL**

It shall be the responsibility of the District Board to select legal counsel to represent the legal needs of the District. The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

The Board Chairperson or Fire Chief may invite District legal counsel to attend regular, special or emergency Board Meetings when legal advice, contract consultation and/or Executive Session interactions deem it in the best interest of the District.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have prior approval by the Board Chairperson and/or Fire Chief for matters requiring a legal interpretation.