

BYLAWS
COLORADO EMERGENCY FIRE FUND COMMITTEE

Section 1: Establishment, Purpose and Objective of the Colorado Emergency Fire Fund Committee. The “Emergency fire fund (“EFF”)” means the emergency fire fund created in C.R.S.A. § section 24-33.5-1220 that was first established in 1967 with voluntary contributions from counties and the Denver Water Board and used for the purpose of paying costs incurred as a result of controlling a wildfire by any of the counties contributing monies to the fund, in accordance with the agreement for participation in the emergency fire fund (“EFF Agreement”). Pursuant to C.R.S.A. § 24-33.5-1202 (3.8) the Emergency Fire Fund Committee (“EFF Committee”) is hereby established for the purpose of administering the EFF.

Section 2: Membership.

A. Membership Composition. The EFF Committee shall comprise three (3) county commissioners, three (3) sheriffs, two (2) fire chiefs, and the director of the State of Colorado, Department of Public Safety, Division of Fire Prevention and Control (“DFPC”). Not more than two (2) EFF Committee members shall be elected officials of a single county at any given time.

B. Terms of Members. County commissioner, sheriff and fire chief members of the EFF Committee shall be appointed for four (4) year terms. Terms for elected official members shall renew automatically contemporaneously with the terms of their respective elected office. Terms for fire chiefs shall renew automatically upon the fourth anniversary of their appointment to the EFF Committee and every four years thereafter. County commissioner and sheriff members’ terms shall expire automatically when they no longer hold the elected office as county commissioner or sheriff. Fire chief members terms shall expire automatically when they are no longer employed as a fire chief in Colorado. The DFPC Director’s term shall be a standing term lasting for the term of his or her employment as the DFPC Director.

C. Member Selection and Appointment. New members of the EFF Committee shall be selected and appointed as follows:

1. As needed, when existing member terms are expiring or when a vacancy occurs.
2. Commissioner members shall be selected and appointed by Colorado Counties Incorporated.
3. Sheriff members shall be selected and appointed by the County Sheriffs of Colorado.
4. Fire chief members shall be selected and appointed by the Colorado State Fire Chiefs.
5. The DFPC Director is selected by the Governor of the State of Colorado and appointed pursuant to § 24-33.5-1202 (3.8), C.R.S.

D. Compensation. Members of the EFF Committee shall serve without pay or reimbursement of expenses.

E. Removal from Office. Any member of the EFF Committee may be removed for three unexcused absences, for failure to attend three consecutive meetings, or failure to otherwise discharge the duties of a member. A member may also be removed from office if, because of personal, business or professional ties, that member is unable to participate in decisions or a substantial share of matters before the Committee due to conflict of interest (refer to Section 6).

Section 3: Election of Officers. The EFF Committee shall elect a Chairperson and Vice-Chairperson (Chairperson Pro-Tem) by formal motion each year at the EFF Committee's first regular meeting each year. The Chairperson and Vice-Chairperson shall serve for a one-year term from the date of election to the date of the first regular meeting of the next year and may be re-elected for up to a total of four consecutive years for a specific office. If both the Chairperson and Vice-Chairperson are absent or cannot participate due to a conflict of interest, the EFF Committee shall appoint by formal motion a temporary Chairperson to run the meeting.

Section 4: Committees and Work Groups. From time to time the EFF Committee may decide to form a committee or work group to examine particular issues or to research and develop recommendations on matters of concern to the EFF Committee. The EFF Committee may elect to invite non-members of the EFF Committee to participate in a committee or work group.

Section 5: Conduct of Meetings. Meetings of the EFF Committee shall be conducted as follows:

- A. **Regular Semi - Annual Meetings.** The EFF Committee shall hold regular semi-annual meetings at a place and time determined by the EFF Committee. One regular meeting shall be held in the spring and one in the fall. At each regular meeting, the EFF Committee shall set a tentative date, time and location for the committee's next regular meeting.
- B. **Special and Emergency Meetings.** Special and emergency meetings of the EFF Committee may be called as needed by the Chairperson, by a majority of the EFF Committee, or by the DFPC Director. Special meetings are any committee meeting other than the spring and fall regular meetings or an emergency meeting. Emergency meetings are any committee meetings called on less than ten days prior notice.
- C. **Meeting Coordination.** The DFPC Director, or his or her designee, shall coordinate finalizing meeting dates, times and locations, shall prepare, publish and distribute meeting agendas, materials and minutes, and shall reserve adequate meeting space and facilities, including arranging telephone conferencing, internet access and catering.

- D. **Agenda and Materials.** Agendas and meeting materials shall be provided to all committee members and published on the DFPC website at least seven days prior to each regular meeting, three days prior to each special meeting and 24 hours prior to each emergency meeting. Agendas may be modified by the Chairperson or vote of the committee.
- E. **Quorum.** A quorum for purposes of decision-making shall consist of a majority of EFF Committee membership at the time. If there is not a quorum in attendance, the meeting shall be cancelled and rescheduled. Members may attend and participate in meetings by phone.
- F. **Voting.** Official actions of the EFF Committee shall be made by vote of a majority of the members participating at a committee meeting. The DFPC Director shall only cast a vote in the event of a tie between the votes cast by the other members. The EFF Committee may take official action on single issues by e-mail voting when necessary or convenient upon motion of the Chair, a majority of members or the DFPC Director and unanimous approval of the members. Voting by e-mail shall be administered by the DFPC Director or his or her designee. Decisions made by e-mail vote shall be ratified at the next committee meeting.
- G. **Executive Sessions.** Upon vote of a majority of the members present, the EFF Committee may hold a meeting in executive session pursuant to the Colorado Sunshine Act of 1972, C.R.S. 24-76-401 et seq., as amended. Refer to Exhibit A.
- H. **Minutes and Records.** EFF Committee meetings shall be recorded. Written minutes of each committee meeting shall be prepared by DFPC or a member of the EFF Committee, distributed to each committee member within thirty days following the subject meeting and presented to the EFF Committee for approval at the next regular or special meeting prior to becoming an official record of the meeting. Minutes and other material resulting from the conduct of EFF Committee activities shall be kept on file in the offices of the DFPC and made available to the public for inspection in accordance with applicable law.
- I. **Roberts' Rules of Order.** Meetings shall be conducted according to Roberts' Rules of Order.
- J. **Open to the Public.** All regular and special meetings of the EFF Committee shall be open to the public pursuant to C.R.S. 24-6-401 et seq., except as provided by law. The EFF Committee may meet in Executive Session as allowed by law.

Section 6: Conflict of Interest and Ethics. Appointment to the EFF Committee constitutes holding of office in the public trust. Each EFF Committee member shall carry out fiduciary duties as a member of the EFF Committee for the benefit of the participants in the EFF Agreement. In addition, each EFF Committee member shall abide by the following rules of conduct related to conflict of interest. Whenever the EFF Committee is considering a matter that raises a question of conflict of interest for a particular EFF Committee member, the member is responsible to notify the Chairperson and DFPC Director before the meeting if possible. During

the meeting, any member with a conflict of interest shall be responsible for explaining to the EFF Committee and any public in attendance the nature of the conflict of interest. The member shall, at the discretion of the Committee, retire to the back of the room or out of the room and shall not attempt to influence the discussion or to participate in any decision related to the matter. DFPC or the Chair may consult with an attorney if there is any question about determining if a conflict of interest exists.

Section 7: Previous Bylaws and Procedures. All previous bylaws or rules of procedure established for the EFF Committee are hereby repealed and superseded.

Section 8: Severability. If any part of these bylaws is for any reason held invalid, such shall not affect the remainder of these bylaws.

Section 9: Effective Date. These bylaws shall be effective upon adoption by the EFF Committee.

ADOPTED THIS 10th DAY OF SEPTEMBER, 2015.

**COLORADO EMERGENCY FIRE FUND
COMMITTEE**

Dan Gibbs, Chairman

EXHIBIT A

EXECUTIVE SESSION RULES FOR THE COLORADO EMERGENCY FIRE FUND COMMITTEE

The requirements of CRS § 24-6-402, Open Meetings Law, apply to the EFF Committee as it is a “Local Public Body.” Pursuant to the Open Meetings Law CRS § 24-6-402(2)(b), “All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.” Pursuant to the Open Meetings Law CRS § 24-6-402(2)(c), a public meeting must be properly noticed, and minimum noticing requirements are considered “a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting.”

24-6-402(2)(d.5)(II): provides for the manner of keeping records of an executive session: 1. keep records of executive session in the same manner as records are kept for the regular meeting; 2. No records need be kept of privileged attorney-client communication at executive session, but record should reflect that “no further record was kept of the discussion based upon the opinion of the attorney representing the local public body, as stated for the record during the executive session, that the discussion constitutes privileged attorney-client communication.” The minutes of the executive session must contain a signed statement from the attorney representing the local public body attesting that the portion of the executive session that was not recorded constituted a privileged attorney client communication in the opinion of the attorney and a signed statement from the chair of the executive session attesting that the portion of the executive session that was not recorded was confined to the topic authorized for discussion in an executive session pursuant to § 24-6-402(4). 3. The record of an executive session shall be retained for at least 90 days after the date of the executive session.

24-6-402(4) provides the procedure for conducting an executive session:

1. The EFF Committee announces that it is going into executive session pursuant to CRS § 24-6-402(4).
2. The EFF Committee announces the subject/topic of the proposed executive session with as much detail as possible without compromising the purpose of the executive session.
3. The EFF Committee votes on whether to go into executive session – must have two-thirds vote in favor to proceed to executive session.

24-6-402(4) provides the purposes for validly holding an executive session:

1. First, it is provided what may not occur at an executive session, “no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of a previous executive session.
2. Executive sessions may be held to consider any of the following matters:
 - (a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of

- concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;
- (b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4);
 - (c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session;
 - (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
 - (e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
 - (f) (I) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. With respect to hearings held pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of title 22, C.R.S., the provisions of section 22-63-302(7)(a), C.R.S., shall govern in lieu of the provisions of this subsection (4).
(II) The provisions of subparagraph (I) of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees;
 - (g) Consideration of any documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of this title, commonly known as the "Open Records Act"; except that all consideration of documents or records that are work product as defined in section 24-72-202(6.5) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4);
 - (h) Discussion of individual students where public disclosure would adversely affect the person or persons involved.