

BRANDON FIRE DISTRICT No. 1 BY-LAWS

ARTICLE I – PURPOSE

The Brandon Fire District No. 1 is composed of the Prudential Committee and two (2) Departments, the Water Department and the Fire Department. This Fire District has been incorporated with limited liability in accordance with Chapter 171 of Title 20, V.S.A. to design, construct, upgrade, operate, and maintain a water supply and distribution system; to provide limited water service of a basic residential character to the facilities within the Town of Brandon, and to maintain any appropriate apparatus in furtherance of this purpose and as a natural incident to the construction, installation, maintenance and repair of the water system as a whole. The Fire District is responsible to provide fire protection and emergency response to the Fire District area of responsibility (and any additional areas as defined by the Prudential Committee).

ARTICLE II – POWERS

The Fire District shall be empowered to construct, install, maintain and repair all facilities and equipment necessary for the provision of the aforesaid water and fire protection services; to bill all the users of said service for their pro rata share of the expense of said service; to take by eminent domain, receive, purchase, own, grant, convey and sell real property, easements on real property, and personal property in the name of the Fire District and as a municipal entity; and to perform those functions and have those powers enumerated in Title 20, V.S.A. Sec. 2601-2608 and any amendments thereto.

ARTICLE III – OFFICE

The office of the Fire District shall be maintained at the Water Department Office. The Fire District may alter its designated office and may also maintain offices at such other places within the Fire District as the Prudential Committee may, from time to time, determine.

ARTICLE IV – MEETINGS OF THE FIRE DISTRICT

1. **Annual Meetings** – The Annual Meeting of the Fire District shall be held on second Monday in January. The fiscal year of the District shall be July 1 through June 30 of the following year.
2. **Special Meetings** – Special Meetings shall be warned upon the application of a petition of five percent (5%) of the voters of the Town of Brandon or as called by the Prudential Committee.
3. **Meetings** – All Annual and Special Meetings shall be warned by the Clerk, or in the Clerk's absence or neglect, by one of the Prudential Committee members. A warning for a fire district meeting shall state the business to be transacted, the time and place of the holding of the meeting and shall be published in the newspaper of record and be posted

in two (2) or more public places in the District not more than forty (40) days and no less than thirty (30) days before the meeting. A signed and dated copy shall be recorded and be on file in the office of Fire District #1. Non-resident users shall be notified by mail as above. Resident members may also be notified by mail as above.

5. **Voting** – Persons residing within the Fire District who are voters in the Town of Brandon shall be entitled to one vote on each matter submitted to a vote at a meeting of the Fire District.
6. **Agenda** – An agenda is required for all regular and special meetings.
7. **Minutes** – Minutes must be taken at every public meeting. Minutes need not be taken in executive session. Minutes must give the true indication of the business of the meeting, which may require supplementing the following statutory required elements:
 - a) Members present;
 - b) Active participants;
 - c) Motions, proposals and resolutions made, offered and considered, and what disposition is made of the same;
 - d) The results of votes taken; and
 - e) A record of individual votes if a roll call is taken.

ARTICLE V – PRUDENTIAL COMMITTEE

1. **Number, Election and Term of Office** –
 - a) The number of members of the Prudential Committee shall be five (5).
 - b) The terms of three (3) Prudential Committee members shall be three (3) years and the terms of two (2) Prudential Committee members shall be two (2) years. Terms shall expire at the Annual Meeting and Prudential Committee members shall be elected at the Annual Meeting.
 - c) No more than two (2) members of the Prudential Committee may be members of the Brandon Fire Department. Officers of the Fire Department may not hold membership on the Prudential Committee.
2. **Duties and Powers** – The Prudential Committee shall be the administrative body of the Fire District and shall be responsible for the control and management of the affairs, property and interests of the Fire District, and may exercise all powers of the Fire District, including the execution of contracts, except as are expressly conferred upon or reserved to the members of the Brandon Fire District #1 by statute or by these by-laws. In addition, the Prudential Committee may commence and prosecute actions in the name of the Brandon Fire District #1, defend and adjust actions commenced against the Fire District, and settle claims in favor of and against the Fire District. Members of the

Prudential Committee shall act as Water Commissioners, pursuant to Title 10, Chapter 89.

3. **Meetings** – The Prudential Committee shall elect to have meetings as deemed necessary to act on Fire District administrative matters. These may be in the form of Regular Meetings, Special Meetings or Emergency Meetings.

- a) **Regular Meetings** – Regular Meetings take place at a regularly occurring pre-arranged time and day. The Prudential Committee shall meet on the first Wednesday of each calendar month at 5:30 p.m. Said meeting of the Prudential Committee shall be posted at the Water Department Office.
- b) **Special Meetings** – The Prudential Committee may meet as necessary at any time or date outside of the “regular: meeting schedule. Said meeting must be publicly announced at least 24 hours in advance. This means that notice is given to all members of the Prudential Committee, the editor of the local newspaper (although there is no requirement that the notice is actually published), any person who specifically requests to be notified of any special meetings and physically posted at the Water Department Office and two (2) other locations as designated for posting.
- c) **Emergency Meeting** – An Emergency Meeting may be held only when necessary to respond to an unknown occurrence or condition requiring immediate attention by the Prudential Committee. It may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting.

4. **Chair** – At the first regular meeting of the Prudential Committee following the Annual Meeting of the Fire District, the members of the Prudential Committee shall elect from their membership a Chair and Vice-Chair. At all meetings of the Prudential Committee and of the Fire District, the Chair of the Prudential Committee shall preside. In the absence of the Chair, the Vice-Chair shall preside.

5. **Quorum** – A majority of the Prudential Committee present at the time and place of a Regular Meeting or any Special Meeting shall constitute a quorum for the transaction of business.

6. **Agenda** – An agenda is required for all regular and special meetings, but not required for emergency meetings.

7. **Minutes** – Minutes must be taken at every public meeting. Minutes need not be taken in executive session. Minutes must give the true indication of the business of the meeting, which may require supplementing the following statutory required elements:

- a) Members present;
- b) Active participants;

- c) Motions, proposals and resolutions made, offered and considered, and what disposition is made of the same;
 - d) The results of votes taken; and
 - e) A record of individual votes if a roll call is taken.
8. **Vacancies** – Any vacancy on the Prudential Committee may be filled by the Prudential Committee members. Such appointee, who shall be a registered voter of the Town of Brandon and reside within the boundaries of the Fire District, shall serve until the next annual meeting of the Fire District at which time the term shall be declared vacant and an election held to fill the un-expired portion of the term.
9. **Manner of Acting** –
- a) At all meetings of the Prudential Committee, each member of the Prudential Committee shall have one vote.
 - b) The act of the majority of the Prudential Committee members present at a meeting shall be the act of the Prudential Committee.
10. **Resignation** – Any Prudential Committee member may resign at any time by giving written notice to the Chair of the Prudential Committee. Unless otherwise specified in said written notice, such resignation shall take effect upon receipt thereof. The acceptance of such resignation shall not be necessary to make it effective.
11. **Removal** – Any Prudential Committee member may be removed with or without cause at any time by the affirmative vote of a majority of the members of the Fire District at a special meeting of the Fire District called for that purpose, and may be removed for cause by the action of the Prudential Committee.

ARTICLE VI – OFFICERS OF THE FIRE DISTRICT

1. **Titles** – Election and Terms of Office – The Fire District shall elect at Annual Meeting a Clerk, a Treasurer, a Moderator, and a Collector of Taxes. Each officer shall serve until the next Annual Meeting and until others are elected. The Prudential Committee shall have the authority to appoint an Assistant Clerk and an Assistant Treasurer as they may deem necessary.
2. **Duties** –
- a) Clerk – The Clerk shall keep a record of the meetings, votes and proceedings of the Fire District for the inspection of the members.
 - b) Treasurer – The Treasurer shall accept payment of all accounts on behalf of the Fire District, keep accurate records of all payments, alert the Prudential Committee of any past-due accounts, write and sign all checks of the Fire District and keep accurate records of the financial status of the Fire District.

- c) Moderator – The Moderator shall preside at the annual or special meetings of the district.
 - d) Collector of Taxes – The Collector of Taxes shall collect all past-due accounts together with interest and penalties and costs. The Collector of Taxes may take any and all legal action necessary in the execution of the duties of the office.
3. **Officers of the Fire Department** – The Fire District shall appoint all of the six (6) officers of the Fire Department. Each Officer shall serve for a period of two (2) years with the appointment effective as of July 1 of the appointment year, unless specified differently by the Prudential Committee.
- a) Fire Chief – The Fire Chief is responsible for all Fire Department operations, Fire Department personnel and maintenance of Fire Department equipment belonging to Brandon Fire District No. 1.
 - b) The Assistant Fire Chief - The Assistant Fire Chief shall assist the Fire Chief in the performance of their duties and in the absence or disability of the Fire Chief, shall have the same powers and duties of the Fire Chief.
 - c) Captain (2 each) – The Captain is responsible for an operational crew at emergency situations. The Captain shall perform duties as assigned by a Chief officer.
 - d) Lieutenant (2 each) – Responsible for an operational crew at emergency situations. Performs other duties as assigned by a Chief Officer.
4. **Officer of Water Department** – The Fire District shall appoint a Water Superintendent to manage the Water Department. The Superintendent shall have sole responsibility for the management and functioning of the Fire District water system, to include maintenance, testing, modification of all components, equipment or structures that are part of the water system.
5. **Resignation** – Any officer may resign at any time by giving written notice of such resignation to the Prudential Committee. Unless otherwise specified in such written notice, such resignation shall take effect upon receipt thereof. The acceptance of such resignation shall not be necessary to make it effective.
6. **Vacancy** – A vacancy occurring in any District office, other than the Prudential Committee members, caused by death, resignation, removal from the Fire District or incapacity of an officer to carry out their duties, shall be temporarily filled by the Prudential Committee within thirty (30) days after the vacancy occurs and until the date when the newly elected officer take office. The vacancy shall then be filled at the next Annual Meeting.
7. **Removal** – Any officer may be removed by a vote of the Prudential Committee when there is a majority of votes for such action, whenever in its best judgment the best interests of the Fire District will be served thereby.

ARTICLE VII – RATES AND REVENUES

The Prudential Committee shall establish rates for the water and services provided by the Fire District, and all charges for said water and services shall be paid to the District Treasurer. All rates shall be established as to provide revenue for the following purposes:

1. To pay current expenses for operating and maintaining the water system;
2. To pay current expenses for operating and maintaining the Fire Department;
3. To provide for the payment of interest and principal on the indebtedness created by the District;
4. If any surplus funds remain at the end of the year, it shall be turned back into the Fire District general fund.

ARTICLE VIII – OPERATING RULES AND REGULATIONS

The Prudential Committee shall establish rules and regulations that shall govern the administration, operation and maintenance of the water system and the Fire Department. Said rules and regulations are to become effective upon a majority vote of the Prudential Committee.

ARTICLE IX – TAX EXEMPTION

All property of the Fire District shall be exempt from taxation.

ARTICLE X – AMENDMENT OF BY-LAWS

The By-Laws of the Fire District may be amended, added to or repealed by a vote of at least two-thirds (2/3) of the registered voters of Brandon present at an Annual or Special Meeting convened for this purpose and at which a quorum is present.

Adopted at Brandon, Vermont on this _____ day of January 2021 by the Voters of Brandon Fire District No. 1.