



**BYLAWS OF THE**

**DEER SPRINGS FIRE**

**PROTECTION DISTRICT**

## ARTICLE I

### NAME AND PURPOSE

**Section 1. Name:** The name of this organization is the Deer Springs Fire Protection District (“District”). The District operates under the Fire Protection District Law of 1987, as amended, and acts through its elected Board of Directors and authorized staff.

**Section 2. Purpose.** The primary purpose of the District is to provide an effective level of fire protection and emergency medical services for the preservation of life and property within the District, consistent with available resources.

## ARTICLE II

### DISTRICT OFFICES

**Section 1. Principal Office.** The principal office for the transaction of the business of the District is 8709 Circle “R” Drive, Escondido, California, 92026. Branch offices may at any time be established by the Board of Directors at any place within the District boundaries.

**Mailing Address.** The mailing address of the District shall be as follows:

Deer Springs Fire Protection District  
8709 Circle “R” Drive  
Escondido, CA 92026

## ARTICLE III

### DIRECTORS

**Section 1. Number, Qualifications, Election, or Appointment.** The Board of Directors consists of five (5) members, elected, or when there is a vacancy, appointed in accordance with Fire Protection District Law of 1987, as amended, and other laws of the State of California to exercise the powers, privileges, and the duties of the District. Each member of the Board of Directors shall be a registered voter, residing in the District.

**Section 2. Term.** The term of office of each member of the Board of Directors shall be four (4) years or until his or her successor qualifies and takes office, as provided in Health and Safety Code section 13843.

**Section 3. Powers and Duties.** The Board of Directors shall have and may exercise all the powers of a fire protection district as set forth in the Fire Protection District Law of 1987, as amended, other applicable laws, and District bylaws and policies. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff of the District.

**Section 4. Public Communications.** Directors shall represent the official policies or positions of the District to the public, public agencies, or the media to the best of their ability, and only when officially authorized to do so. Except as otherwise officially and expressly authorized by the Board of Directors, only the President of the Board is authorized to act as the District's spokesperson and in that capacity to speak on behalf of the District. When presenting their individual opinions and positions, Directors shall explicitly state that they do not represent the District or anybody thereof, and they shall not allow the inference that they do. When making public utterances, Directors shall make it clear whether they are authorized to speak on behalf of the Board, or whether they are presenting their own views.

**Section 5. Compensation.** The Board of Directors may receive compensation as set forth in Health and Safety Code section 13857 or as set forth in an ordinance of the District adopted pursuant to Health and Safety Code section 13857(b).

**Section 6. Vacancies.** Any Board of Director vacancies shall be filled by appointment or election as prescribed in Health and Safety Code section 13852 and Government Code sections 1779 and 1780.

**Section 7. Resignations.** Any member of the Board of Directors may resign at any time by giving written notice to the Board of Directors or to the Clerk of the Board of Directors. Any such resignation shall take effect on the date the notice is received or any later time specified in the notice. Unless specified in the notice, the acceptance of such resignation shall not be necessary to make the resignation effective.

**Section 8. Absences from Meetings.** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for the absence. The term of any member of the Board of Directors shall expire if he or she is absent from three (3) consecutive regular meetings of the Board, without approval by the Board of Directors.

## ARTICLE IV

### MEETINGS OF DIRECTORS

**Section 1. Regular Meetings.** Regular meetings of the Board of the Directors of the District shall be scheduled for the second Wednesday of each calendar month at 4:00 p.m. in the Board Room of the District Office. The Board of Directors may, from time to time, change the date, time, and location of such regular meeting, by majority vote, as dictated by holiday schedules or changing circumstances.

**Section 2. Special Meetings.** A special meeting of the Board of Directors may be called at any time by the Board President or by a majority of the Board of Directors. Notice of such special meeting may be emailed to each member of the Board of Directors and to any local newspaper, radio, or television station requesting notice of such meetings no later than twenty-four (24) hours before the time of the meeting. The notice shall specify the time and place of the special meeting and the business to be discussed. No other business shall be considered at these meetings by the Board of Directors.

**Section 3. Quorum.** A majority of the Board of Directors shall constitute a quorum for the transaction of business.

**Section 4. Manner of Action; Number of Votes Require for Board Action.** The Board of Directors shall act only by ordinance, resolution, or motion. Except as specifically provided to the contrary in the Fire Protection District Law of 1987, as amended, a recorded vote by a majority of the total membership of the Board of Directors is required on each action.

**Section 5. Public Meetings; Notices.** All meetings of the Board of Directors shall be open and public, and all persons shall be permitted to attend any meeting of the Board of Directors, except as otherwise provided in the Ralph M. Brown Act, the Fire Protection District Law of 1987, as amended, and other applicable laws. The District shall comply with all public noticing required by the Ralph M. Brown Act, the Fire Protection District Law of 1987, as amended and other applicable law.

**Section 6. Agenda Format;** Except as otherwise provided by law or ordinance, the agenda for the regular meetings the Board of Directors shall be as follows:

1. Call to Order, Roll Call
2. Pledge of Allegiance
3. Adoption of Agenda
4. Public Comment Period
5. Fire Safe Council Report
6. Approval of the Minutes
7. Acceptance of the Finance Reports
8. Chief's Report
9. Committee Reports
10. Unfinished Business
11. New Business
12. Correspondence
13. Directors' Comments
14. Adjournment

Board President may, at his or her discretion, take items out of order at the meeting in order to facilitate the business of the Board and/or for the convenience of the public.

**Section 7. Setting of Agenda.** The Board President shall be in charge of setting items of business on the Board's agenda. Any Board member wishing to include an item of business on the agenda shall notify the Board President at least one week before the Board's regular meeting or at least three days before any special meeting. The Board President shall consider all such requests and, in his or her discretion, set the agenda. If an item of business requested by a Director is not placed on the agenda by the Board President, a request to place the item on a future agenda may be raised by the director under the directors' comments section of the agenda. If a majority of the Board concurs, the item shall be placed on the next regular or special agenda.

**Section 8. Conducting the Meeting and Rules of Order.**

The Board President shall be in charge of conducting all Board meetings. As modified by these Bylaws, the Board shall follow the most current edition of Robert's Rules of Order. Directors shall defer to the Board President for conduct of meetings but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

**Section 9. Public Comment; Reasonable Limitations.**

The Board encourages and welcomes public comment on all items on the Board's agenda and, during the general public comment period, on any matters not on the Board's agenda but within the subject matter jurisdiction of the Board. Pursuant to the Ralph M. Brown Act, and to facilitate an orderly meeting process, the Board places the following reasonable restraints on public comment. First, public comments on any agenda item, and on general public comment period, shall be limited to three (3) minutes per speaker per agenda item. Second, any person wishing to speak on a particular agenda item shall indicate their desire to speak on that agenda item by filing out a speaker slip provided by the Clerk of the Board. For agenda items, public comment will generally be taken after the Staff presentation but before Board deliberations. However, the Board President may use discretion on when to take public comment, provided that public comment is received before action is taken on an item. Third, public comments should be addressed to the Board, and not to staff or the public. The Board may, but is not required to, direct questions raised during public comment to staff for answer at the appropriate time. Fourth, the general public comment period is only to raise issues within the Board's jurisdiction that are not on the agenda. The general public comment period shall not be used to raise issues on the agenda. Directors may make a brief response to matters raised during public comment, but no action may be taken on such matters.

**Section 10. Minutes.** The Clerk of the Board shall create minutes which shall be reviewed and approved by the Board. The minutes shall record the actions taken on agenda items and a brief summary of the items discussed. Directors may request for inclusion into minutes, brief comments pertinent to an agenda item, (including, if desired, a position on abstention or dissenting vote.) Such request may only be made at the meeting in which the comments are made.

**Section 11. Standing and Ad Hoc Committees.** The Board President may nominate such committees as are necessary to assist the Board in carrying out its duties. Each committee will consist of up to two Board members, but for standing committees, it may also include persons not serving on the Board of Directors. Ad hoc committees may only consist of two (2) Board members. Each current Committee will report its activities and recommendations during "Committee Reports" at the monthly board meeting.

Committee members shall be approved by the majority vote of the Board. Standing committees must comply with the public notice and open meeting requirements of the Ralph M. Brown Act. Standing committees are those committees that have continuing subject matter jurisdiction over an item on area of business; ad hoc committees are those committees designated to perform a single, discrete task and whose jurisdiction ends when that task is completed. Pursuant to the requirements of the Ralph M. Brown Act, ad

**Section 12. Conflicts of Interest; Code of Conduct.** Board members and District staff are honored with the public's trust, and must conduct all District business in an impartial, objective manner not tainted by financial conflicts of interest. Board members and District staff shall abide by the disclosure and disqualification requirements of the Fair Political Practices Act and implementing regulations, the provisions of Government Code 1090 and all other applicable rules regarding conflicts of interest. In addition, Board members shall abide by all rules of conduct duly adopted by the Board.

## ARTICLE V

### OFFICERS AND ELECTION OF OFFICERS

**Section 1. Officers.** The officers of the Board shall be the Board President, Vice President, and Secretary-Treasurer. The Board may create additional officers and elect members to these positions, provided that no member shall hold more than one office at a time.

**Section 2. Election of Officers.** In December of each year, the Board may select officers for the position of President, Vice-President, and Secretary-Treasurer for the following year. The Board President shall, at the December meeting, open the nominations for the officers, which may be made individually or as a slate. The Board President shall then close the nominations, and the Board shall vote to elect the officers in the following order: President, Vice-President, and Secretary-Treasurer.

**Section 3. Powers and Duties of Board President.** The President shall serve as the head of the Board of Directors and is responsible for approving the agenda, leading each meeting, and signing all ordinances, resolutions or other Board documents.

**Section 4. Powers and Duties of Board Vice-President.** If the President is absent or unable to act, the Vice President shall exercise the powers of the President as granted by these By Laws.

**Section 5. Powers and Duties of Board Secretary-Treasurer.** The Secretary-Treasurer is responsible for all budgets and financial projections, co-signing all resolutions, ordinances or other Board documents with the Board President and taking meeting minutes if the Clerk of the Board is not available to do so. In the absence of both the President and Vice President, the Secretary-Treasurer shall serve as the President.

**Section 6. Removal and Resignation of Officers.** Officers of the Board may, by majority vote of the Board, be removed from office for actions inconsistent with the Bylaws, the Code of Conduct or other applicable laws and policies. Removal from office has no effect on the Board member's status as a Board member. Officers of the Board may resign from office by providing written notice to the Board or to the Clerk of the Board. Such resignation shall be effective upon receipt, unless the written resignation provides otherwise.

## ARTICLE VI

### FIRE CHIEF AND DISTRICT STAFF

**Section 1. Fire Chief.** The Board may appoint from time to time a District Fire Chief. Except as otherwise provided in duly approved contracts of the District, applicable law, or Board action, the Fire Chief shall receive policy direction from the Board and report to the Board. Specific responsibilities of the Fire Chief shall be detailed in the Policy and Procedures Manual.

**Section 2. District Administrator.** The Board may appoint from time to time a District Administrator. Except as otherwise provided in duly approved contracts of the District, applicable law, or Board action, the District Administrator shall receive policy direction from the Board and report to the Board. Specific responsibilities of the District Administrator shall be detailed in the Policy and Procedures Manual.

**Section 3. Other Employees.** The Board may, as appropriate, appoint necessary employees, define their qualifications, duties, and provide a pay schedule for performance of their duties. Except as otherwise provided in duly approved contracts of the District, the board must approve all District employee hires.

Individual Board Members shall not routinely intervene in the day-to-day operations of the District.

**Section 4. Clerk of the Board.** The Board may, from time to time, designate a District employee as the Clerk of the Board. The Clerk of the Board shall assist the Board President in the preparation of the agenda, shall post the agenda and distribute agenda materials to the Board and shall have the other duties specified in these Bylaws.

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

**Section 1. Title to Property.** The title to all property of the District shall be vested in the District, and the signature of any officers of the Board of Directors, authorized at any meeting of the Board of Directors, shall constitute the proper authority for the purchase or sale of property or for the investment or other disposal of funds which are subject to the control of the District.

**Section 2. Amendments to Bylaws.** These Bylaws may be altered, amended, repealed, added to, or deleted, by a majority vote of all of the Board of Directors in office at that time, at any regular or special meeting of the Board of Directors.

**Section 3. Annual Review of Bylaws.** The Board of Directors shall review the Bylaws annually and make any changes that are necessary to be consistent with District policy, any applicable laws, or other rules and regulations connected with operation of a fire station or other facility within District jurisdiction.


**Section 4. Board of Directors' Goals and Objectives.** The Board shall, from time to time, review and approve Board goals and objectives.

**Section 5. Budget.** The Board shall publish notice, hold hearings, and adopt a budget pursuant to the provisions of Health and Safety Code sections 13893-13895. Once adopted, the budget shall serve, as a delegation to the Fire Chief to expend the funds on the items designated or otherwise provided by a duly approved contract must be individually approved by the Board.

**PRESIDENT'S AND SECRETARY-TREASURER'S CERTIFICATE**

The undersigned hereby certifies that the undersigned are the Board President and Secretary-Treasurer of the Deer Springs Fire Protection District, that attached hereto is a true, correct and complete copy of the Bylaws of said District and that said Bylaws are in full force and effect as of the date hereof.

Dated: 4-8-2020

President:   
Bret A. Sealey

Secretary-Treasurer:   
Mark Jackson