



**RULES AND BY-LAWS
OF THE
DELTA COUNTY FIRE PROTECTION
DISTRICT NO.4
PENSION FUND**



Hotchkiss Fire District Pension Fund Rules and By-Laws

These Rules and By-laws are adopted pursuant to the authority of Article 30, Title 31, of COLORADO REVISED STATUTES, as amended. The Rules and by-laws of the Pension Fund shall be deemed to be consistent with and in strict compliance with the Statutes at all times and accordingly all amendments of the Statutes in the future will be deemed to be incorporated into and become a part of these By-laws and Rules without the necessity of their being amended so that same will be consistent with the law of the State at all times.



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ARTICLE 1

MEMBERSHIP OF BOARD

The Board shall consist of the Board of Directors of the Fire Protection District, with the Treasurer of the Board of the Fire Protection District to be the Treasurer of the Fund, and Two (2) members of the Fire Department. The Trustees shall serve terms of the office on the Board as follows: The president for the term of office for tenure in office and two firefighters two-year terms of office. The Trustees shall elect from their number a Secretary and such other officers deemed appropriate by the Board, which election of officers shall take place at the first regular meeting of the Board after any Fire Protection District election.



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ARTICLE 2

MEETINGS

The regular meetings of the Pension Board shall be held on the fourth Monday of April and October of each year, beginning Monday, April 23rd, 2001, at the hour of 7:00 p.m. at the Hotchkiss Fire Station, OR at such hour and place as the Board shall hereafter designate and give proper notice of. A special meeting may be called by any officer or any two (2) members of the Board by informing the other members of the date, time and place of such a special meeting and purpose for which it is called and by posting notice thereof at the meeting place, the Hotchkiss Town Hall, the Hotchkiss Fire Station, the Redlands Mesa Fire Station, and the Hotchkiss Post Office at least three (3) days prior to the meeting.

All business of the Pension Board shall be conducted during a regular or special meeting, and all said meetings shall be open to the public, except when involving personnel matters, negotiations, litigation or other confidential matters. Four (4) members of the Board shall constitute a quorum at any meeting.

Robert's Rules of Parliamentary Procedure shall govern the conduct of all meetings of the Board and shall be interpreted by a parliamentarian if one is appointed.



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ARTICLE 3

ACTION BY THE BOARD

The Board shall hear and decide all applications for relief, pensions, annuities, retirement or other benefits due under the provisions of Article 30, Title 31, Colorado Revised Statutes, as amended. The action by the Board on such applications shall be final and conclusive, except that when in their opinion, justice demands that said action should be reconsidered, the same may be revised by said Board upon Majority vote of the Board present being determined as being in favor of the consideration.



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ARTICLE 4

FUND REPORT

On or before July 1st of each year, it shall be the duty of the Treasurer of the Fund to file with the State Treasurer a detailed financial statement showing balances, investments, operation statements for the preceding fiscal period, and its budget for the current fiscal period, or, if available, the Treasurer may file for a waiver of such audit requirements. Any reporting duty of the Treasurer may be delegated to a third-party Trustee or other entity at the discretion of the Board.



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ARTICLE 5

CONTRIBUTIONS TO FUND

The Board of Trustees can receive all monies, which may be given to the Fund by reason of gift, grant, devise, or bequest, and also any and all personal and/or real property and hold same for the uses and purposes for which the Fund is created.



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ARTICLE 6

PENSIONS - PAYMENT

The payment of all pensions shall be made by warrant or check drawn by the order of the Board of Trustees on the Pension Fund Treasury, signed by the President or by the Treasurer. No warrant or check shall be drawn, except after having been duly entered on the records and proceeding of the Board. The Board may, at its discretion, authorize a third-party Trustee or other entity to perform the duty of issuing checks in payment of pensions and other obligations of the Pension Fund. The Board shall approve payment of all such obligations and checks in advance.



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ARTICLE 7

THE TREASURER OF THE BOARD OF TRUSTEES

The Treasurer of the Board of Trustees of the Pension Fund is hereby made custodian of all the funds and the monies belonging thereto. The Treasurer shall be liable on his bond as imposed upon him by the provisions of the State Statute in relation to the Firemen's Pension Fund and for the faithful accounting of all monies and securities which may come into his hands belonging thereto. He shall keep a separate account thereof, which shall at all times show the true condition of such a Fund. Said Treasurer, upon expiration of his term of office, shall surrender and deliver to his successor all bonds, and all unexpended monies or other property, which may have come into his hands as Treasurer of the said Fund. The Board may, in its discretion, authorize, delegate, and remunerate a third party Trustee or other entity the duty of keeping the records of the Fund and performing the accounting obligation and the issuing of reports.



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ARTICLE 8

EXEMPTION FROM LEVY

No part of the such Pension Fund, either before or after any order for the distribution thereof to the members of the beneficiaries of such fund, or to the widows, or guardians of any such child or children of such deceased, disabled, or retired members of said Department, shall be held, seized, taken, subjected to, detained, levied on, by virtue of any attachment, execution, judgment, writ, interlocutory or other order, decree or protest, or proceeding of any nature whatever, issued out of, or by any court in this or any other State, for the payment or satisfaction, in whole or in part, of any part, of any debt, damages, claim, demand, judgment, fine, amercement of such member, or his widow or children, or the beneficiaries of any deceased member. The fund shall be sacredly kept, secured, and distributed for the purpose of the pensioning and protecting the persons named in the Article, and for no other purpose whatsoever; provided, said Board may annually expend such sums as it may deem proper from such Fund for the necessary expenses connected therewith.



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ARTICLE 9

DEATH BENEFIT

When any active or retired firefighter dies, the Board shall appropriate from the Fund the sum of \$100.00 as a death benefit, to be paid to the surviving spouse or family of the deceased, but if there is no surviving spouse or family, said sum shall be paid to such other person as the Board of said Fund designates.



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ARTICLE 10

TRUSTEES – REPORTS

The Board shall make a report, monthly, to the Board of Directors of its Fire Protection District on the condition of said Pension fund.



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ARTICLE 11

INJURY IN THE LINE OF DUTY

Whenever any member of the Delta County Fire Protection District No. 4 Fire Department shall receive an injury while in the line of duty as a firefighter, he/she shall be entitled to whatever benefits are determined to be proper and necessary pursuant to the laws of the State of Colorado and the insurance coverage provided by the Fire Protection District for workmen's compensation.



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ARTICLE 12

***DEATH DUE TO INJURIES RECEIVED WHILE IN THE
LINE OF DUTY PAYMENT TO WIDOW(ER)***

If any member of the Department shall die from injuries received while in the line of duty as a firefighter and he/she leaves a widow(er) surviving him/her, the Board of Trustees shall determine the monthly benefit due the widow(er) based on 50% of the monthly benefit to which the Firefighter would be entitled to if retired; but, in no event to exceed Two Hundred Twenty Five Dollars (\$225.00) per month. Said monthly benefit to continue to be paid to the widow(er) so long as she/he remains unmarried. No dissolution of a subsequent marriage shall have the effect of re-instating said widow(er) on the pension or benefit Roll or authorize the granting of the Pension or benefit. A life insurance policy of at least \$50,000.00 per firefighter, payable to his/her widow(er) or if none, to his/her children upon his/her death occurring while in the line of duty as a firefighter shall be provided and maintained by the Fire Protection District. The benefits from this Article do not apply if Article 15 of these Bylaws is in effect.



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ARTICLE 13

***DEATH DUE TO INJURIES RECEIVED WHILE IN THE
LINE OF DUTY PAYMENT TO CHILD OR CHILDREN***

If a Firefighter dies as a result of injuries received while in the line of duty as a firefighter and leaves no widow(er) surviving, but does leave a child or children surviving under eighteen (18) years of age, then the Board of Trustees shall order a monthly payment in such an amount as they shall deem proper or necessary considering all sources of income and care to the child or children; but not to exceed Two Hundred Twenty Five Dollars (\$225.00) per month. The payments shall be made monthly to the legal guardian of the child or children and shall continue until each such child reaches the age of eighteen (18) years. The benefits from this Article do not apply if Article 15 of these Bylaws is in effect.



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ARTICLE 14

INSURANCE

The Board of Directors of the Fire Protection District shall insure the members of the Department by a Blanket Insurance Policy as described in CRS 31-30-1128, and pay for the same out of the District's Fund.



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ARTICLE 15

RETIREMENT PENSION

1) The Fund may pay a retirement pension to a volunteer firefighter who has twenty years of active service and who is over the age of (50) fifty years. The retirement pension shall be an amount determined by the Board of not more than \$450 per month, unless an actuarial review indicates a higher payment is actuarially sound. Except as provided in subsection 4, a volunteer firefighter shall not receive a retirement pension for service in a fire department while the firefighter is an active member of that department. A volunteer firefighter shall maintain a minimum training participation in the fire department of thirty-six hours each year to qualify for retirement benefits. A volunteer firefighter who has served twenty years and who has not reached the age of fifty years may be granted a leave of absence and retain all rights to a retirement pension and is entitled to the retirement pension when the firefighter is (50) fifty years of age.

(2) Notwithstanding subsection (1) of this section, the Board may pay a retirement pension to a volunteer firefighter who has less than twenty years of active service if the District's fund is actuarially sound. The Board shall determine the period of active service necessary to qualify for this retirement pension, but in no event shall such period be less than ten years of active service. The Board shall not pay this retirement pension until the volunteer firefighter is fifty years of age. The amount of this retirement pension shall be determined by prorating the amount of the retirement pension under subsection (1) of this section based on the volunteer firefighter's years of service.

(3) Whenever the Board increases the retirement pension benefit payable pursuant to subsection (1) of this section, such increase may also be applied to the pension benefit of any retired volunteer firefighter receiving the pension benefit specified in subsection (1) of this section at the time of such increase. The applicable pro rata



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share of any such increase, based upon the number of years of service, may also be applied to the pension benefit of any retired volunteer firefighter receiving the pension benefit specified in subsection (2) of this section at the time of such increase. Whenever the Board elects to apply any retirement pension increase permitted under this subsection (3), the Board shall apply such increase to the retirement pension of all retired volunteer firefighters in the fire department who are eligible for such increase under this subsection (3). Any actuarial review required under subsection (1) of this section shall include the cost of any retirement pension increase permitted under this subsection (3).

4) If the Fire Protection District No. 4, by resolution, determines that a fire department is in need of additional volunteer firefighters, a retired fire department member shall be eligible to serve as an active volunteer firefighter of such fire department. Any retired fire department member who, subsequent to retirement, serves as an active volunteer firefighter for a fire department pursuant to this subsection (1) shall continue to receive pension benefits from the volunteer firefighter pension fund under this article during the period in which the person is an active volunteer firefighter of the fire department. During the period such person is receiving a pension and acting as an active volunteer firefighter pursuant to this section, such person shall not receive service credit for the purpose of increasing such pension.



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ARTICLE 16

APPLICATIONS FOR BENEFITS FROM THE FUND

All requests for benefits of any sort from the Fund shall be made on a form approved by the Board of Trustees. In order to have an application considered, the applicant must provide all requested information and agree to all reasonable requests by the Board of Trustees.

All applications for retirement must be submitted ninety (90) days before the date of expected retirement. All pension benefits shall be paid from the date that the applicant becomes eligible and the application is finally approved.



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ARTICLE 17

DETERMINATION OF BENEFITS

Providing a quorum exists, a majority of the members of the Board present shall determine the proper and necessary amount of the benefit or award in each case originally. In the event an application is made for an enlargement of an award or benefit, an affirmative vote of two-thirds (2/3) of the Board present shall be necessary. In the event an application is turned down by the Board initially, the applicant can re-apply after waiting thirty (30) days.



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ARTICLE 18

QUALIFICATIONS

To be eligible for and qualified to receive maximum retirement benefits, a volunteer firefighter at least 50 years of age, must have 20 years of qualified service, and shall maintain a minimum training participation in the fire department of thirty-six hours each year to qualify for retirement benefits.



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ARTICLE 19

AMENDMENT OF THE RULES AND BY-LAWS

These Rules and By-laws may, in accordance with Statute, be altered, amended or added to by the Board from time to time. Any proposed amendment, alteration, or addition must be read and read at two (2) regular meetings for the Pension Board and the vote on the alteration, amendment or addition will be taken at the third (3rd) regular meeting, thereafter, and a two-thirds (2/3) affirmative vote of the Board present is required in order to alter, amend or add to the Rules and By-laws.



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ARTICLE 20

STATUTES

These By-laws shall be automatically amended at such time as the Colorado Revised Statutes applicable to any section or article of these By-laws is amended so that in all respects, these By-laws and Rules shall conform to the Statutes of this State and shall not be in conflict. These By-laws and Rules are, of course, supplementary to the Statutes and in the event of any conflict between it and the Statutes, then the Statutes shall control.



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FIRST- reading of Rules and By-laws: October 9, 2000

SECOND- reading of Rules and By-laws: October 16, 2000

THIRD-reading of the Rules and By-laws: October 23,2000

PASSED AND ADOPTED on this 23rd day of October, 2000,
on motion made by

Scott Lousehan
President

Wilson Groome
Vice President

Treasurer

Steve Schneider
Secretary

Michael McMillin
Board Member

Dany
Firefighter Representative

Robert P. Turner
Firefighter Representative