

# **BY-LAWS OF THE SOUTH FIRE DISTRICT OF THE CITY OF MIDDLETOWN**

## **ARTICLE I**

### **Definitions and Abbreviations**

As used in this Code of By-Laws the term “District” means The South Fire District of the City of Middletown, a corporation established by Special Act of the General Assembly of the State of Connecticut; the term “By-Laws” means the By-Laws of the South Fire District of the City of Middletown, as amended from time to time; the term “Commission” means the South Fire District Commission; the term “Act” means Special Act No. 163 of the 1957 session of the Connecticut General Assembly entitled “An Act Incorporating the South Fire District of the City of Middletown”; the term “Electors” means those electors of the City of Middletown as designated in Section 1 of the Act.

## **ARTICLE II**

Section 1. Identification and Address. The corporate body politic created by the Act shall be known as and shall have as its name The South Fire District of the City of Middletown. The post office address of the principal office of the District is 445 Randolph Road, Middletown, Connecticut 06457.

Section 2. Purpose. The District shall have as its purpose the protection of the life and property of the Electors from loss or destruction by fire and such other perils as are consistent with the aims and goals as First Responder of this fire department. In the furtherance of this stated purpose the District shall have full power and authority to organize and continue within its limits such fire departments as it deems necessary, and to purchase and procure suitable fire fighting equipment and other apparatus for extinguishing fires, and to provide suitable buildings and places for keeping the same, and to provide for a proper and sufficient supply of water for fire purposes,

and to do any other act or thing reasonably necessary to or associated with the purpose of the District.

Section 3. Seal of the District. The District shall have a seal which shall be in the form of a circle and shall bear the name the South Fire District of the City of Middletown.

### ARTICLE III The Commission

Section 1. Composition of Commission. The Commission shall consist of five (5) members to be elected pursuant to Section II of the Act at the annual meeting of the District and as further provided in the By-Laws.

Section 2. Qualification as Commissioner. Any Elector dwelling within the geographical limits of the District shall be qualified to be a Commissioner of the District except that no active member of this District or any City of Middletown fire department, or any bargaining unit thereof, shall be eligible to be a member of the Commission. It is further provided that if an elected Commissioner ceases to reside within the geographical limits of the District or dies or resigns or is removed for cause, the office held by said Commissioner shall thereupon become vacant and the unexpired term of said Commissioner shall be filled by the election of a new Commissioner. The election of the new Commissioner shall be at the next annual meeting of the District except for those situations provided for herein where a multiple Commissioner vacancy would exist for a period in excess of sixty (60) calendar days or where a single Commissioner vacancy would exist for a period in excess of ninety (90) calendar days.

If a multiple Commissioner vacancy would or shall exist for a period in excess of sixty (60) days or if a single Commissioner vacancy would or shall exist for a period in excess of ninety (90) calendar days, the unexpired term of said Commissioner vacancy or the unexpired terms of said Commissioners' vacancies shall be filled by the election of a new Commissioner or new Commissioners, if appropriate, by a special election of the Electors of the District, said election to

be held within sixty (60) calendar days of the date of the Commissioner vacancy requiring said special election and in accordance with the provisions of the By-Laws.

Section 3. Election. At the annual meeting of the Electors of the District, and at each annual meeting thereafter duly called for said purpose, one Commissioner shall be elected for a term of five (5) years, said term to commence at 12:00 Noon the day next succeeding the date of such annual election. No Commissioner shall be a member of the Board of Fire Commissioners for more than two (2) consecutive terms. If a special election is duly called for the purposes stated in Article III, Section 2 above, the Commissioner elected shall be elected for a term equal to the unexpired term of the Commissioner vacancy to be filled, said term to commence at 12:00 Noon the day next succeeding the date of such special election. All Commissioner elections shall be by secret vote of those Electors dwelling within the geographical limits of the District and qualified to vote in elections of the City of Middletown. That candidate for Commissioner with a plurality of the ballots cast shall be the successful candidate for Commissioner. However, in the event that multiple vacancies exist in the Commission membership and as such there shall be more than one Commissioner to be elected, then and in that event the candidate for Commissioner with the highest number of votes cast shall be elected to fill the longest Commissioner term available and the candidate for Commissioner with the next highest number of votes cast shall be elected to fill the next longest Commissioner term available, and so forth, until all vacancies have been filled in the Commission membership. The procedure to be followed in the election of Commissioners shall be that as adopted by the Commission, in conformity with these By Laws. The Commission shall cause notice of the nomination procedure to be given by publicly advertising the same in a newspaper with a circulation within the limits of the District in the City of Middletown, said publication to occur not more than sixty (60) days prior to the meeting at the District. Those individuals who desire their names to be placed in nomination as candidates for Commissioner shall in writing, by registered mail, or certified mail, or by hand delivery to the Fire Chief or his designee of the District with receipt by said Fire Chief or his designee, notify the District of the same at least fifteen (15)

calendar days by the close of business before the meeting of the District. No nominations for Commissioner shall be accepted by the District within the fourteen (14) calendar days immediately preceding the meeting of the District, excepting that nominations may be accepted if there are an insufficient number of nominations to fill the membership requirements of the Commission. The Commission shall decide, after the nomination period has expired, an appropriate procedure for casting votes by the Electors. In the event that there shall be no Commissioners of the District, the Fire Chief shall be responsible for, and shall have such powers, responsibilities and authority as is granted to the Commissioners which are necessary to conduct the election of Commissioners.

Section 4. Powers and Duties. Subject to the limitations of Section 3 of the Act, the Commission shall have full power and authority to manage the business and affairs of the District. The grant of the powers conferred upon the Commission shall be considered to be broad and sweeping so as to effectuate the purpose of the District and provide for orderly management of District affairs. Said powers and responsibilities shall include the following:

1. The Commission shall have the power to hire, retain, appoint and terminate such personnel as it desires to fulfill the purposes of the District and to pay said personnel compensation.
2. The Commission shall designate in writing the job description and responsibilities of all personnel of the District and shall make such rules and regulations governing the hiring, conduct and employment of personnel of the District as said Commission deems appropriate for the proper management of the District.
3. The Commission shall have charge of all of the assets of the District and shall maintain adequate records of the same.

4. The Commission shall prepare an annual budget in accordance with standard accounting principles.
5. The Commission shall ensure that any clerk, treasurer or tax collector appointed by the Commission before entering upon the duties of office, shall be sworn to a faithful discharge of the duties of such office, in the form of general oaths prescribed by the statutes of this state, before some office by law authorized to administer oaths, and that any treasurer and collector shall, before entering upon their duties, give bond with surety to the acceptance of the Commission, conditioned for the faithful discharge of the duties of their offices.
6. The Commission shall administer, audit and supervise the collection of any taxes levied by the Electors pursuant to Section 6 of the Act and shall account for the same at the annual meeting of the District.
7. The Commission shall keep and maintain written records of the rules, regulations, proceedings and meetings of the District.

#### ARTICLE IV

##### Fiscal Year

The District shall have as the beginning of its fiscal year July 1st and shall close on June 30<sup>th</sup>, of each and every year. The Commission shall prepare a written accounting of the fiscal affairs of the District for each said fiscal year, which accounting shall be presented at the next annual meeting of the District following the close of the fiscal year.

#### ARTICLE V

##### Taxation

The South Fire District of the City of Middletown shall levy and collect taxes for such purposes and objectives as are authorized by the Commission (hereinafter referred to in this Article as the “Board

of Fire Commissioners”). The Electors of the South Fire District of the City of Middletown shall have the sole and exclusive authority to vote on the levying of taxes upon the taxable property located within the limits of the District. The most current Grand List of the City of Middletown, as prepared by the Assessor of said City, shall be used as the assessment value for property located within the limits of the District which is to be levied upon by the District. The Board of Fire Commissioners shall present to the Electors a written and detailed proposal for the levying of taxes after there has been public debate in open public forums on the proposal to be submitted for vote by the Electors. At the discretion of the Commission, said proposed budget and an explanation put together by the Board of Fire Commissioners and/or the Chief shall be made available to all Electors of the District. The Board of Fire Commissioners shall establish a date for the vote of the Electors on the proposal for the levying of taxes proposed by the Board of Fire Commissioners and shall notice a referendum for said purpose. The Board of Fire Commissioners shall hold a meeting for the purpose of the calculation and announcement of the Elector voting results. Notice of the time, place and manner of voting shall be published in a newspaper with a circulation within the limits of the District in the City of Middletown and the Board of Fire Commissioners shall vote and authorize. Said newspaper publication shall occur no more than ten (10) days and no less than five (5) days before the date of said vote of the Electors. A majority vote of the Electors voting in accordance with the procedures for Elector voting shall be required for the levying of taxes. The manner of actual Elector voting shall be decided by the Board of Fire Commissioners prior to publication in the newspaper and shall be identified in said notice. The results of voting shall be publicly declared by and certified by the Board of Fire Commissioners after voting has been concluded. In the event that the Electors shall fail to vote in favor of the proposal offered by the Board of Fire Commissioners, the Board of Fire Commissioners shall conduct such public meetings as it shall deem necessary and then shall make available to the Electors a written and detailed tax levy proposal for voting upon by the Electors in accordance with the procedures set forth in these By Laws. The Board of Fire Commissioners shall be at liberty to submit a proposal that is identical or substantially identical to the proposal which had been defeated if they so choose and vote.

## ARTICLE VI

### Meetings

Section 1. Annual Meeting. The annual meeting of the District shall be held on the first Monday of February in each year and at such place and hour as may be designated in the notice of said meeting. The Commission shall cause notice to be given by publicly advertising the call, hour and place of said meeting in a newspaper with a circulation within the limits of the District in the City of Middletown, said notice shall be placed no more than ten (10) days and no less than five (5) days before the date of said annual meeting.

Section 2. Regular Meetings of Commission. Unless the Commission votes otherwise, the Commission shall meet on the second Monday of each month, at the principal address of the District. In the event that the regular meeting day shall be a legal holiday, then and in that event, said meeting shall be held on the next succeeding secular day. The attendance of three (3) Commissioners shall constitute a quorum for the transaction of such business as may come before the Commission and a majority vote of those present at the meeting shall be necessary for Commission action, excepting that a smaller number may adjourn from time to time until a quorum is obtained.

Section 3. Budget Meetings. The annual budget meeting of the District shall be held at such date, place and hour as may be designated by the Commission in the notice of said meeting. The Commission shall cause notice to be given by publicly advertising the call, hour and place of said meeting in a newspaper with a circulation within the limits of the District in the City of Middletown, said notice shall be placed more than ten (10) days and no less than five (5) days before the date of said budget meeting. The Budget meeting shall have as its order of business the adoption of a fiscal budget for the District for the following fiscal year.

Section 4. Special Meetings of Electors. The Chairman of the Commission may, and shall upon the written request of two (2) members of the Commission, call a Special Meeting of the Electors by publicly advertising the call, hour and place of said meeting in a newspaper with a

circulation within the limits of the District in the City of Middletown, said notice to be placed no more than ten (10) days and no less than five (5) days before the date of said meeting.

Section 5. Special Meetings of Commission. The Chairman of the Commission may, and shall upon the written request of two (2) members of the Commission, call a special meeting of the Commission provided that twenty-four (24) hours' notice has been given to each Commissioner of the call, hour and place of said meeting, and further provided that said notice may be waived by a written waiver signed by all the members of the Commission. The attendance of three (3) Commissioners shall constitute a quorum for the transaction of such business as may come before the Commission and a majority vote of those present at said meeting shall be necessary for Commission action. At such special meeting no business shall be considered other than as designated in the call, but if all of the members of the Commission are present at a special meeting, then any and all business may be transacted at such special meeting.

Section 6. Commission Meetings Procedure. The Commission shall adopt such rules of order as it deems appropriate for the conduct of its meetings, but there shall be a recording secretary for each meeting and minutes of the meeting are to be prepared and maintained. Said minutes shall be public and open to inspection by any Elector.

Section 7. Elector Voting Procedure. The Board of Fire Commissioners may elect to adopt any process or procedure for the casting of votes by Electors, including but not limited to election of Commissioners and levying of taxes, excepting that the secrecy of an individual vote shall be maintained in any process or procedure utilized. The voting process and procedure to be adopted by the Board of Fire Commissioners may include procedures utilized by, and voting machine equipment provided by, the City of Middletown the use of ballots, a mechanical or electronic means of voting, the use of voting officials, the use of absentee ballots, the requirements that the identity of the voter and qualification to vote be established prior to voting, the designation of voting hours, the establishment of security measures for the location of voting and any other process or procedure that the Board of Fire Commissioners may deem appropriate and useful for orderly voting. The



Commission shall designate an interval of time exclusively reserved for voting by the Electors. Upon the expiration of said interval of time of Elector voting a Commission meeting shall be convened for the purpose of the calculation and announcement of the Elector voting results and such other business as has been noticed in the call of the meeting. Not fewer than fifteen (15) Electors voting at any voting meeting, including but not limited to the Annual Meeting, Budget Meeting or any Special Meeting of Electors, shall constitute a quorum for the transaction of such business as may come before the meeting and a majority vote of those voting shall be necessary for Elector action except the amendment of the By Laws, which shall only be amended by two -thirds (2/3) majority vote of the Electors voting at such meeting.

#### ARTICLE VII

##### Officers and Duties

Section 1. Officers. The Commission shall by vote elect from among its members a Chairman, a Vice-Chairman, and a Secretary who shall be elected at the next regularly scheduled meeting of the District and shall hold office for one (1) year and until their successors are elected and installed. That candidate receiving the highest numerical total of votes for an office shall be elected to that office. Should the offices of Chairman, Vice-Chairman or Secretary become vacant, the Commission shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

Section 2. Chairman. The Chairman shall preside at all meetings of the Commission and except as otherwise provided by resolution of the Commission, the Chairman shall sign all contracts, deeds and other instruments on behalf of the Commission.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman,

the Vice-Chairman shall perform such duties as are imposed on the Chairman until such time as the Commission shall elect a new Chairman.

Section 4. Secretary. The Secretary or his designee shall be custodian of the records of the Commission, and shall keep or cause to be kept, a record of the proceedings of the Commission in a journal of proceedings to be kept for such purposes, and shall perform all duties incident to office. The Secretary or his designee shall keep in safe custody the seal of the Commission and shall have the power and authority to affix such seal to all contracts or instruments authorized to be executed by the Commission.

## ARTICLE VIII

### Amendment of By-Laws

The By-Laws shall only be amended by a two-thirds (2/3) vote of the Electors at a referendum duly called for said purpose by the Commission, or by petition of one hundred (100) Electors. Said petition shall be submitted to the full Commission for consideration. The notice of the meeting provided for in this section shall be published at least once in a newspaper with a circulation within the limits of the District in the City of Middletown, with the publication no earlier than ten (10) days before said meeting, and no later than five (5) days before said meeting.

<b>No.</b>	<b>Article/Section</b>	<b>Description of actions taken</b>	<b>Date of Vote</b>
*		Adopted	4-2-1958
1	Article III	Replace Article III, Sections 2 and 3. Commissioner qualifications and elections.	6-6-1988
2	Article V	Replace entire Article V on Taxation and voting	3-22-2005
3	Various changes throughout	Update of entire By-laws	4-25-2006
4	Various changes throughout	Update of entire By-Laws	6-17-2025