

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

RESOLUTION 2020-04

RESOLUTION APPOINTING A COMMITTEE FOR CONFLICTED MATTERS

WHEREAS, the South Metro Fire Rescue Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1001(1)(h), (i), (m), and (n), C.R.S., the Board of Directors (“Board”), for and on behalf of the District is authorized to have the management, control, and supervision of all the business and affairs of the District; to appoint, hire, and retain employees; to adopt, amend, and enforce bylaws and rules and regulations not in conflict with law for carrying on the business, objects, and affairs of the Board and the District; and to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District; and

WHEREAS, the Board has hired the Fire Chief and delegated to the position of Fire Chief the responsibility of serving as the chief administrative officer of the district and with all duties as designated by law for a fire chief under Section 32-1-1002, C.R.S., including the overseeing and managing all business and affairs of the District including the operation, maintenance, management, administration, and provision of all facilities, improvements, equipment, services and personnel; and

WHEREAS, from time to time matters within the responsibility of the Fire Chief may arise with which he or she may have a conflict of interest; some matters may be appropriate to delegate to subordinate personnel, but some matters will not be appropriate for delegation, in which case, the Board wishes to appoint a standing committee to act on behalf of the Board to address such matters in the place of the Fire Chief;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Metro Fire Rescue Fire Protection District that:

1. **Appointment of Conflicted Matters Committee.** There is hereby established as standing Conflicted Matters Committee (“Committee”). The Committee shall consist of the Board Chair, and one other Board member appointed from time to time by the Chair upon being notified of a Conflicted Matter. The Committee member appointed by the Board Chair shall serve on the Committee to consider and address the specific Conflicted Matter for which he or she is appointed, and then her or his appointment shall expire. In the event of the Chair’s unavailability, the Vice Chair, shall serve on the Committee in place of the Chair and make the appointment of the second Committee member.

2. **Role of the Committee.** The Committee shall consider, determine and address matters within the responsibility of the Fire Chief, but which involve a conflict of interest for the Fire Chief and which are not appropriate for the Fire Chief to delegate to subordinate personnel of the District, and matters regarding the Board’s supervision of the Fire Chief (“Conflicted Matters”). In the event of a Conflicted Matter, the Committee shall have all the authority of the Fire Chief, but for the conflict of interest, and all the authority of the Board, as the supervisor of the Fire Chief. The Committee may utilize and rely upon District personnel or independent fact finders to investigate and determine the facts related to the Conflicted Matter. Upon being initially notified of a Conflicted Matter, the Board may choose to consider, determine and address the Conflicted Matter in the place of the Committee, in which case the Board shall immediately notify the Committee and the Committee shall discontinue any consideration of the Conflicted Matter. Also, the Committee may, in its discretion, bring any Conflicted Matter to the full Board for consideration, determination, or other action. If the Board acts in place of the Committee regarding a Conflicted Matter it shall have all of the authority and power of the Committee.

3. **Appointment of Independent Review Officer.** The Committee may in its discretion, or shall at the direction of the Board, with the assistance of the District’s legal counsel, appoint an independent review officer to consider and determine any Conflicted Matter, or to make recommendations to the Committee or the Board. If so appointed, the independent review officer’s role shall be specifically identified and that individual shall have the necessary authority to carry out the appointment as afforded by the Committee.

4. **Fire Chief Responsibility to Report Conflicted Matters.** It is the Fire Chief’s responsibility to report any Conflicted Matter to the Chair, or in the event the Chair is unavailable, the Vice Chair, and the District’s legal counsel, as soon as he or she becomes aware of it so the involvement of the Committee and the Board contemplated herein can occur in a timely manner. Upon being notified of a Conflicted Matter, the Chair or Vice Chair, and the District’s legal counsel shall immediately notify the Board

so that it can determine whether to consider, determine and address the Conflicted Matter in place of the Committee as set forth in Section 2, herein.

5. **Adoption of Policy.** The Fire Chief shall adopt and implement a District Policy consistent with this Resolution.

6. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

7. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board of Directors.

Adopted this 6th day of January, 2020.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By: 

Ronda Scholting, Chair

Attest:


Danny Gaddy, Secretary