

**RESOLUTION
BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT**

A RESOLUTION ESTABLISHING MEET AND CONFER PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-5-205 OF THE COLORADO FIREFIGHTER SAFETY ACT.

WHEREAS, Section 29-5-205 of the Colorado Firefighter Safety Act ("Act"), which became effective on June 5, 2013, requires public fire departments employing two or more firefighters, and which are not already party to a collective bargaining agreement, to "meet and confer" with their paid firefighters or the firefighters' employee organization (as defined in the Act) if requested to do so, to discuss policies and other matters relating to their employment, including safety and equipment, but not including compensation (as defined in the Act) ("Meet and Confer");

WHEREAS, the Evans Fire Protection District ("Fire District") is subject to the Meet and Confer requirements of the Act;

WHEREAS, the Act provides no guidance or procedures for the Fire District to comply with the Meet and Confer requirements; and,

WHEREAS, pursuant to the Colorado Special Districts Act, C.R.S. § 32-1-1001(1)(h) and (m), the Board of Directors of the Fire District ("Board") is vested with the management, control, and supervision of all the business and affairs of the Fire District, and is authorized to adopt, amend, and enforce bylaws and rules and regulations for carrying out the Fire District's business and affairs;

NOW THEREFORE, in accordance with the Board's powers pursuant to C.R.S. § 32-1-1001(1)(h) and (m), the Fire District hereby adopts the following procedures to carry out the Meet and Confer requirements of the Act, if a Meet and Confer is requested by the firefighters or their employee organization:

1. All terms not defined in this Resolution have the meaning defined in the Act.
2. The Board hereby designates the Fire Chief as its representative for purposes of engaging in a Meet and Confer with the firefighters or the designated employee organization, as required under the Act and implemented by this Resolution.
3. Firefighters, or their employee organization, who wish to Meet and Confer must submit to the Fire Chief their/its request for a Meet and Confer ("Written Request"). The Written Request must include:
 - (a) The request to Meet and Confer;

(b) The date of such request;

(c) The policies and/or other matters about which the firefighters or employee organization wish to Meet and Confer. In accordance with the Act, a Written Request shall not include compensation as a Meet and Confer topic; and

(d) The identification of any employee organization or individuals designated to participate in the Meet and Confer on behalf of the firefighters.

The Written Request must be signed by a majority of the District's firefighters in order to confirm that the employee organization or individuals designated to participate in the Meet and Confer represent the majority of the District's firefighters for that purpose, and that the policies and/or other matters identified in the Written Request accurately reflect those matters that the majority of the District's firefighters wish the Meet and Confer to address.

4. In accordance with Section 29-5-205(2) of the Act, if the Written Request is submitted by an employee organization authorized to represent the firefighters, the Fire Chief, on behalf of the Fire District, shall recognize the employee organization for the sole purpose of participating in the specific Meet and Confer requested in the Written Request. The Board hereby declares such recognition to be solely for the purpose of complying with the Act and shall not be deemed to be an express or implied recognition of the employee organization for any other purpose whatsoever, including but not limited to collective bargaining. Under no circumstances shall any statement or action by the Fire Chief before, during, or after the Meet and Confer be deemed to be an express or implied recognition of the employee organization for any other purpose whatsoever. The limited recognition granted by this paragraph shall expire immediately upon completion of the Meet and Confer.

5. The Fire Chief shall meet with the firefighters or the designated employee organization within 60 calendar days after the Written Request is submitted to the Fire Chief. The meeting shall occur at a date and time mutually agreeable to both parties. The parties shall mutually agree upon the length of the Meet and Confer based on the issues stated in the Written Request. If the parties cannot agree upon the length of the Meet and Confer, the Meet and Confer shall not exceed a total of 4 hours. The parties may at any time mutually agree to reschedule or continue the Meet and Confer to one or more later date(s) and time(s).

6. At the meeting, the Fire Chief and the firefighters or designated employee organization shall discuss those policies and other matters relating to the firefighters' employment specifically listed in the Written Request. Unless both parties mutually agree to do so, neither party shall discuss, or attempt to discuss, a policy and/or other matter relating to the firefighters' employment that was not specifically listed in the Written Request. If a party attempts to discuss a policy and/or other matter relating to the firefighters' employment that was not specifically listed in the Written Request without the other party's consent, the non-consenting party may immediately terminate the Meet and Confer. The parties shall participate in the Meet and Confer in good faith; however, neither party is required to negotiate, make a commitment as to any item, or otherwise come to an agreement as to any of the items discussed during the Meet and Confer. The Fire Chief may, in his/her discretion, reach agreement with the firefighters or designated employee organization on one or more of the items listed in the Written

Request, provided that the terms of such agreement do not (a) conflict with any rule, policy or procedure established by the Board, or (b) interfere with the powers and authority vested in the Board as the governing body of the District.

7. Regardless whether the parties reach a proposed agreement on any matter, the Fire Chief shall report the results of the Meet and Confer to the Board at its next regular or special meeting following the Meet and Confer. In its discretion, the Board may hold a legally convened executive session to discuss the results of the Meet and Confer if the Board deems necessary in order to receive advice of legal counsel; determine matters that may be subject to negotiations, develop negotiation strategies, or instruct negotiators; or for any other purpose in conformance with the provisions of C.R.S. § 24-6-402(4).

8. Following the Fire Chief's report of the results of the Meet and Confer, the Board shall note for the record, in open session, the date(s) and time(s) that the Meet and Confer took place and that the Fire District has met its obligations under the Act and this Resolution, and may take any other action it deems appropriate.

9. A Written Request may be submitted by the firefighters or their designated employee organization no more than once per calendar quarter.

10. The Board may from time to time amend this Resolution and, by motion or resolution, may adopt additional rules and procedures not in conflict with the Act or this Resolution.

RESOLVED this 22nd day of July, 2013.

BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT

By: Mary Ackzigir
Director

By: absent
Director

By: Mica L. Watson
Director

By: absent
Director

By: Kandi James
Director