

Rules for Missouri **Fire Protection Districts**

Ballard Local
Government
Series





John Ballard

John Ballard was a lifelong resident of Missouri. He attended the University of Missouri, earned a master's degree in community development in 1971, and then worked for University of Missouri Extension as a local government specialist for 21 years.

During his tenure with MU Extension, he earned statewide recognition for his vast knowledge of state, city and county politics. After he retired in 1992, he continued to play an active role in Missouri government by operating a private consulting firm, Governmental Services, through which he published a monthly newsletter for more than 300 subscribers in the state.

Rules for Missouri Fire Protection Districts

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Ballard Local Government Series

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First edition by John Ballard

Cover art by Dennis Murphy

University of Missouri Extension and
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Acknowledgments

The purpose of this manual is to help fire protection district officials understand and comply with the state's requirements. It is, first and foremost, the work of the late John Ballard. This edition would not be possible without the original manual that John conceived and wrote. One mark of John's authorship is his use of stories to teach. A number of his stories and examples are included here.

The effort to continue John's work depends on many people. First, John's family led the effort by making his work available to University of Missouri Extension. Patrick Cronan, attorney, significantly revised this fire protection district manual. In addition to updating sections outdated by the passage of time and legislation, Pat added important sections focusing on day-to-day activities that, while easily overlooked, are essential to successful fire protection district operation.

The Local Government Resource Group (LGRG) within the Community Development program of University of Missouri Extension devoted many hours to creating and reviewing this edition. The LGRG is led by Judith I. Stallmann, professor, community development extension, agricultural and applied economics, rural sociology and public affairs, University of Missouri-Columbia. Other LGRG members are Julianne Stone, director, Local Government Partnership, St. Louis (University of Missouri Extension, University of Missouri–St. Louis and East-West Gateway Council of Governments); and Tony DeLong, University of Missouri Extension. The late Eber Cude, community development and local government extension specialist, Pulaski County, and Ron Higginbotham, retired community development extension specialist, Boone County, also contributed to this manual.

Many others provided advice and comments that greatly improved the quality of the manual: Chief Gregory Brown, Eureka Fire Protection District; Chief Steve Paulsell, retired; Frank Vatterott, partner, Vatterott, Harris, Devine, Kwentus, PC; and Darrell Kubinski, Mark Fancher, Robert Ishmael, Scott Huntington, Dave Ellzey and Ike Bonebrake of the Crocker Fire Protection District. We also thank MU Extension Publications, particularly George Laur, Victoria Knapp and Dennis Murphy. We express our deepest appreciation to all who contributed to this work. They provided the quality; any errors are ours alone.

We hope this effort is useful to those who make local government work. Readers should recognize that the topics covered in this manual can rapidly change due to court decisions and new federal and state legislation. The advice or recommendations contained herein may not, therefore, be completely up-to-date or accurate at all times. We recommend that districts engage legal counsel as needed in order to ensure that the planned actions are appropriate.

- After the effective date of Missouri legislation each year (Aug. 28), fire protection district officials are urged to check the Missouri Legislature's website to identify new laws affecting districts at <http://moga.mo.gov>.
- Some, but not all, changes that affect districts would likely be found online at <http://moga.mo.gov/statutes/chapters/chap321.htm>.
- Missouri Sunshine Law changes would likely be found online at <http://moga.mo.gov/statutes/chapters/chap610.htm>.

Judith Stallmann
June 2011

Rules for Missouri Fire Protection Districts

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(Parenthetical numbers in the text refer to sections of the current Revised Statutes of Missouri, abbreviated as RSMo. The chapter number precedes the decimal point, and the section number follows it. Most laws relating specifically to fire protection districts, also known as FPDs or fire districts, are in Chapter 321. The Revised Statutes of Missouri can be viewed online and printed copies can be purchased at <http://moga.mo.gov>. Printed copies cost \$300 plus an annual fee for updates and have a reasonably good index, which is not available online. FPDs should consider buying a copy of the statutes and keep it up to date.)

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(2 pages)	
Required as part of the financial statement	
Resolution for Appointment of Custodian of Records <i>(See page 17 of manual.)</i>	
(1 page)	
Meets Missouri Sunshine Law requirements, RSMo. Chapter 610	

Accounts Payable and Payroll Check register *(See page 18 of manual.)*

(1 page)

Greatly simplifies creation of the financial statement

Financial Statement and Instructions *(See page 18 of manual.)*

(7 pages)

Every district is required to complete and approve

Electronic version in Microsoft Excel available at the state auditor's

Web site, <http://auditor.mo.gov>

Notice of Closed Meeting *(See page 26 of manual.)*

(1 page)

Required if a closed meeting is scheduled

Indicates the statutory authorization for closing the meeting

Notice of Meeting *(See page 26 of manual.)*

(1 page)

Informs of the meeting and the tentative agenda

Fire Protection District Budget Outline *(See page 30 of manual.)*

(3 pages)

Every district is required to complete, approve and keep on file for three years

Electronic version in Microsoft Excel available on the state auditor's website,

<http://auditor.mo.gov>

Telephone Bid Form *(See page 32 of manual.)*

(1 page)

Documents contacts made for purchase decisions

I. Background and Formation

Formation of districts

A general law dating back to the mid-1900s authorized the formation of fire protection districts in Missouri. The purpose of fire protection districts is to “supply protection by any available means to persons and property against injuries and damage from fire and from hazards which do or may cause fire” (321.010). Districts have been further empowered “to render first aid for the purpose of saving lives, and to give assistance in the event of an accident or emergency of any kind” (321.010).

A district must be entirely joined or contiguous, not having any properties within its bounds that are not served. A district may include all or part of a county or counties, and it can include incorporated cities within its boundaries. Districts may also be formed to cover just the boundaries of a single city or village (321.010).

The law permitting formation of districts resulted from citizens feeling they needed a higher level of protection than volunteer fire associations were able to provide. Nearly every fire protection district in Missouri began as a volunteer association before it became a political subdivision of the state. Because volunteer associations and political subdivisions operate under different rules, FPDs often face unique organizational problems. Changing from a volunteer association to an FPD requires changes in the mode of operation.

Volunteer associations usually make their own rules. State law gives them permission to fight fires of nonmembers, bill nonmembers for services and sue for nonpayment. It also makes the volunteers public safety officers of the state when they fight fires. Beyond that, voluntary associations set their own rules. Meetings may be open or closed, purchases follow whatever rules the association has established, and legal requirements generally do not apply.

A fire protection district, unlike a voluntary association, must comply with all the generic state statutes that apply to political subdivisions. An FPD is mandatory instead of voluntary; every person within its boundaries becomes a member. Also, FPDs may do only what the Missouri Revised Statutes specifically permit and may not do things the statutes forbid.

Formation procedures

A fire protection district in Missouri is established by a petition signed by 100 or more registered voters within the proposed district boundaries. The petition, which must be filed with the circuit clerk, has six parts:

1. a name that ends with the words “fire protection district”;

Background and Formation

- Formation of districts
- Formation procedures
- Election requirement
- Terms

2. an estimate of the district's population, assessed valuation and taxable intangibles;¹
3. an estimate of the costs to form the district;
4. a general description of the boundaries indicated on a plat map (so that an owner can determine with certainty whether a property is in or out);
5. other information that will help a judge decide whether forming the district is necessary; and
6. a prayer for organization, which is a legal term for the petition wording, "We, the undersigned, hereby pray the court grant our request for the formation of a district" (321.040).

If the proposed boundaries cross county lines, the petition must be filed in the county having the largest percentage of assessed valuation and a copy should be filed in the other county or counties as well. Because every question put before the district's voters will have to appear on both the majority and minority county ballots, it is good to establish positive relations with all counties involved at an early stage. Court costs of \$100 must accompany the petition when it is filed (321.060).

After the filing, the court may make corrections it deems necessary to the petitions, such as correcting errors in land descriptions and ensuring that descriptions used are in line with the legal descriptions. In doing this, however, the court may not take in additional territory without giving notice to residents (321.050). Then the court sets a date for a hearing, not less than 30 or more than 60 days after the petition was filed. The court orders legal notice of the hearing to be published, and the circuit clerk sends a copy by registered mail to each city and county within the boundaries (321.070). The judge before whom the petition is filed will not be automatically disqualified for being a property owner within the proposed district (321.080).

Between the date of filing and the date set for the hearing, protest petitions may be filed. A petition must come from one or more landowners and must state why incorporating the district is not desirable or claim that facts set out in the original petition are misstated. The court considers each petition that is filed before the hearing date (321.090).

At the hearing, the court finds that the facts of the petition either justify or do not justify incorporation of the fire protection district. If incorporation is justified, the court orders the district incorporated, subject to the consent of the voters (321.100). If incorporation is not justified, the court orders the matter dismissed and allocates costs among those who signed the original petition proposing the district (321.110).

1. Missouri no longer taxes intangible personal property (bank accounts, stock portfolios, etc.), so intangibles do not need to be evaluated and can be left out of the petition.

Election requirement

Even when a court orders a district incorporated, the order does not become final until district voters consent to it in an election. This first district election is especially important, with four separate issues to be decided:

1. Shall the district be incorporated?
2. Who shall be the directors?
3. Shall directors number three or five?
4. Shall the district have authority to levy a tax of ___ cents per \$100 of assessed value?

The last question is crucial. Should voters say, “Yes, incorporate,” but “No, don’t tax,” matters could be worse than if firefighting had remained a volunteer operation. Firefighting would still be without funding, but now, as a political subdivision, firefighters would no longer operate under their own rules. One ingenious election authority solved this dilemma by stating the incorporation and taxing questions together before a single pair of “Yes” and “No” boxes, so that voters’ consent to incorporate was also consent to being taxed. One district tried to argue that the consent to incorporate implied permission to tax, but the courts did not agree.

Once the election authority certifies the results, the court issues its order to officially incorporate the district, and the FPD is in business. The board elected at the same time becomes empowered to act. Within 30 days, copies of all court orders, findings and decrees incorporating the district must be filed with the recorder of deeds and the county clerk in each county in which the district has territory. The fee for recording these forms is \$1.

Terms

FPD board members serve six-year terms, with elections every two years. However, to stagger terms so that all board members will not be up for election simultaneously, special rules apply to the first board (321.120).

For the first board, if the three-member option is taken, the member who receives the highest number of votes serves six years, the second highest serves four years, and the third highest serves two years. If the five-member option is taken, the member who receives the highest number of votes serves six years, the second and third highest serve four years, and the fourth and fifth serve two years. Elections are held every two years. After the first set of terms is completed, board members serve six-year terms.

Fire protection districts are a political subdivision in which certain persons are prohibited from holding office. For information on these exceptions, see Chapter III. Officials and Board Operations and Chapter XVIII. Elections.

For a more detailed explanation of the process of forming a fire district, go to the Missouri Association of Fire Protection Districts website, <http://mafpd.org>, and click “How to Form a Fire District.”

II. District Powers and Duties

List of powers

By becoming a political subdivision, a fire protection district receives 18 specific powers. (The statutes that outline these powers and duties are in RSMo. 321.220 for most fire districts and 321.600 for districts located in St. Louis County.) As authorized by the state, these powers are:

1. To have perpetual existence.
2. To have and use a corporate seal.
3. To sue and be sued, which is part of being a political subdivision.
4. To contract for facilities or services to control or prevent fires (including water supply, hydrant and alarm systems), provided it takes bids for expenditures of \$10,000 or more.
5. To borrow money with voter approval and issue bonds and notes.
6. To have fire stations and equipment.
7. To refund bonds without holding an election (if better interest is possible).
8. To manage the affairs of the district.
9. To hire agents, employees (including part-time or volunteer firefighters), engineers and attorneys.
10. To condemn private property for public use under eminent domain laws.
11. To receive gifts to the district and to return them in certain cases.
12. To adopt bylaws and protection-and-prevention ordinances, with violations being misdemeanors.
13. To pay court costs and initial election costs.
14. To have rights and powers necessary, incidental to or implied to or by the specific powers granted.
15. To provide health, accident, disability and retirement benefits to salaried department members and their families.
16. To contract with an adjoining city or village to provide fire protection for a negotiated fee.
17. To provide insurance benefits for volunteers.
18. To contract with volunteer departments to provide insurance benefits for their volunteers. (This power is not available to fire districts in St. Louis County.)

Other public protection duties

In addition to these powers, an FPD has the authority to operate an emergency ambulance service, if voters approve (321.225.). The author

District Powers and Duties

- List of powers
- Other public protection duties
- Special rule

of this publication is aware of one FPD that has operated an ambulance without first receiving voter approval, although that practice is problematic, even if it is not necessary to have an additional tax to fund the ambulance service.

The list of powers above, while extensive, might seem to be quite limiting because it restricts districts' authorities to only these things. These mandates have proven not to be as limiting as they appear, however. Districts have been able to gear up for hazard mitigation, or HazMat, response, First Responder operations, response to chemical spills and fish kills, and other activities that address public protection needs unheard of when districts first were authorized.

Special rule

The statutes include a restriction that only applies to fire protection districts in the state: "The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other body or entity or association, and without delegation thereof to less than a quorum of the board" (321.200). This means that fire district board members act as a group, not as individuals. Authorizing a member, including the chief or the office manager, to act for the board is strictly prohibited. The board is the decision-making body. However, the board can assign duties to the fire chief, other officials and employees, that may involve what lawyers call "ministerial duties" to carry out the board's policies.

The origins of statute 321.200 are uncertain. However, the statute emphasizes the board's authority to make decisions by stating that the fire protection district — not the former volunteer fire protection association — is in charge of the equipment, the personnel and the procedures for the district. The transfer of decision making from the entire group of firefighters to a smaller group of three or five people, some of whom may know little about fighting fires, often can be a difficult transition. This statute reinforces the district board's legal authority and responsibilities.

III. Officials and Board Operations

Restrictions on who may serve on board

The statutes (321.015 and 321.017) restrict who may serve on a fire protection district board. Persons “holding any lucrative office or employment” under the state or any of its political subdivisions are prohibited in most districts. This public employment prohibition applies only in certain counties, and it allows exceptions to those who serve in the military and the reserve corps, to public school employees and to notaries public. Other statutes define a political subdivision as any entity with power to levy taxes. Thus, if a sitting board member takes a job with a tax-levying entity, that member must resign and the seat is declared vacant. The definition of “lucrative office or employment” seems to include persons who are no longer employees of the state or its political subdivisions, but whose retirement pay is more than \$27,350 per year. Additionally, no employee of an ambulance district or another fire protection district may serve as board member. This fire and ambulance district employee prohibition applies in all the state’s counties.

As noted in Chapter XVIII. Elections, in 2005, the legislature made persons who are guilty of a federal felony or misdemeanor ineligible for any state elective public office (115.348). In 2006, the legislature also disqualified persons who owe any tax or who are a past or present corporate officer of any fee office that owes taxes to the state (115.342) and persons found guilty of a state felony (115.350)

Board powers

In addition to the 18 powers listed in Chapter II. District Powers and Duties, the board of a fire protection district is authorized to carry out the work of the district, including employing such help and contracting for such work as is necessary to provide service to the district, and may pay “reasonable compensation.” Hiring and firing the district’s fire chief is one of the most important duties of an FPD.

All persons employed by the board on behalf of the district are, by law, at-will employees. This means they are employed for an indefinite term, which either employer or employee may terminate at any time, for or without cause.

The board must make many decisions about the scope of services and benefits the district will offer, often by taking issues to district voters. Matters such as whether ambulance service, employee pensions, central dispatching or paramedic services are to be provided are presented as separate ballot questions. Expanding or contracting district boundaries also requires voter approval.

Officials and Board Operations

- Restrictions on who may serve on board
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- Pension board of trustees
- State auditor concerns
- Swearing in
- Terms and perpetual existence
- Vacancies
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- Abstention
- Rules of procedure
- Special rules
- Training

Officers

The first duty of the board is to choose a chairman and president, a secretary and a treasurer. If the district has a three-member board, all three may be officers. The latter two positions may be combined, and neither has to be a board member, though they may be.

Separate chapters in this manual cover the duties of the secretary and treasurer. The only stated duty for the president is to preside over meetings. The president also has the power to vote as a member of the board and should always do so.

Sometimes the bylaws or policies of a fire protection district will assign other duties to the president of the board. These duties might entail authorizing expenditures beyond the authority given to the fire chief or suspending, pending the next board meeting, an employee or volunteer from his or her job.

Bonding

Each member of an FPD board is required to be bonded under a surety bond for at least \$1,000 (321.160). The fire district treasurer is required to be bonded for at least \$5,000 (321.180). A surety bond is **not** intended as protection for the board member or treasurer, but as protection for taxpayers. If the bonded official steals money from the district, the bonding company will reimburse the taxpayers, up to the maximum amount of the bond. Each district should consider its own situation when bonding board members, for although the minimum bond required for the treasurer is \$5,000, that may not be enough to provide adequate protection for most fire districts.

Pay for board members

Every board member may receive an attendance fee of \$100 for attending any regular or special board meeting, if the board authorizes such payments. Payments are limited to two meetings per month. In first-class charter counties (currently St. Louis and Jackson counties), the members may receive up to \$200 per meeting for a maximum of four meetings per month. No board member may receive payment for more than one meeting in a calendar week. The chairperson receives an additional \$50 dollars for each meeting, but the limit is two per month. A board member who also serves as secretary, treasurer or combined secretary/treasurer may receive additional pay as set by the board, limited to \$1,000 annually (321.190). Board members who do not receive the state-mandated annual training are ineligible to receive pay (see *Training* below). The fees should be paid after the meeting, not before, and taxes should be withheld.

With appropriate documentation, board members may be reimbursed for actual expenditures on behalf of the district.

Removal

The circuit court that declared the district incorporated may remove any or all board members “for good cause shown upon a petition, notice and hearing” (321.190). Based on a decision by the Missouri Court of Appeals, only the county prosecuting attorney, the Missouri attorney general, or a petitioner authorized to act by one of them may ask the court to remove a board member.

Pension board of trustees

In 2007, the Missouri Legislature established by statute (321.800) a requirement to create a pension board for some fire protection districts. The law says that a fire district that has a “retirement plan or other benefits-related plan” must “administer” its plan through a separate five-member pension board of trustees.

Whether the “benefits” mentioned in the statute relate to health insurance, disability insurance, etc., in addition to the district’s pension plan is unclear. The composition of the pension board, however, is clear: three members of the board of directors and two “participants” in the pension plan. These participants could include retirees. The pension plan participants elect three of their members and submit the names to the board of directors. The directors then select two of the three to serve on the five-member pension board.

What is not yet determined is whether the statute creates a power in the board of trustees that overrides the directors’ statutory power. For now, the power the new statute grants the pension trustees to “administer” the plan does not appear to supersede the power granted to directors to establish a pension plan (321.220 for most fire districts; 321.600 for fire districts in St. Louis County). The district’s lawyer should be consulted on this. A district with a pension plan, however, should establish a pension board of trustees as soon as possible.

Another new law (105.666) requires the pension board members to attend education classes twice a year and establishes the curriculum for those classes. The MAFPD and other organizations have established such board educational programs.

State auditor concerns

The Missouri state auditor performs audits on public entities, including fire protection districts, when enough taxpayers have signed a petition for such an audit. Several districts have been audited based on such petitions. A board of directors should review those audit reports, which are available on the Missouri State Auditor website, <http://auditor.mo.gov>.

The state auditor recommends that a fire district establish certain policies and good auditing practices, which cannot be found in any Missouri statute. For example, the state auditor believes public entities should always have a current inventory of all their equipment and other property. That is good

Oath of office

Article VII Public Officers
Section 11, RSMo. Aug. 28,
2006.

Before taking office, all civil and military officers in this state shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean themselves faithfully in office. (Source: Const. of 1875, Art. XIV, § 6.)

In the *Governmental Services Newsletter*, March, 2003, in "Recent Questions to Governmental Services with Answers" John Ballard confirms that all public officials must take the oath before taking office.

He provides an example of such an oath:

"I _____, do solemnly swear (or affirm) that I will uphold the Constitution of the United States, of this state, and demean myself faithfully in office."

practice for any organization. A fire district should inventory not just its fire-fighting apparatus but all the equipment owned by the district, including computers, chairs and file cabinets. Each item should be labeled and put on an inventory list, either electronic or paper, that is kept current. (An example of an inventory record is provided in the *Sample Forms* section of this manual.)

In the reports, the state auditor has chastised fire districts for not having a travel reimbursement policy, not bidding health insurance every three years (as required by law) and not having a vehicle-, credit card- or cell phone-use policy. The auditor has also criticized districts for not keeping close records on maintenance for trucks and other vehicles.

The board might ask the district's accountant to download some of these audit reports, which can be used to educate the directors and office employees on sound financial management. Districts have suffered losses (including by embezzlement) when basic accounting practices were not followed, or when the district had little or no segregation of duties.

Swearing in

Fire protection district officials must be sworn in before taking office. How soon this is done after an election is the board's decision. Outgoing officials retain their authority until the incoming officers are sworn in. The district secretary, county clerk or circuit judge can administer the oath. This oath is important because it serves to remind the board members elect that they are public officials, subject to the associated legal requirements. Each officer sworn in should receive a written copy of the oath. The oath is to be filed within 15 days with the circuit clerk, along with proof of issuance of a \$1,000 surety bond covering that person.

Terms and perpetual existence

The district has perpetual existence. This means, in practice, that terms of officials continue until successors are elected or appointed and qualified. Expiration of a term does not relieve the official of FPD duties until a replacement is in place.

Vacancies

When a vacancy occurs on a fire district board, either by no one being elected, by the one elected failing to qualify, by relocation, by death or for any other reason, the remaining board members appoint someone to fill the vacancy (321.200.2). If fewer than two elected board members remain, the law requires appointments to be made by the circuit court of the county containing most of the district. A replacement serves until the next biennial election.

Resigning from district office requires two steps: The board member offers to resign, and a quorum of the board accepts the resignation. The resigning official is not relieved of responsibility until the board has

accepted the resignation. This is how perpetual existence of the district is maintained. Should resignations threaten the quorum, replacements must be appointed before more resignations can be accepted.

Meetings

The board must meet at least monthly within the district, with notice of meeting times and location continuously posted at the firehouse or firehouses. When special meetings are necessary, each board member must be formally notified. Minutes of every board meeting must be available to any member of the public within one week after the meeting upon written request (321.200).

Quorum

“A majority of the members of the board shall constitute a quorum” and no business may be transacted until a majority is present (321.200). In a three-director district, at least two officials must be present for a meeting. In a five-director district, at least three must be present.

Abstention

There are times when a board member must abstain from voting, but these should be kept to a minimum. Each member has made a commitment, under oath, to represent the district on all questions. Unless voting would create a conflict of interest or constitute nepotism, all members should vote on all issues. If abstaining, the member should leave the room and not participate in the discussion before the vote.

Rules of procedure

As a public governmental body, the board must comply with Missouri’s Sunshine Law regarding meetings, records and votes (see Chapter IX. Meetings, Records and Votes). In addition, the board should consider adopting and publishing its own rules of procedure that define the regular time, date and place of meetings; the order in which business will be conducted; whether members of the public attending meetings will be permitted to speak and under what limitations; and other housekeeping matters. Establishing such procedures and using them consistently can help the board operate in a fair and orderly way. Having procedures in place before an issue draws a large number of attendees who might be upset will smooth operations considerably.

Special rules

The state has special rules for possible public redress of FPD actions. These rules apply to fire districts alone among the multiple types of political subdivisions in Missouri. With the exception of a few cities that have drawn their own charter and adopted similar provisions, only fire districts have the options for initiative, referendum and recall actions included in their generic statutory charter. Although these rules are rarely applied, all district

officials should understand them (see Chapter IV. Initiative, Referendum and Recall).

Training

All fire district board members elected after Jan. 1, 2008, must undergo training that has been approved by the state fire marshal. An untrained director cannot receive compensation for attending meetings. The Certified Fire District Board Training offered by the University of Missouri Fire and Rescue Training Institute (<http://mufrti.org>) and the Missouri Association of Fire Protection Districts (<http://mafpd.org>) will satisfy this requirement. Districts can obtain current information on training requirements and approved providers from the Missouri Division of Fire Safety website, <http://dfs.dps.mo.gov>.

In addition, the federal government requires training for all board members in the National Incident Management System (NIMS). After Hurricane Katrina, the Federal Emergency Management Agency (FEMA) established requirements for this training to improve communication between federal and local government officials. Failure to participate in the required training makes a fire district ineligible for reimbursement for emergency response costs and for federal grants. NIMS training is available on the Internet. For more information, type NIMS in the search box on the FEMA website, <http://fema.gov>, or the U.S. Fire Administration website, <http://usfa.dhs.gov>. The State Emergency Management Agency website, <http://sema.dps.mo.gov>, may also have useful information on NIMS.

IV. Initiative, Referendum and Recall

Initiative and referendum

Voters of the district may act on behalf of the board or reverse any action taken by the board, though they rarely do. The procedures are complicated and require a petition that meets stringent criteria followed by a simple majority vote at district polls. District officials need to be aware of the statutes that give voters this power (321.490–321.500).

Petitions

A form for initiative or referendum petitions is provided in the statutes (321.495). It begins with a warning that it is a felony to sign someone else's name, sign more than once or sign without being a registered voter. Then, addressing the board, it says that the persons undersigned order the described measure be referred to the people of the district for approval or rejection and gives the date for the election. The measure that petitioners want adopted or the board-passed measure they want repealed must be attached. Each person signs on a numbered line and gives his or her voting address. Each sheet of signatures must have a sworn oath by the signature gatherer at the bottom, verifying that the persons listed signed the petition in the gatherer's presence and that the gatherer believes they are all registered voters who reside in the fire district. The form must be notarized.

If verified signatures equal the number of votes cast in the last district election, the issue goes before the voters when specified. A simple majority adopts the proposed measure in an initiative petition or repeals a measure the board had adopted in a referendum petition.

The petition process should be taken seriously. In one known instance, the description of what petitioners proposed was faulty, even though they had paid for legal advice to help prepare the petition, and so the issue never came to the ballot. However, when the signatures were being verified, at least eight names were found that did not match up to district residents or registered voters. The felony warning noted above is a felony election offense. Conviction of such a violation permanently severs a citizen's voting rights. Had the issue on the petition gone to the ballot, eight persons could have permanently lost their right to vote.

Recall and exemptions

Two versions of the recall law were passed by the same session of the Missouri General Assembly (321.701–321.716). The first version says recall elections are possible in any FPD located anywhere in Missouri. The second version says recall elections are possible only in St. Louis County. How should one reconcile these different versions? It is impossible to discover the intent of the legislature because Missouri does not maintain

Initiative, Referendum and Recall

- Initiative and referendum
- Petitions
- Recall and exemptions
- Who may not be recalled
- Notice of intent

a verbatim record of what was said on the floor of the legislature, nor do committees prepare formal reports that help indicate intentions. The courts have said when two versions are passed at the same time, it is not possible to go by what was approved most recently by the General Assembly or the governor because all laws go into effect on the same day, Aug. 28th of the year when they pass. So the courts will try to “harmonize” the two versions, but if they cannot, they toss out both versions.

In the original edition of this manual, the author tried to “harmonize” the two laws by assuming that recall was possible anywhere in the state. The current editor points out that we will not know the answer until someone undertakes the expense to litigate the question and the courts rule.

Wherever recall is permitted, any or all of the members of a fire district board are subject to recall and removal from office by district voters. However, several restrictions apply, including those listed below under *Who may not be recalled*. Although recall is rare, it has been used successfully, so a board should be familiar with the rules that govern it.

Who may not be recalled

Board members are exempt from recall during the first 180 days and the final 180 days of their terms. If a member has been the subject of a recall election during the term and survived, that member is exempt for the rest of that term. This means all board members are subject to being recalled by district voters if they are not in the first half of their first year or the last half of their final year, or unless they have survived a recall vote that term.

Notice of intent

A notice of the intention to circulate a recall petition must be either handed personally to or sent by certified mail to the board member who is the subject of the recall. A copy is filed with the election authority along with a sworn statement that the notice was served on the board member. Each member whose removal is sought must receive a separate notice.

The notice must contain (1) the board member’s name, (2) a statement of the reasons for the proposed recall no longer than 200 words, and (3) names and addresses of one to five recall proponents. The board member has seven days to file a response with the election authority, and if a response is filed, the board member must send a copy to at least one proponent by certified mail.

Recall petitions include a request for election, a copy of the intention’s complaint and the member’s response or a note that no response was made, and lines for each signer’s signature, printed name and address. Each petition requires a sworn certification from the signature gatherer and must be completed and turned in within 180 days from the date of filing the notice of intent.

The signatures must equal 25 percent of the people who voted for governor within the district in the last general election. The election

authority has 20 days to verify signatures. If signatures fall short of the required total, petitioners have 10 days to collect more. If numbers are still insufficient, no action is taken and the petition stays on file with the election authority.

If enough signatures are gathered, a certificate is sent to the fire district board before its next meeting with the board member's name, the number of signatures required, the total number of signatures on the petition and the number that were valid. Upon proof that the board has received the certificate, the election authority schedules the election for a regular election day (115.123). Up to 42 days before the election, the member can resign and have the question removed from the ballot. The resigned member may not be appointed to the vacancy.

Costs of the recall election are billed to the district. The election must be held no less than 45 days and no more than 120 days after the district board receives the recall petition. Because Missouri Revised Statutes Section 115.123 restricts the days on which elections may be held, determine possible dates for the election as soon as a notice of intent has been filed. A simple majority decides the recall question. One more than half of the total votes cast ousts the member. One vote short of half the total and the board member stays.

Secretary Powers and Duties

- Options for selection
- Duties
- Record keeping
- Custodian of records
- Acting secretary

V. Secretary Powers and Duties

Options for selection

The fire protection district board elects a secretary and a treasurer, or one person to serve as both, who may or may not be board members (321.170). Electing a nonmember as secretary has advantages. For example, board members have agreed to represent the residents of the district when making policy decisions, but the secretary may have difficulty participating fully in such discussions while trying to compile accurate minutes. The tasks required of the secretary, outlined below, represent office manager duties that may be more than a fire district board should expect of a board member.

Duties

The secretary's tasks include posting notices of meetings, certifying adopted property tax levy rates to the county clerk, notifying the election authority of upcoming elections, making agendas publicly available, taking care of all district notifications and attesting to the accuracy of the district's records.

The secretary is to be the caretaker and applier of the district seal (321.170).

When the board needs to report on matters of district concern, the secretary will likely be asked to prepare the report. Although the board may wish to prepare its own agendas, the secretary is the one who ensures that they are publicly posted in a timely manner as is required by law (see Chapter IX. Meetings, Records and Votes).

Statutes say the secretary, "shall keep in a well-bound book a record of all its [the board's] proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and a record of corporate acts" (321.170). Because of this specific legal requirement, the secretary should also be designated as custodian of district records (see more detail below in *Custodian of records* and in Chapter IX. Meetings, Records and Votes).

Record keeping

In addition to the requirements listed above, Missouri has adopted a local government archive law that empowers the secretary of state to promulgate rules about which records fire districts must maintain and how long they must be retained. These regulations can be found on the secretary of state's website at <http://sos.mo.gov/archives/localrecs/schedules>. A fire district secretary should become familiar with these rules and follow them. (The secretary of state calls these rules "guidelines," which implies they are not binding. However, most lawyers consider these guidelines to be the minimum required retention period. Fire district boards should consider

adopting an ordinance or policy that mirrors this schedule or includes longer retention periods.)

When records are destroyed, a report of the destruction must be recorded in the FPD board minutes.

Custodian of records

State open meetings and records laws require each political subdivision to formally appoint a custodian of records (610.023). The name and contact procedures must be publicly posted. The deadline to respond to requests for records is no later than the end of the third business day following the request and sooner if possible. If access is denied, the custodian must give a detailed explanation in writing within three days (see Chapter IX. Meetings, Records and Votes). (A resolution for designating the custodian of records is provided in the *Sample Forms* section of this manual.)

Acting secretary

Because the secretary is required to keep board minutes, attendance at all board sessions is part of the job. Provision should be made in district rules of procedure to designate an acting secretary to temporarily fulfill the secretary's duties when the secretary cannot attend a meeting or perform other required duties.

Treasurer Powers and Duties

- Options for selection
- Duties
- Financial statement
- Bill paying
- Personal liability

Financial forms

The Missouri State Auditor's Office provides a financial form in the Local Government Forms and Reports section of its website, <http://auditor.mo.gov>. It is provided as an electronic form (Microsoft Excel) and in a printer-friendly format (PDF). Only an inventory must be added. A copy of the print version, with instructions, is provided in the *Sample Forms* section of this manual.

VI. Treasurer Powers and Duties

Options for selection

The treasurer does not have to be a member of the fire district board. If the board chooses to have the secretary be a non-board member, it may want to consider combining the secretary and treasurer roles. Statutes specifically authorize this combination (321.170). The arguments for and against this are similar: Combining the administrative and financial operations is more efficient where they are operating well. But having a secretary and a treasurer who cross-check one another also has merit. The board should discuss the pros and cons of these options.

Duties

The fire protection district's treasurer has the care and responsibility for all moneys coming in any manner to the district (321.180). Because of this, bonding is required before the treasurer can function. The board establishes the amount of bond necessary, with a \$5,000 minimum set by statute. (For many similar public positions, this bond is set at the largest amount handled during any month of the preceding year plus 10 percent.) The district pays for the bond, which must be a "corporate fidelity bond" (321.180).

"The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records" (321.180). An example of an Accounts Payable and Payroll Check Register is provided in the *Sample Forms* section of this manual.

Financial statement

Two statutes require FPDs to file an annual financial statement (105.145 and 321.180). Found in different sections of the statutes, each has slightly different requirements. Combined, these requirements are:

A "detailed financial statement" must be prepared (321.180) "in such summary form as the state auditor shall prescribe" (105.145).

It is due four months after the end of the fiscal year (the fiscal year is the calendar year) (321.180).

It must be filed with the state auditor's office and with the county clerk of each county in which the district has territory.

If the financial statement is overdue, beyond the April deadline, no pay or expense reimbursement for the governing body is allowed while it is overdue.

Bill paying

Because government predates our modern banking system, the procedures that have evolved for government finance are often more

complicated than modern banking practices and banks may not understand them initially.

Only the treasurer can write checks on the district's account. To do so, however, the treasurer must receive instructions from the board. Traditionally, a "warrant" has been used to instruct the treasurer. The warrant sometimes takes the form of a "list of bills" and a "motion to pay the bills," which are voted on by the board and then given to the treasurer, who writes the checks. In some traditional local governments, the board members or maybe the board secretary and board president sign a warrant that is given to the treasurer, who then writes and signs the checks. The multiple signatures discourage theft or financial mismanagement.

Some fire districts use a single document as both warrant and check, which must be signed by the secretary and countersigned by the president. It is a warrant, but it becomes a check when the treasurer signs it. Separate warrants and checks can be used, but using one document for both purposes is easier.

Some banks have balked at accepting checks with multiple signature lines. If a district's bank complains, explaining that the first two signatures are for district purposes usually suffices. Only the treasurer's signature is needed on the bank's signature card, but the additional signatures warrant that the expenditure was authorized and that the account on which it is drawn has sufficient funds.

Personal liability

The treasurer of any local governmental body, including a fire district board, is personally liable for the safety of all public money, with two minor exceptions: (1) acts of God, including earthquakes, forest fires and floods, and (2) acts of a public enemy, such as the other side in a declared war. This means if the bank fails or the money is stolen, the treasurer can be personally sued to make up the loss. (Fortunately for a treasurer who is married, a spouse does not have the same liability and jointly owned assets cannot be seized to pay the debt.)

Because of this risk of personal liability, the treasurer should ensure that all moneys are promptly deposited in a bank and that the money is adequately insured by the Federal Deposit Insurance Corporation (FDIC) or by a bank's pledge of collateral for any money above the FDIC coverage limit. The district should require the bank to update the collateral schedule periodically, at least once a quarter. (Regardless of how many different bank accounts a fire district has, the FDIC insurance limit applies only once, not to each separate account. In other words, the FDIC rules are different for government bank accounts than for individual accounts.) Similarly, the treasurer should ensure that all recommendations from the fire protection district's audit are scrupulously followed, because doing so will reduce the treasurer's liability risk.

A surety bond does not relieve the treasurer of this personal liability risk. The purpose of the surety bond is to protect the taxpayers, *not* the treasurer. Some homeowners insurance may protect a treasurer who has financial responsibility for a fire district. Those who are considering this role should research their options. They may need to purchase a special policy or an additional rider on a homeowners policy to protect themselves from the risks of this type of public service.

VII. Changing District Boundaries

Petition to become part of a district

Several options for changing fire protection district boundaries are set out in the statutes (321.300). The procedures for expanding the boundaries to include, or annex, an area are as follows:

- A petition to be included must bear signatures equal to 25 percent of the most recent gubernatorial vote in the area asking to be included. If a city is partly in and partly out of the district, the entire city may choose to go either way. The petition follows the form for initiative petitions (see Chapter IV. Initiative, Referendum and Recall). The petition must include either property legal descriptions or, if more than 25 owners or registered voters sign, the addresses of the signers.
- All owners of land adjoining the district may file a petition to be included. No minimum number of signatures is required in this case. “All” of the owners of the property described could be just a single owner. In either case, signing the petition is presumed to give the consent of the owner to be annexed.

Special rules govern annexation for a city that is partly in and partly out of St. Louis County, where a fire protection district serves only part of that city.

The petitions are filed with the district board, which determines whether serving the petitioning area is practical and in the district’s best interest. The board may, if it decides doing so serves the district’s best interest, exclude part of the area petitioning. Upon granting the petition, the board files it with the court that incorporated the district, through the circuit clerk. An “all-owners” petition automatically gets a court order. A “25 percent” petition must go through an election of those residing in the area proposed for annexation and receive a simple majority vote to pass.

Protest to an annexation

“Any person aggrieved” by the decision to grant an annexation petition can appeal the board’s decision to the circuit court within 30 days after the board makes its decision. The court then hears the arguments and decides.

Annexation by a city

For many years, it has not been clear whether the fire district or the city is to provide fire protection and emergency medical services to property within the district that is annexed voluntarily into the city. The conflict results from the existence of two potentially applicable statutes, Sections 72.418 and 321.320, RSMo, because application of each yields a different result.

Section 72.418 provides that fire protection districts serving an area shall continue to provide fire protection and emergency medical services to an

Changing District Boundaries

- Petition to become part of a district
- Protest to an annexation
- Annexation by a city
- Petition for exclusion

area annexed by a city with a fire department, while Section 321.320 does not. It should be noted that both sections permit the district to levy taxes on the property to pay bonded indebtedness that existed prior to annexation.

The question was resolved by the Missouri Supreme Court with an opinion handed down on March 17, 2009 (SC89558, <http://www.courts.mo.gov/file.jsp?id=30243>). The court held that Section 321.320 excludes from a fire protection district any property located in a fire protection district's boundaries and annexed by a city with at least 40,000 inhabitants that is not wholly within the fire protection district. In order to harmonize the conflicting sections and give both meaning, the conflict was resolved by applying Section 321.320 to counties without a boundary commission and Section 72.418 to counties with a boundary commission. St. Louis County is currently the only county with a boundary commission.

In its opinion, the court also stated that the population language contained in Section 321.322.3 excludes its application in St. Louis County, currently the only county with a boundary commission. Other specific language contained in Section 321.322.4, in effect, authorizes Section 72.418 to apply to Harrisonville, a city in a county with no boundary commission. This application was drawn narrowly, providing further evidence that Section 72.418 is intended primarily to apply in counties with a boundary commission.

Petition for exclusion

Any owner of either real or personal property may file a petition with the board to be excluded from an FPD (321.310). A property description and a deposit sufficient to cover proceeding costs must accompany the petition. The board publishes a legal notice and sets a hearing date. The notice includes information about how to file a written protest against granting the request (321.310.1).

At the time set, the board hears the petition and any objections that may have been filed. The board considers whether the property can be served as a practical matter and whether excluding it is in the district's best interests. The board may decide the matter either way. If exclusion is granted to the petitioning property, a certified copy of the board's order is filed with the circuit clerk and the county clerk of each county affected. The circuit court has authority to reverse the board's decision, if it finds the board acted improperly. The matter may be appealed in a circuit court action filed within 30 days (321.310.2).

The owners of excluded property remain responsible for the portion of the district levy committed to payments on loans (debt-service levy) in effect at the time of exclusion. The property is exempt from being included in any bonded debt incurred after the exclusion (321.330).

VIII. Levying Property and Sales Taxes

Levy options

Unlike most special purpose districts, fire protection districts have numerous options as to services they may offer and taxes they may levy to support those services. Most districts, such as ambulance, school, drainage and road districts, have one operating levy. If they have bonded indebtedness, they can use an additional debt-service levy. Fire protection districts may have numerous operating levies. Each requires voter approval and stands permanently, though it must be recalculated every odd-numbered year. The fire district’s regular levy options are outlined in the following table. Bonded indebtedness, which requires an additional debt-service levy, is covered below under *Long-term debt and bond issues*.

Maximum	Rate	Authorization in Statutes (RSMo.)
Basic rate	30¢ / \$100 assessed	321.240
Firefighter pensions	10¢ / \$100 assessed	321.240
Ambulance	30¢ / \$100 assessed	321.225
Added ambulance	40¢ / \$100 assessed	321.225
Added basic	10¢ / \$100 assessed	321.240
Added basic	25¢ / \$100 assessed	321.241
Added basic	10¢ / \$100 assessed	321.241 (after 8/13/82)
Added basic	25¢ / \$100 assessed	321.241 (after 9/28/85)
Added basic	50¢ / \$100 assessed	321.241
Emergency dispatch	3¢ / \$100 assessed	321.243.1
Added dispatch	2¢ / \$100 assessed	321.243.3 (St. Charles only)
Rollback exemption	Reverts to maximum	321.244 (odd-numbered years only)

Approval

All of the above levies require approval by a simple majority of voters. Bond issues (long-term indebtedness) require either two-thirds or four-sevenths voter approval (66.7 percent or 57.1 percent), depending upon the election date.

Procedures

Before a tax can be levied, the board must set the rate in a properly announced public session. The secretary must certify this to the county clerk (or clerks for districts that cross county lines) *before Sept. 1*. Timing is crucial in order to get the rate extended on tax bills for the current year (321.250). Whatever rate is set and approved by the voters is levied against all real and personal taxable property assessed in the county or counties that lies within the district.

Adjustments

Under the constitutional requirement, each year’s assessed valuation must be compared with that of the prior year. With new construction and improvements excluded, to the extent valuation exceeds last year’s plus

Levying Property and Sales Taxes

- Levy options
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- Sales taxes

the federally calculated cost of living, the rate must be reduced to produce the same revenue as before, plus whatever amount new construction adds. New construction figures are furnished by the county (Missouri Constitution, Article X, Section 22).

If the assessed valuation increased, the district must also make a second calculation. A tax-rate ceiling is established by statute (137.073). This is capped at either the most recent voter-approved rate or the rate that was levied in 1984. The intent is to provide no more revenue from the new assessed valuation than was produced by the old, with growth in new construction and improvements excluded.

Long-term debt and bond issues

For capital expenditures, the district may issue bonds for up to 20 years at an interest rate of up to 6 percent after voter approval. Examples of capital expenditures include building an additional firehouse, purchasing new equipment that will last multiple years, and making other purchases or improvements of long-term usability rather than normal annual operating expenses.

Because a bond issue obligates all taxable property in the district as security for repayment, an exceptional majority of voters must approve. If the question is presented at an April municipal election, August of an even-numbered year's primary election, or November of an even-numbered year's general election, four-sevenths, or 57.1 percent, of those voting must approve. These elections have the highest voter turnout. On any other election date (February, March or June), two-thirds, or 66.7 percent, of those voting must approve. (See Chapter XVII. Bond Issues for more detail.)

Sales taxes

Three statutes authorize *some* fire districts to impose a sales tax. The legislature commonly expands this authority, however, so consult the current version of Chapter 321 and the most recent session laws to determine what sales taxes may be imposed. As of this writing, the sales tax authority is found in Sections 321.242 (1/4 cent for a single fire district), 321.246 (1/2 cent for a few fire districts) and 321.552 (1 cent for all fire districts except those in Greene, Platte, Clay, St. Louis and St. Charles counties, with up to 50 percent of the sales tax committed to property tax relief).

Estimating the revenue a district might realize from a sales tax is difficult. The Department of Revenue (DOR) keeps its sales tax data by ZIP code, and ZIP code boundaries seldom coincide with fire district boundaries. A few years ago a jurisdiction discovered that some of its merchants were mistakenly listed in a neighboring jurisdiction. After ensuring that merchants are listed in the correct jurisdiction, the district should have an authorized person check the detailed sales tax reports to ensure that all merchants in the district are paying the tax. Any problems should be promptly called to the attention of the DOR.

IX. Meetings, Records and Votes

The Sunshine Law

The state's Sunshine Law, also known as the Open Meetings and Records Law, covers all political subdivisions in Missouri, including fire districts. Its basic intent is clear in the following passage: "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law" (610.011). The section goes on to instruct courts to liberally interpret openness requirements and strictly limit exceptions. With fines for violations ranging as high as \$5,000 per individual plus attorney's fees (see *Challenges and penalties* below), district officials should make sure to conduct business in public.

The Missouri Attorney General's Office (AGO) publishes a popular *Missouri Sunshine Law* booklet containing the law, some sample forms, and summaries of court opinions and AG opinions interpreting this law. This free publication can be downloaded from the AGO website at <http://ago.mo.gov/sunshinelaw>, or call 573-751-3321 to request a printed copy. In addition, a sample Sunshine Law policy for fire districts is available from the forms library of the members-only section of the Missouri Association of Fire Protection Districts website, <http://mafpd.org>. The AGO will also provide training on the Sunshine Law.

Special fire district rules

Two provisions unique to FPDs modify some requirements of the state's Sunshine Law. One statute requires that notice of regular public meetings be posted at each fire station, not merely at the FPD headquarters, as the Sunshine Law requires. It also says that notice of regular meetings must be posted continuously, not merely 24 hours before the meeting (321.200). This same law says that minutes of a board meeting must be available within one week after the meeting for any member of the public who requests them. (The Sunshine Law requires that the minutes be provided within 72 hours after they are prepared, but allows unspecified delays before they are prepared, whereas the FPD law requires the minutes to be prepared within seven days of the meeting.) Both of these requirements go beyond the Sunshine Law requirements, and a prudent FPD will fulfill these additional legal requirements.

Notice of meetings

A fire protection district board must meet at least monthly at a location it designates (321.200). Notice of when and where regular meetings are to be held is to be posted continuously at each firehouse. When special meetings are necessary, each board member must be formally notified.

Meetings, Records and Votes

- The Sunshine Law
- Special fire district rules
- Notice of meetings
- Closed meetings
- Open meetings
- Public participation
- Minutes and votes
- Records
- Policy regarding release of information
- Copies
- Challenges and penalties
- Advice

Closed meetings

Only two kinds of meetings are possible: open or closed. A long list of authorizations for specific closings contains only a few that might apply to the fire districts. In these instances, meetings may be, but do not have to be, closed:

- Legal actions, but only if the district is suing or being sued [610.021(1)];
- Real estate transactions where public knowledge could affect the price [610.021(2)];
- Hiring, firing, promoting or disciplining of particular employees where personal information about the employee is either discussed or recorded. Closing the meeting is only allowed when a specific person is being discussed [610.021(3)];
- During a bid call when specifications are being prepared [610.021(11)], and when sealed bids are received until the bid opening. Meetings to open bids may be closed until either a contract is awarded or all bids are rejected [610.021(12)];
- Preparations for contract negotiations may be closed if district employees are organized to collectively bargain [610.021(9)]; and
- Pre- and post-audit conferences may be closed [610.021(17)]

To hold a closed meeting, the board must vote in an open meeting to close a future meeting for one of the specific authorized purposes. Notice must be given, with citation of the specific section authorizing the closing indicated by number, 24 hours before the closed meeting is held. (A sample Notice of Closed Meeting form is provided in the *Sample Forms* section of this manual.)

Open meetings

Except in an *extreme emergency* (such as a tornado), the board must give the public 24 hours notice (exclusive of weekends and holidays) of all meetings. This need not be complicated. A regular, easily accessible location needs to be established to post notices. The law says notice must be given “in a manner reasonably calculated to advise the public.” The notice must contain a tentative agenda for the meeting and should always include the phrase “and such other matters as may come before the Board” to cover unanticipated business. The board secretary, or whoever posts the notice, should write the time and date of posting on a corner, such as “Posted 4:00 p.m. 6/7/11.” This is done in case a challenge is made. (A sample Notice of Meeting form is provided in the *Sample Forms* section of this manual.)

Public participation

The public is allowed to attend meetings. They are not allowed to participate unless the board chooses to permit this. Whether to permit

public participation should be discussed and agreed upon before the board is facing a roomful of angry citizens all wanting to make a complaint. If public attendees are permitted to speak at meetings, time limits on comments should be set in advance. Remember, the public is not restricted to district citizens. If reporters from *The New York Times* want to attend an FPD board meeting, they may do so.

Minutes and votes

Minutes of open meetings “shall be taken and retained” and must include the date, time, place, members present and a record of votes (610.020.7). The record of votes should be by member name. When the agenda is prepared, each item should include board members’ names at the end, such as “Jones _____, Smith _____, Brown _____.” Then either “yea” or “nay” can be jotted in the blank after the vote. The law states: “When a roll call vote is taken, the minutes shall attribute each ‘yea’ and ‘nay’ vote or abstinence if not voting to the name of the individual member of the public governmental body.” The safest practice is to follow this procedure for every vote.

Records

The same law that requires that most meetings be open to the public also requires that records of the FPD be open to the public, unless the FPD board has adopted a written policy to keep certain records closed. If a district wants to have any closed records, it must have a written policy. (A sample policy for this purpose is available from the Member Resources section of the Missouri Association of Fire Protection District’s website, <http://mafpd.org>, or from the Missouri Attorney General’s website, <http://ago.mo.gov/sunshinelaw>.)

Every public governmental body must formally designate a custodian of records. For fire protection districts, this should be the secretary, as stated in Chapter V. The secretary/custodian of records’ name and contact information must be publicly posted (610.023).

Requests for records have deadlines for responding (see discussion under *Special fire district rules* above).

Provided the board has voted to approve a written policy to do so, sealed bids may be kept closed until the opening date. Personnel records beyond name, position, salary and length of service may and should be kept closed (including evaluations, reprimands and sick days used). Again, these records can be kept closed only if the FPD board has voted to approve a written policy to close them (610.021).

Policy regarding release of information

The statutes say that every governing body “shall provide a reasonable written policy ... regarding the release of information on any meeting, record or vote” (610.028.2). This policy should also provide guidance on

procedures for making a sunshine request and how to handle issues that may arise, including the cost of making copies and public videotaping of meetings. The FPD board may want its attorney to assist in writing such a policy. Sample resolution language and forms are available on the Attorney General's Office website, <http://ago.mo.gov/sunshinelaw/samples.htm>. This page also contains a sample form for requesting records from a governing body.

Copies

The district may recover the actual cost of making copies of records. It should be prepared to document these charges. Photocopy cost may not exceed 10 cents per page. The district can require payment of costs before it produces the records (610.026).

Challenges and penalties

Any person can challenge a public, governmental body with violating the state's open meetings and records laws. Once the challenger demonstrates to a court that the law applies to the body, the governing body must prove it did not violate the requirements.

If a fire district board is found to have improperly closed a meeting, each member who voted to close and who participated in the meeting is subject to a fine of up to \$1,000 plus attorney fees for the challenger. If the violation is found to have been purposeful, the fine increases up to \$5,000. In addition, the court usually nullifies any decisions made at an improperly closed meeting, which leaves the board with having to conduct the meeting's business again. If a member objects to closing the meeting, that objection shall be included in the minutes. If that member also votes against closing the meeting, the member has an "absolute defense" against the penalties noted, even if he or she subsequently attends the closed meeting (610.022.6).

Advice

The underlying presumption of this law is that the public has a right to watch public business being transacted. This presumption is hardly revolutionary in the United States. Because board decisions affect the public and influence public expenditures, citizens have a right to be concerned. Whenever possible, make every effort to stress openness. Skeptical Missourians, when convinced no one is trying to hide anything from them, generally lose interest quickly. Operating in secret makes them think the board is hiding something.

X. Budgets and the Budget Process

Rules and enforcement

No expenditure of public moneys shall be made unless it is authorized as provided in Chapter 67 of the Missouri Revised Statutes (67.080). Not a single cent of public money can be spent until a budget has been formally adopted following procedures and including the contents set out in the statute (67.010). The statutes are very clear on this point. Unless a formal resolution to adopt a budget has been accepted by a majority board vote, no funds can be spent. There are no budget police going around inspecting, nor squads of inspectors general making sure every one of the state's political subdivisions complies, but that does not mean this requirement cannot be enforced. District funds are public money.

Budget officer

Every political subdivision must designate someone as budget officer (67.020), and that person must prepare a proposed budget for the board. Logically, this should be the secretary or treasurer. Everyone connected with the district must furnish to the budget officer any facts or figures requested. The proposed budget is given to the board, which may, as often as necessary, return it for revisions before adopting it (67.030).

Fiscal year

The budget law does not specify the district's fiscal year. However, the FPD statutes mandate that the district's fiscal year be the calendar year, January to December (321.180).

Budget contents

At a minimum, the budget must have these five elements:

1. A budget message pointing out changes from the prior budget;
2. Estimates of revenue for the coming year, the year currently in progress and the previous year;
3. Estimates of spending for the coming year, the year in progress and the previous year;
4. A list of note payments due the coming year and report of balances remaining; and
5. A summary.

The budget must balance (67.010).

Much of the budget will be based on previous years' numbers and the budget officer's best estimates. How much revenue will come in is unknown, and the current year's total is incomplete. The last solid figures will be from two years ago. Because of this, budgets are subject to revision

Budgets and the Budget Process

- Rules and enforcement
- Budget officer
- Fiscal year
- Budget contents
- Changes
- Failure to adopt
- Financial statement and penalties
- Keeping documents
- Long-term and lease purchases

as the budget year progresses. Neither the budget officer nor the board can anticipate everything that will happen 13 or 14 months in the future.

Budget forms are available from the Office of the State Auditor. However, these may be more complex than districts will want because they are designed for counties. Designing your own simple form is quite acceptable. (A very basic budget outline is provided in the *Sample Forms* section of this manual.)

Changes

Any increase in spending over what has been budgeted during the course of the year must be approved by board resolution (67.040). The resolution must state “the facts and reasons making the increase necessary.” Internal transfers may be made that shift money from one fund to another, as long as they do not put the budget out of balance and money that was collected for one purpose is not used for another. Total spending can be no more than revenues received plus any balance on hand at the year’s beginning.

As far as the law is concerned, once a district prepares a budget, it can be put away until next year when the time comes to prepare a new one. But to benefit from the budget, the board should receive monthly updates. Regularly monitoring the budget can make it possible to find ways to save money, expand existing programs or add new ones. It is best to amend the budget, if necessary, before the end of the year, so that it balances.

Failure to adopt

If the board fails to adopt a budget by the start of the district’s fiscal year, the last-adopted budget remains in effect until the board approves a new budget. This means spending for whatever purpose cannot exceed the amount allotted in the last budget, until a new budget is adopted (67.070).

Financial statement and penalties

Each fire district must have an annual report of its financial transactions prepared in the format prescribed by the state auditor (105.145). As mentioned in Chapter VI. Treasurer Powers and Duties, the Office of State Auditor provides an electronic financial statement form (Microsoft Excel). The financial statement is to be filed with the Office of State Auditor within four months of the end of the district’s fiscal year. (A copy of the auditor’s form, with instructions, is provided in the *Sample Forms* section of this manual.)

Because an FPD’s fiscal year ends in December, the financial statement is due by the end of April. The penalty for an overdue financial statement is that board members receive no pay or expense reimbursement until the report is submitted.

Keeping documents

Documents related to the budget must be kept on file for three years. These are public records, open to being viewed on request by anyone during reasonable times (67.060).

Long-term and lease purchases

The fire district board cannot obligate its successors in office. Any purchase in an amount greater than the year's anticipated revenue plus balances on hand requires voter approval of a bond issue. To pass a bond issue requires an exceptional majority, usually by two-thirds of the voters. Once a bond passes, it becomes a lien against all taxable property in the district. (See Chapter XVII. Bond Issues.)

Many public entities dodge the bond issue requirements with lease-purchase arrangements. Such an agreement must be cancelable by a new board when elected, even if the members do not change. This puts the vendor at additional risk, which usually is factored into the price quoted. A board should enter into such agreements with caution.

Bids and the Bidding Process

- Legal requirements
- Phone and email bids
- Files
- Rejecting bids
- Specifications
- Sole-source suppliers
- Contracts must be in writing
- Prevailing wage

XI. Bids and the Bidding Process

Legal requirements

For purchases of \$10,000 or more of goods or construction work, a fire protection district is required to “publish” its specifications before making the purchase. No one knows exactly what this requirement means because it has not been litigated, but most fire district attorneys assume it means that you must: (1) advertise for bids, and (2) take the “lowest and best” bid if the price is \$10,000 or more [321.220(4)].

It is prudent for fire district boards to adopt a formal ordinance outlining the district’s purchasing policy. The Missouri Association of Fire Protection Districts provides a sample ordinance that can be used as a guide in the members-only section of its website, <http://mafpd.org>.

Phone and email bids

Seeking bids by telephone or email is acceptable and is often necessary. However, phone and email bids need to be treated exactly like written bids. Design a simple form for soliciting phone bids that lists the same information that would be provided in written bids, including the person calling for the district, the firm called, the date, the person speaking for the vendor, what was offered and for what price. (A sample bid form is provided in the *Sample Forms* section of this manual.)

Files

Make a file folder for every item that the district bids. The folder should contain a copy of the announcement, the specifications, written bids received and telephone bids solicited, the affidavit of publication of the notice and, eventually, the contract. Specifications can be kept closed until public announcement of bid letting is made [610.021(11)]. Sealed bids can be kept closed until bid opening [610.021(12)]. Sealing phone bids after the paperwork has been completed until the opening is advisable.

Rejecting bids

Every bid call should include the statement, “The district reserves the right to reject any and all bids.” This is necessary because often bidders will offer to provide goods or services different from those the district is seeking. If the bids received do not meet the specifications announced, the bids should be rejected, even though this slows down the process.

Specifications

Drawing specifications is not easy or simple. Suppliers will be glad to offer help, but be cautious about accepting it. Suppliers might write specifications so that only their product will qualify, nullifying the statutory “due opportunity for competition” mandate. Fire district boards can find guidance on bid specifications on the Missouri Association of Public

Purchasing website, <http://mappi.org>. The Missouri Office of Administration purchasing site, <http://oa.mo.gov/purch>, shows how state bids are written. Board members might also consult a larger fire department within the state.

Sole-source suppliers

Do not assume that only one supplier can furnish what the district wants. Remember some years ago when it was exposed that military purchasers were buying exorbitantly priced toilets and tools through sole-source suppliers. Usually, more than one supplier can furnish an acceptable product. Search the Internet for possible suppliers — you'll be surprised how many vendors are out there.

Contracts must be in writing

All contracts to which a fire district is a party must be in writing and must be signed by authorized representatives of the parties involved. Fire districts are not required to pay for any product, good or service unless there is *first* a written contract. Missouri has a special rule on contracts that protects all local governments (432.070). Although private individuals and businesses can be held liable for oral agreements — such as a telephone order or a quasi contract, where goods are delivered, unpacked and displayed for sale — Missouri governmental entities cannot be held liable for such agreements.

Thus, if a fire district receives a bill for products, goods or services for which it does not have a written contract, it can refuse to pay the bill. The vendor must be able to produce a properly signed contract to collect on the bill.

Prevailing wage

Prevailing wage must be paid on construction of public works (290.230). Prevailing wage is defined as the “hourly rate of wages for work of a similar character in the locality in which the work is performed” (290.220).

Personnel

- Coverage
- Risks
- Employees and volunteers
- Fire districts have special circumstances
- Special firefighter benefits
- Expectations and evaluation of fire chief
- Workers' compensation insurance
- Personnel policies
- Alcohol use
- Minimum wage

XII. Personnel

Coverage

Fire protection districts might not think of themselves as employers needing detailed personnel policies. They might have but one employee and work arrangements may be informal. However, even with a single employee, a district is an employer. It must have an employer identification number, withhold income and Social Security taxes from wages, and pay state unemployment insurance. Moreover, a fire district is considered a public employer. As such, it must keep certain records under the federal Fair Labor Standards Act, known as FLSA, and compensate employees in accordance with FLSA rules (see Chapter XIII. Federal Fair Labor Standards Act).

A district could have employees who are covered by Social Security and others who are not. Today, most public employees are covered by Social Security, but this was not always the case. Some long-term public employees who were not covered by Social Security may have been grandfathered when laws changed.

Risks

In recent years, there have been many changes in laws that relate to employees. Most of the changes are the result of federal laws designed to eliminate discrimination. Only gradually have similar laws also been adopted at the state level. These overlapping laws can be confusing. In some cases, they apply broadly to all workers, including volunteers; in other cases, they apply only to employees, or they may apply only to workplaces with a minimum number of employees, which might be four, 15, 25 or 75, depending on the section of the law.

A fire protection district is not exempt from labor laws simply because it performs a public service. Rather, it should assume that all discrimination and employment laws apply, even if it has fewer than the "minimum number" of employees. Under modern civil rights legislation, including statutes sometimes referred to as "Civil Rights" or "1983," (called this because of the legal citation, Title 42 of the United States Code, Section 1983), a district might be sued over fire district conduct that is not otherwise covered by the specific statute.

Fire district board members protect themselves by staying well informed and scrupulously following the laws. A board may also want to consider insurance that covers its decisions as an employer. Most insurance products, including workers' compensation, general liability and even board errors and omissions coverage, do not cover personnel or wage disputes. Insurance protection in this area requires separate, and expensive, employment liability coverage.

Employees and volunteers

Lawyers, legislators and courts use the terms “employee” and “volunteer” in different ways, and telling them apart for legal purposes can be difficult. Volunteers might receive a payment, such as a small honorarium called “show-up pay” when they attend a training session, or they might receive mileage or tuition reimbursement, especially when taking training far from home. Sometimes employees want to volunteer to fight fires (which, by the way, they cannot do unless paid at their regular rate of pay or at time-and-a-half, depending on the situation). Both employees and volunteers can be fired. Both employees and volunteers can be required to follow fire district policies, and both can be required to wear a prescribed uniform. Also, a fire district can be sued for the conduct of either type of worker.

When distinguishing between an employee and a volunteer, most will say that an employee is paid a “regular wage,” while a volunteer receives only “nominal compensation.” Recently the International Association of Fire Chiefs pressured the U.S. Department of Labor for more explicit guidelines clarifying who is an employee and who is a volunteer. In response, the Labor Department’s Wage and Hour Division provided a letter stating that a person would be considered a volunteer if he or she is paid less than 20 percent of what a full-time firefighter receives in the same locality. This 20 percent guidance might also be useful to fire districts in contexts beyond the authority of the Wage and Hour Division, such as minimum wage, overtime and compensatory time. For more information on volunteer compensation, see the International Association of Fire Chiefs (IAFC) publication *Managing Volunteer Firefighters for FLSA Compliance*.

Fire districts have special circumstances

Firefighters, whether they are employees or volunteers, are given certain legal dispensation when responding to a fire call. This includes allowance to drive as fast as they think prudent, provided both lights and siren are working. However, firefighters are not allowed to disobey stop signs or lights. Every year, firefighters and other emergency personnel die or suffer serious injury because of missed stop signs or traffic lights. Occasionally a firefighter (or police officer or ambulance driver) is charged with manslaughter when a death results from running a stop sign. Also, a district can be sued if one of its firefighters causes a traffic injury or death by inattention to stop signs.

As a result of speed, and because a fire tanker truck carrying 1,500 gallons of water does not steer like a sports car, failure of firefighters to wear a seat belt and shoulder harness is particularly dangerous. Rollovers of top-heavy fire apparatus cause an appalling number of firefighter deaths and injuries.

Thus, it is important that fire districts have rules requiring firefighters to stop at every stop sign or red traffic signal and to wear seat belts and shoulder harnesses. The district should discipline any firefighter, whether

an employee or a volunteer, who fails to obey these rules, even when driving a private vehicle to the fire station or a fire scene.

Special firefighter benefits

Hopefully, you will never need this information in your tenure as a fire protection district director, but you should be aware of special benefits that may be available to the families of firefighters who suffer a line of duty death, often referred to as an LODD. The Missouri Fire Service Funeral Assistance Team, <http://mofirefuneral.org>, helps fire departments when a firefighter dies, even if the death did not occur during duty. If a firefighter dies, the employing district should immediately contact this organization.

The federal government provides a death benefit (almost \$300,000 in 2011) to the family of a firefighter who dies in the line of duty or from a heart attack within 24 hours of a nonroutine stressful situation. The application for the benefit can require extensive medical records and is difficult to complete. The state funeral assistance team can provide guidance to families in this situation. This application requires certain autopsy results to show the death was not caused by alcohol or drug abuse. For this reason, the family should not release the body to a funeral home until after an autopsy.

Beginning with tax years starting on or after Jan. 1, 2008, Missouri provides a modest death benefit to the surviving spouse of a firefighter killed in the line of duty. (This benefit is also available to surviving spouses of paramedic, first responder or law enforcement personnel). The benefit is property tax relief on the family home as long as the surviving spouse does not remarry. The relief is provided through a special income tax credit that must be claimed annually on the state income tax return (135.090, as currently written, will expire in 2014).

Other miscellaneous benefits are also available. One of the nation's large funeral home chains will provide a free funeral service when an LODD occurs. Upon request, a uniform-manufacturing company will provide a free dress firefighter uniform for the body of a firefighter. More information about these benefits is available from the Missouri funeral assistance team.

Expectations and evaluation of fire chief

One of the most important duties of the fire protection board is to appoint a fire chief. Fire departments tend to be organized with a military-type command structure, and they are strongly influenced by the personality and level of competence of the fire chief. The board should take seriously its role in selecting and working with the fire chief, who will lead the fire department's day-to-day operations. When appointing a chief, the fire district board needs to communicate clearly and honestly with the candidates about its expectations. Once a chief is appointed, the board should evaluate the chief's performance annually. A sample list of board expectations and a sample form for annual evaluation of a fire chief can

be found in the members-only section of the Missouri Association of Fire Protection Districts website, <http://mafpd.org>.

Workers' compensation insurance

Laws require any fire department with four or more employees to have workers' compensation insurance to cover its employees. Volunteers are not counted as employees in this case, so most small FPDs do not have to provide this insurance. However, most FPDs that can afford to do so voluntarily provide workers' compensation insurance to cover both their employees and their volunteers. This insurance provides medical insurance coverage for a firefighter injured on the job, disability insurance coverage for a firefighter injured on the job, and a modest death benefit for the family of a firefighter killed on the job.

The workers' compensation benefits that volunteer firefighters might have at their regular jobs will not cover injuries from volunteering, so a separate policy is needed. Also, because private health insurance often excludes injuries that could be protected by workers' compensation, many times the volunteer's private health insurance also will not pay. In addition, the disability and death benefits listed above for volunteers are particularly modest because they are based upon a benefit of \$40 per week. If a volunteer firefighter is injured in a flashover, for example, an FPD workers' compensation insurance policy would pay all medical bills but would provide only \$40 per week disability pay for the time the firefighter was unable to work during recovery. If the firefighter supports a family, they may have difficulty getting through the recovery period on so little money. (Many generous employers will permit a volunteer firefighter who suffers an injury to draw vacation and/or sick leave pay, but employers are not required to do this.) For these reasons, some fire districts provide additional disability and death benefit protection for their volunteer firefighters.

Currently, three insurance companies that operate in Missouri provide specialized insurance coverage for fire departments. These companies are familiar with the workers' compensation problems, and other insurance companies can be educated about the problems and urged to provide reasonable assistance. The easiest way to find insurance may be to contact an independent insurance agency that represents multiple companies.

Personnel policies

Workplace-related lawsuits do not happen often, but when they arise, they are unpleasant and can be extremely expensive, even for the winners. That is why employment liability insurance coverage is sold separately and why it is expensive. Employers have found that one of the best defenses available is to have a published handbook of employment policies that is scrupulously followed in all situations. (Note: An employer is not required by law to treat employees and volunteers with dignity and respect, but if the

employer chooses to treat them badly, then all of them should be treated equally badly to avoid legal claims of discrimination.)

With this in mind, fire district boards are encouraged to examine their existing written policies, compare them with policies being used in neighboring fire districts and review sample policies available from insurance companies or from reliable sources on the Internet, such as the Missouri Association of Fire Protection Districts, <http://mafpd.org>. Then, put together a set of policies the FPD can live with and can actually follow. Keep in mind, a policy that is ignored is evidence that can be used against an employer; the board must follow the policies it adopts.

Alcohol use

Historically, firefighting has been conducted by voluntary social groups. Firefighting was often a form of group camaraderie that also provided some community benefit. Like many social activities, it was frequently accompanied by the use of alcoholic beverages. As firefighting has become more complex, it has become more a professional and less a social activity. The risks of combining alcohol and firefighting are obvious. FPD board members and officers should be aware of the risks and ensure that alcohol is removed from the firehouse, if its use there is still allowed or condoned in the district.

Minimum wage

Both Missouri and the federal government have enacted rules that govern minimum wages paid to nonvolunteer workers. Laws also regulate the maximum number of hours a paid worker can work before the employer must pay an overtime premium (time-and-a-half).

The Missouri law has been construed by the courts to not apply to local governmental bodies, such as fire districts.

The next chapter discusses the federal law. Information on the federal laws that govern wages is available on the Fair Labor Standards Act website, <http://www.dol.gov/whd/flsa>.

XIII. Federal Fair Labor Standards Act

Rules

The federal Fair Labor Standards Act (FLSA) was enacted in 1934, during the Great Depression. Its original purpose was to spread the available work among more workers. In 1978, the law was applied to local governments because of a U.S. Supreme Court decision. Congress then modified the law to accommodate some different employment practices in the public sector. As the law now reads, it applies to fire departments that have four or more employees who work either full or part-time. (For example, if a fire protection district employs a half-time paid fire chief, a half-time paid secretary, a quarter-time paid bookkeeper and a quarter-time paid janitor, it is considered to have four employees. In other words, each person counts as an employee, regardless of the number of hours he or she works.)

The law has three sets of rules that can apply to public entities, including fire districts:

Volunteers. Volunteers are not covered by the FLSA. Thus, an FPD’s rules covering these workers can generally be anything that is reasonable. As discussed in the previous chapter, volunteers can receive some compensation for their labors, provided it doesn’t exceed 20 percent of the rate for paid firefighters in the locality.

Normal employees. A secretary, bookkeeper, mechanic or other worker — even if cross-trained as a firefighter — is considered a regular employee who must be paid overtime for time worked over 40 hours in seven days and who can accumulate a maximum of 240 hours of compensatory time (for 160 hours of overtime work). A firefighter who is engaged in fire prevention and mitigation activities, such as building inspection, safety talks and handing out free smoke alarms, is considered to be working in firefighting and would be classified as a “career firefighter.” Similarly, a firefighter safety officer or a firefighter public information officer is a career firefighter.

Career firefighters. Those who meet the four-part test described below under Career firefighter rules.

Hourly equivalent wage

Regardless of how they are paid, every employee must have, on record, an hourly equivalent wage, which is the figure used for calculating overtime rates. If an employee is paid on an other-than-hourly basis, the equivalent figure is calculated by dividing hours worked per year into annual earnings.

Federal Fair Labor Standards Act

- Rules
- Hourly equivalent wage
- Overtime and compensatory time
- On-call time
- Career firefighter rules
- Penalties
- Other common benefits
- Volunteer work
- Exemptions

Overtime and compensatory time

Government workers, including FPD employees, are not treated the same as private sector workers because the government does not always have to pay employees one and half times their normal pay (time-and-a-half) for overtime hours. In this way, Congress recognizes that government agencies are required to live within a legislative budget and may not be able to pay for overtime. So a public entity, including an FPD, is allowed to give employees extra time off in the future instead of paying overtime, provided that workers receive one-and-a-half hours of future time off for each hour of overtime worked. However, the amount of compensatory time off is limited. Regular employees, such as nonfirefighters, must be paid time-and-a-half after they accumulate 240 hours of compensatory time (or 160 hours of overtime work). It is illegal to allow the employee to accumulate compensatory time beyond the maximum rather than paying overtime.

Once compensatory time is earned, it is the property of the employee. Within the bounds of reasonableness, it may be taken when the employee desires. Under a May 2000 ruling by the U.S. Supreme Court, however, public employers may require that employees take compensatory time they have accrued.

An employee does not have the right to decline to be paid overtime. Remember, the original passage of FLSA in 1937 was not intended to benefit workers but to employ more workers when over a fourth of the workforce was unemployed. The purpose of replacing the 60-hour week with the 40-hour week was to provide more jobs.

When an employee dies, quits, retires, is fired or is laid off, all the employee's unused compensatory time must be paid at either the employee's final rate of pay or the employee's highest rate of pay in the final three years, whichever is higher. Thus, accrued compensatory time is not only limited but is also a district liability, so the district needs to track it and not just rely on employees to track it. Time sheets need to report compensatory time earned in each period.

On-call time

Fire district personnel are often on call. Generally, rulings under FLSA decisions on whether on-call time must be paid have hinged on the required show-up time. If an on-call worker is required to arrive at work in 10 minutes or less, on-call time counts as hours worked. However, most rulings suggest that if a called-in worker has more than 10 minutes to arrive, on-call time does not count as hours worked.

Career firefighter rules

The Fair Labor Standards Act contains a specific exemption in paragraph 207(k) that establishes special rules for career firefighters. Like most federal statutes, it begins with a definition. For FLSA purposes, a

firefighter is someone who: (1) is trained in fire suppression; (2) has the legal authority and responsibility to engage in it; (3) is employed by a city, county, fire district or state; and (4) is engaged in the prevention, control or extinguishment of fires or responds to emergency situations where life, property or the environment is at risk. Employees who meet all four standards may work on a 28-day schedule, with overtime pay accruing when they exceed 212 hours of work. These employees may accumulate up to 480 hours of compensatory time (equal to 320 hours of overtime work).

Another special firefighter rule allows career firefighters to arrange among themselves to trade time. Here is an example: Firefighter Adams is scheduled to work for 48 hours this Friday and Saturday. But his wedding anniversary is this weekend and he would like to spend the weekend with his family. He arranges with a coworker, Firefighter Baker, to work Friday and Saturday. This exchange of work does not require the advance permission of the employer. Baker works as promised but the fire department pays Adams because he was the one scheduled to work. Adams makes his own arrangement to compensate Baker, which usually takes the form of Adams working for Baker later when requested. In any industry other than firefighting, this practice of trading time is illegal. It is legal for firefighters, however, provided the employer does not forbid the practice.

Penalties

If an employee files a complaint about labor practices, the U.S. Department of Labor (DOL) investigates. The DOL investigators do not look solely at the hourly records of the employee or former employee who complained, but they review all work records of all employees — even those the district counts as exempt from coverage. And they usually find violations of some sort, nearly always in record keeping. The DOL can assess penalties that go back two years from the date the complaint was filed, or three years if the employer was purposely trying to dodge the law. Penalties can be doubled for certain violations. Don't risk an investigation. Keep careful overtime records and compensate overtime.

Other common benefits

The FLSA concerns only two sets of numbers: 40 hours in seven days, or 212 hours in 28 days for 207(k) employees. The FLSA does not concern holidays, vacations, Sundays, sick leave or other common employee benefits. Nor does it concern special pay rates, such as night differential and holiday pay. Whether to offer any of these benefits is a district decision.

Volunteer work

Generally, an employee cannot volunteer for the same work for which he or she is paid. A fire district employee could volunteer to do work for a city or a county, but time spent volunteering for the district would be hours

worked and would have to be paid. This would probably hold true even in a case such as an office secretary who volunteers to make ambulance runs.

Exemptions

Several groups of employees, including executive, administrative and professional workers who are paid a salary, are exempt from certain overtime and minimum wage coverage rules. Each class is tightly defined. Executives must have hire and fire authority, make management decisions, supervise at least two workers (not counting themselves) and make at least \$455 per week. Administrative workers must spend at least 80 percent of their work time deskbound and doing administrative tasks, be able to exercise independent judgment and make at least \$455 per week. Professionals must have completed a recognized training program, usually at the master's degree level, meet the pay criteria and be able to exercise independent judgment. Those who provide training and instruction may also be exempt.

Exempt employees must be paid on a salary basis, which means they are not subject to having their pay docked for any reason other than dangerous safety violations, regardless of hours worked. A district puts itself at risk if it pays overtime to an exempt employee, because that makes it seem as if the employee is an hourly, rather than salaried, worker.

In most fire protection districts, only the district chief is likely to be classified as exempt, and then only if the chief supervises at least two employees. An FPD should be cautious about classifying workers as exempt. Boards are encouraged to become well-informed about the implications of such decisions.

XIV. Training, Physical Training and Equipment

Fires and deaths rare

Many people are unaware of how remarkably the risk of fire has been reduced. In the 1920s, it was not unusual for any family to have had someone die in a fire. Now, fire fatalities are rare. This change is due partly to safer living conditions, with fewer kerosene lamps and open fires for heat, and partly to improved training of firefighters. Today, most fire departments respond to medical emergencies and to automobile accidents to help remove people from vehicles more frequently than they fight fires (generally about 66 percent and 34 percent, respectively).

No minimum training in Missouri

Nationally, recommended minimum levels of training for firefighters have been set. Missouri, however, does not require a minimum level of training. It is up to the individual fire chief or fire protection district to insist on a minimum level of competence.

The first two levels of training are known by their titles, Firefighter I and Firefighter II. Ideally, all firefighters should be trained at the Firefighter I level before starting to fight fires, and they should complete Firefighter II training within a year after that. Achieving these best practices with volunteers can be difficult, however. Requiring a minimum level of competence with paid firefighters is easier.

Nationwide statistics show that about 53 percent of all fire departments — with about 42 percent of all firefighters — do not provide or require any training for fighting structural fires. The lack of training is even more pronounced in other areas of emergency response: emergency medical services, 53 percent; hazardous material response, 71 percent; wild land firefighting, 74 percent and rescue, 88 percent. For more information, see the National Fire Protection Association website, <http://nfpa.org/needsassessment>.

A fire district should encourage its firefighters to receive training and provide an adequate budget to allow this. Many free and low-cost resources are available to help districts provide training.

Firefighter I and Firefighter II training is available free from the Missouri Division of Fire Safety, State Fire Marshal's Office. These classes and many others are available from the University of Missouri Fire and Rescue Training Institute (<http://mufrti.org>) for a fee, though grants are sometimes available to cover the costs. Advanced training is available from both these sources, as well as from the U.S. Fire Administration National Fire Academy (NFA), which is now part of the Department of Homeland Security. Firefighters who attend the fire academy receive reimbursement

Training, Physical Training and Equipment

- Fires and deaths rare
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of travel expenses, meals and dormitory space during training. For more information, see the NFA website, <http://usfa.dhs.gov/nfa>.

Physical training

Physical training may be nearly as important as fire-related training. Firefighters need to eat right, exercise and get regular medical checkups. Everyone in a district benefits when a fire district encourages better physical training for its firefighters.

The leading cause of death among firefighters is heart attack. This is true for both career and volunteer firefighters. Firefighting involves long periods of intense boredom waiting for a fire followed by short periods of extreme stress, physical activity and danger. Nationally, about 115 firefighters die each year; heart attacks cause about half of these deaths. No statistics are published about nonfatal firefighter injuries, but from informal reports the percentage of heart attack injuries seems to be about the same. (See Fire Fighter Close Calls online at <http://firefighterclosecalls.com> for more information and an email newsletter on firefighting injuries and their prevention.)

Equipment and grants

To properly equip firefighters to fight fires costs about \$5,000 per person. This provides three main elements:

1. fire-resistant clothing (including boots, gloves and helmet) to help protect firefighters from the heat;
2. a self-contained breathing apparatus, known as SCBA, that allows firefighters to enter areas with heavy smoke; and
3. a “personal alert safety system,” or PASS device, that allows firefighters to be located if they become disoriented, trapped or injured when inside a building.

A nationwide survey found that about 8 percent of all fire departments, with about 100,000 firefighters, did not have enough protective clothing to protect their firefighters, 28 percent did not have enough SCBA gear and 29 percent did not have enough PASS devices. (For more information, see the National Fire Protection Association website, <http://nfpa.org/needsassessment>.)

This equipment, and its regular use, is critical for effective firefighting and safety. For example, a recent firefighter death in Missouri occurred when a volunteer in a small department was fighting a brush fire without protective clothing. The wind shifted, and he was trapped. Proper protection is important even when fighting a brush fire.

To help fire departments obtain equipment, Missouri has a statute that allows larger fire departments to give out-of-date or obsolete equipment to other departments without fear of liability for providing substandard equipment, on the theory that something is better than nothing. (See

RSMo. 320.091. Note: Chapter 320 deals generally with fire protection, whereas Chapter 321 deals with fire protection districts.)

The federal government has several grant programs to help communities pay for fire equipment and facilities. These include Assistance to Firefighters grants and the Staffing for Adequate Fire and Emergency Response, or SAFER, grant program. More information about these grants is available online from the U.S. Fire Administration, <http://www.usfa.dhs.gov/fireservice/grants>, or the Federal Emergency Management Agency, <http://fema.gov/firegrants>. Applications for both programs must be submitted electronically. The programs are highly competitive, but helping to provide protective equipment is currently a high priority for the government.

In Missouri, the Department of Conservation (MDC) has a smaller grant program to help with what are now called “wildland fires” (namely, brush fires and forest fires). Details are available online at <http://mdc.mo.gov/landwater-care/fire-management/wildfires>.

The MDC also has a matching grant program that helps rural and volunteer fire departments obtain equipment. In addition, the MDC participates in the federal Excess Property Program through an agreement with the U.S. Forest Service, to secure excess federal equipment to redistribute to rural fire departments. To be eligible, districts have to sign a mutual aid agreement with MDC. More information is available online at <http://mdc.mo.gov/forest/fire/programs.htm>.

Nepotism: Do Not Appoint Relatives

- The law
- Degrees of relationship
- Consanguinity and affinity

XV. Nepotism: Do Not Appoint Relatives

The law

The Missouri Constitution, in Article VII, Section 6, is direct and to the point on the matter of nepotism: “Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.” In other words, an official or public employee who appoints a relative loses his or her own office or job. This happens at the time the appointment is made, even if the appointment is to an unpaid position.

The section forbids appointment of relatives. An official who abstains from voting when a relative is under consideration violates nothing. A person would not be in violation if elected to a position that a relative held previously by election or appointment. Also, brothers can be on the board, as long as the voters do the appointing. However, if a district chief hires her son to work at the office, the chief’s job is forfeit, though the improperly appointed son would keep his position. If the rest of the board were to hire the chief’s son for the same job, there would be no violation. It is the use of an official position to appoint a relative that is prohibited.

Degrees of relationship

All relatives have a common ancestor. Degrees of relationship are calculated by counting from one relative back to the common ancestor, then forward to the other relative. First cousins, for example, the children of siblings, would be related in the fourth degree: from A to parent to grandparent to B’s parent to B. Sisters would be related in the second degree: from one to parent to the other.

Consanguinity and affinity

Consanguinity and affinity are fancy ways of saying, “by blood or by marriage.” A daughter and daughter-in-law count exactly the same. Spouses count as a unit, so that relatives of either are equivalent relatives of both. Whether ex-relatives are considered still related is unclear.

XVI. Conflict of Interest

The law

In ordinary language, the conflict-of-interest law provides that officials will not do business with themselves (105.450–105.466). It says officials may not be paid or receive anything of value for official actions, beyond the statutory salary. Nor may they use information gained in an official capacity to benefit them or another, or official acts to benefit spouse or children (105.452). These rules cover elected officials and all public employees.

The prohibitions in the conflict-of-interest law not only cover the time a person serves in office or works for a public entity but also extend for a year afterward. This “follow-on ban” covers actions that could influence decisions of the district, or dealing in a business with any matter that came before the district while the person was in office or working there.

Working for or renting to the district

The law limits any paid work for the district by an appointed official to \$500 per transaction and \$1,500 per year beyond the official's regular salary. Rent, sale or lease of property is limited to the same amounts (105.454).

An exception is provided when a competitive bid is taken and the official's bid is lowest [105.454(E1)]. Board members are prohibited from working for the district for pay, but may sell, rent or lease within dollar limits upon low bid. However, note that in this exception, the language is not the “lowest and best” but the absolute low-dollar bid. Keep in mind that the dollar limit is firm, regardless of circumstances. Above \$1,500, any official's work is unpaid, period.

Officials' business interests

The law likewise limits businesses with which an official or an official's family members are affiliated to the \$500 per transaction, \$1,500 per year maximum. Having substantial interest in a business is defined as the official or family member owning 10 percent or more, having an interest worth \$10,000 or more, or drawing \$5,000 or more annual salary. If the board president's husband works at a local restaurant and is paid over \$5,000 per year, the president has a substantial interest in that restaurant and the district holiday party should be held somewhere else.

Penalties

The first conviction for violating the conflict-of-interest law is a Class B misdemeanor, with a maximum punishment of six months' confinement and/or a \$500 fine. Every additional offense is a Class D felony, with a maximum punishment of five years' confinement and/or a \$5,000 fine.

Conflict of Interest

- The law
- Working for or renting to the district
- Officials' business interests
- Penalties
- Disclosure

Disclosure

Officials of an FPD that has a budget of \$1 million or more are required to fill out a Financial Statement for Political Subdivisions Disclosure form and file it with the Missouri Ethics Commission. More information and copies of the form are available at <http://moethics.mo.gov>.

XVII. Bond Issues

Explanation

When a fire protection district needs long-term financing, the method of raising funds that the Missouri Constitution and statutes provide is to issue bonds. These bonds come in two types: general obligation and revenue. General obligation bonds basically use all taxable real estate and personal property in the district as security to borrow against. Revenue bonds use as security only the revenue to be produced from the project or activity that the borrowing is for. FPDs nearly always use general obligation bonds because almost all their revenue comes from taxation. There are few situations for which revenue bonds could be used.

General obligation bonds

General obligation bonds represent a lien against every taxable property in the district; thus, they are more tightly controlled than revenue bonds. Commonly called GO bonds, they can be issued only after voters approve a bond issue by an “exceptional” majority. At high-turnout elections — April, August and November — this means four-sevenths or 57.1 percent approval. At low-turnout elections — February, March or June — it means two-thirds or 66.7 percent approval.

After passage of a GO bond issue, an annual property tax levy raises the revenues needed to redeem these bonds. Should a district default on GO bonds, every taxable property in the district would have a proportional lien for its share placed against it. Property could be sold at auction for nonpayment (321.340–321.380)

Revenue bonds

As stated above, revenue bonds do not obligate taxable property in the district but only the revenue that is expected to be received from the purpose for which the funds were borrowed. An example of when a revenue bond might be used is if a district contracted with a city adjoining the district boundaries to provide service for an annual contract fee (321.221). Revenue bonds could be used to finance construction of a firehouse inside that city, payable from the contract payments.

Law firms that specialize in bond issues generally assess whether the proposed projects will produce necessary revenues to retire revenue bonds. If a firm considered the bond issue unlikely to cover its obligations, it would not draw up the bond issue.

Interest

As political subdivisions, fire protection districts can issue bonds that are exempt from both state and federal income taxes. This tax exemption makes GO and revenue bonds attractive to investors, which allows borrowing at lower interest rates.

Bond Issues

- Explanation
- General obligation bonds
- Revenue bonds
- Interest
- Loan term

General obligation bonds usually have a slightly lower interest rate than revenue bonds.

Loan term

Generally, Missouri laws permit borrowing for no longer than a 20-year term. Any term up to 20 years is permissible. Whatever the term, the reserves set aside to repay bonds can be no more than amounts necessary to make the current year's and the coming year's payments. With GO bonds, each year's assessed property valuation is calculated against payment amounts needed, the dollar value of bonds maturing, to establish the needed levy amount.

XVIII. Elections

Timing

Fire protection district elections are held on municipal election day, which is the first Tuesday after the first Monday in April. This minimizes costs because election costs are divided proportionally among all entities holding elections on a particular day. The April election has the greatest number of potential ballot issues, with the schools, cities and all districts participating.

Posts to be filled

The only elected officials of a fire protection district are the board members. Everyone else is appointed, including the office staff, fire chief and possibly the secretary and the treasurer. After the original board completes staggered terms so that all members will not come up for election at the same time, terms are for six years. Unlike other subdivisions, if no one files for an open seat; FPDs fill a vacancy by board appointment they do not count write-in names and award the seat to the person who receives the most votes. Write-ins are not possible for FPD board positions because the ballot has no line for them.

Eligibility

A candidate for board member generally must have resided in the district and must have been a registered voter for one year immediately prior to seeking office. Minimum age for board members is 25. The first group of board candidates (when the district is established) files for candidacy with the county, paying \$5 to the county treasurer upon filing. Subsequent board candidates file with the fire district secretary, paying a \$10 filing fee. Candidates must file a statement testifying that they are qualified to serve if elected.

In 2005, the legislature made persons guilty of a federal felony or misdemeanor ineligible for any state elective public office (115.348). In 2006, the legislature also disqualified persons who owe any tax or who are a past or present corporate officer of any fee office that owes taxes to the state (115.342) and those found guilty of a state felony (115.350)

Nonelections

FPDs are eligible to have a nonelection. This provision allows districts having nonpartisan elections to skip holding an election if the number of candidates who file is no greater than the number of open seats (115.124). When these conditions are met, no election is needed, and the candidates are declared elected without ever appearing on a ballot or any votes being cast.

This provision can cause problems. In one district, a lady thought no one was filing for a board seat that was coming open. Rather than see it blank on the ballot, she filed. Later, when someone who was more serious about

Elections

- Timing
- Posts to be filled
- Eligibility
- Nonelections

the position filed, she offered to drop out. The board, eager to save the costs of an election, offered to reimburse her costs for getting a court order to remove her name. She became suspicious of the board's motives and changed her mind about withdrawing.

XIX. Additional Resources

Federal Emergency Management Agency (FEMA)
(Grant information and tutorial)
Phone: 866-274-0960
Email: firegrants@dhs.gov
<http://www.fema.gov/firegrants>

Fire and Rescue Training Institute
University of Missouri Extension
240 Heinkel Building
Columbia, MO 65211
Phone: 800-869-3476 or 573-882-4735
Fax: 573-882-0678
<http://mufrti.org>

Firefighters Association of Missouri
P.O. Box 200
Grain Valley, MO 64029
Phone: 877-847-FFAM (3326)
<http://ffam.org>

Local Records Preservation Program
P.O. Box 1747
Jefferson City, MO 65101-1747
Phone: 573-751-9047
Fax: 573-526-3867
<http://sos.mo.gov/archives/localrecs/program.asp>

Missouri Association of Fire Chiefs
P.O. Box 589
Oak Grove, MO 64075
Phone: 816-690-6990
Fax: 816-690-6191
<http://mofirechiefs.org>

Missouri Association of Fire Protection Districts
5304 E. Tayside Circle
Columbia, MO 65203
Phone: 573-289-7279
Email: mafpd2008@yahoo.com
<http://mafpd.org>

Missouri Attorney General
(Sunshine Law information)
Phone: 573-751-3321
<http://ago.mo.gov>

Missouri Department of Conservation Forestry Division
(Assistance to rural and volunteer departments)
Phone: 573-751-4115
<http://mdc.mo.gov/forest/fire/programs.htm>

Missouri Division of Fire Safety
Office of the State Fire Marshal
P.O. Box 844
Jefferson City, MO 65102
Phone: 573-751-2930
Fax: 573-751-1744
<http://dfs.dps.mo.gov>

Missouri Fire Service Funeral Assistance Team
716 N. Elm Ave.
St. Louis, MO 63119
Phone: 314-973-0685 or 888-4911HELP
<http://mofirefuneral.org>

Missouri Secretary of State
(Information on elections, records retention, etc.)
Elections:
James C. Kirkpatrick State Information Center
P.O. Box 1767
Jefferson City, MO 65102-1767
Phone: 573-751-2301 or 800-669-8683 (NOW-VOTE)
Fax: 573-526-3242
<http://sos.mo.gov>

Missouri State Auditor
(Taxation and finance information)
301 W. High Street
Office 880
P.O. Box 869
Jefferson City, MO 65102
Phone: 573-751-4213
Fax: 573-751-7984
<http://auditor.mo.gov>

United States Fire Administration
(Grants and training publications and information)
For most information, <http://usfa.dhs.gov>
For grant information and tutorial, <http://www.usfa.dhs.gov/fireservice/grants>

Sample Forms for Fire Protection Districts

(The following forms are in order as they are referenced in the text.)

Fire Protection District Real Estate and Equipment Inventory Record *(See page 10 of manual.)*

(2 pages)

Required as part of the financial statement

Resolution for Appointment of Custodian of Records *(See page 17 of manual.)*

(1 page)

Meets Missouri Sunshine Law requirements, RSMo. Chapter 610

Accounts Payable and Payroll Check register *(See page 18 of manual.)*

(1 page)

Greatly simplifies creation of the financial statement

Financial Statement and Instructions *(See page 18 of manual.)*

(7 pages)

Every district is required to complete and approve

Electronic version in Microsoft Excel available at the state auditor's

Web site, <http://auditor.mo.gov>

Notice of Closed Meeting *(See page 26 of manual.)*

(1 page)

Required if a closed meeting is scheduled

Indicates the statutory authorization for closing the meeting

Notice of Meeting *(See page 26 of manual.)*

(1 page)

Informs of the meeting and the tentative agenda

Fire Protection District Budget Outline *(See page 30 of manual.)*

(3 pages)

Every district is required to complete, approve and keep on file for three years

Electronic version in Microsoft Excel available on the state auditor's website,

<http://auditor.mo.gov>

Telephone Bid Form *(See page 32 of manual.)*

(1 page)

Documents contacts made for purchase decisions

Real Estate and Building Inventory

Tract #1 - Location: _____

Legal description, Including: _____ Section _____ Township _____ Range

Land value _____
Structure value _____
Total value - Tract #1 _____

Tract #2 - Location: _____

Legal description, Including: _____ Section _____ Township _____ Range

Land value _____
Structure value _____
Total value - Tract #2 _____

Grand total real estate and building value equals (This page) \$ _____

Grand total equipment value equals (Page #1) \$ _____

Grand total of real estate and equipment value equals \$ _____

Signature of Fire Protection District Official

Date

Resolution for Appointment of Custodian of Records

Whereas, Section 610.023.1 RSMo. provides that a public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records and the identity and location of the custodian is to be made available upon request, and

Whereas, Section 610.026.2 RSMo. provides that a public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.035 RSMo., commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote,

Now therefore be it resolved:

1. That _____ be and hereby is appointed custodian of records of _____, and that such custodian may be contacted at _____.
2. That said custodian shall respond to all requests for access to or copies of a public record within the time period provided by statute except in those circumstances authorized by statute.
3. That the fees to be charged for access to or furnishing copies of records shall be as hereinafter provided, which fees do not exceed the actual cost. See attached list for itemized charges.
4. That It's the public policy of _____ that meetings, records, votes, actions and deliberations of this body shall be open to the public unless otherwise provided by law.
5. That _____ shall comply with sections 610.010 to 610.035 RSMo., the Sunshine Law, as now existing or hereafter amended.

Adopted: by the _____ District Board of
_____ County in regular session this
day of _____.

Attest: _____, Clerk of _____ District

Financial Statement

CERTIFICATION PAGE

I _____, _____ of
(Name - please print) (Title)

_____ of _____ do attest, under oath, this
(Political subdivision) (County)

report is a true and accurate account of all financial transactions for the year ended _____ .
(month, day & year of report year end)

Signature _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Notary public signature)

(Notary seal)

My Commission Expires: _____

(Political Subdivision Name)

(Mailing Address)

(Telephone Number)

(Fax Number)

(Email Address)

Financial Statement Summary

For the Year Ended _____

	Total All Funds	General Fund	Fund	Fund	Fund
Beginning Balance	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Receipts	_____	_____	_____	_____	_____
Total Disbursements	_____	_____	_____	_____	_____
Ending Balance	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Receipts

	(Political Subdivision Name)				
	Total All Funds	General Fund	Fund	Fund	Fund
Property Tax					
_____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total (T01)	_____	_____	_____	_____	_____
Sales Tax					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total (T09)	_____	_____	_____	_____	_____
Franchise Tax					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total (F15)	_____	_____	_____	_____	_____
Intergovernmental Receipts					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____
Charges for Services					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____
Utility Receipts					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____
Interest Earned (U20)					
_____	_____	_____	_____	_____	_____
Other Receipts and Transfers					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Interfund Transfers	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____
Total Receipts	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Disbursements (By Function)

		Total All Funds	General Fund	(Political Subdivision Name)		
				Fund	Fund	Fund
General Government	(E29)	\$	\$	\$	\$	\$
Police	(E62)					
Fire	(E24)					
Streets and Roads	(E44)					
Sanitation	(E81)					
Health and Welfare	(E32)					
Parks	(E61)					
Libraries	(E52)					
Debt Payments						
Interfund Transfers						
Total Disbursements by Function		\$	\$	\$	\$	\$

Disbursements (By Object)

		Total All Funds	General Fund	(Political Subdivision Name)		
				Fund	Fund	Fund
Salaries	(Z00)	\$	\$	\$	\$	\$
Fringe Benefits						
Operations						
Debt Payments						
Capital Expenditures	(V98)					
Interfund Transfers						
Total Disbursements by Object		\$	\$	\$	\$	\$

Statement of Indebtedness

Issue Description	(Political Subdivision Name)			
	Outstanding Beginning of Fiscal Year	Issued During Fiscal Year	Retired During Fiscal Year	Outstanding End of Fiscal Year
General Obligation Bonds	(19X)	(29X)	(39X)	(41X)
	\$ _____	\$ _____	\$ _____	\$ _____
	_____	_____	_____	_____
	_____	_____	_____	_____
Revenue Bonds	(19X)	(29X)	(39X)	(41X)
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
Other Debt				
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
Totals	\$ _____	\$ _____	\$ _____	\$ _____

Statement of Assessed Valuation and Tax Rates

Assessed Valuation

Real Estate	\$ _____
Personal Property	_____
State Assessed Railroad and Utility	_____
Total Valuation	\$ _____

Tax Rates

Funds	Tax Rate (per \$100)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Instructions for Completing Financial Report for Political Subdivisions

1. **Please complete and sign the certification section** and mail the completed form to the State Auditor's Office, P.O. Box 869, Jefferson City, MO 65102, or email to polysubfs@auditor.mo.gov. If you are emailing the form you will also need to fax a copy of the certification page with your signature to 573-522-9743.
2. **Financial Statement Summary (page 1)** — Five columns are provided, one for the total of all funds, one for your General Fund, and three for any other funds which you may have. If you have funds in addition to your General Fund, such as a Debt Service Fund, Street Fund, or Water and Sewer Fund, you need to insert the name of any such fund in the blanks provided. If you have more than three funds in addition to your General Fund, you will need to attach a separate page showing the additional funds. Many smaller governments operate using only a General Fund. If so, you should leave the three columns provided for additional funds blank.

The beginning balance of each fund, plus the total receipts, less total disbursements should equal your ending balance. Total receipts for each fund should equal the total receipts shown on page 2. Total disbursements for each fund should equal the total disbursements shown on page 3.

This financial report should provide data for your most current fiscal year.

3. **Receipts (page 2)**
 - a. **Property Tax** — Include real, personal and other property tax, but do not include any tax revenues, which you collect as agent for another governmental entity.
 - b. **Sales Tax** — Include any and all sales taxes by fund and type. Municipalities in St. Louis County should report their share of the county sales tax.
 - c. **Franchise Tax** — (Public Utilities Tax) Include monies received **from** utility companies.
 - d. **Intergovernmental Receipts** — Include monies received from state, federal and local governments (e.g., County Aid Road Trust Money, federal grants).
 - e. **Charges for Services** — Include fees and permits received.
 - f. **Utility Receipts** — Include monies received from taxpayers **for** utility sales, (e.g., electric, sewer, water).
 - g. **Interest Earned** — Interest earned from investments.
 - h. **Other Receipts and Transfers** — Include fines and any other receipts that your political subdivision receives that would not be included in the above categories. Include any monies transferred from another fund.

Note — If necessary, add or delete receipt titles to more closely reflect the political subdivision's financial activity.

4. **Disbursements (page 3)** — Disbursements should be broken down by function and/or object. Governments having multiple functions (such as police, fire, etc.) or objects (salaries, supplies, etc.) should provide both (if available) and the totals of both should agree.
 - a. **By Function** — List amounts on the line pertaining to the category or write in a category on one of the blank lines. Include any monies transferred to another fund.
 - b. **By Object** — List amounts on the line pertaining to the category or write in a category on one of the blank lines. Include any monies transferred to another fund.
5. **Statement of Indebtedness (page 4)** — This section requests information on debt issued by your political subdivision. Debt outstanding at the beginning of the fiscal year, plus debt issued less debt retired should equal the debt outstanding at the end of the fiscal year. All types of debt (e.g., general obligation bonds, revenue bonds, leases, notes) should be reported here.
6. **Statement of Assessed Valuation and Tax Rates (page 4)** — The assessed valuation information will be available from your county. The tax rate information will pertain to the tax rate set for the current fiscal year.

If you have any questions regarding the completion of this form, please feel free to call Dana Wansing at the Missouri State Auditor's Office, telephone 573-751-4213.

Notice of Meeting

Date and time of posting: _____

Notice is hereby given that the _____
will conduct a meeting at _____ o'clock on _____
at _____ (location).

The tentative agenda of this meeting includes:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____

and such other matters as may come before the Board

***To be posted "in a manner reasonably calculated to advise the public"
at least 24 hours in advance.***

Notice of Closed Meeting

Date and time of posting: _____

Notice is hereby given that the _____

having duly voted to close its upcoming meeting as authorized by

Chpt. 610.021. _____ RSMo., will conduct a closed meeting at

_____ o'clock on _____

at _____ (location).

610.021.1	Legal actions involving a public governmental body
610.021.2	Leasing, Purchase or sale of real estate where public knowledge would tend to effect the price
610.021.3	Hiring, firing promoting or disciplining of a specific employee
610.021.11	Preparation of specifications for a bid-letting (released when publicly announced)
610.021.12	Sealed bids and related documents (released when contract is awarded or bids rejected)

See Chap. 621 Section 021 for additional authorizations.

***To be posted "in a manner reasonably calculated to advise the public"
at least 24 hours in advance.***

Budget Outline

District General Revenue Fund Receipts

Last Year Current Year Next Year

Real estate taxes
Personal property taxes
Railroad and utility taxes
Subclass III surtax
Other revenues

Expenditures

Last Year Current Year Next Year

District Bond Amortization Fund Receipts

Last Year Current Year Next Year

Real estate taxes
Personal property taxes
Railroad and utility taxes
Subclass III surtax

Expenditures

Last Year Current Year Next Year

Itemize by category, combining as much as possible

67.010 RSMo. "The annual budget shall present a complete financial plan for the ensuing year" including: message, revenues, expenditures, loan payments and a summary. Budget office presents, Board revises, adopts and amends as necessary.

Telephone Bid Form

Date: _____ Time: _____

Calling for township: _____

Speaking for vendor: _____

Vendor firm name: _____

Address: _____

City, State: _____

Specifications on item sought:

Price quoted:

Additional information, charges, delivery details, etc.:

*When all information has been entered,
seal in an envelope as if a written bid had been submitted.*

