

**RULES AND BYLAWS OF THE GENESEE FIRE PROTECTION DISTRICT  
VOLUNTEER FIREFIGHTER'S PENSION FUND**

**PREAMBLE**

The following rules and Bylaws are hereby adopted pursuant to and in accordance with Colorado Revised Statutes 31-30-401, et seq. (Statute). The Rules and Bylaws of the Genesee Fire Protection Volunteer Firefighter's Pension Fund shall be deemed to be consistent with and in strict compliance with the Statute and as such all subsequent amendments to the Statute shall be deemed to be incorporated herein and be made a part of these Rules and Bylaws without the necessity of subsequent amendment so that the same shall be consistent with the laws of the State of Colorado.

**ARTICLE I  
(Membership of the Board)**

There shall be and is hereby created a Board of Trustees (Board) of the Genesee Fire Protection District Volunteer Firefighter's Pension Fund. The Board shall consist of the Board of Directors of the Genesee Fire Protection District and two additional members of the Genesee Fire & Rescue Department, who shall not be members of the Board of Directors. The Treasurer and the Secretary of the Genesee Board of Directors shall act as the Treasurer and Secretary respectively of the Genesee Fire Protection District Volunteer Firefighter's Pension Fund (Fund). The Trustees shall serve terms of office on the Board as follows: The President for the term of office, the Treasurer and Secretary for their tenure in office, and two firefighters for two year terms of office. The initial election of the members of the Fire & Rescue Department serving as trustees shall be conducted to elect one member for two years and one member for a one-year term. The Treasurer of the Fund shall be required to supply a bond in an amount designated by the Board and paid for by the Fund.

In case of any consolidation or merger of the Genesee Fire Protection District with one or more municipalities or fire protection districts, the former trustees of the various volunteer firefighter's pension funds of such consolidated or merged political subdivision shall, with due regard to equal representation, elect seven persons from their number to serve as Trustees of the Firefighter's Pension Fund of said merged or consolidated fund, not more than three of whom shall be firefighters, and the former Trustees not so elected shall cease to hold office. The Trustees of said consolidated fund shall elect from their number, a President, Secretary and Treasurer. The Treasurer of the Fund of the consolidated district shall be required to supply a bond in an amount designated by the Board and paid for by the Fund.

**ARTICLE II  
(Action of the Board)**

The Board shall make all rules and regulations necessary for the management and discharge of their duties and preservation and protection of the Fund. In no event, however, shall the rules and regulations of the Board so adopted be inconsistent with C.R.S. 31-30-401, et. Seq. The Board shall hear and decide all applications for relief, pensions, annuities, retirement or other benefits due pursuant to C.R.S. 31-30-401, et.seq. and in accordance with C.R.S. 24-4-105. The action of the Board shall be final and conclusive except that when, in the opinion of the Board, justice demands that said action should be reconsidered; the Board may reverse the same. A record of such action and all other matters properly coming before the Board shall be kept and preserved.

### **ARTICLE III (Use of Fund)**

All monies held in the Fund shall be maintained for the exclusive use and benefit of the qualifying members of the Genesee Fire Protection District, their surviving spouses, dependent children, and dependent parents. Such funds shall be segregated by the Treasurer and maintained separate and apart by the Treasurer from all other funds held for the benefit of paid firefighters, unless, in the opinion of the Board of the Genesee Fire Protection District, the total amount of such funds are inadequate to sustain a proper fund for retirement. In that event, the Board may thereafter consolidate its funds with those of another municipality or a fire protection district and such consolidated funds shall thereafter be administered as a single fund. Such consolidation of funds may be made under conditions and in conformity with such terms as are mutually agreed to by the Boards of the consolidating funds, consistent, however, with the provisions of C.R.S. 31-30-401, et. Seq.

### **ARTICLE IV (Contribution to the Fund)**

In addition to those monies paid to the Fund by reason of a tax levy, the Fund may consist of:

- a. All monies that may be given to the Board or the Fund by any person for the use and purpose for which the Fund is created and the Board may receive by gift, grant, devise or bequest any money, personal property, or real property or interest therein for the use and purpose for which the Fund is created.
- b. All monies, fees, rewards or emoluments of every nature and description that may be paid or given to the Fund.
- c. All monies derived from paid employee assessments as provided for in C.R.S. 31-30-405(3) and or (4), and subject to the provisions of Article III hereof.

A paid firefighter shall be defined as any firefighter whose main source of income is derived from service on a fire department. All other firefighters who render service to the fire department are volunteer firefighters.

### **ARTICLE V (Warrants)**

All monies ordered to be paid or benefits paid from the Fund to any person shall be paid by the Treasurer of the Board only upon warrants signed by the President of the Board and countersigned by the Secretary. No warrant shall be drawn except by order of the Board after having been duly entered in the records of the proceedings of the Board.

The Treasurer of the Genesee Fire Protection District, upon direction of the Board, may invest a sum of money of the Fund available for investment, with or without one or more other such firefighter's pension funds, in a non-insured trust pension plan with a bank or trust company authorized to exercise trust powers in the State of Colorado as a trustee. The trustee shall at all times hold fixed income obligations having a book value or cost of not less than sixty percent (60%) of the total contributions made to the trust less the amount paid out. All monies ordered to be paid from said non-insured trust pension plans shall be paid by the trustee only upon written order of the Board, signed by the President and countersigned by the Secretary thereof after having been duly entered into the records of the proceeding of the Board. In such event, the necessity of warrants to be issued as hereinabove described shall not apply.

**ARTICLE VI  
(The Treasurer of the Board of Trustees)**

The Treasurer of the Board of the Genesee Fire Protection District Volunteer Firefighter's Pension Fund is hereby made the custodian of the Fund and shall secure and safely keep books and accounts concerning the Fund in such manner as may be prescribed by the Board. The books and accounts shall always be subject to the inspection of the Board and any member thereof or any other person in interest. The Treasurer, upon expiration of his term of office, shall surrender and deliver to his successor all bonds, securities and unexpended monies or other property which have come into his hands as Treasurer or custodian of the Fund.

**ARTICLE VII  
(Exemption From Levy)**

Except for assignments for child support purposes as provided in Section C.R.S. 14-10-118(l) and 14-14-107, and except for writs of Garnishment which are the results of judgments taken for arrearages for child support or for child support debt, no part of such pension fund, either before or after any order for distribution to the members or beneficiaries of the Fund or the surviving spouses or guardians of any children of any such deceased, disabled or retired member, shall be held seized, taken, subjected to, detained or levied on by virtue of any attachment, execution, protest or proceeding of any nature whatever, issued out of or by any court in this or any other state for the payment or satisfaction, in whole or in part, of any debt, damages claimed, demand, judgment, fine or amercement of such member, a surviving spouse or children or the beneficiaries of any deceased member. The Fund shall be kept secured and distributed for the purposes of pensioning and protecting the persons named herein as members or beneficiaries of the Fund and for no other purpose whatsoever except that the Board may annually expend

such sum as it may deem proper and necessary from the Fund for necessary expenses incurred therewith.

**ARTICLE VIII  
(Trustees' Report)**

The Board shall make a report semi-annually to the Board of Directors of the Genesee Fire Protection District on the condition of the Pension Fund. Such report shall be submitted by the Trustees prior to the last meeting of the Board of Directors in February and August of each calendar year.

**ARTICLE IX  
(Duty of Attorney for the Board to Advise)**

It shall be the duty of the attorney or attorneys for the Genesee Fire Protection District to advise the Board on all matters pertaining to their duties and management of the funds when required to do so. Such attorney or attorneys shall represent and defend the Board in all suits or actions at law or in equity and bring all suits or actions on behalf of the Board as may be required or determined necessary by the Board. In the event of any conflict between the Board and the Board of Directors of the Genesee Fire Protection District, the Board may obtain legal counsel to represent the Board in any such action at the expense of the Board.

**ARTICLE X  
(Volunteer Firefighter's Disability/Survivor Benefits)**

A. (Short Term Line of Duty Disability)

Short-term line of duty disability benefits shall be provided by and in accordance with the Accident and Sickness Policy provided by the Genesee Fire Protection District Pension Board of Directors.

B. Long Term Line of Duty Disability

Disabilities of such character and magnitude as to extend beyond one year shall be compensated for by the Accident and Sickness coverage provided by the Genesee Fire Protection District Pension Board for a period not to exceed five years after the initial date of disability.

After the first five years following the disability, and after the termination of Accident and Sickness policy benefits, the applicant may apply for continued long-term line of duty disability benefits payable directly from the Fund. The applicant shall be examined by a physician in accordance with Article XI, Section C of these bylaws.

If it is determined by the physician that the applicant is more than 10% disabled according to the AMA Guide, the board shall pay a monthly annuity of 50% of the current monthly normal retirement annuity, as long as that amount is consistent with the financial condition of the fund.

#### C. Physician Examination

All applicants for disability benefits may be examined by one or more physicians selected for the purpose by the Board and may be examined by one or more physicians selected by the applicant to periodically determine the fitness of disability applicants. Such examinations shall take place in accordance with state statute. The board may terminate above-mentioned benefits if the physician exam reveals that the applicant has sufficiently recovered from his/her injury/illness, and the applicant is less than fifty years of age and has less than 20 years of active service with the fire department. All expenses of examination by the physician chosen by the Board shall be paid by the Board out of the Fund.

A person whose benefits are terminated under this section may file a written protest within thirty days after the termination date stating the objection to the termination and requesting a hearing. The decision of the board is suspended pending a hearing on the protest. At the hearing, the member may appear and be represented by counsel.

#### D. Survivor Benefit – Retired/Vested Firefighter

Upon the death of a retired fire department member or volunteer firefighter who, regardless of age, has served the requisite number of years for a vested retirement, and who leaves a surviving spouse, the board shall pay an annuity of not more than fifty percent of the maximum normal retirement annuity if the fund is actuarially sound. If the volunteer firefighter had between 10 and 20 years of active service, the annuity to the surviving spouse shall be prorated based upon the number of years of active service. This annuity shall cease if surviving spouse remarries. Dissolution of the subsequent marriage shall not reinstate this annuity.

#### E. Survivor Benefit – Death From Line of Duty Injury

In the event any member of the Genesee Volunteer Fire and Rescue Department shall die from injuries received while in the line of duty as a firefighter and further shall leave a surviving spouse, it shall be the duty of the Board to pay to such surviving spouse a monthly annuity in such an amount as it deems proper and necessary, but not to exceed fifty percent of the maximum normal retirement annuity or \$225, whichever is greater or within limits as are prescribed by rules and regulations of the Board and continuing so long as the surviving spouse of the deceased firefighter shall remain unmarried. No dissolution of a subsequent marriage shall have the effect of reinstating said surviving spouse on the pension or benefit rolls or authorize the granting of a pension or benefit.

If there is no surviving spouse, but said deceased firefighter shall leave a surviving child or children under the age of 18 years of age, the board shall order a single monthly payment of annuity to such child or children in an amount as it deems proper or necessary, not to exceed fifty percent of the maximum normal retirement annuity, or \$225, whichever is greater or within the limits as prescribed by the rules and regulations of the Board and payable to the guardian of said child or children and continuing until the last child shall attain the age of 18 years.

In the event the deceased firefighter leaves no surviving spouse or surviving child or children, but there is a surviving dependent parent or parents of said deceased firefighter, it shall be the duty of the Board to pay the dependent parent or parents a single monthly annuity in such an amount as it deems proper and necessary, not to exceed fifty percent of the maximum normal retirement annuity, or \$225, whichever is greater or within the limits prescribed by the rules and regulations of the Board and continuing so long as the dependent parent or parents do not remarry. No dissolution of a subsequent marriage shall have the effect of reinstating said dependent parent on the pension or benefit rolls or authorizing and granting of a pension or benefit.

#### F. Funeral Benefit

When any active volunteer firefighter or retired fire department member dies, the Board shall pay a funeral benefit to assist in the proper burial of a deceased firefighter in an amount determined by the board of not more than twice the amount of a normal retirement benefit, but not less than one hundred dollars. The board shall pay this funeral benefit to any person who pays the necessary funeral expenses.

#### G. Insurance

The Board of Directors of the Genesee Fire Protection District, with the consent in writing of a majority of the members of the Department, is authorized to insure the members of the Department by insurance policies of individual group or blanket life insurance or disability or liability insurance in and from companies authorized to do business in the State of Colorado and to expend any pension funds for the purpose of paying the premiums thereon so long as the expenditure of such funds shall not impair the ability of the fund to pay annuities to a member, surviving spouse or dependent parent or child receiving such annuities.

### **ARTICLE XI (Retirement Benefits)**

A volunteer member of the Genesee Fire Protection District who shall have completed ten years or more of active service on the Department shall be entitled to receive monthly retirement benefits as established by the Genesee Fire Protection Pension Board and in accordance with Colorado State Law. The amount of the benefit shall published by memorandum to the membership at least annually.

Changes to the amount of the monthly benefit shall require a majority vote of members present, so long as a quorum exists. In addition, the quorum shall include at least one department membership representative.

The monthly pension amount shall be pro-rated for firefighters who have completed less than 20 years of service. Retirement pension benefits shall not exceed the maximum amount allowed under state statute and shall be subject to the following restrictions:

a. That "active service on the Department" shall be defined as the individual firefighter's conscientious response to emergency calls and satisfactory completion of the duties and responsibilities of a firefighter as determined by the Chief of the Department, within his reasonable discretion, subject, however, to the approval of the Board; that on or before March 1, of each calendar year commencing in the year 1990, the Chief of the Department, subject to the approval of the Board, shall certify the names of those firefighters who have satisfactorily completed such active service on the Department for the preceding calendar year.

b. That for purposes of determining eligibility for retirement benefits, volunteer service with the Department prior to January 1, 1990, shall be credited as "active service on the Department" so long as such volunteer firefighter shall be an active member of the Genesee Fire Protection District on January 1, 1990, and shall continue in such active service through December 31, 1990.

c. That, in addition to "active service on the Department" and from and after January 1, 1978, the volunteer member of the Department must maintain minimum training participation in the Department of 36 hours each year except that from and after January 1, 1978, through and inclusive of December 31, 1987, all active members of the Department on January 1, 1990, shall be deemed to have satisfied such minimum training participation.

d. That no retirement benefits accrued hereunder shall be due and payable until such time as the volunteer member shall have attained the age of 50 years.

e. That no retirement benefits accrued hereunder shall be due and payable so long as the volunteer member shall remain an active member of the Department.

f. Any volunteer member serving ten years or more and not having reached the age of 50 years may be granted a leave of absence and shall retain all rights to retirement benefits hereunder and shall, upon attaining the age of 50 years, be entitled to said benefits.

g. Any and all retirement benefits accrued hereunder shall be further due and payable in accordance with C.R.S. 31-30-415 (8) (b).

**ARTICLE XII**  
**(Payment of Retirement Benefits to Survivors)**

In the event of the death of any retired volunteer firefighter or in the event of the death of any volunteer firefighter eligible for retirement hereunder who leaves a surviving spouse, the Board shall pay a monthly annuity to such spouse in an amount equal to fifty percent (50%) of the current pension payment due for the volunteer firefighter continuing so long as the surviving spouse remains unmarried. No dissolution of a subsequent marriage shall have the effect of reinstating said pension or benefit. In no event, however, shall a surviving spouse receive both an annuity pursuant to the within section, together with annuity pursuant to C.R.S. 31-30-1001, et seq.

**ARTICLE XIII**  
**(Application for Benefits from the Fund)**

All requests for benefits payable by reason of the Genesee Fire Protection District Volunteer Firefighter's Pension Fund shall be made in writing and in a form provided by the Board. In making such application, the applicant must provide all requested information and agree to all reasonable requests of the Board.

**ARTICLE XIV**  
**(Determination of Benefits)**

A majority of the members of the Board shall determine all issues with respect to application for benefits hereunder and/or a proper and necessary amount of benefit. In the event an application is made for an enlargement of a benefit or award, an affirmative vote of two-thirds of the Board present shall be necessary.

**ARTICLE XV**  
**(Amendment to Rules and Bylaws)**

These Rules and Bylaws shall be automatically amended at such time as the law to any section or Article of these Bylaws is amended so that in all respects, these Bylaws and Rules shall conform to the Statutes of the State of Colorado and shall not be in

conflict. These Bylaws and Rules shall be deemed to be supplementary to the Statute, provided, however, that in the event of any conflict between these Rules and Bylaws and the Statutes, the Statutes shall be controlling. In addition, periodic changes to these bylaws may be made by the Genesee Fire Protection District Board of Directors upon a majority vote of members present, as long as a quorum is in attendance and such quorum includes at least one department membership representative.

Adopted on this 24th day of January, A.D., 2001,  
effective January 24, 2001.

signed by Robert Leland  
Secretary

**GENESEE FIRE PROTECTION DISTRICT  
VOLUNTEER FIREFIGHTER'S PENSION FUND  
EXHIBIT A**

**DISABILITY AND SURVIVOR BENEFITS  
SCHEDULE OF BENEFITS**

<b>BENEFIT TYPE</b>	<b>BENEFIT SOURCE</b>	<b>AMOUNT</b>	<b>NOTES</b>
<b>Short-Term Disability – (4 weeks)</b>	VFIS Accident & Sickness Policy	\$150/week	First 28 days- not coordinated with work comp
<b>Long – Term Disability (5<sup>th</sup> week through the end of 5 years)</b>	VFIS Accident & Sickness Policy	\$450/week	1. Payable for a maximum of five years 2. Follows first 28 days – coordinated with work comp
<b>Long – Term Disability</b>	Pension Fund	50% of normal retirement benefit or	1. Firefighter may apply for continued long-term disability benefit after VFIS Accident & Sickness policy

<b>(After the end of 5 years)</b>		\$225, whichever is greater.	benefits terminate. 2. Must be greater than 10% disability, based on physician(s) review
<b>Spousal Survivor Benefit – retired firefighter or firefighter that has served 10+ years</b>	Pension Fund	50% of Firefighter’s Pension Benefit	1. Individual must be retired or have accrued at least 10 years of active service 2. Non Line of Duty Death 3. Applies to Spouse only
<b>Survivor Benefit (Spouse) – Line of Duty Death</b>	Pension Fund	50% of normal retirement benefit or \$225 per month, whichever is greater	Benefit terminates if spouse remarries
<b>Survivor Benefit (Child/Children) – Line of Duty Death</b>	Pension Fund	50% of normal retirement benefit or \$225 per month, whichever is greater	1. Single payment only – not per child 2. Benefit terminates when the last child attains 18 years of age
<b>Survivor Benefit (Dependant Parent)</b>	Pension Fund	50% of normal retirement benefit or \$225 per month, whichever is greater	1. Single payment only – not per parent. 2. Benefit terminates if parent(s) remarry
<b>Funeral Benefit</b>	Pension Fund	Between \$100 and 2X the normal retirement benefit.	One time lump sum payment – amount based upon board discretion