



MARK CARROLL PENSION FUND

Rules and Regulations

Serving the Volunteers of the
Durango Fire Protection District

Version 2015.1
Adopted 01/27/2015

**Durango Fire Protection District
Mark Carroll Volunteer Pension Fund
Rules and Regulations**

SECTION 1

PRELIMINARY MATTERS

- 1.1 Subject to assignment pursuant to Section 20.1(B), the name of the pension fund shall be “Durango Fire Protection District, Mark Carroll Volunteer Pension Fund” or “Fund”.
- 1.2 The Fund embodies a pension plan for the Durango Fire Protection District (the “District”) as hereafter defined. It is for the exclusive benefit of Volunteer Members of the Durango Fire Protection District and its predecessors Durango Fire Rescue Authority, Animas Fire Protection District and Hermosa Cliff Fire Protection District, and their beneficiaries. It shall be interpreted and administered in a manner consistent with the requirements of section 401(a) of the Internal Revenue Code of 1954 and title 31 of article 30, part 11, Colorado Revised Statutes, as they may hereafter be amended. Whenever in the administration of the Fund discretionary powers are given to any party or wherever an interpretation may be necessary, such powers shall be exercised or such interpretations shall be made in a nondiscriminatory manner.
- 1.3 Under no circumstances shall any part of the corpus or income of this Fund be used for or diverted to purposes other than for the exclusive benefit of the Members (defined herein) or their beneficiaries, until after the satisfaction of all liabilities of the Fund to such Members and their beneficiaries.
- 1.4 The Fund shall be construed according to the laws of the State of Colorado where it is made and where it shall be performed and enforced.
- 1.5 If the continued existence of these Rules and Regulations beyond a certain period would cause them to fail by operation of law, then they shall continue for the maximum period permitted by law and shall then terminate with the distribution of all assets as hereinafter provided.

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SECTION 2

DEFINITIONS

- 2.1 The terms defined in this section shall have the meaning shown unless the context requires otherwise.
- A. "Board" means the board of trustees of the Mark Carroll Volunteer Pension Fund.
 - B. "Trustees" shall mean the members of the Board described in Section 3 hereof.
 - C. "Members" shall mean any person on the rolls of the Durango Fire Protection District or previously on the rolls of the Durango Fire Rescue Authority, the Animas Fire Protection District or the Hermosa Cliff Fire Protection District who served as a volunteer firefighter. Evidence of membership shall be by certification from the Human Resource Office of the District.
 - D. "Beneficiaries" shall mean any person, estate, trust, or organization entitled to receive any payment or benefit under the provisions hereof.
 - E. "Age" shall mean age attained on last birthday.
 - F. "Active Service" shall mean that period of time from the point a Member becomes eligible under these Rules and Regulations during which such Member is on the rolls of the District. Such period of "active service" shall include approved leaves of absence not to exceed one year of continuous time. All leaves of absence must be approved, in writing by the Chief or his designee. An approved leave of absence shall be an approval for the purposes of the Fund and shall run concurrently therewith. "Active Service" shall also include periods of absence in connection with military service during which the Member's membership rights are protected by law. There shall also be included any continuous service rendered to any predecessor, affiliated member, or subsidiary organization of the District.
 - G. "Plan" means a program of benefits provided pursuant to Section 31-30-1101, *et seq.*, C.R.S. (the "Volunteer Firefighter Pension Act"), as supplemented by these Rules and Regulations.
 - H. "Volunteer Firefighter" means a firefighter who renders service to a fire department in a municipality or district and who does not receive compensation under a contract of employment as a firefighter, as set forth in C.R.S Section 31-3-1102(9).
 - I. "Normal Retirement Date" shall mean when a firefighter has reached fifty (50) years

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of Age and has achieved twenty (20) years of Active Service. Normal Retirement Date shall at all times be consistent with C.R.S. Section 31-30-1123, et seq., and all amendments thereto.

- J. "Retired Member" shall mean a person who has been a Member of the District and who has commenced to receive retirement benefits.

SECTION 3

BOARD OF TRUSTEES

- 3.1 Subject to assignment pursuant to Section 20.1(B), the Mark Carroll Volunteer Pension Fund Board of Trustees shall consist of the following:
- A. The board of directors of the District for terms equal to their tenure on the District board
 - B. Two Members elected by the Members for two year terms. At the initial election, one Member shall be elected for two years and one Member for one year.
 - (i) The Board shall call for nominations of Member desiring to serve on the Board, prior to holding an election to fill any open seat(s) pursuant to the Rules and Regulations. If more Members express interest in serving than there are seats available, an election shall be held by written ballot, with one vote available per Member. The person who receives the most votes in an election shall be appointed to serve on the Board.
 - (ii) In the event that a Member resigns from the Board or is otherwise unable or ineligible to serve during his or her term of office, there shall be another call for nominations and vote to replace the resigning or ineligible Member in the manner set forth in subsection 3.1.B.(i) above within ninety (90) days of the Member's resignation, to serve for the remainder of the term. If no Member volunteers to fill the position, the remaining Trustees may appoint another Member to serve until the remainder of the term.
 - (iii) The election of Members to the Board will occur in May and such newly elected Member shall be seated at the second regular quarterly meeting of the year.
 - C. The Board shall elect a president and vice president from the Trustees.

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- D. The treasurer of the board of the District shall be the secretary/treasurer of the Board and the treasurer of the Fund for a term equal to the treasurer's tenure on the District board.
- E. The secretary/treasurer of the Board shall obtain a bond paid from the fund in an amount determined by the Board.

SECTION 4

MEETINGS

4.1 **LOCATION**

The meetings of the Board shall be held at the principal office of the District, 142 Sheppard Drive, Bodo Park, Durango, Colorado, or at any place within the boundaries of the District that a majority of the Board may from time to time designate by resolution.

4.2 **REGULAR MEETINGS**

The Board shall meet not less frequently than quarterly per calendar year. The Board may provide, by resolution for the holding of such additional regular meetings, with due notice posted to comply with Colorado Revised Statutes.

4.3 **SPECIAL MEETINGS**

Special meetings of the Board may be called at any time by the President or by any three Trustees provided one of the three Trustees is a Member, with due notice posted to comply with Colorado Revised Statutes.

4.4 **NOTICE OF MEETINGS**

Written notice of each meeting, setting forth the time and place of the meeting shall be given to each Trustee and posted not less than 72 hours prior to the time of the meeting, in accordance with Colorado Revised Statutes.

4.5 **QUORUM**

At meetings of the Board, a majority of the Trustees (four) shall be necessary to constitute a quorum for the transaction of business. If a quorum is present, the action of the majority of Trustees in attendance shall be the action of the Board providing at least **one of the Trustees in the quorum is a Member.** A Trustee may participate in a meeting by telephone, but only if his or her voice may be heard by those in attendance and the

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Trustee participating by phone may also hear all comments of the other Trustees present at the meeting. Participation by a Trustee in this manner shall be deemed to be in attendance at the meeting.

SECTION 5

BOARD DUTIES

- 5.1 The Board shall adopt and amend from time to time these Rules and Regulations for the management and discharge of its duties, for its governance and procedure, and for the preservation and protection of the Fund.
- 5.2 The Board shall hear and decide applications for benefits from the Fund in accordance with section 24-4-105, C.R.S. Action on an application is final and conclusive. The Board may, after reconsideration, reverse an action based on new or additional testimony or information received and validated.
- 5.3 The Board shall keep and preserve a record of its actions and all other matters brought properly before the Board.

SECTION 6

OFFICERS

6.1 **GENERAL DUTIES**

All officers and agents of the Fund and the Trustees shall have the authority and shall perform such duties as may be provided in these Rules and Regulations or as may be established by resolution of the Board not inconsistent with these Rules and Regulations or the statutes of the State of Colorado. In all cases where the duties of any officer, agent or employee are not prescribed by the Rules and Regulations, by statute, or by resolution of the Board, such officers, agents or employees shall perform such duties as may be established by the president.

6.3 **VACANCIES**

When a vacancy occurs in the office of the president or vice president, the vacancy shall be filled by the election to those offices by the Board. In the event that a Member serving as president or vice-president shall resign or shall be unable to fulfill his or her term of office, the Member elected or appointed to fill the vacancy on the Board pursuant to Section 3.1.B shall also serve the remaining term of the office.

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6.4 REMOVAL

An officer may be removed by the Board, whenever a majority vote determines that it is in the best interest of the Fund to remove such officer.

6.5 PRESIDENT

The president shall be the chief executive officer of the Fund and shall have general supervision of its business and management. The president shall preside at all meetings of the Boards and discharge the duties of a presiding officer and shall perform any other duties the Board may from time to time prescribe.

6.6 VICE-PRESIDENT

The vice-president shall, in the absence of the president, perform all duties of the president as set forth in section 6.5. The vice president shall perform any other duties the Board of Trustees may from time to time prescribe.

6.7 SECRETARY/TREASURER

The secretary/treasurer shall keep or cause to be kept in books provided for that purpose, the minutes of the meetings of the Board; shall see that all notices are duly given in accordance with the provisions of these Rules and Regulations and as required by law; and shall be custodian of the records of the Fund. The secretary/treasurer shall oversee disbursement of the Fund, and shall render to the president or the Board, whenever requested, an accounting of the transactions as secretary/treasurer and of the financial condition of the Fund. The secretary/treasurer shall cause to be filed all reports and certifications required by law. The secretary/treasurer shall have such other powers and perform such other duties as may be from time to time prescribed by the Board or the president.

6.8 TERM OF OFFICE

The officers of the Fund shall be elected every two years by the Board to serve a two-year term of office. The election shall take place at the last quarterly meeting of the calendar year and such officers shall be seated at the first quarterly meeting of the Board in the next calendar year.

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SECTION 7

ELIGIBILITY AND PARTICIPATION

- 7.1 Each Member, as defined in paragraph 2.C., shall be, eligible to become a participant.
- 7.2 Each Member shall be notified by the District of the existence of the Plan and of its provisions. Each Member shall be provided a copy of the Rules and Regulations of the Fund.
- 7.3 To become a participant a Volunteer Firefighter must be in Active Service as defined in section 2.1 Paragraph F.
- 7.4 Active Members must meet the requirement of 48 hours of annual training set by the District Training Division or any pre-approved out-of-District trainings, conferences, or educational opportunities.
- 7.5 Any Member who shall cease to be a Member without qualifying for benefits under the provisions of the Volunteer Firefighter Pension Act or of these Rules and Regulations shall forfeit any right or interest in the fund. A leave of absence for military service during which the Member's employment or membership rights were protected by law, or as authorized by the Board consistent with section 2.1, Paragraph F of these Rules and Regulations shall not be construed as termination of membership, provided the Member returns to the membership rolls of the District on or prior to the expiration date of such leave of absence or within ninety (90) days of separation from military service. If the Member does not return to service during these periods, the Member shall be deemed to have terminated membership at the end of such leave.

SECTION 8

FUND INVESTMENT

- 8.1 The Board may invest all or any part of Fund moneys as prescribed by the Volunteer Firefighter Pension Act.

SECTION 9

REVISION OF RULES AND REGULATIONS

- 9.1 These Rules and Regulations may be altered, amended or repealed, in writing, by a majority of the Board at any regular or special meeting, after changes or amendments have been provided to the Board members at a previous open and legal session of the Board.

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SECTION 10

EXEMPTION FROM LEVY; USE OF FUND

- 10.1 The Fund shall be exempt from levy as provided in the Volunteer Firefighter Pension Act.
- 10.2 The use of the Fund shall be restricted as provided by the Volunteer Firefighter Pension Act.

SECTION 11

FUND BENEFITS

- 11.1 All benefits payable to Members, including disability, retirement, survivor and funeral benefits, shall be determined and paid in accordance with the procedures, provisions and limitations of the Volunteer Firefighter Pension Act.
- 11.2 Whenever the Volunteer Firefighter Pension Act provides discretionary authority to the Board in establishing benefit amounts or eligibility, such determinations shall be made by the Board based on periodic actuarial reviews of the Fund. The Board shall maintain a written record of current approved benefit amounts and minimum Active Service requirements.
- 11.3. To apply for a pension from the Mark Carroll Volunteer Pension Fund, the Volunteer Firefighter, must present a written request for a pension at a meeting of the Board. The request will be considered at the following quarterly Board meeting, after being authenticated by the Human Resource Director of the District.
- 11.4 All benefits payable from the Fund shall be subject to the provisions of the Uniform Dissolution of Marriage Act, article 10 of title 14, Colorado Revised Statutes.