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Po Box 1311
Whitefish MT 59937



Debbie Pierson, Flathead County MT by DD

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BY-LAWS

OF

The Whitefish Fire Service Area, Inc.

ARTICLE I

Corporation

Section 1: Name:

The name of the corporation shall be the Whitefish Fire Service Area, also known as WFSA.

Section 2: Location and Address:

The principal address of the Corporation shall be P.O. Box 1311, Whitefish, Montana 59937.

The location of the principal place for the conduct of the business shall be 1345 Hodgson Road, Whitefish, Montana 59937, County of Flathead.

There may be differing addresses, places of business conduct and office locations as the corporation sees fit.

Section 3: Purpose and Type of Business:

The Corporation's principal type of business shall be

- a. To provide or cause to be provided and ensure the proper fire protection and related services, for businesses, residences, and properties within the jurisdiction of the Fire Service Area boundaries, as set forth by the County Commissioners RESOLUTION No. 745A and authorized by State Law Sections 7-33-2105 and 7-33-2106.
- b. To assist or cause to have assistance to other fire or emergency services related organizations, districts, areas, or municipal organizations.
- c. To do all things legally able to further the protection of life and property of the citizens within the Fire Area.

Section 4:

The fee structure, to fund the services of the Fire Service Area, shall be set by the Trustees (Commissioners) of the Fire Service Area. These fees shall be attached to county property tax bills.

- a. Any appeals to such tax assessments shall be appealed to the Fire Services Area Trustees (Commissioners) in writing and shall be taken for consideration by the Board, at the next regularly scheduled meeting. A response shall be given back to the person making such a request, in writing. The intent of the Trustees shall be recorded in the minutes of the meeting.

Section 5:

The general nature of the business of the corporation (Fire Service Area) and the objects and purposes proposed to be transacted, promoted, and carried on by it, are as follows:

- a. To provide or cause to be provided and ensure the proper fire protection and related services, for businesses, residences, and properties within the jurisdiction of the Fire Service Area boundaries, as set forth by the County Commissioners RESOLUTION No. 745A and authorized by the laws of the State of Montana-Sections 7-33-2105 and 7-33-2106.
- b. In furtherance of and not in limitation of the general powers conferred by the laws of the State of Montana, it is expressly provided that this corporation (Fire Service Area) shall also have the following powers:
 1. To purchase or otherwise acquire, so far as permitted by law, the equipment, facilities, or other items needed to ensure the proper fire protection of the residences and properties within the fire area. This includes and is not limited to Fire Equipment, supplies, administrative supplies and equipment, buildings, and other related items.
 2. To purchase or otherwise acquire, and to hold, maintain, work, develop, sell, lease, exchange, hire, convey, mortgage, or otherwise dispose of and deal in, lands and lease hold, and any interest, estate, and rights in real property necessary, convenient, and appropriate for any of the purposes herein expressed.
 3. To acquire by purchase, subscription, or otherwise to hold for investment, and to use, sell, assign, transfer, mortgage, pledge, or otherwise deal with or dispose of stocks, bonds, or any obligation or securities of this corporation or corporations; and to merge or consolidate with any other Fire District or Municipal Fire Protection organization, in such a manner as may be provided by law.
 4. To borrow money and to make and issue notes, bonds, debentures, obligations, and evidence of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise, without limit to amount, except as may be prohibited by statute, and to make and perform agreements and contracts of every kind and description.
 5. To conduct and carry on its business, or any part thereof, and to have one or more offices, and to exercise all or any of its corporate powers and rights in the State of Montana, and in the various states, territories, colonies, and dependencies of the United States, in the District of Columbia, and in any or all foreign countries or country.
 6. To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes, or the attainment of any of the objects, or the furtherance of any of the powers here-in-above set forth, either alone or in association with other corporation, firms or individuals, and to do every act or acts, thing or things, incidental or appurtenant to or growing out of, or connect with the foresaid business or powers, or any part or parts thereof: provided, the same is not inconsistent with the laws under which this corporation (Fire Service Area) is organized.

7. To have such powers as are conferred upon corporations, under the laws of this state.

ARTICLE II

Composition and Trustees

Section 1: The Board of Trustees shall consist of a minimum of Five (5) members. Each elected member shall be a resident of the Fire Service Area. Other than the initial Trustees (Commissioners), the Trustees (Commissioners) shall be elected by a vote of those residents within the Fire Service Area.

There shall be no stipulations as to other qualifications of those persons.

There shall be no compensation set as to pay for Trustees.

Section 2: It shall be the responsibility of the Board of Trustees to set direction for the Fire Service Area.

Section 3: There shall be Five (5) positions within the Board of Trustees. These initial positions will have the following terms, after which each term shall be 3 years in length.

The initial assignment of Positions shall be as follows and will have initial term of office as described.

Position 1 is initially a Three-Year Term

Position 2 is initially a Three-Year Term

Position 3 is initially a Two-Year Term

Position 4 is initially a Two-Year Term

Position 5 is initially a One Year Term

Elections for Trustee positions shall be held on associated dates in conjunction with the Flathead County School Elections. The first election for each of these positions, shall be as follows:

Position 5, April of 1990, Consistent with the School Board Elections.

Position 4, April of 1991, Consistent with the School Board Elections.

Position 3, April of 1991, Consistent with the School Board Elections.

Position 2, April of 1992, Consistent with the School Board Elections.

Position 1, April of 1992, Consistent with the School Board Elections.

Upon the First and each subsequent election, of each of these positions, the terms of office for the Trustee Positions shall be Three (3) years.

- Section 4: The Officers of the Corporation (Fire Service Area) shall consist of a Chairman of the Board, a Vice Chairman, a Secretary, and a Treasurer to be elected by a majority vote of the Board of Trustees.
- Section 5: The Chairman or Vice Chairman of the Board, shall preside at all regular and special meetings of the Board.
- Section 6: The Secretary shall be responsible to maintain all records of action, minutes, prepare filings and other documents, as necessary.
- Section 7: The Treasurer shall provide financial data and reports to the board for review, track funding and Fund Balances.
- Sections 8: All Pre-election or unopposed vacancies on the above Board of Trustees, shall be filled by proposition and a majority election of the Board of Trustees shall be required.
- If passed by election of the Board of Trustees, the proposed new member shall be submitted to the Flathead County Commissioners for informational purposes.

ARTICLE III

Meetings

- Section 1: The Board shall meet as they determine necessary, but not less than once each Fiscal Quarter.
- Section 2: A quorum shall consist of a simple majority of the Board Members. A voting issue may be carried by a majority vote of the quorum.
- Section 3: A quorum shall be required to be present or in contact to conduct official Board business. Confering by telephone shall be deemed acceptable contact.
- Section 4: Special meetings may be called by the Chairman or by a member of the Board, when deemed necessary.
- Section 5: The order of business to be followed at any given meeting, shall be decided by the presiding officer.
- Section 6: Any person who may have business with the Board, shall be allowed to confer with the Board, at any open meeting, by permission of the Board.
- Section 7: At times, it may be necessary to form special committees to look into specific matters relating to the Corporation (Fire Service Area). All such committees shall be presided by a member of the Board.
- There shall be no limitations as to the bringing in of the outside persons with knowledge in specific matters for special committees. This action shall be allowed through a vote of the Board of Trustees.
- The size of such committees shall be no less than Three (3).
- Section 8: Open Meetings: All regular meeting of the Whitefish Fire Service Area shall be open to the public and shall be regularly scheduled. There may, from time to time, be special meetings that are called by the Board. These special meeting shall be called Executive

Sessions. Executive Sessions may be closed to the public, or open, as the Board sees fit. There need not be advanced notice of an Executive Session.

Section 9: Conflict of Interest: Pursuant to § 2-2-201, MCA and "private interest" defined under § 2-2-201, MCA, A Trustee who may have a private interest to him or her in an item under consideration by the Board of Trustees shall declare that he/she may have a conflict of interest. That member shall abstain from the Board discussion or Board vote on the item of conflict. Any disqualification/abstention shall be recorded in the minutes of the meeting. Likewise, Board members may not disclose or use confidential information obtained through their membership in the Board that would benefit them personally or financially, § 2-2-104, MCA.

ARTICLE IV

Amendments

Section 1: These By-Laws may be repealed, amended or additions made to them, upon recommendation of the Board of Trustees.

APPROVED AND ADOPTED, This 8th day of February, 2021.

Mark Carlson

Mark Carlson, Chairman

Jim Deats

Jim Deats, Vice Chairman

Dennis Oliver

Dennis Oliver, Treasurer

Jim Dyon

Jim Dyon, Secretary

Calvin Dyck

Calvin Dyck, Trustee

On this 8th day of February, 2021,
before me personally appeared:

Mark Carlson, Jim Deats, Dennis Oliver,
Jim Dyon + Calvin Dyck, to me known
to be the individuals described in and who
executed the foregoing instrument and
acknowledged that they signed + sealed the
same as their own free and voluntary act and
deed, for the uses and purposes therein mentioned.

State of Montana
County of Flathead

This instrument was signed or acknowledged before

	on <u>2/8/21</u> <u>JEANNE FARIS</u> NOTARY PUBLIC for the State of Montana Residing at Kalispell, MT My Commission Expires October 15, 2023	<u>As noted above</u> (Name of signer) <u>JEANNE FARIS</u> (Signature)
	[Affix seal/stamp to the left or below]	