

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION 2023-_____

A RESOLUTION FOR PUBLIC CENSURE OF BOARD MEMBER CHUCK NEWBY

WHEREAS, the Board of Directors ("Board") of the Elk Creek Fire Protection District ("District") desires to publicly censure various recent actions of Board Member Chuck Newby which were in violation of certain District Bylaws as set forth below; and

WHEREAS, Board Bylaw 3.2(h) states that, "Once the Board has voted on an issue, the Directors shall not take any actions which would create barriers or otherwise impede the District's ability to implement the Board's decision"; and

WHEREAS, Board Bylaw 3.2(i) further provides that, "The smooth working of the District is a team effort. All individuals should work together in a collaborative process to assist each other in conducting the affairs of the District. The Board functions as whole, and individual Directors have no authority to speak on behalf of the Board of the District, or to bind the District through their individual actions or statements"; and

WHEREAS, Board Bylaw 3.7 states that "A Director is prohibited from taking personal advantage of a situation to benefit himself or herself or prejudice the District"; and

WHEREAS, the District, as well as its Directors and Employees, is subject to the Fair Campaign Practices Act, specifically § 1-45-118, C. R.S., which prohibits the District or any District resources from being used in any campaigning for or against a local referred measure; and

WHEREAS, by majority vote of the Board of Directors, the District previously referred two measures to the District voters, and also approved an Intergovernmental Agreement and Resolution related to the proposed consolidation of the District with two neighboring Districts; and

WHEREAS, beginning on or about September 6, 2023 and continuing through the November 2023 election process, Director Newby repeatedly used the District's logo and name in campaigning or otherwise speaking against the District's proposed consolidation; and

WHEREAS, such actions were contrary to the previous majority votes of the Board of Directors, put the District at risk for allegations of campaign finance violation, and were against the best interests of the District; and

WHEREAS, censure by a public body is a collective judgment of stern condemnation of one of its members for behaviors or actions that violate laws, policies, or bylaws; it is also a public act of disapproval of a members unacceptable conduct.

NOW THEREFORE BE IT RESOLVED BY THE ELK CREEK FIRE PROTECTION DISTRICT'S BOARD OF DIRECTORS THAT:

1. This Board does hereby censure, disavow and formally express its disapproval of Board Member Chuck Newby's conduct as described above.

2. This Board does hereby direct Board Member Chuck Newby to properly perform the duties ascribed to a Board Member and to faithfully honor the Oath and Bond of Directors pursuant to Board Bylaw 3.3; and to cease from engaging in unauthorized conduct as a Board member and comply with all applicable laws, Board Policy, Regulations, and Bylaws.

Adopted and Approved this _____ day of December, 2023.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President

ATTEST:

Secretary

Badge of Honor