

CONSTITUTION AND BY-LAWS OF WOOD RIVER FIRE AND RESCUE
Wood River, Hall County, Nebraska
April 20th, 2015

ARTICLE #1 NAME AND PURPOSE

SECTION 1. Name This department shall be known as Wood River Fire and Rescue, located in Wood River, Nebraska, 68883. All correspondence shall be delivered to the department at Post Office Box 92, Wood River, Nebraska 68883

SECTION 2. Purpose The purpose of Wood River Fire and Rescue shall be the preservation and protection of life and property from and during such fires and emergencies as may occur in the area protected by the department and in areas of mutual aid. In addition to community fire prevention and safety education.

ARTICLE #2 MEMBERSHIP

SECTION 1. Membership Classes The membership of Wood River Fire and Rescue shall consist of five classes: Active, Probationary, Associate, Lifetime and Honorary.

SECTION 2. Size This department shall consist of not more than twenty- five (25) Active members for each engine company. It shall also consist of a Rescue Unit division for Emergency Medical Services.

SECTION 3. Membership Requirements Any person eighteen (18) years of age or older, possessing a high school diploma or GED, of good character and meeting statutory requirements may apply for membership in the Department. An active member in good standing with the Department must sponsor all applicants for membership. All applications for membership shall be submitted to the Secretary. Approval by a majority of the members present at any regular monthly meeting shall constitute acceptance for probationary status upon approval of an application by the membership, the Secretary of the Department shall notify the Wood River City Council in writing. After a successful probationary period the membership shall vote again to transition a probationary member to the status of active or associate.

SECTION 4. Active Membership Requirements for Active Membership Active members are required to attend the operational and business activities of the department. . Active members must attend a minimum of (10) ten hours of job specifics training, plus (3) three Wood River Fire Dept. monthly training meetings per year. Active members are required to attend all paged calls and events unless they have a legitimate excuse.

Responsibilities of Active Members When in or near the area protected by this Department, it is the duty of all active members of this Department to respond to all alarms of fire or emergency, which are transmitted to this Department. All members must use diligence, caution and sound judgment in getting themselves and apparatus to the scene of a fire, emergency or drill. Active members with the approval of the Chief may display a colored emergency light, which will conform to the Wood River Fire

standards set by Nebraska vehicle and traffic laws. For the purpose of documentation to comply with the Nebraska Recruitment and Retention Act in December of each year, the Fire Chief and Secretary shall compile a list of members indicating attendance at drills, meetings, fires and emergencies.

Requirements for Probationary members

Probationary members must serve a minimum probationary period of twelve (12) months. Once completed this will count towards total years of service for all elected and appointed positions as well as any and all service awards. During the probationary period, a probationary member shall attend a majority of meetings and drills, subject to availability and attend all other paged events as deemed necessary by the Application Review Committee. Any waiver of these requirements will require majority approval of the Application Review Committee. Probationary members will not be able to vote at membership meetings or vote in Department elections. Probationary members will not receive or be permitted to display an emergency light. Probationary members shall not respond directly to any scene unless specifically authorized, they shall initially respond to the fire station. Probationary members shall not respond on their own to any mutual aid call. They may respond with a piece of apparatus if seating is available. A probationary member seeking full active status must complete an introduction to Firefighter Course or in house equivalent or at least 60 percent of the Fire Fighter One course or a Certified First Responder or EMT course within 1 year of joining the Department or he/she will not progress from probationary status.

SECTION 4A. Clothing Probationary members will receive 2 t-shirts Upon receiving active membership, the member will receive, a sweatshirt, hat , stocking cap, a squad coat , dress blues and a generic badge or up to \$25 towards an upgraded custom badge.

If budget allows, members may receive one t-shirt a year there after. This will be determined at January's business meeting. All new clothing will have the wording of the Wood River Fire-Rescue official logo. The Wood River Fire Dept. logo is only authorized to be used by members, their spouses and their children. The logo design can NOT be altered in any way.

SECTION 5. Lifetime / Honorary Membership Lifetime Member: Any retired member with at least 20 (changed2012) years of active service or line of duty death. Honorary Member: Any person nominated by an active member and approved by majority vote of the department. This member does NOT have a right to vote.

SECTION 6. Associate Membership Persons seeking Associate membership shall be at least eighteen (18) years of age and sponsored by two (2) members of the Department. Associate members shall be accepted or rejected by the majority vote of members present at any regular meeting. There shall be no more than 20% of the active membership in the department at any one time. Associate members are encouraged to attend the business and training meetings of the department An Associate membership can be revoked at any time by a majority vote of the Judiciary Committee. Associate members may participate in parades, social functions, fund raising, clerical and computer work, and maintenance of equipment, buildings and grounds. Associate members will not be issued pagers or radios unless specifically authorized by a vote of the membership. Associate members are not allowed to respond to emergency scenes unless specifically requested to. Associate members are allowed to vote at meetings after their first year of probationary period is served.

SECTION 7. Dues No dues shall be collected from any member of the Wood River Fire department.

SECTION 8. Department Email List The General Department Email list will consist of active, probationary, associate and lifetime members only. The Officers Email List will consist of officers only.

SECTION 9. Obligation and Pledge Every member being admitted shall take the following pledge: I _____ do promise to support the Constitution, By-laws, and Standard Operating Guidelines of Wood River Fire and Rescue, and to obey all those in authority over me. I promise to respond to all calls for service when I am in or near the district unless I have a legitimate excuse, to safeguard all department property that is in my possession and to return said property if I should resign or be expelled. Every officer at his/her installation shall take the following pledge: I _____ do promise to support and uphold the Constitution, By-laws and standard operating guidelines of Wood River Fire and Rescue. I accept the responsibility of the office to which I have been placed and promise to faithfully discharge the duties of the office to the best of my ability.

SECTION 10. Meeting of Members The membership shall hold regular business meetings on the third Monday of each calendar month, to receive the Treasurer's report, committee reports, reports by the President, Chief and Rescue Captain, or to consider any other matters properly brought before the membership. All regular meetings of the Department shall begin at 2000 hours. A quorum shall consist of 6 members of the Department one of which must be a business officer and or chief officer. Special meetings of the membership may be called by the Chief or President at any time, and shall be called by him/her upon the request of at least two (2) active members in good standing. Such request shall state the reasons for which the meeting is to be called. The Secretary shall give each member notice as by means designated to secretary, of any special meeting at least three (3) days prior to such meeting; such notice shall contain a statement of matters to be considered at the meeting. Meetings will be conducted under Robert's Rules of Order in addition to any other rules stated in the Constitution and By-laws of this Department.

SECTION 11. Order of Business Meeting called to order. Roll Call and determination of voting eligibility
Reading Minutes of preceding meeting. Treasurer's Report President's Report Fire Chief's Report Rescue Captain's Report
Safety Officer
Chaplin
Training
Fire prevention
Billing Secretary
Other Dept. Report
Committee Reports
Unfinished Business
New business
Announcements
Installation of officers
Election of Probationary candidates
Election of new members
Adjournment

SECTION 12. Absence from Meetings Line officers who are absent from three (3) consecutive regular meetings; or a business officer who is absent from three (3) consecutive regular meetings without an excuse that is acceptable to a majority of the Judiciary Committee shall be removed from office. No such action shall be taken by the Judiciary Committee until the member affected has been given written notice of the time and place of the meeting at which the determination is to be made. Such member shall be entitled to be heard by the Judiciary Committee prior to the vote thereon. (changed2009)Active

members with an absence from three (3) consecutive meetings without an excused absence may not vote on any motion that requires a countable vote, made or election held during the next meeting. Absence will be considered excused if the member notifies the Secretary by email or by phone prior to 6:00 pm on the night of the meeting. Absences will be excused for the following reasons:

1. The member is ill
2. The member is at work
3. The member has a family commitment
4. The member is attending a class, either fire, ems, or personal

Members that have been absent (excused or unexcused) from 6 or more meetings prior to the November meeting will be brought before the Judiciary Committee prior to the December meeting to determine voting privileges for the elections held in December.

ARTICLE #3 EXECUTIVE OFFICERS AND TRUSTEES

SECTION 1. Business Officers

The Department shall elect for a term of one (1) year each, a President, Vice-President, Secretary, and two Treasurers.

President – The president shall be the Chief Executive Officer of the Department and oversee all general affairs thereof. General affairs shall include but are not limited to: accounting, budgets, funding, purchasing, planning, building and grounds issues, risk management, general business and operations, personnel issues and personnel policy. It shall be the duty of the President to preside at all regular and special meetings of the Department. It is the responsibility of the President to conduct such meetings in accordance with Roberts Rules of Order. The President shall call all special Department meetings, appoint all standing committees and appoint special committees as the need may arise. The president shall preside over an annual budget meeting with department officers that he/she shall convene in May of each year. On any question or election of officers, the President shall not vote except in the case of equal division when his/her vote shall decide. The president shall annually appear in person before the City Council and Rural Fire Board to present a report of the general business issues of the department for the prior and coming calendar years. The President shall be the civil spokesman of the Department; however, he/she may appoint a Public Relations Officer to act as spokesman.

Vice-President - The Vice-President shall assist the President in the discharge of his/her duties. In the case of the President's absence or disability or should the Presidency become vacant, the Vice-President shall assume the Presidency. The Vice-President is responsible for overseeing all committees. He/She has the responsibility to see that the committees meet and that they report to the membership.

Secretary - The Secretary shall: record and maintain the minutes of all meetings of the Department, which shall include regular meetings, judicial committee meetings and special meetings; call the roll at each meeting and maintain attendance records. All meeting minutes shall be published to the department's web site in a timely manner. The Secretary shall receive and/or forward all correspondence of the Department as directed by the governing body of the Department or President. The Secretary is responsible for overseeing that memorials and letters of condolences be

sent to all past members of the department. The Secretary shall confer with the President, Chief, or Treasurer on these matters. The Secretary shall safeguard an official copy of the Constitution and By-laws of the Department in a locked designated area of the Fire Station. Said official copy shall also be maintained in electronic format on the official department web site, available for inspection by any member. Said official copy will be maintained and up-dated as needed. The Secretary upon demand by any member of the department shall produce the said official copy. At the conclusion of his/her term or upon resignation or expulsion the Secretary shall deliver to his/her successor all documents, papers and correspondence belonging to the Department.

Treasurer - Two Treasurers shall be elected. One shall serve as the Financial Officer of the Fire Department and one shall serve as the Financial Officer of the rescue unit division. The treasurers shall receive all moneys and pay all bills as authorized by the membership. The Treasurers shall keep an accurate accounting of all Department and Rescue Unit funds. He/she shall invoice and collect any moneys for the use of the department. He/she shall deposit all moneys in an interest bearing savings account except for moneys necessary to pay current expenses, these funds to be deposited in a checking account. All moneys disbursed by the Department or Rescue Unit must be in the form of a check or money order and must bear the signatures of two (2) designated signatories. At least one of the signatories on each check or money order shall be a business officer. The signatories shall be the President, Vice-President, the Treasurers, the Fire Chief, and the Rescue Captain. The Treasurers shall report the state of finances to the membership at each regular meeting of the Department. The Treasurers shall submit all accounts and records to the membership when called upon to do so. They shall present all records, books and materials pertaining to their office to his/her successor or to the Chairman of the Board of Trustees at the end of his/her term or upon resignation or expulsion. Members of the Board of Trustees the books of the fire and rescue department at an annual audit.

SECTION 2. Board of Trustees Membership - The Department shall have a Board of Trustees consisting of seven (7) members. Three of the members shall be selected by the general membership. Each of the five (5) elected Trustees shall serve one (1) year terms. The Fire Chief and the President shall automatically be members of the Board of Trustees. Chairman of the Board of Trustees – shall be the member receiving the most votes for trustee in the annual election. The Chairman shall be authorized or shall authorize any Trustee of the Department to examine the records of a secretary and/or treasurers.

Meetings of the Board of trustees - The Board of Trustees shall insure that the general business and operation of the fire and rescue department is serving the needs of the community. The Chairman, President, Chief or any three (3) Board Members may call special meetings. The Board may not conduct a meeting or consider any business unless a quorum of at least five (5) members are present and due notification was given to all Board members. Special Committees - The Chairman may from time to time appoint special committees to the Board.

ARTICLE #4 OPERATIONS OFFICERS

SECTION 1. Line Officers The active membership shall elect a Fire Chief and one (1) First Assistant Chief, one (1) Second Assistant Chief, one (1) Safety Officer. The chief officers as required shall appoint captains and lieutenants. The department shall also elect a Rescue Captain and Rescue Lieutenant. Each shall serve for a term of one (1) year.

Chief - The Fire Chief shall be the Chief Operations Officer of the department and take responsibility

for all department equipment, personnel performance, readiness, response, safety, staffing, training and all records related to these. The Chief shall designate the duties of all line officers. The Chief may from time to time establish rules or policies concerning the activities of the Department. These rules or policies shall be once approved by majority of Elected Line officers, posted on the bulletin board, a copy of which must be given to each line officer, and the new policy or rule must be read at the next regular meeting. The Chief may grant leaves of absence to department personnel with approval of the Judiciary Committee. The Chief may suspend any member for just cause in accord with article 8, section 14. The chief is responsible to comply with any and all statutory duties as required by state law, rules and regulations and local or city ordinance. The chief shall submit requisitions for any purchase of tools, gear, equipment, vehicles, supplies or repairs to the business officers of the department for fulfillment. The Chief may appoint engineering aids to assist in the maintenance of apparatus. The Rescue Chief shall assist the Fire Chief in operations of the EMS division. The Chief shall insure all apparatus and equipment and all things pertaining there to, to be maintained in good order and repair. The Chief / President than shall report to the general membership in a timely manner of any deficiencies. The Chief shall report to the President of the department all deficiencies or necessary repairs. The chief shall report to the city council or rural fire board as appropriate all major deficiencies or repairs. The chief shall annually appear in person before City Council and Rural Fire Board to present a report of the readiness, response, staffing and training of the department for the prior and current calendar years. The Chief shall serve as spokesman of the Department at all fires or emergencies; however, he/she may appoint a Public Relations Officer to act as spokesman.

Assistant Chiefs - The Assistant Chiefs, in order of their rank, shall perform the duties of the Chief in his/her absence. In the presence of the fire chief these officers are working officers and shall lead tactical teams in fires and emergencies.

Safety Officer - The safety officer shall be responsible for overall safety issues of the department. He/ She shall perform the duties the chief in his /her absence. The safety officer shall have the authority to halt all operations to correct or eliminate any safety issue that he /she might identify. In the absence of the safety officer another line officer will assume his responsibilities.

Captain and Lieutenants - Are appointed by the chief officers. These officers are working officers. They shall lead tactical teams in fires and emergencies. These officers shall assist the Fire Chief in the discharge of his/her duties, and shall in the order of rank fulfill the responsibilities of the Chief in his/her absence and the absence of the Assistant Chiefs.

Rescue Chief and Rescue Lieutenant - These officers shall perform duties related to the operations of the Emergency Medical Services Division of the Fire department. They shall submit any requisitions for supplies, equipment, repairs, or vehicles to the business officers for purchase or approval. They shall be responsible for the recordkeeping of the EMS operations, staffing, and for the readiness of the ambulance fleet. All needed vehicle repairs shall be reported to the Chief and President. The Rescue Chief-or Rescue Lieutenant may assume the responsibilities of the Chief in the absence of any other higher ranking line officers.

It shall be the duty of the most senior member by length of continuous service to assume the responsibilities of the Chief in the absence of a line officer.

Scene Commander- This is the person who is in charge of the emergency scene, **Fire or EMS**. It is the responsibility of the scene commander to see that all necessary reports, i.e. NARSIS and Fire Reports are completed.

ARTICLE #5 ELECTIONS

SECTION 1 . Qualified Candidacy

The trustees shall propose a slate of candidates whose names shall be nominated together with names nominated pursuant to Article 5 Section 2 of the Constitution and by-laws. A list of qualified candidates for each office whose names will be read to the membership.

SECTION 2. Nomination of Officers

Nominations may be made from the floor for each office from the list of qualified candidates, during the regular monthly meeting in December of each year. A separate member must second each name offered in nomination in attendance. Any nominee may withdraw his/her name from consideration. Should no candidate remain after such declination, nomination for said office shall be reopened prior to the annual election.

SECTION 3. Election of Officers and Trustees

The Chief and Assistant Chief's shall be elected annually in accordance with Municipal code and Nebraska state statute. They must be confirmed by the governing boards and shall also perform such duties in accordance with Municipal code and Nebraska state statute. Election of officers and trustees shall be held on the third Monday in December of each year at the regular business meeting. The presiding officer shall appoint two tellers at the beginning of said meeting to receive and count the ballots. Election Procedure will be as follows: After nominations the candidates that accept shall the room. Discussion will be open to the floor. After the discussion the candidates shall return to the session for voting. The tellers shall report the final count to the presiding officer who shall immediately announce the results. In event of a tie, the President shall cast a ballot to break the tie. Members are elected to office by a plurality of the votes counted. If a candidate is unopposed in an election, the President shall cause the secretary to cast one ballot for the candidate. If the Secretary is unopposed the President shall cast one ballot. Only members present and appearing on the current active list are eligible to vote. All candidates for office of Trustee shall be voted on the same ballot and the Five (5) candidates receiving the highest number of votes will be elected to the Board of Trustees. Order of balloting shall be: Line Officers Business Officers Trustees The presiding president of the department shall administer the oath of office to all newly elected officers and directors as the last order of business at that monthly meeting. The term of office shall take effect January 1st following the election. In the event the presiding president has been elected to an office, the vice president shall administer the oath of office to which he/she has been elected.

SECTION 4. Vacancy of an Office

Should a vacancy occur among the line officers of the Department, each officer holding rank below the vacant office shall advance one grade if qualified. The resulting vacancy in the rank of the Second Lieutenant shall be filled as prescribed in Article 5 Section 5. If a vacancy occur in any business office other than President the vacancy shall be filled by special election.

SECTION 5. Election to Fill a Vacancy

A vacancy shall be filled by nomination at the next regular meeting of the Department and the election at the next regular meeting of the Department subsequent to the nomination. In the case of a vacancy on the board of directors, nominations shall be made from the floor at the next regular membership meeting and the election held at the same meeting in the same manner as the annual elections.

ARTICLE #6 REQUIREMENTS, QUALIFICATIONS, and EXCLUSIONS

SECTION 1. Executive and Operations Officers Any person seeking and holding any business or line office in the Department must be an Active member in good standing. This means they have met the training and attendance standards of the department for the previous year and are not in contempt of any rules or regulations. Any person seeking the office of President must have been, and still is an active member of the Department for at least five (5) years prior to his/her election. Any person seeking the office of Vice President must have been ,and still is, an active member of the Department for at least three (3) years prior to his/her election. Any person seeking the office of Fire Department Treasure, Rescue Squad Treasure, Fire Prevention Officer & Accident Prevention or Trustee, must be at least Twenty-one (21) years of age and have been an active member of the Department for at least twelve (12) months prior to his/her election. Any person elected to a line office must be at least twenty one (21) years of age and have been an Active member for at least twelve (12) consecutive months and be qualified as follows:

Any member desiring to be elected **Fire Chief** must first, at a minimum:

- Must be a resident of Wood River Fire District
- Been a line officer for at least 5 years with Wood River Fire and Rescue.
- Have documentation of successful completion of Fire Fighter One training or equivalent level of experience
- Be certified as an Emergency Medical Technician.
- Have documentation of successful completion of NIMS (National Incident Management System) Course.

Any member desiring to be elected **Assistant Chief** must first, at a minimum:

- Have served three (3) years as a line officer for Wood River Fire and Rescue
- Have documentation of successful completion of the Fire Fighter One training course
- Be certified as an Emergency Medical Technician.
- Have documentation of successful completion of NIMS (National Incident Management System) Course.

Any member desiring to be elected **Safety Officer** must first, at a minimum:

- Have served three (3) years as a line officer for Wood River Fire and Rescue
- Have documentation of successful completion the Fire Fighter one training course or equivalent level of experience.
- Be certified as an Emergency Medical Technician.
- Have documentation of completion of a formal Incident Safety Officer Course
- Have documentation of successful completion of NIMS (National Incident Management System) Course.

Any member who desires to hold the position of Fire captain or, Fire Lieutenant, Assistant Safety officers must, at a minimum:

Have served two (2) years as a fire fighter with Wood River Fire and Rescue

Have completed the Fire Fighter One training course, or equivalent level of experience

Any member who desires to hold the position of **Rescue Chief** must, at a minimum:

Have served at least five (5) years as a member of the rescue squad

Have documentation of certification as an EMT- B or higher.

Rescue Chief Candidates are preferred to have Advanced EMS certification and tactical training /experience.

Any member who desires to hold the position of **Rescue Lieutenant** and or Infection Control Officer must, at a minimum:

Have served at least three (3) years as a member of the rescue squad.

Have documentation of certification as an EMT- B or higher.

The aforementioned qualifications are a minimum requirement. Consideration of other training and qualifications shall be taken into account when nominating members for these positions. All line officer candidates must commit to 12 hours of annual fire service training to develop their professional knowledge and skills in addition to the standard annual training requirements. All firefighters are encouraged to start building their training curriculum vitae starting as soon as possible during their career. To be eligible for the above offices these training requirements must be met by election time.

SECTION 2. Drivers All drivers/operators of any Department vehicle must be qualified to fully operate all aspects of said vehicle and have a valid Nebraska State operator's license. The Fire Chief may qualify any Active or Probationary member. The Fire Chief shall document successful demonstration of the mastery of all aspects of each vehicle that the member is authorized to drive. A list of qualified drivers shall be posted and maintained by the Fire Chief in a conspicuous place in the firehouse. All department emergency apparatus drivers shall have successfully completed a recognized Emergency Vehicle Operations course or in house equivalent. Qualified drivers may be removed from the list for violations as listed in the department's Standard operating procedures.

SECTION 3. Leave of Absence /Resignation in good standing

The Fire Chief with approval of the Judiciary Committee may grant a leave of absence. Requests must be submitted in writing to the Judiciary Committee, stating the reason for the request. The member shall remain on an active list but shall not vote at elections or seek office until fully reinstated by the Judiciary Committee. Any line officer seeking a leave of absence must resign his/her office when such leave is granted. Any leave of absence shall only be valid for a period of 12 months. Any member requiring more than a 12 consecutive month leave shall be required to resign from the department. In the event that said person wishes to reapply to the department time served as an active member shall be added to years of service.

SECTION 4. Reapplication of Members Expelled

Expulsion - Expelled members may offer an application for membership not less than twelve (12) months from the date of expulsion. Such members shall not seek office for a period of six (6) months from date of acceptance of such application.

ARTICLE #7 COMMITTEES

It shall be the duty of the President to nominate all committees for approval by the membership with the exception of the Trustee committee, the Application Review Committee and the Judiciary Committee. Each committee shall elect their chairman, by majority vote, unless otherwise stated. Committee members shall serve a term ending at the next annual installation of officers unless a member resigns or is removed by the President. Committees shall consist of the following, at a minimum:

SECTION 1. Application Review Committee

The Application Review Committee shall consist of at least five (5) active members to include the Chief or an Assistant Chief, the President, a member at large of the Board of Trustees, and two senior members to be appointed by the President. The responsibility of this committee shall be to investigate the fitness and background of all those applying for any class of membership and to qualify all those seeking exempt or membership status. This committee shall also be responsible for reviewing the membership status of all probationary members during the eleventh month of probation. The purpose of this review is to discuss any issues and to make a recommendation on completion of the probationary period, termination of membership, or extension of the probationary period to the Judiciary Committee, which will make a final decision based on a majority vote. The application review committee is responsible for checking at least two references on each applicant for membership. If the applicant was a member of another department, one of the references will be from the old department. Modify application to authorization conducting background Criminal, Sex offender registry, Motor Vehicle history.

SECTION 2. Constitution and Policy Committee

This committee consist of the trustees and other members will be appointed by the President and have the authority to investigate, suggest and propose any changes, additions or deletions to the Constitution and By-laws and Standard Operating Guidelines of this Department. This committee is responsible to review by-laws every five (5) years.

SECTION 3. Judiciary Committee The Judiciary committee shall only consist of active members with 10 years or more of tenure on the department.

All members appearing on the current active list with 10 years of more of service except those granted leave of absence or those excused for illness are required to serve on the committee. The chairman shall be the most senior member present count of continuous service. The Judiciary Committee shall enforce the Constitution and Bylaws of the Department.

ARTICLE #8 DISCIPLINARY PROCEDURES

SECTION 1. Complaints

Any complaint against a member of the Department shall be made in writing to the Fire Chief or Rescue Chief. If both Officers are involved in complaint it shall be directed to next ranking officer. A complaint may be made for violating any principal of the Constitution and By-Laws, Standard Operating Guidelines, and rules of order of the Department or any conduct that could or has subjected a member or members of the Department or the public to harm or danger. Also valid are complaints for failure to obey the command of a superior officer at a drill or emergency, or conduct, which may or has subjected Department property to damage or theft, or conduct unbecoming, or an illegal act, which relates to membership in the Department. An active member of the

Department can only make such complaint. Once a complaint is received a meeting of the Fire Chief, Rescue Captain, and President shall meet and determine if charges have merit. If any of these members are involved next ranking officer for that position shall be used. If merit is determined complaint shall be forwarded to Judiciary Committee.

SECTION 2. Charges

The Judiciary Committee may by majority vote make a finding of probable cause. If such finding is made, it shall specify the charges and without comment or prejudice refer the complaint to the President of the Department or next ranking officer if President is involved who shall cause such charges and any necessary specifications to be reduced to writing and served upon the defendant by certified mail. Once defendant is notified a date shall be determined, **in a timely matter**, to discuss charges before any action can be taken by committee.

SECTION 3. Dismissal of Charges

The failure of the Judiciary Committee to make such finding of probable cause shall be equivalent to dismissal of the complaint.

SECTION 4. Disciplinary Hearings

Every member shall be entitled to a disciplinary hearing for any offense involving suspension or expulsion (except for failure to complete the probationary period). Disciplinary hearings shall not occur unless the charges are so specified as to apprise him/her of the nature thereof and enable him/her to prepare a defense.

SECTION 5. Setting of a Date

The Secretary shall, not more than ten (10) days after the charges are served on the defendant, summon all the parties together on a date agreed upon by all. If no date is agreed upon within thirty (30) days by all parties, the Secretary shall set a date which shall be binding on all parties to try the case. A defendant may elect to act as his/her own counsel, select another member as counsel or provide outside counsel at no expense to the Department.

SECTION 6. Testimony

The Judiciary committee shall hear all testimony and evidence. Each witness will take an oath attesting to the truth and completeness of the testimony he/she will offer. The committee shall weigh the matter at hand and after secret deliberation shall vote on the guilt or innocence of a defendant.

SECTION 7. Penalties

If the committee decides that the charges are sustained, the committee shall then proceed to vote on a penalty. The committee shall consider expulsion, suspension, reprimand, or restitution of probation or a combination of any of listed penalties. A recommended penalty shall require a vote of four out of five members on the committee.

SECTION 8. Findings

The Judiciary committee shall announce its findings at the disciplinary hearing.

SECTION 9. Appeals

In the event a member wishes to appeal a Judiciary Committee's decision, Trustees are to act as a Board of Appeals. The Chairperson of the Trustees will act as the President of the Board

SECTION 10. Contempt

If the defendant neglects or refuses to stand trial when scheduled, the committee shall report him/her guilty of contempt of the Department, such report shall be conclusive and the penalty shall be expulsion.

SECTION 11. Recommendation of Penalty

If the committee decides that the charges are sustained the committee report shall be read to the membership. If a specific penalty is provided for in the Constitution and By-Laws the President shall enforce it, if none is so provided for, the membership shall hear the report of the committee, and the penalty.

SECTION 12. RESERVED SECTION 13. Suspension

The Chief, President or Rescue Captain may suspend a member from the active membership. Such suspension may be made orally, but must be confirmed to the accused in writing and a written complaint, as defined in Article #8, Section 1, must be received by the Judiciary Committee, within seventy-two (72) hours from the actual time of suspension, or said suspension shall be terminated. Such suspension by the Chief, President or Rescue Captain may be terminated by a majority vote of the Judiciary Committee. If the secretary receives a complaint and refers said complaint to the Judiciary Committee, said suspension cannot exceed sixty (60) days. If the Secretary does not receive a written complaint any such suspension will be declared null and void.

SECTION 14. Expulsion

Failure to comply with a penalty shall be considered as contempt of the department. The determination is to be made by the presiding officer shall be conclusive and the penalty shall be expulsion.

SECTION 15. Notification to Defendant

All notices required to be given to a defendant relating to disciplinary proceedings shall be by certified mail and a post office receipt shall be sufficient proof of service.

ARTICLE #9 AMENDMENTS

SECTION 1. Form

Any addition, deletion or change to this Constitution shall be offered in writing and in the form of an amendment. All changes shall be advertised to the membership at least 30 days prior to the proposed approval vote. **SECTION 2. Approval by the Majority** Amendments to this Constitution and By-laws shall be made only after approved majority of two-thirds (2/3) of the members present including any absentee ballots at a regular meetings of the Department. Signed written absentee ballots shall be accepted in the event a member will be absent during voting on by-law changes. This shall be submitted to the secretary prior to voting.

ARTICLE #10 FIRE FIGHTER OF THE YEAR

SECTION 1. Procedure for Establishing Fire Fighter of the Year

There shall be a review committee of five active department members; they shall be as follows, The

President, the current Fire Chief, Rescue Captain, an at large trustee, and the previous year's winner. The review committee shall review all nominations made from any source, within the department or community. All nominations shall be made in writing to the review board. Nominations may be received at any time prior to selection. The review committee may reject any and all nominations. The review committee shall in writing describe the events leading to the selection of the member as Fire fighter of the Year. One (1) copy shall be presented to the winner and one copy filed with the dept. records. The review committee shall meet in December of the year following the event, at which time the Fire fighter of the Year shall be chosen.

SECTION 2. Qualifications for Nomination as Fire fighter of the Year

Nominee must be an active member of the Department. The nominee shall have done something outstanding either of fire/EMS service origin or civic minded. The nominee shall have shown one or more of the following, forthrightness, cool and effective action, quick thinking, team coordination, swift understanding of the situation, use of corrective measures, concern for his/her brother fire fighter or neighbor, outstanding contribution to the Department. The event shall have occurred between January one and December thirty-one of the previous year in which the award is to be given.

SECTION 3. Award

At the annual banquet the Fire fighter of the year award shall be presented.

SECTION 4. Chief's Citations

The chief of the Department may award citations as he sees fit for extraordinary service, courage or heroism. These awards will be made at the annual banquet prior to the fire fighter of the year award.

SECTION 3. Years of Service Award

Length of service awards for 25 years will be a watch and for 35 years of service a clock

ARTICLE #11 GENDER AND NUMBER

As used in this Constitution and By-laws words of the masculine gender include the feminine and words in the singular include the plural and words of the plural include the singular where appropriate. Also, any place the word Board appears, it means Board of Trustees.

Department By-Laws Amended on 5/2015