

Northeast Midland County Volunteer Fire Department

By-Laws

12/01/2021

ARTICLE I: MEMBERSHIP

SECTION 1: MEMBERSHIP. The membership in this Department shall be at least eighteen years of age, citizens of the United States of America or legal resident of good moral character and of sound mind and body. Membership in the department will be limited to 40 Active Members.

SECTION 2: APPLICATION. A person desiring to join the Department will complete a Department Application.

- A. All applications must include a copy of a valid State of Texas Driver License or Government issued ID.
- B. An applicant agrees to give the Department permission to run a Criminal History Report/Background Check, Driving Record and complete NEVFD medical questionnaire.
- C. Any applications received after the Department has reached 40 members will be put on a waiting list.
- D. Membership in the NEVFD is exclusive for Midland County and neighboring counties within reasonable distance of the response district. Members will not be affiliated with any other volunteer fire department inside Midland County. No applicant will be refused membership due to race, color, sex, or religion.

SECTION 3: CLASSIFICATIONS. Membership in this Department shall be divided into five major classifications: 1) Probationary, 2) Active, 3) Associate 4) Honorary and 5) Lifetime.

Probationary Members

At the first meeting of the Department following an interview board, the report of the Interview Board's findings shall be heard. After the report, votes shall be cast by a secret ballot. If the applicant receives a majority aye vote, the applicant shall be declared a Probationary Member of the Department and will serve a probationary period of three (3) months unless extended by Subsection D.

- A. A new member shall be provided with copies of the Constitution, By-Laws, all Standard Operating Procedures (SOPs), all Standard Operating Guidelines (SOGs) and Policies of this Department and sign an acknowledgment of receipt and understanding at the end of the probation period.
- B. During the probation period the member shall:
 1. Complete the NEVFD Orientation and Training Binder
 2. Complete Incident Command System (ICS) classes 100, 200, 700, and 800.
- C. A probationary member:
 1. Shall attend at least two-thirds of all Business Meetings, at which they will have no voting privileges.
 2. Participate in two-thirds of the training meetings. Probationary members will only perform live fire extinguishments as certified by SOG training requirements or under the direct supervision of an officer.
- D. The Executive Committee may extend the probation period for a member by three-month increments due to extenuating circumstances.
- E. At the first Business Meeting after serving the probation period, the member will be voted on by the membership by secret ballot. If the member receives a majority aye vote, the member will be moved to Active Member status.

Active Members

Active Members are the core strength of the Department and are expected to participate regularly in the activities of the Department. Only Active Members shall be able to vote or hold elective office.

Associate Members

- A. Any Active Member may nominate a person who is not a member of the Department but would be an asset but does not wish to participate in the regular activities of the Department as an

Associate Member. The nomination will be voted on during a regular business meeting by secret ballot, a majority aye vote being required.

- B. Any Active Member, due to inability to be active for a period of more than three months, shall be moved to Associate Member status at the member's written request. The Associate Member shall be returned to Active Member status upon written request and a majority aye vote at the next Business Meeting. The EC may require an Associate Member to turn in all Department equipment.
- C. An Active Member may be placed on Associate Member status by the recommendation of the EC and a majority aye vote of the membership

Honorary Member

Honorary Membership may be bestowed on a person who is not a member of the Department for service rendered to the department which may deserve special recognition. A majority vote of the membership at a regular meeting shall be required.

Lifetime Member

Lifetime Membership may be bestowed on a member for superior service to the Department for ten or more years. It must be recommended by the EC, read at three consecutive meeting and receive a three-quarters aye vote.

SECTION 4. RESPONSIBILITIES OF ALL ACTIVE MEMBERS. This is a Volunteer fire department, however there are requirements for each member for the Department to function properly:

- A. Further the interest of the Department by participating regularly in meetings, training, fire response and other activities of the Department. (30% of calls and 30% of trainings)
- B. Obey orders that are given by the officers in command.
- C. Maintain the equipment and keep it in working order to the best of their ability and report any loss or breakage to the appropriate officer. Each member is responsible for property belonging to the Department and entrusted to him/her. Each member is held liable to pay or replace any article lost or damaged due to negligence or abuse. Departmental equipment must be available for audit and inspection upon request. Department equipment shall be returned upon the termination of membership or as directed by the EC.
- D. Shall drive with due regard when responding to emergencies. Personal vehicle incidents responding to an emergency will not be covered by department insurance.
- E. No member shall receive contributions, compensation or financial payment for services as a Northeast Volunteer Fire Department firefighter except as a donation for the Department, which shall be turned over promptly to the Treasurer for deposit into the Department's account.
- F. Any time a member is on duty or wearing a Department uniform or decal he or she is representing the Department and shall conduct themselves as the representatives that they are.
- G. The resignation of a member or an officer shall be in writing and read at the next Business Meeting. All fire department property in possession of a member shall be returned to the Department upon resignation.
- H. To maintain a safe working environment and to protect the community which we serve, no member shall participate in NEVFD activities while intoxicated in accordance with Texas Penal Code Section 49.01 (2) (A) & (B).

SECTION 5. TERMINATION OF MEMBERSHIP

- A. All resignations shall be submitted to the department in writing and read at the following business meeting. The membership will vote by secret ballot to accept the resignation in good or poor standing of the department. If the resignation is accepted in poor standing, that person cannot return to the department at a later date.
- B. Any member who is inactive for ninety (90) days shall be placed on a thirty (30) day probation period. If in those 30 days the member does not become active, the members shall vote at the next business meeting by secret ballot to terminate their membership. If they are active during this time, they shall be returned to active status.

- C. Upon termination of membership, all NEVFD equipment must be returned to a fire line officer or designee within ten (10) business days.

ARTICLE II: MEETINGS

SECTION 1. BUSINESS MEETINGS. Business Meetings shall be held in accordance with the Constitution. The presiding officers at any meeting shall follow the procedures of parliamentary law in accordance with Robert's Rules of Order. Duties of the officers and business procedures not enumerated in the Constitution and By-Laws shall be governed by applicable sections of Robert's Parliamentary Rules of Order.

- A. The order of business at a regular Business Meeting of this Department shall be as follows:
 - 1. Call to order
 - 2. Pledge of Allegiance
 - 3. Approval of Minutes of previous meeting
 - 4. Treasurer's Report
 - 5. Bills for Payment
 - 6. Old Business
 - 7. New Business
 - 8. Officer Reports
 - 9. Committee Reports
 - 10. Adjournment
 - 11. Station Cleanup and maintenance
- B. Two elected officers and three of the active members of the Department will constitute a quorum. If a quorum is not present, the only business that may be transacted is payment of recurring bills.

SECTION 2. NOMINATION AND ELECTION MEETINGS.

Nominations

- A. During the April Business Meeting of even calendar years nominations for election of Officers will be conducted.
- B. Nominations shall be made by secret ballot.
- C. Only Active Members who have been in the Department for at least 18 months are eligible for nomination.
- D. Any member who has been nominated to an office will be allowed two minutes to explain why he/she should be elected.

Elections

- A. During the May Business Meeting of even calendar years elections of Officers will be conducted.
- B. Only those members who were nominated during the previous Business Meeting will be eligible.
- C. No person shall be elected to more than one office concurrently.
- D. A candidate who receives more than fifty percent (50%) of the votes will be elected.
- E. If no candidate receives more than fifty (50%) of the votes, a runoff will be conducted between the two candidates who received the most votes.
- F. Proxy votes shall be accepted for elections in the event a member is unable to attend the election meeting. Proxy votes shall be signed by the member casting the vote and sealed in an envelope marked "proxy vote". Proxy votes will not be accepted if the seal is broken prior to the election and shall be opened when the ballots are tabulated. A Proxy Vote will be used only in the first ballot and cannot be used in a run-off ballot.

SECTION 3. SPECIAL MEETINGS.

Special meetings may be called by the Chief, the EC, or one tenth of Active Members.

- A. Notice will be given at least ten (10) days in advance to all active members informing them of said meeting and the business to be transacted. Notice shall be by group text, email or Active911.
- B. The order of business at a special meeting shall be as follows:
 - 1. Call to Order

2. Transaction of business for which the meeting was called
 3. Adjournment
- C. No business shall be transacted at a special meeting except that stated in the meeting notification.

SECTION 4. SPECIAL VOTE.

A special vote can be called electronically through SMS text message, or other electronic communication (I.E. Groupme, Active911) for emergency expenditures over \$3,000 (Article III, Section 1F). The vote will be tallied 4 hrs after its origination. Majority aye's will pass the motion.

ARTICLE III: OFFICERS AND DUTIES

SECTION 1. ELECTED OFFICERS

Fire Line Officer

The Chief, Assistant Chief, and 3 Captains shall be Fire Line Officers. It shall be acceptable for the secretary or treasurer to serve a dual role as an appointed captain.

Chief - 1

Chief's responsibilities include but are not limited to the following:

- A. Shall preside at all Department Meetings.
- B. Shall cast a deciding vote in all elections and other matters.
- C. Shall appoint committees and is an ex-officio member of all special and standing committees.
- D. May order the temporary suspension of any member for disciplinary reasons.
- E. Shall call a meeting of the EC as necessary.
- F. May authorize emergency expenditures not to exceed \$5,000 without a special vote. Emergency expenditures shall be defined as expenditures immediately necessary to restore any fire apparatus to service or any other expenditure the Chief and EC feels is immediately necessary for proper operations of the Department.
- G. Shall have charge of NEVFD personnel and equipment at all departmental functions.
- H. Shall make recommendations for the purchase of supplies and equipment necessary for the operation of the Department.
- I. Shall be responsible, along with the EC, for seeing that these By-Laws are enforced.

Assistant Chief - 1

The Assistant Chief shall:

- A. Render assistance to the Chief as requested.
- B. Take charge of NEVFD personnel and equipment in the absence of the Chief.
- C. Preside at Business Meetings in the absence of the Chief.

Secretary- 1

The Secretary shall:

- A. Keep a current roll of the members
- B. Keep a record of the proceedings of each Business and EC Meeting
- C. Produce a copy of the record of meeting for the proceeding meeting for each member
- D. Keep on file all correspondence
- E. Keep on file all documents, reports, and records relating to the Department
- F. Notify all members of any special meeting

Treasurer - 1

The Treasurer shall:

- A. Receive and bank all money tendered him/her and give receipt of same
- B. Give a financial report at each regular business meeting
- C. Pay bills as have been approved by the Department
- D. Issue checks
- E. Keep an accurate record of all money received and expended

- F. Attach all receipts and documentation to each bank transaction in QuickBooks
- G. Allocate expenses to the correct QuickBooks category (Recommended Weekly)
- H. Reconcile QuickBooks accounts monthly prior to each business meeting
- I. Arrange for preparation and filing of 990 no later than November 30 annually
- J. Make available all financial records for review to any person making a request
- K. Present a budget status report every three (3) months at a business meeting

SECTION 2. APPOINTED OFFICERS. With the approval of the EC, the Chief shall appoint Captains who will serve at his pleasure and who shall be active members.

Captains - 3

The Captains shall:

- A. Take charge of NEVFD personnel and equipment in the absence of the Chief and Assistant Chief.
- B. Preside at Business Meetings in the absence of the Chief and Assistant Chief.
- C. Have overall responsibility for all apparatus, to make sure that the required maintenance and repairs are accomplished.
- D. Be responsible for any monthly inspections of equipment on all apparatus.
- E. Report any loss or breakage of apparatus or its equipment to the Chief or Assistant Chief immediately.

ARTICLE IV: COMMITTEES

SECTION 1. EXECUTIVE COMMITTEE. The EC shall consist of the elected and appointed officers.

- A. The Chief shall preside over the EC and shall cast a deciding vote.
- B. The EC shall adopt and enforce departmental policy.
- C. The EC shall meet on an as needed basis but not less than quarterly to discuss departmental affairs and make recommendations to the members.
- D. The EC shall investigate matters of discipline against any member or grievances within the Department. If a member of the EC is being investigated, that member will not be present except to be interviewed. The disciplinary action of the EC is limited to suspension of a member for not more than six months. The EC can recommend to the membership that a member be expelled from the Department. The recommendation must be read at a business meeting, a majority aye vote will be required to expel the member.
- E. The EC, with the advice and recommendation of the Chief, shall adopt Standard Operating Procedures (SOPs) for Fire Training and Fire Suppression.
- F. The EC shall investigate all applicants for membership in the Department and make a recommendation to the membership.
- G. The EC will review each member's standing every six months and interview any Active Member who is found to be substantially lacking in participation.
- H. The EC may require a drug test of any member who has been involved in an accident.
- I. Each member of the EC shall make an annual donation to the department of \$100

SECTION 2. STANDING COMMITTEES. At the first Business Meeting following elections the Chief shall present appointments of Standing Committees, each having at least two members but no more than five. Members of Standing Committees serve at the Chief's pleasure.

A. Fundraising / Public Relations Committee

This committee will be responsible for fundraising for the Department. This committee will make recommendations for projects to the membership. This committee will also be responsible for coordinating public events for the Department to participate in.

B. Finance Committee

The Finance Committee shall consist of the Chief, Assistant Chief, Treasurer and two other members, appointed by the Chief, who hold no Elective Office. The Finance Committee will meet

at least quarterly, review any and all records pertaining to the finances of the Department and give a report to the Executive Committee and the membership.

C. Membership Committee

The membership Committee shall consist of the Chief, Assistant Chief and two other members, appointed by the Chief. The Membership Committee will be responsible for accepting new applications, conducting interviews, and making a recommendation to the membership. They shall also be responsible for keeping up with the health and welfare of members and their family.

SECTION 3. TEMPORARY COMMITTEES

- A. The Chief may appoint Temporary Committees as the need arises.
- B. Each Committee shall have two to five members.
- C. The Chief shall be an ex-officio member of all Temporary Committees.
- D. Each Temporary Committee and its members serve at the Chief's pleasure.

ARTICLE V: GENERAL

SECTION 1. APPROPRIATION OF FUNDS. Recurring expenses will be approved by majority *aye* vote at a regular meeting and paid by the Treasurer. A Finance Committee shall meet at least annually to set an annual budget. The budget should be presented to the membership in August for a vote to go into effect October. A majority *aye* vote will be required for the budget to go into effect. This budget should include; Building Fund, Equipment Fund, Training Fund, Office Fund, PR/Event Fund. The funds shall be spent at the discretion of each fund appointee as per SOG and Chief's appointment. All purchases must show proof of purchase and that record shall be forwarded to the Treasurer for retention. Except as provided in Article III, Section 1 F, all non-emergency purchases over \$1,500.00 shall be approved by a majority *aye* vote at a regular, special vote or special meeting. The Chief, Assistant Chief, and Treasurer shall have the authority to sign all checks for disbursement.

SECTION 2. FISCAL AND BUDGET YEARS. The Department's budget/fiscal year will start October 1st and run through September 30th of each year.

SECTION 4 VACANCIES OF OFFICE. If a vacancy occurs in any office, nominations and election will be held at the next Business Meeting to fill the vacated office. If it is an appointed position, the Chief shall make a new appointment with the approval of the EC.

SECTION 5 BY-LAWS REVISION. When three or more Active Members desire to amend the By-laws, they will submit the changes in writing and signed by each to the Secretary at a Business Meeting. At the next three Business Meetings the proposed amendment(s) will be presented to the membership for discussion. At the third Business Meeting the amendments will be submitted to the membership for vote. If a majority *aye* vote is achieved, the amendments will take effect beginning the date of the next Business Meeting.