

# **WALWORTH FIRE DEPARTMENT**

## **BY-LAWS**





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ARTICLE I  
GENERAL PROVISIONS

1. **Name**

The name of the Department is WALWORTH FIRE DEPARTMENT, INC. hereinafter referred to as the "Department".

2. **Offices**

The principle office of the Department shall be in the County of Wayne, State of New York. The Department may also have offices in such other places as the Board of Directors may, from time to time, appoint or the purposes of the Department may require.

3. **Department Logo**

The use of the Walworth Fire Department logos or department owned images outside the department is prohibited. The Board of Directors must approve the use of the logo or department owned images for uses other than official department purposes.

4. **Definitions and Terms**

- "Policies" shall include all policies, procedures, and Standard Operating Guidelines (SOGs) of the Department and Walworth Fire District No.1.
- "Officers" shall mean Executive Officers and officers of the Board of Directors, each being one in the same, but shall not include Line Officers.
- "Line Officers" shall include the Chief, Deputy Chiefs, Captains, Lieutenants and Safety Officers.
- "Administrators" shall include the Trustees and Assistant Secretary.
- "Residence" shall be defined as a person's domicile.
- "District" shall mean the Walworth Fire District No.1, Commissioners and/or District Officers.
- "Entire board" or "seated board members" is the total number of board member positions, and not simply the number of board members in attendance.
- "Address" shall mean mailing address or email address.
- "Operational Activities" shall mean emergency response, training, drills and other such activities.
- "Non-Operational Activities" shall mean activities such as membership meetings, funerals, retention events, fundraising activities, etc.

To the extent that these by-laws conflict with the policies and rules adopted by the Walworth Fire District Board of Fire Commissioners, the District rules shall supersede these by-laws and the District policies and rules govern.

Wherever used herein and required by the context, the use of either gender shall include both genders.

These by-laws shall not apply to any paid staff, if any and shall only grant rights and privileges to volunteers.

ARTICLE II  
PURPOSE

The purposes for which the Department is organized are to operate exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, and within such limits.

1. **Fire and Rescue**

To prevent and extinguish fires, to provide non-transporting first response basic emergency medical services, to provide rescue services, to permit the Department to use apparatus, hose, extinguishers, chemicals, and equipment for use in putting out, extinguishing, and preventing fires and conflagrations within the Walworth Fire District, and within any other area as permitted by law if so requested or under mutual aid agreement or other contract to do so.

2. **Financial**  
To accept donations, gifts, and grants, and to make purchases for the betterment of the Department.
3. **Members**  
To recruit and retain members and engage in activities to enhance the membership of the Department.
4. **Training**  
To train Membership in all required skills and roles.
5. **Community Education**  
To conduct fire prevention and life safety education for the community.
6. **Auxiliary**  
To sponsor and support an auxiliary.
7. **Other**  
To do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof and not prohibited by law or inconsistent with the other provisions of the Certificate of Incorporation or these by-laws.
8. **Not-For-Profit Powers**  
In accordance with the above, to have and exercise all powers available to Companies organized pursuant to the Not-for-Profit Department Law of the State of New York.

**ARTICLE III**  
FISCAL YEAR / RECORDS

The Department shall have a 12-month period that it uses for accounting and budget purposes.

1. **Fiscal Year**  
The fiscal year of the Department shall start on January 1<sup>st</sup> and end on December 31<sup>st</sup>.
2. **Record Keeping**  
The Department shall keep correct and complete books and records of account and minutes of all Department Meetings and Board of Directors meetings. In addition, the Department shall keep records of actions taken in all matters related to membership including but not limited to: change in membership classification, leaves of absence and disciplinary actions. All Department records shall be kept in accordance with the Department Record Retention Policy.

**ARTICLE IV**  
MEMBERSHIP

Membership in the Department shall be organized into categories which are defined by the level of a member's participation in Department activities. In turn each category shall have classifications of membership, which shall set forth the characteristics, qualifications and privileges for each. In addition, the Department shall have a Member Status which reflect the current state of the member and any benefits or limitations as a result of such status.

1. **Membership Categories**  
Membership in the Department shall be divided into two categories: Active Members and Non-Active Members.

**A. Active Membership**

Active Membership reflects those members who regularly participate in Operational Activities. Active Membership shall have three classifications. The description of each classification and the procedures for Active Membership are listed in the table: Active Member Classifications.

<b>ACTIVE MEMBER CLASSIFICATIONS</b>	
<b>CLASSIFICATION OF MEMBERSHIP</b>	<b>PROCEDURE</b>
<p><b>PROBATIONARY MEMBER</b></p> <p>Probationary Members are those persons who have been accepted by the Membership Committee and have been approved by the District.</p> <p>Probationary Members must complete a 12 month Probationary Period before becoming a Full Member.</p>	<ol style="list-style-type: none"> <li>1. All applications must be submitted on a form provided by the Department and turned over to the Membership Committee.</li> <li>2. The Department Secretary shall file a record of the application.</li> <li>3. The Membership Committee shall start to review the application within 14 days of receiving the completed application.</li> <li>4. The Membership Committee shall review the applicant by evaluating the qualifications and the data on the application, contacting the listed references, and searching the internet and social media for information that would assist in determining the applicant's character.</li> <li>5. If satisfied with the results of the review, the Membership Committee shall then conduct an in-person interview.</li> <li>6. Based on its findings, the Membership Committee shall decide whether to grant or deny the applicant Probationary Membership.</li> <li>7. The Membership Committee shall request the Department Secretary to submit the membership application to the Secretary of the Walworth Fire District.</li> <li>8. The District can vote either to accept or deny the application. However, should the Fire District fail to act upon the application, either by approving or disapproving the application, such membership shall be deemed approved after 40 days after the application was forwarded by the Secretary of the Department to the Secretary of the District.</li> <li>9. Probationary Membership shall begin upon grant of approval by the Fire District or upon expiration of the Fire District's time to act. No person shall exercise any privileges as Probationary Member until the Fire District approves or fails to act upon the request for membership as above.</li> <li>10. Probationary Members are required to complete a Medical Physical Form within 45 days after the applicant receives the form from the Department.</li> </ol>

<b>ACTIVE MEMBER CLASSIFICATIONS</b>	
<b>CLASSIFICATION OF MEMBERSHIP</b>	<b>PROCEDURE</b>
<p><b>FULL MEMBER</b></p> <p>Members are those persons who have joined the Department and have been voted in by the membership body after completing the Probationary period.</p>	<ol style="list-style-type: none"> <li>1. The Department Chief shall report to all the membership present at the next regular or special Department meeting whether or not the individual has fulfilled the requirements of Probationary Membership.</li> <li>2. All Full Members present at the meeting shall vote via paper ballot overseen by the Secretary.</li> <li>3. The voting results should be announced at the meeting and recorded in the meeting minutes only as accepted or rejected. The count of votes for and against shall not be announced or recorded.</li> <li>4. A positive vote of the majority of the Full Members present at the meeting shall be necessary to elect a person to Full Member.</li> <li>5. Should a Probationary Member not receive a favorable vote by the majority of Full Members present, the person's Probationary Membership shall end, and the person shall no longer have any status, rights, obligations, or privileges of membership. There shall be no appeal from the denial of Membership. A person not granted membership must return all Department and District property and equipment immediately.</li> <li>6. No Full Member is required to provide any reason for their positive or negative vote of Membership.</li> </ol>
<p><b>STATION SUPPORT</b></p> <p>Station Support members are those who are limited in their ability to respond to the scene of an emergency.</p>	<ol style="list-style-type: none"> <li>1. Follows the membership process for Probationary membership and Full membership above.</li> </ol>
<p><b>AUXILIARY MEMBER</b></p> <p>Auxiliary Members are those persons who provide support to the Department. The Auxiliary is considered a Standing Committee of the Department.</p>	<ol style="list-style-type: none"> <li>1. The procedure for membership in the Auxiliary is outlined in the Auxiliary by-laws.</li> </ol>

**B. Non-Active Membership**

Non-Active Membership reflect those members who do not participate in Operational Activities. Non-Active Membership has one classification. The description of the classification and the procedure for Non-Active Membership is listed in the table: Non-Active Member Classification.

<b>NON-ACTIVE MEMBER CLASSIFICATION</b>	
<b>CLASSIFICATION OF MEMBERSHIP</b>	<b>PROCEDURE</b>
<p><b>RETIRED MEMBER</b></p> <p>Retired Members are those persons who served no fewer than 25 years as an Active Member in the Department but can no longer perform Operational Activities.</p>	<ol style="list-style-type: none"> <li>1. Member must submit a signed letter in writing to the Membership Committee requesting to be a Retired Member.</li> <li>2. Retired Membership is subject to the approval of a majority of the vote of the Full Members.</li> </ol>

2. **Privileges of Membership**

Each class of membership shall have the minimum privileges as outlined in the table: Privileges of Membership. Other policies and rules of the Department may add additional privileges, but they cannot remove the privileges listed here.

PRIVILEGES OF MEMBERSHIP					
PRIVILEGES	ACTIVE				NON-ACTIVE
	PROBATIONARY MEMBER	FULL MEMBER	STATION SUPPORT MEMBER	AUXILIARY MEMBER	RETIRED MEMBER
Respond to Calls	X	X	X <sup>3</sup>		
Serve as an Interior Firefighter	X	X			
Serve as an Exterior Firefighter	X	X			
Serve as Fire Police	X	X			
Drive Apparatus Once Cleared	X <sup>2</sup>	X			
Drive M45 or M47 to Training Class Once Cleared	X	X			
Drive M47 Non-Emergency to Calls Once Cleared	X	X	X	X	
Operate Q1 Aerial Device Once Cleared	X <sup>2</sup>	X			
Operate Q1 or E50 Pump Once Cleared	X <sup>2</sup>	X			
Operate Power Tools or Equipment Once Cleared	X <sup>2</sup>	X			
Climb Ladders or Operate at Heights Above 6 feet	X <sup>2</sup>	X			
Participate in Training and Drills	X	X	X <sup>3</sup>		
Attend Parades, Funerals and Other Department Events	X	X	X	X	X
Participate in Department Meetings and Committees, serve as an Agent	X	X	X <sup>3</sup>	X <sup>1</sup>	X
Vote at Department Meetings and in Committees		X	X	X <sup>1</sup>	X
Vote at Department Annual Election Meeting		X	X		X
Create or Dissolve Committees or Agents		X		X <sup>1</sup>	X
Eligible for Line Office Positions		X			
Eligible for Board of Director / Executive Officer / Administrator Positions		X	X		X

<sup>1</sup> Auxiliary Privileges - The Auxiliary is considered a Standing Committee of the Department and may have its own rules and policies. The privileges of the Auxiliary in Department Meetings and Committees is outlined in the Committees and Agents section of these by-laws.

<sup>2</sup> These privileges can only be granted by the chief based on experience and demonstrated proficiency.

<sup>3</sup> Support Personnel may participate in any/all non-operational activities. Participation in training and drills are based on limitations and safety subject to Department Chief and Safety Officers' recommendations. During emergency calls they may respond to the hall to provide support by manning radio room, coordinate with scene to provide resources, act as liaison to the Auxiliary, secure hall doors following equipment response, act as liaison for fill in crews. They may use M-47 to deliver equipment and/or refreshments to emergency

scene as needed or during non-operations activities at the discretion of the Department Chief. All Station Support personnel are issued a safety vest as Personal Protective Equipment.

**3, Membership Status Types**

The Department shall have four types of Membership Statuses. Membership Status does not change the individual’s class of membership. The description of each Membership Status and the conditions are listed in the table: Membership Status Types.

<b>MEMBERSHIP STATUS TYPES</b>	
<b>MEMBERSHIP STATUS</b>	<b>CONDITIONS</b>
<p><b>LIFE MEMBER STATUS</b></p> <p>Life Members are those persons who have served at least 25 years as an Active Member in the Department, including time as a Probationary Member.</p>	<ul style="list-style-type: none"> <li>• Life Membership Status is automatic.</li> </ul>
<p><b>EXEMPT STATUS</b></p> <p>Exempt Status shall be granted to any Active Member or Non-Active Member who has served a total of at least five years in this Department or another department, and who has been in good standing for at least five years.</p>	<ul style="list-style-type: none"> <li>• Member granted Exempt Status shall be entitled to a certificate as an Exempt Volunteer Fire Fighter in accordance with Section 200 (and those following it) of the General Municipal Law.</li> <li>• These by-laws shall also permit the grant of Exempt Status in accordance with any other provision of law.</li> </ul>
<p><b>INACTIVE STATUS</b></p> <p>Inactive Status shall be assigned to any Active Member who has been granted a leave of absence.</p>	<ul style="list-style-type: none"> <li>• Inactive Status is automatic when the conditions are met as outlined in the Leave of Absence section of these by-laws and the policies and rules of the Department.</li> </ul>
<p><b>SUSPENDED STATUS</b></p> <p>Suspended Status shall be assigned to any Active Member or Non-Active Member who is under suspension.</p>	<ul style="list-style-type: none"> <li>• Suspended Status is automatic when conditions are met as outlined in the Suspension section of these by-laws and the policies and rules of the District and Department.</li> </ul>

**4. Membership Status Privileges and Restrictions**

The privileges and/or restrictions of each type of Membership Status are listed in the table: Membership Status Privileges and Restrictions. Other policies and rules of the Department may add additional rights, but they cannot remove the privileges or restrictions herein.

<b>MEMBERSHIP STATUS PRIVILEGES AND RESTRICTONS</b>	
<b>STATUS</b>	<b>PRIVILEGES AND RESTRICTIONS</b>
<b>LIFE MEMBER STATUS</b>	<ul style="list-style-type: none"> <li>The grant of Life Member Status shall not result in any member’s loss of privileges.</li> </ul>
<b>EXEMPT STATUS</b>	<ul style="list-style-type: none"> <li>The grant of Exempt Status shall not require any member to resign or lose any other privileges of membership. Privileges of Exempt Status shall be in accordance with those granted by law, if any.</li> </ul>
<b>INACTIVE STATUS</b>	<ul style="list-style-type: none"> <li>Individuals who are assigned Inactive Status shall have all privileges rescinded until the Inactive Status has lifted.</li> <li>Those on Inactive Status can be granted rights on a case-by-case basis as determined by the Chief.</li> </ul>
<b>SUSPENDED STATUS</b>	<ul style="list-style-type: none"> <li>Individuals who are on Suspended Status shall have all benefits and privileges of membership rescinded until the Suspended Status has lifted.</li> <li>They may not, for the entire period of the suspension, attend any Department function other than those related to the affiliated hearing or investigation.</li> <li>They shall not in any way identify themselves as being affiliated with the Department, such as by wearing insignia or other marked clothing.</li> <li>They may not be present on District’s property or in its vehicles.</li> <li>Any violation of these rules shall permit the Board to continue the suspension for an appropriate period, up to an additional two months.</li> <li>Nothing shall prohibit a suspended member from exercising any rights available to them as a member of the public as if they were not a member.</li> </ul>

**5. Membership Requirements**

Membership is not automatic. There is nothing that requires the acceptance of any applicant, but no applicant shall be rejected due to gender, race, sexual preference, ethnicity or religion. They must be of good moral character and be able to meet any other qualifications as stated in these by-laws and the policies and rules of the District and the Department.

**A. Age Requirements**

All members must be at least 18 years of age.

**B. Residency Requirements**

All Active Members must meet one of the three following Residency Requirements. Non-Active Members do not have any Residency Requirements.

**1. District Resident**

A resident of the Walworth Fire District.

2. **Occupational Resident**

By the reason that the member's usual occupation is located within the Walworth Fire District, the member is available to render active service during the hours of their occupation.

3. **Vicinity Resident**

A resident in the vicinity of the Walworth Fire District who is available to render active service. No person who does meet the Vicinity Residency requirement shall be elected to membership, if by doing so, the percentage of Active Members residing in such areas would exceed 45 percent of the actual membership therein.

C. **Physical Requirements**

All Active Members must be able to meet those physical requirements as outlined in the District and Department policies. Physical Requirements vary based on Membership Classification and firefighter classification (i.e. interior, exterior, fire police). Non-Active Members do not have any physical requirements other than those for a Retired Life Member.

D. **Arson, Registered Sex Offender and Felonies**

A person who has been convicted of or pleads to arson or attempted arson in any degree; who has been convicted of any Felony (unless they present a certificate of relief from disability for such Felony [but not arson or attempted arson]); or has been convicted of a crime which requires the person to register as a sex offender under article 6-C of the correction law, shall not be eligible for membership. Upon application by any person for membership, the District shall cause the applicant's background to be checked pursuant to section 837-o of the Executive Law for a criminal history involving a conviction for arson or convicted of a crime which requires the person to register as a sex offender.

E. **Prior Members**

Prior members of the Department who were not expelled for cause or did not resign while in bad standing may be eligible for reinstatement. However, since every person may have special circumstances regarding reinstatement, the applicant must comply with the same application requirements as any new Member, including completing a Probationary Period. The Probationary Period may be adjusted based on the Previous Firefighter Experience section of these by-laws.

F. **Members of Another Fire Department**

A person who is already a volunteer member of another fire department shall not be eligible for membership in the Department.

1. **Surrender Another Department Membership**

Members of other fire companies must surrender their volunteer membership in that department before applying for membership in this Department, regardless of membership class. They shall provide a copy of the Letter of Resignation from the other department as well as relinquish any membership identification from said department. Upon proof of resignation from the other department, the applicant shall follow the same procedure as any other person to apply for membership in this Department. Their Probationary Period may be adjusted based on the Previous Firefighter Experience section of these by-laws.

G. **Other Requirements**

Additional duties, prohibitions and requirements of membership may be set forth in the policies of the District and Department, but in no event, may the policies take away any rights bestowed in these by-laws. Membership shall be continued only if members shall meet any and all such requirements as contained in these by-laws as well as the policies.

6. **Membership Participation Requirements**

Active Members (Probationary, Full and Station Support) are expected to participate in Department activities to maintain their membership. The Department shall use a point tracking system to encourage member participation. Note: These requirements are not associated with or defined by the District's LOSAP program and are not in effect for Non-Active Members.

A. **Membership Participation Requirements**

For a member to retain their membership in the Department, they must accumulate a minimum of 8 (eight) Membership Participation Points for a calendar year, January 1<sup>st</sup> through December 31<sup>st</sup>, based on the following criteria:

**1. Drills or Training**

Attend a minimum of 6 (six) from the following:

- Scheduled Department training or drills
- New York State/County training that conflicts with scheduled Department training or drills

AND

**2. Department Activities**

Actively participate in a minimum of 2 (two) activities from the following:

- Fundraising Events
- Parades
- Funerals
- Retention Events
- Work Details
- Committee Member
- Agent Activities
- Conferences
- Department Sporting Events
- Any activity pre-approved by the President

**B. Pro-Rating Membership Participation Points**

Membership Participation Points are pro-rated based on acceptance date for Probationary Members and for any Leave of Absence based on the following:

<b>Time Period</b>	<b>Pro-Rated Membership Participation Requirements</b>
1-3 months (30-92 days)	4 drills and 2 activities
4-6 months (93-183 days)	3 drills and 1 activity
7-9 months (184-273 days)	2 drills and 0 activities
10-12 months (274-364 days)	1 drill and 0 activities
Full Year (365 days)	0 drills and 0 activities

**C. Auxiliary Requirements**

The Auxiliary Committee members shall establish their own activity requirements, if any.

**D. Oversight**

1. The Board of Directors shall provide oversight of the accumulation of Membership Participation Points based on the signatures on the Department Attendance Sheets and post a list quarterly of the Membership Participation Points before April 15th for the first quarter, July 15th for the second quarter, October 15th for the third quarter, and January 15th of the next year for the fourth quarter. Following the October Business Meeting and prior to October 15th, the President shall notify the individual member(s) and the Chief of those who have not accumulated the required Membership Participation Points to date.
2. The Board of Directors may modify these Membership Participation Requirements at any time based on extenuating circumstances.

**E. Failure to Meet Membership Participation Requirements**

Failure to meet the required Membership Participation Points shall lead to termination of membership.

**1. Failure Notification**

The Chief shall notify the Active Member, in writing, of their failure to meet the Membership Participation Requirements.

**F. Membership Participation Requirements Evaluation**

The Board of Directors shall evaluate the requirements annually no later than January 15<sup>th</sup> of each year. Revisions shall be reviewed by the members and incorporated into the Department By-Laws once approved by the members.

**7. Previous Firefighter Experience**

Firefighters who have previous firefighting experience can be cleared on an apparatus and / or equipment during their Probationary Period by the Chief after they have demonstrated proficiency based on the District and Department policies and procedures.

**8. Membership Cards**

All Active Members shall be issued a Membership Card which denotes their name, the Department name and year. The President shall sign each card and ensure the cards are distributed to the members before the end of January of the given year. The Membership Card is not transferable to another person. The Membership Card must be relinquished upon resignation or termination from the Department.

**9. Reapplication**

Persons denied Probationary Membership shall not be permitted to reapply any sooner than 12 months after the date of denial for any Membership.

**10. Change in Membership Categories**

Members may have their Membership Category changed based on the Procedures listed in the Active Member Classifications table or the Non-Active Member Classifications table. All changes in Membership Categories result in forfeiture of privileges and benefits of the prior category and/or classification and the acquire the privileges and benefits of the new category and/or classification.

**A. Active Member to Non-Active Member**

Active Members, subject to the Non-Active Member Classifications table, may have their Membership Category changed to Non-Active and be classified as a Social Member or Retired Member.

**B. Non-Active to Active Member**

If a Non-Active member wishes to return to Active Membership, they must meet all the requirements outlined in the Membership Requirements section of these by-laws and capable of Operational Activities.

**11. Change in Membership Classification**

Members may only change their Membership Classification subject to the Procedures listed in the Active Member Classifications table and Non-Active Member Classifications table.

**12. Change in Residence**

Each Active Member shall be required to notify the Secretary of the Department in writing within 30 days upon learning that they will be moving to a new location or otherwise changing their address. The notification shall include their name, new address and the effective date. If a member's change in residency results in their no longer meeting the Residency Requirements as outlined in these by-laws their membership shall be terminated.

**13. Change in Physical Abilities**

Each Active Member shall be required to notify the Chief in writing within 14 days upon learning that they no longer meet the physical requirements as outlined in the District and Department policies for their current Membership Category, Classification or firefighter classification (i.e. interior, exterior, fire police). The notification must include a physician's statement listing the member's limitations, restrictions and effective dates.

The member's membership shall be changed, if necessary, as determined by the District and Department policies and these by-laws. A change in a member's physical abilities may result in a change in Membership Status (via Leave of Absence), a change in Membership Classification to a Retired Member if the member qualifies, and/or a change in the member's firefighter classification (i.e. interior, exterior, fire police). If a member's change in physical abilities does not qualify for a new Membership Classification, their membership shall be terminated.

#### 14. **Leave of Absence**

An Active Member may request a Leave of Absence for personal or medical reasons, military duty or to attend school. A leave of absence, once granted, shall automatically change the member to an Inactive Status. The Chief shall make an announcement of any Leave of Absence to the membership at the next Department Meeting. Members on Inactive Status shall enjoy only those privileges outlined in the Membership Status Privileges and Restrictions section of these by-laws.

##### A. **Requests for Leave of Absence**

All requests for leaves shall be submitted in writing to the Chief for their approval. The Chief shall grant or deny the request with 14 days.

##### B. **Length of Leave of Absence**

The Chief may grant up to 12 months of leave at any one time. Upon the passage of the twelfth month of the leave of absence, the member shall automatically be terminated from Membership, unless such person has requested an extension of the leave for an additional twelve months. Probationary Members may only receive a leave for six months and no longer and may not be granted an extension.

Military leaves shall have no maximum duration and the leave shall be counted towards a Member's time with active service in the Department, except for qualifications for Executive or Line Officer status. Members on military leave shall return to active duty with the Department no later than six months after returning from military service.

##### C. **Return from Leave of Absence**

All members returning from a Leave of Absence may return to Active Service only after notifying the Chief in writing and receiving their approval. All returns from a Leave of Absence shall be announced to the membership at the next Department Meeting.

##### 1. **Returning from Medical Leave of Absence**

Any member on leave for a medical reason shall not return unless a physician has confirmed in writing that the member is physically and emotionally fit for active service. The written confirmation must be approved by the Chief before the member can return to Active Member service.

#### 15. **Resignations**

A resignation of a member or officer must be made in writing and addressed to the President or Vice President who will present it to the members at the same or the next Department Meeting. The matter must be then tabled until the next Department Meeting, as a "cooling off" period, wherein if the resignation has not been withdrawn by the member, the member's resignation shall be put to a vote by those members permitted to vote.

##### A. **Acceptance Voting**

No resignation shall be accepted if the member is not in good standing with the Department. If a member resigns during a period of suspension, fails to remit any money owed to the Department or does not return all District and Department property, the members may vote to have the member resign "in bad standing".

##### B. **Returning District and Department Property**

Any member resigning shall return all District and Department property within 30 days of their resignation. If the member fails to return all District or Department property within that time, the District will undertake legal actions to secure the property.

**C. Effective Date**

A member's resignation becomes effective on the day of acceptance at the Department Meeting, or on the date requested by the member if it comes after acceptance at the Department Meeting.

**D. District Notification**

The Department Secretary shall submit a copy of the member's resignation letter to the Secretary of the Walworth Fire District. No action shall be required by the District.

**16. Discipline**

The District and Department have the right to ensure proper conduct of all members. Incidents, minor or major, may require discipline through counseling, suspension, or termination. The policies of the Department may provide additional reasons for the suspension or termination of a member, but such policies shall not abrogate or amend these by-laws.

**A. Officers Responsible to Take Corrective Action**

The Chief has the responsibility to bring forth charges in all incidents, If Chief is the subject of the incident, then the Chairman of the Board of Commissioners shall bring up the charges.

**B. Reasons for Discipline**

A member may be suspended for the reasons listed below. In addition, members can be removed or suspended for misconduct or incompetence as outlined in the District Discipline Policy.

- failure to complete training, meeting or drill requirements of Department by-laws
- unauthorized use of equipment
- violation of the District Code of Conduct
- announcing orally that they are immediately resigning from membership
- any action or omission that threatens or jeopardizes the safety of the public, the members, or property

**C. Informed of Violation Type**

The disciplined member must be informed which policy they are in violation of: the Department By-Laws or the District Discipline Policy.

**D. Counseling**

The Chief has the duty to take corrective action with any member through counseling for minor offenses. The Chief shall hold a Counseling Meeting with the member within 48 hours of witnessing or learning of the incident with one additional Board of Directors member or Line Officer in attendance. At the meeting, the Chief shall provide the member with dates and details of the offense and any remedial action to be taken. The Counseling Meeting shall be documented as outlined in the Disciplinary Documentation section of these by-laws.

**E. Suspension**

If an offense requires further discipline, the member shall be placed on suspension from duty. Suspended members shall automatically have their Member Status changed to Suspended Status. There shall be three types of suspensions: Emergency Suspension, Short-Term Suspension and Long-Term Suspension.

**1. Emergency Suspension**

The Chief can suspend a member immediately, "on the spot", for up to two days for conduct posing imminent danger to the public or other members. This suspension can be increased to a Short Term Suspension or Long Term Suspension.

**2. Short-Term Suspension**

The Chief can suspend a member up to 30 days. Short-Term Suspensions are subject to a Suspension Meeting.

**a. Short-Term Suspension Meeting**

The Chief shall hold a Suspension Meeting with the member within 48 hours of

witnessing or learning of the incident, with one additional Board of Directors member or Line Officer in attendance. At the meeting, the Chief shall provide the member with dates and details of the offense and the length of the suspension. The Suspension Meeting shall be documented as outlined in the Disciplinary Documentation section of these by-laws.

3. **Long-Term Suspension**

The Chief can bring up charges against a member for Long-Term Suspension. A Long-Term Suspension is subject to a hearing and shall be performed in accordance to the Disciplinary Hearing section of these by-laws. The Hearing Panel shall determine the length of a Long-Term Suspension which can be up to 12 months, but no member shall be suspended for more than a total of 12 months.

F. **Termination**

Certain events or incidents may result in termination of an individual's membership. In addition to the requirements and procedures stated in these by-laws, the policies of the District or the Department may provide additional reasons for the termination of membership, but such policies shall not abrogate or amend these by-laws. Probationary members are not entitled to full due process rights upon termination and shall only be afforded the privileges specifically set forth in these by-laws. The failure to strictly comply with this process does not entitle the member to any rights. Membership shall terminate immediately upon failure to meet the following requirements:

1. **Failure to Meet Residency Requirement**

A member's membership shall terminate when any member ceases to meet the Residency Requirements as outlined in these by-laws. Active Members, if they qualify, may change their Membership Category to Non-Active if they no longer meet the Residency Requirements.

2. **Failure to Meet Physical Requirement**

A member's membership shall terminate if a member's change in physical abilities does not qualify them for a new Membership Classification.

3. **Failure to Meet Proficiency Requirements**

A member's membership shall terminate upon the failure of a member to meet the Department's required proficiency requirements.

G. **Disciplinary Hearing**

If an incident or circumstance requires a hearing as stated in these by-laws, the Department shall hold a Disciplinary Hearing. The hearing shall be held by a Hearing Panel as outlined below. The failure to strictly comply with this process is not a reason for reversing the decision of the Hearing Panel.

1. **Notification**

The President shall send a written notice to the member, via certified mail at least 10 days before and not more than 30 days before the hearing. The notification shall include the following:

- A list of all charges alleged with specific dates
- The date, time, and place of the hearing
- The members on the Hearing Panel

The notice shall advise the member that they are permitted to submit a written response at any time before the hearing. The notice shall also advise the member that they have the right to be represented by an attorney, question the witnesses against him, and present a defense.

2. **Hearing Panel Members**

The members of the Hearing Panel shall not have been witness to the incident nor have any conflict of interest. The Hearing Panel shall consist of the President and four Full Members who have at least four years of service which are drawn from a lottery. Two alternates shall also be drawn. Members of Hearing Panel cannot be witness to event nor have any conflicts of interest. If the President is the subject of the disciplinary action the District Chairman of the Board shall take their place on the Hearing Panel.

3. **Objection to a Hearing Panel Member**

The member has the right to an impartial decision maker and must notify the President of their objection to any member on the Hearing Panel within four days from receipt of the notice. The objection must be reasonable in that a member of the Hearing Panel is biased or was a witness. If the President deems the objection reasonable, the President shall choose an alternate from the Hearing Panel who is not objectionable and shall notify the member of the name of the replacement. Details of the objection and alternate selection must be documented.

4. **The Hearing**

The Hearing Panel will determine what the facts of the incident(s) are and determine the facts for each charge. The determinations on each charge shall be placed in writing and provided to the member. The member may present proof that could serve to mitigate any punishment if they desire.

5. **The Decision**

After hearing the proof and arguments and after determining the facts underlying the incident(s), a majority of the Hearing Panel is necessary to agree upon the imposition of any punishment. The panel does not need to meet at that date or in front of the accused when considering a punishment. The decision of the Hearing Panel shall be documented as outlined in the Disciplinary Documentation section of these by-laws. The Hearing Panel shall render a written decision for either:

- Time served
- Additional suspension time of up to no more than a total of 12 months
- Other remedial action as deemed reasonable by the Hearing Panel
- Termination of membership
- Dismissal of the charges

6. **Appeal of the Hearing**

There shall be no appeal of the hearing. The decision of the Hearing Panel shall be final and binding.

7. **Failure to Attend a Discipline Hearing**

If the member does not show for the hearing and has not notified the President of their pending absence, they shall be deemed guilty of the charges brought against him and shall have their membership terminated immediately.

H. **Department and District Notification**

The President shall give general notice to the members at the next Department Meeting when any person has been suspended or terminated but need not state the reason for the action. The Department Chief shall report to the District at their next regular meeting of any suspensions or terminations.

I. **Disciplinary Documentation**

All incidents, minor or major, that require counseling, suspension, or termination will be recorded and filed in the members' personnel file. The subject of the disciplinary action shall be provided with a copy of the document within 48 hours of the disciplinary decision or action taken.

1. **Required Documentation**

The disciplinary document shall include the following:

- Dates and details of the offense
- Dates and details of any meetings
- Dates and details of all verbal and written communications with the member
- Details of the corrective action taken

**17. Voting on Affairs of Department**

Members may vote on any matter before the membership. All votes requiring a vote of the members shall require a quorum of those members permitted to vote and shall then be approved or rejected by a simple majority of those permitted to vote.

**A. Quorum for Voting on Affairs of Department**

Unless otherwise stated in these by-laws, at regular, special and annual member meetings whenever a vote of the members is to be taken, a quorum shall consist of the presence at the vote on any issue of 20 percent of the members.

**B. Voting Method**

Prior to the vote, the President shall determine the method of voting: via a show of hands, via a verbal vote (yea or nay), or via paper ballot. Any member shall also be allowed to request either type of voting method before the vote takes place. Voting to grant Full Membership shall only via paper ballot.

**C. Department President Voting**

The President shall only vote to break a tie vote or via a paper ballot. They shall refrain from voting at other times to prevent influencing the voting of other members. The President shall withhold their vote until the result of the vote is announced.

**D. Resolution of Tie Votes**

In the event of a tie, a second vote shall be taken. Before the second vote, the membership shall be allowed additional discussions on the topic. In the event the second vote again results in a tie, the President's vote shall be counted.

**E. Recording of Voting Results**

At the conclusion of the vote, the Secretary shall announce the count of votes in the affirmative, in the negative, the number abstaining, and the total count of members present. This count shall also be entered into the meeting minutes. In the case of voting to grant Full Membership, the announcement and recording shall only reflect if the member was accepted or rejected.

**18. Proxy Voting**

Proxy voting shall be not be permitted.

**19. Annual Election Meeting**

The Annual Election Meeting of the Department shall be held on the first Thursday following the first Tuesday in December. Elections for Board of Directors, Executive Officers, Administrators and Line Officers are held at this meeting.

**20. Notice of Annual Election Meeting**

Notice of the time, place and purpose or purposes of the Annual Election Meeting shall be served either personally, by mail or electronically via email. Notice shall be given not less than 10 days nor more than 50 days before the meeting upon each person who appears on the books of the Department as a member thereof. If the notice is mailed or emailed, such notice shall be directed to the member at their address as it appears on the books of the Department unless they have filed with the Secretary of the Department, a written request that the notices intended for them be mailed or emailed to some other address, in which case it shall be mailed or emailed to the address designated in such request. The member is responsible to ensure the Department has their correct mailing and/or email address. Members may waive notice as outlined in the Meeting Waiver of Notice section of these by-laws.

**21. Department Meeting**

The regular meetings of the Department shall be held on the first Monday of every month that is not a legal holiday, shall begin at 7:00 P.M. and shall continue until such meeting is properly closed by vote of the members. Department Meetings shall preferably be held at the fire station. In the event that a legal holiday falls on that date, the meeting will be commenced on the Tuesday following the first Monday. The President shall preside over the Department Meetings, and in his absence, the Vice-President.

**22. Special Meetings**

Special meetings of the Department may be called at any time by a majority of the seated members of the Board, the President or by 51 percent of those permitted to vote. Those members, however, must demand such meeting in writing and specify therein the date and month of the meeting, such month being not less than two nor more than three months from the date of such written demand. The demand must also include the topic(s) to be discussed and/or voted upon at that meeting. No issue unrelated to that included in the demand shall be raised at the special meeting. The demand shall be presented to the Secretary. The Secretary shall then promptly give notice of such meeting to the members in accord with the customary manner for providing such notice. Should the Secretary fail to give such notice within five business days after receiving the demand, any Member signing the demand may give such notice. The meeting shall be held at the usual place of regular meetings.

**23. Notice of Meetings**

Written notice of all meetings shall be provided to every member entitled to vote at such meeting. Such notice shall state the place, date and hour of the meeting and indicate that it is being issued by or at the direction of the person calling the meeting. If the meeting is a Special Meeting, the notice shall also state the purpose(s) of such meeting. The notice shall be given personally, by first class mail, or electronically via email. Notice shall be given no less than 10 nor more than 50 days before the date of the meeting. Notice may be given by any other class of mail, but in such case shall not be given less than 30 nor more than 60 days before such date. If the notice is mailed or emailed, such notice shall be directed to the member at their address as it appears on the books of the Department unless they have filed with the Secretary of the Department, a written request that the notices intended for them be mailed or emailed to some other address, in which case it shall be mailed or emailed to the address designated in such request. The member is responsible to ensure the Department has their correct mailing and/or email address. Notice shall be deemed given when the notice is placed in the mailbox with prepaid postage thereon, or when marked as delivered by email. Members may waive notice as outlined in the Meeting Waiver of Notice section of these by-laws.

**24. Meeting Waiver of Notice**

Members may waive written notice of meetings and/or the Annual Election Meeting up to one year in advance by providing/signing a waiver of notice. A person's attendance at a meeting without objection on the record in the minutes shall also serve as a waiver of notice.

**25. Dues of Members**

There shall be no dues.

## ARTICLE V BOARD OF DIRECTORS

The Department shall have a Board of Directors which shall consist of a President, Vice-President and two Directors at Large.

**1. Qualifications for the Board of Directors**

Each Director shall be at least 21 years of age, a citizen of the United States and a resident of the State of New York. A candidate must have been a Full Member or Life Member in good standing for at least three consecutive years immediately prior to the election. The Department Chiefs may not serve as a member of the Board of Directors.

**2. Election of Board of Directors**

The President, Vice-President and Directors at Large are elected by the members at the Annual Election Meeting.

**3. Terms of Office for Board of Directors**

The President and Vice-President shall each serve one-year terms. The Directors at Large shall serve a two year term, with one elected each year. There are no limits on the number of terms.

**4. Resignation of Board of Directors**

Any Director on the Board may resign at any time by giving written notice of such resignation to either the President or Vice President regardless of whether any charges against him are pending. Resignations shall be effective immediately upon receipt of the written notice.

**5. Director Vacancies**

The vacancy of any Director position, for any reason, shall be announced (posted or electronic) prior to the next Department Meeting following the vacancy. Vacancies shall be filled by majority vote of the members at the next Department Meeting following the announcement. Vacancies must be filled by a member who is qualified for that position. Any individual so elected shall hold office until the completion of the term.

**6. Removal of Directors**

Any Director may be removed for cause by a majority of the members present at a Department Meeting. Disciplinary actions shall be in accordance with the Discipline section of these by-laws.

**7. Initiation of Board of Directors**

The newly elected members of the Board of Directors shall take office officially on January 1<sup>st</sup> following their election.

**8. Powers of the Board of Directors**

Management of the affairs of the Department shall be vested primarily in the membership, but in the Board of Directors to the extent as stated in these by-laws. The Board oversees the Department's non-emergency operations, manages its finances and sets policy for the Department. The Board may take all necessary and proper steps to carry out the purposes of this Department and to promote its best interest. The Board shall be responsible for receiving and resolving all non-operational complaints.

**A. Policies**

The Board of Directors may propose non-operational policies, but they require the approval of the membership. The Board may assign the ability to draft policies to any individual or groups of individuals. The Board may enforce non-operational policies. The Chief shall have the final say as to whether a policy is operational or non-operational.

**B. Expenses**

Unless otherwise stated in these by-laws, the membership must approve all expenses of the Department.

**C. Contracts / Services / Leases**

While the membership shall have the power to approve entering into a contract and to approve the maximum amount of funds to spend on any given item or project, the Board of Directors shall have the power to negotiate and approve terms of all contracts and set the final price/amount within such limits. The Board may hire persons/companies or firms to perform services for the Department subject to pre-approval of the members as to hiring a person/department/firm in general. The Board shall have the ability to approve the terms of any lease, purchase contract or sales contract, subject to the price and term being approved by the membership.

**D. Grants and Donations**

The membership shall be the sole authority to seek, apply for, approve receipt of, and to administer grants and donations.

**E. Fundraisers**

The membership shall have the authority to provide startup funds for fundraisers.

**9. Board of Directors Meeting**

The Board shall hold a monthly Board of Directors Meeting prior to the Department Meeting.

**A. Place of Board of Directors Meetings**

Meetings of the Board may be held at any place within the State of New York. Special Meetings of the Board may be held at any place within or outside the State of New York.

**B. Notice of Board of Directors Meetings**

The resolution of the Board fixing the date for the Board of Directors Meeting shall constitute notice of all meetings for the year. Changes require 24 hours' notice to each Director.

**C. Attendance**

Any person failing to attend three consecutive Board of Director Meetings shall be deemed to have resigned as a Director unless they have provided written notice to the Board of their intent to remain a Director prior to the third absence.

**D. Teleconferencing**

One or more members of the Board of Directors or any committee thereof may participate in a meeting of such board or committee by means of a conference telephone or similar device allowing all persons participating in the meeting to hear each other at the same time. Participating by such means shall constitute presence in person at a meeting.

**E. Quorum and Vote**

At all meetings of the Board of Directors, at least three Directors with the ability to vote shall be necessary and sufficient to constitute a quorum for the transaction of business. A minimum of two votes cast in favor shall be necessary to approve any resolution. The President is allowed to vote in all meetings of the Board of Directors.

**1. Resolution of Tie Votes**

In the event of a tie a second vote shall be taken. Before the second vote, the Board shall be allowed additional discussions on the topic. In the event the second vote again results in a tie, the issue shall be tabled until the next meeting.

**F. Board Financial Report**

The Treasurer shall prepare a line by line item budget report to the Board of Directors at the Board of Directors Meeting for approval. The budget may assign spending approval of any line item to the Board, the President, the membership or any committee. Any deviation from or change to the line items within the budget shall be presented to the membership for approval.

**G. Adjournment**

A majority of the Directors present, whether or not a quorum is present, may adjourn a meeting of the Board of Directors to another time and place. In such event, notice shall be given to the Directors who were not present at the time of the adjournment of the new meeting time and place.

**10. Special Meetings**

Special meetings of the Board of Directors may be called by the President. Special Meetings must be called on the written demand of any member of the Board. Special meetings shall be limited to the purpose of the meeting announced and no other purpose. Should the President deem the issue necessary to address an emergency situation, the Special Meeting can be held with only 24 hours' notice.

**A. Special Meeting Notice**

Notice of a Special Meeting shall be given to each Director no less than 24 hours prior to the meeting. The notice shall include the place and time of the meeting and may be given in person, by phone or any electronic means.

**11. Action Without a Meeting**

Any action required or permitted to be taken by the Board of Directors or any committee thereof may be taken without a meeting if all members of the Board or the committee consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents by the members of the Board or committee shall be filed with the minutes of the proceedings of the Board or the committee.

**12. Annual Report to the County**

In accordance with section 1402 of the Not-For-Profit Corporation Law, the Board of Directors shall also file a report by January 15<sup>th</sup> of each year with the Wayne County Clerk's Office which provides:

- the names of the Directors and Executive and Line Officers of the Department;
- a list of the inventory of the Department's property;
- a statement of the Department's financial liabilities; and
- a statement that "the Department has not engaged, directly or indirectly, in any business other than that set forth in the Certificate of Incorporation."

**13. Annual Report of Directors**

In accordance with Section 519 of the Not-For-Profit Corporation Law, the Board of Directors shall present an Annual Report of Directors at the Annual Meeting of members. The report shall be verified by the President and Treasurer or by a majority of the Directors or certified by an independent public or certified public accountant or by a firm of such accountants selected by the Board. The report shall be filed with the records of the Department and a copy shall be placed in the minutes of the Annual Meeting of the members. The report shall show in appropriate detail the following:

- The assets and liabilities, including the trust funds, of the Department as of the end of a 12 month fiscal period terminating not more than six months prior to said meeting.
- The principal changes in assets and liabilities, including trust funds, during the said fiscal period.
- The revenue or receipts of the Department, both unrestricted and restricted to particular purposes during said fiscal period.
- The expenses or disbursements of the Department, for both general and restricted purposes, during said fiscal period.
- The number of members of the Department as of the date of the report, together with a statement of increase or decrease in such number during the said fiscal period, a statement of the place where the names and places of residence of the current members may be found, and the percentage of members that reside outside the District.

**ARTICLE VI**  
**EXECUTIVE OFFICERS AND ADMINISTRATORS**

The Executive Officers of the Department shall consist of a President, Vice-President, Secretary, and Treasurer. The Administrators of the Department shall be the Trustees and Assistant Secretary. Line Officers shall not be considered "Executive Officers" of the Department for purposes of these by-laws.

**1. Qualifications for Executive Officers and Administrators**

The Secretary, Treasurer and Administrators shall be at least 21 years of age, a citizen of the United States and a resident of the State of New York. A candidate must have been a Full Member or Life Member in good standing for at least three consecutive years immediately prior to election. The Department Chiefs may not serve as an Executive Officer. Qualifications for President and Vice-President are covered in the Board of Directors section of these by-laws.

**2. Elections of Executive Officers and Administrators**

Executive Officers and Administrators are elected by the members at the Annual Election Meeting as outlined in the Election Process section of these by-laws.

**3. Term of Office for Executive Officers and Administrators**

The Secretary, Treasurer and Assistant Secretary shall serve one-year terms. Trustees shall be elected every year for a three year term. There are no limits on the number of terms. The President and Vice-President terms of office are covered in the Board of Directors section of these by-laws.

**4. Resignation of Executive Officers or Administrators**

Any Executive Officer may resign at any time by giving written notice of such resignation to either the President or Vice President regardless of whether any charges against them are pending. Resignations shall be effective immediately upon receipt of the written notice.

5. **Executive Officers or Administrators Vacancies**

The vacancy of any Executive Officer or Administrator position, for any reason, shall be announced (posted or electronic) prior to the next Department Meeting following the vacancy. Vacancies shall be filled by a majority vote of the members at the next Department Meeting following the announcement. Vacancies must be filled by a member who is qualified for that position. Any individual so elected shall hold office until the completion of the term.

6. **Removal of Executive Officers or Administrators**

Any Executive Officers or Administrator may be removed for cause by a majority of the members present at a Department Meeting. Disciplinary actions shall be in accordance with the Discipline section of these by-laws.

7. **Initiation of Executive Officers and Administrators**

The newly elected Executive Officers and Administrators shall take office officially on January 1<sup>st</sup> following their election.

8. **Trustee Responsibilities**

Trustees are responsible for the storage, distribution, collection and inventory maintenance of the District and Department property entrusted to them. The Trustees shall work with the Chief and District to ensure:

- Members have proper, functional gear and equipment
- Maintaining an accurate inventory of all the gear and equipment entrusted to them for storage
- All gear is collected from members leaving the Department or no longer in need of the gear or equipment

9. **President Responsibilities**

The President shall be the Chief Executive Officer of the Department and shall have and exercise general charge and supervision of the non-operational affairs of the Department. He shall preside at all meetings of the Board of Directors and the Department. The President shall convene members of the Department for funeral and other non-operational details. The President shall perform such other duties as may be assigned by the Board of Directors.

A. **Signature Authority**

The President shall sign all documents in the name of the Department when authorized to do so by the Board of Directors or members. The President, together with such other officials as may be appointed by resolution of the Board of Directors for that purpose, shall have authority to sign checks.

B. **President as a Committee Member**

The President shall be an ex-officio member of all committees and shall perform all other duties incidental to this office.

C. **Department Mail**

The President shall have the authority to receive, review, or distribute all mail addressed to the Department or any member, Executive Officer, or Administrator. There shall be no review of mail specifically stating: "Personal and Confidential".

10. **Vice-President Responsibilities**

The Vice President shall, in the absence of the President, exercise all the functions of the President. The Vice-President shall chair the Membership Committee and the Health and Welfare Committee.

11. **Secretary and Assistant Secretary Responsibilities**

The Secretary shall record all Department meetings, conduct all correspondence, and keep all Department records. The Secretary may execute contracts, agreements or other documents on behalf of the Department and perform such other duties as may be assigned to them by the Board of Directors. The Assistant Secretary

shall fill in when the Secretary is unable to perform their duties.

A. **Meeting Minutes**

The Secretary shall keep a record and roll call of all meetings of the Department and of the Board of Directors and shall attend to the mailing, posting and publication of all notices of such meetings. They shall place in the minutes all revisions of the by-laws. They shall ensure that an approved copy of the minutes of each meeting is maintained in the Department offices for inspection upon request.

B. **Department Correspondence**

In the absence of any contrary direction, the Secretary shall conduct all outgoing correspondence on behalf of the Board of Directors and Department.

C. **Department Custodian**

The Secretary shall be custodian of all books and papers belonging to the Department. The Secretary shall have charge of the seal of the Department and of such books, records and other papers as the Board of Directors may direct. The Secretary, when so authorized or ordered by the Board of Directors, may affix the seal of the Department.

D. **Membership Records**

The Secretary shall maintain a written record of each member, regardless of status, including name, age, date of joining, and all non-operational information related to their service as a member. They shall supply the Walworth Fire District with the names of new members once appointed or elected by the membership. They shall keep a record of all applications, whether or not completed, and whether or not elected. Applications of those who did not complete the application process or who were not elected to membership shall be maintained for four years and then destroyed by the Secretary

12. **Treasurer Responsibilities**

The Treasurer shall have the care and custody of all the funds and securities of the Department and shall deposit the same in the name of the Department in such depository as may be designated by the Board of Directors. The Treasurer is required to give or qualify for bond for the faithful performance of their duties, in such sum and with such securities as the Board of Directors may require.

A. **Investment and Disbursement**

The Treasurer shall make no investments of monies without the express approval of the membership and shall disburse no funds except upon order of the President or other duly authorized official.

B. **Signature / Endorsement**

The Treasurer shall sign all receipts. They shall be authorized to sign checks of the Department and all bills of exchange and promissory notes issued by the Department, except in cases where the signing and execution thereof shall be expressly designated by the Board of Directors or by these by-laws to some other Officer or agent of the Department. When necessary or proper, the Treasurer may endorse on behalf of the Department for collection, checks and other obligations and shall deposit the same to the credit of the Department at such bank or depository as the Board of Directors may designate.

C. **Financial Record Keeping**

The Treasurer shall enter regularly on the books of the Department to be kept by them for the purpose, full and accurate account of all monies and obligations received and paid or incurred by them for or on behalf of the Department and shall exhibit such books at all reasonable times to any member upon request.

D. **Payments**

The Treasurer is authorized to pay any bill or reimbursement relating to a fundraising activity or event. All bills will be reviewed for approval at the monthly Board of Directors meeting.

E. **Bill Paying Requirements**

The Treasurer and Board of Directors shall ensure the conditions outlined below for paying bills are

followed:

- All bills and reimbursements that do not have approval for payment in the by-laws will be presented to the Board of Directors meeting for their approval to pay.
- One single motion will be made to approve which bill(s) and reimbursement(s) will be authorized for payment that month.

**F. Reimbursement Requirements**

The Treasurer and Board of Directors shall ensure the conditions outlined below for reimbursements are followed:

- All requests for reimbursement must be submitted with a Reimbursement Requisition.
- If the Board Member does not approve a reimbursement, it will be presented to the Board of Directors for approval at the monthly Board of Director's meeting.

**G. Treasurer's Report**

The Treasurer shall prepare a line-by-line item budget report to the membership for approval. The budget may assign spending approval of any line item to the Board, the President, the membership, or any committee. Any deviation from or change to the line items within the budget shall be presented to the membership for approval.

**H. Tax Reporting**

The Treasurer shall prepare and submit the IRS form 990 annual tax return that is used for tax exempt organizations.

**I. Foreign Fire Funds Annual Report**

If the Department receives and disburses foreign fire insurance premium tax funds (2 percent funds), the Treasurer shall prepare an annual report in accordance with section 30-a of General Municipal Law 30-a. The report shall be submitted to the New York State Comptroller no later than the last day of February of each year for the preceding year. The report must list amounts received, expenditures, and balances regarding those funds.

**13. Expenses**

Reasonable expenses, including travel expenses, as determined by the Board of Directors, may be paid to any Executive Officer and Administrator incurring such expenses in the performance of their official duties on behalf of the Department.

**ARTICLE VII  
LINE OFFICERS**

Line Officers shall not be considered Executive Officers of the Department, for purposes of these by-laws. Line Officer positions are elected or appointed. The policies of the District and the Department shall dictate any additional qualifications, duties, prohibitions, and powers of the Line Officers.

The Department shall have the following Elected Line Officers:

- Chief
- Deputy Chief
- 1<sup>st</sup> Deputy Chief
- 2<sup>nd</sup> Deputy Chief
- Captain of Quint 1
- Captain of Engine 50
- Captain of Rescue 61
- House Captain
- Fire Police Captain

The Department shall have the following appointed Line Officers:

- Rescue Lieutenant
- SCBA Lieutenant
- Safety Officer
- Deputy Safety Officer

1. **Qualifications of Line Officers**

The Line Officers shall meet the qualifications as outlined in the policies and rules of the District and the Department.

2. **Election or Appointment of Line Officers**

All elected Line Officer positions are elected by the members at the Annual Election Meeting as outlined in the Election Process section of these by-laws. All appointed Line Officer positions are appointed by the Chief. The Chief shall make these appointments before the District Organizational Meeting held in January.

A. **District Notification of Nominations**

Upon nomination of the Line Officers at the Annual Election Meeting, the names of all the Chiefs shall be promptly forwarded by the Department Secretary to the Fire District Secretary for approval by the District at the District Organizational Meeting in January. The names of the remaining Line Officers shall also be forwarded for informational purposes.

B. **Denial of Nomination by the District**

If a nomination of any Chief is not approved by the Fire District, the Department shall call another meeting of the members at which a new person may be elected for such position to take the place of any candidate not approved. Such procedure shall continue until a full set of Chiefs are approved by the District.

3. **Terms of Office for Line Officers**

All Line Officers shall serve for the term of one year. The one year of service starts when the Chief Officers have been approved by the District at the District Organizational Meeting in January and runs until the District Organizational Meeting in January of the next year. Terms of the Chief, Deputy Chief, 1<sup>st</sup> Deputy Chief and 2<sup>nd</sup> Deputy Chief may continue beyond the year if the person filling the position is not approved by the District.

4. **Resignation of Line Officers**

Any Line Officer may resign at any time by giving written notice of such resignation to either the Chief or President regardless of whether any charges against them are pending. Resignations shall be effective immediately upon receipt of the written notice.

5. **Line Officer Vacancies**

The vacancy of any Chief Officer position, for any reason, shall be announced (posting electronic notification) before the next Department Meeting following the vacancy. Vacancies shall be filled by majority vote of the members at the next Department Meeting following the announcement. Vacancies must be filled by a member who is qualified for that position using the most recent qualification list provided at the previous December meeting. Any individual so elected shall hold office until the completion of the term. If filling this vacancy creates additional Chief Officer vacancies (Cascade effect) the new vacancies shall be filled at the same meeting using the same qualification list.

Any Captain vacancy shall be filled by appointment of the Chief using the most recent qualification list provided at the previous December meeting until the next regular election.

6. **Removal of Line Officers**

Any Line Officer may be removed for cause by a majority of the members present at a Department Meeting. Disciplinary actions shall be in accordance with the Discipline section of these by-laws.

7. **Initiation of Line Officers**

The initiation of office for Line Officers varies dependent on the requirement for District approval for Chief positions.

**A. Initiation of Chiefs**

Any newly elected chiefs shall assume the duties of their office as soon as they have been approved by the District. A Chief shall serve until their successor is approved by the District. If any Chief is unable to serve until their successor is approved, each Chief shall move up in rank temporarily and the 2<sup>nd</sup> Deputy Chief position shall be vacant until all Chief positions have been approved.

**B. Initiation of Other Line Officers**

The newly elected Line Officers, other than Chiefs, shall take office as soon as the Chief Officers have been approved by the District at the District Organizational Meeting in January.

**8. Chief Powers**

The Chief shall, under the direction of the District, have exclusive control of the members of the Department of at all fires, drills, training, inspections, reviews and other occasions when the Department is on duty or parade. The Chief shall hold the members of the Department strictly accountable for all incidents, minor or major, that require corrective action, suspension, or termination, subject to the Discipline section of these by-laws.

**A. District Responsibilities**

The Chief shall see that the policies, rules and regulations of the District are observed and that the orders of the District are duly executed. They shall report to the District the condition of the property of said District and such other information as may be required of them.

**B. Apparatus and Equipment Oversight**

The Chief shall have supervision of the apparatus, equipment and other property used for the prevention or extinguishment of fire.

**C. Chief Absence or Disability**

In case of the disability or absence of the Chief, the 1st Deputy Chief, and in the case of the disability or absence of both the Chief and 1st Deputy Chief, the other deputies, in numerical order, shall perform the duties and exercise the powers of the Chief.

**9. Deputy Chief's Powers**

The duties of the Assistant Chiefs shall be to assist the Chief and to take over the duties of the Chief during any absence.

**10. Other Line Officer Powers**

The Chief shall assign the other Line Officers such duties as they may deem reasonable and necessary. The policies may assign duties to the Line Officers.

## ARTICLE VIII ELECTION PROCESS

All elections for Directors, Executive Officers, Administrators and elected Line Officers shall be conducted under this article. This is not the procedure for filling vacancies. Special elections shall be held in this manner, but the dates shall be changed as necessary.

**1. Membership Notice of Elections**

The President at the November Department meeting shall inform the membership of upcoming elections and solicit request of notification from those members not interested in holding any elected positions.

**2. Qualifications for Positions****A. Qualifications for Chief Officers and Line Officers Positions**

Qualifications for Chief Officers and Line Officers shall be based on member's qualifications as of the thirtieth of November, with the exception of time served.

**B. Time Served Qualifications for Chief Officers and Line Officer Positions**

Members who will meet the qualifications based on time served for the position by the date of the next District Organizational Meeting in January shall be considered qualified.

**C. Qualifications for Directors, Executive Officers and Administrator Positions**

Qualification for Directors, Executive Officers and Administrators are covered in the Board of Directors section and the Executive Officer and Administrators section of these by-laws.

**3. Eligibility List**

The President and Vice President are accountable for compiling an Eligibility List of qualified members by the thirtieth of November each year. The President and Vice President shall enlist the assistance of the Chief to ensure the accuracy of the Eligibility List. The Eligibility List shall list only those names that meet the qualifications as outlined in the policies and rules of the District and the Department.

**A. Posting of the Eligibility List**

The President shall post the Eligibility List for Chief Officers, Line Officers, Directors, Executive Officers and Administrator positions on the appropriate bulletin board in the fire hall on the first of December each year. The President shall also email the Eligibility List to each member who has submitted their email address and have the power to vote based on the Privileges of Membership section of these by-laws.

**B. Request to be Removed from the Eligibility List**

Any member may request to have their name removed from the Eligibility List at any time before the actual election by contacting the President or Vice President.

**4. Voting Process**

Elections are conducted at the Annual Election Meeting held on the first Thursday following the first Tuesday in December.

**A. Power to Vote**

Only members with the appropriate privileges as outlined the Privileges of Membership section of these by-laws are allowed to vote at the Annual Election Meeting.

**B. Valid Candidates**

Ballots may be cast only for members listed in the Eligibility List. Ballots cast for members other than those listed in the Eligibility List shall be considered illegal.

**C. Nominations**

Nominations from the floor are not allowed at the time of elections.

**D. Tellers**

The President shall appoint two tellers at the time of each election, none of whom are eligible for a position, and it shall be their duty to receive ballots, poll the votes and present the results to the President who will document the results and report them to all members in attendance.

**E. Voting Method**

All votes shall be conducted by written ballot. A motion may be made to have the Secretary cast a ballot on behalf of the office.

**F. Single Candidate**

If there is only one candidate, a vote must still be conducted. The cast ballot must be YES if in favor of the candidate, or NO, if not in favor of the candidate. Ballots cast in the case of a single candidate for anything other than YES or NO shall be considered illegal. If the majority vote is NO, then the position is held vacant.

**G. Illegal Votes**

The cast ballot must be in the name of a candidate listed in the Eligibility List, or in the case of a single candidate, YES or NO. Ballots cast with anything other the candidates name as listed in the Eligibility List, or YES/NO vote in the case of a single candidate, shall be considered illegal. Illegal votes are not to be counted and shall be discarded immediately.

**H. Decisions**

A candidate must receive a simple majority (more than half of the total number of votes cast) to win an office.

**1. Tie Between Two Candidates**

In the event of a tie between two candidates, a revote shall be conducted. In the event of a consecutive tie, a coin toss shall decide the winner.

**2. No Simple Majority Results**

In case three or more candidates run for office and no candidate receives a simple majority, the candidate receiving the least number of votes shall be dropped and a new ballot taken. Should there be a tie for the least number of votes, these two candidates shall have an election to determine who continues to the next election. The process shall continue until one candidate receives the required simple majority. At any time in the election process a candidate receives no votes, their name will be dropped from the ballot.

**5. Order of Elections by Position**

The order of election for each position shall be as follows:

- President
- Vice-President
- Director at Large
- Director at Large
- Secretary
- Treasurer
- Assistant Secretary
- Trustee
- Chief
- Deputy Chief
- 1<sup>st</sup> Deputy Chief
- 2<sup>nd</sup> Deputy Chief
- Captain of Quint 1
- Captain of Engine 50
- Captain of Rescue 61
- House Captain
- Fire Police Captain

**6. Write-In and Absentee Ballots**

Write-in ballots and absentee ballots shall not be permitted for any election.

**7. Leaving a Position Vacant**

Nothing in these by-laws shall require any position to be filled.

**8. Candidates in Fault**

Newly elected members who are found to not be qualified after such election shall be disqualified and the position put up for member vote at the next Department Meeting.

**ARTICLE IX**  
**COMMITTEES AND AGENTS**

The President may appoint committees and agents of the Department with such powers and to perform such acts or duties on behalf of the Department as the Board of Directors may see fit, so far as may be consistent with these by-laws, to the extent authorized or permitted by law.

Each committee and agent of the Department shall serve at the pleasure of the Board of Directors. The designation of any such committee or agent and the delegation of authority shall not alone relieve any Director of their duty to the Department. Each committee and agent shall follow the rules as outlined in these by-laws.

**1. Committee and Agent Establishment and Dissolvement**

The Board of Directors may create or dissolve committees or agents by resolution adopted by a majority of the entire Board. The members shall also be permitted to create or dissolve committees or agents by majority vote of the membership. Only members with the appropriate privileges listed in the table: Privileges of Membership may vote on creation or dissolvement of committees or agents.

**2. Duties of Committees and Agents**

The duties of each committee and agent, except for the Auxiliary, shall be assigned as needed and directed by the President.

**3. Committee Size**

Committees, except for the Auxiliary, shall consist of an odd number of members with a minimum of three. The Auxiliary shall set its own limits on the number of members.

**4. Committee Members and Agent Selection and Removal**

The President shall oversee the selection of committee members and agents, except for the Auxiliary Committee, at their establishment. The Auxiliary shall oversee the selection of their own members. Only members with the appropriate privileges listed in the table: Privileges of Membership may be members of committees or an agent. The President may remove members from a committee or an agent, with the exception of the Auxiliary, at will without cause.

**5. Committee Replacement Members**

The Board may designate one or more members as alternate members of any committee, except for the Auxiliary Committee, who may replace any absent member or members at any meeting of such committee.

**6. Committee Actions**

Committees, except for the Auxiliary, may only act if they have a majority of the committee members present at any committee meeting.

**7. Committee and Agent Powers and Limitations**

Committees and Agents, to the extent provided in the resolution of the Board of Directors, shall have all authority of the Board, except that no such committee or agent shall have authority as to the following matters:

- The submission to voting members of any action requiring members' approval pursuant to these by-laws or the laws of the State of New York.
- The filling of vacancies in the Board of Directors or in any committee.
- The amendment or repeal of the by-laws or the adoption of new by-laws.
- The amendment or repeal of any resolution of the Board which by its terms shall not be so amendable or able to be repealed.

**8. Committee Listing**

The President shall be responsible to post a list of each committee and their respective members on a Department bulletin board and on the Department website.

**9. Special Committees**

The Board or membership may establish Special Committees from time to time as they determine the need. Special committees shall have only the powers specifically delegated to them by the Board and in no case shall have powers which are not authorized for committees under these by-laws. Special Committees

automatically dissolve at the end of the calendar year. If the committee is required to continue into the next calendar year, the Board or membership shall vote to continue at the first Department Meeting of the new year. Special Committees shall be dissolved when no longer required.

10. **Standing Committees**

Standing Committees are considered permanent and do not need to be renewed each year. The following committees shall be considered Standing Committees:

- Auxiliary
- Banquet Committee
- By-Laws Committee
- Chicken Barbeque Committee
- Clothing and Apparel Committee
- Finance and Audit Committee
- Fundraising, Grants, and Donations Committee
- Health and Welfare Committee
- Membership Committee
- Retention Committee
- Department Strategic Plan Committee

A. **Auxiliary**

The Auxiliary is considered a Standing Committee of the Department and may have its own rules and policies, as long as they do not conflict with the District policies or these by-laws. Any rules created by the Auxiliary Members shall only be binding upon Auxiliary Members.

The Auxiliary shall have the ability to run its own affairs, conduct social events, hold fundraising events and schedule meetings. They may create or dissolve only their own subcommittees as long as they adhere to these by-laws.

The members of the Auxiliary must adhere to the District's Auxiliary Members Policy regarding operations during emergency calls and member requirements and restrictions.

1. **Auxiliary Membership**

Auxiliary applicants shall utilize the same membership application as any other Active Member. Auxiliary Members shall vote to accept a new Auxiliary Member, and no probationary period shall be required. The Auxiliary President is responsible to notify the District Secretary of any applications approved by the Auxiliary Membership. All new applicants are subject to the same background review and District approval as Probationary Members before becoming Auxiliary Members.

2. **Auxiliary Membership Requirements**

Auxiliary members are subject to the following sections of the Membership section of these by-laws:

- Age
- Residency
- Arson, Sex Offender Status and Felonies
- Change in Residence
- Resignations

The Auxiliary may have additional requirements, but they cannot supersede the requirements as listed in these by-laws.

3. **Life Auxiliary Members**

The membership may select "Life Auxiliary Members" under its own rules.

4. **Auxiliary Officers**

The Auxiliary shall elect their own Chair and a Vice-chair. They may elect or appoint other

officers as it deems necessary.

5. **Auxiliary Voting**

Auxiliary members may vote during meetings of the Auxiliary. The members of the Auxiliary shall have no right to vote on non-Auxiliary affairs, nor have a voice in the Department Meeting except for Auxiliary matters and anything that involves the Auxiliary or its members.

6. **Auxiliary Finances**

The Auxiliary may control its own accounts and maintain finances designated for the Auxiliary. The Auxiliary shall provide an annual report of all financial information from the current year to the Department by January 15<sup>th</sup> of the next year. The Department may request a financial status report at any time. The Auxiliary shall have the ability to raise its own funds. All fundraising activities undertaken by the Auxiliary must be preapproved by the District.

7. **Discipline of Auxiliary Members**

Auxiliary members are subject to disciplinary actions as outlined in the District Disciplinary Policy and these by-laws. Auxiliary officers must report issues to either a District Commissioner or the Chief for their action. Suspended or terminated Auxiliary members must adhere to the same rules and procedures outlined in the District policies and these by-laws.

B. **Banquet Committee**

The Banquet Committee is responsible to oversee the organization of the Department's Annual Banquet. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The Banquet Committee should meet as necessary at the determination of the committee.

2. **Approvals**

The Banquet Committee shall obtain approval of the location, date and financial costs of the Annual Banquet. Approval requires a majority vote of the membership present at the Department Meeting when submitted.

3. **Committee Report**

The Banquet Committee should report the status of the previous banquet and/or the next banquet at each Department Meeting.

C. **By-Laws Committee**

The By-Laws Committee is responsible to oversee the development and maintenance of the Department by-laws. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The By-Laws Committee should meet at least once a year to review the by-laws and then as necessary at the determination of the committee.

2. **Approvals**

The By-Laws Committee shall present a draft of proposed updates based on the current by-laws to the membership at a Department Meeting for approval. The membership shall have the right to request a review period until the next Department Meeting to evaluate the updates and to request changes. Upon final approval of all the updates by the majority of the membership at the Department Meeting, the revised by-laws shall become effective.

3. **Committee Report**

The By-Laws Committee should report the status of any work done by the committee at each Department Meeting.

D. **Chicken Barbeque Committee**

The Chicken Barbeque Committee is responsible to oversee the Department's Chicken Barbeque fundraising activity. Members of the committee shall consist of volunteers from the membership and shall enlist the help of members as needed.

1. **Meeting Cadence**

The Chicken Barbeque Committee should meet as necessary at the determination of the committee.

2. **Approvals**

The Chicken Barbeque Committee shall obtain approval of the dates of each upcoming Chicken Barbeque and/or any changes to the amount charged per dinner. Approval requires a majority vote of the membership present at the Department Meeting when submitted.

3. **Committee Report**

The Chicken Barbeque Committee should report the status of any upcoming and/or past chicken barbeques at each Department Meeting.

E. **Clothing and Apparel Committee**

The Clothing and Apparel Committee is responsible to oversee the selection and purchase of clothing and apparel provided to members by the Department. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The Clothing and Apparel Committee should meet as necessary at the determination of the committee.

2. **Approvals**

The Clothing and Apparel Committee shall obtain approval of the types and styles of clothing as well as permission to use of the Department name, logo and/or other identifiers of the Department, on any clothing or apparel. Approval requires a majority vote of the membership present at the Department Meeting when submitted.

3. **Committee Report**

The Clothing and Apparel Committee should report the status of any work done by the committee at each Department Meeting.

F. **Finance and Audit Committee**

The Finance and Audit Committee is responsible to oversee the financial wellbeing of the Department. Members of the committee shall be the Vice-President and both Directors at Large. No person who has check signing authority or who makes deposits of money shall belong to the committee.

1. **Meeting Cadence**

The Finance and Audit Committee shall meet at least quarterly to perform an audit on the Department finances.

2. **Audit**

The Finance and Audit Committee shall complete the following tasks in their performance of an audit:

- Ensure that all cancelled checks match up to receipts, bills, vouchers or other proof of expenditures;
- Ensures all bills paid actually belonged to the department;
- Reviews bank statements and cancelled checks to ensure all expenses were approved by board or by the membership;
- Reviews all bank account statements to ensure that no checks were improperly written or written out of order;
- Ensures that all voided checks are accounted for;
- Ensures that the bank statement reconciles to the financial records;
- Ensures signatures on checks are real;
- Ensures no checks are written to cash;
- Ensures cash withdrawals follow Department procedures;
- Ensures that all deposits made were the full amount of the funds to be deposited.

The committee will examine the deposit slip, and not just the receipt, indicating the amount deposited and the amount, if any, not deposited;

- Ensures that sales tax was withheld for all exempt purchases and not paid whenever reasonably avoidable as determined by the Board;
- Ensure that no person used the Department's sales tax exemption for personal purchases;
- Ensures all items purchased were actually received;

3. **Committee Report**

The Finance and Audit Committee shall report the status of any audits at the next Board of Directors Meeting and the next Department Meeting.

G. **Fundraising, Grants, and Donations Committee**

The Fundraising, Grants, and Donation Committee is responsible to oversee the Department activities to raise funds and the application and disbursement of monies from grants and donations. Members of the committee shall consist of volunteers from the membership and may enlist the help of members as needed.

1. **Meeting Cadence**

The Fundraising, Grants, and Donation Committee should meet as necessary at the determination of the committee.

2. **Fundraising**

The Fundraising, Grants, and Donation Committee is responsible to oversee all fundraising activity, except for the Chicken Barbeque. The committee shall notify the District of all fund raising activities.

3. **Grants**

The Fundraising, Grants, and Donation Committee is responsible to evaluate possible grant opportunities and apply for grants on behalf of the Department. The committee shall ensure that applications for grants aligns with the District's and Department's Strategic Plan. The committee shall work with the District if the grant involves purchasing items normally supplied by the District or if the Department plans on donating the items to the District after purchase.

4. **Donation Recognition**

The Fundraising, Grants, and Donation Committee shall ensure that donation monies are treated the same as 2 percent funds and are used for the benefit of all the Department members. The committee shall ensure any person donating to the Department receives a letter thanking them for their donation, specifying amount of the donation.

5. **Committee Report**

The Fundraising, Grants, and Donation Committee shall report the amount of monies taken in by fundraising and donations and the status of any grants in process by the Department at each Department Meeting.

H. **Health and Welfare Committee**

The Health and Welfare Committee is responsible to maintain the status of any member who is having health issues. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The Health and Welfare Committee should meet as necessary at the determination of the committee.

2. **Well Wishes**

The Health and Welfare Committee shall obtain approval to purchase and deliver a "well wishes" token, such as a card, flowers, or fruit basket, to a member the Department who is having health issues or to the family of a recently deceased member. Approval requires a majority vote of the membership present at the Department Meeting when submitted.

3. **Committee Report**

The Health and Welfare Committee should report the status of any member having health issues at each Department Meeting.

I. **Membership Committee**

The Membership Committee is responsible to evaluate membership applications and interview potential members. Members of the committee shall consist of volunteers from the membership, with the Vice-President as the committee chairman.

1. **Meeting Cadence**

The Membership Committee should meet at the determination of the committee.

2. **Application Evaluations**

The Membership Committee shall review each new membership application. The committee shall; verify the information given, check references listed, and determine if the application meets membership requirements. Applicants that are deemed acceptable by the majority of the committee members shall then be scheduled for an interview. All committee members must vote in the acceptance or rejection decision.

3. **Interview Process**

The Membership Committee shall interview each new member that it deems passes the Application Evaluation. There shall be a minimum of three committee members at the interview. The committee shall ensure that questions to the applicant shall be generally limited to: basic identifying information, job qualifications and ability to perform essential functions. The committee shall refer to the District Membership Interview Procedure for guidance on what can and can't be asked during the interview process.

4. **Committee Report**

The Membership Committee should report the any new applications and their status at each Department Meeting.

J. **Retention Committee**

The Retention Committee is responsible to oversee Department activities to enhance member retention. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The Retention Committee should meet at the determination of the committee.

2. **Approvals**

The Retention Committee shall obtain approval for each retention event and the associated costs. Approval requires a majority vote of the membership present at the Department Meeting when submitted.

3. **Committee Report**

The Retention Committee should report the status of upcoming and/or past retention events at each Department Meeting.

K. **Department Strategic Plan Committee**

The Department Strategic Plan Committee is responsible to oversee the development and maintenance of a strategic plan for the Department Strategic Plan. Members of the committee shall consist of volunteers from the membership.

1. **Meeting Cadence**

The Department Strategic Plan Committee should meet at the determination of the committee.

2. **Development and Maintenance**

The Department Strategic Plan Committee is responsible to develop a strategic plan for the Department that covers a five year period. The committee should develop a new Department Strategic Plan at the end date of the current plan that covers the next five years.

3. **Approval**

The Department Strategic Plan Committee shall present a draft of proposed Department Strategic Plan to the membership at a Department Meeting for approval. The membership shall have the right to request a review period until the next Department Meeting to evaluate the draft and to request changes or additions. Upon final approval by the majority of the membership the new Department Strategic Plan shall become effective.

**4. Committee Report**

The Department Strategic Plan Committee should report the status of any Department Strategic Plan in development at each Department Meeting.

**11. Agent Definition**

An Agent is a single individual whom oversees the execution of the activity but may occasionally enlist the help of other members.

**12. Agent Types**

The following activities shall be considered Agents of the Board of Directors:

- Department Website
- Explorers
- Fire Prevention
- Historian
- Legislative
- Parades
- Social Media
- Sports

**A. Department Website**

The Agent for Department Website is responsible to maintain the Department's website. The agent shall ensure that content adheres to the District Policy on Social Media. The agent should report the status at each Department Meeting.

**B. Explorers**

The Agent for Explorers shall be a liaison between the local Explorer post and the Department. The agent should report the status at each Department Meeting.

**C. Fire Prevention**

The Agent for Fire Prevention is responsible to coordinate all Fire Prevention activities of the Department. The agent should report the status at each Department Meeting.

**D. Historian**

The Agent for Historian is responsible to collect and maintain any historical items, objects and/or documentation that signifies the history of the Department. The agent should report the status at each Department Meeting.

**E. Legislative**

The Agent for Legislative is responsible to keep abreast of local, state and federal legislative issues that may affect the Department and/or its members. The agent should report any legislative information at each Department Meeting.

**F. Parades**

The Agent for Parades is responsible to coordinate will local organizers and their representatives the possible involvement of the Department in their respective parade, celebration or festival. The agent shall gather information and present it to the membership for their decision to attend the activity. The agent shall also ensure the Chief presents any proposed use of the apparatus to the District for their approval prior committing to an activity.

**G. Social Media**

The Agent for Social Media is responsible to post on behalf of the Department on social media. The agent shall ensure that content adheres to the District Policy on Social Media. The agent should report the status at each Department Meeting.

H. **Sports**

The Agent for Sports is responsible to act as a liaison between the Department and any Department sponsored sports team. The agent should report the status of each team at each Department Meeting.

**ARTICLE X**  
MISCELLANEOUS PROVISIONS

1. **Service Awards**

To recognize their service to the Department, each member shall be granted a Service Award at each five year increment of their becoming a member. Their starting date shall be considered as the date they were accepted by the District as a Probationary Member. The Service Awards for each member of a given calendar year, January 1<sup>st</sup> through December 31<sup>st</sup>, shall be presented at the next year’s Department Banquet or at the next Department Meeting following the banquet where the member is in attendance.

2. **Class A Uniforms**

Each member is allowed a Class A dress uniform consisting of jacket, pants, hat, belt, tie, tie tack and a pair of white gloves. Members are given uniforms to encourage participation in Department events such as award ceremonies, parades, funerals and other formal activities. Members who possess uniforms but do not participate, at the President’s discretion, may be required to return the uniform.

New members shall request a Trustee to supply the uniform from existing Department stock. If the existing stock item needs alteration or repairs the member may have the repair or alteration performed at a Department approved vendor at the Department’s expense. If no existing stock is available or fits the new member, the member may order a new uniform through a Department approved vendor at the Department’s expense. The member shall seek guidance from the President as to an approved vendor and process before contacting the vendor.

The member is shall ensure the uniform is kept clean via dry cleaning only and repairs performed by a Department approved vendor when required. The member must not make any changes or alterations to the uniform other than those required for fitting. The member may not add any pins, decals, writing or other marks to any uniform item that do not conform to the Department standards.

3. **Yearly Mailing by Department**

By January 15<sup>th</sup> of each year, the President or their designee shall communicate the following District and Department information to all members via USPS.

- A list of all District and Department Officers
- A copy of the District Code of Ethics Policy and a blank Code of Ethics Form
- Department Meeting Notice Waiver form for the year
- A reminder of requirements to continue active membership
- A Membership Card

**ARTICLE XI**  
CODE OF ETHICS

The proper operation of the District and the Department requires that Department directors, officers and members be impartial and responsible to their members and the public. The District has adopted a Code of Ethics Policy that maintains and enhances a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide members in the conduct of their responsibilities.

**1. New Member Acknowledgement**

Every new member of the Department must be advised of the District Code of Ethics Policy upon becoming a member. They must acknowledge their agreement to abide by this policy by completing and signing the Code of Ethics Form and returning it to the District Secretary before starting any Department related activity.

**2. Annual Acknowledgement**

Every member must be advised of the District Code of Ethics Policy annually at the first Department Meeting of the new year. They must acknowledge their agreement to abide by the District Code of Ethics Policy by completing the Code of Ethics Form annually. The form must be returned to the District Secretary by January 31<sup>st</sup> of the new year. Failure to complete the form and return it to the District by the required date prohibits the member from participating in any activities until the form is completed and returned to the District.

**3. Code of Ethics Form**

The Code of Ethics Form provides members a procedure to acknowledge their understanding of, and agreement with, the District's Code of Ethics policy. It also provides a method for disclosure of any conflicts of interest.

- The Code of Ethics Form must be filled out completely and signed by every member.
- Members must ensure to select the proper "Position held" check box on the Code of Ethics form.
- Members must list all financial interests in which they or their family Members may have before the District or the Department, and any other information as required by the District or Department.

**ARTICLE XII****PROHIBITION AGAINST SHARING IN CORPORATE EARNINGS****1. Sharing Corporate Earnings**

No director, officer or employee of or member of a committee of or person connected with the Department, or any other private individual shall receive at any time any of the net earnings or pecuniary profit from the operations of the Department, provided that this shall not prevent the payment to any such person of such reasonable compensation for services rendered to or for the Department in effecting any of its purposes as shall be fixed by the Board of Directors; and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Department. The Department shall be deemed to have expressly consented and agreed that, upon such dissolution or winding up of the affairs of the Department, whether voluntary or involuntary, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or the corresponding section of any future Federal Tax Code, or shall be distributed to such corporation or organization as is then recognized by the Internal Revenue Service as qualifying under Section 501(c)(3) of the Internal Revenue code of 1986, as amended, or shall be distributed to the Federal Government or to a state or local government for a public purpose. Any such assets not to disposed of shall be disposed of by a court of competent jurisdiction of the County of Wayne, State of New York, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

**ARTICLE XIII****INDEMNIFICATION****1. Indemnification**

The following provisions are each subject to the limits of insurance available for such purposes:

The Department shall indemnify any person made, or threatened to be made, a party to an action or proceeding other than one by or in the right of the Department to procure a judgment in its favor, whether civil or criminal, including an action by or in the right of any other corporation of any type or kind, domestic or foreign, or any partnership, joint venture, trust, employee benefit plan or other enterprise, which any Director, Officer or member of the Department served in any capacity at the request of the Department, by reason of the fact that he, his testator or intestate, was a Director, Officer, or member of the Department, or served such other Department, partnership, joint venture, trust, employee benefit plan or other enterprise in any capacity, against

judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees actually and necessarily incurred as a result of such action or proceeding, or any appeal therein, if such Director, Officer, member or employee acted, in good faith, for a purpose which he reasonably believed to be in, or, in the case of service for any other Department or partnership, joint venture, trust, employee benefit plan or other enterprise, not opposed to, the best interests of the Department and, in criminal actions or proceedings, in addition, had no reasonable cause to believe that their conduct was unlawful.

The Department shall also indemnify any person made, or threatened to be made, a party to any action by or in the right of the Department to procure a judgment in its favor by reason of the fact that he, his testator or intestate, is or was a Director, Officer or member of the Department, or is or was serving at the request of the Department as a Director, Officer or member of any other Department, agency or state corporation of any type or kind, domestic or foreign, or of any partnership, joint venture, trust, employee benefit plan or other enterprise, against amounts paid in settlement and reasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection with the defense or settlement of such action, or in connection with an appeal therein, if such Director, Officer or member acted, in good faith, for a purpose which he reasonably believed to be in, or, in the case of service for any other state or regional Department or any partnership, joint venture, trust, employee benefit plan or other enterprise, not opposed to, the best interests of the Department, except that no indemnification under this paragraph shall be made in respect of (1) a threatened action, or a pending action which is settled or otherwise disposed of, or (2) any claim, issue or matter as to which such person shall have been adjudged to be liable to the Department, unless and only to the extent that the court in which the action was brought, or, if no action was brought, any court of competent jurisdiction determines upon application that in view of all the circumstances of the case the person is fairly and reasonably entitled to indemnity for such portion of the settlement amount and expenses as the court deems proper.

The foregoing right of indemnification shall not be exclusive of other rights to which the Director, Officer, or member may be entitled. Subject to the laws of New York, the Department may maintain insurance at its expense to protect itself and any Director, Officer, member, employee or agent of the Department against any expense, liability or loss of the general nature contemplated by this Article, whether or not the Department would have the power to indemnify such person against such expense, liability or loss under the laws of New York.

It is the intent of this Department to indemnify its Officers, Directors, and members to the fullest extent authorized by the laws of New York as they now exist or may be amended. If any portion of these indemnification provisions shall, for any reason, be held invalid and unenforceable by judicial decision or legislative amendment, the valid and enforceable provisions will continue to be given effect and shall be construed so as to provide the broadest indemnification permitted by law.

#### **ARTICLE XIV AMENDMENTS**

##### **1. Changes to the By-laws**

These by-laws may be amended, altered or repealed and new by-laws may be added after approval by a majority of vote of the members at a Department Meeting. Such vote may be taken providing that the text of the proposed amendment has been read (or passed out) at a prior Department Meeting.

If further discussion and / or voting on a proposed amendment is continued to a subsequent meeting, no additional notice is required.

#### **ARTICLE XV INVESTMENTS**

##### **1. Investments**

The Department shall have the right to invest and reinvest any funds held by it, according to the judgment of the Board of Directors, without being restricted to the class of investments which a trustee is or may hereafter

be permitted by law to make or similar restrictions.

**ARTICLE XVI**  
**NO SUSPENSION OR WAIVER OF BY-LAWS**

**1. By-Law Suspension or Waiver**

Under no circumstances may these by-laws ever be suspended and waived. Any vote taken after any such suspension or waiver shall be null and void.

**ARTICLE XVII**  
**ORDER OF BUSINESS FOR DEPARTMENT MEETINGS**

**1. Order of Business**

The following shall be the order of the business conducted at a Department Meeting. The failure to adhere to this order shall not deem any action null or void and shall not provide a right to challenge any such action or decision.

1. Call to Order and Pledge of Allegiance
2. Roll Call and Sign In
3. Introduction of New Members
4. Reading of Treasurer's Report
5. Commissioners' Report
6. Chiefs' Report
7. Committee and Agents Reports
8. Board of Director's Report
9. Unfinished / New / Miscellaneous Business
10. Correspondence and Announcements
11. Birthdays of the Month
12. Reading of this Meeting's Minutes for Corrections / Approval
13. Adjournment

*Revision History:*

Date Approved	Revision	Who	Revisions
December 5, 2016	2	Karel Ambroz Joe Farbizio Rick Smith	<ul style="list-style-type: none"> <li>• Removed all references to Class 2 Members.</li> <li>• Removed all references to paying dues.</li> </ul>
December 2, 2019	3	Scott Bryson Dave Corney Joe Farbizio Rich Manca Mark Rutkowski	<ul style="list-style-type: none"> <li>• Entire document reviewed and updated.</li> <li>• Changed formatting of document.</li> </ul>
October 5, 2020	4	Scott Bryson Dave Corney Joe Farbizio Ty Hernandez Frank Maciuska Charlie Phalen Tom Yale	<ul style="list-style-type: none"> <li>• Added Membership Participation Requirements.</li> </ul>
June 5, 2022	5	Frank Maciuska Charlie Phalen Ty Hernandez Patrick Schmitt Dave Corney	<ul style="list-style-type: none"> <li>• Added Support Classification</li> <li>• Removed Social Member Classification status</li> <li>• Modified Election Notification Requirements</li> <li>• Clarified how vacancies are filled.</li> </ul>
October 3, 2022	5a	Frank Maciuska Charlie Phalen Ty Hernandez Patrick Schmitt Dave Corney	<ul style="list-style-type: none"> <li>• Added Support Classification</li> <li>• Removed Social Member Classification status</li> <li>• Modified Election Notification Requirements</li> <li>• Clarified how vacancies are filled.</li> </ul>