

RUSH FIRE DEPARTMENT INC.

CONSTITUTION

AND

BY-LAWS

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ARTICLE 1: NAME AND PURPOSE

1-0 Name:

This Volunteer Organization shall be known as THE RUSH FIRE DEPARTMENT, INC. It has its offices in the Rush Fire District, Town of Rush, County of Monroe, State of New York and is incorporated under the Membership Corporation Laws of the State of New York and the amendments thereto, and its' powers and limitations are defined by the Articles of Incorporation.

1-1 Purpose:

The purpose of this Organization is to protect and save lives and property in said Rush Fire District, to furnish ambulance and emergency service and to make such arrangements with neighboring Fire and Emergency Medical Services (EMS) as are consistent with said purposes. It may maintain a Social organization of members conducive to the successful accomplishment of said purposes.

ARTICLE 2: NEW MEMBERS

2-0 Qualifications:

Any person eighteen years of age or over who resides in the Rush Fire District is eligible to apply for active membership in the Department. Persons who are employed in the fire district or reside close enough to perform active service may apply for active membership.

2-1 Application for Membership:

All applications for membership shall be made by filing a properly completed Application for Membership Form with the Chairperson of the Membership Committee.

2-2 Acceptance of New Members:

2-2.1 The Chairperson of the Membership Committee shall first present the applicants to the **General Membership and the** Board of Directors at a monthly meeting. The Membership Committee and/or the Active member presenting the new applicant and the applicant shall be present.

2-2.2 Applicants who are accepted by two-thirds of the members of the Board of Directors present will be presented by the Chairperson of the membership committee to the members of the Department, who will vote on acceptance to membership **at the next regular membership meeting.**

2-3 Election to Membership:

The Chairperson of the Membership Committee shall present the Applicant(s) to the active members at a meeting of the department.

Election to membership shall be in order of filing date and shall require a favorable vote by secret ballot of at least three-quarters of the active membership present at a general membership meeting. Membership in the Department shall commence following completion of Fire District and Fire Department initial membership requirements.

2-3.1 All applicants for membership must be reviewed and approved by the Board of Fire Commissioners prior to election to membership.

2-4 New Members - Requirements:

New members are to attend a minimum of two meetings a quarter and one drill a month for the first year. New members are also required to attend orientation classes during their first quarter. These classes will be conducted by the line officers of the Department. After a period of six months new members shall be reviewed by the Board of Directors, and again after a period of one year, as to whether the new member is qualified for permanent membership status.

2-4.1 Participation: New members may not participate in any training or activity until completion of requirements that may be imposed by the Rush Fire District Board of Fire Commissioners.

2-5 Explorer Scouts:

Any member of Explorer Post 634, Boy Scouts of America, who meets the membership requirements, and has been a member in good standing in Post 634 for the twelve month period prior to presentation to the Board of Directors, shall be eligible for membership in the Department upon attainment of age eighteen.

2-5.1 Presentation to the Board of Directors: Applicants meeting the above qualifications shall be presented to the Board of Directors at any Director's meeting which occurs not more than two (2) months prior to the applicant's eighteenth birthday.

2-5.2 Letter of Recommendation: The application will be accompanied by a letter of recommendation which has been signed by the Post Advisor.

2-5.3 Election to Membership: Applicants accepted by the Board of Directors and Board of Fire Commissioners (per Article 2 Section 2-3.1) shall be eligible for election to membership at the regular meeting of the Department, which occurs not more than thirty one days prior to the applicant's eighteenth birthday. Membership in the Department shall commence no earlier than the eighteenth birthday of the applicant following his/her election to membership.

2.6 Membership by Transfer:

Persons who were members in good standing of another fire department during the entire twelve month period immediately preceding their residence in the Rush Fire District may apply for a transfer to the Rush Fire Department as soon as such residence has been established. The application for transfer must be accompanied by a resume of prior service and a letter of recommendation from the other department and be filed with the membership Committee.

2-6.1 Persons applying for membership by transfer shall be elected to membership according to the procedures of Article 2, Section 2.3.

2-6.2 All persons accepted for membership by transfer shall meet the requirements of new members.

ARTICLE 3 - MEMBERSHIP

3-1 Membership Classifications:

Membership in the organization shall be divided into five classifications:

- Active Member - *In one of the following subcategories:*
 - Interior Firefighter (All facets of duty)
 - Exterior Firefighter (SCBA qualified)
 - Incident Support (No SCBA/Respirator)
 - Emergency Medical Technician – EMS Support
- Associate Member – *Fire Station Support (Grounds, Maintenance, Office, event assistance)*

- Social Member
- Life Member
- Honorary Member
- Exempt Member

3-1.1 All requests for change of classification must be approved by the Board of Directors. (See Article 3, Sections 3-2.7, 3-2.8, 3-2.9, 3-2.10, and 3-2.11).

3-2 Active Members:

3-2.1 It shall be the duty of all active members to respond to all calls when it is possible to do so, and to hold themselves in readiness to properly perform all duties assigned by the Line Officers of the Department in the proper exercise of their authority, until released by the Officer in Charge.

3-2.2 Conduct and Behavior:

3-2.2a All members shall conduct themselves in a courteous manner at all times, show due respect to all officers **and members**, and always be ready to assist them in the enforcement of the Constitution and By-laws of the Rush Fire Dept.

3-2.2b Inappropriate Behavior or Performance:

The following may be considered as inappropriate behavior or misconduct by a department member:

Examples:

- Failure to meet the requirements of membership as set forth in these By-laws and as they may be amended in the future.
- Theft of or wanton damage to Fire Department property.
- Acting in an unsafe manner thereby endangering the member or others.
- Acting in a manner which brings discredit upon the Rush Fire Department.
- Indulging in behavior, which may threaten, insult, slander or harm other members.
- Indulging in discriminatory or prejudicial behavior towards others with respect to race, religion, national origins, gender, sexual orientation, or family status.

Any misconduct or inappropriate behavior shall be brought to the attention of the Board of Directors by any member of the department for formal review and action. This must be done in a timely manner so as to assure prompt review and resolution.

3-2.3 Disciplinary Procedure: Notification to Member(s)

At least fifteen days prior to a meeting date, the Board of Directors shall notify a member via Certified Mail of any disciplinary action pending including a statement of the reason for such action.

3-2.3a Said member shall appear in person or by letter at the meeting of the Board of Directors specified in the notice, in order to reply to the allegations as specified under Article 3-2.2.b.

3-2.3b A hearing on the validity of the allegations shall be conducted in Executive Session. The Chief Officers and the Board of Directors shall interview all parties involved in order to obtain all facts pertinent to the event(s). The Secretary shall record all of the facts developed in the minutes of the proceeding. Members accused of inappropriate actions, behavior, or performance shall have the right to appear before the Board and testify in their own behalf.

3-2.3c A summary of the facts brought out at the hearing regarding the event shall be prepared and approved by a majority of the Directors present at the hearing, prior to the imposition of any disciplinary action. A copy of the summary shall be provided to the accused.

3-2.4 Disciplinary Actions: The Board of Directors may, by majority vote of the board members present, after due consideration of the facts presented and information gathered at the hearing, impose disciplinary actions which may include but not be limited to the following:

- Verbal reprimand.
- Letter of Censure.
- Assessment of extra activity points
- Suspension from the Department for a specified period.
- Dismissal from the Department.

3-2.4a The member shall be notified by Certified mail of all penalties assessed by the Board of Directors.

3-2.4b A member dismissed from the Department as a result of disciplinary action must wait at least six months from the date of dismissal before reapplying to the Department for admission as a new member.

3-2.5 Participation in Departmental Activities:

3-2.5a Each active member:

- **Shall** Attend at least one meeting and two drills per quarter of calendar year and,
- **Shall** Meet annually all of the minimum requirements mandated by various agencies and approved by the Rush Board of Fire Commissioners.
- Should participate in Committee assignments as made by the President.

3-2.5b Failure to fulfill any mandatory requirement without adequate justification shall result in actions following the disciplinary procedures prescribed in Articles 3-2.3 and 3-2.4.

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3-2.5c Each active member must participate in sufficient activities of the Department open to all active members to accumulate the yearly number of activity points required by their total number of years of active service in the Department as of the beginning of the calendar year.

ACCUMULATED YEARS OF SERVICE IN THE RUSH FIRE DEPARTMENT

<u>Total Yearly Activity</u>	<u>Points Required</u>
Through the 10th anniversary of accumulated active membership	90
Following the year of the 10th anniversary through the 20th anniversary of accumulated active membership	75
Following the 20th anniversary of accumulated active membership	60

3-2.5c At least 50% of required activity points must be earned by response to Fire and Emergency calls.

3-2.5d Service time toward accumulated active membership for social members (Article 3-2.9) returning to active status will be determined by the Board of Directors.

3-2.5e To accommodate different service periods, the total number of activity points required per calendar year shall be prorated on the basis of the number of months of active membership.

3-2.5f Active members will be awarded activity points for their participation in the activities of the Department according to the following schedule:

<u>Event</u>	<u>Type</u>	<u>Points</u>
Fire and Emergency Calls		2
Drills		2
Regular Meetings		1
Monthly Meeting Safety Talk		.25
Special Events (non-firematic)		1
Parades		1
Work Details		1
Duty Crew		2
Other (at the discretion of the B/Dir or Chief)		

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- Special instruction courses and classes may be approved by the Chief Officer as equivalent to regular drills.

3-2.5g: Minimum Time:

Except for Fire and Emergency calls, no credit for attendance nor activity points will be awarded for participation of less than one and one half hours in any activity of the Department or of less than the total duration of the activity if less than the 1-1/2 hours.

3-2.5h Absences:

There will be no excused absence from drills or meetings or waiver of the required number of activity points without the concurrence of a majority of the Board of Directors. **The Standard Excuse Form does not apply to mandatory training. Members are REQUIRED to meet mandatory training requirements.**

3-2.5i Penalty Points:

Failure of a member to accumulate the required number of activity points without justification satisfactory to a majority of the Board of Directors, following the disciplinary proceedings prescribed in Articles 3-2.3 and 3-2.4, will result in the following penalties:

<u>Points Short of Required Yearly Number</u>	<u>Penalty</u>
1 - 10	Increase next year's total by twice (2 times) the number short.
11 or more	Dismissal from the Department

3-2.6 Attendance Record Form: Each member shall sign only his/her own name on the Attendance Record Form kept in the firehouse after each emergency call, drill or other activity for which activity points are to be awarded.

3-2.6a Only the Chief or Officer in Charge may sign the name of another member in the Attendance Record Book.

3-2.6b The Chief or Officer in Charge shall remove from the Attendance Record Book the name of any firefighter who has not actively participated in the emergency or who has not been attentive at the drill or other event.

3-2.6c The Chief or Officer in Charge shall be the last person to sign the Attendance Record Form.

3-2.7 Armed Services: Any member entering the Armed Forces of the United States on active duty shall not be considered as an active member and shall be placed on a Leave of Absence until separated from active duty. All fire district and fire department property must be turned in upon entry into active duty. Upon separation from active duty a member must apply for re-instatement as an active member in a timely manner, in accordance with applicable state and federal statutes. Failure to make such request by letter to the Board of Directors shall result in the member being removed from the Department membership rolls.

3-2.8 Non-Resident, Active Members: Active members who move out of the Rush Fire District and who either maintain employment in the District or live close enough to

perform active service, may at their request retain or become active members in the Department if approved by two-thirds of the Board of Directors present at a regular or special meeting of the Board of Directors.

3-2.8a Non-resident members may not comprise more than thirty percent of the Department, or as approved by the Board of Directors.

3-2.8b Non-resident members may not hold the office of Chief or Assistant Chief, but may hold other line officer positions.

3-2.8c No person shall be an active member of more than one volunteer fire department at one time.

3-2.9 Social Membership & Reinstatement to Active Status:

3-2.9a Any active member may request a transfer to social classification providing that the member:

- Has been an active member for five consecutive years
- has no delinquency or disciplinary action pending.
- submits a written transfer request to the Secretary of the Dept.

3-2.9b Reinstatement of Active Status: A social member may return to active membership by applying in writing to become an active member, providing not less than six months nor more than eighteen months has elapsed since becoming a social member. Approval of such a request requires an affirmative vote by a majority of the Board of Directors. After eighteen months a social member may become an active member only by applying as a new member.

3-2.9c An active member, in good standing, moving from the Rush Fire District may qualify for non-resident, active membership under Article 3-2.8. Otherwise, if five continuous years of active service have been completed, the member may maintain affiliation with the Rush Fire Department by requesting in writing a change to social member status. There is no requirement pertaining to location of residence. Approval of such a request requires an affirmative vote by a majority of the Board of Directors assembled in a regular or special meeting. An active member who has moved from the district and dropped from the rolls but returns to the district, may be reinstated as an active member if the absence has been eighteen months or less.

3-2.10 Recommendation: Any member of the Rush Fire Department in good standing, who is leaving the Department may request from the Board of Directors a letter of recommendation to another fire department.

3-2.11 Leave of Absence: An active member with no pending disciplinary action who has completed at least one year active service in the Department may apply in writing to the Board of Directors for a Leave of Absence of up to six months duration.

3-2.11a All Leaves of Absence must be approved by an affirmative vote majority of the Board of Directors.

3-2.11b The Leave of Absence granted to any individual member may not exceed a total of twelve months in any twenty-four month period unless approved by a three-fourths vote of the Board of Directors.

3-2.11c Active members on a Leave of Absence shall have the same rights, privileges and responsibilities as social members, and will not respond to emergency calls or participate in drills.

3-2.11d The time during which a member is on a Leave of Absence shall not be included in the years of service required for social and life membership and Exempt classification.

3-3 Life Membership:

Life membership shall be bestowed only on members who have completed twenty-five years as an active firefighter of the Rush Fire Department. Years of service need not be consecutive.

3-4 Honorary Membership:

Honorary membership may be conferred on a person for exceptional service to or in support of the Rush Fire Department by a two-thirds vote of the members at any regular meeting. Honorary members have no vote in any meeting.

3-5 Exempt Membership:

Exempt membership may be granted to any active member in good standing, who shall have completed a period of at least five years of active service, and shall have become entitled to a certification as an exempt volunteer firefighter under the provisions contained in the General Municipal Law of New York State.

3-6 Fire Department / Fire District Property:

Any firefighter who terminates or is terminated from active membership in the Fire Department shall return all property issued within thirty days of termination.

ARTICLE 4 - BOARD OF DIRECTORS

4-1 Duties:

The Board of Directors shall be the governing body of the Rush Fire Department, Inc. with the following responsibilities:

4-1.1 Transact all essential business of the Department according to these By-laws.

4-1.2 Prepare a proposed Annual Budget for the Department for the following calendar year and present it for adoption:

- by the Board of Directors at their October meeting.
- by the membership of the department at the Annual meeting in December following its presentation to the membership at their November meeting.

4-1.3 Serve as the nominating committee for the annual social and firematic elections. They shall present a slate of candidates to the Department and cause the slate to be posted at the November meeting.

4-1.3 Cause all actions of the Board to be reported to the active members no later than the next monthly meeting of the Department.

4-2 Election of Directors:

The Board of Directors shall consist of twelve active members of the Department elected to the office by the active members of the Department at the annual meeting.

4-2.1 An active member may vote for as many candidates as there are Directors to be elected. The total number of votes received by each candidate shall be tallied and maintained in the permanent records to establish the order of succession to any vacated term. This order of succession shall be posted. These succeeding Directors will complete the full term of the Director they replace.

4-2.2 The four full terms of three years which have expired shall be filled by the four candidates receiving the greatest number of votes.

4-2.2a Tie Votes: Tie votes shall be resolved by a toss of a coin by the Senior Fire Officer present who is not involved in the tie. The candidate with the longest period of active membership shall have the right to call the face of the coin.

4-2.3 Unexpired terms of office vacated during the current year shall be filled by the remaining candidates as ranked in order by the number of votes received and recorded as provided for in 4-2.1.

4-3 Officers of the Board:

The Social Officers of the Department shall be the Officers of the Board of Directors.

4-3.1 The President of the Rush Fire Department shall be the Chairman of the Board of Directors and shall preside at all meetings.

4-3.1a The Chairman may vote on business before the Board only to break a tie

vote.

4-3.1b The Vice President of the Department shall act as Chairman of the Board in the absence of the President and may attend Board meetings as a non-voting observer.

4-3.2 The secretary of the Department shall be the Secretary of the Board.

4-3.2a The duties of the Secretary of the Board shall include:

- Keep accurate minutes of all proceedings of the Board.
- Give / post a summary report of the proceedings of the previous Director's meeting(s) no later than the second week following the meeting of the Department.
- Post the meeting minutes, at each station and electronically transmit them (in protected form) to the members for approval at the next meeting of the Board of Directors.
- Conduct the necessary correspondence of the Board.
- Other duties: See Article 6-4.

4-3.2b The Secretary, if also a Director, will be eligible to vote on business before the Board.

4-4 Term of Office:

The full term of office of a Director shall be three calendar years. One third of the Directors shall be elected for full terms of office at each annual meeting of the Department.

4-4.1 The term of office of a Director elected at the annual meeting shall commence on January 1st of the following year.

4-4.2 Vacancies: Refer to Article 4-2.3 for filling vacated terms.

4-4.3 Membership on the Board shall terminate upon completion of a normal term, or:

4-4.3a At the termination of a Director's active membership in the Department.
Or

4-4.3b Following a determination by two thirds vote of the Board of Directors of insufficient justification for a Director's failure to attend at least three fourths of the meetings of the Board held during the previous calendar year. This shall also apply to Directors re-elected to a new term. Or

4-4.3c Following acceptance by the Board, of a Director's resignation from the Board.

4-5 Meetings:

The Regular Meetings of the Board of Directors shall be held monthly as established by the Board of Directors at the annual organizational meeting.

4-5.1 A special meeting of the Board may be held at any time a quorum is present and a majority of those present agree to the meeting.

4-5.1a Only those special meetings for which five days notice shall have been given may be counted in the evaluation of the attendance of the Directors.

4-5.2 A quorum at every meeting of the Board shall be seven Directors.

4-5.3 All actions by the Board shall be by affirmative vote of a majority of the Directors present at any meeting of the Board unless otherwise specified in these By-Laws.

4-5.4 Robert's Rules of Order shall be followed in the conduct of all meeting of the Board in all cases not specifically covered by these By-Laws.

4-5.5 The Board shall meet in a Special Meeting during the last seven days of December to review social committee membership and line officer appointments and ensure proper organization of the Department for the following year.

4-5.5a All newly elected Directors and social officers shall attend this meeting as observers.

4-5.5b The President-elect shall present candidates for the following offices at this meeting:

- Chairpersons and members, of all Standing Committees.
- Chairpersons and members, of all special committees.
- Delegates and alternates to the various organizations of which the Department is a member.

4-5.5c The Chief-Elect shall present candidates for all Line Officer positions at this meeting.

ARTICLE 5 - LINE OFFICERS

5-1 Line Officers:

The Line Officers shall be: Fire Chief, First Assistant Fire Chief, Second Assistant Fire Chief, a minimum of two Captains, a minimum of five Lieutenants, an EMS Director of Operations, a Safety Officer and a Fire Police Captain. They shall be elected or appointed as stated in Sections 5-4 and 5-6 of this Article.

5-2 Service Requirements:

Only an active member who has served five consecutive years or more in the Rush Fire Department, at least two years of which shall have been as a line officer, shall be a candidate for the position of Fire Chief, 1st Assistant Fire Chief or 2nd Assistant Fire Chief. No person shall hold any elective or appointed line office who has less than one year in the Rush Fire Department.

5-3 Officer Qualifications:

Training qualifications for Chief Officers and other line officers are listed in the Rush Fire Department Line Officers' Duties and Qualifications as established by the Board of Fire Commissioners.

5-4 Chief Officer Elections:

The Fire Chief, First Assistant Chief and Second Assistant Chief shall be nominated to the Board of Fire Commissioners by the membership, by secret ballot on the first Thursday following the first Tuesday in December each year. A majority vote of the active members voting is required for nomination. Voting hours are 1800 hours to 2100 hours. The nominees will take office on the first day in January at 0001 hours subject to the approval of the Board of Fire Commissioners.

5-5 Absentee Ballot Kit:

An active firefighter, who shall be unable to vote in person at this election during regular voting hours, shall be entitled to vote by Absentee Ballot. A request for an Absentee Ballot must be received by the Secretary of the Department at least four weeks prior to the date of the nomination. **(See Appendix AP2)**

5-5.1 The Secretary of the Fire Department will mail at least two weeks prior to the election, an Absentee Ballot Kit, a form registering the member's name, and a plain unmarked envelope to each active firefighter so qualified.

5-5.2 The absentee voter will signify the choice of Officers on the Absentee Ballot Kit. Included in this kit is a pre-addressed cover (return) envelope which the ballot shall be placed in and returned. The firefighter will then sign his/her name and address on the registration form and will place it and the sealed envelope into another envelope, mark the face of the envelope "Absentee Ballot" and cause it to be delivered to the Secretary of the Board of Fire Commissioners.

5-5.3 The Secretary of the Board of Fire Commissioners shall give these absentee Ballots to the election inspectors during the voting hours on nomination night. The inspectors shall open the envelope, register the firefighter's name, and place the sealed envelope in the ballot box. The Absentee Ballots are to be opened and counted along with the regular votes after the polls close.

5-6 Appointed Line Officers:

The duties of the chief officers and other line officers are listed in the Rush Fire District Line Officers' Duties and Qualifications as established by Section 176a of New York State Town Law and the Board of Fire Commissioners. The Chief shall appoint the Fire Police Captain, who will report to the Chief. The Chief shall appoint the Line Officers and present them to the Fire Department as endorsed by the Board of Directors and approved by the District Commissioners. The Chief shall conduct at least eight Line Officer meetings a year.

ARTICLE 6 - SOCIAL OFFICERS

6-1 Social Officers:

The social officers of the Department shall be:
President, Vice President, Secretary, Assistant Secretary, and Treasurer.

6-1.1 Each social officer shall have completed at least one year as an active member of the Department prior to the commencement of the term of office.

6-1.2 A slate of candidates for the Social Offices will be prepared by the Board of Directors and presented to the Department at the November meeting as required in Article 4. At that time, nominations of candidates may be made from the floor. At the conclusion of the November meeting, nominations will be closed. The only exception will be to allow nominations at the Annual Meeting to replace a candidate running unopposed, who has withdrawn, resigned from the Department, or died, leaving no candidate on the ballot.

6-1.3 Social officers shall be elected at the annual meeting of the Department for a term of one calendar year, and will take office January 1 at 0001 hours.

6-1.4 The Board of Directors shall appoint a replacement for any office, which may become vacant prior to the next annual meeting.

6-1.5 Conduct of Elections for Social Officers and Directors: (See Appendix AP-2)

6-2 President:

6-2.1 Preside at all meetings of the Department and Board of Directors.

6-2.2 Preserve order.

6-2.3 Rule on questions of order.

6-2.4 Nominate candidates for delegates to various associations, and chairpersons and members of standing and special committees for approval by the Board of Directors.

6-2.5 The President shall counter sign all checks of the department and shall be bonded yearly.

6-3 Vice President:

6-3.1 Assume the duties of the President during the absence of the President.

6-3.2 Assume responsibility for the Annual Fund Drive when conducted.

6-3.3 Conduct at least two regular meetings of the Department during the year.

6-3.4 Conduct at least one regular meeting of the Board of Directors during the year.

6-3.5 Assists the President in the performance of duties.

6-3.5 The Vice President shall be bonded yearly.

6-4 Secretary:

- 6-4.1 Keep accurate minutes of all meetings of the Department in the Official Record Book.
- 6-4.2 Keep the Official Record of Activity Points accumulated by each member.
- 6-4.3 Present to the Board of Directors the names of all members.
- 6-4.4 Maintain accurate lists of active and social members of the Department.
- 6-4.5 Issue identification cards to members.
- 6-4.6 Maintain an accurate personnel file for each member.
- 6-4.7 Prepare exempt papers for eligible members.
- 6-4.8 Deliver announcements of the annual meeting and all special meetings to all members as directed by Article 7.
- 6-4.9 Conduct all correspondence of the Department.
- 6-4.10 Prepare and mail absentee ballots as specified in Appendix AP-2 .
- 6-4.11 Prepare and deliver to the Board of Fire Commissioners at least two (2) weeks prior to the Fire Chief's nomination:
 - a. A list of all active firefighters.
 - b. A list of all firefighters who have requested absentee ballots.
- 6-4.12 Post copies of all proposed amendments to these Bylaws as provided in Article 9.
- 6-4.13 Provide for the proper reproduction and distribution to all active members and the Board of Fire Commissioners all amendments to these Bylaws after their adoption by the Department as per Article 9.
- 6-4.14 Prepare and deliver to the Board of Fire Commissioners within ten days all changes in active membership rolls or Constitution and Bylaws.
- 6-4.15 The Secretary shall be bonded yearly.

6-5 Assistant Secretary:

- 6-5.1 Assists in the performance of the Secretary's duties.

6-6 Treasurer:

The Treasurer shall be responsible for the proper receipt, custody, and disbursement of all moneys of the Department.

- 6-6.1 The duties of the Treasurer shall include:

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6-6.1a Deposit all moneys in a bank designated by the Board of Directors in the name of the Rush Fire Department, Inc.

6-6.1b Keep proper accounts of all receipts and expenditures.

6-6.1c Report all receipts and expenditures monthly to the Department at its monthly meeting.

6-6.1d Prepare the yearly financial statements which are required by law.

6-6.1e Disburse funds only upon approval by the Department.

6-6.1f Deliver to the Treasurer-Elect all bank books, records, accounts, and papers in proper order upon receipt of a statement signed by the Treasurer-Elect acknowledging proper transfer of the duties and responsibilities of the office.

6-6.1g Shall be a member of the Ways and Means Committee.

6-6.2 The Treasurer shall be bonded yearly.

6-6.3 All checks shall be signed by both the President and the Treasurer of the Department, and require two signatures.

6-6.3a The Secretary and Vice President shall be authorized to sign checks in the absence of either the President or Treasurer.

6-7 **Succession:**

The order of succession for serving as Acting President in the absence of the President and Vice President shall be:

- a. Secretary
- b. Assistant Secretary
- c. Treasurer

ARTICLE 7 - MEETINGS AND TRAINING

7-1 Annual Meeting:

The annual meeting will be held on the first Monday of December each year. The Secretary shall notify all active and social members of the Department ~~by mail~~ at least fourteen days in advance in regard to the purpose and time of the annual meeting.

7-2 Regular Meetings:

The regular meetings will be held on the first Monday in each month at 1900 hours unless otherwise designated.

7-3 Special Meetings:

The Secretary shall notify all active members regarding the time and location at least three days in advance. The President or Secretary may call such a meeting at their discretion or on the written petition signed by twelve members.

7-4 Training:

Training shall be held on the second and third Monday of each month. Special drills may be called at any time by the Chief Officer.

7-5 Definition of a Quorum:

A quorum shall be defined as fifty percent (50%) plus one (1) of the active members of the department in attendance on the date of the regular or special meeting of the department.

7-6 Conduct of Meetings:

Robert's Rules of Order shall be followed in the conduct of all meetings of the Department and Board of Directors in all cases not specifically covered by these By-laws.

ARTICLE 8 - COMMITTEES

8-1 President's Duties:

The President shall nominate all standing and special committees. The standing committees nominated shall be subject to approval of the Board of Directors at its Annual Special Meeting (Article 4-5.5). Special committees shall be approved by the Board of Directors prior to appointment by the President.

8-2 Standing Committees:

The required Standing Committees and their duties are as follows:

8-2.1 Membership Committee:

8-2.1a Recruitment of new members.

8-2.1b Proper presentation of the prospective new members and their credentials to the Board of Directors and Board of Fire Commissioners and the Department.

8-2.1c Develop plans or programs to recruit and retain members. Submit such plans or programs to the Board of Directors and the membership for approval.

8-2.2 By-laws Committee:

8.2.2a The Board of Directors shall act, in whole or in part, at their discretion, as the By-laws Committee of the Rush Fire Department. The By-law committee shall periodically review the By-laws of the department and recommend changes to the membership.

8-2.2b Any member or group of members may request or submit changes to the By-laws of the corporation to the Board of Directors at any time throughout the year. The Board of Directors shall discuss such requests and respond to them in a reasonable period of time.

8.2.2c Changes or modifications to the By-laws must be approved by the General membership as prescribed in these By-laws.

8-2.3 Ways and Means Committee:

The Ways and Means Committee shall consist of the following four members:

- Vice President of the Department who shall also be Chairperson of the Committee.

- Treasurer of the Department

- Two active members of the Department, appointed by the President.

Duties of the Ways and Means Committee will include the following:

8-2.3a Evaluation and approval prior to disbursements by the Treasurer of:

CONSTITUTION AND BY-LAWS OF THE RUSH FIRE DEPARTMENT

- all expenditures not included in the Annual Budget as adopted by the Department.
- all expenditures exceeding five hundred (500) dollars not previously included in the Annual Budget.

8-2.3b Preservation of the sound financial condition of the Department by review of income and expenditures as deemed necessary.

8-2.3c Consideration of new sources of income.

8-2.4 Auditing Committee: The duties of the Auditing Committee shall include:

8-2.4a Performing or cause to have performed an annual audit of the financial affairs of the Department during the month of March and report this condition to the membership at their April meeting.

8-2.4b Conduct an audit of the financial affairs of the Department at other times as they may see fit or as may be directed by the Board of Directors.

8-2.5 Legal Committee: The duties of the Legal Committee shall include:

8-2.5a Inform the Department of all changes in the Laws of the State of New York relating to the activities of Volunteer Fire and Ambulance Departments and Federal laws as they may apply.

8-2.5b Perform legal liaison when required but subject to control and direction of the Board of Directors. If appropriate, the Board of Directors may designate others to assist in this regard.

8-2.6 Relief Committee: The duties of the Relief Committee shall include:

8-2.6a Distribution of fruit baskets, flowers or other gifts deemed appropriate by the Committee to any active, life or social member who has been disabled for five or more working days.

8-2.6b Sending the appropriate cards, flowers or memorial donations to the immediate family of a deceased active, life member or other appropriate person(s). Cards will be sent to the immediate family of deceased social members. (See appendix AP-1)

8-2.6c Sending appropriate cards, flowers or memorial donations to active and life members following the death of immediate family members: spouse, children, parents, brothers and sisters.

8-2.6d Reporting to the members of the status of active, life and social members experiencing long term disability.

8-2.6e All members are reminded to assist the relief committee in prompt expressions of concern and sympathy by ensuring committee members are promptly notified about illnesses and deaths.

8-2.6f Funeral details normally will be called following the death of active and life members; their spouses, children, parents, in-laws, brothers or sisters; or other appropriate persons. (See appendix AP-1)

8-2.6g Send appropriate cards, flowers, etc., to active and life members and their spouses following the birth or adoption of a child in their immediate family.

8-2.7 Safety Committee:

The Safety, Health, and Standards committee is a joint venture with the Rush Fire District. The committee is responsible for the creation, implementation and oversight of operational guidance as well as the investigation into incidents or accidents involving Rush Fire District or Rush Fire Department personnel or equipment. The committee is empowered only to make recommendations to the Board of Fire Commissioners and the Fire Chief and is not an enforcement entity.

8-2.7a The committee shall be made up of at least 4 members and serve for a one year term. Any member may succeed themselves and be re-appointed.

8-2.7b The Chief shall appoint one member, the President of the fire department shall appoint one member, and the membership at large shall select one member. The Board of Fire Commissioners shall appoint one member of the board to serve on this committee as liaison from the commission.

8-2.7c Duties of the Safety Committee shall include:

- Meet as frequently as necessary to review the safety of all aspects of the fire department with a minimum of at least every six months.
- Station safety - review safety and recommend methods of improving any safety issues that may cause an injury or accident.
- Response and returning - review policies and procedures along with the equipment for safety concerns.
- Emergency operations - review policies and procedures including the accountability system.
- Any other activity that the firefighters shall be involved with in an official capacity - review policies and procedures.
- Such duties as may be assigned by the Board of Fire Commissioners.

8-2.8 Fire Prevention and Education Committee:

The duties of the Fire Prevention and Education Committee shall, with the approval of the Fire Chief, include:

8-2.8a Educate the members of the Rush Fire Department and the Community regarding fire prevention practices and developments.

8-2.8b Assist with fire prevention and education activities.

8-2.9 Special Committees:

8-2.9a The President or the Board of Directors may, from time to time or as required by the membership or circumstances, appoint special committees to conduct such special works as needed. These may include but not be limited to special purchases, or matters reflecting on the well being of the corporation or the Membership.

8-2.9b At the discretion of the Board of Directors, the Board may serve as a Committee Of The Whole for the purpose of a Special Committee or designate members of the Board of Directors to serve as members of a Special Committee.

8-2.9c Actions or reports of any Special Committee must be approved by a vote of the Board of Directors and subsequently by the membership at a general or special meeting.

ARTICLE 9 - AMENDMENTS TO THE BY-LAWS

9-1 Procedure for amending these By-Laws:

9-1.1 Any active member in good standing may submit a **proposed** written change to the by-laws at any regularly scheduled meeting of the department. The proposed ~~amendment~~ **change** shall then be submitted for action by the Board of Directors at the next board meeting.

9-1.2 All proposed amendments must be approved by the Board of Directors.

9-1.3 Copies of the proposed amendment, signed by the President and Secretary as approved by the Board of Directors, shall be posted in a conspicuous location in all Fire Stations of the Rush Fire District and placed in the Fire Station mail box of each member or electronically transmitted, at least fifteen days prior to the meeting of the Department at which the proposed amendment is to be presented for discussion or adoption.

9-1.3.a The time and place of the meeting at which the proposed amendment is to be discussed or presented for adoption shall be specified in the email transmittal or on the printed copy supplied to a member.

9-1.3b The proposed amendment shall be discussed by the active members at the regular monthly meeting specified in Article 9-1.3, and tabled until at least the next regular meeting. Comments, suggested revisions, etc., shall be forwarded to the Directors for consideration and possible inclusion in a revised proposed amendment.

9-1.3c The Directors, at their next scheduled meeting, shall review comments, suggestions, etc., and revise the proposed amendment as is felt desirable. Following approval by the Directors, copies of the revised proposed amendment shall be supplied to members as specified in Article 9-1.3

9-1.3d Active members may, at the meeting specified in the posted proposal, adopt, table for further consideration, reject, or refer back to the Directors, the proposed amendment.

9-1.4 A favorable vote by three-fourths of the active members present shall be necessary for adoption of the proposed amendment.

9-1.5 Amendments to these by-laws shall take effect immediately upon adoption.

9-1.6 All amendments or changes to these by-laws must be approved by the Board of Fire Commissioners and filed with the New York Secretary of State.

Appendices To The ByLaws

TERMS AND DEFINITIONS

This Appendix:

Items proposed for inclusion in or deletion from this Appendix shall first be approved by a majority of the Members of the Board of Directors present at a regular meeting of the Board. Copies (as per Article 9) shall be placed in the fire house mail boxes of each member and posted on the bulletin boards of each fire house at least two weeks prior to the regular meeting of the Department at which the proposal is to be adopted. The proposal must be approved by a majority of the Active Members of the Department present.

Appendices provide a method of changing some operational methods without the necessity of a prolonged Constitution and By-laws change.

AP-1: TERMS AND DEFINITIONS:

Posted: Means fastened to the department bulletin board located in the truck bay of each station.

Other Appropriate Persons:

- = Present or past Chief Officer of a neighboring fire department,
- = Present or well known past Battalion Coordinator, or County Coordinator,
- = Fire, EMS or other persons who have worked with and / or contributed to the success of the Rush Fire Department.

The intent of this section is to provide this committee with the authority to “error on the safe side” when sending expressions of sympathy in keeping with the long-standing traditions of the Fire Service, so that expressions of sympathy are sent in a timely fashion without the delays inherent in the process of seeking multiple approvals.

AP-2: ELECTION PROCEDURES FOR SOCIAL OFFICERS AND DIRECTORS

- a. Election of Directors and Social Officers shall be by means of paper ballots prepared by the Secretary and normally distributed at the appropriate time during the Annual Meeting. Final collection, counting of the completed ballots and posting of the names of the person(s) elected shall be the responsibility of the Election Inspectors appointed by the President of the Department.
- b. The detailed procedures to be followed during the election process shall be designed to ensure that all Active Members may participate in the election on a fair and equal basis.
- c. Absentee voting by absent members shall be permitted under the following conditions:
 - 1. The absentee member shall be unable to vote in person, and
 - 2. The request for the Absentee Ballot is received in writing by the Secretary of the Department at least four weeks prior to the date of the election, and
 - 3. The completed absentee ballot is received by the Secretary or Assistant Secretary by 1900 hours of the day of the election or the start of the annual meeting, whichever is the later.

Document Preparation:

The Secretary shall prepare, at least two weeks prior to the date of the election meeting:

- a. The official ballot including the names of all nominees for all offices as well as, adequate space for write-in candidates, and
- b. A registration form including the name and membership number of each absentee member, and;
- c. A self-addressed stamped cover envelope clearly labeled as containing an Absentee Ballot (for use by absentee voters only).

Absentee Voting:

The Secretary shall cause to be delivered to each qualified absentee member requesting the absentee ballot (normally via Certified Mail) an absentee ballot kit, at least two weeks prior to the election; and maintain an accurate record of the recipient of each absentee ballot kit on the registration form.

Hand delivery of the absentee ballot kit in return for a receipt for same signed by the absentee member, at a mutually agreed time and place, shall be an acceptable alternative procedure.

Absentee Ballot Kit Composition Shall Include:

- a. An Absentee Ballot, and;
- b. A form registering the name of the absentee member, and;
- c. A plain unmarked envelope, and;
- d. A self-addressed cover envelope clearly labeled as containing an absentee ballot.

Absentee Voting Procedure:

The qualified absentee member shall properly mark the absentee ballot, seal it inside the plain envelope provided, and

- a. Affix his / her signature to the registration form, and;
- b. Place the completed Registration Form and the sealed unmarked envelope containing the marked absentee ballot into the pre addressed cover envelope provided. Then seal it, add his/her name and return address and;
- c. Cause the sealed cover envelope containing the absentee ballot and registration form to be delivered to the Secretary of the Department.

Regular Voting

Regular voting shall take place during the Annual Meeting at a time to be designated by the presiding officer of the meeting.

The Election Inspectors shall distribute ballots to each active member present at the meeting who shall not have previously received an absentee ballot. Receipt of the ballot shall be simultaneously recorded on the registration form.

Completed ballots shall be collected in a box and delivered to the Election Inspectors, along with Absentee Ballots for counting and tabulation.

The sealed envelopes containing the absentee ballots shall be opened, and the absentee ballots counted with the regular ballots after the voting is completed.

Write-in candidates are permitted.

Procedure for Tie-Breakers

Tie votes for Social Officers and Board of Directors shall be resolved by the toss of a coin by the Senior Fire Officer present who is not involved in the tie. The candidate with the longest period of Active Membership shall have the right to call the face of the coin.