



# Valley Fire & Rescue Inc. By-Laws 2024 Edition



**Valley Fire & Rescue Inc.  
28409 Huntington Road,  
PO Box 63,  
Apple Grove, WV 25502  
By-Laws 2024 Edition**

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# **BY-LAWS 2024 Edition**

## **ARTICLE I**

### **Mission Statement and Title**

#### **SECTION 1 – Mission Statement**

The members of the Valley Fire & Rescue Inc. department shall strive to protect the lives and property of the citizens of the communities through fire suppression services, pre-fire planning, and public education. We will serve these communities to the best of our abilities and training. We are committed to continuously improving our understanding of the communities of Valley Fire & Rescue Inc. in the State of West Virginia, Mason County.

#### **SECTION 2 – TITLE**

This organization shall be known as Valley Fire & Rescue Inc. as registered with the Office of the West Virginia Secretary of State.

## **ARTICLE II**

### **Equipment**

#### **SECTION 1 - REQUIRED EQUIPMENT**

This Department shall be equipped with such apparatus and equipment as required to fulfill the purpose of the organization as described in Article I, Section 2.

#### **SECTION 2 - HOUSING OF EQUIPMENT**

All equipment of the Fire Department shall be safely and conveniently housed in a station or on Fire Department property, which has been approved by the general membership of the Department. No maintenance will be done to fire department equipment outside of fire department property unless it is being maintained by the manufacturer. No fire department property will be used for personal use outside of the fire department.



**SECTION 3 - ASSIGNMENT OF EQUIPMENT**

The Chief, guided by the Rules and Regulations, and with the approval of the Board of Directors, when necessary, shall designate which members are to be assigned radios, pagers, and other Fire Department gear. The Chief shall be responsible for the repossession of Fire Department equipment when it is deemed necessary. If the equipment is not returned to the Fire Department within seventy- two (72) hours of request in writing, legal action may be taken against the member in question if deemed necessary by the Chief and/or Officers.

**SECTION 4 - USE OF EQUIPMENT**

No person shall maliciously use any fire apparatus, equipment, and /or properties, use their association or membership in the department for private purposes without consent. No person shall willfully and without proper authority remove, take away, keep, or conceal any tools, appliances, or other articles owned and used in any way by the Fire Department, without consent from the Chief or his/her designee. Failure to comply may result in disciplinary action.

# ARTICLE III

## Membership

**SECTION 1 - NUMBER OF MEMBERS**

This Department shall be composed of a minimum of twenty (20) members per West Virginia State Code Chapter 8, Article 15, and Section 4 6. Members are defined as those who have been accepted by the membership as members of the Department and who are maintained on the Department's active personnel roster. Five (5) eligible voting members shall constitute a quorum. If the membership becomes less than twenty (20) members for any reason and/or it is not possible to obtain a quorum for any reason, the Board of Directors may institute emergency voting procedures. This action, which must be reviewed and reconsidered at each regular Board of Directors meeting, allows for meetings to be conducted providing that a minimum of twenty-five (25) percent of the membership is present. As is the case during non-emergency voting conditions, only non-candidate, active, voting members would be permitted to vote under emergency voting procedures. Upon return to twenty (20) active members, the provision shall automatically cease.

**SECTION 2 - MEMBERSHIP REQUIREMENTS**

Any person eighteen (18) years old or older, of good moral character and standing, with no felony convictions, resides in the first due response district of the Valley Fire & Rescue department, or within five (5) miles of the district in all other areas is eligible for membership.

Any member that moves outside of the above areas after the adoption of these By-Laws shall be required to terminate their membership with the Fire Department.



Any eligible person desiring to become a member of the Valley Fire & Rescue department must submit an application to the Fire Chief. The Fire Chief shall review the application and a background check shall be conducted. If the results of the background check are unfavorable, the Chief shall notify the applicant of the results. The applicant is then considered ineligible for membership.

If the background check is completed with favorable results (in compliance with Article 3, Section 2, paragraphs 1 and 2 of these By-Laws), the application shall be forwarded to the membership for an interview of the applicant.

All applicants shall submit to drug screening prior to becoming a member. All new members and current members shall submit to random drug screening throughout their membership with the Department. No person shall be allowed membership who is proven to use illegal substances and/or abuse prescribed medications.

The applicant must receive a majority vote from the active members present to become a candidate member. A majority vote is defined as obtaining more than fifty percent of the votes cast. If successful, the Chief shall give the candidate a copy of these By-Laws, Rules and Regulations and Standard Operating Guidelines. Should the applicant not receive a majority of the votes cast, the applicant shall be ineligible for membership for a period of three (3) calendar months. Any applicant that is denied membership on two (2) consecutive application attempts shall be ineligible for future membership and shall not be permitted to reapply. Additionally, any member who is dismissed or resigns from the Department as a result of disciplinary actions shall not be eligible for future membership.

### **SECTION 3 - CANDIDATE AND PROBATIONARY MEMBERS**

A candidate's membership shall be for a period of three (3) months. During the three (3) month period, the member shall become familiar with the operations of the Fire Department, its By-Laws, and Rules and Regulations. During the three (3) month candidate membership period, the candidate does not have voting privileges. The Chief and the Training Officer shall meet and review the candidate's progress and performance prior to the completion of the member's candidacy. At the completion of the candidacy period, they shall report to the membership and recommend one of the following actions with respect to the candidate:

- a. Extend the member's candidacy for a period recommended by the Chief and agreed to by a majority vote of the membership present.
- b. Accept the Candidate as a probationary member with voting rights and limited privileges.
- c. Vote to dismiss the candidate from the department.

The probationary membership shall be for a period of nine (9) months. At the meeting immediately preceding the completion of the probationary period, the Chief and the Training Officer shall report to the membership and recommend one of the following actions with respect to the individual:

- a. Extend the probationary membership for a period recommended by the Chief and agreed to by the majority vote of the membership present.
- b. Accept the probationary member as an active member with all rights and privileges of an active member.
- c. Vote to dismiss the probationary member from the department.



The eligible voting members at the meeting after completion of the candidate's probationary period shall vote to determine the individual's membership status based on the categories described above. A majority vote of the eligible voting members present shall determine the candidate's status. A majority vote is defined as obtaining more than fifty percent of the votes cast.

Should there not be a quorum present to hold a meeting when an applicant or current member is due for a vote on their membership status, the vote shall be tabled until the next regularly scheduled business meeting in which a quorum is present. Existing members shall maintain their membership status (candidate or probationary) until the vote is held.

#### **SECTION 4 - ACTIVE MEMBERSHIP**

An active member has full voting rights and may be a candidate for any office he/she is eligible for. An active member is eligible to participate in any function that the Fire Department holds. All members shall successfully complete all requirements of the West Virginia State Fire Commission related to firefighter training within one (1) calendar year of the start of their candidate membership. All members are required to complete NIMS 100, 200, 700 and 800, NFPA 1001 Firefighter 1, CPR/First aid, National Traffic Incident Management, and Hazardous Materials Operations within one year of candidacy membership. Auto Extrication Operations, Firefighter 2, Incident Safety Officer, and EVOG within 3 years. All members who fail to comply with the above training requirements shall be dismissed from the department, and all gear, equipment, etc., shall be returned to the department. Active Members must participate in a minimum of twenty-four (24) hours of Fire Department activities per quarter or face disciplinary action, up to and including termination. Any member not meeting the training or participation requirements of these bylaws for two consecutive quarters shall be moved to inactive status or removed from the department. Inactive members shall be ineligible for election as Officer or holding an elected position of Officer.

Members are expected to participate in training that will be held on the third and fourth (3<sup>rd</sup> & 4<sup>th</sup>) Monday of each month, as well as any specialized training as scheduled by the training officer. As well as 16 hours of training done as a combination of in-house, and training approved by the training officer per year. All members are expected to maintain training requirements of the West Virginia Fire Commission or other agency having jurisdiction. Members with specialized training are expected to complete any training required to maintain those certifications.

The Fire Department will handle the cost of all training in the department. The Fire Department will pay for approved Fire Schools. If a member fails to attend training, he/she must reimburse the Fire Department for the class.

#### **SECTION 5 - HONORARY MEMBERSHIP**

Any member who has been a member in good standing for a minimum of twenty (20) years or becomes physically unable to perform the duties required for membership may request honorary membership. An honorary member may attend all functions of the Fire Department. Honorary members shall not respond to more than 30% of calls, or they will become active members and must meet all requirements of active membership.



## **SECTION 6 - JUNIOR FIRE DEPARTMENT**

1. Must be sixteen (16) years of age, with the written consent of parents or guardian.
2. A junior fire fighter is not entitled to vote or allowed to participate in an active incident or scene operations until the incident scene is declared safe by the officer in charge.
3. No junior fire fighter can operate equipment on an incident scene until the scene is declared safe and or during training.
4. The Fire Department shall follow all guidelines set for junior firefighters by the West Virginia child labor laws.
5. Junior firefighters must hold a C average in school and present all grade cards to the Chief.
6. Must not be at the fire department or on calls after 9:00pm unless permission is given to the Chief.

## **SECTION 7 - AUXILIARY MEMBERSHIP**

Anyone that does not wish to respond to emergency calls but is willing to assist in other areas as directed by the Fire Chief or officers may apply for auxiliary membership. Auxiliary members do not have to meet the requirements of regular members set forth in these By-Laws. However, some training may be required as directed by the Fire Chief. Auxiliary members must be willing to assist in non-emergency activities. Auxiliary members shall be entitled to all rights and privileges as an active member with the exception of voting rights. Auxiliary members may not be issued Structural Firefighting Gear or communications equipment. Such duties that auxiliary members may assist with include: entering reports into a database, servicing equipment, cleaning equipment and the station, seeking donations, writing news stories, giving fire station tours, teaching fire safety and prevention, providing refreshments at emergency scenes, or other skills/talents which might not be listed, but the individual is trained/certified to do. To become an auxiliary member, he/she must submit an application to the general membership for vote. Auxiliary members do not need to be present for the voting process.

# **ARTICLE IV**

## **Rules of Order**

### **SECTION 1 PRESIDING OFFICER**

The presiding officer shall preserve order, and decorum, and shall take no part in debates while he/she is presiding. He/she shall decide all questions of order, to appeal to the meeting and upon such appeal the vote shall be taken without debate. The presiding officer may state his/her reasons of the decision given and shall put the question as follows: "Shall the decision of the Chair be sustained?" A two-thirds majority of those voting shall be necessary to reverse the decision of the Chair.





## **SECTION 2 - SPEAKING FROM THE FLOOR**

Every member, when he/she speaks or offers a motion, shall rise in his/her place, and respectfully address the presiding officer, and when he/she has finished speaking, shall at once resume his/her seat. When speaking, he/she shall confine himself/herself to the question under debate and avoid all other personal or indecorous language and if required, submit his/her motion in writing.

## **SECTION 3 - RIGHT TO SPEAK**

When two (2) or more members rise to speak at the same time, the presiding officer shall decide who is entitled to the floor.

## **SECTION 4 - POINT OF ORDER**

A member called to order shall immediately cease speaking until the point of order in question has been decided. Then he/she shall be entitled to the floor again.

## **SECTION 5 - MOTION TO ADJOURN**

A motion to adjourn shall always be in order except when a member is in possession of the floor, or a vote is being taken. A motion to adjourn is not debatable, but a motion to adjourn at a given time is open to debate.

## **SECTION 6 - QUESTION OF PROCEDURE**

Any question coming before the meeting, for which no provision has been made in the By-Laws or Rules of Order, the presiding officer shall be guided in his/her decision by the rules laid down in Robert's Rules of Order (revised).

## **SECTION 7 - RELIGION AND POLITICS**

Discussions of religious or political matters, unless they directly affect the Fire Department and its operation, will not be allowed at any meeting of the Department.



## **SECTION 8 - ORDER OF BUSINESS**

Call to order  
Prayer  
Pledge.  
Attendance.  
Reading/Acceptance of the minutes from the previous meeting.  
Report of the Board of Directors.  
Committee Reports.  
Report of Communications.  
Old Business.  
New Business  
Election of Officers (December of odd numbered years)  
Good and Welfare.  
Adjournment.

## **SECTION 9 - PROPOSED AMENDMENTS**

The consideration of any proposed amendments to these By-Laws or Rules and Regulations, of which notice has been given prior to the opening of the meeting, shall be the first item of business at the meeting.

## **SECTION 10 AMENDMENTS**

No alteration or amendment shall be made to these By-Laws unless proposed in writing at a regular meeting. At which time the proposed amendments shall be referred to the By-Laws Committee. The Committee shall report their recommendation at the next regularly scheduled meeting. All proposed amendments shall be subject to a first (1st) and second (2nd) reading prior to a vote for adoption. Each reading shall take place during separate meetings. A three-fourths (75%) majority vote of the eligible voting members present shall be required for adoption. No one other than the membership of the Valley Fire & Rescue department shall have the authority to amend these By-Laws or Rules and Regulation for any reason. After any amendment has been approved by the general membership, with a three-fourths (75%) majority vote of the eligible voting members present before the amendment shall take effect.

All amendments, alterations and revisions of any part of the Article of Incorporation, By-Laws, or Rules and Regulations shall take effect upon their adoption by the membership.



## **SECTION 11 - SPECIAL MEETINGS**

Special business meetings may be called by the Chief or by petition of three (3) eligible voting members of the department. All special meeting notices shall clearly state the business to be transacted and shall only address that business which is clearly stated.

Board of Directors special meetings may be called by the President or by petition of any two (2) members of the Board of Directors. There must be a minimum seventy-two (72) hours of advance notice of all special meetings.

# **ARTICLE V**

## **Board of Directors**

### **SECTION 1 - COMPOSITION OF THE BOARD AND HOW THEY ARE ELECTED**

There shall be a Board of Directors composed of eight (8) members. The Board shall be comprised of one (1) active member of the Valley Fire & Rescue department, three (3) civilians who reside and/or conduct business in the Valley Fire & Rescue Rural Fire Protection District, the Fire Department Treasurer, Secretary, President and Vice President Board of Directors members shall be considered members of the Fire Department by virtue of their office but shall not have any function in emergency operations.

Board members shall be chosen and voted on by the membership. Once board members are on the board, they will be reviewed by the membership every 2 years. Board members who are in good standing and willing, may stay on. If a board member is unwilling to continue, unable to continue, or poorly performing they may be replaced at that time.

To hold a meeting, a minimum of five (5) members of the Board of Directors shall constitute a quorum. However, at least two (2) of the five (5) must be civilian members.

Any Board of Directors member who has three (3) consecutive unexcused absences shall be considered by the Fire Department membership for termination. Termination shall be achieved by a majority vote of the eligible voting members present at the meeting. A majority vote is defined as obtaining more than fifty percent of the votes cast.

All meetings of the Board of Directors are to be announced to the membership, and open to attendance by the firefighters and the public. All meetings shall be held at Valley Fire & Rescue. Any action taken by the Board of Directors in the executive session shall be reported to the general membership. All Board of Directors meetings are to be held within 7 days of the business meeting, or more often if needed.



**SECTION 2 - FINANCIAL RESPONSIBILITIES AND CONTROL**

The Board of Directors shall:

1. Authorize the expenditure of all Department funds.
2. Authorize the sale or other disposition of Department assets.
3. Have the authority to enter into insurance agreements, contracts, and other agreements and licenses on behalf of the Department.
4. Have the authority to enter loan, leasing or other financial agreements including the investment of funds.
5. Approve all financial budgets.
6. Hold impeachment hearings for elected officials with final voting rights.
7. Hold meetings for disciplinary actions taken with final voting rights.

The above-listed actions must be authorized by a majority vote of the Board of Directors members present at any official Board of Directors meeting. A majority vote is defined as obtaining more than fifty percent of the votes cast.

All Department expenditures, except petty cash transactions, must be by checks drawn from Department bank accounts or by electronic funds transfer (EFT). All checks must be signed by either of the

(2) of the following officials:

1. Department Treasurer
2. Fire Chief
3. President
4. Vice-President

From time to time, the Board of Directors may authorize the Department's Fire Chief to spend up to a specified maximum amount per month for routine and emergency repairs of Department equipment. These expenditures are to be reported by the Treasurer at every Board of Directors meeting.

There shall be a permanent Finance Committee composed of the Treasurer and four (4) other members of the Board of Directors who shall be appointed by the President of the Board. The Treasurer shall chair the Committee. The Finance Committee shall be responsible for preparing and submitting financial budgets prior to the beginning of each fiscal year (July 1, to June 30). The budget shall be submitted for acceptance at an official Board of Directors meeting. Additionally, four (4) members of the Board of Directors, excluding all persons authorized to sign Department checks, shall be appointed by the President to conduct an annual internal audit of all Fire Department funds.

**SECTION 3 - SPECIAL COMMITTEES**

As deemed necessary by the Board of Directors, the President of the Board shall appoint special committees for purposes of investigations, negotiations, formulation of recommendations or other activities authorized by the Board of Directors.

# Article VI



# DEPARTMENT OFFICES AND DUTIES

## SECTION 1 - FIRE OFFICERS AND OTHER OFFICES

All fire officers and offices shall be elected with the exception of the Chaplain and Public Information officer, and Secretary which shall be appointed by the Fire Chief. The offices of the Department shall consist of:

- One (1) Fire Chief
- One (1) Deputy Fire Chief
- One (1) Assistant Fire Chief
- One (1) Captain
- Two (2) Lieutenants
- One (1) Safety Officer
- One (1) Training Officer
- One (1) Board of Directors member who is a department member
- One (1) Treasurer
- One (1) Secretary
- One (1) Public Information Officer
- One (1) Chaplain



## SECTION 2 - OFFICE PREREQUISITES

Prior to taking any office, the elected official shall meet the minimum experience and training requirements by showing of certificate for the office which they have been elected. In the event that no member is eligible for a particular position, the Fire Chief shall submit the name(s) of the next most qualified member(s) to the department membership to be approved for nomination. The minimum requirements are as follows:

1. Fire Chief (unit 201):
  - Five (5) years of continuous membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Vehicle Extrication Operations
  - Fire Officer 1 and 2 certifications
  - National Incident Management System 100, 200, 300, 400, 700 and 800
2. Deputy Fire Chief (unit 202):
  - Four (4) years of continuous membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Vehicle Extrication Operations
  - Fire Officer 1 and 2 certifications
  - National Incident Management System 100, 200, 300, 400, 700 and 800
3. Assistant Fire Chief (unit 203):
  - Four (4) years of continuous membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Vehicle Extrication Operations
  - Fire Officer 1 and 2 certifications
  - National Incident Management System levels 100, 200, 300, 400, 700 and 800
4. Captain (units 204):
  - Three (3) years of continuous membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Vehicle Extrication Operations
  - Fire Officer 1 certification
  - National Incident Management System 100, 200, 700 and 800



5. Lieutenants (units 205 & 206):
  - Two (2) years of continuous membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Vehicle Extrication Operations
  - Fire Officer 1 certification
  - National Incident Management System 100, 200, 700 and 800
6. Safety Officer:
  - Two (2) years of membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR
  - Incident Safety Officer
  - Vehicle Extrication Operations
  - National Incident Management System 100, 200, 700 and 800
7. Training Officer:
  - Must have five (5) years of consecutive membership (excluding junior membership)
  - Firefighter 1 & 2
  - Hazardous Materials Operations
  - First Aid and CPR Instructor
  - Driver Operator - Pumper
  - Vehicle Extrication Operations
  - Incident Safety Officer
  - Fire Officer 1
  - National Incident Management System 100, 200, 700 and 800
8. Board of Directors (Department member):
  - Two (2) years of membership (excluding junior membership) and shall be knowledgeable in the operation and funding of the Fire Department.
9. Treasurer:
  - Two (2) years of membership or outside source approved by membership (excluding junior membership) and shall be knowledgeable in the operation and funding of the Fire Department.
10. Secretary:
  - Appointed by the Chief.
11. Public Information Officer:
  - Appointed by the Chief.
  - Basic Public Information Officer
12. Chaplain:
  - Appointed by the Chief.



### SECTION 3 – DUTIES

#### A. Fire Chief:

The duties of the Fire Chief shall be:

1. To be in charge of emergency alarms if present and deemed necessary.
2. To see that all officers under his/her command do their jobs and assign any additional duties as necessary.
3. To attend all Board of Directors meetings in the capacity of an ex-officio member.
4. To determine when Department rules are broken.
5. To appoint a Public Information Officer and Chaplain.
6. To represent the Fire Department at local, county, state, and federal levels.
7. To appoint all committees of the Department with the approval of the Board of Directors.
8. To meet with new officers at the first meeting following their election and/or appointment to review and/or assign their respective duties.

Example: EMS, small engine maintenance, monthly reports, training officer, SCBA, etc.

#### B. Deputy Chief:

The duties of the Deputy Chief shall be:

1. All the Fire Chief's duties in his/her absence.
2. Any other duties assigned by the Fire Chief.

#### C. Assistant Chief:

The duties of the Assistant Chief shall be:

1. All of the Deputy Chief's duties in his/her absence.
2. Any other duties assigned by the Deputy Chief.

#### D. Captain:

The duties of the captain shall be:

1. All of the Assistant Chief's duties in his/her absence.
2. Any other duties assigned by the Fire Chief.

#### E. Lieutenants:

The duties of the Lieutenants shall be:

1. All of the duties of the captain in his/her absence.
2. Any other duties assigned by the Fire Chief.
3. Groom the Sergeant for a Lieutenant position.





F. Safety Officer:

The Safety Officer shall hold equal rank of the lieutenants. However, the primary objectives of the Safety Officer are listed below.

The duties of the Safety Officer shall be:

1. To be responsible for the Fire Department's Safety and Health Program as specified in the NFPA 1500 Standard on Fire Department Occupational Safety and Health Program.
2. To oversee and ensure safe practices are used during all Fire Department activities.
3. All of the duties of the Lieutenant in his/her absence.
4. Any other duties assigned by the Fire Chief.

G. Training Officer

1. Set up monthly trainings on the 3rd & 4th Monday, one Saturday training per quarter, and other training as deemed necessary
2. Coordinate trainings with other departments
3. Responsible for setting up classes at the fire department and sharing training at other departments
4. Maintains records of all personnel certifications and trainings
5. Provide training to meet all requirements set forth by the WV Fire Commission or other agency having jurisdiction.

H. Treasurer:

The duties of the Treasurer shall be:

1. To keep accurate records of Fire Department finances following GAAP.
2. To report to the general membership and the Board of Directors once per month.
3. To ensure all Fire Department bills are paid accurately and in a timely manner.

I. Secretary:

The duties of the Secretary shall be:

1. To take minutes of all meetings of the general membership and the Board of Directors, and post publicly within 120 hours of the meeting.
2. To collect and post monthly response statistics.
3. Submit for State/Federal grants for the fire department

J. Public Information Officer:

The duties of the Public Information Officer shall be:

1. To be responsible for all public information releases.
2. To coordinate all public Information releases with the officer in charge and chief officers of the Fire Department.
3. Social media management

K. Chaplain:

The duties of the Chaplain shall be:

1. To be in charge of and conduct memorial services.
2. To open and close the meetings with prayer when requested by the presiding officer of the meeting.
3. To perform other duties commonly belonging to this office.



# Article VII

## Nominations and Elections

### SECTION 1 - NOMINATIONS

Nominations for all fire officers and other offices shall be made by the end of the first business meeting of November. He/she is required to submit a letter of intent for all offices he/she is willing to accept. Letter must include name, number of years of service, applicable training and positions willing to accept. Letter must be signed by the fire fighter him/herself. If he/she is not present and later declines the position that he/she is voted into the chief has the right to appoint one with the required years of service and training into the position.

The election shall take place on the first meeting of December of odd years. All newly elected officials shall take office at 12:00 a.m. on the first day of January. No person shall hold more than two (2) elected positions concurrently within the Fire Department, with the exception of the Board of Directors, at any given time. However, no one person shall hold both President and Vice-President Offices concurrently. No person shall hold both the Secretary and Treasurer offices concurrently since each office carries with it a membership on the Board of Directors.

### SECTION 2 - ELECTIONS

All Fire Department officers, Board of Directors members and other offices shall be elected by a majority vote of the eligible voting members present. A majority vote is defined as obtaining more than fifty percent of the votes cast. All officers and other offices, with the exception of the civilian Board of Directors members, shall be elected for terms of two (2) years, beginning on January 1st, at 12:00 a.m. and ending on December 31st, at 11:59 p.m. There shall be no limitations as to the number of terms which a given person may serve. If any officer or Board of Director member resigns or cannot complete their term of office for any reason(s) they must turn in a resignation letter to the Chief, within one (1) week, a special election will be held to fill the vacancy for the unexpired term of office. If there are six (6) months or less to be served of that person's term in office, the Fire Chief may allow the position to be left unfilled until the nearest general election or appoint qualified personnel.

### SECTION 3- VOTING

No other means of voting will be counted other than in-person voting.



## SECTION 4 - IMPEACHMENT

There shall be provision to allow for the removal of any elected official by impeachment provided that they have demonstrated serious disregard toward the Fire Department's By-laws, Rules and Regulations and/or Standard Operating Guidelines that cannot be satisfied by any other means. In order for an impeachment hearing to take place, a minimum of seventy-five (75) percent of the eligible voting members of the Department shall present a signed petition to the Fire Chief clearly stating the reason(s) for which removal from office is desired. The Fire Chief shall meet with the elected official then conduct an evidentiary hearing before the general membership during a special-called meeting (requires a minimum seventy-two-hour advance notice). During the hearing, the Fire Chief shall hear the evidence presented and based on the evidence, make a decision as to its validity. Should the Fire Chief deem the evidence valid and substantial enough to support removal, the matter shall then be voted on by the membership. A majority vote of the eligible voting members present shall be required to remove the official from office. A majority vote is defined as obtaining more than fifty percent of the votes cast of the eligible voting members present.

The Fire Chief shall also have a means of removing an elected official from office should there be sufficient and valid evidence. The Fire Chief and President shall first meet with the elected official in question if possible. If the matter cannot be resolved by any other means, the Fire Chief shall meet with all other officers, except the official in question, to discuss the matter. A majority vote of the officer's present shall be required to continue the impeachment process and forward the matter to the general membership for a final decision. A majority vote of the eligible voting members present shall be required to remove the official from his/her position. Likewise, the other officers shall follow the same process to impeach any of the other elected officials. In the event that the Chief is the officer being impeached the Deputy Chief will act in his/her place in the proceedings.

Any member who is impeached and removed from his/her office may choose to appeal the decision, in writing, to the Board of Directors within ten (10) calendar days of being removed. The president of the Board of Directors shall then have seventy-two (72) hours to schedule a special meeting. During said meeting, the Board shall hear the evidence from both sides and cast a final vote to uphold the removal or overturn it. As before, a majority vote shall be required to overturn any decision that impeached and removed a member from office.

A majority vote is defined as obtaining more than fifty percent of the votes cast.

Any elected official impeached from his/her position shall not be eligible for another elected/appointed position for four (4) calendar years unless the impeachment/removal was appealed or and overturned by the Board of Directors.



# Article VIII

## Disciplinary Actions

Any member who is in violation of the By-Laws, Rules and Regulation, and/or Stand Operating Guidelines of the Department will meet with the Chief and the Officer who has recommended disciplinary action. The Chief will have the option of extra duty, suspension, or dismissal as He/She sees fit. The order of disciplinary actions is as follows.

1<sup>st</sup> offense shall be a written warning.

2<sup>nd</sup> offense shall be probation for 10 days or 10 days suspension from the department.

3<sup>rd</sup> offense shall be probation for 20 days or 20 days suspension from the department.

4<sup>th</sup> offense shall be a dismissal from the department

Any offense deemed serious enough by the Fire Chief shall warrant member dismissal whether the violation is the first, second or third offense. Disciplinary actions of verbal warnings and suspensions shall remain in members' file for a period of one (1) calendar year. Any member suspended will lose the right to their WV Tax incentive for active firefighters. Any member that is suspended may choose to appeal the Fire Chiefs decision, in writing, to the Board of Directors. Once an appeal is filed, the President of the Board of Directors shall call a special meeting within seventy-two (72) hours to hear the appeal of the suspension. The member shall remain on suspension until the Board of Directors makes a final decision or the suspension expires. The Board of Directors may choose to overturn the decision if they find the ruling unsatisfactory. The ruling of the Board of Directors is final, but must comply with all State and Federal rules, regulation, and statutes.

# Article IX

## Rules and Regulations

The Fire Chief shall appoint a committee to establish guidelines for the day-to-day operation of the Fire Department, a set of Rules and Regulations and Standard Operating Guidelines.



# **Article X**

## **Dissolvement of the Department Corporation**

The fire department shall not be disbanded except by three fourths (3/4) vote of the eligible voting members of the department. Public notice shall be given at least thirty (30) calendar days before said voting takes place. Further dissolution of the department must comply with all relevant provisions of the articles of incorporation and State Code.

# **Article XI**

## **Effective Date**

These By-Laws supersede and make void any previous By-Laws or amendments to any and all previous By-Laws, Adopted this Sixth day of May, 2024.