

# **CONSTITUTION**

## **ARTICLE I NAME**

The name of this company shall be the "*Axtell Volunteer Fire and Rescue Department*".

## **ARTICLE II LAWS**

This company shall operate in accordance with all federal, state and local rules and regulations that pertain to fire and rescue organizations. The company shall also abide by all departmental standard operating guidelines (SOG's) as set forth by department.

## **ARTICLE III OBJECTIVE**

**Section I.** The objective of this organization shall be:

First: To aid in the extinguishment of fire; and to do and perform such other duties as may be required of it under the control of the Axtell Rural Fire Board and the Axtell Fire and Rescue District of Axtell.

Second: To cultivate and exercise the best discipline among its members, with a view to perfecting the efficiency of drill in this company of fire extinguishing and rescue squads.

Third: To assist in the medical emergencies, as prescribed by law, within the legal fire and rescue district.

## **ARTICLE IV NON-DISCRIMIATION**

No appointment to or termination from membership shall be affected or influenced in any manner by consideration of race, creed, sex, age, or nationality. No question in any examination, membership form, or any other personnel proceeding shall be so framed as to elicit information concerning political or religious opinions of any applicant or member.

## **ARTICLE V OFFICERS**

**Section I.** The officers of this company shall consist of a Fire Chief, Assistant Fire Chief, Unit Captain, Assistant Unit Captain, and an Executive Committee consisting of a President, Vice President, Secretary, Treasurer, Training Officer and two additional members who shall be elected by ballot at the regular annual meeting in January, by a majority of the members present,

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if a quorum, and who shall hold their office for the period of one year, or until their successors are elected.

## **ARTICLE VI** **DUTY OF OFFICERS**

**Section I.** It shall be the duty of the Fire Chief to take charge of the company at all fires or alarms of fire, drill, exercises, parades and reviews; to order all necessary repairs for the property of the company; to select drivers of the fire trucks and to perform such other duties as his/her office may require. The Fire Chief shall retain ultimate authority and responsibility for the monitoring and supervision of the company.

**Section II.** The Assistant Fire Chief shall have general superintendence of the company property, under the direction of the Chief. He/she shall assist the Chief while in service in the discharge of his/her duties, and in the Chief's absence shall assume the Chief's position and discharge the duties thereof.

**Section III.** It shall be the duty of the Unit Captain to take charge of the company during all medical emergency scenes, shall have general superintendence of the company property during medical emergencies and to select drivers of the rescue vehicles and to perform such other duties as his/her office may require.

**Section IV.** The Assistant Unit Captain shall assist the Captain while in service in the discharge of his/her duties, and in the Captain's absence shall assume the Captain's position and discharge the duties thereof.

**Section V.** It shall be the duty of the President to preside at meetings and elections; call special meetings when he/she deems necessary, or upon written request of three members of the company; and, have general supervision of the company affairs.

**Section VI.** It shall be the duty of the Vice President to perform all duties of the President, in the absence of the President.

**Section VII.** It shall be the duty of the Secretary to keep an accurate list of the members of the company; to keep records of the proceeding of all company meetings; keep a correct account of fires and alarms of fires and rescue calls; to report to the Executive Committee, at the annual meeting, the percentage of fire and rescue calls attended by members of the company; to conduct all correspondence of the company; to notify each member of any special meeting; and to enter upon the records of the company the names of the officers and members elected by the company, with date of such election.

**Section VIII.** It shall be the duty of the Treasurer to keep a full, true and complete account of all receipts and disbursements of money by him/her, and to make a report at each monthly meeting; to pay all orders on the company, specifying purpose for which the order was given and when approved by the company; to collect all fines of the company; and take roll at all company meetings.

**Section IX.** It shall be the duty of the Training Officer to coordinate and schedule the monthly training sessions; to notify all members of training schedule; to record the participation of the members; and to report to the Executive Committee at the annual meeting the percentage of training sessions earned by the members of the Company.

**Section X.** It shall be the duty of the Executive Committee to examine into the character of all persons proposing themselves for membership, and to certify the result of their examination to the company; to examine the reports of the officers and of all committees charged with the receipts and disbursements of company funds, comparing all vouchers therewith, and at the earliest moment convenient, report the result of their examination to the company; they shall elect a Chairman and Secretary out of their number, who shall perform the usual duties incumbent upon such officers. The Executive Committee shall be responsible for the appointment of special committees to handle specific tasks as the need arises. The executive committee shall perform such other duties as may hereafter be prescribed for it in the Constitution and By-Laws.

## **ARTICLE VII** **MEMBERSHIP**

**Section I.** The active membership of this company will be set by the Axtell Rural Fire Board, with the maximum active membership not to exceed thirty (30).

**Section II.** Any person desiring to become a member of this company shall make a written application stating that he/she has read and understood this Constitution and by the By-Laws. This application must be endorsed by two members in good standing and may be presented to any business meeting of the company. When received, it shall be referred to the Executive Committee without debate; if approved the application shall be balloted for by the Company. The application of the prospective member shall then be sent to the Axtell Rural Fire Board for approval. After approval by the Rural Fire Board, the prospective member shall begin their twelve-month probation period. After completion of the probation period, the member shall be voted for final acceptance by the Company.

**Section III.** A member of this company must be over twenty-one (21) years of age and a resident of the State of Nebraska.

**Section IV.** An active member, after serving at least twenty years, may be placed on the inactive roll by his/her request and receiving a majority favorable vote; is exempt from fire alarms or emergency calls but may attend meetings; and receive limited privileges of the company.

## **ARTICLE VIII** **DUTIES OF MEMBERS**

**Section I.** Each member, shall uphold the Constitution and By-Laws of the Company; upon hearing the alarm of fire, or rescue, must report to the fire and rescue house without delay, unless he/she knows that apparatus has left the house, in which case he/she must join it as soon as

possible, and thereafter must use his/her best efforts in the discharge of such duties as may be assigned him/her by the commanding officer, obey all commands of such officer; in going to and returning from fires all members must assist with equipment, except the Chief and Assistant Chief; all members will be responsible for recording their own attendance at fire alarms, rescue calls and training sessions.

**Section II.** If a member shall refuse to obey the orders of the officer in command while on duty, such officer shall at the meeting thence ensuing, make a written report of such delinquency; upon being read such report shall be referred without debate to the Executive Committee, who shall for that purpose appoint a Grievance Committee to investigate the offense, and upon report of their findings, recommend a court of inquiry to affix a penalty for such offense fixed by the laws. Any officer placed on a period of probation fixed by a court of inquiry shall have his/her duties suspended for the length of said probationary term.

**Section III.** Each member endorsing a new candidate shall be responsible for notifying such candidate of his/her acceptance or rejection by the company. If accepted the endorsing member shall furnish the candidate with a copy of the Constitution and By-Laws; and shall be responsible for guidance of that new member during his/her twelve month probationary period.

- a) New members shall be subject to the duties of the active members of the company while under a probationary term of not less than twelve months from the date of their initial acceptance into the company.
- b) During the term of probation, the new member must complete the course of training outlined by the Fire Chief at the time of application.
- c) At the end of the period of probation, the Fire Chief shall report to the company the pertinent information about the probationer. The active company, by majority, shall make the final determination and so inform the probationer of acceptance, rejection, or extension of the probationary period. The probationer shall be excused from that month's regular meeting.
- d) During the probationary period, the probationer shall receive limited privileges of the company, but shall be excluded from holding office.

## **ARTICLE IX** **RESIGNATION OF OFFICERS & MEMBERS**

Any officer of this company may at any regular meeting resign from his/her position; but the resignation must be tendered in writing, accompanied by all books, papers, vouchers or moneys in the hands of such officer. Any active member not holding an office may also, at any regular meeting, tender his/her resignation in writing, accompanied by all keys, pagers and equipment in their possession.

## **ARTICLE X** **EXPULSION**

When any member, for any cause deemed sufficient, shall have laid himself/herself liable to expulsion, the charge against him/her, made in writing, signed by three members of the company, may be read at any business meeting and immediately referred without debate to the

Executive Committee, who shall then appoint a Grievance Committee. Said committee shall report the result of such investigation to the company as soon as possible. If the charges are sustained, the company shall vote on the question of expulsion, and if two-thirds of the members present shall vote in favor thereof, the member shall be declared expelled, and all his/her rights, title and interest in and to the company property declared forfeited.

## **ARTICLE XI** **IMPEACHMENT OFFICERS**

**Section I.** Any officer of this company shall be removed from his/her office upon conviction of any willful and/or flagrant violation of the duties of his/her office.

**Section II.** In case of any such violation of duties by any officer of this company, written charges shall be referred against him/her, and shall be tried by the company, sitting as a court of inquiry, and the judgment of such court shall be certified to the company, and thereupon such officer shall be removed, as provided in Section I of this Article.

**Section III.** Judgment in case of impeachment may extend to expulsion from the company in the discretion of the court of inquiry.

**Section IV.** The decision of court shall be final.

## **ARTICLE XII** **MEETINGS**

**Section I.** Regular meetings shall be held on the evening of the first Wednesday in each month, at 8:00 P.M. Training meetings shall be held on the evening of the third Wednesday in each month, at 7:30 p.m.

**Section II.** Special meetings may be convened at any time by the President upon a written request of three (3) members of the company.

**Section III.** The annual meeting for election of officers shall be the regular meeting in January.

**Section IV.** Members missing regular meetings for any reason shall contact a member of the Executive Committee prior to the meeting.

## **ARTICLE XIII** **TEMPORARY OFFICERS**

In case of the absence of any officer at any meeting of the company, the vacancy may be filled, if necessary, by a voice vote.

## **ARTICLE XIV**

### **AMENDMENTS**

**Section I.** The company shall have power to make By-Laws for its regulation, not inconsistent with this Constitution.

**Section II.** A change of the Constitution will require a quorum of 51% of the active members of this company for the purpose of altering this Constitution.

**Section III.** No part of this Constitution shall be repealed, altered or suspended, unless a proposition in writing, specifying the intended alteration, is presented to the company at a regular meeting; such proposition shall then be laid over until the next regular meeting of the company when the same may be adopted by a two-thirds vote of all the members.

# **BY-LAWS**

## **ARTICLE I APPROPRIATIONS/EXPENDITURES**

**Section I.** Purchases shall be made only by a member of the Executive Committee after the company has ordered the purchase. In case of necessity, any Executive Committee member shall have the authority to make purchases for the company without prior approval by the company. No appropriations of any of the funds of this fire and rescue company shall be made except by vote of two-thirds of the members present at the meetings. An order shall be given to the Treasurer, specifying the object of the appropriation and when ordered by the fire and rescue department, for all money so appropriated.

## **ARTICLE II CAUSE OF EXPULSION**

**Section I.** Active members shall, on conviction, be expelled from the company for any one or more of the following reasons:

1. Willful disobedience of the officer in command.
2. For appearing in a state of intoxication at any meeting, parade, review, or at any time when in uniform or social part of the fire and rescue department, or on fire or rescue duty.
3. For being in arrears for dues, fines or assessments for a period of three months.
4. For being absent from three consecutive or a total of more than five monthly meetings during a one-year period.
  - a. Any member attending a fire or EMS function during the regular monthly meeting shall be excused.
  - b. Failure to meet Article II, Section I, 4, will disqualify members from holding a departmental office.
  - c. Any member missing a regular business meeting shall take responsibility for remaining informed about the business of the company. Those missing meetings shall read posted notes of the meetings and have such readings verified by the signature of a member of the department's executive committee who was present at the meeting in question.
5. For failure to meet requirements set for training referred to in Article IX of these By-Laws.
6. For any other cause the company may deem sufficient.

## **ARTICLE III DUES**

**Section I.** The annual dues of every active member shall be \$5.00 to be paid on or before the annual meeting in January of each year.

## **ARTICLE IV ORDER OF BUSINESS**

The following order of business shall be observed at regular meetings of the company:

1. Reading of minutes of the last stated and intervening meeting.
2. Report of Treasurer.
3. Roll Call
4. Reports of officers and of Fire Chief and Unit Captain on fires and rescue.
5. Hearing excuses and collecting dues, assessments and fines.
6. Reports of committees.
7. Nomination of candidates for membership.
8. Balloting on candidates for membership.
9. Resignation of members.
10. Resignation of officers.
11. Admission of new members.
12. Reading and referring communications, notices, and bills.
13. Election and appointments.
14. Unfinished business.
15. New business.
16. Honor Guard Report
17. Adjourn

Roberts Rules of Order shall govern all rules of this company not herein provided. Any motion on the floor shall put to a ballot vote upon the request of any member of the company.

## **ARTICLE V. FINES**

The following fines shall be assessed and collected for the causes specified:

- Chief, Assistant Chief, Unit Captain and Assistant Unit Captain for neglect of duty: One dollar (\$1.00).
- Secretary, not furnishing minutes at meetings: One dollar (\$1.00) for each meeting omitted.
- Treasurer for not furnishing monthly report at the proper meeting: One dollar (\$1.00).
- Absent from regular or special meeting: One dollar (\$1.00).

## **ARTICLE VI FUNERALS**

This company shall attend the funerals of members of the fire department. The Fire and Rescue Department will make a one hundred (\$100.00) contribution to the family, at an active member's funeral.

## **ARTICLE VII VACANCIES IN OFFICE**

Should vacancies occur in any of the offices of this company, they may be filled at any meeting in the manner prescribed for the election of officers at the annual meeting.

## **ARTICLE VIII MISCELLANEOUS**

**Section I.** If any disagreement should arise respecting the meaning or construction of these By-Laws, the question shall be decided by a majority vote of the members present and such decision shall be entered upon the records of the company.

**Section II.** When a question is put, every member present must vote for or against the same, unless excused by the company, or is directly interested in the question, in which case he/she shall not vote.

**Section III.** All members will be issued a copy of Infection Control Policies and Procedures to be read and signed. The members of the Company will be responsible for their own adherence to such policies and procedures.

## **ARTICLE IX MINIMUM TRAINING & EDUCATION REQUIREMENTS**

**Section I.** Ten (10) hours of training is required each year for all members. Training includes emergency medical service equipment as well as fire fighting equipment, (ex.) firefighters not certified in emergency medical service to be able to identify and locate all equipment on ambulance (Unit 99). All Emergency Medical Technicians (EMT's) must be able to identify, locate and have a general understanding of all fire fighting equipment used by the company.

**Section II.** All members of the company to complete and retain certification for either American Heart Association or Red Cross cardiopulmonary resuscitation (CPR).

**Section III.** All members of the company will be required to attend a minimum of two in house training sessions per year. The training officer will schedule monthly training with a maximum

of twelve per year. However, this does not include continuing education training for emergency medical personal.

**Section IV.** All members of the company will be required to be present at a minimum of 20% of calls (fire & emergency medical) per year.

**Section V.** All present members of the company will be placed on probation if required hours of training, CPR certification, or percentage of calls, and training sessions are not acquired within twelve (12) months. They will remain on probation until such time as they have completed the aforementioned requirements.

**Section VII.** Probation shall include:

1. Operating equipment only when in the company of a member in good standing (a member not on probation) or as situation dictates.
2. Driving any unit only when asked or ordered to do so by a member in good standing or as situation dictates.
3. Six (6) months to get training, certification or percentages of calls, or training sessions to the required amounts or willfully forfeit membership on the department.
4. No office shall be held during probationary period.

## **ARTICLE X. AMENDMENT OF BY-LAWS**

These By-Laws may be amended at any regular meeting of the company, by a vote of two-thirds of the members present; provided that a motion in writing specifying the intended amendment be made.

I have read this Constitution and By-Laws and agree to uphold the same on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(signature)

\_\_\_\_\_, Key # \_\_\_\_  
(print name)