

CONSTITUTION and BY-LAWS
of the
MULDOON VOLUNTEER FIRE DEPARTMENT, INC.

WHEREAS, certain laws and regulations are necessary for the good order and well being of all associations, in order to define duty, to establish discipline, the maintenance of harmony for the full promotion of the object for which we are associated together, do ordain and adopt the following Constitution and By-Laws for our regulation and government, and do hereby pledge ourselves to cheerfully submit to the legally expressed will of the majority, and to support our officers in the discharge of their duties.

ARTICLE I – General

Section 1. The name of this department shall be Muldoon Volunteer Fire Department Inc., (hereinafter referred to as the “Department”) incorporated under the laws of the State of Texas. A non-profit corporation, notwithstanding any other provisions of these bylaws, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, or (b) by a corporation’s contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

Section 2. The general purpose of the Department shall be the saving of lives, and the protection of property endangered by fires and other disasters, and to promote the teaching and practice of fire prevention and protection.

Section 3. The use of alcoholic beverages or recreational drugs shall not be permitted on Fire Department property, equipment or activities by either members or guests.

Section 4. Administration of the Department shall be shared among Operations members and Community Service members who shall work together to promote the safety and well-being of all residents and property within the response district of the Department. Officers and services shall be organized under the divisions of Operations and Community Service, with fire suppression and emergency response activities of the Operations Division governed by a Command Staff composed of members of the Operations Division under the oversight and budgetary direction of an Executive Board of Directors composed of members from the Community Service Division.

ARTICLE II – Officers

Section 1. It shall be the duty of the President to preside at all meetings of the Department and exercise parliamentary control in accordance with Roberts Rules of Order; he/she shall sign all minutes, resolutions, orders and summons of the Department; as well as these By-Laws and Amendments thereto. He/She shall appoint all committees and officers, not otherwise provided for. He/She shall maintain records and title to all property belonging to, used by, or in possession of the Department, and shall execute all conveyances of such property. He/She shall do such other and further things as the Department may direct. The President shall serve as an ex-officio member of all standing committees, unless otherwise provided by the Board of Directors or these bylaws. The President shall, with the advice of the Board of Director and in accordance with the requirements of these bylaws, set the agenda for each meeting of the Department.

Section 2. The Vice-President shall act and have all authority of the President in his/her absence and shall do such other and further things as the Department may direct.

Section 3. It shall be the duty of the Secretary to keep a record of all Department business, a roster of all fire department personnel, all fire alarms, meetings, drills and other activities of the Department showing a list of those in attendance. He/She shall be in charge of all Department correspondence.

Section 4. It shall be the duty of the Treasurer to collect all monies due the Department and all account of the Department's finances. Such funds shall be kept on deposit in financial institutions, or invested in a manner approved by members. Checks are to be signed by the Treasurer and another officer. He/She shall render a monthly financial report of all monies received and disbursed during the month. He/She shall submit his/her books to the financial committee within two weeks after closing of the calendar year. He/She shall transfer to his/her successor all books, paper, stocks or other collateral belongings to the Department within one week after the termination of his/her office.

Section 5. The officers of the Department shall consist of a President, Vice-President, Secretary, Treasurer, Chaplain, Chief, and (optional) Assistant Fire Chief, each of whom shall be elected on the first regular meeting in **December** of each year, separately and by ballot. When there is more than one candidate placed in nomination for any office, a majority of all votes cast shall be necessary to elect. When only one candidate is nominated for any office, nomination shall close and the candidate will be elected by acclamation.

Section 6. The compositions of the Command Staff and Executive Board of Directors, in descending orders of authority respectively, shall be as follows:

EXECUTIVE BOARD OF DIRECTORS

- President
- Vice-President
- Secretary
- Treasurer
- Fire Chief (or his/her designee)

COMMAND STAFF

- Fire Chief
- Assistant Fire Chief (if active)
- Captains (by tenure) (if active)
- Lieutenants (by tenure)
- Vice President of the Executive Board

With the exception of the Fire Chief and the Vice President of the Executive Board of Directors, who shall serve as representatives of their respective Divisions on opposing administrative bodies, no member shall accept nomination nor be elected or appointed to hold office in an administrative body outside of his/her respective Division. In the event that an Executive Board or Command Staff position is vacated, interim duties shall be performed by the next highest ranking officer, following this order of succession for each Division, until such time as a newly elected or duly appointed replacement is made.

ARTICLE III – Other Officers

Section 1. It shall be the duty of the Chaplain to be present at all meetings of the Department where he/she shall properly assist in the opening and closing. He/She shall officiate at funerals and such other occasion that may require his/her services. At the will of the Department, the Chaplain may be exempt from all drills, dues and duties except those pertaining to this office.

Section 2. It shall be the duty of the Fire Chief to assume full charge of all members, apparatus, and equipment, while on parade, at drills, at conventions, and at fires or other emergencies requiring the services of the Department. He/She shall have the right to call out any and all members and apparatus for any purpose incidental to this office. He/She shall assume full responsibility for all fire equipment and see to its proper care and maintenance. It shall be his/her responsibility to recommend the purchase of new equipment. He/She shall see that adequate training programs are conducted in the Department and shall acquaint him/her with all new firefighting methods by attending fire schools, drills and conferences. He/She shall recommend the purchase of suitable training manuals, textbooks, and other instructional material. He/She shall see that proper discipline is maintained in the Department. It shall be his duty to see that a proper record is kept of all

fires, the hour and date, the type of occupancy, the name of the owner or tenant, where the fire originated, the extent of its spread and how it was extinguished. He/She shall make such reports as is provided by law, furnishing a copy of the same to the Secretary. Periodic inspections of public and commercial buildings in the community will be made for the purpose of furnishing the members of the Department with the necessary information to provide improved fire-fighting practices.

Section 3. The Assistant Fire Chief shall be under the orders of the Fire Chief, and in his/her absence shall succeed to his duties and authority in the order of their respective rank.

ARTICLE IV – Membership

Section 1.

COMMUNITY SERVICE DIVISION: Any male/female property owner or resident within the geographic boundaries of the response district of the Department, or any interested resident within 20 miles of the center of the response district (currently the location of Station 10) who has attained the age of eighteen (18) years may apply for Community Service Division membership by completing a current Contact Information form and submitting it to an officer of the Department. Any Community Service Division member desiring to hold an office on the Executive Board of Directors shall be required to submit to an annual criminal background investigation to be administered by the Investigative Committee for the duration of his/her term(s) of office.

OPERATIONS DIVISION: Any male/female property owner or resident within the geographic boundaries of the response district of the Department, or any interested resident within 20 miles of the center of the response district (currently the location of Station 10) who has attained the age of eighteen (18) years who desires to serve as an Operations Division member (firefighter or medical first responder) shall become a probationary member after completing an application for probationary membership, submitting himself/herself to a criminal background investigation, and receiving a favorable recommendation from the Investigative Committee. Each favorable applicant shall be announced at the first regular business meeting following the date of favorable recommendation. Upon such announcement, the applicant's probationary period shall begin. Upon completion of a six (6) month period, during which time the candidate shall meet all training and participatory standards set forth by the Department, the candidate's permanent membership shall be voted upon at the next regularly scheduled Operations Division meeting by a secret ballot of Operations Division members. If the applicant receives a favorable majority of votes, he/she shall be declared a permanent Operations Division member of the Department. All permanent members of the Operations Division shall be required to submit to an annual criminal background investigation to be administered by the Investigative Committee for the duration of his/her service.

Section 2. Any Community Service Division member who is properly identified with a current Contact Information form may vote on general issues before the membership. Community Service Division members must attend two-thirds (2/3) of the regularly-scheduled business meetings of the Department over the course of the preceding six months to maintain eligibility to nominate or cast votes for candidates to the positions of officers of the Executive Board of Directors, or to cast votes on proposed amendments to the Constitution and By-Laws.

Any Operations Division member who is absent from three (3) consecutive regularly scheduled meetings of the Operations Division without legitimate excuse, as determined by the Command Staff, shall be indefinitely suspended from Operations Division membership and shall be so notified by the Fire Chief.

Section 3. Any Operations Division member indefinitely suspended shall deliver any property belonging to the Department, which he/she has in his/her possession, to the Fire Chief (or his/her designee) within ten (10) business days of the disciplinary action.

Section 4. Any member who reports for duty at a fire, drill, or parade in a state of intoxication or who drinks alcoholic beverages or takes recreational drugs at any fire department duty or function shall be subject to

disciplinary action from the Department. State measurements for 'Driving Under the Influence' or, in the absence of chemical or breathalyzer exams, obvious demonstration of intoxication observed by at least two witnesses, shall be the criteria for determining 'state of intoxication.'

Section 5. If any member of the Department is charged with improper conduct while discharging his/her duty as a firefighter or community member of the Department, or at any function sponsored by the Department, the charges shall be made in writing, signed by the member making such charges, and filed with the Secretary. The Secretary will then furnish the accused member with a copy of the charges and require him/her to make his/her defense before the Investigative Committee. If disciplinary action is recommended by the Investigative Committee, it shall be referred to the Executive Board of Directors for the review of community service members, or to the Command Staff for the review of firefighters. The respective Board/Command Staff shall, by a majority vote, determine the appropriate disciplinary action, up to, and including indefinite suspension or dismissal. A refusal to appear before the Investigative Committee within 30 days after notification shall result in automatic dismissal from the Department.

Section 6. Charges of negligence or improper conduct in the performance of assigned duties against a chief officer or officer of the Executive Board of Directors shall be made in writing to the Secretary of the Executive Board (or his/her designee), who shall deliver a copy to the accused and to the Investigative Committee. If the Secretary is the subject of said charges, documentation shall be submitted to the Treasurer of the Executive Board of Directors who shall, in accordance with Article II, Section 6 of this document, carry out the duties of the Secretary in this matter. If disciplinary action is recommended by the Investigative Committee, it shall be brought before the general membership at the next regularly scheduled business meeting and, if the member is found guilty by a two-thirds majority of the members present, he/she shall be subject to disciplinary action, up to and including indefinite suspension, as recommended by the Investigative Committee.

Section 7. All excuses must be made to the Investigative Committee at its regular meetings by the defaulter in person, unless he/she is unable to attend due to absence from the city, sickness, or some other unavoidable cause, in which case a written excuse must be filed with the Secretary for action by the Department. Sickness of the member, or in the family of a member, absence from the city, or business conditions being of such nature that prevented his/her leaving his/her work, shall constitute the only legal excuses.

Section 8. Honorary membership in the Department may be conferred to a person only for outstanding service rendered to the Department. Recommendations for honorary membership must be made in writing and signed by at least ten active members, unsolicited by the honoree. Said recommendations shall be read by the Secretary to the Department at a regular meeting and carried over until the next regular meeting, a three-fourths majority vote being required.

ARTICLE V – Committees

Section 1. The following two standing joint committees shall be appointed jointly by the President and Fire Chief to serve a term of one year. Five (5) members shall constitute each committee, with the first person named on each committee to be its chairperson:

1. Finance and Budget Committee
2. Investigative Committee

Each committee shall consist of: one member of the Board of Directors, one Operations Officer, one Operations Member (non-officer), and two Community Service (non-board) Members.

Section 2. It shall be the duty of the Finance and Budget Committee to check all finances, payment, dues, assessments, and to promote all fund raising campaigns for the Department. This committee will also be responsible for submitting a yearly budget to members within one month of the beginning of the new calendar year.

Section 3. It shall be the duty of the Investigative Committee to investigate the character, physical fitness, and other eligibility requirements for Operations applicants for membership, and candidates for Executive Board of Directors, and to report its findings at the next regular meeting of the Department. The Investigative Committee shall investigate all infractions and charges brought against any member, and report directly to the President and Fire Chief.

Section 4. If the Chief or a member of the Investigative Committee is charged with an infraction of the By-Laws or the rules of regulation, then the Department membership shall become the Investigative Committee as a whole and shall follow Article IV, Section 5.

ARTICLE VI – Finances

Section 1. All monies paid to the Muldoon Volunteer Fire Department, Inc. shall be placed in a general operating fund deposited in a financial institution or invested in a proper manner approved by members.

Section 2. Treasurer is authorized to make disbursements on accounts and expenses provided for in the budget without additional approval of the members. Disbursements shall be made by check. Two signatures, one being the Treasurer and another officer will be required of each check.

Section 3. The fiscal year of the Muldoon Volunteer Fire Department, Inc. shall close on the 31st of December.

Section 4. As soon as possible after close of the fiscal year, the Finance and Budget Committee shall adopt the budget for the coming year and submit it to the members for approval.

Section 5. The treasurer shall give a written treasurer's report at each regularly scheduled fire department business meeting. The report shall consist of the previous balance, income during the month and expenditures under budget headings. There shall be enough copies for every member present.

Section 6. The Department will conduct an annual audit by an audit committee of three members elected by the Department, but not composed of the officers of the Department. This audit is to be completed and reported no later than the regular meeting of the month of March. If so desired, the Department may vote to have a professional audit if deemed necessary by a majority of members voting at a regular meeting to request such audit.

ARTICLE VII – Amendments

Section 1. Any proposed amendment to this Constitution and By-Laws shall be presented at any regular meeting by ten members in writing with the Secretary of the Department, the amendment offered to be voted. The Secretary shall read the proposed amendment and following the second reading at the next meeting, if such amendment receives a two-thirds majority vote of the members present, same shall become a part of the Constitution and By-Laws.

AUTHORIZATION FOR BACKGROUND CHECK

(Please read and sign this form in the space provided below. Your written authorization is necessary for completion of the application process.)

I, _____, hereby authorize the Muldoon Volunteer Fire Department (MVFD) to investigate my background and qualifications for purposes of evaluating my qualifications for the position for which I have applied. I understand that MVFD will utilize an outside firm or firms to assist in checking such information, and I specifically authorize such an investigation by information services and outside entities of MVFD's choice. I also understand that I may withhold my permission and that in such a case, no investigation will be done, and my application for volunteer duties will not be processed further.

I authorize investigation of all statements contained herein and references listed in this application. Furthermore, I certify that all statements made herein are true and correct to the best of my knowledge, and any statements found to be falsified will be grounds for immediate termination.

Social Security Number: _____

Other names or variations of names used: _____

Cities and states of residence/employment during the previous ten (10) years: (List dates – location for each)

SIGNED: _____ DATE: _____

DEPARTMENT USE ONLY

Date Received: _____ Date Reviewed: _____

Initial Vote: ___Accepted ___ Not Accepted Re-evaluation: ___Accepted___ Not Accepted

Termination Date: _____ Reason: _____

Equipment Issued:	Date Returned:	Equipment Issued:	Date Returned:
_____	_____	_____	_____
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