

**CONSTITUTION AND BYLAWS
HURRICANE VOLUNTEER FIRE DEPARTMENT
CITY OF HURRICANE PUTNAM COUNTY, WEST VIRGINIA**

Original: March 1966

Revised: October 01, 2008

ARTICLE I - Name and purpose

Section 1 - This organization shall be known as the **HURRICANE VOLUNTEER FIRE DEPARTMENT, INCORPORATED.**

Section 2 - Its objective shall be the preservation of life and property from and during such fires and emergencies as may occur in Putnam County, West Virginia, and to lend assistance to neighboring towns and communities when requested under contract or mutual agreement.

ARTICLE II - Membership

Section 1 - The Hurricane Volunteer Fire Department, Inc. is an equal employment opportunity employer and will make every effort to prohibit discrimination against employees or applicants on the basis of race, color, national origin, sex, age, religion, disability or any other class of individuals protected by law. This applies to recruitment, hiring, training, promotions, transfers, termination and all other personnel actions and employment related matters. Further, it is the policy of the Hurricane Volunteer Fire Department Inc. to provide all employees with a working environment free from all forms of discriminatory treatment. Harassment and intimidation of our employees by anyone, including any supervisor, coworker, vendor or customer, are strictly prohibited, including any threatening conduct or actions which have the effect of creating a hostile working environment. This policy prohibits all forms of harassment and intimidation protected by state and federal employment laws.

Section 2 - Membership in the department shall be composed of six classes; active members, inactive members, junior members, special, reserve and honorary members.

Section 3 - ACTIVE MEMBERSHIP- Every person admitted to active membership must be a resident of the Hurricane fire district, unless otherwise approved by the department, eighteen (18) years of age or older, a citizen of the United States of America, and of sober and good moral character.

Section 4 - INACTIVE MEMBERSHIP- Active members may request in writing, stating the reason for the request, that their membership class be changed to an Inactive Member. Active members may be changed to Inactive members at the discretion of the Board of Directors in accordance with the provisions of **ARTICLE II, SECTION 8 OR SECTION 10**. Inactive members will have no voting rights in the department and will not be assigned any equipment except at the discretion of the Board of Directors. Inactive members shall lose their current seniority and shall accrue no seniority while inactive. Inactive members may regain active member status after submitting a request in writing, at the discretion of the Board of Directors. After two years of inactive status, Inactive members shall be dropped from the roster. If they later wish to rejoin the department, they must follow the guidelines as set forth in **ARTICLE II, SECTION 7**.

Section 5 - JUNIOR MEMBERSHIP- Every person admitted to junior membership must be a resident of the Hurricane Volunteer Fire Department, Inc. fire district, unless otherwise approved by the department. Junior members are under eighteen (18) years of age but not less than sixteen (16) years of age, a citizen of the United States of America and of sober and good moral character and in good physical health. Junior members will have no vote in the department and must abide by Federal and State Department of Labor guidelines for Junior Firefighters. All junior members will be moved to Probationary status at the end of their Junior period. The probationary period will be for a minimum of six (6) months as outlined in Probationary Member section (Article II, Section VII). The Board of Directors of the department will establish additional guidelines for Junior members.

Section 6 - HONORARY MEMBERS- Honorary members shall be elected by a three-quarter vote of the department shall pay no dues, not be assigned any equipment, and not be entitled to a vote in the department.

Section 7 – Applicants for membership must be recommended by a member in good standing, in addition to the membership application, the applicant must provide authorization for the West Virginia State Police to conduct a Criminal Investigation Background (CIB) check and approval for the West Virginia Department of Motor Vehicles to supply a copy of the applicant's driving record to the department. These shall occur at no cost to the applicant. All applicants shall attend one meeting as our guest. At the next business meeting, the applicant may become a member after a secret vote of the eligible voting members present, for a probation period lasting at least six months but no longer than one year. Probationary members will be assigned the latest edition of a West Virginia University (WVU) Fire Service Extension Firefighter I manual and a senior member to assist in their training during their probation period. Prior to final acceptance (by a secret vote of the department) into active membership, Probationary members must meet the minimum training requirements for active firefighters, as set forth by the West Virginia State Fire Commission (including, but not limited to Firefighter I, IRHMI-Basic Concepts, CPR/First Aid and others as required by the Fire commission). Upon completion of these training requirements and a minimum six month

probation period, the probationary member will be eligible for Active membership (decided by the secret vote mentioned above).

PROBATIONARY MEMBERS who fail to meet the Fire Commission's minimum training requirements prior to the end of a one-year probation period or who are not accepted at the end of their probation period must wait six (6) months before reapplying unless this requirement is waived by the majority of the Board of Directors. The applicant must request this waiver in writing to the Board of Directors. Probationary members who fail to comply with **SECTION 8, SECTION 9 OR SECTION 10 OF ARTICLE II**, may be dismissed from the department by the Board of Directors. The decision of the Board of Directors shall be final.

Section 8 - Any member, who neglects his or her duties to the department by continually missing regularly scheduled meetings, training drills, or other functions of the department, will automatically forfeit his or her active, Probationary, Special, or Junior membership in the department. The Board of Directors of the department shall decide on such cases and their decision shall be final. If warranted any member may be dismissed from the department. Any member who knows they must miss a meeting should inform an officer of his or her intentions. Long periods of sickness, accidents, working, and other emergencies will be valid excuses for missing meetings; however an officer must be notified.

Section 9 - Membership of any class will be forfeited at the discretion of the Board of Directors for disciplinary reasons, such as drunkenness, erratic driving, thievery, etc. The decision of the Board of Directors shall be final.

Section 10 – Active members and Junior members must complete a minimum of two hours of departmental training each month. The Training Officer must approve all training to satisfy this requirement. This requirement may be waived at the discretion of the Board of Directors providing the member provides adequate reasons for not being able to fulfill the requirement.

Section 11 - Members of the department are eligible for death benefits in accordance to the Public Safety Officers Benefit Act. To be eligible the member must satisfy the requirements of the Acts.

Section 12 - RESERVE MEMBERSHIP - Reserve Membership Class is intended for those members who can not dedicate sufficient time for active membership, but are able to answer emergency and non-emergency calls to assist the department on occasion. Active members may request in writing to change their membership class to reserve status. Reserve members may be assigned equipment at the discretion of the Board of Directors. Reserve members shall not have a vote in the department. Reserve members shall not accrue seniority and shall lose any current seniority. Reserve members shall not serve as command. Reserve membership may be terminated or changed at any time at the discretion of the Board of Directors. A Reserve member who fails to answer any calls for a one-year period shall have their membership status changed to Inactive.

At the end of a one-year period of this inactive status if the member still fails to show interest in the department their membership shall be terminated.

SECTION 13 - SPECIAL MEMBERSHIP – Special membership is a class of membership designed for those who possess special skills to provide needed services to the department but do not wish to be an active member (i.e. an accountant may serve as treasurer). Their applications for membership must be approved by the department. Once their application has been approved, Special members may be eligible to be a candidate for the office of Secretary or Treasurer in the annual election (if this is their area of special skill). Special members may also be appointed to other positions (such as Maintenance Officer, Asst. Maintenance Officer etc...). Special members shall not have a vote in the department, unless in the position of Secretary or Treasurer (and only then on Board of Directors matters). Special membership may be terminated at any time at the discretion of the Board of Directors. Special members shall accrue no seniority. If a Special member wishes to become an Active member of the department, they must follow the guidelines as set forth in **ARTICLE II SECTION 7** of these bylaws.

ARTICLE III - Officers

Section 1 - The operating officials of the department shall consist of a Chief, Assistant Chief, Captain, First Lieutenant, three (3) Second Lieutenants, a Secretary, a Treasurer, and the Board of Directors. The Chief, Assistant Chief and the Captain shall be the "Command" Officers of the department. The first Lieutenant and the three (3) Second Lieutenants shall be the "Line" Officers of the department. Vacancies in any Command or Line Office caused by death, dismissal, transfer or resignation, shall be filled by promotion of the lower ranking officers. The remaining vacancies shall be filled by a majority vote of the department. The unit numbers and ranking for the command and line officers shall be:

- 801 - CHIEF**
- 802 - ASSISTANT CHIEF**
- 803 - CAPTAIN**
- 804 - FIRST LIEUTENANT**
- 805 - SECOND LIEUTENANT**
- 806 - SECOND LIEUTENANT**
- 807 – SECOND LIEUTENANT**

Section 2 - The department shall elect their own officers. All active members of the department shall be entitled to vote. The Chief, Assistant Chief and Captain shall be elected for three (3) years. The department shall also elect two (2) board members for one (1) year terms, as provided by Article V, Section 1. The Chief, Assistant Chief, Captain, and the two board members shall appoint the four lieutenants for one year terms. Election of officers shall occur during the first regularly scheduled meeting in the month of May each year. The term of office shall be one year (from July 1 to June 30). All officers will be elected as described here in:

On the order of the Chief, a special meeting may be called during the first week of May for the purpose of electing these officers when their term has expired. There must be a minimum of two weeks notice prior to these elections. Candidates shall be properly nominated and elected (or re-elected) for each and every office in the department. The vote shall be by secret ballots. The Chief shall appoint three (3) members who are not candidates for office to distribute, collect, and count the ballots. The results of the balloting shall be final. In the event of a tie for any office, another ballot shall be taken with only those nominees involved in the tie being candidates. If the second ballot again results in a tie, the successful candidate shall be determined by a flip of a coin. Any officer who willfully violates the rules and regulations as stated in the Constitution and By-Laws may be removed from office by a majority vote of the department.

To be eligible for a Command Line Office, all candidates must be an Active member of the department for a minimum of the one year period immediately preceding the election. They also must have a minimum of five (5) years of fire service experience. To be eligible for a Lieutenant Office, all candidates must be an Active member of the department for a minimum of the one year period immediately preceding the election. A Special member may be a candidate only for the office of Secretary or Treasurer (they shall not have to meet the one year Active membership requirement, nor the five (5) years of fire service experience. In addition, candidates must have completed certain training requirements prior to the election for the offices listed below:

Candidates for the positions of Chief, Assistant Chief and Captain must be certified as a Fire Officer I by the National Board on Fire Service Professional Qualifications or the WV State Fire Commission, and must be actively working toward any higher officer level certification as they become available.

Candidates for the positions of First Lieutenant and Second Lieutenant must have successfully completed WVU Fire Service Extension Firefighter I and Firefighter II (or WVU Fire Service Section I and II); successfully complete an ICS course and actively working toward certification as a Fire Officer I per NFPA 1021 by the National Board on Fire Service professional Qualifications. They must also meet the requirements as set forth by the WV State Fire Commission.

ARTICLE IV - Duties of Officers

Section 1 - It shall be the duty of the Chief to preside at all regular and special meetings, and to preserve order. He or she shall appoint all committees and be ex-officio of same.

Section 2 - It shall be the duty of the Assistant Chief to assist the Chief in the discharge of his or her duties and to officiate in his or her absence.

Section 3 - It shall be the duty of the Captain to assist the Chief and assistant in the discharge of their respective duties. The Captain shall officiate in the absence of the Chief and Assistant Chief.

Section 4 – It shall be the duty of the Lieutenants to carry out the orders given by their superior officers. The Lieutenants shall take charge of all special programs sponsored by the department and supervise said programs to completion and to officiate in the absence of superior officers.

Section 5 – It shall be the duty of the Second Lieutenant to maintain order within the fire station at all times. It shall be the duty of the Lieutenants to appoint work parties for the primary purpose of cleaning or otherwise improving conditions within the building.

Section 6 – It shall be the duty of the Secretary to maintain a correct roll of membership of the department and to note and keep strict account of all absentees. He or she shall write in the minute book a full account of the proceedings of all meetings of the department. He or she shall perform such other duties as the officers may assign within the scope of the office. The secretary shall have no command responsibility except that which may occur if functioning as the most senior firefighter.

Section 7 – It shall be the duty of the Treasurer to collect all moneys due the department and safely keep same for the use and benefit of the department. He or she shall deposit all moneys in the name of the Hurricane Volunteer Fire Department, Incorporated, in the depository named by the department. Two of the following officers must sign all checks, notes, and drafts upon order of the fire department: the Chief, Assistant Chief, and the Treasurer. The Treasurer shall perform other duties as the officers may assign to him or her within the scope of the office. In the absence of the Chief, the Assistant Chief may sign all of the documents and instruments which the Chief may sign under this section. The Treasurer shall have no command responsibility except that which may occur if functioning as the most senior firefighter.

ARTICLE V – Board of Directors

Section 1 – The Board of Directors shall consist of the officers of the Hurricane Volunteer Fire Department, Incorporated, as the same are described and enumerated in Article III, Section I of these By-Laws and two members of the active membership elected by the department, at the annual election, for one year terms.

Section 2 – The Board of Directors shall meet at least quarterly or as necessary upon appropriate notice from the Chief, to conduct the administration of the affairs of the department. A majority of the number of directors fixed by **SECTION 1 OF ARTICLE V** shall constitute a quorum for the transaction of business present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 3 – The business and affairs of the department shall be managed by the Board of Directors. The Board of Directors shall be responsible for the purchase of real and personal property. It shall be the responsibility of the Board of Directors to manage the financial affairs of the department, including the obtaining of loans or credit for the purchase of real or personal property for the operation of the department and in connection with the obtaining of any loan or credit, to employ any agent, attorney,

accountant or any other person necessary to perform services necessary for obtaining such loan or credit. The Board of Directors shall have the authority to do all acts necessary to manage the financial and other affairs of the department and to negotiate and approve the terms under which any loan or credit is obtained and to pledge and obligate the department for the repayment of any loan or security and pledge and any property of the department as security for the repayment of any loan or credit.

ARTICLE VI - Money and Equipment

Section 1 - All money on deposit or hereafter deposited under the name of the Hurricane Volunteer Fire Department, Inc., is the exclusive property of the department.

Section 2 - The equipment, including pumpers, nozzles, masks, hose, and other miscellaneous equipment is the sole property of the Hurricane Volunteer Fire Department, Inc., regardless of changing personnel.

Section 3 - Any member leaving the department, either voluntarily or by request, should immediately **SURRENDER ALL EQUIPMENT, OWNED BY THE HURRICANE VOLUNTEER FIRE DEPARTMENT, IN HIS OR HER POSSESSION.**

ARTICLE VII – Meetings

Section 1 - The regular meeting of The Department shall be held each week on the night determined by a majority vote of The Department. Meeting times may be governed by the seasons, as a majority vote of the department so wishes. Special meetings may be called by any officer or by a majority vote of The Department. Except in cases of extreme emergencies at least 24 hours notice shall be given and there shall be an effort to notify each member of the department.

Section 2 - Twelve (12) eligible voting members shall constitute a quorum. Business held over for one week due to lack of quorum may be transacted on the second week with majority vote of two-thirds (2/3) of the membership present who are eligible voters.

Section 3 – A member shall be considered an eligible voter upon attendance of 50% of meetings calculated on a quarterly basis effective Oct. 01, 2008.

Section 4 - Proxy ballots will only be accepted when written permission for a member to vote your proxy is given directly to a command level officer prior to the meeting. This permission is for a single day.

ARTICLE VIII - Amendments

Section 1 - No alterations or amendments shall be made to this Constitution unless proposed in writing at two regular meetings. After the second reading of the proposed changes, The Department will decide, by a vote, if they wish to recommend approval of

all or part of the proposed changes. This recommendation along with those changes shall be referred to the officers, who shall report at the next meeting if the proposed amendments were adopted or rejected. The adoption or rejection of the changes shall be determined by a vote of the Board of Directors.

ARTICLE IX - Rules of Order

Section 1 - Only one member shall be entitled to the floor at one time.

Section 2 - Any member desiring the floor shall arise and address the chair.

Section 3 - No member shall be entitled to speak on a motion that has been made until properly seconded and declared open for discussion by the chair.

Section 4 - No question can come before the department until properly moved and seconded and declared upon for discussion by the chair.

Section 5 - Any member may call for ayes and nays on any question, when each member shall be required to answer to his or her name on roll call, unless excused by the chair.

Section 6 - All questions, unless otherwise stated in the by-laws, shall be declared by a majority of the votes cast.

Section 7 - No member shall speak for more than ten (10) minutes on any one subject, at any time, or more than twice on the same subject, except by the permission of the chair.

Section 8 - Whenever a point of order is raised by any member, the person having the floor shall take his or her seat until the point is decided by the chair, when, if proper, he or she may resume.

Section 9 - Whenever a motion is properly before the department, it must be disposed of before another motion can be entertained, nor shall a motion be made subject to more than two (2) amendments.

Section 10 - No subject tabled shall be taken up again during the same meeting.

Section 11 - A motion to reconsider must come from a member who voted with the majority when the action to reconsider was taken.

Section 12 - No member shall leave the room during the meeting unless permission is given by the chair.

Section 13 - Any question of parliamentary procedure not mentioned in these By-Laws shall be decided by Roberts Rules of Order.

ARTICLE X - Order of Business Meetings

1. Roll Call
2. Reading and approval of the minutes of the previous meetings.
3. Treasurer's report and reading of bills.
4. Report of committees.
5. Reading of communications by Secretary and action on same.
6. Unfinished business.
7. Report on fires.
8. New business.
9. Nominations of candidates for membership.
10. Good of department.
11. Adjournment.

ARTICLE XI - Limitations

Section 1 - No rules or regulations shall be made which conflict with the laws of the United States of America, the State of West Virginia, the County of Putnam, or the Ordinances of the city of Hurricane.

ARTICLE XII - Oath of Allegiance

Section 1 - All members of the department shall be made to take the following oath of allegiance of the Hurricane Volunteer Fire Department:

"I pledge myself to fulfill, to the best of my ability, the duties of a good Firefighter, and to abide by the Constitution of the United States, the State of West Virginia, and the Hurricane Volunteer Fire Department. Further, to attend every meeting possible and keep all department business confidential."