

Lamar Point, Emberson, Caviness Volunteer Fire Department and Community Center By-Laws

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LAMAR POINT – EMBERSON – CAVINESS
VOLUNTEER FIRE DEPARTMENT and COMMUNITY CENTER
6612 FM 1500 PARIS, TEXAS

BY-LAWS
OF THE
LAMAR POINT – EMBERSON – CAVINESS
VOLUNTEER FIRE DEPARTMENT AND COMMUNITY CENTER

WHEREAS, certain regulations are necessary for the good order and well being of all associations, in order to define the duties, to establish discipline for the maintenance of harmony, and for the full promotion of the object for which we are associated together, we do ordain and adopt the following By-Laws for our regulation and governance, 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: Name and Purpose

.Section 1. Name

The name of the fire department shall be the **Lamar Point-Emberson-Caviness Volunteer Fire Department**. The community center shall be named the **Lamar Point-Emberson-Caviness Community Center**.

.Section 2. Goals of Organization

The goals of the fire department shall be the saving of lives, the protection of property endangered by fires and other disasters, and to promote the teaching and practice of fire prevention and protection. The goal of the community center is to promote activities that will bring the three communities of Lamar Point, Emberson and Caviness together.

.Section 3. Purpose of Organization

Said organization is organized for charitable, religious, educational, and scientific purposes, under Section 501(c)(3) of the Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

.Section 4. Powers of Organization.

No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payment and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not be conducted for any purpose not permitted to be conducted (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

.ARTICLE II: Definitions

.Section 1. Department

“Department” shall mean and refer to the **Lamar Point-Emberson-Caviness Volunteer Fire Department.**

.Section 2. Community Center

“Community Center” shall mean and refer to the **Lamar Point- Emberson-Caviness Community Center.**

.Section 3. Organization

“Organization” shall mean and refer to the Department and the Community Center.

.Section 4. Active Firefighter

"Active Firefighter" shall mean and refer to those persons trained as firefighters. Any person who has attained the age of eighteen (18) years, attends Department meetings and participates in drills and additional periodic training programs hosted, sponsored, directed or led by the Department will be considered an Active Firefighter of the Department.

.Section 5. Probationary Firefighter

A “Probationary Firefighter” shall mean and refer to a firefighter who has not yet completed his probationary time with the Department. The probationary time is defined by the Department’s SOP.

The primary responsibility of a probationary firefighter is to learn how to be a firefighter. A probationary firefighter is mentored and closely inspected by the senior firefighters and the officers.

.Section 6. Supporting Firefighter

A “Supporting Firefighter” shall mean and refer to an Active Firefighter who due to age, health or medical reasons cannot or should not continue as an Active Firefighter.

.Section 7. Honorary Firefighter

“Honorary Firefighter” shall mean and refer to those persons who due to age, health or other reason are unable to participate as an Active Firefighter.

.Section 8. Firefighter Compensation

“Firefighter Compensation” shall mean and refer to funds provided by the Texas Forest Service, FEMA or other agency to compensate or reimburse a Firefighter for services performed.

.Section 9. Firefighter Voting Roster

“Firefighter Voting Roster” shall mean and refer to the list of Firefighters eligible to vote.

.Section 10. Competitive Bid

“Competitive Bid” shall mean and refer to open competitive bidding. Any Member or Firefighter may submit a sealed written bid to a published Organization Request for Bid, but the person submitting the bid shall not be a member of the bid selection committee.

.Section 11. Member

“Member” shall mean and refer to those persons entitled to membership in the Community Center. Any resident of Lamar County, Precinct 3, who has attained the age of eighteen (18) years, has paid his annual dues before 11:59PM of April 30, provides current address and contact information to the Secretary and attends meetings of the Community Center will be considered an active member and eligible to vote.

.Section 12. Dues

“Dues” shall mean and refer to the annual payment to the Community Center of five dollars (\$5).

.Section 13. Quorums

a. Organization. The presence at a meeting of seven (7) Members or twenty-five (25) percent of the membership shall constitute a quorum. If however, such quorum shall not be present at any meeting, the Members entitled to vote shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

b. Department. The presence at a Department meeting of five (5) Firefighters including at least one Operational Officer or twenty-five (25) percent of the extant members of the Firefighter Voting Roster shall constitute a quorum. If however, such quorum shall not be present at any Department meeting, the Firefighters entitled to vote shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

.Section 14. Membership Voting Roster

“Membership Voting Roster” shall mean and refer to the list of Members eligible to vote.

.ARTICLE III: Meetings

.Section 1. Regular Meetings

Regular meetings shall be on the first (1st) Tuesday of each month and held at an hour approved by members of the Organization. Should said meeting fall upon a legal holiday, then that meeting may be held at the same time on the next day which is not a legal holiday. This shall be the regular business meeting of the Organization, and may include fire training.

.Section 2. Special Meetings

The President may call special meetings as needed. No voting for Officers may be held at the special meeting unless five (5) days notice is given of the meeting.

.Section 3. Nomination of Officers

The nomination of Officers shall be at the November regular meeting.

.Section 4. Election of Officers

Officers shall be elected at the December regular meeting.

.Section 5. Assumption of Office

Officers elected at the December regular meeting will assume office at the January regular meeting.

.Section 6. Drills and Training Meetings

There shall be, weather permitting, at least one drill or training meeting per month. Drills or training meetings will be in addition to the regular meeting, but may follow or precede the regular meeting. Each Active Firefighter must attend a minimum of six (6) drills or training meetings per year. Drills or training meetings are to be conducted by the Training Officer or other person appointed by the Fire Chief, may consist of simulated fires in an approved location, video programs, or truck operation training. Drills or training may be conducted in conjunction with other volunteer fire departments.

.Section 7. Annual Budget Meetings

The Officers shall propose an annual budget between the January and February meetings and present it to the membership at the February meeting for approval.

.Section 8. Public Emergencies or Natural Disasters

In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impossible, the organization may conduct its meetings by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster.

- a. The organization shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- b. Any action that could be taken at an in-person meeting, including amendment of the by-laws, may also be taken at a virtual meeting held pursuant to this provision.
- c. Any action taken at any such virtual meeting shall be ratified at the first regular in-person meeting.
- d. During a virtual meeting, the Secretary shall ensure that all participants are on the Membership Voting Roster and that a quorum is present.
- e. The President shall determine the need for a virtual meeting.
- f. If there is a vote, the Secretary shall make a record of the vote and ensure that every voter is sufficiently identified and his name is on the Membership Voting Roster.

.ARTICLE IV: Officers

.Section 1. Officers

The administrative officers of the Organization shall consist of a President, Secretary, Treasurer, and Parliamentarian.

The operational officers of the Organization shall consist of a Fire Chief, one or more Assistant Fire Chiefs, a Training Officer, and a Safety Officer. If there are fewer than four (4) qualified individuals available as operational officers the qualified individuals shall draw lots to determine which offices each shall hold and which duties each shall perform.

.Section 2. Term of Office

Officers elected at an annual election shall serve one year and will begin their duties at the January meeting. Officers elected at a special election or appointed to fill a vacancy shall serve until the next annual election.

.Section 3. Multiple Offices

The offices of Secretary and Treasurer may be held by the same person. No person shall hold more than one of the other offices if any other member is qualified and willing to hold that office.

.Section 4. Technical Requirements

To hold the office of Chief, Assistant Chief, Training or Safety officer the individual must be an Active Firefighter of the Department. All Operational Officers must hold a basic professional certification from SFFMA. Some offices, by State or Federal law or regulation, may be required to hold additional certificates.

.Section 5. Eligibility

Any Member who is absent from three consecutive meetings of the Organization or more than twenty five (25) percent of the meetings in any one year without excuse such as personal illness, work, illness or death in family is not eligible to hold an Administrative Office the following year.

.Section 6. Vacancies

If an Administrative Officer, other than the President, is unable to perform his duties and six months or more remain until the next election, a special election shall be held at the first possible meeting; if less than six months remain until the next election, the President with agreement from the Fire Chief, shall appoint a member to finish the term of office. If the President and the Fire Chief do not agree on an appointment to fill a vacancy, a special election shall be held at the first possible meeting to elect an officer for the vacant office. If the President is unable to perform his duties and less than six months remains before the next election, the Assistant Chiefs will draw lots to determine which will assume the duties of the President.

If an Operational Officer is unable to perform his duties and six months or more remain, a special meeting of the Active Firefighters shall be held to elect a replacement officer. If

less than six months remain, the remaining Operational Officers shall collectively appoint an Active Firefighter to finish the term.

.Section 7. Compensation

No officer shall receive compensation for any service he may render to the Department or Organization, however this shall not prevent an officer from winning a Competitive Bid or receiving Active Firefighter Compensation.

.ARTICLE V: Duties of Administrative Officers

.Section 1. President

It shall be the duty of the President to preside at all meetings of the Organization; he shall sign all resolutions, orders and summons of the Organization; as well as Amendments to the By-Laws. The President shall do such other things as the Organization may direct.

.Section 2. Secretary

It shall be the duty of the Secretary to keep a record of all Organization business; shall record the votes and keep the minutes of all regular and special meetings; keep a record of all fire alarms, meetings, drills, and other activities of the Organization showing a list of those in attendance; keep appropriate current records showing the Active Firefighters and Members together with their addresses. The Secretary shall be in charge of all official correspondence. The Secretary shall maintain a bank safe deposit box for important documents with the second key held by the President.

.Section 3. Treasurer

It shall be the duty of the Treasurer to keep an accurate account of the Organization's finances. The Treasurer shall have the authority to collect all monies due the Organization and shall keep a record of the same. The Treasurer shall render an annual report of all monies received and disbursed during the year and submit his books to the proper committee for inspection when called for. The Treasurer shall comply with all Federal and State tax laws. The Treasurer shall pay no order or account unless certified by the Members for any amount over \$250.00. Any maintenance expense over \$250.00 must be approved by two or more officers excluding the Treasurer and must be

presented at the next meeting. In the presence of the Treasurer, the books shall, during reasonable business hours, be available for inspection by the members.

.Section 4. Parliamentarian

Meetings shall be conducted under Robert's Rules of Order. It shall be the duty of the Parliamentarian to maintain a current copy of Robert's Rules of Order and refer to them as necessary during meetings.

.ARTICLE VI: Duties of Operational Officers

.Section 1. Fire Chief

It shall be the duty of the Fire Chief:

- (a) to assume full charge of all persons, apparatus, and equipment at conventions, fire or other emergencies requiring the services of the Department.
- (b) to call out any and all Active Firefighters and apparatus for any purpose incidental to his office.
- (c) to assume full responsibility for all fire equipment and see to its proper care and maintenance.
- (d) to recommend the purchase of new equipment.
- (e) to see that adequate training programs are conducted in the department and shall acquaint himself with all new fire fighting methods by attending fire schools, drills and conferences.
- (f) to see proper discipline is maintained in the Department.
- (g) to see that a proper record is kept of all fires; the address, the hour and date, the type of occupancy, the name of owner or tenant, the type of building construction, the extent of its spread, and how it was extinguished.
- (h) to report any injury to Active Firefighters or fire equipment.
- (i) to make such reports as provided by law, furnishing a copy of same to the Secretary.

.Section 2. Assistant Fire Chiefs

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

.Section 3. Training Officer

The Training Officer in cooperation with the Fire Chief shall set up training programs. He shall recommend the purchase of suitable training manuals, textbooks and other instructional material.

.Section 4. Safety Officer

The Safety Officer shall oversee the safety of Active Firefighters at all emergencies and training.

.ARTICLE VII: Probationary Firefighters

.Section 1. Application Procedure

The applicant must submit a completed application. The Operational Officers shall obtain a criminal history background check for the applicant.

The applicant shall not be present:

- When the request is discussed by the Members and Firefighters.
- During the vote to accept or reject the application.

A quorum of Firefighters shall vote to accept or reject an applicant as a Probationary Firefighter.

.Section 2. Probationary Status

If accepted as a Probationary Firefighter, the individual's name shall be added to the Firefighter Voting Roster as a "Probationary Firefighter".

A Probationary Firefighter may not serve as an operational officer.

The Operational Officers shall document the Probationary Firefighter's duties and responsibilities in his personnel file. At a minimum the duties and responsibilities of a Probationary Firefighter shall include the following:

- Attend Regular Meetings of the Organization.
- Attend training meetings.
- Work fire calls as directed by the Operational Officers.

- Attend and work Department Fund Raisers.
- Drive firefighting apparatus only under the supervision of an Active or Supporting Firefighter.
- Other duties as assigned and documented in the personnel file.

After each three month period the Operational Officers shall review the Probationary Firefighter's performance and document his performance. The review shall include an assessment of the following areas:

- Teamwork
- Job Knowledge and Technical Competence
- General Firefighting Knowledge
- Training
- Attitude and Cooperation
- Integrity
- Work Ethic
- Public Relations
- Verbal Communication
- Knowledge of the Department's Area of Responsibility
- Record Keeping, Call Logging, and Documentation
- Punctuality
- Physical Fitness

.Section 3. Dismissal of a Probationary Firefighter

A Probationary Firefighter may be dismissed and removed from the Firefighter Voting Roster for any of the following reasons:

- Poor physical condition
- Immaturity
- Injury or sickness
- Unable or unwilling to follow orders
- On and off duty personal conduct unbecoming a Firefighter.

A letter of dismissal signed by the Fire Chief shall be added to the personnel file.

.Section 4. Promotion to Active Firefighter

At the end of the probationary period the Firefighters shall determine if the Probationary Firefighter is accepted as an Active Firefighter in good standing. If accepted, the Firefighter Voting Roster shall be amended and the term “Probationary” shall be removed.

If not accepted, a letter of dismissal signed by the Fire Chief shall be added to the personnel file and the individual’s name shall be removed from the Firefighter Voting Roster.

.ARTICLE VIII: Supporting Firefighters

.Section 1. Status

An Active Firefighter who due to age, health, or medical condition is no longer able to fully participate as an Active Firefighter may be moved to a supporting status and his entry in the Firefighter roster will be amended and the term “Supporting Firefighter” will be entered.

If the individual’s health or medical status improves, the Department officers may upgrade his status to Active – after which his entry in the Firefighter roster will be amended and the term “Active Firefighter” will be entered.

If unable to complete any Active Firefighter duties, the individual will be moved to Honorary status and his entry in the Firefighter roster will be amended and the term “Honorary Firefighter” will be entered.

.Section 2. Duties

A Supporting Firefighter may vote and if elected, may hold any administrative or operational office. Unless otherwise determined and documented by the Department’s Operational officers, a Supporting Firefighter may do any task normally performed by an Active Firefighter.

.Section 3. Responsibilities

A Supporting Firefighter is subject to the same moral standards as an Active Firefighter and may be removed from the Department for violating those standards.

.ARTICLE IX: Honorary Firefighters

.Section 1. Status

An Honorary Firefighter is an *ex officio* firefighter who due to age, health, or medical condition is unable to perform any firefighter duty.

.Section 2. Responsibilities

An Honorary Firefighter is subject to the same moral standards as an Active Firefighter and may be removed from the Department for violating those standards.

.ARTICLE X: Responsibilities

.Section 1. Intoxication

Any person who reports to a fire, training session, or meeting in a state of intoxication shall not be allowed to participate.

.Section 2. Equipment Operation

No person shall be allowed to operate any piece of firefighting equipment until such person has been thoroughly trained on said equipment by the Training Officer and has his approval to operate such equipment.

.Section 3. Driving

No person may drive a fire truck unless twenty one (21) years of age or older and approved by the Training Officer.

.ARTICLE XI: Elections

.Section 1. Ballots

All voting for Administrative Officers shall be by secret written ballot of the Members. The person receiving the largest number of votes shall be elected.

All voting for Operational Officers shall be by secret written ballot of the Active Firefighters. The person receiving the largest number of votes shall be elected.

.Section 2. Voter Verification

Members shall initial by their name on the Membership Voting Roster as they hand in their ballots. If the voter's name is not found on the Membership Voting Roster, the ballot shall not be counted.

Active Firefighters shall initial by their name on the Active Firefighter Voting Roster as they hand in their ballots. If the voter's name is not found on the Active Firefighter Voting Roster, the ballot shall not be counted.

.Section 3. Vote Counting Committee

For annual elections, the President shall appoint a three member ballot counting committee at the November meeting. In the event of a special election the President shall appoint the counting committee before the special election. Anyone on the ballot shall not be a member of the counting committee.

.ARTICLE XII: Committees

.Section 1. Standing Committees

The following standing committees shall be appointed by the group at large at the January meeting to serve a term of one year. Three members shall constitute each committee with the first person named on each committee to be its chairman. No one shall serve as chairman of more than one committee at a time or for more than two consecutive years.

1. Finance Committee
2. Welfare committee
3. Maintenance Committee

.Section 2. Financial Audit Committee

It shall be the duty of the Financial Audit Committee to review all finances, payments, and assessments; and to promote all fund raising campaigns for the organization. The Financial Audit Committee shall audit the books between the October meeting and the November meeting and present its report at the November meeting.

.Section 3. Welfare Committee

It shall be the duty of the Welfare Committee to take care of all cases of distress among members of the Organization, including cases of illness or deaths where the service of the fire department may be required. The committee shall promote activities that will bring the three communities of Lamar Point, Emberson and Caviness together.

.Section 4. Maintenance Committee

It shall be the duty of the Maintenance Committee to maintain the buildings and grounds. The Committee may select a work day such as the training day or may contact

individuals to create a work day. The Committee shall be in charge of setting the rules for the use of the buildings as approved by the membership.

.Section 5. Ad hoc Committees

The membership shall appoint such other committees as it deems appropriate to carry out its purpose.

.Section 6. Committee Vacancies

If a Member resigns from a committee, the President shall immediately appoint a replacement to finish the year.

.ARTICLE XIII: Equipment

.Section 1. Equipment Identification

All equipment purchased and owned by the Department shall be properly labeled or marked with the department insignia and numbered for easy identification prior to putting said equipment into use. This applies to hats, coats, boots, gloves, trucks, and all other equipment.

.Section 2. Apparatus Standard Operating Procedures

Use of apparatus shall follow the published Department SOP (Standard Operating Procedures).

.ARTICLE XIV: Policies, Statements, and Notices

.Section 1. Current Address Policy

Each member shall furnish the Secretary with a correct postal address and a valid email address. Notices sent to the last known email address, or posted on the website, or sent to the last known postal address shall constitute sufficient legal notice.

.Section 2. Statement of Nondiscrimination

The organization does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

.Section 3. Whistleblower Protection Policy

Neither the administrative nor the operational officers shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws.

.Section 4. Conflict of Interest Policy

No administrative nor operational officer may benefit personally from a decision he or she could make.

.Section 5. Written Documentation Retention/Destruction of Confidential and Sensitive Documents Policy

Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires records be retained for all audits and legal proceedings.

.Section 5a. Record Types and Retention Periods:

- (1) Accounts Payable/Receivable Ledgers – 7 years
- (2) Audit Reports of Accounts – Permanently
- (3) Bank Statements – 7 years
- (4) Contracts and Leases – Permanently
- (5) Correspondence (Legal) – Permanently
- (6) Firefighter Applications – 10 years
- (7) Insurance Records – Permanently
- (8) Tax Returns – 7 years
- (9) Training Manuals – Permanently

.Section 6. IRS Authority to Request Information (Public Disclosure Policy)

The organization shall make available for public inspections IRS annual returns and applications for exemption, and shall provide copies of such returns and applications to individuals who request them. Copies shall be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. The tax-exempt organization may charge a reasonable copying fee plus actual postage, if any.

.Section 7. IRS 990 Compliance Policy

The IRS Form 990 shall be filed annually by the 15th day of the 5th month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

.Section 8. Review of Form 990 by Administrative Officers

The Treasurer will create a timeline for compliance in sixty (60) days following the previous tax year. Data will be gathered to complete the IRS Form 990 and shared with the Administrative Officers no later than the regular **February** meeting. The Administrative Officers will review the completed IRS Form 990 annually before it is sent to the IRS.

.ARTICLE XV: Rules of Order

.Section 1. Robert's Rules of Order

All proceedings of this organization shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised 12th Edition, except as herein otherwise provided.

.ARTICLE XVI: Amendments

.Section 1. Amendments

Any proposed amendment to these By-Laws shall be presented before a quorum of the membership at any meeting, and shall be filed in writing with the Secretary. The Secretary, or such person as the Secretary shall designate, shall read out loud the proposed amendment to the members. At the next meeting the Secretary, or such person as the Secretary shall designate, shall again read out loud the proposed amendment, if such amendment receives two-thirds (2/3) majority vote of the quorum of members present at the second reading, same shall become a part of these By-Laws.

.ARTICLE XVII: Miscellaneous

.Section 1. Review

These By-Laws shall be reviewed by the membership in January of every year.