

# **Constitution and By-Laws**

## **Augusta County Fire-Rescue Inc.**

July 2, 2012

**Revised December 2, 2013**

### **PREAMBLE**

[These by-laws apply to the Augusta County Fire-Rescue Inc. (ACFRI) organization consisting of both paid and volunteer members. They shall be applicable to any County owned and/or operated Fire-Rescue Station providing Fire and Rescue services to the citizens of Augusta County. They do not supersede or affect in any way the professional operation of Augusta County Fire-Rescue under the Augusta County Code or approved Augusta County Policies and Procedures Manual and other policies.]

## ORGANIZATIONAL

This organization shall be known as the Augusta County Fire-Rescue Inc. (ACFRI). The objectives shall be the preservation of life and property during fires, medical emergencies, natural disasters or any type of emergency when called upon.

These services shall be provided to all citizens including both the public and private sectors of Augusta County. All gifts, donations and fundraising monies shall be utilized to meet the objectives of the Corporation and there shall be no discrimination to anyone when providing these services.

All property, equipment and assets will be utilized in the best interest of the citizens and held in trust for the individual Stations. Upon dissolution of the organization subunit for any reason, all monies, property and equipment shall be turned over in entirety to the County of Augusta to be utilized by the County to provide public safety for the citizens of Augusta County.

Augusta County Fire Rescue Inc. (the Corporation), a non-stock corporation duly formed under the provisions of the Virginia Non-stock Corporation Act, Chapter 10, Title 13.1- of the Code of Virginia (the Code), and established and empowered by the County of Augusta, Virginia, to make by-laws to promote the objectives of a fire-rescue organization as set forth in Title 27 of the Code, hereby adopts the following amended and restated by-laws of the Corporation, which shall govern the management and operation of its business and the regulation of its affairs to the extent consistent with the Articles of Restatement of Augusta County Fire-Rescue Inc. and applicable law and in accordance with Section 13.1-823 (B) of the Code and within the meaning and spirit of Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended (the Internal Revenue Code).

## **ARTICLE I**

### **Statement of Purpose**

#### **SECTION I STATEMENT OF PURPOSE**

The mission of Augusta County Fire-Rescue, Inc. is to enhance the quality of fire and rescue services provided to the citizens of Augusta County by promoting and preserving the fine tradition of volunteer service providers while also promoting the development and sustainability of partnerships with career and volunteer fire and rescue agencies.

Augusta County Fire-Rescue shall act as parent organization of subunits for any volunteers who wish to continue to serve at stations that are owned and/or operated primarily by the County of Augusta. Any person that becomes associated with a subunit will fall under licensing, standard operating guidelines, rules and regulations of Augusta County Fire-Rescue career. Funds acquired by the subunits through fund raising, grants, or by contribution of Augusta County shall be maintained in a separate account for the sole benefit of the individual subunit unless agreed to benefit all team members.

Augusta County Fire-Rescue, Inc. shall assist volunteer subunit fire companies and rescue squads with recruiting and training new members; as well as set the minimum qualifications for the Job Performance Requirements (JPR) expected at the designated station.

## **ARTICLE II**

### **Definition of Terms**

Unless otherwise stated in these by-laws, all of the terms used in these by-laws that are defined in Section 13.1-803 of the Code shall be deemed to have the meaning set forth in such Section of the Code.

## **ARTICLE III**

### **Adoption**

In accordance with Section 13.1-822 of the Code, these by-laws shall become effective upon ratification, approval, and formal adoption by the Corporation's members.

## **ARTICLE IV**

### **Emergency By-Laws**

In the event that a quorum of the Corporation's Board of Directors cannot readily be assembled, the Board of Directors of the Corporation may, consistent with Section 13.1-824 of the Code, adopt other by-laws to be effective only in such an emergency. The emergency by-laws consistent with these by-laws shall remain effective during the emergency. The emergency by-laws shall not be effective after the emergency ends. Corporate action taken in good faith in accordance with the emergency by-laws shall bind the Corporation and may not be used to impose liability on a director, officer, employee, or agent of the Corporation.

## **ARTICLE V**

### **Corporate Powers**

Unless the Corporation's Articles of Incorporation provide otherwise, the Corporation shall have the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including, without limitation, those described in Section 13.1-826 of the Code. In the event of an emergency as described in Article IV immediately preceding, the Board of Directors shall have those emergency powers described in Section 13.1-827 of the Code. The Attorney of Augusta County or his/her designee shall serve as the registered agent for the ACFRI.

## **ARTICLE VI**

### **Non-stock Corporation**

In accordance with Section 13.1-814 of the Code, the Corporation shall not issue shares of stock. No dividend shall be paid and no part of the income of the Corporation shall be distributed to its directors or officers, except that the Corporation has the power to appoint one or more of its directors. The Corporation may pay compensation in a reasonable amount to its directors or officers for services rendered, including pensions, and may make distributions as permitted by applicable law upon dissolution or final liquidation and no such payment, benefit or distribution shall be deemed to be a dividend or a distribution of income.

## **ARTICLE VII**

### **Board of Directors**

- 7.1 The Board of Directors of the Corporation shall consist of not less than five (5) members or more than seven (7) including the County Fire Chief who will be an Ex-officio member with voting power, or such other number as from time to time may be fixed by the board. The Board of Directors shall select the four persons to serve as successor. Subject to the provisions of Paragraph 7.8, the President and/or Battalion Chief of all associated Volunteer Agencies associated with Augusta County Fire -Rescue Incorporated shall attend Board meetings but not have a vote.
- 7.2 Term of Office. After the initial election by the members of the four (4) Directors, as set forth above, the four (4) Directors shall be elected by the outgoing Board at the annual meeting of the Board. The elected Directors shall hold office for staggered terms of two (2) years each or until their successors are elected or removed. The Chief serving as Ex-officio shall serve at the pleasure of the Augusta County Board of Supervisors.
- 7.3 Vacancies. Any vacancies occurring on the Board during a member's term shall be filled for the unexpired term of office by a majority vote of the Board at its first regular meeting following the creation of such vacancy, or at a special Board meeting called for that purpose. Ex-officio member vacancy occurring on the Board shall be filled when his or her successor is determined by the Board of Supervisors for Augusta County.

- 7.4 Responsibilities & Duties of Board. The Board shall be responsible for the affairs, business, and overall funds of the ACFRI organization inclusive of all Stations they serve. The Board also shall be responsible for the development and or approval of business policies, for the oversight of management of the organization in conjunction with the Operational Officers. Duties shall include, but not be limited to: (a) the adoption, oversight and audit of an annual capital budget, operating budget submitted to ACFR for review by the Emergency Services Committee; (b) fundraising, strategic planning, and contracts; (c) community and municipality relations. The business and affairs of the Corporation shall be managed by the Board of Directors of the Corporation in cooperation with the County of Augusta's governing entity.
- 7.5 Regular Meeting. Regular meetings of the Board of Directors will be held during the months of January, March, May, July, September and November of each year. The Annual meeting held in January of each year, and a schedule will be set up at that meeting. Written notice of each such meeting shall be mailed by the Secretary at least five (5) days prior to the date of the meeting.
- 7.6 Special Meetings. Special meetings of the Board may be called by the President and shall be called by the Secretary upon the receipt of a written request signed by at least three (3) members of the Board. Written notice of such meeting shall be mailed by the Secretary at least five (5) days and not more than ten (10) days prior to the date of the meeting, or telegraphic notice shall be filed at least (3) days and not more than (5) days prior to the date of the meeting. Any such notice shall state the purpose of the meeting and no other business shall be transacted during such special meeting.
- 7.7 Quorum. A quorum for a meeting of the Board shall be a majority of the Board.
- 7.8 Meetings of the Board of Directors are subject to the Virginia Freedom of Information Act. Items listed in accordance with §2.2- 3711 of the Code of Virginia, the board may vote to consider items listed in accordance with 2.2 – 3711 of the Code of Virginia in closed session. The Board of Directors, at its discretion, shall allow nonmembers to attend closed sessions. Information discussed in closed session shall be regarded as confidential. Board members individually shall refrain from making statements outside of meetings that may be understood to be the consensus of the Board.

## **ARTICLE VIII**

### **Committees**

- 8.1 Individual Station Executive Committees

The Executive Committee shall consist of the elected officers of individual stations, namely, President, Vice President, Secretary, Treasurer, Chaplain, Battalion Chief, Fire Lieutenant, and EMS Lieutenant/Quartermaster. They shall be both Operational as well as Administrative

Section 1: Duties

- (a) The Executive Committee shall govern the ACFRI individual stations, reporting to the ACFRI Board of Directors who shall have the Authority to override business decisions of the individual stations. The Executive Committee will conduct the individual stations organizational business, be responsible for all matters of policy and investigate all violations of the Constitution, By-Laws, Policies and Procedures, etc. with the authority to deal with violations in-house as necessary to protect the best interest of the individual organization.
- (b) The Executive Committee shall not infringe upon the County Chiefs' or Battalion Chiefs' authority to govern the working operations of the organization.
- (c) The Executive Committee shall make or revoke any policies and procedures necessary to facilitate the proper operation of the individual station, provided such policies and procedures do not conflict with the Constitution and By-Laws.
- (d) The Executive Committee shall have the authority to make any purchases or expenditures they deem necessary in the best interest of the organization within financial confines of the budget as approved by the Board of Directors / County Budget analyst and upon issuance of tracking number for organizations records.
- (e) The Executive Committee shall make a full report of its activities and decisions at each regular business meeting.
- (f) Selection and formation of a Nomination Committee, which shall prepare the nominations of the Business Officers for a vote before the membership. (removed (a) from Article VII, Section 7.4)
- (g) Five (5) members of this Committee shall constitute a quorum.

## ARTICLE IX

### Station Business Officers

- 9.1 The Business Officers shall consist of the President, Vice President, Treasurer, Secretary and Chaplain. The offices of Treasurer and Secretary may not be held by the same person.

#### Section 1: President

It shall be the duty of the President to preside at all meetings; to preserve order; to decide all points of order that may arise, subject to an appeal of the President's decision from the members of the department, but on such an appeal a two-thirds (2/3) majority of all members present shall be necessary to reverse the President's decision. It shall be the duty of the President to call special meetings of the department upon written notice. Membership shall be notified three (3) days prior to special called meeting by mail. The President will countersign all checks drawn on the department and be responsible for accountability of all funds received. The President shall work in conjunction with the Battalion Chief or his designated volunteer officer to formulate and present an annual volunteer budget for financial assistance in maintaining the volunteer contingent. The president may appoint such committees as needed for proper transaction of business and ensure that the policies, procedures and by-laws are adhered to pertaining to business administration. The President shall not vote on matters; however, in the event of a tie vote by the department, the President shall have a vote as the tie breaker.

#### Section 2: Vice President

It shall be the duty of the Vice President to perform the duties of the President in his/her absence. The Vice President shall act as purchasing agent for the organization including such duties as requiring a purchase order for all items that cost in excess of \$500.00 and maintain the records for purchase orders. The Vice President is responsible for reviewing quarterly the Treasurer's books and shall be bonded. In the absence of the Treasurer, the Vice President shall make disbursements which are properly approved. The Vice President shall perform other duties as prescribed the President.



### Section 3: Treasurer

It shall be the duty of the Treasurer to receive all monies collected; to give receipts therefore; to keep a regular account of all monies as received and to pay it out on the order of the department; to make a monthly and annual itemized report of the sums received; of the sums paid out and of the balance on hand. The Treasurer shall submit the books and official documents for the examination of the Vice President quarterly. The Treasurer shall be bonded. The books shall be open for review by the Board and County of Augusta at all times. All checks, deposits or transfer of funds shall be co-signed by the President.

### Section 4: Secretary

It shall be the duty of the Secretary to keep accurate minutes of all proceedings of the department, call the roll, record all attendee absences; keep the books and preserve the records of the department. The Secretary shall give each member at least three (3) days' notice of special meetings. They shall notify each person elected a member of the department of such election and furnish them with a copy of the by-laws. The secretary shall attend all meetings of the Board of Directors, Executive Committee and Membership keeping accurate minutes of the proceedings. Minutes of meetings shall be posted within 10 business days after meeting on the station bulletin board.

### Section 5: Chaplain

It shall be the duty of the Chaplain to assist department members who are bereaved; visit the sick and injured; provide guidance and counseling for personnel within the scope of their training and abilities. The Chaplain will provide invocations and benedictions at functions. Due to the broad scope of the Chaplain's position they will be considered active members with full voting rights. Their requirements for calls and fundraisers shall be considered as met as long as they perform duties as outlined for above for the position.

### Section 6: Duties of Business Officers

It shall be the duty of all officers to lead by example and set the pace for other members to follow. They are to be mentors to subordinates as well as peers. They are to be fair but firm and uphold the by-laws of the organization to the best of their abilities.

## ARTICLE X

### Operational Line Officers

- 10.1 Operational Officers shall consist of the Chief of Augusta County Fire-Rescue and/or designee; Volunteer Officers shall be a Battalion Chief, Fire Lieutenant, and EMS Lieutenant/Quartermaster. Not all Volunteer Officer positions have to be filled, and with approval from the Board of Directors, the subunit may change officer designation terms applicable to them. All officers shall fall within the chain of command under the Chief of Augusta County.

#### Section 1: County Chief

The County Chief and/or designee shall provide operational guidance and leadership for the organization as provided for under Virginia State Fire, EMS and Emergency Related Laws. The County Chief and /or designee will interact together with the volunteer and career staff to ensure that the operation runs in a smooth and consistent manner in service delivery with mutual respect in regard to all roles.

#### Section 2: Battalion Chief

The Battalion Chief shall be appointed by the Chief of ACFR and/or designee from the volunteer contingent at the subunit station. Battalion Chief shall work in conjunction with career staff to oversee the day to day operations of the individual Stations. They will interact with both the career and volunteer contingent in managing, providing support, leadership and guidance on a daily basis.

#### Section 3: Career Officers and Staff

The ranking career officers and staff assigned to a County owned or operated station shall provide overall supervision and direction to the career and volunteer staff on all matters in regard to daily operations and resource deployment, reporting indirectly through the chain of command to the Chief of Augusta County Fire-Rescue. All will interact to ensure that the operation runs in a smooth and consistent manner in service delivery with mutual respect in regard to all roles.

#### Section 4: Volunteer Fire Lieutenant

The Volunteer Fire Lieutenant shall be appointed by the Chief of ACFR and/or designee from the volunteer contingent at the subunit station. The Volunteer Fire Lieutenant shall serve in the same capacity in regard to operations on the emergency scene as the

career officers of like rank following the recognized National Incident Management System (NIMS). In addition, they shall provide guidance to the volunteer contingent in training requirements, SOG familiarization, policies and procedures. The Volunteer Fire Lieutenant shall be responsible for setting duty times and schedules for volunteers as it relates to their respective job duties. They will interact together with the career personnel to ensure that the operation runs in a smooth and consistent manner in service delivery with mutual respect in regard to all roles. They shall also act in an advisory capacity to the Battalion Chief and the Executive Committee. Additional duties may be assigned by the ranking Officers as required for the safe and efficient operation of the organization.

#### Section 5: EMS Lieutenant/Quartermaster

The EMS Lieutenant/Quartermaster shall be appointed by the Chief of ACFR and /or designee from the volunteer contingent at the subunit station. It shall be the responsibility of the EMS Lieutenant to maintain all EMS related equipment. They shall act as an advisor to the Battalion Chief and Executive Committee on all EMS matters. Additional duties may be assigned by the ranking Officers as required for the safe and efficient operation of the organization.

#### Section 6: Additional Duties of Operational Officers

It shall be the duty of all operational officers to lead by example and set the pace for other members to follow. They are to be mentors to subordinates as well as peers. They are to be fair but firm and uphold the by-laws of the organization to the best of their abilities. They are to enforce the policies and procedures in a fair and consistent manner without prejudice or bias.

## **ARTICLE XI**

### **Membership**

Membership will include five (5) designations: active, administrative, life member, honorary member and probationary member. All membership designations must be approved by a vote of the membership. Refer to Section 6 for age restrictions.

### Section 1: Active Member

Active member is an individual who participates in responding to calls. Active members shall respond to or report to the station for a minimum of 20% of calls or log 24 duty hours per month and must attend all required training and other activities as defined in the organization's policies and procedures. Active members shall have full voting rights as long as they meet criteria for active member and are in good standing within the community and department.

### Section 2: Administrative Member

Administrative member is a member who wishes to participate in a less defined role such as fundraising and supporting the administrative roles of the organization. Administrative member must be in good standing within the department. Administrative members shall enjoy the privilege of voting if they participate in 50% of fundraisers or log 12 duty hours per month (a combination of both may be used). To become an administrative member or to be reinstated as an active member, a letter must be written to the company and accepted by the membership.

### Section 3: Lifetime Member

Lifetime member is an individual with fifteen (15) years of uninterrupted volunteer service and must be in good standing with the department, subject to the approval of the membership. Lifetime members who are active must meet the same criteria set for either active or administrative members to enjoy the right to vote on department matters. Lifetime members who are inactive shall enjoy all the privileges of active lifetime members with the exception of voting privileges. In the case of interrupted service, a volunteer may be awarded lifetime membership after fifteen (15) years of cumulative service at a County owned station subject to the approval of the membership. A maximum of one-hundred eighty (180) days in any one-year period will be all the time allowed off from the department which applies to uninterrupted active service for the purposes of lifetime membership. (Stations that are turned over to the County time already served shall be grandfathered and applied to lifetime membership).

### Section 4: Honorary Member

Honorary membership is bestowed upon individuals who have given or provided outstanding support or dedication to the individual department. This membership is honorary and shall not have voting powers in departmental issues.

## Section 5: Probationary Member

Probationary membership is defined as someone whom has applied for either Active Membership or Administrative membership. The probationary member will be on six month probation prior to being nominated for membership. They must attend all required meetings and activities prior to being voted on. Probationary members must receive 2/3 majority vote at a regular monthly meeting prior to moving into full membership and receive endorsement for membership from the Executive Committee who has acted as mentors throughout the probation period for new members.

## Section 6: Members over age sixteen 16 and under age eighteen 18

The minimum age of any member of the Corporation shall be sixteen (16) years of age. Persons who are under the age of eighteen (18) may qualify as a Firefighter and/or EMS Provider or as an Administrative Member. Requirements of the Corporation with respect to members under the age of eighteen (18) shall be set forth from time to time and may include, but shall not be required to be limited to, parental/legal guardian consent requirements, academic achievement requirements and curfew requirements.

Further, the Corporation and any member of the Corporation under the age of eighteen (18) shall comply at all times with the provisions of law that govern child labor or other similar provisions of law regarding minors.

## Section 7: General Guidelines for Membership:

Applicants for volunteer membership shall be residents of Staunton, Waynesboro, Augusta County or surrounding areas. Applicants will be subject to a criminal history background check and be a minimum of 16 years old. They may be active members of any other volunteer emergency organization. However they must attend the required calls and/or obligations for their requested membership designation.

Upon approval by the President and the Advisory committee, the application will be presented to the membership for vote. A quorum will be required to vote the election or rejection of a candidate for membership. Each applicant will be voted on separately and in the order by date that they were received by any member of the Advisory committee.

A newly approved active volunteer shall serve a (6) month probationary period during which time they shall undergo training in the operation of the firefighting and EMS equipment. Upon completion of the probationary period, and on approval of the majority of the active membership, the candidate shall become a member.

Nothing in these by-laws shall limit the authority of the Chief to employ paid members of the department in accordance with the Augusta County Policies and Procedures Manual.

## **ARTICLE XII**

### **Duties of Members**

It shall be the duty of all members to follow the by-laws, policies, and procedures as set forth by the organization. It shall further be the duty of each member to be prompt at all meetings and to the best of their ability meet the minimum requirements set forth in their membership designation.

No member shall appear at a meeting of the department or for duty in a state of intoxication. A zero tolerance policy for substance or alcohol use shall be in effect any time that a member is on duty or in the station. Failure to comply shall result in immediate suspension. In the event a member has reason to believe there is a violation of this policy they will immediately notify the Duty Officer and the Battalion Chief. The accused member shall submit to a Breathalyzer test. Failure to submit to a test will be construed as an admission of guilt and subject to immediate suspension pending a hearing by the executive committee.

Three (3) months consecutive absence from meetings of any member unless excused will constitute loss of voting rights. Request to be excused from a meeting or meetings must be requested through the executive committee in writing within 3 days of the missed meeting and shall only be granted under special circumstances.

Any member who desires to maintain an active membership status must meet the minimum training requirements within 18 months after being released from probation for their respective membership classification. Firefighter I and/or EMT are the minimum requirements. Failure to comply will result in a hearing before the executive committee for noncompliance to by-laws and be subject to disciplinary action.

## **ARTICLE XIII**

### **Meetings**

- 13.1 Executive Committee meetings of subunits shall be held ~~the second Thursday of~~ every other month or a date otherwise designated by the President, beginning in January each year. The meetings are to be held at the designated fire-rescue station or a predetermined place mutually agreeable to all Executive Committee Members. Other special meetings of the Executive Committee shall be held as prescribed by the Executive Committee.
- 13.2 Membership Meetings shall be held at a predetermined date and time as set forth by the Executive Committee and membership at the January meeting and at the designated fire-rescue station or at a predetermined meeting place that is mutually agreeable to all members.
- 13.3 The Annual Business Meeting shall be held in December of each year at the designated fire-rescue station. This meeting will immediately follow the monthly Membership Meeting.

## **ARTICLE XIV**

### **Rules of Order**

Rules of Order as dictated by 21<sup>st</sup> Century Roberts' Rules of Order, ISBN: 0-44021722-9.

No member shall speak more than five (5) minutes on any one subject at one time or more than twice on the same subject except by permission of the President.

The Secretary shall establish a quorum, which shall consist of at least (1/2 plus 1) of members eligible to vote before a meeting becomes official.

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

## ARTICLE XV

### Elections of Officers

15.1 Business Officers nominations may be made at the regular monthly membership meeting in November. Nominations will remain open until the close of the monthly membership meeting in December. A committee of election officials will be formed each year to oversee the election of Officers. The election committee will be solely responsible in ensuring that the bylaws are followed and the elections are carried out in a fair and consistent manner. Election officials shall consist of at least four (4) persons, two (2) who are members in the Department and two (2) members of the community who are not members of the Department. All new officers will assume their duties January 1.

15.2 The Chief of Augusta County shall appoint all Operational Officers at the meeting in December. Anyone interested in holding an operational office can submit in writing to the President, along with qualifications for consideration.

The President and non-operational members of the Executive Committee, will review the applications, along with input from the career officers at that subunit to narrow the candidates to two for each office. A Matrix consisting of 5 points each for Qualifications, Fire and EMS experience, and Leadership/Management training/experience will be awarded to the applicants. A total of 15 points are possible.

They will submit those two applications in priority order to the Chief of Fire-Rescue or his designee for the final decision.

All new officers will begin their respective offices and duties as of January 1<sup>st</sup> of the upcoming year. A period of information exchange shall take place during the month between the changing of officers.

15.3 Write-in ballots must be signed and turned in to the President prior to the annual business meeting and validated by the election committee.



## ARTICLE XVI

### Leave of Absence

- 16.1 A leave of absence may be granted if it is requested in writing. It must be submitted to the President. The letter must state the reason for the request and give a starting date and a returning to normal service date. The Executive Committee will approve or disapprove the request for a leave of absence for volunteers and the approval or disapproval will be forwarded to the Secretary for record keeping and documentation purposes. The request may be made for up to one year. At the end of the requested time, the member may request an extension of the leave of absence if that member is not able to continue normal duties. They must again re-submit a written request for the extension which must be approved by the Executive Committee and a copy given to the Secretary. All property should be returned to respective Station.
- 16.2 If the member finds that they can return to normal duties before their leave of absence is up, they may do so upon providing written notification to the Executive Committee.
- 16.3 If the request is approved, the member will be considered a member with uninterrupted service. If the request is not approved or if a request is not submitted, it will constitute interrupted service if the member still leaves the department.

## ARTICLE XVII

### Impeachment of Officers

- 17.1 Any volunteer operational officer abusing his or her authority or guilty of misconduct in his or her office, may be impeached therefore and removed from office by a vote of (1/2 plus 1) of the department membership or executive members provided that the charge against them be made in writing and filed with the Executive Committee at least one (1) month before any vote shall be taken upon it. A copy of said charge shall be served upon him or her by the Secretary at least two (2) weeks before such vote shall be taken and the accused Officer shall have the right to answer the charges against him or her prior to the vote being taken. At the discretion of the Executive Committee the Officer may be put on leave pending the final vote. An officer of the Executive Committee

abusing his or her authority or guilty of misconduct in his or her office, may be impeached and removed from office by a vote of (1/2 plus 1) of the department membership or board of directors.

## ARTICLE XVIII

### Disciplinary Process

#### Authority of Executive Committee

Section 1: The Executive Committee shall have the authority to conduct a Board of Inquiry concerning all violations of the Constitution, By-Laws, Policies and Procedures and any other rules as set up by the Organization.

- (a) The Executive Committee must consist of a minimum of five (5) or more qualified members of the Committee at any Board of Inquiry. In the event any members of the Executive Committee are involved in any way with the complaint, they shall be disqualified from sitting in on that particular Board of Inquiry and the President or his/her designee shall fill the vacancies from the ranks of Board of Directors.
- (b) In the event there are not enough Board of Directors members to fill the vacancies, the remaining vacancies shall be filled from the ranks of the qualified general membership.

#### Section 2: Duties of Executive Committee

- (a) The Executive Committee shall investigate all written charges and complaints and impose such actions as necessary to rectify the situation. The Executive Committee shall have the authority to suspend members during the investigation and may dismiss them from the organization, impose other forms of discipline or clear them of charges at the conclusion of their investigation.
- (b) Charges must be submitted to the President of the organization within seven (7) days of the incident.
- (c) Upon receipt of the written charges or complaint the President will have seven (7) days to convene a Board of Inquiry.
- (d) The complainant and defendant will be notified in person by the President in the company of a witness from the Executive Committee the time and date that the Board of Inquiry will meet.

- (e) Failure of the complainant or defendant to appear without circumstance beyond their control will result in charges of “contempt for the Board” being placed against those not appearing.
- (f) In the event a second Board of Inquiry is convened due to the failure of one or both parties not appearing and should either or both parties fail to appear a second time, the matter will be brought to the membership for disposal at their discretion.
- (g) The complainant or defendant, before the Board of Inquiry shall, if so desired have the right to select another member, other than a member of the Executive Committee to represent their interest. Both shall have the right to call witnesses to testify on their behalves.

### Section 3: Testimony Concluded

- (a) After all testimony has been concluded, all persons except the Executive Committee shall leave the room and the Executive Committee shall deliberate and render its decision. The Executive Committee shall have twenty four (24) hours to notify both parties of its decision and either or both parties shall have the right to appeal this decision to the membership at the next regular business meeting. Notice of intent to appeal the Executive Committee’s decision shall be made immediately upon notification of the Executive Committee’s decision. In the event of an appeal of the Executive Committee’s decision, all penalties shall be tabled until the appeal has been heard and settled by the Board of Directors. The decision of the Board of Directors, on an appeal, shall be by majority vote of those present and shall be final. If the charges or complaint concern a driving violation or accident, the County Fire Chief shall have the right to restrict the defendant from driving County owned equipment until the case has been completed.

### Section 4: Records of Board of Inquiry

- (a) A record shall be made of any and all complaints and charges brought before the Board of Inquiry for a formal hearing and the written charges, the subsequent findings of the Board of Inquiry, and its disposition of the case shall be recorded in the minutes of the Executive Committee and made a part of the organization’s permanent records.
- (b) No member shall be penalized, suspended, or dismissed from the organization without first being given every reasonable chance to testify on his/her own behalf.

## ARTICLE XIX

### Amendments

No alteration or amendment shall be made to these by-laws unless referred to the Board of Directors which shall report at the next regular meeting, when it may be acted upon and adopted by a two-third (2/3) majority of the members present at two consecutive meetings (meetings may be held electronic/virtual and approvals documented).

Should the committee fail to report at the proper time, the matter may be considered in committee of the whole and immediate action had thereof. Nothing in these by-laws shall contravene or supersede the personnel policies established in the Augusta County Policies and Procedures Manual or other laws as they apply to County employees or volunteers and in every case where there is a discrepancy between these by-laws and such Federal Law, State Law and/or County Policies the latter shall apply.

Additional Policies, Procedures, SOGs, General Orders and/or Rules regarding the operation of the Department not covered in these bylaws will be at the discretion of the elected Officers and the Chief of Augusta County or his designee to provide. They shall be adhered to with the same considerations as the By-Laws of the organization.

## CERTIFICATE

The Board of Directors of the Augusta County Fire-Rescue Inc. (the "Corporation"), upon an affirmative vote of at least two-thirds (2/3) of the Active members and the Administrative members of the Corporation at its regular monthly meeting recommend to the Board to repeal the prior Amended and Restated Bylaws, in their entirety, and to approve these Bylaws, has considered the merits and advisability of such recommendation of the voting members of the Corporation, hereby approves, confirms, and formally adopts these Bylaws at its regular meeting duly held on the date hereof at which meeting at least a quorum of the Board was present and duly acting throughout.

Adopted by Board of Directors on December 2 2013.



\_\_\_\_\_  
President, Board of Directors



\_\_\_\_\_  
Board of Director Member

Attested:



\_\_\_\_\_  
Secretary, Board of Directors