

RESOLUTION NO. 01-04-26A

BY-LAWS
OF THE AUTHORIZED VOLUNTEER FIRE DEPARTMENTS
WITHIN GRANT COUNTY,
NEW MEXICO

WHEREAS, the various rural ~~Authorized Volunteer Fire Departments~~ within Grant County have each been established by the Board of County Commissioners of Grant County for the purpose of fighting fires ~~within the boundaries of their respective districts~~ and to provide emergency assistance within, and whenever practical, outside these districts; and,

WHEREAS, the Board of County Commissioners of Grant County finds that it would be in the best interest of the County to adopt a standard set of by-laws ~~for the several Authorized Volunteer Fire Departments~~ within Grant County; and,

WHEREAS, the fire chiefs of the several Authorized Volunteer Fire Departments within the County have given their recommendation, on behalf of their respective departments, that such a standardized set of by-laws be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Grant county that a standardized set of by-laws are hereby adopted which ~~will serve as the common by-laws of these several Authorized Volunteer Fire Departments~~, and of any future volunteer fire departments established within Grant County. These by-laws shall be as follows:

**BY-LAWS
OF THE AUTHORIZED
VOLUNTEER FIRE DEPARTMENTS
WITHIN GRANT COUNTY
NEW MEXICO**

ARTICLE I. ORGANIZATION: The authorized volunteer fire departments subject to these unified by-laws shall be the following: the Upper Mimbres Volunteer Fire and Rescue Department; the Lower Mimbres Volunteer Fire and Rescue Department; the Tyrone Volunteer Fire and Rescue Department; the Sapillo Creek Volunteer Fire and Rescue Department; the Pinos Altos Volunteer Fire and Rescue Department; the Whiskey Creek Volunteer Fire and Rescue Department; the Cliff and Gila Volunteer Fire and Rescue Department; the Fort Bayard Volunteer Fire and Rescue Department; and the Santa Rita Volunteer Fire and Rescue Department. These fire departments are volunteer fire departments, established to protect the authorized independent county fire districts and their areas of coverage within Grant County. These by-laws shall apply to the membership of each volunteer fire department ("fire department(s)") within Grant County and shall here after be referred to as "fire department" for purposes of these by-laws.

Section 1. These authorized volunteer fire departments shall have the following purposes: to prevent and to control fires within their respective fire districts and areas of coverage; to aid, whenever possible and practical, the residents in, and the commuters to or throughout their respective districts and the other fire districts within Grant County.

Section 2. Membership will be on a volunteer basis. To qualify for membership, an applicant must be at least 18 years of age and be in good health. Other qualifications for membership in each department may be set by that volunteer fire department so long as such qualifications are consistent for all future members. Membership shall not be based on gender, national origin or religion.

ARTICLE II. OFFICERS

Section 1. Each fire department shall have the following officers: Chief, Assistant Chief, Captain, First Lieutenant (one from each station within the district), Second Lieutenant (one from each station within the district), Secretary, and Treasurer. Additional officers may be elected to server as needed. The determination of such need will be by the majority vote of the above-named officers.

Section 2. The qualification of officers shall be as follows:

- A. Chief. This officer must be a member of the volunteer fire department for a period of at least one-year. The selection of the Chief shall be subject to the approval of the Board of County Commissioners, Grant County, New Mexico.
- B. Assistant Chief. The qualifications of this officer shall be the same as those for Chief.
- C. All other officers shall have the same qualifications as the Chief and Assistant Chief except that only six months membership shall be required.

ARTICLE III. ELECTION OF OFFICERS

Section 1. The election process starts with nominations for officers at the November business meeting. The Chief shall establish a nomination/election committee to hold and verify the count of said ballots. Each active member in good standing may select no more than two member's names (they must be in good standing as well) for each office from a complete roster of members in good standing on a secret written nomination ballot. Absentee nominations shall be accepted. Two weeks after the November business meeting the nomination/election committee shall meet to count the nominations. No further nominations will be accepted after this meeting concludes. The two members receiving the most nominations for a given office shall be contacted by the nomination/election committee to determine if the member is willing to serve in that office if elected. If the member is willing to serve, then their name shall be placed on the election ballot. If no written nominations for an office are accepted, then open nominations shall be accepted from the floor of the annual meeting. The nomination/election committee shall contact all members regarding the date of the annual meeting. The officers of the respective volunteer fire departments shall be elected by majority vote on a secret written ballot at the annual meeting in the month of December of each year. Absentee ballots shall be allowed. All absentee ballots must be given to a member of the nomination/election committee. Absentee ballots shall not be accepted or counted by the nomination/election committee once the vote counting process starts. At said annual meeting each elected officer shall assume the duties of his/her respective office for the ensuing year. Also, at said meeting, reports from the previous year may be read from each of the committees as may be required by the Chief. Said reports shall be submitted in writing to the Secretary and upon approval of the department be attached to the minutes.

A. "Active Member in Good Standing" shall be decided by a consensus of current officers. Such consideration shall take into account the number of meetings attended as well as the number of emergency calls that the member responded to given the overall numbers of both and the availability of the member for such meetings and emergency calls. Such consideration shall also include the member's position in the department (i.e. Firefighter, Firefighter-EMT, or general member).

B. "Line Officer" is defined as any officer of the fire department except Secretary or Treasurer.

Section 2. All officers shall be elected by a majority vote. In the event of a tied vote, the membership in good standing at the annual meeting shall decide by a majority vote the means for breaking the tie. Such means and outcome shall be final and binding at the annual meeting.

Section 3. At no time during the election shall new nominations be permitted.

Section 4. In the case of death, resignation, or removal from office of an officer, an election shall be held at the next regular business meeting to elect a successor to fill out the un-expired term of such officer. The normal annual nomination process will not apply.

Section 5. A member must have had continuous service with the department for not less than 90 days immediately prior to the nomination of officers to nominate a member for office. A member must have had continuous service with the department for not less than 90 days immediately prior to the election of officers to vote in the election.

ARTICLE IV. DUTIES OF OFFICERS

Section 1. The duties of the Fire Chief shall be as follows: The Chief shall be in charge of personnel and equipment at all fires, emergencies, and other departmental functions and shall make or cause to be made such inspections as the Chief shall deem necessary. The Chief shall be responsible for organizing and conducting such schools or training programs for all members as the Chief shall deem necessary to ensure that the volunteer fire department will continue to function as an effective and efficient fire fighting organization. The Chief shall be in charge of any and all stations. The Chief may appoint committees as outlined in the by-laws and shall be a standing member of all committees appointed or imposed by the statutes of the State of New Mexico. The Chief may sign checks. The Chief shall be responsible for making any and all reports to the State of New Mexico pursuant to the requirements of the Volunteer Firefighter's Retirement Act, including all annual retirement certification reports.

Section 2. The Assistant Chief shall assist the Chief in the performance of the Chief's duties and, in the absence of the Chief, shall assume full responsibility.

Section 3. The Captain shall be next in line of authority after the Assistant Chief and, in the absence, of superior officers, shall assume command.

Section 4. The First Lieutenant shall be the next in the line of authority after the captain and shall assume command in the absence of superior officers.

Section 5. The Second Lieutenant shall be next in line of authority after the First Lieutenant and shall assume command in the absence of superior officers.

NO MEETING SHALL BE HELD WITHOUT ONE OF THE LINE OFFICERS PRESENT.

Section 6. The Secretary shall keep minutes of all meetings. The Secretary shall keep roll call, records for all meetings and training sessions. The Secretary, or the Chief's designee, shall keep such non-financial records as shall be deemed necessary for the proper and efficient operation of the volunteer fire department. The Secretary may appoint, with the Chief's permission, one corresponding secretary to assist with the correspondence of the fire department.

Section 7. The Treasurer shall keep a correct account of the donation funds and any other private funds of the fire department and shall render a true report of receipts, disbursements, and current balance at each meeting. The Treasurer shall deposit all money received in such bank or depository as shall be designated by the fire department. The treasurer shall receive all bills and shall draw instruments on the donation fund and any other private funds for the payment of the same only after the approval of the fire department by a majority vote at a regular meeting. The Treasurer may sign checks for such funds.

Section 8. All capital outlay items (land, trucks, buildings, radio equipment) must be approved by the membership at a regular business meeting. Emergency purchases must be approved by three or more elected line officers.

Section 9. Outgoing officers shall relinquish to their successors in office all records, money, and equipment which shall have come to them by reason of their office to the volunteer fire department.

ARTICLE V. IMPEACHMENT/REMOVAL OF OFFICERS

Section 1. Any officer of one of the volunteer fire departments may be removed from office for failure to perform his/her duties. Such removal shall have no bearing on his/her membership as a regular firefighter.

Section 2. The method for removal of an officer shall be as follows: A removal charge shall be made in writing and signed by at least four active members of the fire department. The charge shall be submitted to the Secretary at least four weeks prior to the date action may be taken on the charge. The Secretary shall then read the charge at the first regular business meeting after its receipt. At the time the charge is read, the officer charged may make his/her defense against the charges by calling witnesses or any other means at the officer's disposal. The proceedings shall then be suspended and held over until the next regular business meeting at which time there shall be in attendance at least two-thirds of the active members in good standing present and by written secret ballot shall vote to either remove or not remove the officer by a majority vote. In the event that the vote is tied, the officer shall not be removed from office.

ARTICLE VI. PERMANENT MEMBERSHIP

Section 1. Each fire district shall set the number of members of the fire department.

Section 2. To qualify for membership, an applicant must be at least 18 years of age and be in good health. Other qualifications for membership in each department may be set by that volunteer fire department. Membership shall not be based on gender, national origin, or religion.

Section 3. An applicant for membership shall meet the standards and qualifications of the respective volunteer fire departments.

ARTICLE VII. PROBATIONARY MEMBERSHIP

Section 1. A prospective new member shall submit an application for membership on a form designated by the fire department when the fire department is accepting applications. The Fire Chief may then appoint a screening committee consisting of three permanent firefighters to call on the applicant and make a report concerning his/her qualifications. The fire department may accept the applicant for probationary membership by a majority vote of the active members in attendance at the meeting wherein the screening committee report is made. The term of probationary membership should be six months.

Section 2. A probationary member shall be entitled to all of the rights and privileges and shall be subject to all of the duties of a permanent member.

He/she shall also be subject to the following special rules except as otherwise noted in these by-laws:

- A. During the probationary period, the probationary member should not be permitted to use apparatus or equipment during a practice, training session, or alarm, except in the presence of a permanent fireman or at the direction of a Line Officer;
- B. During the entire probationary period, the probationary member should not be permitted to drive any of the fire trucks, pumpers, or other apparatus at the time of the alarm except at the direction of a Line Officer;
- C. A probationary member shall show due diligence in attending all departmental meetings and alarms. If at the end of the probationary period, there is no cause for dismissal of the probationary member, then the probationary member shall be automatically considered to be a regular member.

ARTICLE VIII. DUTIES AND DISCIPLINE OF MEMBERS

Section 1. Each member of the fire department shall adhere to the principles set forth in these By-Laws. In addition, the member shall be subject to and follow the orders of a Line Officer during all alarms, training sessions, practice or other departmental functions. The member shall answer alarms, attend all departmental meetings, practices and required training sessions except when the member shall be excused by the Chief or the Chief's designee officer. The member may be excused from said activities only if he or she is too ill to attend, is away from the range of the alarm system, or for good and sufficient reason acceptable to the Chief or the Chief's designee officer. The member shall not leave the scene of an alarm, practice or training session until excused by the officer in charge or his/her designee.

Section 2. Disciplinary procedures against any member of the fire department may be initiated in either of two ways as enumerated below:

- A. The method of initiating and the procedure for acting upon charge(s) requiring expulsion shall be the same as for the removal of an officer. The action taken by the members of the fire department shall be final. A member may be subject to charges requiring expulsion for the following acts: willful or continued insubordination, conduct detrimental to the fire department, excessive absence from either scheduled meetings or alarms, and leaving the scene of an alarm without permission of the officer in charge.
- B. Certain acts committed by members which are detrimental to the fire

department but are not serious enough to warrant expulsion shall be dealt with as follows: The Line Officers shall have the duty to meet out such penalties as in their opinion shall be warranted by a majority vote of all Line Officers. To bring about such action, charges against a member must be made in writing and signed by at least two members of the fire department. Such charge(s) must be lodged with a Line Officer and a meeting of the Line Officers shall be call by the Chief for the purpose of considering such charge(s). At said meeting, the member(s) complained against shall be present. One Line Officer shall serve as Secretary at said meeting. Upon conviction, the member(s) complained against shall have the privilege of appearing at the next regular business meeting of the fire department and requesting a review of the decision of the Line Officers. A vote on the decision, by written ballot, shall then be taken of all active members in good standing there present at the meeting and the result shall be determined by a majority vote.

- C. A member missing more than two-thirds of all scheduled meetings and drills other than excused absences, in the course of a year will no longer be considered an active member in good standing. Such member is subject to a vote of de-activation by a majority vote of the active members present at any regular business meeting. The Chief or his/her designee for good cause may excuse all absences.

ARTICLE IX. RIGHTS OF MEMBERS

Section 1. Any active members shall have the right to attend all recreational functions of the fire department. Having met the qualifications enumerated in Article II, the active member may be a candidate for any elective office. The candidate may serve on any committee, either elected or appointed. The candidate shall have the right to defend him/her self and to air any grievance before the membership in a regular meeting if he/she feels any action by any committee, any individual, or group of individuals affecting him/her is unjust or improper. The result hereby obtained shall be conclusive and final. A member shall have the right to attend all meetings, schools, or training programs that are designed for the general membership.

ARTICLE X. RETIREMENT

Section 1. A retired firefighter shall retain the right to attend all social functions of the fire department. A retired firefighter may attend meetings but shall not participate in the proceedings thereof; nor shall the retired firefighter actively participate in any of the alarms or operations of the fire department. Should any retired firefighter, in the opinion of the fire department, consistently abuse his/her rights and privileges, that retired firefighter may be subject to loss

of said rights and privileges or any part of them by a majority vote of the active membership at a regular business meeting.

Section 2. At the time of retirement, the retiring member shall return to the fire department all fire department equipment except a key to the department.

Section 3. An honorary member (general member) shall be a person who renders valuable service to the fire department. Such person shall have been chosen by a majority vote of the active members of the fire department at a regular business meeting. Such person shall have all the rights of firefighters including the right to vote. Such person shall not use fire-fighting apparatus or respond to alarms.

ARTICLE XI. RESIGNATION

Section 1. A member of the fire department may resign at any time. Such resignation may be either written or verbal notice to the Fire Chief or his/her designee. In the event that said resignation is verbal, the Fire Chief shall instruct a Line Officer to confirm with the member that the resignation is verbal and true. A member who resigns must return all departmental equipment and he/she forfeits all rights and privileges of membership except as hereinafter provided. A member resigning due to ill health which prevents him/her from continuing his/her duties as an active fireman may be granted all of the rights and privileges granted to a retired firefighter by a majority vote of the active members of the fire department at a regular business meeting of the fire department.

ARTICLE XII. COMMITTEES

Section 1. All committees appointed or elected shall exist for the duration set by the Fire Chief and shall not submit written reports unless directed to do so by him/her. The Fire Chief or his/her designee shall be a standing member of all committees.

ARTICLE XII. AMENDMENTS OF THESE BY-LAWS

Section 1. These By-Laws may be amended by submitting the proposed amendment(s), in writing, signed by the member(s) proposing the amendment(s) to the Secretary of any fire department at any regular meeting of the fire department. The Secretary will then read the proposed amendment(s) by the member(s) of the fire department and it shall be tabled until the next regular meeting at which time a vote shall be taken on the proposal. If a majority vote of those in attendance at the next regular business meeting is in favor of the amendment(s) it shall then be brought before the next monthly meeting of the Fire Chief's Association. The Fire Chiefs will at this meeting vote on whether to bring the proposal to a vote of the rest of the fire departments. A simple majority of the Fire Chiefs will be sufficient to call a vote of the rest of the fire departments

on the proposed amendment(s). Once a majority of the members of a majority of all the county fire departments have approved the proposed amendment(s), it shall then be brought before the Grant County Commission. If the Grant County Commission approves the proposed amendment(s), it shall become a part of these By-Laws.

ARTICLE XIV. MEETINGS

Section 1. Each fire department shall set its own schedule for regular monthly meetings. The meeting shall be held at 7:00 p.m. unless otherwise designated by the Fire Chief.

Section 2. Each fire department shall set its own schedule for training meetings of the fire department. These meetings shall be held for the express purpose of training.

Section 3. A special meeting may be called by the Fire Chief provided all members of the fire department are notified verbally by the Fire Chief, or in writing by his/her designee, at least three days prior to this special meeting.

Section 4. An emergency meeting which concerns the immediate welfare of the fire department may be called by the Fire Chief (or in his/her absence by the next in line of command) at any time, provided the Chief notifies or causes to be notified all members that can be reached.

Section 5. A current copy of the By-Laws will be on file in each station for public viewing.

ARTICLE XV. ORDER OF BUSINESS

Section 1. The order of business at regular business meetings of the fire department may be as follows:

- A. Meeting called to order.
- B. Roll call.
- C. Reading and approval of minutes from previous meeting.
- D. Secretary's and Treasurer's reports
- E. Reports of fires – with list of members attending
- F. Any committee reports
- G. Unfinished business
- H. New business
- I. Communications
- J. Roll call and adjournment

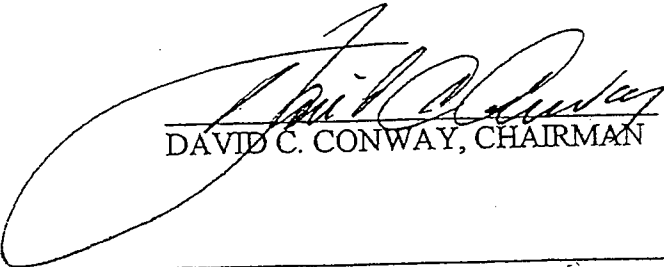
Section 2. Roberts Rules of Order govern the conduct of the meeting.

ARTICLE XVI. EFFECTIVE DATE

The date which these By-Laws go into effect shall be April 26, 2001.

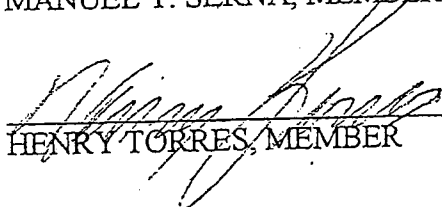
PASSED, APPROVED AND ADOPTED by the Board of Grant County Commissioners of Grant County, New Mexico, this 26th day of April, 2001.

BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY



DAVID C. CONWAY, CHAIRMAN

MANUEL T. SERNA, MEMBER



HENRY TORRES, MEMBER

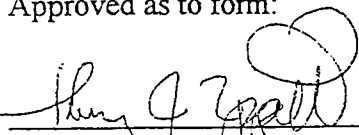
ATTEST:



Gabriel Ramos
County Clerk



Approved as to form:



Sherry Tippett, County Attorney