

By- Laws

Post Mountain Volunteer

Fire Department, Inc

Revised 6-2008

By-Laws

Post Mountain Volunteer Fire Department Inc.

ARTICLE 1

Name and Place of Business

- SECTION 1. The name of this organization shall be Post Mountain Volunteer Fire Department, Inc.
- SECTION 2. The principal office of this district shall be located in the Post Mountain Community Fire Station, Leflore County, Oklahoma.

ARTICLE 2

Corporate Powers

- SECTION 1. The corporate powers of the District shall be vested in the Board of Directors, hereinafter referred to as the Board.

ARTICLE 3

Purpose and Objectives

- SECTION 1 The purposes and objectives of the district are as follows:
- A. To provide life safety and fire safety protection.
 - B. To extinguish, control, and prevent structural fires and wildfires.
 - C. To conduct an active education program for the membership in the areas of fire prevention, property security ,and life protection.
 - D. To enter into contracts for the purpose of accomplishing the purposes of the district with any person or government agency.

- E. To cooperate with any person or with any government agency in any undertaking designed to further the purpose of the district.
- F. To do and perform all acts necessary or desirable for the accomplishment of the purposes of the district which may lawfully be done by such district under laws of the State of Oklahoma.

ARTICLE 4
Right to Vote

SECTION 1. The only persons having the right to vote shall be fully paid members served by the district.

SECTION 2. Votes cast at the annual meeting shall be one per household, residence, business, or landowner paid membership.

ARTICLE 5
Election of Directors.

SECTION 1. The Board of this district shall consist of seven elected members, all of whom shall be participating members of the district. The Fire Chief shall be a member of the board. At each annual meeting of the participating members, the participating members shall elect for a term of two years the number of directors whose terms of office have expired. Any director or Fire Chief shall be eligible to succeed himself if elected by the new board of directors pursuant to this article.

SECTION 2. Immediately following the annual meeting of the participating members, the board shall meet and shall elect a chairperson; vice-chairperson; secretary, treasurer, and Fire Chief from among themselves, each of whom shall hold office until the next annual meeting and until the election and qualification of his successor unless sooner removed by death, resignation or for cause. The office of the secretary and treasurer may be

held by one person.

SECTION 3. Any vacancy in the board, other than from the expiration of a term of office, shall be filled by appointment by the remaining members of the board. The remaining members of the board shall be the basis for a quorum. The disqualification of a director as a participating member of the district or failure of any director to become a participating member within 30 days after appointment, shall operate to disqualify him as a director and to create a vacancy in the office of the board.

SECTION 4. A majority of the board shall constitute a quorum at any meeting of the board.

SECTION 5. Any board member of the district may be removed from office for any cause deemed to be detrimental to the best interest of the district by a vote of not less than 3/4ths of the participating members of the district at any annual or special meeting called for that purpose. The board member affected shall be informed in writing of the charges preferred against him/her at least 10 days before such meeting, whether regular or special, and at the meeting shall have an opportunity to present witnesses and be heard in person answer thereto.

ARTICLE 6

Powers and Duties of Directors

SECTION 1. The board, subject to restriction of law, and these By-Laws, shall exercise all the powers of the districts; and without prejudice to or limitation upon their general powers, it is hereby expressly provided that the board shall have , and is hereby given, full power and authority in respect to the matters as hereinafter set out:

- A. To select and appoint all agents and employees of the district or remove such agents and employees of the district for just cause, prescribe such duties, and designate such powers as may not be

inconsistent with these By-Laws.

- B. To borrow from any source money, goods or services and to make and issue notes, and other negotiable and transferable instruments, mortgages, deeds or trust and trust agreements, and do every act and thing necessary to effectuate the same.
- C. To prescribe, adopt, and amend, from time to time, such equitable and uniform rules and regulations, as in their discretion, may be deemed essential or convenient for the conduct of the business and affairs of the district and the guidance and control of its agents and employees.
- D. To fix charges to be paid by users for services rendered by the district, the time of payment, and the manner of collection; and to establish equal rates for all members according to the amount of services furnished.
- E. To select one or more banks to act as depositories of the funds of the district and to determine the manner of receiving, depositing and disbursing the funds of the district in the form of checks, and the person or persons, by whom the same shall be signed with the power to change such bank or person signing such checks and form thereof at will.

ARTICLE 7

Duties of Board Members

SECTION 1. Chairperson. The chairperson, who shall be a member of the board, shall preside over all meetings of the district and the board. Call special meetings as approved by a majority vote

of the board, perform all acts and duties usually performed by an executive and presiding officer, and shall sign all certificates and such other papers of the district as he or she may be authorized or directed to sign by the board provided the board may authorize any person to sign checks, on behalf of the district, provided that all checks must be signed by two officers. The chairperson shall perform such other duties as may be prescribed by the board.

SECTION 2. Vice-Chairperson. In the absence or disability of the chairperson, the Vice-Chairperson, who shall be a member of the board, shall perform the duties of the chairperson.

SECTION 3. Secretary. It shall be the duties of the secretary, who shall be a member of the board, to keep a record of the proceedings of the meetings of the board and of the district. They shall serve, or cause to be served, all notices required to be served by law or the by-laws of the district, and in case of their absence, inability, refusal or neglect to do so, then such notices may be served by any member of the board directed by the chairperson.

SECTION 4. The treasurer, who shall be a member of the board shall receive and account for all funds of the district, shall deposit the same in same bank designated by the board as a depository; and pay, or cause to be paid, obligations of the district out of the depository of checks signed by two officers. At each annual meeting of the district, the treasurer shall submit for the information of the participating members a complete statement of the account for the past year, and shall discharge such other duties pertaining to the office as shall be prescribed by the board. At the end of each fiscal year, the treasurer's and petty cash books shall be audited by two members of the Post Mountain Volunteer Fire Department the Treasurer and the keeper of the petty cash. The two members shall be appointed by the chairperson and can be any member at large.

SECTION 5. General duties of all board members.

- A. Check writing as assigned by the Board of Directors.
- B. Attend board meetings, regular and special or assign proxy as necessary.
- C. In the event that a director is unable to attend a board meeting, that director should appoint a proxy to represent him or her at that meeting. The eligible proxy shall be chosen from paid voting age district residents, district business owners or district landowners. The proxy shall have a voting right.

SECTION 6. The Fire Chief, Who shall be a member of the board, as defined by Article 8 below.

ARTICLE 8

Department Officers and Firefighters.

SECTION 1. The Fire Chief:

- A. The Fire chief shall be the head of the operations department, subject to the laws of the state of Oklahoma, and the rules and by-laws of this district.
- B. The Fire chief shall be responsible for the general condition and efficient operation of the department, the training of members and the performance of all other duties imposed upon him.
- C. The Fire chief may inspect or cause to be inspected by members of the department all sources of water supply

available for fire suppression purposes at least twice yearly. Results of this inspection shall be made available to other Firefighters so that a knowledge of water source is current.

- D. The fire chief shall make every effort to attend all fires and direct the officers and Firefighters in the performance of their duties.
- E. The fire chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.
- F. The fire chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion and incendiaries, shall notify the proper authorities and secure and preserve all possible evidence for future use in the case
- G. The fire chief shall by personal example exhibit a mature and professional attitude which will bring credit upon the department.
- H. The fire chief will be a member of the board appointed by the majority vote of the Board of Directors as provided in Article 5, section 2.

SECTION 2. The Assistant chief:

- A. In the absence of the fire chief, the assistant fire chief Shall perform all duties and responsibilities of the Fire Chief.
- B. The assistant fire chief can be a member of the board.

SECTION 3. Active fire department Firefighters

- A. The active Firefighters shall be selected upon their

ability to meet the following requirements;

1. Their knowledge of fire fighting.
2. Their ability to act as leaders.
3. Their knowledge of firefighting equipment.
4. Their availability to respond to alarms of fire or other emergencies.
5. Their willingness to serve the best interest of this department.

ARTICLE 9

Cause for Removal of Department Firefighters.

SECTION 1. An active department Firefighter may be removed for cause as determined by the board or for acts of negligence or other such infractions determined to be detrimental to the performance of the department.

SECTION 2. Any volunteer Firefighter refusing to attend alarms of fire, training classes or three consecutive unexcused absences in a period of three months will be dropped.

SECTION 3. Any Firefighter shall be dropped from the role for the following offenses:

- A. Conduct unbecoming a fire fighter.
- B. Any act of insubordination to the chief, assistant chief, other officials in charge from any mutually assisting agency or member of the board of directors.
- C. Neglect of duty.
- D. Any violation of rules and regulations governing the fire department.
- E. Conviction of misdemeanor offenses deemed by the board to be detrimental to the interest of the department.
- F. Conviction of a felony.

ARTICLE 10

Books and Records

SECTION 1. The books and records of the district, and such papers as may be placed on file by vote of the district or directors, shall during all reasonable business hours, be subject to inspection by any participating member of the district.

SECTION 2. All checkbooks, cancelled checks, business documents, and records shall be housed at the Department Fire station. Excepted that the checkbook may be kept in the possession of the Treasurer if kept within the District or, with approval of the board of directors and available for inspection.

ARTICLE 11

Annual Meeting of Participating Members

SECTION 1. The annual meeting of participating members of the district shall be held at a time and at a suitable location designated by the board. Proper notice and meeting shall be held within sixty days prior to the end of the district's fiscal year.

SECTION 2. Special meeting of participating members may be called at any time upon resolution of the board of directors or upon written petition to the board of directors, signed by 51% of the participating members of the district. The purpose of every special meeting shall be stated in the notice thereof, and no business shall be transacted thereat except such as is specified in the notice.

SECTION 3. The participating members present at any meeting of participating members shall constitute a quorum for the purpose of transacting business.

SECTION 4. The order of business at the regular meetings and so far as possible at all other meetings, shall be:

- A. Call to order.
- B. Posting Notice of Meeting.
- C. Reading and approval of minutes of last meeting.

- D. Report of officers and committees.
- E. Unfinished business.
- F. New business.
- G. Adjournment.

ARTICLE 12
Board Meetings

SECTION 1. The board shall meet monthly at a convenient time and date as decided by board members and may meet at such other times as may be decided by the board. Notice of all meetings of the board shall be by telephone, email, in person or by mailing a notice to the last known business or residence address of each director, at least five days before the holding of such meeting.

SECTION 2 Emergency meetings shall be called as decided by a majority of the directors and all reasonable efforts to notify all directors shall be exhausted prior to holding the emergency meeting.

ARTICLE 13
Amendment

SECTION 1. The by-laws may be repealed or amended by a vote of 3/4ths of the participating members present at any regular meeting of the district, or at any special meeting of the district called for that purpose except that the participating members shall not have the power to change the purposes of the district so as to impair its rights and powers under the laws of the state of Oklahoma, or to waive any requirement of bond or other provision for the safety and security of the property and funds of the district or its participating members, or to deprive any participating member or landowner of rights and privileges then existing, or to so amend the by-laws as to affect a fundamental change in the policies of the district. Notice of any amendment to be made at any regular or special meeting

of the participating members must be given at least ten days before such a meeting must set forth the amendments to be considered.

ARTICLE 14
Basis of Operation

SECTION 1. The district shall at all times be operated on a not-for-profit basis for the mutual benefit of its participating members.

SECTION 2. Any protection or membership fees shall at time of payment accrue to the members property and shall not be transferable or refundable.

ARTICLE 15
Printing

SECTION 1. After adoption, these by-laws shall be prepared and a copy thereof may be made available to members upon request.

ARTICLE 16
Rules of Order

SECTION 1. All meeting of the board of directors and any other meetings held by the district shall be conducted pursuant the Roberts Rules of Order and Procedure.

ARTICLE 17
Membership Qualification and Dues

SECTION 1. Membership shall be open to all households, residents,

business operators, and landowners located within the area served by the district pursuant to article 4.

SECTION 2. Property covered by an individual membership shall be limited to a single residence, inclusive of all outbuildings or business location.

SECTION 3. Membership dues shall be \$25.00 per year with the membership year commencing each July 1. Dues are due and payable prior to the start of the membership year.

SECTION 4. There will be a \$250.00 charge for each instance of department service to a non-member of the district. The department will respond to all calls for service where possible, whether from district members or non-members.

SECTION 5. In the event Leflore county Voters pass a sales tax resolution, the board of directors reserve the right to eliminate or reduce run and or membership fees.

