

**BY-LAWS OF THE FIRE DEPARTMENT
OF THE
TOWN OF MAMARONECK, NEW YORK
WESTCHESTER COUNTY**

(Revised November, 10, 2021)

BY-LAWS
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ARTICLE I - OFFICERS GENERALLY

Section 1.1: Officers

The Officers of this Department shall be those specified and provided for in the Department's Constitution, and they shall be nominated and approved as prescribed in said Constitution. No active volunteer member of another Fire Department shall hold office in this Department.

Section 1.2: Mid-Term Vacancies

Should a vacancy occur in any of the offices of the several Fire Companies, the Company shall call a special meeting of the Active Members of the Company in which such vacancy occurred, within thirty (30) days after notification by the Fire Council to the Company that there is a vacancy, and, failing that, the Council shall call the meeting. The vacancy shall be filled in the same manner as at the annual meeting of the Company.

Section 1.3: Elections To Fill Vacancies

Should a vacancy occur in any of the offices of this Department, such vacancy shall be announced at the next regular monthly meeting of the Department. Thereafter, at the next regular monthly Departmental meeting following such announcement, Active Members eligible to vote for Department Officers at the previous annual Departmental elections shall vote to fill such vacancy in the manner provided for in Article XI of these By-Laws.

ARTICLE II - DUTIES AND POWERS OF OFFICERS

Section 2.1: Duties Generally

The duties and powers of the Chief and Deputy Chiefs shall be as provided in the Constitution and as provided by law.

Section 2.2: Captain and Lieutenant Duties

The Company Captains and Lieutenants' duties shall be to command firefighters at fires and drills and perform such other duties as the Chief or Fire Council may direct.

Section 2.3: Superior Officers

It shall be the duty of each officer to act at all times as assistant to his/her superior officer and, in his/her absence, to exercise all the powers and discharge all the duties of same.

Section 2.4: Secretary

The Secretary of the Department shall have charge of all the Department records and papers pertaining to his/her office. The Secretary shall call the roll at every regular assemblage and keep a record of same, shall record in proper book form full proceedings of all meetings, and shall attend to all correspondence pertaining to the Secretary's office or as the Chief or Department may direct. The Secretary shall send out notices of all meetings when so instructed or as provided for in the several sections of these By-Laws and the Constitution. The Secretary shall also act as Secretary of the Fire Council, if so authorized by said Council.

Section 2.5: Financial Secretary

The Financial Secretary shall collect all monies due the Fire Department, including all dues and fines, and keep an accurate account of same. The Financial Secretary shall pay to the Treasurer after each regular or special meeting all monies in his/her possession belonging to the Fire Department, taking his/her receipt from the Treasurer in a book kept for that purpose. The Financial Secretary shall draw vouchers for all bills ordered paid by the Fire Department, countersigned by the Chief, and present said vouchers to the Treasurer for payment. The Financial Secretary shall submit a report of all transactions at each regular meeting of the Fire Department.

Section 2.6: Treasurer

The Treasurer of the Fire Department shall receive from the Financial Secretary all monies collected by the latter and shall have custody of same and all other funds of the Department. The Treasurer shall deposit these monies in an account in the name of the Department in a depository duly authorized by said Department, and shall keep an accurate and proper account of all monies received and expended by him/her. The Treasurer shall not pay any bills unless a voucher is presented for the amount signed and countersigned by the Financial Secretary and Chief, respectively, and shall pay by check, countersigned by the Chief, all bills so presented. At each regular meeting, the Treasurer shall submit a statement of the financial condition of the Department.

Section 2.7: Bonding

The Financial Secretary and Treasurer shall be bonded by the Department for such sums as the Department may designate.

Section 2.8: Surgeon

The Surgeon shall be a duly licensed physician and an Honorary Member of the Department. The Surgeon shall perform such duties as directed by the Fire Council without pay in the same manner as all other volunteer members of the Department.

Section 2.9: Attorney

The Department Attorney shall be admitted to practice law in New York State and an Honorary Member of the Department. The Department Attorney shall advise the Chief, Fire Council and By-Law Committee on all legal matters or other Department business as determined by the Chief or Fire Council and as provided in the Constitution. The Department Attorney shall perform the above duties without pay in the same manner as all other volunteer members of the Department.

ARTICLE III - MEMBERSHIP

Section 3.1: Membership Generally

This Department shall consist of an active membership as provided for in Article IV of these By-Laws of not more than 215 and such other classes of members the Department shall from time to time determine and as provided for in these By-Laws.

Section 3.2: Eligibility

A person eligible to active membership in this Department shall be a resident of the Fire District or such non-residents as have become eligible pursuant to the provisions of Section 176 B of the Town Law, at least 16 years of age and of good character and not an active volunteer member of any other Fire Department. An Active Member who subsequently resides outside the unincorporated area may remain on active or associate status provided he/she meets all other requirements.

Section 3.3: Application for Membership

Any person applying for admission to be an Active Member of this Department, except as otherwise provided, shall present an application in writing in accordance with applicable law. The application shall be read at a regular meeting of the Department. The application shall then be given to the Membership Committee for investigation, who shall report back at the next meeting, at which time, it shall be balloted upon as described in Section 3.4 of this Article.

Section 3.4: Active Members

All applications for candidates for active membership in this Department shall be voted upon by secret ballot of the Active Members at a monthly meeting. A majority vote of these Active Members present shall be sufficient to elect a candidate to membership. Upon election, an Active Member must continue to meet the requirements of active membership as set forth in Article IV of these By-Laws.

Section 3.5: Associate Members

Any person who has been elected to membership in this Department in the manner provided in Article III, Section 3.4, and who has served a minimum of 5 years in good standing as an Active Member, may request to become an Associate Member. Associate Membership will entitle the person to be invited to all Department functions at one-half the designated guest fee. The person's spouse, family, or guest shall pay the regular guest charges. Such person shall have no vote in Department elections or the business of the Department, and cannot hold an office in the Department.

Section 3.6: Honorary Members

The Department may include Honorary Members. Any person may become an Honorary Member of this Department by a vote of the members present at any meeting in the manner prescribed in Section 3.4 of this Article. An Honorary Member does not have to reside in the Fire District. Honorary Members do not have to sign an application and are not entitled to vote or debate.

Section 3.7: Vacancy in Active Membership

Vacancies occurring in the Active Membership Rolls shall be filled from the Associate Rolls provided any Associate Members are available and eligible; except that an eligible firefighter who is on the Associate Roll requesting his/her reinstatement on the Active Roll shall be given preference over other associate firefighters in filling the vacancy.

Section 3.8: Transfer from Associate to Active Membership

Any Associate Member desiring to become an Active Member must state his/her desire to the Fire Council in writing. All appointments to the Active from the Associate Roll are to be made by the Fire Council in the order received.

Section 3.9: Career Firefighters

Any person who becomes a permanent member of the career firefighter staff of this Department may not hold membership as an Active Member in this Department. A volunteer member of this Department who becomes a career firefighter of this Department may remain as a volunteer member only while on probation, and upon becoming a permanent career firefighter of this Department, his/her membership as a volunteer will terminate as of that date. Any person who terminates the position of a permanent career firefighter of this Department may request reinstatement of membership as a volunteer of this Department on the condition that he/she had been a volunteer of this Department prior to his/her becoming a permanent career firefighter if the request is made within 180 days after leaving his/her career position.

ARTICLE IV - CATEGORIES OF ACTIVE MEMBERSHIP

Section 4.1: Categories of Active Membership Generally

There shall be Five (5) classes of Active Members (A, B, C, D and Junior) who shall be considered members on the Active Roll, as that term is referred to in the several Articles and Sections of the Constitution and By-Laws of the Department. In computing the percentage of the total number of fire calls, regular meetings and regular drills as provided by these By-Laws to determine a class of active membership, a twelve (12) month annual calendar period from December 1 to November 30 of each year shall be used regardless of the date of the election to achieve membership.

Section 4.2: Active Member "A"

An Active Member "A" is a member on the Active Roll who has an average attendance at the aggregate of regular meetings, regular drills and all fire calls of at least 30% for the twelve (12) month period preceding the Annual Meeting for the election of Officers of the several Companies. **Should a current member fail to achieve 30% in such twelve month period ("the Year"), but has an average of 30% in the two preceding years, and is over 10% in the current year, the member shall be an Active Member "A" in the Year.** An Active Member "A," subject to the additional requirements of other Articles of the Constitution and By-Laws of the Department, is eligible to vote in the Annual Departmental and Company elections, as well as hold any chief, line officer or warden office.

Section 4.3: Active Member "B"

An Active Member "B" is a member on the Active Roll who has an average attendance at regular meetings, regular drills and all fire calls of at least 20% for the twelve (12) month period preceding the Annual Meeting for the election of the Officers of the several Companies. An Active Member "B," subject to additional requirements of other Articles of the Constitution and By-Laws of the Department, is eligible to vote in the Annual Departmental and Company elections but is not eligible to hold any line officer position, but may be elected as a Company warden.

Section 4.4: Active Member "C"

An Active Member "C" is a member on the Active Roll who has an average attendance at regular meetings, regular drills and all calls of at least 10% for the twelve (12) month period preceding the Annual Meeting for the election of officers of the several Companies. An Active Member "C" is subject to the requirements of other Articles and By-Laws of the Department, is permitted to respond to all fire calls and vote in regular monthly meetings, except as otherwise restricted by other provisions of these By-Laws or Constitution, but may not vote in the Annual Departmental and Company elections and may not hold any chief, line officer or warden office.

Section 4.5: Active Member “D”

An Active Member “D” is a member on the Active Rolls who is a member with twenty (20) years of active service. Members who have completed twenty years of active service, in order to be in good standing, must have an average attendance at the aggregate of regular meetings, regular drills and general alarms of at least 5% for the twelve (12) month period preceding the Annual Meeting for the election of officers of the several Companies. An Active Member “D,” subject to any additional requirements of other Articles of the Constitution and By-Laws of the Department, shall be eligible to vote in the Annual Departmental and Company elections, but must meet the requirements of an Active Member “A” to hold any chief or line officer, and Active Member “B” to hold the office of warden.

Section 4.6: Life Member - Requirements

There shall be a category of active membership known as Active Life Member. Any person who has served thirty (30) years as an Active Member in good standing shall be eligible to become an Active Life Member by making a written request to the Fire Council, who will make the transfer official. A Life Member shall not be required to maintain any specific percentage of attendance at Fires, Meetings, or Drills in order to retain the right to vote, but may not hold any chief, line officer, or warden office unless he/she otherwise meets the requirements for those offices as set forth in these By-Laws. Active Life Members shall not be counted as part of the Departmental or Company limit in total.

Section 4.7: Excused Absences

An Active Member shall be entitled to two (2) excuses from regular meetings and two (2) excuses from regular drills during each twelve (12) month period, and the request for an excused absence must be submitted in writing to the Chief for approval prior to the meeting or drill for which the excuse is requested. An approved excuse will result in a deduction of the aggregate number of calls applicable to that member when determining the percentages set forth in this Article.

Section 4.8: Failure to Meet Minimum Requirements

An Active Member who fails to maintain the minimum percentage requirements for Active Member “C” status, or Active Member “D” where applicable, in any twelve (12) month period preceding the Annual meeting for the election of officers of the Department and the several Companies, shall be transferred by the Fire Council to the Associate Rolls if that member is otherwise eligible to become an Associate Member in accordance with these By-Laws; or, if not eligible, be dismissed from the Department. The provisions of this paragraph notwithstanding, any member transferred to the associate roles or dismissed for failing to meet the minimum percentage may by written request to the Fire Council request immediate reinstatement. The written request shall set forth good cause for such reinstatement. Should the Fire Council find good cause justifying reinstatement, it may reinstate the member to Active

Member “C” status for a probationary period of six (6) months, during which time he/she must fulfill all the requirements of an Active Member. If the member meets such requirements during the probationary period, such member shall be restored to the rolls of Active Membership. If such member fails to meet the requirements during the six month period, the member may make written requests to the Fire Council for additional incremental six month probationary periods, but in no event shall the total probationary period be more than eighteen (18) consecutive months. A member who is removed from Active Membership in accordance with this paragraph, or fails to meet the requirements of an Active Member after being reinstated on a probationary basis as set forth herein, may after a period of not less than one (1) year submit an application to be restored as an Active Member in accordance with paragraph 4.10 of these By-Laws.

Section 4.9: Special Meetings and Drills and Still Alarms

In computing the aggregate average attendance prescribed in Section 4.1 of this Article, attendance at Special Meetings, Special Drills and Still Alarms shall not be credited, except that members who have fallen below the 20% average required for Active Member “B” status shall be given full credit for such attendance in substitution for fire calls, regular meetings or regular drills missed by such member.

Section 4.9.1: Alternative method to calculate Still Credit

- 1) If required under Article 4 of the Bylaws, A member may provide service to the Department in the form of standby time to secure **STILL ALARM** credit as outlined in this section.
- 2) Any time credited for standby time will be credited as **STILL ALARM** credit as awarded and formulated in section 4.9.1(5)
- 3) The process, and procedures for stand by time shall be established by the Chief of the Department and approved by Fire Council. These procedures and processes may be modified by the Chief and Council at any time as needed.
- 4) Any application for standby credit shall be reviewed and approved or declined by the Chief (or his/ her designate) and Fire Council.
- 5) **Still Credit** may be awarded as follows:
 - (a) 1 Still credit for every 3 hours of standby time provided.
 - (b) 1 **Still** credit for every 3 hours of training time as approved by the Chief (including travel time).
 - (c) Standby Still credit will not be awarded should a call take place during a period of standby time but, actual call credit shall be awarded. The exception to this rule would be where a prolonged departmental operation or house call is in effect. Then the initial call credit is awarded and additional **STILL** credit according to subsection (a).
 - (d) Still credit is capped at 20% of calls as outlined in section 4.9 and only applied if needed for the ability to remain an active member or to vote in departmental elections. **ANY OTHER REQUIREMENT(S) SHALL REMAIN UNCHANGED.**

- 6) The Department may establish stand by time creditable under this section for the following:
- (a) Members who wish to stand by in quarters for calls: Members who avail themselves must respond should a call be received unless otherwise directed by an officer policy or procedure.
 - (b) Training: Members may receive stand by time credit for approved departmental training. The Chief and Fire Council shall establish and review such requests as appropriate.
 - (c) Prolonged departmental operations: The Chief and Fire Council may for the good of the department designate non-emergency operations as standby credit eligible operations. These events should be established if they qualify in advance so members are aware. Pre designation is not required for emergencies such as house calls or prolonged fire operations as declared by the Chief.
 - (d) Any event, declared disaster other occurrence that mandates a major change to the operation of the Department. Such request would be made by the Chief of the Department and authorized by the Fire Council.
- 7) Fire Council may suspend this section or decline to approve any credit to be awarded until the policies, procedures or processes are established and approved.
- 8) Should any member be proven to abuse or provide fraudulent or misleading representation requests under this section, said member may be subject to disciplinary action by the Fire Council. Such action shall may include but not be limited to stripping of credit issued under this section, disciplinary action, suspension, or any other action permitted under the Bylaws.

Section 4.10: Probation

Following election to active membership in this Department, and during the first twelve (12) months of membership, a new member must remain in good standing by meeting the requirements of Active Membership as provided in Articles IV and V of these By-Laws. At the end of this twelve month probationary period, the Fire Council shall review each new member's record of service to determine his/her eligibility to remain a member of this Department. A new member found ineligible as a result of this review will forfeit his/her fees and dues, but may, after a period of not less than one (1) year, submit a written application to the Fire Council for membership reinstatement. The Fire Council may grant the application only upon a certification that the member is likely to fulfill the duties of Active Membership. A member so reinstated shall be subject to the one year probationary period and Fire Council review as provided herein and pertaining to new members.

A member on the Junior Member roll will remain on probation for the entire time while on the Junior Member roll and 12 months after being transferred to the Active Member roll.

Section 4.11: Active Member “Junior Member”

A Junior Member is a member on the Active Roll who is sixteen (16) or seventeen (17) years old. A Junior Member, subject to the requirements of other Articles and By-Laws of the Department, may respond to fire calls, attend meetings and drills but is not eligible to vote in regular monthly meetings or Annual Departmental and Company elections and shall not hold any chief, line officer or warden office. A Junior Member shall attend a minimum of 50% of all monthly meetings and drills. A Junior Member shall not hold any other Active Member status.

Upon becoming 18 years of age, the Junior Member shall upon written application to the Fire Council be transferred to the Active Member rolls as an Active Member in accordance with the criteria set forth elsewhere in these By-Laws. Time served on the Junior Member roll will not count towards the minimum time required to be a member for any other provisions of the By-Laws, Constitution or SOP’s unless they specifically include Junior Members. A Junior Member that does not submit a written application to Fire Council within six (6) months of his or her eighteenth (18) birthday shall be dropped from membership.

ARTICLE V - FURLOUGHS

Section 5.1: General Furlough

Each member shall be entitled to four (4) furloughs of a maximum of seven (7) days each during the year for any purpose other than a medical purpose. Such furloughs must be approved by the Fire Council upon a written request within sixty (60) days prior to or subsequent to the furlough. Any calls, meetings, or drills occurring on days when a member is on furlough shall be deducted when determining the annual aggregate of those events for purposes of calculating a member’s percentage for purposes set forth in these By-Laws. Any member who has been granted a furlough under this provision shall refrain from participating in Departmental activities, except those of a social nature. Should a member attend a fire or emergency call, drill or meeting, the furlough will become voided. If a member wishes to return to active duty before the period ends, he/she may do so by permission of the Chief. If so restored to active duty, the member will nevertheless be deemed to have used a furlough, but shall not be entitled to the deduction of calls, meeting, or drills when calculating an annual percentage.

Section 5.2: Medical Furloughs

Each member shall be entitled to a medical furlough if the member is medically unable to perform the duties required of an Active Member. Medical furloughs shall be granted by the Fire Council upon the written request of a member stating that a member is not medically fit.

A medical furlough shall be for a period of ninety (90) days, with a member having the right to apply to the Fire Council for two (2) additional 90 day incremental extensions, which application must be supported by a statement by a physician that the member is medically unable to perform his or her duties.

In lieu of granting an additional 90 day extension, or upon having been granted two additional 90 day extensions as set forth above, notwithstanding any provision to the contrary in Section 3.5 of these By-Laws, the Fire Council may place the member on the Associate Member Rolls. However, a member on medical furlough who has filed a Worker's Compensation claim for a line of duty injury shall remain an active member, and cannot be placed on the Associate Member Rolls, until such time as the Worker's Compensation file is closed.

No member who has been granted a medical furlough shall participate in any firematic or emergency activities such as physical drills and calls, but may participate in meetings, classroom-only training and serve on committees when physically able, and shall be entitled to all rights and privileges due an Active Member. A member on medical furlough shall not receive any drill credit for such classroom training. Any member who has been granted a furlough under this provision shall refrain from participating in Departmental activities, except those of a social nature.

A member on medical furlough may only be restored to active duty upon written application to the Fire Council supported by authorization from a physician.

Any calls, meetings, or drills occurring on days when a member is on medical furlough shall be deducted when determining the annual aggregate of those events when calculating a member's percentage for purposes set forth in these By-Laws for remaining an Active Member B or C, but shall not be deducted when computing eligibility for Active Member A status.

Section 5.3: Student Furlough

A member who is a full-time student shall be entitled to a student furlough. A student furlough shall be granted by the Fire Council upon written request by a member stating that his/her school enrollment will not allow the member to perform the duties of an Active Member. When a member receives a student furlough, the member-student must nevertheless maintain an aggregate of not less than 5% of attendance of fires, meetings, and drills in order to remain in good standing as provided in Section 4.10 of these By-Laws. A member on student furlough may participate in Department functions, such as responding to fires, meetings, and drills when available, but shall not be a Department chief, company officer, or warden in any calendar year where that member was on a student furlough.

ARTICLE VI - DUTIES OF MEMBERS

Section 6.1: Standard Operating Procedures

All members will be governed by the "Standard Operating Procedures" which is a document setting forth operational and procedural guidelines for the Town of Mamaroneck Fire Department. The Standard Operating Procedures are all designed with safety in mind and are not meant to place undue restrictions on members. The Standard Operating Procedures will be

updated, as necessary, as the Department's operations and training requirements change. The Standard Operating Procedures shall cover the majority of situations encountered but may not be all inclusive in view of the unpredictable nature of firefighting and emergency services. Deviations in conduct required by the Standard Operating Procedures may be subject to disciplinary action by the Fire Council.

Section 6.2: Refusal to Obey Orders

Any Officer, member or employee refusing to obey orders or committing an act of insubordination shall be subject to fine, expulsion or suspension as the Chief or Fire Council may direct under the powers given to them by the Constitution, By-Laws and statute.

Section 6.3: Charges By Members

Any charges against an Officer, member or employee for violation of the Rules or for conduct unbecoming an Officer or firefighter shall be addressed to the Chief in writing. Such charges shall be addressed in the manner provided by applicable provisions of the Constitution, these By-Laws, and statute.

ARTICLE VII - MEETINGS AND DRILLS

Section 7.1: Regular Meetings

Regular meetings of this Department shall be held on the second Wednesday of each month at seven-thirty (7:30) P.M. with the exception of the month of December when the Annual Meeting shall include the Regular meeting agenda for the month.

Section 7.2: Annual Meetings

The annual meeting of this Department shall be held on the Thursday following the first Tuesday in December of each year, pursuant to the provisions of the Constitution and according to law.

Section 7.3: Regular Drills

Regular drills of the Active Members of this Department shall be held each month on the Tuesday following the monthly meeting, subject to change by the Chief of this Department.

Section 7.4: Special Meetings or Drills

Special meetings or drills of this Department shall be held at the call of the Chief, the Fire Council or upon written request of fifteen (15) members addressed to the Fire Council and stating the purpose of the meeting.

Section 7.5: Notice of Special Meeting

No Departmental business shall be transacted at any special meeting unless notice stating such business shall have been mailed to all Active Members three (3) days prior to such special meeting.

Section 7.6: Quorum

Fifteen (15) Active Members shall constitute a quorum, entitling any meeting to conduct Departmental business.

Section 7.7: Order of Regular Meeting Agenda

The order of all regular meetings shall be as follows:

PLEDGE OF ALLEGIANCE
ROLL CALL
READING OF MINUTES
REPORT OF OFFICERS AND COMMITTEES
REPORT OF OFFICERS (ANNUAL MEETING)
COMMUNICATIONS AND BILLS
FINANCIAL SECRETARY'S REPORT
TREASURER'S REPORT
PROPOSITIONS FOR MEMBERSHIP
ELECTION OF APPLICANTS FOR MEMBERSHIP
ELECTION OF OFFICERS (ANNUAL MEETING)
UNFINISHED BUSINESS
NEW BUSINESS
GOOD AND WELFARE
ADJOURNMENT

Section 7.8: Governing Rules for Meetings

In case of a dispute or argument as to the order of rules of debate, the rules set down in the revised Cushing's shall govern.

ARTICLE VIII - FEES AND DUES

Section 8.1: Application Fee

The application fee for active membership in the Department shall be five (5) dollars, payable at the time of signing the application.

Section 8.2: Annual Dues

The annual dues for active membership shall be twenty (20) dollars, payable to the Financial Secretary in advance of the first day of January each year. Persons with twenty (20) years of active service, the Chiefs, the Captains, Financial Secretary, Treasurer, Surgeon, Chaplain, and Attorney are exempt from dues.

Section 8.3: Fines

Any fines imposed for non-attendance at fires, meetings, drills or any assemblage regularly called and for infractions of House Rules shall be provided by the Fire Council.

Section 8.4: Arrears

No member shall be allowed to be in arrears for dues or fines for more than three (3) months. The Financial Secretary shall post on the Departmental Bulletin Board the names of all members who are in arrears for dues or fines for two (2) months. At the same time, he/she shall notify such delinquent members of their status in writing and inform them that their names will be reported to the Fire Council one (1) month from the date of such notice for appropriate action unless said delinquency is corrected before then. Any member who is in arrears for dues or fines for three (3) months will be reported in writing by the Financial Secretary to the Fire Council. Any member so reported shall be liable to expulsion from the Fire Department by the Fire Council.

ARTICLE IX - COMMITTEES

Section 9.1: Standing Committees

There shall be nine (9) standing committees; namely, House, Entertainment, Membership, Auditing, Nominating, Safety, Service Awards, Attendance and Budget Committees. All other committees are to be a sub or special committee.

Section 9.2: Committee Chairs

The Chairpersons of these committees are to be appointed by the Chief of the Department at a regular monthly meeting, except as otherwise specified by these By-Laws.

Section 9.3: House Committee

The House Committee shall be empowered, subject to the control of the Fire Council, to formulate and enforce all House Rules and Regulations governing the use of the House and furnishings.

Section 9.4: Entertainment Committee

The Entertainment Committee shall have charge of and make arrangements for all social functions as instructed by the Department.

Section 9.5: Membership Committee

The Membership Committee shall receive and investigate all applications for membership. Each application shall be thoroughly investigated and checked to fully insure that applicant meets all requirements for membership as set forth in the Constitution and By-Laws of the Department before it is submitted at the next regular meeting for balloting. The Membership Committee shall also perform such other duties as directed by the Chief and Fire Council.

Section 9.6: Auditing Committee

The Auditing Committee shall examine the records and accounts of the Financial Secretary and Treasurer and shall verify, by written and signed statements on such records and accounts, that financial conditions so reported are true and accurate. All records and accounts of the Financial Secretary and Treasurer shall be audited by the Auditing Committee by January 31st and will reflect the prior year's financials.

Section 9.7: Nominating Committee

The Nominating Committee shall consist of the most recent preceding five (5) former Chiefs elected to office who are currently active members as provided in Article IV of these By-Laws. The senior member of this committee shall act as chairperson. The term "senior member" shall refer to the member who has been a former Chief the longest in comparison to the other members of the Nominating Committee. As each Chief of the Department terminates his/her term of office, he/she shall automatically become a member of the Nominating Committee; and provided that there are at least six former Chiefs with active status, the chairperson of the Nominating Committee shall cease to be a member at such time, with the next eligible senior member becoming chairperson of the Nominating Committee. If there are five or less former Chiefs having active member status, then the chairperson shall continue to serve until such time that there are five eligible former Chiefs willing to serve on the Nominating Committee. In the event that there are less than five eligible former Chiefs willing to serve, the Nominating Committee shall consist of such number of eligible former Chiefs willing to serve and the Nominating Committee shall have the full authority provided herein with no diminution. The Nominating Committee shall interview, investigate and thoroughly evaluate possible candidates for the office of Chief, First and Second Deputy Chiefs and Department Captains to determine a candidate's fitness and qualifications for that office. These interviews and investigations shall be conducted prior to the month of November of each year. The Nominating Committee shall meet in the month of October of each year to select the best qualified candidate for the office of Chief, Deputy Chiefs and Department Captains and present its recommendations to the Department at the next regular meeting in November of each year.

Section 9.8: Safety Committee

The Safety Committee shall be responsible for overseeing and monitoring matters of safety and health affecting the Department. The Fire Council shall appoint the members of the Safety Committee to be comprised of one chief, four members of the Department and one member of the career staff.

Section 9.9: Service Award Committee

The Service Award Committee shall be responsible for overseeing and monitoring the Service Award Program of the Town of Mamaroneck Fire Department. The Service Award Committee shall be comprised of three (3) members each of whom shall be a past or present Chief or line officer.

Section 9.10: Attendance Committee

The Attendance Committee, whose members shall include the Departmental Secretary and others designated by the Chief, shall be responsible for compiling and certifying each individual member's attendance records as required by these By-Laws.

Section 9.11: Budget Committee

The Budget Committee shall be responsible for the formulation and presentation of an annual Departmental budget for approval of the members.

Section 9.12: Standards and Officer Requirements Committee

The Standards and Officer Requirements Committee shall be responsible for overseeing and monitoring matters concerning the Department's Standard Operating Procedures as they pertain to firefighter and officer training requirements. The Standards and Officer Requirements Committee shall make recommendations and reports to the Fire Council, and submit to the Fire Council for approval any proposed change or modification to the Standard Operating Procedures as they pertain to firefighter and officer training requirements. The Standards and Officer Requirements Committee shall consist of the current Chief, First Deputy and Second Deputy Chiefs of the Department and four other members as appointed annually by the Fire Council.

ARTICLE X - AMENDMENTS AND SUSPENSION OF BY-LAWS

Section 10.1: Amendments

No part of these By-Laws shall be altered or amended unless the proposed amendment is presented in writing at one meeting previous to the meeting at which such action is to be taken. Amendments to the By-Laws must be approved by a vote of two-thirds (2/3) of the Active Members eligible to vote for By-Laws changes present and voting at the meeting. Notice that an

amendment is to be voted upon and a copy shall be given to each member at the meeting where the amendment was first presented by hand delivery at the time of presentation or mailed at least fifteen (15) days prior to the meeting where it will be voted upon. Voting on any amendment shall be done by secret ballot. A vote on a By-Law amendment for which adequate notice was given in accordance with this section may be adjourned to a subsequent meeting without the necessity of an additional hand delivery or re-mailing, provided that a notice of the adjournment is posted in a conspicuous designated place in the firehouse.

Section 10.2: Suspension of By-Laws

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Section 10.3: Constitution is Controlling

Nothing in these By-Laws shall in any way invalidate the provisions of the Constitution of the Fire Department of the Town of Mamaroneck.

Section 10.4: Cancellation of Prior By-Laws

The adoption of these revised By-Laws shall cancel all previous By-Laws.

ARTICLE XI - VOTING

Section 11.1: Balloting

All secret balloting, as referred to in the several Articles and Sections of the Constitution and of these By-Laws, shall proceed as follows:

- A. Three (3) special deputies shall be selected by the presiding individual.
- B. The deputies shall be responsible for the distribution of all ballots, the security of the ballot box while balloting is being conducted, and for the counting of the ballots after balloting has been completed.
- C. After counting and recording the balloting of the members present and voting, all blank or unreadable ballots shall be recorded and will not be counted as affirmative or negative, and will not reduce the total needed for majority. The total number of members present and eligible to vote shall not be reduced by these blank or unreadable ballots. If a motion has been stated in the affirmative, it must receive a majority of affirmative readable ballots to be adopted. If a motion has been stated in the negative, it must receive a majority of readable ballots supporting the negative position to be adopted.

- D. The deputies shall then present the balloting information to the presiding individual who will announce the results of the ballot to the members present.

Section 11.2: Certification of Voting Eligibility

The percentages of calls, meetings, and drills as required for voting pursuant to Article IV of these By-Laws shall be computed by the Attendance Committee and duly certified to the Department by the Chief.

Section 11.3: Voting Eligibility for Company Elections

At the Annual Meeting of the several Companies, only those Active Members eligible to vote for the election of Departmental Offices shall be entitled to vote for Company Offices.

Section 11.4: Voting Eligibility for Departmental Elections

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Section 11.5: Voting Eligibility for Constitution or By-Law Amendments

Only those members on the Active Roll entitled to vote at the last preceding Annual Meeting for the election of Departmental Offices shall be entitled to or allowed to vote on amendments to the Constitution or amendments to these By-Laws.

ARTICLE XII - BUDGET COMMITTEE

In order to ensure the efficient spending of Departmental funds the Department shall adopt an annual budget.

Section 12.1: Budget Committee Members

The Budget Committee shall consist of the Financial Secretary, Treasurer, and such additional members as appointed by the Chief.

Section 12.2: Term of Budget

The budget shall govern spending of Department funds raised by the members for each respective fiscal year (July 1 - June 30).

Section 12.3: Budget Controls Expenditures

Spending by the Department shall only take place from funded budget accounts. All expenditures shall be duly proposed, seconded and carried by a majority of the members present at a regularly scheduled meeting in accordance with the provisions of these By-Laws.

Section 12.4: Cash Basis

The budget shall be based on a cash basis not on anticipated funds as of the April monthly Departmental meeting. Any funds received by the Department after the April meeting shall be transferred to a Departmental savings account.

Section 12.5: Annual Budget Meeting

The Budget Committee shall meet in April after the monthly meeting and formulate a budget based on the amount of money on hand less the amount remaining in the current budget.

Section 12.6: Budget Categories

The Budget Committee shall formulate budget categories based on the operational requirements of the Department.

Section 12.7: Presentation to Members

The budget shall be presented to the members at the May monthly Departmental meeting. If adopted by a simple majority of the members present and eligible to vote according to the Bylaws, the budget shall take effect July 1.

Section 12.8: Budget Approval/Disapproval

If the budget is not approved, the committee shall meet and reformulate the budget based on the guidance of the members. The budget shall be voted on at the next regularly scheduled monthly departmental meeting. If the budget is passed by a simple majority of those present and eligible to vote, prior to July 1, it shall take effect July 1. If the budget is passed after July 1, it shall take effect immediately.

Section 12.9: Department Spending

Once adopted, spending of Departmental funds shall only be from the adopted budget and to the extent as funded in the budget categories for the fiscal year.

Section 12.10: Exhaustion of Funds

Should a budget category be exhausted, funds shall not be permitted to be used from another expense category. However, a “general” category shall be established that may be used for any lawful expenditure providing that the procedures in section 12.3 are adhered to.

Section 12.11: Amended Budget

If requested by a majority of the members, or by the Chief, the Budget Committee may be called into a special work session and formulate an amended budget to reflect the spending for the remainder of the year. The amended budget shall be voted on at the next scheduled monthly meeting of the Department. If the amended budget is passed by a simple majority of the members at the next regularly scheduled monthly meeting, the amended budget shall take effect immediately.

Section 12.12: Budget Funding

The General category shall be funded as follows: Half its funding will be available for expenditure in the first half of the fiscal year. The balance plus any unspent funds in the General category account shall be available for expenditure in the second half of the fiscal year.

Section 12.13: Non-Budget Spending

The members may raise funds for any project or purchase not covered in the budget providing that they have the approval of the Chief, do not interfere with Departmental fund raising and have the approval of the members as outlined in the bylaws.

Section 12.14: Budget Monitoring

The Audit Committee shall monitor the budget for compliance.

Section 13.1: Electronic Mail

Any member may elect to receive any notice required hereunder by electronic mail by notifying the Secretary of the Department of such election and an electronic mail address. Upon such election, notice to such member shall be considered the same, and having identical effect, to a mailing as provided in the Department Constitution and hereunder.

