

VISTA FIRE DEPARTMENT

CONSTITUTION

AND

BY-LAWS

The Constitution and By-laws of Vista Fire Department, Inc. as amended May 3, 2010 and all subsequent amendments thereto are hereby repealed and the following articles, as approved by the membership, are hereby substituted in their stead and take effect upon their approval this 7th day of March, 2011.

All Active Members of Vista Fire Department, Inc. are also bound by the rules and regulations set forth in the current Firefighter Health and Safety Program of Vista Fire District No. 1.

In the event of a conflict between the Constitution and By-laws of Vista Fire Department, Inc. and the Firefighter Health and Safety Program of Vista Fire District No. 1, the Firefighter Health and Safety Program of Vista Fire District No. 1 shall take precedence.

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VISTA FIRE DEPARTMENT

CONSTITUTION

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VISTA FIRE DEPARTMENT

CONSTITUTION

ARTICLE I

Name and Purpose

1. This Company shall be known as the Vista Fire Department, Inc.
2. The purposes of this Company are to furnish fire protection, emergency medical services and general emergency assistance to that portion of the Town of Lewisboro, County of Westchester, State of New York so called Vista Fire District #1.

ARTICLE II

Executive Officers (House Officers)

1. In addition to the duties listed within this Constitution, the Executive Officers of this Company (also known as House Officers) shall act as officers of the corporation in accordance with New York State Law.
2. The Executive Officers of this Company shall be:
 - a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer
 - e. Assistant Secretary
 - f. Assistant Treasurer

ARTICLE III

Fire Officers (Line Officers)

1. In addition to the duties listed within this Constitution, the Fire Officers of this Company (also known as Line Officers) shall act as fire officers for the Vista Fire District #1 in

accordance with New York State Laws and the Firefighter Health and Safety Program of Vista Fire District #1.

2. The Fire Officers of this Company shall be:
 - a. Chief
 - b. Assistant Chief(s)
 - c. Captain(s)
 - d. Lieutenant(s)
3. The number of Fire Officers, their required qualifications and their duties shall be as defined by the Firefighter Health and Safety Program of Vista Fire District #1.

ARTICLE IV

Membership

1. There shall be five (5) classes of membership: Active, Probationary, Associate, Honorary and Exempt.
2. **ACTIVE MEMBERS**
 - a. Active Members must meet the requirements of the Firefighter Health and Safety Program of Vista Fire District #1.
 - b. All candidates for active membership must meet one of the following requirements:
 - reside within Vista Fire District #1
 - work full time within Vista Fire District #1; or
 - reside in a bordering or other nearby fire district and be able to render active service in Vista Fire District #1.
 - c. Active Members are required to attend Department meetings, parades and all other Department functions and to serve on committees in addition to their Active duties.
 - d. Active Members shall be required to attend at least one (1) meeting per quarter in order to maintain their active status.
 - e. All Active Members are required to maintain the District's fire and medical vehicles and equipment as assigned by the Chief.

- f. The Vista Firehouse and grounds are owned by the Vista Fire District #1, but all members are required to keep the building and grounds in good condition.
- g. Active Members under the age of eighteen (18) shall only serve as Exterior Firefighters and/or Logistics. In addition, Active Members under the age of eighteen (18) shall:
 - not drive any apparatus
 - not hold elected office
 - not ride in the back of an ambulance during a call
 - not be permitted to participate in any hazardous duty
 - not take command
 - have a voice and a vote at Department meetings
 - serve on committees as appointed
- h. Active Members who have served as chief shall be exempt from the requirements of paragraphs 2.d., 2.e, and 2.f. above.

3. PROBATIONARY MEMBERS

- a. New Active Members shall be in a probationary status for at least their first six (6) months of membership, but for no longer than one (1) year, unless such probationary status is extended by the Chief. Probationary Members must complete prescribed training for one of the Fire District's active jobs and shall receive training in accordance with established Vista Fire Department guidelines.
- b. Except as provided in paragraph c(3) below, Probationary Members shall have all rights of active membership.
- c. After completion of all required training and after at least six (6) months of duty, during which the Probationary Member shall demonstrate competency and understanding of Department procedures, the Chief may remove the Probationary Member's probationary status and shall notify the membership of such. If a Probationary Member remains on probation for a full year, the Chief must take one of the following steps and notify the Department of such:
 - 1. Remove the Probationary Member from probation.
 - 2. Continue the Probationary Member on probation. (This step is appropriate in instances in which the Chief is satisfied that the Probationary Member will complete the requirements needed for active status but needs more time in which to do so.)
 - 3. Recommend the expulsion of the Probationary Member in accordance with Article XII of the By-laws.

4. ASSOCIATE MEMBERS

- a. Associate membership shall be divided into two categories:
 - (1) Resident Associate Members living within Vista Fire District #1 or a bordering fire district.
 - (2) Nonresident Associate Members living outside Vista Fire District #1 or a bordering fire district.
- b. Associate Members must be elected by the majority of the voting members present. Any member who has served ten (10) years as an Active Member and has paid up his/her dues and fines will be accepted as associate without the need of a vote. All other candidates for associate membership must be elected. This includes change of status from active with less than ten (10) years of duty to associate.
- c. Associate Members may not perform any active duties (e.g., fire fighting, rescue, etc.)
- d. Resident Associate Members are required to participate in fundraising activities, parades and building maintenance and, if appointed, to serve on a committee.
- e. Resident Associate Members shall have a voice at all Department meetings and may hold House Office, but may only vote on house affairs.
- f. Nonresident Associate Members shall have a voice at the Department meetings, but may not vote.
- g. Resident Associate Members must attend at least one (1) meeting every six months.
- h. Associate Members must pay dues unless they have completed ten (10) years of active duty.

5. HONORARY MEMBERS

- a. Honorary membership is a class of membership bestowed on any individual upon whom special honor is to be recognized.
- b. Honorary Members may attend meetings of the Department, but shall not have a vote.
- c. Honorary Members shall not hold any office.
- d. Honorary Members shall not perform any active duties.

e. Honorary Members shall not be required to pay dues.

6. EXEMPT MEMBERS

- a. Exempt membership is a New York State status for which an Active Member may apply only after being honorably discharged as an Active Member of the Company.
- b. In order to apply, a member must have served a minimum of five (5) years as an active firefighter.
- c. Exempt Members of the Vista Fire Department have the same rights and privileges as Associate Members and the rights and privileges bestowed by New York State.
- d. Exempt Members have the same duties as Associate Members (resident or nonresident, as applicable).
- e. Exempt Members pay dues in accordance with Associate Member status.

7. FULFILLMENT OF DUTIES:

Any Active Member who has failed to fulfill his/her membership requirements including those in Section VII (Inservice Training) of the Firefighter Health and Safety Program of Vista Fire District #1 or any Associate Member who fails to fulfill his/her membership requirements may be subject to expulsion from the Department.

ARTICLE V

Elections

1. LINE OFFICERS

- a. Nominations for Chief, Assistant Chiefs, Captains and Lieutenants shall be made by the active membership at the March regular monthly meeting of the Department.
- b. The nominations shall be posted until the vote during April's special meeting.
- c. All Line Officers must meet the requirements specified by Vista Fire District #1.
- d. All voting shall be made by ballot at a special meeting of the Department following the April meeting.

- e. Voting shall take place one position at a time starting with Chief and working down through the ranks in “Chain of Command” order.
- f. The election of officers shall be by majority vote of the Active Members present at the special meeting.
- g. Only Active Members shall vote for Line Officers. If the President is not an Active Member the next highest ranking House Officer who is an Active Member shall preside over the elections.
- h. If the officer presiding at the special meeting is a candidate for a position being voted on, then the next qualified officer present shall preside over the election of that position.
- i. No nominations may be made at the special meeting for the election of officers. Candidates whose names were posted for one (1) month prior to the meeting, however, may be nominated at the special meeting for a lower position.
- j. In the event that there are more than two candidates for a single position and after the vote there is no candidate with a majority, the two candidates with the most votes from the first ballot shall run in a second ballot for the position.
- k. After election, the full slate of officers accepted by the Department will be presented in writing to The Board of Fire Commissioners of Vista Fire District #1 for approval at its next meeting following the April meeting of the Department. If any officer(s) is not accepted by the Board of Fire Commissioners, the Department shall hold another special meeting to elect a new officer(s). This procedure shall continue, if necessary, until a full slate of officers has been approved by the Board of Fire Commissioners.

2. HOUSE OFFICERS

- a. Nominations for President, Vice President, Secretary, Treasurer, Assistant Secretary, and Assistant Treasurer may be made by Active and Resident Associate Members at the April meeting of the Department.
- b. Nominations for House Officers shall be posted until a special meeting following the May regular monthly meeting of the Department.
- c. Nominees shall be at least eighteen (18) years of age and have served at least one (1) year as an Active Member or a Resident Associate Member.
- d. All voting shall be done by ballot at a special meeting following the May regular monthly meeting of the Department.

- e. Voting shall take place one position at a time, starting with President and working down the “Chain of Command” for House Officers.
- f. Election is made by the majority of the voting membership present at the special meeting. Only Active and Resident Associate Members may vote in such elections.
- g. No nominations may be made at the special meeting for the election of officers. Candidates whose names were posted for one (1) month prior to the meeting, however, may be nominated at the special meeting for a lower position.
- h. House Officers shall serve a one (1) year term starting at the close of the special meeting through the following year’s special meeting for the election of House Officers.

3. MEMBERSHIP

- a. Nominations for membership may be made by any member of the Department.
- b. All applications must be signed by the proposing member and be accompanied by a \$5.00 non-refundable application fee.
- c. All applications will be reviewed initially by the Investigating Committee which shall report to the membership on its findings.
- d. The proposing member shall write the candidate’s name on the blackboard in the truck bays for all members to clearly see at least one (1) week prior to the Department meeting at which the candidate will be proposed to the membership for admission.
- e. Any person under the age of eighteen (18) who is applying for active membership must be accompanied by a parent or legal guardian during the meeting with the Investigating Committee.
- f. The Investigating Committee will present the application to the membership at the first available meeting of the Department stating the membership status for which the applicant is applying, who the sponsoring member is and the results of the committee’s findings. The Investigation Committee shall only use the words “favorable” or “unfavorable” in reporting its recommendation to the membership.
- g. All voting on applicants for membership shall be by secret ballot at a regular meeting of the Department.
- h. Acceptance into membership shall be by a two-thirds (2/3) vote of the voting members present at the meeting. (Active and Resident Associate Members only may vote).

- i. Only candidates whose names were posted for at least a week may have their applications submitted to the membership for vote.
- j. Applications for active status must be approved by the Board of Fire Commissioners after approval by the membership.
- k. If an applicant fails to win acceptance in accordance with paragraph 3(h) above or is not approved by the Board of Fire Commissioners, the application will be deemed to be “Disapproved.”
- l. A member who ceases to reside or work full time within Vista Fire District #1 or to reside in a bordering or other nearby fire district and to remain able to render active assistance in Vista Fire District #1 shall be dropped from the active rolls. A member with ten (10) years or more of active service who relocates may change his/her status to that of Non-Resident Associate Member without the need for a vote. A member with less than ten (10) years of active service who relocates must apply for associate membership within three (3) months of relocating or be dropped from the rolls.

ARTICLE VI

Executive Officers’ Duties

- 1. **President.** It shall be the duty of the President:
 - a. to act as President of the corporation under New York State Law.
 - b. to preside fairly and impartially at all meetings of the Department.
 - c. to enforce order at all meetings of the Department.
 - d. to cast the deciding vote in the event of a tie at any election at which he/she presides. (See Article II, Paragraph 10 of the By-laws.)
 - e. to appoint members in accordance with these By-laws to the committees enumerated in Article IX of the Constitution and to such other committees as the President deems necessary to operate the Department.
 - f. to call special meetings of the Department at his/her discretion or when requested in writing by seven (7) Active Members of the Department.
 - g. to appoint two (2) tellers, who shall be voting members, to count ballots at any ballot election.

- h. to fill any vacancies in house officer positions or on any Department committee, should the President determine that such position is to be filled, until the next regular election. Such appointments shall be made at the next regular monthly meeting of the Department following the date upon which a vacancy arises.
- i. to have final authority in the disbursement of all keys used to secure any of the Department's equipment and supplies.
- j. to seek and secure legal counsel for the corporation as he/she sees fit. Funds for such purpose must be appropriated by the membership in accordance with the Constitution and By-laws prior to any such expenditure.
- k. to ensure that necessary business of the Department is transacted if a regular monthly meeting of the Department is not held.
- l. to serve as an ex-officio member of all Department committees along with the Chief.
- m. to hold office until his/her successor takes office.
- n. to be one of four (4) officers who may co-sign a Department check.
- o. to see that the District Services Manager receives attendance records of the participation of all Active Members in Department activities for tabulation in the District's Service Awards Program.
- p. to enter into contracts on behalf of the Department when so authorized by the membership in accordance with Article IX, section 4 hereof.
- q. to ensure that all necessary insurance for the Department and the members is in effect. Any expenditure of Department funds for insurance shall be made in accordance with Article X hereof.
- r. to place on notice any member who fails to fulfill his/her obligations to the Department.
- s. to maintain an inventory of badges and to issue badges to members as he/she sees fit.

2. **Vice President.** It shall be the duty of the Vice President:

- a. to assist the President in the discharge of his/her duties.
- b. to officiate in place of the President when the President is absent.

- c. to be one of four (4) officers who may co-sign a Department check.
 - d. to keep track of Associate Members' dues obligations and members' fines and to notify delinquent members of any dues and fines outstanding prior to the April meeting of the Department.
3. **Secretary.** It shall be the duty of the Secretary:
- a. to keep an attendance record of the Department at all meetings.
 - b. to prepare minutes of the Department's meetings which shall be true and accounts thereof.
 - c. to maintain a file of all documents relating to the Department.
 - d. to furnish all members with a copy of the Constitution and By-laws and any amendments thereto.
 - e. to notify all members in writing of any unscheduled meetings at least two (2) weeks prior thereto.
 - f. to keep a record of the status of all members including their class of membership, their dates of acceptance as members, fines, suspensions, expulsions and attendance at house functions.
 - g. in the absence of the President and Vice President, to preside at regular monthly meetings and other authorized meetings of the Department.
 - h. If the Secretary is unable to attend a meeting, he/she shall insure that all necessary books and records of the Department in his/her custody are brought to the meeting.
 - i. For the faithful performance of his/her duty, the Secretary shall receive \$500.00 per year.
4. **Treasurer.** It shall be the duty of the Treasurer:
- a. to receive all dues and fines.
 - b. to receive all incoming money for the Department.
 - c. to maintain the bank accounts and such other financial accounts as may be established by the Department.
 - d. to pay the bills as directed by the Department within one (1) week of the Department meeting at which such payment is authorized.

- e. to keep a correct account of all receipts and disbursements.
 - f. to submit his/her records to the Finance Committee when called upon to do so.
 - g. to report to the membership each month on the status of the Department's finances.
 - h. if unable to attend a regular monthly meeting of the Department, to insure that the monthly status report of the finances is provided to the membership at the meeting.
 - i. to chair the Budget Committee's yearly meeting.
 - j. to be one of four (4) officers who may co-sign a Department check.
 - k. to prepare a list of bills to be read by the President at regular monthly meetings.
 - l. to report the issuance of Department check(s) to the membership at the next regular monthly meeting of the Department following the issuance of such check(s) in accordance with Article X, section 2 hereof.
 - m. For the faithful performance of his/her duties, the Treasurer shall receive \$500.00 per year.
5. **Assistant Secretary.** It shall be the duty of the Assistant Secretary to assist the Secretary in the discharge of his/her duties.
6. **Assistant Treasurer.** It shall be the duty of the Assistant Treasurer:
- a. to assist the Treasurer in the discharge of his/her duties.
 - b. to be one of four (4) officers who may co-sign a Department check.
7. An executive officer may be removed from office by a two-thirds (2/3) vote of the members present at a special meeting held for that purpose.

ARTICLE VII

Fire Officers' Duties

1. **Chief.** It shall be the duty of the Chief (in addition to the duties described in New York State Law and the Firefighter Health and Safety Program of Vista Fire District #1):

- a. to have exclusive control over the Active Members of the Department at calls, drills, parades, inspections, and any other occasions when the Department is on duty.
 - b. to see that the rules and regulations of the Board of Fire Commissioners are observed and that the orders of the Board of Fire Commissioners are duly executed.
 - c. to see that all Fire District equipment and apparatus is kept in working order for immediate service.
 - d. to keep a record of all calls, drills, parades and other activities under his/her jurisdiction.
 - e. to report to the Department at its regular monthly meeting all calls responded to over the month and the nature of such calls.
 - f. to secure all Fire District equipment as seen fit under lock and key and disperse keys as he/she sees fit.
 - g. to ensure that all Active Members fulfill Department requirements (including attendance requirements).
 - h. to put Active Members who fail to fulfill Department requirements on notice. If, after being put on notice, a member continues not to fulfill Department requirements (including attendance requirements), the Chief may pursue expulsion pursuant to Article XII of the By-laws.
 - i. to fill any vacancies in the Line Officers positions by appointment to serve until the next regular election, should the Chief determine that such position is to be filled, pending the approval of the Board of Fire Commissioners.
 - j. to serve as ex officio member on all Department committees along with the President and to serve as chairman of the Investigating Committee.
 - k. to act as an intermediary between the Board of Fire Commissioners and the Vista Fire Department (including the House Committee) concerning recommendations and actions within their respective areas of responsibility concerning the building and grounds.
2. **Assistant Chiefs.** It shall be the duty of the Assistant Chiefs to aid the Chief in the performance of his/her duties and to take command in his/her absence.
 3. **Captains.** It shall be the duty of the Captains to aid the Chief and the Assistant Chiefs in the performance of their duties and to take command in their absence.

4. **Lieutenants.** It shall be the duty of the Lieutenants to aid the Chief, Assistant Chiefs and Captains in the performance of their duties and to take command in their absence.

ARTICLE VIII

Vacancy

1. EXECUTIVE OFFICERS

a. President.

- i. In the event the President permanently vacates his/her executive office for any reason (death, incapacity, disqualification, resignation, requirements of law, etc.), the Vice President shall immediately relinquish the duties of Vice President and assume the duties of President as provided for in Article VI, Paragraph 2, Line b of the Constitution.
- ii. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, if at the time the vacancy occurs there are more than three months remaining in the vacated term of office, then the Vice President shall serve as President only temporarily and shall schedule a special meeting to take place immediately after the next regular monthly meeting of the Department (of which adequate notice has been given) to elect a President to fill the remainder of the vacated term.
- iii. The membership shall be provided at least two weeks written notice of the special meeting to elect a President to fill the remainder of the vacated term.
- iv. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, the Vice President shall direct the Nominating Committee to recommend a nominee for President to the membership at the next regular monthly meeting of the Department. At that regular monthly meeting, the membership shall have an opportunity to present nominations from the floor, each of which must be seconded to be valid. Only the nominee recommended by the Nominating Committee need not be seconded.
- v. Nominees shall be at least eighteen (18) years of age and have served at least one (1) year as an Active Member or a Resident Associate Member.
- vi. No nominations may be made at the special meeting to elect a President to fill the remainder of the vacated term. Only Active and Resident Associate Members may vote and voting shall be by ballot. Election is made by the majority of the voting membership present at the special meeting.

- vii. The President-elect shall take office immediately upon close of the special meeting and shall serve the remainder of the vacated term.
 - viii. President for the subsequent term shall be elected as provided for in Article V of the Constitution (Election) and Article III of the Bylaws (Nominations).
- b. Other Executive Officers.
- i. In the event the Vice President, Secretary, Treasurer, Assistant Secretary or Assistant Treasurer permanently vacates his/her executive office for any reason (death, incapacity, resignation, requirements of law, etc.), the President shall promptly appoint a successor to serve out the remainder of the vacated term.
 - ii. The appointed successor shall be at least eighteen (18) years of age and have served at least one (1) year as an Active Member or a Resident Associate Member.

2. LINE OFFICERS

- a. Chief and Assistant Chiefs.
- i. In the event the Chief, First Assistant Chief, or Second Assistant Chief permanently vacates his/her office for any reason (death, incapacity, disqualification, resignation, requirements of law, etc.), then the vacancy created shall be immediately filled by the next available fire officer down the chain of command as identified in Article VII, Paragraph 2 of the Bylaws (Chain of Command). The person filling the Chief's vacancy, and assuming the duty, responsibility, and authority of Chief, shall be known as the Acting Chief. The person filling the Assistant Chief's vacancy, and assuming the duty, responsibility, and authority of Assistant Chief, shall be known as the Acting (First or Second) Assistant Chief. The Acting Chief (or Acting Assistant Chief) shall remain in office until replaced as provided for in the election process detailed below and in Article V of the Constitution (Elections).
 - ii. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, if there are more than three months remaining in the vacated term of office assumed by an Acting Chief (or Acting Assistant Chief), then the President shall schedule a special meeting to take place immediately after the next regular monthly meeting of the Department (of which adequate notice has been given) to elect a Chief to replace the Acting Chief (or Acting Assistant Chief) and fill the remainder of the vacated term. Otherwise the Acting Chief (or Acting Assistant Chief) shall serve the remainder of the vacated term.

- iii. The membership shall be provided at least two weeks written notice of the special meeting to elect a Chief (or Assistant Chief) to fill the remainder of the vacated term.
- iv. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, the President shall direct the Nominating Committee to recommend a nominee for Chief (or Assistant Chief) to the membership at the next regular monthly meeting of the Department. At that regular monthly meeting, the membership shall have an opportunity to present nominations from the floor, each of which must be seconded to be valid. Only the nominee recommended by the Nominating Committee need not be seconded. The Secretary shall prepare a list of all duly nominated candidates for Chief (or Assistant Chief).
- v. Nominees should meet the requirements for Chief (or Assistant Chief) set forth in the Firefighter Health and Safety Program of Vista Fire District #1.
- vi. No nominations may be made at the special meeting to elect a Chief (or Assistant Chief) to fill the remainder of the vacated term. Only candidates on the Secretary's list of nominees are eligible for election. Only Active Members may vote and voting shall be by ballot. Election is made by a simple majority of the voting membership present at the special meeting.
- vii. Prior to the close of the special meeting, the President shall direct the Secretary to deliver a letter addressed to the Vista Fire District #1 Board of Fire Commissioners, at or prior to the next District meeting, announcing the Chief-elect (or Assistant Chief-elect) and requesting prompt approval by the Board.
- viii. The Chief-elect (or Assistant Chief-elect) shall take office immediately upon approval by Vista Fire District #1 Board of Fire Commissioners and shall serve the remainder of the vacated term. If the Chief-elect is not approved by the Board, then the Acting Chief shall continue in the position. If the Assistant Chief-elect is not approved by the Board, then the Assistant Chief-elect shall continue in the position. If more than three months continue to remain in the vacated term, than the election process described in paragraphs ii through vii directly above shall be repeated until a Chief-elect (or Assistant Chief-elect) is approved by the Board.
- ix. The Chief (or Assistant Chief) for the subsequent term shall be elected as provided for in Article V of the Constitution (Election) and Article III of the Bylaws (Nominations).

b. Other Fire Officers.

- i. In the event a Captain, Lieutenant, or other line officer permanently vacates his/her line office for any reason (death, incapacity, disqualification, resignation, requirements of law, etc.), the Chief may (but is not required to) appoint a successor to temporarily fill the vacated position.
- ii. Any appointed successor should meet the requirements for the office as set forth in the Firefighter Health and Safety Program of Vista Fire District #1.
- iii. If there are three months or less remaining in the vacated term of office, then at or prior to the next meeting of the Vista Fire District #1 Board of Fire Commissioners, the Chief shall request approval by the Board of the line officer appointment, if any. If approval is not granted, the Chief shall remove the temporary successor and may (but is not required to) appoint another temporary successor until approval is granted by the Board. The approved appointee shall serve the remainder of the vacated term.
- iv. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, if there are more than three months remaining in the vacated term of office, then the President shall schedule a special meeting to take place immediately after the next regular monthly meeting of the Department (of which adequate notice has been given) to elect a qualified member to fill the remainder of the vacated line officer term.
- v. The membership shall be provided at least two weeks written notice of the special meeting to elect a qualified member to fill the remainder of the vacated line officer term.
- vi. The provisions of Article V of the Constitution (Elections) and Article III of the Bylaws (Nominations) notwithstanding, the President shall direct the Nominating Committee to recommend a nominee for line officer to the membership at the next regular monthly meeting of the Department. At that regular monthly meeting, the membership shall have an opportunity to present nominations from the floor, each of which must be seconded to be valid. Only the nominee recommended by the Nominating Committee need not be seconded. The Secretary shall prepare a list of all duly nominated candidates for line officer.
- vii. Nominees should meet the requirements set forth in the Firefighter Health and Safety Program of Vista Fire District #1 for the line officer position sought.
- viii. No nominations may be made at the special meeting to elect a line officer to fill the remainder of the vacated term. Only candidates on the Secretary's list of nominees are eligible for election. Only Active Members may vote

and voting shall be by ballot. Election is made by a simple majority of the voting membership present at the special meeting.

- ix. Prior to the close of the special meeting, the President shall direct the Secretary to deliver a letter addressed to the Vista Fire District #1 Board of Fire Commissioners, at or prior to the next District meeting, announcing the line officer-elect and requesting prompt approval by the Board.
- x. The line officer-elect shall take office immediately upon approval by Vista Fire District #1 Board of Fire Commissioners and shall serve the remainder of the vacated term.
- xi. The line officer for the subsequent term shall be elected as provided for in Article V of the Constitution (Election) and Article III of the Bylaws (Nominations).

ARTICLE IX

Committees

- 1. Each year at the June monthly meeting of the Department, the President shall appoint members to committees as he/she sees fit. These committees shall act on the day to day affairs within their area of responsibility and report to the membership each month on the actions taken. Each committee shall also prepare the groundwork for any issue to be brought before the membership pertaining to their area of responsibility. All Active and Resident Associate Members must serve on at least one committee as appointed.
- 2. The committees of the Vista Fire Department shall be as follows as well as such other committees as may be established by the President:
 - a. Investigating
 - b. Finance
 - c. Budget
 - d. Parade
 - e. Uniform
 - f. Kitchen
 - g. House
 - h. By-laws
 - i. Fund Drive
 - j. Long Range Planning
 - k. Nominating
 - l. General Services
 - m. Fundraising
 - n. Membership

- o. Investment
- p. Disciplinary

3. INVESTIGATING COMMITTEE: The Investigation Committee shall be a committee of all of the line (fire) officers of the Department who shall diligently inquire into the character and competency of all applicants for membership and their reasons for wishing to become Active or Associate Members of the Department. The chairman of the Investigating Committee shall be the Chief.

In fulfilling its duties, the committee shall personally interview all applicants and their sponsors and confer with members of the Department regarding the applicant. Applicants shall not be asked questions about personal, financial, political or religious matters. When interviewing any applicant under the age of eighteen (18), the committee shall have a parent or legal guardian of the applicant present and ensure that the applicant and parent or legal guardian understands the commitment of membership in the Department. The committee shall secure the written approval of the applicant's parent or legal guardian prior to presenting the applicant to the membership for a vote.

The committee shall inform each candidate that he/she must complete a form for submission to the New York State Office of Fire Prevention and Control in order that an arson check be performed on such candidate.

The committee shall present all applications for a vote at the next regular monthly meeting of the Department following completion of its inquiry with a designation of each applicant as either "favorable" or "unfavorable" as the committee shall determine.

4. FINANCE COMMITTEE: The Finance Committee shall be a committee of three (3) members whose duty it shall be to audit the accounts of the Treasurer periodically, but, in no event, less frequently than once per year or whenever so directed by a vote of the Department and to report on such audit in writing at the next regular meeting of the Department.
5. BUDGET COMMITTEE: The Budget Committee shall be a committee of no more than ten (10) members plus the Treasurer whose duty it shall be to prepare a yearly budget for the Department in accordance with the provisions of Article XI of this Constitution.
6. PARADE COMMITTEE: The Parade Committee shall be a committee of (3) members whose duties shall be:
 - a. to propose a parade schedule to the membership prior to each year's parade season. This includes responding to invitations in a timely manner.
 - b. to act as liaison between the Band and the Department.

- c. to assist the Chief in seeing that the apparatus and equipment are ready for each parade.
 - d. to see to parade-specific equipment. (*e.g.*, color guard, banner, etc.)
 - e. to submit a proposed budget for the upcoming year to the Budget Committee prior to its February budget meeting.
7. **UNIFORM COMMITTEE:** The Uniform Committee shall be a committee of three (3) members whose duties shall be:
- a. to maintain an inventory of all uniforms.
 - b. to issue uniforms to all Active Members and Associate Members who wish to march.
 - c. to secure all uniform inventory under lock and key with access by this committee, the Chief and President only.
 - d. to maintain an inventory of accessories for funerals and honor guards.
 - e. to submit a proposed budget for the upcoming year to the Budget Committee prior to its February budget meeting.
8. **KITCHEN COMMITTEE:** The Kitchen Committee shall be a committee whose duties shall be:
- a. to maintain and secure all kitchen equipment, flatware, and silverware.
 - b. to provide food at special occasions and regular monthly meetings of the Department.
 - c. to maintain coffee and soda supplies.
 - d. to submit a proposed budget for the upcoming year to the Budget Committee prior to its February budget meeting.
9. **HOUSE COMMITTEE:** The House Committee shall be a committee of five (5) members each serving a five-year term with a new member appointed each year whose duties are:
- a. to control Department equipment not falling under the responsibility of any other committee and to loan such equipment to Active Members or others. The loaning of Department equipment shall require the approval of the Chief or three (3) members of the House Committee.

- b. to report the need to act on emergency repairs as necessary.
 - c. to enforce the House Rules.
 - d. to oversee and direct the General Service Committee.
 - e. to submit a budget to the Budget Committee prior to its February budget meeting for expenditures for contents of the building not otherwise falling within the responsibility of the Board of Fire Commissioners of Vista Fire District #1.
10. **BY-LAWS COMMITTEE:** The By-laws Committee shall be a committee of no more than six (6) members who shall include the Chief and the President whose duties are:
- a. to review any change to the By-laws proposed by any member and to present all proposed changes to the membership for discussion at a regular meeting of the Department. All proposed changes to the By-laws shall be posted for one (1) month prior to being submitted to a vote of the membership at a regular monthly meeting of the Department.
 - b. to review the By-laws periodically and to propose any additional changes as the committee sees fit.
 - c. to insure that all proposed changes are in compliance with all applicable laws including those set by Vista Fire District #1.
 - d. to insure that any proposed change to the By-laws does not create a conflict with any other part of the By-laws.
11. **FUND DRIVE COMMITTEE:** The Fund Drive Committee shall be a committee whose duties are:
- a. to compose the annual fund drive letter and thank you letters and to obtain approval from the Chief and the President.
 - b. to mail the fund drive letter to all Vista taxpayers.
 - c. to turn all moneys over to the Department's Treasurer.
 - d. to submit a proposed budget for the upcoming year to the Budget Committee prior to its February budget meeting.
12. **LONG RANGE PLANNING COMMITTEE:** The Long Range Planning Committee shall be a committee of no more than five (5) members whose duties are:
- a. to explore the direction the Department is going and to suggest to the President any new sub-committees that may be needed.

- b. to explore specific topics of possible interest to the Department in the future.
13. **GENERAL SERVICES COMMITTEE:** The General Services Committee shall be a committee whose duty it is to assist any and all other committees when a large workforce is needed including, but not limited to, such assignments as fund drives. Any Active or Resident Associate Member not appointed to another committee shall serve on this committee.
14. **NOMINATING COMMITTEE:** The Nominating Committee shall be a committee of five (5) Active or Resident Associate Members appointed by the President whose duty it is to propose a slate of executive (house) officers and fire (line) officers to be presented to the membership; provided, however, that only Active Members may participate in the nomination of fire (line) officers. The President, at his/her discretion, may appoint a separate Nominating Committee for House Officers and for Line Officers.
- a. The committee shall give such weight as it deems appropriate to any relevant criteria including, but not limited to, an interview which may include discussion of the following:
- fire service and/or EMS experience
 - fire service and/or EMS training records including, but not limited to overall training certificates and compliance with the Firefighter Health and Safety Program of Vista Fire District #1
 - the candidate's future personal goals and goals for the Department
 - personnel management skills
- b. Nominations made by the committee shall be presented at the regular meeting of the Department one (1) month prior to the vote for the office. Any nominations from the floor must also be made and seconded at this meeting by voting members. Nominations from the floor must also be posted for one (1) month. The Nominating Committee will be provided by the District Officer with the names of all eligible members and the positions for which they are eligible. The committee shall confirm that each member who has been nominated will accept the office if elected.
15. **FUNDRAISING COMMITTEE:** The Fundraising Committee shall be a committee of no fewer than three (3) members whose purpose shall be to propose to the Department new methods for raising money for the Department. The President may appoint new sub-committees to investigate and/or to implement such proposals. (e.g., Fund Drive Committee)
16. **MEMBERSHIP COMMITTEE:** The Membership Committee shall be a committee whose purpose is to propose to the membership new methods for recruiting and retaining members for the Department.

17. INVESTMENT COMMITTEE: The Investment Committee shall be a committee of no fewer than three members, one of whom shall be the Treasurer, whose purpose is to advise the membership on the investment of funds in the Department accounts.
18. DISCIPLINARY COMMITTEE: Discipline shall be administered on a day to day basis by the house and line officers chain of command. The Vista Fire Department, Inc. shall incorporate “progressive discipline” as part of its normal practice, however, it reserves the right to depart from this practice when circumstances warrant. Progressive discipline includes but is not limited to:
 - a. documented verbal warning,
 - b. written warning,
 - c. suspension, or
 - d. termination.

Matters which may give rise to discipline include, but are not limited to, negligence, misconduct, insubordination, conduct unbecoming a member, violation of department bylaws or standard operating guidelines, disclosure of confidential department business or misuse of department equipment.

Disciplinary matters shall be handled by the Disciplinary Committee for the Vista Fire Department, Inc. The committee shall be made up of five (5) members as follows: Chief Officers, President, and an elected Firefighter or EMT with at least five (5) years of service as an active member. Disciplinary matters shall be referred to this committee. In the event of a conflict(s) of interest involving one or more of the three (3) Chief Officers, the President shall appoint suitable replacement. In the event of a conflict of interest involving one or more of the other Committee members, the Chief shall appoint suitable replacement.

Moreover, an aggrieved member may file a written grievance and present it to the Vista Fire Department, Inc. Disciplinary Committee within ten days of an occurrence giving rise to the grievance.

Within thirty days of the written submission of a grievance to the Vista Fire Department, Inc. Disciplinary Committee, a written response shall be issued, considering the extent to which, if at all, disciplinary action may be warranted. An aggrieved member not satisfied with the determination of the Disciplinary Committee shall thereafter have the right to appeal this determination to the membership of the Vista Fire Department, Inc. at a special meeting, whose decision on the matter shall be final and binding. The membership determination shall be by majority vote; however a two thirds vote shall be required to terminate a member.

Due process, including the opportunity to call witnesses and present evidence, shall be afforded the member at every step in the disciplinary proceeding.

Matters that concern actions of “active members” of the Department at calls, drills, parades, inspections, and any other occasions when the Department is on duty shall be conducted by the Chief of Department overseeing the proceedings.

Matters that concern both active and associate members at all Department functions excluding calls, drills, parades, inspections and all functions considered non-duty related, shall be conducted by the President of the Department overseeing the proceedings.

Resignations, suspensions, and expulsions shall be in accordance with Article XI and Article XII of the Bylaws of Vista Fire Department, Inc.

ARTICLE X

Funds

1. All funds received by the Department shall be known as the Department accounts and shall be deposited in such bank or banks as are designated by the Department.
2. There shall be no expenditure from the Department accounts without the prior approval of the membership at a regular monthly meeting of the Department. If a quorum is not present at a regular monthly meeting, the House Officers present are empowered to pay the ordinary operating expenses of the Department.
3. The Treasurer shall report all expenditure(s) to the membership at the next regular monthly meeting of the Department and a list of checks issued shall be placed in the minutes of the meeting.
4. No employee, officer or member of this Department shall enter into a contract without the prior approval of the membership by vote at a regular meeting of the Department. Only the President shall be authorized to sign a contract on behalf of the Department.
5. All Department accounts shall require two signatures. The President, Vice President, Treasurer and Assistant Treasurer shall have signature privileges.

ARTICLE XI

The Budget

1. The fiscal year of the Department shall run from May 1 to April 30.
2. The Department’s annual budget shall be developed as follows:

- a. The Budget Committee shall gather information from the other committees of the Department which it shall review at a meeting of the committee chaired by the Treasurer to be held in February.
- b. A preliminary budget shall thereafter be prepared and presented for discussion of the membership during the March meeting of the Department.
- c. The preliminary budget which shall include a line item breakdown with an explanation of each category shall be posted after the March meeting of the Department.
- d. The final budget shall be presented to the Department for approval at the April meeting of the Department.

ARTICLE XII

Chief's Discretionary Fund

1. Notwithstanding the provisions of Article X hereof regarding limitations on the expenditures of funds by officers, there shall be appropriated in the budget, in accordance with the procedures prescribed in Article XI hereof, and funded in May of each year a Chief's Discretionary Fund in an amount not to exceed \$ 2,000.00 per year. Any funds remaining at the end of the year shall revert to the Department accounts. Expenditures from the Chief's Discretionary Fund may be made by the Chief within his/her sole discretion for social and entertainment purposes incidental to Department parades, parties and other functions.
2. Additional appropriations to the Chief's Discretionary Fund shall be made in accordance with the provisions of Article X hereof.

ARTICLE XIII

No Discrimination

There shall be no discrimination against any member of the Department or applicant for membership by reason of race, creed, color, national origin, sex, marital status, pregnancy, age, veteran status or disability in accordance with applicable law.

ARTICLE XIV

Saving Clause

If any provision of this Constitution shall be held illegal or of no legal effect, it shall be deemed null and void without affecting the balance of the Constitution.

ARTICLE XV

Amendments

This Constitution may only be amended at a regular monthly meeting of the Department. Any proposed amendment to this Constitution must first be reviewed by the By-laws Committee, discussed at a regular monthly meeting of the Department and posted at the firehouse at least one (1) month prior to the regular monthly meeting of the Department at which it will be submitted to a vote. A vote of two-thirds (2/3) of the voting members present at such meeting is required to amend this Constitution.

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VISTA FIRE DEPARTMENT

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VISTA FIRE DEPARTMENT

BY-LAWS

ARTICLE I

Meetings

1. Regular monthly meetings of the Department shall be held at 8:00 P.M. on the first Monday of every month; provided, however, that should such Monday be a holiday, the meeting shall be held on the next regular business day.
2. Except in an emergency, the membership must be notified of rescheduled meetings no later than fourteen (14) days prior to the new date of such meeting by the posting of a notice on the board in the firehouse and by mail no later than three (3) days prior to the new date of such meeting.
3. The annual meeting of the Department shall be held immediately following the regular May monthly meeting of the Department. At the annual meeting the Executive Officers of the Department shall be elected.
4. Committees shall be appointed by the newly elected President at the June regular monthly meeting of the Department in accordance with Article VI, paragraph 1(f) of the Constitution.
5. All meetings of the Department shall be governed by Robert's Rules of Order.
6. Twelve (12) voting members shall constitute a quorum for the transaction of business.
7. The order business of regular meetings shall be as follows:
 - a. Roll call
 - b. Filling of vacancies
 - c. Reading of minutes from previous meeting /Approval of minutes
 - d. Presentation of the Treasurer's report and approval of the Treasurer's report
 - e. Presentation of bills for the month and authorization of their payment
 - f. Submission of the Chief's report
 - g. Submission of Committee reports
 - h. Election of new members
 - i. Correspondence
 - j. Old Business
 - k. New Business
8. The order of business of special meetings shall be as follows:

- a. Roll Call
- b. Filling of vacancies
- c. Transaction of special business

ARTICLE II

Voting

1. All Active Members, Resident Associate Members and Exempt Members present at a meeting at which a matter is duly submitted for a vote shall be eligible to vote on such matter except as hereinafter stated.
2. No member who has any unpaid fines shall vote on any matter submitted to the membership for vote.
3. Only Active Members may vote in the election of Line Officers.
4. The voting sign of the Department shall be the uplifted right hand; provided, however, that a ballot vote may be called for by any member for any reason and may be granted by the President or by a majority of the voting members present.
5. All elections for members, House Officers and Line Officers shall be by ballot.
6. For ballot elections, the President shall appoint two (2) clerks of the election to oversee the elections, count the ballots and report the outcome to the President. The clerks must be voting members.
7. During ballot elections, only votes for nominated candidates will be accepted.
8. On any matter upon which there is a vote pursuant to the Constitution and By-laws, abstentions and invalid votes will not be counted either as votes for or against or as cast ballots. (For example, in a vote requiring a two-thirds majority, if there are twenty-one members present at a meeting and thirteen members vote for, six members vote against and one member abstains, the matter will not pass.) See Robert's Rules of Order §43 attached hereto as Appendix I.
9. All nominations for House and Line Officers must be posted for one (1) month prior to the election and only candidates whose names have been posted for that month may be elected. Any nominations taken at an election meeting must come from the posted candidates only.
10. The President shall preside over all votes but shall not vote except in order to break a tie vote. If the President is not a qualified voter for the particular vote or is a candidate for

the office being voted on, he/she must turn over the chair to the next highest House Officer who is qualified to vote.

ARTICLE III

Nominations

1. Nomination of candidates for the various offices are to be made at the regular monthly meeting of the Department one (1) month prior to the election.
2. No new nominations shall be made at the meeting at which an election for an office will be conducted.
3. All nominations for House and Line Officers shall be posted in the firehouse for one (1) month prior to the election. (See Article V, paragraphs 1(j) and 2(g) of the Constitution.)
4. Nominations must be seconded in order to be valid; provided, however that nominations from the Nominating Committee need not be seconded.
5. Nominations for membership shall be written on the blackboard in the apparatus bays at least one (1) week prior to the regular monthly meeting of the Department at which such nomination will be voted on. (See Article V, paragraph 3(d) of the Constitution)

ARTICLE IV

Alarms

1. Whenever the whistle blows or the Department is paged out by the Department itself or Westchester County Fire Control (60 Control), it shall be considered a call to duty for the Department (a call).
2. The Chief of the Department has exclusive control over all Active Members during all calls.
3. The Chief shall make it be known the proper response that is expected from Active Members to all types of calls. This includes which pieces of apparatus are to respond and which members are to respond to the scene and which members are to respond to the firehouse.
4. Whenever the Chief is not present, the next highest officer in the chain of command shall take charge. This member shall be known as the officer in charge (OIC) and shall for the time of the alarm have the powers of the Chief.

5. All injuries, no matter how minor, must be promptly reported to OIC.
6. After a call, all members are to report back to the firehouse unless excused by the OIC and to assist in getting all equipment and apparatus back in service. All members responding to a call must sign the logbook after the call. Only Line Officers may sign the name of a member who was excused from the scene. In such instance, the Line Officer shall initial the name of such excused member.

ARTICLE V

Drills

1. All Active Members are required to attend scheduled drills in accordance with Article VIII of the Firefighter Health and Safety Program of Vista Fire District #1.
2. The regular scheduled drills for the Department are on Monday evenings unless changed by the Chief or on the night of a Department meeting. Drills are to run from 7:30 p.m. until approximately 10:00 p.m. When approved by an officer, all trucks are to be driven and checked out prior to 7:30 p.m. When drill starts, all members in attendance are to drill. Members may be excused from drill only by the Officer in Charge.

ARTICLE VI

Parades and Special Functions

The Chief or the Officer in Charge shall have full authority over all members during any parade or special function of the Department, both Active Members and participating Associate Members.

ARTICLE VII

Chain of Command

1. The chain of command is used to determine who shall be the officer in charge during the absence of the Chief. The officer in charge shall remain in command until such time that he/she is relieved by a higher ranking officer or until the call, parade, or drill is over.
2. The chain of command shall be as follows:

- a. Chief
 - b. Assistant Chief (in numerical order)
 - c. Captain (in numerical order)
 - d. Lieutenant (in numerical order)
 - e. senior active firefighter as described in the Firefighter Health and Safety Program of Vista Fire District #1
3. No member under eighteen (18) years of age or any Probationary Member shall take command.
 4. The Officer in Charge shall be responsible for the following at all times:
 - first - the safety and well being of all members
 - second - the safety and well being of the public
 - third - the protection of property loss or damage

ARTICLE VIII

House Rules

The Vista Firehouse is owned by Vista Fire District #1. Unless otherwise provided by the Commissioners of Vista Fire District #1, there shall be a set of House Rules which shall be proposed by the President for vote of the membership. Such House Rules shall be posted in the firehouse. Violation of House Rules shall be handled in accordance with Article XII of these By-laws (Suspension and Expulsion).

ARTICLE IX

Dues and Fines

1. Annual Dues:
 - a. Active Members who have not completed ten (10) years of active duty shall pay yearly dues of \$3.00 which shall be collected by the Vice President in advance of the January monthly meeting for the upcoming calendar year.
 - b. Associate Members who have not completed ten (10) years of active duty shall pay yearly dues of \$5.00 which shall be collected by the Vice President in advance of the January monthly meeting for the upcoming calendar year.

- c. Active and Associate Members who have completed ten (10) years of active duty and all past Chiefs shall be exempt from the payment of dues regardless of whether they are Resident or Non-Resident Members.

2. Fines:

Reasonable and appropriate fines may be levied by the Chief or the President. Fines will be used to pay for any broken or missing equipment that a member is found to have been responsible for. If a member owes any outstanding fines, he/she may not vote.

ARTICLE X

Auxiliaries

1. The forming of any subsidiary or auxiliary of this Department is to be governed by the By-laws and Constitution of this Department even though it may be an independent body and have its own By-laws.
2. The use of Vista Fire Department's name in any form must have the approval of the Chief and the President. This includes press releases and fund drives.
3. Any auxiliary of this Department must have necessary insurance.
4. Subsidiaries and auxiliaries of this Department MUST NOT use the Department's Tax ID or Tax Exempt numbers.
5. Any auxiliary of this Department shall have use of the firehouse and grounds on the same basis and under the same procedures for their use as those which apply to Department members.

ARTICLE XI

Resignation

No resignation shall be accepted until all outstanding dues and fines have been paid. In the event that a member shall resign without paying all outstanding dues and fines within a reasonable period, the Department's records shall state that the member was expelled.

ARTICLE XII

Suspension and Expulsion

OPERATIONAL VIOLATIONS:

On Notice:

1. An Active Member who fails to fulfill the requirements for active status shall be placed on notice for up to ninety (90) days by the Chief. During this period, the member is to complete the requirements for active status and shall be a model firefighter working toward reinstatement to good standing as an Active Member. This is not a disciplinary action, but, rather, a formal notification of a potential problem. Failure to correct the problem could result in the Chief recommending the member's expulsion to the Board of Fire Commissioners.

Suspension Pending Expulsion:

2. The Chief may suspend any active member from active duty pending expulsion for up to thirty (30) days, subject to the action of the Board of Fire Commissioners at its next regular meeting.

Suspension:

3. The Chief may suspend any member for up to thirty (30) days due to incompetence or misconduct or absenteeism at fires or training. Suspension for more than thirty (30) days or expulsion shall only be made upon written charges in accordance with section 209-1 of the General Municipal Law.

Expulsion:

5. Except as stated in paragraph 6 below, an Active Member may only be expelled in accordance with the following:

No member shall be expelled from the Department for incompetence or misconduct or absenteeism at fires or training except upon written charges and in accordance with section 209-1 of the General Municipal Law. Only the Board of Fire Commissioners of Vista Fire District #1 may expel a member for incompetence or misconduct or absenteeism at fires or training.

6. A Probationary Member may be suspended or expelled by the Chief for incompetence, misconduct or absenteeism at fires or drills.

NON-OPERATIONAL VIOLATIONS:

On Notice:

7. a. The President may place any Active Member on notice for up to ninety (90) days for absenteeism at meetings, failure to comply with the Constitution and By-laws or violations of the House Rules. During this period, the member is to complete the requirements for active status and work toward reinstatement to good standing as an Active Member.

The President may place an associate member on notice for up to ninety (90) days for absenteeism at meetings, failure to comply with the constitution and bylaws or violations of the house rules.

- b. This is not discipline action, but, rather, a formal notification of a potential problem. Failure to correct the problem could result in the President taking action in accordance with the following

Suspension Pending Expulsion or for up to Thirty (30) Days:

8. The President may suspend any active member from active duty pending expulsion or may impose a suspension for up to thirty (30) days for absenteeism at meetings, failure to comply with the Constitution and By-laws or violations of the House Rules.

Suspension of More Than Thirty (30) days and Expulsion:

9. Suspension for more than thirty (30) days or expulsion for absenteeism at meetings, failure to Comply with the Constitution and By-laws and violations of House Rules shall only be made upon written charges and by a two-thirds (2/3) vote of the members during a regular meeting.
10. A Probationary Member may be suspended or expelled by the President for absenteeism at meetings, failure to comply with the Constitution and By-laws and violations of the House Rules.

Status of Suspended Member:

11. A member under suspension shall not appear at any call, drill, meeting or parade and may only be on firehouse property to attend public meetings, public elections or as requested by the Chief or the President.

Status of an Expelled Member:

12. Any Active Member who has been expelled for lack of attendance at calls, drills, or training may reapply for active membership no sooner than one year from the date of expulsion.
13. Any Active Member with ten (10) years of active service expelled from active duty due to lack of attendance will be classified as an Associate member of the Department. An expelled member with less than ten (10) years of active service must reapply as an Associate member or be dropped from the rolls.

Section 209-1 of the General Municipal Law is attached hereto as Appendix II.

ARTICLE XIII

Keys and Badges

1. Active Members shall be given a Vista Fire Department badge.
2. Active Members shall be given a key to the building
3. Resident Associate Members shall be given a key to the building.
4. Any Associate Member who marches in a parade shall be given a badge with the parade uniform.
5. When a member resigns or is expelled from the Department, the key and badge are to be returned to an officer along with all gear, uniforms, radios and any other Department/District property.

ARTICLE XIV

Insurance

There shall be proper insurance in place to protect the corporation and members of the Department. It shall be the duty of the President in accordance with Article VI, paragraph 1(q) of the Constitution to ensure that such insurance is in place.

ARTICLE XV

Leave

There are five (5) types of leave for Active Members:

1. School
2. Military
3. Maternity
4. Medical
5. Personal

Each leave must be approved by the Chief. The membership shall be notified, at the next Department meeting, of each new leave granted.

Other provisions of the Constitution or By-Laws notwithstanding, if the granting of any Leave creates a vacancy in an Executive Officer or Line Officer position, such vacancy shall be promptly filled as provided for in Article VIII (Vacancy) of the Constitution.

1. **School Leave.** Any Active Member who leaves the area to attend school shall be eligible for a school leave of up to four (4) years which leave may be extended for an additional four (4) years upon re-application by the member. During a school leave, the member may not serve as an Active Member unless he/she maintains all in-service requirements. Upon returning from school leave, a member shall have up to one (1) year to complete in-service training missed during the leave as determined by the Chief or be dropped from the active rolls of the Department. Except as stated herein, a member on school leave shall have all of the rights and privileges of an Active Member. An Active Member who maintains his/her in-service requirements while on school leave may continue to earn points for the Service Awards Program on weekends and vacations and over the summer.
2. **Military Leave.** Any Active Member who is in the military shall be considered on military leave and shall not perform the duties of an Active firefighter. Unless a longer leave is required by law, a military leave shall be of up to four (4) years and may be extended for an additional four (4) years upon re-application by the member. Upon discharge from the military, the member must complete required in-service training as determined by the Chief and return to active duty within a year or be dropped from the active rolls of the Department. During military leave, an Active Member will continue to earn fifty (50) points per year towards the Service Awards Program as described in New York State Law.
3. **Maternity Leave.** Upon learning that she is pregnant, an Active Member must so notify the Chief and, upon becoming medically unable to perform the duties of an Active Member, will be placed on maternity leave. Maternity leave will end no later than three (3) months after birth; provided, however, that if a member is medically unable to return to active duty at that time, she shall be placed on a medical leave. During maternity leave, the member may only perform active duties at the Logistics job level and shall not respond to an emergency scene. A member on maternity leave shall, however, continue to hold all other rights and privileges of active membership. The Chief, at his/her discretion may, appoint a temporary replacement for any line officer who is on maternity leave. The replacement will serve until the officer returns to active duty or until the Chief appoints another temporary officer.

No member who is pregnant may remain on active duty and no member who is on maternity leave may return to active duty without the approval of the Fire District's Medical Team.

In addition to the foregoing, maternity leaves shall be governed by Article XIII of the Firefighter Health and Safety Program of Vista Fire District #1.

4. **Medical Leave.** Any Active Member who is temporarily unable to perform the duties of an Active Member of the Department due to medical reasons must immediately so notify the Chief and shall be eligible for a medical leave. Such member must provide a letter to the Chief stating that he/she is medically unable to perform the duties of active membership and the expected date of return to active duty. No member may remain on active duty and no member who is on medical leave may return to active duty without the approval of the Fire District's Medical Team.

The Chief, at his/her discretion, may appoint a temporary replacement for any Line Officer who is on medical leave. The replacement will serve until the member returns to active duty, the Chief no longer deems a replacement necessary, or the Chief appoints another temporary Line Officer.

Any member who remains on medical leave for one (1) year will be asked to apply for Associate Member status and shall be dropped from the active rolls. No member on medical leave shall return to active duty without the prior approval of the Fire District's Medical Team.

In addition to the foregoing, medical leaves shall be governed by Article XIII of the Firefighter Health and Safety Program of Vista Fire District #1.

5. **Personal Leave.** Any Active Member may request approval from the Chief for Personal Leave of responsibilities as an Active Member of the Department for up to one year to resolve family issues, work related issues, temporary relocation or other hardship. The granting of such leave is not automatic and rests in the sole discretion of the Chief. Personal Leave may be extended for up to an additional year upon request of the member and approval of the Chief. During Personal Leave, the member may not serve in any capacity as an Active Member unless he/she maintains all in-service requirements as required by law and by the Firefighter Health and Safety Program of Vista Fire District No. 1 as determined by the Chief. Upon returning from Personal Leave, a member shall have up to one (1) year to fulfill his/her membership requirements as described in Article IV (Membership) of the Constitution and then resume Active Member status or be expelled from the Department.

ARTICLE XVI

Saving Clause

If any provision of these By-laws shall be held illegal or of no legal effect, it shall be deemed null and void without affecting the balance of the By-laws.

ARTICLE XVII

Amendments

These By-laws may only be amended at a regular monthly meeting of the Department. Any proposed amendment to these By-laws must first be reviewed by the By-laws Committee, discussed at a regular monthly meeting of the Department and posted at the firehouse at least one (1) month prior to the regular monthly meeting of the Department at which it will be submitted to a vote. A vote of two-thirds (2/3) of the voting members present at such meeting is required to amend these By-laws.

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Appendix I

Robert's Rules of Order

CHAPTER XIII

VOTING

§43. BASES FOR DETERMINING A VOTING RESULT

Majority Vote - the Basic Requirement

. . . [T]he basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a *majority vote*. The word *majority* means “more than half”; and when the term “*majority vote*” is used without qualification - as in the case of the basic requirement - it means more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum is present. For example, at such a meeting (assuming that there are no voters having fractions of a vote, as may occur in some conventions):

- If 19 votes are cast, a majority (more than 9½) is 10.
- If 20 votes are cast, a majority (more than 10) is 11.
- If 21 votes are cast, a majority (more than 10½) is 11.

Other bases for determining a voting result, as described below, are required under parliamentary law for certain procedures, or may be prescribed by the rules of the particular body – for decisions in general or for questions of a specified nature.

Two-Thirds Vote

A *two-thirds vote* - when the term is unqualified - means at least two thirds of the votes cast by persons legally entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum is present. For example, at such a meeting (assuming that there are no fractions of votes):

- If 30 votes are cast, a two-thirds vote is 20.
- If 31 votes are cast, a two-thirds vote is 21.
- If 32 votes are cast, a two-thirds vote is 22.
- If 33 votes are cast, a two-thirds vote is 22.

As a compromise between the rights of the individual and the rights of the assembly, the principle has been established that a two-thirds vote is required to adopt any motion that:

- (a) suspends or modifies a rule of order previously adopted;
- (b) prevents the introduction of a question for consideration;
- (c) closes, limits, or extends the limits of debate;
- (d) closes nominations or the polls, or otherwise limits the freedom of nominating or voting; or
- (e) takes away membership or office.

In determining whether a question has obtained two thirds of the votes cast, the chair should take a rising vote (or, in a very small assembly, if he prefers and no one objects, a vote by show of hands), and he should obtain a count of the vote whenever he is in doubt concerning the result.

The chair can obtain a count of the vote initially if it appears – when those in the affirmative rise – that the result will be close; or he can retake it as a counted rising vote if he is afterward in doubt. In an assembly that has no special rule permitting a small fraction (that is, a specified fraction somewhat less than one third) of the voters to require a two-thirds vote to be counted, the chair, in judging whether to obtain a count of the vote at his own instance, must be particularly careful to leave no room for anyone to doubt the result in cases where he finds that there *are* two thirds on the side which thereby prevails. Without a count at the chair's instance under these conditions, if he announces that a two-thirds vote has been obtained and those on the losing side doubt the result, they are powerless to have it verified should those declared the winners choose to prevent a count. The reason is that - whatever may be the true result in view of the closeness of the vote in such a case - those declared the loser are no more than approximately one third of those voting, and therefore cannot command the majority necessary to order the vote counted.

Appendix II

New York General Municipal Law

§209-1. Removal of volunteer officers and volunteer members of fire departments

The authorities having control of fire departments of cities, towns, villages and fire districts may make regulations governing the removal of volunteer officers and volunteer members of such departments and the companies thereof. Such officers and members of such departments and companies shall not be removed from office, or membership, as the case may be, by such authorities or by any other officer or body, except for incompetence or misconduct. Removals on the ground of incompetence or misconduct, except for absenteeism at fires or meetings, shall be made only after a hearing upon due notice and upon stated charges and with the right to such officer or member to a review pursuant to article seventy-eight of the civil practice law and rules. Such charges shall be in writing and may be made by any such authority. The burden of proving incompetency or misconduct shall be upon the person alleging the same. Hearings upon such charges shall be held by the officer or body having the power to remove the person charged with incompetency or misconduct or by a deputy or employee of such officer, or body designated in writing for that purpose. In case a deputy or other employee is so designated, he shall for the purpose of such hearing be vested with all the powers of such officer or body, and shall make a record of such hearing which shall be referred to such officer or body for review with his recommendations. The notice of such hearing shall specify the time and place of such hearing and state the body or person before whom the hearing will be held. Such notice and a copy of such charges shall be served personally upon the accused officer or member at least ten days but not more than thirty days before the date of the hearing. A stenographer may be employed for the purpose of taking testimony at the hearing. The officer or body having the power to remove the person charged with incompetence or misconduct may suspend such person after charges are filed and pending disposition of the charges, and after the hearing may remove such person or may suspend him for a period of time not to exceed one year. The provisions of this section shall not affect the right of members of any fire company to remove a volunteer officer or voluntary member of such company for failing to comply with the constitution and by-laws of such company.