

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

PREAMBLE

WHEREAS, Title 2 of the TEXAS BUSINESS ORGANIZATIONS CODE, CHAPTER 22, NONPROFIT CORPORATIONS, stipulates a nonprofit corporation may be formed for any lawful purpose or purposes not expressly prohibited under this chapter or Chapter 2, including any purpose described by Section 2.002; and

WHEREAS, certain laws and regulations are necessary for the well being of an organization in order to establish authority, define duty, maintain discipline, and fully promote the purpose for which it was created; and

WHEREAS, certification Letter 947 of the Internal Revenue Service of the United States dated March 31 2010, grants this organization the status of 501(c)(3) as a Non-profit Charitable Organization; and now

THEREFORE, we the members of the Mico Volunteer Fire Department, County of Medina, and State of Texas, do hereby adopt the following By-Laws for our regulations and government, and pledge ourselves to support our Officers in the discharge of their duties, and to cheerfully submit to the legally expressed will of the majority of the membership.

**ARTICLE I
NAME & OFFICE LOCATION**

Section 1 - The name of the Corporation is the Mico Volunteer Fire Department hereinafter referred to as "Department".

Section 2 - The principal office of the Department shall be at 7121 County Road 271, Mico, Texas 78056. The mailing address shall be P. O. Box 6353, Mico, Texas 78056.

Section 3 - The primary contact method for the Department is through the Fire Chief via cell phone at (210) 376-7832. The fire station telephone number with an answering machine attached is (830) 751-2658 and the fax number is (210) 679-4630.

**ARTICLE II
PURPOSE**

Section 1 - The corporate purpose of the Department is protecting life and property from injury or loss by fire or disaster (natural or man-made) within the Mico area. The Department has the authority and power in said association to: (a) Implement fire suppression and rescue operations when called upon to do so for the preservation of life, property and resources; (b) Maintain the necessary volunteer membership personnel to ensure the corporate

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

purpose and goals are met; and (c) Own, acquire and maintain the necessary property and equipment therein to best accomplish the corporate purpose. The Department may be called upon for other disasters or situations where it may be of assistance in protecting or promoting the safety and welfare of the public. Additionally, this Department has the purpose of engendering community-wide cohesion, fellowship, and enthusiasm by providing a community wide meeting place for membership meetings and other approved events.

Section 2 - This corporation is organized exclusively for charitable, religious, educational or scientific purposes as specified in Section 501(c)(3) of the Internal Revenue Service Code, included for such purposes, making distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal code. No part of the net earnings of the Department are distributable to its members, officers, board of directors, or other private persons, except that the Department shall be authorized and empowered to pay reasonable compensation for services rendered and make payments and distributions in furtherance of the purposes set forth.

Section 3 - No substantial part of the activities of the Department shall be carrying on propaganda, lobbying, or otherwise attempting to influence legislation. The Department shall not participate in, or intervene in (including publishing or distributing statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these By-Laws, the Department shall not carry on any other activities not permitted to be carried on: (a) By an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code; or (b) By an organization, contributions to which are deductible under section 170c(2) of the Internal Revenue Code, or corresponding section of any future Federal tax code.

Section 4 - Alarms will be answered in the Department coverage area and other negotiated areas. This basic coverage area is defined by contract with the Medina County Emergency Services District #1. The Department will also be available to provide mutual aid when called upon by neighboring Fire Departments, the Texas Forest Service, and other Authority Having Jurisdiction (AHJ). The Department shall, with the approval of its Board of Directors, and for the purposes specified in Section 1, enter into such agreements as are necessary to carry out the specified purposes of this Department. Such agreements may or may not specify direct or indirect financial assistance to the Department. The Department may also enter into lawful agreements with other local civic or charitable organizations, events, celebrations, carnivals, fairs or like organizations for the purposes necessary to carry out the purposes specified in Section 1.

**ARTICLE III
MEMBERSHIP**

Section 1 - The following categories of membership are available in the Department: Active Firefighting Member, Active Member, Sponsor Member, Honorary Member, and Junior

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Member. All members must be eighteen years of age except Junior Members who must follow Junior Member guidelines.

Section 2 - ACTIVE FIREFIGHTING MEMBERS are persons who choose to become involved in any one or more of the Department's activities such as firefighting and emergency services, training, apparatus and equipment maintenance, facility maintenance, social or community endeavors, and who shall respond to alarms as appropriate. They must attend regularly scheduled meetings, courses, drills, undergo required training, and remain dues current. Active Firefighting Members have voting privileges. All Active Firefighting members must be able to respond to their assigned station within a timely fashion.

Subsection 1 - A candidate for Active Firefighting membership within the Department shall make written application in person to the Fire Chief. Prior to consideration for membership, a candidate shall attend three of five consecutive training meetings after presenting his application to the Fire Chief. Members must reside in the Department's coverage area or apply to the Board of Directors for a waiver. All candidates for Active Firefighting membership shall undergo a 90-day at-will probation period. Membership applications shall be considered solely upon the merits of the applicant, and under no circumstances shall the applicant be judged by gender, race, ethnicity or creed. Candidates for Active Firefighting membership must consent to a criminal background check.

Subsection 2 - The Active Firefighting Officers shall process and accept or deny the applications for Active Firefighting members. A candidate for Active Firefighting membership must attend the required probationary training. If an Active Firefighting candidate fails to attend the required training meetings, the application becomes void and the candidate must initiate a new application for membership.

Subsection 3 - Active Firefighting membership shall be limited to no more than 40 active members at any one time. The purpose of this limitation has to do with the amount of individual safety equipment, training requirements, etc. and not for any reasons pertaining to any particular individual or group of individuals.

Subsection 4 - The Active Firefighting members shall be organized in a Division-Battalion-Company structure. Each Division will be managed by an Assistant Chief and will be comprised of up to two Battalions. Each Battalion will be managed by a Captain and will be comprised of up to two Companies. Each Company will be managed by a Lieutenant with three additional firefighters.

Section 3 - ACTIVE MEMBERS are members who support the purposes and activities of the Department, but do not participate in firefighting duties. Active Members have all the rights and privileges of membership and have voting privileges if certified as dues current.

Section 4 - SPONSOR MEMBERS are individuals and businesses that choose to make larger financial contributions. Sponsor members have all the rights and privileges of membership and have voting privileges if certified as dues current.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Section 5 - HONORARY MEMBERS are elected to Honorary membership status by the Board of Directors as a reward for faithful or distinguished service, or outstanding support of the Department. Persons who by their grants, donations, gifts, and/or other special support can be nominated to receive Honorary membership. The Secretary of the Board of Directors must receive three letters of nomination by current Department members before the Board of Directors can vote on an Honorary membership. Honorary members have lifetime privileges but may not hold office in the Department.

Section 6 - JUNIOR MEMBERS must be 14-18 years of age and have written approval to join the Department from a parent or legal guardian. All members under eighteen years of age are Junior Members. Junior Members may not hold office in the Department and do not have voting privileges. Junior Members will not have driving privileges and must agree to follow the guidelines for Junior membership.

Section 7 - A two-thirds vote of members present is required to revoke membership in the Department.

Section 8 - Any member, whose membership has been revoked for any reason, shall not be reinstated for a period of one year. The individual may reapply after the one-year period following normal membership procedures.

Section 9 - The membership dues schedule shall be approved by the Board of Directors. Changes to the membership dues schedule shall be announced by the Board of Directors on a periodic basis. All Department memberships are based on the calendar year, January 1st through December 31st. All dues are due on January 31st of each year or on the date of application for membership. The annual dues for Active Members and Active Firefighting members shall be a \$10 minimum donation. The annual dues for Sponsor Members shall be a \$100 minimum donation. The annual dues for Junior Members shall be a \$5 minimum donation. Honorary Members are dues exempt. Members that join after June 1st may participate and vote in all matters with the exception of the nomination and election of the Board of Directors.

**ARTICLE IV
DUTIES OF MEMBERS**

Section 1 - Active Firefighting members are required to attend three out of six training meetings, drills and/or fires. Active Firefighting members are also expected to participate in special activities of the Department. A list of training requirements and certificates of completion must be maintained, as specified by the Fire Chief or designated Training Officer. If an Active Firefighting member has been completely inactive for six months, his/her membership will become inactive and he/she will lose voting privileges until he/she petitions the Fire Chief for reinstatement of active membership. Upon reinstatement, the firefighter shall undergo a 90-day probationary period attending three of five consecutive training meetings for the duration of the probationary period before full active status is restored. The Fire Chief shall review the

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

attendance data quarterly and make recommendations to the Board of Directors for persons with continued inactive membership.

Section 2 - Non-Firefighting members shall not drive or operate equipment without the express authorization of the Fire chief.

Section 3 - Members shall not use fire equipment for purposes of maintenance, drill, or training without the knowledge and/or presence of the Fire Chief, Deputy Chief or an Assistant Chief.

Section 4 - No member of the Department shall make purchases on behalf of the Department unless so authorized by the Board of Directors, unless it is a routine or emergency expense of a trivial nature and then only when authorized by the President or Fire Chief and funds have been verified as available by the Treasurer. The only exception to this is that all Department fire apparatus shall be refueled as necessary by an authorized operator. The member shall furnish receipts to the treasurer as soon as possible.

Section 5 - All members shall be furnished a membership card entitling them to all privileges of the Department, appropriate to the membership category, as long as they are members in good standing. All Active Firefighting members shall be issued an official Department picture identification that is compatible with the National Incident Management System (NIMS) requirements for Incident Command and Mutual Aid accountability. All Active Firefighting members shall visibly display their official identification on their person at all Department functions and emergency incidents.

**ARTICLE V
THE BOARD OF DIRECTORS**

Section 1 - The Board of Directors, hereinafter referred to as "Board", shall consist of four elected members and the Fire Chief. All five are voting members. The Board shall be made up of the following:

- President
- Vice President
- Secretary
- Treasurer
- Fire Chief

All Board members must live within the coverage area. Except for the Fire Chief, Active Firefighting members are only allowed to hold a Board position if no other members will accept the position. A waiver of this requirement may be granted by a majority vote of the attending Board members.

Section 2 - Elections for the Board shall be held each November as terms expire. Nominations for Board positions will be made by the Nomination Committee that is selected at

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

the September meeting. The Nomination Committee will present the nominations to the membership at the October Meeting. Additional nominations may be made from the floor at the November meeting, prior to the election.

Section 3 - The term of office shall be two (2) years, with the Vice President and Treasurer elected in even years and the President and Secretary elected in odd years. A Board member may serve two consecutive terms, after which he/she must be off the Board for at least one year before being eligible for reelection or appointment. An exception to this rule is the Fire Chief, who may hold his/her position as long as he/she is nominated by the Active Firefighters and approved by the Board.

Section 4 - The Board is elected by a majority vote of the attending membership. The Board shall hold office until qualified successors are chosen. Any vacancy occurring in any office of the Board shall have a replacement appointed by the President with approval of a majority of the Board then in office, though possibly less than a quorum. The Board member(s) so appointed shall hold office until completion of the remainder of the vacant Board member's term.

Section 5 - Only one member of a family by virtue of birth, marriage, or coincidence shall hold a Board position unless no other member will accept the position. No member may hold more than one Officer or Board position at one time.

Section 6 - Any Board member elected or appointed may be removed at any time by the affirmative vote of a two-thirds majority of the attending membership or a majority vote of the Board for any just and reasonable cause, including but not limited to missing three consecutive regular Board meetings.

**ARTICLE VI
SPECIFIC DUTIES OF THE BOARD OF DIRECTORS**

Section 1 - The PRESIDENT shall be the President/Chief Executive Officer of the Department, and shall: (a) preside at all Board and regular business meetings; (b) have general and active management of the business of the Department; and (c) see that all orders and resolutions of the Board are carried out. The President shall appoint all committees, subject to Board approval, and shall serve as an ex-officio member of all committees.

The President shall execute bonds, mortgages, and other agreements and contracts, except: (a) where required or permitted by law to be otherwise signed and executed, and (b) where the signing and execution thereof shall be expressly delegated by the Board to some other officer or agent of the Department. The President has co-signatory authority on all bank accounts and overall responsibility for the management of the Department.

Section 2 - The VICE-PRESIDENT shall, in the absence, disability, or vacancy of the President, perform the duties and exercise the powers of the President. He/She shall perform such other duties and have such other powers as the Board may occasionally prescribe. The

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Vice-President has co-signatory authority on all bank accounts. He/She shall be Chairperson of the Grievance and Fund Raising Committees.

Section 3 - The SECRETARY shall attend all meetings of the Board, all business meetings of the members and record and preserve all the proceedings of the meetings of the Department and of the Board in a book to be kept for that purpose. The Secretary shall give, or cause to be given, notice of all meetings of the members and special meetings of the Board, and shall perform other duties as may be prescribed by the Board's President.

The Secretary shall maintain all records and reports of the Department, such as minutes of all meetings, annual reports and summaries, grant applications and correspondence, contractual deliverable documents, current member roster, vehicle titles, etc. He/She shall issue all membership cards upon receipt of the annual dues donation. At the end of the year, he/she shall prepare required reports as directed by the Board. This may be done with the assistance of others as required. He/She shall keep an accurate record of all items and property owned, loaned to, or in the service and custody of the Department.

He/She should prepare all business correspondence with other organizations such as fire departments, law enforcement agencies, and with members of the Department. The Secretary shall prepare all election materials as necessary for conducting the annual election of Board members.

Records maintained by the Secretary, not deemed of public record by State or Federal law, are 'Confidential, Fire Department Use Only'. All records shall be kept at the registered office of the Department. The Secretary shall retain all records as legally required. Upon expiration of term of office, or upon vacating the office for other reasons, the Secretary shall promptly turn over all records, minutes and other Department property in his/her possession to the Board.

Section 4 - The TREASURER shall be the Treasurer/Chief Financial Officer of the Department and shall have the custody of all financial records and Department funds. He/She shall oversee the keeping of full and accurate accounts of receipts and disbursements in electronic or paper books belonging to the Department. He/She shall oversee the deposit of all monies and other valuable effects in the name and to the credit of the Department in such depositories as may be designated by the Board.

The Treasurer shall oversee the disbursement of the funds of the Department as approved by the Board ensuring proper receipts for such disbursements are received. The Treasurer shall also render to the Board, at its regular meetings or when the Board so requires, an account of all transactions and the financial condition of the Department. Disbursements may be recommended by the Fire Chief and approved by the Board or as may be ordered by the Board.

The Treasurer shall be bonded in relation to the faithful execution of the treasurer's duties in an amount no less than One Hundred Thousand and 00/100 Dollars (\$100,000.00). No one may sign a Department check unless his/her signature is on the bank signature card for the account. All checks issued by the Department over Five Hundred and 00/100 Dollars (\$500.00) shall require the signatures of two authorized Board members. Any checks issued to a Board member

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

or the spouse of a Board member shall be signed by the Treasurer and President or Vice President.

The Treasurer shall give a report on the financial status of the Department, with detailed budget vs. actual income and expenses, at each business meeting, with a written report being filed for audit. He/She will present the Department's proposed Operating Budget for the upcoming year for approval at the June Board meeting. He/She shall also make a written report to the Board, detailing the Department's financial activity for the previous year, no later than the February Board meeting. He/She will call upon the Board for any additional help needed. The Treasurer shall retain all financial records. All records shall be kept at the registered office of the Department. The Treasurer is responsible for preparing all financial reports required by contractual agreements. Upon the expiration of the term of office, or upon vacating the office for other reasons, the Treasurer shall promptly turn over all monies, records, books, papers and other Department property in his/her possession to the Board. He/She shall be Chairperson of the Budget Committee.

Section 5 - The FIRE CHIEF shall be the Fire Chief/Chief Operations Officer of the Department. The Fire Chief shall be nominated by the Active Firefighting members subject to Board approval and must be elected by the majority vote of the attending membership. He/She shall be responsible for maintaining order during Board meetings and other Department activities held in the fire station. He/She shall have full responsibility for all operational matters involving firefighting equipment and firefighters during fire and rescue operations, drills, and training. He/She shall be responsible for facility maintenance and supplies.

The Fire Chief is in charge of all day-to-day departmental operations and other official activities. He/She shall prepare and submit Standard Operating Guidelines (SOGs) with the assistance of the Active Firefighting Officers. The existing SOGs will remain in effect until replaced or amended and shall follow best practices that are consistent with the capabilities of this Department. He/She shall ensure informative reports are given at each regular monthly meeting on fire and rescue calls, training and other operational issues that occurred since the previous meeting. He/She shall ensure that all necessary reports are completed and filed with the Secretary and the National and State agencies for fire incident reporting and resource availability as required by the Texas Governor's Department of Emergency Management. He/She will make recommendations to the budget committee and shall serve on the budget committee. All drills and training activities shall be approved by the Fire Chief.

The Board may terminate or otherwise take adverse/corrective actions against the Fire Chief for actions detrimental to the public and/or Department as outlined in these By-Laws.

The Fire Chief must be a certified Advanced Firefighter with the State Firemen's and Fire Marshals' Association (SFFMA), or be eligible for certification and willing to achieve it within a reasonable timeframe. The Fire Chief must also have completed a leadership development course through an accredited institution. He/She shall be Chairperson of the Standards and Compliance Committee.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

**ARTICLE VII
GENERAL DUTIES OF THE BOARD OF DIRECTORS**

Section 1 - The Board shall be authorized and empowered to conduct and manage all business affairs of the Department.

Section 2 - The Board shall ensure the Department operates in accordance with all applicable county, state, and federal laws.

Section 3 - The Board shall hold monthly meetings at such place and day as shall be determined by the Board.

Section 4 - Special meetings of the Board may be called by the President on 72 hours notice to each Board member, with notification personally, or by mail/e-mail, telephone, fax or other reasonable communication. Special meetings may also be called at the request of two or more Board members with the same notification as required above. Refer to the Open Meetings Act for detail.

Section 5 - The Board shall have the right to regulate the calling of any special meeting of the Department.

Section 6 - At all meetings of the Board, a voting majority of no less than three (3) Board members shall constitute a quorum for the transaction of business, except as may be otherwise specifically provided by Statute or by the Articles of Incorporation or by these By-Laws.

Section 7 - Any and all funds, raised in any way, manner, or form for or by this Department, shall be placed in a bank checking or savings account in the name of the Department. Funds shall be disbursed or drawn from these accounts only as specified by the disbursement policy adopted by the Board. Funds raised through donation that have been specified by the donor for a particular purpose, shall be placed in a separate ledger category and entry in the name of the Department and fund purpose. If such a specific ledger category does not exist, a new ledger category shall be opened for donations that specify a particular purpose. Any funds disbursed or drawn from these accounts shall be used only for the purpose for which the donations were specified.

Section 8 - All news releases or other official statements, oral or written, on behalf of the Department, shall be approved by the Board and/or the Public Information Officer.

Section 9 - The Board shall schedule a hearing to review the findings and hear member input concerning all Grievance Committee recommendations. The Board shall issue the final decision for a grievance no later than forty-five days following the written submission to the Grievance Committee, unless an extension is agreed to by the parties involved. The final decision shall be announced and include any corrective action and/or disciplinary action deemed necessary by the Board to maintain structure and discipline in the Department. Deliberations

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

concerning grievances are confidential and the Board may determine a closed meeting is appropriate.

Section 10 - The Board shall not be compensated for their services, but may be reimbursed for approved expenses incurred while operating in an official capacity.

Section 11 - It is the duty of the Board to act in the best interests of the organization and its mission.

Section 12 - All meetings of the Board shall follow Robert's Rules of Order.

**ARTICLE VIII
OFFICERS OF THE DEPARTMENT (THE MEMBERSHIP)**

Section 1 - ACTIVE FIREFIGHTING OFFICERS (Line Officers)

The Chief shall determine the number of line officers at any rank, as required for the orderly operation and management of the department.

Subsection 1 - The Active Firefighting Officers of this Department shall include at a minimum: a Fire Chief, one Assistant Chief, and one Lieutenant. At the maximum active firefighting membership, the Officers shall not exceed a Fire Chief, one Deputy Chief, two Assistant Chiefs, four Captains and eight Lieutenants. The Active Firefighting membership roster, when fully populated, shall be organized in the following manner: Fire Chief with a Deputy Chief and two Assistant Chiefs; each Assistant Chief with two Captains; and each Captain with two Lieutenants. The only officer allowed to be on the Board is the Fire Chief. All Deputy and Assistant Chiefs and other Line Officers of the Active Firefighting membership shall be responsible to the Fire Chief. They shall supervise a designated group of firefighters and/or equipment.

Subsection 2 - No individual member shall hold more than one office at the same time.

Subsection 3 - The Fire Chief shall appoint and supervise all Line Officers. Members of the Board are not eligible for appointment as Officers of the Active Firefighting membership.

Subsection 4 - The Fire Chief shall review performance annually and provide written feedback to each officer as appropriate. A copy of all written feedback shall be maintained in each Active Firefighting member's personnel record.

Subsection 5 - Anyone appointed to a Line Officer position of the Department must live in the Department coverage area or have a waiver of approval by the Board.

Subsection 6 - An appropriate number of Line Officers shall be maintained based upon the number of Active Firefighting members on the Active Firefighting roster. Vacancies shall be filled by appointment by the Fire Chief and all appointments shall be effective immediately.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Subsection 7 - The FIRE CHIEF is a voting member on the Board. He/She is nominated by the firefighters subject to Board approval and must be elected by the majority of the membership. He/She will coordinate and direct fire ground or incident scene operations. If the Fire Chief is unavailable at any time, he/she is to inform a lower-ranking officer prior to his/her absence. The Fire Chief shall oversee the fire-training program but may delegate the training duties to another officer or agent. The Fire Chief shall notify and/or request the assistance of the County or State Fire Marshal's office as circumstances dictate. The Fire Chief shall submit requests for capital equipment items and other documents requiring Board approval to the Board for consideration at regular meetings as required by the Board. The Fire Chief may appoint and have under his/her direct supervision persons to assist and facilitate the accomplishment of the purposes of the Department as described in ARTICLE VI, Section 5 – Duties of the Fire Chief.

Subsection 8 - The DEPUTY CHIEF shall assist the Chief and in the absence of the Chief, will take command having the same authority as is vested in the Chief. In the absence of the Chief, he/she will coordinate and direct fire ground or incident scene operations. He/She will assist training officers in conducting training sessions. The Deputy Chief must hold the same qualifications as required for the Fire Chief.

Subsection 9 - The ASSISTANT CHIEF(S) shall assist the Chief and Deputy Chief, and in the absence of the Chief and Deputy Chief, will take command, according to his/her rank, having the same authority as is vested in the Chief. In the absence of the Chief and Deputy Chief, he/she will coordinate and direct fire ground or incident scene operations. He/She will assist training officers in conducting training sessions. The Assistant Chief(s) must be accredited Advanced Level Firefighters with the SFFMA, or be eligible for certification and willing to achieve it within a reasonable timeframe. They must also be eligible for certification and willing to achieve Fire Officer II and Instructor III within a reasonable timeframe.

Subsection 10 - The CAPTAIN(S) will coordinate and execute directed fire ground or incident scene operations. He/She will assume command and control only in the absence of the Chief, Deputy Chief and Assistant Chiefs, according to his/her rank. He/She will assist training officers in conducting training sessions. The Captains must be accredited Basic Level Firefighters with the SFFMA, and must be eligible for certification and willing to achieve Fire Officer I and Instructor II within a reasonable timeframe.

Subsection 11 - The LIEUTENANT(S) will supervise and execute directed fire ground or incident scene operations. He/She will assume command and control only in the absence of all other senior officers, according to his/her rank. He/She will assist training officers in conducting training sessions. The Lieutenants must be certified Introductory Level Firefighters with the SFFMA, and must be eligible for certification and willing to achieve Instructor I within a reasonable timeframe.

Section 2 - ADDITIONAL SUPPORT OFFICERS AND SPECIALISTS

The Chief, with the approval of the Board, shall determine the number of support officers and specialists, as required for the orderly operation and management of the department.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Subsection 1 - Additional support officers and specialists are required to facilitate the accomplishment of the purposes of the Department that are non-firefighting positions. These officers and specialists shall be designated on the Department Organizational Chart and the positions may be filled with any certified dues current member that is approved by the Board. Specific duties of these support officers and specialists shall be defined in the SOG applicable to the position.

Subsection 2 - The term of office for the non-firefighting support officers and specialists shall be two (2) years. Support officers and specialists may serve consecutive terms. The Chief and President shall respectively fill any vacancies arising during a term for the remainder of the vacant term with a qualified and willing replacement. The support officer(s) so appointed shall hold office until completion of the remainder of the vacant term.

**ARTICLE IX
CONDUCT OF MEMBERS**

Section 1 - Disruptive behavior of any kind will not be tolerated in the Department. A warning will be given by the senior Department member present. For the first offense, a severe reprimand and warning will be given immediately by any Board member, who will also document the action and forward the paperwork to the Grievance Committee for review and filing with the Secretary. A second offense could entail loss of membership. The Grievance Committee will review the actions by the member and present a report to the Board. The Board holds the authority to take action as they see necessary.

Section 2 - Any member of the Department may be impeached and removed from his/her office and/or membership for abuse of his/her authority, misconduct or malfeasance. Any Member, who endangers the lives of others, brings discredit on the Department, abuses or misuses Department property, or otherwise breaks the trust of the Department shall be subject to dismissal from membership. The charge or charges against them shall be made in writing and submitted to the Grievance Committee. A copy of said charges shall be served him/her by the Grievance Committee no later than seven days following written submission. The impeachment process shall follow the same steps described in these By-Laws concerning the Grievance Procedure.

**ARTICLE X
COMMITTEES**

Section 1 - Permanent committees shall consist of the Grievance, Budget, Fund Raising, Standards and Compliance, Building, and Nomination Committee. Other committees may be formed as required, with a predetermined purpose and specific life span, and must conform to all committee standards.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Section 2 - The members of the Committees shall be volunteers and shall serve for a period of one year. Each committee shall be formed during the November business meeting (following the election of the Board) with the new membership taking effect on January 1st. Vacancies shall be filled by appointment by the Board and all appointments shall be effective immediately.

Section 3 - Unless otherwise stated within these By-Laws, the members of the Committee shall appoint a Committee Chair from amongst themselves as the first order of business.

Section 4 - All Committees are responsible to the Committee Chair, who in turn shall be responsible to the Board.

**ARTICLE XI
DUTIES OF COMMITTEES**

Section 1 - The duties of the GRIEVANCE COMMITTEE shall be to receive and evaluate any written submissions presented to them concerning a member's conduct. Following the written submission, the Grievance Committee has seven days to begin investigating the facts and must present their findings and recommendations to the Board no later than thirty days following the date of submission. All committee actions shall remain confidential.

Section 2 - It shall be the duty of the BUDGET COMMITTEE to examine all accounts and provide a report at the first regular or special meeting following report's completion. This committee shall audit all records of deposits and expenditures of the Treasurer two times a year, during the months of June and December. This committee will also present a quarterly budget update to the Board for budget purposes.

Section 3 - The duties of the FUND RAISING COMMITTEE shall be to organize and conduct the Department's annual major fund raising event(s). This committee shall also organize any special fund raising events that may be necessary to meet a specific need of the Department.

Section 4 - The duties of the STANDARDS AND COMPLIANCE COMMITTEE shall be to define Department standards that ensure uniformity and compliance while promoting life safety. Specific duties shall include, but are not limited to:

- The adoption, integration, implementation and maintenance of standards as published by National Fire Protection Association;
- The execution of measures to ensure compliance with those standards;
- Promoting and maintaining high standards of conduct by Firefighters and other Members of the Department;
- Assisting Directors and other Officers of the Department to observe the Members' Code of Ethics;
- Advising the Board on the adoption or revision of the Departments' Code of Ethics;

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

- Advising training or arranging to train Directors and other Members on matters relating to the Department's Code of Ethics;
- Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Grievance Committee on any matter which is referred as an ethical standards violation;
- Development of a standardized layout for firefighting apparatus;
- Evaluation and testing of firefighting equipment to ensure standardization and uniformity of all equipment purchased; Definition of uniform design for the firefighters to ensure appropriate appearance and form-fit-function of clothing items to include, but not limited to: t-shirts and caps, dress uniform for special functions, wildland gear and turnout/bunker gear; Identifying specific brand names and designs for each item of equipment and clothing to ensure uniformity and that each firefighter is appropriately equipped for the specific function; Establishing a procurement cycle to ensure adequate quantities of each item are maintained and available for issue and provide said schedule for procurement action;
- Maintaining a preferred vendor list for specific items that have been pre-evaluated and chosen as a Department standard;
- Ensuring competitive bids are obtained from at least three vendors on similar or like items that have not been defined on the preferred vendor list; Identifying the official design of all logos used in representing this Department
- Other duties as deemed appropriate by the Board.

The Committee shall be comprised of five members – two firefighters and three non-firefighters. All decisions of the Committee require a majority vote with at least two of the voting members being non-firefighters.

Section 5 - The BUILDING COMMITTEE shall be responsible for managing the facilities to support the growth of the Department and the community. It shall be responsible for identifying problems related to all facilities of the Department (including physical, structural and building issues). The Committee shall gather opinion from the membership and/or public and provide input on all recommended changes or upgrades. The committee shall develop a plan for acquiring furnishings for the facilities, and shall seek contributions from vendors as appropriate. The Committee shall be comprised of five members – two firefighters and three non-firefighters.

Section 6 - The NOMINATION COMMITTEE shall prepare a list of all qualified candidates for any upcoming election. The list shall include only persons who have indicated a desire to run for the available positions. The Committee shall organize special elections that may be required to fill vacancies of unexpired terms. The Committee shall be comprised of five members elected by the membership at the September business meeting following the Nomination Committee selection process as defined in the Department Policies and Procedures Manual. The Committee must adhere to the election process as explained in these by-laws.

ARTICLE XII

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

PROCUREMENT POLICIES

Section 1 - Use of Public Monies. The purchasing policy of the Department is provided to assure the prudent and economical use of public monies in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud and corruption. The procurement process is detailed in SOG # 1-19, Procurement Process.

Section 2 - Non-emergency Procurement. The following members shall be authorized to procure or purchase supplies, equipment, parts, and/or any other required items for normal (non-emergency) operation of this Department:

Non-bid Procurement Method	For purchase contracts below \$10,000
<ul style="list-style-type: none">• Under \$499• \$500 to \$9,999	<p>Any Board member, Deputy or Assistant Chief with a sales receipt</p> <p>Any Board member, Deputy or Assistant Chief with at least two documented verbal or written quotes and the item has already been budgeted OR is included in the yearly budget, has been verified by the Treasurer that the funds are available, and is approved by the President</p>
Bid Procurement Method	For purchase contracts over \$10,000
<ul style="list-style-type: none">• \$10,000 to \$99,999	Three written quotes are required and the authorization of the Board
Sealed-bid Procurement Method	For purchase contracts over \$100,000
<ul style="list-style-type: none">• Over \$100,000	Three sealed-bids are required and the authorization of the Board

In all instances, reference to catalogues and price lists (with a copy of the cited page) may be substituted for obtaining verbal or written quotes.

The member who makes the purchase shall ensure all supplies, equipment, parts, and/or any other items comply with the appropriate NFPA Standards.

Section 3 - Emergency Procurement. Verbal quotes will be deemed sufficient, when obtained to the extent practical, for purchases of emergency goods and services having a cost in excess of \$499. To be considered an emergency, the following three conditions must be met:

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

1. The situation arises out of an accident or unforeseen occurrence or condition;
2. Public buildings, public property or the life, health, safety or property of the community's residents are affected or placed at risk; and
3. The situation requires immediate action which cannot await competitive bidding.

Section 4 - Credit, charge and debit cards are for official Department business only. These cards may be used for emergency expenses/repairs encountered on approved, official Department business or events.

**ARTICLE XIII
MEETINGS**

Section 1 - Whenever a meeting is required, notices must follow the laws set out by Statutes, Open Meetings Act and these By-Laws.

Section 2 - Meetings of the Board of Directors shall be held once each month on the first Monday of that month. All Department business that requires Board input and/or approval shall be conducted during these meetings. The President of the Board will approve all agendas and the agenda(s) will be posted by the Secretary at the Department office and Mico Post Office bulletin boards and the Department website.

Section 3 - Regular business meetings shall be held once each month on the second Tuesday of that month. The Board shall report the status of all business activity to the general membership at these meetings. The President of the Board will approve all agendas and the agenda(s) will be posted by the Secretary at the Department office and Mico Post Office bulletin boards and the Department website.

Section 4 - Special Meetings of the Department may become necessary. When it is necessary to have a special meeting to conduct Department business, two or more members of the Board may call this meeting. Notices must follow the laws set out by Statutes, Open Meetings Act and these By-Laws. No other business other than that for which the meeting is called shall be conducted at this special meeting, except items of a trivial nature. All members of the Board will be contacted by phone at least three days prior to the meeting. Agendas for all special meetings will be posted at the same locations as regular agendas.

Section 5 - Three members of the Board constitutes a quorum of the Board in order to hold any meetings. Ten members of the Department membership, excluding the Board, shall constitute a quorum to conduct regular business meetings.

**ARTICLE XIV
ELECTIONS**

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Section 1 - The Board elections shall be held each year at the regular November business meeting. The election shall be by secret ballot. If there is only one candidate for the office, an election by acclamation may be chosen by the majority vote of the attending membership. The new Board and Officers shall take office beginning January 1st of the year following the election.

Section 2 - When holding elections for offices as described in the By-Laws here within, guidelines set forth in Articles within these by-laws must be followed. Ties and plurality votes will require resolution until the majority prevails.

Section 3 - Any vacancy in the Board positions shall be filled at any regular or special Board Meeting within thirty days after the vacancy. The appointed members shall serve for the remainder of the original term.

**ARTICLE XV
USE OF THE FIRE STATION/EQUIPMENT**

Section 1 - The Fire Station shall be utilized for the purpose of holding regular and special meetings of the Department. This locale may also be used to hold special social events and community activities. Requests shall be made to the Board who has sole authority to act on such matters.

Section 2 - At no time shall firefighting equipment, including fuel and lubricants, cell phones, etc. be loaned to or used by anyone for personal use. Any other property or equipment to be loaned will have prior approval of the Board or the Fire Chief as set forth in the Standard Operating Guidelines.

**ARTICLE XVI
ETHICS**

Section 1 - The Board shall be the final Department authority to make a determination of proper ethical conduct of Department members. The Board shall maintain a Code of Ethics and hear ethics complaints through the grievance process, SOG # 1-16, Grievance Process.

Section 2 - Department funds may not be expended for any activity other than activities that relate to the objectives of this Department as described in Article II of these by-laws.

**ARTICLE XVII
AMENDMENTS**

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

Section 1 - These By-Laws may be amended or changed only after the amendment or change has been presented in writing to the Board. The Board shall determine the value of said amendment or change and make a recommendation to the membership of their findings.

Section 2 - Any amendment or change to these By-Laws must be read to the membership at three consecutive regular meetings. After the third reading, a vote shall be taken. A two-thirds vote of the members present is required to amend the By-Laws. In addition, the amendment shall require the approval of a two-thirds majority vote of the Board.

Section 3 - A copy of these By-Laws will be made available to all members for pickup at the fire station no later than 30 days following their approval and will be posted on the Department website.

**ARTICLE XVIII
GENERAL PROVISIONS**

Section 1 - The fiscal year of the Department shall begin the first day of January and end on the last day of December of each calendar year.

Section 2 - The use of masculine, feminine or neuter gender herein shall be deemed to mean the correct gender applicable, and the use of the singular shall include the plural, or conversely, as the context may require.

Section 3 - In all cases where a Point of Order or Parliamentary Law is in dispute, Robert's Rules of Order shall be the final authority.

Section 4 - Dissolution: This Corporation may be dissolved pursuant to the provisions of Chapter 9, Article 1396-6.01 of the Texas Non-Profit Corp. Act. Upon the dissolution of the organization, all assets shall be transferred to the Medina County Emergency Services District #1 pursuant to contractual agreement between the Mico Volunteer Fire Department and the Medina County Emergency Services District #1.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

GLOSSARY

AHJ – Authority Having Jurisdiction - The phrase is used in NFPA documents in a broad manner, since jurisdictions and approval agencies vary, as do their responsibilities. Where public safety is primary, the authority having jurisdiction may be a federal, state, local, or other regional department or individual such as a fire chief; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the authority having jurisdiction. In many circumstances, the property owner or his or her designated agent assumes the role of the authority having jurisdiction; at government installations, the commanding officer or departmental official may be the authority having jurisdiction.

Battalion – Two to four companies make up a battalion, which is normally commanded by a Captain. A battalion is capable of multiple operations of limited duration and scope.

Capital Equipment Items – Capital equipment is defined as any single asset which has an acquisition cost of \$5,000 or more and useful life of more than one year, whether purchased outright, acquired through a capital lease or through donation. It also includes certain constructed or fabricated items. It does not include real property.

Coincidence – Two persons sharing the same domicile without being married.

Company – The Company is considered the basic unit of fire department organization and is normally commanded by a Lieutenant. The basic unit of apparatus is the pumper which designates it as an Engine Company. Alternative apparatus make up the Ladder Company, Rescue Company, Truck Company and Brush Company.

Division – Two to four battalions make up a division, which is normally commanded by an Assistant Chief. A division is capable of multiple operations in separate geographical locations of extended duration and scope.

NFPA – The National Fire Protection Association is a U.S. organization (albeit with some international members) charged with creating and maintaining minimum standards and requirements for fire prevention and suppression activities, training, and equipment, as well as other life-safety codes and standards. This includes everything from building codes to the personal protective equipment utilized by firefighters while extinguishing a blaze.

NIMS – The National Incident Management System is a system used in the United States to coordinate emergency preparedness and incident management among various federal, state, and local agencies.

Plurality Vote – Where there are three or more candidates with none receiving a majority (over half) vote.

**MICO VOLUNTEER FIRE DEPARTMENT
MICO, TEXAS**

BY-LAWS

SFFMA – The State Firemen’s and Fire Marshals’ Association is one of the largest trade associations in Texas. The 133-year-old organization is the oldest and the largest fire service association in the state. Membership includes 1300 fire departments, 21,000+ individual members, and 80 industrial fire brigades. The cornerstone of the organization is the Certification Program for volunteer firefighters, which encourages training, education and certification for all volunteers. The SFFMA founded and now supports and sponsors the world's largest fire training school, at Texas A&M University, providing instructors and professional service on the TEEX Fire School's Advisory Board. In addition, the association is extremely active in its legislative efforts that affect the fire service of Texas.

SOG – A standard operating guideline states in general terms what the guideline is expected to accomplish. All major assignments are defined in general terms. The progressive fire department will expand the general statements into a goal and objective arrangement. Determining the goals and assembling the objectives (tasks) will result in standard operating guidelines.

DRAFT - 9/30/10

These By-Laws revised and approved by the Board of Directors and membership on this date.

Approved this ____ day of _____, 2010.

James M. Wilbourn
President, Mico VFD

Date

Michael Ivey
Secretary, Mico VFD

Date

Gerald L. Dyson
Fire Chief, Mico VFD

Date

STATE of TEXAS
COUNTY OF MEDINA

Notary:

BEFORE ME, the undersigned authority, the above persons did personally appear and proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons executed the instrument.

SWORN TO AND SUBSCRIBED BEFORE ME by the above persons, this ____ day of _____, 2010.

Signature and seal of Notary Public

Commission expires:
Notary Public in and for _____ County, Texas