

Manitou Springs Volunteer Fire Department

Constitution and By-Laws

**CONSTITUTION AND BY-LAWS
OF
THE MANITOU SPRINGS VOLUNTEER FIRE DEPARTMENT, INC.**

WHEREAS, in all regulated societies, certain constitutions and/or by-laws are adopted as necessary for the good order thereof, we, the Members of the Manitou Springs Volunteer Fire Department, Incorporated, of the City of Manitou Springs, County of El Paso and State of Colorado, do for the purpose of furthering objectives for which we stand united, agree to support the following by-laws:

I. PURPOSE

The purpose of this organization is to protect life and/or property from the consequences of fire and/or other emergency, to promote the health and welfare of the City of Manitou Springs, and to assist other communities in times of need.

II. ORGANIZATION

The Department shall consist of not more than fifty (50) Members. For the purposes of these By-laws "Department" or "Fire Department" shall mean the Manitou Springs Volunteer Fire Department, Incorporated.

III. RULES OF ORDER

Unless otherwise stated herein, conduct of all meetings shall be governed by the 9th edition of "Roberts Rules of Order Newly Revised".

IV. MEETINGS

- A. Unless the Members shall determine otherwise by proper vote, a regular meeting shall be held on the last Tuesday of each month during the months of September through May.
- B. Unless the Members shall determine other wise by proper vote, each meeting shall be called to order by the Foreman at eight o'clock (8:00 p.m.).
- C. Fifty-one percent (51%) of the Members shall constitute a quorum for the conduct of business.
- D. The following rules shall apply to guests at all meetings:
 - 1. Guests shall be excused by the Foreman after introduction of all guests, except that guests whose presence is necessary or desirable to properly consider a matter of business of the Department shall be permitted to remain until such business is considered.

2. Prospective members shall be excused as other guests.
3. The Foreman may permit a guest to remain at a meeting if the Foreman determines that the presence of the guest is necessary or desirable to the Department.

E. The order of business at each meeting shall be as follows:

1. Roll call;
2. Introduction of guests;
3. Business requiring presence of guests;
4. Reading of minutes of the last meeting;
5. Reading of communications;
6. Treasurer's report;
7. Reports of committee's;
8. Fire Chief's Report;
9. Dismissal of Members;
10. Announcement of resignations and retirements;
11. Presentation of applications for membership;
12. Unfinished business;
13. New business;
14. Appointment of Feed Committee; and,
15. Adjournment.

F. In the event that the Foreman shall deem it necessary to conduct a special meeting, the Foreman shall call such meeting and shall cause notice of such meeting to be given to the Members by appropriate means; fifty-one percent (51%) of the Members shall constitute a quorum for the conduct of business at such meeting and the order of business at such meeting shall be as follows:

1. Roll call;
2. Business for which the special meeting was called; and
3. Adjournment.

V. ELECTIONS

- A. The offices available for election at each annual meeting shall include those of Foreman, First Assistant Foreman, Secretary, Treasurer, Two Probationary Training Board members and One Pension Board Member. The offices of Fire Chief and Assistant Fire Chief are available for election during every even-numbered year. The Officer of Deputy Fire Chief is available for election during every odd-numbered year. The office of Pension Board Member shall be for a term of three years. Each officer shall serve until his or her successor takes office.
- B. Nominations shall be submitted to the Secretary in writing not sooner than the call to order of the regular October meeting and not later than the adjournment of the November meeting.
1. A member may accept nomination for only one (1) office.
 2. The General Committee shall determine the eligibility of a Member for office, shall determine whether a Member is willing to accept nomination, and shall notify a nominated Member of his ineligibility for office.
- C. Elections shall be conducted as the last item of new business.
- D. The Secretary shall prepare and mark one (1) ballot for each Member and each ballot shall be placed in an individually numbered envelope; except for absentee ballots, the ballots shall be distributed at the time of election.

- E. Absentee ballots shall be available for distribution to those Members unable to attend the election.
1. Absentee ballots shall be available for distribution at the Fire Department premises during the two weeks prior to the election.
 2. After a Member has voted an absentee ballot, the absentee ballot envelope shall be signed by the voting Member and deposited in a locked ballot box.
 3. Absentee ballots shall be available only for the annual election and to fill a vacancy in the office of Fire Chief.
- F. At the time for election, ballots shall be distributed by the Secretary to those Members present who have not previously voted by absentee ballot; the Secretary shall remove the envelopes containing absentee ballots from the ballot box, shall remove the absentee ballots from the envelopes and shall deposit absentee ballots in the ballot box.
1. Each voting Member shall deposit his ballot in the ballot box.
 2. The Secretary shall account for all ballots, and then submit the ballots to the General Committee.
 3. The ballots shall be tabulated by the General Committee and results shall be submitted to the Foreman; write-in votes shall be tabulated in the same manner as regular votes.
 4. The person receiving the greatest number of votes for an office shall be declared elected to that office and the results shall be announced by the foreman.
 5. In the event that the vote for any office results in a tie, subsequent votes for that office shall be conducted of the Members present by written ballot until the vote does not result in a tie.

- G. Out-going officers shall relinquish their offices at midnight on the last day of December following the election. Within a reasonable time, but in no later than two (2) weeks prior to the next regular meeting, outgoing officers shall deliver to their successors in office all records, equipment and funds of which they are in possession by reason of their office.

VI. VACANCY IN OFFICE

- A. A vacancy in the office of Fire Chief shall be filled by special election to be conducted in the same manner as a regular election except that nominations shall be accepted only during the regular meeting prior to the special election.
- B. A vacancy in the office of Deputy Fire Chief and/or the office of Assistant Fire Chief shall be filled by appointment by the Fire Chief, such appointed officer shall continue in office until a successor is nominated and elected at the next regular meeting.
- C. A vacancy in the offices of Secretary, Treasurer, Pension Board Member and/or Probationary Training Board Member shall be filled by nomination and election at the next regular meeting.
- D. A vacancy in the office of Foreman shall be filled by the First Assistant Foreman; a vacancy in the office of First Assistant Foreman shall be filled by Second Assistant Foreman shall be filled by nomination and election at the next regular meeting. Any person filling a vacancy pursuant to this Section VI (D) of these By-laws shall be deemed to vacate any office, which that person may hold.

VII. REMOVAL FROM OFFICE

- A. Any elected officer may be removed from office for failure to properly perform the duties of office.
- B. Any charge against an elected officer for the purpose of removal from office for failure to properly perform the duties of office shall be in writing, signed by the Member or Members making such charge, and shall contain a request that the officer shall be removed from office. Such charge shall be submitted to the Secretary or Foreman who shall immediately inform the officer charged of the nature of the charge and of the officer's opportunity to be heard at the next regular meeting.

- C. At the next regular meeting after a charge is made pursuant to this Section, the Secretary shall read the charge of charges to the Members present. The officer so charged shall then be granted an opportunity to be heard and present evidence. After discussion, and if the charge is not withdrawn by the charging Member or Members, the matter shall then be tabled until the next regular meeting.

- D. At the next regular meeting following the reading of a charge of charges pursuant to this Section, a vote shall be conducted by written ballot to determine whether the charged officer should be removed from office. In the event that at least two third's (2/3) of the Members present shall vote to remove the charged officer from office, such officer shall be deemed removed from office and the resulting vacancy shall be filled as set out in Section IV of these By-laws.

- E. The result obtained from a vote to remove an officer from office shall be conclusive and final; the provisions of Section XI (E)(5) of these By-laws, concerning the Members' right to appeal an action of the Department, shall not apply to action taken pursuant to this Section VII of these By-laws.

- F. Any officer removed from office pursuant to this Section VII of these By-laws shall remain a Member in good standing of the Department.

VIII. BOARDS

- A. The Probationary Training Board shall consist of the Fire Chief, the Foreman, Training Officer and two (2) Members elected by the Members.
 - 1. The Probationary Training Board shall receive and review all applications for membership in the Department and shall interview the candidate.
 - 2. The Probationary Training Board shall comply with all provisions of Section XI (B) of these By-laws.
 - 3. Members absent less than one year shall be admitted after completion of application and background check, when an opening occurs. Members absent more than one (1) year must attend the Probationary Training Academy.

4. A majority of the Probationary Training Board must be present to act upon any application.
- B. The Pension Board shall consist of three (3) Members elected as set out in Section V of these By-laws.
1. The Pension Board shall administer the pension plan of the Department and present such matters concerning the pension plan to the Members, as it deems appropriate.
 2. The Pension Board shall determine the eligibility of a Retired Member to receive a pension in accordance with Section XII of these By-laws.

IX. COMMITTEES

- A. Standing Committees shall be the General Committee, the Finance and Audit Committee and the Antique Apparatus Committee.
1. The General Committee shall consist of five (5) Members.
 - a. The General Committee shall decide and/or administer any matters affecting the general welfare of the Department that cannot be timely considered at a regular meeting of the Department, and shall report such matters at the next regular meeting.
 - b. The general committee shall oversee and supervise all elections of officers in accordance with Section V, subsections C (2) and G(3) of these By-laws.
 2. The Finance and Audit Committee shall consist of three (3) Members.
 - a. The Finance and Audit Committee shall audit the Treasurer's accounts after the first day of January and prior to the January meeting, and at such other times as the Members may decide by vote.

- b. The Finance and Audit Committee shall attest to the annual report of the Treasurer presented at the January meeting.
 3. The Antique Apparatus Committee shall consist of three (3) members. The Antique Apparatus Committee shall oversee, supervise and recommend guidelines to the Members for the maintenance and use of all antique firefighting apparatus owned by the Department.
 4. Standing Committee members shall be appointed by the Foreman at the January meeting and shall serve for a term of one (1) year or until their successors have been appointed; no Member shall be appointed to serve on more than one (1) Standing Committee.
- B. Temporary Committees may be established by the Foreman and their members may be appointed by the Foreman at any meeting of the general membership of the Department.

X. OFFICERS

- A. Line officers shall consist of Fire Chief, Deputy Fire Chief, Assistant Fire Chief and Fire Captains.
1. The Fire chief shall have at least five (5) years of service with the Department and shall have attended at least two hundred (200) general response calls of the Department. The duties of the Fire Chief shall be the following:
 - a. To answer to the Administration of the City of Manitou Springs for good order and efficiency of the Department.
 - b. To assume command of the Department at all fires and emergencies;
 - c. To be responsible for all Fire Department property, equipment and buildings;

- d. To prepare and submit to the City of Manitou Springs a Fire Department budget, in accordance with municipal procedures, which reflects a true representation of Department operations;
 - e. To serve as an advisor to the Pension Board;
 - f. To cause an investigation of all fires and to require reports of such investigation reflecting the probable cause of the fire, the extent of damage and any other information deemed necessary;
 - g. To provide for training and general improvement of the Members of the Department, and to maintain efficient firefighting standards, in compliance with law and pension eligibility requirements;
 - h. To appoint qualified Members to the positions of Fire Captain and Fire Police and such additional positions as may be requested by the Fire Chief and approved by the Members;
 - i. To hear all complaints and grievances of the Members and either take appropriate action or make a recommendation to the Department concerning such complaint or grievance.
2. The Deputy Fire Chief shall have at least five (5) years of service with the Department and shall have attended at least one hundred fifty (150) general response calls of the department. The Deputy Fire Chief shall assist the Fire Chief and perform such other duties as assigned by the Fire Chief.
3. The Assistant Fire Chief shall have at least three (3) years of service with the Department and shall have attended at least one hundred (100) general response calls of the department. The Assistant Fire Chief shall assist the Fire Chief and perform such other duties as assigned by the Fire Chief.

4. Four Fire Captains shall be appointed by the Fire Chief and shall perform such duties as may be assigned by the Fire Chief.
5. In the event of the absence of a line officer, the duties of such officer shall be assumed by the next lower ranking officer in the order in which such officers are presented in this Section X of these By-laws.
 - a. In the event of the absence of the Assistant Fire Chief, the duties of the Assistant Fire Chief shall be assumed by the senior Fire Captain.
 - b. In the event of the absence of all Line Officers, the Member present with the most time in service to the Department shall assume the duties of Fire Chief and shall assign duties to the remaining Members as he may deem appropriate.

B. Staff officers shall consist of Foreman, First Assistant Foreman, Second Assistant Foreman, Secretary and Treasurer.

1. The Foreman shall preside at all meeting of the Department, shall administer the Fire Department blood bank and report any action taken concerning the blood bank to the Department at the next regular meeting, and perform such other duties as provided in these By-laws.
2. The First Assistant Foreman shall be the parliamentarian at all meetings of the Department, shall assist the Foreman in the performance of his duties, and shall assume the duties of the Foreman in the absence of the Foreman.
3. The Second Assistant Foreman shall be responsible for all publicity for the Department, shall assist the Foreman and First Assistant Foreman in the performance of their duties, and shall assume the duties of the First Assistant Foreman in the absence of the First Assistant Foreman.

4. The Secretary shall have the following duties:
 - a. To keep a correct record of all meeting and such matters as may be necessary;
 - b. To call the roll when directed by the Foreman;
 - c. To receive and maintain a record of all communications and reports to the Department;
 - d. To disperse funds in the absence of the Treasurer in a manner established and approved by the Treasurer;
 - e. To maintain a roster of the Members;
 - f. To submit a list of Members not in good standing, if applicable, to the Foreman at each regular meeting;
 - g. To prepare and account for all ballots for the annual election;
 - h. To report to the Department at the January meeting concerning the activities of the previous year;
 - i. To maintain at all times an accurate version of these By-laws with all amendments, and to make such By-laws available to the Members;
 - j. To maintain at all times an accurate version, with all amendments, of the policies and procedures adopted by the Department, and to make such policies and procedures available to the Members; and
5. The Treasurer shall be bonded at the expense of the Department in such amount as the Department may deem appropriate; the Treasurer shall have the following duties:
 - a. To receive all monies and deposit said monies in the Treasury of the Department;
 - b. To receive all bills;

- c. To disperse funds only by a vote of the Department of the General Committee;
- d. To maintain an accurate account or record of all monies received and disbursed;
- e. To report matters concerning the treasury at every regular meeting or whenever requested to do so by the Foreman;
- f. To submit a written report at the January meeting, attested by the Finance and Audit Committee, concerning all receipts and expenditures and any other property or funds held in the name of the Department; and,
- g. To ascertain whether any Member, Retired Member or Honorary Member, or any member of their immediate families, shall be ill or otherwise discomforted, and in such case to take such actions as may be appropriate to demonstrate the sympathy and good will of the Department.

C. The Fire Police shall consist of six (6) members who shall be appointed by the Fire Chief. The Fire Police shall be responsible for crowd control, traffic control, safety of fire personnel and equipment from traffic, and fire scene security.

XI. MEMBERS

- A. The qualifications necessary to be a Member of the Fire Department are the following:
1. The Member must be at least eighteen (18) years of age;
 2. The Member must reside in the City of Manitou Springs;
 3. The Member must be physically able to carry out the duties assigned to him by the Fire Chief; and,
 4. The Member must be willing to answer calls to fires and emergencies whenever available.

- B. A prospective member shall submit a completed Manitou Springs Volunteer Fire Department Membership Application Form to the Probationary Training Board.
1. A prospective member shall be introduced at the Department as a guest at a regular meeting upon completion of CBI Background Review and Probationary Training Board review of application before the meeting at which voting may take place on the prospective member's application. Upon such introduction, the prospective member may address the Members.
 2. Upon request from the Probationary Training Board, the prospective member shall submit to a physical examination by a physician selected by the Department and at Department expense, and the results of such physical shall be available to the Probationary Training Board for its consideration.
 3. In the event of a vacancy or vacancies in the membership strength of the Department, the Probationary Training Board shall present proper applications to the Members at a regular meeting. The members shall first consider the applications of former members of the Department provided that such former member previously resigned from the Department in good standing; all other applications shall be considered in chronological order.
- C. Each Member of the Department shall have the following duties:
1. To obey all reasonable commands of the officers present at the scene of a fire and/or emergency;
 2. To comply with the rules of the Fire Department and to conduct himself at all times in a manner which will reflect credit on the Fire Department;
 3. To attend all regular and special meetings of the Fire Department unless an excuse in writing is submitted to the Secretary prior to the meeting;
 4. To respond to all fire and emergency calls if possible;

5. To prevent any person who is not a Member of the Department from riding on or operating any vehicles owned by the City of Manitou Springs or any equipment of the Fire Department except as may be otherwise authorized by the Fire Chief;
6. To remain at the fire or emergency scene after answering a call until the fire is extinguished and/or the emergency is abated and equipment and vehicles are returned to the Fire Department premises and returned to full service, except as may be otherwise authorized by the Fire Chief;
7. To prevent any person who is not licensed by the Fire Department to operate any motor vehicle of the Department owned by the City of Manitou Springs;
8. To prevent unnecessary damage to or loss of property at the scene of a fire or emergency;
9. To refrain from giving information to the public concerning a fire or emergency and to refer such matters to the Fire Chief; and,
10. To properly maintain and preserve equipment issued to the Member of the Department and to comply with the following rules:
 - a. The Member shall sign a receipt for each item of equipment issued to him by the Department.
 - b. Within thirty (30) days after resignation, retirement, or dismissal of the Member of the Department, the Member shall return all equipment issued to him, including identifying insignia or identification, to the Department or shall pay the Department the replacement cost of such equipment; and,
 - c. The member shall pay to the Department all reasonable costs, including replacement cost if applicable, resulting from the loss or theft of, or damage to, any equipment issued to the Member by the Department where such loss, theft or damage is due to the negligence of the Member.

11. To pay twenty dollars (\$20.00) to the Department as annual membership dues on or before the close of the regular meeting of the Department held in September of any year.

D. Each Member of the Department shall have the following rights:

1. To attend all meetings, schools and training sessions designated as being for the general membership;
2. To vote on all matters brought before the membership;
3. To be a candidate for any elective office for which the Member qualified;
4. To attend all recreational functions of the Department; and,
5. To appear before the membership at any regular meeting to appeal any action or decision directly affects the appealing Member and is considered by the appealing Member to be unjust. The affirmative vote of two thirds (2/3) of the Members present shall be necessary to sustain such an appeal.

E. The occurrence of the following as a result of the conduct of a Member shall be cause for dismissal of such Member from the scene of a fire or emergency by the officer in charge:

1. Insubordination;
2. Intoxication;
3. Unwarranted property damage;
4. Conduct detrimental to the Department.

F. The occurrence of any of the following as result of the conduct of a Member shall be cause for dismissal of such Member from the Fire Department upon the affirmative vote of two thirds (2/3) of the Members present at a regular meeting at which such conduct is considered:

1. Insubordination;
2. Intoxication;
3. Unwarranted property damage;
4. Theft;

5. Conduct detrimental to the Fire Department;
6. Being absent from three (3) consecutive scheduled meetings, regular or special, with out submitting a written excuse to the Secretary prior to such meeting;
7. Failure to properly perform the duties of a Member as set out in Section XI (D) of these By-laws; or,
8. Failure to pay twenty dollars (\$20.00) to the Department as annual membership dues on or before the close of business of the regular meeting of the Department held in September of each year.

XII. RETIRED MEMBERS

- A. A Member may become a Retired Member upon request only if the Member has completed twenty (20) years of service with the Department. A Retired Member may attend all Fire Department meetings and special events, but a Retired Member may not vote on any matter, hold any board position, function as an Officer of the Department as voted for by the volunteers, or respond to emergency incidents of any kind.
- B. A Retired Member may apply to the Pension Board for a Pension from the Fire Department by submitting a written application to receive a pension to the Pension Board.
 1. In order to qualify for a pension a Retired Member shall have attended and completed fire service training as required by law for each of twenty (20) years, which years may not be consecutive, and the Retired Member shall have attained at least fifty (50) years of age.
 2. The Fire Chief shall provide all documentation necessary for the Pension Board to determine whether the applicant qualifies to receive a pension.
 3. The Pension Board shall determine whether an applicant for a pension has fulfilled the requirement to receive a pension, as such requirements are set out herein or as such requirements are or may be established by law or the Department.

4. An application for a pension may appeal a decision of the Pension Board in accordance with Section XI (E)(5) of these By-laws, but the only matter which may be considered by the Department is whether the applicant has fulfilled the requirements to receive a pension.

XIII. HONORARY MEMBERS

- A. Any person may become an Honorary Member of the Department.
 1. In order to become an Honorary Member of the Department, a person must be deemed by the Members to be an asset to the Department or to have provided exemplary service to the Department.
 2. The affirmative vote of two thirds (2/3) of the members present at a meeting at which an Honorary Membership is being considered shall be necessary to designate an Honorary Member.
- B. An Honorary Member may attend meetings and special events of the Department, but an Honorary Member may not vote on any matter, hold any board position, function as an Officer of the Department as voted for by the volunteers, or respond to Emergency incidents of any kind.

XIV. AMENDMENT OF BY-LAWS.

- A. An amendment of these By-laws shall be proposed in writing, and shall be signed by five (5) Members who propose the amendment, and shall be presented to the Secretary who shall read the proposed amendment at the next regular meeting. Discussion of the propose amendment shall be permitted upon reading, but the proposed amendment shall be tabled until the next regular meeting at which time a vote may be taken on the proposed amendment.
- B. The affirmative vote of two thirds (2/3) of the Members present at a meeting at which a proposed By-law amendment is being considered shall be necessary to adopt the amendment.