

Wharton Volunteer Fire Department

Constitution and By-Laws

Any Bi-Laws existing prior to 11-4-03 are null and void.

CONSTITUTION AND BY-LAWS

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I

CONSTITUTION AND BY-LAWS OF THE WHARTON VOLUNTEER FIRE DEPARTMENT

OATH

I, (state your name) , having associated myself with the Wharton Volunteer Fire Department, in the City of Wharton, Wharton County, Texas, pledge myself to support the laws and regulations of the said Department; and to respect and obey the officers, when on duty; that I furthermore pledge myself to sustain my officers in the discharge of their duties, and to hold myself bound in honor to confirmate and abide by in every respect, the Constitution and By-Laws:

ARTICLE 1 - NAME AND OBJECTIVE

- 1-1 This organization shall be known by the name and style of the Wharton Volunteer Fire Department, and hereafter may be referred to as the Department.
- 1-2 The objective of the Department shall be to protect lives and property through fire prevention and public fire education, fire suppression, rescue, and hazard mitigation.
- 1-3 The objective of the Department shall be to protect the citizens against the danger of fire, panic, explosion, other hazardous conditions, and any emergency events that may occur in the community.
- 1-4 The number of active members, including the Fire Chief and the Assistant Fire Chiefs shall not exceed forty-eight (48).
- 1-5 The Department shall be a member of the State Firemen's and Fire Marshals' Association of Texas, the dues paid by the Department, members of Wharton County Firefighters Association, National Volunteer Fire Council and the Tri River Firefighters Association.

ARTICLE 2 - DEFINITIONS

- 2-1 *Approved or approval* when pertaining to membership means ratified by a 2/3 majority vote of the qualified members present during any meeting. All other references of *approved or approval* means ratified by a majority vote of the qualified members present during any meeting.
- 2-2 *Qualified member* is any member in good standing with the department and who is not on probation, suspension, leave of absence, or against whom no unpaid fines, assessments or

dues are standing.

- 2-3 *NFPA* means National Fire Protection Association.
- 2-4 *On duty* means any time a member is performing duties of the department.
- 2-5 *Primary response area* is that area, defined by the Fire Chief, where the Department has the primary responsibility for providing the objectives (as defined in Article 1, Section 2).
- 2-6 Quorum= is 51% of the qualified members present.

ARTICLE 3 - OFFICERS

- 3-1 The officers of the Department shall consist of a Fire Chief, Two (2) Assistant Fire Chiefs, President, Vice-President, Secretary/Treasurer, and four (4) Fire Captains.
- 3-2 Only qualified members will be eligible for office.
- 3-3 Vacancies of offices, caused by death, resignation, etc., may be filled at any regular or called meeting and the person elected shall hold office only for the remainder of the term as described in Article 3-6.
- 3-4 No member may hold more than one elected office, with the exception of treasurer/secretary which may be held by a line officer below a chief officer.
- 3-5 Officers shall be elected by the entire department.
- 3-6 The terms of office shall begin on January 1st and end on December 31st of the elected year.
- 3-7 Should an elected officer not be able to perform there duties to a Leave of Absence or Medical Leave, the Chief may appoint a Temporary Officer who is a qualified member to fulfill the duties of that officer. This term shall not exceed one hundred twenty(120) days. Should this period extend past the period (120 days), the officer position should be filled per Article 3-3.
- 3-8 Line officers shall be over suppression, rescue, and hazmat.

ARTICLE 4 - ELECTION OF OFFICERS

- 4-1 The election of officers will be held annually at the first meeting in December, except as defined in Article 3, Section 3-3. The election of officers will be the first order of

business at this meeting. This meeting will be known as the Annual Meeting.

- 4-2 (a) No later than the end of the first meeting in November, members desiring to run for office must file in writing with the President, their intention to run, indicating the desired office.
(b) The member wanting to run must meet the minimum qualifications at the beginning of the term.
- 4-3 All voting will be done in secret, on official ballots authorized by the election committee, and shall be kept confidential.
- 4-4 The qualified member, as of January 1, with the highest amount of votes will assume that office.

ARTICLE 5 - DUTIES AND QUALIFICATIONS OF OFFICERS

Section 1 - Fire Chief

- 5-1.1 The Fire Chief shall have the following minimum qualifications:
 - (a) A qualified member of the Department,
 - (b) Seven (7) years of continuous service as an active member in the Department,
 - (c) Hold an Intermediate Training Certificate issued by the State Firemen's and Fire Marshals' Association of Texas.
 - (d) Must have been a line officer for a minimum of two terms.
 - (e) Be a member of the Hazmat/Rescue team.
 - (f) Be approved by the Wharton City Council.
- 5-1.2 The Fire Chief shall be the head of the Department.
- 5-1.3 The Fire Chief shall have the power to assign and reassign any member of the Department to any non-elected position at any time, as he deems necessary. Elected positions shall be replaced per Article3-3 as required.
- 5-1.4 It shall be the duty of the Chief to:
 - (a) Take command at fires, drills, parades, etc.;
 - (b) Appoint committees pertaining to fire ground operations including, but not limited to, purchase and maintance
 - (c) Settle all disputes of all members when on duty, and the Chief's decision shall stop all controversy until the meeting of the Department, when the subject may be acted upon by the Department;
 - (d) See that the apparatus and everything pertaining thereto are kept in good order

- and repair;
- (e) Direct the training program of the department and order drills, giving the Certifying Coordinator and the Captains adequate notice;
 - (f) Present a written report on the fourth Wednesday of January each year to the Wharton County Rural Fire Prevention District No.1 in accordance with reporting requirements in the contract between the City of Wharton and the Wharton Fire Department County Rural Fire Prevention District No.1;
 - (g) Appoint a Certifying Coordinator, in accordance with the State Firemen's and Fire Marshals' Association Volunteer Certification Program, for the purpose of documenting the integrity of the training program;
 - (h) Report all calls for service quarterly, in accordance with the National Fire Incident Reporting System and in the manner prescribed by the State Fireman and Fire marshal's association;
 - (i) Be responsible for maintaining all records of the department;
 - (j) Maintain a record of all hazardous materials reported to the department in accordance with the requirements of the Texas Department of Health;
 - (k) Appoint a safety officer to ensure compliance, as practical as possible, with the latest edition of NFPA 1500. The Safety Officer should meet the requirements of NFPA 1521;
 - (l) Prepare written guidelines prescribing the standard response and operations of members at fire, HazMat or rescue incidents.
 - (m) Research, plan, develop and implement programs as needed to provide the quality of service to the community in relation to the objective listed in Article 1, Section 2;
 - (n) Prepare, present and manage a budget approved by City Council for the expenses incurred for the routine operations of the department;
 - (o) Supervise all fire protection personnel employed by the City of Wharton and maintain all records as prescribed by the City of Wharton and the State Fireman's and Fire Marshal's association;
 - (p) Perform other duties as assigned by:
 - (1) a 2/3 majority vote of qualified members present at any meeting;
 - (2) the City Manager;
 - (3) the City Council.
 - (q) Appoint a Chaplain

Section 2 - Assistant Fire Chief

- 5-2.1 The minimum qualifications for Assistant Fire Chief shall be:
- (a) Qualified member of the department
 - (b) Five (5) years of continuous service as an active member in the department
 - (c) Hold and Intermediate Certification through the SFFMA
 - (d) Be a member of the Hazmat/Rescue team

- (e) Have attended an officer development course

5-2.2 It shall be the duty of the Assistant Fire Chief to:

- (a) Aid the Fire Chief in the discharge of the Fire Chief's duties;
- (b) Obey the Fire Chief's orders; and
- (c) Perform the duties of the Fire Chief in the absence of the Fire Chief.

Section 3 - President

5-3.1 The President shall be a qualified member with at least two years of active service in the Department.

5-3.2 It shall be the duty of the President to:

- (a) Preside at all meetings of the department;
- (b) Prepare an agenda of items for action prior to each meeting;
- (c) Impartially enforce the Constitution and By-Laws;
- (d) Call Special Meetings of the department at the request of the Executive Committee;
- (e) Appoint Standing Committee members as provided in Article 7.
- (f) Appoint other committees as pertaining to non-fire ground operations.
- (h) See that all Committees perform their duties;
- (i) Fine any member not to exceed one dollar (\$1.00) for misbehavior or misconduct during any regular or called meeting of the department;
- (j) Assist the Fire Chief with the budget

Section 4 - Vice-President

5-4.1 The Vice-President shall be a qualified member with at least one year of active service in the Department.

5-4.2 It shall be the duty of the Vice-President to:

- (a) Assist the President in the performance of the President's duties; and
- (b) Perform the duties of the President in the absence of the President.

Section 5 - Secretary/Treasurer

5-5.1 The Secretary/Treasurer shall be a qualified member of the department with at least two years active service in the Department.

5-5.2 It shall be the duty of the Secretary/Treasurer to:

- (a) Keep a written record of the Department's proceedings;
- (b) Keep a roll of the members in attendance at all meetings and post a quarterly percentages of meetings attended by members;
- (c) Keep a full financial accounting of the Department using recognized accounting procedures;
- (d) Collect and receive all money due the Department;
- (e) Make disbursements as approved by the Department and/or the Executive Board;
- (f) Notify all members who might be in arrears for fines, dues, etc.
- (g) Keep an account of all receipts and disbursements of money in a book procured for that purpose;
- (h) Submit, at the first meeting in February of each year, all department financial records of the preceding year to the Audit Committee for the purpose of audit.
- (i) Assist the Fire Chief and President with the department budget

Section 6 - Fire Captains

5-6.1 Fire Captains shall have the following minimum qualifications:

- (a) A qualified member of the Department,
- (b) Four (4) years of continuous service as an active member in the Department,
- (c) Hold a Basic Certificate issued by the State Firemen's and Fire Marshals' Association of Texas.
- (d) Be a member of the Hazmat/Rescue team
- (e) Complete an Officer Development course.

5-6.2 It shall be the duty of each Captain to:

- (a) Take charge of members at fires and emergency incidents;
- (b) See that all of the members are well skilled in handling the apparatus at fires and on parade;
- (c) See that all apparatus is placed in the station in good condition after each fire or parade and see that everything pertaining thereto is in good condition to be used on short notice;
- (d) See that all station doors are closed properly after any nighttime fire;
- (e) Hold extra training drills or parades at the direction of the Chief;
- (f) Counsel with members when members are neglectful in the performance of their duties.
- (g) Make a written report to the Chief and/or Assistant chiefs for discipline of members whose conduct is unbecoming as a member of the Wharton Volunteer Fire Department.

5-6.3 Fire Captains shall be subject to orders and commands of the Chief and/or Assistant Fire Chiefs.

ARTICLE 6 - MEMBERSHIP

Section 1 - Minimum Qualifications For Application

6-1.1 Applicants for membership in the Department shall:

- (a) Have attained the age of eighteen (18),
- (b) Have a high school diploma, or GED equivalent, or be a high school student in good standing.
- (c) Be of good moral character,
- (d) Be subject to being certified by a physician as being physically fit to perform the duties of a fire fighter, as listed on the Medical Evaluation Form, found in Appendix B,
- (e) Not have facial hair that will interfere with the safe operation of self-contained breathing apparatus,
- (f) Reside within the primary response area of the Department,
- (g) Have a permanent residence within the primary response area for a period of six (6) months prior to filing an application,
- (h) Not have at any time within the previous twenty-four (24) months, been a member of the Department, and
 - (1) Stands discharged without an honorable dismissal from the Department, or
 - (2) Against whom there are fines, dues, or assessments remaining unpaid at the time of dismissal.
- (i) Must maintain a valid Texas drivers license, Class B or above to operate apparatus.
- (j) Must be gainfully employed, retired or be a full time student at an accredited college.
- (k) Must not have been or be convicted of a Class B Misdemeanor or above from 11-4-03 forward.
- (l) Must maintain current automotive liability insurance.

Section 2 - Application for membership

6-2.1 All applications for membership will be made in writing on the approved application, a copy which is found in Appendix A of this Constitution and By-Laws.

6-2.2 All applicants will be present at three (3) meetings of the department prior to presentation of application to the department.

6-2.3 All applications will be read at a regular meeting, referred to the Membership Committee for investigation, and tabled until the next regular meeting when the Department decides approval of the applicant.

6-2.4 Applicants receiving two-thirds (2/3) of the votes cast by qualified members on written ballots shall be duly elected and shall be subject to probation as described in Article 6,

Section 5.1.

- 6-2.5 Only after being duly elected, each applicant must undergo a medical examination by a physician designated by the City of Wharton, the cost to be born by the City of Wharton,
- (a) Any applicant desiring to be examined by applicant's private physician may do so at applicant's own expense.

Section 3 - Duties of Members

- 6-3.1 Applicants who have been duly elected as a member of the Department shall have their name entered on the roll as a member and be entitled to all the privileges and subject to the duties of membership.
- 6-3.2 It shall be the duty of all members to:
- (a) Report to the fire station upon the alarm, with the exception that;
 - (1) The Fire Chief and the Assistant Fire Chief may respond directly to the scene; and
 - (2) Special circumstances as approved by the Chief or the department.
 - (b) Do all in their power, under the directions of the officers, in preserving life, extinguishing fires, and protecting property;
 - (c) Aid in replacing the hose and apparatus properly, and when the Chief shall have excused, be at liberty to depart;
 - (d) Do all in their power to participate in all other programs as approved by the department.
 - (e) Be responsible for and properly maintain all equipment issued by the Department.
 - (f) Must adhere to 6-1.1
- 6-3.3 To maintain active status as a qualified member, each member will:
- (a) Respond to 25% of the alarmed fires, and
 - (b) Attend 25% of all the meetings of the Department, and
 - (c) Acquire 24 hours of in-house training, sponsored by the Department
- 6-3.4 All fire fighters must follow Standard Operating guidelines of the Wharton Volunteer Fire Department.

Section 4 - Leave of Absence

6-4.1 Any qualified member may request a leave of absence for personal reasons from meetings, fires, or both with the following requirements and restrictions:

- (a) All leaves shall be approved by the Department,
- (b) All requests for leaves shall be in writing, specify the type of leave, and will only be presented to the Department during a regular meeting,
- (c) No more than six (6) months leave will be granted during any twelve (12) month period,
- (d) A member that is granted a leave of absence for any reason will not be eligible for perfect attendance awards,
- (e) No member on leave may participate in any voting by the department.
- (f) No one on probation will be granted leave.

6-4.2 Any member will be routinely granted a medical leave of absence with the following requirements and/or restrictions:

- (a) A doctor's report shall be presented to the Fire Chief indicating restrictions that the doctor has placed on the member,
- (b) A medical leave will automatically be granted for a period not to exceed one (1) year, after which the member will be dropped from the rolls.
 - (1) Any member dropped from the rolls for medical reasons, will be considered as leaving the Department in good standing.
 - (2) No one will be taken off Medical Leave without a doctor's release.

6-4.3 Members in the military, who are required to report for duty, shall be routinely granted a leave of absence for the period of time for which they are required to serve.

- (a) Members required to report for military duty shall provide documentation to the Fire Chief indicating the period of time for which their leave of absence will be granted.

6-4.4 No more than 20% of the department shall be on a leave of absence at any one time.

6-4.5 All fines, dues, and assessments must be paid before a leave will be granted.

Section 5 - Probation

- A. Initial probation to include articles 6-5.1, 6-5.3, 6-5.4, & 6-5.5
- B. Disciplinary probation, to include articles; 6-5.2, 6-5.3

- 6-5.1 Each new member will be placed on six (6) months probation with a review after each three (3) months.
- (a) At the end of each three (3) months of the probationary period, the membership committee will review with the probationary member the participation of the probationary member, including but not limited to fire, training, and meeting attendance.
 - (b) The membership committee shall report the results to the Department. The Department will then vote on the recommendations of the committee.
 - (c) At the end of the probation period, the Membership committee will review and report to the Department the participation of the probationary member, including but not limited to fire, training, and meeting attendance.
 - (d) Probationary members receiving 2/3-majority vote of the qualified members present shall enter the ranks as a full member of the Department, with all rights and privileges of qualified members.
 - (e) Probationary members receiving less than 2/3 majority vote of the qualified members present:
 - (1) May be discharged from the Department, or
 - (2) May be reinstated with an additional probationary period, not to exceed (3) months and reviewed as per Article 6-5.1(c).
 - (f) Any probationer not completing six (6) months' satisfactory time within a nine (9) month period will be subject to dismissal.

6-5.2 Any member may be placed on probation for being considered neglectful of duties, by the Chief or action of the Department for a period as deemed necessary.

6-5.3 Any member on probation shall not have voting privileges.

6-5.4 Any member out of the department for a period of 2 years or more shall serve probation in accordance with Article 6-5.1

6-5.5 No Probationary fireman will be allowed to run emergency lights and sirens.

Section 6 - Resignation

6-6.1 No resignation of a member shall be accepted until all fines, dues, penalties or assessments are paid.

6-6.2 Resignation shall be made in writing and shall be accepted provided all dues; fines, penalties and assessments have been paid or excused.

Section 7 - Member Benefits

6-7.1 All qualified members shall be eligible for water, sewer, and garbage pick-up services, the cost to be born by the City of Wharton.

- (a) These services will be available only at the place of member's residence.
- (b) All deposits as may be required by the City shall be paid by the member.
- (c) The water service must be in the name of the member.
- (d) Water service shall be intended only for household domestic use; large gardens, swimming pools, etc. shall be on a separate meter with the charges paid by the member.

6-7.2 All members may participate in the Texas Statewide Volunteer Fire Fighter's Retirement System with all cost to be born by the City of Wharton, subject to all rules and regulations set forth by the Pension Commissioner of the State of Texas and the Local Pension Board.

Exception:

- (a) New members on probation.

6-7.3 All members shall be issued, signed for, and is responsible for the following equipment, paid for by the Department. This equipment shall be returned to the Department upon leaving the Department for any reason.

- (a) NFPA compliant structural fire fighting protective clothing, including helmet, coat, gloves, pants, and boots;
- (b) Pager,
- (c) Uniforms,
- (d) Department badge,
- (e) Jumpsuit.
- (f) Other equipment as may be issued by the Department.

6-7.4 The Fire Chief, Assistant Fire Chiefs, and Captains shall be issued and be responsible for a portable radio.

6-7.5 The Fire Chief and Assistant Fire Chiefs will be assigned a vehicle. See city vehicle policy.

6-7.6 The Department shall provide all members an individual membership with the State Firemen's and Fire Marshals' Association of Texas, the cost to be born by the Department.

6-7.7 Training that is approved by the Training Officer and the Fire Chief is paid for by the department and includes expenses, outside Wharton County.

6-7.8 The Department shall provide all members with a subscription to the Texas Firemen monthly magazine, the cost to be born by the Department.

Article 7 - STANDING COMMITTEES

Only qualified members will be appointed to standing committees. If a committee member fails to maintain status as a qualified member, the President will appoint another qualified member to fulfill the responsibilities of the vacated position only for the unexpired term.

Section 1 - Executive Committee

7-1.1 The Wharton Fire Department shall have a committee known as the Executive Committee, which shall be composed of the Fire Chief, the President, and the Secretary/Treasurer of the Department.

7-1.2 It shall be the duty of the Executive Committee to:

- (a) Manage the finances of the Department,
- (b) Collect and turn over to the Secretary/Treasurer all monies becoming property of the Department,
- (c) Authorize the Secretary/Treasurer, by endorsement of a majority of the committee, to make monetary disbursements without obtaining an order from the Department in regular session, not to exceed \$2500.00
- (c) Handle any and all property of the Department in a manner conducive to the best interests of the Department.
- (d) Prepare the departments annual budget

Section 2 - Membership Committee

7-2.1 The Membership Committee shall be composed of the Chief and Four elected Fire Captains.

7-2.2 The duties of the Membership Committee shall be to investigate the qualifications, history, and character of all applicants; interview all new applicants, including communicating all Department rules, regulations, functions, and member responsibilities; and report all findings to the Department.

7-2.3 If for any reason any of the five (5) members of this committee is unable to perform the responsibilities to their fullest then the remaining four (4) members on the committee may designate a qualified member of the department to fill the position. This position will not be permanent and will be an option on a case-by-case basis.

- a. No member of the committee shall be allowed to remain on the committee in the

event the applicant is a relative or fellow employee.

Section 3 - Audit Committee

- 7-3.1 The Audit Committee shall be composed of three (3) qualified members of the Department appointed by the President, no later than the end of the first meeting in January each year.
- 7-3.2 The Audit Committee shall receive all financial records of the preceding year of the Department from the Secretary/Treasurer by the end of the first meeting in February each year and will make or cause to be made an audit of all accounts and other evidences of financial transactions of the Department. The Audit Committee will secure a licensed public accountant or certified public accountant to perform the audit, the cost to be born by the department.

Section 4 - Election Committee

- 7-4.1 The Election Committee shall consist of three (3) qualified members of the Department and shall be appointed by the President at the second meeting in November.
- 7-4.2 The Election Committee shall prepare the official voting ballots for the election of officers will oversee and validate the election process, and will canvas the ballots and make the results known to the department and maintain records for one year with the city secretary.

Section 5 - Grievance Committee

- 7-5.1 The Grievance Committee shall consist of five (5) qualified members of the Department appointed by the President at the first meeting in January each year.
- 7-5.2 The Grievance Committee shall investigate all charges brought against a member and report their findings to the Department for disciplinary action.
- 7-5.3 In the event that the person to be investigated by the Grievance Committee is a member of the Grievance Committee, then another committee member shall be appointed by the President to fill the position for the investigation being conducted.
 - a. This position will be temporary and will be terminated at the conclusion of the investigation.
 - b. In the event that the original committee member is found to have committed anything that requires disciplinary action, then that member shall be removed from that position and a new member appointed by the President.
 - 1. The newly appointed position will only be for the remaining time left in

the original one (1) year appointment of Committee Members.

ARTICLE 8 - DISCIPLINARY ACTIONS

- 8-1 Whenever it is considered that a member is repeatedly neglectful of the member duties, the accused member may be fined, placed on probation in accordance with Article 6-5.2, censored, reduced in rank or discharged from the Department as approved by the Department.
- (a) All charges against a member shall be presented in writing at a regular meeting, signed by one or more qualified members, and shall be referred to the Grievance Committee for investigation, and a copy be presented to the accused;
 - (b) The Grievance Committee shall make a report upon the case at the next regular meeting for action by the Department.
 - (c) The Secretary/Treasurer shall notify the accused of the action taken by the Department.
- 8-2 Any officer placed on probation in accordance with Article 8, Section 1 shall be removed from office and be replaced in accordance with Article 3, Section 3.
- 8-3 No later than the first meeting in January each year, the Executive Committee will examine each member's fire, training and meeting attendance records. Any member who has failed to meet the duty requirements of Article 6, Section 3.3 for the preceding year will be suspended from the Department.
- (a) Any member who so desires may, no later than the first meeting in February, appear in person before the Department and show cause why the member should not be discharged from the department.
 - (b) At that time, the suspended member may be reinstated upon approval of the department. Any member reinstated will be placed on probation in accordance with Article 6, Section 5.2.
 - (c) ~~Any member not meeting the requirements of Article 6, section 3-3 for a period of two years in a row shall be removed from the rolls.~~ **Revised October 5, 2004**
 - (d) Any member suspended and not appearing before the Department by the first meeting in February will be dropped from the rolls of the Department and will be considered as dishonorably discharged.
- 8-4 Members will be subject to a fine not to exceed twenty-five Cents (\$.25) for non-attendance at regular or called meetings.
- 8-5 Members will be subject to a fine not to exceed one dollar (\$1.00) for unbecoming conduct.
- 8-6 Members will be subject to a fine not to exceed one dollar (\$1.00) for non-attendance at clean-up meetings and the annual meeting.

- 8-7 Fines for offenses may be remitted by approval of the Department after having heard the excuse of the member violating it.
- 8-8 Any member who shall be absent from four (4) consecutive meetings without a legal excuse in writing shall be suspended from the department until the Department takes action.

ARTICLE 9 - MEETINGS

- 9-1 The annual meeting shall occur on the first Tuesday night in December.
- 9-2 The regular monthly business meetings shall be held on the first and third Tuesday night of each month is for training. The hour for the meeting shall be 7:00 p.m.
- 9-3 A special meeting shall be held on every fifth Tuesday for the purposes of equipment and station maintenance.
- 9-4 A quorum must be present to constitute a meeting.
- 9-5 Meetings of this Department shall be governed by parliamentary rule. Where not specified in the Constitution and By-Laws, the President shall use the latest edition of Robert's Rules of Order to govern proper parliamentary procedure.
- (a) An agenda will be prepared by the President prior to the meetings
 - (b) Any items requiring action shall be placed on the agenda prior to the meeting
 - (c) Any member may request any item to be placed on the agenda.
- 9-6 Roll call will be taken at the end of business meetings.
- 9-7 Meetings will be opened and closed by prayer.

ARTICLE 10 - PENSION PLAN

- 10-1 The department will participate in the Texas Statewide Volunteer Fire Fighter's Retirement Fund, Article 6243e.3 Vernon's Texas Civil Statutes, 65th Legislature, Regular Session 1977 (S.B. 411).
- 10-2 Five (5) fire department members will serve on the Local Board of Trustees as directed in ART. 6243e.3 VTCS, Section 22(a)(2).
- Fire Department Pension Trustees shall be elected by the majority of the department at the annual meeting.

10-3 All contributions will be paid by the City of Wharton and administered by the Local Board of Trustees.

ARTICLE 11 - MISCELLANEOUS

11-1 Amendments to this Constitution and By-Laws may be made at any regular meetings, by a two-thirds (2/3) vote of the membership present. Notice of such amendments shall be given in writing at a previous meeting.

11-2 This organization being principally volunteer in its character and having for its purpose the welfare of the community, there shall be no charge for entrance or monthly dues.

11-3 All equipment issued by the Department will be paid for by the Department or the City of Wharton.

ARTICLE 12 - TRAINING

Section 1 - General

12-1.1 The training of the members will be a high priority and held the first (1st) and third (3rd) Tuesdays of each month after the business meeting.

12-1.2 The Department will follow the guidelines for training as prescribed by the State Firemen's and Fire Marshals' Association of Texas Volunteer Certification Program to be known hereafter as the Certification Program.

12-1.3 Training credit hours for each member will be given at the discretion of the Certifying Coordinator depending on;

- (a) The level of participation of the individual member
- (b) The amount of time / participation of the individual member.

12-1.4 It will be the responsibility of each individual to sign the roster.

Section 2 - Certifying Coordinator

12-2.1 The Certifying Coordinator will be appointed by the Fire Chief in accordance with Article 5, Section 1.4(h).

12-2.2 The Certifying Coordinator will report directly to the Fire Chief.

12-2.3 The qualifications of the Certifying Coordinator shall be in accordance with the certification Program of the State Firemen's and Fire Marshals' Association of Texas and include but not be limited to the following:

- (a) Be a member of the Department in good standing
- (b) Attend at least one (1) Certification Board Workshop every two (2) years
- (c) Have successfully completed the minimum requirements for Basic Fire Fighter Certification or;
 - (1) Receive a Provisional certificate from the Certification Board and
 - (2) Complete a Basic Fire Fighter Certification within three (3) years and
 - (3) Shall attend a Certification Board Workshop every year of his provisional status.

12-2.4 The duties of the Certifying Coordinator will be:

- (a) To develop and maintain a quality training program following the guidelines of the Certification Program of the State Firemen's and Fire Marshals' Association of Texas
- (b) To establish training schedules
- (c) To secure and approve qualified instructors
- (d) To maintain all individual and department training records
- (e) To approve and certify all training of the members and the department
- (f) To counsel with individual members working toward a certification level
- (g) To review and certify all training records and reports
- (h) Provide all members with a copy of their quarterly training hours

ARTICLE 13 - SAFETY OFFICER

- 13-1 The Safety Officer shall be appointed by the Fire Chief and may serve until relieved by the Fire Chief.
- 13-2 The Safety Officer shall report directly to the Fire Chief.
- 13-3 In the absence of the Safety Officer, alternate personnel may be assigned by the Fire Chief to perform the duties and responsibilities of the position that requires immediate attention.
- 13-4 The qualifications of the Safety Officer are to:
 - (a) Have and maintain a knowledge of current federal, state, and local laws regulating occupational safety and health applicable to the fire service work environment.
 - (b) Have and maintain a knowledge of current potential safety and health hazards involved in fire fighting and other related activities
 - (c) Have and maintain a knowledge of the current principles and

- techniques of management of a safety and health program
 - (d) Have and maintain knowledge of the current health and physical factors that affect the fire service work environment.
 - (e) Use NFPA 1521 as a guide
- 13-5 The responsibility and authority of the Safety Officer will be to assist the Fire Chief in managing the overall occupational safety and health of the department including but not limited to:
- (a) Identify and cause correction of safety and health hazards
 - (b) Cause immediate correction of situations that create an imminent hazard to personnel
 - (c) Alter, suspend, or terminate activities that are judged by the Safety Officer to be unsafe and involve an imminent hazard and inform the incident commander of the actions taken
 - (d) Mitigate or eliminate unsafe conditions through the incident commander when hazards do not present an imminent danger
 - (e) Develop, review, and revise rules, regulations and standard operating procedures, which shall be submitted to the Fire Chief.

ARTICLE 14 – RETIREMENT

SECTION 1 – RETIREMENT ACCEPTANCE

- 14-1.1 Retirement shall be accepted from a qualified member only after a (15) fifteen good years of service.
- 14-1.2 A retiree is eligible for all privileges and benefits as a qualified member with the exception of voting privileges.

SECTION 2 – RETIREMENT BENEFITS

- 14-2.1 State pension benefits shall be received only after (15) fifteen good years of service and after recipient reaches the age of (55) fifty-five. City benefits will be received upon retirement only after recipient reaches the magic number of (60) sixty. This number is reached by adding age to years of service.

ARTICLE 15 - CONFLICTS

- 15-1 In no point shall this Constitution and By-Laws be effective when they conflict in any way with the laws of the City of Wharton or the State of Texas.