

Bylaws of the Eastern Berks Fire Department  
2018 Updates draft v.2

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ARTICLE I. NAME

The name of the Department is the Eastern Berks Fire Department, herein referred to as the "Department." The Department is formed pursuant to the Pennsylvania Nonprofit Association Law of 1988, as amended

ARTICLE II. MISSION STATEMENT

The mission of the Department is to respond in a safe manner when dispatched to protect life and property due to fire, medical and related emergencies.

The guiding principles of the Department are as follows:

- The Department will provide quality firefighting and rescue equipment as well as trained and knowledgeable firefighters and fire officers.
- The Department will provide the community with fire safety, safety education and fire prevention programs.
- The Department will maintain a high standard of training and education, and act and perform all services in a safe, courteous and professional manner.
- The Department will maintain financial responsibility with the funds entrusted to its care.
- The Department will provide care for the safety of others and for its own members so that the members may continue to provide emergency services.

ARTICLE III. BACKGROUND

A. The Department has been formed from the fire protection services of its former founding fire companies: Bechtelsville Fire Company (Keystone Fire Company No.1), Bally Fire Company (Goodwill Fire Company) and The Volunteer Barto Fire Company. The three founding companies may sometimes be referred to as the "Founding Companies."

B. The Department shall be a "local agency" in accordance with the Pennsylvania Right to Know Act, as set forth in 65 P.S. §67.102.

C. Many of the assets, debts and liabilities of the Founding Companies related to fire protection services, including all firefighting equipment, other than the real estate and non-firefighting personal property relating to the Founding Companies, will be contributed to the Department. The Department may receive items that are owned by Founding Companies that are of historical value to the fire companies, but not directly related to the fire fighting function of the fire

companies. This shall include, but not be limited to, items such as the trophies, plaques and other memorabilia items.

#### ARTICLE IV. PLACE OF BUSINESS

The place where the Department shall regularly maintain its office and transact its business is in the space known as the Eastern Berks Fire Department (Station One) 2243 Old Route 100, Barto, Berks County, Pennsylvania 19504, or any other such place as the Department may deem appropriate from time to time.

#### ARTICLE V. MEMBERSHIP

A. Eligibility for Membership. Members of the community, regardless of sex, age, race, religion, national origin, creed, or disability wishing to join the Department are permitted to submit applications for membership.

B. Classes of Membership. There shall be six (6) classes of permanent membership. Persons who no longer meet the requirements of a particular class may be transferred to a more appropriate class in the Department at the discretion of the Officers. The President or a duly appointed representative may review member records as necessary to determine if changes are appropriate to the class of membership for any member of the Department. Members wishing to change their class of membership shall make such desires known to the Department in writing to the Recording Secretary.

1. Active: Any individual who has reached his or her eighteenth (18<sup>th</sup>) birthday who desires to be an active firefighter shall be eligible for active membership in the Department. Active members can attend all Department meetings and place motions before the members. In order to place a vote at a meeting, an active member must have attended a minimum of six (6) regular monthly or special meetings of the Department in the preceding twelve (12) months. Active members wishing to be excused from meetings due to work, illness, military service, or fire related activity must notify the recording secretary in advance of each meeting. Active members shall be required to pay a membership fee for their first year as members of the Department, but the membership fee for subsequent years shall be waived provided that the individual qualifies for active membership or receives a waiver from the Officers of the Department for extenuating circumstances such as illness, family issues or military service.

2. Associate: Any individual who is not willing or able to serve as an active member but wants to support the Department shall be eligible to serve as an associate member. In order to place a vote at a meeting, an associate member must have attended a minimum of six (6) regular monthly or special meetings of the Department in the preceding twelve (12) months. Associate members wishing to be excused from meetings due to work, illness, military service, or fire related activity must notify the recording secretary in advance of each meeting. Associate members shall be required to pay a membership fee for their first year as members of the Department, but the membership fee for subsequent years shall be waived provided that the individual has attended a minimum of six (6) regular monthly or special meetings of the Department in the preceding twelve (12) months. An associate member shall not be permitted to participate in any firefighting activities.

3. Junior: Any individual wishing to be a member of the Department who is at least fourteen (14) years of age and has not yet reached the age of eighteen (18) shall be eligible to serve as a junior member. Junior members shall have the right to attend all meetings, but shall not have the right to place a motion before the members and shall not have the right to vote. Upon reaching the age of eighteen, a junior member has the right to submit an application for active membership pursuant to the requirements of this Article.

4. Life: Any member who served at one of the Founding Companies as a life member shall be considered a life member of the Department. In addition, any member who serves for a period of twenty (20) years as an active member of the Department and any Founding Company shall be eligible for nomination for life membership by any member of the Department. A majority vote of the members of the Department present that are eligible to vote is required in order for an active member to be elevated to a life member. A life member shall have all of the rights and privileges of an active member for as long as the member so desires, provided that the life member has attended a minimum of six (6) regular monthly or special meetings in the preceding twelve (12) months. Life members wishing to be excused from meetings due to work, illness, military service, or fire related activity must notify the recording secretary in advance of each meeting.

5. Grandview: An individual who has reached his or her eighteenth (18<sup>th</sup>) birthday and who desires to serve the department exclusively at Grandview Raceway. Grandview members shall have the right to attend all meetings, but shall not have the right to place a motion before the members and shall not have the right to vote. Grandview members shall be required to pay a membership fee for their first year as members of the Department, but the membership fee for

subsequent years shall be waived provided that the individual continues to serve at the raceway or receives a waiver from the Officers of the Department for extenuating circumstances such as illness, family issues or military service.

6. Inactive: Any member of the Department who no longer qualifies for any of the above classes of membership shall be considered inactive. An inactive member may attend all meetings, but shall not have the right to place a motion before the members and shall not have the right to vote. After one (1) year of continuous inactive status, the Membership Committee shall have the discretion to remove an inactive member from the membership roster of the Department. An inactive member shall not be permitted to participate in any firefighting activities.

C. Application Procedures.

1. Applications for membership in the Department must be signed by the prospective member as well as by an active member or life member who will act as a sponsor and must include the current application fee. The application and fee will be submitted to the recording secretary, who will then forward copies to the Membership Committee for review. The application fee is non-refundable.

2. The review of the application by the Membership Committee may include a background check, a criminal background check, a drug and alcohol evaluation, an interview with the applicant and any other components as determined necessary by the Membership Committee from time to time.

3. After review of the application and all associated information, the application will be placed before the membership of the Department, and at the following regular meeting submitted for a vote by written ballot. The Membership Committee will provide a recommendation to the Department regarding the applicant. A majority vote of the members of the Department present that are eligible to vote is required for membership.

4. If an applicant is denied membership in the Department they will be notified in writing by the Membership Committee. An individual who is denied membership in the Department may not reapply for a minimum of twelve (12) months. In the event that any individual is denied membership in the Department on two (2) occasions, that individual will be prohibited from seeking membership in the future and any membership application submitted by such individual will be automatically deemed denied without any further action necessary by the Department.

D. Resignations. The resignation of any member must be submitted in writing to the Recording Secretary. Before a resignation can be accepted by the Department, the Treasurer must confirm that the member is current with all

financial obligations and does not have any debts or deficiencies of any kind owed to the Department. At the time of submission of a written resignation, the member must return all items previously issued by the Department to the Department or any of the Founding Companies to the Recording Secretary. All personal protective gear or other fire fighting clothing and gear must be returned to the Department within thirty (30) days from the date of the letter of resignation. Failure to return the Department's personal protective gear may result in criminal and civil penalties.

## ARTICLE VI. MEETINGS

A. Location. All regular or special meetings of the Department shall be conducted at the Eastern Berks Fire Department, Station One, 2243 Old Route 100, Barto, Berks County, Pennsylvania 19504, as set forth in Article I of these by-laws, or at such place as may be deemed necessary by the officers of the Department, provided that the membership is notified of such change at least twenty-four (24) hours prior to said meeting. Postings of such change in location shall be at a conspicuous place in the Department's headquarters and fire stations and shall constitute proper notification pursuant to this Section. Notification shall also be made by electronic means, when available.

B. Date and Time. Meetings of the Department shall be held on a monthly basis for the purpose of conducting normal business. Those meetings normally shall be conducted on the last Tuesday of each month at 2000 hours (8:00 PM) prevailing time, except for holidays and other extenuating circumstances.

C. Special Meetings. Special meetings may be called by any Officer when that Officer believes that the best interests of the Department shall be served by a special meeting. The meeting shall be limited to discussion and action on the matter(s) for which the special meeting was called. The membership of the Department shall be given as much notice as possible prior to any special meeting, but in no event shall a special meeting be held unless twenty-four (24) hour advance notice is given. Posting notice of such special meeting in a conspicuous place in the Department's headquarters and all fire stations shall constitute notification pursuant to this section. Notification shall also be made by electronic means, when available.

D. Order of Business. The order of business for all regular meetings shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Officers
4. Approval of the Minutes of the Previous Meeting
5. Approval of the Minutes of any Special Meeting( s)
6. Announcement of the Communications
7. Report of Officers
8. Report of Committees
9. Treasurers Report
10. Old Business
11. New Business
12. Good of the Order
13. Adjournment

E. Quorums. A quorum shall consist of no less than seven (7) active, associate, and/or life members.

## ARTICLE VII. COMMITTEES

A. Purpose. The Department reserves the right to establish committees as it deems necessary to assist in the operation and responsibilities of the Department. The principal responsibilities of a committee will be established at the time such a committee is appointed. Actions taken by any committee are to be reported at each regularly scheduled Department meeting. Memberships on the various committees shall be identified in a list of current committees and its members. The President may attend any committee meetings and is considered a member of all committees.

B. Appointments and Length of Term. Membership for all committees shall be for a period of two (2) years, unless the committee is an ad hoc committee and the task has been completed prior to the expiration of two (2) years. Members may be appointed by the President at any regular or special meeting of the Department. In the event of a vacancy of any committee, the President shall appoint a member of the Department to serve the remaining term of that committee position.

C. Committee Descriptions. There shall be two (2) types of committees, permanent (or standing) and ad-hoc (appointed as needed).

1. The Membership Committee is a standing committee and consists of four (4) members of the Department. A quorum shall consist of no less than three (3) members. The Membership Committee shall be responsible for

- application and membership procedures as defined in Article III of these by-laws.
2. The Disciplinary Committee is a standing committee and consists of five (5) members of the Department: a line officer, a corporate officer, two life members, and an active member of the Department. The Disciplinary Committee shall be responsible for disciplinary action as defined in Article XV of these by-laws.
  3. The Property Committee is a standing committee. And consists of three members of the Department. The Property Committee shall be responsible for the upkeep, maintenance, and rentals of Department owned or leased property.

## ARTICLE VIII. OFFICER STRUCTURE

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

### A. Restrictions

1. Only one member of a household will be eligible to hold an executive position such as President, Vice President, Recording Secretary, Treasurer, and Fire Chief.
2. Members of the Department shall not be eligible for election to more than one (1) office of the Department as listed above. The President, Vice President, Recording Secretary and Treasurer may run for fire officer positions other than chief.

### B. Duties of All Elected Officers

1. The position of an elected officer is a very important position in the Eastern Berks Fire Department and attendance at meetings is crucial to the success of the Eastern Berks Fire Department.
2. All elected officers are required to attend all scheduled meetings, unless such attendance is excused by the President or Vice President of the Department. To the extent that the President or Vice President is unable to attend the meeting and wishes to be excused from attendance, the President or Vice President should notify Recording Secretary or Treasurer to request an excused absence.

3. In the event that an elected officer fails to attend a two (2) consecutive meetings and fails to request an excused absence, said officer shall be subject for removal from office by a simple majority vote of the members eligible to vote.

4. In the event that an elected officer consistently fails to perform duties as proscribed, said officer shall be subject for removal from office by a simple majority vote of the members eligible to vote.

5. In the event an elected official is removed for failure for any reason, the position and vacancy will be filled as set forth in Article XV.

C. Expenditures

1. All elected officers shall have the right to authorize the expense up to One Thousand (\$1,000) dollars for the emergency repair of any fire apparatus.

2. In the event of an emergency where the expense is over One Thousand (\$1,000) dollars, the President and Vice President shall have the right to approve such expenditure for the maintenance of fire protective equipment or the emergency repairs to any building owned by the Department. The President and Vice President shall agree to such expenditure. In the event that the President and Vice President do not agree to such expenditure, then the emergency repair shall not be approved until the next regular or special meeting of the Department.

3. When such an expenditure is made by any elected officer, the expenditure shall be discussed and voted upon at the next regularly scheduled Department meeting. It is the intention of the bylaws to enable timely and necessary repairs to fire apparatus, equipment and building repairs.

ARTICLE IX. ELECTED OFFICERS

A. President

1. Length of Term. The office of President is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year.

2. Duties. The President shall: preside at all meetings of the Department; preserve order and decorum; enforce the by-laws; decide on all questions of order subject to appeal; cast the deciding vote on all questions when both sides are equally divided; sign all notices and certificates that require the signature of the President for authentication; appoint the members of all committees; open and close all meetings of the Department; enforce all fines and



penalties; and perform such other duties as directed by the by-laws or members of the Department.

3. Qualifications. To be eligible to be nominated as President, a person must be an Active Member or Life Member as defined in Article VI of these by-laws and have served as an Active Member or Life Member of the Department and/or any of the Founding Companies for a continuous period of at least ten (10) year prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months.

B. Vice President

1. Length of Term. The office of Vice President is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year.

2. Duties. The Vice President shall assist the President in the performance of all duties and, in the absence of the President, shall perform all duties of the President.

3. Qualifications. To be eligible to be nominated as Vice President, a person must be an Active Member or Life Member as defined in Article VI of these by-laws and have served as an Active Member or Life Member of the Department and/or any of the Founding Companies for a continuous period of at least ten (10) year prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months .

C. Recording Secretary

1. Length of Term: The office of Recording Secretary is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year.

2. Duties: The Recording Secretary shall: keep fair and correct minutes of all the proceedings of the Department; preserve all papers of the Department; post notices as required by these by-laws; call the roll of officers and maintain a list of the members present at each meeting; perform all the correspondence for the Department as may be directed by the by-laws or membership; sign all notices and certificates that require the signature of the Recording Secretary for authentication; at the expiration of the term, the Recording Secretary shall hand all books and papers pertaining to the position and belonging to the Department over to the successor; and perform such other duties as directed by the by-laws or members of the Department. The Recording Secretary shall also prepare a list for each meeting of the Department detailing which members are eligible to vote.

3. Qualifications: To be eligible to be nominated as Recording Secretary, a person must be an Active Member or Life Member as defined in Article VI of

these by-laws and have served as an Active Member or Life Member of the Department and/or any of the Founding Companies for a continuous period of at least five (5) years prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months.

D. Treasurer

1. Length of Term: The office of Treasurer is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year.

2. Duties: The Treasurer shall: receive all monies; pay all invoices and orders approved by the Department; pay all invoices and orders as required for the normal operating expenses, including utilities and salaries of any employees that have due dates before the next scheduled meeting of the Department; report all expenditures at each meeting; keep all books of the Department ready and available for examination; turn over details on all accounts to a public accountant yearly for review; assist in the preparation and filing of all required taxes; sign all notices and certificates that require the signature of the Treasurer for authentication; At the expiration of the term, the Treasurer shall hand all books and papers in their possession pertaining to the position and belonging to the Department over to their successor; and perform such other duties as directed by the by-laws or members of the Department. Upon taking office, the Treasurer shall be bonded for an amount equal to the liquid assets of the department, the cost of which shall be paid by the Department.

3. Qualifications: To be eligible to be nominated as Treasurer, a person must be an Active Member or Life Member as defined in Article VI of these by-laws and have served as an Active Member or Life Member of the Department and/or any of the Founding Companies for a continuous period of at least ten (10) year prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months .

E. Fire Chief.

1. Length of Term: The office of Fire Chief is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year.

2. Duties: The Fire Chief shall: have sole charge of the fire equipment at all times; be in charge of all firefighting activities; be responsible for a continuing program of training drills, the object of which shall be to insure that the Department is always prepared to give the community fully competent, highly skilled and efficient firefighting services; approve emergency repairs or replacement purchases necessary for the continuous operation of firefighting

equipment; ensure that no persons shall operate any Department apparatus or appliances unless that person is fully competent and trained to do so; attend, or see to it that a representative attends, any meetings which may pertain to the operation of the Department; submit a proposed operating budget to the Officers of the Department as directed by the President; suspend any member from participating in firefighting activities for misconduct, neglect of duty, violation of rules or refusing to obey orders as he or she deems appropriate and report any such suspensions to the President.

3. Qualifications: To be eligible to be nominated as Fire Chief, a person must be an Active or Life Member as defined in Article VI of these by-laws and have served as Active Member of the Department and/or any of the Founding Companies for a continuous period of at least ten (10) years prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months. In addition, a person must be familiar with Essentials of Firefighting and Firefighting Operations and must be certified as a Firefighter I or II based on NFP A 1001 Firefighter Professional Qualifications, be VRT Certified or able to provide documentation on extensive training records or lifetime experience of equivalent standards.

## ARTICLE X. ADDITIONAL FIRE OFFICERS.

### A. Deputy Fire Chief.

1. Length of Term: The office of Deputy Fire Chief is a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year. The position of Deputy Chief shall be elected by a majority vote of the eligible voting members of the Department.

2. Duties: The Deputy Fire Chief shall provide assistance to the Fire Chief in the performance of all duties and shall assume the responsibility and duties of the Fire Chief in his/her absence or in the case that the office of Fire Chief is vacated for any reason.

3. Qualifications: To be eligible to be nominated as Deputy Fire Chief, a person must be an Active or Life Member as defined in Article VI of these by-laws and have served as Active Member of the Department and/or any of the Founding Companies for a continuous period of at least ten (10) years prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months.. In addition, a person must be familiar with Essentials of Firefighting and Firefighting Operations and must be certified as a Firefighter I or II based on NFP A 1001 Firefighter Professional Qualifications, be VRT Certified or able to provide documentation on extensive training records or lifetime experience of equivalent standards.

G. Assistant Fire Chief.

1. Length of Term: There shall be a total of three (3) Assistant Fire Chiefs, each of which shall be a two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year. The position of Assistant Fire Chief shall be elected by a majority vote of the eligible voting members of the Department.

2. Duties: Each Assistant Fire Chief shall provide assistance to the Fire Chief and the Deputy Chief in the performance of all duties and shall assume the responsibility and duties of the Fire Chief or Deputy Chief in his/her absence.

3. Qualifications: To be eligible to be nominated as an Assistant Fire Chief, a person must be an Active or Life Member as defined in Article VI of these by-laws and have served as Active Member of the Department and/or any of the Founding Companies for a continuous period of at least five (5) years prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months.. In addition, a person must be familiar with Essentials of Firefighting and Firefighting Operations and must be certified as a Firefighter I or II based on NFPA 1001 Firefighter Professional Qualifications, be VRT Certified or able to provide documentation on extensive training

H. Captain.

1. Length of Term: There shall be a total of three Captains; two shall be Fire Captains, the other the Rescue Captain, each of which shall serve two (2) year term, commencing with the first day of January following election and continuing to the last day of December the following year. The position of Captain shall be elected by a majority vote of the eligible voting members of the Department.

2. Duties: The Fire Captains shall oversee the firefighting equipment at all stations, with the exception of apparatus. The Rescue Captain shall oversee the rescue equipment at all stations.

3. Qualifications: To be eligible to be a Captain, a person must be an Active or Life Member as defined in Article VI of these by-laws and have served as an Active Member of the Department for a continuous period of five (5) years prior to the nomination and must have attended a minimum of six (6) meetings of the Department in the preceding twelve (12) months and have knowledge of the rescue and fire apparatus as well as any other duties established by the Fire Chief and/or Deputy Fire Chief. The Rescue Captain shall be VRT Certified.

I. Lieutenant

1. Length of Term: There shall be a total of three (3) Lieutenants, one for each station, each of which shall serve a two (2) year term. The term begins January 1 and continues until December 31 of the following year. The position of Lieutenant shall be appointed by the elected fire officers.

2. Duties: Each Lieutenant shall oversee the daily operation, maintenance and upkeep of all apparatus of the Department and maintain written records for all apparatus at their assigned station, including all certification testing of such apparatus. The Lieutenant shall be primarily responsible for the operation of their apparatus and shall only assume emergency scene duties in the absence of all of the Fire Chiefs/Deputies/ Assistants/Captains.

3. Qualifications: To be eligible to be appointed as a Lieutenant, a person must be an Active or Life Member as defined in Article VI of these by-laws and have served as an Active Member of the Department for a continuous period of three (3) years and have knowledge of the fire trucks and fire apparatus as well as any other duties established by the Fire Chief and/or Deputy Fire Chief. The Lieutenant is not required to be VRT Certified.

4. Fire Command: As the Lieutenant is primarily engaged in the maintenance and operation of the fire apparatus, the Lieutenant shall not have on site fire command, unless no other fire officers are available. If no other fire officers are present at the scene, the Lieutenant shall assume fire command until such time as he/she is relieved of command by another fire officer.

J. Fire Police.

1. Length of Term: In order to serve as Fire Police, an individual must be an Active or Life member as defined in Article VI of these by-laws and have served as an Active Member of the Department for a period of one (1) year. All fire police shall be sworn in. The municipalities, in which they provide service, annually shall be provided a list of qualified fire police. There shall be three (3) officers of the Fire Police, each of which shall serve a two (2) year term. The Fire Police officers shall consist of the following:

- a) Captain
- b) Lieutenant
- c) Sergeant

All the positions of Captain, Lieutenant, and Sergeant shall be appointed by the elected Fire Officers of the Department.

2. Duties: The duties of the fire police officers are as follows:

- a) Captain: The Fire Police Captain, under command of the Fire Chief/Police Department, shall direct the activities of the Fire Police at the scene of an

emergency. The Fire Police Captain is responsible for the maintenance of Fire Police equipment and the training of Fire Police Members.

b) Lieutenant: In the absence of the Fire Police Captain, the Fire Police Lieutenant shall direct the activities of the Fire Police at the scene of an emergency.

c) Sergeant: In the absence of both the Fire Police Captain and Lieutenant, the Fire Police Sergeant shall direct the activities of the Fire Police at the scene of an emergency.

Also, any additional duties of the fire police may be determined by the Fire Chief/Police Department.

### 3. Qualifications:

a) Captain: To be eligible to be appointed as a Fire Police Captain, a person must be an Active member as defined in Article VI of these by-laws, and have served as Fire Police and an Active or Life Member of the Department, and must be Certified in Basic Fire Police, Advanced Fire Police, and Legal Concepts for Fire Police, or be able to provide documentation on extensive training records or lifetime experience of equivalent standards.

b) Lieutenant: To be eligible to be appointed as a Fire Police Lieutenant, a person must be an Active member as defined in Article VI of these by-laws, and have served as Fire Police and an Active or Life Member of the Department, and must be Certified in Basic Fire Police, Advanced Fire Police, and Legal Concepts for Fire Police, or be able to provide documentation on extensive training records or lifetime experience of equivalent standards.

c) Sergeant: To be eligible to be appointed as a Fire Police Sergeant, a person must be an Active or Life Member as defined in Article VI of these by-laws, and have served as Fire Police and an Active Member of the Department, and must be Certified in Basic Fire Police, Advanced Fire Police, and Legal Concepts for Fire Police, or be able to provide documentation on extensive training records or lifetime experience of equivalent standards.

d) All fire police officers are required to attend all scheduled meetings, unless such attendance is excused by the Fire Chief.

e) In the event that a Fire Police officer fails to attend two consecutive meetings and fails to request an excused absence, said officer shall be subject for removal from office by a simple majority vote of the members eligible to vote.

f) In the event a Fire Police officer is removed for failure to attend meetings, the position and vacancy will be filled as set forth in Section 1.

## ARTICLE XI. NOMINATIONS

A. Nominations for all elected positions shall be opened by the President at the regular monthly meeting in October. Nominations shall remain open for one (1) month until the November meeting. Elections shall be held at the December meeting.

B. In the event a nominee decides to withdraw, they must present a letter in writing stating such to the Recording Secretary in advance of the November meeting.

C. A list of nominees for each elected position shall be posted at each station within one week of the close of nominations at the November meeting, as well as distributed electronically to all members.

## ARTICLE XII. ELECTION PROCEDURE

Elections for all positions shall take place at the December regularly scheduled meeting. In the event that elections do not occur at the December meeting for any reasons, elections shall occur at the January meeting. In the event that elections occur at the January meeting, the term of the Officers shall not change.

## ARTICLE XIII. QUALIFICATION OF VOTING FOR OFFICERS

Any active, associate or life member having attended six (6) regularly scheduled meetings of the Department in the twelve (12) months prior to the month of the election will have the right to vote. The Recording Secretary shall prepare a list of all members eligible to vote in advance of the meeting. This list shall be posted at each station after the November meeting, distributed electronically to all members and given to the election tellers. This list shall be considered final.

## ARTICLE XIV. VOTING PROCEDURES FOR ELECTIVE OFFICES

A. Voting for elected positions will be made by paper ballot. The President shall appoint two (2) election tellers at the October meeting. The election tellers shall conduct the ballot review and counting. The election tellers shall present the results to the members upon completion of the count. The President shall act as the judge. If a member is unable to attend the December meeting but still wishes to vote, he shall contact an election teller no more than one (1) week in advance of the December meeting. The election teller shall provide a copy of the election ballot, which must be returned to an election teller before the start of the December meeting. The member casting their ballot shall seal the advance ballot.

Sealed ballots will be opened by the election tellers while counting all collected ballots. Any person having completed an election ballot in advance will be ineligible to vote at the December meeting.

B. In order to be elected to an office, a nominee must receive a majority of the votes cast by eligible voters. In the case of more than two nominees, if none receive a majority, the two receiving the most votes will have a run-off election. In the event of a tie, all votes for said position shall be considered null and voting for that position shall take place again. If after two (2) attempts to break the tie, the Recording Secretary shall cast a ballot to break the tie for said position.

#### ARTICLE XV. VACANCY IN AN ELECTIVE OFFICE

A. Should a vacancy occur in an elected office, the vacancy for the unexpired term shall be filled by majority vote by placing nominations at the next scheduled meeting. Nominations shall be made by any members eligible to vote, and the vote to fill the vacancy shall be made at the next regular meeting.

B. A vacancy in office may occur due to any of the following reasons: death, voluntary resignation, disciplinary action, failure to consistently perform proscribed duties, or a leave of absence.

#### ARTICLE XI. LEAVE OF ABSENCE IN AN OFFICE

A. Definitions. A leave of absence shall be defined as a period of time during which an officer who, for business or personal reasons, is not able to fulfill the requirements of the elected position they hold.

B. Requests. Requests for a leave of absence must be submitted in writing to the Recording Secretary or to the President. A leave of absence shall be granted to the member in good standing for a period of not more than three (3) months if, by a majority vote of the eligible voters, if they believe the reason for the leave of absence is justified. Upon expiration of a leave of absence, a leave of absence can be renewed for consecutive terms upon a majority vote.

C. Extensions. Requests for each extension of leave of absence must be submitted in writing to the Recording Secretary or the President at least ten (10) days before the next regularly scheduled Department meeting prior to the termination of the period of time originally granted, unless this time period is waived by the Officers. A majority vote of the eligible voters is required for each extension and is based on whether the reason or reasons for the original request still exists. A request for an extension is not required and shall be considered automatic for those persons called to active service in the military.



D. Effective Date. The effective date of the request for a leave of absence shall be the date of the meeting at which the request is read to the membership. The termination date shall be as decided when the request is granted.

#### ARTICLE XVII. RESIGNATION FROM OFFICE

Resignations must be submitted in writing to the Recording Secretary. All items issued to the member and pertaining to the office, if applicable, must be returned to the Department at the time that the resignation is submitted to the Recording Secretary. In the case of the resignation of the Treasurer the books must be audited.

#### ARTICLE XVIII. DISCIPLINARY ACTION

A. Any member feeling that disciplinary action should be taken against a fellow member for neglect of duty, failure to follow orders, harassment (sexual or other), conduct unbecoming a firefighter, unjudicial conduct, violation of the Department's Constitution or by-laws, unauthorized use of the name of the Department, acting on behalf of the Department without prior authorization or other conduct harmful to the best interests of the Department shall file a complaint in writing to the Recording Secretary. If the complaint is about the Recording Secretary, the complaint shall be in writing and given to the Vice President.

B. After receipt of such a written complaint, the Recording Secretary and/or Vice President will give a copy of the complaint to the President at the next regularly scheduled meeting. Upon receipt, the President shall turn over the complaint to the Disciplinary Committee to hear statements of the complainants and the accused. The Disciplinary Committee shall notify the accused in writing and request said member to appear for a hearing. Failure of the accused to appear before the Disciplinary Committee without good and sufficient reason shall automatically suspend the member until the issue is resolved. Failure of all complainants to appear before the Disciplinary Committee without good and sufficient reason shall automatically result in the charges being dropped.

C. Any hearing conducted pursuant to this Article is to be a closed hearing with only the Disciplinary Committee, the complainants and the accused present. Members are not entitled to legal representation at the hearing. At such hearing, the Disciplinary Committee shall hear the charges of the complainants and the accused. The Disciplinary Committee will present their decision for action in writing to the President before the next regularly scheduled meeting of the Department. The President shall read the report of the Disciplinary Committee to the members present at said meeting. Acting on behalf of the Department, the President shall enforce the recommendations of the Disciplinary Committee.

D. Should an officer or member believe that he or she did not receive a fair hearing, he or she shall have the right to an open hearing before the Department's members, and its actions shall be considered final. Members are not entitled to legal representation at the open hearing.

E. In the event a member is charged by a law enforcement agency with a felony or misdemeanor criminal charge, the individual's membership shall be suspended until such time as the criminal charges are concluded. In the event that the member pleads guilty or is found guilty of a misdemeanor and/or felony offense, such conviction shall be discussed by the membership committee as to whether or not the member is deemed eligible for continued membership in the organization. The membership shall have the right to vote on expulsion of the member without the need for action by the Disciplinary Committee, and the action of the membership shall be final. Placement in a pre-adjudication program such as Accelerated Rehabilitative Disposition (ARD) shall not automatically preclude a member from participation, however, such placement in a pre-adjudication program may be considered by the Disciplinary Committee in recommending to the membership expulsion from the Department or suspension from the Department.

F. The President or Officer in Charge in the case of an active incident, shall have the right to temporarily suspend a member until such time as the Disciplinary Committee has an opportunity to meet to discuss and consider the disciplinary action. Such temporary suspension shall be reported and documented to the President.

G. Drug and Alcohol Use and Abuse. Anyone in possession of, or caught using illegal substances, is subject to action by the Disciplinary Committee. This includes reporting the incident to the proper local authorities. All members shall use their discretion on alcohol use at company related functions. All operators of company owned vehicles shall refrain from using alcoholic beverages. Any chief officer has the right to temporarily suspend any member or fellow chief officer from participating in any function or emergency call if the member or fellow officer is under the influence. Such suspension shall be reported in writing to the President. Any member may be subject to random drug and/or alcohol testing.

H. Involvement in a Motor Vehicle Accident. Any member involved in a motor vehicle accident while operating an Eastern Berks Fire Department vehicle will be required to take an Alcohol and Drug test. Any member that refuses consent to test or has a positive test result will be handled by the Disciplinary Committee.

ARTICLE XIX.                    EXPULSIONS

A.     Per the recommendation of the Disciplinary Committee, a member may be expelled by Presidential Proclamation from the membership of the Department after a two-thirds (2/3) vote of the members present at a regularly scheduled meeting of the Department that are eligible to vote.

B.     Anyone found guilty by a majority of members of the Disciplinary Committee of theft from the Department or from a fellow member of the Department may be suspended or expelled without the necessity of a membership vote.

ARTICLE XX.                    RESTITUTION

Should any equipment belonging to the Department entrusted to a member not be returned when requested, lost by a member, returned in poorer condition than when received (with the exception of normal wear and tear), or mischievously damaged, the member shall be responsible for the replacement or repair costs.

ARTICLE XXI.                    RULES AND REGULATIONS

Robert's Rules of Order and The Rules of Parliamentary Procedure shall be the authorities for interpreting the constitution and by-laws and for conducting the deliberations of the Department.

ARTICLE XXII.                    AMENDMENTS TO THE BY -LAWS

Any proposed amendment to these by-laws must be submitted in writing by an Active, Life or Associate member of the Department and signed by five (5) Active, Life or Associate members in good standing with the Department. Such proposals shall be read at one (1) regular monthly meeting and may be voted on at the next regular monthly meeting following the reading. In addition, the proposed amendment must be posted at all fire stations within ten (10) days of its first reading. To be adopted, the amendment must receive the approval of two-thirds (2/3) of the members present that are eligible to vote. Any amendment so adopted will be effective immediately.

ARTICLE XXIII.                    GENERAL PROVISIONS

A.     Corporate Seal. The Elected Officers shall prescribe the form or a suitable corporate seal, which shall contain the full name of the Department and the year and incorporation.

B. Fiscal Year. The fiscal year of the Department shall end on such day as shall be fixed by the Elected Officers.

C. Annual Report. The President and Treasurer shall present an annual report to the Department in accordance with Section 5553 of the Pennsylvania Nonprofit Corporation Law of 1988.

D. Addition of Fire Company.

1. In the event that a fire company would choose to join the Department, the new fire company would need to be approved by the affirmative vote of three-quarters of the voting members of the Department.

2. A joining fire company must agree to the transfer of all assets and fire apparatus to the Department.

3. The joining fire company would need to agree to transfer its state funded Fireman's Relief monies to the Eastern Berks Fire Department Relief Department.

4. The joining fire company would need to reimburse Eastern Berks Fire Department a proportional share of consolidation expenses for the establishment and formation of the Eastern Berks Fire Department. This proportional share shall be determined by the Elected Officers of the Department.

5. The joining fire department would need to submit such financial and personnel information as requested by the Eastern Berks Fire Department.

6. To the extent the Eastern Berks Fire Department is funded by a fire tax enacted by any of the supporting municipalities, the supporting municipality would need to approve of the joining fire company.

E. Annual Audit. The Eastern Berks Fire Department shall retain an independent certified public accountant to perform an annual audit of the operations and finances of the Eastern Berks Fire Department.

#### ARTICLE XXIV. GRANTS AND MONETARY AWARDS OF FEDERAL FUNDING

No member of the Fire Department shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The member, officer, or
- b. Any member of their immediate family, or
- c. His or her partner, or
- d. An organization which employs, or is about to employ, any of the above, has a financial interest in the firm selected for the award. The Fire Department officers or members will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

- i. As such, no volunteer or member of the Fire Department or anyone involved in preparing the application for funding can participate in, or benefit from, the procurement if federal funds are involved.
  - ii. If items are purchased with grant funds from vendors who employ any of the volunteers/members, the Fire Department must document how they avoided a conflict of interest during the procurement process (i.e. Specific details regarding how the volunteers/members removed themselves or how they were prevented from participating in the process).
  
- 1. The Fire Department will maintain records sufficient to detail the significant history of the procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. All records shall be maintained for a minimum of four years after the specific year's Grant Close-Out Report has been filed.
  
- 2. Competition: The Fire Department shall follow the current guidelines published in the FEMA Procurement Guidance publication and OMB Guidance in accordance with 2 CFR 200.318-326.
  - a. With specific regard to 200.320(f) – Procurement by noncompetitive proposals
    - 1. The items is available only from a single source;
    - 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
    - 3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
    - 4. After solicitation of a number of sources, competition is determined inadequate.
  - b. 200-321 – Contracting with small and minority business, women's business enterprises, and labor surplus area firms.
    - 1. Affirmative steps shall be taken and documented for the compliance with the above requirement.
  
- 3. Prequalified Lists: Purchases shall be made through available cooperative purchasing contracts when it is determined by the Fire Department that products, persons or firms meet the needs of the Fire Department and that piggybacking on these contracts is in the best interest of the Fire Department. Examples of sources for cooperative purchasing contracts include but are not limited to: CONSTARS,

Houston Galveston Cooperative Purchasing Council, and State Purchasing Cooperative Councils.

- a. All prequalified Lists shall have been established to comply with the requirements set forth in Section 2 “Competition”
  - b. As Prequalified Lists are larger contracts sought in compliance with Section 2 “Competition”, said Prequalified Lists shall be the preferred method of purchase to ensure compliance with 2 CFR 200.318-326.
4. Minimum Bids: When a prequalified listed noyed in 3 is not available the Fire Department shall review a minimum of two bids with a preference towards three bids. The bids shall consist of at least two different manufacturers.
  5. Vendor Verification and References: A vendor submitting a proposal for consideration shall provide a list of three (3) references to the Fire Department. The Fire Department reserves the right to confirm a vendor’s work product, goods and services through reference checks. The Fire Department shall contact a vendor’s references and asses the vendor’s work product, goods and services prior to awarding any bid to a vendor. Nothing in this policy shall prohibit the Fire Department from contacting other persons, firms, and products and making additional inquiries as to a vendor’s work products, goods and services.
  6. Rejection of Bid: The Fire Department reserves the right to reject any or all bids submitted by a vendor if the proposal does not meet the bid specifications. Any or all sealed bids may be rejected if there is a sound documented reason.
  7. Bid Protest: A vendor may file in writing a protest to the Fire Department. The vendor shall submit the reason(s) that the vendor believes are cause for review and the protest shall be in writing.
  8. The Fire Department shall promptly notify FEMA and forward the necessary documents to FEMA that may be required for FEMA to review.
  9. Approval of Grants: Each grant application requiring matching funds and submitted on behalf of the Fire Department shall be approved by the Fire and Administrative Officers of the Department.
  10. Approval not Required: Purchase of goods or services specified in grant award packets shall not require the re-approval of the Fire and Administrative Officers of the Department. All financial information including award amounts, receipts

for purchased goods and services, and other documentation shall be provided to the Treasurer for accounting purposes.

#### ARTICLE XXV. DISSOLUTION

The Eastern Berks Fire Department ("Department") is organized exclusively for charitable purposes as such purposes are defined by Section 501(c)(3) of the Internal Revenue Code (or the corresponding section of any future Internal Revenue Law of the United States).

No part of the net earnings of the Department shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Department shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the corporate purposes.

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

In the event that the Department should be dissolved, any surplus remaining in all Department accounts after paying or satisfying all liabilities of the Department shall be distributed to such other organization(s) that are organized and operated exclusively for charitable, educational, religious or scientific purposes or other such uses as shall comply as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future law or regulation of the Internal Revenue Service. The determination of the recipient of any remaining surplus shall be made by a majority vote of the members of the Department.

*Approved by the membership at a meeting held on \_\_\_\_\_*