



# Silver City Volunteer Fire Department Bylaws

## Approval Signatures:

President: *Ronald G. Smith* *Ronald G. Smith* Date: 3-10-20

Secretary *Gene M. Rostallo* Date: 3-10-2020

Fire Chief: *Patryk* Date: 3-10-20



# Silver City VFD Bylaws

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## Article I General Information

**Section 1.1: Name** – This organization shall be known as the Silver City Volunteer Fire Department (SCVFD or Department), a non-profit 501(c)(4) corporation. The SCVFD was incorporated under the South Dakota Common Code on August 14, 1964, and located in Pennington County in the State of South Dakota.

**Section 1.2: Mission Statement** – Silver City VFD protects the lives and property of the Silver City Fire District as first responders.

**Section 1.3: Motto** – Value Life, Prevent Harm, Respond Quickly and Respect All.

**Section 1.4:** The objectives and general information of this organization shall be:

- 1.4.1 To provide a safe and healthy work environment for all Department personnel, to train its members to the highest standards possible, to protect the lives and property of area residents and transients through the extinguishing of fires, delivery of emergency medical care, initiate effective mitigation of hazardous material and man-made or other natural disaster incidents.
- 1.4.2 The Department's jurisdiction shall be the area contained within the Silver City Fire Protection District boundaries. The SCVFD is a separate legal entity from the Silver City Fire Protection District.
- 1.4.3 Be a Department in good standing and to cooperate in mutual aid and be affiliated with County, State, and Federal agencies who request assistance.
- 1.4.4 The rules contained in Roberts Rules of Order shall govern the SCVFD in all cases to which they are applicable, and in which they are not inconsistent with the Bylaws or operating rules of the Fire Protection District.

## Article II Fire Department Bylaws

**Section 2.1:** The Department Bylaws are rules, outlining general activities and operations, that may change according to Department Officers and/or the Board of Directors.

**Section 2.2:** No portion of the Bylaws shall be in conflict with federal, state, county, or local laws. If such conflicts occur, the state, county or local law will prevail.

**Section 2.3:** Department Bylaws may be changed by a two-thirds (2/3) vote of the Department membership, providing that each member is in good standing as specified in the membership categories in this document. The reading of these Bylaws shall take place in two consecutive meetings including Monthly Regular Business-Training Meetings, or the annual Department meeting with a final vote at the second meeting. The new Bylaws will be signed by the President, Secretary, and Fire Chief.

## Article III Membership

**Section 3.1** Membership shall be Active Firefighters, Board of Directors and Honorary members.



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### Section 3.2: Active Firefighters -

- 3.2.1 Active Duty Members must be 18, have a valid driving License (if operating department equipment) and be accepted by current officers of the Department.
- 3.2.2 Firefighters will be issued personal protective equipment (PPE) and given access code(s) to the main and/or secondary fire station(s).
- 3.2.3 Active Firefighters will be asked to complete basic Wildland Fire training.
- 3.2.4 Active Firefighters are encouraged to complete Structural Firefighting Classes and be certified in Structural or Fire Ground support.
- 3.2.5 All firefighter members will be asked to participate in training and the fundraising activities of the Department to help fund the Department's operations and financial requirements. This duty may include public outreach, set-up and tear-down of events, station and apparatus cleaning, and other activities necessary to support those functions.
- 3.2.6 No member shall engage in any activity as a representative of the Department without prior approval from the Chief or Designee.
- 3.2.7 A member's departure from the Department must be communicated to the Chief, and Department issued property and equipment must be returned and accounted for prior to final departure.

**Section 3.2:** Board of Directors - Members hold a Board Officer position and are voted in by the membership.

**Section 3.3:** Honorary Members - Are voted in as Honorary members for past participation or financial support. Honorary members have no voting rights.

- 3.3.1: Honorary Member Earned – Honorary Member Earned is a status granted to a person who has served ten (10) years or more (not necessarily consecutive years); is nominated for this status by the membership; and must receive a majority yea vote by the membership. An Honorary Member Earned can wear the Department insignia; will receive Department communications and may be granted access to department structures in order to assist with department operations specified by an Officer; will be included in all functions; need not but can attend Monthly Regular Business-Training Meetings as a non-voting member. Recognition for this honor will be presented during the annual meeting or Monthly Regular Business-Training Meetings.
- 3.3.2: Honorary Member Applied – Any person who has contributed significantly to the well-being of the Department can be nominated for an Honorary Membership Applied by a current firefighter in good standing. The nominee's contributions will be presented to the membership for consideration and inducted by a majority yea vote. The Honorary Member will be recognized for their contribution at the annual meeting. The Honorary Member will be invited to participate in all Department social functions. Honorary Member Applied is a non-voting member, however, may be granted access to department structures, in order to assist with department operations specified by an Officer.

**Section 3.4:** Personnel or Honorary Members, acting irresponsibly, may be suspended by Department Officers or Board Members (until reviewed by the Board).

## Article IV Management Structure



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**Section 4.1: Incident Command System (ICS)** – The Department will immediately institute the ICS upon arrival at all emergency incidents.

- 4.1.1 All Members will follow or adhere to the chain of command. The Incident Command System (ICS) will be implemented at every incident / emergency response the Department goes on regardless of one's personal beliefs or preferences. The ICS is intended to help bring all firefighters home safely from any incident they participate in. The Fire Chief or most senior ranking officer on the incident has the final say on all strategic or tactical decisions on any given incident.

**Section 4.2: Department Positions** – The management structure within the Department shall consist of the following positions:

- 4.2.1 Fire Chief  
4.2.2 Assistant Fire Chief/Chiefs (Maximum of 2)  
4.2.3 Station Captain (As determined by Chief)

**Section 4.3: Board of Directors** – The Board of Directors shall be the governing body of the Department.

**Section 4.4: Standard Operating Guidelines** –The SOGs shall be established by the Chief Officers, approved by the Board and shall be announced to members at Monthly Regular Business-Training Meetings, prior to implementation. All members shall follow all pertinent SOGs. Failure to comply with either the SOGs or Bylaws may result in disciplinary action, suspension, or termination of membership.

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### Article V Duties of Officers

**Section 5.1: President** – Elected for a two (2) year term on the Board of Directors. The President of the Department shall be active in the Silver City Fire District (may or may not be a fire fighter) and will preside, with the Fire Chief, at the Board meetings, annual business meeting, and special meetings of the Department.

**Section 5.2: Vice President** – Elected for a two (2) year term on the Board of Directors. The Vice President of the Department shall be active in the Silver City Fire District (may or may not be a fire fighter) and will assume the administrative duties of the President in his or her absence. These duties may include presiding over Board and business meetings, and calling for special meetings.

**Section 5.3: Fire Chief** – Elected for a two (2) year term on the Board of Directors. The Fire Chief shall be active in the Silver City Fire District. The duties of this position will involve operational command on incidents and administrative duties. The Fire Chief shall be a member in good standing with the Department. The Chief shall be in charge of all fires at which he or she is present and cooperate with the County and State. The Chief also shall be responsible for overseeing all training programs. All operations officers shall be appointed by the Chief. This includes the selection of Lieutenant(s) / Engine Boss(s), Training Officer, or any other officer that the Chief deems necessary. The Chief will coordinate with the Board on public relations activities, supervise the publishing of news releases, and act as the public information officer.

**Section 5.4: Assistant Fire Chief** – Elected for a two (2) year term on the Board of Directors. The Assistant Fire Chief (s) shall be active in the Silver City Fire District. The Assistant Fire Chief shall be a member in good standing with the Department and it shall be the duty of the Assistant Chief to aid the Chief in the discharge of his or her duties and serve as acting Chief in his or her absence.



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**Section 5.5:** Secretary – Elected for a two (2) year term on the Board of Directors. The Secretary of the Department shall be active in the Silver City Fire District (may or may not be a fire fighter) and shall keep an accurate record of all proceedings, correspondence, legal documents, official, and historical materials.

**Section 5.6:** Treasurer – Elected for a two (2) year term on the Board of Directors. The Treasurer of the Department shall be active in the Silver City Fire District (may or may not be a fire fighter) and shall collect and retain all funds of the Department and keep accurate books of the account showing the receipt and disbursement of all funds of the Department. The Treasurer shall have sole custody of and responsibility for checks used in payment of Department bills. The Treasurer shall obtain a minimum of two (2) Board approved signatures on any financial distribution drafted by the Treasurer. The Treasurer, with the help of the Board, will prepare a budget for the ensuing year and present it to the membership for approval.

- 5.6.1 A Financial Review committee from outside of the Department membership or affiliation shall be appointed by the President and Fire Chief prior to December following the fiscal year. The Financial Review Committee shall conduct an annual review of the financial records and policies for the preceding fiscal year.
- 5.6.2 Budgeted purchases of equipment, supplies, or services that support the Department's operations may be paid by the Treasurer. Purchases of non-budgeted items require pre-approval from the Fire Chief, Assistant Chief or Board prior to the purchase.

### Article VI Board of Directors Officers

**Section 6.1:** The officers of this organization shall consist of the following positions. These officers shall constitute the SCVFD Board of Directors, and may be referenced within these Bylaws as the Board. Each of the following positions shall be held by one (1) unique individual for each Board position.

- 6.1.1 President
- 6.1.2 Vice President
- 6.1.3 Fire Chief
- 6.1.4 Assistant Fire Chief (s)
- 6.1.5 Secretary
- 6.1.6 Treasurer

**Section 6.2:** The Board of Directors – Serving as the officers, shall be the administrative unit of the Department and take charge of all affairs of the Department and may conduct and carry out business as necessary between Monthly Regular Business-Training Meetings. The Board has the power to make recommendations to the membership for action and to discharge such other duties as the membership shall delegate.

**Section 6.3:** Quorum of the Board – Two-thirds (2/3) of the seated Board Members shall constitute a quorum for Board or Special meetings.

**Section 6.4:** Elections – The officers shall be elected by the Department voting members for the term of two (2) years with no limit on the number of terms a member can serve as an officer. Officers shall take an oath of office and terms will commence, immediately after the official results are announced during the fall annual meeting. The President, Assistant Fire Chief (s), Secretary, and Treasurer shall be elected during fall annual meeting held in even numbered years. The Fire Chief and Vice President shall be elected during fall annual meetings held in odd numbered years.



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**Section 6.5: Vacancies** – In case of a vacancy occurring in the office of Chief, the Assistant Chief shall serve as Chief until the expiration of the term, or being replaced by the Board of Directors. In case of a vacancy in any other office, the members may replace such officer at the next Monthly Regular Business-Training Meeting by conducting an election. The candidates receiving the highest number of votes shall be elected to fill the vacant position(s)

**Section 6.6: Nominating Committee** – A committee consisting of the President and the current Fire Chief shall present a slate of officers at the monthly meeting occurring immediately prior to the fall annual meeting.

**Section 6.7: Removal From Office** – An elected or appointed officer may be removed from office for cause as specified in these Bylaws. Cause shall include, without limitation, failure to perform the duties of their office, failure without excuse to attend three (3) consecutive meetings of the Board of Directors, or actions, which may injure the SCVFD's reputation or hamper its work. The Board will discuss and determine whether or not to suspend the officer in question based on that officers explanation of their said behaviors or actions of concern. If suspension is the chosen course of action, the officer so charged is not entitled to be present during the Board's deliberations or to vote. If the Board determines by two-thirds (2/3) vote of the Board, that cause for removal exists, the officer shall be removed from office, effective immediately, upon written notice to that officer.

### Article VII Voting

**Section 7.1: Voting** – Each member in good standing, with Department voting rights, is entitled to one (1) vote, in person, or electronically (for absentee voting), on any important items that require the whole memberships voting participation. Such voting situations would include approving the annual budget, elections of officers, Bylaws changes or amendments, or other important items the Board deem necessary for all voting members to decide.

- 7.1.1 Voting will be either a show of hands, verbal, paper ballot, or electronically.
- 7.1.2 Excused eligible voting members may vote electronically.
- 7.1.3 All Bylaws changes or amendments and annual budget approval requires a two-thirds (2/3) majority ballot vote.

### Article VIII Committees

**Section 8.1: Committee Formation** – The Board of Directors may create committees as needed.

### Article IX Membership Meetings

**Section 9.1: Annual Meeting** – The Annual meeting of the SCVFD shall be held in the fall as scheduled by the Board, at which meeting transaction of business shall take place and officers of the Department elected. The terms of officers shall be staggered so that some officers are elected in even numbered years and other officers in odd numbered years. All members of the SCVFD are encouraged to attend.

**Section 9.2: Monthly Regular Business-Training Meetings** – The regular meeting of the SCVFD shall be held the third Thursday of each month. The Officers shall have the authority to change the frequency or date of said



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meeting as the need arises. Membership attendance at this meeting is important. Absences should be communicated to an officer prior to the meeting.

**Section 9.3: Board of Directors Meetings** – Board of Directors meetings will be determined by the Board and will meet quarterly at a minimum to conduct the necessary Department business requirements.

**Section 9.4: Special Meetings** – Special meetings may be called by the Fire Chief, President or by any other two (2) officers of the Board of Directors, including conducting special meetings of the Board and membership through electronic communication methods. Upon such request, the Secretary shall call such special meeting and shall give a notice of six (6) days and the nature of the business to be acted upon.

### Article X Financial & Asset Management

**Section 10.1: Fiscal Year** – The fiscal year of the organization is November 1st through October 31st each year.

**Section 10.2: Annual Fire Department Financial Contributions** – The Department will accept annual financial contributions for properties under its protection and from the general public. The financial contribution is encouraged to be paid by March 1<sup>st</sup> annually. The recommended contribution amount shall be determined each year by the Board at the time the budget is presented. If an annual financial contribution is not made, the SCVFD reserves the right to charge the property owner for any costs incurred for firefighting actions taken to protect the property or structure. The Department intends to respond to any fire or other emergency situation that is known of within the Silver City Fire Protection District regardless of whether that person or property owner has made a financial contribution to the SCVFD. The Board may invoice the person(s) or property owner(s), at current standard or accepted rates, for compensation of emergency services rendered for those who have not made the recommended annual financial contribution. The Board may waive the invoice as it sees appropriate for those active Department members who volunteer significant time or resources. Payment of the annual financial contribution does not define the contributors voting rights; only members who have completed the membership requirements set forth in Article III have voting rights.

- 10.2.1 Financial donations from the general public, residing within or outside of the Silver City Fire Protection District are welcomed and encouraged to help support the Department's emergency response mission. Individuals or entities who voluntarily donate financially to the Department do not have a voting nor formal membership position.
- 10.2.2 In the event of a mil-levy being established in the Silver City Fire Protection District, the Department cannot invoice for private property fire related incidents. However, the Board may continue to encourage annual financial contributions to address any budget shortfalls not covered by potential future fire tax revenues received.

**Section 10.3: Reimbursement** – Officers, directors, firefighters, delegates to conferences, and members of the committees shall be reimbursed for reasonable expenses as approved in advance by the Board for any non-budgeted items.

**Section 10.4: Financial Responsibility** – The Board of Directors shall, in good faith, authorize and pay bills in a timely manner. Expenditures, other than maintenance of vehicles, shall be limited to the approved budget line item. The Board is authorized to approve expenditures exceeding the approved budgeted line item.



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**Section 10.5: Gifts, Grants, & Endowments** – The President or a designated person may accept on behalf of the Organization any contribution, bequest, or devise for the general purpose, or for any specific purpose of the Organization, as long as such donation is in compliance with the United States Internal Revenue Law and is consistent with the mission of the SCVFD. The Board, in the exercise of its discretion, may refuse to accept any such proposed donation. No member or director shall verify in writing the value of the donation for tax deduction purposes, or other than cash, checks, credit cards, or electronic deductions. Gifts of tangible personal property and gifts-in-kind may be acknowledged by accurately describing the gift in such detail that it is recognizable. Determining a value for such donation is the sole responsibility of the donor. The Board reserves the right to decline financial contributions from individuals or entities that could compromise the SCVFD's ability to fulfill its responsibilities or place the Department into any conflict of interest situation(s).

**Section 10.6: Contracts** – The Board may authorize any officers, agent(s) of the SCVFD, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the SCVFD. Such authority may be general or specific, yet must be in writing and such authorization shall be maintained in the records of the SCVFD.

**Section 10.7: Business Transactions** – The SCVFD shall have the right to buy and sell and the power to hold in ownership, in its own name and on its own behalf, any and all equipment (including vehicles), real property, or land necessary for effectively carrying out the SCVFD's purpose. Any unauthorized purchase, distribution or destruction of such property or equipment may result in disciplinary action or removal from membership. Because the Board has been elected to act in good faith on behalf of the membership and to conduct the business necessary and in a timely manner to protect and serve the members of the Department, the Board has the authority to spend up to one-thousand dollars (\$1,000.00) over the approved budget prior to membership approval. Exempt from this limit would be funds spent during legal proceedings (due to the time constraints) or natural disaster declarations.

### Article XI Indemnification

**Section 11.1:** Officers, directors and agents of the SCVFD shall be indemnified for any costs, expenses, or liabilities necessarily incurred in connection with the suit or proceeding in which they are made a part by reason of being or having been a member serving in an elected or an appointed capacity. No member shall be indemnified when adjudged in the action or suit to be liable for negligence or misconduct in the performance of duties.

### Article XII Dissolution

**Section 12.1:** The SCVFD may be dissolved with the assent given in writing and signed by not less than three-fourths (3/4) of the Directors. Upon dissolution of the SCVFD, other than incident to a merger or consolidation, the assets of the SCVFD shall be dedicated to an appropriate public agency to be used for the purposes similar to those for which the SCVD was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, the organization, trust or other organization to be devoted to such similar purposes.

