

RIST CANYON VOLUNTEER FIRE DEPARTMENT

ORGANIZATION BY-LAWS

11/4/2017

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BYLAWS - RIST CANYON VOLUNTEER FIRE DEPARTMENT

ARTICLE I. NAME, INCORPORATION AND OBJECTIVES

Section 1. The name shall be “Rist Canyon Volunteer Fire Department” (RCVFD).

Section 2. This Organization shall be incorporated in its own name, as an IRS 501 (c)(3) not for profit corporation, under the Laws of the State of Colorado.

Section 3. RCVFD shall be subject to the authority of its elected Board of Directors (BOD) and provide these services:

- A. Provide fire awareness/prevention and extinguishment,
- B. Provide emergency medical services (EMS) and associated rescue,
- C. Provide for public safety,
- D. Provide emergency response to natural disasters.

ARTICLE II. ORGANIZATION

Section 1. This Organization serves the area defined in Operations’ “Standard Operating Guidelines (SOG)” and those areas defined by Mutual Aid Agreements.

Section 2. The fiscal year and officer term runs from January 1 through December 31.

Section 3. The rules in the current edition of "*Robert's Rules of Order, Newly Revised*," govern except when otherwise addressed in these bylaws.

Section 4. The Organization consists of two member categories:

- A. General Members, and
- B. Active Members

ARTICLE III. GENERAL MEMBERS

Section 1. General Members include any persons eighteen years or older who own or reside on property in the RCVFD response area.

Section 2. Rights Conferred by Membership.

- A. General membership confers the right to vote at Annual or Special membership meetings.
- B. A General Member is eligible for any BOD office but may hold only one office at a time.

Section 3. Terms. General Members are considered in good standing only in the fiscal year a monetary contribution is made.

Section 4. Responsibilities and Duties.

- A. Attend Annual Meetings,
- B. Vote at Annual Meetings, and
- C. Actively support RCVFD by:
 - i. volunteering and
 - ii. recruiting General and Active Members

Section 5. Dismissal. The BOD has the right to request a General Member's resignation for just cause. Just cause is defined as actions outside or inconsistent with Bylaws or Standard Operating Guidelines, or not in best interest of the RCVFD as determined by a vote of the BOD. The General Member receiving a request for resignation may:

- A. Accept the BOD request by submitting a written resignation to the BOD, or
- B. Request referral of the matter to the General Membership for a vote.
- C. A General member shall be dismissed by a simple majority at an Annual or Special meeting called for the purpose of dismissal.

Section 6. Vacancies. Section not applicable.

Section 7. Manner of Balloting.

- A. Each General Member is entitled to one vote.
- B. Abstention is neither a yes nor a no vote, and it is not counted in vote tabulation for decisions.
- C. If more than two candidates are nominated for the same BOD position, the candidate receiving the smallest vote count shall be dropped in successive ballots until one candidate receives a simple majority of votes cast.
- D. Proxy voting is not allowed at Annual or Special meetings.
- E. In the event of a Special Meeting, only Members who have contributed \$60 in the previous year are eligible to vote.

Section 8. Meetings.

- A. Annual Meeting. The Annual Meeting to elect BOD officers and conduct other RCVFD business shall be held on a date designated by the BOD. At a minimum, written notice of the Annual Meeting shall be prepared and mailed and/or emailed to the last known Post Office address and/or email address for every General Member. Notice shall be mailed and/or emailed no less than fifteen (15) days before the meeting and shall state the time, location, and the business. Additional notification methods may be employed. When a quorum is not present, the Annual Meeting shall be reconvened within 60 days. If the reconvened annual meeting falls after the beginning of the fiscal year, the previous year's membership eligibility applies to General Members. The meeting order shall be:
 - i. Call to Order
 - ii. Determine Quorum

- iii. Review and Approve Agenda
- iv. Read Minutes of Last Meeting or provide those present with a copy to read
- v. President's Awards
- vi. Officer's Reports
- vii. Financial Review Report
- viii. Old Business
- ix. New Business
- x. Receive and Present Nominations from the Floor. BOD nominations may be made from the floor at the Annual meeting by any General Member provided the person nominated does not decline. A candidate not in attendance shall provide a written statement to the President prior to the Annual Meeting signifying willingness to be a candidate.
- xi. Elections
- xii. Adjournment

B. Special Meetings. A Special Meeting shall be convened by the President within 60 days of receipt of a written request signed by a minimum of five (5) General Members. At least thirty (30) days written notice of the meeting shall be provided to General Members and shall include business to be conducted. No other business shall be conducted at the Special Meeting. When a quorum is not present the Special Meeting shall be cancelled and the topic presented shall die for lack of General Member interest.

Section 9. Quorum. Twenty (20) General Members shall constitute a quorum for the transaction of business at any Annual or Special meeting. In the event fewer than twenty (20) general members exist, fifty percent (50%) of the existing membership shall constitute a quorum.

ARTICLE IV. BOARD OF DIRECTORS (BOD)

Section 1. All BOD Officers shall be elected by and from the General Membership. The BOD members consist of President, Immediate Past-President (ex officio), First Vice-President, Second Vice-President (Fire Chief), Secretary, Treasurer, Immediate Past-Treasurer (ex officio), Assistant Treasurer, Area Representatives and Newsletter Editor. Area Representatives are General Members whose residence or property is located in one of the areas defined in Attachment 2.

Section 2. Rights Conferred by BOD Membership. Right to vote at BOD meetings.

Section 3. Terms. Offices are one-year terms. When a new President or Treasurer is elected, the Immediate Past-President or Immediate Past-Treasurer shall serve on the BOD as an ex-officio member for one (1) additional year.

Section 4. Responsibilities and Duties.

A. The BOD is the administrative, governing and fund-raising body. It formulates policies, manages organization affairs, implements plans and performs designated duties. The duties for every BOD Officer are:

- i. Attend BOD, Annual and Special Member Meetings.
- ii. Communicate actions/activities to members.
- iii. Review and approve annual budget, and necessary interim increases.
- iv. Review financial status and compare expenditures to approved budget.
- v. Review and vote on annual and strategic plans when appropriate.
- vi. Review and vote on the capital equipment plan when submitted by Operations.
- vii. Maintain Job Descriptions for their position.
- viii. Timely fulfill the office's duties and responsibilities.

- ix. Review and vote on other BOD matters.
- x. Provide and Maintain Insurance. The BOD shall require the Treasurer or any other office of the Association charged with the responsibility for the custody of any of its funds or property to be bonded, in such sum and with such surety as the BOD shall determine. The BOD at its discretion may also require other officers, agents or employees of the RCVFD to be bonded, in such amount and with such surety as it shall determine. The bonds or insurance, unless cash security is given, shall be furnished by a responsible bonding or insurance company and shall be approved by the BOD. The cost shall be paid by the RCVFD. The BOD shall also provide for the adequate insurance of the property of the RCVFD, or property which may be in the possession of the RCVFD or stored by it, and not otherwise adequately insured. The BOD shall provide for adequate insurance covering liability for accidents, errors or omissions for Active Members and the BOD while serving in the line of duty.

- xi.

B. **Specific BOD Duties By Position**

- i. President:
 - a) Serve as chief administrative officer, prepare meeting agendas, appoint or replace BOD vacancies.
 - b) Call meetings.
 - c) Preside at meetings.
 - d) Vote to break ties.
 - e) Appoint committees.
 - f) Serve as the Immediate Past-President for one fiscal year after completing the President's term.

- a)
- i.
- b)

- ii. First Vice President
 - a.) Perform President duties when President is unavailable or incapacitated.

- b.) Oversee planning and the implementation of social activities with prior approval of the BOD.
 - c.) Oversee planning and the implementation of the annual membership/fundraising drive with prior approval of the BOD.
- iii. Second Vice-President – see Fire Chief
- iv. Secretary:
 - a) Determine if a quorum is present at all General, Special and BOD meetings before business is conducted.
 - b) Keep accurate records and attendance of all General, Special and BOD meetings.
 - c) Maintain Board of Director’s Standard Operating Guidelines for their position.
- v. Treasurer:
 - a) Maintain RCVFD’s fiscal books and records.
 - b) Change authorized check signatures as required by BOD changes.
 - c) Collect and receive all monies due.
 - d) Deposit all RCVFD monies in a bank designated by the BOD, in the name of RCVFD.
 - e) Keep an accurate and timely accounting of all funds received and expended.
 - f) Make timely disbursements only with prior authorization of the BOD or by simple majority vote of the General Membership.
 - g) Assure disbursements of more than \$5,000 contain two of the required signatures of Article VII.
 - h) Present complete financial reports to the BOD.
 - i) Present summary financial reports to the General Members.
 - j) File proper, timely reports with State, Local and Federal Governments.
 - k) Maintain on a fiscal basis an accurate roster of individuals or groups who have contributed.
 - l) Cooperate with President’s appointed Financial Review Committee before the Annual Meeting.
 - m) Draft proposed annual budget with the BOD and Operations.
 - n) Monitor expenditures against the budget and report over-expenditures to the BOD and Operations.
 - o) Maintain open books subject to inspection of any member and the Financial Review Committee.
 - p) Serve as the Immediate –Past Treasurer for one fiscal year after completing the Treasurer’s term.
- vi. Assistant Treasurer
 - a) Perform Treasurer duties when Treasurer is unavailable or incapacitated.
 - b) Assist with the duties assigned to the Treasurer.
- vii. Area Representatives:

- a) Represent their respective areas and community and present interests to the BOD.
- b) Assist the First Vice-President in the areas of social, annual membership and fund-raising activities.
- c) Conduct outreach to new residents and property owners to educate about RCVFD.
- d) Promote membership and participation in RCVFD.
- e) Provide information about new residents and outreach efforts to the BOD.

viii. Newsletter Editor:

- a) Prepare and distribute the RCVFD quarterly newsletter as directed by the BOD, including RCVFD editorial policy in each issue.
- b) Use prudent editorial skills in drafting newsletter content.

Section 5. Dismissal.

- A. Any BOD Member missing three (3) consecutive BOD meetings without arranging an absence prior to the meeting with the President shall be dismissed immediately, without a vote of the BOD or the General Membership.
- B. The BOD has the right to request a BOD Member's resignation for just cause with a two-thirds (2/3) affirmative vote of the entire BOD. Just cause is defined as actions outside or inconsistent with Bylaws or Standard Operating Guidelines, or those that are unsafe, illegal, or not in best interest of the RCVFD as determined by a two-thirds vote of the BOD. The BOD Member receiving a request for resignation may:
 - i. Accept the BOD request by submitting a written resignation to the BOD, or
 - ii. Request referral to the General Membership for a vote. The BOD Member shall be dismissed by a two-thirds majority vote of the General Membership at a Special Meeting called for that purpose.

Section 6. Vacancies. Any BOD officer position vacated shall be filled at the next Annual Meeting. In the interim, the BOD vacancy shall be filled by appointment by the President for the completion of the term.

Section 7. Manner of Balloting.

- A. All BOD decisions shall be made by simple majority of the BOD present and casting votes by a show of hands except as otherwise noted in these bylaws.
- B. Each BOD position is entitled to one vote.
- C. Abstention is neither a yes nor a no vote, and it is not counted in vote tabulation for decisions.
- D. The President votes only to break a tie.
- E. Proxy voting is not allowed.
- F. BOD decisions/actions by email or telephone:
 - i. Quorum is determined in accordance with Article IV, Section 9 (Quorum).
 - ii. The Board decision/action shall be recorded in the next BOD meeting minutes, including the individual voting record.

Section 8. Meetings.

- A. BOD meetings shall be held monthly on a date set at the previous meeting unless cancelled.
- B. All BOD meetings are open.
- C. Executive sessions of the BOD are meetings closed by a two-thirds (2/3) vote of the BOD present when deemed necessary. Minutes of the Executive Session shall be maintained and discussions shall be confidential. The minutes shall be sealed and can only be opened at a subsequent Executive Session.
- D.

Section 9. Quorum. Fifty-percent (50%) of the BOD Membership shall constitute a quorum for BOD meetings.

Section 10. Public Information. No individual can make statements or post information on behalf of the RCVFD without the approval of the BOD President and/or Fire Chief or their appointed representative. This includes but is not limited to: the RCVFD website, Facebook page, social media, community alerts, etc. The BOD can appoint a Public Information Officer to monitor content published on social media and other RCVFD platforms.

ARTICLE V. ACTIVE MEMBERSHIP - OPERATIONS
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Section 1. Active Members shall be any person eighteen years or older, certified as a firefighter, medical responder, or both, in accordance with this Article. All Active Members automatically qualify as General Members.

- A. Election to Active Membership. Any person desiring to become an Active Member shall apply to the Fire Chief or designee. RCVFD is an equal opportunity organization and a decision to accept or deny an individual for Active Membership shall be based solely on operational factors.
- B. Applicants will become provisional Active Members (“Recruits”) and then full Active Members as set forth in the Operations’ “Standard Operating Guidelines” and when approved by the Fire Chief or designee.

Section 2. Rights Conferred by Membership.

- A. Active membership confers the right to vote for Operations Officers.
- B. Any Active Member shall be eligible for any BOD or Operations office.

Section 3. Terms.

- A. Active Members. Terms are indefinite while the active member meets physical, training and other requirements established in RCVFD Operations’ “Standard Operating Guidelines.” B. Operations Officers. All offices are a one-year (1) term.

Section 4. Responsibilities and Duties. Duties of the Active Members are:

- A. Hold themselves and equipment ready to respond to an emergency according to the Operations’ Standard Operating Guidelines.

- B. Maintain skills at certification levels specified in the Operations' Standard Operating Guidelines
- C. Elect Operations Officers.
- D. Abide by all the requirements specified in the Bylaws and Operations' Standard Operating Guidelines.

Section 5. Operations Officers:

- A. Elected Operations Officers are Fire Chief (Second Vice-President), Assistant Fire Chief, and Medical Officer. Operations Officers are elected by and from the Active Membership. Additional officer positions may be created at the discretion of the Fire Chief with approval of the officers.
- B. The Fire Chief serves as Second Vice-President of the BOD member, with full BOD privileges including voting.
- C. Duties of the Fire Chief:
 - i. Have charge of all fire equipment owned by or assigned to the RCVFD.
 - ii. Assure RCVFD is ready to provide emergency services consistent with the Bylaws, and BOD and Operations' Standard Operating Guidelines.
 - iii. Maintain regular contact, for operational considerations, with all local emergency service organizations.
 - iv. . Represent RCVFD operations with building departments and other local agencies with regard to building issues.
 - v. Report to General membership whenever deemed necessary, or requested by the BOD.
 - vi. Report to the BOD and Members at Annual Meetings; such reports may include the equipment status, fires, medical responses, readiness, capital needs and plans, and other pertinent information.
 - vii. Perform or direct planning functions for training of members and certification of Active Members.
 - viii. Make decisions pertaining to the assignment of members to operational positions.
 - ix. Assure Active Member attendance records are kept at training sessions, fires, medical emergencies or other events to which RCVFD responds.
 - x. Suspend any Active Member from any operation if it is determined by the Fire Chief that the member is not fit for duty.
 - xi. Expend up to \$500 per month (but limited to \$2,000 per year) without prior approval for unanticipated expenditures to continue normal operations. A report of the expenditure will be provided to the BOD at the next meeting.
 - xii. Emergency expenditures that occur during a life or property threatening emergency can be authorized by the Fire Chief or the Incident Commander (as defined in the Standard Operating Guidelines) of the emergency. Said expenditures must be, in the best estimation of the authorizing officer, related to immediate life or property threat and, if at all possible, be reviewed by available Operations Officers prior to expenditure. A report of the expenditure will be provided to the BOD after the emergency has abated.
 - xiii. Delegate, at his/her discretion, any of these responsibilities to other Operations. Officers or Active Members. During emergency operations, the Incident Commander will be determined using the protocol defined in Operations' Policies and Procedures.

- D. Duties of Assistant Fire Chief and Medical Officer

- i. The Assistant Fire Chief shall perform the Fire Chief's duties when the Fire Chief is unavailable or incapable of performing them.
- ii. The Medical Officer, or designee, shall file medical reports, as required by RCVFD's physician advisor, review certification of medical responders and organize monthly medical training. The medical officer shall also see that medical training attendance is recorded.

Section 6. Dismissal. The Operations Officers have the right to request an Active Member's resignation for just cause with a two-thirds (2/3) affirmative vote of the Operations Officers. Just cause is defined as actions outside or inconsistent with Bylaws or Standard Operating Guidelines, or those that are unsafe, illegal, or not in the best interest of the RCVFD as determined by a vote of the BOD.

Section 7. Vacancies. An Operations Officer vacancy shall be filled by the Fire Chief.

Section 8. Manner of Balloting.

- A. Operations Officers shall be elected by a simple majority of Active Members present at the first Fire Training meeting in January, providing a quorum is met.
- B. Each Active Member is entitled to one vote.
- C. Abstention is considered neither a yes or no vote, and it is not counted in vote tabulation for decisions.
- D. If more than two candidates are nominated for the same position, the candidate receiving the smallest vote count shall be dropped in successive ballots until one candidate receives a simple majority of votes cast.
- E. Proxy voting is not allowed.

Section 9. Meetings.

- A. Operations meetings are held on a date set at the previous meeting unless cancelled.
- B. All Operations meetings are open to the public except Executive Sessions.
- C. Executive sessions are meetings closed by a two-thirds (2/3) vote of the Operations members present when deemed necessary.
- D. The Operations Officers have the right to request another Operations Member's resignation for just cause with a two-thirds (2/3) affirmative vote of the entire Operations Officer Roster. Just cause is defined as actions outside or inconsistent with Bylaws or Standard Operating Guidelines, unsafe, illegal, or not in the best interest of the RCVFD as determined by a vote of the Operations Officers. The Operations Officer receiving a request for resignation may:
 - i. Accept the request by submitting a written resignation to the Operations Officers, or
 - ii. Request referral to the Active Membership for a vote, and then the Operations Officer shall be dismissed by a two-thirds majority vote of the Active Membership present and voting at the special meeting called for that purpose.

Section 10. Quorum.

- A. A quorum for Operations Officers Meetings is four (4).
- B. A quorum for Operations Officers elections is ten (10) active members or 50% of the current roster – whichever is greater.
- C. There is no quorum requirement for Operations Meetings.

ARTICLE VI. USE OF FUNDS

Section 1. Expenditures. No monies belonging to the Department shall be used for any purposes except those directly related to RCVFD operations. Monies shall be expended when authorized by at least one of the following:

- A. The BOD
- B. General Membership
- C. Fire Chief or Incident Commander during operations and emergencies.

Section 2. Checks.

- A. All checks drawn against RCVFD funds shall be signed by any of the following: Treasurer, President, First Vice-President or Fire Chief.
- B. Checks written for more than \$5,000 shall be signed by two of the authorized persons in Article VI. Section 2 (A). Written notification of such signature requirement shall be provided to RCVFD's bank(s) and pre-printed on the blank check stock.

ARTICLE VII. AMENDMENT PROCEDURE

These by-laws, attachments excepted, shall not be repealed or amended unless written notice is given to the General Membership one month prior to action. Bylaws revisions shall be adopted by two-thirds (2/3) majority vote of the General Members present.

ARTICLE VIII. DISSOLUTION

Section 1. Method. Should it become necessary for the RCVFD to dissolve its organization, it shall be done:

- A. Only with a written affirmative vote of two thirds (2/3) of all General Members,
- B. And, pursuant to Colorado State and federal laws and regulations relating to tax exempt, non-profit corporations.

Section 2. Assets Distribution.

- A. Assets of the RCVFD shall be distributed in a manner voted on by the General Membership except that none of the property, proceeds, or assets shall be free to any members or purchased by any

members for significantly below fair market value. Preferably RCVFD property and assets would be disbursed in a manner that supports emergency services that serve the RCVFD area.

Attachment 1. STANDING COMMITTEES OR STAFF POSITIONS

Section 1. Nominating Committee. The President shall appoint a Nominating Committee of at least two (2) members to prepare, in advance of the annual election of officers, a slate of nominees for each Elective Office.

Section 2. The President may appoint, with the support of a majority of the BOD, other Standing or Special Committees and Chairpersons thereto.

Fire Response Area

- A. Township Seven (7), Range Seventy (70) West of the 6th P.M.: Sections Four (4), Five (5) and Six (6).
- B. Township Eight (8), Range Seventy (70) West of the 6th P.M.: Sections Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32) and thirty-three (33).
- C. Township Seven (7), Range Seventy-one (71) West of the 6th P.M.: Sections one (1), Two (2), Three (3), Four (4), Five (5), Six (6), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty-three (23), Twenty-four (24).
- D. Township Eight (8), Range Seventy-one (71) West of the 6th P.M.: Sections Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Twenty (20), Twenty-one (21), Twentytwo (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirtythree (33), Thirty-four (34), Thirty-five (35), and Thirty-six (36).

Medical Response Area

Includes all areas described in Section 1 above plus:

- A. Township Seven (7), Range Seventy-one (71) West of the 6th P.M.: Sections Sixteen (16),Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22).
- B. Township Seven (7), Range Seventy-two (72) West of the 6th P.M.: Sections Thirteen through Sixteen (13-16), Twenty-one through Twenty-eight (21-28) and Thirty-three through Thirty-six (33-36).
- C. Township Eight (8), Range Seventy-one (71) West of the 6th P.M.: Sections Eighteen (18) and Nineteen (19).

Section 1. Area Representatives, as defined by the BOD, shall include one Representative from:

1. Stove Prairie Road or its Tributaries other than the Buckhorn
2. Davis Ranch Road or its Tributaries
3. Stratton Park Road or its Tributaries
4. Rist Canyon Road or its Tributaries other than Davis Ranch, Stratton Park and Whale Rock
5. Whale Rock Road or its Tributaries
6. Upper Buckhorn Road or its Tributaries as divided from the Lower Buckhorn by Moody Hill Road
7. Lower Buckhorn Road or its Tributaries as divided from the Upper Buckhorn by Moody Hill Road.
8. Representative(s) at Large

Section 2. Additions. Area Representatives may be added at the discretion of the BOD, to be elected at the next General Election, or a Special Election for that purpose.

Section 3. Deletions. Area Representatives may be eliminated by the board when no longer appropriate, providing the current office holder, if any, agrees.

Attachment 4 REVISION HISTORY

Revision 4: Note: Maintenance of revision history began with revision 4.

- Change of the fiscal year. Modified Article II, Section 3, Article III Section 5.
- Change to allow BOD determination of Area Representative Offices.
- Modified Article III Section 1 A. Added Attachment II.
- Definition of Newsletter Committee.
- Addition of Article XI, Section 1 C.

Revision 5.

- Amended to delete 2 years in an office and 3 years as member of board limitation that was in Article III, Section 4. Board members can now serve consecutive terms without specific term limits.
- Added Medical Response Area to Attachment 2.
- Updated Fire Response Area in Attachment 2.

Revision 6. (November 1999)

- Significant revisions throughout.

Revision 7. (November 2007)

- Significant revisions throughout. Complete re-order based on membership categories.

Revision 8 (November 2017)

- Changed RCVFD's non-profit tax status.
- Increased household minimum monetary contribution for Special Meetings.
- Updated notification and meeting procedures.
- Updated BOD membership, duties, and procedures.
- Updated Active Member officers and procedures.
- Updated Standing Committees.
- Divided the Buckhorn area into Upper and Lower sections and added a second Buckhorn Road Area Representative.
- Added Article IV. Section 10 regarding Public Information.

