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BY-LAWS

ROCKY POINT VOLUNTEER FIRE DEPARTMENT

Approved by the Board of Directors and 2/3 active members of RPVFD on 07/02/09. Supersedes any and all previous By-laws or Changes to the By-laws and any other regulations and laws by RPVFD.

SECTION I: AUTHORITY

ARTICLE 1: GENERAL PROVISIONS: The Rocky Point Volunteer Fire Department (hereafter referred to as RPVFD) is chartered as a nonprofit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina, entitled, "Non-Profit Corporations Act," and the several amendments thereto and is organized for exclusively religious, charitable, scientific, literary, and educational purposes within the meaning of section 501 C (3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue law.

A. PROHIBITIONS: Notwithstanding any other provisions or articles, this organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal Income Tax under Section 501C (3) of the Internal Code of 1954 or the corresponding provisions of any future United States Internal Revenue Law.

B, DISSOLUTION: In the event of dissolution, the residual assets of the organization will be turned over to Pender County Government.

ARTICLE 2: PURPOSE: The purpose for which the corporation is organized is to establish, operate, and maintain on a continuing basis a volunteer fire and rescue department. The primary objective of the RPVFD Operations Department is to provide optimum fire protection to the residents of the RPVFD fire district commensurate with available resources. These activities will be conducted within the fire district of RPVFD, North Carolina and the surrounding area as defined by the RPVFD Fire District map. Additionally, RPVFD will respond with appropriate resources to automatic and mutual aid calls from area fire departments.

ARTICLE 3: CORPORATE AUTHORITY: The Directors of the RPVFD shall have full power and authority to enter contracts and solicit funds required in the support of the Department. It shall administer these funds in the best interest of the area to be served and to acquire real estate and equipment in the best interest of the Department.

ARTICLE 4: OTHER DEPARTMENT PROCEDURES AND REQUIREMENTS: In the event there is conflict between these By-laws and other department by-laws, procedures, guidelines, etc., the requirements of these By-laws shall prevail.

SECTION II: ORGANIZATION OF THE CORPORATION

ARTICLE 1: PRINCIPAL OFFICE: The principal office of the Corporation shall be located at 1425 Porters Lane, Rocky Point, NC or at such other location designated by the Board of Directors.

ARTICLE 2: REGISTERED OFFICE: The registered office of the Corporation required by law to be maintained in the State of North Carolina may be, but not be, identical with the principal office.

ARTICLE 3: ADDITIONAL OFFICES: The Corporation may have offices at such other places, either within the State of North Carolina, as the Board of Directors may designate.

ARTICLE 4: ANNUAL MEETINGS OF THE MEMBERSHIP: An annual meeting of the members shall be held on the first Monday of each December in each calendar year, beginning with the year 2009 at the hour of 7:00 o'clock PM, for the purpose electing directors and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of North Carolina, such meeting shall be held on the next succeeding business day. If the election of directors shall not be held on the day designated herein for any annual meeting, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be held.

ARTICLE 5: SPECIAL MEETINGS: Special Meetings of the members may be called by the President of the Board of Directors or not less than one-tenth of the members having voting rights.

ARTICLE 6: PLACE OF MEETINGS: The Board of Directors may designate any place, within the State of North Carolina, as the place of meeting for any annual meeting or for any special meeting called by the Board of Directors. If no designation is made or if a special meeting be otherwise called, the place of meeting shall be the principal office of the Corporation in the State of North Carolina; but if all of the members shall meet at any time and place, within the State of North Carolina, and consent to the holding of a meeting, such meeting shall be valid without call or notice and at such meeting any corporate action may be taken.

ARTICLE 7: NOTICE OF MEETINGS: Written or printed notice stating the place, day and hour of any meeting of members shall be delivered either personally, by mail or by electronic mail message to the members electronic mail address on file with the Secretary, to each member entitled to vote at such meeting, not fewer than ten (10) calendar days, or if notice is mailed by other than first class, registered, certified mail or via electronic mail message, now fewer than thirty (30) calendar days, nor more than sixty (60) days before the date of such meeting, by or at the direction the President or the Secretary, or the officers or persons calling the meeting. In case of a special meeting or when required by statute or by these Bylaws, the purpose or purposes for which the meeting is called shall be stated in the notice. If mailed, the notice of the meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the corporation's current list of members, with postage prepaid. If mailed by electronic mail message, the notice of the meeting shall be deemed to be delivered when sent to the member's electronic mail address that is on file with the Secretary.

ARTICLE 8: INFORMAL ACTION BY MEMBERS: Any action required by law to be taken at meeting of the members, or any action that may be taken at a meeting of members, may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

ARTICLE 9: QUORUM: The members holding 10 of the votes that may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice.

ARTICLE 10: PROXIES: At any meeting of the members, a member entitled to vote may vote by proxy executed in writing by the member or by their duly authorized attorney-in-fact. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy.

SECTION III. ORGANIZATION OF CORPORATE BOARD OF DIRECTORS AND OFFICERS

ARTICLE 1: CODE OF CONDUCT: The directors and all members of the RPVFD shall conduct themselves in a professional manner. They shall act in a way that sets positive examples for the other members of the Department (see attachment 1).

ARTICLE 2: ORGANIZATION: Directors shall refer to elected members of the Board of Directors. Officers refer to Officers appointed by the Fire Chief and confirmed by the Board of Directors, or staff officers, serving in the Operations Department. The following is an overview of the RPVFD organization: (see sec. IV article 3, B)

- A. BOARD OF DIRECTORS:** The business and affairs of the Corporation shall be managed by the Board of Directors. Except as otherwise expressly provided by law, the Articles of Incorporation or these Bylaws, all of the power of the Corporation shall be vested in the Board of Directors. The number of directors constituting the Board of Directors shall be **seven**. Each director shall hold office until their death, resignation, removal, disqualification or their successor shall have been elected and qualified. The Chief may not hold a position on the Board as President or Vice-President. Directors shall be elected at the annual meeting or special meeting of the members of Rocky Point Volunteer Fire Department by a vote of majority of the membership present. The election of Directors shall be part of the order of business at each annual meeting of the membership or at a special meeting of the members at which a quorum is present by a majority of the members present. Each member elected to the Board of Directors must reside in the district that constitutes the Rocky Point Fire District, which may be amended from time to time. Further, no member of the Board of Directors can be related to another member of the Board of Directors, unless their relationship is five (5) or more degrees of consanguinity, as shown on the Table of Consanguinity attached hereto. Additionally, no two members of the Board of Directors who are married shall serve together on the Board of Directors. The term for each Directorship shall be for a period of two years with the Directorships of the President, Treasurer, Secretary and the Second Member at-Large, ending on December 31 of each even numbered year effective on December 31, 2010, and the Directorships of the Vice President, RPVFD Fire Chief and First Member at-Large, ending on December 31 of the each odd numbered year effective on December 31, 2009. The RPVFD Fire Chief shall be prohibited from being elected to the Directorship of President or Vice President. For a person to qualify and be elected as a First Member at-Large they must file an application with the Secretary at least sixty (60) calendar days prior to the annual meeting of the corporation, on a form promulgated by the Board of Directors, be an active, inactive or associate member of Rocky Point Volunteer Fire Department or be a resident eighteen (18) years or older who resides within the Rocky Point Fire District and has previously been either a volunteer member of an organized fire department, a paid fire fighter of an organized fire department or one who in the past has had received certifications as a fire fighter. For a person to qualify and be elected as a Second Member at-Large, they must file an application with the Secretary at least sixty (60) calendar days prior to the annual meeting of the corporation, on a form promulgated by the Board of Directors, be an active, inactive or associate member of the Rocky Point Volunteer Fire Department or be a resident eighteen (18) years or older who resides within the Rocky Point Fire District. The applicants for a First Member at-Large and Second Member at-Large Directorship shall be screened by the members of the Board of Directors prior to the submittal of the applicants to be voted upon to determine if the applicants meet the qualifications as set forth within this Article.

Board Members / next page →

Board Members:

1. **President of the board**
2. **Vice-president of the Board**
3. **Treasurer**
4. **Secretary**
5. **RPVFD Fire Chief**
6. **First Member at-Large**
7. **Second Member at-Large**

B. OPERATIONS ORGANIZATION: The Operations organization includes Line Officer positions. Line positions are supervisory positions assigned responsibility for making operational decisions. Gold bugles (or equivalent) display their rank. They may wear silver bugles to denote their rank. The Operations Department shall maintain an organization chart showing reporting responsibilities (attachment 2). The following are the positions in the Operations Organization. However, these positions other than the Chief and Assistant Chiefs position may or may not be filled by the Chief, depending on department needs. In addition, this listing represents the highest rank authorized for each position. The actual rank assigned personnel filling these positions will be determined by the incumbent's knowledge, abilities, and performance.

1. Department Fire Chief
2. Department Assistant Chief
3. Captains
4. Lieutenants (As many as deemed necessary by the Chief per department needs)

Not more than forty (**40**) active Fire Fighters shall be allowed on the roster. Persons desiring to become a part of the Fire Department after the authorized quota has been reached will be placed on the waiting list on a first registered basis. The number of positions may be changed based on Operational and Organizational needs with the approval of the Board of Directors, The Chief may change the specific duties.

C. ORGANIZATION CHART: Attachment II illustrates this organization as described in the by-laws. This organization may be changed with the approval of the Fire Chief, Board of Directors and **2/3** vote of the members present at an annual or special meeting of the membership.

ARTICLE 3: BOARD OF DIRECTOR MEETINGS:

A. Regular Meetings: Regular meetings of the Board of Directors should be held a minimum of six (6) times a year. Meetings shall be held on the last Wednesday of the month at 7:00 PM and shall be held at the primary office of the Corporation or at such other place as the Board of Directors may direct.

B. Special Meetings: The purpose of Special Meetings is to conduct emergency business that cannot, due to its nature, wait for a regular scheduled meeting. The President, or Vice President in the absence of the President, may call a Special Meeting of the Board at any time. A quorum of the Board of Directors must be present and the minutes of any special meeting shall be available at the next regular scheduled Board of Directors meeting. No business other than said purpose shall be conducted during special meetings. At least Forty-Eight **(48)** hours written notice of the meeting shall be given to each Board member before said meeting.

C. Cancellation of Meetings: If it becomes necessary to cancel a Regular Meeting due to good and sufficient reason, such as lack of a quorum, the President may dispense with the meeting. Written or oral notice should be given to all members as soon as practical before the time set for the meeting. A make-up meeting shall be called as soon as practical but shall be held before the next scheduled board meeting.

D. Quorum: A quorum shall consist of four **(4)** voting members of the Board.

E. Conduct of Business: Regular Meetings of the Board of Directors shall follow normal Parliamentary Rules of Order. The following order of business should be used.

1. *Reading and approval of the minutes of last regular and all intervening meetings.*
2. *Reading and acting on correspondence*
3. *Approval of Directors Reports*
4. *Unfinished Business*
5. *New Business*
6. *Next meeting date*

F. Agenda: The President shall prepare an agenda of items to be considered and given to the Secretary for distribution two weeks prior to a Regular meeting. A copy will be provided to the Board members one week prior to the meeting allowing ample time to study the issues. An Agenda will not be required for Special Meetings; however the purpose(s) for calling the Special Meeting must be communicated when notice is given, in scheduling the meeting.

SECTION IV: DUTIES AND RESPONSIBILITIES OF BOARD OF DIRECTORS

ARTICLE 1: BOARD OF DIRECTORS RESPONSIBILITY: The primary responsibility is to conduct the business and affairs of the Corporation and to ensure the RPVFD Fire Chief implement and maintain the programs and actions necessary to provide effective fire protection for the RPVFD fire district. The Board of Directors shall discharge the duties of their position in good faith, due diligence and care which ordinarily prudent persons would exercise under similar circumstances in like positions. The members of the Board of Directors shall not be held liable for the actions of any member of the RPVFD.

ARTICLE 2: RESPONSIBILITY FOR PREPARATION OF BUDGET AND FISCAL RESPONSIBILITY OF THE CORPORATION: The Board of Directors shall have the responsibility overseeing the finances for the Corporation including the preparation of an annual budget for the corporation and its submittal to the membership at the annual meeting of the membership for their approval as well as all special appropriations that are not authorized and approved by the membership in the annual operational budget of the corporation. Further, the members to the Board of Directors shall have the authority, with the consent of the membership, to borrow money in the name of the corporation and to open and close accounts in the name of the Corporation. They shall cause the Corporation's fiscal books to be audited annually and provide a report of such annual audit to the membership at the annual meeting of the membership.

ARTICLE 3: DUTIES OF BOARD MEMBERS: The following duties are prescribed for specific positions:

A. PRESIDENT OF THE BOARD: The duties and powers of the President shall be as follows:

1. Carry out the Department policies and practices described in the by-laws,
2. In conjunction with the Department Fire Chief, enforce such rules and regulations as necessary to conduct the business of the department.
3. Convene meetings of the Board of Directors in accordance with these by-laws and attend other department meetings, as they deem necessary.
4. Ensure that the membership conducts the election of directors to fill existing vacancies.
5. All those other duties and responsibilities provided for in these by-laws.
6. Have authority along with fire chief to approve unbudgeted expenditures in excess of five hundred dollars, but not to exceed fifteen hundred per quarter. Expenditures of greater amounts require approval of the Board of Directors,
7. Ensure that an accounting of the department's financial records is made each fiscal year.

B. VICE- PRESIDENT:

1. They shall, as directed by the president, coordinate all community relations.
2. They shall exercise all the powers of the President in his/her absence.

C. SECRETARY:

1. The Secretary shall keep records, conduct correspondence of the Board, prepare the agenda, arrange for all required public notices to be given, notify board members of meetings and the agenda, and generally perform, or cause to be performed, the clerical work of the board.

2. As directed by the President, corporate records such as contracts, Board of Directors minutes and ownership records should be turned over to the Secretary. These records shall be maintained in a secured repository on Department premises.
3. Chairman of By-Laws committee (shall have 2 other active members)

D. TREASURER: The Treasurer shall be the official custodian for all funds accruing to the Department, including collection of all applicable dues and fines. He/she shall be responsible for the maintenance of the necessary financial records covering the operation of the Department. These include:

1. Overall management of financial records of receipt and disbursement.
2. Cause a budget to be formulated and presented for approval, and an annual audit.
3. To pay all regular bills within budgeted amount. Bills that exceed the budgeted amount shall be referred to the President for action.
4. Maintain records of and issue checks covering approved purchases.
5. In charge of the pension plan with the approval of the Fire Chief.
 - a. Must be active member for one (1) year.
 - b. Fire Department pays pension dues.
 - c. If you leave the Fire Department you may transfer or request a refund of pension funds.
6. Provide a report at each regular meeting detailing receipts and disbursements for the proceeding month and a complete annual statement of the financial resources of the Department.
7. File an annual audit statement as required by law and this department.
8. Deliver promptly to his/her successor in office all books vouchers records and any other property.
9. Initiate and review programs and concepts directed toward obtaining funds for the Department.
10. Establish fiscal year accounting records, schedules and financial practices that run from July 1st to June 30th each year.
11. Recommend investments of reserve accounts.
12. A purchase order system shall be created and adhered to by members, officers and directors of the RPVFD (Section 9 Article 4).
12. All remitted checks for departmental expenses will carry two signatures by authorized personnel Treasurer, Fire Chief, Asst. Chief and/or Captain.
13. The Treasurer along with the board may hire within or outside the RPVFD a bookkeeper to help with any duties set forth with Treasurer Duties. (outside party's shall have no vote within RPVFD)
14. Chairman of the Finance Committee (Shall have 2 other members)

E. DEPARTMENT FIRE CHIEF: In addition to his/her duties of commanding the Operations Department, (see Section VII, ARTICLE 2) the Fire Chief shall:

1. At regular Board of Directors meetings, present a summary of the operations of the Department covering the previous month.
2. He/she shall represent the members of the Operations Department on the Board.
3. He/she shall, establish and enforce such rules and regulations necessary to conduct the business and mission of the Operations Department and comply with these by-laws.
4. In his/her absence, he/she shall appoint an officer of the Operations Department to represent the department as a voting member on the Board.
5. Coordinate the Fire Prevention.
6. Appoint committees, as necessary, in support of Department activities including those specifically provided for in these by-laws.

ARTICLE 4: MAJOR AREAS OF BOARD OF DIRECTORS RESPONSIBILITIES: The following are the major RPVFD activities that the Board of Directors is chartered to oversee:

1. **PROPERTY:** The Board of Directors or their designee shall exercise oversight of the property of the department.
2. **BUDGET AND EXPENDITURES:** The Board of Directors shall review and approve the annual budget and exercise oversight over the expenditure of funds received from government agencies.
3. **PERFORMANCE OF DUTIES:** Members of the Board of Directors shall be removed from office if their duties are not performed properly, including but not limited to unilateral action by any one or more members without Board approval as authorized by these by-laws. Removal from office shall follow the recall procedure outlined in SECTION V ARTICLE 5 of these By-Laws.
4. **FUND RAISING:** The Board of Directors shall oversee fund raising activities,
5. **LEADERSHIP:** Directors are expected to exercise leadership, set positive examples, and is willing to serve as advisors to department members when requested.
6. **MISSION:** The Board of Directors shall oversee implementation of the department's mission and approve any changes in the scope of this mission,
7. **DISCRIMINATION:** The Board of Directors shall not tolerate discrimination based on race, age, color, gender or creed.
8. **DISPOSITION OF ASSETS:** Ensure that at least two bids are obtained to dispose of assets with an estimated fair market value greater than \$1,000.00 (one thousand dollars) and that RPVFD markings and logos' are removed from all assets prior to disposal.
9. **RENTAL OR LEASE OF ASSETS:** The rental or lease of any of the department's assets is not permitted without Board of Directors approval.
10. **CONTRACTUAL SERVICES:** The Board of Directors shall approve contractual services to the department. Normal bidding process shall be used,
11. **PROGRAMS:** The Board of directors shall exercise oversight over the department's programs to ensure that they are effectively addressing their objectives.

SECTION V: TERMS AND ELECTION OF DIRECTORS AND OFFICERS

ARTICLE 1: DIRECTORS AND OFFICERS: In accordance with the Articles of Incorporation, elections for vacant Directors positions should be held during the regular scheduled November Business Meeting but in no case later the December meeting. The Board of Directors titles, status and duties are listed in Sections II and III of these by-laws.

ARTICLE 2: TERM OF OFFICE: All terms of office for elected officers and directors shall be for a period of two years and expire on December 31 following the elections. In case of a vacancy the un-expired term shall be filled with an election held in accordance with Section V, Article 4. The terms of the President, Treasurer, and Secretary will expire in even numbered years and the Chief, Assistant Chief, Vice President, in odd numbered years as set forth in Section III, Article 2A of these Bylaws.

ARTICLE 3: ELECTION OF DIRECTORS AND OFFICERS:

A. DIRECTORS: Any person wishing to fill an upcoming director position shall submit a letter of interest to the chairman of the Nominating Committee no later than the 60 days prior to election. All letters shall be reviewed and a proposed slate of directors shall be presented to the membership as outlined in SECTION VI ARTICLE 1 C. Vacant positions shall also be filled through letter of interest to the Chairman of the Nominating Committee but shall be brought up for vote at the next available meeting of the membership. Filled vacancies shall be for the remainder of the director's original term of office.

B. OFFICERS Any Member wishing to fill an upcoming position shall submit letter of interest "Application" to the Chief no later than the second Tuesday of December. (The Board shall act as the Nominating Committee and the President of the board shall be the Chairman of same). Said letter shall also include the applicant's certifications and qualifications. The Nominating Committee shall review all applications and shall verify the applicants for Chief meet the said requirements. All qualified applicants for Chief shall be brought before the membership as outlined in SECTION VI ARTICLE 1 C. The membership shall elect a qualified Chief who meets the requirements said in Section VII Article 1, A. The Chief shall review all applicants for subordinate positions and present the Board of Directors with a proposal. With the approval from the Board of Directors, the Chief shall appoint subordinate positions at his/her discretion. Any member of the Board who has applied for an officer position and acting as a member of the nominating committee, shall dismiss themselves from the officer approval process.

C. ELECTIONS: The election for both Director's and Officer's shall be held on the first Monday of December in the year preceding the expiration of their term of office. Voting shall follow the guidelines of SECTION X ARTICLE 1.

ARTICLE 4: RECALL: If a member wishes to recall any member of the Board of Directors, a written grievance shall be made to the Grievance Committee in accordance with SECTION VI ARTICLE 2 of these by-laws. Such grievance shall be investigated and both the grievance and the investigation findings shall be brought before the membership for vote at the next regular business meeting.

SECTION VI: STANDING COMMITTEES AND THEIR DUTIES

ARTICLE 1: AUTHORIZATION AND PURPOSE:

A. GRIEVANCE COMMITTEE: The Grievance committee shall have a chairman and this shall be the Fire Chief of RPVFD. Three others shall be appointed by the chairman to serve on the committee as needed per grievance to assure the best results of any one grievance. The chairman shall have full authority on the outcome of the grievance.

B. BUDGET COMMITTEE: The Budget Committee shall be chaired by the President and shall include the Vice President, Treasurer, Administrator and Fire Chief. The budget committee shall present their budget to the Board of Directors for their review during a special February Board of Director's meeting. The final budget shall be presented during the June business meeting for acceptance by majority vote of the members present the budget shall then be forwarded to the county on the date required.

C. NOMINATING COMMITTEE: This committee, appointed by the President shall consist of three persons. A minimum of one of these shall be a voting member of the Department. The president should announce who is on the committee at the February membership meeting. This shall be a standing committee and shall serve a term of one year. The committee shall also select a proposed slate of directors and officers and present their names to the members during the October meeting. The nominees shall be contacted to confirm that they will accept the nomination and be willing to introduce themselves and respond to questions from the membership at the October meeting.

D. STANDING COMMITTEES: Committees may be established, or disbanded by the Board of Directors based on the needs of the RPVFD. Normally these committees should be established for projects or programs that will be required for more than 12 months and need more than two people to achieve their objectives.

E. Finance Committee: The Department shall elect two members to serve with the Treasurer on the Finance Committee. The duties of which shall be to make recommendations to the Board as to how to raise funds.

F. Maintenance Committee: The Department shall elect two members to serve with the Maintenance officer on the Maintenance committee. Which shall have the responsibility of making recommendation for the purchase of equipment, supplies, and repairs of the station and or any equipment that the fire department has includes fire trucks. Expenditures in excess of \$500.00 for maintenance and repairs must be approved by the board of directors.

G. Social Committee: The Fire Chief shall appoint two members and one line officer to serve on social committee. Duties shall be to prepare and supervise all social activities of the department.

ARTICLE 2: GRIEVANCES

A. INITIATING A GIEVANCE: All complaints shall be in writing with the member making the complaint signing and dating said complaint,

1. Any member with a complaint against a line officer, staff officer or member of the department shall take said complaint to the Chief of the Operations Department for review and action. If that complaint is not handled satisfactorily or in a timely manner, a formal grievance by the member can be filled with the Board.
2. Any Complaint against the Chief shall be considered a formal grievance and shall be handled through the active members of RPVFD
3. The results of all grievances handled and completed by the Chief directly must be reported to Board.

B. GRIEVANCE PROCESS: All grievances brought before the Fire Chief shall be in writing and shall be signed by the member bringing the complaint.

1. Once a grievance is received, the fire chief shall determine if at that time he or she need to form a Grievance Committee. And if so the chief shall choose a minimum of three (3) members to make up the Grievance Committee. They shall be present to conduct an investigation.
 2. All parties involved in the grievance shall be available to answer any questions concerning the grievance that the committee might have.
 3. The committee shall discuss the charges with the accuser and accused to ascertain if the charges are valid. If they determine such to be valid they shall gather the facts and evidence concerning the charges. The accused shall have a right to provide his/her own council and witnesses in his/her behalf. If, as a result of such hearing, the Grievance Committee is in accord that the accused is guilty of the charge, the committee shall come up with a recommended course of action. If the recommended action is suspension, termination from membership, or removal from an elected position the member shall be informed and a recommendation presented at the next scheduled business meeting of the Department. The original complaint, committee finding and committee recommendation shall be presented to the membership at the next membership meeting for action and vote following the guidelines of SECTION X ARTICLE 1. If the complainant does not wish the information to be shared in an open meeting he/she will be given the opportunity to resign his/her membership in the department before the next meeting. Any action not mentioned above shall be forwarded to the chief for disposition.
-
3. If the complainant does resign, any and all material relating to this incident will be seated. The Grievance Committee, depending upon the severity of the grievance and the surrounding circumstances, may, at their discretion, report their findings to the general membership at the next meeting.

SECTION VII: QUALIFICATIONS AND DUTIES OF OPERATIONS DEPARTMENT PERSONNEL

ARTICLE 1: QUALIFICATIONS FOR OPERATION PERSONNEL: To ensure that the officers and key personnel are qualified to execute the activities of the Operations Department, the following are the minimum requirements for Officers and Engineers. Note: These Qualifications shall take effect when any new officer is appointed after approval of these by-laws. Current officers shall have until the expiration of the current term of the Chief of the Department to gain these qualifications or they will be subject to replacement. After January 1, 2011, all officers shall be appointed through these qualifications.

A. FIRE CHIEF:

1. Five years fire fighting experience and certified NC Firefighter I and II.
2. Maintain a working knowledge of the latest firefighting techniques and principles.
3. Be familiar with applicable OSHA, NC DOI (Department of Insurance) Rating Bureau, and NC Department of Insurance requirements.
4. Live in the RPVFD fire district.
5. Possess NIMS 1 through 8.
6. Shall have or take NC Chiefs class within one year.
7. 4 years in the department

B. ASSISTANT FIRE CHIEF:

1. Four years fire fighting experience and certified Firefighter 1 and II.
2. Maintain a working knowledge of the latest firefighting techniques and principles.
3. Possess NIMS 1 through 8.
4. Shall have or take NC Chiefs class within one year.
5. 3 years in the department

C: CAPTAINS:

1. Certified NC Firefighter I and II
2. Shall have NIMS 700,800,100,200,300
3. Three years fire fighting experience.
4. Be knowledgeable in fire ground safety practices.
5. Exhibit a working knowledge of equipment staging, all department firefighting equipment and apparatus.
6. 2 years in the department

D. LIEUTENANTS:

1. Certified NC Firefighter I
2. Two years fire fighting experience.
3. Be knowledgeable in fire ground safety practices.
4. Be totally knowledgeable in the inventory, specifications, and operation of all equipment assigned to his/her area of responsibility.
5. 1 year in the department

E. ENGINEERS:

1. Be qualified by the Assistant Chief to operate the pumping equipment and to drive the apparatus upon recommendation of the station Captain.
2. Have knowledge of basic pump operations and water supply.
3. Be knowledgeable in the inventory, specifications, and operation of all equipment assigned to his/her area of responsibility.
4. Perform, or assist in performing the required testing of equipment assigned to his/her area of responsibility
5. Complete, or assist in completing all required reports.
6. Shall have NC EVD class (*emergency vehicle driving*) # 7→
7. **Class C** NC driving license if volunteer or **Class B** if being paid by RPVFD. (this is mandated by NC)

ARTICLE 2: DUTIES OF OFFICERS: The following duties are prescribed for the Operations Department:

A. CHIEF: The Chiefs primary responsibility is to safely and effectively use the resources available to achieve the mission of the RPVFD. He/she is the department's Chief Operations Officer. **Specific duties include:**

(ARTICLE 1) and shall have full -authority to appoint personnel to other positions within the operations of department as needed.

1. Command or delegate command, of the Operations Department at every emergency scene, and whenever the Department is called out for practice, drills or parades. All members of the Department are to follow the orders of the Chief during such periods or when they are on duty
2. Shall have full authority over all Operations of Department.
3. Shall have the authority to determine what members are active or not.
4. Will determine when a member is off probation.
5. Take disciplinary actions including removal from officers' positions for violations of department rules and regulations.
6. Perform the duties as a member of the BOD as described in Section (1) these by-laws.
7. Be responsible for the training and safety of members of the Operation of the Department.
8. Ensure that emergency equipment is not wrongfully used for non-emergency purposes.
9. Ensure that his/her actions do not unnecessarily place department personnel in harm's way.
10. In conjunction with the County Fire Marshall, coordinate activities and responsibilities with automatic and mutual departments.
11. Appoint the person responsible for Rescue activities.

B. ASSISTANT CHIEF: The Assistant Chiefs primary responsibility is to ensure that programs developed for the RPVFD are successfully implemented His/her duties **include:**

1. In the absence of the Chief, the Assistant Chief shall assume command and perform the Chiefs duties.
2. Coordinate the activities of the Department Captains.
3. Serve as the Operations Department Personnel Officer.
4. Supervise the activities of the Training Officer
5. Exercise oversight in the appearance of department grounds and equipment.
6. Ensure that all NC DOI Rating Bureau required tests and actions are performed, and properly documented
7. Shall be chairman of the Building committee

C. CAPTAINS: The Captains shall:

1. In the absence of the Chief and Assistant Chief, a Captain may assume command.
2. They shall be responsible for the conduct and efficiency of their respective companies
3. Responsible for good housekeeping of their assigned station, equipment and grounds.
4. They should, in conjunction with the Training Officer, ensure that personnel using the equipment under their command are properly trained.
5. Ensure that tests are performed and documented as required on the equipment under his/her command.
6. Recommend personnel as drivers and/or pump operators on equipment under their command.
7. Ensure that all personnel assigned to their station are provided adequate equipment and are sufficiently qualified to perform the duties assigned to them. Ensure that all required documentation is completed and turned over to the Chief for safekeeping.

D. LIEUTENANTS: The Lieutenants shall:

1. Assume command at the fire scene or emergency site in the absence of officers of greater rank. Time in grade should determine seniority
2. They will assist in the training of his/her company in all proven tactics of fire fighting.
3. Ensure that all required tests and inspections are performed in a timely proper manner.
4. Ensure that the results of equipment tests are turned over to the proper officers.
5. Recommend the certification of drivers and pump operators.
6. Maintain accountability and control of equipment assigned to your area of responsibility.

E. TRAINING OFFICER: Has responsibility to ensure that Department personnel are properly trained to safely perform their duties as follows: Note: This position may be filled by a Line officer at the chief's discretion.

1. Develop an appropriate training program that addresses both NC DOI Rating Bureau requirements and department needs.
2. Prepare and submit, quarterly, a comprehensive training schedule to the Assistant Chief for his review and concurrence. This shall be done in sufficient time to allow the schedule to be reviewed by the Officers, approved by the Assistant Chief, and included in Operations planning.
3. Ensure that required training records are established and turned over to the Administrative Officer for retention.

F. SAFETY OFFICER: Has responsibility to monitor personnel practices at department events. In addition, he/she has responsibility for obtaining, maintenance, repair, budgeting and replacement of personnel safety equipment excluding items affixed to engines and trucks. This position could be held by other line officers or an active member at the Chiefs discretion, reporting directly to the Chief or the officer in command. Other responsibilities include:

1. Advise the officer in command if personnel are unnecessarily placed in harm's way and/or unknowingly commit unsafe acts.
2. Have the authority stop any one action on an emergency scene that he/she determines to be unsafe and shall immediately notify the IC when doing so. The IC shall have the power to overrule the safety officer.
3. Certified NFA Incident Safety Officer.
4. Be familiar with fire ground safety requirements and report any unsafe acts to the Chief or the officer in command.
5. Coordinate and submit the annual budget requirements for personnel safety equipment.

G. MAINTENANCE OFFICER : (Can hold another officer position) has responsibility for coordinating the maintenance and repairs to the department's trucks, engines, and tankers. The Maintenance Officer may be one of the line officers as the Fire Chief determines. This position reports to the Chief however, he/she must communicate primarily with appropriate line officers to fulfill the following duties.

1. Recommending sources of external maintenance support.
2. Acquiring, when possible, estimates from maintenance shops.
3. Scheduling maintenance.
4. Tracking maintenance activities to ensure that equipment is available for service in a timely manner.
5. Shall have the final authority on decisions regarding equipment readiness.

ARTICLE 3: SAFETY: It is each individual member's responsibility to use prudent and reasonable safety practices and report unsafe practices and equipment to any line officer and or safety officer.

ARTICLE 4: DUTIES OF MEMBERS

- A. All members shall at all times adhere to the RPVFD Code of Conduct (Attachment I).
- B. All members shall follow the directions of the officers of the Operations Department.
- C. All members shall keep their department issued gear clean and in good operational condition at all times.

SECTION VIII: OPERATIONS AND TRAINING DEPARTMENT MEETINGS

ARTICLE 1: SCHEDULING MEETINGS: The Chief shall schedule monthly membership and officers meetings of the Operations Department at such times as he considers it appropriate, since a primary purpose of the membership meeting is to communicate department news, activities and events to the membership, a predetermined agenda should be followed. The agenda shall include reports from the Officers, Treasurer and Finance Director. The Board of Directors Secretary shall be responsible for the minutes of the membership meetings. Unless otherwise deemed necessary, the regular Department Meeting shall be on the first Monday of each month at 7:00 PM.

TRAINING MEETINGS: Training meetings shall be held every Thursday of the week unless this conflicts with any other items such as holidays, emergency disasters, etc. In this case the Chief will inform the membership at prior meeting that there will be no training meeting held on that day. Training meetings will be from 7 to 9 pm. Special training may run longer than 9 pm.

ARTICLE 2: FINANCIAL REPORTING: The Operations Department meeting following each regular Board meeting, the Treasurer or Administrator shall provide financial reports to the Department covering the previous month period.

ARTICLE 3: CONDUCT OF MEETINGS: All meetings shall be conducted in a businesslike manner and follow generally accepted parliamentary procedures.

ARTICLE 4: SECRETARY: The Secretary or an appointee shall attend Membership meetings and perform those duties required in accordance with these by-laws.

SECTION IX: MEMBERSHIP

ARTICLE 1: QUALIFICATION FOR MEMBERSHIP: Any person eighteen (18) years or older who has resided in the Rocky Point Fire District or a fire district immediately adjacent to Rocky Point Fire District for a period of sixty (60) or more days prior to their application for membership shall be eligible to apply for membership in the RPVFD.

ARTICLE 2: APPLICATION AND APPROVAL: The RPVFD Application shall be completed in full and submitted to an Officer of the Department. The Chief, or Assistant Chief, will check for completeness and to verify that the applicant meets the department's basic qualifications i.e., age, residence, able bodied, and availability. All Applicants shall undergo a basic Criminal Background Check *to be paid for by the applicant* and will be reimbursed at the end of one year if the applicant remains an active member of RPVFD. After a thirty (30) day period, if the applicant meets the basic qualifications, the application will be submitted to the members of the Department. The membership will vote for acceptance, after hearing the Chiefs recommendation. Acceptance shall be by membership vote as outlined in SECTION IX ARTICLE 1, the applicant will then be confirmed as a probationary member for a period of one hundred-eighty (180) days, or longer if the Chief so designates. Applicant will be placed in one of four categories.

ARTICLE 3: CATEGORIES OF MEMBERSHIP: Categories of membership are:

A. ACTIVE: Active members are persons whose names appear on the Department rolls and who are able-bodied, in reasonably good health and capable of enduring the hardships involved in firefighting missions. Unless family, employment, or sickness takes precedent, active members are expected to meet training requirements, participate in 30% of the department's community activities, meetings and other scheduled events, and 10% of the department's calls. Active members vote on new membership applications, the annual budget, and recommendations of the Grievance Committee, ratification of amendments to the by-laws and participate in routine business conducted at membership meetings. Must maintain thirty-six (36) hours of **in-house** training or approved by the Chief (per last 12 months).

B. PROBATIONARY MEMBERS: This is the initial 180-day period (see article 2 above) after a new person's application has been approved by the membership. These 180 days are to provide the new applicant time to see if he/she is sincerely interested, has time, and feels comfortable in being an Active Member. These personnel should be familiarized with basic safety requirements, the Mission, and SOG's/SOP's. They shall be observed to ensure that they are competent, possess the needed discipline, patience and physical capabilities. In addition, they shall demonstrate the ability and willingness to participate at the required levels for membership as Active members in accordance with the rules and regulations of the Operations Department. Although these persons may participate in department meetings, and appropriate training, unless prior experience or other circumstances so justify, they shall be issued department equipment. All equipment shall remain in fire house unless they have the Chiefs ok. At the next scheduled membership meeting following the 180-day probationary period, the membership will vote for acceptance of these individuals as Active members as outlined in SECTION IX ARTICLE 1, the applicant will be confirmed as an Active Member of the department. Note: This article may be waived by Department vote for former members who are returning to Active Status. The Fire Chief may determine that a new member has the fire experience to become an active member of RPVFD at any time and also may determine that an active member does not and put them on the inactive members.

C. INACTIVE MEMBERS: Members who are unable to participate as Active Members are placed on inactive status. In addition, any active member wishing to be placed on inactive status may do so by submitting his/her request, in writing, to the Chief. Inactive members shall turn in all issued equipment. Personnel on Inactive status shall not be entitled to wear the uniform but may participate in any department activities as the chief may deem ok. The Chief shall go through the rolls and submit the names of members to the membership for deletion from the rolls who have been "Inactive" longer than twelve (12) months.

D. JUNIOR FIREFIGHTER: The junior firefighter shall be between the ages of 16 to 18 yrs. old. RPVFD shall not have more than 4 Jr. Members at one time. Membership subject to each junior firefighter being recommended and sponsored by an active member in the RPVFD. The sponsoring member would be responsible to and for his junior firefighter, to give advice, answer questions, and watch his conduct. The junior firefighter shall be in school and have passing grades to stay a junior firefighter. Applications for membership shall be accompanied by a parental consent agreement executed by both parents and or guardians, if both are living (Notarized Copy). Acceptance for junior firefighter membership shall be 2/3 vote at the next business meeting at RPVFD. Each junior firefighter shall be subject to all by-laws, rules, and regulations as set forth by RPVFD, state, fed. If at the age of 18 the candidate as junior firefighter has completed his 180 day probation and has all training up to date (accepted by fire Chief) the junior firefighter may become an active member of RPVFD.

E. Associate Member: A former active member of at least three years that has the right to attend meetings, socials, and fundraising activities. Upon re-application for active membership, must become proficient as a new member, and shall have no voting power and must not attend calls. Member must submit a written application for associate membership (within 12 months of being inactive). This application must be submitted to the Secretary and forwarded to the Chief.

SECTION X: GENERAL MATTERS

ARTICLE 1: QUORUMS: 10 of the active members are required to convene a membership meeting of the Operations Department. All matters must be approved by a two-thirds (2/3) majority vote of the members present.

ARTICLE 2: FITNESS FOR DUTY. No firefighter shall answer the call to engage in a mission if he/she is incapacitated due to sickness or otherwise incapacitated at the time of the call.

ARTICLE 3: AUDITS: A CPA or CPA firm is required to perform an audit of the financial records and accounts annually. Such audit should cover the previous twelve (12) months (fiscal year July 1 - June 30) of the Departments finances. The audit shall meet the requirements of Pender County Finance and the County Fire Marshall's Office. The President may call for a special audit in case of a change of Treasurer or other special circumstances.

ARTICLE 4: USE OF PO'S: All purchases within the RPVFD shall have a PO for items purchased. Any items under \$500.00 may be sign by the member that has permission from the Chief, Treasurer and or the Board. Any items over \$500.00 must be approved by the RPVFD Board. For items over 500.00 the POs must be signed by the purchaser and Board president and or Treasurer. One copy of the PO should be given to the chief with in 24 hours of purchases made. Second copy will be turned in to the chief after receiving items. Third copy shall remain in the records of the member purchasing the items. After all items on POs have been received the chief shall turn POs over to the treasurer for payment.

ARTICLE 5: Approved Communications : Letter in US Mail, E-Mail (with send receipt), Any form of article in mailbox within the fire department, items on bulletin board, phone call from line officers and or board members.

ARTICLE 6: SEAL: The corporate seal of the Corporation shall contain the name of the Corporation and shall be in such form as approved by the Board of Directors.

ARTICLE 7: INDEMNIFICATION: The Corporation shall indemnify its officers and directors to the maximum extend required or permitted by Chapter 55A of the North Carolina General Statutes as from time to time amended, and such officers and directors shall be deemed to have relied upon this provision.

ARTICLE 8: FISCAL YEAR: The fiscal year of the corporation shall be from July 1 through June 30 of the following calendar year unless amended and fixed by the Board of Directors.

SECTION XI: AMENDMENTS

ARTICLE 1: APPROVAL OF AMENDMENTS: Proposed amendments to these by-laws by any member of the department shall be forwarded in writing to the Vice-president, who shall present them to the Board of Directors for their consideration. Depending upon their comment and approval, it shall be presented to the full membership at the next regular scheduled meeting. Members shall then be given a period of one (1) month to review said changes before they are brought to the membership for a vote as outlined in SECTION X ARTICLE 1.

SECTION XII: REPEAL OF PREVIOUS BY-LAWS AND CONSTITUTION OF RPVFD

ARTICLE 1: REPEAL: Upon the adoption of these by-laws, the Constitution of Rocky Point Volunteer Fire Department and the by-laws adopted by the membership on **July 2, 2009** are hereby repealed in their entirety and replaced with these by-laws duly adopted by the membership.

**RPVFD By-laws
2009 Code of Conduct
(Attachment 1)**

Each member of the RPVFD is expected to conduct his or herself in a manner that will not result in the injury or defamation of another member of the RPVFD, their families, the residents of our community or intentional damage to the department or the department's assets.

Commitment to the public

As members of a public safety organization, members of the RPVFD are called to assist the public at times when they are in need. The public may be upset or angry at the situation with which they are in. With this in mind members of the RPVFD should at all times conduct themselves in a professional manner and should at all times show respect and compassion to the members of the public that they are dealing with. In fulfillment of this obligation members should:

1. At all times maintain a professional manner.
2. At all times treat the public with respect.
3. At all times promote an environment that is free of inappropriate racial, ethnic, religious, political, or sexual comments.
4. Not intentionally expose the public to embarrassment or disparagement.
5. Not use profane or abusive language.
6. At all times maintain the public's right to privacy and confidentiality.
7. Make reasonable effort to protect the public from physical conditions that are harmful to their health and safety.
8. Not be under the influence of illicit drugs or alcohol at any time when dealing with the public.
9. During response at all times operate department and personal vehicles and equipment with due regard for the safety of others.
10. Not be charged or convicted of a crime of moral turpitude, (examples include, but are not limited to, Rape, Statutory Rape, Murder, Felony Theft, and Inappropriate contact with a minor.)

Commitment to other RPVFD members

The safety, health, and emotional welfare of the members of the RPVFD should be a primary concern to all members of the RPVFD. Recognizing that members of the RPVFD come from diverse ethnic and social backgrounds, all members should be treated with respect in an environment that is free of discrimination. In fulfillment of this obligation members should:

1. At all times maintain a professional manner.
2. At all times treat each other with respect and have consideration for each others point of view.
3. At all times promote an environment that is free of inappropriate racial, ethnic, religious, political, or sexual comments.
4. Realizing that firefighting is an inherently dangerous task, members should take reasonable precautions to protect themselves from physical conditions that are harmful to their health and safety. At no time should any member intentionally expose themselves or other members to undue risk of harm or have willful disregard for the safety of other members.
5. Fighting or serious threats of personal injury to another member or their property shall not be tolerated.
6. Not have inappropriate conduct with another RPVFD member's spouse.
7. Not have derogatory or disrespectful comments regarding another RPVFD member's spouse, family member(s), partners or business associates.
8. Not use profane or abusive language.
9. Not intentionally expose other members to embarrassment or disparagement.
10. Not be under the influence of illicit drugs or alcohol at any time when on department property, equipment or during department functions.

Commitment to the Department

All members of the RPVFD shall conduct themselves in a way that does not cause undue damage to department property or assets. Willful or malicious damage to department property will not be tolerated. In fulfillment of this obligation, members should;

1. Not willfully cause damage to department property or assets.
2. Not threaten to cause damage to department property or assets.
3. At all times follow department SOP's / SOG's (Standard Operating Procedures / Guidelines) concerning the operation of department equipment, property, or assets.
4. Not operate department equipment or assets without authorization.
5. Not use equipment lights or siren without authorization.
6. Not misappropriate department equipment or assets.
7. Not be under the influence of illicit drugs or alcohol at anytime when on department property, equipment or during department functions.

Violation of this Code of Conduct may result in temporary suspension of the member(s) involved. Further action may be taken beyond temporary suspension upon recommendation of the Grievance Committee after investigation and review.

The By-laws of the RPVFD Volunteer Fire Department have been in existence since its incorporation known as the RPVFD CONSTITUTION. There have been changes over the years and you have just received the most recent By-laws incorporating all those changes. These By-laws were approved by the Board of Directors and have been passed by the membership at large. This copy is the most current and contains any and all changes made to date. **July 2nd 2009**

You are **strongly advised** to read this document, as it contains the rules and regulations governing the department.

Lack of knowledge of these By-laws, describing what is expected of you as an **active member** of this department, **will not** be regarded as an excuse. If you have any questions or concerns, contact one of the officers of the department.

This receipt for the By-laws will be kept in your personnel fire department file. Your copy of this receipt is contained in the By-laws given you.

You acknowledge receipt of the By-laws, along with the **Code of Conduct**, of the RPVFD by dating and signing this form.

Dated: _____

(Signature of Firefighter) _____

(Chief Officer) _____

Mission Statement

The mission of the Rocky Point Volunteer Fire Department is to provide valued service to the citizens and guest of the Rocky Point community in the prevention of loss, protection from hazards, and emergency response through dedication, training and excellence of our members. We are also here to provide mutual aid to other departments when requested to help protect lives of their community.

PLEDGE

I pledge as a volunteer firefighter of Rocky Point, to abide by the By-Laws and Guidelines, to respect the chain of command, to do my best to be ready at all times with my training, and proper care of all firefighting equipment and housing. So when called on I will be able to help protect life and property in my community.