

1767
BY-LAWS

✓ DRY VALLEY FIRE AND RESCUE

ARTICLE 1

PURPOSE

Section 1. Purpose:

(a) The purpose of the Dry Valley Fire and Rescue, hereafter called D.V.F.D., is to prevent fire, protect life and property and provide emergency medical protection on a non-profit basis to its members. D.V.F.D. will operate under standards and requirements as established by the Southeastern Underwriters Association and the State of Alabama Department of Health and its agencies.

(b) The Dry Valley Fire and Rescue Department is incorporated under the laws of the State of Alabama. No member of this department shall be liable for the obligations of the Department beyond the dues and fees accrued to or owed by him for his pro-rata share of the net worth of the department.

ARTICLE II

MEMBERSHIPS, DUES AND FEES,
MEETINGS

Section 1. Membership.

(a) Members of D.V.F.D. shall be those individuals or organizations who pay the dues prescribed and who are a member in good standing. Members shall elect the Board of Directors and shall vote on issues pending at special meetings. While the Board of Directors shall be governing body of the department, the membership may over-rule the board by a majority vote of the entire current membership. Majority vote prevails except where otherwise provided. The membership subscribers shall have one vote per household or organization and shall be hereafter known as the membership.

Section 2. Dues and Fees:

(a) The amount of dues for members and fees for services of non-members will be set by the Board of Directors and approved by the members at a regular meeting.

Section 3. Meetings:

(a) The President will advertise all meetings called for the purpose of changing the By-Laws, approving dues and fees, acquainting the membership with problems and accomplishments, passing on business recommended by the

Board of Directors or passing upon proposals of the membership.

(b) The annual meeting shall be held in May of each year at which time election of the Board of Directors shall be held. The president shall advertise the meeting by letter, circulars or some other appropriate method, at least 60 days prior to such meeting. The Board of Directors will set the day of the month and the time such meetings are to be held.

(c) A special meeting may be called by the membership when a petition by at least 10% of the general membership is presented to the Secretary or President. The petition must be presented to the Secretary or President at least 15 days prior to the date of the special meeting.

ARTICLE III

I RULES OF ORDER

(a) Roberts Rules of Order revised shall govern the proceedings of all membership, Board of Directors, and committee meetings when not inconsistent with the By-Laws of D.V.F.D.

(b) A Parliamentarian shall be appointed by the Board of Directors who shall be called upon to settle any disagreements and his or her decision shall be final.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Board of Directors: The Board of Directors shall be the governing body of D.V.F.D. and shall consist of ten (10) members elected from the membership at large. There shall be a total of twelve (12) directors which shall include the immediate past president and Fire Chief, unless the membership shall vote at an annual meeting to increase or decrease the number of directors.

Section 2. Term of Directors: The Director shall be elected at the annual meeting in December of each year to take office in the succeeding month of January. The first year the five nominees who receive the largest vote total shall be elected for a term of two years. The other Directors, and after the first year, all Directors shall be elected for a term of one year.

Section 3. Vacancies: Vacancies of any office of director occurring between annual meetings shall be filled by a majority vote of the Board of Directors, the appointee serving until the next annual meeting, at which time an election shall fill the unexpired term, if any.

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Section 4. Meetings: The Board of Directors shall meet monthly or at the call of the President to handle such business of D.V.F.D. as necessary.

Section 5. Attendance: Any officer or Director absent at three (3) consecutive Board of Director meetings or fifty (50) percent of all Board meetings within one year, shall be automatically removed from the Board of Directors. The vacancy shall be filled as required by Article IV, Section 3.

Section 6. Compensation: All directors will act in the best of interest of D.V.F.D. at all times and shall serve without compensation for service rendered with the exception of reimbursement of expenses incurred on behalf of D.V.F.D. as authorized and approved by the Board of Directors.

Section 7. Voting: Only members of Board of Directors and officers shall vote at Board of Directors meetings with the President voting only in the case of a tie vote.

ARTICLE V

DUTIES AND POWERS OF THE BOARD OF DIRECTORS

Section 1. Board of Directors:

(a) The Board of Directors shall adopt such rules and regulations for the operation of the board as it shall deem necessary, not inconsistent with these By-Laws and shall have the power to alter or amend the rules at its discretion. It shall authorize all expenditures, shall have the authority to buy and sell property and equipment in the name and for the department in furtherance of the objects and purposes of this department, shall approve any changes in the geographical area of fire and emergency rescue service and is generally authorized and empowered to do all such things as are reasonable to carry out and further the objects and purposes of this department.

(b) The Board of Directors is authorized to enter into written agreements or contracts with nearby incorporated communities or governing bodies of other organizations to establish a mutual aid system(s) and provide such needed services.

(c) A quorum of the Board of Directors required for the transaction of business shall be eight (8) members of the Board including two officers.

(d) A majority vote of the Board of Directors is necessary for purchases of over the amount specified annually by the Board of Directors or where the cost of purchases will reduce the working capital to a point insufficient to pay the recurring monthly costs and other periodic obligations due within a period of three months. All purchases and expenditures will be approved by the majority vote of the Board of Directors.

ARTICLE VI
DUTIES AND POWERS OF
THE OFFICERS

Section 1. President: The President shall be the chief executive officer. He shall preside at all meetings and shall serve as chairman of the Board of Directors.

Section 2. Vice-President: The Vice-President shall preside at the meetings in the absence of the President and if for any reason the President is unable to perform his duties, the Vice-President shall occupy the position and perform the duties of the President with the authority of such office.

Section 3. Secretary: The Secretary shall keep the records, a roster of the membership, minutes of all membership and board meetings, handle all membership and board correspondence, and perform such other duties as may be prescribed by the Board of Directors.

Section 4. Treasurer: Shall receive all funds and deposit the same in a bank or banks designed by the Board of Directors, shall pay out checks only on the authority of the Board of Directors, shall keep and report to the Board of Directors monthly, an accurate detailed account of all department funds received and disbursed and shall serve under bond at the expense of the department.

Section 5. Fire Chief:

(a) The chief shall direct the Fire and Emergency rescue department and shall have full authority of the department. He shall be responsible to the Board of Directors for the personnel, equipment, training and general efficiency of the department.

(b) The chief shall report monthly to the Board of Directors the condition of equipment, the number of calls with full information on purpose, location, date, cause, department members responding and any loss sustained.

current member in good standing, not less than twenty (20) days before the annual meeting. Voting on nominations for officers and other Board of Directors shall be by signed ballots and must be post marked at least three (3) days prior to the annual meeting or turned in to the Secretary at the annual meeting.

(b) The Secretary shall receive and count the votes at the annual meeting. The votes for the offices of President, Vice-President, Secretary, and Treasurer shall be decided by a majority vote and these officers shall fill the first four (4) positions on the Board of Directors. The other vacancies on the Board will be filled from all remaining nominations with the nominee who received the greatest vote filling the next open position and continuing until all vacancies are filled. Each member of good standing may vote for as many nominees as there are positions to fill.

Section 2. Election of Fire Chief.

(a) The fire chief shall be elected by members of the Fire and Emergency Rescue Department, which shall include the chief in office who will preside over the election. The election will be held in December, after the annual general membership meeting, but prior to January first when the new chief shall take office.

(b) Nominations will be made from the floor for the office of Fire Chief. Voting for Fire Chief by all the active members shall be by secret ballot. A majority of the votes cast shall elect.

(c) The Chief shall be elected by the Department but is subject to the approval of the Board of Directors.

Section 3.

Any officer or Board member of D.V.F.D. may be removed for just cause prior to the expiration of his term, after a hearing, by the Board of Directors.

ARTICLE X FIRE AND EMERGENCY RESUCE SERVICE DEPARTMENT

Section 1. Personnel:

(a) The chief shall have full authority of the department which will consist of one Assistant Chief, one Captain, two Lieutenants and from ten to forty members as deemed necessary by the Chief for the effective operation of the department. The Chief shall determine the number and kind of companies of which the department is to be composed.

(b) Members of the Department shall consist of such persons as may

(c) The fire chief is authorized to spend an amount set by the Board of Directors, each month for purchases of minor items of equipment, supplies, training aids and personal expenses included in the duties of chief. These expenses are not cumulative and must be approved by the Board of Directors before reimbursement.

ARTICLE VII

COMMITTEES

Committees shall be appointed by the President as needed, subject to the approval of the Board of Directors. Committee chairmen should be appointed from the Board of Directors if possible. Committees shall be responsible to and report to the Board of Directors.

ARTICLE VIII

NOMINATION OF BOARD OF DIRECTORS AND OFFICERS

Section 1. Nomination Committee:

(a) The President shall appoint a nominating committee for the nomination of members of the Board of Directors and officers at least sixty (60) days prior to the annual meeting. The committee shall consist of four (4) members including the chairman.

(b) The committee shall make its nominations for officers and other Board of Director members in writing to the President and current Board of Directors at least thirty (30) days prior to the annual meeting.

Section 2. Nominations from Membership:

(a) The President shall communicate to the membership by newsletter, advertisement or other communication at least sixty (60) days prior to the annual meeting that nominations of officers and other members of the Board of Directors are open to the general membership.

(b) Any member in good standing shall make its nominations in writing to the President at least thirty (30) days prior to the annual meeting.

ARTICLE IX

ELECTION OF BOARD OF DIRECTORS AND OFFICERS

Section 1. Election:

(a) The secretary will prepare a ballot listing the nominations from the nomination committee and from the membership. This ballot will list nominations for President, Vice-President, Secretary, Treasurer and the remaining vacancies on the Board of Directors and will be mailed to each

be appointed by the Chief and shall be able-bodied citizens residing in and around the Dry Valley Fire and Rescue Service environs, preferably property owners whose business activities are normally in or near the confines of the covered areas. Determination of whether candidates for appointment are able-bodied shall be made by the Chief.

(c) Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the Department. On written request of such member to the Board of Directors he shall be given a hearing on the charges brought by the Chief.

Section 2. Duties of Fire and Emergency Rescue Officers:

(a) The Assistant Chief will report to the Chief at fires or other situation which the Department may be called to and assist him in the discharge of his duties. The Assistant Chief and all other Fire Department officers shall be approved by the Board of Directors from nominations from all active fire and Emergency Medical Service personnel.

(b) In the absence of the Chief, the Assistant Chief shall assume command in the order of their proficiency as determined by the Chief and will be held responsible therefore in all respects with the full powers and responsibilities of the Chief.

(c) In the absence of both the Chief and the Assistant Chief, the Captain and the Lieutenant shall command the Department, with all power and responsibilities of the Chief.

Section 3. Equipment:

(a) The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire and other emergencies. The criterion for this equipment shall in general be that equipment as required by the Southeastern Underwriters Association and the Department of Health to maintain the present department rating and additional equipment needed to qualify or which would help to qualify for a lower rating(s) and better services.

(b) All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the Chief. Such places shall be heated during the winter season as required.

(c) Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond to fires or emergency situations.

(d) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person, member, officer or fireman willfully and without proper authority take away or conceal any article used in any way by the Department. No person not a member of the Department, unless authorized by the Department officer, shall be allowed to ride on the apparatus or to handle equipment.

(e) Drivers shall be qualified and licensed in Alabama and shall have taken a high performance and defensive driving course.

Section 4. General:

(a) The Chief shall see that the citizens are kept informed on fire hazards in the community and that each fire is carefully investigated to determine its cause, and in case of suspicion of incendiarism shall secure and preserve all possible evidence for future use in the case.

(b) The Department shall inspect, by the members of the Department, the fire hydrants, cisterns, and other sources of water supply at least twice each year.

(c) The Chief shall maintain a library or file of publications on fire prevention and for protection and emergency medical services and shall make use of it to the best advantage of all members.

(d) The Chief shall at least twice a month conduct suitable drills or instructions in the operation and handling of equipment, emergency medical calls, first aid, rescue work, salvage, a study of buildings in the covered area, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire or other emergency.

(e) Annual dues to associations, tuitions and other related expenses shall be legitimate expenditures of the Department and its personnel upon approval of the Board of Directors.

ARTICLE XI AMENDMENTS

These By-Laws may be amended at any regular or special meeting of the membership by affirmation of two-thirds of the membership provided that public notice of such proposed amendments shall have been made available to each member to read and study at least ten days prior to such meeting.

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State of Alabama

SHELBY

County

CERTIFICATE OF AMENDMENT

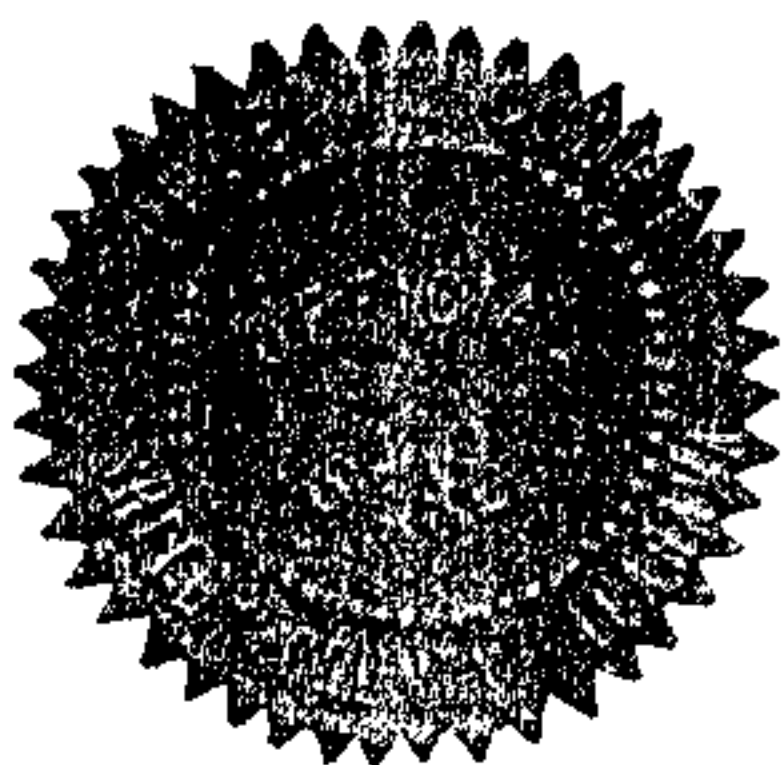
OF

DRY VALLEY FIRE AND RESCUE

The undersigned, as Judge of Probate of SHELBY County, State of Alabama, hereby certifies that duplicate originals of Articles of AMENDMENT of DRY VALLEY FIRE AND RESCUE, duly signed and verified pursuant to the provisions of Section _____ of the Alabama Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Judge of Probate, and by virtue of the authority vested in him by law, hereby issues this Certificate of AMENDMENT of DRY VALLEY FIRE AND RESCUE, and attaches hereto a duplicate original of the Articles of AMENDMENT.

GIVEN Under My Hand and Official Seal on this the 27th day of NOVEMBER, 1985.



STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1985 NOV 27 AM 11:13

Thomas A. J. J. J.
JUDGE OF PROBATE

Thomas A. J. J. J.
Judge of Probate

Recd 10.00
Jud 1.00
11.00