

ADDENDUM

MARTINSVILLE CITY COUNCIL AGENDA

March 26, 2019

7:30 pm – REGULAR SESSION ADDENDUM

1. Consider approval of changes to the Constitution of the Martinsville Volunteer Fire & EMS Company.

Date: March 26, 2019

Item No: Addendum 1

Department: Fire Department

Issue: Consider approval of changes to the Constitution of the Martinsville Volunteer Fire & EMS Company

Summary: Amendments to the Constitution of the Martinsville Volunteer Fire & EMS Company have been developed by Fire & EMS staff and volunteers. The updates have been reviewed by the City Attorney, posted for review and inspection at the Fire Department, and voted on/approved by the volunteers. Section 7.03 of their Constitution requires Council approval for any such amendments to become effective.

Fire/EMS staff will be attending the Council meeting to briefly summarize the proposed amendments.

Attachments: Copy of MVFC Constitution, and summary of proposed amendments.

Recommendation: Approval of the proposed amendments.

**MARTINSVILLE VOLUNTEER
FIRE & EMS COMPANY**



**CONSTITUTION
&
BY - LAWS**

**Revised January 2006
Revised February 2008
Revised July 2013
Revised April 2019**

Martinsville Volunteer Fire & EMS Company, Inc

Constitution and By-Laws

Constitution

Article 1

Organization

- Section 1.01** The Organization shall be known as the Martinsville Volunteer Fire & EMS Company, Inc.
- Section 1.02** The Mission of this organization to render prompt and professional fire and emergency medical services for the benefit of the citizens of Martinsville and to render mutual aid to surrounding communities as mutually agreed.
- Section 1.03** This document shall govern the administrative and operational functions of the organization. This document shall supersede all previous editions of the constitution and by-laws.
- Section 1.04** Except as provided for by this document, parliamentary procedure shall be governed by the latest available edition of Roberts Rules of Order, a copy of which shall be available at all meetings.
- Section 1.05** The Martinsville Fire & EMS Company does not discriminate on the basis or race, gender, religion or national origin.
- Section 1.06** This organization shall not be disbanded or merged with another organization unless two-thirds consent is grant by the membership. For such a vote to be taken, each member must be notified in writing of the time, place and nature of the vote at least 30 (thirty) days prior to it being held. The vote shall be by secret ballot. Assets to be disposed of by vote of membership. This section shall also comply with the Code of Virginia 27.-10 Dissolution of Company.

Article II

Membership

Section 2.01 The membership of the department shall consist of persons 16 years of age or older, who are of good character, high morals, sound judgement, and capable of performing required duties with or without reasonable accommodation. All members must possess a valid motor vehicle operator's license, prior to being accepted into membership. All members must be knowledgeable of the Company's Constitution, Bylaws, and MVFC Standard Administrative Guidelines (SAG).

- A.** Members 16 to 18 years of age must have Guardian permission. Parental or Parent or Guardian must be involved in the membership interview. Must be at Station to run calls. Can not drive personal vehicle to Fire or EMS scenes. Can drive personal vehicles to non emergency activities. Can not drive City vehicles. Curfew at Station is 9:00PM. Must have 8 service hours per month and attend 6 (six) of the 12 (twelve) monthly meetings. Must follow dress code. Full membership after successful completion of probationary period and membership vote.
- B.** Anyone having been convicted of any major traffic violations including but not limited to violations of Code of Virginia §§ 18.2-266, - 268.3, -852 through -868.1, or those offenses listed in 18.2- 270 (E) or having been convicted of any felony (i.e. grand theft, use of a firearm in the commission of a robbery, etc.) shall not be granted membership.
- C.** Anyone having been convicted of any sexual crime under Article 7, Chapter 4 of the Title 18.2 of the Code of Virginia, as amended, shall not be granted membership.

Exceptions to Section 2.01, Paragraph B. of ARTICLE II, may be allowed upon majority vote of the Company's Active Membership, when a quorum is present.

Section 2.02 Types of membership- Members shall be designated by one of the following types: Active member, probationary member, or honorary member. Active members shall be classified by one of the following designations: Fire division, EMS division, Support division, or trainee.

Probationary member- This member shall be those applying for active membership. They shall be eligible for active membership after six months as a probationary member and upon successful completion of all orientation courses that are required. If the probationary member is currently enrolled in a Firefighter or EMT course by the end of their probationary period, then their probation period may be extended for until such time as the course is successfully completed. They are subject to all by-laws and SAG/SOP's as any other member. They may not vote or hold any department office. Probation may not be extended more than 18(eighteen) months total. Once the Probationary member completes the probationary requirements, a vote will be taken to change the member from probationary status to Active member status. The vote will require a two-thirds majority to pass.

Active Member – A member who has completed probationary requirements and has been accepted to active membership by the department shall be deemed an active member and assume all rights and obligation of such.

Honorary Member – A person, group of people or organization that has rendered outstanding service or has made a significant contribution to the department. The potential member shall be presented to the membership upon recommendation of the executive board. Honorary membership shall be conferred by a two-thirds vote of the members present and voting.

Section 2.03 **Application for Membership**

The Membership Committee shall review all applications for membership, conduct an interview with the applicant, and have applicant signs MVFC SAG & SOP 1 & 2, they will make appropriate inquiries as to the character and ability of the applicant. A criminal history investigation and Drivers license report shall be conducted on all applicants. Only the president and one assigned member from the Membership Committee will review the returned investigations. The Committee will make a recommendation to accept or to reject the application at the next monthly department meeting. Under no circumstances will an applicant's criminal record be discussed openly.

Section 2.04**Election to Probationary Membership**

After considering the recommendation of the Membership Committee, the membership shall vote to accept or reject an applicant. If elected to probationary membership the secretary shall record the date of acceptance as the date the applicant is sworn in. The vote shall be by secret ballot and will be by a simple majority vote of the active members present. The probationary member's status shall be reviewed after three (3) months of probationary membership to make sure the probationary member is meeting the requirements of the Volunteer Fire & EMS Company. The probationary member shall also be reviewed at the end of the probationary period and a vote shall be taken to change the applicant's status from probationary member to active member. The vote shall be by secret ballot and shall be decided by a simple majority of the active members present.

Section 2.05**Dismissal on Probation**

The president or executive board may make a recommendation to the membership that a probationary member be dismissed from the department. The party making the recommendation must advise the membership whether the recommendation is based on lack of participation or misconduct. The member must be notified by registered mail, if letter is returned, notification will be by Priority Mail. The member may request a hearing, in writing to the Executive Board, within ten (10) days of notification of the recommendation to dismiss the member. After that time a membership vote shall be taken to decide whether to dismiss the Probationary member. The vote shall be by secret ballot and shall be decided by a two-thirds majority of the active members present.

Section 2.06**Membership Requirements**

Active members who do not meet the requirement to attend 6 (six) out of the 12 (twelve) monthly meetings or fail to meet monthly service hours and training hours as required in the MVFC SAG's/SOP's. Hours to be reviewed monthly by Executive Committee and recommendation for action made at the regular business meeting. Members not meeting requirements will automatically be dropped from active membership on January 30th of the year immediately following. The member must be notified by registered mail, if letter is returned, notification will be by Priority Mail.

Section 2.07 **Dismissal for Cause**

Any member who is ultimately convicted of any major traffic violations including but not limited to violations of Code of Virginia §§ 18.2-266, - 268.3, -852 through -868.1, or those offenses listed in 18.2- 270 (E) or having been **convicted** of any felony or any sexual crime under Article 7, Chapter 4 of the Title 18.2 of the Code of Virginia, as amended, shall be immediately terminated from the Martinsville Volunteer Fire & EMS Company, no membership vote is required. The member must be notified by registered mail, if letter is returned, notification will be by Priority Mail.

Section 2.08 **Expulsion from the Company**

The company shall have the authority to expel any member for failure to comply with the Constitution and By-Laws or any conduct which may result in disrepute of the fire company. A simple majority of the active members present by secret ballot shall be necessary to expel said member. The member must be notified by registered mail, if letter is returned, notification will be by Priority Mail. ↩

Article III

Officers and Elections

Section 3.01 The elected officers shall consist of: President, Vice-President, Secretary, and Treasurer

Section 3.02 Voting shall be limited to any active member who is on the active roster held by the executive board.

Section 3.03 The company shall hold an election at the regular business meeting in November of each year to elect officers for the next term. The new term will begin on the first day of the following January. The newly elected officers shall be given the oath of office. All elections shall be conducted by secret ballot, the winner being the candidate who receives the majority of the votes of the active members present excluding blank, illegible, or invalid ballots. If there are more than 2 candidates, if no candidate receives a majority of the votes, the candidate with the least amount of votes shall be dropped from the list of candidates and a re-vote shall be taken.

Section 3.04 Upon request from any active member, one recount of the ballots shall be taken prior to the end of the meeting. Members shall have the right to inspect the ballots as they are counted.

Section 3.05 In accordance with Robert's Rules of Order, the President will cast the deciding vote when only two candidates remain and the vote is tied, or there is only one candidate and the vote to accept or reject is tied.

Term of Office

Section 3.06 The President, Vice-President, Secretary, and Treasurer shall serve a one (1) year term of office. All other elected and appointed positions shall serve a one (1) year term of office. There will be no limitation as to the number of terms any officer may serve.

Section 3.07 The President shall appoint members to such committees deemed necessary for transaction of business and welfare of the company. Such members will continue for a period of time as directed by the president or the executive board.

Section 3.08 In the event of a vacancy by resignation or any other reason, a special election shall be called within (30) days. Any officer elected by such procedure will serve for the remainder of the unexpired term.

Section 3.09 At the November meeting the membership will accept nominations of qualified candidates from the floor for the various offices; this does not prevent members from making additional nominations during the election process

Article IV
Duties of Officers

Section 4.01 President In addition to other duties designated by the Constitution and By-Laws, the President shall have the following duties:

- 1) The President shall oversee the functions of the company.
- 2) Shall preside at all meetings, maintain order, rule on all points of parliamentary procedure which may arise, assist other officers in the discharge of their duties and promote the general welfare and progress of the company in any manner possible.
- 3) Shall represent the interest of the company to outside agencies and shall attend meetings in which the interests of the company are being deliberated upon.
- 4) Shall notify new applicants of the action taken by the company on their application.

Section 4.02 President-Authority

- 1) The President shall have disciplinary authority over members in accordance with By-Laws and MVFC SAG's & SOP's
- 2) The President shall have the authority to assign members to various committees.
- 3) The President shall chair the Executive Board.
- 4) The President shall have the authority to issue general orders, SAG/ SOP
- 5) The President shall have the authority to endorse checks for the company.

Section 4.03 Vice President- In addition to other duties designated by the Constitution and By-Laws, the Vice-President shall have the following duties:

- 1) The Vice-President shall have the same duties as the president in the absence of the President.
- 2) Perform other duties as directed by the President and/or the executive board.

Section 4.04 Vice President- Authority

- 1) The Vice-President shall have the same authority as the President in the absence of the president.
- 2) The Vice-President shall have Disciplinary authority in the absence of the President
- 3) The Vice President shall have the authority to endorse checks for the company.

Section 4.05 Secretary- In addition to other duties designated by the Constitution and By-Laws, the Secretary shall have the following duties:

- 1) The Secretary shall be responsible for official company records, documents and licenses.
- 2) Shall keep the minutes of regular, annual and special company meetings.
- 3) Shall have the same duties as the Vice-President in the absence of the Vice-President.
- 4) Shall serve as the secretary to the Executive Board.
- 5) Shall maintain an accurate list of all members eligible to vote. Shall also provide a current copy of the membership roster to the Clerk of the Court Office.
- 6) Shall notify the membership and Executive Board when the six (6) month probation period is complete.
- 7) Shall perform other duties as assigned by the President.

Section 4.06 Secretary- Authority

- 1) The Secretary shall have the same authority as the Vice-President in the absence of the Vice-President.
- 2) Shall have disciplinary authority in the absence of the President and Vice-President.

Section 4.07 Treasurer - In addition to other duties designated by the constitution and By-Laws, the treasurer shall have the following duties:

- 1) The Treasurer shall manage the receipts and expenditures of the company through a local financial institution approved by the Executive Board.
- 2) Shall advise the officers and membership concerning sound fiscal management of the company's assets.
- 3) Make a report at the regular meetings to the membership detailing the expenditures, receipts and balances of company funds.
- 4) Make an annual report to the membership detailing expenditures, receipts and balances of company funds.
- 5) Shall prepare and sign checks for company disbursements, and is authorized to pay all reoccurring bills to avoid late payment charges. All expenditures must be approved by the Fire Company.
- 6) Shall perform other duties assigned by the President.

Section 4.08 Treasurer-Authority

- 1) The Treasurer shall have the authority to disburse funds and endorse checks for the company.
- 2) Shall have the authority to make appropriate inquiries concerning the nature and justification of purchases.
- 3) Shall have the same authority as the Secretary in absence of the Secretary.
- 4) Shall have disciplinary authority in the absence of the President, Vice-President and Secretary.

Article V

Executive Board

Duties

Section 5.01 In addition to other duties designated by the constitution and By-Laws, the Executive Board shall have the following duties:

- 1) Shall be the governing body of the company in accordance with, but not limited to, the Commonwealth of Virginia's laws of incorporation.
- 2) Shall have the authority granted to it by the Commonwealth of Virginia's laws of incorporation.
- 3) Shall be comprised of the President, Vice-President, Secretary, Treasurer and one member at large chosen by the other members of the executive board.
- 4) Shall approve all financial institutions used by the company.
- 5) Shall ensure that no company funds are disbursed without the approval of at least two Administrative Officers.
- 6) Shall review monthly the hours required by SAG's & SOP's and make recommendation for action made at the regular business meeting.
- 7) Shall have the authority to exercise disciplinary duties if necessary.

Regular Expenditures

Section 5.02 The Executive Board shall review and authorize the operating budget.

- 1) Emergency expenditures up to \$500.00 may be approved by the President and two (2) active members.
- 2) The Treasure shall have the authority to pay all reoccurring bills to avoid late payment charges. Bills such as but not limited to Cabin Maintenance, Insurance, Electricity, Gas, Office Supplies, Flowers, Dues and Meeting Expenses. These payments may be questioned and must be explained and payment approved or the expense must be reimbursed by whoever created the expense.

Impeachment

Section 5.03 If an officer is referred for impeachment by the Executive Board, the membership shall vote at the next monthly meeting whether or not to remove the officer from office. The Executive Board shall make a report to the membership of the charges and the basis for the recommendation. The vote shall be by secret ballot with a two-thirds majority of the active members present deciding the outcome.

Article VI

Meetings

Section 6.01 Regular meetings shall be held on a day and time prescribed by the SAG's / SOP's

Special meetings

Section 6.02 The President may call special meetings for a specific purpose and no other business shall be transacted. The President shall call a special meeting upon request stating the purpose of the meeting and bearing the signature of (3) three active members. If possible, the day, time and place of the meeting shall be posted at the main Fire Station on Church Street. (Company 1)

Active Voice

Section 6.03 Active members of the company in good standing shall enjoy active voice and may address the membership, vote at elections and vote on matters before the company or a committee. In order to retain active voice, members must attend six (6) of the twelve (12) previous monthly meetings and maintain required monthly service/training hours as prescribed in the SAG's / SOP's. The secretary shall keep and maintain an accurate list of all active members who enjoy active voice. Members who have lost active voice may not vote on matters before the Company or any committee.

Granted Voice

Section 6.04 Members of the public and Probationary Members may address the membership or a committee when recognized by the President or the committee chair.

Quorum

Section 6.05 The required quorum for transacting business at a regular business meeting shall be (2) two administrative officers and the number of active members present.

Voting

Section 6.06 Votes at meetings shall be taken in a manner determined by the President in accordance with Robert's Rules of Order. The motion shall pass or fail based on a majority of votes, excluding abstentions and invalid votes, except as otherwise noted in the Constitution . Voting rights will be restricted exclusively to eligible active members.

Excused absences

Section 6.07 Due to extenuating circumstances such as but not limited to school, training, work, illness or out of town, members may obtain an excused absence from meetings by notifying a member of the Executive or Administration Broads, who may grant or deny the request.

1) Leaves of absences must be summited in writing.

Committees

Section 6.08 Once committees are appointed the President shall name a member to chair the committee. Committees shall keep the membership informed of their activity by monthly reports.

Article VII

Amendments and General Orders

Proposing amendments

Section 7.01 Amendments to the Constitution and By-Laws may be proposed by submitting the suggested change, in By-Law form, to the Executive Board / By-Law committee. The Board / Committee shall review the proposed change to ensure that it is in the proper form and would not, if adopted, be at conflict with other sections or by-laws. If the proposed change is in correct form it shall be read at the monthly meeting.

Reading proposed amendments

Section 7.02 Proposed changes shall be read at the next regular meeting and posted at Company 1 following the reading. The proposed change shall be tabled until the next regular meeting, at which time it will be voted on.

Adopting proposed amendments

Section 7.03 A change shall require a two-thirds majority of the active members present to pass. If adopted, the amendment shall take effect once it is approved by the City Council. The Secretary shall be responsible for providing each member with a copy of the amendment, including the date it became effective. The Secretary shall also update the original Martinsville Volunteer Fire & EMS Company Constitution and By-Laws. It shall be the member's responsibility to update their issued copy of the Constitution / By-Laws.

General Orders

Section 7.04 General orders (SAG/SOP) shall be issued to give the company direction in matters of operational and administrative policies not specifically defined by the Constitution and By-Laws. General orders shall not contradict the Constitution and By-Laws. The President shall have the authority to issue general orders which affect the function of the Company. This shall include, but not be limited to standard operating procedure, training policy and requirements, minimum standards for activity, station rules, financial and purchasing policies not covered by the Constitution and By-Laws and hall rental policy.

Posting and logging general orders

Section 7.05 General orders shall be posted at Company 1 for (30) thirty days. The President/ By-Laws committee shall be responsible for keeping an accurate log of general orders and providing a copy to the Secretary.

Article VIII

Authority

Section 8.01 Active members in good standing shall have the same authority and privileges as may be accorded any regular firefighter under the City ordinances and State laws governing such. Any point for decision on this section will be referred to the Executive Board for final determination.

Advisory Committee

Section 8.02 The City Manager, Fire Chief and City Attorney shall serve in an advisory capacity to the company. Such committee will be eligible to attend all meetings and functions of the company, to participate in discussion, to furnish information and advice, and to counsel with company officers and members in the development of plans and programs. Such committee will not be eligible for active membership nor have any vote on any question which may arise in any meeting.

Section 8.03 The Mayor and City Council shall be considered honorary members of the company.

Article VII Amendments and General Orders Section 7.03

requires 2/3 majority of active members present to pass and if adopted goes into effect once it is approved by City Council – should be 'run' by City Attorney to check legal aspects before sending to Council.

The following are the proposed changes

Article II Membership

Section 2.01 change A. from 'convicted' to 16 – 18 year old members

B. changes from 'sex crimes' to 'convicted'

C. add 'sex crimes' from B.

Section 2.02 Probationary

changes probation period from 12 to 6 months

added training classes and identified probation period extension

Section 2.03 Application for Membership

changed Executive Committee to Membership Committee

added MVFCSAG & SOP requirements

defines time line and recommendation or rejection procedures

Section 2.04 Election to Probationary Membership

changed Executive Committee to Membership Committee

added review period

Section 2.05 Dismissal on Probation

described notification mailing procedures

Section 2.06 Required Hours change to Membership Requirements

changed meeting requirements from 8 of 12 to 6 of 12 meetings

added MCFC SAG/SOP requirements

added review of hours and recommendation/ termination procedures

Section 2.07 Dismissal for Cause

described notification mailing procedures

Section 2.08 Expulsion from the Company

described notification mailing procedures

Article IV Duties of Officers

Section 4.01 President

Changed sub section 4) Must participate in the check signing procedure TO

4) Shall notify new applicants of the action taken by the company on their application.

Section 4.04 Vice President - Authority

Added 3) authority to endorse checks for the company

Section 4.05 Secretary

Removed 6) notify applicants of action taken on their applications transferred to the Presidents 4.01 subsection 4)

Removal of 6) necessitated changing 7) to 6) and 8) to 7)

'New 6)' removes duty of issuing Probationary cards and changes 12 to 6 months

Section 4.07 Treasurer

3) change wording from monthly report to report at regular meetings

5) add and is authorized to pay all reoccurring bills to avoid late payment charges.

Article V Executive Board Duties

Section 5.01 rearrange subsection numbers 1) through 4) to a progressive order added 5) requires approval of at least 2 Administrative Officers for expenditures

change 6) to review and report on SAG & SOP hours

change former 6) to 7) exercise disciplinary duties

Section 5.02 Regular Expenditures changed from review authorize and disburse ... to budget approval and 1) & 2) added

Article VI Meetings Active Voice

change required number of meeting attendance and SAG's/SOP's

Granted Voice

Section 6.04 added probationary members.

Excused absences

Section 6.07 identified procedures and reasons for excused absences

Article VII Amendments and General Orders Reading proposed amendments

Section 7.02 changed monthly meeting to the next regular meeting

THERE ARE NO PROPOSED CHANGES IN THE BY-LAWS -

SAG's & SOP's added with changes

MVFC SAG 1 & MVFC SAG 2 added to sheets

Lt. Joe Haynes changed to *assigned Officer*

distinction made between Volunteer and Fire Department