

# **ROCKVILLE VOLUNTEER FIRE DEPARTMENT, INC.**



## **ARTICLES OF INCORPORATION AND BY-LAWS**

**January 1, 2011**

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# **ARTICLES OF INCORPORATION OF THE ROCKVILLE VOLUNTEER FIRE DEPARTMENT, INC.**

This is to certify:

That the undersigned adult citizens of the State of Maryland, being all of the members of an existing organization, heretofore organized as the Rockville Volunteer Fire Department, and being desirous of forming a corporation, under and by virtue of the general laws of the State of Maryland, do hereby make, sign and acknowledge this, our certificate of incorporation, as follows:

- A. We, the subscribers hereto, O.M. Linthicum, C.H. Robertson, F.B. Abert, W.F. Disney, Jos. W. Howes, F.B. Welsh, W.D. Clark, Geo. E. Lewis, Harry Riley, Lee Hutchinson, W.H. Gartners, Geo. L. Edmonds, W.S. Belt, J.I. Lambert, Albert Hamke, W.F. Gettings, J.H. Ward, Lee Moulden, Curtis Ward, Arlington Bennett, Clarence Anders, J.Paul Brunette, Albert Moulden, Theo. Richets, Oscar Gaither, Edgar Reed, Bernard Brosuis, Peyton Mannar, Preston Richetts, E.R. Brosius, Andrew Freeburger, W.S. Ward, W.V. Wilson, Barrett P. Willson, G. Hilton Darby, Milburn E. Ward, Clyde Stout, W.A. Berry, R.D. Karn, Phillip Reed, William Burrows, Gordon Burrows, W.R. Pumphrey, Jr., Marbery Gates, George Peter, Frank H. Higgins, P.R. Wagner, Charles Coupard, Warner E. Pumphrey, C. Clifton Veirs, and Harry Gormley, the post office address of each of whom is Rockville, Maryland, all being of full legal age, do under and by virtue of the general laws of the State of Maryland, associate ourselves with the intention of forming a corporation.
- B. The name of the proposed corporation is the Rockville Volunteer Fire Department, Incorporated.
- C. The purpose for which the corporation is formed, and the objects to be carried on and promoted by it, are as follows:

To organize and operate a volunteer association to control, prevent, limit, and prevent, damage by fire, in Montgomery County, Maryland, and such nearby territory as is within reach of its assistance, and to maintain, use, and enjoy such association for the social, educational, moral and civic betterment, and pleasure of its members, and the inhabitants of the town of Rockville, and its vicinity. No part of the net earnings of said association is to insure to the benefit of any of its members.

For the purpose aforesaid said corporation shall have the following powers:

1. To purchase, lease, acquire, own and maintain fire engines, hose wagons, hook and ladder trucks, chemical engines, fire alarm systems, and all and every kind of firefighting equipment and apparatus necessary, proper or convenient, for use in firefighting or fire prevention, and to sell exchange, and replace the same from time to time as it deems necessary.
2. To acquire, use and own all such other personal property as may be proper in the operation of any association, home, club house, or engine house it may acquire, and to sell, replace, or exchange the same at its pleasure.
3. To replace by purchase, lease, device, gift or otherwise, such real property as may be necessary for carrying out its purpose, and to improve the same, and erect thereon suitable engine houses, club houses, gymnasium, athletic grounds, or other proper buildings and improvements, and at its pleasure to sell, exchange and replace such real estate and improvements.
4. To hold, operate, and carry on such fairs, carnivals, theatrical performances, mercantile enterprises and other activities as are usually held by such organizations for the purpose of raising money.
5. To borrow or raise money for any of the purposes of the corporation, and to issue bonds, debentures, notes or other obligations of any nature, and in any manner permitted by law, for money so borrowed or in payment for property purchased, or for any other lawful consideration, and to secure the payment thereof and of the interest thereon, by mortgage upon, or pledge or conveyance or assignment in trust of the whole or any part of the property of the corporation, real, personal, or mixed, including contract rights, whether at the time owned, or thereafter acquired, and to sell, pledge, discount, or otherwise dispose of such bonds, notes or other obligations, for any of the purposes of the corporation.

It is the intention that none of the power denied in any of the foregoing clauses of these Articles shall be in anywise limited or restricted by reference to or interference from, the terms of any other clause, but that the powers defined in each clause shall be regarded as independent powers. It is also the intention that the corporation shall be authorized to exercise and enjoy all other powers, rights and privileges granted to or conferred upon corporations of this charter by the laws of the State of Maryland, and that the enumeration of certain powers as herein defined is not intended as exclusive of, or as a waiver of any other powers, rights or privileges, granted or conferred by the laws of said State now or hereafter in force, except as in this Article expressly limited or restricted.

- D. The post office address at which the principal office of the corporation will be located is Rockville, Montgomery County, Maryland. The resident agent thereof is W.D.

Clark, whose post office address is Rockville, Montgomery County, Maryland. Said resident agent is a citizen of the State of Maryland, actually residing therein.

- E. Said corporation shall have no capital stock.
- F. The Corporation shall have seven directors, and Otis M. Linthicum, C.H. Robertson, Jos. W. Howes, Jos. L. Clagget, W.D. Clark, F.B. Abert, and W.F. Disney shall act as such until the first annual meeting, and until their successors are duly chosen and qualified.
- G. Members may be elected to, or dropped from the roll of said corporation from time to time, as may be prescribed or authorized by the By-Laws.

The membership of the Corporation at the time of its incorporation are the signers of this certificate.

In witness whereof, we have signed this certificate of incorporation on Wednesday, the 19th day of December, 1923.

(Signed)

Otis M. Linthicum  
Clifford H. Robertson  
Charles V. Coupard  
F. Bache Abert  
Warner E. Pumphrey  
Wm. F. Disney  
C. Clifton Viers  
Jos. W. Howes  
Harry Gormley  
W.D. Clark  
Geo. L. Edmonds  
George E. Lewis  
W. Stacey Belt  
Harry T. Riley  
Jno. I. Lambert  
Lee Hutchinson  
Albert H. Hamke  
Andrew J. Freeburger  
Wm. F. Gettings  
W. Valentine Wilson  
S. Lee Moulden

Barrett P. Wilson  
Curtis L. Ward  
Arlington Bennet  
Milburn E. Ward  
Clarence Anders  
J. Paul Brunett  
W.A. Berry  
J. Albert Moulden  
R.D. Karn  
Theo A. Ricketts  
Philip Reed  
Oscar T. Gaither  
Wm. M. Burrows  
Edgar Reed  
Gordon D. Burrows  
Bernard T. Brosius  
Peyton Mannar  
Marbery F. Gates  
E.R. Brosius  
George Peter  
Preston Ricketts  
Frank H. Higgins

Witness --

Geo. P. Henderson, Notary Public

# ARTICLE I

## *MEETINGS*

### Section 1. **Regular Meetings**

The regular meeting of the Department shall be held the last Wednesday in each month at 7:30 in the evening unless by majority vote of the voting members present and voting approve a change of date for a specific meeting.

### Section 2. **Special Meetings**

Special meetings may be held upon the call of the President, or the Chief, or upon request made to the Secretary in writing, by not less than five (5) members. Upon such request, the Secretary shall call such special meeting and shall give notice of the nature of the business to be acted upon; and no other business shall be acted upon at such meetings.

### Section 3. **Board of Director Meetings**

The regular meetings of the Board of Directors shall be held each month on the second Monday evening and the Monday preceding the regular monthly meeting of the Department. A Special Meeting of the Directors may be called by the Chairman of the Board of Directors.

### Section 4. **Annual Meeting**

The regular Annual Meeting of the Department shall be held on the third Wednesday in January of each year at 7:30 in the evening, at which meeting the Officers of the Department shall be elected for the succeeding year.

# ARTICLE II

## ***MEMBERSHIP***

### Section 1. **General**

- A. Full or Probationary Membership in the Rockville Volunteer Fire Department shall be available to any person legally residing in the United States of America, eighteen (18) years of age or older and meeting the qualifications and requirements of the Montgomery County Fire/Rescue Commission, either in the category of Fire Suppression (firefighter) or Emergency Medical Service (comprised of Medical attendant and EMS member), subject to the approval and acceptance of the membership as hereinafter described.
- B. Junior Membership in the Rockville Volunteer Fire Department shall be available to any person legally residing in the United States of America sixteen (16) years of age not to exceed eighteen (18) years of age, with parental permission, who resides in Montgomery County, Maryland, meeting the qualifications and requirements of the Department, subject to the approval and acceptance of the membership as herein after described. Junior Membership is a special sub-category of Probationary Membership.
- C. The category of membership shall be determined based upon the application of each prospective member. If a prospective member is accepted by a vote of the membership as a fire suppression (firefighter) member; or an emergency medical service (medical attendant) member; they shall retain that respective category of membership until such time as the member submits a change of status in writing to the Secretary and meets the requirements of that category. The Secretary shall present to the membership the proposed status change. The status change will require approval of a majority vote of the voting members present and voting at any regular meeting.

### Section 2. **Categories and Definitions of Membership**

- A. Full member - Firefighter or Emergency Medical Services Provider, as defined in accordance with the definition and description of the Montgomery County Fire/Rescue Commission. Full members are subject to the Department's Standby Policy.

B. Probationary Member – Firefighter or Emergency Medical Services Provider, as defined in accordance with the definition and description of the Montgomery County Fire/Rescue Commission. All full or associate members must complete a probationary period unless otherwise provided for in these By-Laws. The probationary period for full members new to the Department is at least twelve months. The probationary period for associate or full members transferring from another Montgomery County fire/rescue department shall be a minimum of three months. The transferring member will be evaluated by the Fire Chief or designee and a recommendation made to the membership for approval as a full or associate member at any time after three months and up to twelve months. Probationary members are subject to the Department's Standby Policy.

C. Junior Membership.

There shall be no more than fifty (50) Junior Members within the Department at any one time.

1. A prospective Junior Member shall obtain and submit a Maryland Department of Labor Work Permit with his/her application.
2. Junior Members must maintain a 2.0 grade point average in high school, and must graduate high school to become a full member. Junior members will be probationary until they are eighteen (18) years of age.
3. Unless otherwise specified, Junior Members are subject to all rules and provisions as set forth in these By-Laws.
4. All operational issues pertaining to Junior Members (including, but not limited to, permitted hours of participation, participation levels, and apparatus riding status) are contained in the Policy/Procedure Manual issued by the Chief. Junior Members failing to adhere to the Policies and Procedures of the Department will be subject to disciplinary action.
5. Junior members may be dropped from the rolls at any regular meeting by majority vote of the voting members present and voting.
6. Except for extensions as otherwise provided for in these By-Laws, Junior Members will be required to serve a probationary period not to exceed two (2) years. Any portion of their

probation served as a Junior Member will be applied toward the normally required one year probation for full membership. Upon reaching eighteen (18) years of age, the status of a Junior Member may be converted to either probationary or full member status, however, if this Member remains in high school they shall remain subject to the Policies and Procedures regarding Junior Members who are currently attending High School.

7. Within the probationary period, Junior Members will be required to complete, depending upon their membership classification, the Essentials of Firefighting I and the Maryland Emergency Medical Technician-Basic (EMT-B) courses. Junior Members are subject to the Standby Policy.

D. Chaplain.

Any member of the clergy residing or serving and maintaining an office in Montgomery County may be eligible to be Chaplain of the Department. It shall be the duty of the Chaplain to conduct such annual and special religious services as may be desired by the Department and to furnish general spiritual guidance to the Department. The Chaplain shall not have the right to vote unless otherwise elected to full membership under provisions set forth elsewhere in these By-Laws. The Chaplain is not subject to the Standby Program unless elected/appointed to an operational office.

E. General Counsel.

Any member of the Maryland State Bar residing in or maintaining an office for the practice of law within Montgomery County may be eligible to be General Counsel for the Department and shall counsel the Department on all legal matters affecting the Department. The General Counsel shall not have the right to vote unless otherwise elected to full membership under provisions set forth elsewhere in these By-Laws. The General Counsel is not subject to the Standby Program unless elected/appointed to an operational office.

F. Special Memberships.

1. Lifetime members.

Any member, upon completion of fifteen (15) years (180 months) of accumulated standby active membership shall become a lifetime member of the Department. Credit for up to

three (3) years may be earned under established policies. Such members shall be presented a plaque at the Annual Banquet or meeting of the Department. Such members shall retain the right to vote provided that they have attended 50% of the regular meetings of the preceding calendar year. Lifetime members may hold offices for which they are qualified. Any time on leave as defined in these By-Laws shall not count towards time served.

2. Honorary Member.

An Honorary Member of the Department may be any person who has rendered outstanding service to the Department and upon whom the Department by a majority vote of the members present at any regular meeting cares to bestow this honor. An Honorary Member shall not have the right to vote, but shall have the privileges of the buildings.

3. Administrative Member.

- a. Administrative Members will assist the Department by performing administrative activities as assigned by the President, or Board of Directors, and may be assigned, by the President, to standing or ad hoc committees. There shall be no more than twenty (20) administrative members of the Department at any time.
- b. Administrative Membership shall be available to any person legally residing in the United States and at least eighteen (18) years of age. They will have privileges of the building, and be eligible to be lifetime members.
- c. Administrative Members may not participate in fire, rescue, or EMS operations, but may accompany and assist chief officers with administrative activities at emergency incidents.
- d. An Administrative Member shall be eligible to vote so long as he or she remains an Administrative Member in good standing, has attended at least six (6) regular company meetings in the preceding calendar year, and was LOSAP active in the preceding calendar year. Such members shall not be counted as voting members unless present and qualified to vote. Administrative Members shall document the activities performed and

at each member's anniversary date, the President shall recommend to the Department, who shall decide by majority vote of the voting members present and voting, whether said member shall be retained for the next year or dropped from the membership rolls.

- f. An Administrative Member may hold elected administrative offices

4. Honor Roll Members.

Upon resignation from full membership, all past members of the Department shall be eligible to be listed upon the Honor Roll to be kept by the Department, and their names shall be placed thereon by majority of votes cast of the members present at a regular meeting of the Department. Honor Roll Members shall not have voting privileges, but shall have privileges of the buildings. This honor may be revoked by two-thirds majority vote of the voting members present and voting at any regular meeting.

5. Honorary Rank Members.

All members in good standing, who have been determined to have rendered exceptionally meritorious and outstanding service, may be conferred as "honorary rank" members by a majority of the votes cast of the voting members present at any regular meeting and such members may retain full membership.

6. Auxiliary Members.

- a. Auxiliary Members will assist the Department by providing a support role during fire and rescue incidents or other Departmental Activities. The Auxiliary has primary responsibility for operations and management of the canteen unit, under supervision of the Fire Chief. Auxiliary members may be assigned, by the President, to standing or ad hoc committees.
- b. Auxiliary Membership shall be available to any person legally residing in the United States and at least sixteen (16) years of age. They will have privileges of the building, and be eligible to be lifetime members. Membership in the Auxiliary is governed by rules set up

by the Auxiliary Division and approved by the President and Fire Chief. Membership is subject to confirmation by the Department.

- c. Auxiliary Members may not participate in fire, rescue, or EMS operations, but may respond with the canteen unit and assist with support activities at emergency incidents

### Section 3. **Vacancies**

- A. The President, in conjunction with the Membership Committee shall set forth the requirements and procedures for application and action on applications.
- B. Applications shall be presented for membership action at the regular meetings held in January, April, July and October. Should any of these meetings be cancelled, the applicants shall be presented at the next regular meeting. Vacancies in the membership shall be filled from a list of eligible applicants as presented by the Membership Committee at those meetings. The Department shall, by majority of the voting members present and voting, decide the number of vacancies to be filled.
- C. The Chief or President may request that the membership create vacancies to admit members at any regular meeting for action on applications presented by the Membership Committee.
- D. The Chief or President may appoint conditional probationary members at any time, pending action by the Membership Committee on their application.
- E. All applications must receive a recommendation for admission by the Membership Committee and a majority of the votes of those present and voting to be elected to conditional probationary or probationary membership.
- F. Where the number of eligible applicants exceeds the number of approved vacancies, a written ballot shall be taken on all eligible applicants to fill the number of approved vacancies. Those applicants receiving the highest number of votes shall be deemed elected probationers in the Department in the numerical sequence of votes received.
- G. Where the number of eligible applicants is the same as the number of approved vacancies, the Secretary may cast a ballot for those applicants individually and by a majority vote of the members present and voting, elect them to probationary membership in the Department.

- H. If an applicant is denied membership, their application may not be reconsidered for twelve months. If the application is considered after twelve months and is again denied, the application may not be considered again for 24 months. If the application is considered again after 24 months and is denied a third time, the application may not be reconsidered again for any reason at any time.

#### Section 4. **Probationers**

- A. Newly elected or appointed probationary members are considered conditional probationary members pending completion of requirements set forth by the Membership Committee.
- B. Probationers must remain a probationer until such time as all requirements as prescribed by the Montgomery County Fire/Rescue Commission and the Fire Chief are met.
- C. All probationers must complete the orientation courses and EMT-B within twelve (12) months after being elected. The Membership, by majority vote of members present, may extend the probationary period for extenuating circumstances.
- D. Probationers shall not have the right to vote, or hold any office except General Counsel or Chaplain, or chair any committee. They may serve as a member of a committee.
- E. Probationers may be dropped from the roll of the Department, for any reason, by a vote of a majority of the members present and voting at any regular meeting. All conditional probationary requirements must be completed within three (3) months of election or the probationer may be presented to the membership for consideration to be dropped from the rolls.
- F. Any probationer who resigns or is dropped from the roll prior to being eligible for election to full membership cannot reapply for membership for twelve (12) months.
- G. Probationers shall be entitled to use Fire and/or Rescue equipment only under the supervision of an Officer of the Department.
- H. Probationers shall be entitled to the privileges of the buildings.
- I. Upon completion of one (1) year service, a Station Officer shall make a report concerning the status of the probationer for full membership.

Probationer shall not be present for the election. The Probationer upon receiving a majority vote of the voting members present shall be elected to full membership. The probationary member, upon election to full membership, shall be eligible to vote if they have attended at least fifty percent (50%) of the regular meetings held during their first year of membership. If the member is placed in non-voting status, they may obtain voting status by attending, as a full member, at least fifty percent (50%) of the regular meetings held in a calendar year.

## Section 5. **Resignations**

Any member desiring to tender his or her resignation must submit same, in writing, to the Standby Committee who shall review the member's standby record to determine if the member is in good standing under the Standby Policy. The Committee shall then forward the resignation to the Secretary of the Department with the member's accompanying standby program standing. The resignation letter shall state the effective date desired by the member. The Fire Chief will advise if there is any outstanding disciplinary action pending for the person. At the membership meeting, those members requesting resignation will be automatically 'Honorably Discharged' from the organization unless they have outstanding Standby Program or disciplinary action – this will result in a 'Dishonorably Discharged'

## Section 6. **Leaves of Absence**

- A. Leaves of absence may be granted for the following categories: educational, vocational, military, medical, maternity/paternity and administrative. Requests for leaves of absence must be submitted in writing to the Chief who will present the request to the Standby Committee. All requests, except medical, shall include the reason for the request and full documentation. The Standby Committee will review the request and decide if the request can be handled under the Standby Policy or recommend approving the leave of absence. Information related to medical leave of absence will remain confidential and be handled as specified in these By-Laws. A majority vote of the Standby Committee is required to approve the leave request. All actions related to leaves of absence will be reported by the Chief at the next regular Department meeting and will be noted in the minutes. Notification to the membership shall also be made by an electronic method to be announced at the annual meeting. If the leave of absence is not granted, the member shall remain in active service and be subject to all provisions under the Standby Program Policy.
- B. The Secretary shall, no less than one month prior to the expiration of any leave period, notify the member on leave of the pending expiration of his or her leave of absence, in writing, by U.S. Mail, to the address of record

on file with the Department. This notice shall inform the member that unless he or she submits a written request to be reinstated, or, if applicable, applies in writing for a renewal of his or her leave, that his or her membership shall be automatically terminated

- C. A member on leave may not vote.
- D. While on leave, as defined in this section, no credit will be given towards life membership, or time in service.
- E. All leave periods of less than 60 days shall be governed by the Standby Committee and Department policy rather than these By-Laws.
- F. Types of Leave
  - 1. Military leave of absence.

Any member entering into full-time service in any branch of the armed services shall, upon notifying the Chief in writing, be granted leave from the functions of the Department. Said member shall automatically be reinstated upon written request to the Chief, presentation of his or her honorable discharge, and certification of fitness for duty by a licensed physician on the approved form. A member on military leave must request reinstatement within six (6) months from his or her date of discharge in order to be reinstated. Military leave is restricted to four (4) consecutive years except in time of war or national emergency.

- 2. Medical leave of absence.

- a. Any member requiring medical leave of absence from the functions of the Department for a period of ninety (90) days or longer must make a written request for leave from the Department. Medical leave shall be granted, and become effective, upon presentation to the Chief of documentation from a qualified medical professional that the member is unable to participate in the functions of the Department due to medical reasons. Members deficient in standby program requirements, as certified by the Standby Program Committee, may be granted medical leave, but all deficient hours will be carried over until such time that the member returns from medical leave. Reinstatement shall be automatic upon written

request and receipt by the Chief of documentation from a qualified medical professional that the member is fit for duty. Medical leave shall be limited to no more than one (1) year except in the case of leave necessitated by illness or injury sustained in the line of duty. A member whose medical condition does not allow him or her to return to active service will be encouraged to switch to Administrative membership to allow him or her to continue to contribute to the Department, however, if no written request for reinstatement or change of membership status is received at or prior to the end of one (1) year (except in the case of a member becoming ill or injured in the line of duty), membership will be automatically terminated.

b. Maternity/Paternity Leave

- (1) Upon a female member's written notification to the Chief of pregnancy, the female member will be placed on non-riding status. The female member must notify the Standby Committee of her status and with the Committee determine an appropriate duty schedule.
- (2) The female member will be granted up to twelve (12) months maternity leave upon written request to the Chief, start date to be determined by the member. While on maternity leave, the member may participate in non-riding functions of the Department but will not be subject to any standby requirements. Any deficient standby hours will be carried over until the member returns from leave.
- (3) A male member will be granted up to four (4) months paternity leave upon written request to the Chief, start date to be determined by the member. While on paternity leave, the member may participate in the functions of the Department but will not be subject to any standby requirements. Any deficient standby hours will be carried over until the member returns from leave.

- (4) Reinstatement shall be automatic upon written notification to the Chief.

3. Educational leave of absence.

- a. Educational leave may be granted to a member only if the member requesting educational leave is attending an educational institution outside the Washington, DC Metropolitan Statistical Area, which is comprised of: Washington, D.C.; in Maryland: Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties; and the following jurisdictions in Virginia: Alexandria, Arlington, Fairfax, Fairfax City, Falls Church, Loudon, Manassas, and Manassas Park. Members attending a college or university within these areas but outside of Montgomery County may be granted a modified standby requirement as determined by the Standby Committee.
- b. Any member requiring educational leave of absence from the functions of the Department for a period of sixty (60) days or longer must make a written request to the Chief for leave from the Department. To be eligible for educational leave, the member must be current in all standby requirements as certified by the Standby Program Committee. Educational leave may be granted for an initial period not to exceed the duration of two consecutive school semesters plus two weeks at the beginning and end of the period, renewable upon written request. Semester dates must be presented with the leave request. At or before the end of the leave period the member must make written request for reinstatement or renewal. Reinstatement shall be automatic upon timely written request. If no written request for reinstatement or renewal is received at or prior to the end of the leave period, membership will be automatically terminated.

4. Vocational leave of absence.

Vocational leave of absence from the functions of the Department is available for a period of up to ninety (90) days. Vocational leave is limited to the work in which a person is regularly employed and is not part of an educational program. To be eligible for vocational leave, the

requesting member must be current in all standby requirements as certified by the Standby Program Committee. Vocational leave is available for no more than two consecutive periods and no more than six 90-day periods during any six year block. Members on vocational leave are subject to the Standby Policy which will allow for a modified time requirement as determined by the Standby Committee. If a member reaches the maximum leave time allowed under this section, they may appeal to the membership who may approve additional vocational leave periods upon majority vote of the voting members present and voting.

5. Administrative Leave

- a. The Chief or President may place a member on administrative leave for special circumstances as determined by the Chief or President. Such leave shall be determined on a case-by-case basis. The length of such leave will be set by the Chief or President and may be renewed as necessary.
- b. Members on administrative leave shall not accrue time towards Life Membership nor time in any MCFRS command/rank structure system or Length of Service Award Program.
- c. The President, Vice-President or any chief officer may place a member on administrative leave pending investigation of any incident or circumstance that may result in disciplinary action. Members placed on administrative leave for this purpose may not participate in Department or Montgomery County Fire and Rescue Service related fire/rescue activities unless authorized by the Fire Chief. Members may only be placed on administrative leave for this purpose for up to 60 days while an investigation is conducted unless the incident or circumstance involves alleged criminal conduct.

6. A leave of absence, except Administrative Leave, may be revoked by a two-thirds majority vote of the voting members present and voting at any regular meeting. Upon introduction of such a motion, it will be automatically tabled until the next regular meeting to allow the member to present reasons why their leave should not be revoked.

## Section 7. **Career Employees**

- A. Any Volunteer of the Department may become a paid employee of the Rockville Volunteer Fire Department provided they meet the qualifications set forth for the position, but they will not be allowed to vote on deliberations of the Department at any meeting of the Department or hold any office within the Department.
- B. Any paid employee of the Department may become a Volunteer member provided they meet the qualifications set forth for Volunteer members, but, they will not be allowed to vote on deliberations of the Department at any meeting of the Department or hold any office within the Department.
- C. A paid employee as referred to in Section 7A and Section 7B above, shall include mechanics and administrative personnel.

## Section 8. **Non-voting Members**

Members not having the right to vote shall retain all other rights, privileges, obligations and requirements accorded members under these By-Laws.

## Section 9. **Privilege to Vote**

Members of the Department must attend at least fifty (50) percent of the regular monthly meetings of the preceding calendar year based on the Annual Report of the Secretary. Members not meeting this requirement, shall have their privilege to vote at regular monthly meetings suspended until the next Annual meeting of the Department.

All full members who met standby active requirements for the preceding year shall have the privilege to vote at the annual meeting. These voting rights are solely for the purposes of election of officers, chiefs, Trial Board, Board of Directors and any other election for officials or representatives of the department. This list of eligible voting members will be captured and retained by the Secretary for the remaining year. If any offices are vacated or new positions created this would be the list of eligible members able to vote for the election of new officers, chiefs, Trial Board, Board of Directors or any other elected official.

## Section 10. **Reinstatement**

All Full Members who have resigned from membership in good standing and have applied to be reinstated shall be acted upon in every respect as if they

were an original applicant except they shall be required to serve a three month probationary period. They must attend 50% of the regular meetings in their first year of membership to regain their voting privileges.

## Section 11. **Discipline**

- A. In order for a regular member to be dropped from the rolls of the RVFD, a majority vote of the voting members present and voting is required. This vote must follow a recommendation to drop from the Fire Chief, President, Standby Committee, Trial Board, or Board of Directors or from the Auxiliary Division for Auxiliary members or from the President for Administrative members.
  - 1. Standby violations which may result in a recommendation to drop from the rolls must go to the membership through the Standby Committee.
  - 2. Other disciplinary matters which may result in a recommendation to drop from the rolls must first go through the Trial Board.
  - 3. In order for the Board of Directors to recommend a member be dropped from the rolls, there must be a prior Trial Board determination.
  
- B. In order for a Life Member to be dropped from the rolls, at least two-thirds of the voting members present and voting must vote for that member to be dropped. Before this is brought to the membership, however, a recommendation to drop must be made by the Trial Board or Board of Directors.
  - 1. In order for the Board of Directors to recommend a Life Member be dropped from the rolls, there must be a prior Trial Board determination.
  
- C. It is the duty of all officers to ensure proper discipline by making sure all members comply with Department and County policies and procedures. To encourage this compliance, officers may discipline members through various means including, but not limited to: verbal or written counseling or warnings, documents of record, work details, and recommendations to Trial Board.

# ARTICLE III

## *OFFICERS*

### Section 1. **Officers**

- A. The elected officers of the Department shall consist of: seven Directors, President, Vice President, Secretary, Treasurer, General Counsel, Chaplain, Fire Chief, First Deputy Fire Chief, up to four Deputy Fire Chiefs, and up to five Assistant Fire Chiefs.
- B. A majority of the Chief officers shall appoint or remove Volunteer Line Officers of the Department as follows:  
  
Battalion Chiefs, Captains, and Lieutenants
- C. The Fire Chief shall appoint or remove Shift Leaders and Assistant Shift Leaders

### Section 2. **Eligibility**

To be eligible for a Fire/Rescue Line Officer, a member must be at least eighteen (18) years of age, have satisfied the one (1) year probationary period, and meet all the requirements set forth by the Montgomery County Fire/Rescue Commission.

# ARTICLE IV

## *DIRECTOR*

- Section 1. Any member of the Department having five (5) years of cumulative active service and is a voting member, shall be eligible to be a Director. The President shall preside at all meetings of the Board of Directors. In the President's absence, the Board shall elect its own Chair, who shall sign purchase orders and invoices approved at that specific meeting.
- Section 2. There shall be seven (7) members elected as Directors. Beginning with the March 2003 Annual Meeting, the Department shall elect for a two (2) year term, three (3) members in the even numbered years and four (4) members in the odd numbered years. In the event of a vacancy at any time, the Department shall elect a member to hold office for the unexpired term created by the vacancy.
- Section 3. Duties of the Board of Directors include:
- A. To act as an Adjudication Board in the matter of all disputes arising within the Department not involving the Trial Board.
  - B. To act as an Appeal Board for Trial Board decisions in accordance with the Trial Board Policy.
  - C. Through the President, to be in charge of and have the authority to hire all paid employees and to discipline them and to dismiss them for cause.
  - D. To have sole authority to authorize disbursements of "Tax Funds" as provided for in the budget through the elected and bonded Treasurer of the Department.
  - E. To have authority to authorize disbursements of "Volunteer General Funds," as provided for in the Budget Policy.
  - F. To have general supervision of the affairs of the Department and to make such recommendations as they deem fit.
  - G. To act as advisors to the Department.

- H. The Board of Directors shall record all proceedings of their meetings in a minutes book.

#### Section 4. Automatic Termination of Board Member

Any member of the Board of Directors who is absent from fifty percent (50%) of the scheduled meetings of the Board of Directors in any six (6) month period shall be considered to have resigned. Scheduled meetings shall mean regular Board of Directors meetings and any special meeting called with seven (7) days advance notice. The President shall announce the resignation at the next monthly membership meeting and shall hold elections to fill the remainder of the term.

The President may request a waiver of the "resignation" that must be approved by majority vote of the voting members present and voting.

The President, in a monthly report, must present the attendance statistics of each Board of Directors member.

#### Section 5: Board Secretary

- A. The Board shall appoint a Secretary, by a majority vote, each year at the first meeting held following each Department election.

The Board Secretary may be a member of the Department or an individual from outside the membership of the Department.

1. The Board Secretary shall keep a written record of all the proceedings of the meetings of the Board of Directors in a minutes book.
2. In the event of a vacancy at any time, the Board of Directors shall appoint an individual to fill the unexpired term created by the vacancy.

- B. Duties of the Board Secretary:

1. The Board Secretary shall keep a written record of all the proceeding of the meetings of the Board of Directors in a minutes book.
2. The Board Secretary shall assist the Board of Directors with correspondence and analysis as may be required. In addition, the Board Secretary shall perform such other duties that may be assigned by the Board of Directors.

# ARTICLE V

## *PRESIDENT*

Section 1. The President shall be elected from the membership of the Department. To be elected as President, a member must have ten (10) years of cumulative active service and be a voting member.

Section 2. Duties of the President include:

- A. Presiding at all departmental meetings; to call special meetings and to preserve order.
- B. To cast a vote in case of a tie.
- C. To carry out and enforce the Constitution and By-Laws of the Department.
- D. To preside at meetings of the Board of Directors.
- E. To establish and appoint committees.
- F. To assign administrative duties to Administrative Members and to assign such other administrative duties, responsibilities or functions to any member, as may be necessary.
- G. To sign on behalf of the Department all deeds, leases, mortgages, trusts, contracts or any other instruments conveying title to real estate, or establishing a lien thereon.
- H. To sign on behalf of the Department all legal documents upon which a corporate signature is required.
- I. To be responsible for carrying out the directions of the Department at all times.

Section 3. The President is Head of the Department.

Section 4. The President shall render a report in writing at the Regular Annual Meeting, setting forth the administrative accomplishments of the Department during the preceding year.

Section 5. The President shall be elected for a term of two (2) years, beginning with the March 2004 Annual Meeting and each respective even year following. In the event of a vacancy at any time during the two (2) year term, the Department shall elect a member to hold this office for the unexpired term created by the vacancy.

# ARTICLE VI

## *VICE PRESIDENT*

Section 1. The Vice President shall be elected from the membership of the Department for a one (1) year term. To be elected as Vice President, a member must have five (5) years of cumulative active service and be a voting member. The Vice President shall be entitled to vote on all matters coming before the Department, except when acting as President in which case the Vice President may vote to break a tie.

In the event of a vacancy at any time, the Department shall elect a member to hold office for the unexpired term created by the vacancy.

Section 2. The Vice President is authorized to perform all duties of the President during the President's absence or inability to act as President except as Chairman of the Board. It shall be the duty of the Vice President to assist the President in the discharge of all the Presidential duties.

Section 3. The Vice President shall serve as the Vice Chair of the Trial Board, unless also a member of the Board of Directors.

# ARTICLE VII

## **SECRETARY**

Section 1. The Secretary of the Department shall be elected from the membership for a one (1) year term.

In the event of a vacancy at any time, the Department shall elect a member to hold office for the unexpired term created by the vacancy.

Section 2. Duties of the Secretary:

- A. The Secretary shall keep a written record of all the proceedings of the meetings of the Department in a minutes book.
- B. It is the duty of the Secretary to inform the membership by written notice of all regular and special meetings of the Department, except under emergency conditions.
- C. The Secretary shall perform such other duties that may be assigned by the President or by the Board of Directors.
- D. The Secretary is responsible for maintaining an accurate list of the members and their appropriate categories and status.
- E. The Secretary is responsible for maintaining the list of current addresses for all members as provided for elsewhere in these By-Laws.
- F. The Secretary shall have custody of the Corporate seal of the Department and shall affix the seal to all instruments requiring it when authorized by the President.
- G. The Secretary shall keep the official copy of these By-Laws current.

# ARTICLE VIII

## *TREASURER*

Section 1. The Treasurer shall be elected from the membership for a one (1) year term.

In the event of a vacancy at any time, the Department shall elect a member to hold office for the unexpired term created by the vacancy.

Section 2. Duties of the Treasurer:

- A. It shall be the duty of the Treasurer to receive and keep a regular account of all monies of the Department; to pay out all monies upon the order of the Board of Directors or the Department, or as provided under Article XVIII.
- B. To take and preserve receipts for monies paid out by the Department.
- C. At each regular meeting of the Department to make a report of the finances.
- D. The Treasurer shall make an annual itemized report of the money received by the Department, from whatever sources; and the sums paid by the Department and the reasons therefore.
- E. The treasurer shall submit the financial books and documents for examination and audit by the approved Certified Public Accountant, employed by the Department and/or the County, annually.

Section 3. The Treasurer shall keep separate accounts of the "Tax Funds" received from Montgomery County, MD and the "Volunteer General Fund."

Section 4. The Treasurer shall furnish the Department with a Surety bond in such amount as may be prescribed by the Board of Directors and in accordance with the requirements of the County Council, conditioned upon the faithful performance of the duties of the Treasurer. The cost of such bond is to be borne by the Department.

# ARTICLE IX

## *GENERAL COUNSEL*

- Section 1. Any member of the Bar of the State of Maryland who resides in or maintains an office for the practice of law within Montgomery County, MD. may be eligible for election to General Counsel of the Department. The Department may elect more than one General Counsel. The Counsel shall advise the Department on all legal matters affecting the Department.
- Section 2. The President and the Board of Directors shall keep the General Counsel advised of all legal matters affecting the Department.
- Section 3. The General Counsel shall hold their office for one (1) year or until their successor is elected. During the term of office, they shall have the same privileges as other members of the Department with Full Membership but shall not be entitled to vote.
- Section 4. If the General Counsel serves for fifteen (15) years of cumulative service, they shall become lifetime Administrative Members, with all rights and privileges thereof, regardless of whether or not they continue to hold the office of General Counsel.

# ARTICLE X

## *CHAPLAIN*

- Section 1. Any member of the Clergy residing in Montgomery County, MD may be eligible for election as a Chaplain of the Department. The Department may elect more than one Chaplain.
- Section 2. It shall be the duty of a Chaplain to conduct such annual and special religious services as may be desired by the Department and to furnish general spiritual guidance to the Department and its members.
- Section 3. A Chaplain shall hold their office for one (1) year or until their successor is elected. During the term of office, they shall have the same privileges as other members of the Department with Full Membership but shall not be entitled to vote.
- Section 4. If a Chaplain serves for fifteen (15) years of cumulative service, they shall become lifetime Administrative Members, with all rights and privileges thereof, regardless of whether or not they continue to hold the office of Chaplain.

# ARTICLE XI

## *CHIEF*

- Section 1. The Chief shall have charge of the Department at all fires, rescues and other emergencies. The Chief shall plan for and direct the action of the Department at such times.
- Section 2. Upon the election of new members, it shall be the duty of the Chief to assign them to such Duty Crews as necessary. It shall also be the responsibility of the Chief to appoint drivers to operate the apparatus in accordance with established policy. The Chief may revoke such appointments as deemed necessary. The Chief shall have general supervision of the fire and rescue apparatus of the Department.
- Section 3. The Chief shall be responsible to ensure the training of all members of the Department and that they are trained to perform their duties competently.
- Section 4. The Chief shall be responsible for the purchase of equipment and supplies as outlined in Article XVIII, Section 1B of these By-Laws.
- Section 5. The Chief shall render a report in writing to the membership at the Regular Annual Meeting of the Department setting forth the accomplishments during the year and the current status of the Department.
- Section 6. The Chief shall be elected for a term of two (2) years, beginning with the March 2003 Annual Meeting and each respective odd year following. In the event of a vacancy at any time during the two (2) term, the Department shall elect a member to hold this office for the unexpired term created by the vacancy.
- Section 7. The Chief shall be responsible for establishing and enforcing a Standby Program and shall serve as Chair of the Standby Committee.

# ARTICLE XII

## ***DEPUTY AND ASSISTANT CHIEFS***

- Section 1. It shall be the duty of the First Deputy Chief to assist the Chief. During the Chief's absence or inability to act, the First Deputy Chief shall carry out the duties of the Chief as set forth in Article XI of these By-Laws, except shall not have a vote at the Board of Directors meetings unless an elected member of the Board.
- Section 2. It shall be the duty of the other Deputy Chiefs and Assistant Chiefs to assist the Chief and First Deputy Chief. In the absence of the Chief and the First Deputy Chief or their inability to act, the senior Chief Officer, as determined by length of service as a Department Chief Officer and then by years of service in the Department, shall carry out the duties of the Chief as set forth in these By-Laws.
- Section 3. The Deputy Chiefs and Assistant Chiefs shall assist the Chief in the direction of the Department at all fires, rescue calls, and other emergency incidents.
- Section 4. The First Deputy Chief shall be elected from the membership for a one (1) year term. Up to four (4) additional Deputy Chiefs may be elected from the membership for a one (1) year term. Up to five (5) Assistant Fire Chiefs may be elected from the membership for a one (1) year term.

In the event of a vacancy at any time, the Department may elect a member to hold office for the unexpired term created by the vacancy.

# ARTICLE XIII

## *DUTY CREWS*

- Section 1. There shall be one training crew, plus other duty crews as established under the Standby Policy.
- Section 2. Each Duty Crew shall consist of Shift Officer(s), leaders, and assigned members.
- Section 3. It shall be the duty of the Shift Officer to have charge of their Duty Crew and the equipment assigned thereto, subject to the direction of the Chief.
- Section 4. On all fire, rescue or other emergency incidents, the highest ranking person in the operational chain of command is in charge, as outlined in the Montgomery County Fire and Rescue Service Integrated Emergency Command Structure.

The line of authority in the Departmental operational chain of command and for internal operational-administrative functions in all circumstances is:

- Fire/Rescue Chief
- Fire/Rescue First Deputy Chief
- Fire/Rescue Deputy Chief
- Fire/Rescue Assistant Chief
- Fire/Rescue Battalion Chief
- EMS Provider Battalion Chief
- Fire/Rescue Captain
- EMS Provider Captain
- Fire/Rescue Lieutenant
- EMS Provider Lieutenant
- Master Firefighter/Rescuer
- Master EMS Provider
- Firefighter/Rescuer III
- EMS Provider III
- Firefighter/Rescuer II
- EMS Provider II
- Firefighter/Rescuer I
- EMS Provider I

# ARTICLE XIV

## *MEMBERS*

- Section 1. It shall be the duty of all operational members to respond to fires, rescues, and other emergency incidents. It is the duty of all members to attend all meetings of the Department; to obey their officers; and to assist in carrying out the purpose of the Charter and By-Laws of this Department.
- Section 2. Upon returning from calls it shall be the duty of the members to remain with the equipment and assist in caring for same until excused by the Officer in Charge.
- Section 3. It shall be the responsibility of all members to keep their personal contact information current which shall include but is not limited to their mailing address, telephone numbers and email address.
- Section 4. Paid employees of the Department shall be governed by Article II, Section 7, and established regulations of the Board of Directors.

# ARTICLE XV

## *PROPERTY*

- Section 1. All property of the Department shall be administered, maintained, preserved, and used under the direction of the officers or designated committees of the Department.
- Section 2. No member of the Department shall be permitted to remove any article of fire fighting or rescue equipment from any vehicle or from the Department buildings for purposes other than intended, except by special permission of the Chief or Duty Officer.
- Section 3. All management functions pertaining to the Department Buildings, Grounds, and other Real Estate Property shall be under the direction of the Board of Directors.

# **ARTICLE XVI**

## ***COMMITTEES***

Section 1. The Department may, from time to time, direct the appointment of Standing, Special, or Temporary committees with such authority as may be consistent with these By-Laws.

Section 2. The President shall appoint all Standing, Special, or Temporary committees authorized under Section 1 of this Article and Article V, Section 2.

# ARTICLE XVII

## ***SUSPENSIONS, ADMINISTRATIVE LEAVE AND TRIAL BOARD***

- Section 1. A. The Chief, Deputy or Assistant Chiefs, President or Vice President, shall have the power to suspend or place on administrative leave any member from the Department for insubordination or for conduct calculated to throw discredit, or likely to have the effect of throwing discredit upon the Department or other serious action or violation of the rules and regulations, policies and procedures of the Department or the Montgomery County Fire and Rescue Service. A suspension will remain in effect until the charges against the member are acted upon by the Trial Board and through any appeals or if an investigation determines a suspension is no longer warranted. Any member suspended under this Section may waive the right to a Trial Board hearing, admit the charges against him/her, and accept the suspension for a period not to exceed sixty (60) days, to be imposed by the charging officer. The charging officer shall have the option of accepting the waiver or proceeding to the Trial Board hearing. Members may be placed on administrative leave for up to 60 days pending an investigation unless the reason for being placed on administrative leave involves alleged criminal conduct.
- Section 2. A. No member of the Department shall be permitted to operate any piece of equipment, to ride any apparatus, or participate in fire or rescue operations at any time when said member is intoxicated or under the influence of alcohol, drugs, or combination of alcohol and drugs or a controlled dangerous substance as specified by the policies and regulations.
- B. Any member violating this rule, shall be suspended immediately by the ranking officer present who shall report same to the Chief without delay for recommendation to the Trial Board.
- C. Any member violating this rule shall be removed from the drivers list for not less than ninety (90) days.
- Section 3. Trial Board
- A. The Trial Board shall consist of the following members, who may not also be members of the Board of Directors:

1. One Deputy or Assistant Chief who shall be appointed by the Chief and shall serve as chair.
  2. The Vice President, who shall serve as vice chair and secretary of the Trial Board. If the elected Vice President is also a member of the Board of Directors, the President shall appoint one full voting member with at least five (5) years of cumulative active service, not a Deputy or Assistant Chief, to serve on the Trial Board as vice chair and secretary.
  3. Seven (7) members (regular or life), who are not also officers, elected from the membership at the annual meeting and who serve until the next annual meeting or their resignation. Administrative and Auxiliary members are not eligible to serve on the Trial Board.
- B. The Trial Board shall operate under an operating procedure/policy approved by the Board of Directors.
1. The Board of Directors may change the Trial Board operating procedure/policy at any regular meeting of the Board.
  2. Changes to the Trial Board operating procedure/policy shall not affect any pending Trial Board hearings.
- C. The Trial Board shall hear:
1. Allegations of violations of SOPs, rules, regulations or the By-Laws
  2. Allegations of inappropriate conduct
  3. Allegations of conduct calculated to throw discredit upon the Department which has not resulted in a suspension
  4. All cases which involve a suspension unless the suspended member has requested a waiver of the hearing and the charging officer has agreed to the waiver
  5. Appeals of work details or other disciplinary actions imposed by an officer
  6. Any issue in which a chief officer has determined a Trial Board hearing would be appropriate
- D. Notwithstanding any other penalties set forth in these By-Laws, when a member is dropped from the rolls of membership for cause under this Article or dishonorably discharged, he/she shall not be allowed to reapply for membership in this Department until two (2) years have passed. If said member is re-elected to membership, he/she shall meet all current requirements including serving a one (1) year probationary period.

# ARTICLE XVIII

## *PURCHASES / EXPENDITURES*

### Section 1. **Volunteer General Fund**

- A. The membership, by a majority vote of the members present, shall adopt a budget procedure for all purchases/expenditures. Changes to this procedure may be presented at any regular meeting of the Department and voted on at the next regular meeting of the Department.
- B. The President or the Fire Chief may expend up to Five Hundred (\$500) Dollars for purchases/expenditures of an "Emergency" nature.
- C. All other purchases/expenditures shall follow the budget procedure adopted by the membership.

### Section 2. **Tax Monies**

- A. All purchases/expenditures from "Tax Monies" must have prior approval of the Board of Directors.

# ARTICLE XIX

## *ELECTIONS*

- Section 1. The elected officers of the Department shall be elected in the following order:
- Directors (7) (which shall be elected in accordance with Article IV, Section 2), President, Vice President, Secretary, Treasurer, General Counsel, Chaplain, Fire Chief, First Deputy Fire Chief, up to four Deputy Fire Chiefs, and up to five Assistant Fire Chiefs, Trial Board members and delegates and representatives to various fire/rescue organizations.
- Section 2. All elective offices shall be open for nomination at the December regular meeting and through an electronic method to be announced at the November regular meeting. Those nominations together with any nominations from the floor at the annual meeting shall be voted on by the Department.
- Section 3. A majority of all votes cast shall be required to elect. Should no person receive a majority vote for election to the individual office, the two persons receiving the highest number of votes shall be voted upon to determine the person to occupy the office. The procedure for the election for Deputy Fire Chiefs and Assistant Fire Chiefs is as follows: all persons nominated for each position shall be included on the ballot. A majority of all votes cast shall be required to elect. If there are still vacant positions after the first ballot, all remaining nominated persons shall be included on the second ballot. A majority of all votes cast shall be required to elect. A no vote or blank ballot is a valid vote and is counted in determining the number of voting members voting.
- Section 4. Elected officers of the Department will be installed and assume their respective duties at the next regular meeting following the annual meeting of the Department.
- Section 5. Vacancies occurring in the elective offices shall be filled at the regular meeting of the Department immediately after the vacancy has occurred. Section 3 will be followed in electing to fill the vacancy.
- Section 6. Election of Trial Board Members.
- A. At the annual meeting, nominations will be opened for seven (7) members.

- B. Voting shall be by written ballot, unless a motion is passed to allow for hand counts.
- C. A majority of the voting members present and voting shall elect members to the Trial Board. A no vote or blank ballot is a valid vote and is counted in determining the number of voting members voting.
- D. In the event all openings are not filled on the first ballot, those receiving a majority vote will be declared elected and subsequent ballots will be held to fill any remaining vacancies. All those nominated shall be considered on the first subsequent ballot. If all vacancies are not filled, the top vote receivers equaling the number of vacancies remaining plus two shall be considered on all subsequent ballots. If after four ballots (including the first) all vacancies are not filled, due to nominees not receiving a majority vote, additional nominations may be accepted. The procedure for filling any remaining vacancies on the fifth and any subsequent ballots shall be the top vote receivers equaling the number of vacancies remaining plus two.
- E. In the event of a vacancy prior to the annual meeting, an election to fill the vacancy(ies) shall be held at the next regular meeting following the vacancy. The procedure outlined above shall be followed.

# ARTICLE XX

## *SEAL OF THE DEPARTMENT*

Section 1. The Seal of the Department shall consist of the words **Rockville Volunteer Fire Department, Incorporated** placed in the center of said seal and surrounded by the words, **Montgomery County, Maryland** placed in a circular form thereabout.

# ARTICLE XXI

## *AUXILIARY*

Section 1. The “Auxiliary of the Rockville Volunteer Fire Department” is established as a division within the Department. The Auxiliary Division constitutes the group that has in the past assisted and supported the purposes of the Department as set forth under Item C of the Articles of Incorporation of the Rockville Volunteer Fire Department, Inc.

- Section 2.
- A. The Auxiliary Division will operate as a semi-autonomous entity within the Department with its own rules, regulations, membership requirements and leadership structure.
  - B. All rules and regulations established by the Auxiliary Division shall be approved by the Department President and Fire Chief.
  - C. The Auxiliary shall report to the Fire Chief, President and Board of Directors all activities which the Auxiliary proposes to conduct within a reasonable time prior to conducting said Activities.
  - D. The Auxiliary shall maintain copies of all meeting minutes, including correspondence, and shall provide, monthly a copy of same to the Board of Directors of the Department.
  - E. Financial support of the Auxiliary shall be through the normal Department budgeting process.
  - F. As a semi-autonomous Division of the Department, the Auxiliary of the Rockville Volunteer Fire Department may elect its own officers, conduct its own meetings, establish its own membership rules (as approved by the Department President and Fire Chief) and effectuate its own disciplinary procedures towards its members. Auxiliary members are subject to the Department Trail Board for discipline and appeals. Auxiliary Division members may not be dropped from the rolls without a recommendation to the full membership.
  - G. Service time accrued by members of the former semi-independent Auxiliary of the Rockville Volunteer Fire Department is counted as service time within the Department. (This equivalency is granted to those Auxiliary Members who are

members in good standing at the time of the passage of this By-Law).

## ARTICLE XXII

### *MISCELLANEOUS*

- Section 1. A member desiring the privilege of the floor shall raise their hand. When properly recognized by the chair, the member shall stand and address the chair. Only one member shall be entitled to the floor at one time.
- Section 2. No motion can come before the Department unless properly moved and seconded and declared open to discussion by the chair.
- Section 3. Any voting member may call for a roll call vote on any motion and each member present shall be required to answer to his or her name and cast his or her oral vote.
- Section 4. Except as otherwise provided by these By-Laws, a majority of the members present shall be sufficient to pass or reject any motion. The presiding officer shall not vote except in the case of a tie.
- Section 5. No member shall speak more than five minutes on any subject at one time or more than twice on the same subject except by permission from the chair.
- Section 6. When a point of order is raised by any member, a person having the floor shall take their seat until the point of order is decided by the chair, then, if proper, the member may resume.
- Section 7. When a motion is properly before the Department, it must be disposed of before another can be entertained. No motion shall be subject to more than two amendments.
- Section 8. No motion for reconsideration shall be made if more than one regular meeting has elapsed since passage of the original motion.
- Section 9. Any motion may be placed on the table for a specified period. No motion placed on the table shall be taken up again during the same meeting unless it was so understood when tabled.
- Section 10. Any member may appeal to the Department the decision of the chair. The appealing member shall state: "Shall the decision of the chair be sustained?" The decision shall be by a two-thirds (2/3) majority of all voting members present.

- Section 11. All resolutions offered must be given in writing.
- Section 12. A quorum shall consist of at least thirty (30) voting members. If at any regular meeting no quorum shall be present, the presiding officer shall recess such meeting to the next ensuing Wednesday or if a regular meeting is recessed prior to completion of business the presiding officer shall adjourn until the next ensuing Wednesday. There shall be one attempt to hold the meeting in addition to the scheduled date.
- Section 13. No member shall leave the room during the meeting unless permission is given by the chair.
- Section 14. All action for the purposes of buying and selling or mortgaging real estate shall be by a majority vote of the total voting members of the Department unless specifically stated in these By-Laws that a greater percentage is required.
- Section 15. All action for the purpose of expenditure of proceeds from the sale or mortgaging of real estate (but not including interest earned on said proceeds) shall be by seventy five percent (75%) vote of the total voting members of the Department. The term "expenditure" shall not include the mere investing or reinvesting of such proceeds in the following instruments:  
U.S. Government Securities  
U.S. Government-backed Securities  
Interest bearing insured instruments of Federally Chartered Savings and Loans or Commercial Banks.  
The Treasurer of the Department, or the Treasurer's Designee may invest said proceeds in the above listed instruments at the Treasurer's discretion. All interest earned on such proceeds shall become part of the Volunteer General Funds of the Department and shall be available for use as are other Volunteer General Funds.
- Section 16. Rules, Regulations, Policies and Procedures for day-to-day operations may be established by the President and Chief as long as they are not in conflict with these By-Laws.
- Section 17. Except where in conflict with these By-Laws, Robert's Rules of Order shall be used as the Parliamentary Procedure of the Department.

# ARTICLE XXIII

## *AMENDMENTS*

- Section 1. These By-Laws may be amended at any regular or special meeting of the Department in the following manner and not otherwise. Any proposed amendments shall be submitted in writing to the Secretary who shall read it aloud. The proposed amendment shall be read aloud and be posted in an electronic format that shall be announced at the time of the presentation. The proposed amendment(s) shall remain on the table until the next regular or special meeting at which time it may be adopted by a majority of all the voting members of the Department. Except for Article XXII Section 15, which will take a seventy five percent (75%) majority of all voting members of the Department.
- Section 2: The Secretary will notify members of the Department that a By-Law change has been submitted and will be voted on at the next regular or special meeting by posting a notice, announcing through an electronic communications format and including any proposed change in a copy of the minutes and in the electronic format. All amendments must remain on the table for at least twenty-eight (28) days or until the next regular meeting, whichever is sooner.
- Section 3. Amendments to a proposed By-Law amendment can be made when the By-Law is being considered. The amendment to a proposed amendment can be adopted by a majority vote of voting members present, without notice to absent members, subject to the following restriction: No amendment is in order that changes the general intent of the proposed By-Law amendment.

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