

BY-LAWS approved at 2015 annual meeting
Omaha Rural Fire Association, Inc

I: The primary purpose of the association is and always shall be the fighting and extinguishing of fires and rescue wheresoever they may occur in the Omaha Fire District. A map outlining the District is attached hereto and made a part hereof.

A. Sufficient equipment to meet any emergency will remain in the Omaha District when fires occurring anywhere else in Boone County, Arkansas.

B. In accordance with the Articles of Incorporation the responsibility of achieving the primary purpose shall be the responsibility of each and every member of the Association to the full extent of their abilities.. It shall be the particular responsibility of the Fire Chief, his assistants and volunteers, collectively known as the Fire Department, to actually engage in the work of fighting fires, fire prevention and rescue including administration of first aid and other life saving medical aid as deemed necessary and appropriate by first responders.

C All other and secondary purposes set forth in the Articles of Incorporation, and all matters pertaining to the management of the Association's business; the raising of funds, the acquisition of lands and materials, the keeping of Records, all fiscal matters, shall be the responsibility of the Board of Directors.

D. Water Hauling, within the district for members, can be done at the discretion of the fire chief. The fire department will charge for the cost of fuel (payable to the treasurer of the board of directors) plus ten dollars an hour (minimum one hour) payable to the driver. Any damage to fire equipment will be the responsibility of the property owner. Cost of water will be the responsibility of the property owner The Omaha Rural Fire Department will not be responsible for any damage to the owner's property. . Repairs must be ongoing or scheduled..

II Membership It is the ambition of the association to extend membership to all persons who live, work or own property in the District. However, it is recognized that while protection will be extended to everyone, the actual management of the Association can best be accomplished if the voting membership is kept to a reasonable number. Since more than one person may have a vested interest in land or buildings and, conversely one person may own several tracts of lands or buildings, a system must be devised to assure the principle of a "one man one vote" is maintained. Equally a family unit of 8 or 10 persons should carry no greater weight in the Association's deliberations than should a childless couple living in the same area.

.A: **General Membership** The following persons are considered as General Members of the Association.

1. Any natural person residing in the district.
2. Any person owning, leasing or lawfully using any lands or buildings within the district
3. Any person storing or maintaining any personal property animals or machinery in the district.

4. Any partnership, corporation or unincorporated association doing business or carrying on any other lawful activity in the district.

B. Voting Membership Any general member of the Association who, before the call, of order of the Annual Meeting, has paid his or her annual dues of \$35.00, or such other amount as the Association shall set as the annual dues, and, shall be considered as a voting member of the Association and, if a natural person, shall be eligible to hold office therein.

Provided: That no corporation, Partnership or association shall be represented at any annual meeting by any natural person for the purpose of voting who is a member of the association and voting in his own name and right

C. Non-Payment Members This fire department shall assess a response fee to non-paying members whenever the fire department responds to a fire on their property.. The amount not to be less than \$500.00 nor exceed Five thousand dollars, \$5,000.00, or what is allowable by state law. This amount shall be determined by a person appointed by the board. This person shall determine the status of the property owner, if they are not a member, or membership is unknown, shall send a certified letter, with the charges due, to the registered owner of the property. A certified letter with the charges due will also be mailed to the insurer of the property, if known.. The amount of fee shall reflect the number of trucks and equipment assisting in the fire suppression These letters must be mailed within 30 days of the services rendered. Fees will be due thirty (30) days following the date of notification. Late payment or appeal of the amount, along with any other considerations, should be filed with the treasurer of the Association within those thirty (30) days, and be prepared to appear before the board of directors The board of directors shall then have the right, within 10 days to file a civil suit in district court for the amount claimed by the board. The Association shall have the authority to proceed through normal and legal collection efforts necessary to receive the monies owed. The Board of Directors shall retain the right to declare any fee non collectable and account it to charity. Monies derived from said fees shall be deposited and used as operation funds.

D. Annual Dues The annual dues are due and payable by the Members of the Association. (Firefighters, active members of the Omaha Rural Fire Association board, non active fire fighters that have served for over 20 years, non profit organizations and any others approved by the Fire Board are exempt from annual dues). A list of exempt members shall be maintained by the Omaha rural fire board and posted on the bulletin board at the main station. **Dues** shall be fixed at \$35.00 per year and such dues shall remain in effect until otherwise raised or lowered by the voting membership of the Association except that the rates can be lowered by a vote of the board (see section VI amendments.)

1 . The annual dues will be paid for January thru the end of December. If paid by check or money order, dues paid from January to September will be credited for the current year unless specified for the next year. Dues received in October thru December will be credited for the following calendar year unless otherwise specified. Dues collected by taxes will apply to the following year. A receipt will be sent to the mailing address of the members who pay dues not paid by taxes.

2. Only paid members shall be permitted to address the Annual Meeting of the Omaha Rural Fire Association, Inc. **UNLESS** given prior permission from the Board of Directors.

3. If the fire occurred from burning during a Burn ban and was caused by illegal burning the property owner will be treated as a non member and will be subjected to charges for the fire. This also applies to all other fires that are caused by illegal activities

III: The Board of Directors In order to assure continuity the Board of Directors should not be completely changed every year. Therefore, only one third of the Board shall be elected at each at each annual meeting of the Association. In the election to be held at the first annual meeting of the Association, Directors shall be elected:

A. Election categories;

- Three (3) members shall be elected for a term of three years.
- Three (3) members shall be elected for a term of two years.
- Three (3) members shall be elected for a term of one year.
- One (1) Ex Officio voting member representing the Municipality of Omaha such as the Mayor of Omaha or an elected Council member.

B. Powers and Responsibilities of the Board of Directors:

The authority of the corporation shall be vested in the Board. The Board shall have charge of the affairs and organization of the corporation and the administration of its funds and properties. The Board may exercise its powers through such Committees as it may deem necessary or convenient. The members of such Committees shall be appointed by the President subject to the approval of the Executive Committee.

The Board of Directors shall;

- Carry out the corporate purposes of the corporation;
- Establish policy and formulate district programs;
- Create a continuous awareness of the Association within the district;
- Adopt and monitor an annual budget;
- Secure adequate financial support and be responsible for the expenditure of all corporate funds;
- Approve appropriate Executive actions and consider other committees recommendations.
- Adopt and amend the By-laws of the corporation, which do not touch upon the voting rights of the Association's members;
- Fill vacancies occurring within the Board.
- Have financial records reviewed each year by the budget committee. Committee findings must be approved by the board.

- Acquire bonding for the Treasurer and other Board of Directors members and/or Association members who may collect funds for the Corporation such as those participating in fund raising activities;
- Acquire liability insurance, Acquire all other insurance as deemed necessary by the by the Board of Directors for the protection of the Association assets and members;
- Develop a written grievance procedure for its members.
- Appoint/dismiss the Fire Chief

C. Meetings of the Board of Directors; After the first annual meeting of the Association the Board of Directors shall meet at 7:00 PM on the second Tuesday of each month at such place as the President of the Board shall direct unless a special Board meeting is announced with prior notice. At the first meeting of the Board following each annual meeting the Board shall elect its officers to serve for the coming year. Officers of the Board shall be the President, the vice President, the Secretary and the Treasurer. All officers are eligible for reelection. Only duly elected Directors are eligible to serve as officers.

Depending on the circumstances and his knowledge of the events expected to take place at the meeting, the President will announce whether the meeting shall be conducted in a formal or an informal manner. In the event that general or voting members of the Association are in attendance and have given notice of intent to register complaints or raise controversial questions, the President may declare that the meeting be conducted in a formal manner and that all discussion will be held in accordance with Robert's Rules of Order.

D. Conduct of Meetings; The President shall call the meeting to order at the designated time. If a quorum consisting of five (5) Directors or a majority of Board members when vacancies exist is present, the meeting shall proceed (ex officio member is not counted to establish a quorum). If a quorum is not present and after one half-hour delay, a quorum cannot be convened, the President shall declare the meeting adjourned.

In all meetings, whether held formally or informally, the first order of business shall be the establishment of the agenda. The President shall first announce which items he has placed on the agenda; then each Director shall have the right to put on the agenda any item he desires. If general or voting members of the Association are present, the president will determine if any of them have any items they wish to place before the Board, and such items will be added to the agenda.

Any Director who fails to attend three (3) consecutive meetings of the Board shall be notified by the Secretary that at the next scheduled meeting of the Board, an item on the agenda will be a resolution made by the Secretary calling for the removal of the Director from office. The Director thus notified shall, if he so desires, attend the meeting and oppose the resolution. If good cause is shown for the absences, the Secretary may withdraw the resolution and the Director returned to good standing. If the Director shall fail to attend the meeting, or if the Secretary does not elect to withdraw the resolution, the

matter will be put to a vote and in the event the resolution is passed, the seat of the said Director will be deemed vacant, and the President shall take action as provided in subsection IV of this By-Law.

1V: **Responsibilities of the Officers of the Board**

A. **The President** shall be responsible for the following:

- The preparation of the agenda.
- Preside and conduct the business of meetings of the Board of Directors, the Executive committee, and the Corporation.
- Serve as Ex-officio on all committees except the nominating committee
- The establishment of committees.
- Call for an election within the Board to fill Board vacancies.
- The establishment of and maintenance of liaison with local fire, police and Civil defense authorities.
- The establishment of and maintenance of liaison with all local, State and Federal agencies and other organizations with whom the Association has Common interests.
- The negotiations for the purchase or other acquisition of equipment and Supplies.
- The general conduct of the Association affairs.
- Such other duties as from time to time the Board of Directors or members of the Association shall request him to undertake.

B. **The Vice President** The Vice President shall preside over meetings in the absence of the President and shall otherwise serve as an assistant to the President. In the event of the death, resignation or removal of the President, the Vice President shall fill the unexpired term of the President's office.

C. **The Secretary** The Secretary shall be responsible for the keeping and transcribing of the minutes of the meetings; receive and keep records of the committees of the Board of Directors; for the correspondence of the Association and the Board of Directors; for the maintenance of rosters of all members, whether general or voting; for all notices to be sent to Board or Association members and for all communications with local news media.

It shall be the duty of the Secretary to cause to be published in the local newspaper and in the legal notices section thereof, notice of the annual meeting of the Association. Said notice shall appear during the seven day period immediately prior to the meeting. The notice shall advise all members of the date, the time and the place of the Annual Meeting and of their right to attend and vote. Members thus advised shall have the right to attend in person or to deliver their written and signed proxy to another.

Should the Board of Directors determine that the office of the Secretary's work load becomes burdensome with increased responsibilities, it may at its discretion elect a Recording Secretary and a Corresponding Secretary and divide the responsibilities of the office accordingly.

D. **The Treasurer** The Treasurer shall be responsible for the following;

- The Collection of the annual dues from the voting members of the Association and overseeing and monitoring all receipts of monies and Securities belonging to the Corporation.
- The safekeeping of all of the funds of the Association.
- The disbursement of funds and the payment of bills.
- The promotion, solicitation or raising of funds for the benefit of the Association.
- The maintenance of all records pertaining to fiscal affairs.
- The rendering of monthly financial statements/reports to the Board.

E. **The Executive Committee** In all matters that require immediate action at times when the Board of Directors is not in session and cannot be easily convened, the Officers of the Association, or any three of them, shall be considered as the executive committee of the Association with full power to act for the Association just as if they had the full concurrence of the Board of Directors. This power is to be used sparingly and only when a quorum of Directors cannot be gathered for a special or regular meeting. All actions taken by the executive committee under this section are subject to ratification by the Board of Directors.

F. **Duties of the Officers at the Annual Meeting of the Association**

A;The President

1. Shall call the meeting to order.
2. Shall read the agenda to the membership advising that the items to be taken up are:
 - the work of the Board of Directors during the past year. (when discussing the actual fighting of fires, the calls answered, the losses sustained etc., the President may delegate this portion to the Fire Chief)
 - report of the treasurer
 - reading and adoption of proposed by-laws
 - election of Directors to serve during the coming year.
 - any other items that any member shall wish to place on the agenda.

B. The Secretary:

Transcribes the minutes of the meeting and read or distribute the minutes of the previous Annual meeting for approval.

C. The Treasure:

1. Report on financial status of the Association.
2. Advise what funds have been received and from what sources.
3. Advise what major expenditures have been made and what bills and debts are outstanding.
4. Advise what additional funds will be necessary to carry on the work of the Association during the coming year.

V. **The Firefighting Department**: The Firefighting Department shall consist of a Fire Chief, an assistant Chief, together with as many volunteer Fireman and First Responders as will offer their services. The responsibilities of the persons are as follows:

A. **The Fire Chief**

1. Shall be responsible for the overall operation of the Department.
2. Shall, whenever Possible, respond to all fire calls in the District.
3. Shall be responsible for the upkeep and maintenance of all equipment belonging to the Association.
4. Shall from time to time advise the Board of Directors of the need for firefighting, safety and other equipment.
5. Shall assume such other duties as from time to time the Board of Directors shall deem appropriate.

B. **The Assistant Fire Chief**

1. Shall fill all of the functions of the Fire Chief whenever that officer is absent.
2. Shall assume such other duties as from time to time the Fire Chief shall deem appropriate, such as duties related to a fire safety official.

C. **The Firefighters and First Responders** It shall be the duty of each member of the fire department, including the Fire Chief and the Assistant Fire Chief, to devote his utmost energies to fighting fires anywhere and at anytime the need arises. In addition thereto he shall perform all of those duties traditionally expected of an American Fireman including assistance to or rescue of persons and animals in distress and assisting the Military, Naval, and Air Forces of the United States, the National Guard and police forces of the State and County, and assisting all offices of Civil Defense and other emergency services in the performance of their duties. All members of the Association serving as active or reserve firemen and first responders are considered as being on duty 24 hours per day of the year and all lawful acts performed by them in carrying out the provisions of this subsection shall be deemed in the best interest of the Association and are hereby ratified and affirmed.

Only authorized personnel shall have access to the fire houses and equipment and are authorized to operate said equipment.

VI **Amendments** These By-Laws shall be supplemented, amended, changed or added to as the occasion shall warrant. New By-laws shall be added by resolution duly made, seconded and passed at any meeting of the Board of Directors, whenever such proposed By Law deals with administrative functions of the Board of Directors or of the officers or with any procedural matter not affecting the rights of the membership - at - large. In a like manner, all deletions of and changes to the By-Laws of the same type shall be within the power of the Board of Directors.

Any By-Law that does not fall within the class of administrative or procedural matter and that touches upon the voting rights of the membership or that seeks to raise the annual dues or that contracts or enlarges the district or that in any manner affects the rights of the membership in elections or financial matters, must be referred to the membership of the

Association at the next annual meeting. **PROVIDED:** That the Board of Directors shall have the right to lower the dues for any calendar year whenever, in their sole judgment, they believe it would be in the best interests of the Association.

In the event any provisions contained herein are deemed to conflict with the provisions of Section 501 (C) (3) of the Internal Revenue Code of 1954, or any lawful and proper regulation adopted there under, then such conflicting provisions shall be automatically amended to conform to such law or regulations.

In the event any provisions contained herein are deemed to conflict with or violate any state or federal statute, those provisions only are deemed to be null and void but do not invalidate the other provisions of these By-Laws.

Approved 2015