

# **ORFA BY-LAWS**

**approved December 10, 2024 Meeting**

Modified and approved by the ORFA board on January 13, 2026

Omaha Rural Fire Association, Inc.

## **I. The Association**

The primary purpose of 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. 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 paid members, can be done at the discretion of the fire chief. The fire department will charge for the cost of fuel or one hundred dollars (\$100), whichever is greater, (payable to the treasurer of the board of directors) plus twenty dollars (\$20) an hour (minimum one hour, all time rounded up to the nearest hour) payable to the driver. Any damage to fire equipment will be the responsibility of the property owner. Repairs must be ongoing or scheduled. Cost of water will be the responsibility of the property owner and will be invoiced by and payable to the City of Omaha. The Omaha Rural Fire Department will not be responsible for any damage to the owner's property. The Fire Chief will set the priorities for any tone-out conflicts.

## **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 person 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. **Membership** Persons satisfying all the following requirements are considered Members of the Association.
- a. Any natural person residing in the district.
  - b. A “member” is any person owning, leasing or lawfully using any lands or buildings within the district and who has currently paid the appropriate dues. Persons described in this section who have not paid appropriate dues are considered “residents” rather than “members”.
- B. **Board Membership Requirements**
- a. Any resident of a “member” household over the age of 18 who does not have felony nor violent misdemeanor convictions is eligible to run for an elected position on the ORFA board if a position on the board is available.
  - b. Those who desire to run for an ORFA board position are required to submit to the board in writing, 90 to 120 days prior to an election, their intent to do so. The written submission must include: name, date of birth, social security number and address. The board reserves the right to conduct background investigation(s) on potential candidates. Those who are active members of the U.S. military (or reserve), current members of law enforcement or have a current Arkansas Concealed Handgun Carry License may be exempt from background investigation(s).
- C. **Voting** Any member of the Association who, before the call, of order of the Annual Meeting (paid dues status is a requirement) if a natural person, shall be eligible to vote as applicable on issues put before the members.
- D. 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.
- E. **Non-Payment Residents** This fire department shall assess a response fee to non-paying residents 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.

F. **Annual Dues** The annual dues are due and payable by property owners residing in the Omaha Rural Fire Association district (Active ORFA Firefighters and First Responders, 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 Association Board of Directors 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.)

G. **Lifetime Dues Exemptions**

- a. The lifetime dues exemptions defined in this section become effective beginning on October 13, 2020 and are not retroactive. However, any active Firefighter, First Responder, or Board Member as of the effective date will have their current service time grandfathered and applied towards the service requirements.
- b. Any active Firefighter or First Responder who is maintained on the Fire Chief's active list for at least seven (7) or more years are exempt from ORFA annual fire dues for the remainder of his/her life.
- c. Any person who serves nine (9) or more years on the ORFA Board of Directors is exempt from ORFA annual fire dues for the remainder of his/her life.
- d. Any Firefighter, First Responder, or Board Member who becomes permanently disabled (determined by the Social Security Administration to have any percentage of disability) as a result of action in support of ORFA duties are exempt from annual fire dues for the remainder of his/her life.
- e. The estate of any ORFA Firefighter, First Responder, or Board Member who dies from injuries received during the performance of ORFA duties shall be granted a lifetime exemption from annual fire dues which may be assigned to one individual.
- f. Any individual who donates (funds, services or combination of the two) \$10,000.00 (or more) to the ORFA has earned a lifetime exemption from annual fire dues. The donation does not need to be made as a single act. Donations made prior to this amendment are counted towards the \$10,000.00 total requirement. Annual dues do not count towards the \$10,000.00 requirement for exemption.
- g. It is the intent of these annual dues exemption categories that all reasonable efforts be made by the ORFA Board of Directors to ensure that any subsequent organization that may provide fire protection to the current ORFA area/members honor these earned exemptions defined above. In the event that dues collection becomes part of an automated system, then any person(s) qualifying for lifetime exemption shall be issued a refund of automatically collected dues by the ORFA or its replacement/subsequent functioning body. The entity issuing said dues refund has the right to request and require proof of dues payment prior to issuing the refund.

H. 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.

- I. 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.
- J. 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 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:**

- The six board members shall be elected to three year terms. The terms shall be staggered so that every two years two terms will expire. The board (with consent of the affected member) may occasionally shorten or extend a term to maintain the staggered term relationship.
- 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 except November (in recognition of Veterans Day) 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.

Directors who also serve on the Omaha Volunteer Fire Department are not subject to the three consecutive attendance rule described above. The standing of Directors who are also OVFD members is solely based on their performance not attendance. Their expulsion from the board may be achieved by majority vote of the Board only in response to a significant history of unsatisfactory performance of their ORFA responsibilities/duties. A 30 day "warning period"

must be issued prior an expulsion vote unless waived by the Director in question.

#### **IV. 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.

## **V. 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:
  - a) 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)
  - b) Report of the treasurer
  - c) Reading and adoption of proposed by-laws
  - d) Election of Directors to serve during the coming year.
  - e) 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 Treasurer:**

- 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.

## **VI. 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.
6. Shall make a best faith effort to ensure that there is no discrimination in the choosing or ranking of firefighters.

**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 any time 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. If any Firefighter or First Responder feels his/her safety is in jeopardy, that Firefighter or First Responder has the ability and authority to defer response pending arrival of additional firefighters and/or first responders and/or appropriate law enforcement personnel.

Only authorized personnel shall have access to the fire houses and equipment and are authorized to operate said equipment. Operation of all equipment shall be in compliance with all federal, state, and local regulations.

## **VII. Financial Controls**

- All expenditures of \$500 or more require Board approval.
- All checks drawn on an ORFA account require two authorized signatures.
- The Executive Committee members are the authorized signers.
- All requests for expense reimbursement must be accompanied with the receipt/bill.
- All charges at ORFA vendors must be accompanied with the receipt/invoice and name of person making the purchase.
- Only the ORFA Board, Fire Chief, or those persons specifically authorized by the ORFA Board are allowed to charge purchases at ORFA vendors.
- The ORFA Board shall review annually the list of those persons specifically authorized by the ORFA Board to charge purchases at ORFA vendors, and revise as necessary. The Board may review and revise the list at any time if the Board so chooses.

## **VIII. 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:** 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.