

DEADWOOD VOLUNTEER FIRE DEPARTMENT BY-LAWS

ARTICLE I – DEPARTMENT ORGANIZATION

Section 1 There shall be elected at the annual meeting of the Department a Fire Chief, Secretary/Treasurer, President and Vice President with the Fire Chief to be confirmed by the City of Deadwood through a vote of its governing board.

Section 2 The following shall be appointed by the Fire Chief: no more than three Assistant Chiefs, which shall be ranked, a Training Officer, Firewise Officer. Public Information Officer, Safety Officer, and Captains as required.

Section 3 All appointed or elected officers, as provided in the Constitution and By-laws of this Department, shall hold office for a period of one year or until the next annual meeting. Appointed or elected officers shall officially take office immediately after the annual banquet. Vacancies occurring in any office of this Department shall be filled by appointment by the Fire Chief at the next regular meeting.

Section 4 No elected officer may serve more than five consecutive terms in any one office.

Section 5 The following shall be nominated by the Fire Chief and confirmed by a vote of the Department membership: a three-member Board of Trustees.

Section 6 Active and special duty members shall be confirmed by the City of Deadwood's governing board and shall be protected under the Worker's Compensation Act of South Dakota.

Section 7 Any person meeting eligibility requirements of the DVFD Constitution and having successfully completed the membership application packet and having passed review by the membership committee, which consists of the Chief Officers, shall be eligible for nomination to membership.

Section 8 Only members in good standing as defined in the DVFD Constitution, shall be eligible to vote in the meetings of the Department, provided further that members of this Department may not vote by proxy.

Section 9 In responding to all emergencies and calls the Incident Command System (ICS) shall be used.

ARTICLE II – FIRE CHIEF

Section 1 May call meetings.

Section 2 Shall keep a strict watch on all the property and apparatus of the Department, shall attend to the business of the Department to the best of his/her ability and shall have management of Department equipment and personnel under the terms and conditions of the DVFD Constitution and By-laws.

Section 3 Shall be present, if possible, at all incidents and coordinate Department efforts.

Section 4 Shall determine all cases of violations of any rules, regulations, orders of the Department or other breach of discipline and shall have the power to punish the offending party, reprimand, reduction in rank, suspension as per Article XV. In the case of expulsion of any member, the member shall have the right of appeal to the membership of the Department for reinstatement to be determined by a two-thirds (2/3) favorable vote of the members present when the appeal is acted upon.

Section 5 Shall be a signatory to all financial accounts of the Department as a co-signor with the President, Secretary/Treasurer, Vice President, and the ~~Fire Maintenance~~ Fire Service Technician.

Section 6 Shall be the ex-officio member of all committees.

Section 7 Shall appoint an Emergency Assistance Committee consisting of three members, known only to the Chief and members of the committee. This committee shall have the responsibility of investigating and recommending to the Fire Chief a grant be made to a member in distress not to exceed five hundred dollars (\$500.00).

ARTICLE III – ASSISTANT CHIEFS

Section 1 It shall be the duty of the ranking Assistant Chief to perform the duties of the Fire Chief until relieved by a higher-ranking officer.

Section 2 It shall be the duty of the Assistant Chiefs to assist the Chief in the discharge of any duties of the Chief.

ARTICLE IV – FIRE MAINTENANCE

FIRE SERVICE TECHNICIAN

Section 1 It shall be the duty of the ~~Fire Maintenance~~ Fire Service Technician to have charge of the care and repair of all equipment. Be responsible for the state of the equipment, see that it is kept in good order, and ready for service.

Section 2 Shall perform such duties as the Fire Chief may prescribe.

Section 3 Shall be a signatory to all financial accounts of the Department as a co-signor with the Fire Chief, President, Secretary/Treasurer, and Vice President.

ARTICLE V – DRIVER/OPERATOR

Section 1 Primary responsibility shall be to deliver the apparatus to the scene efficiently and to operate it safely.

Section 2 Shall shut off all operations only on order given by the Incident

Commander (IC) or designee.

Section 3 Orders may be transmitted to the driver/operator by giving the name of the officer issuing the order. After receiving orders the driver/operator will operate according to those orders and will not on any account allow his/her attention to be withdrawn from his/her duty by strangers or leave his/her position for any reason except by permission of his/her the commanding officer.

Section 4 Shall have possession of a valid driver's license.

Section 5 Shall possess State of South Dakota approved driver/operator certification or be approved by the Training Officer.

ARTICLE VI – TRAINING OFFICER

Section 1 Shall design, order and lead evaluation of all Department training events and provide information concerning training opportunities for Department members.

Section 2 Shall hold current SD Fire Instructor certification.

Section 3 Shall be responsible for evaluation of Driver/Operator certification for each apparatus.

ARTICLE VII – SAFETY OFFICER

Section 1 Shall execute duties as per National Fire Protection

Association (Current Version)1500-1501.

ARTICLE VIII – PRESIDENT

Section 1 Shall be Administrative Officer for all business matters of the Department, preside at business meetings, appoint committees, give the deciding vote in the event of a tie vote, decide all questions of order and may call meetings of the department for business matters.

Section 2 Shall be responsible for the annual meeting and banquet.

Section 3 Shall appoint an audit committee before the annual meeting whose duty shall be to report on the state of the financial books at that meeting.

Section 4 Shall appoint a nominating committee before the annual meeting to nominate the slate of officers.

Section 5 Shall appoint a finance committee, not to exceed three members. This committee's duty shall be to review and recommend action on the monthly financial report.

Section 6 Shall be a signatory to all financial accounts of the Department as a co-signor with the Fire Chief, Secretary/Treasurer, Vice President and Fire Maintenance **Fire Service Technician**.

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ARTICLE IX – VICE PRESIDENT

Section 1 Shall assist in administrative duties and shall also assume the duties of the President when necessary.

Section 2 Shall be responsible for Fire Prevention Week activities.

Section 3 Shall oversee recruitment of Junior and Senior members.

ARTICLE X – SECRETARY/TREASURER

Section 1 Shall keep an accurate record of all business meetings held during the year, regular and special, all to be summarized in a report to be filed at each annual meeting.

Section 2 Shall keep a roster of complete membership of the Department, and shall maintain a record of member's attendance at fires, meetings, and training.

Section 3 Shall be responsible for notifying all members of any business meeting at least six hours previous either by telephone, mailed notice, email, or paging device.

Section 4 Shall keep a record of the following: the date, location and cause of fires and the estimated amount of loss.

Section 5 Shall write all communications, fill out all certifications, have charge of the Department's seal and issue notices as directed.

Section 6 Shall keep a suitable set of receipts and disbursements of all funds.

Section 7 Shall only expend funds as approved by the membership at a regular or special meeting. The only exception to this shall be disbursement of funds, under the conditions of Section 7 of the Fire Chief Articles not to exceed five hundred dollars (\$500.00) to any member of the Department designated as in distress.

Section 8 Shall at each meeting give an account on the status of the Department's finances and City of Deadwood Fire Department budget. At each annual meeting give a detailed report of the receipts and disbursements during the preceding fiscal year.

Section 9 All moneys so entrusted to the Treasurer shall be placed on deposit in the City of Deadwood **Lawrence County**, South Dakota under the name of the Deadwood Volunteer Fire Department. All requests for Capital expenditures from the City of Deadwood budgets will be approved by the membership.

Section 11 Shall be a signatory to all financial accounts of the Department as a co-signor with the President, Fire Chief, Vice President, and ~~Fire Maintenance~~ **Fire Service Technician**.

ARTICLE XI –PUBLIC INFORMATION OFFICER

Section 1 Planning and hosting press conferences to announce major news or address crises as directed and approved by the Fire Chief or the incident commander.

Section 2 Preparing press releases, speeches, articles, social media posts, and other materials for public consumption as directed by the Fire Chief or Incident Commander.

Section 3 Maintaining good working relationships with media organizations.

Section 4 Collaborating with Fire Chief, President, and Vice-President to ensure a cohesive public image.

Section 5 Working to organize and host public events and promotions.

Section 6 Speaking directly to the public or media to address questions and represent the organization.

Section 7 Shall oversee all social media accounts, including the Fire Department's website.

Section 8 There shall be at least one assistant and no more than two assistants. The assistant(s) will be recommended for a yearly appointment by the Public Information Officer to the Fire Chief.

ARTICLE XII– TRUSTEES

Section 1 It shall be the duty of the Trustees to have and take charge of the property of the Department and see that it is taken care of properly.

Section 2 If the Fire Chief is also fulfilling the duties of the Fire Maintenance **Fire Service Technician**, the Trustees will oversee the

~~Fire Maintenance~~ Fire Service Technician duties.

ARTICLE XIII– MEMBERSHIP

Section 1 It shall be the first duty of all members of the Department to obey all commands of their officers while on duty.

Section 2 Every person who is appointed as a member and confirmed by the City of Deadwood's governing board shall agree to the provisions of the DVFD Constitution and By-laws.

Section 3 It shall be the duty of members to be prompt at all meetings, on every emergency call to duty and to assist in getting the apparatus to the incident and in readiness for operation as soon as possible. In case all required apparatus has left the station to proceed immediately to the location of the incident and report for duty to the Incident Command. After a call, all members shall assist in preparing vehicles for readiness to go out to the next call.

Section 4 No member shall be excused from attending any regular or special meeting, reporting for training or responding to incidents, except on the grounds of absence from the city, of sickness or of absolute necessity.

Section 5 No member shall bring to the station grounds, or cause to be brought or consumed, any alcoholic beverage or illicit drugs. No member shall respond to any incident under the influence of any

judgment impairing substance. No member shall consume any alcoholic beverage or judgment impairing substance at a fire ground.

Section 6 All members shall behave in a courteous and professional manner when representing the Department. All members shall perform such other duties as the Fire Chief or other Officers may prescribe.

ARTICLE XIV– OTHER CLASSES OF MEMBERSHIP

Section 1 Special Duty members: must seek membership by the same process as other members. Members appointed to special duty status are not required to attain the same certifications or standards of training as regular duty members. Special duty members will serve only in such capacities and under such circumstances as directed by the Fire Chief, in consultation with all officers. Restrictions on Special Duty members shall be documented and filed with the Secretary/Treasurer. Special duty members shall have all other membership privileges.

Section 2 Honorary members: shall be those who have completed 10 years of membership with the Department and received approval of a vote of the members at any regular meeting to have their membership converted to honorary status. Honorary members may attend any Department meeting or function and may speak to

issues if recognized by the chair of such meetings but may not vote.

Honorary members shall be regarded as other members except in the matter of attendance. Honorary members shall in no manner interfere with or attempt to perform the duties of the other members.

ARTICLE XV – DISCIPLINARY MEASURES

Section 1 Any officer of the Department, for misuse of his authority or misconduct in office, may be impeached and removed from his office by a two-thirds (2/3) favorable vote of the whole number of eligible voting members. The charge against the officer shall be made in writing and filed with the Secretary/Treasurer or President at least one month before any vote shall be taken upon it at a regular meeting. A copy of said charge shall be served upon the officer by the Secretary/Treasurer or President at least two weeks in advance of the time for consideration of the charge by certified mail, return receipt requested. Members of the Department shall also be notified at least two weeks in advance of the time for consideration of the charge by mail by the Secretary/Treasurer or President. The Vice President shall assume duties outlined in this Article for either the Secretary/Treasurer or the President if necessary.

Section 2 Any member violating any of the provisions of the DVFD

Constitution and By-laws may be liable to reprimand, reduction in rank, suspension or may be expelled from the Department.

Section 3 Any member deemed delinquent in lack of attendance at meetings, participation at training, and response to incidents, during the twelve months preceding the annual meeting may be requested to appear before the membership committee to determine the status of their membership. The review of attendance is to be done the month following the annual meeting.

Section 4 Any member dropped from the roll shall be notified in writing by the Fire Chief. Reinstatement on the roll can only be obtained upon application to the membership committee, who shall present such reinstatement request to the membership at the next business meeting for a two-thirds (2/3) favorable vote at that meeting.

Section 5 In the case of expulsion of any member, the member shall have the right of appeal to the membership for reinstatement to be determined by a two-thirds (2/3) favorable vote of the whole number of eligible voting members.

ARTICLE XVI – RULES OF CONDUCT FOR MEETINGS

Section 1 Shall be the Deadwood Volunteer Fire Department Rules of Order adopted July 8, 2021. Revised (current date)
Rules shall be posted conspicuously in the meeting room.

ARTICLE XVII – DEFERRED COMPENSATION PLAN

Section 1 The plan shall be administered by a seven-member committee, chaired by the Fire Chief. The other members shall be the Secretary/Treasurer, President, a Trustee, two members elected at the annual business meeting to alternating two-year terms, and the City Fire Commissioner.

Section 2 Eligibility shall be defined as having served five years in the Deadwood Volunteer Fire Department. Start time of eligibility is upon completion of the SD Certified Firefighter training course. If that training is completed in the first year from joining, then the entire year will count as eligible. Other Certified Firefighter training courses may be approved for eligibility by the committee on a case-by-case basis. There shall be no maximum number of years a member may participate in the program.

Section 3 The plan will initially distribute funds at a rate of \$500 starting in the year 2005 for qualified service. Starting in 2009; \$600 will be paid per year for qualified service. In year 2021; \$1000 will be per paid year of qualified service. This rate may change at the discretion of the committee.

Section 4 Qualified year shall be defined as:

- a. Members must attend 75% of business meetings. Five hours of committee/maintenance work may be substituted for each business

meeting missed.

- b. Members must complete 40 hours of approved training per year.

~~Of which 20 hours must be in house training.~~

- c. Members must attend 25% of all fully paged incident calls.

Three approved training hours may be substituted for an incident call.

Training hours accumulated in (b) above maybe used for each substitution.

Section 5 Administration:

- a. Compensation payments will be made at the start of the Deadwood Volunteer Fire Department fiscal year ~~if the necessary paperwork has been completed and all Department equipment has been returned.~~ Payment can be for the qualified year's amount or the accumulated amount in member's account. In the event of a qualified member's death, payment will be made to the member's estate or listed beneficiary within sixty days.
- b. If a member resigns or retires from the department, then rejoins within one two years and no payment has been made; the member is re-entered into the system, with no monetary value as if he/she never left.
- c. ~~Members with less than five but more than one year of service shall be credited for prior years of service if they rejoin the department within two years of their resignation date.~~

~~d. Members re-entering service after having received payment must either buy back their prior years of service at the current rate or start with no years of qualified service. All service buybacks must be for the full number of years originally paid.~~

~~e. Eligible former members rejoining the system will be credited with their prior service time up to a maximum of five years.~~

f. **c.** It shall be the member's responsibility to make sure all their attendance and training records are correct. The DVFD shall publish quarterly summaries of these records.

Section 6 Appeals by members to waive the above rules may be taken to the committee that may waive these rules by majority vote of the full committee.

Section 7 An investment fund shall be established by the committee. This fund shall have a balance at all times sufficient to cover 125% of all possible obligated payments the Plan is obligated for. The insurance rebate will be placed in this fund along with other necessary monies.

ARTICLE XVI **XVIII** – AMENDMENT PROCEDURES

Section 1 No alteration or amendments shall be made to the DVFD By-laws unless proposed at a regular business meeting.

Section 2 Proposed amendment(s) shall be referred to a committee

which shall report at the next business meeting, when such amendment(s) may be acted on and adopted by a two-thirds (2/3) vote of the members present at the meeting.

Section 3 However, due notice of the proposed amendment(s) shall be made to the Department membership by the Secretary/Treasurer, either ~~through the press or~~ through direct mail or email at least ten (10) days before any such amendment(s) is to be considered. If emailed, the notice shall require a dated received and read notice.

Section 4 Any amendment that has a direct relationship to any other amendment(s) shall be voted on collectively as one amendment.

Previous version was approved May 12, 2004, current version approved by Fire Department Membership July 8, 2021.

Approved by City Commission on February 7, 2022.

Original Constitution and By-laws prepared in 1941 by Edward S. Keene, Fire Chief; Earl B. Morford, Chairman; Guy Williams and Robert D. Swanson.