

# Delaware Volunteer Firefighters Association

## Constitution and Bylaws

### Constitution

- **Section 1. Name**  
The name of this Association shall be: "Delaware Volunteer Firefighter's Association," Incorporated.
- **Section 2. Purpose**  
The purpose of the Association shall be: to form a more perfect organization, establish harmony, insure prosperity and success, obtain and compile statistics concerning the various apparatus, cultivate fraternal fellowship among the companies and departments and promote the best interest of the Volunteer Fire Fighters of Delaware.
- **Section 3. Charter**  
The charter of this corporation is considered a part of this Constitution, equally binding as it were stipulated herein.
- **Section 4. Seal**  
The seal of this Association shall be a diamond shape, with a field showing a hen and chicks surrounded by the words "Delaware Volunteer" above and "Firefighter's Association" below and the words "Incorporated" or any legal abbreviation of same.
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### Bylaws

- **Article I: Membership**

#### Section 1. Regular Members

It's members shall consist of: (1) all Volunteer Fire Companies or Departments whose fire houses and apparatus are within the boundaries of the State of Delaware; and (2) any Municipal Fire Department whose fire houses and apparatus are within the boundaries of the Municipality within the State of Delaware, who have complied with provisions in regard to initiation procedures, yearly dues assessments, compliance with rules, regulations, and requirements, are members in good standing of their respected county associations and have selected delegates and alternates to attend the conference and executive meetings of this association.

The duties and responsibilities of each Company and Department shall be in accordance with the General Corporation Law of the State of Delaware or the applicable ordinances of the Municipality, and any amendments thereto, and as hereafter provided, not inconsistent therewith.

Each Volunteer and/or Municipal Fire Company or Department desiring to hold membership in this association must meet all the requirements of the Delaware State Fire Prevention

Commission for fire companies or departments and be certified by said commission or be sanctioned by the municipality having jurisdiction. They must consist of 25 or more properly trained officers and members. An approved set of by-laws or ordinances for the applying company or department must be submitted with the application to this Association.

Each Volunteer and/or Municipal Fire Company or Department considered in good standing shall be entitled to elect or appoint two (2) delegates and two (2) alternates annually to attend the Annual Conference, Conference Activities, and Executive Meetings. The names of the delegates and alternates shall be sent to the [Secretary] at least 30 days prior to the annual conference. The [Secretary] should be notified if any changes occur in these names. The notification should be on official fire company or department stationary and signed by the President or Chief of said company or department.

## **Section 2. Associate Members**

Organizations associated with paid departments or organizations that profess a mutual interest may become associate members of this association. Associate members may be charged an annual assessment fee as decided on by the Board of Directors. Such membership will be subject to the Constitution and By-Laws herein stated. Associate members will have no vote in the affairs of the Association but are entitled to a voice in said affairs.

## **Section 3. Ladies Auxiliary**

Any ladies Auxiliary Association or Organization connected with any member or associate member of this Constitution shall be an associate member of this association. Such membership will be subject to the Constitution and By-laws herein stated, with the exception of Annual Dues. These members will have no vote in the affairs of the Association.

## **Section 4. Membership Dues**

Each member shall pay to the Treasurer on or before August 15th in each year the amount of dues approved by a vote of the members at a regular executive meeting or at the conference. Any dues increases or decreases shall be presented to the Executive Committee by the Budget Committee, with first the approval of the Board of Directors, at any executive meeting or conference. The changes must be read first at a regular meeting or conference and voted on at the next regular meeting or conference. Any Company or Department which shall fail to pay its annual dues shall be considered not in good standing, cease to be members of this Association, and be barred from participation in any of it's benefits until all arrearages of the dues have been paid. If the arrearages appear to be flagrant or intentional by the Board of Directors, then a majority vote by the member companies will be needed before said company is re-instated in the association. If the arrearages appear to be accidental or unintentional, by the Board of Directors, then re-instatement will be automatic once the dues are paid. The Voting procedures shall be as herein listed in Article V: Section 4 of the by-laws.

- **Article II: Officers**

**Section 1. Officers, Terms, and Descriptions:**

The officers of the Association shall be President, First Vice President, Second Vice President, [Secretary], Treasurer, and Directors.

The terms of the President, First Vice President, Second Vice President, **[Secretary]** and Treasurer shall be for one year, or until their successor are elected and installed. The offices of President, First Vice President, and Second Vice President shall be filled by a member of each county respectively and each office shall be filled by rotation from New Cast/e, to Kent, to Sussex County. The terms of the elected directors shall be for three (3) years.

The Board of Directors, of this incorporated Association shall be President, First Vice President, Second Vice President, **[Secretary]**, Treasurer, the Presidents of the three County Fire Service Associations, three Directors (one from each county) and the immediate past president of this Association upon completion of the one year term as State Fire Prevention Commissioner. The term County Fire Service Association shall mean the Association from each county that is considered to be the parent association where the fire companies or departments are members. Chiefs Associations, Ambulance or EMS Associations, and Fire Police Associations are not considered to be the parent association as described herein.

**Section 2. Duties of Officers**

President: The President shall be the presiding officer at all Conference meetings, meetings of the Executive Committee, and Board of Directors and shall do the following:

- Appoint all committees not otherwise provided for.
- Appoint a Financial Review Committee to review all financial records of this Association. This review must be made once a year by a Certified Public Accountant. All financial statements are to be accompanied with a letter from said accountant stating condition of all books and his signature of verification of said financial statements. Copies of letter and financial statements are to be given to all officers, delegates and alternates at the Annual Conference.
- Make an annual report to the association and perform such other duties as may be required of him by the Association.
- Appoint a Chaplain or Chaplains to administer spiritual guidance of the members. The Chaplain's term shall be at the pleasure of the President.
- Countersign all orders upon the treasury for the payment of monies in absence of the secretary or treasurer.
- The President may appoint an assistant secretary to assist the **[Secretary]** if necessary. The President may not serve as a trustee of the Delaware Volunteer Firefighter's and Ladies Auxiliary Mutual Relief Association.

**First Vice President:** It shall be the duty of the First Vice President to act as President in the event of death, resignation, or inability of the President to perform the duties of said office. The First Vice President shall appoint a Fire Prevention Committee and scholarship Committee and announce same at the second yearly Executive Committee Meeting in order that these committees may plan their activities and announce same in advance of the Annual Conference.

**Second Vice President:** It shall be the duty of the Second Vice President to act as President or the First Vice President in the event of the inability of the President or First Vice President to perform their duties. In the event of death, resignation or inability of the Second Vice President to perform his or her duties, the County Association from where the Second Vice President was initially nominated shall hold an election at their next regular meeting to nominate a member in good standing to complete the remaining term of the Second Vice President. The nomination shall be considered and elected at the next scheduled or special DVFA Executive Meeting by majority vote.

**Secretary:** The Secretary shall keep a complete record of the proceedings of all conferences, and of all meetings of the Executive Committee, and Board of directors. He/She shall collect all money due the Association and pay same over to the Treasurer, taking his receipt therefore. He/She shall countersign all orders upon the Treasurer for the payment of money. He/She shall receive and answer all communications pertaining to the business of the Association and keep a record thereof. He/She shall make an annual report to the Association and also such reports from time to time as the President and Executive Committee may require. He/She shall, previous to the meeting of each Annual Conference, prepare a roll of Companies or Departments entitled to representation; and, another roll of delegates and alternates entitled to seats in the conference, and shall deliver these rolls, together with the credentials, to a Credentials Committee appointed by the President.

**Treasurer:** The Treasurer shall do the following:

- Receive and safely keep all monies belonging to the Association, in the name of the Association, in such financial institutions as the Association approve.
- Countersign, with the **[Secretary]**, all orders on the Treasury for the payment of money approved by the conference or Executive Committee.
- Make a report on the first session of each Annual Conference giving an itemized statement of all receipts and disbursements, accompanied by vouchers thereof.
- Give bond to be approved by the Board of Directors, who will fix the amount thereof and it shall be held by the President.

**Directors:** The three Directors, one from each county, and the President of each association (serving as directors) shall represent their respective counties and to carry the opinions of each County Association on all matters pertinent to each particular county in relationship to the State Association.

**Board of Directors:** The duties and responsibilities of the Board of Directors shall be in accordance with the "General Corporation law of the State of Delaware" and

amendments thereto, and as herein after provided, not inconsistent herewith. They shall do the following:

- Fix the amount of and approve all bonds.
- Publish the proceedings of each Annual Conference.
- Transact the business of the Association requiring action between meetings.
- Make all contracts for work to be done or supplies to be furnished to the Association.
- Audit and approve any bills of the Association, unless otherwise provided by the conference.
- Set an expense allowance for all elected officers, the Chaplain, and committee chairman as necessary, provided these amounts have been approved in the yearly budget.
- Temporary fill any officer vacancies, if necessary, until the next regular meeting or conference where the position can be permanently filled by the Association.
- They have the power, through the President, to call a special meeting whenever deemed necessary.
- Make an annual report to the Association and shall look after its interests.
- The majority shall constitute a quorum. The majority of those present and voting shall decide all questions.
- The Board of Directors shall meet at such times and places designated by the President, and such other meetings as may be called for by a majority of the directors.

**Executive Committee:** The Executive Committee of the Association is the delegates and alternates of the member companies, officers, past presidents, and president emeritus of the Association and all committee members.

• **Section 3. Nominations and Elections:**

- Article II: Officers
- Section 3. Nominations and Elections

**Candidates:** All candidates for any office of this Association are to be approved, in writing, by the company of which the candidate is a member stating that he/she is a member in good standing and active in the affairs of the company.

- **Nominations:** Nominations are to take place at the June Executive Committee Meeting unless in the event of vacancy.
- **Elections:** All officers will be elected at the September Executive Committee Meeting. This meeting may coincide with the Annual Conference, but in the event of abnormal conditions, an act of God or government issued state of emergency, may take place later in the month of September. Election to office shall require a majority of votes cast. Whenever there are two or more candidates, after each ballot when there is a failure to elect, the candidate receiving the lowest number of votes shall be removed from the ballot until two

remain. In the event of a vacancy in office, that office may be nominated and elected at the next scheduled or special executive meeting.

- **Removal from Office:** Any officer of the Association who loses membership in their company or department or fails to fulfill the duties of their office of this Association, shall forfeit said office in this Association. The forfeiture shall be brought to the floor by the Board of Directors and approved by a majority vote of the executive committee at a regular executive meeting.

### **Article III: Executive Manager**

#### Section 1. Duties:

The [**Executive Manager**] is a full time, [non-voting] paid position of the Association. The applicant shall meet the qualifications as set forth by the Board of Directors and shall be hired by the Board of Directors with approval of the Executive Committee of the Association. He or she shall serve at the pleasure of the Board of Directors and can be removed by the same body with approval of the Executive Committee. The [Executive Manager's duties are outlined in Appendix III-1 of these By-laws].

- [These duties may be changed or added to at any time by approval of the Board of Directors as long as the general scope and substance of this position is not altered from its original intent].
- [The Executive Manager shall be paid a salary and receive benefits as decided by the Board of Directors as long as those salary and benefits, as well as the expenses related to the position, have been submitted to the budget process, and the budget has been approved by the membership of the Association through the normal budget process]

### **Article IV: Mutual Relief Association**

The Mutual Relief Association of the Delaware Volunteer Firefighter's Association is a separate corporation known as the "Delaware Volunteer Firefighter's and Ladies Auxiliary Mutual Relief Association, Inc.". The President of the Delaware Volunteer Firefighter's Association shall appoint State Trustees in accordance with the Constitution and By-Laws of the "Delaware Volunteer Firefighter's and Ladies Auxiliary Mutual Relief Association, Inc.".

### **Article V: Meetings**

#### **Section 1. Conference and Executive:**

There may be one annual conference meeting held as outlined in the section of these by-laws pertaining to the annual conference and four executive committee meetings. The annual conference meeting may be considered as the third quarterly meeting (September) but if any conditions exist as outlined in Article II, Section 3 Elections, the third quarterly meeting may be re-scheduled for later in the month. The three remaining executive committee meetings shall be held on the second Sunday of December, March and June of each year,

### **Section 2. Quorum:**

A majority of the companies or departments of the Association shall constitute a quorum for the transaction of business at the Annual Conference or Executive Committee Meetings. A representative from each company shall sign in with the **[Secretary]** prior to the start of each meeting to verify a quorum.

### **Section 3. Procedures:**

The President shall decide all questions of order, without debate, subject to an appeal. In case of an appeal the point of order may be debated. A member called to order shall take is seat until the point of order is decided, when he shall again be entitled to the floor. Each member when speaking should confine the comments to the question and shall not use any personalities or indecorous language.

- When not consistent with the Constitution and By-Laws, Roberts Rules of Order shall govern the proceedings at all meetings.
- The President may appoint a parliamentarian or parliamentarians to decide questions of parliamentary procedure, not consistent with the articles of these by-laws.
- Discussions of religious creeds or partisan politics are prohibited at all meetings of this Association.

### **Section 4. Voting:**

All members of the Executive Committee shall be entitles to one vote each on any question voted upon by a voice vote. The President shall decide the outcome of a voice vote. Roll call voting is recommended to determine the decisions of any questions that have a major effect on the member companies or departments. Roll call voting is recommended in the following situations: approving the annual budget, increasing or decreasing the dues, approval of any supplementary assessments, selecting the location of the Annual Conference, and electing contested officers. Any member company can request a roll call vote. The President will decide if it is warranted. Roll call voting shall be by the company or department's delegate's, and in their absence their alternates, the Association's elected officers, Past Presidents and **[Presidents Emeritus]**. A simple majority of the votes cast shall constitute passage. A secret ballot shall be used in contested officer voting. In the event of a tie, in any roll call vote, the President will cast the deciding vote.

### **Article VI: Annual Conference**

The Annual Conference of the Delaware Volunteer Firefighter's Association shall be held in conjunction with the Ladies Auxiliary of the Delaware Volunteer Firefighter's Association. The Annual Conference shall be held each year at a date and time decided by the convention committee and approved by the Executive Committee. The dates for the following year's conference shall be announced by the last day of the current year's conference. The conference shall be run by the conference executive committee appointed by the President. The Chairman of the conference executive committee shall alternate by county with the chair being from the same county as the President of the Association. Funding for the conference shall be provided for by the Association from the conference assessment part of the membership dues.

## **Article VII: Apparatus and Equipment**

### **Section 1. Apparatus and Equipment:**

- Pumping Apparatus: All companies or departments wishing to operate pumping fire apparatus shall conform to the Delaware State Fire Prevention Commission Fire Service Standards that were in effect at time of purchase.
- Rescue Vehicles: All companies or departments wishing to operate rescue vehicles shall conform to the Delaware State Fire Prevention Commission Fire Service Standards that were in effect at time of purchase.
- Rescue Boats: All companies or departments wishing to operate rescue boats shall conform to the Delaware State Fire Prevention Commission Fire Service Standards that were in effect at time of purchase.
- Aerial Apparatus: All companies or departments wishing to operate aerial apparatus shall conform to the Delaware State Fire Prevention Commission Fire Service Standards that were in effect at time of purchase.
- Ambulances: All companies or departments wishing to operate Ambulances shall conform to the Delaware State Fire Prevention Commission Standards.

## **Article VIII: Amendments**

The Constitution and By-Laws may be amended at any regularly scheduled Executive Meeting or Conference by a roll call vote of members present provided the proposed amendment has been mailed to all member companies at least 30 days prior to voting. Voting on amendments or changes shall be two votes per regular member company. A 2/3 majority of the votes cast will be needed to pass the amendment.