

# Little Creek Volunteer Fire Company Inc.



## Constitution & Bylaws

Approved 1 November 2017  
With Amendments through November 2019



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# **Constitution**

## **Article 1 - Organization Name**

This Company shall be known by the name of Little Creek Volunteer Fire Company, Inc., of Little Creek Delaware.

## **Article II - Company Officers**

The officers of this Company shall consist of a President, Vice President, Secretary, Treasurer, Three (3) Trustees, Fire Chief, Deputy Chief, 1st Assistant Chief, 2nd Assistant Chief, and Chief Engineer who shall be elected in the manner prescribed by the By-Laws. Fire Police and Captain(s) may be appointed as prescribed in the By-Laws.

## **Article III - Company Meetings**

Regular Meetings of the Company shall be held on the first Wednesday of each month at 7 p.m. in the Fire House. Eleven (11) members shall constitute a quorum to do business at any regular company meeting.

## **Article IV - Special Meetings**

The President may call Special Meetings at any time when it is deemed necessary or proper. The call for a Special Meeting shall be placed in the hands of the Secretary at least twenty-four (24) hours before the time fixed for such Special Meeting and the Secretary shall at once place notification of same on public display at the Fire House.

## **Article V - Call for Special Meeting**

The President shall call a Special Meeting whenever seven (7) members, in writing, shall so request. Such call or request shall state distinctly the topic to be discussed and presented to the President at least forty-eight (48) hours before the time of said meeting. The same process as to notification, etc. as provided in Article CV shall be observed.

## **Article VI - Membership**

Election to Membership shall be by secret ballot and a majority of favorable votes shall entitle the applicant to become a member. When a candidate is rejected, the application shall not be again received until six (6) months have passed from rejection.

## **Article VII - Removal from Company**

Any member may be removed from office, suspended or expelled from the Company for the breach of trust or improper conduct against the Company or its Officers, providing always that an opportunity shall be given for making a defense before the Company.

The President and/or Chief shall have the authority to suspend any member or members for any violation described in Section 1 of this Article, until such time that the Company can take official action on the said suspension.

A member who is inactive may be brought before the company for a removal vote based on Recommendation of the Pension Committee. This recommendation will follow the State's volunteer firefighter pension program procedures as they relate to the company's annual financial obligations.

## **Article VIII - Arbitration**

In any doubt which may arise as to the true meaning of an Article, Section, or Clause of this Constitution or By-Laws shall be submitted to the Constitution and Bylaw Committee whose decision, as sustained by a majority vote of the members present at any regular company meeting shall be final and shall be recorded by the Secretary for future reference. The Secretary will forward all decisions to the Bylaw Committee for inclusion in the next draft.

**Article IX - Amendments**

The Amendments to this Constitution and Bylaws may be made in the following manner: The proposed amendment shall be submitted in writing at an regular meeting of the Company, it shall at once (i.e. Oct) be referred to the Constitution and Bylaw Committee. The Committee shall report back at the next regular meeting of the company (i.e. Nov) their recommendation and the amendment, after discussion, shall be tabled. At the Regular Meeting of the Company following the committee report (i.e. Dec), the proposed amendment shall be first on the list of unfinished business and shall be adopted if it receives a two-thirds vote of the Regular Members present.

**Article X - Order**

The Chair shall maintain order over all meetings. All members shall address the Chair in respect to any business. In the event of dispute regarding the Rules of Order, Robert's Rules of Order shall be observed. Members who become unruly shall be removed under order from the chair and barred from any further participation for that meeting. In all matters, the Chair shall have final say over disputes of business or points of order.

**Article XI - Mission Statement**

The primary mission of the Little Creek Volunteer Fire Company is to provide a range of programs designed to protect the lives and property of the inhabitants of the State of Delaware from the adverse effects of fires, sudden emergencies, or exposure to dangerous conditions created either by man or nature.

## By-Laws

### Article I - Members

#### **Section 1- Eligibility**

Any citizen who resides within the State of Delaware, is fourteen (14) years of age or older, shall be eligible for membership upon application.

#### **Section 2 - Probation and Requirements**

All persons elected to membership shall be considered a Probationary Member for a minimum period of one (1) year.

Emergency Service Members will be required to complete within a period not to exceed two (2) years, the training in Basic Fire Fighting Skills, Structural Fire Fighting Skills, and Hazardous Material Response Skills or their equivalent. They must attend a minimum of six (6) regular meetings and Fifty (50) Company functions in the calendar year. Upon completion of the above and being 16 years of age shall be brought before the Company by the Chief, at the regular meeting, for acceptance as a Regular Member.

Support members who have attended Fifty (50) activities, 6 company meetings and are at least 16 years of age, shall be brought before the Company by the Chief, at the regular meeting, for acceptance as a Regular Member.

Should a Regular Support Member wish to participate in Fire-Fighting Activities, they must renounce their Support Membership at which time they will be considered a Probationary Member and will be required to complete all requirement of a Probationary Emergency Service Member.

#### **Section 3-Application for Membership**

Application for Membership shall be in written form and must have the signatures of three (3) Members of the Investigating Committee. *All* applications shall be assigned to the Investigating Committee for review. After review by the Investigating Committee, the application and the Committee findings will be presented to the Company for acceptance or rejection.

#### **Section 4 - Offices and Control**

Probationary Members shall not be eligible to hold office or vote. They are under the direct supervision of the Fire Chief.

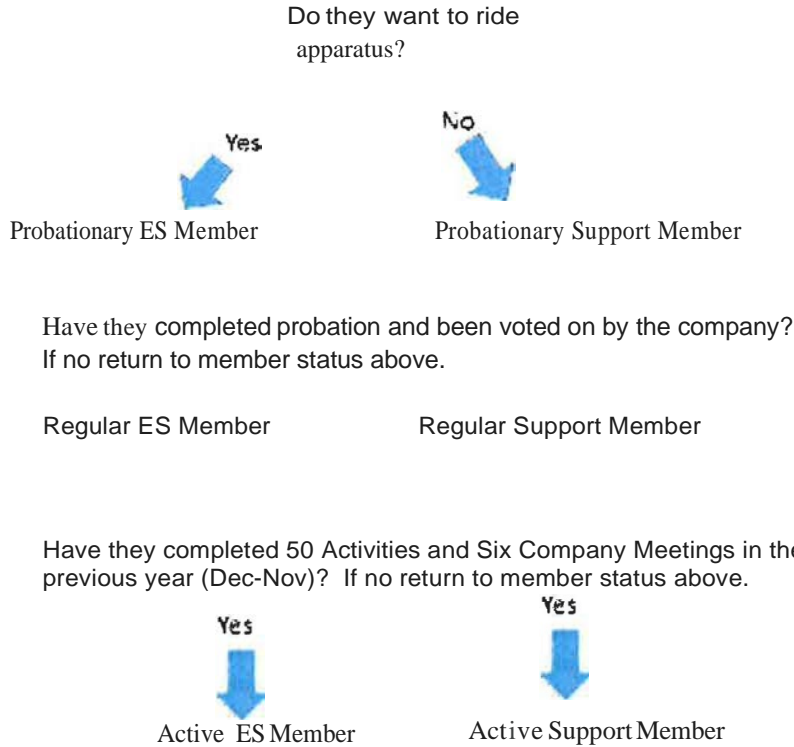
#### **Section 5 -Definition of and Requirements for Membership**

A Regular member shall be any member who has met all probationary requirements for their membership class and has been brought before the Company by the Chief, at the regular company meeting, and accepted as a Member.

An Active Emergency Services (ES) Member shall be one who meets the training requirements to respond on and with the apparatus. They must attend a minimum of six (6) regular meetings and Fifty (50) Company functions in the calendar year to maintain Active Status. Company functions include fires, training, fundraising and parades. At the discretion of the President or Fire Chief, other activities may be included on a case-by-case basis. In no case shall sporting activities be creditable.

An Active Support Member shall be defined as an individual who wishes to assist with and participate in activities other than on the apparatus. To maintain Active Status, the member must meet the same Fifty (50) activities and 6 meeting requirements as Emergency Service members.

Should a Regular Support member wish to participate in Fire Fighting Activities they must renounce their support membership at which time they will be considered a Probationary Member and will be required to complete all requirement of a Probationary Emergency Service Member.



**Section 6 - Eligibility for Life Membership**

Any Active Member who for a period of ten (10) consecutive years complying with Article XVI, Section 6 of the By Laws will be eligible for Life Membership, after receiving a majority of favorable votes by the members present and voting.

**Section 7 - Honorary Membership**

Honorary membership may be granted to a person selected by the Company Members as deserving such recognition for their substantial donation to the Company through monetary or personal performance (such as elected officials). They must receive a majority of favorable votes by the members present and voting. Honorary members shall not be permitted to hold office or vote on any question on the floor.

**Section 8 - Inactive Status**

Any member who moves from the State or does not otherwise meet the requirements for membership shall be classified as Inactive. An Inactive member may be reinstated as an Active member upon satisfactorily fulfilling the requirements for Membership, but may not hold or be elected to office for a period of six (6) months following return to Active Membership.

**Section 9 - Removal of Company Property**

No member shall at any time remove any equipment or apparatus from the building without first obtaining permission from the Chief or the President unless responding to an alarm.

**Section 10 - Transfer from another Department**

Transfer of Membership by a member of another Fire Company, in or out of state, must be accompanied by a Letter of Recommendation from the other Company and are subject to a probationary period of no less than one (1) year.

### **Section 11 - Eligibility for Pension Plan**

All members are eligible to join the Pension Program. The Company shall pay the yearly fee for each member who has received Fifty (50) activities for the accredited year. Only sanctioned activities as outlined in Article XVI Section 6 will be accepted. Sporting Activities are not acceptable for credit. Any member who fails to meet the requirements for Active Membership will not receive credit for the year.

Adjustments and alterations to these rulings can be made on a case-by-case decision provided they are approved by the Pension Committee and receive a two-thirds (2/3) favorable vote by the members present and voting at a Regular Meeting.

When any doubt of eligibility, application, credit, or other ruling is cast, the State Law governing the Volunteer Fireman Pension Plan shall prevail. At no time shall any Company Bylaw or requirement supersede those contained within the above legislation or regulations.

### **Section 12-Return of Company Issued Equipment/Clothing**

Any member who has not maintained active status for at least three consecutive years or has failed to achieve regular membership status after three consecutive years will be required upon written request from the company to return all issued property of the Little Creek Volunteer Fire Company. Issued property may include, Company License Plate, Parade Uniform, Utility Uniform, Alerting Devices, Company T-Shirts, Turn Out Gear, or any other item issued by the fire company to identify the individual as a member of the fire company or any of its affiliated organizations. The member will have thirty (30) days from the request to furnish the items to the Chief or President. After thirty (30) days, the company may take any steps necessary to recover the items to include pursuing recovery through legal processes.

Any elected or appointed officer or coordinator of the Little Creek Volunteer Fire Company who no longer is serving in a capacity for which specialty equipment was issued (i.e. blue warning lights, reflective clothing, Badge, company license plate, 800MHZ radio, etc.) will within 30 days of leaving office return, to the Chief or President, such property upon request written request from the company. Should the items not be returned within thirty (30) days, the company may take any steps necessary to recover the items to include pursuing recovery through legal processes.

## **Article II - Meetings**

### **Section 1- Time and Date**

The Regular Monthly Meeting of the Company shall be held on the first Wednesday of each month at 7 PM.

### **Section 2 - Rules Governing**

The same rules governing Regular Meetings shall apply to Special Meetings. Roberts Rules of Order shall prevail unless covered within this document.

### **Section 3 - Adjournment**

In the event a quorum shall not be assembled within one half (1/2) hour of the appointed time, those present may adjourn. In event of an alarm or emergency while the Company is met in session, as to render it necessary to adjourn or prevent the Company from organizing the meeting at the appointed time, the meeting shall be held on the following Monday evening at the same time. No member shall retire from a meeting without permission of the President or Chairperson thereof.

### **Article III - Discipline Process**

#### **Section 1 - Reinstatement**

Any member who has been expelled may not be reinstated. Members who have been placed on Suspension shall be reinstated upon expiration of the suspension period.

#### **Section 2 - Expulsion Process**

It shall require the concurrence of two-thirds (2/3) of the Regular members present, exclusive of the accuser and the accused to expel a member. The charges shall then be laid before the Board of Directors. The board will extend the opportunity for all parties to meet with the Board to state their case. The Board of Directors will then conduct an investigation and substantiate or reject the accusations. If the accusations are rejected, the accuser may appeal to the company. If the accusations are substantiated, the Board of Directors will then make a recommendation in writing to the Company. No matter shall be decided upon before the next stated meeting, (unless it is for criminal offenses against the Company, which shall carry an immediate expulsion). No member shall be expelled, who shall not have been furnished by the Secretary of the charges preferred against the member at least two (2) weeks prior to the decision of the Company, in order that every member as charged shall have the opportunity to prepare a defense.

#### **Section 3 - Litigation**

Any member arrested in conjunction with an Arson investigation by the State Fire Marshal, shall be immediately suspended pending Final Disposition. Should same member be found guilty, he/she shall be expelled for life in accordance with above sections.

### **Article IV - Driver's Certification**

#### **Section 1 - Licenses**

All drivers must possess a valid Driver's License to operate a vehicle in the United States.

#### **Section 2 - Requirements**

All drivers must complete the Emergency Vehicle Operators Course or Equivalent. Records of this training or equivalent must be maintained in the Member's Personnel Records.

#### **Section 3 - Removal**

Any driver, who under Delaware Law, has had their license revoked or suspended must notify the Fire Chief, at which time they will be removed from the Driver's List until such time as their license is reinstated by the Motor Vehicle Department at which time the Chief may reinstate their privileges.

#### **Section 4 - Suspension**

Any driver who operates a Company Vehicle under a revoked or suspended license will be subject to immediate suspension. Furthermore, their driving privileges with the Company will be revoked for life.

#### **Section 5 - Company Rights**

The Company reserves the right to request a certified copy of any members driver's record from the Motor Vehicle Department if there is any question as to their license status or driving abilities. Furthermore, any driver designated as a Risk by the Company Insurance Holder shall be removed from the Driver's List at the discretion of the Chief.



## **Article V - Medical Restriction Notifications**

### **Section 1 - Responsibility to Notify**

Members shall be liable for notification to the President or Chief as applicable, of any medical conditions or injury that may limit their ability to perform their duties.

### **Section 2 - Liability**

Should a member fail to make proper notification to the company officers of any conditions that may affect their ability to perform their duties, The Company and Officer will be held harmless as a result of any further injury or disability. It is the member's responsibility to assure that proper notification is made to the responsible Officer(s) in order to prevent further harm.

### **Section 3 - Release by Physician**

Temporary Conditions limiting activity will require a written release from the attending physician before the member will be returned to full duty.

## **Article VI - Election of Officers**

### **Section 1 - Election Process**

Election of Officers shall be by secret ballot and the candidate for each office with the majority of the eligible votes shall be declared the winner.

### **Section 2 - Nominations**

Nominations for elected offices shall be made in accordance with the Nomination Process as described later in this document under Article VII.

### **Section 3 - Election Night**

The President, Vice President, Secretary, Treasurer, Trustees, Fire Chief, Deputy Chief, 1st Assistant Chief, 2nd Assistant Chief, and Chief Engineer shall be elected at the Regular Meeting held in December and shall take office on January 1 of the New Year. All other Officers shall be appointed.

### **Section 4 - Voting Eligibility**

All members wishing to vote must meet Active Status Eligibility Requirements as outlined in Article XVI to be eligible to vote. All Life Members of the Company, in good standing, who have attended at least six (6) regular meetings in the current calendar year, shall be eligible to vote in Company Elections.

### **Section 5 - Vacancy in Office**

Any vacancy which may occur in an elective office by resignation, removal, expulsion, death, or otherwise shall be filled by a Special Election by nomination at the meeting at which the above is disclosed and electing at the next Regular Meeting. Candidates for the vacancy shall be made by nomination from the floor. The President shall immediately appoint three (3) members from the General Membership- to the Nomination Committee.

The Nomination Committee will then make a recommendation to the Board of Directors as to the member's qualification to hold office. At the next regular company meeting the Nominating Committee will report on the eligibility of the candidates as the first item under the Order of Old Business. If a candidate is found ineligible by the Board of Directors, they may appeal the decision to the Board and/or the Company. The Company will have final say to the qualification of a candidate to hold office. If no candidate is found eligible, the process will start over with nominations.

### **Section 6 - Age Qualification**

**Officers must be of at least twenty (20) years of age and meet the described eligibility requirements as defined in the By-Laws.**

## **Article VII- Nomination and Election Process**

### **Section 1- Nomination**

Nominations for Office shall open at the beginning of the August Meeting. The Nomination filing period shall remain open until the call to order of the September Meeting. Individuals desiring to hold an Office must file their intention in written form with all supporting documents to the President prior to the call to order of the September meeting.

### **Section 2 -Nomination Committee**

The President shall appoint three (3) members from the General Membership to the Nomination Committee.

### **Section 3 - Responsibilities of Nomination Committee.**

The Nomination Committee shall be responsible for determining the eligibility of those nominated to hold that particular office. They shall be provided with all information for Activity Credits by the Secretary and training records from the fire chief as necessary to make a determination. If any doubt exists, it shall be their responsibility to confer with the Board of Directors on the matter.

### **Section 4 - Presentation of Findings**

The Committee shall present the President their findings at the October Meeting. Should all candidates be found ineligible for a position, or should no one file for the position, nominations shall be accepted from the floor. Candidates nominated from the floor shall be subject to the same requirements as those who have filed for an office. Should no candidate for an administrative office be found eligible or should no candidate file for a position or be nominated from the floor, the President may appoint any member he or she feels best meets the need of the company. In either event, all nominees shall be notified of their eligibility or ineligibility before the call to order of the November Meeting as to provide sufficient time for them to decline.

### **Section 5 - Ineligibility Appeal**

Should a nominee be found ineligible, they may appeal the findings. The President shall then call a meeting of the Nomination Committee and Board of Directors for the purpose of allowing the nominee to present their case. Should sufficient information be presented to then make the candidate eligible, the candidate shall be placed on the ballot. If the candidate does not agree to findings after this meeting, they may appeal to the company.

### **Section 6 - Ballot**

The Nomination Committee shall present in written form to be read before the company the names of all individuals nominated and found eligible for the office for which they were nominated. The Secretary shall then place these names on the form of a ballot. The President shall appoint two (2) members from the general membership to act as an Election Clerks and one (1) member from the general membership-to act as an Election Judge. Each member's eligibility to vote shall be verified by one of the clerks. Once verified, the member will be presented with a ballot when they sign in at the December Meeting.

### **Section 7 - Voting**

All ballots shall be given to one of the election clerks. Any ballots defaced, or altered in any way, except as approved, shall be discarded.

### **Section 8-Election Vote Tally**

The two clerks will tally all votes, while reading them aloud before the company, and present them to the election Judge. The Judge will present all ballots cast and the accounting of all votes with the number votes cast for each candidate listed in order for each office to the President. The President shall read aloud for the Company the call for the Vote for each Office in order. Candidates shall be eligible to hold only one (1) Administrative and one (1) Fire Line Office. Should a candidate be declared the winner in an office, their name shall be stricken from the ballot for any lower office. Any votes cast for this candidate shall be declared null and void. Should any position result in a tie after verification of the ballots, the President shall present to the Election Judge his/her ballot which shall break the tie. All ballots will be clearly marked to signify the member's selection failure to meet these requirements will result in the ballot being discarded.

### **Section 9 – Casting of the Ballot**

After all elections have been concluded, the Secretary will cast the ballot for all unopposed offices. Should the Secretary position be unopposed, the Secretary will cast the ballot for all unopposed position except Secretary. The Vice President will then cast the ballot for the unopposed position of Secretary.

## **VIII - Eligibility for Offices**

### **Section 1 - Office of President**

Candidates for the Office of President shall have held an Elected Office for at least two (2) years. Shall be an Active Member for a period of not less than five (5) consecutive years.

### **Section 2 - Office of Vice-President**

Candidates for Vice-President shall have held an Elected Office for not less than two (2) years. Shall be an Active Member for a period of not less than three (3) consecutive years.

### **Section 3 - Offices of Secretary and Treasurer**

Candidates for Secretary and Treasurer shall be an Active member for a period of not less than two (2) consecutive years.

### **Section 4-Trustee**

Shall be an Active Member for a period of not less than three (3) consecutive years.

Be age 20 or older.

Possess skills necessary to comprehend and execute written orders and contracts in the performance of the required duties.

### **Section 5 - Fire Chief**

Shall be an Active ES Member for a period of five (5) consecutive years.

Must have been a Line Officer for not less than three (3) years.

Must obtain the Fire Officer II certification or equivalent as approved by the Nominating Committee and Board of Directors or previously held the position of Fire Chief.

Shall be an Active ES Member during tenure of office.

Must reside within the Certified Company Fire District

### **Section 6 - Deputy Chief**

Shall be an Active ES Member for a period of four (4) consecutive years.

Must obtain the Fire Officer II certification or equivalent as approved by the Nominating Committee and Board of Directors or previously held the position of Deputy Chief.

Must have been a Line Officer for not less than two (2) years.

Shall meet all training requirements for subordinate offices.

Shall be an Active ES Member during tenure of office.

Must reside within the Certified Company Fire District

**Section 7 - 1st and 2nd Assistant Chiefs**

Shall be an Active ES Member for a period of three (3) consecutive years.

For 1st Assistant Chief, individual must obtain the Fire Officer I Certification or Equivalent as approved by the Nominating Committee and Board of Directors or previously held the position of 1<sup>st</sup> Assistant Chief.

For 2nd Assistant Chief, individual must obtain the Fire Officer I certification or equivalent as approved by the Nominating Committee and Board of Directors or previously held the position of 2nd Assistant Chief. (We think the classes should be updated. We are aware they may change in the future.) The position of 2nd Assistant Chief may be used as a training position for tenure to higher ranks.

Shall be an Active ES Member during tenure of office.  
Must reside within the Certified Company Fire District

**Section 8 - Captain(s)**

Shall be an Active ES Member

Member for a period of two (2) consecutive years.

Candidate must have completed Crew Leader Course or Equivalent as approved by the Nominating Committee and Board of Directors or previously held the position of Captain. This is a leadership training position for fire officers.

Shall be an Active ES Member during tenure of office.

Must reside in the expanded eligibility district which is the entire Certified Company Fire District to include all areas East of Bay Rd (Route 113) from the intersection of Route I to the Intersection of Leipsic Rd. All areas South of Leipsic Rd/Persimmon Tree Lane, Silver Leaf Lane and Ponderosa Dr.



**Section 9 - Chief Engineer**

Shall be an **Active** ES member for a period of three (3) consecutive years.

**Section 10 - Failure to Meet Qualifications or Perform Duties**

Any member not meeting these qualifications shall be considered ineligible to hold the Office. Any Officer not maintaining the above standards may be removed from Office for Failure to Perform. Charges of failure to perform must be submitted in writing with written documentation to substantiate such charges. The validity of said charges shall be decided by the Board of Directors whose responsibility shall be to present same to the Company at the next Regular Meeting. Written notification shall be sent to the Officer being charged as to provide for him/her time to provide a defense before the Board and the Company.

**Article IX - Office of President**

**Section 1 Duties**

It shall be the duty of the President to preside at the meetings of the Company and preserve order. The President shall take the opinions of the Company on all proper questions and announce the results thereof. The President shall inspect all ballots and announce the results of voting, convene Special Meetings as provided in the Constitution, appoint clerks at all elections, appoint all Committees (unless otherwise ordered) and announce the same to the meeting of the Company immediately upon their appointment, and generally do such things customary and proper for a presiding officer.

**Section 2 - Order**

The President shall be the Judge of Order and all decisions shall be immediately adhered to, unless two (2) members request an appeal to the Company, which shall be decided without debate. (?) The President shall neither make nor second any motion while presiding at a meeting. The President may take part in a debate but must first vacate the position of presiding officer before addressing the Company. The Vice President will then preside over the meeting. If the Vice President is not available, the President may appoint any qualified member of the Company to preside.

**Section 3 - Bills**

The president shall be empowered to have Orders drawn on the Treasury for the payment of any bills which may be deemed necessary.

**Article X - Office of Vice President**

**Section 1- Duties**

It shall be the duty of the Vice President to perform the duties of the President when absent or incapacitated.

**Section 2 – Absence of President and Vice President**

In the absence of both President and Vice President, the Secretary shall call the meeting to Order and the duties of Presiding Officer shall be filled by a member chosen by a majority of the members present.

**Section 3 – Vacancy of President**

Should the Office of President become vacant for any reason, the Vice President shall perform the duties of said office until the election of a President.

**Article XI - Office of Secretary**

**Section 1 - Duties**

It shall be the duty of the Secretary to keep a correct record of the Company proceedings, when assembled in a meeting, in paper form within the Company Files, as approved by the Company. The Secretary must post a Call for Special Meetings as directed by the President.

**Section 2 - Inspection of Records**

The Secretary shall submit to an inspection of all Company records upon request of any member. All books, papers, documents, and computer files must be transmitted to the successor of the Office within forty-eight (48) hours after leaving Office. Said records remain the property of the Company and may not be loaned without prior approval of the Company.

**Section 3 - Notification of Members**

The Secretary must notify all persons in writing of their Election of Membership and/or Election to Office, if they are not present at the time of election. The Secretary will notify the Chairperson of Committees of their appointment and furnish them with a list of the member's names comprising the committee within five (5) days of said appointment.

**Section 4 - Absence of President & Vice President**

In case both, the President and Vice President, are absent or incapacitated, the Secretary shall then have the power to call Special Meetings as provided in Article V of the Constitution. A Presiding Officer shall be determined as specified under Article III Section 2 immediately following the call to order by the Secretary. This shall be followed for any Regular Company Meeting as well.

**Section 5 - Company Correspondence**

Shall originate all Company correspondence and maintain copies of same.

**Section 6 - Membership Roles**

Shall keep a list of membership with the names, date of membership, date of resignation, and status on all members.

**Section 7 - Organizational Meetings**

Shall, when notified, attend all Executive and Committee meetings, record proceedings of all meetings, and generate all correspondence as ordered by the President or Committee Chair.

**Article XII - Office of Treasurer**

**Section 1 - Duties**

It shall be the duty of the Treasurer to take charge of all monies of the Company, hold the same subject to their Order, keep regular entries of all transactions, take receipts for all monies paid by the Company, give receipts to the Secretary for all monies received from the Secretary and furnish the Company with the amount of money in the Treasury at each regular meeting.

**Section 2 - Accounts and Payments**

Shall keep accounts with the Company in such a manner that the state of funds may at any time be ascertained and shall pay no monies without an order thereof, signed by the President and countersigned by the Chief, Vice President, or Secretary.

**Section 3 - Transfer of Office**

Shall transfer all monies, books, papers, documents, computer files, and property belonging to the Company to the successor in office within forty-eight (48) hours of leaving office.

**Article XIU - Office of Trustee**

**Section 1 - Duties**

It shall be the duty of the Trustees to take charge of all buildings and grounds of the Company, maintain them in proper working order, and keep neat and maintained. To procure and manage all contractor maintenance agreements in accordance with the President and Board of Directors.

### **Section 2 - Charges**

They shall have charge of the Company's house and should meet monthly, or more often if necessary, they shall make such repairs as the same may require, (provided the same be sanctioned by the Company), and perform such other duties as may be required of them.

### **Section 3 - Allowances**

They shall be empowered to purchase supplies for the building not to exceed the Annual Budget without approval of the company.

## **Article XIV - Fire Chief**

### **Section I - Duties**

It shall be the duty of the Fire Chief to see that the fire apparatus and equipment is kept in good order and repair, to command the Company at alarm of fire and drill and to see that every member does their duty, to get the apparatus into service as soon as possible, to grant leave of absence when deemed proper, and to see that all firefighting equipment is readied for the next alarm.

### **Section 2 - Assignment of Equipment**

Shall designate members who are to be supplied with the proper and approved personal protection equipment.

### **Section 3- Appointment of Training Officer**

Shall appoint a Training Officer to hold classes of instruction of members.

### **Section 4 - Appointment of Fire Recorder**

Shall appoint a Fire Recorder within five (5) days of assuming office.

### **Section 5- Appointment of Fire Police**

May appoint up to six (6) Fire Police to maintain safety of Fire and Emergency scenes. Appointments must occur within five (5) days of assuming office. Delaware Code allows up to thirty (30) days for appointment.

### **Section 6- Appointment of Captain(s)**

May appoint up to four (4) Captain(s) to assist with ensuring that all rules and orders of the Fire Chief are carried out and enforced. If No Captain(s) are appointed their duties will be assigned to another officer by the Chief.

### **Section 7 - Appointment of EMS Coordinator**

May appoint an EMS Coordinator to maintain in good order and repair all, first aid and Basic Life Support equipment. Shall represent the company at Ambulance Association Meetings. If No EMS officer is appointed their duties will be assigned to another officer by the Chief.

### **Section 8- Appointment of Crew Leader(s)**

May appoint as many Crew Leaders as they feel necessary to maintain Rescue and Salvage Equipment. If No Crew Leader(s) are appointed their duties will be assigned to another officer by the Chief.

### **Section 9 - Drivers List**

Shall appoint and maintain a Driver Certification List showing members qualified to drive and operate the apparatus.

### **Section 10- Organizational Meetings**

Shall represent the Company at State, County, and Local levels as directed by the Company.



**Article XV - Deputy Chief**

**Section 1 - Duties**

It shall be the duty of the Deputy Chief to see that all rules and orders of the Fire Chief are carried out and enforced.

**Section 2 - Order of Command**

The ranking Chief will be in charge in the absence of the Fire Chief. The order of rank will be as follows: Chief, Deputy Chief, 1st Assistant Chief, 2nd Assistant Chief, Captain(s), and Past Chief

**Section 3 - Organizational Meetings**

Shall represent the Company at State, County, and Local levels as directed by the Company.

**Article XVI - Assistant Chiefs**

**Section 1 - Duties**

It shall be the duty of the Assistant Chiefs to see that all rules and orders of the Fire Chief are carried out and enforced.

**Section 2 - Order of Command**

The ranking Chief will be in charge in the absence of the Fire Chief. The order of rank will be as follows: Chief, Deputy Chief, 1st Assistant Chief, 2nd Assistant Chief, Captain(s), and Past Chief

**Section 3 - Organizational Meetings**

Shall represent the Company at State, County, and Local levels as directed by the Company.

**Article XVII - Captain(s)**

**Section 1 - Duties**

Shall be the duty of the Captain(s) to see that all rules and orders of the Fire Chief are carried out and enforced.

**Section 2 - Order of Command**

At the time of alarm or other firefighting activity shall be under the direct supervision of the ranking Chief.

**Section 3 - Organizational Meetings**

Shall represent the Company at State, County, and Local levels as directed by the Company.

**Article XVIII - EMS Coordinator**

**Section 1 - Duties**

Shall be the duty of the EMS Coordinator to maintain in good order and repair all, first aid and Basic Life Support equipment. Shall maintain on hand an adequate supply of first aid supplies at all times.

**Section 2 - Allowances**

Shall not contract any debt in excess of the Annual Budget without approval of the Company.

**Section 3 - Order of Command**

At the time of alarm or other firefighting activity shall be under the direct supervision of the ranking Officer.

**Section 4 - Responsibilities**

Shall be responsible for orientation and training of members on first aid and Basic Life Support equipment. Shall represent the Company as Ambulance Officer at State, County, and Local levels and attend same meetings required or directed by the Company. Shall complete continuing education classes as required to provide proper levels of care and training.

**Article XIX - Crew Leader(s)**

**Section 1 - Duties**

Shall be the duty of the Crew Leader(s) to maintain in good order and repair all rescue, salvage, and extrication equipment.

**Section 2 - Order of Command**

At the time of alarm or other firefighting activity shall be under the direct supervision of the ranking Officer.

**Section 3 - Responsibilities**

Shall be responsible for orientation and training of member on rescue, salvage, and extrication equipment.

**Article XX - Chief Engineer**

**Section 1 - Duties**

It shall be the duty of the Chief Engineer to see that all rules of the Chiefs of the Company are enforced.

**Section 2 - Allowances**

Shall keep the apparatus in good order and repair, all expenses of which shall be defrayed by the Company. Shall contract no debt in excess of the Annual Budget, unless approved by the Company. Shall make a full report of all expense at the regular meeting

**Section 3 - Inspections**

Shall perform Weekly Inspections of all equipment and vehicles. Shall maintain written records of same inspections as directed by the Company and Chief.

**Section 4 - Appointment of Assistants**

The Chief Engineer may appoint within five (5) days of assuming office, four (4) Assistant Engineers. A list of which shall be presented to the Chief by the February meeting in written form.

**Article XXI - Assistant Engineer**

**Section 1 - Duties**

Shall be the duty of the Assistant Engineers to carry out the orders of the Chief Engineer and provide assistance in maintaining Company equipment when so directed.

**Article XXII - Fire Recorder**

**Section 1 - Duties**

The Fire Recorder shall keep a record of all alarms and submit a report of the same at each regular meeting. The Fire Recorder shall also provide to the State Fire Marshal the necessary reports in the format approved by the State Fire Marshal. The Fire Recorder will be appointed by the Fire Chief.

**Section 2 - Record Keeping**

Shall keep a correct account of members attendance at all alarms and shall submit said report to the Secretary for recording prior to the 5th day of each month.

**Article XXIII - Fire Police**

**Section 1 - Appointment**

The Chief may appoint up to six (6) Fire Police Officers within thirty (30) days of assuming office. This limitation is covered under Delaware Code.

### **Section 2 - Term**

Fire Police shall serve an appointed term of one (1) year. The Company shall provide as required all equipment and upon expiration of the term shall return to the Company same. The Company shall pay dues into the Fire Police Association(s) for the member appointed.

### **Section 3- Eligibility**

Candidates for Fire Police must have completed all training and requirements of the Company and the State Fire Police Association.

### **Section 4 - Guidelines for Designations of Rank, Call Sign and Badges for Fire Police as specified under the DSFPA, KCFPA, and 911 Center Policies.**

In accordance with the State and County Fire Police Associations 54-30 is the point of contact for all association matters. All communications related to association activities, etc. is mailed to him/her by the respective association. As such this individual should make every attempt to represent the Company at the association meetings and events.

Call Signs / IDs for this department shall be assigned 54-30, 54-31, 54-32, 54-33, 54-34 and 54-35 in accordance with established policies. Badge Number assigned to the Company by the DSFPA are 4, 5, 6, 231, 232, 233 The Chief shall be responsible for the assignment of said Radio Call ID's. Badge Numbers will be assigned by "30". Fire Police Officers retain their assigned Badge Number until such time as they no longer function in that capacity.

## **Article XXIV - Board of Directors**

### **Section 1 -Members of the Board of Directors**

The Board of Directors shall consist of the following Officers: President, Vice-President, Secretary, Treasurer, Trustees, Chief and 3 Non-Officers (Elected to a one (1) Year term). Candidates shall be an active member for a period of not less than two (2) consecutive years and be age 20 or older by January 1 of the year they assume office.

### **Section 2 - Meetings**

The Board of Directors shall meet on the last Wednesday of each month. In addition, the President may call for Special Meetings as deemed necessary. Board members are expected to attend these meetings in-person. In order to accommodate members whose schedules may preclude their attendance in-person, they may participate via conference call. The conference call capability is full-duplex, thus allowing each person to talk and hear each other simultaneously and fully participate in the meeting. At the beginning of each meeting where this capability is used, participants will be polled to ensure all persons can hear each other, which will be recorded in the meeting minutes. In any event, a quorum will constitute attendance of a simple majority of the members of the Board of Directors. A legal quorum is necessary to conduct business.

### **Section 3- Financial Expenditures**

The Board of Directors will review all expenditure requests that are budgeted in excess of \$5000.00 and will authorize the expenditure by majority vote. Operational expenditures can be authorized by the President or Fire Chief for emergency building repairs, apparatus repairs and equipment repairs. The authorizing person will provide the Board of Directors a list of any items approved. The Board of Directors will review all expenditure requests that are non-budgeted and will either recommend to the company for approval or deny the request for the expenditure.

### **Section 4 - Approvals of Contracts**

The Board of Directors shall approve all contracts and specifications. They will report to the Company in writing all findings and actions.

**Section 5 - Emergency Non-Budgeted Expenditures**

In the event of an emergency expense, the Board of Directors shall have the authority to authorize expenditures for emergencies which may arise provided it is authorized by a majority vote of the Board of Directors. This will include any expenses for which there exists no budget line and any additional appropriations to and existing budget line.

**Section 6- Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order.

**Article XXV - Entertainment Committee**

**Section 1 - Duties**

[t shall be the duty of the Entertainment Committee to provide refreshments at every regular meeting.

**Section 2- Entertainment Committee Members**

The Entertainment Committee shall consist of an appropriate number of members to fulfill their duties. The Entertainment Committee shall be appointed by the President.

**Section 3- Allowances**

The Entertainment Committee shall contract no debt in excess of the Annual Budget unless authorized by the Company.

**Section 4 - Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order.

**Article XXVI- Investigating Committee**

**Section 1 - Duties**

[t shall be the duty of the Investigating Committee to take charge of all Applications for Membership, to make the most diligent inquiry into character and standing in society and make a report of their findings to the Company.

**Section 2 - Investigating Committee Members**

The Investigating Committee shall consist of the Fire Line Officers. This includes the following Officers: Fire Chief, Deputy Chief, 1st Assistant Chief, 2nd Assistant Chief and Captain(s).

**Section 3- Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order. The Chief shall Chair the Committee and maintain order at all meetings.

**Article XXVII - Pension Committee**

**Section 1 - Appointments**

The Pension Committee shall consist of President, Secretary, Pension Officer (appointed by the President), and any other members deemed necessary.

**Section 2 - Duties**

It shall be the duties of the Pension Committee to submit to the state pension office names of all members eligible to receive pension credit for the calendar year. Any correspondence or inquiries regarding a member's pension status should be referred to the pension committee.

**Section 3-Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order. The President shall Chair the Committee and maintain order at all meetings.

**Section 4 - Disputes**

When any doubt of eligibility, application, credit, or other ruling is cast, the State Law governing the Volunteer Fireman Pension Plan shall prevail. At no time shall any Company Bylaw or requirement supersede those contained within the above legislation or regulations.

**Article XXVIII - Budget Committee**

**Section 1-Appointments**

The Budget Committee shall consist of President, Treasurer, Secretary, Chief, and I Non-Officer (Appointed by the President).

**Section 2 - Duties**

It shall be the duty of this committee to prepare and present by the November Meeting of each year the next year's budget. This report is to be prepared in written form and copies available for each member at the meeting.

**Section 3 - Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order. The President shall Chair the Committee and maintain order at all meetings.

**Section 4 -Recording of Actions**

All meetings of the Committee shall be placed in written form and made part of the Company Records.

**Article XXIX -Annual Banquet Committee**

**Section 1 - Duties**

It shall be the duty of the Annual Banquet Committee to organize and conduct the Annual Banquet.

**Section 2- Annual Banquet Committee Members**

The Annual Banquet Committee shall consist of an appropriate number of members to fulfill their duties and shall be made up of members of the Company and Auxiliary. The Annual Banquet Committee shall be appointed by the President.

**Section 3- Allowances**

The Annual Banquet Committee shall contract no debt in excess of the Annual Budget unless authorized by the Company.

**Section 4 - Type of Committee**

The Committee shall be a standing Committee under definition within Roberts Rules of Order.

**Article XXX -Auxiliary Committee**

**Section 1 - Duties**

It shall be the duty of the Auxiliary Committee of the Little Creek Volunteer Fire Company (hereinafter

“Auxiliary”) to promote a spirit of harmony among the members of the Auxiliary and the firefighters of the fire company, and assist the Fire Company’s mission through the Auxiliary’s various activities.

**Section 2 – Auxiliary Committee Members, Roles & Titles**

The Auxiliary will be a standing committee of the Fire Company, and will continue to maintain their established procedures of handling membership additions and deletions based on their past-practice. The Auxiliary will continue to maintain officer titles as necessary based on past-practice. The members of the Auxiliary will not have the power to vote or hold office in the Fire Company, except where the Auxiliary member is also a voting member of the Fire Company.

**Section 3 – Budget and Expenditures**

The Auxiliary must develop and submit an annual budget for approval within the guidelines established for committees by the Board of Directors. All Auxiliary expenditures must be within the approved annual budget for their committee. Auxiliary purchases will be handled as per fire company fiscal policy. Invoices are to be presented for payment to the fire company treasurer upon receipt who will pay the bills from the Auxiliary line item in the Fire Company Budget.

**Section 4 – Constitution and Bylaws**

The Auxiliary may establish their own Constitution and Bylaws where not inconsistent with these Bylaws. Any proposed changes to Auxiliary Constitution and Bylaws shall be presented to and approved by the Company’s Board of Directors prior to enactment.

**Section 5 – Reporting and Liaison**

In the spirit of open communication, a member of the Board of Directors will attend all Auxiliary meetings. The Auxiliary will make a report at each regular meeting of the Fire Company advising on the previous month’s activities.

**Statement of Acceptance**

This certifies the Constitution and Bylaws of the Little Creek Volunteer Fire Company, Inc. have been approved and accepted by the Members at the Regular Meeting held November 1, 2017.

**President**

*[Handwritten Signature]* 2 November 17

**Secretary**

*[Handwritten Signature]* 11/3/17

**Amendment History**

**Constitution:**

**By-Laws:**

Article XXIV - Board of Directors  
Amended Section 2 to include conference call-in participation and changed quorum to simple majority.  
Approved Company meeting 4/3/19

Article XXX – Auxiliary Committee  
Addition of new article establishing Auxiliary Committee.  
Approved Company meeting 5/1/19

Article XXIV – Board of Directors  
Amended Section I to define eligibility of candidates seeking nominations for the 3 non-officer Board positions.  
Approved Company meeting 8/7/19